

WALPOLE ZONING BOARD OF APPEALS MINUTES OF OCTOBER 5, 2020

A meeting of the ZONING BOARD OF APPEALS was held remotely (via Zoom Webinar) on MONDAY, OCTOBER 5, 2020 AT 7PM. The following members were present on the Zoom Webinar:

John Lee (Chair), Susanne Murphy (Vice-chair), Bob Fitzgerald (Clerk), Jane Coffey, Drew Delaney, Dave Anderson, Ashley Clark (Community Development Director), Amy Messier (Community Development)

Also Present: Judi Barrett (40B Consultant), Amy Kwessell (Town Counsel of KP Law)

Lee opened the meeting at 7:15 PM

Case No. 03-20, 55 SS LLC., 51-53-55 Summer Street, Comprehensive Permit:

Lee opened the hearing, and stated that this hearing is specifically for public comment only, regarding the proposed project that is reflected in the most recently submitted plans, with a revision date of 9/15/20. The following public comments were as follows;

Becky Litvak: re-read letter that was electronically submitted to the Board (*can be viewed on Town webpage for project*). The letter focused on the following topics of concern; stadium parking/ traffic back-up; safety related to the train (proximity of track to project, child safety); construction process (trucking, enter/exiting, noise pollution, child safety, environmental- re: Bird Machine); displacement of wildlife; lack of more than one egress to proposed development.

Bill Abbott: stated he has provided comments that were electronically submitted to the Board (*can be viewed on Town webpage for project*). Comments addressed the following topics of concern; lack of looping of the water lines.

Erica Burdon: stated she has provided letters that have been electronically submitted to the Board (*can be viewed on Town webpage for project*). Expressed that her biggest concern is the comments made by applicant David Hale at a previous hearing, in which he posed the question of "why are people of the Town so concerned about this project, when only seventeen (17) out of the three-hundred (300) units will be seen from the street?" Burdon expressed that the question posed by Hale was ridiculous, and stated the additional concerns of herself, and a number of others, which included the following; excessive number of units proposed (300); location of project being in a less than ideal location (due to size and proximity to the train tracks; located far away from the Fire Station); project only having one entrance/exit.

Joanne Mulligan: expressed concern about; size and location of project; lack of multiple points of access to enter/exit project site; questions the safety of the project (due to the design and layout of the proposed roads within the development, and due to the proximity of project to the train tracks); Concerns over the safety of children walking to school, proximity of project to two schools; site contamination; questions if the limited traffic study submitted by the applicant accurately depicts the traffic patterns on an everyday basis. Mulligan also expressed that the constant revisions being made to the plans by the applicant creates confusion regarding what is currently being proposed and reviewed.

** Judi Barrett stated that the applicant can submit plans at any point during the hearing process that reflect comments/concerns made by the Board and other departments. Barrett clarified that the applicant cannot alter plans once a Comprehensive Permit is issued, and any alterations of the plans after the issuance of the Comprehensive Permit would require the ZBA's additional approval, however, during the public hearing process, it is in the interest of the applicant to work with the ZBA regarding*

*a timeline of when, and what is being revised, to prevent confusion amongst the ZBA, public, and peer reviewers.**

Peter & Maryann Drogan: Expressed that the scope of this project is massive, and will have an incredible negative impact on traffic, water, schools, safety concerns.

Becky Litvak: voiced questions about the public hearing process and timeline regarding the deadline of when the ZBA needs to make their final decision by.

**Lee stated that under "normal" circumstances, the ZBA has 180 days from the time of when the public hearing is open to render a decision, however, due to COVID-19, the 180 day timeline does not apply. Amy Kwessell of KP Law (town counsel) reiterated that under normal circumstances the ZBA does have 180 days from the date of the opening of the public hearing to close the hearing and render a decision within 40 days of the close of the public hearing. However, Kwessell stated that as of April 3, 2020, due to COVID-19, there is Legislature in place (Ch. 53 of the Acts of 20: "Municipal Relief Act" Section 17), provides for certain relief to Zoning Boards and other land use boards regarding permitting, which eliminates constructive approval until 45 days after the state of emergency has been lifted. Kwessell further clarified that once the state of emergency is lifted, the ZBA has 45 days to conclude the hearing and render/issue a decision.*

Chrissa Kaselis: expressed concern over amount of construction vehicles and construction space the project will generate; dangerousness of existing intersection where train is located; decreased quality of life of the future residents living within the development due to the lack of greenspace proposed and proximity to train; concern over the success of the project due to the lack of greenspace, traffic, safety and only one access road, which makes the development undesirable; stated that multiple housing projects are already constructed and being proposed within the Town.

Rosemarie Pileski: expressed concern about the intersection at the South Walpole Common; major concern over school-aged children within that area at Bird M.S. and Boyden; environmental concerns over ground and water contamination from Bird factory.

Bill Hamilton: expressed concern over public water supply and lack of depth within the aquifer; Recommends that the 40B application be denied due to it not being in compliance with the Walpole WRPOD; concerns about a large increase in train traffic due to the need for more stadium commute.

Maura Clow: seconds Bill Hamilton's concerns regarding water; concern over the stress this project will add onto Boyden School.

Chrissa Kaselis: Conducted doing research on other Omni investment properties, stated their other development projects are not at their maximum capacity at the moment, expressed concern over the same situation happening in Walpole.

Erica Burdon: States that she went thru the traffic report submitted by the applicant, and does not find that the mitigating factors proposed and does not find them sufficient, and encourages ZBA to take an in-depth look regarding the traffic report. Expressed that the comments previously made by Mr. Hale are misleading regarding the advertisement of the development, being advertised as "within walkable distance to the train station". Burdon reiterated that it's still unsure if a train station will even be constructed in the future at Gillette Stadium, since it's currently on a trial basis. Stated that having walked from her residence to Gillette, that it's not easily walkable by any means, and does take a considerable amount of time to walk to Gillette. Stated that it's very unlikely for the people who live within the proposed development would be

walking to the train station in order to commute to work; concerns about the wildlife that will be displaced from this project; concerns over the wetlands on the site and the presence of EEE.

Judy Laury: concerns over the impact on the character of the area; believes this project outweighs the need for the towns housing; concerns over protection/quality/ quantity of the environment, water, safety of pedestrians.

Lee summarized the topics touched upon, which include the following; traffic issues; stadium events; environmental concerns; water looping; greenspace; railway safety.

Clark suggested that traffic be reviewed for the next future agenda topic, specifically to have the applicant provide their traffic presentation, as well as have the Town's peer reviewer, Sean Reardon, of Tetra Tech present, with limited public comment to be taken depending on length of meeting time. Clark also suggested scheduling a follow-up hearing focused on public comment regarding traffic. Monday, November 2, 2020 was suggested as the next hearing date, followed by Monday, November 9, 2020 dedicated for public comment on traffic. Murphy motioned to continue the hearing to 11/2/20 at 7PM via Zoom, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye; Anderson-aye. The motion carried 6-0-0.

Case No. 05-20, Wall Street Development Corp., Dupee Street (Map 35; Parcel 380-1), Comprehensive Permit:

Lee opened the hearing, and stated that this hearing is specifically for public comment only, regarding the proposed project that is reflected on the submitted application and plans that are viewable on the Town webpage for the Dupee St. 40B project. The following public comments were as follows;

Julie Sullivan: concern over the lack of any swells or retention basins between units 9-12; existing flooding issues and concerned over the potential for the flooding issues to worsen; proposed tree removal (Pine) may exasperate flooding; concerns over types of soil observed on property referenced in the Stormwater report that was submitted by applicant; traffic and safety concerns regarding crossing High Plain Street. Referenced Traffic assessment submitted by the applicant and noted that the assessment is based on absolute minimums, which does provide a buffer for safety; concern over privacy of her backyard; Concerns over non completion of construction site; lack of need for 40B housing within the town.

Tyler Houle: concern over parking due to lack of garage stalls/space proposed; development could lead to potential parking on the street within an already narrow road; no visitor parking proposed; potential for vehicles to start parking along other streets due to lack of parking on Dupee; ; lack of a designated area for trash and recycling on plan; flooding issues exist, possibility for flooding to worsen; street lighting possibly spilling onto the other properties not associated with the development.

Janis Selett: concerns over accidents, stated that the towns water table is already high as is; increased traffic onto Dupee St.; Concern over the construction and the possible impacts it would have to the surrounding properties.

Tim Cimeno: Concern over maneuvering construction equipment on the property and entering the property; safety of his and other children; worsening of flooding that currently exists.

James Doyle: questions regarding wet or dry detention basin proposed; questions regarding who the owner of the property is and who will maintain the property.

Mark Rice: expressed opposition to the project due to possible cut-thru to Summit Ave.; noted the existing water pressure in the neighborhood is already poor; area is currently a single-family neighborhood, and believes that the 12- unit project is not within the characteristic of the existing neighborhood.

- *Barrett stated that the Project Eligibility Letter has made the decision that the project is appropriate for the area. Design is a valid concern that's provided for in the statute, however other concerns, such as safety are more relevant regarding implementing conditions.*

Ciaran Martyn: concerns over traffic and pedestrian safety.

Julie Sullivan: no greenspace proposed on project; concern that the style of housing proposed is not the style of housing that's currently in demand for the town; stated that Single-family homes that can provide yards for children are in demand, and this project does not reflect a child-friendly.

Lee summarized the topics touched upon, which include the following; Surface water (between units 9-12); traffic safety; site differences; visitor parking; buffer, trash and recycling locations not shown on the plans; snow removal; lighting regarding on the site and possible spillage; water and electrical service; proximity of the project to two schools.

Clark suggested that for the next future agenda that the towns peer reviewers from Davis Sq. Architects and Tetra Tech be present and make their presentations, as well as the potential for limited public comment to be taken depending on length of meeting time. Monday, October 26, 2020 was suggested as the next hearing date, followed by a potential additional hearing on the following Monday that would be dedicated for public comment. Murphy motioned to continue the hearing to 10/26/20 at 7PM via Zoom, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye; Anderson-aye. The motion carried 6-0-0.

Minutes: No minutes were accepted at this time

Murphy motioned to adjourn, seconded by Coffey, Roll Call Vote: Lee-aye, Fitzgerald-aye, Coffey-aye; Murphy-aye, Delaney-aye, Anderson-aye, the motion carried 6-0-0.

The meeting adjourned at 8:50 PM

Accepted 10/26/2020