



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
December 15, 2021

Present: John Lee (Chair), Drew Delaney (Vice Chair), Robert Fitzgerald (Clerk), David Anderson, Judith Conroy (Associate Member), Timothy Hoegler (Associate Member), and Mark Major (Associate Member).

Absent: Mary Jane Coffey

Also in attendance were Patrick Deschenes (Community & Economic Development), George X. Pucci (Town Council), Louis Petrozzi (Wall Street Development Corp), Jason Talerman (Council to Mr. Petrozzi), David Claussen (Abutter), Joe Moriarty (Abutter), Mike File (Abutter), Keith Nalbandian (Applicant), Linda Nalbandian (Applicant), and Ariel Dangelo (Applicant).

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

Case No. 21-16, Wall Street Development Corp, Darwin Lane (Map 42, Parcels 240 & 227-13), Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Section 20 through 23 as amended to allow the construction of twenty-eight (28) townhouse style condominiums within six (6) buildings (Continued from 10/13/21).

Mr. Lee announced that the Town has invoked Safe Harbor after meeting the requirements for affordable housing, so the Zoning Board does not need to entertain this application.

Mr. Deschenes stated that the DHCD rules and regulations, 760 CMR 56.03(8), allow for the Zoning Board to either deny the project or they may elect to continue at their own discretion.

Attorney Talerman stated to the Board that Safe Harbor would not last forever, and presented his client's revised draft plan for a smaller project (12 single-family units, three of which would be affordable).

Mr. Lee stated that in the event that the new plans are granted approval, there would have to be an understanding that no more than twelve units could ever be constructed under this application. Mr. Talerman agreed to this condition.

Mr. Pucci explained that if the Board denies the case, the applicant may still reapply when the Town is no longer under Safe Harbor.

Mr. Major asked how Safe Harbor started, and how/when it will end.

Mr. Deschenes explained that the Town reached Safe Harbor in April 2021 when it reached its housing production goals through the increase in new subsidized housing units, and this Safe harbor will remain in place for two years. Mr. Deschenes also stated that if no building permit is pulled for the subsidized housing units at the Summer Street 40B project within a year of their approved comprehensive permit,

then the subsidized units from that project will be removed from the Town's inventory, thereby dropping the Town out of Safe Harbor after only one year.

Mr. Claussen of Darwin Lane expressed his disapproval of the project as a direct abutter to the property and urged the Board to deny the application.

Mr. Anderson asked for more details about the new plans. Mr. Petrozzi stated that the twelve single-family units would be detached and on lots ranging from 9,000-17,000 sqft. with all the standard construction specifications (i.e. sidewalks, curbing).

Mr. Moriarty of Darwin lane, shared his disapproval of the project and of lengthening Darwin Lane because it would create a safety issue.

Mr. Pucci stated that if the Board is considering continuing the case, they should move expeditiously so that the time limit does not expire. Mr. Talerman stated that if the consideration of this application takes longer than allowed for, he and his client are prepared to grant an extension so the Board can take longer to decide the case.

Mr. File of Darwin Lane, voiced his concerns about building twelve units on such a small parcel of land.

Mr. Anderson stated that he sees no harm in looking into the application for as long as the process lasts, since the Board reserves the right to deny at any time. The rest of the Board concurred.

Mr. Lee stated that if this case is to be continued, the Board will need to see revised plans and renderings for the project by January. Ms. Conroy stated that she would like to see the agreement stating that the project will never construct more than 12 units before meeting to examine any new plans or renderings.

Mr. Lee stated that 40B cases themselves can be complicated and that discussing agreements of this nature further complicates the matter and suggested that the Board simply deny the current case and let the applicant file a new case for the construction of twelve units in the future.

Mr. Fitzgerald stated that by denying the current case and allowing the applicant to refile, the Board could lose its leverage to lock the applicant into an agreement limiting the project to 12 units.

Motion by Mr. Delaney and seconded by Mr. Major to close the public hearing for Case 21-16.

The motion failed 2-3-0 (Lee-aye; Delaney-no; Fitzgerald-no; Anderson-no, Majors-aye)

Motion by Mr. Delaney and seconded by Mr. Anderson to continue the case to January 19, 2022, reserving the right to deny pursuant to the prior invocation of Safe Harbor which has been upheld by DHCD, and that the applicant must provide revised plans, renderings, and an agreement binding the project to 12 units, worked out by town counsel and the applications' counsel by January 12.

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

Case No. 21-19, Linda Nalbandian, 11 Maude Terrace, Special Permits Under Section 5.B.2. and 5-B.2.C.2 of the Zoning Bylaws to allow an Accessory In-Law Suite as an accessory to an owner-occupied, single family dwelling that exceeds 33% of the total building size of the primary dwelling (Continued from 12/6/21).

Mr. Nalbandian presented his revised plan for the project, which has decreased the size of the In-Law Suite and increased the size of the original house. This would decrease the floor area dedicated to the in-law suite.

Mr. Lee stated that the plans look suitable, and addresses the concerns that the Board voiced during the applicant's last hearing. The rest of the Board agreed and had no further questions.

Motion by Ms. Conroy and seconded by Mr. Anderson to close the public hearing for Case 21-19.

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

Motion by Ms. Conroy and seconded by Mr. Anderson to approve the applicant's special permit, referencing the plot plan dated 10/21/21 and the floor plan signed by the applicant and dated 12/15/21.

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

Case No. 21-20, Ariel Dangelo, 654 North Street, Variance under Section 5B-3A of the Zoning Bylaws to build a single-family dwelling on the same parcel of land as an existing detached single-family dwelling with the intention of demolishing the existing dwelling within a set timeframe from the completion of the new dwelling.

Mr. Lee read comments from Town Engineer Carl Balduf, the Walpole Fire Department, and Deputy Building Inspector Jim Crowley outlining various safety measures that need to be completed to comply with all applicable regulations.

Ms. Dangelo introduced herself and explained her plans to construct a new house and then demolish the existing house

Mr. Lee stated that the main concern with this project was that for a period of time there would be two houses on the same parcel of land. He stated that the Board will need to set a strict deadline for the old house to be torn down after the construction of the new house.

Mr. Fitzgerald asked about the house's sewer system, and Ms. Dangelo stated that the old house is not hooked up to the town's sewers, so an entirely new sewer connection system will need to be built for the new house.

Mr. Major asked how the neighbors feel about the construction project, to which Ms. Dangelo replied that most were happy about it because the new house would fit better with the style of the neighborhood.

Mr. Lee stated that the Town Engineer Balduf specified that there will need to be an appropriate separation of the utility lines within the driveway. Ms. Dangelo stated that the plans are not 100% finalized, so she will have the architect make any necessary revisions.

Motion by Mr. Delaney and seconded by Mr. Anderson to close the public hearing for Case 21-20. The motion carried 5-0-0 (Lee-aye; Delaney-aye; Fitzgerald-aye; Anderson-aye; Majors-aye)

Motion by Mr. Fitzgerald and seconded by Mr. Hoegler to approve the applicant's plans, with the conditions that the older home shall be demolished within 60 days of the issuance of the temporary Certificate of Occupancy, and that there will be an appropriate separation of the utility lines within the driveway.

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

Minutes Review 12/6/21

Ms. Conroy clarified that while she did not participate in the first case, she was present for the second case and would like for that to be explicitly stated.

Mr. Hoegler and Mr. Fitzgerald corrected two minor mistakes in the meeting minutes.

Motion by Mr. Fitzgerald and seconded by Mr. Major to accept the 12/6/21 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 5, 2022.

Discussion on Potential Zoning Amendment to Section 2.2 Special Permits

Ms. Conroy proposed amending Zoning Board's application to allow applicants to submit documents electronically as well as in paper. She stated that the current text is outdated and should more closely reflect the Board's current processes.

Mr. Lee remarked that there should still need to be paper copies of all documents because digital file formats are constantly evolving and physical paper will still remain once PDFs are completely obsolete.

Mr. Deschenes stated that he would make a draft of changes to the text of the application that would satisfy the needs of the members of Zoning Board.

Adjournment

Motion by Mr. Major and seconded by Ms. Conroy to adjourn.

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

The meeting was adjourned at 9:20 P.M.

Respectfully Submitted: Kevin Sanderson