

WALPOLE PLANNING BOARD MINUTES OF OCTOBER 7, 2010

A regular meeting of the Town of Walpole Planning Board was held on Thursday, October 7, 2010 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, Town Planner; Margaret Walker, Town Engineer.

Minutes: Mr. Forsberg moved to accept the minutes of September 23, 2010 with clerical corrections. Motion seconded by Mr. Conroy and voted 3-0-0.

Time Cards: Mr. Conroy moved to approve the planner's time cards as submitted. Motion seconded by Mr. Nottebart and voted 3-0-0. Mr. Conroy moved to approve the secretary's time cards. Motion seconded by Mr. Nottebart and voted 3-0-0.

Mr. Murtagh arrived at 7:08 p.m.

Hancock Court Extension: Mr. Forsberg moved to extend the Tripartite Agreement for Hancock Court Extension up to and including July 10, 2012 per request of Kevin Sullivan. Motion seconded by Mr. Conroy and voted 4-0-0.

Niden Woods: Ellen Rosenfeld, owner/developer, stated she received a letter from the board dated September 23, 2010 referencing erosion problems and asking her to install the berm in the subdivision. She said that her bond expired at the beginning of this year. Ms. Rosenfeld stated she has already met with Jack Mee, Don Johnson, and Maggie Walker regarding the erosion issues. She stated that the grass is growing there which will help with problems and would like to install the berm in the spring of 2011. The driveways are not all in yet and the berm will be destroyed if done before the driveways. She asked for a two year extension of time.

Ms. Walker stated the subdivision conditions are no worse since the erosion issue last February and seems to have stabilized itself for the moment. Mr. Merrikin stated they will put in some hay bales around the first lot on the cul-de-sac. Ms. Rosenfeld stated she will ask the homeowners to take care of their own lots and if they don't, she will do it. Mr. Forsberg questioned the catch basins and Mr. Merrikin stated the covers are on them. Mr. Murtagh asked if the berms would help with directing the water to the catch basins and Mr. Merrikin stated he doesn't think so; the water will stay in the gutter, but feels hay bales will help. Mr. Merrikin stated that Ms. Rosenfeld's brother put in some crushed stone and that has helped the problem. Also, one of the homeowners has used hydroadseed and another one will be doing so shortly.

Mr. Johnson stated he went to the site today and noticed that the soil is level with the sidewalks. He feels the berms should be put in place.

Mr. Mazzocca arrived at 7:18 p.m.

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Mr. Merrikin stated that would serve no purpose, but hay bales will. Mr. Forsberg asked if there should be some maintenance on the retention basin as it looks like there is some growth in that area. Mr. Merrikin stated they will use the weed-whacker in that area before the snow flies. Mr. Conroy stated he went by the subdivision before the meeting and they do need to put hay bales in place by the second and third houses on the left. The right side seems to be fine. We don't want the catch basin silting up. He questioned if the bond is expired and Mr. Merrikin stated no the covenant did.

Mr. Conroy moved to extend the bond for a two-year period up to and including October 7, 2012. Motion seconded by Mr. Nottebart and voted 4-0-1 (Mr. Mazzocca abstained).

Hollowdale Farm Update: Ms. Walker stated they will be paving sometime the middle of next week.

Winter Estates Minor Modification: Mr. Merrikin stated there were some issues from Margaret Walker, which they have addressed. Also, the Conservation Commission had asked them to update the drainage. Ms. Walker stated the roof recharge needs to be addressed. Mr. Conroy stated that will be added as part of the modification to make it comply with 2010 standards. Mr. Merrikin asked that the board copy Jack Mee with any conditions. Mr. Murtagh asked if the entire elevation is coming up 2'. Mr. Merrikin stated it is 1-2' and is already higher than the water. Mr. Murtagh asked if that means you have to change all the elevations on the plan and Mr. Merrikin stated no, they just had to flatten it out a bit. Mr. Murtagh asked if that will be confusing and Mr. Merrikin stated they will add the two sheets to the subdivision set. Mr. Murtagh asked if it will affect the drainage in the street and Mr. Merrikin stated no and Ms. Walker agreed. Mr. Murtagh asked if it will affect the house foundations and Mr. Merrikin stated no as it has nothing to do with the houses. This is at the very end of the system.

Mr. Conroy moved to grant a minor modification to include as part of the updated storm water management decision to add individual roof systems to the plan. Motion seconded by Mr. Murtagh. Mr. Johnson asked if this should be a deed restriction and Mr. Conroy stated it will be on the plan. Mr. Johnson stated sometimes developers don't see the plan. Mr. Merrikin stated that is why he asked this be sent to the building inspector. Mr. Macchi stated the subdivision will be sold as a whole; therefore a deed restriction after the fact will not help. Mr. Johnson stated he will put this into GeoTMS and give Mr. Mee a hard copy along with a copy of the revised plan.

Motion voted 5-0-0.

Michael Shea, 390 West Street Update: Mr. Merrikin stated they will be submitting an ANR to create another lot. He asked if they need to modify the site plan because they are making the original lot smaller although the new building will have a new site plan. Mr. Conroy stated if he divides this up, it is still only one site plan. Mr. Merrikin stated Mr.

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Shea's friend wants to buy the lot and build a building and wants to get started as soon as possible. Mr. Forsberg stated he thought the right side of the lot flared out and Mr. Merrikin stated no it is in the other area. Mr. Conroy stated they need a plan showing everything within the lot. Mr. Johnson stated that everything needs to remain conforming. Mr. Merrikin stated they put up a wall in the back which he will add to the modification. Mr. Nottebart asked when this was done and Mr. Johnson stated July 2009. Mr. Forsberg stated if they are eliminating the trees in the front area, they will need a modification. Mr. Conroy questioned the detention basin on the other lot. Mr. Merrikin stated they will be proposing parking for the new building. Mr. Conroy stated he feels they have more than a minor modification. They will need to do a new site plan along with the ANR. Mr. Forsberg asked if they can do a major modification and combine all. Mr. Conroy stated they will have two different lots created out of one. Mr. Merrikin agreed to do a new site plan. Mr. Conroy stated it will make this cleaner, especially for people to comment. Mr. Murtagh asked if there is any run off on site and Mr. Merrikin stated it will remain the same as it is presently.

7:45 P.M. Walmart, Case No. 10-8: Mr. Conroy read the public hearing notice. The applicant was represented by Philip Macchi II, Esq., 1256 Washington Street, Norwood. He stated he is working with Matt Smith, Bohler Engineering; Bill Boyd, Architect; Gary McNaughton, Traffic Engineer; Ron DiNapoli and Al Molineri of Walmart.

Mr. Macchi stated this proposal has gone through the Conservation Commission for a land disturbance permit and also the Zoning Board of Appeals. He has submitted a new application because it was before the Zoning Board of Appeals in 1992 when they received multiple variances and special permits.

Mr. Macchi stated the locus falls entirely within the Highway Business Zoning District and the site is currently a functioning Walmart store providing goods and retail goods to the Walpole and surrounding areas. The proposed expansion consists of approximately 29,000 s.f. and the additions will be located on the west and south sides of the present building. In order to improve the traffic flow and maintain parking ratios, the western parking (located between the building and Route 1) is being slightly expanded and modified. Also, the main parking area to the north of the store is being slightly modified to provide better handicapped access. The stormwater management system is also being upgraded even though the existing drainage/infiltration basins are sufficient to accommodate the proposed expansion.

Mr. Macchi stated there is no provision for open space on this site. He stated this site is in a "bowl" and there will be no stormwater run-off onto adjoining sites. They will be providing block walls which is an improvement to what is there. He stated that the compactor is fed completely from inside the building.

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Mr. Macchi stated that Walmart is cognizant of the traffic problems on Route 27 and they are willing to put in a traffic signal, which is under the jurisdiction of the Board of Selectmen as Road Commissioners; however, DOT has verbally said they are in favor of it. They revised the lighting plan for better vehicular and pedestrian flow. They are asking for a 24-hour store operation. Mr. Macchi stated that all the perimeter lighting was redesigned after the Zoning Board hearing and abutters comments that were given at that meeting.

Matt Smith, Bohler Engineering, stated they do a lot of commercial designing plans. The plans were prepared under his direction as they do a lot of Walmart stores. He stated that the proposed expansion consists of approximately 29,000 s.f. and the drainage system will remain intact throughout construction. Some islands will be removed, but the parking will largely stay intact. They will be reducing the parking on site by nine spaces. Mr. Smith stated there will be a wall installed which will be 6-7' in height to 15' as the grade changes by about 30'. They are not putting any units on the roof because of sound, which will be reduced by putting the units on the ground behind the block wall. They will do some landscaping by introducing additional impervious area to the side and rear. They will not be incurring off site run-off and drainage will be well accommodated. Mr. Smith stated they will be submitting a lighting plan which will show photometric lights at about 40' in height. They have revised the plan to improve it so it will support throw fixtures facing inward in the first three rows of lights; therefore no abutters will be impacted. He stated that four loading dock doors will be located on the side and a compactor will be in that same area. The main entrance will remain where it is and an entrance and crosswalk on the High Plain Street side will remain.

Gary McNaughton, Traffic Engineer from McMahon Associates, stated the proposed project is not a massive expansion as it will only create one additional car in each direction per minute; however, there is a little more traffic to handle on a Saturday. They are proposing to add a lane heading westerly with an arrow, but the details need to be worked out with DOT. Their concern is Route 1, as Route 27 belongs to the town. The improvements are fairly extensive and Walmart is committed to doing them. They need to do a small 6' land transfer with DOT as they want a sliver off the front of the state-owned property and the improvements along Route 27 hinge on that.

Bill Boyd stated he has been doing the architectural work for Walmart for about 25 years which comes down to having done about 800 of them. They feel this expansion is an improvement and features many customer amenities. There will be awnings put in place and they are planning to re-surface all sides of the building. There will be a fully enclosed garden center and therefore there will be no need to have outside storage. They will dehumidify the entire store. Regarding compressors, it will be a rare instance that all six compressors will run at the same time. The compactor will be fed from inside the store. When full, a truck will come take the trash away.

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Mr. Conroy read board comments. Mr. Johnson stated the site intersection and traffic both need to be addressed. Mr. Macchi stated they are proposing Walmart be required to report back to the board every three years. Mr. Johnson asked in regard to DOT land, would they be more apt to do an easement. Mr. McNaughton stated it would be easier and he would prefer going that route, but he is not sure. Mr. Johnson stated that the roadwork has to be approved by the Selectmen. Also, there should be a "no left turn" sign at the Route 1 driveway if DOT allows that. Mr. McNaughton stated there will be one out there. Mr. Johnson questioned the buffer area on top of the retaining wall and stated he realizes it is a big change in elevation. He feels the retaining wall will help with some of the traffic noise. Matt Smith stated he thinks the trees will also help. Mr. Johnson asked if there will be fencing on top of the wall at the truck turnaround and Mr. Smith stated yes and they could use a stockade fence which would provide for some additional safety. Mr. Johnson asked about the lighting and Matt Smith stated it will be a fully enclosed shielded shoe box. The lights will be separately recessed. Mr. Johnson asked that they check with DOT regarding a "no left turn" sign on the Jersey barrier located across from the Route 1 driveway. Regarding the new retaining wall, Mr. Mazzocca asked if there is an existing guard rail and Matt Smith stated yes and it will remain. They will probably extend it a little more and put on fence on top of it. Mr. Mazzocca asked how high the fence will be and Matt Smith stated 15' at the highest point; however, they are still reviewing it. Mr. Mazzocca stated it doesn't look like much room between the retaining wall and the edge of the roadway. Mr. Smith stated it will be about 10' and the fence will be 6' high. Mr. Forsberg questioned the truck route and asked if there will be an issue with turning. Mr. Smith stated they have striped an area to accommodate a truck, so it won't cross over. Mr. Forsberg asked if there will be a restriction on hours of delivery. Mr. Macchi stated there isn't currently.

Ron DiNapoli, Marketing Manager, stated they would accept a full delivery truck rather than more smaller separate delivery trucks; however, there will be no more than what is being delivered now. 4:00 pm to 8:00 pm is what the hours are currently and he doesn't feel that will change. Overnight stock needs to be in by 10:00 p.m. A truck arriving at 2:00 a.m. will not help them at all. They like deliveries in by 8:00 p.m. Mr. Macchi stated that 11 p.m. to 8 a.m. is presently a condition and that could stay. Mr. Forsberg asked if that includes use of the trash compactor and Mr. Macchi stated yes. Mr. Forsberg asked if there is any screening for the pad that is presently there and Mr. Smith stated there is a block enclosure. Mr. Forsberg asked if the longer side of the longer addition is for the current garden center, but it will extend to the back of the building. Mr. Smith stated that is correct. Mr. Boyd stated there will be a cloth shade over the garden area to keep things contained and everything will be fully screened. Mr. Forsberg stated the proposed block is not mentioned and asked if we should add it. Matt Smith stated they will do that.

Mr. Murtagh asked if they realize how dangerous this intersection is now. He feels the traffic light won't take care of the problem. We need a major redesign to make it work.

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He asked if we will have to wait three years for that. Mr. Macchi stated obviously not. Mr. Murtagh asked why they haven't met with the Selectmen yet. Mr. Macchi stated that without a site plan, they have nothing to present. Mr. Murtagh stated there is also very poor signage.

Mr. Nottebart asked if the deliveries will be to the front of the building and Mr. DiNapoli stated no, only the back. Mr. Boyd stated the plan shows the door to be at grade. Mr. DiNapoli stated that the only additional trucks will be for produce and the frozen goods will be in the 18 wheelers. Therefore, there will be increased deliveries of small trucks. He didn't mean to mislead the board.

Mr. Nottebart asked if Walmart owns the property by StorGuard and Matt Smith stated no. Mr. Nottebart stated the board should look into this because of snow removal. He also asked if the high retaining wall is Walmart's. Mr. Smith stated yes and then it becomes StorGuards. Mr. Nottebart stated he agrees with Mr. Murtagh's comments regarding the entrance onto Route 27. He feels there should be more signage also. It is a very confusing area. Mr. Smith stated Walmart is fully committed to putting in a signal, but they need permits and land. They recognize there are some existing issues and they want to fix it. Mr. Nottebart asked how far away are we from getting that done. Mr. Macchi stated that is up to the State. Mr. Nottebart stated they need to have a very strong plan regarding the traffic. Mr. Smith stated Walmart can't go to the State and ask for the right of way, only the town can. Mr. Nottebart stated he thinks they should already have gone to the Selectmen. Mr. Johnson feels the appropriate officer should get in touch with DOT. Mr. DiNapoli stated they have met with DOT, but because it is a town-owned road they are waiting for word from the town. Mr. Macchi stated they did meet with administration about this issue, but he was not given any encouragement to pursue this light. He agrees with the board and asks for their support in approaching administration to get this done. Mr. Murtagh asked if we can send a letter to the Selectmen. Mr. Macchi stated they really can't go to the Selectmen without all approvals in hand. Mr. Nottebart asked if the right vehicle would be to write them a letter and Mr. Conroy stated we can do that. Mr. Nottebart stated that Walmart is a valuable asset to the town and we should try to get this done. Mr. Conroy stated we need to wait until this is finished. Stop and Shop was 24 hours at one time and they gave it up. He asked if Walmart has something better. Mr. DiNapoli stated when you look at what we have already – a larger building, overnight cashiers with a supervisor, they won't give it up. Mr. Conroy stated this is different than most site plans because the store is existing. He asked how the store will be handled during construction. We need to know that everything will be accessible and everyone is happy. Mr. Smith stated they will develop a phasing plan and will try to make the work as invisible as possible. Mr. Boyd will meet with every department to make sure they are all on board. Mr. Boyd stated because they are going to stay open, they will provide a detailed process. Mr. Smith stated there will also be detailed plans on site. Mr. Conroy questioned if the entrance islands work or are you better off getting rid of them and just paving where they are. Mr. DiNapoli stated there are occasional

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circumstances where people cut corners as they may not be properly located and the signage may be incorrect. Mr. Conroy asked him to take a look at that and also the lighting and to have a back up plan. Mr. Smith stated they could come up with alternative improvements.

Mr. Conroy asked for public comments.

Helena Knight, 14 Orchard Drive: stated her house is close to Walmart and the only separation is a hill. Part of the fence behind her has been down for 6-7 years and never been fixed. There are garbage bags blowing around. Trucks have been idling and that is bothersome. The driveway coming in is close to her house. She can't imagine the noise level when it is open 24 hours a day as it is bad enough now. They will tell you there are only so many trucks, but they will end up doing what they want. She is not in favor of this. Maybe they should put in a barrier wall like on Route 1. It has been unbearable for the past fifteen years. It is also pitch black in the back. Mr. Conroy stated everything on the original plan has to be up to snuff. Everything will stay in effect unless we allow it to change. He asked Mr. Johnson to meet with Ms. Knight and to take some pictures. Mr. Mazzocca what type of fence is there and Mr. Smith stated 6' stockade. Mr. Forsberg asked Mr. Johnson to check the buffer also. Mr. Conroy asked they he check that everything on the plan is actually there.

Carole Norrell, 558 High Plain Street: asked how many docks are on site now and Mr. DiNapoli stated two, but there will be four. Ms. Norrell asked if that means there will be more trucks. Mr. DiNapoli stated a driver will drop off the trailer and pick up an empty. There will be two bays used and two bays open. There will be trailers, not trucks, so there will be no sound at all. Ms. Norrell questioned the times and Mr. Macchi stated 11:00 p.m. to 8:00 a.m. Ms. Norrell asked if there will be deliveries now at that time and Mr. DiNapoli stated he will check on that. Ms. Norrell stated the trucks beep all night long, which is ridiculous. She asked if they are supposed to call the police every time there is a noise problem. Mr. DiNapoli stated she can call the store and they will make the adjustment. He stated he will follow up on this. Ms. Norrell stated they are in and out all night long now. Mr. DiNapoli stated there will not be an increase in tractor trailer deliveries. Ms. Norrell stated if a truck comes at 2:00 a.m., what happens? Should she call the police or Walmart. Mr. Conroy stated call the cops right away and then call the Building Inspector in the morning. He can fine them, close them or make them go before the Board of Selectmen. Mr. Forsberg stated that pictures are worth a thousand words. Mr. Conroy agreed and asked that she get a picture with the time imprinted on it. Ms. Norrell stated they clean the parking lot and race around all night long. Mr. Conroy stated we can condition that. Ms. Norrell stated they are talking about putting up a wall and asked if it is behind her house and the next one. Mr. Smith stated it will be about 60' off Ms. Norrell's lot line which is about 40' away. Ms. Norrell stated in the winter you can still see truck lights. Mr. Smith stated will put up a stockade fence. He is not sure how high the truck lights are, but he doesn't think a fence there would materially do anything.

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Mr. Conroy stated they could go beyond the circle just a little on each side and there could be a grass berm with fencing which would stop the lights. Ms. Smith stated the screening that is there now is better than what they could build.

There were no further questions. Mr. Macchi granted the board an extension of time up to November 30, 2010. Mr. Conroy moved to accept an extension of time up to and including November 30, 2010. Motion seconded by Mr. Murtagh and voted 5-0-0. Mr. Conroy continued this hearing to November 18, 2010 at 7:30 p.m. He stated the abutters will not be renoticed of this continuance.

Mr. Forsberg stated at one time there was a property maintenance log used for maintaining the outside property and asked if it is still in effect. Mr. DiNapoli stated yes. They do recycle and are committed to keeping the lot clean. Mr. Forsberg stated that sweeping the lot should be included along with the hours of sweeping. Mr. DiNapoli stated it is handled through a third party.

Mr. Conroy asked Ms. Knight and Ms. Norrell if they will allow Mr. Johnson to go into their yards to take pictures. It was agreed he could as long as it was before noon.

Walpole Park South VIII: Mr. Macchi asked that the planner be allowed to develop a scope of work with Dan Merrikin for a peer review to find another consultant because Woodard and Curran can't do it. Mr. Johnson stated that Lisa Campe had given him the names of two consultants. Mr. Macchi stated he is not asking that anyone be authorized now, but would just ask that Mr. Johnson be allowed to find someone. Mr. Forsberg asked who would pick the consultant. Mr. Conroy stated we need to send them a proposal. Mr. Forsberg moved to allow the town planner to start the process to get proposals for a peer review. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Macchi stated he is looking for guidance. They are no where near closing the hearing and asked if the board would entertain going forward on the impervious cover and site plan or do they want to do the whole thing at once. Mr. Conroy stated we will proceed in whatever way the applicant wants. Mr. Johnson stated there can be nothing beyond household quantities in an Area 3 without a special permit. Mr. Forsberg asked if that list covers Area 2 also and Mr. Macchi stated no, that special permit only affects the building in Area 3.

B&C Floral Update: Mr. Johnson stated he did a site visit along with Ms. Walker, Bill Glaropoulos and Ken McKenzie of Dunn-McKenzie, project engineer, and found there are about fifteen items that need to be worked on. Ms. Walker stated they need to take the existing decision and modify whatever is different from the plan. They should also back up safety improvements with information. Everything that is different should be addressed.

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Becketts, Main Street: Mr. Conroy stated the decision that was filed with the town clerk references a 20'x40' addition; however, the Planning Board voted a 15'x54' addition. The Board of Selectmen questioned this discrepancy.

Mr. Conroy moved to amend the decision for Beckett's to reflect a 15'x54' addition within the special permit to coincide with the approved site plan. Motion seconded by Mr. Forsberg and voted 5-0-0.

Planner Evaluation: Mr. Conroy passed out copies of the planner's evaluation and asked them to be returned at the board's next meeting. Mr. Nottebart asked for a copy of Mr. Johnson's job description.

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:15 p.m.

Respectfully submitted,

John Murtagh, Clerk

Approved and Accepted: 11/4/10