

WALPOLE PLANNING BOARD MINUTES OF MARCH 19, 2015

A regular meeting of the Walpole Planning Board was held on Thursday, March 19, 2015 at 7:00 p.m. in the Main Meeting Room, Town Hall. The following members were present: Richard Mazzocca, Vice Chairman; John Murtagh, Clerk; Edward Forsberg, Richard Nottebart, Elizabeth Dennehy, EDO, and Margaret Walker, Town Engineer (7:55 p.m.).

Mr. Mazzocca opened the meeting at 7:03 p.m.

Minutes: Mr. Mazzocca moved to accept the minutes of December 18, 2014, January 8, 2015, January 22, 2015, February 5, 2015 and February 19, 2015. Motion seconded by Mr. Nottebart and voted 4-0-0.

Olmsted Estates Bond: Mr. Nottebart moved to send town counsel, Ilana Quirk, a copy of Ms. Walker's March 10 letter as requested by Ms. Walker. Motion seconded by Mr. Forsberg and voted 4-0-0.

Request for Comments: It was agreed there were no Planning comments on 269 Pleasant Street, Request for Variance; Eastover Road; and 20 Coney Street, Notice of Intent.

7:30 p.m. Dedham Auto Mall Continued Hearing, Case No. 14-14: Mr. Mazzocca informed the applicant's engineer, Dan Merrikin, that there is only a four member board tonight and he is entitled to a five member board. The applicant has asked to continue in order to have a five member board. Mr. Mazzocca moved to accept an extension of time up to and including May 30, 2015 as per a request from Dan Merrikin, Merrikin Engineering. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Mazzocca continued this hearing to May 7, 2015 at 7:30 p.m.

Kingswood Estates: Mr. Nottebart moved to send the "Applicants' Memorandum in Support of Approval of Kingswood Estates Subdivision Definitive Plans" received from Atty. Gerald Blair to town counsel, Ilana Quirk, for her review. Motion seconded by Mr. Murtagh and voted 4-0-0.

7:35 p.m. Bird Machine Solar Farm, 100 Neponset Street Site Plan Approval, Case No. 15-1: Mr. Mazzocca informed the applicant that there is only a four person board tonight and they are entitled to a five person board. Kevin McCaffery, Civil Engineer for New England Environmental, was representing the applicant and stated they wished to go forward tonight. Mr. Mazzocca read the public hearing notice and asked Mr. McCaffrey to speak to this application. Mr. McCaffrey stated the parcel is 147 acres which was formerly the Bird Machine Company and they will be using 22 acres mostly on the southern portion of the site. The Neponset River and Cedar Swamp Brook encircle the site. He stated they are also still in front of the Conservation Commission. The assistant town engineer provided comments that they are in the process of addressing.

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He stated they will be submitting updated plans after they meet with the Conservation Commission next week, which will include additional drainage plan details and a description of what the plan is along with additional detail and description of the clearing and tree cutting for the project. Mr. McCaffrey stated there is asphalt on the site and they are planning to leave as much of that as possible. There is also existing contamination of the soil and they are doing remediation work. There will be limited excavation because of the contamination and also limited clearing of the land. Drainage flows from the center of the site outward and they are planning to provide mitigation and reducing flows. They did discuss clearing this site with the Conservation Commission. The site will not be staffed full time, but will have a roving operator. There will be a security guard at the shack that is presently on site and also an additional fence. The site will be accessible to the fire department and other services. They have been told that the Conservation Commission needs to make a decision before the Planning Board will vote.

Mr. Mazzocca stated we can put this on our April 2 agenda if that works. He read the comments received from the boards and committees. He also questioned liability insurance. Mr. McCaffrey stated he will provide documentation of that to the board. He asked if they have met with the town engineer and Mr. McCaffrey stated he talked with her on the phone and also had a pre-filing meeting. He also asked for a copy of the deputy fire chief's comments and also Maggie Walker's and Liz Dennehy's comments.

Ms. Walker arrived at 7:55 p.m. She stated she will meet with the applicant next week if convenient for him. She stated that the assistant town engineer's concerns are the stormwater management and he is not sure if there is enough detail on the plan. She stated she wants construction plans before they start building. She asked if there will be any site lighting. Mr. McCaffrey stated they are not planning on that, although there is some existing by the guard shack. Mr. McCaffrey stated he will call her tomorrow to set up an appointment.

Ms. Dennehy stated she would like a copy of the signed lease for the file and Mr. McCaffrey agreed. Also, the board would like evidence of the interconnection agreements with NStar, more information on the O&M as it pertains to mowing, etc. and something from fire so we can go forward. She also questioned the access roads, snow removal and lock box. Ms. Dennehy also asked for a copy of the Certificate of Liability so we can forward it to town counsel for review. Further, it is the applicant's responsibility to have a qualified engineer with regard to de-commissioning which should also be sent to town counsel along with financial surety that matches our section of the bylaw. Also, the Planning Board will want to incorporate the Conservation Commission's decision into their decision.

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Ms. Dennehy stated that the sewer and water basins don't show any contours. She asked if there is a landscape plan for the area off Neponset Street and Mr. McCaffrey stated not at this time. Ms. Dennehy stated we might want that. Mr. McCaffrey questioned what area and Ms. Dennehy stated on the right as you arrive at the site before the small parking lot. Mr. McCaffrey stated he will look into that.

Mr. Murtagh stated this is an excellent use for this contaminated parcel. He asked if they have already met with the Selectmen and what is the estimated tax revenue for the town. Mr. McCaffrey stated there is a PILOT negotiation that they are working on with the Selectmen. Ms. Dennehy stated they just started negotiations. Mr. Murtagh stated the site will have to be secured by some type of fence. Mr. McCaffrey stated there will be a fence around the solar array and Baker Hughes will have one around the entire site, so there will be two fences. Mr. McCaffrey stated excavation will be very limited. Mr. Nottbart suggested they follow up on Ms. Dennehy and Ms. Walker's comments paying special attention to de-commissioning.

Mr. Forsberg asked if anything needs to be razed. Mr. McCaffrey stated there is one garage but some of the pads will be staying. Mr. Forsberg questioned the precast foundations and asked if there is a problem with those and frost. Mr. McCaffrey stated they just float. Mr. Forsberg questioned lighting and Mr. McCaffrey stated the only lighting is what is presently there at the entrance. Mr. Forsberg questioned the access road and asked Mr. McCaffrey to identify any gates which he did on the plan. Mr. Forsberg stated the guard shack will be staying as it now exists and Mr. McCaffrey stated yes.

Mr. Mazzocca asked if the de-commissioning estimate has been done yet and Mr. McCaffrey stated no. Mr. Mazzocca asked if there is any plan in the future to develop this to the other side of the track and Mr. McCaffrey stated no.

Mr. Mazzocca asked for comments from the public.

Atty. Michael O'Neil, Framingham representing his daughter who lives at 1730 Washington Street asked where this will be in relationship to her house. He is concerned about their view and asked if the wooded area will remain. He is also not sure where the access road will be. Mr. McCaffrey stated the access road comes right through the center. Regarding the clearing on the Washington Street side, there is no planned activity in that area and the other side is already paved. They will not be on that side of the river.

Tom Melanson, 1729 Washington Street asked why they weren't notified of the Conservation Commission meetings as most of this seems to be Conservation issues and the abutters have been left out of this. Mr. McCaffrey told him the next ConCom meeting is next Wednesday night, March 25.

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John Glossa, 268 Fisher Street asked that the board work as quickly as possible so revenue can come into the town.

There were no further comments.

Mr. Mazzocca reminded the applicant that we need two weeks for the receipt of revised plans. He continued this hearing to April 16 at 8:00 p.m.

8:30 p.m. Open Space Residential Development (OSRD) Special Permit: Mr. Mazzocca read a letter dated March 5, 2015 from Michael Viano requesting this hearing be continued without testimony to April 16, 2015 at 7:30 p.m. in order to give the applicant more time to prepare. Motion seconded by Mr. Nottebart and voted 4-0-0.

Joseph Moraski, North Walpole stated the abutters would like this hearing extended to May as they have had a large number of neighbors who are following this and at the February public hearing when the plans were withdrawn there were about two dozen neighbors present. April 16 doesn't appear to be a good date for the neighbors. They would like the courtesy of a date in May.

Ms. Dennehy stated if the applicant is amenable, the board could take another vote, but the applicant has to agree. Mr. Viano stated there is not much new and this is a refile. Mr. Mazzocca stated that most likely there will be more hearings. Mr. Viano stated the first discussion was fourteen months ago and they re-filed to address Mr. Moraski's notice issues. Mr. Nottebart asked Mr. Viano to respectfully consider the request made by Mr. Moraski and continue to May.

Philip Sanford, North Street stated the neighborhood has a lot invested in this.

Sean McEntee stated they will meet with the neighbors and Mr. Viano agreed to that. Mr. Moraski stated it would be disappointing if this was closed on April 16.

8:40 p.m. Al Marhama Islamic Cemetery Continued Hearing, Case No. 14-11: Mr. Mazzocca read a letter dated March 19, 2015 that was received from Atty. Jay Peabody, Partridge, Snow & Hahn requesting that tonight's hearing be continued to May 7, 2015 and also granted the board an extension of time up to and including May 7. Mr. Mazzocca moved to accept an extension of time up to and including May 7, 2015 as requested. Motion seconded by Mr. Nottebart and voted 4-0-0.

In order to continue this hearing to May 7, the board needs to accept an extension of time beyond May 7. The hearing date and extension date cannot be the same; therefore, Mr. Mazzocca continued this hearing to April 2, 2015 at 7:00 p.m. in order for the board to be granted an extension of time beyond May 7.

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After voting to accept another extension, this hearing will be continued to May 7 at 7:35 as previously requested. No testimony will be taken on April 2ⁿ

8:43 p.m. 54 Peach Street Preliminary Plan: The applicant was represented by Atty. James Brady, Main Street, Walpole and John Glossa, Glossa Engineering, 46 East Street, East Walpole. Atty. Brady stated they will be presenting two plans, Option A and Option B. Mr. Glossa stated the lot consists of about 1-1/2 acres with frontage on Peach Street. There are no houses across the street. The roadway would be 250' long and that would create the frontage for the back lot. They do not have the 30' rounding for the right of way so they would be seeking a waiver, which he knows has been done previously at other sites; i.e., Swan Meadow, Sardella Way, Falcone Way. He feels that is a reasonable waiver to request. The frontage for Lot 1 already exists on Peach Street and he will be re-flagging the wetlands. He feels that most of the work is outside the 100' zone, but they will be filing with the Conservation Commission.

Mr. Glossa stated he has already met with the Fire Department. They originally said 14' road width would be acceptable, but their comment letter states 18' so he will meet with them again for clarification. He also stated he would like the board to waive the requirement to meet all the construction standards. They have sewer and will come up with a drainage design if needed. The lots and lay out are the same for both Option A and Option B. The only difference is they would be asking for the board to 1) grant the waiver for the 30' roundings in the right of way on the north side of the lot and 2) reduce the requirement for pavement width and catch basins to something that everyone agrees with including the fire department. The Board can really only give tentative approve or tentative disapproval to this filing, but they would like to know which option the board likes best. The board agreed they liked the second option the best.

Mr. Mazzocca questioned the property to the left and Mr. Glossa stated that Phil Wild owns three lots which are in three different trusts. Atty. Brady stated that his house is in his own name and the other two parcels are in realty trusts.

Mr. Mazzocca read comments from the Conservation Commission, Board of Health, Engineering and Wayne Feiden.

Mr. Murtagh questioned the existing house and asked if they meet the frontage requirements and Atty. Brady stated yes and he is also aware they need to go before the Historical Commission, which can take a short or a long time. Mr. Murtagh stated this was also done on Summer Street and he is open-minded with regard to this site. Mr. Nottbart asked who owns the property now and Atty. Brady stated Dick Adams.

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Mr. Forsberg questioned the 18' driveway. He thought it was 16' which he feels is sufficient. Further, it is customary for the applicant to contribute to the sidewalk fund in lieu of waivers. He also questioned the lighting. He also questioned an ANR which was mentioned to take a lot out of the subdivision. Atty. Brady stated if both lots were left in the subdivision, they would go before the Historical Commission and then ANR one of the lots out.

There were no public comments.

Mr. Murtagh stated that Peach Street is a scenic road and asked how that plays into this. Mr. Glossa stated if they were to remove trees or walls, they would come back to the Planning Board, but there are not shade trees or walls that will be affected. He also stated he is hearing that a reduced driveway would be palatable to the board. He requested tentative approval. Mr. Mazzocca stated that assuming there isn't an issue with the lot count, he moved that the Planning Board tentatively approve the plan as submitted and presented for 54 Peach Street, noting that tentative approval does not constitute approval of the Definitive Plan nor obligate the Planning Board to grant such approval at a subsequent time. Motion seconded by Mr. Nottebart and voted 4-0-0.

Cumberland Farms, Case No. 14-12, 1340 Main Street: Mr. Mazzocca moved to endorse the mylars as presented and as reviewed by Ms. Walker. Motion seconded by Mr. Nottebart and voted 4-0-0.

ANR – Olmsted, 337 Fisher Street: Mr. Mazzocca moved to endorse an ANR plan of land finding Form A in order and subdivision control not required. The owner's title to the land is derived under deed from the estate of Helen Groote dated 4/29/2002 and recorded in Norfolk County Registry of Deeds Book 16551, Page 524. Motion seconded by Mr. Nottebart and voted 4-0-0. It was noted that no change is being made to the frontage on an existing street. ****(See minutes of April 2, 2015 re: refile of ANR.)**

ANR – SRII Ventures, Property Off Fisher Street: Mr. Mazzocca moved to endorse an ANR plan of land finding Form A in order and subdivision control not required. The owner's title to the land is derived under deed from Buttimer Family Trust dated 11/14/2013 and recorded in Norfolk County Registry of Deeds, Book 31894, Page 331. Motion seconded by Mr. Nottebart and voted 4-0-0. Said plan is entitled "Subdivision Plan of Land in Walpole, MA dated January 19, 2015 and prepared by Glossa Engineering. It was noted that the existing parcel is not a building lot as currently configured and is being divided into two such lots.

It was moved, seconded and voted to adjourn. The meeting adjourned at 9:40 p.m.

Respectfully submitted,

John Murtagh, Clerk (approved 4/2/15)