

## WALPOLE PLANNING BOARD MINUTES OF MARCH 1, 2018

A regular meeting of the Walpole Planning Board was held on Thursday, March 1, 2018 at 7:00 p.m. in the Town Hall Main Meeting Room. The following members were present: John Conroy, Chairman; Sarah Khatib, Clerk, Catherine Turco-Abate, Joseph Moraski, Margaret Walker, Town Engineer; and Tim Higgins, Community and Planning Director.

**Minutes:** Mr. Conroy moved to accept the minutes of February 15, 2018. Motion seconded by Mr. Moraski and voted 4-0-0.

**Pine Acres Subdivision:** Mr. Conroy moved to endorse the plans as presented as reviewed by Ms. Walker. Motion seconded by Ms. Abate and voted 4-0-0. Mr. Conroy moved to accept the Form F Covenant as reviewed by town counsel and Margaret Walker. Motion seconded by Ms. Abate and voted 4-0-0.

**ANR – Moosehill Road:** The applicant, Alfred Cabral, Jr. and Blanchette Development Corporation was represented by Atty. Joanna Hilvert, Macchi and Macchi, Norwood, MA and John Glossa, Glossa Engineering, East Walpole, MA. Atty. Hilvert stated this ANR is related to a land swap. Mr. Conroy stated that Parcel G as shown on the plan is in Sharon and he asked the zoning of that parcel. Mr. Glossa stated it is definitely residential, not a commercial zone. Atty. Hilvert stated that town counsel has reviewed this plan to confirm it is in conformity as per request from David Norton, Building Commissioner. Mr. Conroy stated that the frontage is on Johnson Drive and Mr. Glossa agreed.

Mr. Conroy moved to endorse an ANR plan entitled “Plan of Land in Walpole, MA” dated December 13, 2017 by Glossa Engineering, 46 East Street, East Walpole, MA finding Form A in order and subdivision control not required. Motion seconded by Ms. Abate and voted 4-0-0.

The name of the applicant/owner for 329 Moosehill Road is Alfred Cabral, Jr. The owner’s title to the land is derived under deed from Patricia T. Cabral, dated October 5, 2017 and recorded in Norfolk County Registry of Deeds, Book 35518, Page 100. Said property is shown as Assessors’ Map 36, Lot 78.

The name of the owner for 335 Moosehill Road is Blanchette Development Corp., 18 Taunton Street, Plainville, MA. The owner’s title to the land is derived under deed from David and Karern Marshall dated August 7, 2017 and recorded in Norfolk County Registry of Deeds, Book 35345, Page 18. Said property is shown as Assessors’ Map 36, Lot 77.

**7:18 p.m. 26 Baker Street Subdivision Continued Hearing:** Mr. Conroy opened the hearing and informed the applicant’s engineer, Sean Hardy, there were only four members tonight and they are entitled to five. Mr. Hardy stated they will go ahead tonight.

Mr. Hardy stated at the last meeting they were asked to provide a demonstration plan, which is Sheet 3. It shows a 30’ radius coming into the subdivision with a turnaround at the end, but they

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are still requesting the waiver to layout the subdivision with a 29' radius. Mr. Conroy stated the existing house will be on the new road as that will be its legal frontage. You can't have a one lot subdivision, so its access will be on the new road and all setbacks have to conform to that. It won't affect you mail wise. He asked if everything meets the setbacks with the new road and Mr. Hardy stated yes. Mr. Conroy stated there is no need to grant a waiver because you will be using the new street. You can build it with 30' roundings on both sides and the new house will meet all the setbacks on the new road. Mr. Hardy agreed. Mr. Conroy read revised comments from the Board of Health, Conservation Commission, Police and Tree Warden. He also stated we received letters from the O'Leary's and Christine Cochrane. Ms. Walker read her comments dated February 9, 2018. She stated we need recorded documents, especially with regard to drainage.

Mr. Hardy stated this new road will look like a driveway going into one house. Mr. Moraski questioned the infiltration drainage and asked if it should go around the hammerhead turnaround. Mr. Hardy stated no because of the pitch of the road. Ms. Walker agreed. Mr. Higgins recommended the board make ownership of the road a condition of approval. He stated that the O'Leary's were not happy with what he and Ms. Walker put together in response to their letters that were submitted, but he respectfully disagrees and feels they did respond adequately. He recommends that the board approve the plan as submitted and modified. Mr. Conroy asked if he had comments on the letter submitted by Christine Cochrane and Mr. Higgins stated he and Ms. Walker had comments on the development circle, frontage and waivers. In his opinion, setting precedence is not an issue. Ms. Khatib asked if the zoning circle will need to be changed to show they are using the frontage on the new road. Mr. Hardy stated he will move it down and to the right. Ms. Khatib asked if there is a moratorium on Baker Street and what will that impact be. Mr. Hardy yes there is; therefore, they will need to submit a petition the Board of Selectmen. They will do the width of the road curb to curb.

Mr. Conroy asked for comments from the public.

Robert O'Leary, Washington Street, Precinct 3 stated he is trying to follow this. He asked if the plan will be corrected to show the rear setback to the existing home at 26 Baker Street will be 30'. Mr. Conroy stated they will be flipping the frontage to the house to be on the new road. Mr. O'Leary questioned the ownership issue with regard to Lot 2. Mr. Hardy stated it will be held in joint ownership, but only one person will be responsible to maintain it. Ms. Walker asked if they will have a common deed for the driveway when the lots are deeded out. It has to show on the deeds that someone owns it. Mr. O'Leary stated there are so many questions raised and not discussed. He would like a peer review as there are so many issues going on. Mr. Conroy stated that Mr. Higgins saw nothing that was not normal or not legal. He is very comfortable with the ownership of the road and street maintenance and respectfully disagrees with the abutters.

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John O'Leary, Precinct 3 stated that according to the Planning Board regulations the applicant should locate the house on the plan. Mr. Conroy stated that is not part of subdivision control. Mr. O'Leary asked if waivers fall under site plan review and Mr. Conroy stated no. Mr. O'Leary asked which of the plans would be the official plan, the approved plan that that shows the 29' layout or the plan that shows the 30' layout. Mr. Conroy stated it will be the 30' plan and anything to do with the 29' roundings will be thrown away. Mr. O'Leary feels the plan needs more information.

Mr. Hardy asked to close the hearing. Mr. Conroy moved to close the hearing. Motion seconded by Mr. Moraski and voted 4-0-0.

Mr. Conroy moved to grant the waivers requested. Motion seconded by Mr. Moraski and voted 4-0-0.

Mr. Moraski moved to waive the traffic impact assessment, fiscal impact assessment, community impact assessment, systems impact assessment and environmental impact assessment. Motion seconded by Mr. Conroy and voted 4-0-0.

Mr. Conroy stated that Sheet 4 will no longer be part of the subdivision plans. Ms. Walker recommended they leave it out or put an "X" through it. Mr. Hardy stated he will remove Sheet 4 completely and adjust the other sheet numbers.

Mr. Conroy moved that Sheet 4 will be removed and the layout of all the other sheets will be changed to reflect that removal. The deed to Lot 2 will reflect that the owner of Lot 2 will be responsible for the maintenance of the roadway. The circle will be moved to show where it will be on the new street. There will be a separate deed naming both parties as owners. There will be a waiver from the Development Impact Statement. Motion seconded by Mr. Moraski and voted 4-0-0.

Mr. Conroy moved to approve the definitive subdivision plan with the latest revisions subject to the board's standard conditions and any special conditions discussed. Motion seconded by Mr. Moraski and voted 4-0-0.

### **7:55 p.m. 255 Union Street Continued Hearing for Site Plan Approval, Case No. 17-5:**

The applicant was represented by Dan Merrikin, Merrikin Engineering, Millis, MA. Mr. Conroy read comments from David Norton and from the town boards and committee with regard to the revised plans. Ms. Khatib questioned the lighting in the parking lot and between the buildings. Mr. Merrikin stated this is a residential application, but they will add some lighting, but not commercial grade lighting. It may be like lamp post lights. Ms. Khatib asked if he will be a note on the plan to show there is a "no parking" sign on the existing driveway and Mr. Merrikin stated they will do that as per recommendation of the Deputy Fire Chief, Paul Barry.

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Mr. Moraski asked if they are still before the Zoning Board and Mr. Merrikin stated they have an approval from the Conservation Commission and also from the Zoning Board, but no actual decision has been filed yet. Mr. Merrikin asked to close the hearing. Mr. Conroy moved to close the hearing. Motion seconded by Mr. Moraski and voted 4-0-0.

Mr. Moraski moved to grant a waiver from the Development Impact Statement, Environmental Impact Assessment, Systems Impact Assessment, Fiscal Impact Assessment and Community Impact Assessment. Motion seconded by Mr. Conroy and voted 4-0-0. Mr. Conroy moved to grant site plan approval subject to the board's standard conditions and one special condition stating the path way will be lit. Motion seconded by Mr. Moraski and voted 4-0-0.

**8:07 p.m. Nichols Pond Lane Subdivision Continued Hearing:** The applicant, David Wakefield, was represented by Rob Truax, GLM Engineering, Holliston, MA. He stated that Mr. Wakefield would like to continue tonight's hearing without testimony in order to have a five member board. He also granted the board an extension of time on which to take action up to and including April 30, 2018.

Mr. Conroy moved to accept an extension of time up to and including April 30, 2018. Motion seconded by Mr. Moraski and voted 4-0-0. Mr. Conroy continued this hearing without testimony to April 5, 2018 at 7:30 p.m. as requested.

Mr. Conroy moved to adjourn. Motion seconded by Mr. Moraski and voted 4-0-0. The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Sarah Khatib, Clerk

Accepted 3/15/18