



**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
Mark Major, Assoc. Member

**MINUTES
WALPOLE ZONING BOARD OF APPEALS
January 5, 2022**

Present: John Lee (Chair), Drew Delaney (Vice Chair), Robert Fitzgerald (Clerk), David Anderson, Mary Jane Coffey, and Mark Major (Associate Member).

Absent: Judith Conroy (Associate Member), Timothy Hoegler (Associate Member)

Also in attendance were Patrick Deschenes (Community & Economic Development), George X. Pucci (Town Council), and Louis Petrozzi (Wall Street Development Corp)

Mr. Lee called the meeting to order at 7:00 P.M. and read the public hearing notice.

Case No. 21-21, Briana Pinheiro, 18 Ponderosa Lane, Variance under Section 6-B.1 Schedule of Dimensional Regulations, for relief to the minimum side yard setback within the Residential B Zoning District.

Mr. Lee announced that the applicant has requested a continuance and rescheduled this case for January 19, 2022 at 7:00 P.M.

Mr. Lee stated that the applicant's plans have been filed and can be made available to the public.

Motion by Ms. Coffey and seconded by Mr. Delaney to continue the case to January 19, 2022. The motion carried 5-0-0 (Lee-aye; Delaney-aye; Fitzgerald-aye; Anderson-aye; Coffey-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, instead of the previously approved thirty-two (32) units in six (6) buildings, and utility connections from Brook Lane and eliminate installation of utilities from Union Street (Continued from 12/6/21).

Mr. Deschenes read a peer review quote from Tetra Tech that advises that the Board only focus on changes to the original project and what consequences the changes would create. The cost to start the project will be \$13,624.

Mr. Petrozzi stated that the proposal is acceptable, aside from two items that he urged the Board to reconsider. First, he stated that the project has already been reviewed by the Water and Sewer Commissioners, so there should be no requirement for the wastewater generator. Second, Mr. Petrozzi argued against Tetra Tech's \$1,250 fee to attend a meeting.

Mr. Lee stated that he thought Tetra Tech's fees were reasonable and that because the new project has a different layout than the first design, the wastewater generator requirement is justified for this new plan. Mr. Petrozzi stated that he will be able to deliver Tetra Tech's \$13,624 by Friday.

Motion by Ms. Coffey and seconded by Mr. Major to continue Case 20-21 to February 16, 2022. The motion carried 5-0-0 (Lee-aye; Delaney-aye; Fitzgerald-aye; Anderson-aye; Coffey-aye)

Abutter Jack Conroy stated that the changes to the applicant's plans seem too major to be considered the same permit. Attorney Pucci replied that the changes to the design constitute a "substantial" modification and under the remand order from the Housing Appeals Committee, the board has six months to hold a public hearing on the project change in order to be granted approval.

Abutter Cheryl Hayes-Montville asked if there is a definitive formal process by which a direct abutter of a project can appeal a decision made by the Building Commissioner. Mr. Lee stated that the Zoning Bylaws clearly outline the precise steps a resident may take to appeal a decision like this.

Abutter Cathy Campbell asked about the review's end date, to which Mr. Deschenes replied that it was 120 days from the start of the first public hearing, or April 5th. She also asked if the remand needs to go back to the Conservation Commission. Mr. Lee stated that if there is a need for it to be sent back to the Conservation Commission, it will.

Abutter Robert O'Leary asked if the Building Commissioner has reviewed the modified plans yet. Mr. Deschenes stated that he has, but the Board has not yet received any comments from the Building Commissioner about the new designs.

Minutes Review 12/15/21

Mr. Deschenes and Mr. Fitzgerald made two minor corrections to the drafted meeting minutes.

Motion by Mr. Fitzgerald and seconded by Mr. Anderson to accept the 12/15/21 meeting minutes as amended.

The motion carried 5-0-0 (Lee-aye; Delaney-aye; Fitzgerald-aye; Anderson-aye; Major-aye).

The next meeting is scheduled for January 19, 2022.

Executive Session

Mr. Lee stated that the Board would enter into an Executive Session to discuss strategy with respect to litigation regarding Wall Street Development Corp., v. Town of Walpole Zoning Board of Appeals, Housing Appeals Committee Docket No. 21-04, Dupree Street 40B Development.

Motion by Ms. Coffey and seconded by Mr. Major to enter an Executive Session.

The motion carried 5-0-0 through a roll call vote (Lee-aye; Delaney-aye; Fitzgerald-aye; Anderson-aye; Coffey-aye;)

After concluding the Executive Session, the Zoning Board adjourned at 9:00 PM.

Respectfully Submitted: Kevin Sanderson