

WALPOLE ZONING BOARD OF APPEALS MINUTES OF FEBRUARY 11, 2021

A meeting of the ZONING BOARD OF APPEALS was held remotely via Zoom on THURSDAY, FEBRUARY 11, 2021 AT 7PM. The following members were present on the Zoom Webinar:

John Lee (Chair); Susanne Murphy (Vice-chair); Jane Coffey; Bob Fitzgerald (Clerk); George Pucci (KP Law)

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 to include Brook Lane; forty (40) units in eight (8) buildings, instead of the previously approved thirty-two (32) units in six (6) buildings, and utility connections from Brook Lane and eliminate installation of utilities from Union Street:

Lee stated that the hearing is now closed, and the purpose of the closed hearing tonight is for the board to vote on the final draft decision of notice of project change that has been submitted to the board by town counsel. Murphy motioned to approve the decision of denial as drafted, subject to the change of the record of vote date from 1/27/21 to amend to 2/11/21, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Coffey-aye; Fitzgerald-aye; Delaney-aye. The motion carried 5-0-0.

PUBLIC MEETING:

Burns Avenue, 40B: Discussion and vote on determination on applicants requested date of January 26, 2021, as modified on 2/10/21 for project change on Comprehensive Permit dated January 13, 2020.

Pucci stated that the purpose of the discussion by the board tonight is to determine whether or not the requested modifications are a substantial or insubstantial change. Lee stated that if the board was to determine that the changes are substantial, that an opening of a public hearing would need to take place. Pucci stated that these changes are to an existing permit, and it is within the applicants right to seek a modification of the previously issued, and existing Comprehensive Permit. Members of the board stated that they have reviewed the changes, and the consensus was that they are substantial. Fitzgerald stated that even though the number of units is not being changed, the number of proposed buildings is going from six (6) to seven (7), and he would therefore find that any site changes would be substantial. Murphy asked if this specific project has any outstanding legal proceedings, in which Mr. Pucci stated yes, and that this Comprehensive Permit is currently in the hands of HAC, along with an Administrative Appeal on the Building Inspectors Cease & Desist Order, however, no lawsuit is necessary at this time for the Cease & Desist Order at this time. Pucci stated that within twenty (20) days of the receipt of the notice of project change, that the board shall determine whether the project changes dated 1/26/21 as modified on 2/10/21 as described, are substantial or insubstantial. Murphy motioned to determine that the project changes dated 1/26/21 as modified on 2/10/21 are substantial, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye. The motion carried 5-0-0. The board then determined that the date and time of the opening of the public hearing for these substantial project changes will be 3/1/21 at 7PM via Zoom.

Minutes: Coffey motioned to approve the minutes of 1/6/21; 1/13/21; 1/27/21 as modified, seconded by Murphy, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye. The motion carried 4-0-0.

Coffey motioned to accept the minutes of 1/20/21 as modified, seconded by Fitzgerald, roll call vote: Lee-aye; Coffey-aye; Fitzgerald-aye. The motion carried 3-0-1 (Murphy abstained).

Murphy motioned to adjourn, seconded by Coffey, roll call vote: Lee-aye, Fitzgerald-aye, Coffey-aye; Murphy-aye. The motion carried 4-0-0.

The meeting adjourned at 7:45 PM

Accepted 3/3/21