

WALPOLE ZONING BOARD OF APPEALS MINUTES OF FEBRUARY 10, 2021

A meeting of the ZONING BOARD OF APPEALS was held remotely via Zoom on WEDNESDAY, FEBRUARY 10, 2021 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, Ashley Clark (Community Development Director); Amy Kwesell (KP Law); Sean Reardon (Tetra Tech)

CLOSED HEARING:

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), Request for Project Change/ Amendment to a Comprehensive Permit under G.L. c.40B §§20-23 to amend the project:

Lee stated that this is a closed hearing, Murphy motioned to continue the closed hearing to 2/11/21 at 7PM via zoom webinar, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye. The motion carried 5-0-0.

Case No. 03-20, 55 SS LLC., 51-53-55 Summer Street, Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Section 20 through 23, as amended to allow the construction of two hundred and forty (240) rental units and sixty (60) ownership units:

Lee opened the hearing, present were the applicants David Hale and Leslie French, along with Katie Enright from Howard Stein Hudson. Enright outlined the recent revisions to the plan set, which included;

1. Creation of second emergency access point and availability of waterloop
2. eliminated blvd. at roadway A
3. Shrank the width of pavement coming into the proposed site
4. Provided additional visitor parking down roadway A towards roadway B (10 parallel spaces) to provide additional spaces to the townhomes and roadway B
5. Shortened roadway B and provided two 6-unit bldgs.
6. Provided two additional visitor parking areas along roadway C & increased pavement by one space on the end units on the townhome section of the project (now 43 additional spaces for townhome section of project)
7. All intersections have been upgraded slightly to increase radii to provide better fire access
8. Moved all ADA spaces and increased striping in front of the doors for Fire Dept. and fire protection
9. Provided 2 additional staging areas (one on each end of the multifamily buildings)
10. decrease in size of the islands for the Fire Dept., signed them to say "NO PARKING" and provided gates at both ends of fire the access (re: area with single family houses)
11. Multifamily portion of the project: now have 1.8 spaces per unit / Townhome portion of the project: over 4 spaces per unit (total of 691 parking spaces total on site)
12. Over an acre and a half less of impervious surface and 2 acres of less disturbance compared to the plan set submitted in May 2020

Murphy asked about snow removal for the site, Enright stated that the submitted Layout Materials Plan depicts snow storage areas that are outside of the restricted areas in proximity to the wetlands. Murphy asked about the ownership of the different housing types, in which Mr. Hale stated that there will be an apartment owner for the rentals, a condo assoc. for the ownership side, and the two entities will be part of a HOA, which will take care of the entire development.

Lee asked Reardon of Tetra Tech if he has reviewed the drainage calcs. for the revised plan. Reardon stated that he is in the closing stages of finishing that review. Lee asked if the Fire Dept. has provided comments about regarding the turning radii, ADA spaces in front of the bldgs. and traffic circles. Clark stated that the ZBA has not yet received a formal letter from the Fire Dept. about those 3 topics. Mr. Hale stated that units between the vernal pools have

also been eliminated. Lee asked where on the site is the 2 acres of less disturbance, in which Enright stated that the applicants have been working with the Conservation Commission and pushed the project into the site more than before, and are completely out of the riverfront area, along with more efficient drainage and brought drainage structures into the site and underground. Enright also stated that she was able to increase the duplex units on both sections of the roadway, which eliminated the space between them and allowed the shortening of the disturbance areas. Lee asked about the staging locations during construction, Enright replied that staging would be located on a flat area on site that will be specifically labeled for staging.

Fitzgerald asked Reardon if after reviewing the revised plan set, if he still feels like the site is taxed and is any consideration has been given to reducing the number of units of the project. Reardon stated that a lot of his revolved around the single means of access, and his concerns relating to density have fell away once there was an alternate way of getting in and out of the site if needed.

Delaney asked if the creation of more visitor parking will create a hazard during stadium events with people trying to park in the development that do not reside there. Hale stated that on the plan set there is signage that depicts "No Parking during stadium events", and it will be written into the rules of the development that people who reside there cannot rent out their parking spaces for event parking, etc.

Clark stated that the board should be getting comments from the Fire Dept. in the near future and recommended that the board discuss the offsite traffic mitigation during this hearing.

Kwesell asked the applicant several questions relating to the project and revised plan set, which included the following;

- total bedroom count ; handicap apartments; units on lot 2 that are affordable and market rate;
- construction schedule/ phased construction plan; ADA compliant ramps for sidewalks; side-yard distance between dwellings on lot 2; ownerships of lot 1 & 2

Lee opened the hearing up to the public for comment which included the following;

Bill Hamilton: concerned over the safety of the second emergency access; concern over chemical use on the site due to being in the aquifer; MBTA safety measures; possible previous dumping on site

Delaney asked if a monitoring well in the area serve a purpose regarding contamination? Reardon stated that he researched records of the site regarding contamination and that there is no predetermined issue on the site that was sampled, and nothing in the history that suggests there's anything to be addressed. Reardon stated a potential condition could be added in the decision asking the applicant to place in 2 or 3 wells on site for testing in the future. Delaney asked if having an LSP on site would be needed, in which Reardon stated that it would not be required.

JoAnne Mulligan: curiosity re: land of bird machine property classified under 21E; unsure about the lack of clear cut comments on the documents and Tetra Tech report regarding phase V remediation.

Mr. Hale stated that none of the property is classified as 21E, and there is absolutely no history of the bird property of the west side of the tracks, along with there being zero recordable substances on the site, Mr. Reardon agreed.

John Kaselis: concern over the second emergency access due the recent car accident, concern over the left turn into the main access to the site.

Julie Lowre: concern regarding heavy reliance on contamination reports for soil and water versus testing.

Kait Fargo: stated that there were two car accidents within the past 2 weeks with caused the road to be taped off for a 5-6 hours total; concern over location of 2nd emergency access point

Erica Burdon: concern over the safety issue of the second emergency access. Project is too large for the site. Traffic reports do not accurately depict the current vehicle activity.

Mark Major: agrees with Erica Burdon. Too large of a project, area will be overburdened w. traffic, needs another access point for regular vehicle traffic and not just emergency access.

Rosemarie Pileski: concern regarding ground contamination.

Chrissa Kaselis: project is a monstrosity. Size and proposed traffic needs to be downsized.

The board moved onto the offsite traffic mitigation proposal by Bayside Engineering. Clark stated that the proposed plan is the plan that was the most popular and had the most support from various departments. Kwesell stated that this offsite mitigation with roadway improvements still has more review to be done by the road commissioners. Lee stated that the ZBA is only looking at this proposal due to wanting to improve the traffic offsite and create improvements. Lee opened the hearing up to the public for comment, which included the following;

Becky Litvak: concern over traffic light placement; inadequate access to her street; Boyden school pickup

JoAnne Mulligan: proposed traffic light does not fit into existing scenery; relocation of the common

Mark Major: concern over removal of existing stop signs; blind intersection

Robert Belcher: questions over proposed traffic design re: turning right on red

Bill Hamilton: concern over completion of intersection

John Kaselis: against the change of the intersection

Erica Burdon: opposed to proposed traffic mitigation

Julie Lowre: supports Mr. Hamiltons statements; concern over removal of stop sign

Chrissa Kaselis: common is a historical component to S. Walpole

Clark recommended that the board get a written extension from the applicant in order to keep the hearing open. Hale stated that a draft decision and an end date in sight would be ideal moving forward. Lee stated that peer review of drainage still needs to be submitted by Tetra Tech, along with comments from the Fire Dept. and an updated list of waivers. Kwesell and the applicants attorney, Mr. Levine will touch base within the coming days to reconcile any outstanding questions. Clark suggested that a meeting prior to 3/1/21 would be ideal to go over the updated list of waivers, which would allow Town Counsel time to continue working on the draft decision. Mr. Hale agreed to provide the board a written extension thru 3/2/21. Murphy motioned to continue the hearing on behalf of the applicant to 2/22/21 at 730PM via zoom, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye. The motion carried 5-0-0.

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, the motion carried 5-0-0.

The meeting adjourned at 9:45 PM

Accepted 2/24/21