

WALPOLE ZONING BOARD OF APPEALS MINUTES OF JUNE 17, 2020

A meeting of the ZONING BOARD OF APPEALS was held remotely (via Zoom) on WEDNESDAY, JUNE 17, 2020 AT 7PM. The following members were present on the Zoom conference:

John Lee (Chair), Susanne Murphy (Vice-chair), Bob Fitzgerald (Clerk), Jane Coffey (Member), Drew Delaney (Assoc. Member), Ashley Clark (Community Development Director, George Pucci-KP-Law (Town Counsel)

Lee opened the meeting at 7PM

Case No. 02-20, Sayed Halabi, 1363-1391 Main St., Special Permit Request under Section 5.B(3)g to allow second and third floor residential units.

Lee opened the hearing, Applicant Sayed Halabi was present, along with the Applicants engineer and architect. Clark read comment letters from the Town Engineer and Deputy Paul Barry of the Fire Dept. that were recently submitted that reflect comments based on the most recent submissions by the applicant. Coffey voiced her concerns with the fire truck turn-around and would like to see definitive verbiage from the Fire Dept. and Engineering that indicates that the proposed project layout is safe. Lee asked if there were any abutters present on the conference call that are here for this case, which no one indicated that they were. Lee stated that further clarification regarding the safeness of the project in terms of the fire truck turn-around is needed in order to move forward. Halabi interjected that the Fire Dept.'s most recent letter, dated 6/17/20 stated that the fire engine turn-around is acceptable under CMR 527, and that the fire engine turn-around can have a 3 pt. turn, which is a legal turn-around, and that they prefer to drive around the building if possible as a preference, but as far as the fire engine turn-around, the proposed one *is* legal and acceptable. Fitzgerald stated that he was able to read the comments from the departments, and thought that if the Board was inclined to close the hearing tonight, the Board could take the recommendations from engineering and fire and discuss whether those should be binding conditions within the ZBA decision. Murphy voiced concern over the mechanisms in place to prevent the cars from coming into contact with the building. Halabi stated that there is a sidewalk with 6 inch granite curb for protection and prevention from vehicles coming into contact with the building. When asked by Murphy if that would be sufficient, the applicants representative stated that what is being proposed is the standard. Murphy inquired about guest parking, Halabi stated that there is the parking lot and parking garage below for parking, and went on to explain that he ca assign parking depending on what kind of tenants they have, however, that the ZBL doesn't require labeled parking spaces for visitors, and that is something that would be addressed my management. Halabi walked the Board through a complete power-point presentation of the renderings and plans of the project. Kevin Riopelle of DGT Assoc. stated that he had reached out to DOT regarding the potential crosswalk installation from the project site to across the street to the plaza, and explained that DOT gave them feedback that included the following; the crosswalk would require audiovisuals, push button, reflective beacons due to the speed allowance on Main St., which would ultimately need to be owned and maintained by the town. Another issue mentioned by DOT is that there is no pedestrian continuity on the oppose side of Main St. (no sidewalks along the commercial

plaza's), and that there would have to be a larger study done due to these issues. DOT expressed that there could be potentially better options along Main St further to the South to connect to the plaza, or along the side of D&D and the flower shop. Lee expressed concern over the following; the dramatic grading (12%) of the parking garage; the large amount of activity on a small site; measures taken to ensure there is no parking in the fire engine turn-around area; light emissions from the property (dark skies). Murphy asked if the building will allow pets, Halabi stated that he is unsure at this time regarding pets, and that it will be looked into. Delaney asked about the possibility of affordable units, in which Halabi expressed that since is only a 16 unit property, that it would be difficult to incorporate them, therefore, none of these units will be considered "affordable". Delaney asked about the lighting on the site, Halabi expressed that the proposed lighting is mostly at 0% spillage, with some points on the property having .01% spillage, with all lights facing down, and focusing on the parking lot. The lighting mounted on the building is also pointing down in order to properly light the sidewalks. Lee asked about the status of the billboard that was mentioned at the last hearing, Halabi stated that there is a 10-year confidentiality clause, and that he could have it removed by December 2029 due to a recently signed new lease, and would be in favor of having a condition in the decision addressing the billboard. Coffey voiced concerns over the size of the lot and the amount of traffic, guest parking and inclement weather that may pose a safety hazard. Clark recommended putting together a draft decision of conditions to go over at the next hearing for this case that address all concerns from the Board. Murphy motioned to continue this hearing to July 15, 2020 at 7PM via Zoom Conference, seconded by Coffey, *Roll Call Vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye.* The motion carried 5-0-0.

Case No. 04-20, 103 Providence Highway LLC., 103 Providence Highway, Special Permit Request under Section 7.6A.4 to allow an electronic message center.

Jane Coffey recused herself of this hearing

Lee opened the hearing, the applicant, nor anyone representing the applicant was present on the Zoom conference. Lee kept the hearing open and stated it would be revisited later in the evening after hearing other cases that were on the agenda. Bryan from Signarama entered the Zoom Conference, and explained to the ZBA that since the last hearing, the sign has been built at the applicants own risk, and suggested that the Board close the hearing. Murphy motioned to close the hearing, seconded by Delaney, roll call vote: Lee-aye; Fitzgerald-aye; Murphy-aye; Delaney-aye; the motion carried 4-0-0. Murphy motioned to grant the special permit with standard conditions and with conditions mentioned in the last hearing regarding light dimming/ timing, seconded by Delaney, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye, Delaney-aye, the motion carried 4-0-0.

Case No. 05-20, Wall Street Development Corp., Dupee Street (Map 35; Parcel 380-1), Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Section 20 through 23 as amended, to allow the construction of twelve (12) duplex condominiums in six (6) buildings.

Lee opened the hearing, and stated that the Board received peer review scopes of work and pricing, from Davis Square Architects, with Clark recommending \$15,000.00 for Davis Square. Petrozzi

stated that he will not be agreeable to that, and would like to review the scope. Clark recommended continuing this hearing to July 27, 2020 at 7PM at the Walpole High School for the purposes of having an in-person meeting, with the virtual option still available. Murphy motioned to continue this hearing to July 27, 2020 at 7PM at the Walpole H.S. auditorium, 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, and stated that the Board will not take any substantive information. Applicant, David Hale was present, and requested that the letter he submitted to the Board, dated 6/11/20 to be read into the record. Lee stated that he will submit the letter into the record, he however, is not going to read the entirety of the letter during this hearing tonight. Hale asked if the other ZBA Board members have read the letter, in which they all indicated that they have as well. Lee reiterated that the Board will not be taking any testimony during tonight's meeting, which was made clear to the Applicant prior to the start of the meeting. Coffey motioned to continue the hearing to July 27, 2020 at 7Pm at the Walpole H.S. auditorium, seconded by Murphy, *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.

Ch. 40A fee schedule (revised): on hold until a future meeting.

Discussion with Applicant regarding Burns Avenue 40B: Clark stated that the Applicant, Lou Petrozzi of Wall Street Development Corp. was present on the Zoom conference, and would like to address the Board about procedurally moving forward. The original project that was approved by the ZBA is currently in the hands of the HAC, and the applicant feels as if some of the conditions included in the ZBA final decision for the original project are unrelated and do not apply to the project changes that the applicant has more recently submitted for the same property, along with another piece of property he has acquired. The applicant is requesting that the ZBA schedule a date for the opening of the new proposal. Pucci of Town Counsel stated that the ZBA voted to determine that the proposed project changes were substantial and required the opening of a public hearing, and at that time, the Board also indicated that under the special legislation related to COVID-19, the Board will schedule the public hearing for this project within 45 days of the termination of the State of Emergency. Pucci stated that the applicant has filed a motion to lift the stay of the HAC appeal on the first project decision, and that Town Counsel has filed an opposition to the applicants' motion to stay. Pucci and members of the Board expressed concern over engaging in a dialogue outside of the public hearing process regarding this topic. The applicant stated that his approach was that the conditions in question would be better suited to be negotiated and mediated between the two parties, rather than an outside agency making the final decision. Lee stated that the project is in the appeals process, and that he does not see any advantage to the town or the abutters that were a part of the public hearing process, and for the sake of transparency, that he is not in favor of entering into discussions as far as the items that are part of the

appeal that the applicant wants to currently address. Lee stated that the intent of the Board is still to open the hearing within 45 days of the termination of the State of Emergency.

Public Input: Mark Rice of Summit Ave. questioned whether the public will have time for input at the 7/27/20 meeting regarding Dupee St.

Murphy made a motion to adjourn, seconded by Coffey, *roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye.* the motion carried 5-0-0 (Lee, Fitzgerald, Murphy, Coffey, Delaney)

The meeting adjourned at 8:45 PM
Accepted 7/27/2020