

## WALPOLE PLANNING BOARD MINUTES OF FEBRUARY 18, 2016

A regular meeting of the Planning Board was held on Thursday, February 18, 2016 at 7:00 p.m. in the Main Meeting Room, Town Hall. The following members were present: John Conroy, Chairman; Richard Nottbart, Vice Chairman; John Murtagh, Clerk (7:08 p.m.); Elizabeth Gaffey, Richard Mazzocca (7:09 p.m.); Elizabeth Dennehy, Economic Development Officer; and, Margaret Walker, Town Engineer.

**Minutes:** Mr. Conroy moved to accept the minutes of February 4, 2016. Motion seconded by Mr. Nottbart and voted 3-0-0.

**Subdivision Rules and Regulations:** Ms. Dennehy discussed her edits. She stated that the page numbers coincide with the red lined document. Mr. Murtagh wanted time to review them and asked this be put on the next agenda. Mr. Conroy added this to the March 3 agenda.

### **7:15 p.m. Jiten Hotel, Case No. 15-14, Special Permit and Case No. 15-15 Site Plan**

**Approval Continued Hearing:** Mr. Conroy read the public hearing notice for the Special Permit, Case No. 15-14 which was continued without testimony from January 21, 2016 and also opened the hearing for Site Plan Approval, which was opened with testimony and continued from January 21, 2016. The applicant was represented by Drew Garvin, J. K. Holmgren Engineering and Atty. William O'Connell. Mr. Conroy read comments from the Board of Health and Mr. Garvin's response to the town engineer's comments. Mr. Nottbart questioned the location of the 6' stockade fencing. Mr. Garvin showed him on the plan.

Mr. Conroy asked for comments from the public.

Bill Hamilton, Precinct 5 is concerned with the special permit that allows more impervious cover than what is allowed and urges the Planning board to vote down the special permit and any waivers. The yield of our water supply has been reduced by a half million gallons per day since the Planning Board has been issuing these special permits. He stated if we over pump the aquifer it will eventually be destroyed. It is inevitable that we will not be able to supply water to the new buildings in town. Also, can a hotel be in an Area 3 and Mr. Conroy stated yes. He stated we don't control the water, Sewer and Water does. If they don't have an issue, then we don't. Mr. Nottbart stated that at the last meeting Ms. Walker gave good reasons why this is a good system. Further, Sewer and Water is fine with this and that is what we base our conclusion on. Mr. Hamilton stated he disagrees as the yield of our water supply is being reduced now because we have been paving over areas that recharge our water which will cause us to run out of water. Mr. Murtagh stated this is similar to Big Y. Mr. Hamilton stated that everyone says they think it will work, but it won't. Mr. Conroy stated Big Y is working. Mr. Hamilton thinks the Planning Board should get a hydrological study because it affects the whole community. Mr. Conroy stated that 100% is going back into the ground. Mr. Hamilton asked how they know the Big Y is working and Mr. Conroy stated it is not bubbling up, so it must be working. Mr. Nottbart stated we never had a letter and no one has ever corresponded with the Planning Board. He asked Mr.

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Hamilton why he didn't submit something if he knows it is wrong. Further, no one in this town has acknowledged this is a problem except you. Ms. Walker and the Water Department agree we are not making a bad decision and therefore he feels we should end this conversation. Mr. Hamilton stated there were many studies that were done including an MAPC study that states it is important to recharge the aquifer. That report is in the Engineering office. He would also like to see the letters from Environmental Affairs stating there has been a change.

There were no further comments.

Mr. Nottebart moved to close the hearings. Motion seconded by Mr. Conroy and voted 5-0-0.

Mr. Conroy moved to grant a special permit with one special condition. Motion seconded by Mr. Nottebart and voted 5-0-0.

Mr. Conroy moved to approve the site plan for the Jiten Hotel with the board's standard conditions and no special conditions. Motion seconded by Mr. Nottebart and voted 5-0-0.

**7:40 p.m. Meadowbrook Joint Scenic Road Hearing, 164 Pine Street:** Mr. Conroy read the public hearing notice. He read comments from the tree warden, Bob Leblanc who had no issues or problem with this request. Ms. Walker, Town Engineer, walked the site with Mr. LeBlanc and she has no problem with this request. The applicant was represented by Rob Truax, GLM Engineering. He stated they are willing to take down whatever the town wants. They have an intense landscape plan with extensive buffering around the neighbors, which he would like that taken into consideration for the 2-1 replacement. Mr. Conroy asked why he feels they don't need to donate and Mr. Truax stated he feels they have done enough. Mr. Murtagh asked him to explain where they are putting the stone wall and Mr. Truax stated they are bringing it in around the curve and there will be a sidewalk on the drive going out. Mr. Nottebart stated you don't want to do those trees and Mr. Truax stated they are doing a lot on the side. Mr. Nottebart stated that Mr. LeBlanc seems very conservative, so he must feel that should be done. Mr. Truax stated he was only reviewing the scenic road plan, not the site plan. Mr. Nottebart would like to see them stay in based on his recommendation. Ms. Gaffey stated it is a scenic road and if you take the trees down is it still a scenic road and Mr. Truax stated yes. Ms. Gaffey stated the expert gave us his opinion and she can see why the trees have to come down as it is a sight distance issue. Ms. Walker stated that Mr. LeBlanc feels that in a few years he will have to take down the extra two trees on behalf of the town. Mr. Truax stated his thinking is he will have to take them down in five years. Ms. Walker stated he didn't specifically say six months or one year or five years. He just doesn't want to pay for it. Mr. Truax stated they can put in some deciduous trees and pull them back. Mr. Conroy stated a scenic road hearing is about taking down trees and walls, not putting them back. We should let them work it out. Mr. Truax stated he is taking down some big trees. Mr. Mazzocca stated that lots of time we have pictures, but tonight we don't. He wishes we had a visual. He also asked what the traffic consultant wants. Mr. Truax

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stated they are back in off the road. Mr. Murtagh asked that they count the rocks when they take down the wall and Mr. Truax stated they will set them aside. Mr. Conroy stated that two have to come down and two more were recommended for removal by Mr. LeBlanc, but nothing from the traffic consultant. If it is determined that more have to come down, that will have to be done. Mr. Truax asked when would it be determined and Mr. Conroy stated when Mr. LeBlanc is on site.

There were no further questions.

Mr. Conroy moved to close the hearing. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy moved to allow the removal of two existing trees; namely, a 24" oak tree and a 30" oak tree, and the removal and replacement of approximately 20 linear feet of an existing stonewall all on Pine Street as requested by Meadowbrook Realty Trust, Brookside Village, 164 Pine Street, Walpole, Massachusetts and shown on a plan dated December 28, 2015 by GLM Engineering entitled "Scenic Road Plan, Brookside Village, Walpole, MA". Motion seconded by Mr. Nottebart and voted 5-0-0.

It was noted for the record that the additional trees proposed to be eliminated by Robert LeBlanc, Walpole Tree Warden, may be removed during construction activities if the tree warden deems it necessary at that time.

**7:55 p.m. Meadowbrook, 164 Pine Street, Site Plan Case No. 15-6; Special Permit Case No. 15-7; and Special Permit, Case No. 15-8 Continued Hearings:** The applicant was represented by Atty. Daniel Seigenberg, Wrentham, MA and Robert Truax, GLM Engineering. They have spoken with Peter O'Cain, Sharon Town Engineer regarding sewer issues and also on February 4<sup>th</sup> they spoke with William Scollay regarding issues raised by the town of Sharon. Mr. Truax stated they met with Margaret Walker and also on site with the neighbors. The entrance driveway coming in from Pine Street was moved 15' to the left. The entrance itself didn't move, they just took some of the bend out of the road. The fence is on their own property, not the property line. The applicant agreed to do a row of plantings and revised the plans per comments issued by Conservation and Engineering. They have received an order of conditions for this property and received comments back from Engineering. They have filed with Sewer and Water and will meet with them in March. Mr. Truax stated the pump station was sized to handle thirty homes; therefore, it is oversized to handle this project.

Mr. Conroy read comments received from Sewer and Water, Fire Department and Conservation. Ms. Walker stated there are three or four outstanding items that can be dealt with through Sewer and Water.

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Mr. Conroy stated that the E911 has turned down the street name request Brookside Lane as submitted by the applicant. Ms. Walker stated trash pickup will be a private dumpster. Ms. Dennehy discussed the decisions.

Mr. Conroy read a letter from James Gamerman dated February 17, 2016 asking if what he requested is covered in our decision. Ms. Dennehy stated it is.

Mr. Conroy asked for comments from the public.

James Gamerman, 10 Montaup Road, Sharon, asked if the board received his second letter regarding deliveries and Mr. Truax stated they have no problem with his request. There about 4-5 deliveries. Ms. Dennehy stated that can be added to our decision. Mr. Nottebart asked if he is an abutter or their counsel. Mr. Truax stated he is an abutter. Mr. Gamerman stated he has a personal interest, but is all set.

Karin Johnson, 162 Pine Street stated she has a five page letter she would like to read. She is concerned about the types of trees to be planted. Mr. Conroy asked if it is an issue to change the pines to something else. Mr. Truax stated it will be a mix of trees and can substitute another evergreen. That would not be an issue. Mr. Conroy suggested spruce, which is like a Christmas tree and they shed straight down. Mr. Truax stated there are three groupings and he will substitute or rearrange them. They will be staggered and will fill out in time. Mr. Nottbart stated that Cosmos is an extremely good architect. He asked if the neighbors discussed anything with him. Mr. Truax stated no, but they got to see it. Ms. Johnson stated she is having a problem with pine needles. Mr. Truax stated this is the first time he has heard about that. Ms. Johnson stated she didn't mention the pine needles during the site visit, but she had to take down some trees as the needles were falling into her pool. Mr. Truax stated he will call Cosmos to let him know that Ms. Johnson will be calling him. Mr. Conroy stated it could be a condition of approval. Mr. Conroy asked if the tree is on her side or on her side that belongs to the town. Ms. Johnson stated there is one in her yard and a big one in the back of Verderbers.

Mr. Conroy asked if there are shrubs there now. Mr. Truax stated yes and there is no reason to touch them at this time. Ms. Johnson stated she loves the trees. Mr. Conroy asked if they will cut a tree to plant a tree and Mr. Truax stated no. Ms. Dennehy stated they will be covered by the "ribboning" condition. Ms. Johnson questioned a fence. Mr. Truax stated she has one already. Ms. Johnson stated her fence is for safety for her swimming pool. Is the abutters new fencing for safety or privacy? Mr. Truax stated both, as there are children. Mr. Conroy asked if the trees are close to Ms. Johnson's property line. Mr. Truax stated yes, they are close to it. Mr. Conroy stated Ms. Johnson already has a fence and he doesn't recommend two fences as it creates a place for kids to hide. Ms. Johnson stated she would like the stone wall in the back moved closer to her property. Mr. Conroy feels she is asking for a lot. Ms. Johnson stated she is still not clear on what trees will be gone. Mr. Truax stated if the tree is not close to her property

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line, they will have to take it down to develop the slope. Mr. Truax stated they will cut the roots and the tree will fall down. Mr. Conroy stated that Cosmos should come a couple of weeks prior and work the property and tell them if it will stay or not. Mr. Truax stated that is no problem.

Bill Hamilton, Precinct 5 asked if the impervious cover is required because it is an Area 3 or the HB district. Ms. Dennehy stated what is proposed doesn't exceed what is required in the HB or Rural districts. They are coming because they exceed what is allowed in the WRPOD district.

Ann Marie O'Keefe, 7 Ganawatte Drive stated she spoke on behalf of the Ganawatte Homeowners Association at the Conservation meetings. They wanted to go from 30 to 22 units. They feel that is reasonable because 340 units were put up at the Preserve and there is another large block of land where Pine Street meets Route 1. The Conservation discussion included the fact that the town aquifer will be adversely affected. They would like to appeal the Conservation Commission's order of conditions and she intends to work with Bill Hamilton to file an appeal with DEP. Mr. Nottebart asked where they stand with the Conservation Commission and Ms. Dennehy stated they have already issued an Order of Conditions. Mr. Mazzocca asked why we would close if they have not been to Sewer and Water. Mr. Conroy stated because that won't affect us. Mr. Nottebart asked how many pump stations there are and Ms. Walker stated three. Mr. Truax stated they will be using the Ganawatte Farm one. Mr. Nottebart questioned the odor and Ms. Walker stated that Sewer and Water will address that. Ms. Dennehy questioned a recreational facility and stated the applicant was doing the scenic passive thing. Mr. Truax stated the Conservation Commission doesn't want anything near the brook. Ms. Dennehy agrees they are constrained by the brook.

Ms. O'Keefe stated if you lessen the buildings there would be room for recreation. Mr. Nottebart doesn't think this project is bad, there is just some stuff missing. Mr. Conroy stated that paths also invite people to the area. Ms. Gaffey questioned the parking and why are there just two spaces. Ms. Dennehy stated there is garage space and vehicles in driveways. Technically, they can fit four vehicles, two in the garage and two out front, but four would not be in compliance. Mr. Nottebart questioned dumpsters. Mr. Truax stated there will be private pick up but no dumpsters. Mr. Murtagh stated the more trees you can save the better for the abutters. He suggested they meet with the neighbors before they clear cut.

Bill Hamilton, South Walpole, stated you brought up the pump stations and where it is going. At one time there was talk about adding one. He asked if they have heard from the Board of Health and Mr. Conroy stated they have no issues. Mr. Hamilton asked about the aroma. Mr. Conroy stated it is not the applicant's problem as this project won't change it. You would still have the

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aroma problem if this project doesn't go forward. Mr. Hamilton opposes any special permits to increase the impervious cover.

There were no further questions or comments. Mr. Conroy moved to close the hearing for Case No. 15-7, Special Permit for impervious cover as per Section 12.3.C(5) of the Zoning Bylaw. Motion seconded by Mr. Murtagh and voted 5-0-0. Mr. Conroy moved to close the hearing for Case No. 15-8, Special Permit for the development of an Age Qualified as per Section 10.C of the Zoning Bylaw for the development of an Age Qualified Village. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy moved to close the hearing for Site Plan Approval, Case No. 15-6. Motion seconded by Mr. Murtagh and voted 5-0-0.

Mr. Conroy moved to approve the special permit for Case No. 15-7. Motion seconded by Mr. Nottebart and voted 5-0-0.

Mr. Conroy moved that the applicant has met the three findings for an Age Qualified Village. Motion seconded by Mr. Nottebart and voted 5-0-0.

Mr. Conroy moved to approve the special permit for Case No. 15-8 with special conditions. Motion seconded by Mr. Nottebart and voted 5-0-0.

Mr. Conroy moved to approve the site plan for Case No. 15-6 with the board's standard and special conditions. Motion seconded by Mr. Nottebart and voted 5-0-0.

**9:17 p.m. High Meadows Subdivision, 54 High Street, Continued Hearing:** The applicant was represented by Robert Truax, GLM Engineering. He stated they have an email from the abutters, James and Carol D'Attilio giving them permission to enter and utilize that portion of the corner of their property that contains the town's drain easement going toward Rose Marie Lane for the purposes of tying in their drainage. Mr. Conroy read an opinion from town counsel dated January 28, 2016, which states the applicant needs permission from the town engineer to tie in. Mr. Truax stated he is working on this. Mr. Conroy thinks they only need permission from the D'Attilio's. Ms. Walker stated we can't give you an easement. Once this is publicly accepted, there will be no problem. If these people move and there is no easement, everything will go down the tubes. It would be the interim period of between now and when it is accepted that is a problem. Mr. Conroy doesn't think they need an easement, just permission. Ms. Dennehy asked if that could be received prior to endorsement.

John Walsh, applicant, stated it is 5' of pipe being discussed. He said he will do tomorrow if given permission. If the D'Attilio's move, there could be a problem. Mr. Conroy stated the timing is not good. Ms. Walker questioned "permission". Mr. Conroy stated it could be a condition prior to endorsement. Mr. Truax asked about closing the hearing. If they don't get an easement, they will have to change direction. He is not sure they should close without an

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easement. Mr. Walsh asked this be continued for one more hearing so he can do some research. Mr. Conroy stated we would need proof of an easement.

Mr. Conroy continued this hearing to March 3, 2016 at 7:14 p.m. as requested.

It was moved, seconded and voted to adjourn. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

John Murtagh, Clerk

Approved: April 7, 2016