

WALPOLE PLANNING BOARD MINUTES OF DECEMBER 18, 2014

A regular meeting of the Walpole Planning Board was held on Thursday, December 18, 2014 at 7:00 p.m. in the Main Meeting Room, Town Hall, at 7:00 p.m. The following members were present: John Conroy, Chairman; Richard Mazzocca, Vice Chairman; John Murtagh, Clerk; Edward Forsberg, Richard Nottebart, Margaret Walker, Town Engineer and Wayne Feiden, Planning Consultant.

Mr. Conroy opened the meeting at 7:02 p.m.

Minutes: Mr. Conroy moved to accept the minutes of November 20, 2014 and December 4, 2014. Motion seconded by Mr. Mazzocca and voted 5-0-0.

Time Cards: Mr. Conroy moved to accept the board secretary's time cards. Motion seconded by Mr. Nottebart and voted 5-0-0.

Winter Estates: Mr. Conroy moved to endorse the Form I Release of Covenant as submitted in consideration of the provision of an alternative performance guarantee sufficient in the opinion of the Planning Board to secure the performance of the construction of ways and installation of municipal services required by the covenant dated August 16, 2007 and recorded in Norfolk Registry of Deeds, Book 25149, Page 111 for the following enumerated lots shown on a Plan entitled Winter Estates recorded with said Registry of Deeds, Plan Book 541, Page 37 of 2005 for Lots 1,2,3,4,5,6,7,8, and 9. Motion seconded by Mr. Nottebart and voted 5-0-0.

Mr. Conroy moved to accept a Tripartite Agreement dated December 4, 2014 between the Norwood Cooperative Bank, the Walpole Planning Board and Walsh Bros. in the amount of \$500,000. Motion seconded by Mr. Nottebart and voted 5-0-0.

7:10 p.m. Olmsted Estates Continued Hearing: The applicant was represented by Atty. Vincent O'Brien and John Glossa, Glossa Engineering. Mr. Glossa stated he delivered plans two weeks ago that address the town engineer's comments. He also added sheet 16 of 16 which shows the lot plan with the potential roadway imposed on it. He feels that should be part of the plan set for future reference. He stated he met with Ms. Walker on Tuesday to review the revisions and she was happy with them. The plan was revised again and he brought five sets for the board tonight, which he would like to discuss. The lotting plans are a communication between the engineer, the surveyor and the people who will stake out the lots. He discussed the notes on the plan also. He feels they are quite minor and are a result of the meeting he had with Ms. Walker on Tuesday.

Atty. O'Brien stated that at the last meeting most of the issues were addressed. They have been working with town counsel and have given her everything she wanted. They also gave the board a letter of intent regarding an easement. He thinks they are all set.

Mr. Forsberg questioned page 16 of the plan set showing the future road to the open space. Regarding Lots 5 and 6, he asked if both will be eliminated. He also questioned the circle on Lot 6 as it looks to be where the swale is. He asked if they will have to do an ANR. Mr. Glossa stated no, it will be a modification of the subdivision as it is part of the proposed open space.

WALPOLE PLANNING BOARD MINUTES OF DECEMBER 18, 2014 (2)

Mr. Forsberg asked if they will have a problem with the placement of the swale. Ms. Walker stated it is on two different lots and if they change it the documents will have to change also so everything matches up. Mr. Forsberg stated that our policy is to keep everything all on one lot. Ms. Walker stated the maintenance agreement covers both lots and there is also an addendum. It is pretty clear. Mr. Nottebart asked when the plans came in and Ms. Walker stated she hasn't had an opportunity to back check them as they came in today. Mr. Feiden stated he is current with everything up to this plan that was received tonight. Mr. Nottebart stated we never get anything on time and he is not sure whose fault it is. Mr. Murtagh questioned the 25' no disturb zone. He asked Mr. Glossa when he says it a 42,000 s.f. lot and 41,000 is upland, what is the rest of area. Mr. Glossa stated it would be wetlands. All lots have at least 18,000 s.f. of upland. In the rural portion 24,000 s.f. would have to be upland. Mr. Murtagh stated they have more than what is adequate and Mr. Glossa stated yes. Mr. Conroy stated that the new Sheet 16 isn't really doing anything for us on this subdivision and Mr. Glossa stated that is correct as it is just for information. The purpose is to show where the road might go in the future so there is no confusion as far as what will happen. Atty. O'Brien stated the lots will change in size and shape because of the configuration of the road. Mr. Conroy asked why don't you do that now to save another hearing. This is a sketch plan. You can't have approval on the open space until you do another hearing. This is Phase 1. Mr. Forsberg stated we need to see this plan approved with road as there is no access. Mr. Conroy stated the open space will not be touched until this one comes back to show the road. Atty. O'Brien stated there are two aspects and this will all be addressed. Mr. Forsberg stated he agrees with Mr. Conroy. There are four steps: approval, special permit, modification, subdivision approval. Mr. Feiden stated he understands that they want a plan that is free standing and approved. Mr. Glossa stated that Sheet 16 doesn't have any legal effect. Mr. Conroy asked if Ms. Walker has reviewed these and she stated she needs to recheck them. Atty. O'Brien stated they actually dropped off what they thought was the final plans a few weeks ago and they thought they were done. He feels this is Ms. Walker's fault. They didn't get comments on the December 4th plans until December 16th and then met with her on December 17th. He feels any issues at this point could be conditions of approval. Mr. Murtagh asked for an explanation of the 25' no disturb zone. Atty. O'Brien stated that is a minimum amount but it is under the jurisdiction of the Conservation Commission. They have to prove to the Conservation Commission that there is no impact. Mr. Glossa stated the Conservation Commission has already issued an order of conditions on this subdivision.

Mr. Conroy stated the Conservation Commission plans are different from ours. The Order of Conditions refers to a plan dated November 27, 2014, but our plan is newer. He asked what is the Conservation Commission policy regarding that. Jack Wiley, Chairman of the Conservation Commission, stated if there are changes from what they issued the Order of Conditions on, they should come back to them and they will determine if the change is minor or major. Mr. Conroy asked if there is a process they have to go through and Mr. Wiley stated yes. Mr. Glossa stated 90% of the things that changed will have no impact on the wetland. Mr. Glossa stated that Landis Hershey knows what is going on. Atty. O'Brien stated there is no change in the shape or size of the basins. Mr. Wiley stated they would like to review that with respect to the change in basins and underdrains.

WALPOLE PLANNING BOARD MINUTES OF DECEMBER 18, 2014 (3)

Ms. Walker stated they are also looking for a waiver, which would be moot if the Conservation Commission doesn't like it. The sub-drains need to work, but they haven't made that presentation yet. She stated they took one sewer lateral off the plan and she asked that it be put back on. Mr. Forsberg asked where all the underdrains lead to. Mr. Glossa stated they were always shown on the plan. They are similar to what you find on a golf course. Mr. Forsberg asked where does the water end up. Mr. Glossa stated it goes under the berm and discharges out the other side. The berm holds back the water. This is an allowed practice. They are set below the outlet structures and it is only the last 6" of water that goes through the underdrain. Mr. Forsberg stated it is taking the groundwater and putting it into the wetlands. Mr. Glossa stated it trickles out, it doesn't roar out.

Betsy Dyer, Conservation Commission questioned the order of things. She stated the board is granting a waiver for the groundwater being close to the basin and then they go to them and ask for a modification. Mr. Conroy stated it is the same. They have to go to the ConCom. Once we close the hearing and if the ConCom says no, it is over.

Joe Moraski, North Walpole doesn't think this will close tonight. He went to the Planning Board office on Monday and nothing new had come in. None of the neighbors have had a chance to review any of the new submissions. He didn't know this discussion was taking place tonight. This has nothing to do with what they have discussed as a neighborhood. He hopes that the Olmsted Estates subdivision plan remains open until other people have had a chance to look at it and also the ConCom. Mr. Conroy stated we just got the plans also. Mr. Moraski stated this is an exasperating process as alluded to previously by Mr. Nottebart. The status has changed and no one knows if it is a minor or major change. Mr. Glossa stated the underdrains were always on the plan from the day they were submitted. They are not new to the ConCom or Planning Board. The town engineer only asked for these to be expanded. There is nothing new shown on the plan. Mr. Moraski stated he is only going on a comment made by Al Goetz that "a de-watering program would be necessary because the ground water is so high and it would create a mud pie". It is very wet and brings a lot of mud and dirt onto North Street. He feels the Planning Board has mandatory language for equipment and where it will be. Mr. Glossa asked what he is talking about. The de-watering is a function of the ConCom and Sheet 15 of 16 shows that. Your complaint against the four lots should be directed to the Conservation Commission Agent.

Paul Cangiano, Fisher Street stated that several meetings ago a Plan A and Plan B was discussed. You haven't even decided whether or not you will grant all the waivers tonight. How does that affect everything else being talked about? It was discussed maybe three or four meetings ago. He feels this is getting complex. Secondly, at the last meeting, you asked him to follow up with police reports, which he did.

Mr. Conroy stated there are four waivers requested. The first is the scale. If we turn it down, Mr. Glossa can just reset it on his computer. Mr. Glossa stated the reason they are asking for 50 scale is this would be on two sheets otherwise. Mr. Conroy stated if we turn that down they will just do larger drawings.

WALPOLE PLANNING BOARD MINUTES OF DECEMBER 18, 2014 (4)

The second waiver is the dead end streets. This is not an issue as we rely on police and fire and they have no issue with it.

Also, the Sewer and Water Commissioners were satisfied with the water looping. The third waiver was the drainage system which is a technical matter and we don't have any say one way or another. We would defer to the ConCom for storm water management. If turned down, they would need to go back with bigger basins. The fourth waiver is the 40' right of way. If we turned it down they would definitely have to come back. Each one is a little bit tougher as we go along. Mr. Cangiano stated he is more concerned with the last waiver. Mr. Conroy stated the traffic on Fisher Street won't change even if that waiver is denied. Mr. Cangiano stated they presented one accident on Fisher Street and he presented four or five along with the details. He also disagrees with the sight line and feels it is disrupted at this point. Unless you are going to knock down all the trees, he can't visualize how they will proceed.

Charles Coombs, 12 Covey Road stated he doesn't know how the board can vote on an incomplete plan. He asked if there has ever been a joint meeting between the Conservation Commission and the Planning Board as he feels all parties would benefit from a meeting where things were decided at one time rather than stretched out over a long time. Mr. Conroy stated if we had that meeting, it would be an informal one. Mr. Feiden stated the boards could hold a concurrent meeting and could vote at the meeting separately. Mr. Conroy stated the applicant never requested that. Mr. Coombs stated what if they do and Mr. Conroy stated the ConCom hearing is over and they are they are the applicant. Atty. O'Brien stated the Conservation Commission has jurisdiction over the wetlands and any change needs to go back before them. There are no design or lot line changes to the plan. Mr. Coombs said he was hearing about another road and Atty. O'Brien stated that was a speculation discussion. That road right not is theoretical. This board knows what is being proposed since January of last year. They had to be approved by the ConCom, Board of health, Planning Board and Zoning Board. There is not a comprehensive process for a subdivision. They have satisfied ConCom and they believe they have satisfied the Planning Board according to their Rules and Regulations. They have asked for diminuous waivers . There has been no change in size, shape or design at this point.

There were no more public comments.

Mr. Conroy stated you are at the end as far as they are concerned. Atty. O'Brien stated if Ms. Walker's items are substantive, they shouldn't close. Mr. Feiden stated they could close and Ms. Walker could work through the process or you could continue this for continued dialogue. Mr. Conroy asked if they want to close. Atty. O'Brien stated yes, unless Ms. Walker has some changes. Mr. Conroy stated once this is closed and if Ms. Walker has some changes, it is over. Atty. O'Brien agreed. Mr. Conroy stated they also have a risk with the Conservation Commission and Atty. O'Brien agreed. He stated they still need to meet with the Conservation Commission whether or not this hearing is open or closed. Mr. Conroy stated we can close, but we will not vote until Ms. Walker reviews this. Mr. Feiden stated they can avoid the last set of plans and use the ones dated December 4th.

WALPOLE PLANNING BOARD MINUTES OF DECEMBER 18, 2014 (5)

Mr. Conroy stated it is not fair to put Ms. Walker on the spot. We will not vote tonight and you would not be gaining anything by closing. Mr. Moraski is 100% right. He can't deny them that right as it would be an easy appeal. The Board agreed. Mr. Nottebart stated he had been tracking three waivers and asked when the fourth one came in as he had never heard of it. Ms. Walker stated when they discussed the detention basins. Mr. Nottebart stated he understands what Mr. Moraski is saying. Atty. O'Brien stated they filed the plan that impacted the 25' No Disturb Zone and then amended the plan to pull the detention basins back which was discussed back in June. Mr. Glossa stated they are not deeper, but the same elevation, but all has to do with that one set of catch basins. Mr. Nottebart stated so it came about after the Conservation Commission and Ms. Walker's reviews. Ms. Walker stated there was always one sub-drain closed, they were questioning the 2' separation. That being said, it did come from her review. Atty. O'Brien stated he provided a letter on December 4 to up the waivers. Mr. Nottebart stated he wouldn't be able to understand all this if he was out in the audience.

Mr. Forsberg stated by not closing gives Ms. Walker and Mr. Feiden an opportunity to review this. If we agree on the waivers, he has no other issues. Mr. Murtagh stated he agrees with Mr. Conroy. He disagrees with Mr. Forsberg regarding the concrete sidewalks. The salt comes off the roadway and they don't last. Ms. Walker stated there is an issue with salt, but both concrete and asphalt have pluses and minuses. Asphalt is cheaper, but concrete lasts longer. Mr. Nottebart agrees with Mr. Forsberg that there is more trade off needed. He asked what the hardships were for these waivers or do you just want them. Atty. O'Brien stated there are design issues, elevation issues and wetland issues. Mr. Nottebart stated he is not a big waiver guy. That is why we have our rules and regulations. Atty. O'Brien stated no property is perfect. If there were no need for waivers, there would be no need for the Planning Board. It is their job to review waivers along with what makes the best plan and what is beneficial to the town. Mr. Nottebart stated he does have another access by tearing down another house. Who benefits from this. Atty. O'Brien stated seventeen people. Dale Olmsted stated they are providing their neighbors with sewer. Mr. Cangiano asked seventeen people on Fisher Street or seventeen people in the subdivision and Mr. Viano stated seventeen people on Fisher Street. Mr. Nottebart stated there are others along there that want it. He thinks we should continue this hearing. Atty. O'Brien stated nothing has changed on the plan. **Mr. Conroy stated the only waiver we should not take up tonight is the 2'.** The other three waivers won't change. Mr. Mazzocca stated that Mr. Forsberg's concrete sidewalk is debatable. Atty. O'Brien stated they would start a trail easement on this property.

Mr. Forsberg moved to grant a waiver from Section III-4-(b) Horizontal Scale to allow the lotting sheet, the grading and drainage sheet and the offsite utilities sheet to be drawn at a scale **of 1" = 50'**. Motion seconded by Mr. Nottebart and voted 5-0-0.

Mr. Forsberg moved to grant a waiver from Section IV-2(D) **Dead End Streets** to allow the street to be longer than 750' – Olmstead Lane Total Length 767.50' and Road "B" Total Length 805.23'. Motion seconded by Mr. Conroy and voted 3-2-0 (Mr. Nottebart and Mr. Murtagh voted in the negative).

WALPOLE PLANNING BOARD MINUTES OF DECEMBER 18, 2014 (6)

Mr. Forsberg moved to allow the **street width to be 40 feet** and street rounding radii to not be tangent to Fisher Street due to the Norfolk County widening of Fisher Street at the existing roadway access leading into the property in lieu of seventeen sewer connections along Fisher Street. The pavement and sidewalk width will be as required. It was noted that this access was changed in the mid-1950's when the width required by the Planning Board's regulations was 40'. Motion seconded by Mr. Mazzocca and voted 3-1-0 (Mr. Nottebart and Mr. Murtagh voted in the negative).

Regarding the asphalt sidewalk, Mr. Forsberg feels we should ask the DPW director his opinion on whether or not we should use concrete or asphalt. Ms. Walker agreed.

Regarding the fourth and final waiver, it was agreed not to vote that tonight.

Atty. O'Brien granted the board an extension of time on which to take action up to and including January 31, 2015. Mr. Conroy moved to accept an extension of time up to and including January 31, 2015. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy continued this hearing to January 22, 2015 at 7:35 p.m.

8:55 p.m. Open Space Residential Development Special Permit, Case No. 14-13 Continued Hearing:

The applicant was represented by John Glossa, Glossa Engineering. He stated that Sheet 3 of 6 showing the yield plan and vernal pool plans will be available next week. He also talked about how the drainage might be handled at this location. They will pitch all the roadway toward the open space so that any water that falls on that roadway will go to the low side and run off would go into the open space in the middle. The front yards of all the lots are high, so any water that falls will flow without going through pipes or catch basins into the middle area. It will either soak into the ground or do what it is going to do. There will be some type of outlet device. They are trying to maintain the hydrology and separate out the flow of the water, but it is still a work in progress and they are working through this proposal. Mr. Feiden stated the main issue is the lot yield plan and the board needs to decide if they are comfortable. They could either turn it down or approve it. The problem with the lot yield approach is until you go through a full design for a subdivision you don't know if they are off by two or three lots. Mr. Conroy asked if they control the land that they can bring this out to North Street if they had to and Atty. O'Brien stated yes. Mr. Conroy stated that being a through way there would be so much snaking and no one would use it. Ms. Walker stated she can see a problem with the drainage similar to rain gardens. We don't want to be the test case for something that will cause a problem for the DPW. They need to look into this. Mr. Glossa stated they will look into it. Mr. Forsberg stated the melting on the front yards could drain into the street and then freeze. He would also like that addressed by the DPW. There are plenty of streets in town that have this same condition. Mr. Feiden stated these issues will come up in the subdivision, not the special permit. Mr. Conroy stated anything to do with dirt should be included in the next submission. Atty. O'Brien stated they still have to work with the Army Corps. Of Engineers and the Conservation Commission. Mr. Forsberg stated that regarding the yield, we need to have someone tell us what the actual yield is, maybe Ms. Walker or Mr. Feiden or a peer review. Maybe the ConCom can look at the conceptual plan and let us know if this can actually be built.

WALPOLE PLANNING BOARD MINUTES OF DECEMBER 18, 2014 (7)

Mr. Glossa stated they probably won't go with the open space way. Why spend the money and not be sure. There are two wetland crossings. Those decision are not made at this level but at the DEP level and he feels the DEP will allow the two wetland crossings to happen. Mr. Feiden stated he will work with the applicant on ways to revise the plans. Mr. Nottebart asked Mr. Feiden if he thinks these numbers will go down by three lots and Mr. Feiden stated yes. Mr. Nottebart asked Mr. Glossa to show him where the wetland crossings are and Mr. Glossa did so. Mr. Feiden agrees with Mr. Glossa that the local wetland bylaw could be stricter.

Jack Wiley, Chairman, Conservation Commission stated that with respect to the wetland crossing, they have allowed more than one for different reasons such as water lines, safety, etc. and has been allowed with certain conditions. They can work that out between the Conservation Commission and Planning Board with input from fire and police. The amount of fill would be more than 5,000 s.f. They would be required to deny this and send it to DEP who would evaluate the plan as shown. It would be removed from their jurisdiction and referred to DEP. Mr. Murtagh stated the concept is good and likes the open space bylaw. He feels the lot yield is on the plus side and would be good for the town. Mr. Glossa stated he appreciates being able to talk to the town planner directly.

Joe Moraski, North Walpole stated the abutters and residents of North Walpole want to continue to emphasize they are appreciative there is no access on North Street. The developers seem to share that same commitment. Page 13 of the October 7, 2014 submission to the Army Corps of Engineers as prepared by Lucas Environmental concludes why there should be no access. They are not on the same page with the OSRD. Mr. Moraski discussed the reasons why he feels the yield plan is inaccurate. He also discussed economic obsolescence. They are against the Opens Space plan as it now stands. Mr. Conroy stated we have many issues. The key to the entire open space is lot count.

Phil Sanford, North Street stated that Mr. Moraski accurately reflects the view of the neighborhood. He would like the neighborhood to remain a quality neighborhood. This makes it look more like a city. He is also concerned with the Conservation Commission issues.

Mark Murray, 7 Pheasant Hill Road stated he is opposed to the Open Space plan because he doesn't know the number allowed or what the alternative is. He thinks there are safety concerns with coming through onto North Street. Mr. Conroy stated we agree the developer will for the maximum number and that is good business. When we agree on how many, the plan will change. Mr. Glossa stated the lots on Pheasant Hill drain into the wetland. This plan doesn't cross the wetlands on North Street. Mr. Forsberg feels this should go to town counsel to follow up on what Mr. Moraski said. We need to know that we started properly and also what we started with.

Mr. Conroy stated we will send the plan received on December 11 to town counsel and asked Mr. Feiden to draft up a letter to ask how they arrived at what they got. Mr. Forsberg asked they can count lots that were not included in the legal public hearing notice. Mr. Mazzocca stated that town counsel can say that is open to interpretation. Mr. Forsberg asked Mr. Moraski to give the board a list of the people he is representing.

WALPOLE PLANNING BOARD MINUTES OF DECEMBER 14, 2014 (8)

Atty. O'Brien granted the board an extension of time on which to take action up to and including February 28, 2015. Mr. Conroy moved to accept an extension of time up to and including February 28, 2015. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy continued this hearing to February 5, 2015 at 7:30 p.m.

Beatty, Chestnut and Washington Streets: Mr. Mazzocca stated we need to put this on another agenda. We were sued but we never voted to release us. Mr. Conroy also feels we should run this by town counsel. He put this on the January 8, 2015 agenda.

Marini, 1429 Main Street: The applicant was represented Paul Brokmerkle, Site Design and Atty. Paul Schneiders. Ms. Walker stated she is all set. The board had no further outstanding issues or questions. Atty. Schneiders requested the hearings be closed. Mr. Conroy moved to close both hearings as requested. Motion seconded by Mr. Nottebart and voted 4-0-0 (Conroy, Forsberg, Murtagh, Nottebart).

Mr. Conroy moved to approve the Special Permit for 1429 Main Street, Case No. 14-10 with six (6) conditions as discussed. Motion seconded by Mr. Nottebart and voted 4-0-0 (Conroy, Nottebart, Murtagh, Forsberg).

Mr. Conroy moved to approve the Site Plan for 1429 Main Street, Case No. 14-09 with twenty-one (21) standard conditions and seven (7) special conditions as discussed. Motion seconded by Mr. Nottebart and voted 4-0-0 (Conroy, Murtagh, Nottebart, Forsberg).

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:45 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted on 3/19/15