

## WALPOLE PLANNING BOARD MINUTES OF AUGUST 6, 2009

A regular meeting of the Town of Walpole Planning Board was held on Thursday, August 6, 2009 at 7:00 P.M. in the Main Meeting Room, Town Hall. The following members were present: John Conroy, Chairman; Edward Forsberg, Vice Chairman; John Murtagh, Clerk, Richard Mazzocca, Donald Johnson, Town Planner and Margaret Walker, Town Engineer.

**Minutes:** Mr. Conroy moved to accept the minutes of July 9, 2009 with clerical corrections. Motion seconded by Mr. Murtagh and voted 4-0-0.

### **Appointments:**

**7:34 P.M. The Trails Subdivision Continued Hearing:** The applicant was represented by Richard Merrikin, Merrikin Engineering, Millis, MA. Mr. Conroy informed Mr. Merrikin that there was only a 4-member board present tonight, but the vote does not require super majority. Mr. Merrikin stated his client has chosen to go forward tonight.

Mr. Merrikin stated that he made minor revisions to the plans that were based on Ms. Walker's comments and submitted them to Mr. Johnson and Ms. Walker. They added straight granite to the roundings into the cul-de-sac and adjusted the water line which was approved by the deputy fire chief. The remainder of the changes were technical. He met with Ms. Walker and Mr. Johnson and all issues have been addressed. They would like consideration of two items: 1) They are asking for a waiver to allow the roadway to have reduced construction to 18' with some granite but mostly Cape Cod berm and no sidewalks. They have also removed the island that was previously requested. 2) Mr. Merrikin stated that in the original Crosswoods Path subdivision, there was a 100' vegetated strip and they would like to be able to do some work in there, such as some landscaping or possibly a piece of the proposed septic system. In return for the board allowing the two items requested, they are prepared to offer Parcel D to the town, which is a 94,000 s.f. parcel, and will add to the town's open space. Also the applicant is prepared to offer \$25,000 toward the improvement of Starlight Drive.

Mr. Johnson stated he has something from Town Counsel regarding the Starlight Drive improvement. Mr. Merrikin stated that town counsel's letter would require the applicant to get an easement from Gary Werden; therefore, he suggests that the board reference the \$25,000 or the same amount of work to be either done on the road prior to the issuance of the last building permit or the money will be given to the board. Mr. Murtagh stated he agrees with that. Mr. Forsberg asked how we know how much work would be done? Ms. Walker stated that at the end, Mr. Priore may only want to give us \$25,000. Mr. Conroy suggested we have an end date so this doesn't hang on and on. Ms. Walker agreed and suggested a beginning date also. Mr. Murtagh asked if \$25,000 would be a fair deal. Mr. Merrikin stated that the savings would be about \$48,000 with the waivers; however, with the donation of the parcel and the money, he thinks all is fair. Mr. Forsberg feels it is a low price. He would like the board to request a cost analysis in the future, which would give us a comparison for the full build out versus what is proposed. Mr. Conroy stated he would like the money in a passbook at the time of plan endorsement. It should be separate from everything else and should stay in there until Mr. Priore either finishes the subdivision or does the work on Starlight Drive. He also stated that Mr. Merrikin asked the board to take a piece of land and he is not sure if we can take land from another subdivision. Mr. Merrikin stated they could modify the original Crosswoods Path subdivision. Mr. Conroy stated they would have to do that before this is closed as he will never continue anything based on the future. Mr. Merrikin stated if the board is willing to take it, they will leave it out and approach the board later. Mr. Priore stated he wasn't going to build in it, but was going to plant in it. Mr. Merrikin stated they would need a public hearing. Mr. Conroy suggested that they leave this hearing open and until after the other public hearing. Mr. Forsberg asked how many lots would be affected and Mr. Merrikin stated two. Mr. Conroy continued this hearing to October 15, 2009 at 7:31 P.M. He stated that the new Crosswoods Path hearing will be scheduled for the same meeting at 7:30 P.M.

Mr. Conroy stated that they will need a passbook form to be effective for two years maximum. Mr. Johnson stated it can be put into a separate account with the town, rather than a passbook.

WALPOLE PLANNING BOARD MINUTES OF AUGUST 6, 2009 (2)

Mr. Merrikin granted the board an extension of time upon which to take action on this application up to and including October 30, 2009. Mr. Conroy moved to accept an extension of time up to and including October 30, 2009. Motion seconded by Mr. Forsberg and voted 4-0-0.

**8:05 P.M. CVS Continued Hearings, Case No.09-5 (Site Plan Approval) and Case No. 09-6 Permit):** Mr. Macchi granted the board an extension of time up to and including September 30, 2009 to take action on these two petitions. Mr. Conroy moved to accept an extension of time up to and including September 30, 2009 for Case No. 09-5 and 09-6. Motion seconded by Mr. Murtagh and voted 4-0-0.

Mr. Conroy continued Case No. 09-5 to September 3, 2009 at 7:30 P.M. and Case No. 09-6 to September 3, 2009 at 7:31 P.M.

**Other Business:**

**Time cards:** Mr. Conroy moved to approve the secretary's time cards as submitted. Motion seconded by Mr. Murtagh and voted 4-0-0.

**APA 2010 Dues:** Mr. Conroy moved to approve the APA invoice for payment in the amount of \$332. Mr. Johnson stated he doesn't need the subscription to the Zoning Practice for \$85; therefore, it was subtracted from the invoice amount of \$417.00.

**Motions:** Mr. Conroy asked that the draft motions submitted by Mr. Johnson be put onto separate sheets of paper. Mr. Johnson agreed.

**Brush Hill subdivision:** Mr. Hasenjaeger stated that he would like the board to allow Engineering to make a field adjustment on a change to the placement of the sidewalk. Ms. Walker stated that Mr. Hasenjaeger had asked that the sidewalk be allowed to be put in the way it was staked out and to not allow that would make the grass strip between the sidewalk and the street look asymmetrical. Also, if they move the sidewalk, they will also have to remove a row of hemlock trees. Mr. Murtagh asked if the trees are obstructing anything and Ms. Walker stated they are there to give the old house located at the beginning of the subdivision some privacy. Mr. Conroy asked if the road has moved and Ms. Walker stated no. He asked if it was built the way it was shown on the subdivision plans and Ms. Walker stated yes and it has been staked out by John Anderson. Mr. Conroy asked if the plan shows the offset and Ms. Walker stated yes. Further, Mr. Anderson should have changed the detail to keep the grass strip asymmetrical even though it is only for a short distance. Mr. Walker stated this request is purely for aesthetics as it will function either way.

Mr. Hasenjaeger stated that at one of the conservation commission meetings, someone had requested a buffer of arborvitae. Ms. Walker stated that the trees would have to be moved regardless of what the board decides. Mr. Conroy asked if that could be a field change and Ms. Walker stated it could be. He asked if the road had changed and Ms. Walker stated no. Mr. Conroy asked if the sidewalks are shown on the as-built and Ms. Walker stated yes. Mr. Forsberg asked if Ms. Walker is satisfied and she stated yes. Further, the trees can stay in the layout or moved onto private property. Mr. Conroy stated that Mr. Hasenjaeger needs to check with the ConCom about the trees as we don't care what you do with them.

There were no public comments.

Mr. Conroy moved to determine that the relocation of the sidewalk in the Brush Hill subdivision be a field change which is necessary due to a scrivener's error. Motion seconded by Mr. Mazzocca and voted 4-0-0.

**Walpole Mall:** In a letter dated July 29, 2009, Philip Macchi, Esq., 1256 Washington Street, Norwood requested an extension of time up to and including October 30, 2010 for Rubin Pachulski Properties (Walpole Mall), Site Plan Case No. 07-8.

WALPOLE PLANNING BOARD MINUTES OF AUGUST 6, 2009 (3)

Mr. Macchi stated that Pads 3 and 6 at the Walpole Mall are not yet constructed; Pad 3 is now a flat piece of land and Pad 6 is over by McDonald's, and originally it was going to connect through from the Mall to McDonald's, but Norwood didn't approve of that. Therefore, he is requesting a one-year extension as those two pads are not being built at this time. Mr. Conroy asked if everything else is going forward, such as landscaping, etc. Mr. Macchi stated yes. He stated that the paving is almost complete. Mr. Forsberg stated he doesn't understand why Norwood doesn't want the Mall to connect through to McDonald's. Mr. Macchi stated they got turned down before they even formally asked. Mr. Murtagh stated that the landscaping at the Mall is immaculate and beautiful. Mr. Macchi agreed that Joseph Inglespeed did a remarkable job. He also stated that the lighting issues are being addressed.

There were no public comments. Mr. Conroy moved to grant an extension of time to the Walpole Mall, Case No. 07-8 up to and including October 30, 2010. Motion seconded by Mr. Forsberg and voted 4-0-0.

The board is also in receipt of an email from the building inspector regarding Walpole Mall dated July 16, 2009 questioning the process for an extension of time. Mr. Johnson stated there are also zoning violations. Mr. Conroy asked Mr. Johnson to follow up with a letter to Mr. Macchi regarding the outstanding issues.

**Lakeview Drive Ext. Bond Release:** Mr. Conroy moved to release the bond being held for Lakeview Drive Extension in its entirety as per recommendation of Margaret Walker, Town Engineer. Motion seconded by Mr. Murtagh and voted 4-0-0.

**Michael Shea, 390 West Street, Case No. 09-3:** the board is in receipt of a request to endorse the site plan for 390 West Street. Mr. Johnson stated that the special permit appeal period has ended, but the site plan appeal period is for 30 days, not 20. Mr. Forsberg stated that if the board votes to endorse it tonight, three members could stop in the office and sign the plans after the appeal period does end. Mr. Merrikin stated that Mr. Johnson could call him when they are ready to be picked up for copying.

Mr. Conroy moved to endorse the site plan for Case No. 09-3 for Michael Shea, 390 West Street upon expiration of the 30-day appeal period. Motion seconded by Mr. Mazzocca and voted 4-0-0. It was agreed that Mr. Johnson would notify the board members when the appeal period has expired and three members will come into the office to endorse the plan.

**Commerford's Corner:** Mr. Johnson stated there is nothing new to report on this subdivision.

**MPIC representative:** Mr. Conroy moved to appoint Richard Nottebart, 187 Gould Street, as the Planning Board's member at large to the Master Plan Committee. Motion seconded by Mr. Murtagh and voted 4-0-0.

**Subdivision Status:** Mr. Conroy read a letter dated August 5, 2009 from Margaret Walker. He stated that when people ask for extensions of time, he would like Ms. Walker to give level of standards for what they have to do. If they want a bond extension, they may need to do certain things first.

**Monthly Calendars:** Mr. Conroy asked Mr. Johnson to include meeting days, the dates that the warrant will open and close, days off, etc. on his calendar. Mr. Johnson agreed. Mr. Forsberg asked that the MPIC meeting dates added to the website. Mr. Johnson agreed.

**Generic Motions:** Mr. Johnson submitted a packet of generic motions to the board for review. He asked if the board has any additions to the packet or any changes made. There were no board changes or comments. He stated this will be included in the board's notebooks.

**High Oaks IV:** Mr. Walker stated that we don't necessarily want Mr. Walsh to do what he is proposing to do. Mr. Conroy stated this is a 66-lot subdivision located in North Walpole. Mr. Walsh is proposing a dead-end street, but Mr. Conroy doesn't think this is possible. Ms. Walker stated we can ask for a phasing plan, but it has to include Millbrook also. Mr. Conroy stated this needs to go back to Mr. Walsh.

WALPOLE PLANNING BOARD MINUTES OF AUGUST 6, 2009 (4)

He should meet with Mr. Johnson and Ms. Walker and also needs to submit a phasing plan to the board. He is not sure what would constitute the creation of an entire new subdivision. Ms. Walker stated that the road has to go through. Mr. Conroy stated this request could end up triggering a whole new hearing and Ms. Walker agreed. Ms. Walker stated there is also the issue of the ball field, which, Mr. Walsh doesn't want to do now. Also, if he doesn't finish this subdivision for ten more years, we will be faced with accepting an old street.

Mr. Forsberg stated we should not give him any bond reductions. Mr. Conroy feels this may have to go to town counsel after they meet with Mr. Walsh. Ms. Walker asked what he would like town counsel to tell us. Mr. Conroy would like town counsel to tell us if the bond should cover whatever the cost of any changes would be. He would like Ms. Walker to find out before our next meeting. Ms. Walker stated Mr. Walsh should build out Millbrook regardless of whether or not we accept it.

**Oakwood Estates:** Mr. Johnson informed the board that we are still waiting for the \$200 check to cover the minor modification that was voted on July 9, 2009 and that we have not as yet filed the modification. Mr. Conroy stated that Mr. Johnson should research this before our next meeting and if the check has not been received by then, the board will rescind the modification vote.

**Draft Conditions of Approval:** Mr. Johnson discussed public and private way special and standard conditions as per town counsel and he would like the board to review them. Also, according to town counsel, the date of submission is the date when the Planning Board looks at it, not when it is clocked in with the town clerk. The Planning Board would accept the plans at a meeting and then a hearing date will be given to the applicant and then the advertising process would start. Mr. Conroy stated that the plans and application should be stamped by the Planning Board to show when we got it. The stamp is only stating when we received it. The clock doesn't start until the Planning Board accepts the packet at a meeting.

Ms. Walker stated she will check to make sure that the street lights portion is correct. Mr. Conroy asked Ms. Walker to put something in about bond extensions, such as bonds will be reviewed and adjusted on a yearly basis. Mr. Johnson stated it is already in there on page 24. Mr. Conroy asked if we should be depreciating certain things, such as water line, paving, etc? When they ask for an extension, it should be added it. We could possibly use fifteen years as the life cycle. Mr. Johnson feels that should be a legal question.

Mr. Conroy asked Mr. Johnson to check on retaining walls that are in the town right of way. He also asked Ms. Walker to check on stop lines within subdivisions. When you have stop sign, there should be a stop line.

Regarding street trees, Mr. Conroy feels they can be put on one side of the street. Ms. Walker suggested the following wording: "Street trees may be required". She stated they cannot be put on the same side as sidewalks.

**Special Permit Rules and Regulations:** Mr. Johnson submitted copies of proposed changes to the board and stated they should be substituted for the ones in our 1996 Rules and Regulations. Mr. Conroy moved to replace the new changes for the ones that are in the 1996 Rules and Regulations. Motion seconded by Mr. Forsberg and voted 4-0-0.

**Draft Zoning Articles:** Mr. Johnson submitted copies of the draft articles to the board. Mr. Conroy asked if each one is all by itself and Mr. Johnson stated yes. Mr. Conroy moved to approve the submission of these articles to the Board of Selectmen to be placed on the town meeting warrant for the Fall town meeting. Motion seconded by Mr. Forsberg and voted 4-0-0. Mr. Conroy asked Mr. Johnson to have these ready for the projection screen at town meeting and also copies ready for the RTM members. He asked that the changes be made obvious, such as in italics. He would like it shown as to what it is now and also what is being proposed with an explanation written up for each one.

WALPOLE PLANNING BOARD MINUTES OF AUGUST 6, 2009 (5)

The public hearing will be on September 24, 2009. It was agreed to cancel the board's September 17<sup>th</sup> meeting.

**Cobble Knoll Form F Covenant Release:** Mr. Conroy read an email dated July 13, 2009 from Atty. Karine Muir requesting that the board research old files to find a Form F Covenant release (Form I) or if unable to locate, asked the board to sign a release now. Mr. Conroy stated that this subdivision dates back to 1985 and therefore the board is unable to sign off now.

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:30 P.M.

Respectfully submitted,

John Murtagh, Clerk

Accepted 9/3/09