

WALPOLE PLANNING BOARD MINUTES OF OCTOBER 17, 2013

A regular meeting of the Walpole Planning Board was held on Thursday, October 17, 2013 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: Richard Nottbart, Chairman; Edward Forsberg, Vice Chairman; John Murtagh, Clerk; John Conroy (7:11 p.m.); Richard Mazzocca, and Margaret Walker, Town Engineer.

Minutes: Mr. Nottbart moved to accept the minutes of October 3, 2013. Motion seconded by Mr. Conroy and voted 4-0-0. Mr. Nottbart moved to accept and release the July 11, 2013 Executive Session Minutes. Motion seconded by Mr. Forsberg and voted 4-0-0.

Northridge Farm Sewer discussion: Ms. Walker asked if the sewer going out back constitutes a modification to the subdivision plan. Mr. Viano stated he can put a private easement on one of the lots. Mr. Conroy feels we need to get an opinion from Atty. Ilana Quirk. We should ask her if an easement on a lot constitutes a change. Ms. Walker asked Michael Viano to touch base with Rick Mattson also.

ANR – Washington Green: Mr. Nottbart read a letter dated October 17, 2013 from Atty. Mark Einhorn requesting to withdraw the current Washington Green ANR application. It is anticipated that they will resubmit the application shortly and they ask that the re-filing fee be waived. Mr. Nottbart moved to allow the applicant to withdraw their ANR application as per request of Atty. Einhorn and the board will waive the re-file fee as requested. Motion seconded by Mr. Murtagh and voted 5-0-0.

High Oaks Modification: Mr. Conroy asked that the board receive step by step directions from Atty. Quirk as to how we should proceed with the modification to Lot 115, the ball field. Mr. Nottbart stated he will come into the office to write a letter to her. Mr. Conroy stated the board had granted a waiver for an extension beyond 750' to Lady Slipper Drive and they will be keeping that extension even though Lot 115 will become a buildable lot. He is not sure how that will work.

7:30 p.m. Kingswood Estates Preliminary, 44 Bubbling Brook Road: Tom Taylor, 44 Bubbling Brook Road, was represented by John Glossa, Glossa Engineering, 46 East Street, East Walpole. He stated that there are 11 ½ acres in Walpole and the remainder is in Westwood. Both the fire chief and deputy fire chief were not in favor of a private road. They want a cul-de-sac. They will be extending the road about 530' from Trailside, but everything else on the plan is conventional and there will be a water service coming in from Bubbling Brook Road. They are proposing to extend the roadway as they want to create two additional lots which will be well above the 40,000 s.f. requirement and well above the 60% upland and each lot will have the required 200' of frontage. Westwood did allow them to tie in about eight years. Mr. Glossa submitted minutes to board from the Westwood Sewer & Water Board that showed they would allow three houses to connect into their sewer. Mr. Glossa stated the final thing he would like the board to consider is the roadway is 26' wide and they would like to go to 22' as there

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would be less pavement and drainage requirements and therefore less costly. They are proposing to finish the cul-de-sac with rounded vertical granite and are asking for tentative approval of the submitted preliminary plan tonight. Mr. Murtagh stated they will need permission from the Westwood Sewer and Water Department and Mr. Glossa stated they already have it. Mr. Murtagh questioned the roadway width and Mr. Glossa stated they would like 22' and Mr. Murtagh stated he likes that as it would be much "greener". Mr. Forsberg questioned how the house was originally built as there was no frontage. Mr. Glossa stated it was built under a 50' variance. They will ask that the two vacant lots only be included in the covenant and the other lot would stay out of it. Mr. Forsberg stated he had asked the Zoning Board earlier today if there was a variance on that and the board secretary looked it up and stated there wasn't a frontage variance according to her records. Tom Taylor, applicant, stated there was a variance for frontage granted. Mr. Glossa stated he will get that approval to the board tomorrow. Mr. Forsberg stated he is not opposed to the smaller width of the roadway. Mr. Glossa stated he will give the board something in writing to forward to town counsel. Mr. Conroy stated that regarding the curbing, he thinks we need granite because it would be less for the town to take care of. He also feels they should talk to the fire department as they may want the full road width. He also suggested they talk to the schools as to how they would run a bus. Mr. Taylor stated the kids are picked up now at the top of North Street. Mr. Conroy asked if that included kindergarten kids and Mr. Taylor stated he thinks so. Mr. Conroy stated that we don't rule on sewer issues. Further, he feels they will have to file with Westwood or do an ANR plan. Mr. Glossa stated the simple way would be to do an ANR on this. Westwood won't have to sign the definitive plan and they are aware they can't do anything within 100'. Mr. Glossa stated that the piece of property in Westwood is not part of Tom Taylor's deed. Mr. Murtagh agrees with Mr. Forsberg and would like to see the granite look and also feels he should talk to the fire chief. Mr. Nottebart stated they said both the fire chief and deputy fire chief had trouble with this and Mr. Glossa stated they didn't want the private road at all. He stated this is similar to Swan Meadow. There will be five houses at the end, including Tom Taylor's existing house. The fire department wasn't in favor of the hammerhead at all. Mr. Nottebart questioned the length of the granite curb and Mr. Glossa stated maybe 125'. Mr. Murtagh stated it is expensive and Mr. Forsberg stated it will last forever. Mr. Forsberg asked how do you do an ANR with two different towns and Mr. Glossa stated there will be no ANR in front of this board as only the piece in Westwood will be ANR'd. This board will only see a definitive plan. Mr. Conroy stated you have to show us what you will be doing in Westwood. Mr. Glossa stated it is a separate piece and not part of the subdivision. Mr. Conroy asked if it is already subdivided and Mr. Glossa stated yes as one piece separate from the piece in Walpole. Mr. Conroy suggested they get their approvals and talk to every neighbor so they don't ask us questions that belong in front of Sewer and Water, as that would be a waste of time. Mr. Glossa stated they have permission to tie in three houses only. Mr. Conroy asked if they will have a stub for each house and Mr. Glossa stated they said we have permission to connect three houses on Tom Taylor's property into the sewer. They will talk to them to make sure that everyone including themselves, Walpole Water and Sewer and Westwood Sewer and Water have an understanding of

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what will happen and also that the Walpole Planning Board doesn't have the power to do sewer work. No one can tie in without Westwood's permission. They will get that all straightened out and maybe have a meeting with the five home owners. Mr. Nottebart read comments from the other boards. Mr. Nottebart asked for comments from the public.

Barbara Assetta, formerly lived on 18 Trailside and now lives on Hummingbird, but asked that the new people on Trailside be noticed of the definitive hearing. Mr. Taylor stated this will not affect them in the least.

Mr. Nottebart moved to grant non-binding tentative approval for a preliminary subdivision at 44 Bubbling Brook Road as presented. Motion seconded by Mr. Murtagh and voted 5-0-0.

8:06 p.m. John Bilodea, Jr. 145 Baker Street, Scenic Road Hearing: Mr. Nottebart read the public hearing notice. The tree warden, Robert LeBlanc, was present and stated he viewed the site and what appeared to be a 13' opening. There are no trees in the immediate vicinity. He stated the opening is not across from any other driveway on Baker Street. The sight lines look good and he doesn't see any impact on traffic. He submitted photographs. He stated this is the last house before the country club and there is a single row of rocks. Mr. Murtagh asked why they are removing the 12' section and Mr. Nottebart stated for access. They are also going to install a gate.

Ms. Walker asked if they intend to re-use the stones. Mr. Bilodeau stated he is planning on adding to the existing walls and he will do whatever the board and tree warden suggests. Mr. Nottebart agrees they should use the stones to enhance the wall. Mr. Conroy suggested Mr. Bilodeau pull it back a little to make sure this stays on his property and to make sure the gate is his, not ours. Mr. Nottebart asked if it is on the line now and Mr. LeBlanc stated it delineates the line.

There were no comments from the public.

Mr. Nottebart moved to approve the action requested by the home owner at 145 Baker Street. Motion seconded by Mr. Murtagh and voted 5-0-0.

Mr. LeBlanc stated there are a couple of trees on North Street that are in contact with the power lines and are dangerous. MGL gives him the authority to take action without a public hearing, which he will do, but wants the Planning Board to know that he will be removing these dangerous tree. Mr. Nottebart asked where on North Street and Mr. LeBlanc stated at the top of Covey Street by 501 North Street. The board had no comments.

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8:22 p.m. Niden Woods Modification: Mr. Nottebart read the public hearing notice. Mr. Murtagh checked the green cards and said all had been returned but five of them, but we do have proof those five were noticed. Dan Merrikin, Merrikin Engineering, stated he noticed the entire subdivision and those abutters around it.

Mr. Merrikin stated that this hearing relates to Lot 6 and involves three properties: Ivan Beisty, Jason Roche and Joe McCarthy, all of whom are at tonight's hearing along with Atty. Mark Rosenfeld who owns the subdivision. Mr. Merrikin stated the approved plan did not show a retaining wall and a fence is only necessary if required by code. The fence issue is self explanatory as it is above and outside the capacity of the basin. There will be no impact to the large stormwater basin or to the entire subdivision. The basin contains the design volume. Regarding the smaller stormwater basin, it did affect capacity in a limited way. The basin is larger then what they designed. He feels these are diminimous issues and doesn't affect the storm water system at all. It is just a housekeeping item. At this point, everything is done except for street lights. Mr. Nottebart read correspondence from the Conservation Commission and Walpole Police Department. Ms. Walker reviewed her comments and stated there was a minor difference at the bottom of the basin. Her one issue was the basin on Lot 8, but Jason Roche is maintaining it now. Mr. Roche stated he is okay with that. Mr. Merrikin stated he has no issues with Ms. Walker's comments.

Mr. Conroy stated he has an issue with the modified plan. This goes back to 2000 and Mr. Merrikin was showing the owner and applicant back then, but they need to show the most current owner. What should have been on the plan are the people who are living there now. Mr. Merrikin asked if he should show every property owner and Mr. Conroy stated yes, they need to be listed. You would never know by this plan in front of us that this subdivision is not under one ownership and that needs to be changed. Mr. Merrikin stated he will update the list of owners if the board wants him to, although he doesn't normally do it that way. There would be fourteen owners shown on the plan. Mr. Conroy stated that Savignano has to disappear. Mr. Mazzocca asked if this is a new plan before us or the plan from 2000. Mr. Merrikin stated it is a modification to a 2000 plan. Mr. Mazzocca stated he sees where this is coming from on both sides. Mr. Murtagh stated he is not sure. Mr. Forsberg doesn't think it makes much difference. Mr. Merrikin stated there are thirteen owners and the Rosenfelds own the fee in the road for 14 owners. He would ask that the board make that update a condition of approval. Mr. Forsberg asked if there are lots in question or the whole subdivision. Mr. Conroy stated there could be a cloud on the title and the names should be added to protect people down the road. Mr. Merrikin would like conditional approval as he could have that change on the plan to us by Monday.

Mr. Nottebart stated he thought town counsel had said we were only to be concerned with the three lots. Mr. Conroy stated this plan doesn't even show the houses. Mr. Merrikin asked if he wants the houses shown and Mr. Conroy stated no just the names on each individual shown as "now" or "formerly".

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There were no public comments. On the acknowledgement of the three home owners, Mr. Nottebart stated we have written acknowledgement from Ivan Beisty; however, Jason Roche has said he has no objection to the modification, but he wasn't comfortable signing a letter. He feels this is an issue between the Planning Board and Rosenfeld Realty Trust and doesn't feel he has a right or a need to consent. He doesn't want a liability down the road. He will abide by whatever decision the board makes. Mr. Nottebart stated that one condition will be we have the assent of the homeowners. Mr. Conroy agreed. Joe McCarthy, the third homeowner, stated he doesn't know what he is consenting to. He is an attorney and is fine with whatever the board and Rosenfeld Realty Trust decide on. Mr. Conroy stated you three people are the property owners, not RRT. We are asking to change something on your property. Mr. McCarthy stated they are not asking to change anything. Mr. Conroy stated we need to have something on record and we were advised by town counsel to ask you whether or not you are in opposition to the modification. Mr. Mazzocca asked if they want the retaining wall. Mr. Roche stated he doesn't want any liability to come back on him down the road. Mr. Nottebart stated a sink hole could happen right here. Mr. Conroy stated this is your basin and if something goes wrong, you own it. Mr. Beisty asked if he owns the basin right next to him and Mr. Merrikin stated Ivan owns the small retention basin. Atty. Mark Rosenfeld stated he believes the homeowners have gone on record as not objecting and town counsel indicated she is satisfied. Mr. Forsberg talked to Mr. McCarthy and stated you might not want to sign a letter, but you could say you don't object to the modification. Mr. McCarthy stated he is not objecting to this modification. Mr. Roche agreed with that statement.

Mr. Nottebart moved to close the hearing. Mr. Forsberg seconded the motion and it was voted 5-0-0. Mr. Nottebart moved to approve the modification to the Niden Woods subdivision as submitted with the condition that Mr. Merrikin submits in a timely manner a revised plan showing a list of current homeowners at the time of this filing. Motion seconded by Mr. Murtagh and voted 5-0-0.

Mr. Conroy questioned the slope and Mr. Roche stated he has planted junipers. Mr. Merrikin asked if they have to go in and replant grass. Mr. Nottebart stated we have approved the major modification as requested. Mr. Beisty questioned why they have no street lights yet and feels that is the town's fault. Mr. Conroy stated it is RRT's fault. Mr. Beisty asked why the town didn't put pressure on the light company and Mr. Conroy stated they wanted to go underground with utilities. If they were above ground, they would be in by now.

It was moved, seconded and voted to adjourn. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

John Murtagh, Clerk