

WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 18, 2021

A regular meeting of the Town of Walpole Planning Board was held on Thursday, November 18, 2021 at 7:00 p.m. in the Main Meeting in Town Hall. The following members were present: John Conroy, Chair; John O'Leary, Vice Chair; Catherine Turco-Abate, Clerk (7:50 p.m.); Philip Czachorowski, Sarah Khatib, and Carl Balduf, Town Engineer.

Alsarabi Estates: Mr. Conroy moved to accept the Private Way Covenant as presented. Motion seconded by Ms. Khatib and voted 4-0-0.

Mr. Conroy moved to accept the Mutual Maintenance Agreement as presented. Motion seconded by Mr. Czachorowski and voted 4-0-0.

Mr. Conroy moved to accept the Form F Covenant as presented. Motion seconded by Mr. Czachorowski and voted 4-0-0.

Mr. Conroy moved to endorse the Alsarabi Estates mylars with the latest revision date of October 20, 2021 as per recommendation of Carl Balduf, Town Engineer. Motion seconded by Mr. O'Leary and voted 4-0-0.

New World Estates Subdivision: Atty. Philip Macchi had submitted mylars to be endorsed; however, as he cannot provide the Form F Covenant yet, he has asked that time frame for endorsement be extended for sixty days. Mr. Conroy moved to extend the timeframe for endorsement of the New World Estates subdivision up to and including January 31, 2022. Motion seconded by Mr. O'Leary and voted 4-0-0.

Roscommon Subdivision bond reduction: Mr. Conroy asked if Gigi's Way is ready and Mr. Balduf stated he doesn't know. Mr. Conroy asked if the horse paddock is up and Mr. Balduf stated no. Mr. Conroy stated the board will not entertain a bond reduction until we are provided an update on the status of this subdivision, including Gigi's Way.

7:15 p.m. Hash Brown Holdings Continued Site Plan Approval hearing, #21-05 and Continued Special Permit hearing, #21-06, 272-274 South Street: Mr. Conroy informed the applicant's engineer that there was only a four member board present tonight. Mr. Truax, on behalf of the applicant, stated they will go forward. Mr. Conroy read comments from the Board of Health, Sewer and Water, Fire and Engineering. Mr. O'Leary questioned the relocation of the fence and Mr. Truax stated he will pull it back inside the layout when he replaces it. Mr. O'Leary asked if the fire department is all set and Mr. Truax stated yes. Mr. Czachorowski questioned the covers on the bins and asked that the plans be changed showing all the bins will be covered. Mr. Truax stated no because only the first one will be covered. Ms. Khatib questioned the pavement markings on the plan and Mr. Truax explained that it was on the layout sheet. Mr. Truax stated that the retaining wall could be a condition of approval as suggested by Carl Balduf and would also require a stamped plan. He will meet with the town engineer before asking for a building permit. Mr. Balduf agreed.

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There were no public comments.

The board discussed the following special conditions and stated that prior to endorsement of the plan, the following notes/corrections shall be added or made:

- Grades shall be in accordance with the approved plan
- The proposed engineered block wall shall be added to the final site plan;
- Sheet 4 of the latest plan set dated October 25, 2021 will be corrected to show the rim elevation of CB#1 changed from 190.60 to 192.0 per the Town Engineer and said error was deemed to be a scrivener's error.
- The proposed fence will be moved back off the parking lot as discussed.
- All materials to be stored on site shall be approved by the Board of Health and the Fire Department. They will be stored indoors on a concrete floor and in a separate room that will provide 110% secondary containment.
- The breakdown of outdoor storage bins for loam, mulch, compost and crushed stone shall be as discussed at the October 21, 2021 Planning Board meeting, including Sodium Chloride which will be stored in a covered bin with impervious floor.
- Lighting shall be as per the approved site plan.

Mr. Conroy moved to approve the site plan and special permit for 272-274 South Street with the board's standard conditions of approval and the above special conditions. Motion seconded by Mr. Czachorowski and voted 4-0-0.

Mr. Conroy moved to close the hearing. Motion seconded by Mr. O'Leary and voted 4-0-0.

7:27 p.m. Bristol Subdivision continued hearing: The applicant was represented by Atty. Jeffrey Tocchio, DTM, Hingham, MA. He stated they would like a further continuance. Mr. Conroy reminded him he will have to re-notice the abutters as they are beyond three continuances. Mr. Tocchio agreed. Mr. Conroy moved to continue this hearing to February 3, 2022 at 7:15 p.m. as requested. Mr. Conroy moved to accept an extension of time up to and including February 28, 2022 are requested by the applicant's attorney. Motion seconded by Mr. O'Leary and voted 4-0-0.

7:32 p.m. Bristol minor/modification determination: Atty. Jeffrey Tocchio, Gabe Crocker of Crocker Design Group, Steve Bristol and Mark Romanowicz, design engineer were present. Mr. Crocker stated that there will still be 100 single family detached houses; however they are now going to retain the house on West Street that was going to be demolished previously. They will add a garage to it and eliminate the curb cut on West Street. There will be situating units 2 and 3 toward the front (model homes) and move the club house toward the front also. This will provide a central place and eliminate people driving through. There will still be 100 units, but they will eliminate a retaining wall, redistribute the units and maintain more of the trees. It will actually look more friendly and less pervious. The houses will be looking outward rather than inward.

Mark Romanowicz stated there will be no change to the number of dwellings and the lots will remain as stand-alone lots. Also, each unit will have a private courtyard. Mr. Conroy asked for a list of

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everything that will be changed and Atty. Tocchio agreed. Mr. O'Leary stated he likes the overall concept. Mr. Czachorowski stated he would like to see all the layouts and drainage information again. He questioned House #1. Atty. Tocchio stated the house was built in the 1930's and they are going to make it look like the other houses and will do the inside totally over. Mr. Balduf stated this was peer reviewed before he was on board here and he would like it done again before they come in.

Mr. Conroy moved that the plans before us be deemed a major modification for both the site plan and special permit. Motion seconded by Mr. Czachorowski and voted 4-0-1 (Ms. Abate abstained). Atty. Tocchio stated that the special permit under Section 12 WRPOD will be the same as before. Mr. Conroy asked if they are agreeing to the same details as before like sidewalk improvements and Atty. Tocchio stated yes and are making a lot of progress at this time. Ms. Khatib asked for Eversource updates, Mr. Czachorowski asked for an update on the sidewalk that will be going to Route 1A. Mr. Conroy asked when it will be done and Steve Bristol stated early 2023.

7:56 p.m. Lincoln Estates Continued Hearing: Mr. Conroy read comments from the Board of Health, Deputy Fire Chief Paul Barry dated November 18, 2021 and the Town of Norfolk. Mr. Balduf stated he has no additional comments. Regarding the access to the Gun Club, town counsel commented that it is not up to us to resolve this as it is a civil matter, but they cannot alter it. Mr. Conroy stated the easement has to stay in place and he asked Mr. Truax, the applicant's engineer, if it is being altered. Mr. Truax state they are not proposing to do any work on that road and are not altering it. He said for the record, they are not changing the road or doing alterations. Mr. Conroy stated that everything with that easement has to stay as is. He questioned the turnaround and Mr. Truax stated that is not part of the road that goes into the site. Mr. Conroy stated it is used when there is two-way traffic. Mr. Truax doesn't agree it is part of the gravel road. Mr. Conroy stated that whatever the Gun Club has used for the last eighty years will remain as is.

Mr. Conroy read letters that were received from abutters, Kim Williams, 11 Deerfield Drive, Elizabeth Hunter, 492 Lincoln Road, Kathy McManus, 545 Lincoln Road and Patricia and Clare Michaud, 15 Deerfield Drive. Also Annie Michaud stated her letter has the same concerns as the others. She questions the berm being done while there is a natural buffer in place. Mr. Truax stated the hill will stay as it is on your side and also the tree line will stay. However, the other side will be cut down.

Mr. Conroy stated that town counsel has indicated they will have to go to the Zoning Board for anything beyond building the lots and taking out the gravel.

Attorney Almeida stated he is all set. Mr. Conroy asked for comments from the public.

Bob Robertson, VP of the Walpole Sportsmen's Club questioned the driveway and asked if they will be leaving the driveway as is and Mr. Truax stated yes. Mr. Robertson stated the turnaround gets used on a daily basis and they consider that as part of the driveway. Mr. Conroy stated it would be a prescriptive easement and has to remain like it is. Mr. Robertson said there were other plans that showed changes to the road. Mr. Conroy stated again that town counsel has said they can't change it. Mr. Robertson stated this is the first time he is hearing they are leaving this as it is.

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Ms. Eden, Lincoln Road stated she doesn't see sidewalks on the plans for Lots 1, 23 and 24. Mr. Balduf stated it is not on the plan. Ms. Eden questioned the Scenic Road filing and Mr. Conroy stated they will only have to do that if they are cutting within the town right of way. Mr. Conroy stated that right now Lots 1, 23 and 24 are all part of the subdivision and Mr. Truax agreed. Mr. Conroy stated they will need to put a sidewalk there and Mr. Balduf agreed. Mr. Truax stated he will leave that up to the board to decide. Mr. O'Leary asked if the actual roadway is on Parcel B and Mr. Balduf stated yes. Mr. Conroy stated that Parcel B is their land and if they carved it up with an ANR and give it to the town, we wouldn't be talking about this. Mr. Truax agreed.

Ms. Eden stated there are neighborhood "asks". She asked that the applicant look into sidewalks for Lincoln Road and Plain Street as they are both only 18' wide. Ms. Abate questioned if she is asking for sidewalks on Lincoln Road and Ms. Eden stated no, but if those trucks are going up and down the streets, then yes as it is a safety issue. She suggested sidewalks from the subdivision to Plain Street. She stated the neighbors feel this is a commercial mining operation and questioned the size of the berm.. Ms. Khatib stated that is difficult to answer as our plans are just to construct the roads, not the houses. Mr. Czachorowski stated we only do the infrastructure of the roads and how they change the land to actually build houses is not for us to decide. Mr. Conroy stated the applicant needs to show the Zoning Board where each house and driveway is. Ms. Eden asked how we know this will meet zoning and Mr. Conroy stated the Building Inspector will have to review this before they can have a building permit. Ms. Eden stated she thought that the houses and driveways have to be shown on the plan. Mr. Conroy stated we are approving a subdivision with multiple lots. Step 2 of the process is if they are successful, they will have to file for a special permit with the Zoning Board for each house. Ms. Eden asked if the amount of land clearing is necessary. Mr. Conroy stated the only trees coming down are what they need to remove to build the road. They are not clear cutting.

Mr. Conroy questioned the grading and asked what it is. Mr. Truax stated it is 1.5 to 2%. They came in at 7% from Deerfield, but the others are different. Mr. Balduf agrees with Mr. Truax that Deerfield sets the grade for Parsons Drive. Ms. Eden asked the hours of operation and stated that 6:45 a.m. to 8:40 a.m. are bus hours. She would like to have the start time after the bus schedule for safety reasons. They would also like less trucks like maybe half of what has been proposed. They don't want any semi trucks. She asked what will be happening at this site...are they sifting, etc. Mr. Walsh stated that some screening of the loam will be on site, scooped up and trucked away. No sifting and what is screened will be used on site. Mr. Conroy stated it cannot be screened all at once. Mr. Truax stated they cannot leave the areas bare for more than sixty days. The gravel will be taken off site to be used as bank gravel, not processed on site. Ms. Eden feels the Planning Board should deny this as it is a mining operation and it is not necessary for subdivision approval. It could be developed without such a large scale operation. Also, there plan is labeled "gravel removal operation". Anything over 100 c.y. should have a special permit from the Zoning Board.

Mike Lydon, 522 Lincoln Road supports what the vice president of the Walpole Sportsman's Club said previously. There are a lot of Amazon trucks and that turn around spot is very popular.

Scott Landry, 605 Lincoln Road feels everything will be leveled. He does not object to the houses, etc, but he does object to taking down the hilly landscape. Symphony Park has slopes and contours.

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He feels this could be reworked to fit in the neighborhood, rather than be so flat for the gravel removal.

Mark O'Molin, 263 Lincoln Road questioned the number of trucks in and out. There will be debris dropped onto the road. Mr. Balduf stated there will be daily sweeping of the road.

Bob Kennedy, 468 Lincoln Road stated this is a narrow road and thinks there should be some work done on the shoulder to make them safer. He would like to see a revised travel plan. Mr. Conroy stated they have a legal right to use the roads. Mr. Balduf stated the applicant has agreed to post a bond.

Bob Robertson, VP Walpole Sportsman's Club stated he would like to a copy of the upgraded plan. Mr. Truax agreed to make him a copy. Ms. Eden stated she has 83 signatures on a petition she is submitting to Mr. Conroy and will also email to the board's secretary.

Ms. Khatib feels it is important that we hear from the neighbors. It has been the opinion of this board that this project should go to the Zoning Board of Appeal for a Special Permit and town counsel has basically agreed with that. A lot of good points have been brought up tonight. She would ask that the applicant mitigate the large removal of gravel and asked Mr. Balduf if the Engineering Department could monitor this operation or should we have Beta help out. Mr. Czachorowski stated that Beta doesn't cover the safety on the road. He would like to ask them to do an analysis, which seems to be a big omission. Ms. Khatib agrees with town counsel that the existing gravel road should be shown. Mr. Truax stated it is shown. Mr. Czachorowski also agrees that the applicant should reduce the slope on the road to reduce the amount of gravel to be removed, similar to Symphony Park. Mr. Truax stated they did submit a plan showing all the houses and berms, but that is no longer on the plan as this board doesn't have the authority to approve that. It will not come before this board. Mr. Czachorowski stated we want to be good neighbors with Norfolk and not dump our problems onto them and is asking if the applicant would reduce the amount of gravel. Ms. Abate asked the applicant to look at the grading and feels hours of operation is a valid point. She would like to see what Luke Parlon, Police Safety Officer, has to say. Mr. O'Leary feels there is a grading issue and it could be reduced. He feels maybe we could alter the slope to reduce it. He also questioned the Scenic Road.

Mr. Truax stated they have been at this for a long time. Mr. Conroy stated we are allowed to make you go the maximum. Mr. Truax stated he has a 1% minimum and he is allowed that as well. Mr. Conroy stated they will have a no vote from him unless they can show him about the 7%. He stated that going back to town counsel's letter, they will have to re-do the plan if they touch it. Mr. Truax stated put that in the decision. Mr. Conroy stated his plans will have to be resubmitted to show that. Mr. Truax stated they can do that before next week. Mr. Conroy mentioned the roadway into the Gun Club and stated we need to get an opinion from town counsel because they cut across Lot 7 and because it takes up a big swath of the road can it be counted toward the 40,000 s.f. Atty. Almeida stated yes.

Mr. Conroy stated their extension of time runs out at the end of November. Mr. Truax requested to close the hearing. Mr. Conroy said you are not giving us an extension of time and Mr. Truax stated

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that is correct.

Mr. Conroy moved to close the hearing. Motion seconded for discussion by Ms. Khatib. She stated there are a lot of issues. Mr. Czachorowski asked if we condition an approval. Ms. Khatib stated we can't condition a whole new set of plans.

Mr. Conroy stated some of the reasons to deny this would be gravel removal; plan shows they are working in the easement which is not allowed per town counsel's opinion; plan has not been submitted in accordance with our Rules and Regulations as they have maximized the gravel showing 1-2% grades, not 7%, which doesn't protect abutting properties; sidewalks are required in the subdivision and not shown; town counsel mentioned a prescriptive easement; Deputy Fire Chief said if you touch the road going to the Gun Club, he will required it be 20' wide and the plan doesn't show that; grading, sidewalks and prescriptive easement are all board questions.

Ms. Khatib stated the purpose of our zoning, is it is for the public good and public health. A lot of questions have been raised that give this board concerns. She will vote against approving this plan for those reasons.

Mr. Conroy stated 1) the easement to the Walpole Sportsman's Club is shown on the plan as being disturbed and it can't be according to town counsel's opinion. It now violates State law; 2) the deputy fire chief has indicated that once that roadway is disturbed, he will require a 20' wide road and that is not shown; 3) the plan is not consistent with our Rules and Regulations to keep in harmony of the surrounding areas. The grading of the road is not within the normal range, as we allow up to 7% and the applicant has decided to raise it to what the Rules allow; 4) according to our Rules and Regulations, there needs to be sidewalks shown and Lots 1, 23, and 24 do not show sidewalks and the applicant did not ask for a waiver; 5) to maintain the natural environment as much as possible.

Mr. Conroy stated that if we do deny Lincoln Estates the above would be reasons for such a denial. Motion voted 5-0-0.

Mr. Conroy moved to close the hearing as per request of the applicant and also because the applicant refuses to grant the board an extension of time. Motion seconded by Mr. O'Leary and voted 5-0-0.

Mr. Conroy moved to approve a single family subdivision, knows as Lincoln Estates. Motion seconded by Ms. Khatib and voted 0-5-0. Motion did not carry and subdivision approval is denied.

Master Plan Update: Ms. Abate stated the first open forum was held on December 1 and Phil Czachorowski was voted to be chair and she is vice chair. They had about 50 people at that meeting. They are working on a conventional type survey. Mr. O'Leary asked when the next meeting will be and Mr. Czachorowski stated December 29th with just the committee.

Web Update: Mr. Czachorowski stated he met with Jim Crowley and Bob Dougan and talked about the current system. The town is presently using Open Gov and Viewpoint and we can put all our materials on the internet and the applicant can file electronically.

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Mr. Conroy stated we are under MGL and we need to do paper filings. We can do internet filings in addition to paper filings. Mr. Czachorowski stated he is trying to get hold of Westwood. He is proposing we do a trial run. Ms. Khatib stated the goal is to get it out to the public.

Mr. Conroy moved to adjourn. Motion seconded by Mr. Czachorowski and voted 5-0-0. The meeting adjourned at 9:40 p.m.

Respectfully submitted,

Catherine Turco-Abate

Accepted 1/20/22