

WALPOLE PLANNING BOARD MINUTES OF AUGUST 17, 2023

A regular meeting of the Walpole Planning Board was held on Thursday, August 17, 2023 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: John Conroy, Chair; John O'Leary, Vice Chair; Catherine Abate, Clerk; Philip Czachorowski, Paul Smith, and Carl Balduf, Town Engineer.

Mr. Conroy opened the meeting at 7:01 p.m.

Minutes: Ms. Abate moved to accept the minutes of July 20, 2023. Motion seconded by Mr. O'Leary and voted 5-0-0.

Marion Street Subdivision: Mr. Conroy moved to accept the Operations & Maintenance Plan and Covenant with the Town of Walpole as presented. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Conroy moved to accept the Declaration of Landscaping Covenant as presented. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Conroy moved to accept the Conveyance of Easements and Utilities as presented. Motion seconded by Mr. Smith and voted 5-0-0. Mr. Conroy moved to accept the Form F Covenant as presented. Motion seconded by Mr. O'Leary and voted 5-0-0. Mr. Conroy moved to endorse the subdivision plan entitled "Definitive Plan Marion Street Extension Single Family Residential Subdivision" dated August 10, 2021 and prepared by Glossa Engineering, 46 East Street, East Walpole, MA noting the appeal period had expired with no appeal taken. Motion seconded by Ms. Abate and voted 5-0-0. Proof of recording of all of the above shall be provided to the Planning Board.

Garden Path Estates: The applicant was represented by Atty. Nadine Bailey, Macchi & Macchi, Norwood, MA. Mr. Conroy moved to accept the Tripartite Agreement the amount Of \$358,000 as per recommendation of Carl Balduf, Town Engineer. Motion seconded by Ms. Abate and voted 5-0-0. Mr. Conroy moved to endorse the Form I, Release of Form F Covenant as presented. Motion seconded by Ms. Abate and voted 5-0-0. Mr. Conroy moved to accept the Form J as presented. Motion seconded by Mr. Czachorowski and voted 5-0-0.

Bruins Way, Frieberger, 965 West Street: The applicant was represented by Atty. Nadine Bailey, Macchi & Macchi, Norwood, MA. Mr. Conroy moved to accept the Mutual Maintenance Agreement as presented. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Conroy moved to accept the Private Way Covenant as presented. Motion seconded by Mr. Smith and voted 5-0-0. Mr. Conroy moved to accept the Form F Covenant as presented. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Conroy moved to endorse the subdivision plan as presented. Motion seconded by Ms. Abate and voted 5-0-0. Atty. Bailey took the plans and documents will present copies and proof of recording to the Planning Board.

104 Main Street Site Plan Approval, Case No. 23-05: Mr. Conroy read an email from the applicant requesting to continue tonight's hearing without testimony and also granted the board an extension of time on which to take action up to and including October 31, 2023. Mr. Conroy moved to accept an extension of time up to and including October 31, 2023 as requested. Motion seconded by Ms. Abate and voted 5-0-0. Mr. Conroy continued this hearing to October 5, 2023 at 7:10 p.m.

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7:14 p.m. Fall 2023 Zoning Article – Marijuana Establishments: Mr. Conroy moved to accept an extension of time up to and including September 30, 2023 as requested by the applicant, Gupreet Kalra. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Conroy continued this hearing to September 21, 2023 at 7:01 p.m. as requested by Mr. Kalra.

7:22 p.m. Fall 2023 Zoning Article – Recreational Vehicles as requested by Michael Kirby: Mr. Kirby and Mr. Crowley were both present. Mr. Conroy read the public hearing notice. Mr. Kirby gave a presentation on this article.

There were no public comments or board comments.

Jim Crowley, Building Commissioner, stated if you park a RV and live in it in a Single Family zone, the way the bylaw reads now you can only do that for thirty days as you are creating a second living area. Mr. Czachorowski feels that is a reasonable and a good change. Mr. Smith asked how big the RV is and Mr. Kirby stated 24.6'. Mr. Smith stated the bylaw is ambiguous the way it reads now. He asked if the town fears you would be increasing living space. Mr. Conroy stated it is in a Residential area. You are allowed to park on the street. Mr. Kirby stated he lives on John Turco Drive and his neighbors were annoyed he parked his RV on the street. It is an expensive vehicle and he is not sure he really wants to leave it on the side of the road as he feels that would be more dangerous than parking it in his yard. Mr. Conroy stated that Mr. Kirby does have that option regardless. Mr. Kirby stated he cannot park on the street in the winter. Mr. Conroy agrees that everyone will most likely complain if it is parked on the road. This proposed change would allow you to park your RV right next to you neighbors' house which would be violating someone's rights, but the Building Inspector could do nothing about it. Mr. Conroy asked if this is changed, could Mr. Kirby park it in his front yard and Mr. Crowley stated yes as long as it is registered. Mr. Conroy stated it would be allowed anywhere on his own property. He feels this article should be changed to give people an option with regard to setbacks, etc. Mr. Crowley stated that after he sent Mr. Kirby a violation, he did put it on the street and the neighbors complained.

Mr. Czachorowski asked if we can add to this article at this point and Mr. Conroy stated yes as long as we stay within the scope of the article. Ms. Abate stated Mr. Kirby put a lot of effort into this and if there were buffers on there she would be more apt to accept it. Further, if your neighbors didn't like this they could make an issue. Mr. Czachorowski stated he hopes most neighbors aren't like that. Mr. Conroy asked if there have been other complaints from other locations and Mr. Crowley stated yes, about seven complaints from different areas. Mr. Czachorowski stated the Planning Board can make its own change to this bylaw and Mr. Conroy agreed but stated we don't have enough time. Ms. Abate stated the petitioner can make a substitute motion at town meeting. Mr. Conroy explained that process to Mr. Kirby. Mr. Kirby stated he has seen many RV's as he has driven through town. He feels this would eliminate problems for the RV owners.

Mr. Conroy moved Favorable Action on this article. Motion seconded by Mr. O'Leary and voted 3-2-0 (Conroy, Abate voted against the motion).

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7:56 p.m. Andrew Adams, 195 Lincoln Road Scenic Road Hearing: Mr. Conroy read the public hearing notice. The applicant was represented by Dan Merrikin, Legacy Engineering, Millis, MA. Mr. Conroy stated there is no mechanism within the Scenic Road bylaw to reconstruct something back to the way it should be. He is not sure if this hearing will help or hurt the applicant.

Mr. Merrikin stated he feels this can be done by right, but the Board of Selectmen told them to come back to the Planning Board. He asked that the board consider taking a vote in favor of reconstruction and then let the Board of Selectmen determine if that is okay.

Ms. Abate stated we already had a Scenic Road hearing scheduled, but the applicant demolished the wall ahead of that hearing. We told him to go to the Selectmen and thought that was the end of our dealings with this. She asked why they are back before us.

Mr. Merrikin stated they were told they needed approval from the Planning Board and they are back because Mr. Adams wants to rebuild the wall that was taken down. They are not moving or changing any materials.

Mr. Conroy read a letter from Jim Thomas, Tree Warden, dated August 8, 2023.

Mr. Merrikin asked if Mr. Conroy is saying the Planning Board cannot take any action. He will take this up with Administration if the Board doesn't want to move forward. They would work with the Selectmen to get this resolved.

Ms. Abate asked if they will be using the same stones that were removed and Mr. Merrikin stated yes. Mr. Czachorowski asked if the Town Engineer inspects the final completed wall. Mr. Balduf stated no. His next step is a curb cut. Mr. Conroy stated the purpose of a Scenic Road is so you just don't randomly tear down walls. You don't have the right to re-do a wall on a Scenic Road because you don't like the looks of it.

Mr. Conroy stated he will make a motion to deny because this is not in the scope of the Scenic Road bylaw. Mr. Merrikin stated they would like to withdraw their application without prejudice. Mr. Conroy moved to allow the applicant to withdraw their Scenic Road application without prejudice as requested. Motion seconded by Mr. Czachorowski and voted 5-0-0.

8:16 p.m. Warwick Road Subdivision Continued Hearing: Mr. Conroy read comments from the Walpole Police Department, which stated there are no safety issues. He stated Mr. Petrozzi was supposed to obtain an opinion from his attorney as per our last meeting, but it came in today, which is not within our 14 day rule. No one has had a chance to review what was submitted. Mr. Petrozzi stated he is not sure about the board's regulations with regard to the fourteen-day rule. Mr. Conroy stated you have had a month to do this. Mr. Petrozzi stated he doesn't control the vacations of his attorney and he didn't think this would require a legal opinion. He feels this is the same information that was submitted for a street opening permit. Mr. Conroy stated the town meeting vote was never submitted to the board. Mr. Petrozzi stated the town meeting vote is not relevant. Mr. Conroy stated it came in at 10:00 this morning and

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here was no time to review it before tonight's meeting. Mr. Petrozzi stated if the board needs town counsel to review this, they can come back. It wasn't his understanding that this needed to be in the office 14 days prior to the meeting.

Mr. Conroy questioned the exhibits that were attached to the submittal and stated some of them are missing. Mr. Petrozzi stated there is a court case cited. Mr. Conroy stated he hoped Mr. Petrozzi had back up to this opinion. Mr. Petrozzi stated there are revised plans that he will be submitting shortly. Mr. Balduf stated the last plan review was in June. Mr. Conroy continued this hearing to September 21, 2023 at 8:30 p.m.

Subdivision Bonds: Mr. Balduf supplied a list of subdivisions with outstanding issues that were still under bonding. Mr. Conroy asked that a letter be sent to the entity holding the bond on the following subdivisions for an update on outstanding items:

- Boyden Estates
- Kingswood Estates re: need an acceptance plan and as built;
- Portland Way re: same as Kingswood Estates;
- Echo Way
- Roscommon re: Mr. Conroy asked that Mr. Balduf check with Ian Cooke

The Tall Pines subdivision was also on the list, but Mr. Conroy pointed out that the town has pulled the bond on this subdivision; therefore, any outstanding work needs to be done by the town.

Ms. Abate stated that the town maintains all the streets even if they are still under bonding. She knows it is done for safety reasons and feels we should add something to the board's Rules and Regulations. She would like to talk further about this in the future. Mr. Balduf stated he holds back 25% now on the surety for subdivisions when asked for a bond reduction.

Master Plan Update: Mr. Czachorowski presented an update to the board along with a draft master plan. He stated there are 102 recommendations. He stated that Judy Barrett can meet with the board via Zoom on October 5 or November 2. He recommended that the Board go along with Judi meeting via zoom as it is so important to move the Master Plan Report forward. Ms. Abate asked why she can't meet with the board in person. She is very disappointed with the process and feels we were put on the back burner during this process. There were several meetings which Ms. Barrett didn't attend. Ms. Abate feels we spent a lot of money for this Master Plan and Ms. Barrett dropped us for five months with us not hearing from her. Mr. Czachorowski stated he did have a lot of conversations with Ms. Barrett. She stated that Zoom is the only way she would do this presentation. Mr. Czachorowski stated she has been very responsive to him in the last month. A lot of work went into this by the Steering Committee. Mr. Conroy stated we never saw the vote on the last meeting and there have been no meeting notes since May of 2022 posted on the website. Mr. Czachorowski stated the Master Plan

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Committee did vote to approve all the minutes at the last meeting. Mr. Conroy asked how much we actually paid for the services of Ms. Barrett. Mr. Czachorowski stated about \$150,000 and there is nothing in the contract that states she has to appear in person before the Board. Ms. Abate stated it was actually \$139,500.

Mr. Conroy asked if Ms. Barrett has been paid in full. The Board has never met with her. Mr. Czachorowski stated he doesn't know if she has been fully paid.

Mr. Smith supports Ms. Barrett being here in person as she is the subject matter expert. Ms. Abate and Mr. O'Leary agree with that. Mr. Conroy stated this project started in October, 2021. Mr. Czachorowski stated the biggest challenge was Covid. Ms. Abate suggested the Planning Board send Ms. Barrett a request stating that we want to meet with her in person. Mr. Czachorowski stated she is adamant that she can't appear in person until after the first of the year. He urged the Board to go with Judi meeting via zoom on either October 5 or November 2. She can't meet on the first Thursdays of the month. With regard to the minutes, Mr. Czachorowski stated he can approve the minutes himself with no other votes needed. At this point he is just missing the minutes of the last meeting. Mr. Conroy asked who approves her being paid? Mr. Czachorowski stated maybe Jim Johnson. It never came up. Mr. Conroy stated he would like to find out. Ms. Abate moved that we reach out as the Planning Board and tell Ms. Barrett we can appreciate that she has a busy schedule, but we would like her to come in person despite her conversation with Phil Czachorowski so we can put this to rest. Further, we should not do any more until we hear from her and discuss same. It has been strongly recommend that she appear in front of this board. Motion seconded by Mr. Conroy. Mr. Czachorowski asked if we could meet on an off night, but there was no response. Motion voted 4-0-1 (Czachorowski abstained). Mr. O'Leary stated that the draft shows Sarah Khatib, not Paul Smith.

MBTA Discussion: Mr. Czachorowski asked that this discussion be added to tonight's agenda. Mark Galvin, Select Board, stated the State is pushing the MBTA who in turn is pushing the towns that are near an MBTA train station. The State will push even more the closer 2024 gets. He stated it is clearly a Planning Board issue and if the board needs help with this, the Select Board will do so. Mr. Czachorowski suggested it be a joint meeting with the Planning Board and Select Board. Mr. Galvin agreed if that is what the board wants to do. Mr. Conroy stated this is a political thing and there will be a lot done during the day. He stated that the Select Board will know ahead of time what is going on before we do. Mr. Galvin stated if you want to give them more feedback, they would be happy to listen.

Ms. Abate moved to adjourn. Motion seconded by Mr. O'Leary and voted 5-0-0. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Catherine Turco-Abate, Clerk

Accepted 9/21/23