

## WALPOLE PLANNING BOARD MINUTES OF FEBRUARY 16, 2017

A regular meeting of the Planning Board was held on Thursday, February 16, 2017 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: John Conroy, Chairman; Elizabeth Gaffey, Vice Chairman; John Murtagh, Clerk (7:05 p.m.); Joseph Moraski, Marc Romeo, and Elizabeth Dennehy, Community Development Director.

**Minutes:** Mr. Moraski moved to accept the minutes of January 19, 2017 with clerical corrections. Motion seconded by Mr. Conroy and voted 4-0-0.

**ANR – Lewis Park Trust (refile):** Mr. Conroy moved to endorse an ANR plan of land entitled “Plan of Land Walpole Massachusetts (Norfolk County)” dated January 11, 2017, revised January 31, 2017 prepared for Lewis Park Trust, P. O. Box 125, Walpole, MA prepared by GLM Engineering consultants, Inc., 19 Exchange Street, Holliston, MA finding Form A in order and subdivision control not required. Motion seconded by Ms. Gaffey and voted 5-0-0. The owner’s title to the land is derived under deed from David Wakefield, dated May 12, 2005 and recorded in Norfolk Registry of Deeds, Book 22395, Page 222. Said property is shown as Assessors Map 27, Parcel 381, Zoning District RA and is recorded at Norfolk Registry of Deeds, Plan Book 641, Page 58. The owner of record is Lewis Park Trust, David L. Wakefield, Trustee, P.O. Box 125, Walpole, MA.

**7:05 p.m. Brush Hill Residents’ Hearing:** Mr. Conroy read the public hearing notice. The applicant was represented by Atty. Philip Macchi, 1256 Washington Street, Norwood, MA. Atty. Macchi stated Ms. Walker’s last punch list was submitted on January 3, 2017. He had letters from Robert LeBlanc, Tree Warden, the Board of Selectmen and Margaret Walker. To the best of his knowledge the two outstanding items on Ms. Walker’s punch list have been addressed. Mr. Conroy stated the street trees were a subdivision requirement and the residents were given a choice to either to take the trees or give us a letter stating they didn’t want them. Atty. Macchi stated he has one email asking for trees and four saying they don’t want them. We can’t require someone to send a letter to the town. Mr. Conroy stated trees are in our decision and we can’t change that. Mr. Murtagh stated he is ready to proceed tonight and vote in favor. Enough is enough. Mr. Moraski stated this is where we left off last time. In order to move this forward, he contacted the six residents that should have been given street trees, but none of the residents wanted them. They want to get their street accepted. In order to protect the town that these six people have been contacted, he recommended the Planning Board send them a letter confirming his conversations. Then, we could proceed with the residents’ hearing and ask the Board of Selectmen to open the warrant and put this on the warrant for the Spring town meeting. These people are anxious to have their street accepted. He has a list of who he spoke to and the date and time. Ms. Gaffey stated if we start changing decisions that have been handed down, we have to protect ourselves. We have to be careful with the procedure that we are doing and what our Rules and Regulations state. Mr. Murtagh stated we have been compensated for the trees that people don’t want.

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Ms. Gaffey asked how do you want to proceed in the future. Mr. Romeo stated we should just vote. Mr. Conroy stated Mr. Hasenjaeger should have taken care of this. It is in the decision. Mr. Romeo stated this has been part of our future for so long and we need to make it part of our past. A decision needs to be made one way or the other. He asked if the residents were given a date to reply by and Mr. Macchi stated yes, September 22<sup>nd</sup>. Mr. Romeo asked if there was an issue with the information they got in making their decision about the trees and Mr. Conroy stated they were told they would get charged by the town for the trees. Mr. Romeo stated their responses may have been because they thought there would be a charge for the trees. Those that replied are on the record and those who didn't did not meet the deadline. He thinks this needs to be part of the past.

Jeff Lersch, 24 Arlington Lane stated they are anxious to have this subdivision signed off and their neighbors feel the same way. They are pleased the final coat was put down and the curbs done. They have received two communications, one from John Hasenjaeger and one from the town. They did respond only to the town. They have no interest in trees in their front yard and would like this signed off on. He agrees with Mr. Romeo that people who didn't respond had their chance. Mr. Conroy asked Atty. Macchi if the board lets this go, do you see a problem on someone's title down the road. Mr. Macchi stated no, there is nothing with regard to a tree that would stop anything. A title examiner will not go back to a decision. He agrees that the decision waived delineating trees on the plan, but didn't waive putting in trees. Mr. Conroy asked if someone can ask for a tree later and Mr. Macchi stated after the current owner sells their property, no future owner has a claim to the town. Mr. Conroy asked if Mr. Hasenjaeger set up a plan for the rest of the lots that are not built. Mr. Macchi stated he doesn't know. Mr. Conroy stated if he clear cuts, we will be back where we started.

Steve Morey, 3 Hancock Court stated they did get a letter from the town asking for a reply by a specific date, which he did. He doesn't want a tree. He was the first resident in this subdivision about 12 years ago. Trees were never brought to his attention previously. He knows there are issues between John Hasenjaeger and the town. He asks that we accept the street and move forward. Mr. Conroy stated that just to clarify, lots of stuff doesn't come up until the end.

Bill Hamilton, Precinct 5 stated he did get street trees and they died. He doesn't feel there is any jeopardy in not having trees.

Mr. Conroy asked how many lots are not built and Atty. Macchi stated three. Mr. Conroy stated they are working on one and possibly another one. If we do this, it is over.

Mr. Moraski moved that the Planning Board accept his report of conversations with the six residents with whom he spoke. Motion seconded by Mr. Murtagh and voted 5-0-0.

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Mr. Moraski moved to send letters to those six residents that he spoke with that they are waiving their right to street trees. Motion seconded by Mr. Murtagh. Mr. Conroy stated he would like to add to that motion that this goes back to town counsel so we are on solid ground. Motion voted 5-0-0.

Mr. Moraski moved to continue this to March 2, 2017. Mr. Romeo asked why we need to do this again. Mr. Murtagh agrees and wants to take an up or down vote.

There being no second to Mr. Moraski's motion, Mr. Moraski moved to close the residents' hearing. Motion seconded by Mr. Murtagh and voted 5-0-0.

Mr. Moraski moved to release the bond in its entirety for Hancock Court, STA 0+00 to 6+70.66 +/-; Arlington Lane, STA 0+00 to 11+53.72 +/-; Evergreen Lane, STA 0+00 to 2+70.97 +/- and to request the Board of Selectmen put an article on the town warrant for the Spring annual town meeting to proceed with the street acceptance process. Motion seconded by Mr. Murtagh and voted 4-1-0 (Mr. Conroy voted against the motion).

**Winter Estates:** Bob Walsh, Walsh Bros. stated he would like the board to schedule a residents hearing and get on the Spring town meeting. He would also like to request a final bond release. Mr. Conroy read Ms. Walker's comments. He stated she had an issue with the paving. Mr. Walsh stated he has a letter from Lorusso which he submitted. He also stated that there were two people from Engineering on site the day they paved who checked every load. There is nothing wrong with the pavement. They told Ms. Walker they would wait until March is that is what she wanted. Mr. Conroy stated that Ms. Walker's comment just stated it is unraveled. Mr. Moraski stated Ms. Walker has some items she wants done here. He is not sure we can do anything at this point in time. He is not sure they can get on the warrant until the Fall for street acceptance. Ms. Gaffey stated we are talking about grass. The street is paved, the grass is planted and street trees are in. She asked if they looking for a whole bond release. Mr. Conroy stated if they want to go to town meeting, the whole bond needs to be released. Mr. Walsh stated they have working street lights. Mr. Murtagh stated he shares Ms. Walker's concerns. He sees raveling in the black top, but everything else looks perfect. The subdivision is beautiful except for the raveling. He doesn't think they are ready for a residents' hearing. There are no street lights and pavement problems. We should take the advice of the town engineer and wait. He was disappointed in the finished paving. Mr. Conroy stated street lights are not in the hands of the developer, but in the hands of the town engineer. It is going to be the town's pole. He looked at the pavement and it doesn't seem bad to him. The punch list doesn't tell us where the issues with the pavement are. Those areas are not identified. Mr. Walsh stated that Ron Preibus and Chris Johnson were there for the entire day. Mr. Walsh also submitted the weather report for that day. Mr. Murtagh stated you can't work hot top in November, but you can in July and August. Mr. Conroy asked for a letter stating when they can pave and when they can't. He strongly objects to the punch list that

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was submitted. Ms. Dennehy stated you can put it on the warrant and then pull it back. Mr. Walsh stated that Ms. Walker agreed with the second meeting in March.

Mr. Conroy moved to ask for a place holder for LaCivita Drive. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy moved to hold the residents' hearing on March 16, 2017. Motion seconded by Mr. Moraski and voted 5-0-0.

**7:56 p.m. Union Square Village, 48 Burns Avenue, Case No. 17-01:** Mr. Conroy recused himself. Ms. Gaffey will chair the meeting. Ms. Gaffey read the public hearing notice and also a letter dated February 13, 2017 from Mr. Petrozzi requesting tonight's hearing be continued without testimony to April 20, 2017 at 7:30 p.m. and also granting the board an extension of time up to and including April 30, 2017. Ms. Gaffey moved to accept an extension of time up to and including April 30, 2017 on which to take action on Union Square Village. Motion seconded by Mr. Moraski and voted 4-0-0. Ms. Gaffey moved to continue this hearing without testimony to April 20, 2017 at 7:30 p.m. as requested by the applicant. Motion seconded by Mr. Moraski and voted 4-0-0. Ms. Gaffey moved to close tonight's public hearing, which was opened for the purpose to continue. Motion seconded by Mr. Moraski and voted 4-0-0.

Mr. Conroy returned at 8:00 p.m.

**8:01 p.m. John Corcoran, 95 West Street, Continued Hearing, Case No. 16-12:** The applicant was represented by Atty. Philip Macchi II, 1256 Washington Street, Norwood, MA. A discussion was held regarding the parking and traffic portions of the Corcoran Development project. Representatives for Corcoran made a presentation to the board regarding traffic and parking analyses. Board members expressed concern with commuters who will be displaced from the MBTA spaces possibly parking down town. Mr. Moraski expressed concerns over the proposed parking layout and felt that the residents should have the option to park inside. Mr. Moraski also provided a detailed description of the downtown historic architecture and urged the developer to consider implementing architectural elements that would be in harmony with the surrounding area.

Mr. Conroy read comments from the Fire Department, Water and Sewer Commission, Board of Health and Conservation Commission.

Victor Scena, Precinct 8 would like the board to stick to two parking spaces per unit as that is what is in the bylaw. He also feels all parking should be on site and questioned what happens when it snows.

Bill Hamilton, Precinct 5 stated he had previously asked about what the DOT is planning for the train station as he would like the board to know what is on the horizon.

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Mr. Moraski asked who owns Depot Road and Atty. Macchi stated the MBTA; its's a private driveway. Mr. Moraski questioned the dates the application was signed. Mr. Manzo dated the application November 4, 1945. The building inspector had stated the date was November 11<sup>th</sup> which was Veterans' Day. Mr. Conroy asked Atty. Macchi to check on that and

he agreed. Mr. Moraski questioned sprinklers, fire doors, automatic closures, smoke free buildings, security system, pool life guard, gym, guards or door men, child care, pets, snow removal, trash removal. He also asked when the landscape plans will be finalized.

There were no further questions or comments. Mr. Conroy continued this hearing to March 16, 2017 at 7:35 p.m.

**9:45 p.m. Manzo, 100 Elm Street Continued Hearing Case No. 16-14:** Atty. Paul Haverti was present in the absence of Atty. Mark Bobrowski. The board voted to send correspondence to town counsel and asked if anyone had anything further to submit to town counsel relative to this project that they would have it to the office earlier in the following week.

Mr. Conroy expressed concern with the apparent lack of permits that the applicant has for the parking lots on Elm Street and across West Street. It was acknowledged that this was to go to town counsel for review.

Mr. Conroy read board comments from Fire Department, Sewer and Water Commission, Zoning Board, Board of Health, Engineering, Conservation Commission and the town's licensing clerk.

Mr. Murtagh asked if the letter to town counsel will address Lots 2, 3, and 5. Mr. Conroy stated Ms. Dennehy will review and if the board has further comments, they should get them to her.

There were no further questions. Mr. Conroy continued this hearing to March 16, 2017 at 7:34 p.m.

**Walpole Business Park:** Mr. Conroy read a letter dated January 23, 2017 from Marilyn Thompson, Finance Director, asking for direction on depositing a \$28,573.94 check dated November 8, 2016. Nancy DiSangro Nolan has requested the money be deposited into Rockland Federal Credit Union, but Ms. Thompson would prefer to deposit into the Town of Walpole Contractor Account at Century Bank.

Mr. Conroy moved to allow the Finance Director to deposit the \$28,573.94 check into Century Bank. Motion seconded by Mr. Moraski and voted 5-0-0.

**Northridge Farm:** Mr. Conroy moved to grant a one year extension to the bond for Warren Lane as requested by Michael Viano. Motion seconded by Mr. Murtagh and voted 5-0-0.

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**Filing Fees:** Mr. Moraski submitted a draft memo to be sent to the town administrator regarding the Manzo application filing fee which was set by town counsel, the town administrator and the applicant. Mr. Murtagh moved to allow the chairman to send the letter as presented. Motion seconded by Mr. Conroy and voted 5-0-0.

**Barachiah Lane:** Mr. Conroy moved to release the bond in its entirety and to waive the installation of additional bounds for the Barachiah Lane subdivision as requested by Carl Swanson and agreed to by the town engineer, Margaret Walker. Motion seconded by Mr. Murtagh and voted 5-0-0.

**ANR - Manzo, 100 Elm Street:** The board had signed paper copies of the ANR at their January 5, 2017 meeting as they were not in possession of a mylar. In order to be able to record the ANR, Atty. Bobrowski had presented a new mylar for the board to endorse tonight. However, it was noticed that the paper copies of the ANR and the mylar presented were not the same. Mr. Conroy asked that the date be corrected before the board endorses the mylar.

**Southside Neponset:** Mr. Conroy moved to endorse the approved site plan as submitted by Dan Merrikin, Merrikin Engineering. Motion seconded by Mr. Moraski and voted 5-0-0.

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:35 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted March 16, 2017