



**Town of Walpole
Commonwealth of Massachusetts
Zoning Board of Appeals**

Zoning Board of Appeals
John Lee, Chair
Bob Fitzgerald, Clerk
Jane Coffey, Member
Drew Delaney, Member
David Anderson, Member
Judith Conroy, Assoc. Member
Mark Major, Assoc. Member
Timothy Hoegler, Assoc. Member

**MINUTES
WALPOLE ZONING BOARD OF APPEALS
September 15, 2021**

Present: John Lee (Chair), Jane Coffey, Drew Delaney, Dave Anderson, Judith Conroy (Associate Member), Mark Major (Associate Member), Timothy Hoegler (Associate Member), Patrick Deschenes (Community & Economic Development), James Crowley (Deputy Building Commissioner)

Absent: Robert Fitzgerald (Clerk)

Mr. Lee introduced the three new associate Board members which were all recently appointed and sworn in.

Case No. 21-11, Tesla, 295 Union Street, Special Permit Requests under Section 5.B.4.dd. and Section 11

Me. Lee opened the continued hearing for Case No. 21-11. Present and representing the applicant was Fabiola Lozoya, Tesla and Meghan Bruckman, Project Engineer.

Ms. Lozoya addressed the function of the proposed building being used by Tesla and the upgrades being done to the property as it relates the Special Permits being requested.

Ms. Bruckman discussed the engineering components of the project, in particular the new sewer connection upgrade and abandonment of the existing septic system. Ms. Bruckman also addressed the comments received by Town Engineering.

Mr. Lee stated that there were some positive elements to this project, in particular the new sewer connection and reuse of the building.

Mr. Hoegler asked if the paint being used would be a water based paint. Ms. Lozoya stated she would look into that information, but at the moment they had filed with the Board of Health for a hazardous materials permit.

Me. Lee stated it would be good to have that information as well as what the environmental concerns are with that.

Ms. Conroy asked if the water being used for washing would be recycled. Ms. Lozoya stated that the water would not be recycled. Ms. Bruckman stated that there will be a oil/water separator so to remove contaminates before discharging into the sewer system.

Ms. Conroy asked what the hours of operation would be. Ms. Lozoya stated that working hours would be from 8:00 A.M. to 5:00 P.M., Monday through Friday, but at high peak periods some deliveries will be at night. Ms. Conroy asked about additional fencing or lighting of the lot. Ms. Lozoya stated that they were not proposing any additional fencing or lighting from what currently existed on site.

Mr. Lee stated that the Board will need a better understanding of the hours of operation for night delivery hours. Mr. Less also stated that as a condition the Board will likely want to prohibit vehicle delivery to only on-site and not on Union Street itself.

Motion by Ms. Coffey and seconded by Mr. Anderson to continue the hearing at the applicants request to October 6, 2021. The Motion carried 4-0-0 (Lee-aye, Coffey-aye, Delaney-aye, Anderson-aye).

Requested Discussion - 55 Summer Street 40B Revised Decision

Mr. Lee stated that this would be a discussion not a public hearing, and that they would allow the public to ask questions regarding the decision on the 55 Summer Street 40B project. Mr. Lee stated that the largest issue was with the height of the apartment buildings and that through mediation the result of five stories was the best outcome the Board could get given the evidence they had to present.

Mr. Hamilton, 45 Eldor Drive stated that he had concerns for the Town's water supply and adjacent aquifer.

Ms. Khatib, 35 Frontier Drive stated that she supported the creation of affordable housing and thanked the Board for their decision

Ms. Burden, 1915 Washington Street stated her disappointment in the Board's revised decision on the case and disappointment in the Board with not sticking to their original decision to limit the project to four stories.

Ms. Karelis, 20 Lacivita Drive stated her disappoint in the Board's revised decision.

Ms. Coffey stated the difficulty of 40B projects and that the Board made a decision that gave them as much control on the project as they could. Ms. Coffey stated that in these situations the Board needed to weigh whether a project is manageable or risk losing everything that had been gained in the decision if taken to appeal, and for this project the Board did not have a good case if taken further to appeal.

Case No. 21-12, Mary LaRosa, 324 East Street, Special Permit Requests under Sections 9.3.A & 9.3.C.

Me. Lee read the public hearing notice for Case No. 21-12 as well the municipal comments from municipal departments.

David Sullivan, contractor spoke on behalf of the applicant. Mr. Sullivan discussed the current condition of the structure and proposed reconfiguration of the rebuilt structure.

Mr. Lee asked Mr. Sullivan about the gross floor area increase for the project. Mr. Sullivan stated that the net floor area currently was about 2,500 sqft. and would increase to 3,600 sqft.

Mr. Sullivan stated that the building height would be consistent with the current building's height and that the structure has always been a two-family dwelling. Mr. Sullivan also stated that he had met with the Building Commissioner regarding the requirements for increasing floor area as it related to Section 9.3.C. and that the Commissioner had determined that their project was compliant.

Mr. Lee asked Mr. Crowley was comfortable with the project. Mr. Crowley stated that he was.

Mr. Lee stated that there would be standard conditions as well as limited the foundation height to two feet above grade and building height to thirty-one feet.

Motion by Ms. Coffey and seconded by Mr. Anderson to close the hearing. The motion carried 5-0-0 (Lee-aye, Coffey-aye, Delaney-aye, Anderson-aye, Conroy-aye).

Motion by Ms. Coffey and seconded by Mr. Anderson to grant a Special Permit under Section 9.3.A and 9.3.C of the Zoning Bylaw to allow the razing of the house of 324 East Street and its reconstruction according to the plan set by Boran LA, Architectural Designer, of 237 Everett St., Allston, MA 02134, titled "Kelly Residence, 324 East Street, Walpole, MA," dated November 2019. The motion carried 5-0-0 (Lee-aye, Coffey-aye, Delaney-aye, Anderson-aye, Conroy-aye).

Case No. 21-15, David Schofield, 1062 North Street, Special Permit under Section 5.B.2.

Me. Lee read the public hearing notice for Case No. 21-15 as well the municipal comments from municipal departments.

Regina Sullivan and Megan Schofield represented the applicant. Ms. Sullivan stated that she was the mother of the applicant and would be the person moving into the In-Law Suite and Megan Schofield was the wife of the applicant.

Ms. Sullivan stated that the In-Law Suite would be entirely within the existing footprint of the house and not increase the floor area in any way.

Mr. Lee asked Mr. Crowley if the Building Department were comfortable with the plans being proposed. Mr. Crowley stated that they were comfortable with the proposed plans.

Mr. Lee asked if an exterior door was being added to the proposed suite. Ms. Sullivan stated that there would not be an additional exterior door added.

Mr. Lee stated that there would be standard conditions and that the structure was a three-bedroom home and remain a three-bedroom home.

Motion by Ms. Coffey and seconded by Mr. Anderson to close the public hearing. The motioned carried 5-0-0 (Lee-aye, Coffey-aye, Delaney-aye, Anderson-aye, Major-aye).

Motion by Ms. Coffey and seconded by Mr. Anderson to grant a Special Permit under Section 5-B.2. of the Zoning Bylaw to allow the construction of an Accessory In-Law Suite within an existing single-family dwelling, located at property of 1062 North Street, Walpole, MA 02081. The motioned carried 5-0-0 (Lee-aye, Coffey-aye, Delaney-aye, Anderson-aye, Major-aye).

Case No. 21-13, Michael Connolly, 40 Coolidge Road, Special Permit under Section 5.B.3.N.

Mr. Lee asked if the applicant or a representative was present. With no applicant or representative being present Mr. Lee stated that they would have to proceed with the case as is as there was no notification from the applicant asking for a continuance.

Me. Lee read the public hearing notice for Case No. 21-13 as well the municipal comments from municipal departments.

Mr. Crowley, Deputy Building Commissioner stated that the applicant had been cited with three violations for the storage of unregistered vehicles and storage of excess of three vehicles. Mr. Crowley described the current conditions of the site as well as provided the Board with aerial photography of the site conditions which had not changed in a number of years.

Ms. Conroy asked how many complaints the Building Department had received and how the violation fines would be enforced. Mr. Crowley stated there had been complaints in the past with the former Building Commissioner and that the violation noticed could be paused with an appeal but would resume if an appeal is not granted.

Mr. Lee opened the hearing up for public comments:

- Elian Balbanis, 46 Coolidge Road discussed the history of the property's condition over the years as well as what the property conditions had done to the market value of her home.
- Carolyn Conty, 34 Coolidge Road stated that cars had been coming to the property for years and that unless enforcement happens nothing will change with the property.
- Nicole McDonough, 39 Coolidge Road stated her concern for the safety of people in the neighborhood.

Motion by Ms. Coffey and seconded by Mr. Anderson to close the public hearing. The motioned carried 5-0-0 (Lee-aye, Coffey-aye, Delaney-aye, Anderson-aye, Hoegler-aye).

Motion by Ms. Coffey and seconded by Mr. Anderson to deny a Special Permit under Section 5-B.3.N of the Zoning Bylaw to allow the garaging or maintaining of more than three (3) automobiles, specifically ten (10) automobiles, on the property at 40 Coolidge Road, where only three (3) are allowed under the current Zoning Bylaws. The motioned carried 5-0-0 (Lee-aye, Coffey-aye, Delaney-aye, Anderson-aye, Hoegler-aye).

Mr. Crowley explained the next process the case would take in enforcement.

Adjournment

Motion to adjourn by Ms. Coffey, seconded by Mr. Anderson, the motion carried 4-0-0 (Lee-aye, Coffey-aye, Delaney-aye, Anderson-aye)

Meeting was adjourned at 9:00 P.M.

Respectfully Submitted: Patrick Deschenes