

## WALPOLE PLANNING BOARD MINUTES OF JULY 15, 2010

A regular meeting of the Town of Walpole Planning Board was held on Thursday, July 15, 2010 at 7:00 p.m. in the Main Meeting Room, Town Hall. The following members were present: John Conroy, Chairman; Edward Forsberg, Vice Chairman; John Murtagh, Clerk (7:12 p.m.); Richard Nottebart, Richard Mazzocca, Donald Johnson, Town Planner; Margaret Walker, Town Engineer.

**Minutes:** Mr. Conroy moved to accept the minutes of May 20, 2010. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Conroy moved to accept the minutes of June 3, 2010. Motion seconded by Mr. Mazzocca 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.

**Meeting Change:** It was agreed to change the September 2 and September 16 meetings to September 9 and September 23 as per recommendation of Mr. Johnson.

**APA Dues:** Mr. Conroy moved to approve the APA/AICP invoice in the amount of \$415. Motion seconded by Mr. Mazzocca and voted 4-0-0.

**Reorganization:** Mr. Forsberg moved that Mr. Conroy remain chairman; Mr. Forsberg remain Vice Chairman; Mr. Murtagh remain clerk. Motion seconded by Mr. Mazzocca and voted 5-0-0.

**7:14 p.m. Walpole Mall, Case No. 07-8 Modification Determination:** The applicant was represented by Philip Macchi II, Esq., Don Myers, Norwood Engineering, Gary McNaughton and Parker Harrington. Mr. Myers asked that the proposed changes be deemed a minor modification. They would like to make the building that is to be Texas Roadhouse larger than what was originally approved and add five extra parking spaces. This area was originally going to be CVS. Mr. Forsberg asked that the plan be marked to show where the deliveries will be made. Also, the buildings need to be dressed up a bit more for better curb appeal. Mr. Myers stated that the entrances will be fronted on Route 1. Mr. Forsberg asked if there will be awnings and Mr. Myers stated yes and there will also be a separate dumpster. Mr. Murtagh agreed with Mr. Forsberg regarding dressing up the area. Mr. Nottebart asked if this is located to the right of LA Fitness and Mr. Myers stated yes and agrees they need to dress this up. Ms. Walker asked the address number for Kohl's and Mr. Myers stated 100. She stated she doesn't think there is a number available for this new building. Mr. Myers stated he will meet with her to discuss this.

Mr. Johnson stated he is all set as he had met with Mr. Myers and Mr. Mee previously. Mr. Conroy asked if they are all signed off on the mall and Mr. Myers stated yes. Mr. Conroy stated this is not an open site plan if it has been signed off.

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He feels they should be seeking a limited site plan review as the site plan is not in play for us any more if they have a final certificate of occupancy. As soon as a site plan is signed off, it is over. Mr. Macchi stated he understands what Mr. Conroy is saying. Mr. Myers stated they still have buildings 10 and 5 that have not been issued a certificate of occupancy.

Mr. Macchi asked if Mr. Mee had indicated that he wanted the applicant to come to tonight's meeting. Mr. Johnson stated he can't speak for him. Mr. Forsberg stated that the pad for Texas Roadhouse, formerly CVS, was part of the original site plan, so he is not sure how the site plan could have been closed out. Mr. Macchi asked if there are open building permits for the mall. Mr. Myers stated yes. Mr. Macchi stated then it is not done. Mr. Myers stated there are some buildings not finished. Mr. Conroy stated he is not talking about interim renovations. Mr. Murtagh asked if Jack Mee has signed off on the entire project and Mr. Macchi stated he would say no. Also, they would have done limited site plan approval if they could have. Mr. Conroy stated that if this never got built out, the site plan would not remain open. He didn't mean the individual stores. Everything is paved according to the plan. Mr. Myers stated that there is still some paving left to do. Mr. Conroy stated he would like Mr. Johnson to check this out before our next meeting. He is not trying to be an obstructionist. Mr. Macchi stated he feels Mr. Conroy is correct and would like a vote subject to meeting with the building inspector because if there is no Planning Board meeting in August, he doesn't want to wait until September. Mr. Murtagh feels the board should vote conditionally. Mr. Nottebart feels we should work with the applicant. Mr. Conroy stated the status of the site plan should have been discussed prior to this meeting tonight. Mr. Forsberg stated if Mr. Mee sent them to us, it must still be open. He feels he would go along with conditioning it. Mr. Mazzocca agrees and feels we need to vote. Mr. Conroy stated this probably didn't even cross their minds. Mr. Conroy asked them when they anticipate starting and asked if the plans are done. The representative from the Texas Roadhouse stated they are 90% done and they would like to start right away. Mr. Forsberg questioned an appeal period. Mr. Conroy stated only if it is determined to be a major modification.

There were no further comments or questions.

Mr. Conroy moved that the changes as discussed tonight be considered a minor modification. Motion seconded by Mr. Forsberg and voted 5-0-0.

Mr. Conroy moved that we approve a minor modification to the Walpole Mall, Case No. 07-8 subject to confirmation by the Building Department that this site plan is in fact still open. If deemed it is closed, the applicant shall seek this change through the normal site plan application process; i.e., regular site plan approval or limited site plan approval.

Motion seconded by Mr. Mazzocca and voted 5-0-0. Mr. Macchi asked that this be kept on the agenda.

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**7:40 P.M. Longview Farm Scenic Road and Longview Farm Site Plan Approval; Case No. 10-3 Continued Hearings:** Mr. Conroy read a letter dated July 12, 2010 granting an extension of time up to and including September 17, 2010 and asking that tonight's hearings be continued to September 2, 2010. Mr. Conroy stated that the September 2 meeting was changed to September 9; the September 16 meeting was changed to September 23. Ms. Chitre agreed to ask that the hearings be continued to September 9<sup>th</sup>. She also asked that the extension of time be up to and including September 24<sup>th</sup>.

Mr. Conroy moved to accept an extension of time up to and including September 24, 2010 for both the Scenic Road public hearing and Site Plan Approval for Longview Farm. Motion seconded by Mr. Murtagh and voted 5-0-0.

Mr. Conroy continued the Scenic Road and Site Plan Approval hearings to September 9, 2010 at 7:30 and 7:31 p.m. respectively as per request of the applicant's attorney without testimony. He stated that the abutters will not be re-noticed.

Mr. Gilmore, Lincoln Road stated the plan submitted dated July 1<sup>st</sup> doesn't show any of the things suggested by the abutters and he asked if that will change. Mr. Conroy stated he doesn't know what the applicant will submit.

**Walpole Library, Case No. 10-1:** Mr. Conroy moved to endorse the Town of Walpole Library site plan as submitted and reviewed by Ms. Walker and Mr. Johnson. Motion seconded by Mr. Mazzocca and voted 5-0-0.

**8:08 P.M. CVS, Main Street, Case No. 09-5 Modification:** The applicant was represented by Atty. Philip Macchi II. Mr. Conroy stated that the check from the applicant in the amount of \$200 can be deposited. He asked if the curb cut they were requesting has been done and Mr. Macchi stated yes. Mr. Johnson stated that Jack Mee had said that only a temporary Certificate of Occupancy was issued. Mr. Forsberg asked if the crosswalk was installed between CVS and 7-11. Mr. Macchi stated he will check on that. Mr. Murtagh questioned the fence. Mr. Macchi stated if it is on the plan, they have to do it. Mr. Conroy asked when the final Certificate of Occupancy is scheduled. Mr. Johnson stated Mr. Mee will not issue it until everything is straightened out. Mr. Conroy asked that Mr. Johnson check everything out before the final CO. Ms. Walker stated that signage cannot block sight distance. Mr. Forsberg asked if there are any complaints and Mr. Macchi stated that not that he knows of. Mr. Forsberg stated he would also like a centerline and would like Mr. Johnson, Ms. Walker, and Mr. Mee to meet to discuss the drive-through signage. Mr. Conroy read comments from Ms. Walker and asked that in the future, the entrance be lowered to the grade of the street and the sidewalk. Mr. Conroy read a letter from the Deputy Fire Chief dated June 3, 2010 and letters dated June 1 and July 12 from Margaret Walker, Town Engineer.

There were no comments from the public.

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Mr. Conroy moved to determine the changes before the board for CVS to be a minor modification. Motion seconded by Mr. Murtagh and voted 5-0-0.

Mr. Conroy moved to grant the applicant a minor modification subject to the following conditions:

- a) The exit sign at the northerly driveway, which as placed suggests that this driveway is for exiting only, shall either be addressed by adding the entrance sign to the driveway as shown on the originally endorsed site plan as soon as possible, by or removing the exit sign (adjust in the field).
- b) At the northerly driveway, add a centerline stripe and narrow down the exit lane (adjust in the field).
- c) Where the painting at the end of the northeastern most double parking aisle end line juts out into the driveway, narrow down this painted area to widen the exit driveway at this point (adjust in the field).
- d) The distinction between the drive-thru entrance and the through traffic lane shall be more clearly delineated by adjusting the directional arrows on the pavement and/or provide other painting to clarify the traffic pattern at the drive-thru (adjust in the field).

Motion seconded by Mr. Nottbart and voted 5-0-0.

It was also noted that the following outstanding issues were present and they will need to be corrected before a final release of the conditions of approval of the site plan is issued:

- 1) The fence to the north of the CVS building along the railroad needs to be further extended to the north.
- 2) There is a pavement problem at the crosswalk between J & A Cleaners and CVS and on the north side of J & A Cleaners; pavement is cracked and sticking up, and driveway sealer is lifting up (patches are needed).
- 3) The catch basin frame and grate located between the crosswalk, the parking aisle along the easterly side of the CVS building and the and stop line in the driveway, are higher than the surrounding pavement and therefore are not catching storm water runoff; the grading of the trench surrounding this catch basin frame and grate needs to be adjusted in the field to properly catch storm water runoff as designed.
- 4) The wire and bollard guardrail located adjacent to the stucco garage on the neighboring property needs to be repaired.

**The Bird Estates Trails:** Mr. Johnson suggested that we put Toll Bros. in touch with the Trails' Committee.

**Commerford's Corner Modification Determination:** The applicant was represented by John Rhodes, Norwood Engineering. He stated that they are seeking a modification to an existing approved plan as per letters dated June 23, 2010 and June 30, 2010.

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He stated due to the fact that the town has done a comprehensive widening of the road in this area, they are asking the board to delete this requirement from the subdivision approval and asked this change be deemed a minor modification. Further, there was a potential change in the way the lots would be provided water as Lot 3 should be on a well. He stated that Mr. Commerford has talked with Ms. Walker and Rick Mattson regarding the 2" pipe that will be brought into the subdivision. Neither Ms. Walker nor Mr. Mattson has a problem with this, but it is a change from what is shown on the plan. Ms. Walker referenced her letter dated July 12, 2010. She also asked that the change to the Lot 4 water be shown on the plan. Mr. Rhodes stated that because everything is ready for paving, the changes to the water line would be submitted at a later time. Mr. Conroy stated that how they get their water doesn't affect the subdivision and it doesn't change anything on the plan for us. Mr. Murtagh asked if there is a water easement. Mr. Conroy stated Mr. Commerford owns the entire property. Mr. Murtagh asked if the lines will cross other lots and Mr. Rhodes stated it will come down the street.

Ms. Walker discussed her concerns. She stated the town's improvements overshadow what the applicant could do. She recommends the requested modifications be allowed. Further, the utility poles still have to be moved. Mr. Conroy stated we are dealing with two issues only, paving and water lines. Mr. Rhodes stated that regarding the paving, the radius has been slid out to meet the edge of the pavement lines.

Mr. Conroy stated that if this is a major modification, it would need to be readvertised; if minor, a plan would need to be done and signed off.

There were no further questions or comments. Mr. Conroy moved to determine the change to the water line to be a minor modification. Motion seconded by Mr. Mazzocca and voted 5-0-0. Mr. Conroy moved to approve a minor modification to the Commerford's Corner subdivision for the water line including the ties. Motion seconded by Mr. Forsberg and voted 5-0-0.

Mr. Conroy moved to determine the deletion of the paving width be a minor modification. Motion seconded by Mr. Mazzocca. Mr. Forsberg asked if they are just moving it to the pavement edge and Mr. Rhodes stated yes. Mr. Forsberg asked if the road will remain as is and Mr. Conroy stated yes. Mr. Forsberg asked if this is all they are asking for and nothing else and all other conditions will remain. Mr. Rhodes stated yes, the entering radius only. Motion voted 4-0-1 (Mr. Conroy abstained).

Mr. Conroy reminded the applicant they need to submit a plan showing this modification. This was determined to be a minor modification, but not yet approved as he will not approve a sketch plan. Mr. Rhodes stated they are eliminating Sheet 5-A from the set essentially. He would like to meet with Ms. Walker and Mr. Johnson to discuss these changes.

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Mr. Forsberg stated this change will be much better and there will be no impact to the construction.

**The Trails Subdivision:** Mr. Conroy questioned what we are doing tonight. Mr. Merrikin, representing the applicant, stated endorsing the plans and signing the documents, including a Form I for the existing house. Mr. Conroy asked if we are set with the Homeowners' Association. Mr. Johnson stated yes and they have also submitted the Form F Covenant, Exhibit A Homeowners Trust Description of Premises; Exhibit B Homeowners Trust Purpose of Trust; Exhibit B(1) Certificate of Approval; Exhibit B(2) Mutual Maintenance Agreement; Exhibit B(3) Drainage System and O&M Maintenance Plan; and, The Trails Homeowners Trust Declaration of Trust.

Mr. Conroy moved to endorse the plan for The Trails Subdivision finding no appeals have been taken and the appeal period has expired per Ron Fucile, Town Clerk. Said plan consists of twelve sheets and shows the latest revision date of December 2, 2009 and has been reviewed by Ms. Walker and Mr. Johnson. Motion seconded by Mr. Mazzocca and voted 5-0-0.

Mr. Conroy questioned the latest revision date and the date Mr. Merrikin signed the plan as they are different. Ms. Walker stated that is okay. Mr. Merrikin took the mylars to make copies.

Mr. Conroy moved to accept the Form F Covenant dated July 15, 2010 as submitted. Motion seconded by Mr. Murtagh and voted 5-0-0.

Mr. Conroy moved to accept the Declaration of Trust for the Trails Homeowners Trust dated July 15, 2010 as submitted. Motion seconded by Mr. Mazzocca and voted 5-0-0.

Mr. Conroy moved to accept Exhibit A, The Trails Homeowner Trust Description of Premises as submitted. Motion seconded by Mr. Mazzocca and voted 5-0-0.

Mr. Conroy moved to accept Exhibit B The Trails Homeowners Trust Purpose of Trust as submitted. Motion seconded by Mr. Forsberg and voted 5-0-0.

Mr. Conroy moved to accept Exhibit B(1), Certificate of Approval, as submitted. Motion seconded by Mr. Forsberg and voted 5-0-0.

Mr. Conroy moved to accept Exhibit B(2) Mutual Maintenance Agreement for Boulder Trail as submitted. Motion seconded by Mr. Forsberg and voted 5-0-0.

Mr. Conroy moved to accept Exhibit B(3) The Trails Drainage System Operations & Maintenance Plan as submitted. Motion seconded by Mr. Murtagh and voted 5-0-0.

Ms. Walker asked that the decision be recorded separately.

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Mr. Conroy moved to endorse the Form I Release of Form F Covenant for Lot 11-A on The Trails Definitive Plan. Motion seconded by Mr. Mazzocca and voted 5-0-0. Mr. Merrikin stated they will hold onto this form until the plan gets recorded. Mr. Forsberg asked about the \$25,000 donation. Mr. Priore stated he will be doing that.

**ReMax, 600 Main Street:** Mr. Conroy moved to endorse the plan for ReMax as submitted and reviewed by the planner and town engineer. Motion seconded by Mr. Murtagh and voted 5-0-0.

**Subdivisions:** Mr. Johnson made brief comments on the outstanding subdivisions: Bird Estates, Brush Hill, Commerford's Corner, Hancock Court Ext., Hollowdale Farm, New Fisher Lane, Niden Woods, Wisteria Ways, High Oaks and Villa Terrace. Mr. Forsberg asked that when the board discusses subdivisions in the future, the board be given the conditions for each of them before any discussion. Mr. Conroy asked that Mr. Johnson email the past correspondence history we have received from Peter Commerford to Mr. Mazzocca and Mr. Nottebart. Mr. Conroy asked Ms. Walker to send Mr. Commerford a letter with a copy to the Planning Board regarding the status of the subdivision, inspections, etc. She agreed.

Mr. Conroy would like confirmation in writing from the various outstanding subdivisions that we have contacted of when they will be done so we can address any loose ends.

Mr. Conroy questioned the bond on Villa Terrace and asked if Mr. Johnson called them. Mr. Johnson stated he hasn't talked to them this year, but the bond can't expire without notice to us and we have never received anything.

**Fall Town Meeting:** Mr. Conroy moved to put the extension of Section I-9 Subdivision Phasing Schedule on the Fall Town Meeting. Motion seconded by Mr. Mazzocca and voted 5-0-0. Mr. Johnson stated he doesn't want to submit this until next month. Mr. Conroy stated it can be submitted when the Selectmen open the warrant.

**Postings:** Mr. Conroy asked that the Planning Board follow what everyone else in town hall is doing. He doesn't want us to do anything differently. We should post as usual and let the town clerk do what he is obligated to do.

It was agreed that there would be no August meeting. Our next meeting will be on September 9, 2010.

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:40 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 9/9/10