

WALPOLE PLANNING BOARD MINUTES OF MAY 17, 2012

A regular meeting of the Walpole Planning Board was held on Thursday, May 17, 2012 at 7:00 p.m. in the Council on Aging Room, Town Hall. The following members were present: John Conroy, Chairman; Edward Forsberg, Vice Chairman; John Murtagh, Clerk; Richard Mazzocca, Richard Nottebart, Margaret Walker, Town Engineer.

ANR - Allied Recycling: The applicant was represented by Tim Bodah, Coneco Engineering. He stated the lots are not to be considered buildable and are all under same ownership.

Mr. Conroy moved to endorse an ANR plan of land entitled "Plan of Land, Main Street, Walpole, MA" dated March 6, 2012 by Coneco Engineering, 4 First Street, Bridgewater, MA showing registered land lots 12 and 14 and unregistered Parcel A to be conveyed from V.J.D. 1801 Trust to Recycling Walpole, LLC. The total area of the three lots is 5.0 acres. The owner's title to the land is derived under deed from Victor J. Delmar dated August 16, 1988 and recorded in Norfolk Registry of Deeds, Book 8068, Page 725 and Land Court Certificate of Title No. 129194, Book 646, Page 194. Said property is shown as Assessors' Map 45, Parcel 61-49 and Map 46, Parcel 70 finding Form A in order and subdivision control not required. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Conroy stated that endorsement of this plan by the Planning Board does not constitute a determination of compliance with the zoning by-law.

Mr. Forsberg arrived at 7:10 p.m.

ANR - Buttimer Family Trust, 654-656 North Street: The Applicant was represented by Eric Poreda, Coler & Colantonio, 101 Accord Park Drive, Norwell, MA. He stated that this ANR addresses property on the opposite side of North Street from the one previously done by Northridge Ventures. He is creating three buildable adjacent to North Street and also a small parcel is to be combined with another property. The three lots have adequate frontage and the barns as described on the plan are part of a judgment to be taken down. Mr. Conroy stated they would be creating a zoning violation which is subject to a \$300/day fine. Atty. Amara stated they would take the position that they have a court order in place. Mr. Conroy states he understands that, but they are still creating a nonconforming situation which is subject to a zoning violation and a fine. Atty. Camara stated maybe once it is recorded. Mr. Conroy disagreed and stated it would be in violation as soon as the board signs it. Atty. Amara stated they have no choice but to take it down and get the homestead lots for the heirs living there. Mr. Murtagh feels this is an issue for the Building Inspector. Mr. Conroy agreed.

Mr. Conroy moved to endorse an ANR plan of land entitled "Approval Not Required Plan of Land 654-656 North Street, Walpole, MA 02081" by Coler & Colantonio Engineers and Scientists, 101 Accord Park Drive, Norwell, MA and prepared for The Trust of Public Land, 33 Union Street, 5th Floor, Boston, MA 02108 & Buttimer Family Trust, c/o Gelerman, Buschmann & Jeter, P.C., 30 Walpole Street, Norwood, MA 02062 and dated May 9, 2012 finding Form A in order and subdivision control not required.

WALPOLE PLANNING BOARD MINUTES OF MAY 17, 2012 (2)

Said property is located in the Rural Zoning district and a small portion in the Residence A and B districts as shown on the Walpole Zoning Map. Motion seconded by Mr. Murtagh and voted 4-0-1 (Mr. Forsberg abstained).

7:15 p.m. 363 High Street, odd numbered side of High Street/Millbrook, 423 High Street, 400 High Street, 436 High Street, 454 High Street Scenic Road hearing: Mr. Forsberg recused himself. Robert LeBlanc, Town Tree Warden, represented the town. He stated that most of the trees have a large amount of rot and wants these trees taken down in order to maintain safety on High Street.

Ken Tracey, 430 & 436 High Street asked if the trees marked with green are coming down and Mr. LeBlanc stated yes. Mr. Tracey stated he thinks the tree warden is being over zealous as some of the trees in his area could possibly be treated, instead of taken down. Mr. LeBlanc asked if he is referring to the large ash trees and Mr. Tracey stated yes.

Ed Forsberg, 360 High Street stated he agrees with Mr. Tracey on a couple of those in front of 430 High Street. Mr. LeBlanc stated these trees are big and close to 100 years old. The ash trees can be an issue as they have cavities and limbs that have broken off. He can't tell when exactly this tree will fall down, but can see identifying marks which say it could fall into the road. He has marked trees that he thinks has the potential to fall down. Mr. Tracey stated that any tree on High Street could fall down. The tree at 423 High Street is good. It is very clean and has leaves. He doesn't understand the Scenic Road issues as he thought nothing could be touched on a Scenic Road. Twenty years ago he was treated like a criminal for removing a tree on High Street. Mr. LeBlanc stated that tonight's hearing is to present an opportunity for discussion. As tree warden, it is his job to identify problem trees that present a safety concern and bring them through the hearing process. Mr. Tracey agrees that some of the trees should be taken down. Mr. LeBlanc stated that the best time to take pictures is before the canopy is in place. Mr. Tracey agreed that some of the pictures show the trees should come down, but his main concern is the scenic designation and he doesn't think trees should be taken down. Mr. Conroy stated it just means we control it. Trees or stone walls can be moved for a driveway. Also, there are no provisions to provide for replacements. Mr. Tracey asked how this can be resolved. He asked if Mr. LeBlanc could come out and they could go over this or does he just take them down. Mr. LeBlanc stated he can just take them down. Mr. Forsberg stated that most of them have leaves, except for one. Mr. LeBlanc stated he is not surprised. If they remove limbs and branches, there would be nothing left on some of these trees. Mr. Forsberg stated that a few years ago, the town wanted to take down the tree in front of his house, which he objected to and today it is still okay. Mr. Murtagh asked Mr. Forsberg what he thinks. Mr. Forsberg feels the tree at 430 High Street should be okay. Mr. Conroy suggested that the tree warden walk the area with Mr. Forsberg and Mr. Tracey. Mr. LeBlanc agreed and stated he will do an evaluation on each tree also. He gave the board an extension of time up to and including June 15, 2012.

WALPOLE PLANNING BOARD MINUTES OF MAY 17, 2012 (3)

Mr. Conroy moved to accept any extension of time to take action up to and including June 15, 2012. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Conroy continued this hearing to June 7, 2012 at 7:15 p.m.

Mr. Forsberg returned to the board.

7:30 p.m. The Trails Subdivision Modification: Mr. Conroy read a letter dated April 23, 2012 from Ronald Priore, 12 Crosswoods Path requesting that five LED period street lights be substituted for light posts at the end of four driveways and that be considered a minor modification to The Trails Subdivision. Mr. Conroy stated he feels there is no reason for a modification as this is what would normally be required.

Mr. Conroy moved to have five LED period street lights. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy moved to return the \$200 fee to Mr. Priore. Motion seconded by Mr. Nottebart and voted 5-0-0.

7:35 P.M. 576 Common Street Definitive Subdivision Continued Hearing: Mr. Macchi reminded the board he previously submitted an ANR for this property. Mr. Conroy asked if we can do it now and Mr. Macchi stated it would be an illegal lot. He stated the subdivision has to be done first because when we sign a definitive plan with a building on it, it has to be in compliance and they don't want to get into that issue. He stated that he met with Maggie and Kate and has reviewed the documents. He also provided a Phasing letter to board even though they are not entitled to any as it is only two lots in question. He would like the board to vote that phasing is not applicable to this 2-lot subdivision. He stated that the documents submitted will not be voted until plan endorsement. Ms. Walker was instrumental with drafting the conditions and brought up two waivers. Mr. Macchi also submitted a memo from the fire and police chiefs and E911 stating they are okay with the street name, Hunter Lane.

Mr. Murtagh asked if this will be a private way and Mr. Macchi stated yes. He further stated he would like the board to close the hearing, vote the ANR, vote the phasing, vote the waivers, vote the decision and vote the street name. He did add to the O&M agreement that for safety reasons in case of a fire there would be no structure or trucks parked on the private way. Mr. Murtagh asked if a hydrant is needed and Mr. Macchi stated there is one shown. Mr. Nottebart questioned the path and Mr. Macchi stated it was requested by the Board of Health. Mr. Conroy read a memo from the tree warden and Mr. Macchi stated they will meet with him and they have agreed to the street trees that he wanted and also they have designated \$3300 to the town or their designee. Mr. Murtagh asked why we would waive test pit requirements and Mr. Conroy stated we didn't yet. Mr. LeBlanc asked if there needs to be a hearing with him regarding the street trees and Mr. Macchi stated yes.

WALPOLE PLANNING BOARD MINUTES OF MAY 17, 2012 (4)

Matt Smith, Norwood Engineering, stated he has reviewed the drainage and it will meet the 100 year storm even though it is not a conventional drainage system. Mr. Murtagh asked when the water leaves the road, where will it go and Mr. Macchi stated into the swale.

There were no abutters present.

Ms. Walker stated that most of her issues have been addressed. There are some little things that have been changed and a couple of waivers addressed.

The board reviewed the waivers. Mr. Forsberg questioned if there will be granite on the radius turning in. Matt Smith stated they are trying to keep a rural look to this area, so there will be granite just going in. Mr. Conroy and Ms. Walker agreed to allow it about 20' down. Ms. Walker asked that the board not waive the monuments.

Mr. Conroy moved to grant a waiver for all the items discussed: DIS, traffic study, street lighting, soil testing, roadways, curbs and gutters with the exception of the entrance which will have modified bituminous berm, sidewalks, grass plots, street trees are waived in consideration of 11 additional trees in accordance with an agreement between the applicant and the tree warden. Motion seconded by Mr. Forsberg and voted 5-0-0.

Mr. Conroy moved to grant zero points given the fact that there are only two lots. Motion seconded by Mr. Murtagh and voted 5-0-0.

There were no public comments.

Regarding the ANR plan, Mr. Conroy moved to endorse an ANR plan of land noting the setbacks, access and frontage are all okay. Mr. Conroy moved to endorse an ANR plan of land for 576 Common Street. Motion seconded by Mr. Mazzocca and voted 5-0-0.

Mr. Conroy moved to accept the name Hunter Lane as per approval from the fire department, police department and E911. Motion seconded by Mr. Murtagh and voted 5-0-0.

Mr. Conroy moved to close the public hearing. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy moved to approve the definitive plan at 576 Common Street with a revised date of May 16, 2012 with the board's standard and special conditions and waivers as voted. Motion seconded by Mr. Mazzocca and voted 5-0-0.

8:20 p.m. Town of Walpole Water Tank, Case No. 12-2 Continued Hearing: The applicant was represented by Rick Mattson, who stated they had continued the previous hearing and also did a site visit with the abutters and Rich Nottebart on March 8, 2012 and the concerns that came from that meeting were given to the Sewer and Water Commission. One of the requests was that the Sewer & Water Commission look at the

WALPOLE PLANNING BOARD MINUTES OF MAY 17, 2012 (5)

existing High Plain Street site to see if it was viable. It was viable, but additional costs would come with that site. Therefore, the Sewer and Water Commissioners voted to stay at the original Old Post Road site. There were also concerns about the water problems, so the engineer was asked to see how they could improve the water on this site. Laurie Ruzala from Wright Pierce Engineering stated they are changing the stormwater plan as previously it would infiltrate the groundwater, but now it will go off site through the stormwater basin. They are also revising the storm drain system around the existing tank. The new system is designed to capture both a 25-year storm and a 100-year storm. There will be a stone strip around the outside of the tank and water will be directed into the drainage swale sloped toward the soil filter which will hold it and then direct it to a storm drain. There will be 18" of soil to filter the water. The ditch will hold water for 24-48 hours after a storm. It will fill up 1' in a 25-year storm and 1.5' in a 100-year storm. She stated another concern was maintenance which they have outlined in the stormwater management plan. They will conduct a semi-annual walk around to check for debris, erosion, and dirt. All findings will be kept in a log. They also added more definitive tree plantings that will hopefully block the homes by the tank. They are suggesting white pines and white spruce, which will all be small originally but will grow quickly and provide a good screen. Ms. Ruzala stated the final issue was the maintenance of the actual tank itself. It will be a new tank and will conform to MDEP requirements. Monthly ground level inspections and a full annual inspection on tank will be done along with a full external and internal inspection every 3-5 years. They added grading and a 12'x16' building to the site plan. The grading was revised at High Plain Street, which wasn't shown before.

Mr. Conroy read a letter from Charles Quigley, Assistant Town Engineer, dated May 16, 2012. Mr. Mazzocca asked what is going on with the existing tank with regard to water run-off. Ms. Ruzala stated they are just adding a deeper swale which will direct the water to a new catch basin. Mr. Mazzocca asked about the findings with regard to run-off which the abutters were concerned about. Ms. Ruzala stated they directed the water off site so they wouldn't add to any of the problems. Mr. Forsberg asked if conceivably less water is recycled with groundwater and Ms. Ruzala stated yes. Mr. Forsberg asked if the drain pipe goes to Old Post Road and Ms. Ruzala stated yes. Mr. Mattson stated they haven't chosen the color of the tank yet. Mr. Murtagh asked if the chain link fence is existing and Ms. Ruzala stated yes, but they will take it down and re-do it. Mr. Murtagh recommended black vinyl chain link fencing. He asked about a surveillance monitor and Mr. Mattson stated they haven't done that yet. Mr. Nottebart questioned the mitigation of running the water off site and Ms. Ruzala stated it goes out to Old Post Road. He stated he had a long list of issues raised by the abutters. He feels there was an inadequate amount of maintenance proposed and feels that should be addressed. He questioned how the tanks are inspected. Mr. Mattson stated that will be done monthly by a walk around and every 3-5 years they will drain the tank and someone will get into it to check. Mr. Nottebart stated he wants to maintain a safe water supply. He is concerned for the neighbors and wants them noticed about what the town is doing. The method used before wasn't working. He also wants the fencing reviewed. He also thinks they

WALPOLE PLANNING BOARD MINUTES OF MAY 17, 2012 (6)

should create a buffer around the outside of the fence and wants the trees that are planted taken care and maintained. The drainage along the existing tank was not good, so they need to maintain the new one and keep it free from debris, etc. Regarding the visual impact of the tank itself, the town needs to tone the color down to reduce the impact on the neighborhood. Mr. Nottebart stated we do need to protect our water supply and the trees need to be two staggered rows for better coverage. The neighbors did offer to help maintain the trees. He also feels "No Trespassing" signs should be posted. The Sewer and Water Commission did suggest security cameras that would be monitored by the Walpole Police. He feels whatever money is spent to help the neighbors out is worth it. He asked Ms. Walker if Charlie Quigley had enough time to check the calculations and Ms. Walker stated she did so herself and likes this proposal better than the last one. Mr. Nottebart stated he feels that Rick Mattson has been reasonable with regard to this project and the neighbors are comfortable working with him. There is still a lot of property beyond the fenced area and one of the commissioners would like to see the entire area fenced off as it might keep people off town land and the neighbors' land. Mr. Mattson stated that won't fit into the budget plan. Mr. Nottebart asked if there are more expansion plans in this area and Mr. Mattson stated there will be no more tanks for at least twenty years. Mr. Nottebart stated they should have 10-20-30 year plans and trusts the applicant will work with the site engineer. He did see some really bad graffiti on the site which he feels is due to lack of security.

Mr. Conroy asked how much room is around the tanks and Ms. Ruzala stated about 15'. Mr. Conroy stated that will be enough room so the guys can drop a plow and drive around it. Mr. Mattson stated they are still obligated to inspect them monthly as per DEP. He agreed they could actually drive around the tank. Ms. Ruzala agreed and stated it will not be paved. Mr. Conroy asked if there will be flow monitors which will show any leaks. Both Mr. Mattson and Ms. Ruzala stated yes. Mr. Mattson stated if it drops below a certain level, it will let both him and a technician know.

John O'Brien, Alton Street questioned the plan changes and Ms. Ruzala stated it was because the grade changed toward the middle of the woods which will slow down the flow. He asked if they were meeting the laws before and Ms. Ruzala stated they were because it was infiltrated. Mr. O'Brien asked if there would be less flooding and erosion with the new plan and Mr. Mattson stated that is not a fair question, but feels there will be less of a problem. Mr. O'Brien stated there is a sink hole in front of his house and stated if there is still an erosion problem, what can they do. Ms. Walker stated if they have an approved site plan and there is a violation of that site plan, he can file with the building inspector. Mr. Mattson stated they should work with his department first. Mr. O'Brien stated he also wants to discuss the color and the trees.

Rita Kruger, Alton Street questioned the trees and Mr. Conroy stated they are shown on the plan. She asked if they will exposure to the sun and Ms. Ruzala stated yes. Ms. Kruger asked what they will be looking for during a maintenance check and Mr. Mattson stated there is a checklist which includes vandalism, leakage, etc. as provided by DEP.

WALPOLE PLANNING BOARD MINUTES OF MAY 17, 2012 (7)

If there was a catastrophic leak, they would drain the tank as soon as possible. They would open the valves and use a fire truck. A “weeping” leak can be fixed. Mr. O’Brien stated there could be a fire out back. Someone should clean out that area. He asked if there should be a fire lane and a hydrant. Ms. Ruzsala stated there will be a fire hydrant at the new tank. Mr. Mattson stated they could probably not drive a fire truck there, but would have to pull some hose. They are trying to coordinate the use of chippers, etc. and clean up with other town departments. Ms. Kruger stated there are a lot of kids that hang out there. Mr. Mattson stated he will look into signage.

Mr. Conroy asked how deep a 20 million gallon tank would be and Ms. Ruzsala stated she doesn’t know. Mr. Nottebart suggested that Rick Mattson work up some numbers. Mr. O’Brien stated he is worried about the pressure. Mr. Murtagh asked the chance of anything happening and Ms. Ruzsala stated probably low. Rick Merrikin, Merrikin Engineering, asked when the drainage goes out to Old Post Road, which way does it go and Mr. Mattson stated it will go north toward Old Post Road. He stated the proposed building will be 192 s.f. and 10’ high. There will be no additional equipment added. Mr. Nottebart stated that what the neighbors see on the plan when approved is what they will build. Mr. O’Brien stated they would like a meeting to finalize everything. Mr. Conroy agreed that what you see is what is going there. Mr. Mattson stated the Zoning Board conditioned the plantings as to the type and where they should be. After they were done, the abutters weren’t satisfied. If additional plantings are required, they can review that afterwards. Mr. Conroy stated we can make that a condition of approval. Mr. Nottebart stated that trees were originally on the outside and now they are going inside the area. Mr. Mattson stated that the trees previously required by the Zoning Board were planted too close together. Mr. O’Brien asked for an irrigation system and Mr. Mattson stated they can’t afford that. The contractor is obligated to have the trees grow. Mr. Conroy stated if any tree dies, they have to replace it. Mr. Mattson stated he will meet with the Tree Warden, Bob LeBlanc, before planting trees. Mr. Nottebart asked if a professional landscaper put the trees on the plan and Ms. Ruzsala their engineer did. Mr. Nottebart agreed that the neighbors should have a say in the plantings and the color of the tank. Mr. Forsberg stated he feels it should be Bob LeBlanc as he is the town’s expert. It was agreed that the final planting plan would be approved by the tree warden.

Mr. Conroy stated we will stay away from the color selection. There were no more comments or questions. Mr. Conroy moved to close the public hearing. Motion seconded by Mr. Murtagh and voted 5-0-0.

Mr. Conroy moved to approve Case No. 12-2, Town of Walpole Water Tanks with eighteen (18) standard conditions and six (6) special conditions. Motion seconded by Mr. Nottebart and voted 5-0-0.

9:35 p.m. Beatty, Chestnut and Washington Streets, Case No. 12-5 Site Plan Approval Continued Hearing and Case No. 12-6 Special Permit Continued Hearing:
Mr. Conroy questioned the ANR plan that had been submitted with the application. Atty.

WALPOLE PLANNING BOARD MINUTES OF MAY 17, 2012 (8)

Edward Valanzola stated he will ask Hollingsworth & Vose to consider authorizing them to go forward now. Mr. Conroy asked if they knew there was an ANR signed by the board in 2008 and Atty. Valanzola stated yes. Mr. Conroy stated that as of that ANR in 2008, the clock tower became non-conforming and been a zoning violation since then. He stated the tower doesn't meet the setback requirements of the lot and it can't stay. Atty. Valanzola asked if Mr. Conroy if he is referring to the clock tower and Mr. Conroy stated yes because when they created the ANR lot, they lost the grandfathering. Atty. Valanzola asked if the ANR was recorded and Mr. Conroy stated it doesn't matter. The board endorsed it on February 14, 2008. Atty. Valanzola asked who was the applicant and Mr. Conroy stated Hollingsworth & Vose. They were going to do another site plan, but it never went forward at that time. Atty. Valanzola asked if they would need zoning relief to use the clock tower and Mr. Conroy stated yes and coming to us won't do any good. Atty. Valanzola asked that this meeting continue on so they can get the board's feedback.

Mr. Conroy stated another matter is a question of frontage. Atty. Valanzola stated that issue was raised at the last hearing and would like to direct the board's attention to Section 3-A of the Zoning Bylaw, which he read to the board. He stated he met with the Building Inspector who agrees with him. He agreed they can select either street, Chestnut or Washington Street. Mr. Conroy stated he should check the definition section of the bylaw. The longest one prevails. Atty. Valanzola stated the building inspector agrees with the applicant. Mr. Merrikin, Merrikin Engineering, stated that provision refers to a subdivision. Mr. Conroy disagreed and stated again the longest rules. Atty. Valanzola stated he doesn't interpret it that way. Mr. Merrikin stated the Building Inspector interprets the zoning bylaw and Mr. Conroy stated he isn't here tonight. Atty. Valanzola stated that Section 6-A tells us how to measure. Mr. Merrikin agreed and stated it is either at the setback line or at the street and they have to meet the minimum in one of those two measurements. Mr. Conroy stated we will ask the Building Inspector ourselves as he hasn't heard it from our side. Atty. Valanzola stated he already has Jack Mee's opinion. Mr. Conroy stated we will ask ourselves. Also, the clock tower was not the doing of this applicant. Mr. Merrikin asked if Jack Mee would be at the next meeting and Mr. Conroy stated we can ask. He asked if they want to do the ANR now and Mr. Merrikin stated sure, why not. Atty. Valanzola stated he is taking his direction from H&V and is not sure it should be approved tonight as they have to go before the Zoning Board. Mr. Conroy stated they are better off getting everything else done and then come back here. If we close this hearing and there is a problem, they will need to go through the process again, including filing fees. Atty. Valanzola stated they will seek relief from the Zoning Board regarding height of the clock tower.

Mr. Conroy asked if this project is within 200' of the river. Mr. Merrikin stated that the ConCom determined in 2008 that there is a river front on this property. They have approved the new one. Mr. Conroy stated they need permission from DEP. Mr. Merrikin stated he has done a number of these and has never had a problem.

WALPOLE PLANNING BOARD MINUTES OF MAY 17, 2012 (9)

Mr. Merrikin stated the Planning Board needs the Conservation Commission to approve it before we do. Mr. Conroy stated as long as they are comfortable with it. That is not his issue. He asked if they want to hold the ANR and both Atty. Valanzola and Mr. Merrikin stated yes. Atty. Valanzola granted the board an extension on the ANR through July 30, 2012. Mr. Conroy moved to accept an extension of time to take action on the ANR up to and including July 30, 2012. Motion seconded by Mr. Nottebart and voted 5-0-0.

Mr. Conroy asked when they did the abutters list did they go by the ANR plan or what was in existence. Mr. Merrikin stated they went by the 2008 ANR. Mr. Conroy stated it was questioned by a person in the audience. Mr. Merrikin stated it is referenced as Parcel 32.

Jay Tracy, 88 Union Street didn't like the answer from the applicant. Mr. Merrikin stated this is not all of H&V's property. It was separated out in 2008. He stated we asked for a list of abutters from that parcel only, not the entire H&V property. They got a list of people within 300'. Mr. Tracy stated they were notified before when H&V did the parking lot. Mr. Merrikin stated when the original site plan for the clock tower got approved, they created this parcel. Atty. Valanzola stated if people show up at the hearing, they can't say they are harmed.

Jason Grossman, Riverwalk Commons, East Walpole stated he got the first notice, but nothing thereafter. Mr. Forsberg stated that is all you get. Jason Grossman asked how they are supposed to find out. By going to the web site? Mr. Conroy stated they can also call the office. Mr. Conroy explained the process to Mr. Tracy. Mr. Tracy asked if they transferred this parcel to another entity and Mr. Conroy stated no, they transferred it to themselves and then divided it. Mr. Tracy questioned the MBTA being noticed. They have a perpetual right. Atty. Valanzola stated that is not pertinent to this hearing. Mr. Conroy stated the applicant might want to check that.

Jason Grossman questioned the parking spaces. Mr. Conroy stated we will get to that. Mr. Murtagh asked if the ZBA process can be speeded up. Mr. Merrikin stated they submitted revised plans that have not been reviewed and gave the board a quick review. Also present was Bill Scolly, traffic engineer who presented the board with a report for their review. Mr. Conroy asked if they met with the safety officer and Mr. Merrikin stated he gave him the revised plans and also talked with him at the last meeting. Mr. Conroy stated so they had some discussion and Mr. Merrikin stated yes. He gave the board a quick review of what they have done: 1) reduced seating to 124 to be appropriate with 31 on site spaces; 2) no apartment on the second floor at this time; 3) presented a sketch of what the building will look like.

Jay Tracy, Union Street asked if there will be two lanes of traffic plus perpendicular parking and Mr. Merrikin stated yes. He stated that is a police matter. It will be in only from Chestnut Street and out only on Washington Street. The safety officer was okay

WALPOLE PLANNING BOARD MINUTES OF MAY 17, 2012 (10)

with that proposal. Mr. Conroy informed the applicant they don't need the special permit any more. It can be withdrawn because there is nothing going on the second floor. Mr. Merrikin agreed. He stated they are trying to become incorporated into the East Walpole parking district as this is on the end of it. Mr. Forsberg asked if they decide to do the second floor later, would it be done through the Building Inspector and Mr. Conroy stated no. It will come to us for a site plan modification and a new special permit. Mr. Tracy asked if they will have a second floor, but it won't be used and Mr. Merrikin stated yes. Mr. Grossman asked where the restaurant help will park and Mr. Conroy stated that is not a requirement. They have to provide 31 spaces on their own land and they do. They can't disrupt town parking. Mr. Tracy stated he would like more parking restrictions. Mr. Conroy stated the cars can be towed if they park where they shouldn't. Mr. Conroy asked if they want to keep the tower and Mr. Merrikin stated yes. Mr. Conroy stated it is non-conforming right now. The frontage is Chestnut Street. Atty. Valanzola disagreed and stated it could be Washington Street.

Mr. Nottebart asked who is the applicant and Mr. Merrikin stated Diane Beatty. Mr. Nottebart stated it seems complicated. Diane Beatty stated that all the other committees have been easier to work with. Mr. Nottebart asked if she thinks we have been harder than the others and Ms. Beatty stated yes. Atty. Valanzola stated there were issues raised. He met with Jack Mee who responded to the issues. He is not sure what we do at this point. It sounds like a disagreement between the building inspector and the Planning Board and they are in the middle. They are trying to cooperate. Mr. Conroy stated the target hasn't moved. We expect them to be 100% prepared. The people the applicant is dealing with haven't been 100% forthcoming. He feels the applicant should have gone to the police station knowing this is the worse intersection in town. Atty. Valanzola stated they did and the issues were addressed. He stated they are trying to work in good faith with the board. At some point, his client reaches a point of no return. A setback from the town means that everyone loses here.

Atty. Valanzola asked what other issues the Planning Board has as he wants to be prepared. Mr. Conroy stated his issues are: 1) the ANR and clock tower; 2) he questioned the frontage of Washington Street versus Chestnut Street; 3) not enough parking spaces; 4) last time was the first hearing. If Jack Mee disagrees with him, that is fine. He is not here to hold up this process, but wants his questions answered. Atty. Valanzola asked what if you and Jack Mee don't agree. Mr. Murtagh stated there are five members on this board. Mr. Forsberg stated it really comes down to not whether or not we like a project, but whether or not the project conforms to zoning. We work very hard with our applicants that come before us to ensure they succeed. We want the project to be the best it can be and we also need to deal with abutters. Mr. Conroy stated he is not here to stop this. Mr. Tracy asked if they have to go to the Zoning Board to decide about frontage and Mr. Conroy stated no. Mr. Nottebart stated Jack Conroy is right about the other boards. They do seem to be excited and they don't worry about anything. They just want it done.

WALPOLE PLANNING BOARD MINUTES OF MAY 17, 2012 (11)

The Economic Development Committee wants them to get this through, but no is dealing with the whole thing. We need to stop this until it is right.

Atty. Valanzola stated the old ANR plan re-sets the table. The area that they disagree with is the frontage. Mr. Conroy asked what H&V showed them. Mr. Merrikin stated he knew about the previous ANR. Mr. Conroy asked if they keep the clock tower, are they just going to close it off and Atty. Valanzola stated they can use the bottom floor which will be kept a place where people can wait. Mr. Conroy asked how much to bring it back into compliance and is that an issue? Mr. Forsberg stated we have a determination from the Building Inspector in front of us. Mr. Forsberg asked if we should discuss the traffic and Mr. Conroy stated not until we hear from Chris Musick. Atty. Valanzola asked that be done at a later date. Mr. Forsberg stated everything else seems to be set. An abutter would like the police questioned about walking by the abutment on Chestnut Street. Atty. Valanzola stated he will speak to the safety officer, but there is not a lot of control over this. Mr. Conroy stated the safety officer will review this and make recommendations to us and the Board of Selectmen. Mr. Tracy questioned the bus stop and said that hundreds of people go from that stop to the mall at staggered times. Mr. Conroy stated it should be moved down and stated they should talk to the Selectmen.

Mr. Valanzola stated he will submit an extension of time in writing with regard to the ANR and also a letter withdrawing the special permit. He also granted the board an extension of time to take action up to and including June 30, 2012 on the site plan application. Mr. Conroy moved to allow the applicant to withdraw the special permit without prejudice. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy moved to accept an extension of time up to and including June 30, 2012 upon which to take action on a site plan application. Motion seconded by Mr. Nottebart and voted 5-0-0.

Atty. Valanzola asked to continue this hearing. Mr. Conroy stated he will not be available on June 21, 2012 and left it up to the remainder of the board as to whether or not they would meet on June 21st. Mr. Forsberg and the other members agreed to meet on June 21, 2012. Mr. Conroy continued this hearing to June 21, 2012.

Minutes: Mr. Conroy moved to accept and release the executive session minutes of July 14, 2011. Motion seconded by Mr. Murtagh and voted 5-0-0.

Time Cards: Mr. Conroy moved to approve the secretary's time cards as submitted. Motion seconded by Mr. Nottebart and voted 5-0-0.

Summer Schedule: The board agreed to place this on the June 7th agenda for discussion.

MPIC: Mr. Mazzocca nominated Mr. Nottebart to be the Planning Board member at large to the MPIC. Motion seconded by Mr. Conroy and voted 5-0-0.

WALPOLE PLANNING BOARD MINUTES OF MAY 17, 2012 (12)

Barachiah Lane: Mr. Conroy moved to re-set the bond at \$44,000 as per recommendation of Margaret Walker, Town Engineer due to the fact that an ANR was approved for this property. Motion seconded by Mr. Nottebart and voted 5-0-0.

It was moved, seconded and voted to adjourn. The meeting adjourned at 11:20 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted on 7/19/12