

## WALPOLE ZONING BOARD OF APPEALS MINUTES OF JUNE 23, 2021

A meeting of the ZONING BOARD OF APPEALS was held remotely via Zoom on WEDNESDAY, JUNE 23, 2021 AT 7PM. The following members were present on the Zoom Webinar:

John Lee, Susanne Murphy, Jane Coffey, Bob Fitzgerald, Drew Delaney, Patrick Deschenes (Community & Economic Development Director), George Pucci (KP Law), Sean Reardon (Tetra Tech)

Lee opened the meeting at 7:00 PM

### **Case No. 20-24, Radke Associates, LLC, 270 Moose Hill Road, Comprehensive Permit:**

Mr. Lee opened the meeting, present was Paul Cusson on behalf of Radke Associates, and Rob Truax of GLM Engineering Consultants, Inc. Mr. Lee stated that the goal of tonight's hearing is to go over Tetra Tech's most recent peer review letter, hear from the public, and schedule a time in the near future to start reviewing the list of requested waivers. Mr. Reardon of Tetra Tech was present and summarized the major issues from his initial letter dated 1/20/21, which were based on the initial plan set, and included the following;

- lack of access and ability to turn around
- concerns relative to soil testing
- system sizing and location in their relative position (septic)

Mr. Reardon's most recent letter dated 6/16/21 was based on revised plans dated 5/6/21, which adequately addressed the majority of the major issues that were raised in the initial peer review letter dated 1/20/21, as mentioned above. Mr. Reardon summarized the main observations from his 6/16/21 letter:

- The addition of the cul-de-sac is adequately sized with the means to turnaround, additional parking spaces at the end have been added, and provides well developed access.
- Stormwater re-design is an improvement, with enough information provided at this time to confirm that the system as designed will work efficiently, with confirmatory testing to take place prior to the start of construction (preferably at the same time as the Board of Health's septic system testing).
- Would like applicants engineer to enlarge stormwater system slightly
- Agrees with Engineering and Fire Dept. that a fire hydrant should be installed at the end of the cul-de-sac rather than across the street

Mr. Lee asked Mr. Reardon what his thoughts were on the density of septic systems, since there are four being proposed for the eight units on a site that is slightly over an acre in size and located underneath the pavement. Mr. Reardon stated that he is not overly concerned about the projects proposed septic since the design that is proposed gives some redundancy and spreads out the load, as well as noting that the soils on the site are very permeable. Mr. Lee stated that there are still items referenced in the letter that are yet to be resolved, Mr. Reardon stated that the those items could be resolved through conditions of approval or from other consideration from the applicant, and can be shown on the final plans, however, he is waiting to see is the final stormwater design based on his last comments to Mr. Truax. Mr. Lee asked the board members if they have any questions or comments, which included the following:

Mrs. Murphy: concern relating to whether the Fire Dept. can adequately enter and exit the site

- Mr. Reardon stated that he does not expect the Fire Dept. to have a problem getting in and out of the site, however, did suggest the applicant submit a plan showing adequate access and turnaround, along with a condition stating that prior to the issuance of a building permit the applicant needs to demonstrate adequate access and turnaround on a plan.

Mr. Delaney: question relating to the temporary construction entrance and the presence of the apron.

- Mr. Reardon stated that the apron prevents the public ROW from being damaged by the construction vehicles and debris being tracked onto and off site.

Mrs. Murphy: snow removal/ location?

- Mr. Truax stated that snow will be plowed to the end of the cul-de-sac and placed next to the visitor parking spaces.

Mrs. Murphy: mail delivery system?

- Mr. Truax stated that one central mailbox will be placed at the entrance of the site.

Mrs. Murphy: addition of fire hydrants?

-Mr. Truax stated that the addition of one hydrant within the cul-de-sac will be on the next set of plans and extent water line behind bldg. #4.

Mrs. Murphy: maintenance and responsibility of the septic system?

- Mr. Truax stated that the shared septic system will be maintained by the association with yearly maintenance.

Mrs. Murphy: lighting within the project?

- Mr. Cusson stated that instead of street lighting, he would prefer to propose lamp posts on the properties at the entrance of the development, and was amenable to placing a lamp post at the end of the cul-de-sac to provide more lighting to the visitor parking area.

Mr. Lee asked the applicant about submitting a landscape plan, in which Mr. Cusson stated that he will provide a set of plans showing typical plantings and landscaping. Mr. Cusson briefly went over the architectural plans submitted that depict building height of 25 ft. 6 in. which is consistent with the Zoning Bylaw. Mr. Lee opened the hearing up to the public for comment, which there was none. Mr. Lee expressed that an updated list of waivers should be submitted by the applicant specifically indicating how much relief is needed. Mr. Lee read the letter submitted by the Fire Dept. dated 6/16/21, and when asked by the Mr. Lee if the buildings will be sprinkled, the applicant stated that they would not be. Mr. Lee stated that continuing the public hearing to mid-July would allow time for the applicant to provide the board with an updated the list of waivers, the most recent and revised set of plans depicting landscaping, turning radii and lighting.

Mrs. Murphy motioned to continue the public hearing at the applicants request to 7/14/21 at 7pm in the Main Meeting Room of Town Hall, seconded by Mrs. Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye, the motion carried 5-0-0.

### **Case No. 02-20-02, Sayed Halabi, 1363-1391 Main Street, Extension Request relating to previously granted Special Permit No. 02-20:**

Mr. Lee opened the hearing, present was applicant Sayed Halabi. Mr. Halabi explained to the board that he is seeking the one-year extension due to the major delay of the issuance of his Site Plan and Special Permit from the Planning Board due to pandemic related circumstances. Halabi stated that he would like the Special Permit from the Zoning Board and the Site Plan/ Special Permit from the Planning Board to be in sync with each other in order to ensure adequate time for the construction of the already delayed project due to pandemic. Mr. Lee opened the hearing up to the public for comments, which there was none. On behalf of the applicant, Mrs. Murphy motioned to close the public hearing, seconded by Mrs. Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye, the motion carried 5-0-0.

Mrs. Murphy motioned to grant a one-year extension to Special Permit 02-20, seconded by Mrs. Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye, the motion carried 5-0-0.

### **Case No. 02-89-02, Town of Walpole Sewer & Water Department, Septage Disposal Facility on Robbins Road, Request to Modify Condition No. 3:**

Mr. Lee opened the hearing, present was Rick Mattson and Bernie Marshall on behalf of the Town of Walpole Sewer & Water Dept. & Dept. Public Works. Mr. Marshall explained to the board that on behalf of the Town, he is requesting that Condition No. 3 of an existing special permit no. 2/89 and its subsequent revision no. 30/32 be modified relating to the hours of operation of the septage facility that is located at 130 Robbins Road, Walpole. Mr. Marshall explained that the current hours of operation at 8:30 a.m.- 2:00 p.m. on school days (Monday- Friday),

and that the Sewer & Water Commission would like the hours to be changed to 8:00 a.m.-2:30 p.m. on the days of Monday- Friday, totaling an increase of one hour of daily operations. Mr. Lee asked why the change and increase in hours of operation was needed, in which Mr. Marshall explained that the reason for the requested change and increase in hours of operations is due to the septage haulers experiencing tight time constraints on their hauling, therefore creating the need for additional hours of operation. Mr. Marshall explained that there is one hauler in particular that has a commercial and out of town account, and that this hauler is very beneficial to the town since they frequent the facility often. Mr. Mattson further explained this specific account experiences the biggest restriction during the current hours of operation, and that losing this hauler would result in financial costs of the town. Mr. Lee referenced the previous Zoning Board of Appeals decisions that specifically stated that the hours of operation were conditioned due to traffic and safety concerns relating to Johnson Middle School. Mr. Marshall stated that prior to the public hearing he had submitted letters to the board from Walpole Public Schools, Police Department, Fire Department, and Town Engineer expressing their support of the requested change in hours of operation, along with stating that the requested change will have minimal to no impact on the traffic and safety at Johnson Middle School during the school days (Monday through Friday). Mr. Lee read the letters that Mr. Marshall had submitted, and asked the board members if they had any comments, which included the following;

Mr. Fitzgerald: stated the modification to hours of operation could be conditioned to a one-year limit, requiring the applicant to come before the board annually to keep the increase/change in hours of operations. Mr. Fitzgerald also stated that he is not an abutter, however, he does live close by, and does not think the applicants request for change/increase in hours of operation would negatively impact the surrounding area, and would be inclined to be in favor of granting the applicant the requested modification.

Mrs. Coffey: question relating to whether the customer would be discouraged to keep doing business with the town if the hours of operation were required to come before the ZBA annually.

Mrs. Murphy: stated that she doesn't feel that the hours of operations should be required to come before the ZBA annually.

Mr. Lee opened the hearing up to the public for comment, which there was none. On behalf of the applicant, Mrs. Murphy motioned to close the public hearing, seconded by Mrs. Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye, the motion carried 5-0-0.

Mrs. Murphy motioned to grant the applicants request relating to Condition No. 3 to modify the hours of operation on school days to the new hours of operations to 8am-2:30 pm for case No. 02-89-02, seconded by Mrs. Coffey, roll call vote: Lee-aye; Murphy-aye; Fitzgerald-aye; Coffey-aye; Delaney-aye, the motion carried 5-0-0.

**Minutes:** Mrs. Murphy motioned to accept the minutes of 6/2/21; 6/2/21 exec. Sess.; 6/9/21; 6/16/21, seconded by Mrs. Coffey, roll call vote: Lee-aye; Murphy-aye, Fitzgerald-aye; Coffey-aye; Delaney-aye. The motion carried 5-0-0

Murphy motioned to adjourn, seconded by Coffey, The motion carried 5-0-0.

**The meeting adjourned at 8:15 PM**

Accepted 7/14/21