

## WALPOLE PLANNING BOARD MINUTES OF DECEMBER 6, 2018

A regular meeting of the Walpole Planning Board was held on Thursday, December 6, 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, Catherine Turco-Abate, Joseph Moraski, John Charbonneau, Community Development Director; and, Margaret Walker, Town Engineer.

Mr. Conroy opened the meeting at 7:00 p.m.

**Minutes:** Mr. Conroy moved to accept the minutes of November 15, 2018. Motion seconded by Ms. Abate and voted 5-0-0.

**Budget:** Mr. Conroy moved to accept the FY2020 budget as submitted. Motion seconded by Mr. Moraski and voted 5-0-0.

**26 Baker Street re: Acceptance of Tripartite and Endorsement of Form I:** Mr. Conroy pointed out that the Tripartite Agreement before the board has an incorrect date of November, 2018 and the signature of the authorized bank representative is illegible and there is no mention of the bank underneath it. Therefore, the board did not accept the Tripartite Agreement as presented.

**173 Pemberton Street re: plan endorsement:** John Walsh, Walsh Bros. was present and was representing the owner of the subdivision, Mrs. Ciannavei. Mr. Conroy noted that street trees are not shown on the plan to be endorsed, but we have to endorse it as the decision states..."street trees will be placed as a buffer". Mr. Walsh has the option to come back with a revised plan showing the placement of the trees in order to prevent any issues or confusion with the abutters. Mr. Walsh stated that his goal is to screen the property on the right side. Mr. Conroy stated Mr. Walsh has the option to come back before the board.

Mr. Conroy moved to accept the Form F covenant as presented. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy moved to endorse the subdivision plan for 173 Pemberton Street as presented and reviewed by Margaret Walker and John Charbonneau. Motion seconded by Mr. Moraski and voted 5-0-0.

**7:25 p.m. Ronald Fucile, 87 Lewis Avenue, Continued Hearing:** Mr. Glossa stated he has made all the changes requested by the Board. Ms. Walker discussed her comments dated November 30, 2018. Atty. Joanna Hilvert wanted to clarify that there cannot be a Homeowners' Association as this is under single ownership and it is intended to stay that way. If there were two owners, they would put together an HOA to cover this. Ms. Walker stated she is okay with that.

Mr. Conroy made a motion to close the public hearing. Motion seconded by Ms. Abate and voted 5-0-0. Mr. Conroy moved to approve two special conditions. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy moved to approve a site plan, latest revision of November 21, 2018 as presented. Motion seconded by Ms. Abate and voted 5-0-0.

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**7:30 p.m. Walpole Athletic Fields Site Plan Approval, Case No. 18-16, Main Street:** Mr. Conroy read the public hearing notice. The applicant was represented by Brandon Kunkel, Weston & Sampson. Mr. Conroy questioned the completeness of the abutters list as he didn't see one from Norfolk. Mr. Kunkel stated he never requested one from Norfolk. He opted to continue this hearing until this issue was resolved. Mr. Conroy moved to accept an extension of time up to and including February 28, 2019 as granted by Mr. Kunkel. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy continued this hearing to January 17, 2019 at 7:45 p.m. Mr. Conroy stated they need to talk to Jim Johnson as they may need a legal opinion to find out how to proceed and if this needs to be readvertised. Mr. Kunkel stated he is meeting with Mr. Johnson tomorrow.

**7:44 p.m. Renmar AQV Site Plan Approval, Case No. 18-12 and Special Permit, Case No. 18-13, Renmar Avenue and West Street:** Mr. Conroy read the public hearing notice. The applicant was represented by Atty. Jeff Tocchio of Drohan, Tocchio & Morgan, 175 Derby Street, Hingham, MA. He also stated that Dave Crocker, Jim Bristol, and Scott Golding were also present tonight. Atty. Tocchio stated they are here to discuss the filing filed on September 14, 2018 proposing 105 over fifty-five condos requesting site plan approval and a special permit. The property is over 55 acres and is comprised of three zoning districts, LM, RA, and RB. He also requested the filing fees be waived as this is a refile due to an incorrect abutters list submitted with a previous special permit and site plan application. Mr. Charbonneau asked why they applied for a 10 acre AQV rather than a 15 acre AQV. Atty. Tocchio asked if there is a distinction and Mr. Charbonneau stated yes and he doesn't think it's a choice. Atty. Tocchio stated these are condos that are single family in nature, which is a successful and comfortable style of living. Most are custom built. Mr. Moraski stated that the RA district doesn't allow for AQV's and it appears you incorporated that acreage in the 55 acres you stated you have. He calculated 49 acres. Also, some parcels are on the public hearing notice but not on the site plan. He wants to make sure the notice and site plan are correct. Atty. Tocchio stated an AQV is not allowed in the RA Zone. All of the footprints are on the RB portions and also the LM portions and the RA portion is contiguous to these two zones. He gave the board a breakdown of the s.f. per zone. Mr. Conroy questioned if they were using 43,560 s.f. per acre. Atty. Tocchio stated yes and he will send the survey plan to the board. Mr. Moraski asked if by putting the RA zone in the legal notice, does that taint the legal notice or mislead the public. Atty. Tocchio stated there is no use on the RA portion; the land is the land and it is completely separated from the uses. Mr. Conroy asked if they need the RA portion to count toward the impervious cover and Atty. Tocchio stated yes. Mr. Conroy stated then you can't use it. Mr. Conroy stated we have to uphold the bylaw. We have to go by what is written. Atty. Tocchio stated the December 3<sup>rd</sup> transmittal will address this. Mr. Conroy suggested they send something in as to how this was configured. Mr. Moraski stated that Parcels 32-94, 34-95 and 32-96 were in the advertisement and on the plans, but he can't find any data on those lots from the Assessors'. Ms. Khatib stated she found it but it doesn't show who owns it. Mr. Conroy stated it shows on the map, but not in the Assessors' cards. Mr. Moraski asked who owns those parcels and Ms. Khatib stated it doesn't say. Atty. Tocchio stated they did a full survey on this property and it was quite expensive. Mr. Conroy asked they run this by the Assessors. Mr. Moraski asked if they are saying that the submissions before us are

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irrelevant and you will be back with different ones. He stated the December 3<sup>rd</sup> plan is what was presented to the Conservation Commission. He stated they have 55 acres situated off West Street and Renmar Avenue, which is a former quarry, which is primarily accessed off Forest Road. They are proposing a 24' wide emergency access road and there is also a 250' Edison easement which will be looked at, which dates back to 1967. This easement has been included in the December 3 submittal. There is a Shell Oil line that goes through this area also. Atty. Tocchio presented a colored layout showing 105 single family detached units with the existing house incorporated into this. The project is broken into three phases. The overlay district captures all of this land and there is a separation between the overlay and the underlying zoning. Jeff Dirk, VAI stated they were retained to conduct a traffic study. Mr. Moraski asked if it is dated April 18, 2018 or has it been updated. Atty. Tocchio stated it is the April 18, 2018 one. Mr. Dirk stated they addressed travel speeds, pedestrians, bicycles and sidewalks, along with the traffic counts and speed on West Street. There are no safety deficiencies. They included traffic studies from 1034 East Street and 95 West Street. He also looked at the traffic that 105 units will produce, but there is less traffic at peak hours. The speed is 45 mph approaching that intersection and the sight lines do exceed 360'.

An abutter asked where the access roads are going to be coming in. Atty. Tocchio stated that Forest Road and 534 West Street will be the primary access. He stated he will hold off on the introductory video at this time.

Mr. Conroy stated he doesn't see an existing conditions plan. The project engineer stated five sheets were prepared by CHA, but may not be in with the reduced sized copies plans.

Mr. Conroy read the comments that were received. Ms. Walker and Mr. Charbonneau read their comments. Atty. Tocchio stated that many of the issues raised have been addressed on the revised plans. Regarding the peer review, Ms. Walker recommended PARE for \$4145 which includes two meetings, a review and a follow up. Mr. Conroy stated we may need additional unit pricing.

Mr. Conroy moved to award the peer review contract to PARE in the amount of \$4145 as recommended by Margaret Walker, Town Engineer. Motion seconded by Ms. Khatib and voted 5-0-0.

Mr. Romeo questioned the traffic study and Ms. Khatib questioned the RA portion of the land. She would also like a breakdown on the number of bedrooms. Atty. Tocchio stated they can't have any more than a 3-bedroom and overall can't exceed 2-1/4 bedrooms. Mr. Conroy stated they need to go see the deputy fire chief. This is laid out like and will be sold like a typical subdivision. Mr. Moraski asked if they have to submit a plan showing only 750' and Mr. Conroy stated this is not a subdivision; however, Paul Barry can demand whatever he wants. *\*"Mr. Moraski asked whether or not the applicant owned the land under the high tension wires and whether or not that land was included in the density calculation. He was told yes on both points. Mr. Moraski pointed out that he read Eversource's Right of Way Guidelines and requested the applicant to contact the Manager of Eversource's Transmission and Distribution Right of Ways and Surveying Unit on Sheldon Street in Berlin, CT. Eversource wants to know up front what is being planned under its wires and wants to work with developers before plans are*

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*submitted. Mr. Moraski wants the applicant to show Eversource the plans and secure a written letter indicating agreement or problems. He also pointed out that EPS recommends limiting a person's exposure from high voltage transmission line." (\*Added by Mr. Moraski)*

Mr. Conroy asked for public comments.

Cam Daley, Forest Road questioned what will happen to their road and Atty. Tocchio stated it will be for emergency access.

Jim Fallon, Forest Road questioned the gate at the end of the street and asked who will control it and who will decide what is an emergency? Also, if the gate to Cisternelli's is closed, what happens to the snow? Mr. Conroy stated there needs to be enough room for the Fire Department to get their trucks off the road.

Robert Kratochwill, 11 Conifer Drive stated he was told years ago that nothing could ever be built in this area because it is wetlands. He would like to know how this can happen. He tried to level his land and was told he couldn't do it. He asked if his property will remain as it is and Atty. Tocchio stated yes. Mr. Conroy stated they are in the same situation as they can't build or fill in the land.

Mr. Conroy moved to accept an extension of time up to and including February 28, 2018 as presented by Atty. Tocchio. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy continued this hearing to February 7, 2018 at 7:35 p.m. and 7:36 p.m.

Mr. Moraski moved to refund the filing fees in the amount of \$11,350.00 as requested by Atty. Tocchio. Motion seconded by Ms. Abate and voted 5-0-0.

**9:35 p.m. Rojo Car Wash Continued Hearing:** The applicant was represented by John Glossa, Glossa Engineering. Mr. Glossa stated he had submitted revised plans dated October 18, 2018 and November 18, 2018. The October 18<sup>th</sup> revisions included snow storage, trash bins, foundation details, floor grading within the building and a construction period plan; the November 18 revisions were based on Ms. Walker's comments and also showed sloped granite curbing at the entrances and a landscape plan. He stated the hours of operation will be 6:00 a.m. to 10:00 p.m. seven days a week. It is anticipated that most of the cars will be coming from Route 1. No stone walls will be removed. He stated that MADot will not issue a permit until this plan is approved even though they have seen the plans. Mr. Conroy questioned the Scenic Road and stated we need to have something from Mr. LeBlanc, Tree Warden, in writing. Mr. Conroy stated this was advertised as an Area 3 and 4 when in fact it is a 2 and 3. Mr. Glossa stated that the only work that requires a permit is in Area 3. Mr. Charbonneau doesn't think it purposely misleads anyone. Mr. Conroy asked how the board wants to handle the advertisement. Ms. Khatib moved to accept the hearing notice as advertised. Motion seconded by Mr. Conroy and voted 5-0-0. Mr. Conroy stated they can't do anything in Zone 2 and Mr. Glossa stated he doesn't agree with that. Mr. Conroy stated nothing allows you to grade it and Mr. Glossa stated yes he can. Mr. Charbonneau stated it would be part of the whole use as it is one lot and one zoning district.

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Ms. Khatib asked if they are removing soil and Mr. Glossa stated no, they are replacing it. He asked if the board is telling him to take off anything on the plan that is being done in Area 2. Mr. Conroy stated you are disturbing Area 2 and you are not allowed to. Mr. Glossa stated it is not prohibited. Mr. Conroy stated go ahead and divide it up and go get a special permit from the Zoning Board for fill or gravel removal. Mr. Glossa asked if they can put a wall there and Mr. Conroy stated you can't work Area 2. Mr. Glossa doesn't agree. Mr. Conroy stated they can submit to us the basis of their argument on this. Mr. Charbonneau stated land disturbance is not allowed in Area 2. Mr. Conroy stated you can dig a big hole and determine this is not in Area 2. Mr. Glossa asked if the board would be willing to let them put a wall there and then pursue this. Mr. Conroy stated if you can prove you are not in Area 2, you can move forward.

Mr. Conroy read comments. Mr. Glossa stated there will be an attendant there and the board could make that a condition of approval. Also, the wash water will not be leaving the premises. Ms. Abate asked about the water residue from the cars. Mr. Glossa stated hot air blowers will blow the water off the cars. Ms. Abate stated she goes to the car wash on Main Street by Watsons and there are people there with towels to dry the car. Mr. Conroy asked for something in writing with a copy to Luke Parlon, WPD, regarding the water and what happens to it.

Ms. Khatib asked for a detail of the signage, questioned the directional signage and if any signage will be illuminated after 10:00 p.m. She stated they either need a special permit or an LED light. Mr. Glossa stated they will check with the building inspector. Ms. Khatib wants to spend some time on the traffic study and asked if the photometric plan could be part of the plan set. Mr. Glossa asked if the board wants it in the plan set and Mr. Conroy stated we always do that. Mr. Glossa asked if the board wants it stamped and Mr. Conroy stated no. Ms. Khatib questioned the gates for the vacuum area and asked if they open automatically. John Shalbey stated a sticker or a ticket on the car will open the gate. Mr. Romeo stated he read the traffic study and he doesn't feel this will create a major impact, except on Saturday. He likes this. Ms. Abate stated this will be very elevated when you drive by. She questioned that they said they will not disturb this area. Mr. Glossa explained the elevations as shown on the plan. Ms. Abate asked when Mr. Glossa said they were not clearing does he mean close to the road. Mr. Glossa stated they are not clearing any of the trees and will follow up with Bob LeBlanc. Ms. Abate stated we talked about an exit and entrance versus just an entrance on Route 1 and you had said you wouldn't do that. Mr. Glossa stated he didn't say that but it is John Shalbey's preference to have an entrance and exit on Route 1 and an entrance on Pine Street. Mr. Moraski asked that the letter that you sent to Ms. Walker about the hill be looked at by someone. Mr. Glossa stated that the soil in the area is literally like beach sand and they are not cutting it down to within 4'. Mr. Moraski asked Mr. Glossa to show him how to get from the car wash to the vacuums on this plan. Mr. Glossa showed him. Mr. Moraski and Ms. Khatib didn't like what he was showing the board. Mr. Shalbey stated that the majority of the people will want to use the vac also. Mr. Moraski stated he is having a hard time getting his hands around the flow of this. He is having a problem with the people on Pine Street who will use this car wash to get to Route 1. He feels there is a better alternative than this. Mr. Moraski referenced a letter from Sewer and Water and Mr. Glossa didn't have a copy of it. Mr. Conroy stated it was

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received yesterday. Mr. Conroy questioned the hours of operation and also the school buses at The Preserve. He feels they should look at the entrance on Pine Street. He asked Mr. Glossa to find out the times that the buses are at The Preserve. Mr. Glossa agreed. He was told that the grade school kids are picked up in The Preserve, but the Jr. High and High School are not. Mr. Conroy asked him to find out why that is.

Mr. Conroy moved to accept an extension of time up to and including February 28, 2018 as granted by Mr. Glossa. Motion seconded by Mr. Romeo and voted 5-0-0.

Steve Larch, 51 Fillmore stated the traffic is pretty scary and the board might want to see how the buses turn around in this area. This road is narrow and there is no speed limit as it comes off Route 1 from the Sharon line. Also, they need to keep the water from leaching into the wetlands.

Mr. Conroy continued this hearing to January 3, 2019 at 7:30 p.m.

**Kingswood Estates re: accept Tripartite Agreement and endorse Form I:** The owner's attorney, Carlos Melone, Boston, MA stated that all the owners are now on board and all three lots are included in the Tripartite Agreement. Mr. Conroy moved to set the bond for Kingswood Estates at \$396,342.42 as per recommendation of Margaret Walker, Town Engineer. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy moved to accept the Tripartite Agreement on the Kingswood Estates subdivision in the amount of \$396,324.42. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy moved to endorse a Form I to release the Form F covenant presently in place on the Kingswood Estates subdivision. Motion seconded by Mr. Moraski and voted 5-0-0.

Mr. Conroy moved to adjourn. Motion seconded by Moraski and voted 5-0-0. The meeting adjourned at 11:12 p.m.

Respectfully submitted,

Sarah Khatib, Clerk

Accepted 1/3/19