

WALPOLE PLANNING BOARD MINUTES OF MAY 20, 2010

A regular meeting of the Town of Walpole Planning Board held on Thursday, May 20, 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 (7:07 p.m.); John Murtagh, Clerk; Richard Mazzocca (8:30 p.m.), Richard Nottebart, and Donald Johnson, Town Planner.

Minutes: Mr. Conroy moved to approve the minutes of May 6, 2010. Motion seconded by Mr. Nottebart and voted 3-0-0 (Conroy, Murtagh, Nottebart).

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

Legacy Lane: Mr. Conroy moved to accept a check in the amount of \$8806 and to execute the Agreement for Performance Secured by Bank Deposit. Motion seconded by Mr. Nottebart and voted 4-0-0.

The Trails Subdivision: Mr. Johnson stated that he and Ms. Walker contacted Mr. Priore's attorney on Friday and the documents were received yesterday; however, he has not had an opportunity to review them. This was placed on our June 3rd agenda.

MAPD: Mr. Johnson informed the board the annual MAPD meeting will be held in Plymouth on June 3 and 4. Mr. Forsberg moved to allow the planner to attend the MAPD meeting in Plymouth scheduled for June 4th at a cost of \$85. Motion seconded by Mr. Nottebart and voted 3-0-1 (Mr. Conroy abstained).

7:30 P.M. ReMax, 600 Main Street, Case No. 10-2 Continued Hearing: The applicant was represented by James Brady, Esq. and Dan Merrikin, Merrikin Engineering. Mr. Conroy stated there are only four members present at this time and asked Mr. Brady if they wanted to move forward. He stated yes.

Mr. Conroy stated the board was awaiting decisions from the Conservation Commission and the Zoning Board, which were submitted. He read correspondence received from Ms. Walker dated May 11th and handed out plans that were received on April 28th.

Mr. Brady stated that both the Zoning Board and Conservation Commission were happy with the project and the neighbors are also supportive. He stated it is a good project for the town and will increase the value of this area significantly. There needs to be an improvement of the sight lines, which he actually checked that tonight before coming to the meeting. Regarding Mr. Nottebart's concern with the sidewalk, Mr. Gallagher is willing to do an overlay on the existing sidewalk, which will help with foot traffic as it will alleviate the wavy spots.

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Mr. Murtagh asked if they are removing a section of the stonewall and Mr. Brady stated yes. Mr. Murtagh asked what would be in its place and Mr. Merrikin stated the lawn will be level with the sidewalk. Mr. Murtagh feels that will improve sight distance significantly. Mr. Brady agreed and stated when done there will be over 200' of good sight distance. Mr. Murtagh questioned the sidewalk on Gill Street. Mr. Merrikin stated that it is on the other side of the street. Mr. Nottebart agrees with what Mr. Brady is saying.

There were no public comments.

Mr. Merrikin stated they made all the changes Ms. Walker wanted and provided an updated landscaping plan. Mr. Nottebart asked if "no left turn" will remain and Mr. Merrikin stated that would be up to the town. Mr. Brady stated the neighbors want the "no left turn" gone. Once the sight line is approved, the neighbors could ask the Safety Officer to change it. Mr. Conroy asked who owns the property now and Mr. Brady stated that Mr. Gallagher does. Mr. Conroy asked for documentation to put in the file in case someone asks. Mr. Brady stated he will submit a copy of the recorded deed.

Mr. Conroy moved to close the public hearing. Motion seconded by Mr. Nottebart and voted 4-0-0.

Mr. Conroy moved to grant site plan approval for property located at 600 Main Street subject to thirty standard conditions and three special conditions. Motion seconded by Mr. Murtagh and voted 4-0-0.

7:55 P.M. John Jacob, d/b/a Becketts, 1065 Main Street, Case No. 10-4 Site Plan Approval and Case No. 10-5 Special Permit.

Mr. Glossa, Glossa Engineering, asked to wait for Mr. Mazzocca to arrive so they would have a five person board.

Grandview III discussion: Atty. William O'Connell, Main Street, Walpole and John Glossa, Glossa Engineering were in attendance to discuss the possibility of reviving this subdivision. They are now proposing to build a 9-lot subdivision.

Mr. Mazzocca arrived at 8:30 P.M.

8:40 P.M. John Jacob, d/b/a Becketts, 1065 Main Street, Case No. 10-4 Site Plan Approval and Case No. 10-5 Special Permit. Mr. Conroy read the public hearing notices for both hearings and stated they will be heard concurrently. The applicant was represented by John Glossa, Glossa Engineering, 46 East Street, E. Walpole, MA. He stated this site was formerly Pete's Dream and then Kylemore. To the rear of the property is the Neponset River, Flowers and More is to the south and an apartment building is to the north.

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There is a wooded area between the river and the parking lot and it is located in the CBD. They are proposing to put a 20' x 40' area at the front of the building where there is presently a concrete walkway and parking spaces. They are proposing to fence the area in question on three sides. The decorative fence would be of wrought iron design and would be temporarily attached and anchored directly to the pavement. Mr. Conroy asked why this wouldn't come under Limited Site Plan Approval. Mr. Johnson stated because of the Special Permit needed. Mr. Conroy stated this is not a building structure or a permanent structure. He can see why we are doing a special permit for the outdoor portion, but questioned why we are doing a site plan. Mr. Glossa stated because site plan approval has to be done in a commercial zone. Mr. Johnson stated he went over this with Jack Mee. Mr. Conroy stated this would be similar to the British Beer Company on Route 1, which actually has a wooden structure. Mr. Glossa stated there is no structure here and nothing is permanent. There will be tables inside the fence that may or may not have umbrellas. Everything will be tucked away at night. Mr. Conroy questioned if they didn't have a fence, would they need site plan approval. Mr. Glossa stated that according to the zoning bylaw, they would need site plan approval no matter what. In the past, he has done some special permits without site plan approval. Mr. Conroy stated that the whole site now comes into play. Mr. Glossa agreed, but the board is only acting on what is there. Mr. Conroy stated this property does have a history and he feels something should be done with the parking. He asked if they are going to convert the area in question back to parking in the off season. Mr. Glossa stated yes. Mr. Conroy stated they had to come before the board because they are adding a fence, which is very close to Main Street. Because of that, he doesn't think they should keep the existing parking spaces out front. Mr. Glossa stated a condition could be that those four parking spaces out front would be removed during the time the outside area was operational. Mr. Conroy stated they should offer some type of protection, something more than a fence. Mr. Glossa stated this is being done for the smokers. Mr. Conroy asked if that is allowed and Mr. Glossa stated yes as long as there is no roof.

Mr. Forsberg stated he thought it would have to be attached to the building. Mr. Conroy stated he feels there should be bollards with the fence for safety. Mr. Mazzocca asked if they lose four parking spaces, couldn't they stretch out the structure along the front of the existing building. Mr. Glossa stated he is not sure the owner wants to. Mr. Conroy stated he feels the fence will interfere with seeing when backing out. He asked if this is being proposed just for the summer and Mr. Glossa stated yes, from late May to the end of summer. Mr. Conroy stated that people still smoke and drink beer in the winter.

Mr. Forsberg questioned whether or not this area will be connected to the building in some way. He doesn't think someone can go outside with a drink unless it is. Mr. Conroy agreed and stated that a bartender would need to be able to see what is going on. Mr. Glossa stated they will need to go before the Selectmen for their license which will need to be changed to allow this. Mr. Nottebart asked if there will be waitress service out there and Mr. Glossa stated yes.

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Mr. Forsberg asked if they can buy a beer and then go stand outside with it and smoke and Mr. Glossa stated no as there will be no standing out there allowed; everyone will have to be seated. Mr. Johnson stated that could be a special condition. Mr. Conroy asked Mr. Glossa to find out what the actual ruling is from the Building Inspector or they would have to come back to modify the site plan. Mr. Forsberg stated he is concerned about the hours of operation. Mr. Glossa stated the new area will close at 10:00 p.m. Sunday through Thursday and it at 11:00 p.m. on Friday and Saturday. He has already talked with Chief Stillman about this. Mr. Conroy feels this issue comes under the jurisdiction of the Selectmen and Mr. Glossa agreed. Mr. Forsberg stated we could make a recommendation. Mr. Johnson stated that wouldn't be a condition, but we could write a letter to the Selectmen. Mr. Forsberg also feels other conditions of approval or recommendations should be no outside speakers, no outside music and the dumpster should be screened.

Mr. Conroy read the comments received from various town boards and committees. Mr. Johnson reviewed his comments.

Mr. Murtagh questioned access to the building. Mr. Glossa stated there is a concrete walkway and there will be a fence on three sides. He stated he doesn't think the building is handicap accessible now. Mr. Nottebart stated he doesn't really like what is before us but he doesn't want to restrict someone from making their business prosper. He feels there should be no parking out front to protect the patrons. He would like the front of the building cleaned up so it will look nicer and hopes it doesn't become an eyesore. He asked if Mr. Jacob is good at running his other establishment in Norwood and Mr. Forsberg stated he thinks so. He feels there should be planters out front to dress it up. Mr. Glossa stated he hears what the board is saying: stretch this out across the front of the building, put out flowers which will make it look nicer along with a fence. Mr. Conroy asked Mr. Glossa to reconfigure the parking. Mr. Glossa asked to close the public hearing. Mr. Conroy stated the board isn't ready to do that yet as he would like confirmation from Jack Mee as to whether or not they have to connect to the main building.

There were no public comments.

Mr. Conroy continued this hearing to June 3, 2010 at 7:20 P.M.

Subdivision Updates:

- Hollowdale Farm: Mr. Conroy asked that Mr. Johnson get Tony Delapa out to the site to meet with both Ms. Walker and Mr. Johnson. The bond is overdue and we shouldn't allow any lots to be released. He asked Mr. Johnson to check with the bonding company to make sure the bond is still good.
- Brush Hill: Mr. Johnson stated that Berkeley Drive looks look. He stated that Mr. Hasenjaeger wants to have it accepted in the Fall. There have been no permits pulled on Arlington yet.

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- Commerford's Corner: Mr. Forsberg feels Mr. Commerford is still responsible for the poles.
- High Oaks: Mr. Johnson stated it is coming along and they are doing a lot of work.
- Hancock Court Extension: Mr. Johnson stated this is a 5-lot subdivision and three lots are not yet built out. Mr. Conroy questioned the bond on file and asked Mr. Johnson to check on it. He also asked him to check to see that all permits are in place.
- Niden Woods: Mr. Conroy wants to know what is going on. He put this on the June 3rd agenda. Mr. Forsberg asked Mr. Johnson to ask Ms. Walker to email us any of her concerns on this subdivision before the next meeting.
- Villa Terrace: Mr. Johnson stated their attorney says there is no bond in place, but he feels the attorney is wrong; the bonding company says there is no bond in place. Mr. Conroy asked Mr. Johnson to track this to get the status of this subdivision. Mr. Johnson asked if he would like town counsel involved in this. Mr. Conroy stated no. He wants the planner to do it. Mr. Johnson stated he already did this. Mr. Conroy stated the bonding company is on the hook. He wants Mr. Johnson to talk to the bonding company and get something from them in writing. Mr. Johnson asked if they say no, do you want him to get town counsel involved. Mr. Conroy stated no. He stated we need a letter from the bonding company, not their agent or the insurance agent. Mr. Johnson stated he can pursue this again. If he gets no response, he can call Mike Federico in here or we can go after him with town counsel. What is your recommendation?

Site Meeting: Mr. Johnson stated there will be a site meeting on Route 109 on June 2nd. He will check with Ms. Walker to see if she is going.

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:00 P.M.

Respectfully submitted,

John Murtagh, Clerk

Minutes accepted 7/15/10