

WALPOLE PLANNING BOARD MINUTES OF APRIL 5, 2018

A regular meeting of the Walpole Planning Board was held on Thursday, April 5, 2018 at 7:00 p.m. in the Town Hall Main Meeting Room. The following members were present: John Conroy, Chairman; Marc Romeo, Vice Chairman; Sarah Khatib, Clerk; Katie Turco-Abate; Joseph Moraski, Margaret Walker, Town Engineer; and, Tim Higgins, Director of Community Development.

Minutes: Mr. Conroy moved to accept the minutes of March 15, 2018. Motion seconded by Mr. Moraski and voted 5-0-0.

Summer Schedule: There were no issues or comments with the summer schedule as presented. The board will be meeting only once during the summer on July 19th and August 16th.

2018 Town Meeting Article 36: Ms. Khatib stated she would like to propose a substitute motion for this article at town meeting and would like a workshop with the board. Mr. Moraski stated he is willing to listen to her proposals. Mr. Romeo stated this is not about listening. We all know what the vote was. Are the members who voted for it the way it is now open to any compromise or is this exercise in futility. Mr. Moraski again stated he is always willing to listen. After a lengthy discussion, Mr. Conroy continued this discussion to April 19, 2018 at 7:01 p.m. as requested by Ms. Khatib.

2018 Town Meeting Article 35: Mr. Moraski stated he had requested the Town Administrator to forward this article to Town Counsel. Mr. Johnson agreed to do so, but as yet there has not been a response from counsel. Mr. Conroy continued this discussion to April 19, 2018 at 7:02 p.m. as requested by Mr. Moraski.

7:18 p.m. Canahome, 763-765 Main Street, Case No. 18-1 Continued Hearing: The applicant, Anthony Yebba was represented by John Glossa, Glossa Engineering, 46 East Street, East Walpole. Mr. Conroy stated this site was formerly Allied Auto and Mr. Yebba is before the board because he wants to change the parking and the outside of the building. Mr. Glossa stated Allied Auto was owned by Michael Borr and is located directly across from Kendall Street. When Mr. Borr bought this building it was a factory for car trunks, similar to a steamer trunk on cars. He used the front portion of the building for the retail and wholesale of auto parts. The back building was attached to the main building and was used most recently by a cabinet maker and that is the part that is falling down. He got a demo permit and also permission from the Conservation Commission to remove that portion of the building. The main portion of the building that was built around 1900 and another part that was built in 1910 will remain. The site has three zones: two zoned residential and one zoned limited manufacturing. Mr. Conroy asked if there will be parking under the building and Mr. Glossa replied yes. Mr. Glossa stated they have an Order of Conditions from the Conservation Commission and they did have to provide restoration. They are proposing to add fourteen parking spaces in the rear which will be at basement level. The frontage, which is already non-conforming, is not changing.

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Mr. Glossa stated Mr. Yebba would like to take down the trees out front and replace them at his own expense with a vinyl fence and some arborvitaes on the left side of the building, which is owned by the Murphy's. Mr. Glossa stated he got a call from Virginia Tracey who owns Watson's Candies. Ms. Tracey wants to know that the site will be secured during construction with a temporary fence because there are a lot of people going to Scoops during the summer. Mr. Glossa stated that makes a lot of sense to Mr. Yebba also. She also wants to make sure that the shared driveway is accessible to Watson's at all times and there will be no construction vehicles or construction employees parked there. Mr. Glossa feels that could be addressed through conditions of approval. When they were tearing the building down some of the trucks went around the back of Watsons; therefore, they are proposing a temporary fence to show what is and isn't a construction entrance. There is an existing door at the basement level and any truck that backs up would be parallel to the building. Mr. Glossa stated he can draw a plan to show how a truck would fit there. It should be no more than 20' wide and shouldn't block that access in the rear. He stated he is meeting with Mass Highway on Monday about this project. They will not be touching the curb cut, but will be using what is already there.

Mr. Conroy read comments from the Conservation Commission and Walpole Fire. Ms. Walker read her comments. There were no comments received from Walpole Police, Sewer and Water and Community Development.

Ms. Walker asked if Ms. Tracey is all set and Mr. Glossa stated yes. He told her they won't block her easement.

Mr. Conroy asked for board comments.

Some items Mr. Moraski questioned and wanted as part of the conditions were outside lighting, trash, snow removal, proposed fencing and arborvitaes, hours of construction daily, elevations and a loading/unloading plan. He also questioned signage and Mr. Glossa stated he thinks it will be only on the building as he hasn't been asked about it. Mr. Glossa stated Mr. Yebba doesn't want a dumpster on site. He will use individual trash barrels to be picked up by his own contractor and will be stored in the building at the lower level.

Ms. Abate asked if there was a plan to make it more structured when pulling out onto Main Street. Mr. Glossa stated if he had it his way he would get rid of the two spaces in the front of the building as they are not ideal as they require backing out onto Route 1-A. With regard to the Scoops issues, Ms. Abate stated the construction will be going on at the height of the Scoops season. Mr. Glossa stated he did discuss this with Ms. Tracey. They can stop construction at 4:00 p.m. Ms. Abate would like that spelled out. Mr. Romeo asked if this is a retail use, an office or a combination of both. Mr. Glossa stated it is a kitchen and baths showroom and sales building. There will be some items stored there, like fixtures. Mr. Yebba has a place in Norwood that he will be keeping. Mr. Romeo stated he likes what they have done.

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Ms. Khatib feels there are some things missing from the front page of the submitted plan. Mr. Glossa said they should have done an existing conditions plan, but they skipped it. He is not sure why. Ms. Khatib stated she would like the names of the abutters and the property lines shown on the plan. Ms. Khatib stated she would like some additional things shown on the plan, such as additional parking, elevations, the entrance, the loading or unloading dock, snow removal and notification of the height requirement before you go out back.

Mr. Conroy stated that with regard to the sidewalks, they will have to take out what is there and put in a new one. If they are using for their access, it should be at truck standard. Mr. Glossa agreed. He asked if the easements are to the owners or the land and Mr. Glossa stated the owners. He stated it says Griffin Vehicle Easement. There are cross easements.

Mr. Conroy stated some of the special conditions would be regarding signage in and out with arrows painted on the ground, trash cans stored inside, retaining wall has to be designated on the plan where it ends, we need something from the Murphy's in writing, cover sheet listing all the drawings, signature block on the plans, existing condition and special conditions put on plans. He stated that no one ever went around back when Allied was there. Mr. Romeo asked if there will be access to the showroom from the back and Mr. Glossa stated yes, but you would need to walk. Mr. Romeo feels there should be a way to get into the showroom without walking up the driveway. If there is no way to get in, they will park out front. Mr. Conroy stated maybe they can put landscaping out front. Mr. Glossa agreed and stated they can do something where the two spaces are to show no one can park there. Mr. Conroy asked Mr. Glossa to bring in the hours of operation to lessen the impact on Scoops and Mr. Glossa agreed. Mr. Glossa asked to continue this hearing and gave the board an extension of time on which to take action up to and including May 31, 2018. Mr. Conroy moved to accept an extension of time up to and including May 31, 2018. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy continued this hearing to May 17, 2018 at 7:40 p.m.

8:30 p.m. Worthington Site Plan, Case No. 18-2 and Special Permit, Case No. 18-3

Continued Hearing: Mr. Conroy read a request from Matt Leidner to continue tonight's hearing without testimony to April 19, 2018 and also granted the board an extension of time. Mr. Conroy moved to accept an extension of time up to and including May 31, 2018. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy continued this hearing for both the site plan and the special permit to April 19, 2018 at 7:45 p.m. and 7:46 p.m. respectively as requested.

8:40 p.m. Nichols Pond Lane Continued Hearing: Rob Truax, GLM Engineering, stated he submitted a one-page plan showing a looped water line. They didn't submit a full set. He stated that nothing has really changed as the same issues are on the table. They met with both Ms. Walker and Mr. Higgins. Mr. Conroy read comments from the Conservation Commission,

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Walpole Fire Department and Walpole Police Department. Ms. Walker questioned the proposed water system which needs to be verified with sewer and water. Mr. Higgins had no comments.

Mr. Conroy stated that with regard to the 750' roadway, we need to deal with it as a board and vote the waiver. Ms. Khatib stated she agrees with the fire chief. Mr. Romeo stated typically he would go with the experts, but in this situation he is having trouble following this because there is a variation between fire departments in neighboring towns. He respects Deputy Chief Barry very much, but given the exact specifications, he would be inclined to grant the waiver to go beyond 750'. Ms. Abate stated she would go with the fire chief's recommendation. Mr. Moraski stated he sat with the Deputy Fire Chief who showed him that we have done sprinkler systems in the past, specifically on Frontier Drive. Regarding Barachiah Lane, a prior Planning Board said it would be a private way in perpetuity. The board made that promise to those residents and therefore he doesn't think that is an option. He took all the controversial areas discussed and used the prototype from Frontier Drive to see if we could work out a resolution without affecting Barachiah Lane. His concern is that a denial may lead to something we don't want to see; therefore, he would prefer Mr. Wakefield's plan rather than the unknown. Ms. Abate stated that the Deputy Fire Chief was concerned about medical emergencies also. She asked if Mr. Moraski discussed that with him. Mr. Moraski stated they didn't get into the ambulance aspect. He stated they did discuss a dry sprinkler system as it would be less likely to freeze. Mr. Conroy stated we would only be voting the waiver, not the entire subdivision and it wouldn't preclude the applicant from coming back. Ms. Abate asked if the Fire Department could condition this and Mr. Conroy stated no. They can say they will only sign off on the CO if a certain system is installed, which could be done by a letter. Mr. Conroy is not in favor of what is in front of the board. Mr. Truax stated the two lots out front are not a part of this. Mr. Wakefield stated he would be willing to put Lot 2B into the subdivision but has since sold the other lot and it is out of his hands.

Ms. Khatib stated she lives at the far end of Frontier Drive and she has sprinklers and feels safe. Mr. Romeo asked if we can make this a condition of granting a waiver and Mr. Conroy stated no. If we agree right now, he can't sell a lot because the fire department said no. He suggested they go talk to Paul Barry. Mr. Truax stated they already did and he was still against more than the 750' and wasn't going to move from that. Ms. Abate asked about a fire access road. Mr. Traux what is the difference between that and Barachiah Lane and Ms. Abate stated it doesn't disturb anyone. Mr. Romeo stated that in theory what the deputy chief says makes sense, but in reality it doesn't. There have been waivers granted in the past for this, other towns have granted waivers for this. Ms. Khatib stated we could condition with underground utilities. Mr. Conroy stated they are all that way now. He stated we can't restrict anything on the lots themselves. Ms. Abate read previous comments from the deputy fire chief. Mr. Conroy reminded the board that David Wakefield controls and owns Barachiah Lane right now and stated it would be different if the two abutters owned the street.

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Mr. Moraski stated he is trying to take into consideration the concerns of the neighbors, deputy fire chief and the town, but if he has to vote on the 750' waiver request the way it is now, then he will vote no. Ms. Khatib asked if Mr. Wakefield is agreeable to Mr. Moraski's previous suggested conditions. Mr. Truax stated no. Mr. Wakefield stated he would donate \$15,000 to the town's Tree Fund, would turn over Barachiah Lane to the two owners, and would give some land to the town. He feels 270' is not a long distance. This is a unique piece of property and would like the board to hear from the neighbors. Mr. Moraski stated he looked at a memo from Chief Erickson dated 1999 to the then Building Inspector, Maryjane Benker, regarding sprinklers and certificates of occupancy. Mr. Conroy stated that each fire chief can rule the way they want. Deputy Chief Paul Barry can refuse to sign. Mr. Romeo asked if his remarks are a condition or a recommendation and does he have the right to condition this. Mr. Conroy stated this is his recommendation. Mr. Romeo stated he doesn't sit on the Planning Board. Ms. Abate stated we asked the expert and this is his recommendation. Mr. Wakefield stated he will agree to everything but not the sprinklers.

Shane Borman, 3 Barachiah Lane feels it would be up to the builders to get a CO from the Fire Department.

Michael Finocchi, 4 Barachiah Lane stated he sent a number of letters to the board and if Mr. Wakefield decides not to go through with this plan because he doesn't get a waiver, they are concerned with what could be done here. The Deputy Fire Chief had said he would support the board's decision. Mr. Moraski suggested we continue this hearing and check with the Deputy Fire Chief. Mr. Romeo stated he won't change it, nor should he. Ms. Khatib stated we have an applicant that doesn't want to agree to put in sprinklers in the houses beyond 750'. Mr. Wakefield stated he would not agree to that. Mr. Romeo asked if the fire chief could not grant a CO and Mr. Higgins stated in his opinion no. Mr. Romeo stated we either grant the waiver or put everything on the backs of the Barachiah Lane residents. Ms. Abate stated he would have to meet all the Rules and Regulations and build out Barachiah Lane. Mr. Moraski stated he will type up his conditions and give to the board's secretary. She can give to them board and forward to Mr. Wakefield, who can decide where he wants to go with the side agreements.

There were no further public or board comments. Mr. Wakefield granted the board an extension of time up to and including May 31, 2018. Mr. Conroy moved to accept an extension of time up to and including May 31, 2018. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy continued this hearing to May 17, 2018 at 7:45 p.m. Mr. Conroy moved to adjourn. Motion seconded by Mr. Moraski and voted 5-0-0. The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Sarah Khatib, Clerk

Accepted 4/19/18