

## WALPOLE PLANNING BOARD MINUTES OF JANUARY 19, 2017

A regular meeting of the Walpole Planning Board was held on Thursday, January 19, 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; Joseph Moraski, Marc Romeo, and Elizabeth Dennehy, Community Development Director.

**Minutes:** Mr. Conroy moved to approve the minutes of December 1, 2016. Motion seconded by Mr. Moraski for discussion. Mr. Moraski stated these minutes need to be corrected as follows: Mr. Conroy moved to accept Robert LeBlanc's memo regarding (Brush Hill) street trees, but didn't receive a second. Mr. Murtagh moved to schedule the (Brush Hill) residents' hearing for February 16, 2017. Motion seconded by Mr. Romeo and voted 3-1-0. Motion to accept the minutes of December 1, 2016 as amended were voted 4-0-1 (Ms. Gaffey abstained). Mr. Conroy moved to approve the minutes of January 5, 2017. Motion seconded by Mr. Moraski and voted 3-0-2 (Murtagh and Romeo abstained).

**Winter Estates:** John Walsh, Walsh Bros. Building Company was present and requested a residents' hearing for this subdivision. He said there are two items outstanding, cleaning of catch basins and waiting for the grass to grow. He asked that the board add the amount of these two items to the Jones' bond or he will just do the two items now. Other than waiting for the grass to grow, it is 100% done. Mr. Conroy stated he should do the basins now. Regarding the grass, Mr. Conroy asked if that is all remaining and Mr. Walsh stated yes. Mr. Murtagh stated the place looks stunning and said they have done a tremendous job. Mr. Walsh stated the street trees are in. Mr. Conroy stated the warrant closes January 31. Mr. Murtagh stated we have nothing from our engineer. Mr. Conroy read the punch list. Mr. Moraski stated we need an updated punch list. Also, we can ask the Board of Selectmen to open/close the warrant for a street acceptance. Ms. Gaffey stated if not done, we can pull it. Mr. Walsh stated they are not part of the poles, just the bases. The town calls for the poles. Mr. Conroy asked who pays for them and Mr. Walsh replied he doesn't know.

Ms. Dennehy texted the town engineer and who said she will not recommend releasing the bond without street lights. She called for them but John Walsh needs to coordinate them. Mr. Conroy moved to have Mr. Walsh bring back the finished punch list to our next meeting as agreed. Motion seconded by Ms. Gaffey and voted 5-0-0. Mr. Conroy put this on the board's next agenda at 7:00 p.m.

**Wisteria Way II Extension:** Mr. Conroy moved to extend the bond for the Wisteria Way II subdivision up to and including February 19, 2019. Motion seconded by Mr. Murtagh and voted 5-0-0.

**Walpole Business Park:** Nancy Nolan was present to discuss the bond as previously on file with the town. She stated the bond was in an interest bearing CD at Dedham Savings Bank and she wants to put it into a CD with the Rockland Federal Credit Union. Mr. Conroy discussed her

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options. He stated she needs to request a new bond and then she can move forward. This tripartite means if the work isn't done, the bank is responsible for the remaining work, but when or if it is reduced, there is no actual money that will be returned to her. The bank is guaranteeing the work will be done one way or another. He asked Ms. Nolan to give us a request in writing to update the bond with today's costs and we will send it to Ms. Walker. She agreed.

**8:00 p.m. John Corcoran, 95 West Street, Case No. 16-12 Continued Hearing:** Atty. Philip Macchi requested that this hearing be opened after the Manzo public hearing which is scheduled next. The board agreed to take Manzo out of order and then open the Corcoran hearing.

**8:01 p.m. McSharry/Maplewood Condos Continued Hearing, Case No. 16-5:** Atty. Macchi asked that this hearing be continued without testimony to March 1, 2017. He also granted the board an extension of time on which to take action up to and including March 31, 2017.

Mr. Conroy moved to accept an extension of time up to and including March 31, 2017 for McSharry, Case No. 15-5 as per the applicant's attorney, Philip Macchi. Motion seconded by Ms. Gaffey and voted 4-0-1 (Romeo abstained).

Mr. Conroy opened the hearing and made a motion to continue to March 2, 2017 at 7:30 p.m. as requested by the applicant's attorney, Philip Macchi. Motion seconded by Mr. Moraski and voted 4-0-1 (Romeo abstained).

**8:05 p.m. Manzo, 100 Elm Street, Case No. 16-14 (refile):** Mr. Conroy opened the public hearing and read the advertised public hearing notice. The applicant was represented by Atty. Mark Bobrowski, Concord, MA and David Mackwell, Kelley Engineering. Atty. Manzo stated he was before the board tonight to modify a 2002 approval. He stated this all about the parking at 55 West Street. He further stated they are taking the Corcoran property out of the Manzo property. They have also applied to the Zoning Board of Appeals for a special permit. He discussed the existing site conditions.

Mr. Mackwell stated that the land owned by Mr. Manzo consists of three parcels and multiple parking lots. The plan from 2000 approved 540 stalls, not including Lot #6. They will now provide a parking garage and multi-family units. The garage parking will be available for a fee. He further stated there is ample parking to support the existing areas in the buildings. The applicant is not proposing any changes to many of the parking lots. They met with Ms. Walker today and will have her issues resolved shortly. Their request is to modify the existing site plan to sell 2.5 acres and maintain the parking within the existing parking lots. Atty. Bobrowski stated this matter was reviewed in a parking study and peer reviewed by Judith Nitsch for the town. They are looking to replace the special permit granted in 2000 which is antiquated.

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They want us to take the gross floor area and add up the number of required spaces and approve the change to the plan.

Ms. Dennehy reviewed her comments. Mr. Conroy read board comments that have been received. Ms. Walker stated there has been no review of drainage and utilities.

Mr. Conroy asked for board comments.

Mr. Murtagh asked how many units and Atty. Bobrowski stated the Corcoran plans will deal with that. Mr. Murtagh asked who owns Parcels 2 and 5. Atty. Bobrowski stated Mr. Manzo, but they are proposing that both Manzo and Corcoran will use it together. It will be co-mingled; however, they will not own the parking that is in the Corcoran facility. Mr. Murtagh asked if this project will short change the commuter. Atty. Bobrowski stated that Manzo has no lease with the MBTA. Some of the commuters will not be able to park there, but there is parking available for a fee. There will be ample parking, but the commuters will have to travel farther. Mr. Murtagh feels this project will increase the business in the downtown area. He stated they will have to cross West Street to get to Parcels 3 and 5 and asked if a crosswalk is enough. With regard to visibility, he would like a stop light there and also what about a foot bridge. Atty. Bobrowski stated they will look at that.

Mr. Romeo asked if there will be a significant loss of close proximity commuter parking. Atty. Bobrowski stated there are 47 surplus and some parking for a fee. There are ample lots, but there are many people trying to get to the same places at the same time of day. Travelling on the commuter rail has peak times. Mr. Romeo stated when they can't find parking there, they will park downtown or in the lots behind the fire station or in front of the restaurants. Atty. Bobrowski stated this all in the greater interest of moving forward in the downtown area. Mr. Romeo asked about some kind of a parking structure. Atty. Bobrowski stated there is nothing considered at this time, but it would cost a ton of money. Michael Manzo stated there should be more than ample parking as one of the lots is 75-80% empty every day. Ms. Gaffey stated that people are parking in the downtown because they don't want to pay. She understands the MBTA has their own lots. It is pretty vacant right now and it will change the tone of the way people park down there. Parking will be really tight. Ms. Gaffey feels this project will have a big impact on the town and we need to take care of the current residents. Further, Lots 2 and 5 are near the Neponset River and Lot 6 is gravel. What are we doing to protect that area. Atty. Bobrowski stated they don't want to change anything because of the Neponset River. Mr. Mackwell stated that Ms. Walker asked them to evaluate Lot 6 as the other lots were shown on the other plan and have been in existence for quite a while. They will provide additional information as requested.

Mr. Moraski questioned the filing fee and asked why it was only \$1,000. Atty. Bobrowski stated the fee schedule talks about new construction and this isn't new construction. They had a

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conversation between Ms. Dennehy, Town Counsel and the Town Administrator and this fee is a compromise. Mr. Moraski stated that Walpole Station has 341 spaces and they are required to have 278; therefore, they have 63 spaces over and above what is required. In addition to the 341 spaces, there are 275 spaces designated for the MBTA for a total of 616 spaces. The real excess is 338 spaces over and above what is required or designated. Under what is proposed, you will have 632 after everything is built out between Manzo and Corcoran. You are required to have 449 or an excess of 183 spaces. According to Section 13 of the bylaw, Corcoran should have gotten the spaces underneath their own building. He is questioning how this proposed parking schedule got put together. There seems to be an arrangement that needs to be further enlightened. You can charge for parking spaces anywhere on this plan. Atty. Bobrowski stated it is the use table that is driving this. Mr. Moraski asked if he needs the parking on the ground floor in order to establish a business on the ground floor. Atty. Bobrowski stated it shouldn't mention who rents the spaces because that is what makes it a commercial use. Mr. Moraski stated the Planning Board needs its own parking consultant to peer review this complex subject. Atty. Bobrowski stated that Judith Nitsch has worked on this for the town and they were brought in by the Board of Selectmen and the Town Administrator. Mr. Moraski stated that doesn't preclude us from having our own review. Mr. Conroy agreed. He stated our input was never given and we were never invited to participate with Judith Nitsch. Also, he has a real problem with town counsel setting fees for us. We are the Planning Board and we set the fee. She shouldn't have done it. If you had come to us we could have discussed it. She was not authorized to set that fee and that is an issue. Also, there is a technical detail as Vanasse was not referenced anywhere at all. If someone came into our office, we couldn't give them the correct information. He feels this is a technical issue on the applicant's end. Parking has always been a problem and it will continue to be a problem. There will be an issue at 5 or 6:00 with people leaving the lots under the bridge. Commuters have been parking behind Betro Pharmacy which is an issue we have. There is no way we can enforce who is the commuter and who works in the actual buildings. They will be parking around the town hall next. It is not necessarily your problem but it might be the next hearings problem, but this will all tie in together. He asked if the old special permit counts across West Street and Atty. Bobrowski stated yes for a total of 534. Lot 6 is not included in the ZBA or Planning Board decision. Mr. Conroy stated you are trying to say this is a modification. Atty. Bobrowski stated there is no technical difference between a modification and a new plan. Mr. Conroy stated you are now introducing parking across the street and parking on Elm Street. You can't have a parcel across the street with the same number. The plan in front of us only mentions 331. Atty. Bobrowski stated then it is a new application. Mr. Conroy stated we would agree, but that means this would be a new site plan. Atty. Bobrowski stated the conditions on the ground are not changing. Mr. Conroy stated the conditions on the ground aren't changing, but you are adding to a plan, which is now a new plan. Go to the book and you have to comply with the requirements for 2016 for drainage and parking because you have created a new site plan. Atty. Bobrowski asked if it is the board's

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objective to make Mr. Manzo conform to 2016 standards. Mr. Conroy stated you are trying to put this back on this board. It has to be done per today's standards. We had a similar thing at the Rodman rink and they had to condo-ize. At what point when you file a new plan do you have to conform to today's standards. Atty. Bobrowski wants to look at his rights as he doesn't agree. He feels existing parking should remain as existing parking. Mr. Conroy stated we couldn't find a special permit for Lot 6 and asked if there was one. Atty. Bobrowski stated no. Mr. Conroy asked how that happened without coming to the town for a special permit and Atty. Bobrowski stated he doesn't know. Mr. Conroy asked if it is legal and Atty. Bobrowski stated he doesn't know. Mr. Manzo stated he bought the property from Historic Realty. They have a special permit for everything but Lot 6. That lot was used for parking before and it still is. Mr. Conroy stated there is no record of this anywhere. Can we agree that there is nothing official granted by the town. Mr. Manzo stated he needs to check with his other lawyer as he doesn't know if they have it. He believes Lots 2 and 5 were shown on the original permit. Mr. Conroy stated that both the Zoning Board and the Planning Board reference the same parcel. Mr. Manzo stated you have to include the West Street lots to get to this number. Mr. Mackwell stated this is referenced on the plan, which he showed to Mr. Conroy. Mr. Conroy stated it was advertised as 321 on both. The math wasn't properly checked. Atty. Bobrowski stated the plan is the plan. He asked what is the problem. Mr. Conroy stated Parcel D was never part of the original. His opinion is they have to be designed per the current standards. Atty. Bobrowski stated we may be sacrificing the downtown and the revitalization of downtown for a building lot. Mr. Conroy stated you are making me out to be the bad guy. Atty. Bobrowski stated they will proceed from Section 9, non-conforming situations. Mr. Conroy stated just for clarity, this is showing everything you own in totality, sometime in the future, you will be selling that parcel off, now it becomes a new site plan. Atty. Bobrowski stated they don't have that on their site plan. Corcoran has it on theirs. Mr. Conroy stated you are doing a one-step process, not a two-step. Atty. Bobrowski stated that is correct. Mr. Conroy stated they need to bring this up to today's standards. This is similar to the Walpole Mall. Mr. Murtagh stated he fully agrees and asks that we get a legal opinion to find out if this needs to be brought up to the 2016 standards. Atty. Bobrowski stated he has no problem writing that request to the board. Mr. Conroy stated his job is to make sure they conform to all the rules. Further, to build a parking lot in the wetlands needs to go to ConCom. Mr. Murtagh stated ConCom has to address Parcel 6. He would like a legal opinion for the next meeting. Mr. Moraski stated that Mr. Bobrowski can send something into us and then we can ask town counsel to weigh in on this. Mr. Murtagh agrees with Mr. Conroy that we need input from ConCom. Mr. Conroy stated they will find that he goes by the rules.

Mr. Conroy asked for public comments.

Bill Hamilton, Precinct 5 questioned the railroad track. He was told that the Foxboro train will be making 18 passenger runs and 6 freight runs for a total of 24 runs per day. They will put up fencing that will change how you can get to the station. It will be the main entrance that will

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open and close to keep pedestrians off the tracks. It will be permanent fencing and it will be a serious problem. That information should be on this plan so both the Planning Board and Zoning Board will know how this site will be impacted. It is a major issue. These people need input from the MBTA so we all know exactly what they are going to do. Mr. Murtagh stated he was at this meeting and there was nothing said about fencing. Mr. Romeo was there also. He thought the fencing was behind Cumberland Farms and Audubon. Mr. Hamilton disagreed. Mr. Romeo stated they said they would modernize the switches and track. The speed rate would be between 45-60 but it would slow down at certain areas. Mr. Hamilton stated he just wants the MBTA to clarify what they are proposing in that area.

Victor Scena, Precinct 8 stated his concern is a 6-story building in a congested area and 300 additional cars. What happens when Lorusso builds across the street with another six-story building and 200 units. The businesses in Walpole would love that, but he thinks we are creating a monster and changing the whole face of Walpole. We shouldn't like to be like Norwood or Mansfield and he would like to see this whole thing scaled back. Right now the traffic is horrible. You can't get through Walpole between 3:00-6:00 p.m. as traffic is backed up. Add another 600-700 cars there and there goes Walpole.

Mr. Conroy stated we have to do what is allowed, but if they are seeking variances, rests with the Zoning Board of Appeals and that is when it can be scaled back.

There were no further comments.

Atty. Bobrowski granted the board an extension of time up to and including March 24, 2017. Mr. Conroy moved to accept an extension of time up to and including March 24, 2017. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy continued this hearing to February 16, 2017 at 7:31 p.m.

**9:50 p.m. Corcoran, 95 West Street, Case No. 26-23 Continued Hearing:** Mr. Conroy read the public hearing notice. The applicant was represented by Atty. Philip Macchi, 1256 Washington Street, Norwood, MA. He submitted a memo in support of the application to the board. He also stated he would like to focus on the parking at the next meeting as the expert isn't present tonight. He stated they are in front of the ZBA for two special permits and two variances. Atty. Macchi stated the site falls completely within the CBD and is a portion of the Walpole Station business complex with an expected address of 95 West Street. The applicant will have rights to park 173 cars on the West Street parking lot that will remain in common ownership with the commercial uses with Walpole Station business complex. The land is under agreement to John Corcoran & Company pending the permitting of the proposed mixed use residential/commercial building. The site required environmental remediation as ordered by DEP and approved by the ConCom. Concurrent with the remediation a vacant building and a

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vacant portion of the main complex will be demolished by the current owner. When the Applicant begins construction, the lot will be vacant.

Atty. Macchi stated the applicant is proposing to build a six story multi use building. The building on the ground level will contain approximately 14,000 s.f. of commercial retail/office/restaurant space and a commercial parking garage that will occupy approximately 56,000 s.f. with approximately 4,000 s.f. of the garage dedicated to residential parking. The upper five levels will contain a mix of studios, one, two and three bedroom apartments in approximately 229,000 s.f.. Parking will be provided on site and off site on the West Street parking lot.

Atty. Macchi reviewed the setbacks, parking requirements and other criteria required by the Zoning Bylaw as it pertains to Site Plan Approval. He also discussed the site plan approval applicability, criteria, general site development standards and guidelines.

Peter Mahoney, Corcoran Company, stated he will bring in the landscape person and traffic person at the next meeting. Ron Vestry, Stefan Bradley Architects, gave a presentation on the architecturals associated with what is being proposed. Steve Schart, Project Engineer, stated the aisle widths went from 22' to 24' as requested by the Zoning Board of Appeals. They will also be modernizing the site drainage. Bill Scollay Traffic Consultant with Green International presented his traffic comments.

Mr. Conroy read comments that were received from the Conservation Commission and Engineering. Ms. Dennehy stated these plans will be changing because of the change to the aisle width as previously.

Mr. Conroy asked for comments from the public.

Bill Hamilton, Precinct 5 would like more information from the MBTA at the next meeting.

Mr. Romeo stated the architect talked about the height numbers and asked if they will be over the height restriction. Atty. Macchi stated yes they are over as it now stands and are asking for a 6' or 11' variance. He stated they are meeting with the Zoning Board on February 15, 2017 and the Conservation Commission next Wednesday, January 25<sup>th</sup>.

There were no further comments or questions. Atty. Macchi gave the board an extension of time on which to take action up to and including March 31, 2017. Mr. Conroy moved to accept an extension of time up to and including March 31, 2017. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy moved to continue this hearing to February 16, 2017 at 7:28 p.m. Motion seconded by Ms. Gaffey and voted 5-0-0. Atty. Macchi stated he will provide the board with summary as to how they got to where they are now at the next meeting.

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**11:10 p.m. Zoning Article:** Ms. Dennehy stated the change being proposed is very basic and leaves nothing up to guess work. Mr. Murtagh asked if it means less building and Ms. Dennehy stated no, it means more responsible building and it will remove guess work from the Zoning Board of Appeals. There were no further board comments or public comments.

Mr. Moraski moved that the draft that Mr. Conroy prepared and distributed to the Planning Board tonight be placed on the Spring Annual Town Meeting Warrant. Motion seconded by Mr. Murtagh and voted 5-0-0.

John O'Leary, Washington Street asked if this provision is only for the GR district and Mr. Conroy stated yes.

Mr. Moraski moved to adjourn. Motion seconded by Mr. Murtagh and voted 5-0-0. The meeting adjourned at 11:25 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 2/16/17