

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 6, 2018

A regular meeting of the Walpole Planning Board was held on Thursday, September 6, 2018 at 7:00 p.m. in the Town Hall Meeting Room. The following members were present: John Conroy; Chairman; Marc Romeo, Vice Chairman; Sarah Khatib, Clerk; Catherine Turco-Abate, Joseph Moraski, and Margaret Walker, Town Engineer.

Minutes: Mr. Conroy moved to accept the minutes of August 16, 2018. Motion seconded by Ms. Abate and voted 4-0-1 (Mr. Moraski abstained).

7:05 p.m. 810 North Street Scenic Road Hearing: Mr. Conroy read the public hearing notice. Robert LeBlanc, Tree Warden, was also present. He stated he walked the site with the applicant, Michael Dowling. Mr. Dowling stated he wants to increase the opening from 18' to 24' as the road is very dangerous. Mr. Conroy stated we can only act on the 18' opening tonight as that is what was advertised. If Mr. Dowling wants to change it to 24', he would have to readvertise.

Mr. Conroy read comments from the Historical Commission, Board of Selectmen, Conservation Commission and Engineering. Mr. Moraski asked if the whole wall will be repaired and Mr. Dowling stated he is not going to change the wall at all. Mr. Conroy stated it needs to be put back the way it was. Ms. Abate asked if the house is occupied yet and Mr. Dowling stated no. Ms. Khatib asked the height of the wall and Mr. Dowling responded 3-1/2 feet to 4' and then it drops down. Mr. LeBlanc stated he will do an 18' opening and then a 24' one later. Mr. Dowling stated if the 18' opening turns out to be safe, he will leave it at that.

Mr. Conroy moved to approve the Scenic Road request with the provision that all the rocks from the new opening be used along the existing wall as shown on the plan. Motion seconded by Mr. Moraski and voted 5-0-0.

7:15 p.m. Bristol Bros. Site Plan Approval continued hearing, Case No. 18-8, Renmar/West Street;

7:16 p.m. Bristol Bros. Special Permit continued hearing, Case No. 18-9, Renmar and West Streets:

Mr. Conroy read a letter dated September 4, 2018 from Attorney Jeffrey Tocchio, Drohan, Tocchio & Morgan, 175 Derby Street, Suite 30, Hingham, MA requesting the board allow them to withdraw both applications without prejudice due to a potential issue related to the public notice of the applications and hearings and also that the filing fees for a new application be waived. Mr. Conroy moved to allow the applicant to withdraw both applications without prejudice. Motion seconded by Mr. Moraski and voted 5-0-0. Upon submission of new applications, the board will vote on the request to waive the filing fees.

7:26 p.m. 173 Pemberton Street Continued Hearing: Mr. Conroy read an email dated August 24, 2018 from Jonathan Eichman, town counsel, with regard to a legal opinion that was submitted by Rob Truax, GLM Engineering, during the preliminary process. Said letter was dated March 9, 2018 from Rackemann, Sawyer & Brewster with regard to a frontage question that was raised. Atty. Eichman stated, in part, that in his opinion an owner can lawfully divide his/her land to create a 2-lot subdivision where one lot is a corner lot with frontage on an existing road, even where the address for one or both

Walpole Planning Board Minutes of September 6, 2018 (2)

of the new lots would be on the existing road and not on the subdivision roadway. A plan that shows a division of land into two or more buildable lots is a subdivision plan, regardless of how the buildings are placed on the lots.

Mr. Truax stated he submitted new plans showing the sight distance and he has also met with Margaret Walker, Town Engineer. Mr. Conroy read comments received from the Board of Health, Sewer and Water, Engineering comments dated August 22, 2018 and Mr. Mulroy, an abutter to this project. Ms. Khatib asked if we should talk to the Building Inspector regarding this project. She questioned the street trees and asked if they are shown on the plan. Mr. Truax stated no, but they will be planting them as a buffer, which could be a condition of approval. Ms. Abate asked how many trees and Mr. Truax stated six or seven. Ms. Walker stated there will be no new street name as the house will have a Pemberton Street address.

The board discussed the waivers and Mr. Conroy moved to approve them as follows: 1) a waiver to allow the proposed roadway to remain private; 2) Waiver from Section V-6 Roadways; 3) Waiver from Section V-7 Curbs and Gutters; 4) Waiver from Section V-8 Sidewalks; 5) Waiver to allow no paved cul-de-sac turnaround be built; 6) Waiver from Section III-1(c)(9) Traffic Impact Data and Analysis; 7) Waiver from Section IV-4(e) to allow the street be built without 30' roundings. Motion seconded by Ms. Abate and voted 4-0-1 (Mr. Moraski abstained).

Mr. Conroy moved to close the public hearing. Motion seconded by Ms. Abate and voted 4-0-1 (Mr. Moraski abstained). Mr. Conroy moved to approve a two-lot subdivision at 173 Pemberton Street with the board's standard conditions and to insert the following special conditions: the subdivision will have a Pemberton Street address; the subdivision will have a 20' minimum roadway with 12' paved; drainage structure will be part of the bond as it is part of the roadway infrastructure; no construction vehicles will be staged on the public roadways; street trees will be placed as a buffer to the neighbors. Motion seconded by Ms. Abate and voted 4-0-1 (Mr. Moraski abstained).

Highbridge Preliminary: Mr. Conroy moved to accept an extension of time up to and including October 31, 2018 as per Matt Leidner, Civil Design Group. Motion seconded by Mr. Moraski and voted 5-0-0.

7:45 p.m. Pulte (Woodworkers) Site Plan Continued Hearing, Case No. 18-3, 777 East Street and 7:46 p.m. Pulte (Woodworkers) Special Permit Continued Hearing, Case No. 18-4, 777 East Street: The applicant was represented by Matt Leidner, Civil Design Group. He stated they were last before the board on July 19, 2018 and at that time, there were two things that needed to be addressed: off-site improvements, which have since been approved by the Board of Selectmen; and, Conservation Commission approval, which was received. They submitted updated plans on August 22, 2018 and at this point they feel all outstanding items have been addressed and they would like the board to vote to approve this. Mr. Conroy read comments from the Board of Selectmen, Fire Department, Police Department, Zoning Board of Appeals and Sewer and Water. Ms. Walker stated she is all set. Ms. Khatib asked if there will be any ADA units. Reid Blute, Pulte, stated ADA units would be done as people purchase a unit and request or need ADA compliance. Ms. Khatib asked if they have an elevation from

Walpole Planning Board Minutes of September 6, 2018 (3)

East Street showing how it will look. Mr. Mastroianni stated no. Ms. Khatib asked if the property manager structure is an office or a residence and Mr. Leidner stated it is an office for the property manager to oversee day to day operations. Mr. Blute stated it is not for sales use. It is for the property manager who will be hired early in the project and it will be handicap accessible. Ms. Khatib questioned snow removal and the screening of the parking lot on Kendall Street. She asked if they anticipate the construction of all buildings as shown on the plan and Mr. Leidner responded absolutely. Ms. Khatib stated she was happy with the trails and asked if there is a plan for a ramp where the trail meets the parking lot. Mr. Leidner stated there are no ramps in that area. Ms. Khatib stated they didn't identify lighting for the trails and Mr. Leidner stated none is proposed as the trails won't be used at night. Mr. Blute stated the over-55 residents feel safe because it is secured. The security concerns have been heard and they responded to them. Relative to the trails, some are close to a couple of the buildings, so they don't encourage anyone walking on them after dark, but the sidewalks will be illuminated. Ms. Khatib asked if the trails will be paved. Mr. Leidner stated there will be bark mulch on the trails, but not pavement because of the wetlands. Ms. Khatib feels they become less accessible to some people if not paved. Mr. Leidner stated the trails throughout are very close to the 25' No Disturb Zone. Ms. Khatib questioned the impervious cover limit and asked if the Conservation Commission has seen the plans showing the trails. Mr. Leidner stated yes. Ms. Khatib stated she is disappointed that the trails won't be paved. She asked for an update on the barn and the Allen house. Mr. Blute stated they ran ads in the local papers, but there were no responses. Ms. Khatib also questioned the bus stop and sign. Mr. Leidner stated the existing sign will remain where it presently is located. Mr. Mastroianni stated they added beacons and curb cuts for the bus.

Mr. Romeo asked what percent of the units are required for ADA and Mr. Mastroianni stated 2%. Mr. Romeo asked about resale and Mr. Blute stated Pulte will be out of the process at that point. Mr. Romeo agreed with Ms. Khatib about the trails. If they are built with no lighting and no pavement they won't be used. He asked if there is anything we don't know that would prevent the trails from being paved with minimal illumination. Mr. Blute stated they only have feedback from the residents about security and people walking near their buildings at night. They can use re-processed bituminous asphalt, but they will not plow the trails in the winter. Mr. Romeo feels a wheelchair, stroller, or anything else on wheels should be able to use the trails. He asked if it is a financial issue and Mr. Blute stated no. Mr. Romeo would also like to see illumination on the trails.

Ms. Abate asked if it is mandated in the bylaw that there would be a property manager present. Mr. Blute stated they will hire a property manager right from the beginning from an outside company. Ms. Abate questioned when Pulte will no longer be involved. Mr. Blute explained their customer services and warranty and stated their involvement is through the completion of the 186 units. Once the infrastructure work is complete, there will be work to do outside. They will be involved for approximately one season after the homes have been sold, then customer services takes over. Ms. Abate asked if they have owner occupancy restrictions so people can't rent them. Mr. Blute stated they are not restricted from renting; however, there will be a restriction as to age. Also, it can't be less than a 6-month term and age qualified is part of the lease.

Walpole Planning Board Minutes of September 6, 2018 (4)

Mr. Moraski stated fire is a big concern. He would like some specific conditions, such as security guards, a fire prevention officer, construction fencing. Mr. Blute stated he doesn't want any fires on their sites either and they will conform to anything the safety people want. Mr. Moraski asked if these are non-smoking buildings. Mr. Blute stated these folks are not restricted from doing anything in their own homes, but the common areas are restricted from smoking. Mr. Moraski asked if grills, candles, fires on decks are allowed and Mr. Blute stated gas grills and fires on decks are not allowed; however, candles are not regulated, similar to candles in your home. Mr. Moraski questioned leasing restrictions. He reviewed the master deed and is concerned about Air B&B situations. Mr. Blute stated he would be happy to bring up Mr. Moraski's concerns to their legal team. Mr. Moraski would like security cameras and night security incorporated into the site plan. Mr. Blute stated the foyer is open to the public, but there is another set of doors that can only be opened with a fob or the like. The people that live there are self-policing. If issues happen, something will be done to respond to them. Mr. Moraski asked if there will be a clubhouse or meeting room and Mr. Blute said no. Mr. Moraski asked why the one in Andover has a clubhouse, but not here and Mr. Blute stated it's about ongoing maintenance and overhead costs which are borne by the people that live there and reflected in the condo fees. Mr. Moraski asked if the Allen house could be used as a club house. Mr. Blute stated it is a mess and he doesn't think people should be in the Allen house. Mr. Moraski questioned site clean-up and Mr. Blute explained their requirements for purchasing the property.

Mr. Conroy stated he doesn't like the mulch being used on the trails. Further, solar lighting would be sufficient and Ms. Khatib agreed with that. Mr. Blute agreed to that also. He stated they will be on board throughout the entire process. Mr. Conroy stated the site plan and buildings must be 100% before the final occupancy permit is issued. Mr. Blute stated the issue will be the time of the year. Mr. Conroy stated we don't do site bonds; therefore, he wants the entire project completely done including the off-site improvements before the final CO is issued. Mr. Blute asked if they can build and sell 185 of the proposed 186 units. Mr. Conroy stated everything on the site plan has to be done. Mr. Romeo stated that the reference to "Worthington Green" needs to be removed from the plans. Ms. Khatib pointed out several items that needed to be corrected on the plan.

The board discussed the standard and special conditions of approval. The special conditions discussed were: 1) re-claimed asphalt product will be used on the trails; 2) low solar lighting will be used along the trails; 3) solar lights will be of a substantial size; 4) phasing plans will show the following: construction of each phase, building of each phase; addition of all off-site improvements to be added to each phasing sheet; Pulte will give, prior to the conclusion of the final occupancy permit, an option as to whether or not to complete the work prior to the occupancy permit or set a bond that will ensure the completion of the unfinished work, including off-site work; 5) all comments provided by the Deputy Fire Chief are to be part of the final site plan; 6) all off-site work and improvements as proposed to the Board of Selectmen and approved by them on August 21, 2018 will be part of this approval.

Mr. Conroy stated that everything requested has to be put on the final plans. Mr. Conroy moved to approve the site plan. Motion seconded by Ms. Abate and voted 4-0-1 (Mr. Moraski abstained).

Walpole Planning Board Minutes of September 6, 2018 (5)

Mr. Conroy moved to approve the special permit. Motion seconded by Ms. Abate and voted 4-0-1 (Mr. Moraski abstained). Mr. Conroy requested that the special conditions be included within both the site plan and special permit decisions. He asked if the buildings will be numbered and Mr. Blute stated only by address. Mr. Conroy asked if one of the trails could be named the Maloney Path and Mr. Blute stated he will look into that. Mr. Conroy moved to close the hearing. Motion seconded by Ms. Abate and voted 4-0-1 (Mr. Moraski abstained).

High Oaks Subdivision: Mr. Conroy stated the board cannot act on the bond reduction request from Mr. Walsh without an extension of time being given to us. This was also discussed at our last meeting and Mr. Walsh was asked for an extension. Mr. Conroy feels it was not properly requested.

Mr. Conroy moved to adjourn. Motion seconded by Mr. Moraski and voted 5-0-0. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Sarah Khatib, Clerk

Accepted 9/20/18