

WALPOLE ZONING BOARD OF APPEALS MINUTES OF MARCH 1, 2021

A meeting of the ZONING BOARD OF APPEALS was held remotely via Zoom on MONDAY, MARCH 1, 2021 AT 7PM. The following members were present on the Zoom Webinar:

Present: John Lee, Susanne Murphy, Bob Fitzgerald, Jane Coffey, Drew Delaney, Amy Kwesell (Town Counsel), Ashley Clark, Sean Reardon (Tetra Tech), Judi Barrett (40B Consultant)

Case No. 05-19-02: Wall Street Development Corp, 48 Burns Avenue, Modification No. 2:

Lee opened the hearing, present was Lou Petrozzi of Wall Street Development Corp. Lee explained that there are several issues relating to this property, specifically, a cease & desist order, an appeal at the HAC for the previously granted Comprehensive Permit, and three separate modification requests. Clark stated that the first letter, dated 1/26/21 had a modification request to increase the number of buildings on the property from six to seven, and that the subsequent letter from the applicant dated 2/10/21 removed that specific item from the modification request, reducing the number of items from eight to seven. Mr. Petrozzi went through each requested modification individually, which included the following items;

- #2. Requesting that \$5,000.00 suffice as an appropriate amt. to satisfy Cond. C.1.a. of the Comprehensive Permit for the funding of outside technical review and inspections
- #3. The insertion of the new dates and the SOC that is relevant to the project from the DEP
- #4 & 5. Requesting that the security amounts for emergency sediment control, site stabilization and landscaping be included as line items in the bonding security outlined in I.1
- #6,7 & 8. The replacement of "Conservation Commission's Order of Conditions" with the "MassDEP's Superseding Order of Conditions" in the D.1.e of the Comprehensive Permit relating to stormwater basin and infiltration units

Mr. Petrozzi stated that the requests are housekeeping items that do not relate to anything specific on the plans. Clark stated that she'd like to get a recommendation from the Town Engineer for items #4& 5, in which Lee agreed. Lee stated that he would like to have the Conservation Agent give input on the above items relating to the Conservation Commissions Order of Conditions/ MassDEP SOC. Clark stated that scopes of work for technical review should be obtained relating to #2 of the modification request in order to get an idea of whether or not Mr. Petrozzi's \$5,000.00 amount would be sufficient. Mr. Petrozzi expressed that he would like BETA to do any outside technical review. Mr. Lee emphasized that the ZBA is the governing body that would ultimately make the decision of who is hired for any outside technical review. In order to allow time for staff comments and scopes of work, Murphy motioned to continue the hearing to 4/7/21 at 7PM via Zoom, 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:

Lee opened the hearing, present was the applicants and their team, and on behalf of the Town was Amy Kwesell of KP Law, Judi Barrett of Barrett Consulting, and Sean Reardon of Tetra Tech. Lee stated that the purpose of tonight's hearing is to address outstanding issues. Mrs. Kwesell reiterated that the board was unhappy with several waivers being requested by the applicant relating to building height, parking and the WRPOD. Mrs. Kwesell stated that she has received recommended conditions from board members to include in the decision, and that she has provided a draft decision for tonight's meeting to mark up. Lee referenced the following topics that remain outstanding with concerns;

- setbacks: Mrs. Kwesell stated that the applicant has the ability to alter the setbacks due to the ability to relocate the center line. Mrs. Kwesell stated that the applicant adjusted the internal lot line. Mr. Hale clarified that only one segment of the internal lot line was being moved in order to allow for the shifting of the building and allow for a bigger setback relating to 91 Summer St.
- impervious coverage: Mr. Reardon stated that the impervious coverage proposed is workable, and the underlying ground water will be protected as the project is proposed.
- hazardous materials: Mr. Macchi stated that there will not be hazardous materials stored that are beyond the amount of what is considered a "household amount".

- building height: Lee stated that the Fire Chief has expressed concerns relating to safety, and asked the other board members their thoughts in the proposed building height, in which several expressed their opposition and hesitancy of a 6 story building. Mrs. Kwesell reiterated that if this waiver were to be denied, the project would only be allowed to be 40 ft. in height (4 stories), and expressed that 5 stories could be a compromise in building height/ number of stories.
- Parking: Mr. Hale stated that if the number of units within the multifamily buildings were to change (decrease), the parking would also decrease, while maintaining the ratio that is currently proposed (1.87 spaces per unit). Mr. Hale stated that the reduction in parking spaces would be from the underground parking, while maintaining the ground level parking spaces. Mrs. Kwesell verified with the applicant that the site plan and impervious coverage would remain the same.

Mr. Lee stated that the owners of 91 Summer Street had submitted a letter to the ZBA relating to buffering between the project and their property. Mr. Hale stated that he has sent over a setback plan earlier this afternoon depicting a setback of a 25 ft. instead of 10 ft.

Judi Barrett stated that the issue of building height needs to be rectified. Mr. Lee outlined the three different directions the board can go relating to the outcome of the project, in which Mrs. Barrett stated that having the building height rectified would allow the board the move forward in the hearing process for this project. Mrs. Kwesell stated that a lot of work has been done on this project, and an agreement reached between the applicant and the board relating to the building height would be ideal, since it was stated by the applicant that he is amenable to having a 5-story project, and assured the board that he would appeal a Comprehensive Permit issued by the board for a project that only allows for a maximum of 4 stories. Mr. Lee asked the board members their thoughts on the project possibly being reduced by one story, in which the following comments were made;

Susanne Murphy: in favor of entertaining a 5-story project.

Bob Fitzgerald: would like to see the rest of the decision, however is inclined to be amenable to 5-stories versus six.

Jane Coffey: is in favor of seeing the project reduced in height.

Drew Delaney: still has safety concerns, however is in favor of seeing the project reduced in height.

Mrs. Kwesell stated that the offsite mitigation relating to the intersection still needs to be worked out with the applicant and the Town. Ms. Clark recommended that the public hearing be continued to 3/15/21 to allow Town Counsel to update the draft decision and list of waivers. Mr. Hale granted the board an extension of time through 3/16/21. Murphy motioned to continue the public hearing to 3/15/21 at 7pm via Zoom, seconded by Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Delaney-aye; Coffey-aye, the motion carried 5-0-0.

Minutes: no minutes were accepted at this time.

Murphy motioned to adjourn, seconded by Coffey, the vote was 5-0-0, the motion carried.

The meeting adjourned at 8:53 PM

Accepted 6/9/21