

## WALPOLE PLANNING BOARD MINUTES OF JULY 9, 2009

A regular meeting of the Town of Walpole Planning Board was held on Thursday, July 9, 2009 at 7:00 p.m. The following members were present: John Conroy, Chairman; Edward Forsberg, Vice Chairman (7:08 P.M.); John Murtagh, Clerk; Richard Mazzocca, Elizabeth Nashawaty, Donald Johnson, Town Planner and Margaret Walker, Town Engineer.

**Minutes:** Ms. Nashawaty moved to approve the minutes of June 4, 2009, June 8, 2009 and June 23, 2009 with clerical corrections. Motion seconded by Mr. Conroy and voted 4-0-0.

### **Appointments:**

**CVS, Case No. 09-5 Site Plan Approval Continued Hearing and CVS, Case No. 09-6 Special Permit Continued Hearing, 929 Main Street:** Mr. Conroy opened the two hearings concurrently. The applicant was represented by Philip Macchi, Esq., 1256 Washington Street, Norwood, MA. He stated that the latest plans are dated June 10, 2009. He stated that what applies to the site plan also pertains to the special permit. They have already appeared before the ZBA and the Conservation Commission. They needed to go to the Zoning Board because a portion of the lot was zoned industrial. It is only 4' from the railroad and today they would need 10'. The Zoning Board issued a decision on July 2, 2009 to grant a modification to the building. He submitted a copy of the Zoning Board decision for the file. He stated that the only problem with this building was the rear setback. This mall was started in the 1940's with additions in the 1950's and 1960's. He stated that the locus in question falls within the Walpole CBD.

Mr. Macchi stated the locus consists of a stand-alone building containing 17,235 s.f. within a plaza having a total area of 195,147 s.f. The building is presently occupied by CVS with a portion having been recently vacated by Blockbusters. It has been utilized for retail since 1939-1940 when it was the A&P supermarket. When this mall was constructed, there were no landscape requirements.

Mr. Macchi stated that the proposed construction will involve minimal site grading. Removal of excess material associated with required site grading is allowed as part of the approval under site plan review. Further, all signage shall comply with the requirements of Section 7.8.A of the Zoning Bylaw. The proposed directory signage shall be mounted at each public entrance to the building and each shall not exceed an area of 1 s.f. per establishment in the building and will conform to Section 7.8.A.2 of the Zoning Bylaw.

Mr. Macchi stated that the applicant is seeking to make certain exterior modifications to include the space formerly occupied by Blockbusters to include an order/pickup sheltered drive-thru. The drive-thru is strictly to order or pick up a prescription and is similar to the Walpole Cooperative Bank. He stated that the other plaza buildings are not part of the application nor are the overall common areas or traffic patterns other than a minor parking re-allocation to accommodate the drive-thru.

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Mr. Macchi stated that the application presented to the board shows G.B. New England 2 LLC (CVS) as the applicant and Walpole Realty Limited Partnership as the owner. The approval, if granted, will be binding upon both the applicant and owner.

They are seeking site plan review under Section 13 of the zoning bylaws to allow certain interior alterations, building exterior upgrading and a drive-thru window with two (2) sheltered order/pick-up stations as shown on a plan entitled "CVS/pharmacy, Store Number 844, 929 Main Street, Walpole, MA, April 13, 2009".

Regarding the design of the building, the interior modifications are simplistic. The pharmacy will be located in the part of the building that was occupied by Blockbusters. The front door will move a little toward the middle of the building and they are changing the windows and roof line to a colonial look. They are proposing to add a significant amount of brick. The drive-thru is in front of the Planning Board not the Zoning Board because of a recent change to the zoning bylaws. Mr. Macchi stated that the Zoning Board has approved the drive-thru and now the Planning Board needs to allow them to use it. He feels doing it this way is awkward and difficult.

Mr. Macchi stated he feels this application meets all the criteria for site plan approval to be granted. They are also adding stormwater management, which previously did not exist. They are upgrading a building that was built in 1939. Mr. Macchi stated that the access from Main Street will not be affected. The only changes being made are from East Street. CVS rents this building and the parking is common to all. They only have permission to modify the parking, but they do not have the authority to modify the remaining of the parking area.

Mr. Macchi stated this is similar to Panera Bread and Chili's at the Walpole Mall. They had no way to change the parking at the opposite end of the mall parking lot. He has met with Mr. Goldman, Stephanie Mercandetti and Mr. Boynton. It was conceded that CVS would be a focal point building. The remainder of the plaza could come into fruition in weeks to come. One of the issues is that there are two buildings everyone in town would like modified: Kahana and the corner bank. The bank had a lease on it and they weren't allowed to sublease it. It was kept as is until that lease expired, which ended this year. Those two buildings are being looked at now because they are contiguous. Ms. Nashawaty stated she agreed with that but pointed out they are not connected.

Mr. Macchi stated that the lighting on the building will be the only change in lighting. Ms. Walker stated that CVS has been very accommodating. Mr. Macchi stated that regarding the utilities, nothing will change as they are all underground presently; regarding the surface water requirement, they will now meet those requirements. They received an Order of Conditions from the Conservation Commission. They also requested that the catch basin be checked. R.J. O'Connell did that and found there was no reason for doing that. They are going to put flowable fill over it to protect it.

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The ConCom also wanted certain basins with hoods to allow confirmation with stormwater management.

Regarding design guidelines and signage, Mr. Macchi stated they do comply with signage. Also, loading will be in the back of the building. They are proposing to add a covered portico, dormers and a sidewalk around the building.

Regarding the special permit request, Mr. Macchi stated that what he has said so far for site plan approval is also part of the special permit. Also, 1) there is some vehicular traffic, 2) with Blockbuster gone, there are 158 less trips on a weekend and 3) they have only one problem and that is the rear setback, but they did receive a special permit, which will address that. He stated that when finished this will be a better building than what is presently there. The owner has expressed a willingness to discuss the problems in this area.

Mr. Forsberg stated that regarding the building configuration, it seems like it is tight against the building for traffic flow. He thought the corner should be angled to make more room. Mr. Macchi stated they went through that but didn't want to change the parking lot. Mr. Mazzoca asked what thought was put into the back of the building. He feels there will be a lot of traffic. Maybe there should be a sign or something to make it look nicer. Mr. Macchi stated to do that he would need to obtain another special permit.

Gary McCoy: they are proposing a sign on the corner gable to face East Street. Mr. Macchi asked if that is in lieu of another one and Mr. McCoy stated no, it was in addition to another one. Mr. Johnson asked if there are any plans to put in commercial signage on East Street or traffic control signs. Mr. Macchi stated traffic control signs yes, but no advertising signs. He stated that the overall development and traffic seem to be the board's biggest concerns.

Phil Henry, Traffic Engineer: the dual drive thru is only for prescriptions. The inside lane will have a human at the window, but the outside lane will have a tube like a bank. The storefront entrance was moved back and is now more centered. The loading will stay the same and will be serviced by a WB50 tractor-trailer. The NOI asked them to retrofit the surrounding drains and fit them with hoods. Mr. Forsberg asked how the loading dock works and would a truck back up to it. Mr. Henry stated yes and that everything is at grade. Trucks will back in and then leave. It will be parallel with the compactor.

Sara Connolly, BKA Group: the dumpster will be screened by an 8' fence. Mr. Johnson stated 8' is not allowed. Ms. Nashawaty stated that 8' fencing for a dumpster is fine.

Jason Peterson: there will be peak periods, which will have one extra car and the weekends will have decreased cars. There is not going to be more of a traffic impact than what is there today. The plaza is not fully occupied. A lot of people cut through to avoid the signals. The developer has agreed to re-stripe and seal coat the plaza.

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They want to encourage more site safety. There is no signage presently. They want to put up “one-way” and “do not enter” signs. Also, this design can fit into what is expected in the future. There will be a maximum of four vehicles at the drive thru on any given day. It will be for convenience. They want to see how the circulation will affect parking. They want to take advantage of the existing situation, parking and islands and try to enhance the area. They feel the location they have chosen is the best.

Ms. Nashawaty stated she would like to see how the cars will go through the drive thru and then out again. Mr. Peterson showed her on the plan. They want the customers to get used to using the site safely.

Mr. Murtagh asked if they are planning to seal coat the entire parking area and Mr. Peterson stated yes. Mr. Murtagh stated that won't do anything for the puddling issues. Mr. Peterson stated they are not looking to do that, they just want to help it. Mr. Murtagh asked if they just want to seal coat the parking lot and Mr. Macchi stated yes, but not change anything. Mr. Murtagh asked if they will be removing the speed bumps and Mr. Macchi stated they are removing the ones by the drive thru, but he is not sure about the ones near East Street.

Mr. Forsberg stated that most of the CBD discussions start with this plaza. If we can't address the parking now, when can we. Mr. Macchi stated this is the cornerstone to start the project. It is at least the first step. It boils down to the lesser of two evils. CVS does not get approval and it stays the way it is or they get approval and get some good things started, like stormwater management, a nicer building. There is no real draw here. This building has a significant abatement each year because it is not occupied. To have everything occupied is a betterment to the town. Mr. Forsberg stated so it will be piecemeal and Mr. Macchi stated that is all they can do. Mr. Forsberg asked the width of the painted area for the drive thru and Mr. Peterson stated 24'. Mr. Forsberg suggested turning the spaces 90 degrees to be perpendicular to Main Street. It doesn't work as presently designed and he doesn't see much difference with what is being proposed. Mr. Peterson stated that he would look at this issue. Because of the condition of the pavement, to change the faded markings will make a difference. Mr. Forsberg stated he doesn't see any improvement as presented. Mr. Peterson stated this is not the end of fixing up the plaza, but the start. Then the board will have a better feeling with this site. CVS doesn't have control beyond certain limits. Ms. Nashawaty stated we do however. Mr. Forsberg asked when that change is coming and Mr. Macchi stated he can't answer that. This will be a focal point of the town. If they don't have a favorable vote, none of this will happen. Mr. Forsberg stated we should get what we can now. He also doesn't like the snow removal storage by Main Street and asked when we can address that as he feels now is the time. Mr. Henry stated he feels that speed bump removal is a good idea. He feels snow storage can also be toward the back.

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Mr. Conroy questioned the statement that the rest of the site is not in play. How do you know what will be there later. Mr. Peterson stated he doesn't know. Mr. Conroy asked if there is a master plan for this area and Mr. Macchi stated no. They will use CVS as a focal point. Mr. Conroy stated it will be a phased project. You are saying to the board "trust us, we will make everything work". Mr. Mazzocca feels it would be in the best interest of CVS to make this work well. If there are already too many parking spaces, maybe some should be eliminated. Mr. Macchi stated they would need 251 and 268 spaces exist. Mr. Mazzocca asked if they need that many and Mr. Henry stated yes. Ms. Nashawaty stated that when we make a decision, we can point out where we want them to go. We can also ask the applicant to add "green". It would behoove the owner to do what he said he would. She stated they can tell Mr. Goldman that she said that.

Mr. Macchi stated that the parking is correct and they exceed what is required. A third of the Town of Walpole uses this as a public parking lot. If you cut it down, it will hurt the people as it is private, but is used publicly. Ms. Nashawaty is correct. If we say no, the town loses. Ms. Nashawaty stated she is not speaking against CVS, but the Planning Board can condition the major leaseholder. Mr. Macchi stated that the conditions have to be in relation to the costs. It is a matter of economics. It is now 50% empty and the only portion that is full is over by Supreme Pizza.

Mr. Murtagh asked if we will be looking at Kahana for the next ten years. He asked if Mr. Macchi represents the Goldmans. Mr. Macchi stated only on the abatements for the past few years. Mr. Beck stated he is not speaking for Mr. Goldman and he has been as explicit as possible. Mr. Conroy stated we have to deal with the whole site. It would make sense to look at re-striping, as it would make the site better. He stated we have no control over the building façade. Mr. Beck asked if the board has specific ideas or do they want to come back to this. Mr. Forsberg stated it doesn't work the way it is now. We would like alternatives. It is not our job to tell you what to do, but we would like some choices. Mr. Conroy stated that the East Street speed bump needs to be addressed.

Mr. Macchi asked to come back at the board's next meeting. There may have to add signage showing "customer parking only" if the board cuts back on some of the parking spaces. Mr. Mazzocca feels it is confusing now the way it is. Mr. Conroy stated he would like some assurances that the master plan has been looked at. Also, will these changes make sense for the next tenant? Mr. Beck stated that Mr. Goldman is not looking to demolish buildings, etc. Mr. Conroy stated we will have to work with what is there, but he would like consideration shown to the people that have a business in this area. Mr. Beck stated that Mr. Goldman want CVS to be the draw for the remainder of the parking lot. Mr. Peterson asked if prevention of cut through traffic will make it more convenient for the customers? He is not sure what the board wants. Mr. Conroy stated he would like them to look at the traffic flow. We want to know how it impacts the other tenants. Ms. Nashawaty asked how they would design this if they were the traffic consultants.

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Mr. Johnson stated we should look at the width of the northerly driveway and also clearly define “no left turns” onto Main Street. Mr. Macchi stated they don’t want to go to Mass Highway. Mr. Conroy stated this could be accommodated through re-striping. The bigger problem is going out, not in.

Mr. Murtagh would like a landscape plan made available. Mr. Macchi stated it is on the plan and is only for CVS. There is only a small grass strip and they were going to put lawn there. Mr. Conroy stated salt will kill the grass. He would like the applicant to meet with Mr. Johnson, Ms. Walker, the fire department and police department and in that way, everyone will get a feel for what is up.

Mr. Beck stated they will have a couple of alternatives, but they have to discuss this with Mr. Goldman.

Mr. Conroy stated that if they submit two plans and they have to go out for comments, there will be a delay. Mr. Macchi stated they would like to meet with Ms. Walker. Mr. Conroy stated that Stephanie Mercandetti should also be involved in this discussion. Mr. Beck asked if parking and circulation are the only issues or is there more? Mr. Conroy stated we didn’t get to review the various board comments.

Mr. Macchi granted an extension up to and including August 31, 2009. Ms. Nashawaty moved to accept an extension of time up to and including August 31, 2009. Motion seconded by Mr. Conroy and voted 5-0-0.

Mr. Conroy continued this hearing to August 6, 2009 at 7:30 p.m. and 7:31 p.m. respectively.

Mr. Conroy asked that all the plans that are not dated June 10, 2009 be thrown away.

**9:15 P.M. The Trails Subdivision, 24 Crosswoods Path:** Mr. Conroy read the public hearing notice. Mr. Murtagh checked the green cards and verified they were all returned according to the abutters list. The applicant was represented by Richard Merrikin, Merrikin Engineering, Millis, MA. He stated this is a subdivision of three parcels of land located on Crosswoods Path with a total area of 14 acres. They are proposing to create a 5-lot residential subdivision, which has two houses in it already. Those two houses will be part of the subdivision and they will also be creating three other lots for a total of five house lots. All houses will be on septic, all will be over 80,000 s.f. and mostly likely all will be on wells. Ron Priore will be building the houses. They will bring water down the street for fire purposes. The 80,000 s.f. lots conform to zoning requirements. Mr. Merrikin stated that Lot 10A includes the detention basin for Crosswoods Path and these houses will have no impact on the existing basin. They will, however, create a new drainage basin and a new detention basin. There is a wetland around the property and the Conservation Commission has approved this application already. They also separately approved the house on Lot 10A.

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Mr. Merrikin stated there is a preliminary plan on file. They discussed that Mr. Priore would like a reduced construction roadway. He would prefer that this be a private 18' roadway with Cape Cod berm and no sidewalks. They have also shown an island on the cul-de-sac and the requested waivers from sidewalks, curbs and roadway are listed on the first page of the plan. When originally approved as part of Crosswoods Path, there was a 100' landscape area to remain green around the outside of this property. They would like to be allowed to use 50' of that for a septic or a lawn. The consideration they are offering for those requested waivers are 1) they are prepared to donate a 94,000 s.f. parcel "D" to the town, which includes both upland and wetland area and also has access to the Adams Farm trail system and 2) they are prepared to offer to assist the town in working with Starlight Drive regarding a construction issue. It could be a check to add to the bond that you will be taking or maybe Mr. Priore will do the work himself. Either way, he would undertake a portion of the reconstruction work. He can build the road cheaper than the town and is prepared to offer that service as it would benefit the town. He would not guarantee to do all the work, but would get a list from Ms. Walker and would add about \$25,000. If he does the work himself, it would possibly add an additional \$25,000. The estimate of the waivers is around \$50,000.

Mr. Merrikin stated there will be a Homeowners' Association and the town would not have to maintain this subdivision. There are huge rocks out there, which Mr. Priore is in the process of blasting out now. It is a less than ideal site for most people due to the rocks.

Mr. Conroy read comments received from the town boards. Mr. Merrikin stated that the Conservation Commission asked him to ask the Planning Board to stipulate that the land will go to the Conservation Committee. Mr. Conroy stated that is not under our jurisdiction. E911 has recommended that they come up with another street name and Mr. Merrikin stated they will do that.

Ms. Nashawaty asked the length of the dead-end road and Mr. Merrikin stated 700'. Ms. Nashawaty stated she doesn't like the island. Mr. Merrikin stated they could eliminate that.

Ms. Walker asked if they are asking for a separate streetlight waiver and Mr. Merrikin stated they don't want to do streetlights, but would be willing to provide a lantern light hook-up to the owner's houses in lieu of streetlights. There would be 4 or 5 lanterns. Ms. Nashawaty asked if they would be lit for a specific time period and Mr. Merrikin stated that would be part of the homeowners' association. Mr. Conroy stated he doesn't think that Mr. Priore should put one in at the edge of his property because in the winter someone would try and plow it thinking there was a driveway there. He recommends that Mr. Priore stay with four lights.

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Ms. Walker asked how far down the street the water main will be and Mr. Merrikin stated that Deputy Fire Chief Laracy doesn't want anything to the end of the street and feels the middle of Lot 17 would be sufficient. He asked if Ms. Walker would like a hydrant near the end of the line and Ms. Walker stated yes. Mr. Johnson asked the length of driveways at the end of the cul-de-sac and Mr. Merrikin stated 80'.

Mr. Conroy questioned the 18' width and Mr. Merrikin stated it is 18' to the gutter and the actual paved portion would be 20-22'. Mr. Johnson stated that if the legal frontage is on the private way that might be a problem if someone were to sell their lot.

Mr. Forsberg questioned the access Adams Farm. Mr. Merrikin stated there will be a walking access from Crosswoods Path to the trails and there is already a trail easement next to Lot 20. Mr. Priore wanted the easement for the four lot owners. Mr. Forsberg stated he doesn't want it if there will be an issue for them to work in the town's right of way for Starlight Drive. Mr. Merrikin stated the board would need to check with town counsel. Mr. Murtagh asked if the town would need an easement to maintain the hydrant and Ms. Walker stated we won't maintain it. It would be theirs from the gate valves in. Mr. Murtagh asked if there would be granite curbing and Mr. Merrikin stated there would be granite at the basins and at the entrance it would be Cape Cod. Ms. Nashawaty stated she doesn't want an island. Mr. Merrikin agreed.

Mr. Conroy stated we will have to continue this hearing so we can figure out what we want done on the other road. We will have to research that. Ms. Walker stated we also need all the O&M documents.

Mr. Merrikin granted the board an extension of time to take action to August 31, 2009. Ms. Nashawaty moved to accept an extension of time up to and including August 31, 2009. Motion seconded by Mr. Conroy and voted 5-0-0.

Mr. Conroy stated we need to contact town counsel before our next meeting.

Mr. Conroy continued this hearing to August 6, 2009 at 7:29 P.M.

**9:55 P.M. Michael Shea, 390 West Street, Case No. 09-3 Site Plan Approval and 09-4 Special Permit:** Ms. Nashawaty moved to waive the reading of the public hearing notice. Motion seconded by Mr. Conroy and voted 5-0-0. The applicant was represented by Richard Merrikin, Merrikin Engineering, Millis, MA.

Mr. Merrikin stated this property is located directly across from Tony Lorusso's pond on West Street. This application also includes a portion of the adjacent property owned by Francis Sansone. Mr. Shea is proposing to construct a 5,000 s.f. single floor two-tenant metal building similar to those on Merchant's Way off West Street. The remainder of the property would be for the storage of supplies.

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Mr. Merrikin stated this application has been approved by the Conservation Commission and the brook that comes from Swan Pond is actually a river. The building will be connected to the public sewer on West Street. They have also provided an access for the railroad people to go out back to get to their switching stations. They are trying to leave the grades as reasonable as possible and the area will be permanently vegetated. The use is already there. They will store small quantities of antifreeze, diesel fuel, etc. inside the building in five-gallon capacities. There will be floor drains and gas traps and 26.6% impervious cover is being requested. They have provided for the infiltration and treatment of run-off. They have asked for soil removal within 4' of the groundwater, but they may need to build within 2' in some cases.

Ms. Nashawaty asked why they are removing the gravel and if it will stay on site. Mr. Merrikin stated it will be less than 40,000 yards and it will be going across the street to Mr. Lorusso. This can't be done any other way. He stated there will be a 5% grade to get to the building. They will not truck on any significant roads.

Mr. Conroy read letters from the other boards. Ms. Walker asked how deep is the basin and asked if there will be a fence. Mr. Merrikin stated 2.5' to 3' deep and he doesn't feel a fence is necessary. Mr. Conroy stated he also doesn't think we need one. Mr. Forsberg agreed as this is not a residential area. Ms. Walker asked about as-builts and Mr. Merrikin stated he will provide them. Mr. Johnson had no issues. Mr. Murtagh asked if all hazardous materials will be in the building and Mr. Merrikin stated yes. Mr. Johnson asked if the board is okay with grass along the roadway and Mr. Merrikin stated they will have the required 10' strip along the front. Mr. Conroy stated he would prefer stone, not grass. Mr. Forsberg stated he feels the front of the building should be dressed up with lower shrubs or green along the street and also to the left and right of the parking spaces needs greenery. Further, there should be some screening from the street. He asked what type of equipment will be stored and Mr. Merrikin stated small low-bed tractors. Mr. Shea agreed to provide some screening. Ms. Nashawaty stated it would also make the building more attractive to renters on the other side. Mr. Forsberg asked if there is handicap parking and Mr. Merrikin stated that is not required. Mr. Forsberg asked if the topo is sloped or tiered. Mr. Merrikin stated it will be sloped 2% toward the back in the gravel area.

There were no comments from the public. Mr. Conroy moved to close the hearing. Motion seconded by Ms. Nashawaty. Mr. Forsberg questioned the landscaping. Mr. Merrikin stated he will provide something before endorsement. Mr. Forsberg asked if we close it now can we discuss it later. Mr. Conroy stated no. He withdrew his motion; Ms. Nashawaty withdrew her second.

Mr. Shea stated he will put in some trees to bring down the height of the building. There will be no sight lines from the road except on the gravel side. Mr. Merrikin suggested ten trees. Mr. Shea stated he will put in ground cover also. Mr. Merrikin stated that ConCom asked for staggered white pines. Mr. Shea suggested 14' and 2.5 " round.

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Mr. Forsberg stated twelve trees would be good. Mr. Conroy stated they need to plant the trees according to the bylaw.

Mr. Conroy moved to close the hearing. Motion seconded by Ms. Nashawaty and voted 5-0-0.

Ms. Nashawaty moved to grant site plan approval to Michael Shea, Case No. 09-3 with 23 standard conditions and 12 special conditions and further to grant a special permit to Michael Shea, Case No. 09-4 with five conditions. Motion seconded by Mr. Conroy and voted 5-0-0.

**Other Business:**

**Time cards:** Ms. Nashawaty moved to approve the time cards as submitted for Kate Delaney. Motion seconded by Mr. Murtagh and voted 4-0-0.

Ms. Nashawaty moved to approve the time cards as submitted for Don Johnson. Motion seconded by Mr. Murtagh and voted 5-0-0.

**MPIC:** The board agreed to contact Richard Nottebart, 187 Gould Street to see if he would be interested in being the Planning Board Citizen at Large to the MPIC. It was agreed that Mr. Forsberg would follow up with Mr. Nottebart.

**Pinebrook Estates:** The board is in receipt of two letters from Kopelman & Paige regarding Gary Werden dated June 26, 2009 and July 1, 2009. It was agreed to place these in the Pinebrook Estates file.

**Horsley & Witten:** Mr. Johnson stated that the Board of Selectmen signed off on the contract in the amount of \$5,000.

**Subdivision Update:** Mr. Johnson gave Mr. Conroy a spreadsheet that contained information from both him and Ms. Walker. They also met with Mr. Delapa, the Rosenfelds, Jack Walsh and the Walsh Bros. regarding their outstanding subdivisions.

Regarding Brush Hill, Mr. Conroy wants Mr. Johnson to talk to PJ Hayes about the sidewalks. Ms. Walker stated they laid out the entrance already and they are now waiting for Nstar. Mr. Hasenjaeger told Ms. Walker he would like to get Berkeley Drive done and then accepted next spring, which would be a partial acceptance. Mr. Conroy stated the board might possibly consider a partial acceptance. He wants Ms. Walker and Mr. Johnson to go and check out what has been done and what needs to be done at Brush Hill; i.e., if they need to firm up around the catch basins, what needs to be done to the road to finish it, etc. He would like this done for all outstanding subdivisions. Ms. Walker stated that her concern is that Brush Hill has been sitting for 5-8 years and Mr. Hasenjaeger will not finish it until he sells some lots.

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Ms. Nashawaty stated that the people who live there have the right to live on a street that is finished. Mr. Forsberg asked what if the curbing went in and Ms. Walker stated that along with sidewalks would help. Mr. Conroy stated we are not here to protect the developer – we are here to get the road finished. Mr. Conroy asked Ms. Walker and Mr. Johnson to go out and look at these subdivisions and then bring back the information they find to the board.

**Dodakian, Bach Court II:** Ms. Nashawaty moved to endorse the Bach Court mylars as presented. Mr. Johnson and Ms. Walker have reviewed them and they have no issues. Motion seconded by Mr. Murtagh and voted 5-0-0.

Ms. Nashawaty moved to endorse the Private Way Covenanat with Town of Walpole as presented by Philip Macchi, Esq., 1256 Washington Street, Norwood on behalf of the Dodakians. Motion seconded by Mr. Forsberg and voted 5-0-0.

Mr. Macchi will return three paper copies of the subdivision plan and proof of recording of the Covenant.

**Oakwood Estates Waiver Request:** The board is in receipt of a letter from Joseph Peznola, Hancock Associates Branch Manager dated July 1, 2009 requesting 1) the board to waive strict compliance with the requirement for offset to seasonal high groundwater per Section IV-c-2 of the Zoning Bylaw and 2) that the board consider waiving the requirement to pave the driveway to be installed across the westerly right of way as required by subdivision approval.

The applicant was represented by Frank Duquay, Hancock Associates. Ms. Walker stated that she would be in agreement with granting the waiver from Section IV-6-c-2 if the certification stated in a letter dated June 4, 2009 from Hancock Associates is put directly onto the as-built plan and that said certification be amended to include language that indicates the basin will fully drain dry between storms. It was the consensus of the board that a public hearing would not be necessary as nothing is really changing on the plan.

Ms. Nashawaty moved to determine that this waiver from Section IV-6-c-2 be considered a minor modification and a public hearing would not be required. Motion seconded by Mr. Conroy and voted 5-0-0.

Ms. Nashawaty moved to allow a minor modification to an existing subdivision plan by allowing the grant of a waiver from Section IV-6-c-2 with the condition that the certification as stated in a letter dated June 4, 2009 from Hancock Associates be put directly onto the as-built plan and that said certification be amended to include language that indicates the basin will fully drain dry between storms as per Ms. Walker's letter dated July 1, 2009. Motion seconded by Mr. Conroy and voted 5-0-0.

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Mr. Conroy informed Mr. Duquay that the board needs a check in the amount of \$200, which is the fee for a minor modification before the board's vote is recorded. Mr. Duquay agreed to submit a check as soon as possible.

Regarding the driveway waiver requested, Ms. Walker stated she feels this would be a major modification as there would be a catch basin that wouldn't "catch" anything. Also, as she previously explained to the applicant, the reference to "driveway" is incorrect as it is in fact a "roadway with reduced construction standards". To not pave this access road would be similar to not providing adequate access to the remaining lots. Ms. Nashawaty agreed and stated that this would affect the entire flow of the drainage, which would be more than a minor modification. Ms. Walker stated this would be the subdivision roadway and Mr. Conroy stated we can't consider a change to that a minor modification.

Ms. Nashawaty moved that the applicant's request to waive the requirement to pave the driveway to be installed across the westerly right of way (Shaker Lane) as required by subdivision approval be considered a major modification which would require a public hearing if the applicant chooses to go forward as per Ms. Walker's recommendations dated July 1, 2009. Motion seconded by Mr. Forsberg and voted 5-0-0.

**Commerford's Corner:** Mr. Conroy asked if there is anything that has made this subdivision non-compliant and Mr. Johnson stated no. Mr. Conroy asked Mr. Johnson to create a tickler file on this for January 15, 2011 follow up. Mr. Johnson agreed.

**Lakeview Drive Extension:** Mr. Conroy asked Mr. Johnson if he has spoken with Mr. Cisternelli. Mr. Johnson stated no. Mr. Conroy asked him to call Paul Cisternelli tomorrow and follow up that call with an email. Mr. Johnson agreed.

**Brush Hill Subdivision:** Mr. Conroy read a letter dated June 11, 2009 from Mr. Grandinetti.

**Draft Zoning Articles:** The board agreed with what was presented by Mr. Johnson. Mr. Conroy asked that the articles as presented be sent to town counsel for her review as soon as possible. Mr. Johnson stated he is going to Boston to attend a conference on July 15<sup>th</sup> and is planning on meeting with town counsel to discuss the proposed zoning articles and also Starlight Drive and High Oaks IV subdivisions if that is okay. Mr. Conroy didn't feel it was necessary to see town counsel at this time. With regard to the zoning articles, Mr. Conroy stated that he doesn't need to meet with her as they could just be sent to her for her review. Regarding High Oaks IV, Mr. Conroy asked Mr. Johnson to meet with Jack Walsh before discussing this subdivision with Town Counsel.

Mr. Conroy moved to put the zoning articles as presented by Mr. Johnson on the Fall Town Meeting warrant. Motion seconded by Mr. Forsberg and voted 5-0-0. Mr. Conroy requested that Mr. Johnson send these to town counsel for her review as soon as possible so we can move forward with the public hearing process.

WALPOLE PLANNING BOARD MINUTES OF JULY 9, 2009 (13)

**High Oaks IV:** Mr. Conroy asked Mr. Johnson to meet with Jack Walsh before discussing this with town counsel. He put this on the board's August 6<sup>th</sup> agenda.

It was moved, seconded and voted to adjourn. The meeting adjourned at 11:30 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 8/6/09