

## WALPOLE PLANNING BOARD MINUTES OF APRIL 4, 2019

A regular meeting of the Walpole Planning Board was held on Thursday, April 4, 2019 at 7:00 p.m. in the Walpole Library Community Room. The following members were present: John Conroy, Chairman; Marc Romeo, Vice Chairman; Sarah Khatib, Clerk; Katie Turco-Abate, Margaret Walker, Town Engineer; John Charbonneau, CDD; Jonathan Eichman, Town Counsel and Robert LeBlanc, Tree Warden.

Mr. Conroy opened the meeting at 7:03 p.m.

**Minutes:** Mr. Conroy moved to accept the minutes of March 21, 2019. Motion seconded by Ms. Abate and voted 4-0-0.

**Highland Ventures:** Mr. Charbonneau informed the board that the decision for Highland Ventures originally referenced one special permit, not two as advertised. However, he amended the decision as it was determined it was a scriveners' error.

**Liberty Village:** Mr. Conroy read a letter dated March 26, 2019 from Stephen Meltzer, VP of Project Development for Edgewood Development Corporation requesting an extension of time for Liberty Station, 1034 East Street. Mr. Conroy moved to grant an extension of time up to and including May 31, 2020 as requested. Motion seconded by Ms. Khatib and voted 4-0-0.

**Washington Estates:** Mr. Conroy read a letter dated February 23, 2019 from Jason Hockman, 937 Washington Street requesting a final bond release. Mr. Conroy moved to release the bond in its entirety for Washington Estates as per a recommendation dated February 27, 2019 from Margaret Walker, Town Engineer. Motion seconded by Ms. Abate and voted 4-0-0. There will not be a residents' hearing as this will remain private in perpetuity.

**Echo Estates:** Mr. Conroy read a letter that was received on March 25, 2019 from Anthony Rossetti, 24 Deborah Drive, Walpole requesting a two year extension of time for the Form F covenant for Echo Estates which is due to expire on August 17, 2019. Mr. Conroy moved to grant an extension of time up to and including August 17, 2021 as requested. Motion seconded by Mr. Romeo and voted 4-0-0.

**7:15 p.m. Town Meeting Articles:** Mr. Conroy stated there was a discrepancy in the public hearing notice advertisement; therefore, this hearing will be held on May 2, 2019 at 7:00 p.m.

**7:18 p.m.** Jonathan Eichman, Town Counsel arrived.

**7:20 p.m. Town Fields, Route 1A, Case No. 19-01:** The applicant, Town of Walpole, was represented by Jim Johnson, Town Administrator. Mr. Conroy informed him there were only four members present tonight and he had the right to a full five member board. Mr. Johnson wants to go forward tonight.

Mr. Johnson stated that all concerns and questions have been addressed. Both Ms. Walker and Mr. Charbonneau submitted letters stating they are all set. Gene Bolinger, Weston & Sampson, stated that

## WALPOLE PLANNING BOARD MINUTES OF APRIL 4, 2019 (2)

the last meeting was held on March 7<sup>th</sup> and the vast majority of the questions have been responded to in their submission of March 7<sup>th</sup>. They are requesting two waivers: asphalt parking areas and waiver for the light pole height. Mr. Conroy stated that a waiver is not necessary for the height of the light poles. Ms. Walker stated she doesn't have a problem with the asphalt waiver. Mr. Charbonneau stated he has no comment at this time. Ms. Khatib questioned the paving. Mr. Bolinger stated it is designed so they could overlay with pavement at a later date. There is a chance that there could be some plowing here and a gravel surface parking lot is not uncommon. It will come down to funding. Ms. Khatib asked if all the calculations were based on it being paved and Mr. Bolinger stated yes. Mr. Conroy asked if handicap parking would be an issue with gravel. Mr. Bolinger stated no and they have an over-supply of ADA compliant handicap spaces. Mr. Conroy asked what has been removed from this filing and Mr. Bolinger stated asphalt, building footprint and a splash pad. Mr. Romeo asked if regardless of what gets approved now is the option for the building still on the table for a later date or would you have to come back. Mr. Bolinger stated it would be a separate filing.

Mr. Conroy read comments from the Zoning Board, Board of Health, Sewer & Water Commission, and Fire Department. Mr. Bolinger stated there will be a water line stubbed below grade and also a dumpster within an enclosure. Mr. Johnson stated they are comfortable with the dumpster and where it will be located. They will lock it at night. Mr. Charbonneau confirmed that the most recently revised plan is dated March 21, 2019. Ms. Walker stated she is all set. Mr. Johnson stated that Mr. Yanovitch is comfortable with the layout of this project. Ms. Khatib stated the cover sheet notes this project is in both an R and RA zone. Mr. Bolinger stated they will correct that to show just R. Ms. Khatib asked that they also show this is in a WRPOD Area 4 on the cover sheet.

Ms. Khatib questioned the locus map, the legal description on Sheet L3, the owner of the property, and the square footage of the wetlands confirmed by the Conservation Commission. Mr. Bolinger stated they only flagged the areas as part of the NOI process for the Conservation Commission as it would be an extraordinary cost to show the wetlands on the entire lot. Ms. Khatib asked for a complete list of the chemicals that will be on site. Mr. Bolinger stated there will be none. Ms. Khatib asked if the fields will be numbered and Mr. Bolinger stated not at this point. Regarding signage, Ms. Khatib asked if it can be seen when traveling both north and south on Route 1A and Mr. Bolinger stated yes. She would also like the sign lit as a safety feature. She doesn't see any lights for the gravel roads or the walking areas. Mr. Bolinger stated there is potential for expanding the lighting. Mr. Bolinger stated there will be plenty of ambient lighting. Mr. Johnson stated they could run the lighting off poles to shine on the fields. Ms. Khatib asked if there is a location for people in wheelchairs. Mr. Bolinger stated the entire project is ADA compliant on all four sides of the fields.

Ms. Khatib questioned snow removal, softball and baseball fields. Mr. Romeo asked if there will be at least one pass of snowplowing so safety vehicles can get in and Mr. Johnson stated yes. Mr. Romeo questioned security cameras, fencing, bleachers, chemicals to be used on the fields, and dug outs. He asked if this is all or nothing with town meeting and Mr. Johnson stated yes.

WALPOLE PLANNING BOARD MINUTES OF APRIL 4, 2019 (3)

Ms. Abate questioned the water lines coming in. Mr. Johnson stated that town counsel has agreed that we don't have to provide water to Pondville or Norfolk.

Mr. Conroy asked where all the stuff from Memorial Pond is going. Mr. Bolinger stated it will be put along the outer perimeter of the project, underneath the parking lots where they are doing landscaping and the field footprints.

Bill Hamilton, Precinct 5 stated he is almost an abutter to the fields. He questioned the sex offender population and the proximity of where they live and if there will be any violations because of Walpole prison and the pre-release center, if visitors to both the prison and pre-release center will be parking at the fields, and the involvement of the police. Mr. Hamilton also stated that he believes the Planning Board members met secretly and separately with the developer, who is the town administrator, which violates the open meeting law as no secretary was present; therefore, the meetings became executive session. There were secret, private meetings and not posted. Mr. Conroy questioned the secret meetings and asked who was at these. Mr. Hamilton stated he had the understanding that the town administrator met with each one of the Planning Board members to explain things. He asked Mr. Conroy if he met with him. Mr. Conroy responded no. Mr. Johnson stated there were no secret meetings. His door is always open.

Cliff Snuffer stated he has a concern with this particular project. No one has provided any citizen or board with a rough quote for the septic system. He asked why create a betterment when there is no need to do so. There could be an inter-municipal agreement with three votes, much like what happened with Sharon. These people contaminated our wells. A small septic system could take care of the bathroom issues. He was on the Board of Selectmen when Norfolk wanted to use our water. Why can't we simply say what it would cost for a small well? The neighbors would not be disrupted. He questioned the bids as he did see a splash pad and structures. Mr. Conroy stated we can only do what the developer presents. Mr. Johnson explained the bid items. He stated they did advertise for the splash pad and the building, but this is before the Planning Board for site plan approval only. Mr. Conroy stated if they get the money for those items, they will come back here. Mr. Snuffer stated they said there will be no bathrooms or splash pad. If we don't have enough money, that would be Mr. Johnson's conundrum, not the Planning Board's or his. He will speak to the money at town meeting.

Robert O'Leary, Washington Street stated at the last meeting town counsel was going to give a report. Mr. Johnson stated the Building Inspector provided a response and asked that a copy be given of Mr. Yanovitch's March 8<sup>th</sup> letter to Mr. O'Leary. Mr. O'Leary stated he disagrees with what the building inspector stated.

John Hasenjaeger, Sewer and Water Commissioner, thinks this is a great project and doesn't think these issues will affect the site plan. There was a terrible mistake when we purchased Adams Farm as they allowed conservation restrictions on it. He encourages favorable approval of this site plan.

WALPOLE PLANNING BOARD MINUTES OF APRIL 4, 2019 (4)

John Glossa, 268 Fisher Street thinks the engineers have done a great job. He would like the board to close the hearing and issue an approval.

John O'Leary, Washington Street questioned the permit issued by the State for the moving of the Memorial Pond material to this site and asked if that permit has been provided. Mr. Conroy stated yes. It was provided by Ms. Hershey, Conservation Agent. Mr. O'Leary asked if the amount was discussed and if everything is taken care of. Mr. Conroy responded yes and if this doesn't fly, they have to go back to the Zoning Board of Appeals. Mr. Conroy asked about the parking. Mr. Johnson stated that no parking associated with the prison will be permitted. It will be posted "field use only".

There were no further questions. Mr. Conroy moved to close the hearing. Motion seconded by Ms. Abate and voted 4-0-0. Mr. Conroy moved to waive the asphalt as shown on the plan and as discussed. Motion seconded by Ms. Abate and voted 4-0-0. Mr. Conroy moved to approve a parking sign for field parking only. Motion seconded by Ms. Abate and voted 4-0-0. Mr. Bolinger stated everything will be added to the plans before endorsement. Mr. Conroy moved to approve Case No. 19-01, Walpole Athletic Fields, Route 1A. Motion seconded by Mr. Romeo and voted 4-0-0.

**8:50 p.m. 1350 North Street Scenic Road Continued Hearing:** The applicants, Maureen Mazzola and David Allen were present and represented by John Glossa, Glossa Engineering. Mr. Glossa stated the previous meeting was postponed because of an issue with revised plans being submitted on time. They submitted two complete sets with two scenarios, one of which was based on an email received from the School Department showing an entrance from North Street and an exit back onto North Street. In order to create the entrance and the exit on North Street, there are nine trees that would have to be removed, which would be replaced with trees as noted on the plan along with a stone wall at the egress, some of which would be replaced. The other option would be entering from North Street in the same place as cited previously with an egress onto Bubbling Brook Road. The applicant is okay with either option. The second option would reduce the number of trees to be removed to seven and no stone wall would be removed. Mr. Conroy asked which one the applicant would like the board to vote on. Mr. Glossa stated the one with the egress and exit off of North Street with nothing onto Bubbling Brook Road. Mr. LeBlanc stated as the tree warden he would pick the option with the lesser amount of trees and no stone wall being removed.

Ann Zawistowski, 49 Woodruff Road stated she has read the definition of Scenic Road and she is not sure this falls under that purview. Atty. Eichman stated that roads are designated as scenic road by the town and what the Planning Board is looking to do things within that definition. North Street will remain a scenic road. The Planning Board is only approving changes to the scenic road.

Steve Berkeley, 1326 Old North Street stated a few minutes ago there was a discussion on the removal of trees and he feels the caliper of the replacement trees is very small. Mr. LeBlanc stated the replacement trees will be of 2-2 ½" caliper. Mr. Berkeley questioned the number of trees and Mr. LeBlanc stated there will be nine taken out and nine put back.

WALPOLE PLANNING BOARD MINUTES OF APRIL 4, 2019 (5)

Sue Shockett, 1340 North Street stated she has letters received from two State Representatives, Mr. McMurty and Mr. Feeney, that she would like to discuss at the site plan hearing.

Ms. Khatib likes the alternative plan better than what was originally proposed. Mr. Romeo would like the neighbors' opinion on what they like best. Mr. Charbonneau stated that previously they wanted two exits off North Street.

Sue Shockett, 1340 North Street stated it comes down to whose child is put more at risk. She would prefer the Murphy's and Brousaides' kids to be hit, not hers. Mr. Romeo pointed out there is no sidewalk from the corner of Bubbling Brook Road to Sue Shockett's house and it doesn't look like there is enough room to create one.

Brian Murphy, 4 Bubbling Brook Road discussed the child that was recently hit on Fisher Street. He stated there will be 100 daycare kids and asked how the board can tell them they will be safe. He feels there will be a safety issue or a massive traffic jam. He asked Town Counsel what he will do when someone is hit. He will hire his uncle who is a very powerful attorney in this State. Mr. Romeo stated he understands what you are going through, but his only question is what way you want this to go. Mr. Murphy stated North Street, but no one else wants that. Mr. Romeo thinks that 75% of the families have the same fear watching their kids going to the bus. Mr. Murphy stated now you are adding a commercial building to a dangerous intersection. Mr. Romeo stated we are not talking about whether or not the Dover Act applies right now; we are talking about the scenic road. He just wants everyone to be on the same page.

Charles Hayes, North Street stated no one picks up on all the near misses here.

Mr. Marshall, 318 Fisher Street stated if there is increased traffic due to this enterprise, this will completely change the definition of a scenic road. Mr. Conroy stated that "scenic road" is the road itself, not what is on it.

Trish Barajas, 1400 North Street asked the setback of the building. Mr. Glossa stated 91.3' from the street.

Harry Brousaides, Bubbling Brook Road stated he is confused about the scenic road versus the site plan. Mr. Romeo stated we have two different hearings before us and we are discussing the scenic road right now. The tree warden would prefer Bubbling Brook Road and the school department has said they would like North Street. He wants to make sure, if in fact this goes through, that the lesser of the two evils is approved. Mr. Brousaides asked if we are discussing the validity of destroying the scenic road. Mr. Romeo stated we have the option to approve or deny the request to infringe upon the scenic road. Mr. Brousaides stated there will either be one or two entrances. Ms. Khatib stated they are allowed one opening. Mr. Brousaides stated as you disintegrate the scenic road, we know you can keep moving forward when the next thing comes along, which is a solar farm.

WALPOLE PLANNING BOARD MINUTES OF APRIL 4, 2019 (6)

Ms. Zawistowski, Woodruff Road stated she drove up to Bubbling Brook and it is very narrow. Mr. Glossa stated that Bubbling Brook Road was laid out and built as a 30' road.

Mr. Conroy stated that Option 1 is on the table. He moved to approve the two entrances onto North Street. He stated that Ms. Abate can't vote and will abstain. Motion seconded by Ms. Khatib and voted 2-1-1 (Mr. Romeo voting in the negative; Ms. Abate abstained). Motion did not carry. Mr. Eichman stated he would like to look at the scenic road vote. After a review, Atty. Eichman indicated that because the law is silent, a 2-1 vote will carry as it is a quorum of the board present; therefore, in town counsel's opinion, Option 1 as voted 2-1-1 carries.

Brian Murphy asked for an explanation. Mr. Conroy stated that our attorney stated that a 2-1-1 vote carries. Mr. Brousaides said they were told that 3-0-0 would pass and now it doesn't. Mr. Romeo stated it will with the site plan. This vote only requires a majority of the quorum present.

**9:36 p.m. 1350 North Street, Case No. 18-05 Continued Hearing:** The applicant was represented by John Glossa, Glossa Engineering, 46 East Street, East Walpole. He stated they made one change and the zoning overlaps each other. They made sure that no pavement or parking on this lot is within 25' of any abutter. Parking or pavement can be within 20' of the street and they now have 26 parking spaces which was one of the changes. There was concern also over the drainage design. The water will go away within 72 hours and there will be a huge retention basin under the parking lot. No water will leave the site. There is a slope in the back to be planted with micro-clover, which doesn't need to be mowed, instead of a wild flower mix. The photometric plan was revised so there is no light spillage and it was included in the plan set. He explained the reference to Hillside Village and the Goddard School in Medfield. Ms. Walker noted that the water service going in under North Street may or may not have to be replaced. There will be some excavation on North Street. They removed the dumpster because they can't get it to work with the requirements from the Board of Health and the Fire Department. They replaced it with a metal shed building. There will be trash barrels that will be taken away once a week.

Mr. Conroy read comments from the town boards and committees and also letters from Mr. McMurty and Mr. Feeney.

Ms. Walker stated there will be a five-year moratorium after the road is paved and they will need approval from the Board of Selectmen beforehand to dig in the road. She stated no vehicles will be allowed to queue onto North Street. Mr. Glossa stated there is a scrivener's error with regard to the pavement. There is a 12" pipe that goes into a 24" pipe that makes up the retention basin, which can easily be lowered as much as 6". Ms. Walker stated that the final plans need to show the minimum at the lowest point.

Mr. Charbonneau had no additional comments.

Ms. Abate questioned the fire department turnaround and if this is approved she would like two conditions: 1) event parking won't happen; and, 2) deliveries will not occur during off hours.

## WALPOLE PLANNING BOARD MINUTES OF APRIL 4, 2019 (7)

Mr. Romeo feels he is in both a unique and unenviable position. As chairman of the EDC he appreciates anyone who wants to come to Walpole. He is not sure we can do much to oppose the Dover Amendment in this situation, but we can assure the neighbors of the least impact. He suggested: 1) no egress from the parking lot when a school bus is present. No one leaves, everything stops; 2) we have all seen the conditions on North Street in the winter so it is important that this site is not constricted or confined and he would like a condition that no snow be piled up from Ms. Shockett's house to Bubbling Brook Road. Snow piled up could impact traffic more. He doesn't want to see any snow banks here. He appreciates the investment the applicant is willing to make in Walpole. He knows the snow removal condition will have a price tag on it, but it is a big safety concern. Mr. Glossa stated he is not sure if they can do that. He would like the condition to read they will work with the Highway Department. Mr. Romeo doesn't want to condition the condition. Mr. Glossa stated if we condition this, they will do it. Mr. Romeo stated he would also like a "school children present" sign.

Ms. Khatib explained our role and responsibility. We need to make reasonable conditions and regulations. We need to ensure the interest of the residents and town will be protected. Ms. Khatib questioned signage and said there are no details on the signs. She asked if there will be "faculty only" signs. Mr. Glossa stated that was originally proposed by the traffic peer reviewed, but those spaces have since been removed. There will be a sign on the building, but nothing on the street. Ms. Khatib questioned the buffer areas and asked why there is only a fence next to the Shockett residence and not all the way around. Mr. Glossa stated if you are not going to alter anything, the buffer can remain in its natural state. Ms. Khatib stated they originally submitted a DIS that stated the property values will go up in this area and asked if they have more information on this. Mr. Glossa stated no. Ms. Khatib asked Ms. Walker about the drainage and slope of the septic system. Ms. Walker stated she is okay with this, but they need to stabilize it with a good strong mix. Mr. Conroy asked what they are putting on the back side of the slope and Mr. Glossa stated grass and clover. It will be hydroseeded in the Spring and Fall and in the interim they will use a mesh.

Regarding traffic, Mr. Conroy read Mr. Yanovitch's memo. He also stated we were led to believe the traffic assessment was done for the Medfield daycare, but it wasn't as the report Mr. Glossa submitted doesn't address drop off and pick up. It only addresses the car counts. Mr. Glossa agreed it was only a count for the cars. Mr. Conroy stated we can't rely on this information as we have no data or back up. Mr. Glossa doesn't feel that is accurate. Mr. Conroy doesn't feel that four minutes is accurate. Ms. Mazzola stated they presented data that showed fifteen minutes not four minutes. David Allen stated the center will open at 7:00 a.m. No one will be dropped off before 7:00. They are allowing parents to stay the entire fifteen minutes. There will also be multiple siblings, parents who will walk there with their children, some teachers will be dropped off, and there will be some carpooling. He doesn't anticipate any back up on Bubbling Brook Road. Mr. Conroy asked if they would accept a stipulation in the approval that if someone parks on North Street, the daycare goes away? Atty. Eichman stated you can put in a condition that says no queueing or parking to be enforced by the Zoning Enforcement Officer. Mr. Romeo asked what the teeth would be. Atty. Eichman stated we would seek to have it shut down or they would be issued a cease and desist and then they would have to come back here.

WALPOLE PLANNING BOARD MINUTES OF APRIL 4, 2019 (8)

Ms. Khatib stated at some point the 26 spaces will all be in use as well as the handicap spaces. Mr. Conroy asked if they will be picking up kids from other locations and Ms. Mazzola stated no.

Phil Hooper, 39 Bubbling Brook Road asked if this doesn't work as they say it will, what prevents people from parking on Bubbling Brook Road. Mr. Conroy stated we can condition it. Atty. Eichman stated that is correct.

Bill Hamilton, Precinct 5 questioned the Dover Act giving relief from zoning but not safety. He asked if a license can be revoked. Mr. Conroy asked when would it kick back to us to be reworked. Atty. Eichman stated this is a zoning permit, not a license and it would be an enforcement process. Mr. Hamilton stated North Street is very difficult to get through now. What if it is gridlocked? Mr. Romeo stated we already have that situation, but the police department stated there is no safety issue. We have to respect the rights of the applicant.

Harry Brousaides, Bubbling Brook Road stated a fire truck or ambulance would get by because traffic pulls over. Is it true that you can say no to this because of safety concerns? Mr. Conroy stated we can only say no if they refuse to do the conditions that we put forth. Mr. Brousaides stated we don't know what it will look like when this is built. Mr. Conroy stated we had a traffic consultant and a peer review. We would have the ability to resolve issues. Mr. Brousaides stated that is too little too late. Mr. Eichman stated a problem is that you are limited under the Dover Amendment. If parking is a problem, it will queue. The board will want all the information in front of them when you sign the plans. Mr. Conroy asked if we can put in a condition that the traffic engineer will certify that this queueing will work. Mr. Romeo stated we have to be careful of what we say. It has to say exactly what we mean. There is a plan before us with a solution that could go wrong. Ann Zawistowski, Woodruff Road stated a lot of talk tonight has been about the Dover Amendment. Atty. Eichman stated there is a section in the Dover Amendment that deals specifically with child care.

Roy \_\_\_\_, 44 Wheelock Street, Norwood stated that months from now he sees a ruined scenic road, ruined stone walls and an abandoned building. He urged the board to vote no or we will all have blood on our hands.

Sue Shockett, 1340 North Street stated that speaking for herself, she is questioning the fifteen minute increments. She is concerned about the shed containing trash, diapers, food, etc. being situated too close to her house; therefore, she would prefer a dumpster to a shed. Mr. Conroy asked if she went to the Board of Health and Ms. Shockett stated no. Mr. Romeo suggested putting it on the other side as a condition of approval. Ms. Shockett stated she would like three daycare examples of similar size to show proof this will work. Mr. Conroy asked town counsel if that is a reasonable request. Atty. Eichman stated he is not sure who you can ask to make that determination as you are looking at a deadline. You have information before you that says this works. Mr. Romeo asked if that would delay a vote and Atty. Eichman stated yes. Mr. Conroy asked the applicant if there are schools this was modeled after that do work. Ms. Mazzola stated yes. She asked if the board wants a letter from them or names. Mr. Conroy stated a letter.



WALPOLE PLANNING BOARD MINUTES OF APRIL 4, 2019 (9)

Ms. Mazzola agreed. Mr. Conroy stated a condition of approval will be input from three schools. Ms. Shockett referenced a letter from Janet Mackenzie, Bubbling Brook Road who is looking for a guarantee that the septic will not overflow onto her property. Mr. Conroy stated there is no guarantee. It would become a civil suit. It was designed by an engineer. We can't control the septic. Ms. Mackenzie also questioned the gate at the back of the playground area. Ms. Mazzola stated it is an emergency gate and the Department of Early Education has to agree to it. Ms. Shockett stated the town could be charged with reckless endangerment and they don't agree with the police report. You are worried about a lawsuit from one side, but you will probably get it from the other. Mr. Conroy asked what she suggests that would make this better. Ms. Shockett stated fewer kids. Mr. Conroy stated you may not even see a change or increase in traffic.

Brian Murphy, 4 Bubbling Brook Road stated you asked for three letters and he wants to be sure those daycares are of the same size and setbacks. Mr. Romeo stated that may be hard or impossible to find. Mr. Conroy asked Ms. Mazzola if she has a list in mind and she stated she will provide three of comparable size.

Robert O'Leary, Precinct 3 doesn't feel the plan meets the Zoning Bylaw, specifically parking. Mr. Conroy explained the Dover Act and buffers. Mr. Eichman stated that buffer zones are not in an area of regulations. Mr. O'Leary stated so buffers don't apply to parking. Mr. Conroy stated that is correct. Mr. Glossa stated they comply with the buffer.

Barbara Lottero, 15 Courtney Drive asked if the board is going to contemplate asking the applicant to reduce the number of kids. Mr. Conroy stated we can only do that if they can't mitigate this. Everything they have said has been geared to and designed for 100 kids. Ms. Shockett responded that the law as stated by the people in the State House is ambiguous. Mr. Conroy questioned where her attorney is. He was here and then he wasn't.

Bill Hamilton stated that a software specialist needs to check Ms. Mazzola's spreadsheet, not an engineer.

Alan Marshall, Fisher Street stated this is a community changing decision. Maybe this would be the time to ask them to find another location. Mr. Conroy stated everybody has a price. Mr. Allen stated not one cash offer came through.

Tracey Firth, 1150 North Street stated she was an interested buyer. They met at town hall with David Allen and nothing happened.

Mr. Conroy stated that input from the traffic consultants and three schools are part of the approval conditions. Mr. Romeo stated these people have waited long enough. If they don't come back with three daycare examples is that something we can deny this on. Atty. Eichman stated the burden on the board is to establish a condition to make the parking sufficient. It is not a reason for denial. Mr. Romeo asked if we can limit the number of kids if this doesn't work. Atty.. Eichman stated they have been told

WALPOLE PLANNING BOARD MINUTES OF APRIL 4, 2019 (10)

the evidence of 26 spaces is sufficient. It can be conditioned based on that evidence. The bylaw states the parking has to work on site. Ask for those things now that you want so you have them when you issue the decision. Mr. Conroy stated they have to prove this will work. Atty. Eichman agrees with that. The applicant will need three letters. Ms. Mazzola stated they can adjust the hours if they have to.

There were no further questions. Ms. Khatib moved to close the hearing. Motion seconded by Mr. Conroy and voted 4-0-0.

The board reviewed some of the following special conditions that have been discussed : 1) no parking or queueing on North Street, Bubbling Brook Road or Old North Street; 2) deliveries will only occur during normal business hours; 3) sign at the entrance saying no exiting when school buses are present; 4) snow removal; 5) slope where the septic is will be covered prior to the final seeding; 6) the traffic consultant and applicant must present a certification prior to endorsement that the applicant's queueing will work; 7) trash shed will be moved to the north side of the property; 8) the applicant will produce prior to endorsement three daycares similar to this daycare's queueing methodology; 9) the applicant will be required to monitor traffic on Bubbling Brook Road and North Street for queueing problems; 10) verification that there is a proper amount of coverage over the pipe; 11) no overnight parking of commercial vehicles; 12) no one can live here; 13) caution sign stating "school children present" to be located by the Town Engineer. Atty. Eichman reminded the board this is a childcare center, not an in-house daycare.

Mr. Conroy moved to approve the site plan subject to the standard conditions and all the special conditions discussed. Motion seconded by Ms. Khatib and voted 3-0-1 (Ms. Abate abstained).

It was moved, seconded and voted to adjourn. The meeting adjourned at 12:15 a.m.

Respectfully submitted,

Sarah Khatib, Clerk

Accepted on 5/2/19