

WALPOLE PLANNING BOARD MINUTES OF JULY 15, 2021

A regular meeting of the Walpole Planning Board was held on Thursday, July 15, 2021 in the Main Meeting Room of the Town Hall at 7:00 p.m. The following members were present: John Conroy, Chair; John O'Leary, Vice Chair; Catherine Turco-Abate, Clerk; Philip Czachorowski and Sarah Khatib.

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

ANR – Blades Realty Trust: Mr. Conroy stated this property is next to the Rodman Ice Rink and the applicant is being represented by Atty. Philip Macchi, 1256 Washington Street, Norwood, MA.

Atty. Macchi stated this is a non-conforming lot to begin with and what is in front of the board will create Lots 100, 101 and 102. This is a land court plan and they were told by land court how to proceed. After the ANR is endorsed, they will be back before the Planning Board to divide Lot 37 into three lots. Ms. Khatib read the correspondence from the town engineer. Mr. Macchi stated this plan is being handled the way land court said to do it and it will not be recorded. Mr. Conroy moved to endorse the ANR plan for Blades Realty Trust as presented. Motion seconded by Ms. Abate and voted 5-0-0.

ANR – Frieberger, 965 West Street: Mr. Conroy stated the actual legal frontage is on West Street and this ANR will make an illegal lot. The applicant was represented by Atty. Philip Macchi, 1256 Washington Street, Norwood. He stated that Parcel A is not a buildable lot and can't be built on. He will be back before us with a subdivision plan. They are not changing anything; just making an internal provision. Mr. Conroy stated there is already a house on it. Mr. Macchi stated the frontage would not change. Mr. Frieberger wants to put a nursery on Lot 1 and possibly do a subdivision on Parcel A. He suspects they will be asking for waivers. Lot 1 can sit on its own and Parcel A can be turned into two lots. A nursery would be as a matter of right. Everything will be brought into conformance. Parcel A cannot be split from Lot 1.

Mr. Conroy stated he has an issue with the word "ordinance" which is on the actual ANR plan. Mr. Macchi stated he will withdraw and correct that.

Mr. Conroy moved to allow the applicant to withdraw without prejudice as requested. Motion seconded by Mr. O'Leary and voted 5-0-0.

Roscommon Subdivision: Mr. Conroy read a letter from Mr. Balduf regarding final bond release stating this subdivision is not ready to be released. Mr. Conroy explained the process to the public.

Spring Street and West Street Extension of Time: Mr. Conroy moved to grant an extension of time up to and including August 31, 2021 as requested by Atty. Philip Macchi. Motion seconded by Mr. O'Leary and voted 5-0-0.

7:28 p.m. Alsarabi Estates Continued Hearing: Dan Merrikin, Legacy Engineering, stated that the Conservation Commission closed and approved this plan. Mr. Conroy read comments from fire, sewer and water, police, town engineer and health. He also stated that the Fire Chief approved of the name Alsarabi Way. Mr. Merrikin stated this will be a private way and they will widen the width of the existing driveway. Mr. Macchi stated they agree to Mr. Balduf's comments. He also stated that Atty. Timson, representing the Westwood Gun Club, raised five issues: 1) requested all buildings in the 100' buffer be removed; 2) restore the 100' wetland buffer zone that was approved last night; 3) plant some trees in the 100' vegetated buffer. Mr. Macchi stated they have added eight staggered trees and fifteen shrubs; 4) signage defining the edge of the buffer; and 5) wood chips not loaming and seeding. Mr. Macchi stated that ConCom said no this request. Loaming and seeding is what is shown on the plan and that is what will be done. With regard to wood chips, Mr. Merrikin stated wood chips do not stop soil from eroding.

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There were no public comments.

Mr. O'Leary questioned page C-9 and asked if the markings on the bottom of the chart are reversed and Mr. Merrikin stated they station it as zero being the manhole. Ms. Abate asked if there will be a ledge water issue. Mr. Merrikin stated that the storm water management has been approved by Mr. Balduf and Conservation. Mr. Czachorowski questioned a snow plan as he can see only one storage area. Mr. Merrikin stated that is correct as this will remain a private road. Ms. Khatib stated she doesn't read the comments submitted by Paul Barry as an approval. Mr. Merrikin stated he is reinstating the fire roads, which could be a condition of approval. She asked how will you actually show what is there will support that. Mr. Merrikin stated Mr. Balduf will check that. Ms. Abate asked if this pavement is better than what it usually is as the owner is a contractor and Mr. Merrikin stated yes. Ms. Khatib questioned Sheet C-7. Mr. Merrikin stated if this is approved as a private way, Sheets C-4 and C-7 will be removed from the plan set. She asked that he remove the non-waiver note on the plan and he agreed. Ms. Khatib questioned the 3' and 5' grass strip and asked why there is a 5' grass strip note. Mr. Merrikin stated that is a typo and he will fix it. Mr. Conroy asked if the Conservation Commission made any changes and Mr. Merrikin stated no. Mr. Conroy stated so what we have before us is what they have. Mr. Merrikin stated yes. Mr. O'Leary questioned a letter from Sewer and Water and looping the water and asked if that was done. Mr. Merrikin stated they can't do that as they have no ownership rights.

Mr. Merrikin granted an extension of time up to and including August 31, 2021. Mr. Conroy moved to accept the extension up to and including August 31, 2021. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Conroy continued this hearing to August 19, 2021 at 7:29 p.m.

7:53 p.m. Marini, 1429 Main Street, Special Permit #21-03 and Site Plan Approval #21-02: The applicant was represented by Atty. Christopher Alphen, Concord, MA. Mr. Conroy stated that the condo owners are not listed as owners. Atty. Alphen stated that in the Master Deed Mr. Marini doesn't need to do that as he has control over that property. Mr. Conroy stated they would need to sign it but didn't. Atty. Alphen stated it is a modification to the land that Mr. Marini owns. Mr. Conroy stated you are either an owner or an abutter. Atty. Alphen stated the Master Deed controls ownership and it expires in 2040. Mr. Conroy stated we have nothing to that effect. Atty. Alphen stated he will submit the Master Deed. He thinks we can continue tonight as ownership rights are not necessarily the purview of the Planning Board. Mr. Conroy stated the application says "applicant/owner". He stated we will hear from the applicant and read the comments. He informed the public they will be able to speak after the presentation.

Mr. Conroy read the public hearing notice for the special permit and site plan approval. Atty. Alphen stated they were here previously here to find out if whether or not what is being proposed is either a major or minor modification. It was determined by the board to be a major modification. He stated the purpose of doing this is to allow the building of a single family residence. They need to meet with the town engineer. Mr. Conroy stated that nothing where the abutters live will change. Mr. Glossa, Glossa Engineering, stated he will explain the changes to the site plan and how they will still meet zoning. He stated this property is next to Dunkin Donuts. He stated that none of the parking or building will change. This property has two different zones, Residence B in the back and Business in the front. The RB zone requires 125' of frontage on a public street and a 15,000 s.f. lot. The lot being proposed is 17,000 +/- s.f. They also meet the setback requirements and parking is not changing.

Mr. Conroy read comments from the Board of Health, Town Engineer and Sewer and Water. Mr. Glossa stated the existing building is connected to sewer. Mr. Conroy stated they need to meet with the town engineer.

Ms. Abate asked how deep is the area you are taking? People are trusting and the way this was handled is wrong. Mr. Conroy stated we will await the Master Deed. Mr. Czachorowski asked if this is something the condo owners

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need to agree with. Atty. Alphen stated the deed says his client could take the property. Ms. Khatib questioned five condos and Atty. Alphen stated yes. She stated that site plan and special permit modifications are just adjusting the zoning and Atty. Alphen stated yes. Ms. Khatib stated the DIS asked for a description and the applicant said see attached. She asked where is it. Atty. Alphen stated they filled out the application as if it was a site plan but what it really is would be a modification. Ms. Khatib thought there would be something attached and Atty Alphen stated there were four pages dated March 25, 2021 attached. Mr. Conroy questioned why there is only a 21.5' buffer when more is required. There needs to be 26' more and that needs to be shown on the plan. Mr. Czachorowski asked if anyone is taking care of that lot. Atty. Alphen stated no and it is not being used by the condo association.

Ina Pierce, Condo owner asked where he is going to cut into the property and will the fence be moved. Mr. Glossa stated it will change about five feet out from the building.

Lynne Vendetti, 18 Marion Street stated she talked with John Marini and his real estate agent. They have a bamboo plant grow wild. The way to get rid of it is to dig them up. John said he would come do that, but someone came and only cut it and it spread more. It is now invading her property and also a nearby yard is being affected. He did plant two species, but the bamboo is killing those trees. She doesn't believe anything he says.

Kathy Rigby, Apartment B stated she is on the second floor and all her windows face the vacant lot so everything will be seen from her condo. She had asked if that lot was buildable when she purchased her condo and was assured it was not. She never received a Master Deed when she bought it, but after many requests was given one in February. She is the treasurer for the Homeowners' Association. She asked why this was written into the deed but never told to her. It seems shady.

Mr. Conroy stated the 26' starts at the fence. You can't use what is behind the condo as a buffer, so you will need 21.5' plus 26'. A buffer shall be undisturbed and it will be behind what is there.

Mr. Conroy stated he will continue this after he opens the Marion Street Definitive Hearing.

8:40 p.m. Marini, Definitive Subdivision located off Marion Street: Mr. Conroy read the public hearing notice. The applicant was represented by Atty. Chris Alphen and John Glossa, Glossa Engineering. Mr. Conroy stated there were no green cards in the file so this will need to be readvertised.

Mr. Conroy moved to accept an extension of time up to and including September 30, 2021 for the subdivision application as granted by Atty. Chris Alphen. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Conroy moved to accept an extension of time up to and including September 30, 2021 for the site plan application, Case No. 21-02 as granted by Atty. Chris Alphen. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Conroy moved to accept an extension of time up to and including September 30, 2021 for the special permit application, Case No. 21-03 as granted by Atty. Chris Alphen. Motion seconded by Ms. Abate and voted 5-0-0.

Atty. Alphen asked to withdraw the subdivision application without prejudice and will refile. Mr. Conroy moved to allow the applicant to withdraw the subdivision application for the property located off Marion Street as requested by their attorney, Christopher Alphen. Motion seconded by Mr. O'Leary and voted 5-0-0.

Mr. Conroy continued the Special Permit hearing to September 16, 2021 at 7:15 p.m. Mr. Conroy continued the Site Plan hearing to September 16, 2021 at 7:16 p.m.

Tall Pine, Saboites Way: Mr. Conroy asked that Mr. Balduf, Town Engineer, to review this before the board takes any action.

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Draft Fall Town Meeting Article: Ms. Abate read the article as proposed. Mr. Czachorowski questioned the joint committee with regard to the IZB. Ms. Khatib stated they did talk about the first draft and there wasn't a whole lot of appetite to adopt Ms. Abate's article. They wanted to keep going with the IZB as it wouldn't be desirable to have two separate articles brought forward. Mr. O'Leary stated this is a timing issue. He feels Ms. Abate's article should be withdrawn. Mr. Czachorowski thinks we should wait for the joint task force as it would be confusing to come up with something now. Ms. Khatib stated they just got this and feels more time is needed to review it. Mr. Conroy stated nothing has changed from before, it is just cleaned up. Ms. Khatib asked if multi-family includes mixed use. Mr. Conroy stated yes, like downtown. Mr. O'Leary read the definition of mixed use and multi-family. Ms. Khatib stated that local preference is addressed by the IZB. She appreciates Ms. Abate's work but feels we should allow the IZB committee to do its work.

Mr. Conroy moved to place Ms. Abate's article on the Fall town meeting warrant. Motion seconded by Ms. Abate and voted 3-2-0 (Czachorowski and Khatib voted against the motion).

Master Plan Discussion: Mr. Czachorowski asked to discuss the make-up of the committee. Mr. Conroy stated the Planning Board signs off on the Master Plan and Mr. Czachorowski stated we need a town appointed Steering Committee. Ms. Khatib feels there should be a diversity of opinions on the Committee.

After much discussion, Mr. Czachorowski moved that the Committee consist of 15 members: 2 Planning Board members; 1 Recreation; 1 Trails/Forest/Adams Farm; 1 Sewer & Water; 1 Interfaith member; 1 WHP; 1 Select Board; 1 ConCom; 1 School Committee; 1 Finance Committee; 1 EDC; 1 COA; 1 Business Committee person; 1 Historical Commission; 1 Community at large appointed by the Planning Board for 15 members total. There was no second to that motion.

Ms. Abate stated she thought 13 members would be better and put forth her list of 13 members. After further discussion, Mr. Czachorowski moved that the Committee consist of 13 members: 2 Planning Board members; 1 Recreation; 1 Trails/Forest Committee/Adams Farm/Conservation Committee; 1 Sewer and Water; 1 WHP; 1 Select Board; 1 School Committee; 1 EDC; 1 COA; 1 Business Committee person; 1 Historical Commission and 1 Community at Large appointed by the Planning Board. Motion seconded by Ms. Abate and voted 3-2-0 (Czachorowski and Khatib voted against the motion). It was agreed that membership should be part of their respective group and their own committee and that members should be able to speak on behalf of their group. Mr. Czachorowski feels we should sit down with the consultant.

Mr. Conroy moved to adjourn. Motion seconded by Mr. Czachorowski and voted 5-0-0. The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Catherine Turco-Abate, Clerk

Accepted 8/19/21