



**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
March 2, 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), and George Pucci (Town Counsel)

Mr. Lee called the meeting to order at 7:03 P.M.

Case No. 05-20, On Remand from the Housing Appeals Committee (HAC) mediated revision to the previously denied comprehensive permit application, Wall Street Development Corp., HAC Docket No. 21-04, to review proposed changes to the ingress and egress of the project site from High Plain Street (Route 27), Dupee Street (Map 35, Parcel 380-1), Walpole, MA, Zoning District RB – Residence B District

Mr. Lee explained the case's history and details, citing safety of the access to Dupee Street as a main factor in the denial. Mr. Lee stated that the focus of this public hearing would be to discuss the Applicant's proposed changes to the site access involving the relocation of the utility pole on the corner of Dupee Street and High Plain Street.

Attorney Pucci provided further background; the board crafted an approval with conditions, ultimately the board voted to deny the application. Applicant appealed to HAC (Housing Appeals Committee), mediation ensued to address the ingress and egress and moving of a utility pole. Town counsel and applicant's attorney filed for a remand hearing with the HAC. Attorney Pucci stated that the applicant can appeal if the board denies and can return to the HAC with their original application, and the drafted conditions the Board had worked on would no longer apply. HAC would confirm denial or rule against denial and order the board to issue a permit. HAC's remand letter stated that the Board has 60 days to complete the public hearing after opening unless the applicant agreed to an extension. Afterwards a decision would have to be filed and rendered within 14 days.

Mr. Petrozzi presented a plan showing the relocation of utility pole.

Michael Molliver, 3 Dupee Street, stated that she was still concerned about road width and access to Dupee Street.

Ciaran Martyn, 16 Victoria Circle, stated that he was concerned with the relocation of the utility pole and its effect on sight lines for egressing vehicles. Mr. Martyn cited a previous traffic study from Green International Affiliates.

Janis Sellet, 257 High Plain Street, questioned emergency vehicle's response, crossing the centerline on, High Plain Street, and its effect on public safety and traffic.

John O'Leary, 776 Washington Street, questioned which authority oversees relocation of utility pole. Mr. Petrozzi stated that utility companies have authority and would need to relocate the utility pole but that the selectmen would oversee relocation of the pole within the right of way.

Michael Murphy 253 High Plain Street, voiced his opinion to deny based on safety concerns.

Tyler Houle 20 Victoria Circle, stated that he was concerned with sight lines leaving the site.

Mr. Delaney questioned the distance between existing and proposed utility poles, construction sequence, and the potential hazards arising from construction traffic. Mr. Petrozzi explained the process to add utility poles and stated that police details would mitigate safety concerns caused by construction traffic.

Mr. Lee read the peer review letter from Tetratex, which stated that the proposed design met MassDOT intersection design guidelines, emergency vehicle encroachment is relatively small, and vehicles traveling in encroached lanes are expected to pull over.

Mr. Deschenes noted a condition discussed previously on this case stated that any changes to the point of access to the development can't impede lines of sight.

Michael Murphy, 253 High Plain Street, questioned the effect of relocating the utility poles on his property and the location of overhead wires into Dupee Street. Mr. Petrozzi explained the process to design site utilities, to secure a utility easement and possibly locating utilities underground as a condition.

Janis Sellet, 257 High Plain Street, stated that she hoped the applicant would discuss a possible barrier to mitigate the effect from headlights on her property with her.

Mr. Lee stated the board needed to keep the application open to discuss waivers and a draft decision.

Attorney Pucci advised the board to ask the staff to prepare a decision for the application. Strongly recommended the board look at their draft decision to see what conditions they're jeopardizing. Also, noted importance of speaking with applicant to confirm their approval of conditions.

Applicant's counsel, Jay Talermin, welcomed the opportunity to discuss conditions.

Motion by Ms. Coffey and seconded by Mr. Delaney to continue the hearing until March 16, 2022. The Motion carried 5-0-0 (Lee-aye; Delaney-aye; Fitzgerald- aye; Coffey- aye; Anderson- aye).

Mr. Pucci updated the board on pending litigation; Stone Street, KW Steel, and Kiersage. Stone Street: working on a briefing schedule for trial. KW Steel: operations have ceased and the tenant is in the process of vacating. Kiersage: Upcoming summary judgement.

Case No. 22-1, High Plain Holing, LLC, 173 High Plain Street, Special Permit under Section 5-B.1.3.G of the Zoning Bylaws to allow for a three-story, ten-unit, mixed-use residential development within the Business (B) Zoning District. (Continued from February 2, 2022)

Mr. Lee noted he and Ms. Coffey used the Mullin rule, and that the 5 regular board members will be voting on the case.

Dan Merrikin, Legacy Engineering, detailed his traffic data and noted he hasn't made any plan changes yet. Mr. Merrikin stated how any use will generate traffic, yet the proposed uses for the site will not generate an adverse impact on current traffic conditions, citing MassDOT traffic data for 2021. Mr. Merrikin stated that site distance and speed concerns were more than adequate for the site.

Mr. Lee voiced his support for a traffic study and concern about the impacts to Washington Street due to the new middle school.

Mr. Anderson noted how the combination of the two middle schools will double the traffic in the area. Noted his inclination to wait until after the middle school's design is finalized and traffic studies are complete to consider projects within close proximity to the new middle school.

Mr. Merrikin pointed out how the proposed middle school's design isn't finalized and traffic studies can't account for middle school traffic yet.

Ms. Coffey voiced her support for an independent traffic study.

Ms. Conroy stated her concern with the building's proposed setback to the road, a driver's vision while pulling out being obstructed created by the building, the building and its harmony with the neighborhood's character, and delivery vehicles and their effect on safety and traffic.

Mr. Merrikin noted how the building doesn't interfere with lines of sight in its current proposal.

Mr. Lee reiterated his support of a traffic study to assure the safety of the site. Also mentioned the possible uses allowed by right within the commercial uses.

Mr. Merrikin noted his support for the current proposal considering other commercial uses allowed by right.

Mr. Major stated that he had concerns regarding traffic as well.

Mr. Merrikin informed the board that his clients decided to change two units into 1-bedroom units, and that they may make one of these units into an affordable unit, as per the board's comments previous comments.

Mr. Fitzgerald stated how he understand the concerns regarding the business zoning and felt as though the board needs to apply the bylaw as it is written. Mr. Fitzgerald stated how the board's discretionary approval for this case relates to the mixed-use nature of the project and how the applicant could increase the commercial uses within the project by-right per the Zoning Bylaws.

Ms. Conroy reiterated her point from previous meetings about how the applicant still hasn't proved if the second and third floors are twice the ground floor, per the allowed use in the Zoning Bylaw.

Mr. Merrikin told the Board revised site plans and architectural plans will include square footage for each floor and the proposed bedroom changes.

Mr. Lee opened up the hearing to the public.

Eve Piemonte, 180 High Plain Street, stated her concerns about traffic, noise, lighting, and construction. Ms. Piemonte questioned if the developer was concerned about the neighborhood and asked the Board to continue the hearing.

Donna Giampetro, 3 Holland Way, read a letter she had previously submitted to the Board. Ms. Giampetro also stated that she had met with the police safety officer to voice her concerns.

Eduard Lazri, 184 High Plain Street, stated her concerns about safety, character of the neighborhood, and the allowed commercial uses by right.

Mr. Anderson stated to the public that the site could be fully commercial with multiple commercial uses inside the one building.

Maria Amaya-Aluigi, 8 Holland Way, submitted a petition with 75 signatures to the board that were against the project. She stated her frequent car trips and her concerns about safety.

Daniel Aluigi, 8 Holland Way, stated that he hoped the applicant would instead build a 2-family home due to safety concerns. Mr. Lee reminded Mr. Aluigi of what the current application before the Board was for.

Ms. Conroy questions whether the Board could limit the commercial uses as part of the special permit.

Mr. Merrikin stated they might be amenable to a few conditions, but there are certain commercial uses that are allowed by right.

Motion: by Ms. Coffey to continue the hearing until April 6, 2022 and to grant the applicant a time extension until April 30, 2022 seconded by Mr. Delaney. The Motion carried 5-0-0 (Lee-aye; Fitzgerald-aye; Anderson-aye; Delaney-aye; Coffey- aye).

Case No. 22-3, Deborah Roche, 26 Fuller Avenue, Special Permit under Zoning Bylaws Section 5-B.2, Schedule of Use Regulations to allow an Accessory In-Law Suite.

Ms. Conroy recused herself from the case as she is an abutter.

Ms. Roche explained the construction above the garage and how an in-law suite will help to address familial circumstances.

Mr. Lee questioned the construction status of the garage and the proposed in-law suite's connection with the main dwelling unit. Ms. Roche explains the construction of the new garage is complete and has all the necessary permits and that their special permit applies only to adding the in-law suite on the second floor of the garage.

Applicant's builder, Minkin Construction, explained the accessory dwelling unit's connection with the main dwelling unit.

Mr. Anderson questioned the proposed unit's entrances, exits, and square footage. Ms. Roche explained the entrances and exits and told the board the proposed unit's square footage is 936 square feet, the two dwelling units are on one meter and that her mother would be occupying the proposed dwelling unit.

Mr. Deschenes explained the difference between plot plans and further explained the proposed in law suite's floor plan and the main dwelling unit's floor plan.

Mr. Fitzgerald pointed out the lot's square footage doesn't meet the requirements, therefore, a special permit would have to be granted also.

Mr. Delaney questioned vested rights and if the special permit applies to future owners of the property. Mr. Deschenes stated that the applicant would have to record their decision with the registry of deeds and that the building department keeps record of homes with legal in-law suites as part of the language of the Town's Zoning Bylaws.

Mr. Lee read comments from the fire, health, engineering, and community development departments.

Motion: by Ms. Coffey to approve the in-law suite for 26 Fuller Avenue with standard conditions and an additional special permit for a non-conforming lot size per the plot plan dated March 18, 2021 and the construction plans dated January 22, 2022 seconded by Mr. Delaney. The Motion carried 5-0-0 (Lee-aye; Fitzgerald- aye; Anderson-aye; Delaney-aye; Coffey- aye).

Minutes Review: 2-2-2022 & 2-16-2022

2-16-2022

Mr. Delaney clarified his comments

Mr. Fitzgerald noted a minor spelling error.

Motion: Ms. Coffey to approve the minutes, as amended, from February 16, seconded by Mr. Delaney. The Motion carried 5-0-0 (Lee-aye; Fitzgerald- aye; Anderson-aye; Delaney-aye; Coffey- aye).

2-2-2022

Ms. Conroy noted her changes were submitted into the minutes.

Mr. Lee and Ms. Coffey abstained themselves from voting.

Motion: Mr. Delaney to approve minutes, seconded by Mr. Fitzgerald. The Motion carried 3-0-2 (Fitzgerald- aye; Anderson-aye; Delaney-aye).

Adjournment:

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

Meeting adjourned at 9:33 P.M.

Submitted: Stephen Natola