

WALPOLE PLANNING BOARD MINUTES OF JUNE 13, 2013

A regular meeting of the Planning Board was held on Thursday, June 13, 2013 at 7:00 p.m. in Room 112, Town Hall. The following members were present: Edward Forsberg, Chairman; Richard Nottebart, Vice Chairman; John Murtagh, Clerk; John Conroy, Richard Mazzocca, and Margaret Walker, Town Engineer.

ANR re: Allied Recycling, 1901 Main Street: Mr. Forsberg moved to endorse a **duplicate** ANR plan for Allied Recycling entitled "Plan of Land, Main Street, Walpole, MA" dated March 6, 2012 by Coneco Engineering, 4 First Street, Bridgewater, MA finding Form A in order and subdivision control not required. Motion seconded by Mr. Nottebart and voted 5-0-0.

Said property is shown as Assessors Map 45, Parcels 61 and 49, Map 46, Parcel 70, Zoning District Rural. The owner's title to the land is derived under deed from Victor J. Delmar, dated August 16, 1988 and recorded in Norfolk Registry of Deeds, Book 8068, Page 725, Land Court Certificate of Title No. 129194, registered in Book 646, Page 194. The owner is Robert Potheau, 1801 Main Street, Walpole, MA and the applicant is Edward J. Sciaba, 1901 Main Street, Walpole, MA.

This ANR was originally endorsed on May 17, 2012 and the applicant's engineer, Tim Bodah, Coneco Engineering, requested the board sign a duplicate ANR for Land Court recording purposes.

ANR re: Scot & Janet Lengel, 4 Lorusso Road: Mr. Forsberg moved to endorse an ANR plan entitled "4 Lorusso Road, ANR Plan of Land in Walpole, MA" dated June 11, 2013 by Paul Desimone, PLS, 38 Coffee Street, Medway, MA showing Lots 2A and 4A being a subdivision of Lots 2 and 4. Said property shown as Assessor's Map 27, Parcel 386, Zoning District RB. The owner's title to the land is derived under deed from James B. Lorusso & Tina M. Betro dated March 2, 1993 and recorded in Book 9765, Page 281, Plan No. 1234 of 1966, Plan Book 221. Motion seconded by Mr. Nottebart and voted 5-0-0.

Brian Barrett re: 54 High Street Discussion: Mr. Barrett was present along with Kevin Smith and Andrew Adams. Mr. Barrett stated they are considering a five-lot subdivision and are looking to buy 6' of frontage from 60 High Street. Mr. Conroy stated the road into the subdivision from High Street needs to be 46' wide. Mr. Barrett stated that 60 High Street has 31,244 sf. Ms. Walker stated they also need to address the roundings. They will need 46' plus 30' for the roundings at the front. She stated they also need to meet the design standards as set forth in the Planning Board Rules and Regulations. Mr. Conroy stated that Lot 2 that is presently at 54 High Street would need to be part of the subdivision and he will need 125' of frontage on the new road, so they would lose one lot. Mr. Smith asked about doing a private road and Mr. Forsberg stated they need to be able to meet all the requirements before asking for waivers. Mr. Barrett stated they will be building houses to sell for \$750,000 to \$800,000. Mr. Forsberg suggested they file a preliminary plan.

WALPOLE PLANNING BOARD MINUTES OF JUNE 13, 2013 (2)

Bird Estates re: traffic light discussion: Toll was represented by Atty. Philip Macchi I, 1256 Washington Street, Norwood. He stated that as per the Special Permit for Open Space Residential Development dated October 7, 1996, Condition #4 states “As long as the MA State Highway Department indicates that it will be appropriate to design a traffic signal plan based on the existing roadways in this area, Toll Brothers will cover the design cost of our traffic consultant.....” Atty. Macchi stated that the State is now designing it, so Toll doesn’t have to. He stated therefore it wouldn’t be appropriate for Toll to design it also. Mr. Forsberg asked if he knows the cost to design the traffic light and Mr. Macchi stated the language doesn’t say if Toll doesn’t do the design that they have to substitute something else. Mr. Forsberg stated that Toll should give the town money toward Mylod Street or they could repair the road. Mr. Macchi stated that is a different issue, but he will convey that to Toll Bros. It is only a condition if MA Dot thought it was appropriate, but MA Dot wants to do it themselves. Mr. Nottebart asked if there is anything carried in the bond for this and Ms. Walker stated there is \$250,000 in the bond. Mr. Murtagh feels some money should be put toward the repair of the road. Mr. Macchi stated he will bring it up to Toll. They are only talking about designing it, but the key word is “appropriate”. Mr. Conroy recommended the board contact town counsel because of past history with Toll Bros. and to copy MA Dot and our State Representative to ask why the State would pay for this design. Mr. Macchi stated the board is confined by the decision. Mr. Conroy stated we should ask town counsel if Toll is obligated to pay for this. Also, if they reject it, then it’s done. Mr. Macchi stated if the board says that to the State, it is absolutely untrue. There is nothing that says they are obligated to do it and the Planning Board would then be liable. The board should give MA Dot the whole decision. He would like the board to meet with town counsel about this and let Toll Bros. intercede. Atty. Macchi would like to interface with town counsel to be able to convey their side of this. Mr. Conroy stated he would like MA Dot to hear both sides also, so he asked that a copy of the letter be sent to MA Dot. We should see what was sent to them regarding this, but nothing seems to be in the board’s packets. He would like to see the correspondence that was sent to MA Dot as referenced in the 8/20/12 letter. Mr. Forsberg stated we will seek town counsel’s opinion once we receive a copy of the correspondence referenced and we will tell her that Mr. Macchi would like communication with her. Mr. Macchi stated he will get the board a copy of the August 20, 2012 letter. Mr. Forsberg asked that Mr. Macchi copy Kate so she can distribute it to the board. Mr. Conroy stated we will go forward after we receive the correspondence requested. He doesn’t think this is a big rush as it has been out there since August of 2012. Mr. Macchi stated to wait will hinder the street acceptance process. Mr. Forsberg stated our next meeting is July 11th. Mr. Macchi stated he would like to continue with the street acceptance process and run this parallel to that. Mr. Forsberg agreed.

7:45 p.m. Dedham Auto Mall Continued Hearing, Case No. 13-3: The applicant was represented by Rick Merrikin, Merrikin Engineering, Millis MA. Mr. Forsberg read a letter dated June 11, 2013 asking the board to continue tonight’s hearing for thirty days in order to allow the applicant to discuss the expansion of cars and drainage. They need the time in order to allow the owner and applicant to decide who will pay for the

WALPOLE PLANNING BOARD MINUTES OF JUNE 13, 2013 (3)

improvements. Also, he submitted revised plans and stated that Sheet 5 shows the drainage system. With regard to increasing the number of cars, they would like to add 7,000 s.f. of pavement. He asked if that could be handled in this application or should they re-file for the new pavement. Mr. Forsberg stated that as long as you are within the impervious cover they should be okay. Mr. Conroy stated agrees with that as long as everything is submitted timely to our August meeting.

There were no comments from the public.

Mr. Merrikin gave the board an extension of time upon which to take action up to and including September 30, 2013. Mr. Forsberg moved to accept an extension of time on which to take action on Dedham Auto up to and including September 30, 2013. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Forsberg continued the meeting to August 15, 2013 at 7:45 p.m.

7:54 p.m. John Jacob, d/b/a Beckett's, Special Permit, Case No. 13-4 and Site Plan Approval, Case No. 13-5: Mr. Forsberg read the public hearing notice and stated the two hearings will run concurrently. The applicant was represented by Atty. James Brady, Walpole, MA and Dan Merrikin, Merrikin Engineering. Mr. Jacob was also present.

Mr. Conroy questioned the site plan approval portion and Mr. Merrikin stated that according to Section 13.2.E of the Zoning Bylaw, it is required. The board had no questions or issues with the site plan application as nothing was being done that needed to be addressed through that process.

Atty. Brady stated they would like to add two pool tables and some video games in the downstairs room. It will not be a pool hall, but will still be a restaurant with waitresses, etc. It is handicap accessible in the back. There may possibly one table added upstairs also. He doesn't want it limited within the premises. Mr. Jacob has another restaurant in Roslindale where he added pool tables and it works out nicely. Also, when this building was Petracca's years ago, there were pool tables here.

Mr. Forsberg read comments received from town boards and committees. There were no public comments or questions. Mr. Conroy stated he thinks they need to go before the Board of Selectmen for a license, but he's not sure. Mr. Brady stated he will check on that. Mr. Murtagh stated he is okay with this as long as the fire department has no issue. Mr. Brady stated he will get a final plan to the fire department.

Mr. Nottebart moved to close the public hearing. Motion seconded by Mr. Forsberg and voted 5-0-0.

WALPOLE PLANNING BOARD MINUTES OF JUNE 13, 2013 (4)

Mr. Nottebart moved to approve the Special Permit as requested by John Jacob for Beckett's, Case No. 13-4 pursuant to Table 5-B.1, Section 4.piii of the Zoning Bylaw to allow the existing restaurant/building known as Becketts Pub & Restaurant to add indoor amusements to the existing facility. Motion seconded by Mr. Murtagh and voted 5-0-0.

Mr. Nottebart moved to grant Site Plan Approval to John Jacob for Beckett's, Case No. 13-5 to allow various indoor amusements to be incorporated into the existing restaurant facilities at the Becketts Pub & Restaurant under Section 13 of the Zoning Bylaw at the Beckett's Pub & Restaurant and function room area all as shown on plans entitled "Beckett's Restaurant, #1065 Main Street, Site Plan of Land in Walpole, MA" dated August 18, 2011 by Glossa Engineering, East Walpole, MA. Motion seconded by Mr. Murtagh and voted 5-0-0.

8:10 p.m. Niden Woods Subdivision Update: Dan Merrikin, Merrikin Engineering, Millis, MA stated that the fences are installed, street trees are in, and the pavement repair is scheduled to be done. The wall in question has nothing to do with the drainage system or retention basin. It was provided in case the homeowners wanted to backfill. He asked the board what they want him to do. It could be viewed as a field change. Mr. Forsberg if the wall affects the capacity of the basin and Mr. Merrikin stated no. Mr. Conroy stated that no one would put up a wall for the heck of it. Mr. Merrikin stated his father, Rick, put the wall on the plan; however, it wasn't presented or explained this way. Mr. Conroy stated the big issue is Rosenfeld no longer owns those lots and the approved plan shows what is suppose to be done. The lots are now owned by individual owners and the subdivision wasn't built according to the approved plan. Now the homeowners' banks are also involved. Mr. Merrikin stated it could be considered as not part of the subdivision. Mr. Conroy stated the issue is the homeowners have the say now, not Ellen Rosenfeld. This is more than what you are saying. We will now need a sign off from the bank as they lent money according to the approved plan. This is now an individual homeowner issue, so whatever you want to do or not do would be moot. Mr. Merrikin stated he will talk to Ellen Rosenfeld. If these people and their bank agree with what is constructed, he wanted to know if board be okay. Ms. Walker stated her biggest issue is whether or not the retention basin has the required capacity. Mr. Conroy stated he would like letters from the individual homeowners saying they are not holding the town liable for this, then their bank would have to agree and also Ms. Walker has to agree. He stated the people on Ponderosa Road are also involved. We as a board need to be taken off the hook.

Mr. Mazzocca asked if the plan shows this wall was an integral part of the basin. He asked Mr. Merrikin if he thought it was part of the process of holding the water. Ms. Walker stated that overflow is onto the Old Post Road School property and then into a ditch. Mr. Nottebart understands what Mr. Conroy is saying and suggested that Ms. Walker look at this more closely.

WALPOLE PLANNING BOARD MINUTES OF JUNE 13, 2013 (5)

Mr. Conroy stated there is a plan that was designed and bonded, but it wasn't followed. Ellen Rosenfeld didn't do what she was supposed to. Mr. Merrikin stated these walls are built 20' off the houses and specifically provided to hold up the side yard of the houses in question. Mr. Conroy stated the plan was ignored. Mr. Merrikin stated the owner wanted to build a house that was different. Mr. Conroy stated that Ms. Rosenfeld should have built what was approved to be built. Mr. Merrikin stated it is basically a landscape wall. Ms. Walker stated the issue is the wall versus the approved plan.

Mr. Merrikin offered a site walk to be done at any time. Mr. Forsberg suggested it be set up in a week or two. Mr. Conroy stated this subdivision was very contentious. It was very sensitive. We did offer site improvements and a lot of mitigation. This subdivision affected the whole area and we tried to work with everyone concerned. Mr. Merrikin asked that we let him know when we were ready to do a site walk.

8:26 p.m. Moosehill Road 40-B Presentation: Eric Benarick, Cecil Group, and Dave Carter, Barberry Homes spoke to a proposed Moosehill Road 40-B. Many abutters were also present. Mr. Benarick stated the site consists of 14 acres, but only nine can be developed. He stated they would like to have a path from this site to both Walmart and the Mall for use by the people that live there, so they could access the stores without using their cars. They will also work with the town regarding potential vandalism and stated the community could enjoy the view of the conservation areas. They would like to have 174 units including multi-family buildings and townhouses. They have met with the town's department heads, Housing Partnership, Town Administration, Sewer and Water, Selectmen, some of the neighbors, and stated they will be filing soon with the Zoning Board. After the presentation, the Planning Board and neighbors had the opportunity to ask questions.

Personnel Action Form: Mr. Forsberg moved to sign the Personnel Action Form. Motion seconded by Mr. Nottebart and voted 5-0-0.

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

Walpole Park South: Mr. Conroy stated that when we released the bond on January 17, 2013, we voted to release just the road and the applicant agreed to keep the pump station. Mr. Conroy moved to clarify that the Planning Board did not include the acceptance of the pump station in their previous vote of January 17, 2013. The applicant was given the opportunity to bring it up to today's standards or keep it themselves and he chose to keep it, so we didn't release that portion of the land. Motion seconded by Mr. Nottebart and voted 5-0-0.

WALPOLE PLANNING BOARD MINUTES OF JUNE 13, 2013 (6)

Reorganization: Mr. Murtagh nominated Mr. Nottebart for Chairman. Motion seconded by Mr. Mazzocca and voted 4-0-1 (Mr. Conroy abstained). Mr. Murtagh nominated Mr. Forsberg for Vice Chairman. Motion seconded by Mr. Mazzocca and voted 4-0-1 (Mr. Conroy abstained). Mr. Forsberg nominated Mr. Murtagh as Clerk. Motion seconded by Mr. Mazzocca and voted 4-0-1 (Mr. Conroy abstained).

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:35 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 9/19/13