



Town of Walpole Commonwealth of Massachusetts Zoning Board of Appeals

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

MINUTES WALPOLE ZONING BOARD OF APPEALS November 2, 2022

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

Absent: Dave Anderson

Also Present: Patrick Deschenes (Community & Economic Development)

Mr. Lee called the meeting to order at 7:00 P.M.

Case No. 22-22, Neponset Village LLC, 5 Pleasant Street (Map 20, Parcel 63), for a Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Section 20 through 23 as amended, to allow the construction of twenty-four (24) townhouse style condominiums within seven (7) buildings (Continued from 10/5/22).

Mr. Lee stated that at the last meeting the Board voted to appeal the case and that there would be nothing new to report on at tonight's meeting.

Mr. Deschenes stated that the case was with the Housing Appeals Committee and that the public hearing would be stayed until an outcome was reached with the case.

Mr. Lee asked if the Board would need to continue the case out to a future date. Mr. Deschenes stated that the Board did not need to continue out the case as that date would be determined once a decision was rendered by the Housing Appeals Committee.

Case No. 22-12, Bristol Brothers Development Corp., Renmar Avenue & West Street, Variance under Zoning Bylaws Section 10-C.2.(a)(3), requiring that an Adult Qualified Village development have a minimum setback along the perimeter of fifty (50) feet. (Continued from 9/21/22)

Mr. Lee stated that the Board had a letter from the applicant requesting that the case be withdrawn without prejudice.

Motion by Ms. Conroy and seconded by Mr. Delaney to close the public hearing for Case No. 22-12.

Motion carried 5-0-0 (Lee-aye; Fitzgerald-aye; Delaney-aye; Conroy-aye; Hoegler-aye)

Motion by Ms. Conroy and seconded by Mr. Delaney to accept the applicants variance request to withdraw without prejudice

Motion carried 5-0-0 (Lee-aye; Fitzgerald-aye; Delaney-aye; Conroy-aye; Hoegler-aye)

Case No. 22-4, Thomas J. Powers, 132, 136, 140 Washington Street, Special Permit under Section 5-B.1.3.g of the Walpole Zoning Bylaws to allow for a three (3) story, six (6) unit, mixed-use residential development within the Business (B) Zoning district. (Continued from 10/5/22)

Mr. Lee stated that the Board had a letter from the applicant requesting a continuance for the case to the Board's meeting on December 7, 2022.

Mr. Lee expressed the need to engage the applicant to determine the cause for the repeated continuance requests.

Motion by Ms. Conroy and seconded by Mr. Delaney to continue Case No. 22-4 to December 7, 2022 for 7:00 P.M. at Town Hall.

Motion carried 5-0-0 (Lee-aye; Fitzgerald-aye; Delaney-aye; Conroy-aye; Hoegler-aye)

Case No. 22-18, Matthew Naughton, 11 Occident Circle, Special Permit pursuant to Section 9.4.A of the Walpole Zoning Bylaws to allow an addition to a non-conforming building. (Continued from 9/21/2022)

Case No. 22-18 resumed at 7:06 P.M.

Mr. Naughton provided the Board with an update to the proposed plans for an addition to their nonconforming home. Mr. Naughton stated that the proposed changes would maintain the seven and a half feet of distance in the rear yard setback, which was a suggestion by the Board at their last hearing.

Mr. Lee stated that the proposed changes did not increase the nonconforming nature of the home and did not infringe on the setbacks of any other side of the home.

Motion by Ms. Conroy and seconded by Mr. Delaney to close the public hearing for Case No. 22-18.

Motion carried 5-0-0 (Lee-aye; Fitzgerald-aye; Delaney-aye; Conroy-aye; Hoegler-aye)

Motion was made by Ms. Conroy, and seconded by Mr. Delaney to approve the Special Permit under Zoning Bylaws Section 9.4.A, to allow an addition to a nonconforming building based on plans for 11 Occident Circle titled "Proposed Addition Plan of Land in Walpole, MA," dated May 5, 2022, and revised October 25, 2022 by Colonial Engineering Inc., 11 Awl Street, Medway, MA., with standard conditions. Motion carried 5-0-0 (Lee-aye; Fitzgerald-aye; Delaney-aye; Conroy-aye; Hoegler-aye)

Case No. 22-7, 1429 Main Street LLC, 1429 Main Street, Special Permit under Zoning Bylaws Sections 2.2.A-B/ 5-B.1.3.g to allow for the modification to the 2014 Planning Board Special Permit Decision, Case No. 14-10 in which the special permit granting authority has changed. (Continued from 9/21/2022)

Case No. 22-7 resumed at 7:12 P.M.

Attorney Chris Alphen provided the Board with an update on the case to further explain the type of relief being sought from the Board. Attorney Alphen stated that they were looking to change the plan of record for the Special Permit with a plan that reduced the lot size in order to account for the creation of a subdivision behind the mixed-use building. This subdivision had just recently been approved and the modification to the Site Plan had also recently been approved, leaving the modification to the Special Permit needed to update the plan of record.

John Glossa, Project Engineer further explained to the Board the approved modifications to the lot in order to allow for the subdivision which was approved by the Planning Board.

Ms. Conroy asked if anything was changing to the front of the site where the built mixed-use structure was. Mr. Glossa and Mr. Alphen both stated that nothing was changing that would impact the use for the mixed-use portion of the site.

Mr. Delaney asked about when the last time the abutters were notified. Mr. Alphen stated the abutters were notified for each public hearing with both the Zoning Board and Planning Board throughout the process.

Mr. Delaney asked about snow removal. Mr. Glossa provided an explanation on how the site would work with snow removal.

Motion by Mr. Conroy and seconded by Mr. Delaney to close public hearing of Case No. 22-7 for 1429 Main Street.

Motion carried 5-0-0 (Lee-aye; Fitzgerald-aye; Delaney-aye; Conroy-aye; Hoegler-aye)

Motion made by Mr. Delaney and seconded by Mr. Hoegler to grant a Modification to the Special Permit issued under Planning Board Case No 14-10 to approve the plan of record as the plan approved by the Planning Board that is consistent with the site plan titled “1429 Main Street Modified Site Plan in Walpole, MA,” dated December 14, 2020, with revision date September 1, 2022 by Glossa Engineering, 46 East Street, East Walpole, MA 02032 for 1429 Main Street.

Motion carried 5-0-0 (Lee-aye; Fitzgerald-aye; Delaney-aye; Conroy-aye; Hoegler-aye)

Case No. 22-27, 931 Main Street Realty Trust, 931 Main Street, Special Permit under Section 8.4.C. of the Zoning Bylaws to allow less than the minimum parking requirement.

Case No. 22-27 opened at 7:42 P.M.

Mr. Lee read into the record the public hearing notice and comment letters from the Police and Fire Departments.

Attorney Phil Macchi, submitted additional information to the Board and provided the Board with a background on the site, project proposed, and relief being sought from the Board as it relates to residential parking requirements for the site. Attorney Macchi proceeded to explain how the requested relief being sought fit with the Zoning Bylaws Special Permit Criteria, primarily with the project fitting into the purpose of the Central Business District and not diminishing from the character of the surrounding area.

Dan Merrikin, Project Engineer, presented the layout of the site and proposed circulation of traffic through the site. Mr. Merrikin explained changes that had been made to accommodate initial concerns from the Fire Department.

Mr. Lee asked if the applicant reduced the amount of residential units and increased the commercial space would they be compliant with the parking requirement. Attorney Macchi stated it is difficult to rent out second floor commercial space and that they felt comfortable with the project composition as it current is.

Mr. Fitzgerald asked if the applicant looked at the traffic build up at the intersection of East Street and Main and if exiting onto Main Street would be a problem. Mr. Merrikin stated it was a challenging location.

Mr. Fitzgerald asked about parking need for the commercial spaces. Mr. Merrikin stated that they felt the parking requirement for residential units in this zoning district exceeded the actual need, and that there would be spaces available for commercial tenants.

Mr. Delaney asked about the width of the proposed parking spaces. Mr. Merrikin stated that they were nine foot spaces and that the Zoning Bylaws dictated the length based on the angle. Mr. Delaney stated that he asked due to the proposed columns for the structured parking possibly interfering with the spaces. Mr. Merrikin stated that they can accommodate the location of the columns to avoid interfering with the parking spaces.

Mr. Delaney asked if the parking spaces would be restricted. Mr. Merrikin stated that at this time they were not restricted.

Ms. Conroy stated that she had concerns with the angled spaces closer to East Street. Mr. Merrikin stated that they may consider making changes there which they hoped to address with Planning Board.

Mr. Lee asked if there was an option to work with the adjust property owner about utilizing some of their parking. Attorney Macchi stated that they had tried that, but the adjust property owner did not wish to agree with that request.

Mr. Lee asked if the applicant would look into a traffic study into the egress for the site. Mr. Merrikin asked if before they looked into any sort of traffic study they could first meet with the Town Engineer to address site concerns.

Mr. Fitzgerald asked if the applicant could produce the analysis of the level of traffic for a bank, which was the site's former use, to a nine unit residential building. Mr. Merrikin stated that he will provide that for the Board. Mr. Fitzgerald asked if multi-family was allowed for the district. Mr. Merrikin stated that residential is only allow in the zoning district as part of a mixed-use development.

Motion by Ms. Conroy and seconded by Mr. Delaney to continue to December 7, 2022 for 7:00 P.M. at Town Hall.

Motion carried 5-0-0 (Lee-aye; Fitzgerald-aye; Delaney-aye; Conroy-aye; Hoegler-aye)

Minutes Review: 7/20/2022 & 10/5/2022

Motion by Ms. Conroy and seconded by Mr. Delaney to approve the minutes of 7/20/2022

Motion carried 5-0-0 (Lee-aye; Fitzgerald-aye; Delaney-aye; Conroy-aye; Hoegler-aye)

Mr. Fitzgerald addressed a few minor edits to be made on page three of the 10/5/2022 minutes.

Motion by Ms. Conroy and seconded by Mr. Hoegler to approve the minutes of 10/5/2022

Motion carried 5-0-0 (Lee-aye; Fitzgerald-aye; Delaney-aye; Conroy-aye; Hoegler-aye)

Adjournment:

Motion: by Mr. Fitzgerald seconded by Mr. Hoegler to adjourn.

Motion carried 5-0-0 (Lee-aye; Fitzgerald-aye; Delaney-aye; Conroy-aye; Hoegler-aye)

Meeting adjourned at 8:26 P.M.
