

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 3, 2009

The Town of Walpole Planning Board held a regular meeting on Thursday, September 3, 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 (7:15 P.M.); John Murtagh, Clerk; Richard Mazzocca, Elizabeth Nashawaty, Donald Johnson, Town Planner.

Minutes: Mr. Conroy moved to accept the minutes of August 6, 2009 with clerical corrections. Motion seconded by Mr. Murtagh and voted 4-0-0.

Appointments:

7:35 P.M. CVS Continued Hearings, Case No. 09-5 and 09-6: Mr. Conroy moved to open the two public hearings. Motion seconded by Ms. Nashawaty and voted 5-0-0. Mr. Conroy stated he would like the applicant's attorney to give them a quick run down of what has been done. Mr. Macchi, on behalf of his client, stated he met with Margaret Walker, Don Johnson, a police department representative and also a representative from the fire department and together they went through all the options. Some of the items to be changed were 1) to shorten up the entrance on Main Street; 2) add additional landscaping; 3) the removal of speed bumps. There were four different plans discussed, but the one before the board received unanimous consent from the people at the meeting. Everyone had different issues with the other three plans. Mr. Macchi discussed the four options. Option 1: there was a different island on Main Street which didn't work because if someone came in and wanted to go through the lot they would be closing all the aisles. The parking would be 90 degree parking. No one at the meeting liked this option. Option 2: parking was angled and people would come in one way and out a different way. No one at the meeting liked this option. Option 3: they would block up the lot, but wouldn't be convenient for the strip mall stores and Supreme Pizza. Option 4: the people at the meeting chose this one because it allowed a good flow of traffic in and out. They added a few more parking spaces and there would be striped or green areas. Everyone liked this option. Ms. Nashawaty asked if there would be curbs and Mr. Henry, R. J. O'Connell Associates stated the area will be striped. He stated there will be a "do not enter" sign and a stop bar. Mr. Macchi stated they tried to meet what the board wanted. Johnson stated everyone liked the removal of the speed bumps. Mr. Mazzocca asked if any of the parking spaces will be lost and Mr. Henry stated there are five less spaces. Mr. Macchi stated they still have more than what is required.

Mr. Henry took back the plans with Options 1, 2, and 3 that the board would not be using. Mr. Macchi stated he knows that signage is a concern. He got an email from Jack Mee today that stated he went over the signage plan and as the zoning enforcement officer he has no problem with it. He would approve the signage as presented. Mr. Conroy stated what is in front of the board tonight is all new. Mr. Macchi stated that Mr. Mee looked at all the signage on the building. Mr. Conroy stated if they want to change the signs to the CVS Plaza, they will need to conform to all zoning. They have to comply to current zoning. He feels this is a whole brand new site plan. Mr. Macchi stated they can change the signage as long as they don't make it larger. Mr. Conroy stated this is a new site plan and asked how they would be grandfathered. Mr. Macchi stated they already have approval from the Zoning Board to change the building. Mr. Conroy stated the whole site is a brand new site plan. Mr. Macchi stated they are only dealing with the CVS building. Mr. Conroy stated they can't pick and choose what they want to do. Mr. Macchi stated that when they filed this, they limited it to just this building. Mr. Conroy again stated they can't pick and choose what they want to address on a site plan. Mr. Macchi stated they are not trying to circumvent anything. The board asked them to look at parking, landscaping and speed bumps and they did that. They are not changing anything on the other buildings. The Kahana sign is done. They told the Zoning Board that the only thing they are changing is the CVS building and they said that was okay. Mr. Conroy stated that as he said before, he feels they need to take the entire site into consideration as they have to be able to accommodate everything on this site.

Mr. Macchi stated that those signs can remain because they are non-conforming. They are only here because of the drive through. If they didn't do the drive-through, they wouldn't be here. Mr. Conroy stated that is part of the site plan. Further, the signs are free-standing. Mr. Macchi stated that part has been approved by Jack Mee as well. They are trying to make this attractive for the community. They are

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 3, 2009 (2)

changing the façade and roof lines on the CVS building, but are not changing the footprint. CVS really wants this. If they can't do it, then there won't be a CVS. Mr. Conroy stated he doesn't want to hear that as he has heard that type of threat before. Ms. Nashawaty stated this is a renovation of a non-conforming building with a drive-through. She feels we should move forward.

Mr. Conroy asked about a dumpster behind Kahana. Mr. Macchi stated that building is empty. Mr. Conroy asked that be put on the plan that it will stay empty and he will be all right. Mr. Macchi stated he can't say that. He will come back to make those changes. Mr. Conroy stated it should be done now. He just wants to know about the other stores in the area. Mr. Macchi stated that no one can give you that answer as no one knows that right now. This board can't put things on a plan when there are no tenants. Mr. Conroy stated they should use the wording "future location". Ms. Nashawaty stated we will put that as a condition of approval. Mr. Macchi asked if the board would consider the following: within the jurisdiction of the Planning Board and after the 20-day appeal period, they can add the proposed dumpster location. Mr. Conroy agreed. Mr. Macchi stated he will ask David Goldman to do that. He needs to put proposed because he doesn't know who the tenants will be. Mr. Johnson stated that in some cases the Board of Health gets involved. Mr. Macchi stated they have tried to address everything the board wanted. They have added landscaping and plantings. They have tried to make this look as good as possible. He is now dealing with Kevin Uniake to refurbish the Kahana Building. Mr. Goldman is paying to have Mr. Uniake along with Richard Shields work on this. They did take the sign down and they will start cleaning the site up. They feel that when CVS is done there will be some interest in the Kahana building. He is trying to get this "cornerstone" in. The Fire and Police Departments were overjoyed with this. It is a stepping stone.

Ms. Nashawaty stated she appreciates their efforts. If the Fire Department and Police Department are happy, then she is. Mr. Conroy asked Mr. Macchi to explain the new building to the public that was present tonight. Mr. Macchi stated they came in with plans to renovate the existing CVS building. There were issues with landscaping and bumper strips. They had four different plans when they met with the Fire Department, Police Department, town planner and town engineer. The police wanted to make sure there was better egress onto Main Street; the fire department wanted to ensure access; the town planner and town engineer wanted to make sure that the parking spaces conform to what is required. The plan that is before the board is one that everyone was comfortable with. Also, the sign plan was approved by the Zoning Enforcement Officer. It is allowable as long as it is less than it was which it is. Mr. Macchi feels that Ms. Walker is now satisfied. Mr. Johnson stated she was concerned with sight distance. Mr. Macchi gave the board a copy of the sight distance findings. He asked that the board close the hearing and vote favorably. Mr. Conroy stated he has not read any of the comment letters and have not had input from the public.

Mr. Conroy read a letter from Deputy Fire Chief Mike Laracy which was received today. He doesn't like the way the parking is proposed around the building. Mr. Conroy asked Mr. Johnson to make this a condition of approval. He also read letters from the Conservation Commission who had no issues, Board of Health who stated they will not comment until after their September 8th meeting and Ms. Walker who was concerned about sight distance. Mr. Macchi stated this was addressed by the traffic engineer along with the placement of the signage on Main Street. Mr. Johnson stated they certified that the sight distance is acceptable and also the plantings will be under 30".

Mr. Murtagh stated he would like the potholes in the parking lot dug out and patched. Mr. Macchi agreed and stated they are going to crack seal before the top coat. Mr. Conroy asked Mr. Johnson to make that a condition of approval also.

Dr. Joseph Dorsey, 31 Jorie Lane: he is a member of the town's medical emergency corp. and also the Massachusetts Medical Society on Public Health. He is also a user of CVS. He hates the cigarettes behind the cash register and feels that Walpole should follow the policy set by Boston which is a store can either sell cigarettes or medicine. He is planning on bringing this issue to the Board of Health. Mr. Conroy stated we have no control over this issue and we can't rule one way or another. We can only deal with the site. Dr. Dorsey asked if this board has control over the interior of the site and Mr. Conroy stated no, just the exterior. Dr. Dorsey stated the town could pass a bylaw similar to the City of Boston.

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 3, 2009 (3)

The issue is they should either sell cigarettes or dispense pharmacy items – one or the other. Mr. Conroy stated the Board of Health will not be sending us their comments until September 8th.

There were no further public comments.

Mr. Murtagh feels the applicant stepped up tonight by providing letters about parking and the removal of speed bumps and landscaping. He feels that was a positive step. Mr. Forsberg stated he doesn't know if Westbury Farms will like the storage of the snow by their building, although he is glad it is not out by Main Street. He asked if the piles get too big, will it be taken off site and Mr. Macchi stated yes. Mr. Forsberg asked if there will be signage showing "no left turn". Jason Plourde, Greenman-Pedersen, stated it will remain as is. Mr. Forsberg asked if they can put writing on the roadway and Mr. Plourde stated yes. Mr. Forsberg stated there is a lot of traffic between CVS and 7/11. Mr. Henry stated they could do a painted crosswalk. Mr. Forsberg feels there should be something there for pedestrian safety. He asked the applicant to speak with Mr. Johnson and Ms. Walker. Mr. Henry agreed to that. Mr. Conroy asked Mr. Johnson to make that a condition of approval. Mr. Henry stated that the O&M will address snow removal.

Mr. Murtagh asked if there will be markings on the parking lot with arrows to direct traffic flow at the drive through and Mr. Henry stated yes. Mr. Murtagh asked if there will be any change made to the East Street entrance and Mr. Henry stated the speed bumps will be removed, but the parking spaces will remain as is in front of the stores. Mr. Johnson stated that there should be an "exit only" on East Street and marked as clearly as possible. Mr. Plourde agreed.

Mr. Conroy asked that the sign on East Street be moved off the island and put on a bollard type arrangement. He asked Mr. Johnson to make this a condition of approval. Mr. Macchi asked if he wants this closer to the entrance and Mr. Conroy stated yes. He also stated he would like a fence along the railroad tracks. Mr. Macchi stated there isn't one there now. Mr. Conroy stated he wants one there as the railroad tracks are an attractive nuisance. Mr. Macchi asked where and Mr. Conroy stated along the parking lot. Also, there use to be one there. Mr. Macchi stated he doesn't remember that. Mr. Conroy stated he doesn't care what kind – chain link or wooden. Ms. Nashawaty would like it high enough so kids can't jump over it. Mr. Murtagh would like black chain link. Mr. Henry stated it will remain on their property. Mr. Conroy and Mr. Macchi are okay with that. Mr. Conroy asked if the board had any further issues. Mr. Forsberg asked if the concerns raised at the previous meeting have been addressed and Mr. Johnson stated he thinks so. He questioned the hours for trash pick up. Mr. Macchi asked that they remain as they are now as there has never been a problem. Mr. Conroy agreed with Mr. Macchi. He stated we are moving the sign, putting up a black chain link fence, addressing crosswalks, location of proposed store dumpsters, potholes to be dug out and patched, the exit arrow at 7-11 store and right turn only signage. Also, snow removal and storage will be as per the plan.

Mr. Forsberg asked how much snow will be stock piled before it is removed and Mr. Henry stated he can't answer that question. Ms. Nashawaty stated she would like to condition the height of the snow piles rather than reference the inches per storm. Mr. Forsberg stated he is okay with that as long as it is contained as shown on the plan. Mr. Conroy also would like the fire department condition added to our decision.

There were no further questions or comments.

Ms. Nashawaty moved to close the public hearing for the special permit and use of the drive thru. Motion seconded by Mr. Forsberg and voted 5-0-0.

Ms. Nashawaty moved to close the site plan public hearing. Motion seconded by Mr. Mazzocca and voted 5-0-0.

Ms. Nashawaty moved to approve the special permit for Case No. 09-6 under Section 5-B04(q)ii of the Town of Walpole Zoning Bylaws to allow the operation of a drive-thru with two sheltered order/pick up stations as shown on a plan entitled "CVS/pharmacy, 17,234+/- s/f/. Store Number 844, 929 Main Street,

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 3, 2009 (4)

Walpole, MA” latest revision of August 18, 2009 by R. J. O’Connell & Associates, Inc., 80 Montvale Avenue, Stoneham, MA with nine (9) conditions. Motion seconded by Mr. Murtagh and voted 5-0-0.

Ms. Nashawaty moved to grant Site Plan Approval for Case No. 09-5 under Section 13 of the Town of Walpole 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, 17,235+/-, Store Number 844, 929 Main Street, Walpole, MA” latest revision August 18, 2009 by R. J. O’Connell & Associates, Inc., 80 Montvale Avenue, Stoneham, MA with 23 standard conditions and 23 special conditions. Mr. Conroy stated that any police details should be the responsibility of the applicant. Motion seconded by Mr. Forsberg and voted 5-0-0.

9:00 P.M. Hobart Street Preliminary Subdivision: The applicants, Mr. and Mrs. McPhee, were represented by Philip Macchi, Esq., 1256 Washington Street, Norwood, MA. He stated that this board previously approved a 2-lot subdivision called Malo Terrace. He stated that the McPhee’s purchased the property, but they felt very uncomfortable with a private way. They also want to accommodate their two sons along with themselves. They would like to have a roadway that complies; therefore, they are presenting a 3-lot subdivision with a full roadway. Should this proceed as presented, they will file a request to rescind the Malo Terrace subdivision at the time of filing a new definitive plan. He would rescind the Malo Terrace plans and documents.

Mr. Macchi stated that James Nieva, Professional Land Surveyor from Dunn McKenzie, 206 Dedham Street, Norfolk, MA is also present.

Mr. Macchi stated that Malo Terrace and Hobart Street Ext. have approved ANR lots along both McKinley Avenue and Hobart Street, which were granted in accordance with ANR policy. The Fire Department would not approve of the name Hobart Street, but both the Fire Department and E911 verbally approved the name “Legacy Lane”. Mr. Macchi will get that approval in writing.

Mr. Nieva discussed the plan and waivers as presented. Mr. Macchi stated that this situation is similar to New Fisher Lane; i.e., they don’t own the land to accommodate the roundings on the easterly corner of McKinley Avenue.

Mr. Conroy read a memo from the Board of Health which stated this is on their September 8th agenda and will submit comments after that meeting. Mr. Macchi stated he is not sure if Nstar has any service at this location. Mr. Forsberg stated we could use post lamps. Mr. Conroy reviewed the checklist.

Mr. Johnson asked what plan Mr. Macchi is modifying, Hobart Street or Malo Terrace. Mr. Macchi stated neither, this is a brand new filing. Mr. Johnson asked if they would be modifying the original 1955 plan. Mr. Macchi stated it is a new plan reflecting the current ownership with a merger to the land at the rear. Mr. Johnson asked if they would be removing Malo Terrace first and Mr. Macchi stated they would be filing that simultaneously with the definitive plan and would ask that it not be acted on until this new one is approved. Mr. Conroy asked if there is anything we should know about that will come out during the hearing process. Mr. Macchi and Mr. Johnson stated no. Mr. Johnson stated this was approved as a private way. Mr. Conroy stated he wants to know why we did what we did and Mr. Johnson stated he will have that next time. Ms. Nashawaty asked the length of the roadway and Mr. Kieva stated 200’.

Mr. Johnson stated that the 45-day time clock starts the night the Planning Board accepts the filing. Mr. Murtagh asked if this would be treated as a subdivision and Mr. Macchi stated yes, when they file the definitive. Mr. Murtagh asked if there is a hydrant on site and Mr. Nieva stated yes. Ms. Nashawaty stated she would like a 6’ easement given to the town. She also would like the paved roadway to be 26’ instead of 24’. Mr. Macchi stated they may want to keep some of the character of the road. He would like the board to look at the area and feels this should be kept “country” like. He feels the area should meld, therefore he would like the roadway to be 24’.

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 3, 2009 (5)

Mr. Conroy asked if Mrs. Woods flipped to the new road or did she stay on McKinley Avenue? He also asked if the frontage changed from what was on the previous plan. Mr. Macchi stated he will check on those two issues.

There were no further comments or public questions.

Ms. Nashawaty moved to grant tentative approval of the preliminary plan as submitted. This tentative approval of the said plan with or without modifications doesn't constitute approval of the Definitive Plan nor obligate the Planning Board to grant such approval at a subsequent time. Motion seconded by Mr. Murtagh and voted 5-0-0.

Other Business:

Time Cards: Mr. Conroy moved to approve the secretary's time cards. Motion seconded by Ms. Nashawaty and voted 4-0-0. Ms. Nashawaty moved to approve the planner's time cards. Motion seconded by Mr. Murtagh and voted 4-0-0.

Planner's Evaluation: Ms. Nashawaty moved to approve the step increase from P31 Step 10 to P31 Step 11 for the town planner to be effective October 16, 2009. Motion seconded by Mr. Murtagh and voted 4-0-0.

Regarding the employee performance review for the planner, Mr. Conroy requested the town planner find out why there is a gap in time; i.e. October 16, 2008 to September 30, 2009.

Board's Official Signatures: The board signed a letter to Land Court and a letter to Norfolk County Registry of Deeds as per request of Deborah Patterson and Richard Kennedy.

Fall Town Meeting Private Petition: Donnell Murphy has filed a petition for a map change. Ms. Nashawaty asked if we have received the necessary back up data and the required verbiage to correspond with a map change. Mr. Johnson stated yes. Mr. Conroy stated that the Sharon abutters' list was received earlier today and asked Mr. Johnson if that is an issue. Mr. Johnson stated no as we have ten days per our zoning bylaw, not M.G.L. Mr. Conroy asked about the checklist that Mr. Johnson created and asked why Mr. Johnson never mentioned this. He asked him to check with attorney general on the following: an abutters' list was received after the article was advertised and about advertising the article before the warrant closes. Mr. Conroy stated he would like this correspondence and replies in writing. Ms. Nashawaty agreed that we don't want an issue after town meeting.

MAPC Dues: Ms. Nashawaty moved to authorize the payment of MAPC dues in the amount of \$75. Motion seconded by Mr. Conroy and voted 5-0-0.

MPIC: Mr. Conroy read a memo dated August 26, 2009 from the Selectmen ratifying the appointment of Ed Forsberg and Richard Nottebart to the MPIC Committee.

Planner Calendar: Mr. Johnson gave the board copies of his calendar for the month of October.

High Oaks IV: Jack Walsh was present. He stated that he would like approval for 2,000' of Millbrook roadway. They will move forward and construct to the end of Millbrook Avenue if this is received. He would also like acceptance from the Engineering Department regardless of whatever else happens. He stated he has been trying to get Ms. Walker's approval for three years and he would like this issue resolved. Mr. Forsberg asked how far is 2,000' and Mr. Walsh stated it would be 2/3 of the way in, just before the end of the street. He stated he will put a gate with a lock in place and the town would be given a key. Mr. Conroy stated that Ms. Walker said he wants a final, but she is not prepared to do that at this time. Mr. Walsh agreed that he wants a final as the road is finished. He would like a list from Ms. Walker. Mr. Conroy stated we will tell her.

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

Mr. Walsh stated that he wants something that says everything in this phase is done. He is still waiting for that and this has been done for a couple of years. We can approve it without accepting it. Mr. Conroy stated we will not release any portion of the bond and Mr. Walsh stated he knows that.

Deer Park: Mr. Merrikin had requested a determination from town counsel regarding a modification to this subdivision in conjunction with The Trails subdivision. Mr. Conroy stated the board should not discuss this until we receive an application for Deer Park.

Walpole Mall: Mr. Conroy asked Mr. Johnson if he has any more information to follow up on Jack Mee's emails regarding crosswalks at Panera Bread. Mr. Johnson stated he is working on that and would have some information at our September 24th meeting.

Power Point Presentation: The board discussed how they would like this presentation formatted for town meeting. Mr. Johnson agreed with their suggestions.

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:00 P.M.

Respectfully submitted,

John Murtagh, Clerk

Accepted 9/24/09