

WALPOLE PLANNING BOARD MINUTES OF OCTOBER 7, 2021

A regular meeting of the Walpole Planning Board was held on Thursday, October 7, 2021 at 7:00 p.m. in the main 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 7:00 p.m.

Minutes: Mr. Conroy moved to accept the minutes of February 18, 2021. Motion seconded by Mr. Czachorowski and voted 4-0-1 (Mr. O'Leary abstained). Mr. Conroy moved to accept the minutes of September 16, 2021. Motion seconded by Mr. O'Leary and voted 4-0-1 (Mr. Czachorowski abstained).

7:02 p.m. Article 16 Public Hearing (formerly Article 17): Mr. Conroy read the public hearing notice as advertised and read comments received from the Board of Health, Town Engineer and an email from Jim Johnson, Town Administrator dated October 7, 2021 with questions from Irene Gorcyca, who lives on Winter Street and is an abutter to the fields on Main Street and a question from Mark Sullivan, a Finance Com member. There were no public comments. Mr. Conroy stated that this property is already deed restricted so this property cannot be used for anything else. Mr. Czachorowski stated there is not much difference between the Rural zone and the PSRC zone. Mr. Conroy moved for Favorable Action. Motion seconded by Ms. Abate and voted 5-0-0.

Master Plan Steering Committee Member at Large: Three letters of interest were received for the Committee Member at Large and forwarded to the Planning Board. The Board interviewed the three people, David Widnauer, Nancy Dayian and Ashley Clark. Mr. Czachorowski nominated Ms. Dayian. He stated he doesn't know Ms. Dayian but does know both Mr. Widnauer and Ms. Clark and feels it would be good to have someone new. There was no second to his motion. Mr. O'Leary nominated Ms. Clark as he feels she is very knowledgeable, professional and puts forth a lot of effort. Ms. Abate stated she will second the motion based on Ms. Clark's 40B experience. Motion voted 5-0-0.

7:20 p.m. Ironwood Neponset Solar, 455 South Street, Case No. 21-07 Site Plan Approval: Mr. Conroy read the public hearing notice. The applicant was represented by Atty. Philip Macchi, 1256 Washington Street, Norwood. Also present with him was Hamilton Carrier, the owner/applicant; Dale Matt and Greg Dixon, project engineers. Mr. Macchi stated there are three acres of land that will remain with Harwood Engineering and eventually they will prepare an ANR to separate the parcels. He stated this site was originally an old gravel pit that has not been used for years. They are proposing a driveway in to access the area, but nothing will be seen from the street. The site will not have retail traffic and there will be minimal or no signage. Mr. Macchi stated there are some wetlands on the site and they will file a NOI with the Conservation Commission. He has walked the site with the Conservation agent, Landis Hershey. He stated there will be no on site lighting, except for emergency lighting at the gate. They are not anticipating any on site traffic as there will only be three or four cars at one time about once a month, but they will make sure the fire road is maintained. All zoning requirements will be met. Mr. Macchi stated they are flattening the slopes throughout the site and it will be stabilized to the town engineer's satisfaction. Further, there will be no interference with South Street. Drainage will be more than adequate as there will be only 2.9% +/- site coverage.

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Mr. Macchi stated they did provide notice of their intent to build here to Eversource. Mr. Macchi stated they are proposing a decommissioning bond of \$197,000 but that figure can change.

Mr. Conroy stated there is nothing in this area except Harwood Engineering and PJ Hayes. He read comments from the Board of Health, Police Department, Patrick Deschenes, and Conservation Commission. Mr. Conroy asked when they are planning to go to the Conservation Commission and Atty. Macchi stated within the next 2-4 weeks. One of Mr. Deschenes' questions was if the board would be looking for the name of the installer or the name of the person who will be keeping this running on the plans. Mr. Macchi stated he will go and discuss this with Mr. Deschenes.

Mr. Conroy questioned the 7' fence as only 6' is allowed. Mr. Macchi stated 6' is the maximum height of a privacy fence, but the electrical code allows for a 7' fence for a business like this. He also stated they will not need an easement agreement from anyone as they will be filing an ANR plan. Mr. Conroy stated we need to hear from the Sewer and Water Commission. Mr. Balduf discussed his comments. Ms. Khatib stated we need to hear from the fire department and also asked that the cover sheet on the plan show all the information in accordance with Section 13 of the Zoning Bylaw. Ms. Khatib stated we need information from the deputy fire chief regarding a fire lane. She also stated that she has questions regarding pavement, signage, width of the pavement, the dimensions of the turnaround, and a list of the chemicals expected to be stored on site due to the fact that this is in the WRPOD. Mr. Dixon explained what they will have on site and stated the list is part of the drainage report. Mr. Balduf asked that this list be added to the site plan. Ms. Khatib asked for a snow removal plans due to this site being in the WRPOD. Mr. Macchi agreed. Ms. Khatib asked if they are expecting a letter from Eversource and Hamilton Carrier stated yes. Mr. Czachorowski read a portion of Sections 13 and 15 of the Zoning Bylaw with regard to input from Eversource. Mr. Macchi agrees that a letter needs to be received from Eversource before they start building anything, which he will request after this is approved. Mr. Czachorowski asked that the letter be on Eversource letterhead. Ms. Khatib asked if they are proposing solid waste containers and Mr. Carrier stated no. Ms. Khatib asked if the existing building has parking and Mr. Carrier stated yes. Ms. Khatib asked that it be added to the plan. She also questioned an access road and stated we will leave that up to the deputy fire chief. Mr. Macchi stated nothing can change because of the wetlands. Mr. Dixon stated there is another road over the property in case of an emergency. Ms. Khatib questioned the lighting as the handout from Mr. Macchi stated there could possibly be lighting. Mr. Macchi stated there will only be lighting if the board wants it.

Mr. Czachorowski stated that Plan Sheet 1.03 questions the removal of the gravel. Mr. Dixon stated they don't want to take out any more gravel than they have to. Water will continue to shed to the south, as they are only taking out the steep grades. Approximately 65,000 cubic yards will be removed and they will use it to fill in other areas that may need to be filled. They are planning on a 3-1 slope. Mr. Czachorowski asked if there will be a road around the perimeter and Mr. Dixon stated they don't need it for this project as there is room for a car to drive around it; however, they will have this discussion with the fire department to see if what is there is adequate. The soil is a sandy mix and will maintain the weight of a car. They will have a structural engineer do tests to make sure this is safe. Mr. Czachorowski questioned the use of a battery emergency storage system and Mr. Dixon stated it will charge during the day and can be used when there is no sun. He explained the process to the board.

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He is not sure if the fire department will have the ability to shut this down. Ms. Abate feels we need fire access in case someone gets hurt. She asked if the panels can burn. Mr. Dixon stated no. Mr. Matt stated that typically it is not the project itself that burns. Ms. Abate asked if the meadow will be maintained and also questioned what is an agricultural fence. Mr. Dixon stated they are used typically around cow pastures and are a 6"x6" mesh. Ms. Abate also questioned the decommissioning bond. Mr. Carrier and Mr. Matt explained it and stated it is done to protect municipalities. Mr. O'Leary asked if there will be any buildings or structures and Mr. Dixon stated no there won't be. Mr. O'Leary stated it will basically be a rectangular box and Mr. Dixon stated no it will be a concrete slab with equipment on it. Mr. O'Leary questioned the people who will be checking on this once a month and Mr. Dixon stated it will be done remotely. There will be mowing of the area. Mr. O'Leary questioned the trees to the northwest and asked if it will be kept cleared so vehicles can get through. Mr. Dixon stated there is no plan for that at this time, but it will be cleared. Mr. O'Leary stated he likes the idea of motion activated lighting. Mr. Conroy asked if the gate can be seen from South Street and Mr. Dixon stated he doesn't think so. Mr. Conroy asked the applicant to check with the police department to see if there are any ongoing problems with ATV's in this area. He doesn't care if they put a gate there or not but if you do maybe have a place that can be used as a turnaround. Mr. Matt feels reflectors would be a good idea along the fence line also. Mr. Conroy stated we have other solar sites in town and asked the applicant to tell us the difference between the ones we presently have and the one being proposed.

Mr. Conroy asked for comments from the public.

Josette Burke, South Street, RTM Precinct 4 and FinCom member stated this came before them before about a year ago and thinks this is a good project. She is concerned about the fence. We had a serious accident on the trails a few years ago and she feels there should be signage and a chain. She asked if this will be a 20-year project and Mr. Carrier stated it would be a minimum of 20 years and a maximum of 40 years. Ms. Burke stated originally it was 20 years. Mr. Carrier stated there have been a lot of changes. Ms. Burke asked if this will be like an absentee landlord with no one on site. How will you monitor this? Mr. Carrier stated it will be on line. Mr. Dixon stated it can be monitored from California and a notice would be triggered and someone would be sent out if there is an issue. Ms. Burke asked if this will be expanded down the road and if so, will they need to come back to the Planning Board if they do. Mr. Conroy stated yes but they could probably do it with a limited site plan review. Mr. Matt stated they are bound by the property boundaries also. Ms. Burke asked if this is privately owned and will the solar be sent elsewhere other than Walpole. Mr. Carrier stated it will be sent to Eversource. Ms. Burke stated the town is not getting any benefit from this and feels we should look into this and also the PILOT program. Mr. Macchi stated there will be no benefit to the town.

There were no further public comments.

Mr. Macchi gave the board an extension of time up to and including December 31, 2021 on which to take action on this application. Mr. Conroy moved to accept an extension of time up to and including December 31, 2021 as granted. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Conroy continued this hearing to December 2, 2021 at 7:15 p.m.

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8:40 p.m. Lincoln Estates Continued Hearing: The applicant was represented by Atty. Brian Almeida and Rob Truax, GLM Engineering. Mr. Truax stated he submitted revised plans on September 22, 2021. He stated that as shown on the plans, equipment will be staged in the front of this property. Further, they have reduced the gravel removal by 166 cubic yards. They revised the plans according to comments submitted by Carl Balduf, Town Engineer and the majority of his issues have been resolved after meeting with Mr. Balduf. They did receive a copy of his comments tonight and the other issues are all technical things.

Mr. Conroy read comments from the Board of Health. Mr. Conroy stated they need to state in their comments whether they are voting to approve this or not. Mr. Truax stated he will go back to them. Mr. Balduf stated there are very few technical comments from his previous review of August 19, 2021. The new plans show a 3-1 grade from the road and a staging and mobilization area. The basins will remain the same. Mr. Balduf questioned the drainage at 545 Lincoln Road to the west of the project entrance and feels this could be improved. Also, sidewalks on Deerfield Drive should be replaced and the areas loamed and seeded along with Plain Street needs to be paved.

Mr. O'Leary questioned the mail boxes not being shown on the plans. Mr. Truax stated the post office is not doing individual boxes, but will be doing a group delivery. Mr. Conroy stated it will be where the post office wants it. Mr. O'Leary requested that the road off the cul-de-sac be extended to the line. Mr. Truax stated that is not shown on there. There will only be a 20' access and utility easement shown. Mr. Truax stated that with regard to off-site improvements, they are willing to work with the town engineer and neighbors to put in a drain system at McManus' driveway, which could be a condition of approval along with site work on Deerfield Drive also. Regarding Plain Street, milling and overlay they would accept an amount of \$67,000 to be held for that work. Mr. Walsh said they could do that work themselves. Mr. Conroy stated the \$67,000 would go into the town's general fund and then it would never get done. He would like that offer put in writing. Mr. Truax agreed to provide that to the board. He also stated that the utilities would be built out to the end of the right of way and the board would accept that when they accept the road. It will be a public roadway just not built. Mr. O'Leary stated he is in agreement with that proposal.

Atty. Almeida stated they are willing to deed the Parcel A to the Gun Club. This has been going on for twenty months and they still don't have an agreement with the Club. Mr. O'Leary asked if the fire department is on board with the proposed access and Mr. Truax stated they are only working on what is required for the subdivision. If approved, the Planning Board would be approving only what is on the plan. Mr. O'Leary noted that the roadway and elevations have not changed. Mr. Conroy stated that everything they cut into will be considered a slope easement. Ms. Abate stated she still has an issue with the gravel removal. She is worried about the neighbors along with the wear and tear on the road. Anyone that is home all day will hear this. Lincoln Road is a quiet country road. Atty. Almeida stated the applicant is trying to keep this project as reasonable as possible. He stated they could do fewer trips for a longer time frame, but is not sure if it is better to just get it done quicker. Mr. Walsh stated that when they were doing Wisteria Way there was forty trucks a day for a year and a half and it was a very quiet project. Ms. Abate stated that East Street and Route 27 is very different from Lincoln Road. Atty. Almeida stated they will listen to the input from the neighbors.

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Mr. Truax stated they could use signage to state no jake brake. It will be the same people driving the trucks every day. Ms. Abate stated this is definitely a concern. Mr. Czachorowski shares Ms. Abate's concerns with the number of trips and the length of time involved. He asked if all the trucks will be huge and Mr. Truax stated they will be using trailer trucks. Mr. Czachorowski asked if they know the percentage of trucks that will be going toward Millis or going another way. Mr. Walsh stated no. Mr. Czachorowski asked if they have plans to submit a special permit to take out more gravel and Mr. Walsh stated no, but they will get any permits they need to get. If they need more permits to take out more gravel, they will get them. Ms. Khatib asked if they will look to the building commissioner to let them know if they need more permits and Mr. Walsh stated yes and they will do what needs to be done to obtain permits. Ms. Khatib stated she is concerned with the gravel removal also. If there is no plan to go to the Zoning Board, we need to be sure we have a good plan in place as it means we have more responsibility. Mr. Truax stated he will submit an updated gravel removal plan. Atty. Almeida stated they are only removing gravel for the site work, not the lots. Mr. Truax stated the amount they are showing is under the Planning Board jurisdiction. Ms. Khatib asked if Parcel A is part of this project and Mr. Truax stated yes. Ms. Khatib questioned Ava Lane. Mr. Truax stated it will be on the plan and shown as a non-buildable lot. Ms. Khatib asked who would pay to construct that lot eventually. Mr. Truax stated it is about 30-40' from Deerfield Drive. Whoever wants to develop that lot, either the town or someone else will pay. Mr. Balduf stated that Deerfield Drive was accepted all the way to the end. We would accept what is constructed and what is done. Ms. Khatib asked if it would remain an easement and Mr. Balduf stated he recommends it be a parcel and given to the town. Ms. Khatib requested that more of the surrounding lot lines especially around Parcel A be shown on the plan as it is not clear now. Ms. Khatib asked if there has been an agreement reached with the Gun Club. Atty. Almeida stated this has been ongoing for twenty months and there is no agreement as yet. Ms. Khatib asked about the 500' ruling as pointed out by the police department. Mr. Conroy stated there is nothing we can do about it. He stated this is coming down to the Gun Club and the applicant. We can't approve this plan because all easements have to be shown and they aren't shown on this plan. He asked if Atty. Almeida agrees and he stated yes. Atty. Philip Macchi was present to represent the Gun Club and asked why Atty. Almeida didn't tell him that on Tuesday. It would have been easier. What they proposed tonight sounds like what he asked for a while ago. They don't oppose the development. They can do this tonight or continue this and meet for about thirty minutes. We may be there soon, but right now they are not. He doesn't know why they can't have this discussion. If the board closes this tonight, they will have this discussion somewhere else. Mr. Conroy stated it will come down to the fire chief. Mr. Truax stated they will sit with Mr. Macchi and come up with a plan and also they will be happy to meet with everyone else as needed. Mr. Conroy asked if they want to close tonight and Mr. Truax stated yes, but they won't. Mr. Conroy asked if they have approval from the Conservation Commission and Mr. Truax stated they will probably withdraw (the Notice of Intent). Mr. Walsh said that 20 months ago they stated they would give the Club the driveway, but they have to agree to take it. If they don't want it, they would be glad to give them the current driveway. We are talking about access to the Gun Club. Mr. Conroy stated you already gave them the current driveway. Mr. Truax asked who is asking for a road to go through and Mr. Conroy stated he is. It makes sense to have to accesses for safety reasons. He stated he will call Deputy Chief Paul Barry himself. Mr. Walsh stated it doesn't make sense to cut a hole in the berm. Mr. Conroy asked if they will be meeting together soon and both Mr. Walsh and Mr. Macchi stated yes.

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Mr. Conroy asked for public comments.

A resident from 300 Lincoln Road stated she has a lot of concerns as there are no sidewalk, lots of traffic and she feels someone will get hit because of the number of trucks. She has looked at the board's rules and regulations and feels there are many things that the board could require. She questioned the 46' road width. She feels that there should be sidewalks put in on Plain Road because of pedestrian traffic from the West Street ball field and also on Lincoln Road and West Street. She also doesn't understand why the board isn't taking into consideration all the grading of the lots at once and feels they do need a special permit from the Zoning Board. This area abuts conservation land and she is concerned about the impact to this area. She works at home and she will lose her peace and quiet. Further, the animals in the road will be a concern. She would like the board to look at the things that are under the board's power and require more studies of the impact in the area. Mr. Conroy agrees this should be done before construction and suggested that the applicant meet with Luke Parlon, safety officer, and get a report as to what he wants and expects. Ms. Abate stated we could get input from town counsel also to help with what can and cannot be done. Mr. Conroy asked if they considered going through Norfolk and Mr. Walsh stated he will look into that. Mr. Conroy stated the Planning Board does not okay the route, but asked him to check with both Luke Parlon and Tresca.

Betsy Dyer, 19 Lewis Avenue stated she is also a member of the Conservation Commission. She stated it is interesting the way this board is dealing with the gravel because when they come before the Conservation Commission for stormwater management, it can't be done piecemeal. Mr. Truax stated erosion control bylaw will come into play and also Ms. Dyer is correct.

Mr. Truax granted an extension of time on which to take action up to and including November 30, 2021. Mr. Conroy moved to accept an extension of time on which to take action up to and including November 30, 2021. Motion seconded by Ms. Abate and voted 5-0-0. Mr. Conroy continued this hearing to November 4, 2021 at 7:15 p.m.

Master Plan Update: Ms. Abate submitted a written schedule to the board for the progression of the Master Plan. She also stated that Pat Deschenes will post the meetings, take the minutes and create a drop box for the committee members. There is no chair yet but she would like to suggest that she and Phil Czachorowski be co-chairs; however, they have not gotten to that point as yet. Mr. Czachorowski agreed to be a co-chair and stated they will be creating a web page. Ms. Khatib asked if any other members of the Planning Board can go to the meetings and Mr. Conroy stated yes, they are public meetings, but suggested she ask town counsel as now there could be more than two Planning Board members present. Mr. O'Leary stated that if Ms. Khatib were to speak at one of these meeting, it should be as a Planning Board member; also, she would have access to the drop box information. Ms. Khatib agreed that the Chair should be a Planning member and feels it should be either one as a Chair or both of the Planning Board representatives as co-chairs.

On another note, Mr. Czachorowski stated he would like a proposal as to how to put all our Planning Board materials on line. He feels it could be done in phases. He would like this added to our next agenda as a discussion item.

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

Respectfully submitted,

Catherine Turco-Abate, Clerk

Accepted on 10/21/21