

WALPOLE PLANNING BOARD MINUTES OF JUNE 21, 2012

A regular meeting of the Walpole Planning Board was held on Thursday, June 21, 2012 at 7:00 p.m. in the Main Meeting Room, Town Hall. The following members were present: Edward Forsberg, Vice Chairman; John Murtagh, Clerk; Richard Mazzocca, and Richard Nottebart.

Personnel Action Request: Mr. Forsberg signed the PAC per request of the Personnel Board for the board secretary's step increase.

Walpole Mall: The board received an email that was forwarded from the Conservation Commission regarding the placement of a fence at the Mall. This was put on the July 19th agenda.

Iorio Update: At the June 7, 2012 Planning Board meeting, Mr. Nottebart was asked to represent the Planning Board at a joint meeting to be held on Tuesday, June 12, 2012 at 5:00 p.m. with Jack Mee, Ilana Quirk, Dina Brown and Ted Case regarding Iorio. Mr. Nottebart he met with the building inspector prior to the scheduled meeting, but did not attend the scheduled meeting as per the recommendation of Ms. Quirk, town counsel.

7:30 p.m. ANR - Beatty, Chestnut and Washington Streets: Mr. Forsberg read a letter from Atty. Valanzola dated June 13, 2012 asking the Planning Board to vote the ANR plan that was filed with the site plan approval and special permit; a memo dated May 16, 2012 from the Building Inspector, Jack Mee, addressing street setbacks for corner lots as per the Zoning Bylaw; and, a letter dated June 19, 2012 from Atty. Valanzola addressing certain issues that have discussed at prior meetings.

Mr. Forsberg moved to approve an ANR plan entitled "Washington Street Plan of Land in East Walpole, MA" by Merrikin Engineering, 730 Main Street, Millis, MA dated February 15, 2012 finding Form A in order and subdivision control not required. Motion seconded by Mr. Murtagh and voted 4-0-0. It was noted that the surveyor of this plan is John Anderson, Anderson & Associates, Walpole, MA and further the monuments were set by Colonial Engineering, Inc.

The applicant is Diane Beatty, 16 Audubon Drive, Walpole, MA and the owner of said property, which is shown as Assessors Map 20, Parcel 32, and zoned Business, is Hollingsworth & Vose, 112 Washington Street, East Walpole, MA.

As noted on the plan, 1) Lot 1 and Parcel A are to be considered a single building lot and 2) the remaining land of H&V to be combined with adjacent land of H&V.

Mr. Merrikin took the endorsed mylar and will return four copies to the office.

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7:35 p.m. Beatty, Washington and Chestnut Streets, Site Plan Approval Continued Hearing, Case No. 12-5: Mr. Forsberg read comments from the town boards and committees and also Michael Viano, Norton Avenue, Walpole, MA. Richard Merrikin, Merrikin Engineering, Millis, MA stated the changes to the plan are based on Ms. Walker's comments and also those of the Safety Officer. There will be an "in" and "out" on Washington Street and an "in" only on Chestnut Street as agreed by the Safety Officer, Chris Musick and others. Their objective was to improve the safety conditions on Chestnut Street and everyone involved feels this change addresses all concerns. Also, Chestnut Street will be lined out with one lane in each direction. They will also angle the parking spaces and there will be a small sidewalk extension at the corner of Chestnut and Washington. Mr. Merrikin stated there will be additional signage added up by the post office and there will be a flat spot provided for snow storage in the back of the building. The walls are being designed and will be ready prior to plan endorsement. Mr. Forsberg questioned dumpster hours and Mr. Merrikin stated the dumpster will be emptied twice a week between 8 a.m. and 7 p.m. The walls and perimeter stamp will be done before endorsement. Mr. Forsberg stated there was an issue with frontage, but we have a letter from Jack Mee dated May 16, 2012 which discussed Section 6C-7-B. Further, it was agreed that the legal address would be Washington Street. Atty. Valanzola agreed and stated all the documents for this property from the Assessors office show the address as Washington Street. Since both streets comply, they can choose one. He feels Washington Street is better. Mr. Forsberg also stated that the clock tower is on the sidewalk. Mr. Merrikin stated the sidewalk is Ms. Beatty's property and asked if that is in compliance. Atty. Valanzola stated they don't have to go before the Zoning Board. Also, the height is exempt from the height restrictions. Mr. Forsberg questioned the buffer zone. Mr. Merrikin stated it isn't from the property line, but from the boundary line. Mr. Murtagh asked if the Selectmen will be reviewing the traffic and Mr. Merrikin stated yes. Mr. Forsberg stated if there is a safety issue, the Safety Office has a right to revisit and implement something.

Mr. Nottebart thanked the applicant, engineer and attorney for bearing with us during the review period.

Jason Grossman, 6 Riverwalk stated he counted on 28 parking spaces on the plan and asked if they changed the number of spaces. Mr. Merrikin stated the plan shows 31 spaces and the restaurant will have 124 seats. He verified it with Mr. Grossman who then asked where the help will park. Mr. Forsberg stated that is included in the number of spaces needed.

Charlie Wing, 14 Rose Court Way stated this area needs a stop light. He objects to traffic coming up the hill and making a left turn into a parking lot as the traffic is bad enough now at any time of the day, but especially at rush hour. Mr. Forsberg stated the Traffic Control Officer met them on site and went over this. Atty. Valanzola stated they met with Safety Officer, Chris Musick.

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Mr. Wing suggested that Chestnut Street be made one way. Mr. Forsberg stated the Police Department can re-assess this afterwards to make any changes if there are safety concerns that arise. Mr. Merrikin stated that only the Selectmen can make a street one way. There were no further questions or comments. Mr. Forsberg moved to close the public hearing. Motion seconded by Mr. Nottebart and voted 4-0-0.

The board discussed the standard and special conditions for this application. Mr. Nottebart asked if there will be parking lot lights and Mr. Merrikin stated no. It was agreed to add Ms. Walker's comments dated June 15, 2012 to the special conditions and also off site improvements are to be approved by the Board of Selectmen. The plan being approved has the latest revision date of June 14, 2012.

Mr. Forsberg moved to grant site plan approval for Case No. 12-5 including the board's 24 standard conditions and 7 special conditions. Motion seconded by Mr. Nottebart and voted 4-0-0.

8:25 p.m. Southridge Farm Site Plan Approval, Case No. 12-8 and Special Permit, Case No. 12-9 Continued Hearings: Mr. Forsberg read comments from the Fire Department, ConCom and Town Engineer. The applicant was represented by Rob Truax, GLM Engineering. He stated they will not be putting in a water line for three years and asked that be a condition of approval. He stated they have also added some catch basins. The soil in this area is sand and gravel and everything meets a 100-year storm.

Mr. Forsberg asked if the applicant has to report back to the Conservation Commission on an annual basis and Mr. Truax stated yes. Also, the basins will be cleaned annually and inspected four times a year. Mr. Murtagh asked what they are seeking from the Zoning Board and Mr. Truax stated retail use. The meeting with them has been continued until July 18th and he knows the Planning Board can't close until after the ZBA makes a decision. He is hoping to address any Planning Board issues tonight so this can move forward as soon as the Zoning Board closes.

Mr. Truax stated there are four separate lots all owned by Mr. Hayes. The old entrance will be blocked with big boulders. Mr. Forsberg asked if Ms. Walker has an issue with the impervious cover and Mr. Truax stated that is the reason for the special permit from this board. Mr. Forsberg asked if he has seen her letters and Mr. Truax stated yes. Mr. Forsberg questioned the bins and Mr. Truax stated that anything over 4' needs to be shown on a stamped plan and filed with the Building Inspector. They are proposing a sizeable wall which meets the setbacks and will require a building permit. Mr. Forsberg asked Mr. Truax to meet with the Safety Officer to find out what he will require for signage. Mr. Truax stated the sight distance is over 100'. Mr. Forsberg stated a condition of approval would be that there will be no plantings along the street that will obstruct the sight distance. Mr. Truax agreed.

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There were no further questions or comments from the board. Mr. Truax granted the board an extension of time upon which to take action up to and including July 31, 2012 on both the special permit and site plan. Mr. Forsberg moved to accept an extension of time for the special permit and site plan applications up to and including July 31, 2012 as per the applicant's engineer. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Forsberg continued the hearings to July 19, 2012 at 8:00 p.m. and 8:01 p.m.

8:50 p.m. Plimptonville Crossing, Case No. 12-7 Continued Hearing: Mr. Forsberg read comments from boards that were received since the last hearing. The applicant, John Marini, was present and was represented by Atty. Paul Schneiders, Canton, MA, Rick Merrikin, Merrikin Engineering, and Bill Scollay, Traffic Consultant. Mr. Marini stated that he likes to build decorative walls, but they are not shown on the plan. Mr. Forsberg stated a condition of approval would be they need a modification to the site plan if they build walls. Also, any changes to the landscape would require a modification.

Mr. Forsberg read two memos dated June 14, 2012 and January 17, 2008 from Bob LeBlanc, Tree Warden. He also read correspondence from the Board of Health dated June 13, 2012, Margaret Walker dated June 12, 2012, a letter received June 18, 2012 from Rick Merrikin responding to Ms. Walker's comments, and a copy of a letter dated June 14, 2012 to E911 regarding a street name.

Mr. Forsberg stated that at the last meeting there was an issue with a site visit that wasn't done. He did call Atty. Schnieder prior to tonight's meeting and told him it was important that everything be ready and in order for tonight's meeting and that the town engineer has to be 100% satisfied as per her comments made on June 12th or we would not be moving forward. Mr. Merrikin stated he did not receive those comments until June 19th, the day before this meeting. Mr. Nottbart stated he verified that and Mr. Merrikin is correct.

Al Franz, 249 Plimpton Street stated he doesn't think they should cut back the shrubs on Plimpton Street as it will allow the cars to go faster than they already do. Mr. Merrikin stated they will be planting junipers on site. He also discussed lighting on site and stated it will shine downward and will be shielded. Mr. Nottebart asked if the Hurley's and Rubini's, both on Allston Drive, will be affected by the lights and Mr. Merrikin stated no as they are shielded. Mr. Nottebart asked that Mr. Marini be respectful of the neighbors and abutters. Mr. Merrikin stated there will be a heavy screen and also fencing. Ms. Rubini questioned a retaining wall and Mr. Merrikin stated there will be one with a fence on top.

Al Franz, 249 Plimpton Street asked what the lighting will look like from their house as they look out their bedroom windows toward this project. Mr. Merrikin stated it will be directed downward and shielded. These lights are the ones suggested by one of the abutters and are shown on the plan.

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Rich Mazzocca questioned the 50' buffer and asked Mr. Merrikin to explain it again. Mr. Merrikin stated they did the buffer according to the zoning bylaw, along with a fence and two rows of plantings and the rest will remain as it presently is. Mr. Mazzocca asked what it is now and Mr. Merrikin stated it is grass and some brambles. He doesn't intend to mow all of this area, just the first 10-12'. Mr. Mazzocca stated so there will be no change and Mr. Merrikin agreed there would be no change. Mr. Mazzocca questioned the fence and Mr. Merrikin stated it will be white vinyl. He is not sure if the neighbors next door want it or not, but they are proposing 6' vinyl. Mr. Forsberg stated that the 50' line goes up to the back decks. Mr. Merrikin stated they will leave it alone. The Planning Board has the opportunity of looking at the buffer and they can ask for more when done. There will be no structures in it as decks, stairs, etc. will be gone. Mr. Forsberg asked if the fire department mentioned access in the back of the site. Mr. Merrikin stated no as it is flat and they can get back there if they have to. The Water and Sewer Commission asked for a hydrant so they did that.

John Marini stated all buildings will be sprinklered. Mr. Nottebart stated he doesn't like the idea of a white vinyl fence, but does like wood. Mr. Merrikin stated the fence is on the plan and it is a screening thing. Mr. Marini stated that the neighbor at 236 Plimpton Street is within 20'. Mr. Murtagh asked if the 3-family conforms to zoning. Mr. Forsberg asked if they don't get approved by the Zoning Board with regard to the 3-family, does that affect the buffer. Mr. Merrikin stated no, in his opinion. Mr. Forsberg stated when you created a new lot with the ANR, you lost your grandfathering with regard to non-conformance. He asked what exists now and Mr. Merrikin stated a 3-family. They are going before the Zoning Board because it is too close to the street. Atty. Schneiders said they will take the porch off if it is determined they are too close. Mr. Merrikin stated it has enough area and it is existing. It is just too close to the street.

There were no further comments or questions.

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

Mr. Forsberg moved to approve Site Plan Approval for Plimptonville Crossing, Case No. 12-7 with twenty-one standard conditions and eight special conditions as discussed. Motion seconded by Mr. Nottebart and voted 4-0-0.

Mr. Merrikin submitted a letter dated May 24, 2012 to the board regarding the filing fees for Plimptonville. He stated the applicant paid \$3,786.40 three times for a total of \$11,359.20 in filing fees. In addition, they paid separately for the advertising of three (3) public hearings. He stated that along with each of the two re-filings they had requested in writing that the board waive or reduce the filing fee as none of the re-files required a change in the plans or a re-review of plans other than what is normally required in the approval process of a project; therefore, Mr. Merrikin requested that the board return a total of \$7,572.80 in filing fees.

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Mr. Mazzocca moved to refund \$7,572.80 to the applicant as requested. Motion seconded by Mr. Nottebart and voted 4-0-0.

Kraft memo: An email was received at 3:45 p.m. today from David Wedge, Boston Herald requesting information on land owned by Robert Kraft in South Walpole and whether or not any plans have been filed. It was agreed to respond to Mr. Wedge that nothing has been filed.

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

Respectfully submitted,

John Murtagh, Clerk

Accepted on 7/19/12