

## WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 16, 2021

The Walpole Planning Board held a meeting on Thursday, September 16, 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; Sarah Khatib, and Carl Balduf, Town Engineer.

Mr. Conroy opened the meeting at 7:10 p.m.

**Minutes:** Mr. Conroy moved to accept the minutes of May 6, 2021, August 19, 2021 and September 2, 2021 with clerical corrections. Motion seconded by Mr. O'Leary and voted 4-0-0.

**7:12 p.m. Pine Acres Subdivision:** The developer, Joe Verderber, stated he would like to apply for an extension on his bond which expired in October 2020. Mr. Balduf stated the road is in and the binder coat done. Three of the four lots have been built; however, the sidewalk and lighting needs to be done. He recommends the board extend the bond for one year, not two and recommends the heavy equipment be removed from the subdivision before the road is finished. Mr. Conroy questioned who plows this subdivision and Mr. Balduf stated the town. Ms. Khatib suggested assessing a fee for town services if a subdivision is not done. Mr. O'Leary agrees.

Steve Morash, 8 Portland Way stated there are no street lights or curbs and feels he shouldn't have to wait four years for this to be finished. He pays town taxes and wants this finished. He further feels a year is too long as he feels that Mr. Verderber has had plenty of time to finish this subdivision, especially the street lights.

A woman representing the tenant who moved into the first house stated they would like the curbs installed and their mailboxes properly put in as they are now sitting in a bucket. They have been waiting long enough for the light poles to be put in. They were the first house sold and the first people moved in. Mr. Conroy asked if the dozer is gone and Mr. Verderber stated no. He stated this past year has not been a typical year. It has been hard to hire help and hard to buy the curbing. Mr. Conroy stated it should already have been on site. Mr. Verderber stated they plan on getting the heavy equipment out of there before the curbs are put in. Mr. Conroy asked the estimated timeframe for the curbs to be put in and Mr. Verderber state he has called several companies to have it done and would like to do the curbs and sidewalks all at once. Mr. Conroy asked if any of the houses has sprinklers and Mr. Verderber stated no one does. The lady from the first house stated they have them, but added them on their own. Ms. Abate questioned the street lights and Mr. Verderber stated there is only one required; however, Eversource has requested more conduit be installed. Mr. Conroy stated the last house in the subdivision has been dormant for quite a while. Mr. Balduf stated that lights, curbing and sidewalks need to be completed. Mr. Conroy moved to extend the bond up to and including December 16, 2021 for all the work to be done or the board will proceed to pull the bond. Motion seconded by Ms. Khatib. Mr. Kafka, 389 North Street asked if North Street will be repatched. Mr. Verderber stated the street will be ground and overlaid all the way to Pomer's house. Motion voted 4-0-0.

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**7:27 p.m. 38 Peach Street Continued Scenic Road:** Mr. Conroy read comments received from the Historical Commission, Conservation Commission and Mr. Balduf regarding the Scenic Road hearing. With regard to a letter submitted by Caren Cummings, an abutter, asking that some of the older trees not be removed, Mr. Balduf stated that there are no street trees in the town's right of way. All the trees that could be removed are on the owner's property and we have no jurisdiction over that.

There were no board or public comments. Mr. Conroy moved to close the Scenic Road Hearing for 38 Peach Street. Motion seconded by Mr. O'Leary and voted 4-0-0. Mr. Conroy moved to approve the Scenic Road application. Motion seconded by Ms. Khatib and voted 4-0-0.

**7:28 p.m. New World Continued Definitive 38 Peach Street continued hearing:** Mr. Conroy read comments from Paul Barry, Deputy fire chief stating he is okay with the placement of the hydrants. He also stated that he is okay with the street name of Litchfield's Way although it is not his call. Mr. Balduf stated he is all set. Ms. Abate asked if we can condition the decision to state that we would like the architecture of the new homes to be the same as the existing neighborhood. Mr. Conroy stated no as we have no control over that. Ms. Khatib asked if they have received approval from the Conservation Commission. Mr. Merrikin stated they issued a permit about a week ago. Ms. Khatib asked if they are removing the hydrant in the cul-de-sac and Mr. Merrikin stated yes. There were no public comments. Mr. Conroy moved to close the hearing. Motion seconded by Mr. O'Leary and voted 4-0-0.

Mr. Conroy asked for a development schedule and. Mr. Merrikin stated he will submit that prior to plan endorsement.

Mr. Conroy moved to approve the waivers as submitted, Section 4-6-C3 and 4-6-C5. Motion seconded by Ms. Abate and voted 4-0-0.

The board discussed the special conditions of approval. Mr. Conroy moved to approve the New World subdivision with the special condition that the abutting owner is to be responsible for all maintenance of the walls for Lots 1-5 as recommended by Carl Balduf. Motion seconded by Ms. Khatib and voted 4-0-0.

**7:40 p.m. Bristol Subdivision Continued Hearing:** Mr. Conroy moved to accept an extension of time up to and including November 30, 2021 as granted by the applicant's attorney, Jeffrey Tocchio. Hingham, MA. Motion seconded by Ms. Abate and voted 4-0-0. Mr. Conroy continued this hearing to November 4, 2021 at 7:05 p.m.

**7:43 p.m. Marini, 1427 Main Street, Special Permit #21-03 and Site Plan Approval #21-02 Continued Hearings:** Mr. Conroy read a request from the applicant's attorney, Chris Alphen, requesting to withdraw the two applications without prejudice. Mr. Conroy moved to allow the applicant to withdraw the special permit application, Case No. 21-03 and site plan application, Case No. 21-02 without prejudice as requested. Motion seconded by Ms. Abate. Mr. Conroy stated the reason for the withdrawal is that there needs to be a whole new plan because they can't modify the one before us. Motion voted 4-0-0.

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**7:45 p.m. Hash Brown Holdings, 272-274 South Street, Site Plan Approval #21-05; and,**

**7:46 p.m. Hash Brown Holdings, 272-274 South Street, Special Permit #21-06:** Mr. Conroy read the public hearing notices. The applicant was represented by Rob Truax, GLM Engineering, Holliston, MA. Mr. Conroy stated they will need three affirmative votes to approve the site plan and four to approve the special permit and Mr. Czachorowski is not present. Mr. Truax questioned the Mullin Rule and Mr. Conroy stated we cannot guarantee that Mr. Czachorowski will institute that ruling. Mr. Truax stated they will move ahead tonight. Mr. Truax stated he understands that Mr. Czachorowski is not bound to use the Mullin Rule.

Mr. Truax stated he is representing the applicant, Ian Brown, Hash Brown Holdings, LLC. The property is located directly across from the intersection of South Street and Oak Street and is a landscaping company. There is an existing building which abuts the Neponset River on the southeast corner. They have filed a NOI and had a site walk yesterday with the Conservation Commission. The property consists of 3-1/2 acres, almost 82,000 s.f. of impervious surface including the gravel area which is compacted due to be driven on for years. They do have outside storage trailers on site and the area is fenced in. There will be landscape equipment and materials stored on site, including crushed stone in bins, shrubs, bushes and trees. Mr. Truax stated they are proposing to keep the existing building and build an additional 10,500 s.f. about 51' off South Street. The site is zoned Industrial in the back and LM in the front. They would like to increase the footprint of the overall site about 53.8%. They are planning on paving the area around the building and leaving the gravel where it is presently gravel. The storage bin areas will be paved. Mr. Truax stated they have done soil testing already with the Town Engineer. They are proposing to build a retaining wall with an overall height of 8'. Vehicles will be able to travel around the building, access to the site will remain the same, a second access will be right across from Oak Street, the entire site will be fenced, there will be town sewer and water, the buildings will be sprinklered, there will be no garage facing South Street, and the site will be occupied by Hash Brown Holdings. Mr. Truax stated there is a copy of the landscape plan in the pictures he submitted tonight. He also showed the abutters pictures of what this will look like from South Street. Mr. Truax stated they will also do some restoration per the Conservation Commission.

Mr. Conroy read comments from Sewer and Water, Conservation Commission, and an email from the Board of Health questioning the use of the building. Mr. Truax stated he has talked to the assistant Health agent, Rike. Mr. Conroy reminded Mr. Truax that the Board of Health has to say yes or no. The applicant also needs to submit a list of chemicals and what is being put in the bins needs to be added to the plans. Mr. Balduf stated that Mr. Truax presented a good summary on this project.

Mr. Conroy stated that the Conservation Commission is in charge of the trailers, not us. Ms. Khatib asked if they requested a use variance because of being in Area 1 and because of a new nursery building being proposed. Mr. Truax stated no. Ms. Khatib stated that Section 12.3.8.2 states only there can only be residential use here not commercial. Mr. Truax asked if she is saying a commercial use is not allowed here and Ms. Khatib stated yes. Mr. Conroy suggested Mr. Truax get an opinion from the Building Inspector. Mr. Truax agreed to check with the Building Inspector.

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Mr. Conroy suggested he also check with T.R. Miller Company next door to see how they built here and also Crossfit across the street. Ms. Khatib asked the area of the existing building and Mr. Truax stated 4200 s.f. Ms. Khatib would like a better demonstration of the circulation and parking around the site and also the dimensions and number of parking spaces. Mr. Truax stated parking is employee parking only. Mr. Conroy stated vehicle parking is different.

Mr. Brown, applicant, stated access is from South Street now. Mr. Truax stated there will landscape trucks pulling trailers entering and leaving the site. Ms. Khatib wants to see safe circulation. She would also like to see handicap spaces, walkways going between the buildings and she questioned the bins being demolished. Mr. Truax stated they are being relocated. Ms. Khatib questioned additional signage and Mr. Brown stated he is not sure, but it would be on the building if they do add signs. Ms. Khatib asked that be added to the plans along with lighting, parking and light poles. Mr. Truax agreed. Ms. Khatib stated she would like an edit to the zoning table on the front page of the plans; i.e., required setback and lot coverage by structure. Mr. Conroy asked if they would be using pervious porous pavement and Mr. Truax stated they are using that in some towns. Mr. Conroy stated that because of the Rivers Act, they need a 200' buffer. Mr. Truax stated they are allowed to work within the 200'. Mr. Conroy asked him to talk to Conservation. Also, we didn't receive comments from fire or police. He cautioned them about household limits for chemicals and they need to tell the fire and health board how much they have.

Ms. Abate questioned if there will be dumpsters and Mr. Brown stated they will have two storage containers for trash. He owns a container company and drops off containers at clients' houses and then picks them up. Ms. Abate questioned snow storage. Mr. Truax stated he will address snow storage and the dumpster. Ms. Abate questioned the Riverfront area. Mr. Truax explained degraded material versus non-degraded material. Ms. Abate asked if they are replacing the degraded with pavement and Mr. Truax stated yes.

Mr. O'Leary questioned the riprap and Mr. Truax stated it will be the same as it is today. He asked if the Conservation Commission had any comments on the bins located in the back and Mr. Truax stated their biggest concern is the riverfront area and they did want to see some mitigation. Mr. O'Leary asked if the bins are covered and Mr. Brown stated they will contain loam, stone, mulch, gravel and other landscape materials. Mr. O'Leary asked who are the neighbors and Mr. Truax stated the town of Walpole. Also, the old train track is the zone line.

Mr. Brown stated they have security cameras on site. There will be no increase in tenants and those that are there now do the same type of business as him. Mr. Conroy suggested they label what is in the bins. Also we need to hear from the fire department. He stated that tenants are still part of the chemical figures and ratios. He suggested that whatever he thinks the tenant will use should be added to the list. Mr. Truax asked if he should contact the fire department and Mr. Conroy stated yes. Ms. Khatib asked if they can note on the cover which type of submittals is for the special permit and which is

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for site plan with regard to the water resource area. Mr. Conroy asked them to put the areas on another sheet showing the resource protection area. If it is all one, note that on the plan. Mr. Truax agreed.

Mr. Conroy asked for public comments.

John Hallee, 227 South Street stated they have a lot of concerns about adding so much s.f. because this is such a narrow street with no sidewalks and a lot of people walking to get to the town forest and to the trails. They are also concerned about run off and wetlands as there are no street drains on South Street. The rain runs 2-3" deep down the street and into the town forest. He knows there will be more trucks and noise due to the expansion. There is a lot of activity on site now both in the morning and in the afternoon along with school buses. Mr. Conroy stated Mr. Brown can't put any water off site and this should improve what is happening now.

Jim Hinds, 261 South Street stated he is representing his 96 year old mother. He met Ian Brown for the first time tonight. He asked how tall the building will be and Mr. Brown state there will be a shed roof in the front so all the height will be in the back. Mr. Truax stated he will get those numbers for him. Mr. Hinds asked if they will be leaving the vegetation as it is now between them. Mr. Brown stated they will remove it and landscape it. The idea is to put his stuff in the back with his employees in the front; however, he doesn't know which trees will be taken down yet. Mr. Hinds stated that the security lights shine into his bedroom now. Mr. Brown stated they were put in after they had security issues and he will change that. Mr. Conroy stated they need to submit a lighting plan. Mr. Hinds stated they monitor the Neponset River and he is concerned with the Rivers Act. He asked how much paving will be done. Mr. Truax stated the existing site is all gravel, 83,000 s.f. of impervious. He could go in and not pave anything but it will continue to sheet off the property. They feel it would be better to pave and contain the water on site. Mr. Hinds asked what happens to the stormwater management within the site and Mr. Truax stated it goes into the groundwater system. He explained the process to Mr. Hinds. He stated that paving will control the run off. Mr. Hinds stated he is concerned with the visual from 261 South Street and asked if the gate will be used in the future as it is not now. Mr. Brown stated the gate will remain but no trucks will use it, just office staff. Mr. Conroy asked the architect to give us a view from Mr. Hinds side, including the height and how it relates to the other building.

Walson Germain, 251 South Street stated he is concerned with safety and the kids in that area. There are a lot of people on bikes and he is concerned about the street as two cars cannot pass each other now. One has to stop. He asked how this will improve this area. Mr. Brown stated he understands that there is a lot going on. The new building will be a natural screen as it will be set back 100' and will act as a sound barrier. Regarding property values, it will be a nice building and will look less industrial. He feels it will be an improvement to the area and also feels there should be a sidewalk in the area.

Mr. Germaine questioned the blocks and Mr. Brown stated they will be in the back area. Mr. Conroy stated a real picture of what you see now and a rendering of what you will see would be helpful. This should be nice because they are representing the office and their business.

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Jim Hinds, 261 South Street asked if it is a metal building and Mr. Brown stated there will be concrete 4' high with metal on top of that.

Kathleen Hallee, 227 South Street, stated she would like a traffic study as people walk through her driveway now to get around the curve on South Street. Hundreds of people walk here every day plus kids walk on their way to the high school. There will be more trucks years from now. The school bus stops on each side of her house now and there is a bad curve there. She feels the police should get involved. Mr. Conroy stated they have a traffic safety officer who determines what is bad or not safe. He can speak to this, but he should come to you to see the area.

Mr. Truax questioned what section Ms. Khatib mentioned earlier and she stated 12.3.A.2 – Use Regulations, Page 88 in the Zoning Bylaw. Mr. Truax stated they will get an opinion from the building inspector.

Mr. Truax gave the board an extension of time up to and including October 31, 2021. Mr. Conroy moved to accept an extension up to and including October 31, 2021. Motion seconded by Mr. O'Leary and voted 4-0-0. Mr. Conroy continued this hearing for the site plan to October 21, 2021 at 7:35 p.m. and the special permit to 7:36 p.m.

**Master Plan Steering Committee:** Ms. Khatib stated she would like to wait before voting on the Member at Large person in order to give people a chance to apply. We need a more variety of people.

Mr. Conroy read the letter from Jack Wiley, Conservation Commission Chair, regarding another appointee who will represent the Conservation Commission only.

Donnell Murphy has asked to be the business owner at large.

Mr. Conroy suggested we make a deadline of October 5<sup>st</sup> for the at -large business owner opening and an at-large committee member opening. He suggested possibly posting it on the web. Ms. Abate feels they can still move forward with the October 5<sup>st</sup> Master Plan Steering Committee meeting even though those two positions are not filled.

Mr. Conroy moved to adjourn. Motion seconded by Ms. Abate and voted 4-0-0. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Catherine Turco-Abate, Clerk