

## WALPOLE PLANNING BOARD MINUTES OF AUGUST 17, 2017

A regular meeting of the Walpole Planning Board was held on Thursday, August 17, 2017 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: John Conroy, Chairman; Marc Romeo, Vice Chairman; Sarah Khatib, Clerk; Catherine Turco-Abate, Joseph Moraski, and Elizabeth Dennehy, Community Development Director.

Mr. Conroy opened the meeting at 7:02 p.m.

**Minutes:** Mr. Conroy moved to approve the minutes of June 15, 2017. Motion seconded by Mr. Moraski and voted 5-0-0.

**Zoning Articles:** Mr. Moraski moved to sponsor Article A to amend Section 6-C of the Zoning Bylaw. Motion seconded by Ms. Khatib and voted 5-0-0.

Mr. Conroy moved to sponsor Article B to amend the Zoning Bylaw, Section 8, Parking Regulations, 4 Baseline Parking Calculation C of the Zoning Bylaw. Motion seconded by Mr. Moraski and voted 5-0-0.

Mr. Conroy moved to sponsor Article C to amend the Zoning Bylaw Section 8, Parking Regulations, 7 Location of Spaces. Motion seconded by Mr. Moraski and voted 5-0-0.

Mr. Moraski moved to sponsor Article D to amend Section 5-B of the Zoning Bylaw. Motion seconded by Ms. Abate and voted 5-0-0.

**7:45 p.m. Isaac's Path, 470 East Street, 2-Lot Definitive Subdivision:** Mr. Conroy read the public hearing notice. David Wakefield submitted the green cards and Ms. Khatib determined that all the cards have been returned. Mr. Wakefield stated he had previously filed a preliminary plan. He would like to keep Isaac's Path the way it is now. It is a private driveway and he would like a waiver for a private roadway. The owner will make all the improvements. There will be two existing houses and three new and he is willing to arrange a site visit.

Mr. Conroy read comments from various boards and committees and also from Fire, Police and E911 with regard to the street name, which all approved.

Mr. Wakefield stated he has met with Margaret Walker, Town Engineer, and can discuss her comments. He questioned the word "orphan" as Parcel A goes with an existing lot, which was a Form A lot. Mr. Conroy stated the public notice says a two-lot subdivision and Mr. Wakefield says it is a four existing lots and one new. Mr. Wakefield stated all lots meet the Rules and Regulations. Mr. Conroy stated they are building a whole new road, so everything is now gone. Mr. Wakefield stated he could put two lots on East Street. Ms. Dennehy stated she can't figure out how many lots were there and how many being created. Regarding addresses, Mr. Wakefield stated he will do whatever Engineering and Fire want him to do. Mr. Conroy asked if he will be providing a HOA and for how many lots. Mr. Wakefield stated five lots. Mr. Conroy stated the notice says you are only creating two lots. Mr. Moraski stated he is having difficulty with the number of lots. Mr. Conroy stated the ANR plan will go away if this is approved. Mr. Truax, GLM Engineering, disagreed as this doesn't change any lot lines. Mr. Conroy stated you changed the road and are adding two more lots. Ms. Khatib stated that 460 East Street is already existing, but

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you are including Lot 5 in the subdivision. Mr. Wakefield stated they will pay whatever the board wants. Mr. Conroy questioned where the legal frontage for 460 East Street would be.

Ms. Dennehy addressed her comments. Mr. Conroy asked if 460 East Street will be on the new street, where will the legal frontage be. Mr. Wakefield stated it doesn't have legal frontage. This particular lot has no legal frontage. When it was created in 1949, there was no frontage. Mr. Conroy stated you can't create a non-conformity. Mr. Norton, Building Commissioner, agrees with Mr. Conroy. He stated the house was created in 1949, zoning went into effect in 1953, and in the 1980's or 90's it was in common ownership with Lot 5. Mr. Wakefield stated there is no merger of title and Mr. Norton stated he hasn't seen evidence of that.

Mr. Conroy asked for board comments.

Sarah Khatib questioned the degree of non-conformity, the roundings being less than 30', inaccuracies on Sheets 3 and 7 of the Plan set, and asked if they are asking for a common driveway. Mr. Wakefield stated no as they are trying to keep this countrified and trying to keep it as similar as possible to what is there now. Ms. Khatib stated that Section 6 of the DIS is incorrect.

Marc Romeo questioned the width of the road now. Mr. Wakefield stated 14'. Mr. Norton stated that they are changing the frontage which is causing the problems. Mr. Romeo stated he doesn't have a problem approving the road the way it is and feels it is adequate as long as the Fire Department agrees.

Joseph Moraski stated he has a problem with the notice and thinks it is incorrect. He also would like Mr. Wakefield to meet with the town engineer. Mr. Wakefield stated he already did. Mr. Moraski stated he is concerned with the waivers. Mr. Moraski asked if they fully develop this without waivers, how many lots would there be. He asked if they would accept a special condition that the land can't be further subdivided in perpetuity. Mr. Wakefield stated no, he doesn't want his hands tied. Mr. Moraski stated you are not really preserving anything there. He asked who will own the swale and Mr. Wakefield stated the Homeowners' Association. Mr. Moraski questioned the DIS and feels the calculations and figures are incorrect. Mr. Wakefield stated they will look at that. Mr. Moraski stated it doesn't add up to the acres you say it does. Mr. Moraski also discussed the traffic study, stated he has an issue with the width of the road and would like them to work with Margaret Walker. He agrees with Mr. Conroy that everything should be incorporated into the one subdivision. He stated he would work with them on waiving fees if they were to come back with another plan. Mr. Wakefield stated he will think about it.

Katie Turco-Abate stated she is concerned with the turnaround. Her biggest concern is fire department response and they already said they weren't in favor of reducing the width. We have to listen to them and feel we have to re-visit the roadway. Mr. Wakefield stated the chairman has previously said that is a Planning Board call. Mr. Conroy stated we take into consideration the comments from other boards. We have setback on the castle, but not on 460 East Street. Mr. Conroy stated that the square footage is not on the plan for 460 East Street. Mr. Truax stated he will do that.

Mr. Conroy asked for comments from the public.

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Chandler Sullivan, Washington Street asked the advantage of a private road versus public. Mr. Conroy stated the town would have to maintain it if public. Ms. Sullivan asked about taxes and trash fees. Mr. Moraski stated it looks good in the beginning. Mr. Conroy stated it is what the developer wants, but once it is private, it stays private.

Mr. Conroy moved to accept an extension of time up to and including September 30, 2017. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy continued this hearing to 7:30 p.m. on September 21, 2017.

Mr. Wakefield stated he would like the board to do a site visit.

**9:15 p.m. Nichols Pond Lane Subdivision:** Mr. Conroy read the public hearing notice and a letter from the fire department with regard to the proposed dead end. Mr. Wakefield stated they are asking for a waiver. Mr. Conroy stated the Walpole Fire Department is not in favor of a waiver. They don't want it. Mr. Moraski feels the deputy fire chief brings up a good point. Ms. Abate stated she would like more information from the fire department. Mr. Romeo would also like more information from the deputy fire chief. Ms. Khatib suggested adding sprinklers and are they proposing mitigation on the houses. Mr. Wakefield stated he is not familiar with sprinklers and can't commit to that as he is not building the homes. Mr. Conroy stated we can't bind another board. Mr. Truax stated they will meet with the fire department.

Ms. Dennehy asked if it would be beneficial to give them time to meet with Paul Barry and then they can come back and make revisions as the plan could substantially change. Mr. Wakefield asked how it will change and Ms. Dennehy stated the configuration could be changed. Mr. Conroy stated we have a public safety officer that doesn't want it. Mr. Wakefield asked if the board has ever done that before. Mr. Conroy stated if the fire department says no, we can't go ahead and waive it. Mr. Romeo stated there is a gate on Crane Road at Swan Pond. Why can't that be done here. Mr. Wakefield thinks it would be disruptive if the road goes all the way through. Mr. Conroy stated it would be wrong for us to ignore the fire department. Mr. Wakefield stated he will meet with the fire department, but would still like to proceed. Mr. Conroy stated you have to make the fire department happy and this could change radically. Therefore, it doesn't make sense to go forward tonight because it could change. Mr. Moraski feels that Mr. Wakefield and Ms. Dennehy should meet with fire and come up with something. We don't want that hanging over our heads. Mr. Conroy asked Mr. Wakefield if he would like to continue. Mr. Wakefield stated it is still the Planning Board's decision on these issues. Ms. Dennehy stated she will contact Mr. Truax on Monday.

Mr. Conroy moved to accept and extension of time up to and including September 30, 2017 as granted by the applicant. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy continued this hearing to September 21, 2017 at 7:31 p.m.

Mr. Moraski wanted the board polled for a site visit.

**Ginley Road, Lot 42, Form I Re-endorsement:** Mr. Conroy moved to re-endorse a Form I Release of Form F Covenant for Lot 42 Ginley Road as requested by Gerald Memmo. Motion seconded by Mr. Moraski and voted 5-0-0.

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**McSharry, Pleasant Street:** Mr. Conroy moved to grant an extension of time for sixty days after the final resolution from the courts as requested by Atty. Philip Macchi. Motion seconded by Ms. Abate and voted 5-0-0.

**Atlantic Court Extension:** Mr. Conroy moved to grant an extension of time up to including April 1, 2018 for the bond as requested by Larry Stern. Motion seconded by Ms. Abate and voted 5-0-0.

**Pinnacle Point Multi-Family Residential Preliminary:** The applicant, John Hasenjaeger, 23 Pinnacle Drive, owner of Lot 25-C was represented by John Glossa, Glossa Engineering, 46 East Street, East Walpole. Mr. Glossa stated this is a 6.3 acre lot abutting Bird Pond and lots off Misty Lane. There are wetlands on the site and a sewer that comes through an easement. They are not asking for waivers and it will be a public way less than 200' long.

Ms. Khatib stated that the acreage shown on the front page of the plan is incorrect. And the town listed is Westwood, not Walpole. She questioned if all the units will be two bedrooms and Mr. Glossa stated most likely yes. She asked the number of buildings and Mr. Glossa stated two. Ms. Khatib questioned the parking and asked if it will be underground or lots and Mr. Glossa stated it will most likely be below the residential buildings. Ms. Khatib also questioned the grades.

Mr. Romeo asked if they will be proposing to building within the 100' buffer and Mr. Glossa stated most likely they will. He also asked how many units are proposed and Mr. Glossa stated 12-14.

Mr. Moraski stated the DIS showed there will be 17 units. He also questioned the total area. He feels we need more information. Mr. Glossa feels this meets the board's Rules and Regulations. He stated this is not a site plan, it is a subdivision. Mr. Moraski asked why they didn't come in with a definitive. Mr. Glossa stated a preliminary makes the whole process less complicated and the filing fee will be reduced when they do the definitive. Mr. Moraski asked if he is saying the buildings will be at the beginning of the street, one on one lot and one on the other. Mr. Glossa stated yes. Mr. Moraski asked if there are walking trails on this side of the pond and Mr. Glossa stated he thinks so. Mr. Moraski stated this is a very challenging lot.

Mr. Conroy questioned expansion on an existing subdivision. He also questioned practical access and said they don't have it. He would not approve this because fire trucks can't get to it. He told Mr. Glossa he needs to show contours on the plan. Mr. Conroy also questioned the 200' Rivers Act and asked if they would be exempt. Mr. Glossa stated this would be a redevelopment. Mr. Conroy stated this was a dump site. Mr. Glossa stated the Conservation Commission will deal with that, not the Planning Board.

Mr. Moraski asked if this is where the tech building and Mr. Glossa stated yes. He stated it appears there will be no additional road off the cul-de-sac and Mr. Glossa stated that is correct. Mr. Conroy asked the square footage on the whole thing and Mr. Glossa stated 3.6 acres. Mr. Conroy stated the maximum you can build is 15 units, but then take out for the road, so maybe 12 units.

Mr. Glossa stated it is a scrivener's error with regard to the plan.

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Mr. Conroy moved to approve the preliminary plan for Pinnacle Point Multi-Family as presented. Motion seconded by Mr. Romeo and voted 2-3-0 (Romeo, Khatib in the affirmative; Conroy, Moraski, Abate in the negative.) Motion did not carry.

**Boyden Estates Bond:** Mr. Conroy moved to set the bond figure as recommended by Margaret Walker, Town Engineer, at \$212,000.00. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Petrozzi stated he has Tripartite Agreement that is short \$.30 and asked the board to revote the bond amount. Mr. Conroy stated we don't have the subdivision documents and Mr. Petrozzi asked if the board gave him documents they didn't approve. Mr. Conroy stated we approve them after you have them notarized. Bring them to us at the next meeting and we will be done. Ms. Dennehy asked him to scan them and send them to the town engineer and the board secretary. We also need proof of recording.

**Hunter Estates Bond:** Mr. Conroy moved to set the bond at \$19,284.00 as per recommendation of Margaret Walker, Town Engineer. Motion seconded by Mr. Moraski and voted 5-0-0.

**Roscommon Bond:** Whitman Homes was represented by Atty. Chris Timson. Mr. Conroy stated we can only set the bond tonight. Atty. Timson stated he has amended and restated easements signed by Lisa and Dale Olmsted. Mr. Conroy stated they need to be checked against the decision. Mr. Conroy stated we just want it done and done right. Atty. Timson stated there are nine people who want to get into their homes. Mr. Conroy stated that Margaret Walker, Town Engineer, has recommended the bond be set at \$4,135,858.92. Atty. Timson stated the owner of Lot 30, Gigi's Way, doesn't think the barn should be part of the bond. Mr. Conroy stated every one of the thirty lots owns the barn. Atty. Timson stated he asked for an opinion from town counsel and sent them all the documents. He is asking that the barn and paddock not be included in the bond tonight. Rich Whittington, President of Whitman Homes, the town can keep Lot 30 and he will work with Lots 1-29. Atty. Timson stated the developer can set the bond and then litigate. Mr. Conroy stated had Mr. Viano done this correctly, there would be no problem. Mr. Moraski asked if we can have this material reviewed. Mr. Conroy stated yes. They can come back with a 2,000 s.f. barn and tell us what they are going to do. Mr. Whittington asked if they can agree and post the bond board's next meeting. He would need the new amount prior to the next meeting. Mr. Conroy agreed. The barn will be in the bond until it is built. He placed this on the September 7<sup>th</sup> agenda at 7:05 p.m. He asked how they will handle the access through Olmsted and asked that they work that out to protect themselves.

**Echo Estates:** Mr. Conroy moved to accept the Form F covenant dated January 25, 2017 for the Echo Estates. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy moved to endorse the Echo Estates subdivision. Motion seconded by Mr. Moraski and voted 5-0-0.

**Liberty Village:** Mr. Conroy moved to endorse the Liberty Village plans. Motion seconded by Mr. Moraski and voted 5-0-0.

It was moved, seconded and voted 5-0-0 adjourn. The meeting adjourned at 12:05 a.m.

Respectfully submitted,

Sarah Khatib, Clerk (accepted 9/21/17)