

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 2, 2021

A regular meeting of the Walpole Planning Board was held on Thursday, September 2, 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; 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 May 20, 2021 and June 17, 2021. Motion seconded by Ms. Abate and voted 5-0-0.

Tall Pines Subdivision: Mr. Balduf submitted a memo dated August 10, 2021 stating it was okay to pull the bond on this subdivision as requested by Atty. Mark Gladstone and the town will finish the subdivision. He stated that a lot of the work is paving and roadways, which will be out sourced by the town. Mr. Conroy moved to send a memo to town counsel to start the process to pull the Tripartite Agreement. Motion seconded by Ms. Abate and voted 5-0-0.

Olmsted Estates: Mr. Conroy moved to set the residents' hearing for October 7, 2021 at 7:00 p.m. Motion seconded by Mr. O'Leary and voted 5-0-0.

7:08 p.m. 38 Peach Street Scenic Road Hearing: Mr. Conroy read the public hearing notice as advertised. He stated that Justin Monta, Tree Warden, was also present. The applicant was represented by Dan Merrikin, Legacy Engineering, Millis, MA. He stated there are no street trees in this area and the wall is a concrete block wall with a white picket fence on top. They are proposing to remove 63'. Mr. Conroy asked the date of the original plan and Mr. Merrikin stated July 28, 2021. Mr. Merrikin had submitted a revised plan, but Mr. Conroy stated we will only be discussing the original submitted plan tonight as that was what was advertised and that was the plan that referenced in the abutters notice. He stated we will have to send out the revised plan for review and comment. He asked if this will affect his subdivision plan and Mr. Merrikin stated no and also it is included in the subdivision plan.

Mr. Monta questioned what is being added and Mr. Merrikin explained it to him. There were no public comments. Ms. Abate stated she is fine with this as long as what is presently there is replicated. Mr. O'Leary asked if there will be a gap on the end and Mr. Merrikin stated that other than a small gap, it will go across the entire front.

There were no further comments. Mr. Conroy stated he will continue this after the hearing for New World estates is opened.

7:19 p.m. New World Estates Definitive Subdivision Continued Hearing, 38 Peach Street: Mr. Merrikin stated that a letter was received this afternoon at 4:30 p.m. from Deputy Fire Chief Paul Barry regarding the location of the hydrant in the cul-de-sac and also stating that he has not approved the street name, i.e., Litchfield Way. Mr. Conroy moved to delete the fire hydrant located at the end of the

cul-de-sac per recommendation of the Deputy Fire Chief, Paul Barry, in a memo dated September 2, 2021. Motion seconded by Ms. Abate and voted 5-0-0.

There were no public comments or board comments. Mr. Conroy moved to continue this public hearing to September 16, 2021 at 7:01 p.m.

38 Peach Street Scenic Road: Mr. Merrikin granted an extension of time up to and including September 30, 2021. Mr. Conroy moved to accept an extension of time up to and including September 30, 2021 on which to take action on the Scenic Road application as granted by Dan Merrikin. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Conroy continued the Scenic Road hearing to September 16, 2021 at 7:02 p.m.

7:28 p.m. Frieberger, 965 West Street Preliminary Subdivision Plan: The applicant was represented by Philip Macchi, 1256 Washington Street, Norwood, MA. He stated there are two conforming lots and they will be filing for a two-lot subdivision in the future. Mr. Balduf stated he has no issues with the plan. Ms. Turco asked if the applicant wants a nursery and Mr. Macchi stated yes. Mr. O'Leary asked if the back parcel faces West Street and Mr. Macchi stated yes. Mr. Czachorowski asked if Lot 2 was zoned Rural and Mr. Macchi stated no it is RA. Mr. Czachorowski asked if Lot 62 is part of this and Mr. Macchi stated no, but it will have the benefit of frontage on the new road. He will discuss this further during the definitive process. Mr. Czachorowski questioned if Lot 3 is staying and Mr. Macchi stated they would like it to, but it would be under the board's jurisdiction. If they want it changed, they will change it. He stated there are a lot of wetlands they are trying to stay away from. Lot 2 is a challenge and he is not sure if it is buildable. If it is, they would like to sell it down the road.

Scott _____ stated it does have the proper continuous upland. From a zoning perspective it meets all the requirements of zoning. Mr. Macchi stated the subdivision has to have two lots with proper area and frontage. Mr. Czachorowski asked if there will be well water and septic and Mr. Macchi stated yes. Mr. Czachorowski asked if the road width is 26' and Scott _____ stated yes and also the driveway will be a steady clean slope. Ms. Khatib questioned the ANR and asked if Parcel A and Parcel 1 is not buildable and Mr. Macchi stated yes. She asked if the frontage on West Street is over the minimum required and Mr. Macchi stated yes. She is also concerned about Lot 2 being able to be developed as shown on the preliminary plan. Mr. Macchi stated it is currently under one ownership and will remain that way until the Friebergers decide to split it up. Mr. Conroy stated he is not sure they need to do a site plan and feels Mr. Macchi should double check that. Mr. Czachorowski asked if the problem is that part of the land is in RA. Mr. Conroy stated it could be determined that the property is Agricultural and then they can do whatever they want as long as it remains more than five acres, which this is. He asked why the Friebergers didn't determine this to be Agricultural and do what they want with it. Mr. Macchi stated they decided to go this way. Ms. Khatib asked if there is a problem with a road with the existing lot and calling it unbuildable. Mr. Balduf stated it usually flags the lot for the building officials, but not in this case.

Mr. Conroy moved to grant tentative approval to the Preliminary Plan as presented, noting that this approval is non-binding. Motion seconded by Ms. Abate and voted 5-0-0.

ANR – 965 West Street Refile: The applicant was represented by Atty. Philip Macchi, 1256 Washington Street, Norwood. He stated because this is a refiled ANR due to a minor error, they would like the filing fee of \$300 returned. Ms. Khatib moved to waive the second filing fee as requested. Motion seconded by Mr. O’Leary and voted 4-0-1 (Conroy abstained).

Mr. Conroy moved to endorse an ANR plan finding Form A in order and subdivision control not required. Mr. O’Leary questioned the wetlands. Mr. Macchi stated they will be going to the Conservation Commission. Motion seconded by Ms. Abate and voted 5-0-0.

Mr. Macchi took the mylars and will return copies to the board.

8:04 p.m. Paragon Investments, 130 West Street & 25 Spring Street, Case No. 21-04: Mr. Conroy read the public hearing notice and explained the process to the public that were in attendance. The applicant was represented by Atty. Philip Macchi, 1256 Washington Street, Norwood. He stated that the project engineer, architect and the owner were also at the hearing. Mr. Macchi stated this is a “by right” use in the CBD. He stated the abutters list was done last year but it was confirmed by Dennis Flis, Assessor, who stated it is still accurate. There will be outdoor storage materials on site also. This is the last parcel in the CBD. The electrical business that is there now will be moved out to Route 1 and they will eventually be filing for site plan approval for an ongoing commercial use.

Mr. Macchi stated the proposed buildings will have 24 units and at this time they are trying to work with both Planning and the Building Department. The first floor has to be a commercial use and the idea is that when a person buys a unit, they will live on the top two floors and work on the first. It would be ideal for a consultant, attorney, beauty shop or someone working from home. It will be 24 ownerships, not 48 different tenants as a person would be required to buy the whole piece. The 24 units will require 48 parking spots and they are providing 66 spaces. They did go through the plan review process and at that time the Fire Department wanted a second access so they redesigned the project to accommodate that request using Spring Street. They could put in 33 units, but they are not doing that and they are trying to provide a small micro-neighborhood to give people a place to work from work and they are not looking at high volume traffic. The whole idea would be to create a townhouse-looking project. The access will be from inside with no queuing on either West or Spring Streets. Currently, they are showing work in the buffer area, but are required to have 26’. They are not constructing anything in the buffer, but will be adding patios in the area. They can pull their landscaping back a few feet if necessary.

Steve Cabral, Crossman Engineering, North Attleboro discussed the drainage and stated they will be submitting revised plans which will address the Town Engineer’s comments. He also feels the lighting plan is adequate and stated it will be up to the board if they want external lighting. They do conform to the standards now. He stated this is one of the few sites that doesn’t have wetlands and flood zones and it actually contains the best soil they have run into in a long time. Their goal is to exceed the State and the town’s standards; further, this project has a definite advantage with regard to improving stormwater management. He stated this is not meant to have a high traffic flow. In the morning there would only be eight more vehicles generated by this project and in the evening only nine more would be generated from this site. They have looked at the sight distance and are working with a landscape

architect. Some of the parking will be tandem style and there will be a one-way movement around the facility with adequate turning radius for the fire apparatus. He will review the planting plan to ensure the side line is not affected. Further, there will be one light pole and an outside sitting area. The height of the light pole can be lowered if necessary.

Doug Annino, Architect, North Attleboro stated this will be a traditional New England style village and pleasant to look at.

Mr. Conroy read the board comments. Patrick Deschenes, Community Development Director mentioned there are no handicap spaces shown on the site plan. Other comments were received from the Sewer and Water Commission, Conservation Commission, Board of Health, Zoning Board and Patrick Deschenes, Community Development. Also, a letter from a Resident in Swan Pond, Maryellen House, was received.

Mr. Balduf discussed his comments.

Ms. Khatib stated the design is attractive with some nice features. Mr. Macchi stated he will sit with Mr. Deschenes to find out what is allowed in this district. Ms. Khatib asked that the applicant demonstrate that the first floor will be true commercial now and in the future as this appears to look like a multi-family with some businesses, but the primary use is residential. She is not sure this project can go here. Mr. Macchi stated they are only before the Planning Board for site plan review. They will draft the condo docs, talk to the fire department and will make sure that the first floor is commercial because that is what the CBD requires. They will look at the CBD uses as they know they can't have a use variance. There are some uses they don't want because they cause too much traffic; therefore, they will go over the CBD Use Table. Ms. Khatib mentioned for the record that she doesn't want to support a project that is in violation of our bylaw. Mr. Macchi stated he understands. Ms. Khatib feels they should encourage walking downtown. She would like safe pedestrian and vehicular access and sidewalks need to be ADA compliant. She would also like them to consider sidewalks to the site or improve the sidewalks on West and Spring Streets. She feels this lot functions like a parking lot and would like all the dimensions of the width and length shown. She would like an aisle width of 26', and if smaller, she would like it demonstrated that it is done safely. Ms. Khatib asked if they are proposing a fence next to the Residential zone and Mr. Macchi responded that currently no, but it could be open for discussion. Ms. Khatib stated that if this area is truly an area for businesses, it needs to be properly lit and also some kind of signage needed. Mr. Macchi stated that right now the signage will be etched on individual doors, but the residences will only have numbers. Each unit will be clearly marked. There will be no big pylons. Ms. Khatib questioned the single family house that is presently there. Mr. Macchi stated they may have to do some off-site improvements to help the person that lives there. Ms. Khatib requested a plan that shows the adjacent parcels and the height of the building and Mr. Macchi agreed. Mr. Czachorowski stated he shares Ms. Khatib's thoughts regarding the CBD. Mr. Macchi stated he doesn't want this to turn into a building that is presently like the one near Jimmy's Pizzeria in East Walpole which is a vacant building on the first floor. Mr. Czachorowski questioned the ownership issue again and also why would this be different from what someone could do in their home. Mr. Macchi stated there are two issues; i.e., how many employees and what occupations are allowed in the CBD.

Mr. Czachorowski stated he is concerned with parking and sidewalks as it seems very compact. Mr. Macchi stated he will look at that and because they are only before the Planning Board for a site plan, they want to make sure they conform.

Ms. Abate stated this is much nicer than what is presently there. She feels some people might fit into this niche, but she doesn't think that 24 units is being realistic. She asked if there will be deed restrictions in the condo docs. Mr. Macchi stated yes. Ms. Abate asked if the Building Inspector finds this is being used inappropriately, what can he do. Mr. Macchi stated he can fine them \$300/day and also issue a cease and desist. This would be at his discretion. Ms. Abate asked if there will be a full time on site manager and the property owner stated no. Ms. Abate questioned that it was said there will be a safe way to get to the train and downtown from this site and asked for a better picture of what is proposed. Steve Cabral stated they would like to install a pedestrian flashing light which would need to be approved by the town. Ms. Abate stated she is concerned with the congestion in this area and that the bottom floor is used for commercial business. We need to make sure this site is not used improperly.

Mr. O'Leary stated all the access areas will be asphalt with the exception of where there is grass and we need to ensure it will be used properly. He questioned the parking and feels this can be a very busy area. Mr. Cabral stated the entire complex will be one way. Mr. O'Leary asked if there will be striped areas and Mr. Cabral they could do that, but too much striping will make it look like a street. Mr. O'Leary asked if there will be speed bumps and Mr. Cabral said they can do that. Mr. O'Leary asked if there can be a gate and Mr. Cabral stated no there will only be a stop line. Mr. O'Leary asked if there will be basements between Units 1 and 2 or will it be a slab. The architect stated it will be a slab and a one story garage. Mr. O'Leary questioned the decks and the architect stated they will be used as screening.

Mr. Conroy stated they will need another crosswalk and a little sidewalk at the top of Spring Street. He stated there is a big difference between residential and commercial and asked if the building inspector has determined what code this will come under. Mr. Macchi stated he doesn't know, but he has seen the plans. Mr. Conroy stated there is not a second means of egress above the condo and you may need a second floor which will affect this plan. Also the buffer needs to be ironed out before we can go forward as it could change a lot. He asked Mr. Macchi to give us something on why this meets the criteria to make sure everything lines up which we can forward to town counsel. Mr. Macchi stated that all this board is doing is site plan. Mr. Conroy stated he is talking about stuff that is going to affect us, such as the second stairway could be in the buffer. Further, if you are going to encroach outside the building we would come into play. He would like something from the Building Inspector before the next meeting. Mr. Macchi agreed. Mr. Conroy stated he would also like what can be on the first floor listed in the condo docs as he doesn't want it to be used for storage. Mr. Macchi agreed. Mr. Conroy asked about an egress on the Spring Street side and questioned how that will work. The architect stated regarding the building code issues, they don't want to add to a plan that was approved or add an outside stairway. All those units have access from the front. Further, the units will be sprinklered, which is allowed and they will get the board a letter stating that. Mr. Conroy stated the backdoors of Units 13, 14 and 15 are so close to the curb. You can't go out the back door and onto the street, which

will need approval from the building inspector as it does affect the site plan. The architect stated he is not agreeing to anything at this time.

Mr. Conroy read a letter from Maryellen House, 28 Teal Circle and asked for public comments. Ms. House was present and stated they are not against construction, but it is just too much for such a little space. There are 346 units in the Swan Pond complex and there are two entrances, one off Spring Street and one off West Street. They are all under one umbrella and share the pool and tennis courts and take care of their own trash, not the town. Tandem driveways do not ever work. She asked where the trucks are going to park and challenges the report on the traffic. When people go back to their office there will be double traffic. The people in Swan Pond are like second class citizens. Why aren't the crosswalks in the area painted? She feels the DPW workers need to get out of their trucks and pick up the trash in the area. There are so many trucks.

Kathleen Vitale, 45 Clear Pond stated she has lived in Swan Pond for 28 years. Any time there is construction on Spring and West Street they have been notified. They are becoming a public street and people are walking their dogs and jogging on Swan Pond streets.

Ms. Clifford, 1 Drake Circle stated she has been in Swan Pond for 25 plus years. She was noticed of the duplex that was built on Spring Street and also the pottery business on Allen Street, but not this project. Mr. Conroy stated that both those were applications that were handled by the Zoning Board. If she feels the notices to abutters were incorrect, she would need to check with the Assessors' office.

Jen Healy, 24 Mallard Lane stated she is concerned with the amount of buildings on a small space and feels it would be better to have it fit in more with Swan Pond, regardless of the fact that it is a commercial property. Ms. Khatib had mentioned the building height and they are also concerned with it in comparison to the condos in Swan Pond and the neighborhood. Their organization would like to talk with the applicant.

Barbara Callan, 172 Lincoln Road questioned the number of condos and the number of cars that will be trying to get into Walpole center. This is her community and her town and no one takes this into consideration. We need a break. This is not the town we have chosen to live in and she is concerned with 66 cars.

Steve O'Connor, 35 Clear Pond stated he thinks the parking numbers are grossly low and to allow one parking space for a commercial business is not right as it doesn't allow for visitors or customers. Trying to get off Spring Street in the morning is brutal now and West Street is worse. He feels there needs to be a more thorough traffic analysis and traffic count done.

Joe Moraski, 3 Buckboard Drive stated he has listened to Mr. Macchi go through his presentation with regard to the site plan and site plan requirements. Section 13-9-A-4 of the Zoning Bylaw deals with what is consistent and in character with the surrounding. This project continues to densify the neighborhood. The other concern of his is this project is on the outskirts of the CBD and allows for a different type of building. This proposal emulates our architecture, but it is not the same. The fact is it is in the CBD and our bylaws speak to what type of architecture is consistent with the CBD. He asks that

the Planning Board request the architect to review this to make sure it meets the criteria as the architecture is of the utmost important. Mr. Conroy stated there is a section in the bylaw that is a suggestion, not a requirement. Remember we wanted to put a moratorium in place and we didn't get it. Mr. Moraski stated this should be reviewed by Town counsel. Mr. Czachorowski stated if we had done the IZB, this would be addressed. Mr. Conroy stated we are not going there.

Ms. Vitale, 45 Clear Pond questioned the sight distance with the building up as it is hard enough now to see pulling out and also crossing the street. Mr. Cabral stated the sight distance met the required 200' sight lines. Ms. Vitale stated they are becoming a public road as there are a lot of strangers in Swan Pond now. She questioned the service of Gill Street condos and stated they have town services, but Swan Pond doesn't. She asked if this is a done deal and Mr. Conroy stated no. We still have the ability to make changes.

Mr. Conroy suggested that Mr. Macchi meet with the all the people from Swan Pond.

Mr. Macchi granted the board an extension of time up to and including October 31, 2021. Mr. Conroy moved to accept the extension. Motion seconded by Mr. O'Leary and voted 5-0-0. Mr. Conroy continued this hearing to October 21, 2021 at 7:30 p.m.

Mr. Conroy moved to adjourn. Motion seconded by Ms. Abate and voted 5-0-0. The meeting adjourned at 10:25 p.m.

Respectfully submitted,

Catherine Turco-Abate, Clerk

Accepted 9/16/21