



**Town of Walpole
Commonwealth of Massachusetts
Zoning Board of Appeals**

Zoning Board of Appeals
John Lee, Chair
Drew Delaney, Vice Chair
Robert Fitzgerald, Clerk
Mary Jane Coffey, Member
David Anderson, Member
Judith Conroy, Assoc. Member
Timothy Hoegler, Assoc. Member

**MINUTES
WALPOLE ZONING BOARD OF APPEALS
May 25, 2022**

Present: John Lee (Chair), Drew Delaney (Vice Chair), Robert Fitzgerald (Clerk), Judith Conroy (Associate Member), Timothy Hoegler (Associate Member)

Absent: Mary Jane Coffey, David Anderson,

Also in attendance were Patrick Deschenes (Community & Economic Development), Stephen Natola (Community & Economic Development), & Amy Kwessel (Town Counsel)

Mr. Lee called the meeting to order at 7:05 P.M. and read the public hearing notice.

Case No. 22-10, Wall Street Development LLC, with respect to the property located at Darwin Lane (Map 42, Parcels 240 & 227-13) for a Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Section 20 through 23 as amended, to allow the construction of twenty-eight (28) homeownership, non-age restricted, condominium townhouses in six (6) buildings on approximately 3.44 acres.

Hearing began at 7:05pm

Mr. Lee read a letter from the Massachusetts Department of Housing & Community Development dated 9/10/2021 explaining that the town of Walpole is in safe harbor due to the Housing Production Plan and that the town intended to invoke Safe Harbor.

Motion: by Mr. Delaney to invoke and declare the denial of the Darwin Commons 40B application is consistent with local needs as defined in 760 CMR 56.03.1b and 56.0.4 due to receipt of certification of approval dated 9/10/2021 issued by the Massachusetts Department of Housing and Community Development certifying the town of Walpole Compliance with its housing production plan approved for two year period running from April 27 2021 to April 26 2023, seconded by Mr. Fitzgerald

The motion carried 3-0-0 (Delaney -Aye; Lee-Aye; Fitzgerald-Aye)

Case No. 20-21, Wall Street Development Corp, 48 Burns Avenue (Parcel 20-136)/ Union Street (Parcel 20-119)/ Brook Lane (Parcel 20-115/ Burns Avenue (Parcel 20-137), On remand from the Housing Appeals Committee, Request for Project Change/ Amendment to a Comprehensive Permit under G.L. c.40B §§20-23 to amend the project to include Brook Lane; forty (40) units in eight (8) buildings. Decision discussion, public comments will not be taken as the hearing was closed.

Ms. Conroy recused herself because she is a direct abutter.

Attorney Kwessel, explained that the board has an issue with membership since Mary Jane Coffey and Dave Anderson aren't present

Mr. Lee preferred to have the five board members present in order to have a discussion about the decision.

Attorney Kwessel explained that if the board deliberates tonight/ takes testimony Mr. Anderson would have missed two hearing and wouldn't be able to participate in future hearings. Explained that the board can vote with 3 members present, a majority is needed.

Mr. Fitzgerald voiced his support of deliberating with a full board.

Mr. Lee summed up the discussion: only reason to not vote on the decision tonight is because the board doesn't have 5 full members.

Motion: by Mr. Delaney to continue Case No. 20-21 Wall Street development Corporation 48 Burns Ave 40B project until June 1 seconded by Mr. Fitzgerald.

Motion carried 3-0-0 (Lee-aye; Conroy-aye; Fitzgerald-aye)

Board Business: Tetra Tech Invoices

Ms. Deschenes explained that the ZBA has a few outstanding peer review funds from ended projects so the board needs to vote to release the funds back to the applicants.

Adjournment:

Motion: by Mr. Delaney to adjourn, seconded by Mr. Fitzgerald.

Motion carried 4-0-0 (Lee-aye; Fitzgerald-aye; Delaney-aye)

Meeting adjourned at 7:15

