

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 4, 2014

A regular meeting of the Walpole Planning Board was held on Thursday, September 4, 2014 at 7:00 p.m. in the Main Meeting Room, Town Hall. The following members were present: John Conroy, Chairman; Richard Mazzocca, Vice Chairman; John Murtagh, Clerk; Richard Nottebart, Edward Forsberg (7:28 p.m.); Margaret Walker, Town Engineer and Wayne Feiden, Consultant.

Mr. Conroy opened the meeting at 7:06 p.m.

ANR – Orfanidis, 1424 North Street: The applicant was represented by Dan O’Driscoll, O’Driscoll Land Surveying Company, 46 Cottage Street, Medway, MA. Ms. Walker stated she reviewed this and there are no issues. Mr. Conroy moved to approve an ANR Plan entitled “Plan of Land in Walpole, MA” dated August 26, 2014 by O’Driscoll Land Surveying Company finding Form A in order and Subdivision Control not Required. Motion seconded by Mr. Nottbart and voted 4-0-0.

Time Cards: Mr. Conroy moved to approve the board secretary’s time cards. Motion seconded by Mr. Nottebart and voted 4-0-0.

Legacy Lane Subdivision: Ms. Walker stated this was not ready in time to make the Fall 2014 town meeting.

Minutes: Mr. Nottebart moved to accept the minutes of June 19, 2014 and July 10, 2014. Motion seconded by Mr. Murtagh and voted 4-0-0.

Al Marhama Islamic Burial Service, #14-11: Nothing has been received from Town Counsel.

7:28 p.m. Kingswood Estates Continued Hearing: The applicants, Tom and Marty Taylor, were represented by John Glossa, Glossa Engineering, 46 East Street, East Walpole, MA. Mr. Glossa stated he is aware of the issue with the covenant. He also addressed the following items: 1) the Sewer and Water Commission wanted the sewer to remain private so he put together a Homeowners Association for the maintenance of the sewer, which has been done before; 2) Ms. Walker’s comments. He stated that along with the covenant, he submitted other documents including a Conveyance of Easements and a Draft Covenant with the Town of Walpole. This is a three-lot subdivision with Lot 2 being the Taylor’s house and then Lots 1 and 3. Mr. Conroy stated that town counsel has said you can’t leave Lot out of the covenant. Mr. Glossa stated he never saw that memo but the board secretary stated she handed it to him a while ago and also emailed it to him. Mr. Conroy read Ms. Quirk’s opinion dated August 12, 2014 regarding the Form F Covenant. Mr. Glossa feels town counsel and his attorney Joe Pruell can “duke” it out. Mr. Conroy stated the board can deny this based on a 1986 variance or we could wait until they go back to the zoning board. Mr. Feiden, consultant, stated it is not the variance, but the condition on the entire property. Mr. Forsberg stated you would be nonconforming without the variance. Mr. Conroy questioned the covenant.

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 4, 2014 (2)

Mr. Glossa stated the Taylors would like this worked out or maybe there would be a buyer that would buy the whole thing. They will have to build or bond the road before they can sell the house. Ms. Walker stated the documents need to be reviewed by town counsel before the board closes this hearing. Mr. Glossa said to let Ms. Quirk and Mr. Pruell talk about this and draft a covenant that is acceptable. Mr. Conroy stated we can condition the variance. He asked if they want to do something with the covenant before moving forward. Mr. Glossa stated yes. Mr. Conroy stated that regardless of what Mr. Glossa states, this will be continued tonight. Mr. Feiden stated sign the covenant and all three lots are covered, then you can release them when you get the performance guarantee. Mr. Glossa stated he understands that. He would rather find out first before it closes. Ms. Walker stated she will meet with John Glossa. Mr. Forsberg questioned a private sewer. He also asked if the Homeowners Association will be open to the other lots on Bubbling Brook for hooking up to sewer. Mr. Glossa stated they will be leaving laterals and they will have the option to join the association.

No further board comments. No public comments.

Mr. Conroy stated the applicant needs a covenant as agreed to by their attorney and town counsel; a filing with the Zoning Board; and, the documents to be reviewed by the town engineer and town counsel.

Mr. Glossa granted the board an extension of time on which to take action up to and including October 31, 2014. Mr. Conroy moved to accept an extension of time up to and including October 31, 2014. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy continued this hearing to October 2, 2014 at 8:00 p.m.

7:56 p.m. Olmsted Estates Refile: Mr. Conroy read the public hearing notice. The applicant was represented by Atty. Vincent O'Brien, Dover, MA and John Glossa, Glossa Engineering. Mr. Glossa stated this is a new hearing. The applicant presented the green cards to the board's clerk. Atty. O'Brien submitted a subdivision phasing request. Mr. Glossa stated that at the end of this process and prior to signing the plans, they will bring in an ANR to subdivide the large piece. Also, 3.2 acres is owned by the Olmsteds and the third piece is owned by the O'Donnell's. The bulk of the land is wooded and was probably one big field at one time. There is one field left at the northerly edge of the property. There is also a significant wetland area in the rear. Olmsted Lane will end with a cul-de-sac. The wetlands are the result of an ANRAD filed with the Conservation Commission. The requirement for 120' circles in Residential A and 160' in Rural can be met. There will be a 5' sidewalk on the left side from Fisher Street and a 5' planting strip. This subdivision will have municipal sewer and water. This road will be constructed completely to the Planning Board's Rules and Regulation, other than it is more than 750' in length. There is a sewer line that starts on North Street and Covey Road and then runs across to the end of Walden Drive and out to Fisher Street to a manhole.

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 4, 2014 (3)

This was filed with the Conservation Commission and they did a site visit. They were concerned with the 25' no disturb area. They are trying not to disturb the groundwater that is presently on site.

Mr. Conroy read board comments. The Conservation Commission stated the plan they reviewed is different from the one the Planning Board presently has. Mr. Conroy asked Mr. Glossa if we all have the same plans now and Mr. Glossa stated no. The plan in front of the Planning Board is different from the Conservation's plan. Ours doesn't show the swales. He will submit new ones to the Planning Board. They are meeting with Conservation on September 10 and will get us a plan after that. Ms. Walker stated she needs final plans that she can check it off against her list of outstanding items. She read her comments. She stated that she did meet with John Glossa and discussed her letter, mostly which questioned drainage related issues. Ms. Walker asked if the board needs a street name prior to approval and Mr. Conroy stated yes. Atty. O'Brien stated they did submit a name to E911 and are waiting to hear back. She needs a copy of the Conservation plan, so she can back check it.

Mr. Murtagh stated the green cards are all set. Mr. Feiden suggested narrowing the road down to 22-24'. Ms. Walker stated the DPW would not like that. She feels it should all be standard. Mr. Feiden stated the entire subdivision could be reduced to 22-24'. Ms. Walker disagreed and stated they need 11-12' lanes. Mr. Feiden stated a lot of towns are narrowing their roads. He stated the two houses on each side of the road might like to move their driveways to the new street to get off of Fisher Street. Mr. Glossa stated they can do whatever they want once the town accepts the street. Atty. O'Brien stated they have no problem with that. Mr. Forsberg questioned the street lights and also a reference on the plan to an ANR being done in March of 2014. Mr. Glossa stated he will remove the reference to the ANR. Mr. Nottebart questioned the number of lots. Mr. Feiden stated we can say this approval is for eleven lots only. Mr. Nottebart questioned the vegetated swales and asked whose idea they are. Mr. Glossa stated it was a suggestion of the Conservation Commission. Mr. Nottebart questioned the vernal pool and wetlands and asked if they were addressed on the new plan. Mr. Glossa stated the buffer ends where the wetlands end. What they are treating as a vernal pool has not been certified as one. Mr. Murtagh questioned fill being removed or brought in and Mr. Glossa stated that is not being done on this site. Mr. Murtagh questioned looping the water main and Mr. Glossa stated it could end at 750' as there are only eleven lots. Mr. Conroy asked the advantage of doing an ANR the way it has been proposed as it could be done as part of the subdivision. Atty. O'Brien stated they aren't subject to a covenant if done their way. Mr. Conroy asked what happened to the rain gardens as they seem to have disappeared and Mr. Glossa stated they don't work so well if there is a pipe bringing in water. They don't work well on one pipe. Mr. Conroy stated they didn't work well in the winter either when the ground is frozen. Mr. Glossa asked what good is it if you have to cut down fifty trees to create a vegetated swale. Mr. Conroy asked him to explain the 40' waiver request and Mr. Glossa stated it is exactly the same as before.

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 4, 2014 (4)

There will be a 40' wide strip and based on past practice there is a viable access point. If they don't get the waiver, one of the houses on Fisher Street will need to be torn down. Mr. Conroy asked what they are providing in return for that waiver. Mr. Glossa stated the biggest benefit is that the developer is spending a lot of money to give the benefit of a sewer to the abutters and the town. People could not expand from three to four bedrooms under Title V without this. Mr. Forsberg asked how many houses will be affected and Mr. Viano stated seventeen. Mr. Glossa stated they are going right up the middle of Fisher Street and leaving a lateral on each side. Three houses beyond the end will be able to hook in. Mr. Nottebart asked if the sewer will be similar to what is on North Street and Mr. Glossa stated it will be an 8" gravity sewer. Mr. Nottebart asked how far Mr. Viano is bringing up the line and Atty. O'Brien stated 628'.

Robert Sear, Pheasant Hill Road asked if there will be two or three cul-de-sacs and Mr. Glossa stated two. Mr. Sear asked if there will be a hub and Mr. Glossa stated the one to the left may extend to other Sunny Rock property. Mr. Sear asked if it is not extending to North Street, where is it going and Mr. Glossa showed him on the plan and stated it will not connect to Covey or Pheasant Hill.

Joe Moraski, Buckboard Drive stated he is not understanding Olmsted Estates as it relates to what is being discussed in two weeks because a plan has been submitted by the same applicants showing cluster zoning and a conventional plan. The conventional plan doesn't show Olmsted Estates at all. It's like it doesn't exist so how the three plans are related, Open Space to Conventional to Olmsted Estates. Mr. Conroy stated that is not in play here, so we can't deal with that. It was stated that each one stands on its own and we have to deal with what is here as the others may never be built. Atty. O'Brien explained the situation. Mr. Moraski stated that looking at the plan is like Olmsted Estates doesn't exist. They will be back to get an open space and or convention approval. Atty. O'Brien stated that is called planning. Mr. Moraski stated there are already lots sold on North Street. Mr. Conroy stated that will be addressed in two weeks. Mr. Moraski stated this plan makes Olmsted Estates irrelevant, not a reality. Can the Planning Board knowing there is another plan coming meld the two plans together? Can you ask for one plan? Mr. Conroy stated may if it is under the same ownership. This one will remain open while we do the next one. Mr. Moraski asked that this stay open and not approved. Mr. Murtagh feels Mr. Moraski's point is valid. We don't know what is coming. Mr. Conroy stated we will be dealing with the open space and can correct some of these problems with the next plan. Atty. O'Brien stated that is basically what they are doing with the Conservation Commission. When they have an approved plan from ConCom, they will bring it back to the Planning Board. Atty. O'Brien stated they are trying to plan to get the best possible end result. There will be separate owners, etc. Mr. Moraski stated that some of the neighbors don't want anything to come off North Street. They have asked the police to check car counts and speeding. If you look at the entire plan, it could be close to 61 houses, plus or minus and several people have stated that will create an impact on Fisher School. As of last Thursday, there are 463 kids

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 4, 2014 (5)

now and 22 classrooms. This could cause a re-districting. He would like a comment from the School Department on the impact on potential enrollment for Fisher School. Mr. Conroy stated they have a right to develop this. The school has been coming onto a decline. If the parents are concerned they should ask the School Committee for input. Mr. Moraski stated the neighborhood is concerned with what could potentially come out onto North Street. Mr. Conroy stated if there is any change to this and we approve it, they will have to start over. Mr. Nottebart stated there are three pieces to this puzzle. He has received phone calls on this. However, they do have a right to build this and agrees the neighbors should talk to the School Department.

Paul Cangiano, 373 Fisher Street stated his biggest concern is the granting of a waiver. Changes were made in 1956. This development is cutting onto Fisher Street. He is looking at negative impacts and there are some that are not showing yet. Fisher Street is busy. Do you have a study? They will be impacted. He is concerned about snow removal. Visibility issues are also a problem and accidents. It is a speedway now. The town shouldn't grant waivers as there is a reason why there are codes. Why will you grant a waiver that is different from the code? There is a Plan B and that might impact someone else in this process, which may be the best way to look at this. This will impact the neighborhood and the safety of the kids and the flow onto Fisher Street. He feels it will be hazardous and will not work. He is against the waiver. His parents have lived there for fifty years. Atty. O'Brien stated the width of the street is not going to change. It will be 26' everywhere in this subdivision. The board has to weigh the negative and positive as the betterment going down the street is a great benefit. Mr. Cangiano stated you are assuming there is a sewer problem. You have options. He knows the road will be 26' wide. The total is supposed to be 46' and it is only 40'. You don't have it. It's a hazard. The septic system at his parents is not updated. He feels the impact on Fisher Street will be worse. Mr. Conroy stated they are raising the issue on all of Fisher Street. That is valid and we will look at it. He will ask the applicant to back this up with the Police Department. He would like to run Olmsted Estates and the Open Space filing concurrently and asked if October 16 is okay with applicant. They agreed. Mr. Conroy continued this hearing to October 16, 2014 at 7:30 p.m.

9:35 p.m. Cumberland Farms, 1340 Main Street, Case No. 14-12: Mr. Conroy read the public hearing notice. The applicant was represented by Atty. Peter Pulchaski, Franklin, MA. He stated that Cumberland Farms wants to rebuild and the building would be just Cumberland Farms. Also, present was their engineer, Phil Henry and the area sales manager. Atty. Pulchaski stated they want to raze everything down and rebuild. The storage space will expand and there will also be an outside sitting area added. Mr. Conroy stated they just submitted another plan, but we will not be discussing that. Mr. Mazzocca stated he worked for Dressler & Brynes for fifteen years and they did handle some legal cases for Cumberland Farms. He doesn't think this would affect this decision but wants the applicant to know. Atty. Pulchaski stated he has no problem with this. Mr. Henry submitted photographs as a representation of what the area will look like. He stated they are meeting with the Conservation Commission on September 10th.

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 4, 2014 (6)

Atty. Pulchaski stated the board will be reviewing the original plans which are now considered "old plans". He stated there is a stream or brook in the back and there is an existing concrete retaining wall that goes from 2'-5'. They will be expanding that, but will not be touching what is there. The old plan shows two parking spaces that they relocated and lost one. The old plan shows 19 spaces and the new plan will have 18 spaces. A neighbor on Norfolk Street asked for an entry onto the sidewalk to be used as a wheelchair ramp, which did cause them to lose that one space. There will be an internal pedestrian connection also, but they are keeping the same access points. The new plan has an area of planting enhancement. Another change is they added drain profiles as requested by Margaret Walker. Regarding impervious cover and drainage, the entire site drains to catch basin through a 10" pipe through the retaining wall. They are reducing the volume and mitigating the flow by decreasing the impervious cover. During an informal meeting in May or June, they were asked to take the run off and put it directly into the ground.

Mr. Conroy read comment letters received from the various boards and committees as they related to the original plan, not the revised plan. He asked if the tenants know what is going on and Atty. Pulchaski stated yes, Cumberland Farms did send out written notice and all are now renting month to month.

Giles Ham, Vanesse & Associates, stated they will probably add some traffic count, but the model they used is really conservative. They recommended fixing the sidewalk, which was done, and also recommended some pedestrian crossing signs which will make the area safer. Also, curb cuts will be narrower. Ms. Walker asked how far out they did their study. Mr. Ham stated it covers passerby traffic. This is a good project and they want to do the appropriate mitigation. Ms. Walker stated that regarding lighting, a significant part of the building will not be lit. She asked if that will change. Mr. Henry stated yes on the back. They have added soffit lighting which is addressed on the new plan. Their intention is that the guard rail and the wall will remain as is. There will be a 5' sidewalk with a retaining wall. Mr. Henry stated they will be adding a mansard roof. Ms. Walker asked if there is an easement if someone will be using the driveway and Mr. Henry stated they are disconnecting the access and landscaping that area. They are not encroaching on someone else's property. Ms. Walker asked if they need a special permit for outside seating and Atty. Pulchaski stated he spoke with Jack Mee and he said it is not required. Mr. Feiden stated he has not seen this before tonight. He questioned the concrete under the driveway. He feels it should show it is part of the sidewalk, not the roadway. Mr. Mazzocca feels that aesthetically this looks great and is a big improvement. His only problem is the traffic at Norfolk Street. Mr. Forsberg questioned the northerly curb cut and stated he agrees with Mr. Mazzocca's comments. Mr. Henry stated it will be moving about 10' to the south. Mr. Forsberg questioned the lighting and Mr. Henry stated it is addressed on Sheet 9.4. There will be five 14' tall light poles. Mr. Forsberg asked how bright and Mr. Henry stated he is not sure. Mr. Nottebart questioned a receiving dock next to where they are getting gas deliveries and

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 4, 2014 (7)

asked how they get in there. Mr. Henry stated it is more efficient than what is available today. The tankers are 53'. Mr. Nottebart asked if the produce deliveries are similar and the store manager stated there are two deliveries per week made by 18 wheelers. He thinks this is a nice plan and will improve that section of town. Mr. Murtagh asked the placement of the dumpster and Mr. Henry showed him. Mr. Murtagh asked if they have a landscape designer and Mr. Henry stated yes. Mr. Murtagh stated he thinks the roof surfaces as presented would be a good source for solar panels. Mr. Henry stated he is not aware of that being an option. Atty. Pulchaski stated they do not use alternative energy. Mr. Murtagh asked if the gas pumps are protected and Mr. Henry stated yes with U Bollards. Mr. Murtagh asked if fencing is needed at the rear of the building and Mr. Henry stated yes in the rear only. Mr. Conroy asked that they check on signage with Jack Mee. Atty. Pulchaski stated he talked with Mr. Mee and he was told they have to meet the requirements that are there for the free standing sign and they are covered by what is required. Each side has to be 100 s.f. Regarding the landscaping, Mr. Conroy stated they should have a raised berm along the street. Mr. Henry stated they will look at it and add some dimension. He stated they are meeting with the Conservation Commission on September 10. They feel they have met their concerns. He hopes this is the final plan, but it could change. Atty. Pulchaski stated they have a pending complaint on adverse possession and knows that will be conditional. Mr. Forsberg asked the hours of operation. The area supervisor stated they would like 24-hours. Mr. Forsberg stated he would like to control the time the dumpster is emptied, such as only between 7:00 a.m. and 7:00 p.m.

Mr. Nottebart stated he would like reduced plans. Regarding the revised plans, Mr. Conroy asked they be sent to the Conservation Commission and Engineering only.

Mr. Conroy moved to accept an extension of time up to and including October 31, 2014 as granted by Atty. Pulchaski. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy continued this hearing to October 2, 2014 at 8:05 p.m.

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:30 p.m.

Respectfully submitted,

John Murtagh, Clerk

Approved October 2, 2104

