



Town of Walpole
Commonwealth of Massachusetts
Zoning Board of Appeals

Zoning Board of Appeals
John Lee, Chair
Drew Delaney, Vice Chair
Robert Fitzgerald, Clerk
David Anderson, Member
Judith Conroy, Member
Timothy Hoegler, Assoc. Member
Mark Major, Assoc. Member

MINUTES
WALPOLE ZONING BOARD OF APPEALS
MARCH 18, 2024

Present: John Lee (Chair), David Anderson, Judith Conroy, Robert Fitzgerald, Tim Hoegler and Mark Major

Absent: Drew Delaney

Also Present: Patrick Deschenes, Community and Economic Development

Mr. Lee called the meeting to order at 7:00 P.M.

Minutes

Motion: by Ms. Conroy seconded by Mr. Anderson to approve the minutes from March 6, 2024.

Motion: carried 5-0-1 (Lee -aye; Delaney-aye; Conroy -aye; Fitzgerald – abstained; Hoegler- aye; Major -aye)

Case No. 24-1, Wall Street Development, 7 Brook Lane, Special Permit under Section 6-C.4.A of the Walpole Zoning Bylaws for the more than once principal building on a lot. This application is in relation to a proposed fifteen (15) unit residential development at the location.

Case No. 24-1 opened at 7:01 P.M.

Ms. Conroy recused herself.

Mr. Lee read department comments from Engineering, Fire, Conservation and Board of Health into the record.

Mr. Petrozzi appeared before the board. He explained that the Board had previously granted a Comprehensive Permit for the same property, also known as The Residences at Burns Avenue in May of 2023. He states that he has listened to many of the abutters concerns over density and had been working with them on a new proposed plan. The new plan before the Board would be a conventional plan with 15 units, and not a 40B development as previously approved. Mr. Petrozzi stated that he wanted to present this plan to the Board as an alternative development. The 15 unit plan allowed for conformance with the Town’s zoning, and provided more diverse housing options in the area. Mr. Petrozzi also stated that he was looking into utilizing a concept with first floor primary suites which would be more suitable for aging in place.

Mr. Petrozzi noted the plan was very similar to the previously approved Comprehensive Permit plan. For this project, he would need to go before both the Conservation Commission and the Planning Board. The filing with the Conservation Commission was completed and he would go before them within the next week, however he explained he would apply for Site Plan Review with the Planning Board after the Special Permit was granted by the Zoning Board.

Mr. Petrozzi acknowledged the letter from the Town Engineer and noted that he believed many of the comments were housekeeping items.

Mr. Lee asked if the roadway was the same. Mr. Petrozzi said it was the same, however there would be no delineation of the right of way. Mr. Major asked if it was going to be a private way. Mr. Petrozzi said it would be a private access drive. Mr. Lee commented that the proposed mailboxes were in the Town right of way and would need to be moved to be completely on site.

Mr. Fitzgerald referenced a comment found in the letter from the Conservation Agent which stated the erosion controls on site were in disrepair and needed to be replaced immediately. Mr. Petrozzi confirmed the controls had been replaced since that letter was issued.

Cheryl Hayes, 8 Brook Lane, explained she was a direct abutter to the project and had asked Mr. Petrozzi to reduce the density. She asked the Board to look favorably on this project.

William Usevich, 201 Union Street, asked if the granting of the Special Permit would set a precedence. Mr. Lee said no and explained that the Special Permit for more than one principle building on a lot had applied before within the Town and was not uncommon.

Scott Magerer, 6 Brook Lane, asked that the Board approved the project as he also asked Mr. Petrozzi to reduce the number of units to the plan.

Mr. Usevich asked what the timeline was for Mr. Petrozzi to complete the project. Mr. Lee said once the Special Permit was issued, Mr. Petrozzi would have two years to act on it and noted there were additional approvals needed by the Conservation Commission and Planning Board before building permits could be issued.

Joanne Heslin, 144 Pleasant Street, was a direct abutter. She asked if there were any plans for a fence or landscape to ensure privacy on her side. Mr. Petrozzi stated that he did not have it on the plans, however was willing to look into adding a buffer.

John O'Leary, 651 Washington Street, spoke as a member of the public and not on behalf of the Planning Board, and stated that he looked forward to the case going to the Planning Board. Mr. O'Leary stated that the plan lacked a 50-ft buffer which was required for multifamily developments, and noted the Planning Board would look into the proposed access road as a common driveway Special Permit.

Mr. O'Leary referred to the plan as a multifamily development which required there to be a 50-ft buffer as the parcels abutted residential homes. Mr. Deschenes disagreed with Mr. O'Leary's interpretation. Mr. Deschenes read aloud the definition of a multifamily dwelling from the Zoning Bylaws and further stated that interpretation is ultimately up to the Building Commissioner as Zoning Enforcing Officer.

Cathy Campbell, 35 Burns Ave, asked who was responsible for requiring all abutters to be noted on the plans. Mr. Lee said the Zoning Board wanted to see the plans labeled and there was a reference to it in the Town Engineer's letter.

Mr. Lee asked for the approximate size of the units. Mr. Petrozzi explained there would be flexibility in the design of each home so there may be differences. There was a lot of interest in first floor primary suites which would cause the homes to be wider. The homes would approximately be 1800-2200 sqft which would not include a finished basement or attic and have two or three bedrooms. Mr. Fitzgerald asked for architectural renderings. Mr. Petrozzi showed examples in the application and did not want to commit to a particular plan set as he wanted there to be individuality in each home.

Mr. Fitzgerald asked if the traffic mitigation from the Comprehensive Permit would still be in effect, mainly the stop sign. Mr. Petrozzi said that all of the previous conditions would still apply.

Mr. Petrozzi added that the 50-ft buffer described within the zoning bylaws as needed for a multifamily development did not apply to this project. Mr. Deschenes said he would ask the Building Commissioner for his interpretation.

Motion: by Mr. Hoegler seconded by Mr. Anderson to continue the public hearing until April 22, 2024.

Motion: carried 5-0-0 (Lee -aye; Anderson -aye; Fitzgerald – aye; Hoegler- aye; Major -aye)

Adjournment

Motion: by Mr. Anderson seconded by Mr. Hoegler to adjourn.

Motion: carried 6-0-0 (Lee -aye; Delaney-aye; Fitzgerald –aye; Conroy -aye; Hoegler- aye; Major -aye)

The meeting adjourned at 7:40 P.M.