



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, Member
Timothy Hoegler, Assoc. Member
Mark Major, Assoc. Member

MINUTES WALPOLE ZONING BOARD OF APPEALS JULY 26, 2023

Present: John Lee (Chair), Drew Delaney (Vice Chair), Robert Fitzgerald (Clerk), Judith Conroy, Mark Major and Tim Hoegler

Absent: David Anderson

Also Present: Patrick Deschenes, Community Development Director and George Pucci, Town Counsel

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

Case No. 22-11, Wall Street Development Corp., 9 & 15 Pinnacle Drive (Map 19, Parcels 182 & 183), Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Sections 20 through 23, as amended, to allow for the construction of twenty-eight (28) homeownership, non-age restricted, condominium townhouses.

Case No. 22-11 opened at 7:02 P.M.

Mr. Lee said the applicant had requested a continuance of 30 days. He noted the next available meeting was September 6. Mr. Lee asked Mr. Petrozzi, applicant, for an extension of time regarding the application through December 31, 2023 in addition to the original continuation. Mr. Petrozzi said he was in the process of talking with the neighbors and preferred to wait until the September 6th meeting to determine how long of an extension of time would be needed. Mr. Lee said there needed to be an extension of time agreed to at this meeting or the Board would have to close the hearing Mr. Petrozzi was not ready to commit to an extension of time until December 31st, but vowed he would agree to an extension of time at the September 6th meeting. Mr. Lee expressed concern over the position the applicant was putting the Board in. Mr. Petrozzi eventually agreed to a modified extension of time to December 22, 2023.

Motion by Mr. Major, seconded by Mr. Delaney to continue the public hearing to September 6, 2023 and an extension of time to December 22, 2023.

Ms. Conroy asked when the Board would receive updated information so there would be a complete application. Mr. Petrozzi said they would submit revised plans when the design was finalized. He added that the application was complete per HAC standards. Ms. Conroy asked about department comments. Mr. Deschenes said as there was no testimony taken at this meeting that they should be held off until the next meeting to finalize peer review.

Motion carried 4-1-0 (Lee –aye; Delaney –aye; Fitzgerald –aye; Conroy–nay; Major –aye)

Case No. 22-10, Wall Street Development LLC, with respect to the property located at Darwin Lane (Map 42, Parcels 240 & 227-13) for a Comprehensive Permit pursuant to Massachusetts General Laws, Chapter

40B, Section 20 through 23 as amended, to allow the construction of twenty-eight (28) homeownership, non-age restricted, condominium townhouses in six (6) buildings on approximately 3.44 acres.

Case No. 22-10 opened at 7:12 PM

Mr. Lee noted updated comment letters were submitted from the Fire Department and Engineering Department. Mr. Petrozzi, applicant, confirmed he received the letters.

Mr. Petrozzi stated that he submitted additional plans and information and that he had received feedback from the Fire Department as well as DPW. He provided an updated truck turning plan which complied with the Fire Department. The Fire Department mentioned they would prefer a cul-de-sac over the proposed hammerhead. A lighting plan was provided and comments from the Town Engineer that stated some of the units needed more lighting.

Regarding the sewer pumps, Mr. Balduf noted in his letter that he would prefer a different design.

A landscape plan was also provided. Mr. Petrozzi explained that the plans could change if there were any changes made to add a cul-de-sac.

John Glossa, Project Engineer, said he would provide a stormwater report soon. The report was not completed as it required a third-party review before he was comfortable submitting it to the Board. The third-party was not available prior to the meeting. There was an existing drainage basin on the property based on the original subdivision plans. He confirmed he would conduct a site visit with the Town Engineer the following week to confirm as well as to access the Town easement.

Mr. Glossa apologized to the Board for the incomplete plans. He explained the concern of how close the measurements were to the 100-year storm.

Mr. Lee noted when the original subdivision on Darwin was constructed, it was done so to the standards of that time and noted there was shared ownership. Mr. Glossa was not sure he was required to ensure nothing flowed downstream. He believed John Anderson, project engineer to original subdivision, used the same design point which confirmed no hazard of flooding. Mr. Glossa believed it would withstand a 100-year storm.

Mr. Fitzgerald asked if this particular parcel was included in the original subdivision plan as it was previously under common ownership. Mr. Glossa believed since it was likely measured from a particular design point and he did not believe the parcel was included, but some of it could have been. When Mr. Lee asked the same question directly, Mr. Glossa said he could not answer the question. He did confirm there was a marker at the design point.

Mr. Fitzgerald noted the Conservation Agent had comments for open space for stormwater. He believed alternatives should be considered that allow for more open space on the site.

Mr. Petrozzi said the Fire Department did not approve of the hammerhead design and confirmed he would find an alternative design. He asked the Board to continue the hearing to September 6th.

Mr. Glossa said the plan would be finalized within the next few weeks. He asked if he could meet with the Town Engineer and Fire Chief. Mr. Lee suggested he coordinate with Mr. Deschenes.

Regarding Peer Review, Mr. Petrozzi felt some items on the initial quote were not required for the Board to review. He believed some of the charges were excessive. He would like to meet with Town staff over the next few weeks and would be willing to write a check for peer review at that point. Mr. Lee reminded Mr. Petrozzi that any unused funds would be returned to him but said he needed to provide the funding now in order for the Board to move forward. Mr. Petrozzi wanted to wait until the plans were revised. Mr. Lee said the decision needed to be made at this meeting so the Board knew how to proceed. Mr. Lee deferred to Attorney Pucci if the Board's request was reasonable. Attorney Pucci said the Board was within their right to ask for the funds and agreed the funds needed to be submitted immediately.

Motion by Mr. Delaney, seconded by Mr. Fitzgerald to approve Peer Review proposal from TetraTech dated July 12, 2023.

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

Mr. Deschenes confirmed the funds were to be submitted within seven days.

Dennis Murphy, attorney for neighborhood, said Mr. Glossa was making a stormwater plan according to State regulations and explained why it should also comply with the Conservation Commission's rules and regulations. There should also be a reason as to why certain standards could not be achieved. Attorney Murphy stated that he believed that the HAC was clear that Boards could limit dead end roads usually between 600-1,000-ft. Walpole's 750-ft rule fell in the middle. He noted that HAC had upheld Board's decisions on this issue in the past.

Linda Parlon, 22 Eleanor Road, explained her family lived in this house for many decades during which time the Town prohibited them from updating the outside due to its proximity to the aqueduct. She expressed concerns that her family was unable to add minor exterior amenities, however 28 townhouse units could be considered also in close proximity to the aqueduct. Mr. Fitzgerald understood her concerns but explained how the 40B process fell under a different area of Massachusetts General Law and therefore was allowed.

Joe Moriarty, 28 Darwin Lane, asked if there would be a review of the aqueduct. Mr. Lee said that Mr. Glossa would design a system and it would be peer reviewed.

Regarding the continuation to September 6, Mr. Fitzgerald asked if there should also be an extension of time. Mr. Petrozzi agreed to an extension of time to December 22, 2023.

Motion by Mr. Major, seconded by Mr. Delaney to continue the public hearing to September 6, 2023 and an extension of time to December 22, 2023.

Ms. Conroy asked if the revised plans would require Mr. Balduf to restart his review. Mr. Lee noted that many items were transferrable and would not delay his review.

Motion carried 4-1-0 (Lee –aye; Delaney –aye; Fitzgerald -aye; Conroy-nay; Hoegler –aye)

Case No. 23-21, KIG/Silverstrand Walpole, LLC, 981, 989 and 1015 East Street (Map 25, Parcels 164, 165, 166), Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, §§20-23 as

amended, to allow the construction of a six story building with 142 apartment units and below grade garage.

Case No. 23-21 opened at 8:04 PM.

Mr. Engler, applicant, appeared before the Board. He noted many of the Board's concerns from the last meeting had been addressed.

John Kusage, Bohler Engineering, discussed the pedestrian connection. He explained the side stopped at the beginning of the building. A crosswalk mid-way in front of the building was proposed with a RFBI (blinking pedestrian crossing lights).

Mr. Hoegler asked what the current speed limit was for East Street. It was noted to be 25-30mph, although often time's cars travel much faster.

Ms. Conroy asked if they had considered extending the sidewalk on their side of the road in front of the building. Mr. Engler said he had considered it, however it would block access to the adjacent MBTA site. Ms. Conroy said, based on a conversation with Mr. Balduf, there would be enough Town land in front of the MBTA site to install a sidewalk. Mr. Deschenes noted Mr. Balduf submitted a letter asking the applicant to explore that option.

Mr. Major asked if residents left the rear of the building, what route would they take. He said if they were to walk around the building in order to access the front crosswalk it would likely not be used.

Regarding package delivery and pick up, an area with stamped concrete was created to accommodate a 20-ft truck. Guest and flex spaces were clearly identified on the plans. Mr. Engler believed this would help with efficiency. He offered to add additional signage to this area. The package room was right through the front door.

Mr. Fitzgerald asked if the exit would be one directional. Mr. Engler said it would be challenging to make the exit one directional. Mr. Fitzgerald noted the Fire Chief requested one way, clockwise traffic. Mr. Engler said he needed more time to review and wanted to meet with Chief Barry to understand his reasoning. Two-way traffic would not impede life safety systems.

Mr. Major addressed there was only seven visitor parking spaces. Mr. Engler said that had not been fully vetted yet.

Mr. Lee brought up the parking ratio. He reminded the Board that at the last meeting, a representative from Liberty station said they needed additional parking. Mr. Engler said his team was motivated to have a successful parking ratio. He explained that the proposed unit mix was predominately one-bedroom. Based on bedroom count, the parking ratio was close to Liberty Station and surpassed Union and West. Mr. Engler continued that the traffic study focused on similar Towns and projects. Many projects were successful with a 1:1 parking ratio.

Ms. Conroy did not believe the Towns included in the study were similar to Walpole. She believed that many of the communities included in the study had other amenities within walking distance that Walpole did not have, including grocery stores and doctors' offices.

Mr. Lee found that if two parking spaces could be added, the parking ratio would increase to 1:1.22 which would equal the parking ratio used at the Union and West mixed-use project.

Mr. Deschenes asked how the lease agreements would be handled with the tenants for parking spaces. Mr. Engler said that was not fully vetted yet but confirmed parking would be unassigned.

Mr. Major asked when guest parking spaces would be finalized. Mr. Engler said he would provide a narrative explaining how parking would work.

Leslie Fanger, Project Landscape Architect, revised plans to include more shade and ornamental trees. They were located closer to the easement so to not interfere with utilities. She also provided an updated planting list as well as slight changes to the lighting plan.

Mr. Engler confirmed the ceiling heights would be 9'. Mr. Lee expressed concern with the overall height of the building. Mr. Engler said that would be addressed with the next set of plan revisions.

Ms. Conroy said the proposed height of nearly 70-feet was too tall for the area. She noted the Highway Business height requirement was 55-ft. Mr. Engler responded that the height for a 40B project was measured in impact.

For the next meeting, Mr. Engler said he would provide detailed parking information, revisions to height, following up with the Fire Department for EV charging stations and connect with the Town Engineer regarding sidewalks.

Mr. Lee confirmed that the next meeting would focus on TetraTech and peer review.

Motion by Mr. Delaney, seconded by Mr. Fitzgerald to continue to September 6, 2023.

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

Board Business:

Ms. Conroy expressed concern that not all department comment letters were fully read into the record. She stressed the importance of all letters being read in their entirety.

Adjournment:

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

Motion carried 6-0-0 (Lee-aye; Delaney-aye; Fitzgerald -aye; Conroy –aye; Major – aye; Hoegler-aye)

Meeting adjourned at 9:07 P.M.