

WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 3, 2022

A regular meeting of the Planning Board was held on Thursday, November 3, 2022 at 7:00 p.m. in the Finance Committee Meeting Room at Town Hall. The following members were present: John Conroy, Chair; John O'Leary, Vice Chair; Catherine Turco-Abate, Clerk; Philip Czachorowski, Sarah Khatib and Carl Balduf, Town Engineer.

Mr. Conroy opened the meeting at 7:02 p.m.

Minutes: Mr. Conroy moved to accept the minutes of October 20, 2022. Motion seconded by Ms. Abate and voted 5-0-0.

Dunkin, 51 Boston Providence Highway: Mr. Conroy moved to endorse the plans for Dunkin, 51 Boston Providence Highway, Case No. 22-03 as presented by Legacy Engineering and reviewed by Mr. Balduf, Town Engineer. Motion seconded by Mr. Czachorowski and voted 5-0-0.

7:08 p.m. 24 Heidi Street Subdivision Continued Hearing: The applicant, Al Quaglieri, was represented by Atty. Lou Caccavaro, Norwood, MA. The board gave Atty. Caccavaro a copy of an email dated October 28, 2022 received from our Town Counsel, Jonathan Eichman, KP Law, Boston, MA in response to questions regarding Heidi Street sent to him on October 3, 2022. Mr. Conroy asked Atty. Caccavaro to review the email and we will have any questions he may have answered by town counsel. Ms. Khatib stated that town counsel wanted a title search and Mr. Conroy stated that Atty. Caccavaro has already done that. Atty. Caccavaro stated there are no mortgages or encumbrances of record. Ms. Khatib stated she would like to see the engineering once this is reviewed.

Mr. Conroy moved to accept an extension up to and including January 31, 2023 as granted by Atty. Caccavaro. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Conroy continued this hearing to January 5, 2023 at 7:10 p.m. as requested.

7:20 p.m. East Walpole Clocktower Continued Hearing, Case No. 22-02: Mr. Conroy read a letter from Dan Merrikin, Legacy Engineering requesting tonight's hearing be continued without testimony and also granted the board an extension of time on which to take action. Mr. Conroy moved to accept an extension of time up to and including December 30, 2022 as per the applicant's engineer, Dan Merrikin. Motion seconded by Mr. O'Leary and voted 5-0-0. Mr. Conroy continued this hearing to December 1, 2022 at 7:05 p.m.

7:23 p.m. Warwick Road Two-Lot Subdivision: Before the hearing was opened, Ms. Abate stated there were two address cards missing. Mr. Petrozzi stated he will leave and go get them. Mr. Conroy put this hearing on hold until Mr. Petrozzi's return.

7:30 p.m. 931 Main Street, Case No. 22-04 Site Plan Approval: Mr. Conroy read the public hearing notice. The applicant was represented by Atty. Philip Macchi, Norwood, MA; Atty. Jay Lee, Norwood, MA and Dan Merrikin, Legacy Engineering, Millis, MA.

Atty. Macchi stated the locus in question falls completely within the CBD and the prior use was the Santander Bank which closed in 2021. They are proposing to demolish the existing building and access drive to allow for the construction of a three-story mixed use building, which will utilize 10,530 sf of gross floor area plus a new paved parking area, landscaping, storm water management and associate utilities. There will be a considerable amount of parking underneath the building.

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Atty. Macchi stated the proposed seventeen parking spaces will be sufficient. They are seeking one commercial unit on the first floor and one commercial unit on the second floor along with nine (9) 650 s.f. one bedroom units.

Dan Merrikin, Legacy Engineering, stated this property is approximately $\frac{1}{4}$ acre and is located at the intersection of East and Main Streets. They will be demolishing everything that is presently on site. He stated the proposed building will be three stories with commercial on the first and second floor. The nine apartments will each have a small balcony. They have worked with the fire department on this proposal. Parking will be angled and the standard aisle will be 20' per the fire department for access. They will bring in new water services and add drainage to the site. There is no storm water management on site now so they will be bringing it up to today's standards.

Mr. Conroy read comments from the Fire Department, Board of Health and Mr. Balduf addressed his comments. He stated this is a developed site and they will not be changing much including the grade. They will be improving the drainage. He feels this is a good plan.

Ms. Khatib asked if there was any discussion with adjacent owners on making this a multi-family project and Mr. Merrikin stated they are not interested in doing that. Ms. Khatib questioned the culvert and its history. Mr. Balduf stated the Allen Dam is owned by the town and provides flood protection for the town. He doesn't think it is an Army Corp. easement as it belongs to the town; however, he has no concerns.

Ms. Khatib mentioned that Mr. Merrikin had stated this building complies with the bylaw and she questioned how they came up with that. Mr. Merrikin stated that all the calculations were done by Kevin Uniacke and he will provide a letter to the board. Atty. Macchi stated that the residential portion is 3-1/2 times the commercial. Ms. Khatib stated she would be okay with taking away the second floor commercial space and making it a two-bedroom affordable housing unit. Mr. Merrikin stated that can't be done as it would not conform to zoning. Ms. Khatib asked them to revisit the exits. She also questioned the removal of a parking space. Mr. Merrikin stated he will work this out with the town engineer. He can remove it or change it if that is what the board wants. Mr. Merrikin stated they will need an opinion from the board because it will affect their proposed number of parking spaces. Atty. Macchi stated they continued the hearing with the ZBA last night because of the parking space questions. Ms. Khatib asked if there will be a designated space for delivery trucks. Mr. Merrikin stated no, but there will be room on site. Ms. Khatib asked if should be labeled and Mr. Merrikin stated they can if that's what board wants. Ms. Khatib stated that the deputy fire chief mentioned a fire lane that he would like. Mr. Merrikin stated that he had asked that the main driveway be a fire lane and also to be changed from 16' to 20'. Ms. Khatib questioned the stop sign. Mr. Merrikin pointed out the stop sign shown on the plan and also a "do not enter" sign. Ms. Khatib stated she would like a special condition addressing snow removal and also a request to add the details for the proposed signage on the site plan. Mr. Merrikin agreed. Mr. Uniacke stated this will be nice when done. Ms. Khatib asked if there are steps on the Main Street side and Mr. Merrikin stated there will be steps in the front going down to the sidewalk. Ms. Khatib asked that he label the width of the interior sidewalk. Mr. Czachorowski feels this is a nice addition to the center of town and having more affordable housing is good. Mr. Merrikin stated he will label the one apartment that is not already labeled on the plan.

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Mr. Czachorowski questioned the sidewalk and stated that at one point the building is only 4' from the property line. Mr. Merrikin stated the sidewalk pretty much follows the property line. It does extend out 5-6 feet, which is shown now as green space but will make it hardscape if that is what the board wants. Mr. Czachorowski stated he would be in favor of that. He also questioned snow removal. Ms. Abate stated she likes the plan presented. She likes the traffic flow the way it is now and doesn't think cars should exit out onto East Street as that will be looking for trouble. They could possibly have specific hours for no left turn during certain hours. She feels there could be issues if it is changed now. Mr. O'Leary feels the reversal of direction makes more sense. Mr. Merrikin stated he has found that people like the new buildings to be stepped back from the street to create the look of more space. Mr. O'Leary stated he is not sure if that would be a safety issue and would like to see the calculations on how the commercial square footage was arrived at. He doesn't like any commercial on the second floor and feels that goes against the zoning bylaw. Mr. Merrikin stated he will provide those calculations. Mr. O'Leary asked how the height of the building compares with the buildings around it. Mr. Merrikin stated that the Conrad's building is low. Mr. Uniacke stated this is comparable to the other buildings nearby. Mr. Conroy feels the exit should be reversed from what is being shown now as this is a tough spot for walkers and cars nosing out. He would also like the one parking space removed. Mr. Merrikin stated if they flip it that issue goes away. Mr. Conroy agrees that the second floor is residential and has an issue with the way this was advertised as the notice didn't mention first and second floor being commercial. He asked for an explanation.

Atty. Macchi stated that the CBD allows commercial on any floor and therefore this is allowed by right. He will prepare a memo and visit the Building Inspector and get something in writing to defend this position. Mr. Merrikin stated he will meet with Mr. Balduf.

There were no public comments. Mr. Merrikin asked to continue to January 5th and granted an extension of time up to and including January 31, 2023. Mr. Conroy moved to accept the extension of time and Mr. O'Leary seconded that motion. Motion voted 5-0-0. Mr. Conroy continued this hearing to January 5, 2023 at 7:15 p.m.

High Plain Holdings, 173 High Plain Street, #22-01: Mr. Conroy moved to endorse the site plan as presented and as reviewed by Mr. Balduf. Motion seconded by Ms. Abate and voted 5-0-0.

Pine Acres Subdivision re: Request for Final Bond Release: Megan Morash, 8 Portland Way questioned the street trees and asked how many would be planted. Mr. Balduf stated the trees will be planted every 50' and they will try and keep them away from sewer and water services. The tree warden will be marking them out. Ms. Morash stated that some of the things that the builder has done are of poor quality. Mr. Conroy stated that any issues on the lot would be between her and the builder. Ms. Morash stated there has been a huge and complete lack of communication between them and the builder which is a major problem. Things are of poor quality and below standards; i.e., seeding, sidewalks, construction vehicle tracks on the sidewalk, paint all over the place, rocks and big boulders have been pushed back into the fields and not removed and the overall time line for completion. This development is going on five years. She asked how they can hold him accountable and how do they keep an open mind. They love where they live but don't feel they are being represented. She doesn't understand the expectations and feels there is no progress whatsoever. Mr. Conroy feels we have been very responsive to her and the neighbors and we still have his money.

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He needs to get going because he didn't do it in the Fall when he should have. The residents on the street hold the cards on street trees. He has to provide them, but you would have to give him permission to put the trees on your property.

Tan Liang, 6 Portland Way stated there are still gaping holes at the bounds, even though they did just fill them in. Mr. Conroy stated it should have been filled in better, so Mr. Verderber will have to re-do that again. Ms. Morash stated he will probably just fill it in with concrete. Mr. Conroy stated he will have to fix this. Ms. Khatib stated we will have someone from the town do a check to see what is done. Ms. Liang questioned the second light pole. Also, the developer is throwing metal and debris into a ditch and it looks horrible. Mr. Conroy stated he has to do what is on the plan. Ms. Morash stated she is concerned with amount of dirt that gets put onto the street. Also, what is the time line for the paving of his own driveway. Mr. Conroy stated that both the Board of Health and the Conservation Commission is involved with this project. Ms. Liang questioned the plowing. Mr. Conroy stated you will be plowed out by the town for safety reasons. Mr. Morash questioned Mr. Verderber asking for a bond reduction and then not showing up. They are tired of coming to meetings. He just doesn't show.

Mr. Conroy stated that with regard to street trees, you either want them or you don't. If he wants to be finished, he needs to do it. If he doesn't do the trees, the value of those street trees will be put somewhere else.

Ms. Khatib read the requirements from the Board's Rules and Regulations, Section V-12. Mr. Conroy stated the neighbors get to pick where they want the trees put on their property. Ms. Morash questioned the fee in the roads. Mr. Conroy stated it is a way of conveying lots. It won't affect anything. Mr. Verderber will ask the neighbors to sign it and then bring it to the Board.

Mr. Conroy moved to accept an extension of time up to and including February 15, 2023. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Conroy continued this hearing to February 15, 2023.

Roscommon Bond: Mr. Conroy read a letter dated November 3, 2022 from Eric Dias requesting to continue this hearing. Mr. Balduf stated there are a lot of outstanding maintenance items. Mr. Conroy asked that we inquire when they are going to be ready to move forward. We will add them to the next agenda after we hear from them.

9:15 p.m. Off Warwick Road Definitive Subdivision continued from 7:23 p.m. tonight: Mr. Conroy opened the hearing and read the public hearing notice. Ms. Abate stated the green cards are all set. Mr. Petrozzi represented himself. He stated this is a two-lot subdivision located off Warwick Road. They have requested waivers which they will discuss at the next meeting and also they will be before the Conservation Commission in the first part of December. He received Carl Balduf's comments today. Mr. Balduf stated he is not on board with all the requested waivers. Mr. Petrozzi asked if the board wants a non-waivered plan and Mr. Conroy stated yes. Mr. Conroy asked if both the houses located on Summer Street are sewerred and Mr. Petrozzi stated one is and the other one will be.

Mr. Conroy read comments from the Walpole Fire Department and Board of Health. Mr. Balduf reviewed the Engineering comments. Mr. Balduf stated Mr. Petrozzi will request an ANR and have it recorded before the subdivision process is finished. He stated these are new ANR lots.

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Mr. Conroy questioned the sidewalk and Mr. Petrozzi pointed it out on the plan. Ms. Abate asked how a road can be half public and half private. It is the same road. That would not be logical. Why would the Board allow that? Mr. Balduf agrees with Ms. Abate. Ms. Abate stated this is extending a road that is already there, so you would need to do one thing or the other. Mr. Balduf stated that it would call for another street name and also it would be a private way.

Mr. O'Leary questioned the waiver requests. Ms. Abate asked where the pavement stops now. Mr. Petrozzi showed her on the plan. Ms. Abate wants to see the non-waiver plan. Mr. Czachorowski stated he would like to see the waivers listed on Page 1 of the plan. Mr. Balduf stated the Conservation Commission is going to review this soon. Mr. Czachorowski asked if the completion of the road would be a condition of approval. Mr. Balduf stated it should be. Mr. Conroy stated we can't bind another board. We can only indicate it has to be done. Mr. Czachorowski stated he will wait to discuss Sheet 4 when the engineer, Rob Truax, is present. He also questioned what needs to be discussed with the Fire Department. Ms. Khatib would like the waivers added to the cover sheet and the DIS. She stated that this location is in Area 4 of the WRPOD. Ms. Khatib questioned whether or not ANR's will be done and also questioned the comments provided by the Deputy Fire Chief as he hasn't seen the complete full plan. She asked the size of the cul-de-sac being requested. Mr. Balduf stated it is 82' instead of 88', so it is a little smaller than the standard cul-de-sac. Mr. Petrozzi stated the length of the road will be less than 500'. Ms. Khatib asked that it be shown on the plan and Mr. Petrozzi stated it is. Mr. Balduf stated it will be 387'. Ms. Khatib stated she would also like the sidewalk shown on the plan along with the date of the wetlands delineation. Mr. Petrozzi agreed. Ms. Khatib stated she is interested in hearing from the Conservation Commission regarding passage over the stream. She also requested a non-waiver plan showing the sidewalk, street trees, etc. and also Planning Board signature blocks added to the plan sheets. Mr. Petrozzi agreed. Ms. Khatib asked if Mr. Petrozzi about adding sewer to the people that live on Summer Street and what will it cost those people. Mr. Petrozzi stated he doesn't know. Ms. Khatib stated she doesn't want to throw this expense onto these people.

Mr. Conroy stated that the new Warwick Road Extension plan would need to be filed with the Conservation Commission and Mr. Balduf agreed. Mr. Conroy asked if this is an accepted street and Mr. Balduf stated yes. Mr. Conroy stated we have no say on what is acceptable to the other boards. Mr. Petrozzi stated the Conservation Commission has their own jurisdiction, as does the Board of Health and the Planning Board. Mr. Conroy stated it is up to Mr. Petrozzi to balance this out; however, he does need a waived plan and Ms. Khatib agreed.

Steve Kelly, 7 Wall Street stated he is on the corner of Warwick and Wall Street and is questioning the existing stream that runs through there. He asked if they will need to make another stream while they build a culvert. Mr. Balduf stated they can do many things, but they will not block anything. Mr. Conroy stated this should be shown on the plan. Mr. Petrozzi stated he is meeting with the Conservation Commission on December 14th. Mr. Kelly asked if there will be a time limit on this. Mr. Conroy stated the statute states there is a two-year time frame for a subdivision. Mr. Petrozzi stated he would like to do this all at once. Also, there are no gas lines proposed in this area.

Another abutter stated there is a huge water issue specifically in the Spring and Summer months. The water run off since Comstock Way was built is huge. He asked where is the construction access. Mr. Petrozzi showed him on the plan. The abutter stated there is a big berm where the stream us.

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He would also like the sidewalks put in as there are a lot of kids here. Mr. Balduf stated there is no culvert there now. Mr. Petrozzi stated he will put in the culvert first.

There were no further questions. Mr. Petrozzi granted the board an extension of time of which to take action up to and including January 31, 2023. Mr. Conroy moved to accept the extension of time. Motion seconded by Mr. O'Leary and voted 5-0-0. Mr. Conroy continued this hearing to January 5, 2023 at 7:20 p.m.

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

Respectfully submitted,

Catherine Turco-Abate, Clerk

ACCEPTED 1/5/23