

## WALPOLE PLANNING BOARD MINUTES OF JUNE 3, 2010

A regular meeting of the Town of Walpole Planning Board was held on Thursday, June 3, 2010 at 7:00 p.m. in the Main Meeting Room, Town Hall. The following members were present: Jack Conroy, Chairman; Edward Forsberg, Vice Chairman; Richard Nottebart, Richard Mazzocca, John Murtagh (7:09 p.m.); Donald Johnson, Town Planner and Margaret Walker, Town Engineer.

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

**MAPD Invoice:** Mr. Conroy moved to approve an invoice in the amount of \$85.00 for a MAPD conference scheduled for June 3 and June 4 in Plymouth. Motion seconded by Mr. Forsberg and voted 5-0-0.

**Planner's Report:** Mr. Johnson updated the board on outstanding subdivisions. Regarding Brush Hill, he stated that Mr. Hasenjaeger will submit as-builts soon; regarding Hollowdale Farm, Ms. Walker stated the road needs to be finished and they can't do so over what is there. Mr. Forsberg asked if she tells them in person or does she send them a letter. Ms. Walker stated either way. Mr. Forsberg asked Ms. Walker to go out and tell them and she agreed. He stated if there is a problem, he asked her to bring this back to the board; regarding Niden Woods, Ms. Walker would like Rick Merrikin to tell the board about what he is doing there about the basins. She stated we have had two storms and there was a problem which means the basins have to be raised up. She further stated we want to keep the school's water out of the detention basins. She stated they have submitted a plan about a month ago. Mr. Forsberg stated if Ms. Walker is happy with what he is doing, then he should go ahead. Mr. Conroy agreed.

**7:23 p.m. Beckett's, 1065 Main Street, Case No. 10-4 and 10-5 Continued Hearing:** Mr. Glossa stated he talked to John Jacob and he agreed to make some changes. Mr. Glossa gave Mr. Johnson revised plans showing some of the changes requested by the Planning Board. Mr. Jacob has agreed to change the 20'x 40' enclosure and make it 15' away from the sidewalk in front of the building and 54' wide; however, it won't block any entrances to the building and will remain the same 50 person seating capacity. He stated there will be eight 3'x 3' concrete planters that will not be permanent. The plan also showed screening around the dumpster. Mr. Glossa stated he asked the building inspector if there was any rule, regulation, building regulation or zoning requirement that requires a patron to walk into the building before going into the outdoor area. He doesn't think that Mr. Mee answered the question. He did, however, consult with someone, and although he can't give the board his name, this person has a lot of experience. This person said there is no requirement and it is done all the time. There is nothing in the building code that requires that. Mr. Glossa also visited the British Beer Company on Route 1. They have a deck in the front of the building. You can go up the stairs and sit down and there is no physical barrier to force someone to go inside the building. It is the same with Jalapenos on Main Street.

## WALPOLE PLANNING BOARD MINUTES OF JUNE 3, 2010 (2)

The new restaurant, the Raven's Nest, has a deck off the back of the building, which has a gate that may be they lock, but he is not sure. There are only five of these outdoor patios that serve liquor and only three that have access from an outside sidewalk. Mr. Glossa stated Mr. Mee's letter does say that the patio area needs to be attached to the building. He didn't see that anywhere so he checked with his consultant who stated he doesn't feel that is a requirement. Mr. Glossa feels the outside area must be contiguous to the premises, but feels that is a finding of the Selectmen. He feels the Planning Board could put a condition in their approval that this will be a part of the application submitted to the Board of Selectmen. Also, regarding handicap access, everyone knows this building is not handicap accessible. There was never handicap access since the building was built 50 years ago and they are not proposing it now. That would be triggered when you get a building permit and his consultant says that the construction of a fence, the addition of planters and tables outside doesn't trigger a building permit, so there would be no handicap issues. You can go to Jalapenos and there is handicap access from the back of the building, but you have to step down to the outside tables from the building or step up into the building from the outside. This was approved several years ago.

Mr. Conroy read a letter dated June 1, 2010 from Jack Mee. He also questioned fencing on three sides and stated it would allow people to wander in and out. Mr. Glossa stated the same fencing is the same as other places. Mr. Conroy feels that comments from an unnamed consultant don't go anywhere. Also, the fact that other places in town are done incorrectly doesn't mean this should be. He asked if the fence will stop at the existing walkway and Mr. Glossa stated yes. Mr. Conroy reminded Mr. Glossa that he will have to provide a new filing if the Board of Selectmen find something that is not acceptable, including handicap issues. Mr. Glossa stated they would do that. Mr. Conroy stated he knows the Selectmen won't allow them to have patrons outside without having access to the bathrooms. Mr. Glossa stated there is nothing on the plan that triggers a requirement to file for a building permit. Mr. Conroy stated he disagrees because what they presently have may not be adequate. Mr. Johnson stated he drafted a letter to the Selectmen as per the last meeting and if everyone is okay with it, he will send it.

Mr. Nottbart asked if they are allowed relief from anything because they are in the CBD. Mr. Conroy stated they are before us because they are within the CBD. Mr. Forsberg stated that Jalapeno's didn't come before us. Mr. Glossa stated there could have been some misinterpretation. Mr. Forsberg asked if they would put a rope across the walkway so no one could go in and out. Mr. Glossa stated they could put up a sign that states "someone will seat you". The owner would like the people to come in and sit down and order their food and drinks. Mr. Forsberg asked if they have to go to the Selectmen and ABCC after our hearing and Mr. Glossa stated they just have to go to the Selectmen. Mr. Forsberg stated we want them to do the right thing. If we close and approve this and the Selectmen add something, would they have to come back to us? Mr. Conroy stated it depends on what they add. They are looking for a special permit and that gives our board extraordinary powers. Conditions of approval are up to us. We can ask for a rope, a sign or both. Mr. Forsberg stated he originally thought there should be a gate.

## WALPOLE PLANNING BOARD MINUTES OF JUNE 3, 2010 (3)

Do we want a rope or a gate? Mr. Mazzocca stated this is not in the downtown area and there is not a lot of foot traffic; therefore, he feels a rope would be sufficient. Mr. Nottebart asked if people can enter the tent area from both sides and Mr. Glossa stated yes. Mr. Glossa stated that for emergencies, they would like it kept open and would prefer a rope. The planting area is raised 2-3' higher than the sidewalk. Mr. Conroy asked the board what they want. Mr. Forsberg stated a rope; Mr. Nottebart stated a sign. Mr. Murtagh questioned if this is seasonal use only, June to September and Mr. Glossa stated yes. Mr. Murtagh stated he likes the outside areas, but we have to do it right. Mr. Glossa feels this will be attractive. They have agreed to remove the parking spaces from out front and to stretch this out across the front of the building. Also, sight distance is good as they can see into the center of town from the north. Mr. Nottebart stated that all the parking will be out of play out front while this area is in use and Mr. Glossa agreed. Mr. Nottebart suggested a rope on both ends with access available from only one end. Mr. Glossa agreed and stated it is unlikely that people will use the other side. Mr. Nottebart would like that as an emergency exit only. It could be egress in case of an emergency. Mr. Forsberg suggested a gate on the north side and a rope on the south. Mr. Glossa agreed and stated he will put a sign out to use the other end. Mr. Conroy asked about lighting. Mr. Glossa stated there will be three lights on the front of the building and that is what will be used. He doesn't feel there needs to be more added. Mr. Conroy stated a condition of approval would be that they will need to meet the minimum standards of the building code for the lighting. Mr. Glossa agreed. Mr. Johnson stated the planters should be added also as a condition.

Mr. Conroy reviewed the standard and special conditions for both the site plan and special permit. Mr. Glossa stated he will meet with Jack Mee and go over this even though it doesn't trigger a building permit.

There were no questions from the public.

Mr. Conroy moved to close the public hearing for Case No. 10-4, special permit. Motion seconded by Mr. Mazzocca and voted 5-0-0. Mr. Conroy stated we can add a statement that all conditions of the special permit will also be conditions of the site plan approval.

Mr. Conroy moved approve the application submitted by John Jacob, 1065 Main Street, Case No. 10-4 for a special permit subject to thirteen (13) conditions. Motion seconded by Mr. Murtagh and voted 5-0-0.

Mr. Conroy moved to close the public hearing for Case No. 10-5, site plan approval. Motion seconded by Mr. Mazzocca and voted 5-0-0.

Mr. Conroy moved to approve the application submitted by John Jacob, 1065 Main Street, Case No. 10-5 for site plan approval subject to twenty-one (21) standard conditions and three (3) special conditions. In addition, all conditions of the special permit shall be incorporated herein. Motion seconded by Mr. Murtagh and voted 5-0-0.

## WALPOLE PLANNING BOARD MINUTES OF JUNE 3, 2010 (4)

Mr. Johnson submitted a letter for the board to send to the Selectmen regarding outside liquor hours. Motion seconded by Mr. Mazzocca. Mr. Conroy asked that the decisions for both the site plan approval and the special permit be included. Motion voted 5-0-0.

**8:10 p.m. Farmview Estates Residents Hearing – Street Acceptance:** Mr. Conroy read the public hearing notice and explained the process. He stated this hearing is to address road issues only. Ms. Walker assured the board everything is done and stated we need to get this ready for the Fall town meeting. Tonight's meeting will allow this to go forward. It will also release his bond money as per M.G.L. and then town meeting can accept the road.

There were no public comments. Everyone is happy with Walden Drive.

Mr. Conroy moved to release the bond in its entirety for Walden Drive as per recommendation of Margaret Walker, Town Engineer and to allow the Fall town meeting to move ahead with the street acceptance process. Motion seconded by Mr. Nottebart and voted 5-0-0.

**The Trails Subdivision endorsement:** Mr. Conroy stated that Rick Merrikin did not get the plans signed off by the Town clerk. Mr. Conroy placed this on our July 15<sup>th</sup> agenda. Mr. Priore requested an extension of time up to and including July 31, 2010. Mr. Conroy moved to grant an extension of time up to and including July 31, 2010 for endorsement of The Trails Subdivision. Motion seconded by Mr. Forsberg and voted 5-0-0. Mr. Priore stated he will bring a letter requesting the extension into the office on Monday.

Mr. Conroy placed this on the board's July 15<sup>th</sup> agenda for acceptance of the Form F Covenant and endorsement of the plan.

**8:20 P.M. Longview Farm Site Plan Approval Continued Hearing, Case No. 10-3 and Scenic Road Continued Hearing for 399 Lincoln Road:** Mr. Conroy asked the applicants if they are all done with their presentation and they stated yes. Mr. Conroy read the following correspondence: 1) a letter dated June 1, 2010 and received June 1, 2010 from David LaPointe, Beals & Thomas and a copy of a revised plan regarding revised building heights; 2) an email response from Ilana Quirk, town counsel, dated May 19, 2010; 3) letter dated May 25, 2010 from John & Brenda Mosetich, 460 Lincoln Road; 4) a letter dated May 30, 2010 from Jeff and Diane Hosking, 456 Lincoln Road; 5) a petition signed by abutters and neighbors in opposition to the LVF expansion. Mr. Conroy stated that we as a Planning Board cannot tell them how many people they should have on their staff as that would come from the State licensing board. We are only concerned with the buildings.

Scott Landry, 605 Lincoln Road: last meeting they talked about phasing and asked how it was handled? Mr. Johnson stated we never received a request to phase. Anthony Warren stated they are choosing this to remain as a single-phase project.

## WALPOLE PLANNING BOARD MINUTES OF JUNE 3, 2010 (5)

Mr. Conroy stated that if they get approval on this, they will have to build the whole project and they will not be issued an occupancy permit until such time as this is all built. They could have submitted another plan, but they didn't. If they don't have the money, none of this will do them a lot of good. Mr. Johnson stated that the Conservation Commission approved a Land Disturbance Permit, although they didn't issue the conditions yet as want to see the final plans before they do.

Jack Shea, 266 Lincoln Road: you said the Planning Board doesn't have any authority over the staff, but do you have authority over safety? Mr. Conroy stated yes as it pertains to traffic. They have to go to the State for a permit and those concerns can be brought to the State agency. The safety concerns you mentioned would come under that agency also. Mr. Shea asked about public safety, such as breaking into houses, etc. What happens when that gets worse? Who will help them with this? They all have families. They are concerned about their own general safety. Mr. Conroy stated we don't care what goes in there, we just care about the footprint. The Town Administrator and Selectmen should be in touch with the police and fire department to express concerns as to what will make it better for the people that live in that area. He asked how often does Longview Farm have to go for reviews. Edie Janas, Program Director at LVF, stated they go every two years or every six months depending upon what is being reviewed. The next one is due next April. Mr. Conroy stated that would be the time for the abutters to pull their team together.

Larry Bongette, 320 Lincoln Road, Mr. Pike, 340 Lincoln Road and Mr. Gilmore, 349 Lincoln Road, did a presentation for the Board covering concerns of the abutters, including scenic road issues, site plan issues and safety issues and concerns. He also presented a time line from when this project began. June 20, 2009 was their first meeting with Longview Farm.

After the presentation, Mr. Bongette stated he knows some of this information presented is redundant. There is inappropriate behavior by the kids and he doesn't think an expansion along with a mixed gender environment will improve this behavior. The abutters realize that Longview Farm owns this site, but they feel it would be better situated somewhere else, such as the old Southwood Hospital grounds.

Mr. Conroy stated that Mr. Mee has confirmed that the structure heights do meet the town's requirements. Mr. Pike, 340 Lincoln Road, disagreed and pointed out that some of the heights are as high as 5-6 story houses. Mr. Conroy stated this is a building code issue. It appears they have talked to the Building Inspector, but he is not sure. He suggested the abutters talk to Mr. Mee also. He asked Mr. Pike if they talked to the Deputy Fire Chief Michael Laracy and Mr. Pike stated yes. Mr. Conroy stated that typically we find the fire department is the force behind driveways as they need to be able to bring in a fire truck, etc. It was previously mentioned that the deputy chief would like a turnaround, not necessarily a whole loop.

## WALPOLE PLANNING BOARD MINUTES OF JUNE 3, 2010 (6)

Anthony Warren stated they will have a one-way ring road and a safe driveway for the school. To provide two-way traffic with students crossing the driveway would not be safe. Mr. Conroy asked why they would be crossing it and Mr. Warren stated to go from the residences to the school. All vehicles will go in the same direction.

Brenda Mosetich, 460 Lincoln Road: are the students always supervised? Mr. Warren stated yes. Ms. Janas agreed with Mr. Warren. Mr. Pike stated he thought the primary purpose of the ring road was for access to the site during construction. There will be in and out traffic onto Lincoln Road and a beautiful part of the street will be disturbed. Mr. Conroy asked if the ring road is needed for construction and Mr. Warren stated yes as it allows for a secondary entrance. If they don't have this one, they may contemplate having it somewhere else. Mr. Pike feels that would be physically impossible.

Mr. Conroy questioned sight distance, etc. of a temporary road. David LaPointe, Beals & Thomas, stated sight distance doesn't come into play for cars going onto the site. Mr. Conroy stated but it does leaving the premises. Mr. LaPointe stated that during construction vehicles could enter into that driveway. Mr. Conroy asked if it will loop and Mr. LaPointe stated yes. Mr. Conroy asked if that is where the stonewall is coming down and Mr. LaPointe stated yes and there will be no further designs. There is adequate width for two vehicles to get by each other. It just won't be as restricted after the construction period. Mr. Conroy stated we are introducing something that is not normally there. He asked Ms. Walker if she is okay with this. She stated she had some concerns with the sight distance and would like someone to confirm them.

Jack Shea, 266 Lincoln Road: feels they don't need a one-way road to have a safe drop off. He asked if there will be room to make the swing by an 18-wheeler. Also, can two enter or exit at the same time and still be safe for the residents. Mr. LaPointe stated it is unlikely two would be there at the same time. Mr. Warren stated that things don't always happen the way we want, so they will work to ensure that deliveries are coordinated, that the sight distance is safe, and that there are flagmen. Mr. Conroy asked Ms. Walker if we use flagmen and she stated no. He told the applicant they would need to have police details. Mr. Warren stated there would be staff on site and a site superintendent to help with larger deliveries. Mr. Conroy stated this needs to be discussed further with Ms. Walker as we want to make sure we have no problems with sight distance.

Mr. Pike, 340 Lincoln Road asked if the ring road and curb cut are not approved, this will be a moot issue. These things would be disastrous to the neighborhood. Mr. Conroy stated the issues will be flushed out at the sight distance meeting. Mr. Pike asked who would be responsible for any damage to the road. Mr. Conroy stated that the Home would go to the contractor or they would get the names of the trucks. We could condition this.

## WALPOLE PLANNING BOARD MINUTES OF JUNE 3, 2010 (7)

Cheryl Gustafson, 468 Lincoln Road: feels the existing driveway would impact their own property, not the abutters. The students, the buses and the drivers need to be taken into account and not a lot is being done to address that. They will either be forced to go left down Lincoln Road or make a 45 degree turn onto Plain Street. Mr. Conroy stated that should be addressed by Ms. Walker along with sight distance issues.

Maureen Kirkpatrick, 522 Lincoln Road: never saw a traffic study or a construction management plan and feels that should be done. She asked that the Planning Board request those be done. She has had to do construction management plans in her job, so she understands them. Mr. Conroy agreed and said that given the rural nature of this area, we do need a construction management plan. He asked how the applicant plans to secure this site during the construction process. He feels the surrounding homes would like a really secure fence so no one gets hurt. We do have a time frame for when they have to start and finish. We would like a schedule. Ms. Kirkpatrick stated trucks will come down Lincoln Road only once, then they will use West Street to Plain Street. She asked that this intersection be looked at during both the construction phase and also as a permanent thing. Also, it should be determined if there is ledge on the site or not, so proper borings should be done to determine this. She would like some clear information on this. She feels the neighbors would rather have the project pushed back on the property. Mr. Conroy asked if she was aware there could be blasting. Mr. Warren stated they did test pits to profile the ledge so they avoid that. They also lowered the building to avoid blasting. Mr. Conroy asked if he is saying they won't encounter ledge and Mr. Warren stated they shouldn't hit it. Mr. Conroy asked what they plan to do if they do encounter ledge, do they plan on blasting. Mr. Warren stated there will be no blasting on site. Ms. Kirkpatrick asked that the application be revised to state that. Mr. Conroy stated that could be a touchy issue. Ms. Kirkpatrick stated they could do rock hammering. She also feels there should be a contingency plan. She also stated that 9% of 100 acres is being utilized and asked why more of the vacant fields are not being used. They are increasing the impervious cover by 42% by adding pavement and structures. They will be losing a lot of green space up front. Mr. Warren stated there is minimal stormwater control on site. They are treating all the stormwater on site, they are trying to maintain the existing green space as much as possible, and they are trying to reuse as much as they can, which is why the addition is where it is.

Jack Shea, 266 Lincoln Road: asked why they are putting on an addition rather than doing a separate building. Mr. Warren stated that different functions are in different areas. Regarding permanent conservation land, Ms. Kirkpatrick asked what does that mean as it pertains to the master plan. Mr. LaPointe stated the term master plan has identified this particular property should remain as open space. That is why they are leaving those back areas as undeveloped. People use that area for walking. Mr. Conroy asked how much area on the site is wet. Anthony Warren stated 40% of the site would be "green", either buffer or wet. Ms. Walker asked if there would be a permanent conservation restriction and Mr. Conroy stated no. Ms. Kirkpatrick asked if there is ample room on site to meet the requirements. They have not seen the results of any tests.

## WALPOLE PLANNING BOARD MINUTES OF JUNE 3, 2010 (8)

She also questioned the parking. Mr. LaPointe stated that the zoning bylaw requires a certain number of spaces and any change would be up to the discretion of the building inspector. Mr. Conroy recommended they get the required information from the building inspector or they will be back before us with any required changes. Ms. Kirkpatrick also asked that they submit confirmation that DEP approved this. Also, the application mentioned green design principles and asked where is the green design. Mr. Warren stated they don't have a specific design yet.

Cheryl Gustafson, 468 Lincoln Road: asked if there was a status update on the cistern? Mr. Warren stated they still have plans for an aboveground storage tank. Ms. Gustafson asked if they are digging on Lincoln Road as there are markings there. Mr. Warren stated it could be Dig Safe.

Gene Gilmore, 349 Lincoln Road, asked if there is any type of secure facility within Longview Farm. Mr. Warren asked him to define that. Mr. Gilmore stated a lock-up. Mr. Warren stated no.

Mr. Pike, 340 Lincoln Road asked if there were any reports from the Health Department as they had taken eleven borings and ten failed. Mr. Conroy stated we can't get involved in that; however, they do need Board of Health approval. Mr. Pike asked if they fail, would that make this project a no go. Mr. Conroy stated they have to make it work. Mr. Pike asked if they have to submit plans those to the Planning Board. Mr. Conroy stated no. Mr. Pike asked what the board's reaction would be if they are not approved by the Board of Health. Mr. Conroy stated it would then be in their best interest to withdraw. They can't build this even if we approve it and the Board of Health denies it. They won't be able to go forward. Everything would stop. Mr. Pike stated that Mr. Warren had said they submitted a plan for the water storage tank. Mr. Warren stated yes, it was given to the board at the last meeting. It is presently above ground.

Lynne Bongette, 320 Lincoln Road: would like to see some speed limit signs. She did speak with someone at the police department a few weeks ago, but nothing has happened. Mr. Conroy stated that would need to come from the police. We will send a letter to the safety officer, Warren Goodwin, saying this was brought up at our meeting and what would be required for this site. Ms. Bongette stated that is who she spoke with. Mr. Conroy asked if Mr. Goodwin goes to sight distance meetings and Ms. Walker stated he could. He asked that he be invited.

Mark Larsen, 11 Plain Street: would like something included on Plain Street for speed signage as there is no speed limit signage posted. He stated he is an arborist and spoke about the trees that are being proposed. He stated what is being proposed will not provide much screening. He would like trees to be a condition of approval. Mr. LaPointe stated they followed the zoning bylaw in providing the plant materials in the buffer screen between the Gilmore property and the driveway. Mr. Larsen feels that for them to be good neighbors, this should be re-addressed. He would like some changes and also



## WALPOLE PLANNING BOARD MINUTES OF JUNE 3, 2010 (9)

would like them to provide the neighbors with a schedule. He also feels they should provide an irrigation system. Mr. Conroy stated they have to comply with what is on the site plan and if they don't, she can file a complaint with the building inspector and they would then have to comply. Mr. Warren stated they have tried very hard to make the best use out of the existing school and that is why they are proposing to ring the campus. Mr. Larsen stated that good screening would help lose some of the height of the buildings.

Maureen Kirkpatrick stated this will affect three neighbors in a terrible way. It shouldn't be in the location it is. She asked if the application expires and if so, is it getting close. Mr. Conroy it expires on June 30<sup>th</sup>. At that time they have to extend and we have to accept.

Mr. Gilmore stated this is a slap in the face to the residents of Lincoln Road. They have been more than tolerant when it comes to Longview Farm. It is irritating that they never received plans before June and February. Mr. Pike stated that there has never been an accident at the existing entrance and exit in over 40 years as there is complete visibility. This new entrance at the top of the hill is an accident waiting to happen and he would like the board to take that into consideration. Ms. Walker stated she would like the sight distance clarified. Mr. Pike stated that the house they are planning to demo is over 100 years old and they will have to go before the Historical Commission. Mr. Conroy agreed and stated that will be a condition.

Mr. Conroy asked for board comments.

Mr. Murtagh stated he would like to see an impact study and a construction management plan. He doesn't think that the 20' wide Lincoln Road is made to accommodate this expansion. He is also against moving the stonewall as it could never be put back the same way. They will be disturbing the integrity of Lincoln Road. His major concern is the road width. He would like the applicant to voluntarily address the concerns as stated regarding the residents of the school, i.e., smoking, etc. This is not fair to the neighbors. Also, dense screening is a must.

Mr. Nottbart agrees with Mr. Murtagh. He feels management should step up to the plate and do some voluntary work to help out the neighbors. Mr. Gilmore stated they solved a lot of issues between the school and neighbors without going to the police. Mr. Bonnette stated the situation can be intolerable. Mr. Gilmore stated that people have always looked the other way. Mr. Forsberg feels the safety concerns have to be addressed. No one should live in fear in their own house. He feels this expansion is overwhelming to the neighborhood. It should be made less intrusive, but he is not sure how that can be done. Regarding the propane tanks, he asked that they meet with the fire department. It seems like they are putting a big city complex in a rural area. Mr. Warren stated that regarding a construction management plan, it is part of the application in draft form. Ms. Kirkpatrick asked if they can get a copy from the Planning Board. Mr. Conroy stated yes if there is one. Mr. Warren stated it is in the DIS, Section 5.

WALPOLE PLANNING BOARD MINUTES OF JUNE 3, 2010 (10)

Also, since the last meeting, the Home for Little Wanderers has met with both chiefs and they are trying to find ways to address safety concerns and ways to improve communication. Ms. Gustafson stated the meeting should include a neighborhood representative. Mr. Warren stated they have been meeting with two of the neighbors and want to continue to do so. They want open lines of communication to make sure issues are addressed during construction. Brenda Mosetich stated she was one of the neighbors at the meeting. She works with troubled kids all day and doesn't feel she should have to continue working with them once she comes home.

Mr. Bongette stated that the proposed lighting will affect the Rice's property and that should not happen. Mr. Conroy stated they have a building expansion that is coming into a residential rural neighborhood. If this was on Route 1, no one would be at the hearing. It comes under the Dover Act. He has heard comments on the ring and he doesn't feel that all options have been fully explored. He told the applicant they are in a privileged area and they have to live with the neighbors for a long time. We have the right to ask that all options be explored. The new construction appears to be up toward the front of the property and set up quite high. He asked that the applicant take the time to address what the neighbors have suggested as alternatives. He feels he wouldn't be doing his job if he didn't make these requests. At least some attempt should be made to address the concerns of the abutters. He would like both sides to be happy.

There were no further questions. Mr. Conroy continued both hearings to July 15, 2010 at 7:30 p.m. and 7:31 p.m. He stated he would like some of the meetings with Chief Stillman public.

Mr. Warren gave the board an extension of time upon which to take action up to and including July 31, 2010 for both hearings. Mr. Conroy moved to accept an extension of time upon which to take action up to and including July 31, 2010 for both the site plan hearing and the scenic road hearing. Motion seconded by Mr. Nottebart and voted 5-0-0.

**Toll Bros:** Philip Macchi, Esq., 1256 Washington Street, Norwood was present to address a letter dated June 1, 2010 from Mark Kablack, Esq., regarding the Phase I (0359201) and Phase II (0359202) Performance Bonds. Mr. Macchi stated he would like a vote from the board to extend the deadline on these two bonds which will expire on July 10, 2010. If they expire, the board could never call the bond if something doesn't get done. Toll is willing to extend the time so ensure the town won't be in jeopardy. Mr. Conroy stated that this bond should never have been accepted like this. Mr. Macchi stated it was done by Kopelman & Paige. Mr. Conroy stated exactly. Mr. Macchi stated that the as-built plans have already been filed with Ms. Walker.

Mr. Forsberg moved to extend the Redemption Deadline for each of the Phase I and II bonds to the earlier of i) the date that is thirty (30) days after acceptance of Phase I and II Subdivision Improvements by affirmative vote of Town Meeting; or ii) June 30, 2011. Motion seconded by Mr. Mazzocca. Motion voted 5-0-0.

WALPOLE PLANNING BOARD MINUTES OF JUNE 3, 2010 (11)

**CVS Site Plan Approval, Case No. 09-5:** Philip Macchi, Esq., 1256 Washington Street, Norwood, MA was present to request the opening on the north side of the parking lot off Main Street be widened from 24' to 28' for safety reasons be determined a minor modification to an existing site plan. This 4' widening coupled with the 10' roundings would make the opening about 14' wider. He also stated that CVS is willing to spend the money. Mr. Nottebart asked if they could move the island over about 3' and Mr. Macchi stated he is not authorized to do that. Mr. Murtagh asked Ms. Walker's opinion. She feels they need at least that amount to make it safer exit/entrance. Mr. Conroy stated when we signed the plan, it was fine. He feels what is presently there will work. Ms. Walker disagreed and feels it is difficult to swing because it is so narrow. She did try it herself and it doesn't work. If the island wasn't there, it could possibly work. Mr. Macchi stated CVS will do whatever the board wants. Mr. Nottebart feels to remove the island would be the best thing. Mr. Conroy stated we are not in the design detail field. We are the Planning Board that did approve it originally.

Mr. Murtagh left at 11:20 p.m.

Mr. Mazzocca moved that the change as requested be considered a minor modification to the original site plan dated April 13, 2009, latest revision August 18, 2009 by R. J. O'Connell, 80 Montvale Avenue, Stonham, MA. Motion seconded by Mr. Forsberg and voted 3-0-1 (Mr. Conroy abstained).

Mr. Forsberg moved to allow a minor modification to a plan entitled "CVS/pharmacy, 929 Main Street", dated April 13, 2009, latest revision August 18, 2009. Said modification is to change the width of the CVS northerly entrance opening on Main Street from 24' to 28' as per recommendation of Margaret Walker, Town Engineer and as per a letter received from Deputy Fire Chief Michael Laracy dated June 3, 2010 on behalf of Fire Chief, Timothy Bailey, who also had safety concerns with the width of the northerly entrance to the CVS parking lot. The addition of 4' to the entranceway coupled with 10' roundings will allow for a 38' wide opening. Motion seconded by Mr. Mazzocca and voted 3-0-1 (Mr. Conroy abstained).

Mr. Conroy requested that this modification to the site plan be stamped by R.J. O'Connell & Associates, Inc., 80 Montvale Avenue, Stoneham, MA. Also, the board needs a check in the amount of \$200 from CVS or Mr. Macchi. Mr. Macchi agreed to both requests.

It was moved, seconded and voted to adjourn. The meeting adjourned at 11:30 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted July 15, 2010