

The May 21, 2014 meeting of the Walpole Zoning Board of Appeals was held in the Main Meeting Room at the Town Hall.

Chairman James M. Stanton called the meeting to order at 7:00 p.m. with the following members present:

James M. Stanton, Chairman
Matthew Zuker, Vice Chairman
Craig W. Hiltz, Clerk (Not present)
James DeCelle, Member (Not present)
Susanne Murphy, Member (Not present)
Mary Jane Coffey, Associate Member
Timothy Foley, Associate Member

Also present:
Ilana Quirk, Town Counsel

6:30 p.m. – Executive Session

Mr. Stanton declared that under G.L. c. 30A, §21(b)(3) and (4), the purpose of the executive session will be to discuss litigation strategy regarding litigation known as Barberry Homes LLC v. Walpole Zoning Board of Appeals, Housing Appeals Committee No. 2014-01; and Town of Walpole, et al. v Barberry Homes, LLC, Land Court 2014 MISC 481399-AHS and Robertson v. Barberry Homes, LLC, Norfolk Superior Court NOCV2014-000129 involving a proposed 40B Comprehensive Permit for land on Moose Hill Road; and that a discussion of the foregoing in open session could compromise the purpose for the executive session; and that the Board shall return to open session at the conclusion of the executive session.

A motion was made by Mr. Zuker, seconded by Mr. Foley, to go into executive session, under G.L. c .30A, §21(b)(3) and (4) regarding the litigation identified and for the purposes and reasons declared by the Board’s chairman with the Board to return to open session at the conclusion of the executive session.

The vote was **4-0-0 in favor.** (Mr. Stanton – yes; Mr. Zuker – yes; Ms. Coffey – yes; Mr. Foley – yes)

The Board returned to open session.

7:00 p.m. - Barberry Homes, LLC-Case #21-13 (cont'd from 4/17/2014) (Stanton, Zuker, Coffey, Foley)

Mr. Stanton read the public hearing notice for **BARBERRY HOMES, LLC, Case #21-13**, with respect to property located at 272 Moosehill Road, East Walpole and shown on the Assessors Map 36 and Lot Nos. 66, 66-1, 62 in a Residence A Zone.

The application is for:

A Comprehensive Permit under MGL Ch. 40B to allow construction of a 174 unit apartment project containing 25% affordable units on a parcel of land containing 14.33 acres.

Town Counsel Quirk provided an update that there has been some conversation between the applicant's attorney and herself. She has made the request for the applicant to come and speak with the board, neighbors and staff to resolve issues. They seem more open to it now. Town Counsel summarized the issues: density; traffic; sight distances; improvements, if any, to Route 1 and Moosehill Road; elevators; hydrants; radio equipment; sewer and water issues; and having some kind of evacuation plan in place in case of an emergency due to the close proximity of Siemens. They have asked for the ability for their engineers to meet with ours with respect to technical issues raised. The Town Administrator has given the ok. The next step following this could be that they may be willing to come to the table. There could be a potential meeting with Town officials and perhaps a member of the board to attend. If a board member were to attend, there would be specific ground rules as conversations beyond a procedural nature would have to become public if a member was present. The applicant's engineers, town engineer and peer reviewers could possibly meet this week or next to review all comments.

Mr. Stanton introduced Mr. Philip Viveiros of McMahon Associates, the Town's peer reviewer for traffic for the proposed project. Mr. Viveiros is here to present his findings.

Mr. Viveiros said the discussion from the last hearing was to conduct new traffic counts on Moosehill Road and intersections, and study Moosehill Road a little further. They reviewed the permitting for the League School and had a conversation with the Massachusetts Department of Transportation (MA DOT) District 5 with respect to existing access permits relating to the League School. There were none, no changes to Moosehill Road or their curb cut.

Mr. Viveiros stated that in relation to traffic counts and turning movements at four intersections, as noted in the original traffic study, Automatic Traffic Recorder (ATR) counts was significantly higher (370 vehicles per day) on Moosehill Road than the counts reported in the Applicant's traffic analysis. He said the afternoon count was the same while the morning count was slightly higher. He suggested the applicant use their numbers. Mr. Viveiros would still classify it as a low-volume road. His count shows slightly higher 85th percentile speeds of 29 and 27 miles per hour for the northbound and southbound directions, respectively. Heavy vehicle traffic was four percent northbound and seven percent southbound. Overall traffic volume was noted higher by the applicant than ours: 6.5% higher in the am and 5% higher in the pm.

Mr. Viveiros further discussed available sight distance at the intersection of Providence Highway (Route 1) northbound at Moosehill Road. It doesn't meet the percentile for running speed but does for stopping sight distances. There is an old but faded sign on Route 1 which needs to be upgraded.

Mr. Viveiros offered the following suggestions for improvements: 1) move sight driveway to the north to allow for better sight lines around the curve; 2) coordinate with adjacent property owner at 270 Moosehill Road to trim existing vegetation within Town right-of-way that may be blocking sight lines. He also offered improvements for the intersection of Route 1 at Moosehill Road, which will require coordination with MA DOT as Route 1 is a State-maintained roadway: 1) trim existing vegetation along Route 1; 2) replace existing intersection sign with a larger sign meeting current MA DOT standards; and 3) add a deceleration lane on Route 1 northbound for the right turn onto Moosehill Road. One additional suggestion was a potential acceleration lane on Moosehill Road turning right onto Route 1. There is insufficient space, 625ft, whereas 1200ft is the required distance per current MA DOT standards. This is not one recommendation to advocate for.

Town Counsel Quirk inquired about the larger sign on Route 1 to announce Moosehill Road intersection and MUTCD spacing for such a sign and speeds with roadway. Mr. Viveiros would have to look at the chart.

Ms. Jennifer Boland of 241 Moosehill Road is not in favor of orienting the driveway further north because of the two residences across the way. Mr. Viveiros responded that his suggestion didn't take into account residences. It was to mitigate the traffic concern. Ms. Boland asked if there are other means of addressing it. Mr. Viveiros said lower speed than lower the distance for the requirement to be met. It depends on what the applicant will do and the Board and Town willing to do. A resident of Moosehill Road noted that the applicant moved the driveway early on so that it would be more towards the empty lot and not near the residence because then it is closer to us.

Mr. Scott Curran of 261 Moosehill Road added that we do not want the driveway closer to us to shine in our house. He also asked if the grade could change. Mr. Viveiros responded that it is a possibility but it is an expense to regrade a road. It's not commonly done but would have to be because of its condition.

Mr. Al Anderson of 239 Moosehill Road asked that if the volumes were 300 or so higher then what kind of volumes would be anticipated with 174 more units. Mr. Viveiros said that the applicant did cite it on page 19 of their study and that based on 174 units, total trips would be 1,178 trips per day according to ITE statistics. Mr. Anderson further asked that if projections come true, would the road classification change? Mr. Viveiros responded that it would be higher; the project would add more traffic than exists today but not rise to the level of what you would see on Route 27.

Ms. Boland asked if Mahon Associates could extrapolate what the impact on intersections would be during peak hours. Mr. Viveiros said that the applicant has done this in their traffic by looking at a no-build condition (five year horizon) and then with this project added.

Ms. Angela Moore of 237 Moosehill Road referenced the various recommendations in McMahon's report for stop signs, speed bumps etc. She also inquired about the traffic volume and current speeds. Mr. Viveiros explained that while he may make recommendations, it is up to the Town to accept them and put them forward in conditions. He also added that he would not say speeding is a problem on that road. Based on their analysis, they would not recommend traffic calming measures.

Mr. Zuker asked how the deceleration and acceleration lanes would work and if there was a certain distance where it is not recommended or length necessary. Mr. Viveiros said that from Walmart's driveway to the south, the edge line would be where a lane could be added, as an example, for people to pull in. Basically, it's another lane of travel as opposed to wondering whether a car will turn right or go straight. In general for distance or length, we use MA DOT's standards and the speed of the cars on a road. For example, that is where the 1200 feet figure comes from. If the recommendation is accepted, it would be a condition and then they would have to go to MA DOT. The applicant can apply for a design exception which would have to be approved by MA DOT, outside of the standards that are looked at.

Ms. Moore commented that if someone is leaving Moosehill Road, a van is turning into the League School and then you have the light, there is not enough room. Too much is going on and don't think it would work.

Mr. Stanton thanked Mr. Viveiros for their work. Mr. Viveiros noted that all of their comments in the first review remain valid and should be addressed.

Mr. Stanton then introduced Ms. Judi Barrett of RKG Associates, the Town's 40B Technical Assistance consultant, to present any comments she had on her review of materials relating to the proposed project.

Ms. Barrett provided an overview of her background and explained the Massachusetts Housing Partnership grant process for technical consultants. Typically in the process, the consultant works side by side with the Town but given the circumstance, it is on an as-needed basis. She commended the various Town Departments for their review of the comprehensive permit application including the supplemental review provided by the Town Engineer. She gave a summary of her comments outlined in a memorandum provided to the Board. Items she identified in the project eligibility letter by Mass Housing that were missing from the applicant's application should be included as conditions in any decision and they were: evidence how the applicant will meet the Commonwealth's Sustainable Development Principles; special measures to preserve mature trees because of the applicant's proposed entry to the site, it will likely compromise the root system of the mature trees; and a Phase I Environmental Site Assessment. She recommended the Board have a landscape architect review the site plan and provide recommendations for protecting and preserving mature vegetation on the site.

Ms. Barrett also stressed the need for proper outdoor recreation facilities suitable for children, she noted the applicant provided a tot lot and pool but there needs to be sufficient outdoor amenities particularly for school-aged children. She further added that pedestrian circulation needs to be improved and recommended reducing or eliminating the units closer to Moosehill

Road, providing for well-marked crosswalks (raised and textured) between the buildings and through the parking lot. Lastly she noted that the application is completely oblivious to the Town's approved Housing Production Plan. Applicants should be requested to provide details as to how their project will address the Plan's specific goals and local housing needs.

Mr. Stanton asked Ms. Barrett to explain what she would envision for outdoor recreational amenities. Ms. Barrett said, as an example, there could be a playground with some equipment such as the ones available for kids in other neighborhoods across the community, or even an outdoor basketball court. She believes the applicant can do better.

Ms. Boland commented that she is in favor of outdoor activities but cautioned that there should be specific times of operation or other restriction to mitigate noise.

Ms. Moore added that the pool being proposed should not be used year round.

Ms. Barrett suggested that the clubhouse could have some indoor equipment or social room to allow for interaction among residents.

Mr. Stanton thanked Ms. Barrett for her presentation. He proposed that the hearing be continued to June 11th to allow for discussions to continue with Town Counsel and hopes to have some more information at that point.

Mr. Curran asked if the recommendation to shift the driveway to the north could be eliminated.

Mr. Stanton replied that all the issues and recommendations discussed this evening are under consideration by the Board.

Mr. Viveiros added that they were to provide the best recommendations to the Board and it is up to the Board to do what they see fit with them.

A motion was made by Mr. Stanton, seconded by Mr. Zuker, to continue the hearing to Wednesday, June 11, 2014 at 7:30 p.m. in Main Meeting Room of Town Hall.

The vote was **4-0-0 in favor** (Stanton, Zuker, Coffey, Foley voting).

A motion was made by Mr. Stanton, seconded by Mr. Zuker to adjourn the meeting at 8:15p.m.

The vote was **4-0-0 in favor**. (Stanton, Zuker, Coffey, Foley voting)

Craig W. Hiltz
Clerk

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Minutes were approved on October 29, 2014.

