

## WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 4, 2021

A regular meeting of the Walpole Planning Board was held on Thursday, November 4, 2021 at 7:00 p.m. in the Town Hall Main Meeting Room. The following members were present: John Conroy, Chair; John O'Leary, Vice Chair; Catherine Turco-Abate, Clerk; Sarah Khatib, and Christopher Johnson, Assistant Town Engineer.

Mr. Conroy opened the meeting at 7:01 p.m.

**Minutes:** Mr. Conroy moved to accept the minutes of October 18, 2021. Motion seconded by Mr. O'Leary and voted 4-0-0.

**Rolls Royce, 110 Norfolk Street Extension:** Mr. Conroy moved to grant an extension of time as requested by the applicant's attorney, Philip Macchi, 1256 Washington Street, Norwood, MA up to and including January 3, 2023. Motion seconded by Ms. Khatib and voted 4-0-0.

**Tall Pines Subdivision:** Mr. Conroy read comments received from Carl Balduf, Town Engineer regarding the town pulling the bond on this subdivision. He asked that a letter be sent to Jonathan Eichman, town counsel, informing him that the board is all set with the draft he submitted and how do we proceed from here.

**54 Peach Street:** Chris Johnson stated there is still some work to be done on this subdivision.

**ANR – Gomes, 93/97 South Street:** Mr. Conroy moved to endorse and ANR plan of land as prepared 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. Said plan is entitled “#93 & #97 South Street Plan of Land in Walpole, MA” dated October 14, 2021. Said owner/applicant of 93 South Street is Mario Gomes, 400 East Street, Walpole, MA and the owner of 97 South Street is Mario Gomes, 32 Sumner Street, Norwood, MA. Said property is shown as Map 33, Lot 169 (93 South Street), Book 39878, Page 114 and Map 33 Lot 167 (97 South Street), Book 36028, Page 45, Zoning District GR.

Planning Board endorsement is not a determination as to conformance with zoning regulations or that the lots as shown on the plan are buildable lots.

**Bristol Subdivision Continued Hearing:** Mr. Conroy continued this hearing without testimony to November 18, 2021 at 7:15 p.m. as requested by the applicant's attorney. Ms. Khatib asked that the applicant be required to readvertise and renote the subdivision hearing before moving forward with the actual continued hearing.

**Garden Path Estates, 6 lot subdivision, 585 Washington Street:** Mr. Conroy read the public hearing notice and noted that the address of the subdivision is incorrect in one place on the notice. It showed 585 Main Street, instead of 585 Washington Street. The applicant's engineer, Daniel Merrikin, asked that this be continued to December 2, 2021 and readvertised with the correct address. Mr. Conroy continued this hearing to December 2, 2021 at 7:30 p.m. Mr. Merrikin will renote the abutters.

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**7:23 p.m. Lincoln Estates Continued Hearing:** The applicant was represented by Atty. Brian Almeida, Main Street, Walpole, MA and Rob Truax, GLM Engineering, Holliston, MA. Mr. Conroy read comments that were received from Patrick Deschenes, Community Development Director, two letters from the Board of Health dated October 6, 2021 and November 1, 2021, and a letter from the Sewer and Water Commission referencing their original vote taken back in February 2021. Mr. Conroy also read comments that were submitted from Engineering.

Mr. Truax stated they are not proposing to modify the road that leads to the Gun Club. Mr. Conroy asked if the road is staying the way it is now and Mr. Truax stated yes, they are not changing anything. Mr. Conroy read an email from town counsel, Jonathan Eichman dated November 3, 2021 in response to an email sent by Jack Conroy also on November 3, 2021. Town counsel's opinion outlined the process with regard to gravel removal and what would need to be done if the gravel removal will alter what is depicted for site preparation and construction on the approved subdivision plan. Mr. Truax stated they will make a decision as to when and if they will go to the Zoning Board for that permit. He stated they can build this out with the hill and come back in two or three years to modify the plan. Mr. Conroy stated they can build the roads and not build the houses.

Mr. Conroy read Mr. Balduf's comments dated November 1, 2021. He asked Mr. Truax about approval from the post office regarding mailboxes and Mr. Truax stated he hasn't talked to the postmaster yet. He stated since the last meeting they have provided a 46' easement up to the property line of the Walpole Sportsmen's Club. They did label the 15' wide drainage easements and put in a gravel removal plan toward Norfolk. They would like the board to release Parcel A as shown on the plan if an agreement is reached so they can deed it out. Mr. Conroy asked if the issues with the Gun Club have been resolved. Atty. Almeida stated they don't want to talk about that tonight. Mr. Conroy stated an appeal would hold them up for a long time and Atty. Almeida stated he knows that.

Mark Robinson, VP Sportsmen's Club, 499 Lincoln Road stated they are working with them, but as yet they have not come to an agreement with them. He questioned the letter from the Deputy Fire Chief and the reference to one way in and one way out as the new plan doesn't show that. That would be a significant modification and it is a concern of theirs.

John O'Leary questioned the gravel removal operation. He stated there appears to be four options, but they are all mixed together. John Walsh stated that one route is through Walpole Center. An abutter stated he doesn't feel they can get the trucks under the bridges in Walpole. Mr. Truax stated they will not be going under any of the bridges. Mr. O'Leary feels the first option regarding a left hand turn should be removed and Mr. Truax agreed. Ms. Abate feels we are waiting on a lot of information, including the fire department and Board of Health. Ms. Khatib would like an update on the easement and feels the access road was contained within Parcel A, but now there is a gravel road that will go through Lots 7 & 8. She asked if that will be a problem with the club. Mr. Truax stated they are not going to talk about that. The agreement with the Club has a lot of issues with it. Nothing is changing on the plan. Ms. Khatib stated they need Planning Board approval of the phasing. It was shown on a

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previous plan, but now it has been removed and wondered why. Mr. Truax stated it was phasing for the grading of entire site, but now they are just talking about the subdivision. Ms. Khatib questioned phasing of the lots. Mr. Truax stated it addresses how many lots can be built in a year, but it was pulled out of the plan set as nothing will be phased now. The building of the roadway will take up to two years. Ms. Khatib feels the entire issue will come down to the gravel removal. She feels this will need to go to the Zoning Board for a special permit under Section 2.7.C.2 of the Zoning Bylaw, as they are taking out a significant amount of gravel and the subdivision is secondary to that. Ms. Abate agrees with Ms. Khatib 100% and feels like something else is going on. Mr. Conroy agrees the gravel removal is referenced in our zoning bylaw. Atty. Almeida stated they are only taking out what is necessary for the road. Ms. Khatib feels the board should condition the approval to include phasing and also feels they need to do a new DIS as the one we have is based on full a build-out. Mr. Truax stated they will not submit a phasing plan now. Regarding the peer review from Beta, she would like them to do more on this. Mr. Truax asked why Beta rather than the Engineering Department. Ms. Khatib stated she is not sure that our Engineering Department has the capacity to do that properly. Mr. Truax suggested that could be a condition of approval. Ms. Khatib stated that Mr. Balduf was supportive of the whole gravel removal process being reviewed by Beta. She also feels we need to see street trees, hydrant locations, street lights and sidewalks throughout the site. Mr. Truax stated that is all shown on the plan. Ms. Khatib stated she had expected to see the easement at the end of Ava Drive as a non-buildable lot and a change in lot size in Lots 7 and 8, which was previously discussed. Also, the zoning circle for Lot 8 is going through the grading easement. Mr. Truax would like a copy of town counsel's opinion on the gravel removal.

Ms. Abate stated we need Board of Health comments, an easement issue to be figured out, and the fire department is waiting for input from the fire marshal. Mr. Truax stated the fire department comment is based on if we are modifying the roadway, but that is not changing. Ms. Abate feels the big issue is an agreement with the Gun Club. Mr. Truax stated that will probably not happen. It is a private matter and the board can't hold up the subdivision process over that because it is a private matter. Ms. Abate stated we have a responsibility to do what is correct and not look the other way. Mr. Truax stated this will probably not be resolved before the Planning Board makes a decision. Atty. Almeida agrees with Mr. Truax. Ms. Abate stated it is not a risk factor, but rather it is an ethical issue. Atty. Almeida stated there is an access with an easement through the cul-de-sac. Mr. Conroy read a letter dated November 4, 2021 from Deputy Fire Chief Paul Barry which states if they touch one spoonful of dirt, the existing roadway will have to go to 20' in width. Atty. Almeida stated they are willing to widen the roadway as per a discussion with the Gun Club.

Mr. Conroy asked for comments from the public.

Al Doherty, 12 Plain Street stated they were at the Conservation Commission meeting last week and he raised some major safety issues. At that time, he was told that Plain Street was off the table and the trucks would be going down toward Norfolk, but tonight there were four options presented and three of them will affect Plain Street. A good part of his street is only 18' wide. People and kids will not be able

to walk on the street. The road is actually a country road, almost like a cart path. He asked if before this project can start, will the roads be brought up to standard for the safety of the residents and the people who live on the road. Someone is going to get hurt or killed. It is the same toward Campbell Street and toward Plain Street when they turn either way leaving the subdivision. What can be put in place before this project starts as the road will fall apart with those heavy trucks. Mr. Doherty stated there is mud on Plain Street which was previously agricultural property. Mr. Conroy stated this was never under 61-A. With regard to the truck route, they can go that way legally. What happens in Norfolk doesn't concern us. They can't shut you off as it is a public street. As far as we are concerned, the route will be toward Norfolk.

An abutter questioned the topo map and asked if the road will be below grade or will it be raised up where the house lots will be. Mr. Truax stated the road will be cut in. The abutter asked if they will be excavating to put the road in and how high will the lot be. Mr. Truax stated it can be lowered. The abutter asked if someone can live on top of the hill and Mr. Truax stated that would be difficult. Ms. Khatib stated we only have the authority to approve the roads.

Eden Medaglio, 300 Lincoln Road stated she has a petition of over forty neighbors on Lincoln Road and Plain Street that are against this. There is a bus stop here. There will be dust and fumes with 80 trucks per day, every 5-6 minutes. Is this just a gravel operation if they don't build the houses. They had said they have no plan for when the houses will be going in. Lincoln Road is a scenic and historic road. With these two road cuts, what will happen to their beautiful road? What will happen to the scenic road? Mr. Conroy stated they are actually not on a scenic road as their property sits separately from Lincoln Road. Mr. Truax showed they are not changing Lincoln Road. Ms. Medaglio asked what will they be seeing and Mr. Truax stated houses. Ms. Medaglio stated but you will not be doing the houses for a while. Can it not be 80 trucks per day? What they are proposing is not acceptable. If there is a playground within a quarter mile, they need to put in sidewalks. It is extremely dangerous now. Mr. Truax stated they are putting sidewalks in the subdivision. Ms. Medaglio asked what about Plain Street. Mr. Truax stated they will be doing mitigation on Plain Street. Mr. Conroy asked if it is needed and Mr. Truax stated yes according to the town engineer. Mr. Conroy stated they will need to do something about erosion control. If they walk away and let this sit, there will be a problem. Mr. Truax stated the area will be loamed and seeded and also they did submit an erosion control plan. An abutter asked if they are clearing all the trees. If so, it will become a lumber operation. Mr. Truax stated they will haul the trees out as logs. Ms. Medaglio stated they are all extremely concerned as there are serious health concerns and enjoyment of our property. They would like measures in place to protect them, especially for the kids who live in the area and will be getting on and off busses.

Barbara McCallum, 172 Lincoln Road asked if all residents have a say in this. They have a beautiful neighborhood, but cars speed now. These houses are passed on from our parents and this will drastically impact us. She simply doesn't want it. Mr. Conroy stated you have a right to say whatever you want as this is a public hearing; however, it is their property and they have a right to develop it within the rules of the town's bylaws. The money is in the gravel. If the removal of that is legal, there is

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nothing we can do about it, but you do have the right to appeal. Ms. McCallum asked how they would do that as a group. Mr. Conroy stated you just can't say you don't like it the same as I can't say I just don't like this and vote against it.

Brenda Mosestich, 460 Lincoln Road questioned the repaving of Plain Street and asked if that will still happen if the trucks go through Norfolk. Mr. Truax stated yes. Ms. Mosestich stated after they repaved Lincoln Road they had erosion. Mr. Conroy stated she would need to address that with the town engineer.

Ms. Pottak, 8 Deerfield Drive asked if they are planning on going through Deerfield and changing it from a cul-de-sac to a through way as there is a dangerous turn at the end now. Mr. Conroy stated they are tying into the town road. She would need to take this up with Administration and the Board of Selectmen. Ms. Khatib stated they are not using it for construction vehicles according to the applicant.

Mr. Truax asked why this meeting is being continued. Mr. Conroy stated to hear from fire, health, the gun club and sewer and water. Ms. Khatib added phasing and Board of Appeals. Mr. Truax stated they have nothing to revise and bring back to the board. Mr. Conroy stated it is more like mitigation. Mr. Truax stated they can't control what is going on with the Gun Club and will not have anything before the board closes this hearing. Mr. Conroy asked if they can agree they can't shut the Gun Club off and Mr. Truax stated he can't say that.

Mr. Conroy continued this hearing to November 18, 2021 at 7:20 p.m.

**9:05 p.m. 130 West Street/Spring Street, Case #21-04 Continued Hearing:** The applicant was represented by Atty. Philip Macchi, Norwood, MA. He submitted a plan to the board with some changes. Kristin Lenhart, Hancock Court, the applicant, spoke to the board about the proposed project and stated the community is very important to her. Mr. Conroy stated that Ms. Khatib had spoken to the Building Inspector and this is an allowed use; therefore, we are here for the site plan only.

Steve Cabral, Crossman Engineering discussed the changes that were made to the original filing. They eliminated some of the patios and every unit will have outdoor space. He stated the aisles have been reconfigured and they reduced the footprint of the proposed building. They have also increased the access aisles to 24' at the intersection of Spring and West Streets. The site architect stated all doors will open on the outside of the units and there will be no doors that will open toward the back of the units. They are calling these "live-work" units. The first floor will be one third of the total square footage of the building, similar to a townhouse. There will each have a front entry door.

Mr. Conroy read comments from the Sewer and Water Commission, Board of Health, Deputy Fire Chief, Community Development Director and Engineering. Mr. Cabral stated each unit will have a basement.

Ms. Khatib stated she is happy with the pedestrian and vehicular circulation improvements, but wants to call attention to the guidelines within the CBD. Ms. Lenhart showed the board a rendering of the view along West and Spring Streets. Ms. Khatib asked if there will be any entrances on Spring and West for

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the public. The architect stated no, they are only internal entrances. Ms. Khatib asked if the wall along Spring Street is a decorative wall only and Mr. Cabral stated it will be a retaining wall. Ms. Khatib questioned the parallel parking spots and feels they could be designated as fifteen minute loading spots. She also questioned the three handicap spaces recommended by Mr. Deschenes, Community Development director. Mr. Cabral stated they are only required to provide one space. Ms. Khatib stated she will look at that again. She asked if the handicap space is van accessible and Mr. Cabral outlined the dimensions. Ms. Khatib asked that the details and signage for the handicap spot be shown on the plan. She also stated she is happy to see sidewalks both inside and outside the project and asked if the sidewalk continues in front of Units 8 and 9. Mr. Cabral stated they felt it wasn't necessary there. Ms. Khatib questioned the snow storage area and Mr. Cabral stated it will be taken off site in a major storm. Ms. Khatib asked that be a condition of approval. She asked if they are considering separating any of the business and units and Ms. Lenhart stated no. Atty. Macchi stated he has spoken with the lady at the top of the hill and they have reached an agreement, but he has nothing in writing yet. The trade off would be they would not put as much buffer in this area. Ms. Khatib asked if solid waste will be private and Mr. Cabral stated yes. Ms. Khatib questioned the lighting plan upon entering the site and Mr. Cabral stated they show the pole lights within the site but not the ones that are attached, but will do so. Mr. Macchi stated they are not abutting any residences, only the street. He asked what the board would want regarding spillage.

Ms. Abate feels Walpole is losing its small town appeal and asked if this project will have a New England feel. The architect showed the board a proposed rendering and stated they are trying to create a New England feel. Ms. Abate is concerned with the use and stated once these are sold, you can't control what will be going in. Mr. Macchi stated he is still working on the documents and they won't be finished before approval. Ms. Abate would like a deed restriction and Mr. Macchi agreed. Mr. Conroy asked if a unit owner violates any part of this, what happens. Mr. Macchi stated he thinks the individual owners would probably go after the association. Mr. O'Leary wants to be ensured that the first floor is not just a home office, but will be commercial. He also asked if there is a sidewalk on Spring Street and Mr. Macchi stated yes. Mr. O'Leary questioned the parallel parking. Mr. Conroy stated this is a way to get more housing. He likes the fact that there won't be any empty buildings. He would like downward lighting at the corner of Spring and West Streets so it just doesn't jump out. Mr. Conroy asked if the driveways will be ADA compliant and Mr. Cabral stated no and also there will be no truncated domes. Mr. Conroy asked that snow storage be added to the plan and Mr. Macchi agreed. Mr. O'Leary asked if there is any provision for buying neighboring units and combining them and Mr. Macchi stated that would be controlled by the trustees.

Mr. Conroy asked for public comments.

Mary \_\_\_\_\_, 14 Mallard questioned the parking. She doesn't feel there are enough spaces and because of that the Highland West entrance will be compromised. She feels the town needs to do more about the traffic traveling down Spring Street and the board needs to address that. The 95 West Building smokes go off now and the fire trucks block the road. She asked for a traffic impact review.

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Mr. Conroy stated that the CBD isn't required to have any parking. Mary \_\_\_\_ asked where would the parking be then and Mr. Conroy stated public lots. Regarding Highland West, they can call the cops and have the cars that shouldn't be there towed. He asked if they have stickers on their cars and Mary \_\_\_\_ stated no, but the cars do have yellow passes. She would like a blinking light and Mr. Conroy stated that would be a police matter. Ms. Khatib stated if the police wanted a flashing crosswalk light, we would do that. Mr. Conroy stated each unit has two spaces, one inside and one outside. The potential is there for 22 parking spaces, so there will be 44 total.

Steve O'Connor, 35 Clear Pond Drive feels this is a guaranteed traffic nightmare. There is no overflow parking and no viable parking with reasonable access. Traffic is getting worse and worse, both in cars and on foot. He feels a flashing light would help. He stated there are a lot of delivery trucks and Amazon trucks. Further, the sidewalk on Spring Street is in terrible disrepair. Mr. Conroy stated this was a functioning site before and he understands about the traffic. He asked how many extra spaces do they have and Mr. O'Connor stated there are quite a bit. Mary \_\_\_\_ stated people do use the overflow spaces during a storm.

Jen Healy, 23 Mallard questioned the buffer on Clear Pond Drive. Mr. Macchi stated that currently the zoning bylaw defines what requires a buffer. They have been trying to talk to someone about a berm that is deteriorating. Ms. Healy questioned the lighting and Mr. Cabral stated there will be no pole lighting. Ms. Healy questioned deck lighting and the architect stated all of that will be on top of the garages. Ms. Healy stated that is fine and she will reach out to a person named Karen about the berm.

Mr. Conroy moved to accept an extension up to and including December 31, 2021 as granted by the applicant's attorney. Motion seconded by Ms. Abate and voted 4-0-0.

Mr. Conroy continued this hearing to December 2, 2021 at 7:40 p.m. Mr. Macchi stated he will let the Planning Board office know if this is not going to go forward on December 2<sup>nd</sup>.

Mr. Conroy moved to adjourn. Motion seconded by Ms. Khatib and voted 4-0-0. The meeting adjourned at 10:31 p.m.

Respectfully submitted,

Catherine Turco-Abate, Clerk

Accepted 1/20/22

