

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 1, 2011

A regular meeting of the Walpole Planning Board was held on Thursday, September 1, 2011 at 7:00 p.m. in the Town Hall Main Meeting Room. The following members were present: John Conroy, Chairman; Edward Forsberg, Vice Chairman; John Murtagh, Clerk; Richard Mazzocca, Richard Nottebart, Don Johnson, Interim Planner; Chris Musik, Safety Officer.

Minutes: Mr. Conroy moved to approve the minutes of August 18, 2011. Motion seconded by Mr. Nottebart and voted 4-0-0.

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

Country Club Drive Release of Covenant: the board received a request from Shannon Kathrein, Dakoyannis & Sherring, Route 1, Westwood, MA requesting a Release of Covenant be endorsed by the Planning Board for Lot 16 (18 Country Club Drive) as there was never one recorded. Mr. Conroy moved to endorse a Release of Covenant for Lot 16 Country Club Drive. Motion seconded by Mr. Mazzocca and voted 4-0-0.

Mr. Forsberg arrived at 7:22 P.M.

ANR – Catharine and Walter Fisher, 476 Fisher Street: Mr. Conroy asked Mr. Johnson if Fisher Street is an accepted public way and Mr. Johnson stated yes it was accepted in 1878. He stated there are no planning issues with the ANR. Mr. Mazzocca asked if they are required to comply with zoning when one lot is divided into two lots. Mr. Conroy stated that according to town counsel there is no issue as long as nothing is made non-conforming.

Mr. Conroy moved to endorse an ANR plan submitted by Catharine Fisher, 265 Fishing Cove Road, North Kingston, RI and Walter Fisher, Jr., 38 West Shore Road, Holbrook, MA finding Form A in order and subdivision control not required. Said plan was drawn by Glossa Engineering, 46 East Street, East Walpole, MA and dated August 12, 2011. Motion seconded by Mr. Mazzocca and voted 5-0-0.

The owner's title to the land is derived under deed from Rose Fisher dated April 23, 1992 and recorded in Norfolk Registry of Deeds Book 9320, Page 337. Said property is shown as Assessor's Parcel Map 9, Lot 27, Zoning District Rural.

High Oaks IV Subdivision: Mr. Conroy read a memo dated August 24, 2011 from the Board of Selectmen regarding the ball fields at High Oaks IV. As the existing playing fields in town are in need of restoration, the Selectmen are recommending that in lieu of Walsh Contracting constructing a new ball field in the area, they should provide an in-kind financial contribution equal to the cost of the developing this new ball field.

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Said funds will be under the control of the Selectmen and used to upgrade existing town fields in need of repairs.

Mr. Conroy asked that we send Jack Walsh a copy of the Selectmen's letter.

Walpole Park South: Mr. Conroy placed this on the September 15th agenda as the board has not received any input from Ilana Quirk, Town Counsel.

Request for Comments: Mr. Conroy moved to send a letter to the Conservation Commission in response to their request for comments on 78 Lewis Avenue. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy moved to send a letter to the Conservation Commission in response to their request for comments on 17 Adrienne Road. Motion seconded by Mr. Mazzocca and voted 5-0-0.

7:50 P.M. Oaktree Realty Trust, Route 1, Case No. 11-8: Mr. Conroy read the public hearing notice and stated the applicant, Michael Stanton, was represented by Richard Merrikin, Merrikin Engineering, Millis, MA. Mr. Merrikin stated the property is located on Route 1 near the Hess station on the Foxboro line and was originally owned by the Zoppo Company. There is a fenced area on the site to secure materials when needed which will remain. They presently have a fully constructed and permitted curb cut on Route 1. The proposal is to construct a gravel surface parking lot for stadium events to park seventy-seven cars. The surface will be recycled asphalt even though it is a gravel surface. It will be firm on rainy or snowy days and they can stripe it. The applicant owns the property where Dunkin Donut is across the street and they have parked 135 cars on that site for the last 13 years. There will be trash bins and the area will be fully staffed to make sure people don't get out of hand. There will be porta-johns which will be leased for the season and serviced after every event. There will be temporary lighting for evening games. Ms. Walker had said there was no stormwater management required, but she asked him to propose something; therefore, they are proposing a drainage swale at the lower end of the property and it is in accordance with the stormwater regulations. It will discharge toward the property next door, which is owned by the state. There is a sewer line that comes from Christina's which is fairly well buffered. There will be an 8-hour police detail and a "no left turn" sign. The Conservation Commission determined there were no resource areas and they were given a negative determination and also a letter from Ms. Walker. Mr. Merrikin has also met with Don Johnson and there were a couple of additional items that were addressed. They are not changing the grade of the property even though it will be 6-7" higher.

Mr. Conroy read comments that were received from town boards and committees. Chris Musik, Safety Officer, stated he has spoken with the state police. The parking lot will be opened for all Patriot games and any concerts with more than 40,000 tickets sold. The state police don't want any one making a u-turn at the lights at Route 1 and Water/North Streets to reverse direction. Mr. Merrikin stated this lot is a mile from the stadium.

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Mr. Conroy questioned why they are providing handicap spaces when they are over a mile from the stadium and Mr. Merrikin stated he doesn't want to fight the regulations. Regarding the memo received from the Deputy Fire Chief, he is all set. He stated they don't need a hydrant because there is no water line on Route 1. Mr. Conroy asked that he get that in writing. Mr. Mazzocca questioned the statement that the grade is not changing but the property will be 6-7" higher. Mr. Merrikin stated it will be blended in at the high and low ends of the lot. Mr. Mazzocca questioned the cul-de-sacs on Irving Drive and others in that area. He asked Mr. Merrikin to explain the pictures and what they represent. Mr. Merrikin stated the lighting will be temporary and stored in the fenced area when not used. Mr. Stanton stated they will allow fires, but prefer gas grills. Mr. Conroy stated we are only here to deal with the site itself. The Selectmen will issue the permits and set the hours of operation, the times allowed before and after an event, open fires, etc.

An abutter questioned the drainage and asked if there will be puddling behind the Boyden School and Mr. Merrikin stated no. Things will be as they are now with no change. Mr. Stanton stated they will be staffed four hours prior to the event, during the event and one or two hours after an event. Mr. Mazzocca stated that the lot at Dunkin Donuts is one of the cleanest around, but the problem is the people stay at some of the lots and party all night.

Mr. Forsberg stated he is concerned with the lights and generator. Mr. Stanton stated they have small ones and they are not that loud. They produce less noise than a lawnmower. Mr. Merrikin stated they will only be on for an hour or two for a day game. Mr. Forsberg questioned the fumes from diesel. Mr. Stanton stated he has one going now at home and it is not offensive. Mr. Forsberg asked if a police detail would be required. Mr. Musik stated their job is to maintain order. There should be an officer on Route 1 south if something were to happen and also to ensure that everyone goes Route 1 South after the game. Typically, there is an 8-hour detail which includes before and after events. Regarding trash, Mr. Forsberg asked if it is taken off site immediately. Mr. Stanton stated yes unless there is a blizzard. They run a boutique lot and most of the people who park there have been their customers for many years. They are in the customer service business and want everyone to have a good experience, including the neighbors.

Mr. Murtagh stated this area is part of the aquifer and questioned the use of recycled asphalt. He asked if that would have contaminants. Mr. Merrikin stated it is more gravelly than what you are picturing. Mr. Murtagh stated it has to be clean material and would like a second opinion on what that. He is also concerned about lighting near the neighbors and would like to see a buffer zone. Mr. Merrikin stated that the residents are here are up 18' or higher than the lot, so the lights will not affect these homes. They don't want any issues with the neighbors.

Mr. Musik doesn't think the signage is appropriate and feels it could be a distraction if there is no police detail. Mr. Stanton stated he has a temporary sign in a bucket.

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Mr. Nottebart stated the plan is fine and asked if a police detail is required. Mr. Musik stated yes and it is already agreed to. Mr. Nottebart stated the neighborhood does concern him also. He questioned the swale and it will take care of the run off. Mr. Merrikin stated yes and will be better than it was before.

Mr. Conroy asked how this is a site plan. Mr. Johnson stated because of the number of parking spaces as per Section 13.2.c of the Zoning Bylaw. It is the same as the other parking lot at Hercules Plaza. Mr. Conroy asked why we are stuck with this. Hercules Plaza was shoved at us. If this was for a building he could understand it. He asked Mr. Merrikin how he ended up with us. Mr. Merrikin stated he read it the way Mr. Johnson did. Mr. Stanton stated he had met with the Building Inspector and was told he needed to file. Mr. Conroy asked if Route 1 is an accepted road. Mr. Merrikin asked if he means as a public road and Mr. Conroy stated yes. Mr. Merrikin stated it is a state highway. Mr. Johnson stated they have an existing curb cut issued by the state. Mr. Conroy stated that needs to be checked out. Mr. Forsberg asked if they are planning to paint lines and Mr. Merrikin stated yes. Mr. Conroy stated that given that this is wide open, he would like a temporary orange snow fence put in place about 100' up each side and parallel to the existing fence. The applicant agreed.

Mr. Conroy stated we need the Deputy Fire Chief's comments in writing. Mr. Murtagh asked if the applicant contributes any of the parking lot money to the town and Mr. Stanton stated no.

Mr. Conroy continued this hearing to September 15, 2011 at 7:20 p.m. in order to allow time for Sewer and Water to comment and the Dep. Fire Chief and also any questions that Ms. Walker had need to be addressed.

9:00 p.m. 576 Common Street Preliminary: The applicant and trustee, Peter Alberini, Wagon Road was represented by Atty. Philip Macchi II, Norwood, MA and Matt Smith from Norwood Engineering. Mr. Macchi stated they have two proposals: a two lot subdivision or a 3 lot subdivision. They did file with the Zoning Board but were denied a variance.

Mr. Macchi stated there are two lots created in approximately 1907 and they each have 100' of frontage and have always been under common ownership. The existing house is in the center of the two lots. It is one locus with two addresses. If they go forward with two lots, Ms. Walker would like two separate Common Street addresses. Work done on two lots would remain outside the watershed area, but three lots would be invasive to the watershed area. Mr. Macchi feels the town would benefit from a 2-lot subdivision and so would Mr. Alberini.

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Matt Smith, Norwood Engineering stated that with regard to a 3-lot subdivision, the cul-de-sac and road fit in really well, but would have to tie into drainage on Common Street. They are confident they can meet the requirements, but the existing house would have to be knocked down. Regarding a 2-lot subdivision, they would keep the existing house and they are proposing a 16' wide driveway, not a full road. From the street, it would look like a house with a driveway in the back. Both water and sewer is available from Common Street.

Mr. Mazzocca asked which plan went before the Zoning Board and Mr. Macchi stated the two-lot plan without the road. Making that a lot line needs a circle and frontage variance of 62' +/- . Ms. Walker stated she has seen both plans and thinks the two-lot one is the best. Mr. Forsberg stated if you go with the two lots, you are not in the roadway layout. Mr. Macchi stated you have everything. The front lot is still Common Street and the house will conform. Mr. Murtagh asked if the frontage for Lot 1 is on Common Street and Mr. Macchi stated yes. Mr. Murtagh asked about Lot 2 and Mr. Macchi stated on the cul-de-sac. Mr. Johnson stated that environmentally and financially a two-lot would have a lot less impact.

Mr. Conroy asked the status of Common Street. Mr. Johnson stated it is a public way. Mr. Conroy asked if they consider the two lot plan a subdivision and Mr. Macchi stated yes. Mr. Conroy disagreed and stated it is not under subdivision control because there is only one lot. Mr. Conroy stated he should check with his father who presented the Rail Way subdivision. The second issue is about road offsets. Mr. Smith stated they do comply as it is 171' to Eleanor Road and 244' to Swenson Circle center line. Mr. Nottebart questioned the width of the road being 16'. Mr. Conroy stated we don't waive the 46'. Mr. Forsberg another example of a two-lot subdivision is Sardella Circle. Mr. Macchi questioned tearing the house down. Mr. Conroy stated a subdivision has to have more than one lot. Mr. Johnson stated they could use a frontage waiver. Mr. Macchi stated they can add a non-buildable lot along with the two lots.

Mr. Conroy moved to approve the two-lot preliminary plan as presented. Motion seconded by Mr. Forsberg and voted 4-1-0 (Mr. Conroy voting against the motion).

Mr. Conroy moved to approve the three-lot preliminary plan as presented. Motion seconded by Mr. Forsberg. Mr. Conroy stated this is the one that actually works. Mr. Macchi agreed but stated they would prefer the two lots. Motion voted 5-0-0. Mr. Conroy stated that tentative approval to a preliminary plan is non-binding to the definitive plan.

It was moved, seconded, and voted to adjourn. The meeting adjourned at 9:30 P.M.

Respectfully submitted,

Approved 9/15/11

John Murtagh, Clerk