



**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
February 16, 2022**

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

Also in attendance were Patrick Deschenes (Community & Economic Development), Stephen Natola (Community & Economic Development), Sean Reardon (Tetrattech) and George Pucci (Town Counsel)

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

Case No. 22-2, Giuseppe Petruzzello, Applicant; Pasquale Straccia, Attorney, Deborah Drive, Variance under Section 6.B.1(3) of the Zoning Bylaws to allow for the construction of a detached garage with an attached shed in the rear of the lot with a 15' setback, where 30' is required within the Rural Resident (R) Zoning District.

Mr. Lee stated that the applicant has requested to withdraw the application without prejudice, with the intent of reapplying with an amended application. Mr. Lee read the withdrawal letter from applicant's attorney.

Motion by Ms. Coffey and seconded by Mr. Delaney to allow the applicant to withdraw the application for Case number 22-2.

The Motion carried 5-0-0 (Lee-aye; Delaney-aye; Fitzgerald- aye; Coffey- aye; Anderson- 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 thirtytwo (32) units in six (6) buildings, and utility connections from Brook Lane and eliminate installation of utilities from Union Street (continued from 1/5/2022)

Associate member Judy Conroy recused herself.

Peer Reviewer, Sean Reardon of Tetrattech, stated that the current plan doesn't reflect The Department of Environmental Protection's superseding order of conditions. Mr. Reardon stated that the Department of Environmental Protection had denied the placement of units 11 and 12 of building number 3, yet the plan before the board still shows the prohibited location of these units.

Mr. Reardon stated that there were positive aspects of plan, such as its connection to Brook Lane, the updated storm water management plan, and some of the technical details of the plan itself were a lot further along due to it being a modification of an already approved plan and not an entirely new plan.

Mr. Reardon recommended moving construction activity to Brook Lane, as there were fewer homes and had more direct access. Mr. Reardon also recommended changes to traffic plan to incorporate new access to Brook Lane and that a revised plan would be needed to reflect a site layout that did not contradict DEP's superseding order.

Mr. Fitzgerald stated that he would like to see further clarification regarding the cul-de-sac on Brook Lane and its eventual disposition.

Mr. Reardon stated importance for the eventual disposition of the Brook lane cul-de-sac.

Mr. Petrozzi, stated that he would prefer to have the Board's feedback and comments regarding the project before repositioning the two units in the degraded riverfront area in building 3.

Mr. Lee emphasizes the need for a set of plans that reflect buildable units that comply with DEP's superseding order of conditions.

Attorney Pucci agreed with the need for a plan complying with DEP's superseding order of conditions so Tetra Tech can provide a more accurate peer review.

Mr. Reardon stated that Wall Street's plans need to be coordinated and consistent with each other, while taking into account public and board comments.

Ms. Coffey stated that she agrees with Mr. Reardon's and Mr. Lee's concerns.

Mr. Lee opened the case to public comment.

Mr. Conroy, 38-40 Burns Avenue, asked for a summary of the project's history and previous cases located at the project site.

Mr. Pucci provided clarification on the prior approvals and denials related to the project site. Attorney Pucci stated that the substantial change to the plan (from 32 units to 40 units with a second point of access) required a new public hearing process, the applicant's reluctance to pay for peer review last year prompted the board to deny the project modification, the Housing Appeal Committee upheld ZBA's right to use peer review due to compliance with 760 CMR 56., and have remanded the case back to the Board, to begin the modification review process.

Mr. Conroy asked about the board's timeline and submittal guidelines, and noted his concern regarding the applicant stalling. Mr. Conroy also stated how the existing conditions shown on the plan differ from the actual current conditions of the site.

Mr. Deschenes stated the Board's timeline is 120 days from the opening of the public hearing, which was on December 6, 2021.

Mr. Lee stated that the 120th day is April 5, 2022.

Mr. Pucci stated that, the board would typically have 40 days after the closing of the hearing to render a decision. Advises to seek clarification via the remand order and discuss with applicant.

Cheryl Hayes-Montvale, 8 Brook Lane, seeks clarification regarding the disposition of land on Brook Lane. Ms. Hayes-Montvale stated that she was worried about the impact of construction traffic and their routes and was opposed to thru access via Brook Lane.

Mr. Reardon and Attorney Pucci stated the importance of clarifying property boundaries if land disposition occurs on Brook Lane and the input of applicable municipal departments, such as engineering and public works, on that specific matter.

Robert O' Leary, Precinct 3, questioned the clear-cutting that took place on the property.

Attorney Pucci outlined the ZBA's jurisdiction and that the as-of-right site work would have been determined by the Building Department.

Kathy Campbell, 35 Burns Avenue, sought clarification about dates in the remand order. Ms. Campbell also noted the easement between neighbors and Wall Street Development Corp.

Mr. Lee requested a full updated set of plans showing a buildable proposal and reflect Mr. Reardon's concerns. Mr. Lee also requested an updated waiver list that would reflect that plan.

Mr. Fitzgerald asked Mr. Petrozzi to address the neighbor's concerns on the new plan set as well.

Mr. Delaney asked Attorney Pucci if the Board could vote on the current incomplete plans before them.

Mr. Pucci informed the Board of their ability to vote and possibly deny, but also warned of a potential appeal to Housing Appeal Committee which could result in an outcome that would be out of the control of the Board.

Mr. Petrozzi stated that he would get an updated plan and a revised list of waivers to the board and Mr. Reardon by February 23, 2022.

Mr. Reardon requested a narrative to reflect the new plans as well.

Motion: Ms. Coffey to continue hearing to March 16, seconded by Mr. Delaney.
Motion carried 5-0-0 (Lee-aye; Fitzgerald- aye; Anderson-aye; Delaney-aye; Coffey- aye).

Minutes Review: 2-2-2022

Associate Member Conroy joined the board

Ms. Conroy noted missing information and asked for more in-depth minutes in the future.

Mr. Lee suggested for Ms. Conroy to submit her own supplement to the minutes.

Board will vote at a later date to approve the minutes.

Adjournment:

Motion: Ms. Coffey to close hearing, seconded by Mr. Delaney. Motion carried 5-0-0
Lee-aye; Fitzgerald- aye; Anderson-aye; Delaney-aye; Coffey- aye.

Meeting adjourned at 20:18

Submitted: Stephen Natola

Accepted 2 March, 2022