

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 19, 2019

A regular meeting of the Planning Board was held on Thursday, September 19, 2019 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: John Conroy, Chairman; Sarah Khatib, Vice Chair; Catherine Turco-Abate, Clerk; John O'Leary, and Carl Balduf, Town Engineer.

Minutes: Mr. Conroy moved to accept the minutes of August 15, 2019 and September 5, 2019. Motion seconded by Ms. Abate and voted 4-0-0.

Tall Pines Subdivision: Nickolas Grout, 19 Saboites Way had requested a discussion with the board regarding the unfinished subdivision, Tall Pines. He stated he has been in touch with both Robert Fox, the developer and his attorney, Mark Gladstone but no agreement was reached. Mr. Grout wanted information as to what happens now. Mr. Conroy stated it is the town's problem as it is still under bond and we will forward a package with the subdivision's history to our town counsel. Mr. Balduf stated he has not had the opportunity to visit this site, but will do so soon. Mr. Conroy stated this subdivision will get done the way it is supposed to. Mr. Grout stated a few of his concerns are there are pipes protruding and pot holes where the manholes were inserted for the sewers. Mr. Conroy asked Mr. Balduf to look at this. He agreed and stated he will also need to involve the superintendent of the DPW, Rick Mattson. Mr. Grout asked how long it would take to pull the bond and Mr. Conroy stated it depends on the cooperation received from the bank.

7:08 p.m. Laframboise Preliminary Subdivision, 61-R High Street: The applicant was represented by Atty. Tom Brady, West Street, Walpole and John Glossa, Glossa Engineering, East Street, East Walpole. Atty. Brady stated there are two lots in the back of 61 High Street that were created in 1902 with an access way called Sycamore Street. This property is located across from Ron D'Attilio's subdivision that was approved two or three years ago.

Mr. Glossa stated the zoning is RB. They meet the requirements for individual lots but are short on the frontage requirement. Sewer and water is available and they also can provide the required zoning circles. They will need to carve 899 s.f. from the applicants' property, but they would still have enough s.f. They would need to create a cul-de-sac in order to meet the rules and regulations and Sycamore Street would need to be constructed with waivers as it is only 40' wide. They would also need a waiver for roundings.

Ms. Khatib asked Mr. Glossa to point out the proposed lot lines and how the house at 61 High Street will be impacted. She asked if the lot line goes through the pool. Mr. Glossa stated yes. Ms. Khatib asked if when they do the ANR will the line still go through the pool and Mr. Glossa stated it may have to. Ms. Khatib asked if the street will become a public road and Mr. Glossa stated the applicant doesn't have an issue if the Planning Board recommends it remain private. Ms. Khatib questioned the shed on Lot 53 and Mr. Glossa stated it is now existing, but they will remove it. Ms. Khatib asked if the cul-de-sac will continue all the way out to Pemberton Street.

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Mr. Glossa stated that is hard for him to answer at this time as it is not in the cards right now. Ms. Khatib stated she would like this to be done fully within the regulations and then ask for waivers. Mr. Glossa stated that in this case that is not possible. Ms. Khatib stated she would also like to see Sheet 2 drawn out to Pemberton Street. Mr. Glossa stated that because of the abutters he doesn't have the ability to make the road 46'. Ms. Khatib questioned the roundings and Mr. Glossa explained.

Mr. Balduf feels this is a good plan and doesn't object to the waivers. He stated there is also an area identified for stormwater management.

Ms. Abate asked who owns the paper street. Atty. Brady stated the plan was created in 1902 and he presented the history to the board. He stated that when there is a paper street, the abutting owners own to the middle. Ms. Abate asked if according to the town maps no one owns the land and Atty. Brady responded yes. She stated they own the right side of the road and can use the left side and Atty. Brady stated yes. Ms. Abate stated that they can't produce a non-waiver plan; however, it has always been a requirement of the board not to waive something that couldn't be done.

Mr. O'Leary asked the current condition of this land and Atty. Brady stated it is wooded raw land. He questioned the paper street and the fact that all the abutters own the street. Atty. Brady stated that is correct and that they all have a right to use it. Mr. O'Leary stated that street trees would be necessary for the residents on Joal Avenue if this moves forward. Mr. Glossa agreed. He stated they will work with the town engineer.

Mr. Conroy asked if the applicant owns the two lots under one name and Atty. Brady stated yes. Mr. Conroy stated this can't be private as you would be taking away the rights of the people who also own this. The people on Joal Avenue would have to agree as it is their property also. He questioned "over-burdened". He asked what would be the benefit to give a 40' waiver. You are asking for a lot from us for someone to make a lot of money with no benefit to the town. He stated he will not go for a waiver unless he is shown a physical reason.

Mr. Balduf stated that the Simeone's came into his office this morning and asked that as abutters the boundary be respected.

Mr. Conroy moved to grant tentative approval to the preliminary plan as presented. Motion seconded by Ms. Abate and voted 3-1-0 (Mr. Conroy voted in the negative).

7:56 p.m. J. Marini Preliminary Subdivision, Marion Street: The applicant was represented by Atty. Chris Alphen, Blatman, Bobrowski & Haverty, 9 Damonmill Square, Suite 4A4, Concord, MA and John Glossa, Glossa Engineering, 46 East Street, East Walpole, MA.

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Atty. Alphen stated this is a two-lot subdivision and his major goal tonight is to get the board's blessing that this is a subdivision of land.

Mr. Glossa stated explained the plan and stated this is known as 1429 Main Street and currently exists as one lot and there is no issue accessing this property from Marion Street. The proposal is to create two lots with frontage on Main Street. They can build out the entire cul-de-sac and still meet all the requirements. There will be one single family house and he is aware that the fire department has to be okay with this.

Atty. Alphen stated they would like some feedback strictly on the subdivision of land. Mr. Balduf stated you are creating a cul-de-sac over the entire 1429 Main Street lot which previously received site plan approval and a special permit. You are modifying a lot that has those approvals on them; therefore, you will need to file for a modification.

Dan Merrikin, Legacy Engineering, stated that previous to this one owner, his client conveyed the strip of land and lot to the current owner.

Ms. Khatib stated she would like town counsel to weigh in on this to prove to us they can do this. She would also like more information on the impact of the special permit.

Mr. Conroy stated he is not sure how this would work. Would you get a modification first? He also questioned the conditions that are part of the special permit. You can't have a business and a residence on the same street. Atty. Alphen stated he would like to keep this hearing open and send something to town counsel. Mr. Conroy stated we wouldn't do that for a preliminary plan. Also, abutters are not noticed in this process; therefore, he feels the applicant would be receiving free legal counsel outside the process. Atty. Alphen asked if they should file with the Zoning Board first and Mr. Glossa stated they will file with both boards at the same time.

Mr. O'Leary asked if there is a driveway behind the building now and Mr. Balduf stated no.

Mr. Conroy moved to grant tentative approval to the preliminary plan as presented. Motion seconded by Mr. O'Leary and voted 3-1-0 (Ms. Khatib voted in the negative).

8:24 p.m. BidCars, 623 Route , Site Plan Approval, Case No. 19-10: Mr. Conroy read the public hearing notice. The applicant was represented by Dan Merrikin, Merrikin Engineering, Millis, MA. Mr. Conroy informed Mr. Merrikin there were only four members tonight and Mr. Merrikin chose to go forward.

Mr. Merrikin stated there has been a dealership on this site for thirty years. The existing building and parking are per a 2015 approval. They now want to demolish the building, but the predominant issue is drainage. The existing drainage will be replaced with an underground system. The property is on septic and they will be submitting to the Board of Health for review

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and approval. The back half of the property is zoned residential. There is an existing berm that was built in 2015. Mr. Merrikin stated they have been talking directly with one of the abutters, David Allison, who is present tonight and all issues should be ironed out in the next week or so at which time they will submit a revised plan. There will be a double row of thick arborvitaes between them and the Allison property. They have also filed with the Board of Appeals for a special permit and with the Conservation Commission for a land disturbance permit that was issued.

Mr. Conroy read comments from the Conservation Commission, Board of Health, Sewer and Water Commission, Police Department, Board of Appeals and Engineering. Mr. Balduf discussed his questions. Mr. Conroy questioned an oil and gas separator and Mr. Merrikin stated they are doing that now.

Ms. Khatib questioned the demolition and what foundation will remain. Mr. Merrikin pointed it out on the plans. Ms. Khatib asked if there will be a second floor and Mr. Merrikin stated he will provide more detail on the revised plan. She questioned the total square footage and Mr. Merrikin stated it will be between 3500-3600 s.f. Ms. Khatib questioned the parking and Mr. Merrikin stated it will be tweaked. She questioned the pedestrian traffic on site and Mr. Merrikin explained the vehicle and pedestrian flow of traffic and stated the vehicles in the back of the property can only be accessed by foot. She feels there is a need to provide more signage and Mr. Merrikin agreed with that. Ms. Khatib asked if there will be an increase in cars and Mr. Merrikin stated yes.

Ms. Khatib asked that the abutting building height be shown on the plan and also the lights modified so there is no spillage onto surrounding property. Mr. Merrikin agreed to adding the abutting building heights to the plan and further stated there are no existing light poles.

Ms. Khatib questioned solid waste containers and Mr. Merrikin stated he will ask the applicant if they need a dumpster and if so, he will add that to the plans. She requested a list of hazardous waste materials, but Mr. Merrikin stated there are none. There will be no on site maintenance, washing or repair. Ms. Khatib asked that Mr. Merrikin add the aisle widths to the plan and also spaces in the customer parking area. Mr. Merrikin stated that the Zoning Board has already requested that. Ms. Khatib asked about landscaping requirements and Mr. Merrikin stated there will be some as required in 2015.

Ms. Abate asked how far off the street are the parking spots and Mr. Merrikin stated 32-33'. She stated there are only four spots and one handicap shown and asked if they are for customers where do the employees park. Mr. Merrikin stated there is not a lot of foot traffic or employees.

Mr. O'Leary stated they need to meet with the fire department and Mr. Merrikin stated he will be meeting with the deputy fire chief. Mr. Conroy asked if there are fences on site and Mr.

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Merrikin stated no. Mr. Conroy questioned car unloading and also parking within 50'. Mr. Merrikin stated that when Route 1 was widened by 20', this site was already occupied. Mr. Conroy asked for that in writing.

David Allison, 11 Wompatuck Road stated the applicant has been great to work with. They do need to discuss the lighting and would like them on timers. Mr. Merrikin stated the lighting plan reflects removal of the old spotlights.

Mr. Conroy stated we need something in writing from the Fire Department, Board of Health and Sewer and Water. Mr. Merrikin granted the board an extension of time up through October 31, 2019. Mr. Conroy moved to accept an extension of time up to and including October 31, 2019. Motion seconded by Ms. Khatib and voted 4-0-0.

Mr. Conroy continued this hearing to October 17, 2019 at 7:15 p.m.

173 Pemberton Street: Mr. Conroy moved to set the bond for the 173 Pemberton Street subdivision at \$75,000. Motion seconded by Ms. Khatib and voted 4-0-0.

Musto, West Street: Mr. Conroy moved to endorse the site plan as requested by John Glossa, Glossa Engineering. Motion seconded by Ms. Abate and voted 4-0-0.

Mr. Conroy moved to adjourn. Motion seconded by Ms. Abate. The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Catherine Turco-Abate, Clerk

Accepted 10/3/19