

## WALPOLE PLANNING BOARD MINUTES OF JUNE 2, 2011

A regular meeting of the Walpole Planning Board was held on Thursday, June 2, 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 (7:10 p.m.); John Murtagh, Clerk; Richard Nottebart, Richard Mazzocca (7:20 p.m.); Don Johnson, Town Planner; Margaret Walker, Town Engineer.

**Minutes:** Mr. Conroy moved to accept the minutes of April 21, 2011. Motion seconded by Mr. Nottebart and voted 3-0-0 (Conroy, Nottebart, Murtagh).

**CVS, Case No. 09-5:** Mr. Conroy moved to endorse a plan entitled “Snow Management Plan, CVS Pharmacy, Store No. 844, 929 Main Street, Walpole, MA” by R. J. O’Connell, 80 Montvale Avenue, Suite 201, Stoneham, MA showing a change to the original site plan which was determined to be a minor modification on March 17, 2011. Motion seconded by Mr. Nottebart and voted 3-0-0 (Conroy, Nottebart, Murtagh).

**Brush Hill Subdivision:** Mr. Hasenjaeger was present to discuss the acceptance of Berkeley Drive, Easements and Waivers.

Mr. Hasenjaeger requested he be allowed to put a 3’ fence on the top of the 12-14” cement retaining wall on the sidewalk side of Berkeley Drive. Mr. Forsberg requested he use black vinyl chain link. Ms. Walker stated this was never meant to be in place as a car protective guardrail.

Mr. Conroy moved to allow a black vinyl chain link fence, minimum of 3’ high, on top of the retaining wall in lieu of the guardrail. Motion seconded by Mr. Nottebart and voted 4-0-0.

Ms. Walker stated another issue is an off site improvement for a traffic island at the subdivision entrance at North and Gould Streets as shown on the subdivision plan. Mr. Hasenjaeger stated he would like to have that removed as it is not necessary. He explained it is a small triangle at the Gould Street entrance. Ms. Walker stated the area is wide open and there is very little traffic. Mr. Murtagh asked if it works well the way it presently is and both Ms. Walker and Mr. Hasenjaeger stated yes. Mr. Forsberg asked the estimated cost of the island be donated toward the town’s sidewalk fund. He asked Mr. Hasenjaeger to meet with Ms. Walker about this.

Mr. Forsberg moved to allow the island as shown on the plan at the Gould Street intersection be removed and the cost of the island to be donated to the Town’s sidewalk or tree removal fund, in an amount as recommended by Ms. Walker. Because the island is an off site improvement, the Planning Board can’t bind the developer to that condition; further, it was found that the DPW and the Road Commissioners didn’t feel the island was warranted. Motion seconded by Mr. Conroy and voted 4-0-1 (Mr. Mazzocca abstained).

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Regarding the Brush Hill legal request and opinion regarding the review of easements, Mr. Conroy asked Mr. Johnson to send town counsel's opinion to Mr. Hasenjaeger, as he said he didn't receive it as yet. He also said he would do whatever town counsel recommends if town counsel gives him the language. Ms. Walker stated Mr. Hasenjaeger needs to take this to his own attorney to be drawn up, not our town counsel. Mr. Hasenjaeger asked why town counsel can't do it. If he takes this to another attorney, they won't know what town counsel wants. Mr. Conroy advised him to go to his own attorney. Mr. Hasenjaeger stated he will get this done and then ask to schedule a residents' hearing.

**Plimptonville Crossing, Case No. 07-7 Discussion:** D'Amello Matteo representing Phoenix Construction Management LLC was present to propose a modification to the previously approved Plimptonville site plan. He stated the number of units will remain as approved, but they are asking they not be connected. They will be using the original footprint. Mr. Forsberg asked if the impervious cover will remain the same and Mr. Matteo stated yes. Mr. Conroy explained the process for a minor or major determination. He stated Mr. Matteo needs to check with the building inspector to see if he has an issue with the buildings being disconnected. Also, if they are not changing any layout or impervious cover, he would need a statement from Mr. Merrikin stating that everything is the same including impervious cover. The board will then determine whether the change is minor or major. Mr. Conroy asked that Mr. Merrikin submit a comparison for the board.

Mr. Forsberg stated he doesn't feel there is much of an issue with this, but he doesn't want the neighbors to think anything went on without them knowing about it. He would like them to see it before any changes are made and would also like comments from town boards and committees. Mr. Matteo asked how he would let the neighbors know. Mr. Murtagh stated we should wait to see what Jack Mee has to say. Mr. Conroy stated they will have to go to Sewer and Water and the Fire Department to see if they are okay with any changes.

Mr. Nottebart stated the only issue is that the units were attached and if we approve this they won't be. Mr. Conroy stated Mr. Merrikin needs to show us what is changed before we make a determination. Mr. Matteo asked if there is an appeal period and Mr. Johnson stated no.

**7:50 p.m. B&C Realty Trust, 1415 Main Street, Case No. 11-6:** Mr. Conroy opened the hearing and read the public hearing notice as advertised. The applicant was represented by Ken McKenzie from Dunn McKenzie Engineering. He stated there will be two catch basins with a little swale in the back which will go into the existing drainage area. They are proposing to plant arborvitaes in the back to the right of the bins. There will be a "Do Not Exit" sign by the speed bump and the entrance and exit signs.

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Mr. Johnson stated they have installed eleven bins, but originally there were only suppose to be four. The Building Inspector verified that the retaining wall meets the building code. He stated there should also be more vegetation planted in the buffer. They were also supposed to recheck the drainage calcs. Mr. McKenzie stated they did do that. Mr. Johnson stated the board needs to see the calculations of what it should be versus what it is now. Mr. McKenzie thought Bob Babcock had done that, but Mr. Johnson stated no, but that he said it was forthcoming and as yet we don't have them. Mr. McKenzie stated he will drop them off in Mr. Johnson's office.

Mr. Johnson stated that the fence between the lots was the biggest issue that the board had along with the guard rail. Mr. Forsberg stated when the vehicles came into the Floral entrance, they would cut across incoming traffic and go out the Dunkin' Donuts entrance into oncoming traffic. Mr. Murtagh agreed and stated that cars that come in the wrong entrance would cut across into the flower place. Mr. Nottebart stated two parking spaces were to be left empty so someone could exit, but people did park there because they weren't marked out. He does prefer there be no cross-over traffic and no cut. Mr. Murtagh doesn't agree. He asked what if there is a big trailer truck. Mr. Nottebart stated we should all work together to resolve this. Bill Glaropoulos stated they are proposing two "No Exit" signs which should stop any problems. They can't park on the street, but if they close up the guard rail, there will be a problem. Mr. Murtagh feels they are creating a problem by blocking this off.

Tom Manning, 6 MacDonald Circle stated he is a customer of Dunkin' Donuts and has almost lost the front end of his car which is not a good situation for a customer. Mr. Murtagh asked if there has ever been an accident or incident since they opened. Bill Glaropoulos stated not that he knows of and he is at the nursery every day. Mr. Manning stated that the large vehicles can't turn right and go through the drive through, so they go left and try to go out the exit onto Route 1A. Mr. Murtagh stated if we have that blocked off, it will not stop them from turning around. Bill Glaropoulos stated it would stop everyone from using the second lot. They want this to be convenient for their customers and putting the signs up should stop people from going back out the wrong way. Mr. Nottebart stated he observed today people coming and going both ways, so he doesn't know the purpose of the speed bumps because they don't stop anything. There was some parking to the right at the floral center. Safety is our concern. This is confusing. He is not a believer of signs. Bill Glaropoulos asked they why have them. Mr. Murtagh stated he thinks signs will help. Mr. Nottebart feels people should be funneled down to a crosswalk. Bill Glaropoulos stated there are other drive thrus in town that have parking outside the drive thru lane. Mr. Forsberg stated there should have been a guard rail and a crosswalk right to the front entrance. Mr. Nottebart stated we approved this with conditions and you didn't do what we asked. Now you are back. Mr. Murtagh feels we are beating the crap out of the little guys. Mr. Nottebart disagreed and thinks we are for the little business person.

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Stephen Lynch, 80 Williams Street stated he is a direct abutter to Dunkin' Donuts and hasn't seen a lot of cars queued onto Route 1A. He doesn't think there are any issues with what is going on out back. They are running a good business. Mr. Conroy stated there is no opening because there is not a lot of room. Mr. Mazzocca feels he is at a disadvantage because he hasn't been up there in a while. He asked what is there now and if the guardrail been constructed. Bill Glaropoulos stated yes. Mr. Mazzocca asked if there is a space. He remembers there was going to be an opening. Bill Glaropoulos stated there was supposed to be two less spaces, but they didn't do it because tractor trailers and utility trucks couldn't get in there. Mr. Mazzocca stated he is confused because what he is reading is different from what is there. Bill Glaropoulos stated that some trailers do come into the Dunkin' Donuts driveway and then stop. Mr. Conroy asked if they just come in and stop so no one else can get by which means the guardrail isn't an issue. Bill Glaropoulos stated he has an issue with the guardrail because his sales have gone down since he put it up. Mr. McKenzie stated the Dunkin Donuts' driveway is wider than the other two so it is easier for a big truck to come in that way. Mr. Conroy stated he understands that. He is not sure the guardrail is the issue. The trucks block everything. Mr. Forsberg stated the Dunkin' Donuts parking lot stinks and the back lot is not used. Bill Glaropoulos stated his employees use the back lot. Mr. Conroy stated if we leave it the way it is and there are any accidents in a year, it gets closed off. Mr. Nottebart stated when we voted a major modification, it was stated the guardrail would get hashed out to become the entrance/exit route, which means they have to bring the guardrail down.

Mr. Conroy stated we will forward this to the police and asked that they also put up a sign which states "no parking for trailer trucks". If the guardrail is open, there should be no trailer truck parking. Mr. Johnson stated it sounds like you will be turning parking spaces into a driveway. Mr. Forsberg stated if there is ever an incident at any there, we will need to re-address this. Chris Glaropoulos asked what if the incident has nothing to do with them. Mr. Conroy stated there will be no problem then.

Tom Manning, 6 MacDonald Circle asked if what the board is agreeing to is if people are driving south down Route 1A and there is a line at Dunkin' Donuts, they can pull into the B&C Floral parking lot, then run from the parking space to the Dunkin' Donuts door, which now means people will be running through the drive thru lane. He feels there should be a break in the fence that goes to the door making a pedestrian walkway, so anybody in the Floral parking lot has to cross in one place. Bill Glaropoulos stated he has a speed bump but didn't put it down yet because he wanted to know if the board wanted it. Mr. Forsberg again stated that if there is an incident in the future, the board will address it. Bill Glaropoulos agreed and stated he will put the two speed bumps in.

Mr. Conroy suggested the board review what is not done from the previous site plan and asked Mr. Johnson if he has a list of the changes. Mr. Johnson stated the crosswalk and guardrail is a problem. Also, we need to do a modification to the drainage.

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Mr. Conroy asked if there is anything from the old plan that needs to be done on the new plan. Mr. Johnson stated the drainage, crosswalk, speed bumps and dumpster all need to be addressed. Mr. Glaropoulos stated the dumpster is enclosed and is between the two lots. Mr. Forsberg asked if they are sharing the dumpster and Mr. Glaropoulos stated yes. Mr. Johnson stated there is also a strip in the back that needs to be vegetated. Mr. Conroy asked if that is noted on the new plan and Mr. Johnson stated yes. Mr. Conroy stated he doesn't want anything on the new plan that was approved, but not done. Mr. Glaropoulos stated that is not the case. Mr. Conroy asked Mr. Johnson if he found anything and Mr. Johnson stated no. Mr. Nottebart asked how much different is the new from what we approved before. Mr. Johnson stated the traffic pattern is the only thing. Mr. Mazzocca asked if the issue with the entrance in the back has been resolved. Bill Glaropoulos stated it was supposed to be for emergency use and deliveries only and is locked. There is not a lot of reasons to go out there.

Mr. Conroy read comments from the boards and committees. He asked Mr. Johnson to respond to the safety officer's comments. Ms. Walker stated she needs drainage calculations. There was not a requirement to do a full scale traffic study. She asked if there was any thing different from the previous submission and this one and Mr. McKenzie stated no. Mr. Conroy stated we need to wait for the drainage calculations.

Mr. Manning asked if this new filing involves filling in the wetland area and Mr. Conroy stated no. He asked how tall the proposed building is supposed to be. Bill Glaropoulos stated if they do one, it will be maybe 10-15' high and will be a single story.

Mr. Forsberg asked when they moved the storage bins to the back of the property did they enhance the buffer back there to cut down any noise. Bill Glaropoulos stated they put the bins 4' into the riprap, but didn't take any additional trees down. Mr. Forsberg asked if noise is a factor with the neighbors and Bill Glaropoulos stated they don't start early. Mr. Forsberg stated he does have an issue with the dumpster because if the property is ever sold or divided, he doesn't want the dumpster shared. He asked if that would be an issue. Bill Glaropoulos stated he would put the flower shop dumpster where it is now and the other one on the pad. Mr. Conroy asked that they add the word "future". Mr. Forsberg asked that language be added regarding the dumpster. He asked if the florist needs an easement. Bill Glaropoulos stated there is a 20' easement now. Mr. Conroy stated if they ever split it off, it would be on the plan. Mr. Johnson asked if we would just create a traffic aisle. Mr. Forsberg stated he would like it left as a parking space. Mr. Johnson stated it would be subject to the interpretation of the building inspector.

Mr. Conroy stated that crosswalks and speed bumps should be included in the decision and the placement of the guardrail should be noted on the plan. He asked when you come out the Dunkin Donuts door, which way are you facing and Mr. McKenzie stated toward Route 1A. Mr. Johnson asked if on-site lighting will change and Bill Glaropoulos stated no.

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Mr. Johnson stated there was an original requirement for a fence between them and their neighbor. Bill Glaropoulos stated it is still a requirement and it will be a brand new fence. Mr. Murtagh asked what they are going to do with the new proposed building. Bill Glaropoulos stated it will be for storage if they decide to build it. They have already taken down half of a building and a greenhouse and he doesn't want to lose his rights because of that.

Mr. Murtagh asked if there would be any hazardous material stored and Bill Glaropoulos stated no. Mr. Conroy asked if drainage calcs was a big or small issue and Ms. Walker stated it is a medium issue. Mr. McKenzie stated they only have to go a foot deeper and will maintain the same footprint, but it would be wider at the top. He feels this is a minor issue. Mr. Conroy asked if this will hold anything up and Ms. Walker stated no. Mr. Conroy informed the applicant if we close tonight and there is a problem, they will have to come back. If something doesn't work right and this is closed, you will have to start again. If we hold it open, we can address any changes. Mr. McKenzie asked Ms. Walker if she needs the volume calculations and Ms. Walker stated she needs new versus old. Mr. Conroy stated he just wants the applicant to understand it is their choice to continue or close. Bill Glaropoulos stated he wants to close tonight and will do whatever they have to do to make it work. Mr. Conroy stated if we close tonight and everything else works according to Ms. Walker's calcs, there will be no problem. If you need to make changes, then you will have to start over and come back. Mr. McKenzie asked if they have to come back for the whole plan or just to address the issues of calcs. Mr. Conroy stated we would have to make a determination on that. If you hold it open for one more night, what will you lose? Bill Glaropoulos agreed and stated he wants to keep the hearing open.

Bill Glaropoulos granted the board an extension of time up to and including July 31, 2011 on which to take action. Mr. Conroy moved to accept an extension of time up to and including July 31, 2011. Motion seconded by Mr. Nottebart and voted 5-0-0.

Mr. Conroy asked the applicant to drop off a written request for the extension of time in the office.

Mr. Conroy continued the hearing to July 14, 2011 at 7:30 p.m.

**Wisteria Way II Bond Figure Request:** Mr. Johnson stated that Mark Good gave the board advice on accepting the bond as presented because he doesn't want this to come back on the town. Mr. Forsberg asked if Mr. Good can disapprove a tripartite agreement or a bond because of the instability of a bank. Mr. Mazzocca stated everyone can step in front of us. Mr. Conroy stated Mr. Good can only advise us. He asked if we can refuse because they are on shaky ground and would subdivision control cover this. Mr. Johnson stated no. Mr. Forsberg stated he would vote to disapprove on the recommendation of the town's financial officer. Mr. Mazzocca stated he doesn't think he was doing that.

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Mr. Nottebart stated that based on today's email, Mark Good said they have improved quite a bit. He asked our role in this and asked if we can vote no. Mr. Conroy stated this is a tripartite agreement, not a bond. The bank is still in business. Normally we don't ask Mark Good. Mr. Johnson stated Mr. Walsh's other bonds may also be with the Norwood Cooperative Bank.

Mr. Conroy moved to set the bond for Daylily Lane, Red Gate Road, and a Portion of Lavender Lane, roads within the Wisteria Way II subdivision, at \$350,000.00 as per recommendation of Margaret Walker, Town Engineer. Motion seconded by Mr. Forsberg and voted 5-0-0.

Mr. Conroy moved to accept the Tripartite Agreement dated May, 2011 between Wisteria Ways Corporation, Norwood Cooperative Bank and the Town of Walpole in the amount of \$350,000 for the construction of a portion of roadwork and utilities as shown on a plan entitled "Wisteria Ways II" dated March 11, 1994 latest revision dated March 16, 1995 prepared by GLM Engineering Consultants. Said Tripartite is for a portion of Lavender Lane, Daylily Lane, and Red Gate Road, specifically Lots 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 42, 43, 73, 74, 75, 76, 77. Motion seconded by Mr. Forsberg and voted 5-0-0.

Mr. Conroy stated there was no Form I Release of Form F Covenant to be endorsed by the board. He stated that Mr. Walsh will have to submit one for acceptance and endorsement at our next meeting; further, Mr. Walsh cannot sell any lots until the board endorses the Form I. Mr. Johnson stated Mr. Walsh did not submit a Form I.

**High Oaks IV Subdivision:** Ms. Walker stated she has calculated a bond reduction figure as requested by Mr. Walsh. Mr. Johnson stated that Mr. Walsh wants to meet with Ms. Walker first. Mr. Conroy moved to reduce the bond held on the High Oaks IV subdivision by \$42,023.40 which will leave \$2,939,749.50 remaining. Motion seconded by Mr. Mazzocca and voted 5-0-0.

**Niden Woods:** Ms. Walker stated that one of the conditions for Niden Woods was a sidewalk was to be constructed between Lorraine Road and Hummingbird Lane. Ms. Rosenfeld submitted a plan for construction of the sidewalk to Ms. Walker and it now has to go to the Board of Selectmen.

**Oakwood Estates:** Mr. Conroy stated we don't have to vote anything on this subdivision at this time.

**Time Cards:** Mr. Conroy moved to endorse the secretary's time cards. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy moved to endorse the planner's time cards. Motion seconded by Mr. Murtagh and voted 5-0-0.

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**APA Conference:** Mr. Conroy moved to reimburse the town planner for travel and parking at the APA Conference held in Boston in April in the amount of \$74.50. Motion seconded by Mr. Murtagh and voted 5-0-0.

**Summer Schedule:** It was agreed to meet on July 14, August 18, September 1 and 15. Mr. Johnson reminded the board to watch summer scheduling due to town meeting articles.

**McDonald's:** Mr. Johnson stated the plan is not correct at this time. It was agreed to place this on the board's July 14<sup>th</sup> agenda.

**Walmart:** this project is on hold while they deal with StorGuard.

**Training:** Mr. Johnson asked to attend the MAPD Annual Conference on June 9th. Mr. Forsberg moved to pay \$85.00 for training costs. Motion seconded by Mr. Nottebart and voted 5-0-0.

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

Respectfully submitted,

John Murtagh, Clerk

Accepted June 23, 2011