

WALPOLE PLANNING BOARD MINUTES OF APRIL 17, 2014

A regular meeting of the Walpole Planning Board was held on Thursday, April 17, 2014 7:00 p.m. in the Main Meeting Room, Town Hall. The following members were present: Richard Nottebart, Chairman; Edward Forsberg, Vice Chairman; John Murtagh, Clerk; John Conroy (7:16 p.m.), Richard Mazzocca, and Margaret Walker, Town Engineer.

Mr. Nottebart opened the meeting at 7:04 p.m.

Minutes: Mr. Forsberg moved to accept the minutes of March 20, 2014 as revised and April 3, 2014 as presented. Motion seconded by Mr. Murtagh and voted 4-0-0.

Cheryl and Brian O'Driscoll, 3 High Oaks Court: Mr. O'Driscoll stated he has been informed that his address will be changing and he is hoping the board can keep that from happening. Ms. Walker stated she is not sure who assigned house numbers originally. Ms. O'Driscoll stated there are no houses occupied on Lester Gray Drive as yet. She also spoke with the Police Department and they confirm that her address is 3 High Oaks Court. There is a business and a lot of property attached to this address which would be inconvenient if they have to change the address. Mr. Conroy stated that looking at the definitive plan shows the subdivision stops. He doesn't feel the board can change the name of an accepted street. It should have been accepted with Pine Hill Drive. Ms. Walker stated there has to be a continuous street name. A street can't just stop in the middle and change names. Also, some of the lots on Lester Gray have already been conveyed and street name signs ordered. Mr. Conroy stated that the O'Driscoll's have been at their houses longer than the subdivision. Ms. O'Driscoll stated her house was built in 1986 and she moved in 2002. Mr. Conroy suggested changing Lester Gray Drive to High Oaks Court. Ms. Walker asked how they would do that. Mr. Nottebart stated we will take this under advisement so we can talk to Ms. Walker, Jack Mee and E911. He will meet with them if the board agrees. Mr. Forsberg asked this be sent to E911 and Mr. Nottebart stated that has already been done. We are just waiting to hear from him. Mr. Conroy stated we don't have the right to change an existing road. Ms. O'Driscoll stated when they had pot hole issues, the town filled them. Mr. Conroy stated that is because safety is another issue. Ms. Walker stated you can't change a street name in the middle of a street. Mr. Forsberg stated Mr. O'Driscoll is saying when we approved it, we did change it. Ms. Walker stated it doesn't matter as long as there is only one name all the way through. Mr. O'Driscoll stated he would be willing to pay for the signs.

Mr. Nottebart put this on the May 1st agenda.

12 Sexton Farm Road: Mr. Nottebart read a letter dated April 8, 2014 from Atty. Todd Helwig, Mirick O'Connell, Westboro, MA and a memo dated April 16, 2014 from Landis Hershey, Conservation Agent as an update to the Planning Board, informing us that the Conservation Commission is working on this. Mr. Mazzocca stated this is not under our jurisdiction anyway. Mr. Conroy stated an easement goes with the land, not the individual. Ms. Walker stated the 10' trail easement is shown on the subdivision plan.

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Mr. Nottebart stated we should send a note to Landis Hershey saying this was discussed at our April 17th meeting and we know this is a conservation issue.

7:35 p.m. John Santos, 1900 Main Street, Case No. 14-2, Site Plan Approval:

Mr. Nottebart opened the meeting and read the public hearing notice. He stated that plans were sent out for comment on March 10, 2014 and then revised plans were received and sent back out on March 31, 2014. He read comment letters on the revised plans that were received from Conservation, Fire, Police, Health, Sewer & Water, Zoning Board and also an email that was received from Robin Chappell, Health Agent. Ms. Walker discussed the Engineering comments. She stated the plan has an incorrect date on it. Also, this location is in the WRPOD and that has not as yet been addressed. Mr. Santos stated he thought that pertains only to a new building. Ms. Walker asked if there was a DIS submitted and if not they need to request a waiver.

Melissa Young, John Santos' partner, stated they are looking to establish Supa Sales and Service. She presented the board with a history of the property and their application process. She stated that their application for a Class II license started the permitting process. They have hired an LSP. The initial engineering company was changed mid-stream from Colonial to Prime. The plan approved by the Zoning Board did not have the parking space lines delineated on it. The Zoning Board gave them a license for eighteen parking spaces: fifteen (15) for used cars and three (3) employees' spaces. These eighteen spaces are shown on the new plan submitted. Mr. Santos stated that gas traps are only used inside buildings, not outside and have been taken out by DEP in other places. Ms. Young stated they have done extensive research on gas traps. Mr. Forsberg stated they could use a tight tank depending on when the building was built or change of use. Any building that has a garage door needs a gas trap. He is sure their LSP and current engineer are both aware of this. Mr. Santos stated nothing gets on the ground because they have spill containments. Melissa Young stated they were not making a new driveway, but just repaving the existing one. Her engineer wrote a letter to Jack Mee, but it was not forwarded to the Planning Board. She stated the rip rap pad is in and she also had "before" and "after" pictures of the area. They want to continue to beautify the property. She stated they meet again with the Selectmen on May 13. They plan on making all the necessary improvements with the septic once they are operational and generate income. Mr. Murtagh feels Title V is critical. Ms. Young stated they didn't know they needed it until a week ago. Ms. Young stated she has been in touch with Ken Jones regarding the septic and he expects to inspect the system sometime between April 21 and April 25. Mr. Murtagh asked when they say paving, is it pavers or black top. Ms. Young stated it is some of each, but nothing has been done yet. Mr. Murtagh stated he sees a big improvement to the property, but will leave the gas traps up to Mr. Forsberg.

Mr. Mazzocca asked if there will be an 8' solid wood fence along the front of the building and across the back and Ms. Young stated it is in existence now. They just put up new boards on what was existing. Mr. Mazzocca asked if they will be doing both sales and service and Ms. Young stated yes and also repair which is why they need a

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Class II license. Mr. Mazzocca asked how many cars and Ms. Young stated there will be fifteen according to the Zoning Board's decision. They have no intention of putting fifteen cars in the front of the building. There will be no more than three cars in the front on display at one time. Mr. Santos stated there will be no more than six and there will be no junk. It will be the best place on Route I-A immediately. Mr. Forsberg stated the dumpster needs to be screened and asked if the sign out front is properly setback and he also questioned the lighting on site. Ms. Young stated there is no sign yet. Customer parking will be out front. She stated this is a work in progress and they plan on expanding as soon as possible. They will need more permits and future parking and further paving. The Zoning Board was clear that parking could only be in front of the fence. The area in front of the fence was approved by the Conservation Commission. Mr. Forsberg suggested they talk with the plumbing inspector about gas traps. Ms. Young stated they spoke with Jack Lee in the Fall. Ms. Walker stated they are not on town sewer and they obviously need to connect to a tank. Mr. Nottebart asked how many employees and Ms. Young stated two. Mr. Nottebart asked if Mr. Santos will be doing repair work by himself and he stated yes and there will only be maybe five cars at a time at the most. Mr. Nottebart asked if he will be buying the property and Ms. Young stated it is 100% their intention to purchase this as soon as possible. Mr. Santos stated that without a license, they will not be able to pay the taxes on the property. Mr. Santos stated the Selectmen told them they needed to do three things which they did. Then they were told they had to go to the Planning Board, which they had never been told. Mr. Conroy stated it sounds like you have been on a long journey. This property is a place that needs to be cleaned up and you are trying to do that. The town should be helping you. Mr. Santos stated he is willing to step up and fix this. Ms. Young stated that to get the Class II license, they have a packet and the first step was a special permit from the Zoning Board. Mr. Conroy asked who picks the numbers of cars and Ms. Young stated the Zoning Board did without asking them. They also need to go to the Registry of Motor Vehicles. Mr. Santos stated that Ken Zion had a fifteen car license. Mr. Conroy asked why they need site plan approval and Ms. Young stated she asked the Building Inspector and was told the special permit initiates a site plan approval. Mr. Conroy stated you are bound by the Zoning Board decision and we can't change it. He thinks it is great they are cleaning up the place, but he is not sure why they have to do a Title V before buying the property. Ms. Young stated they will not be changing the amount of usage. Mr. Conroy asked if they have met with Stephanie Mercandetti and Ms. Young stated yes she has worked with them. Mr. Murtagh questioned the dumpster and stated they should make sure to work with Landis Hershey with regard to its placement on the property as requested. Ms. Young stated they will move it. Mr. Santos stated that regarding the water issue on the property, there is no problem now because they built a berm to redirect it. Mr. Forsberg stated he wants to make sure they can move forward at the Selectmen's next meeting, but they need to get the gas separator issue squared away. He wants 1) gas/oil separator issue resolved in writing; 2) lighting issues resolved; i.e., type, security lighting, locations; 3) locations of light boards; and 4) relocation of dumpster.

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Mr. Nottebart stated we need a signature block put on the plan, the date on the plan changed to March 18, 2014, the swale shown on the plan, and Title V being done prior to the issuance of an occupancy permit could be a condition of approval. Ms. Young stated that Ken Jones doesn't think this will pass the Title V test because of the water table. She feels the Board of Health can make it a condition that they will monitor it. Mr. Nottebart asked where the Selectmen are going with this and Mr. Santos stated they were ready to give them a license at the last meeting, but this (site plan approval) came up.

There were no further questions. Mr. Nottebart then summarized what was just discussed between the board and Mr. Santos and Ms. Young. He asked if they were clear with what the board needed and Ms. Young stated yes. Mr. Nottebart moved to accept an extension of time up to and including May 20, 2014. Motion seconded by Mr. Murtagh and voted 5-0-0. Mr. Murgagh moved to continue this hearing to May 1, 2014 at 8:00 p.m. Motion seconded by Mr. Murtagh and voted 5-0-0.

9:00 p.m. Rockland Federal Credit Union Continued Hearing, Case No. 14-1:
The applicant was represented by Dan Merrikin, Merrikin Engineering, Millis, MA. Mr. Conroy recused himself.

Mr. Merrikin stated that the Zoning Board approved the drive through last night and he submitted a copy of the draft decision. He stated they won't open until all the work is done. The board reviewed the draft decision. It was agreed that the applicant would add snow storage areas to the endorsed plan. There were no comments from the board, abutters or public. Mr. Merrikin requested the hearing be closed. Mr. Murtagh moved to close the hearing. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Forsberg moved to approve Case No. 14-1 with thirty-one standard conditions and nine special conditions. Motion seconded by Mr. Murtagh and voted 4-0-0.

Mr. Conroy returned at 9:14 p.m.

SR II LLC discussion: Michael Viano, Manager at SR II, LLC and Sean McGinty were present for an open space subdivision discussion. Also, present was Joseph Moraski, an abutter. Mr. Viano stated he purchased 76 acres of land between North Street and Fisher Street. There were also four ANR lots on North Street. They have filed an 11-lot definitive subdivision plan for the Fisher Street property with the Olmsted's and O'Donnell's. They are looking for guidance and feedback tonight, not a commitment. Mr. Viano presented a hand out to the board. If there is not a positive response from the board, they will just do a conventional subdivision. Mr. Murtagh stated he likes the open space as presented. He asked if Fisher Street would be the main entrance into the subdivision and Mr. Viano stated yes as there will be no entrance on North Street. He also stated he will be requesting a waiver. The Conservation Commission prefers they not connect the roads and the Fire Chief doesn't care. There is a 10" water line proposed.

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Mr. Murtagh stated he likes that the roads are not connected because it keeps the trucks off North Street. Mr. Nottebart stated we shouldn't get too deep into this tonight as it is just a conceptual discussion. Mr. Conroy stated it doesn't matter to him whether or not it is an open space subdivision. The houses might be different which is nice. You also might consider the houses be sprinklered as safety issues need to be addressed. Mr. Nottebart asked if they will have an attorney representing them, which he recommends. Mr. Viano stated only if there are legal issues. These will be public roads with two parks, which the town will not maintain. The parks can be held by a Homeowners' Association or by the Conservation Commission, but they will need maintenance, but that maintenance will have to be financed by the people living there. Mr. Conroy asked if he would consider keeping the road private and Mr. Viano stated he doesn't think so. Mr. Forsberg feels it would be too long. Mr. Viano stated this area is horse country and he is thinking of building horse trails through the wetlands. No one has done anything like this in Walpole to his knowledge. He will make this work so it will meet the bylaw. Mr. McGinty asked why Mr. Nottebart asked about an attorney and stated they have Vincent O'Brien from Dover. Mr. Viano stated they have to build 3800 s.f. of road. Mr. Forsberg stated he likes the open space in both the front and back. Joe Moraski, Walpole, stated he appreciates the fact that Mr. Viano has not connected through to North Street and has not made a cut through. North Street has become the Daytona 500 from 6:30-8:30 a.m. and again from 4:30-6:30 p.m. They appreciate it will be a private area. He is concerned however that there will be no fire road and thinks there should be. Mr. McGinty asked if a condition in the Homeowners' Agreement that they can't burn brush would work. Mr. Conroy stated a Homeowners' Agreement doesn't mean anything when done. Mr. Viano stated unless there is money involved. Mr. Nottebart thinks this looks good. Mr. Viano stated they will do an application for an Open Space permit and then a conventional a little bit later. Mr. Conroy stated you need to show us you can do a conventional. Mr. Viano stated they would be willing to pay town counsel to sit in on these meetings at their own expense if the board would like. Mr. McGinty stated only if there is a question so it would expedite any continued hearings.

Deerfield Drive: Mr. Nottebart handed out a copy of a letter dated October 28, 1996 with a copy of a \$5,000 Treasurer's check attached, which was received from the Walpole Cooperative Bank for the default and surrender of the \$5,000 performance bond for Deerfield Drive. Mr. Conroy stated once the bond was pulled, it is out of the hands of the Planning Board.

High Oaks IV: Ms. Walker stated Mr. Walsh is looking for acceptance of the first 26' of Millbrook and a bond reduction on the remainder. She stated she will talk to Jack Walsh to let him know what the board wants him to do.

Mr. Nottebart gave the board a copy of the "Acceptance of Gift" letter from Michael Boynton, Town Administrator to the Town Accountant dated April 11, 2014. Mr. Mazzocca moved to send a letter to the selectmen stating it has come to our attention that

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on April 11, 2014 the Board of Selectmen voted to accept a gift in the amount of \$200,000 from High Oaks, LLC; however, the use of the gift is not restricted as per the Planning Board vote of April 9, 2014. Motion seconded by Mr. Forsberg and voted 5-0-0.

Walmart: Regarding Special Condition #5 in the Walmart decision, Case No. 10-08, the four-year time frame for an off-site improvement was at the suggestion of the applicant, Walmart, because they thought it would be done within that time. It was agreed to forward the draft as presented by Mr. Nottebart to Walmart's attorney, Philip Macchi.

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:25 p.m.

Respectfully submitted,

John Murtagh, Clerk

Approved 5/1/14