

WALPOLE PLANNING BOARD MINUTES OF DECEMBER 1, 2011

A regular meeting of the Walpole Planning Board was held on Thursday, December 1, 2011 at 7:00 p.m. in Room 112, Town Hall. The following members were present: John Conroy, Chairman; Edward Forsberg, Vice Chairman; John Murtagh, Clerk; Richard Mazzocca, Richard Nottebart, Donald Johnson, Town Planner; Margaret Walker, Town Engineer.

Minutes: Mr. Conroy moved to accept the minutes of November 3, 2011. Motion seconded by Mr. Nottebart and voted 5-0-0.

Time Cards: Mr. Conroy moved to approve the Planner's time cards as presented. Motion seconded by Mr. Murtagh and voted 5-0-0. Mr. Conroy moved to approve the secretary's time cards as presented. Motion seconded by Mr. Nottebart and voted 5-0-0.

Personnel Action Request: Mr. Conroy moved to endorse the Personnel Action form as requested by the Personnel Board. Motion seconded by Mr. Murtagh and voted 5-0-0.

ANR – Buttimer Family Trust, North Street: The applicant, Michael Viano, was accompanied by Atty. Richard Gelerman, Gelerman & Buschman, Norwood, MA who was representing the Buttimer Family Trust. Mr. Viano questioned the filing fee. He had submitted a check in the amount of \$1200 and then an additional \$600 as requested by the town planner. He feels that the filing fee should be \$1500, which includes \$300 for the filing fee and \$1200 for two new house lots. He is also paying about \$50,000 for five years of roll back taxes.

Mr. Conroy disagreed and stated he calculates the fee to be \$2100, which is \$300 for the application fee plus three new house lots. The board agreed with Mr. Conroy. Mr. Conroy made a motion to set the fee at \$2100 as Mr. Viano is creating three new buildable lots. Motion seconded by Mr. Forsberg and voted 5-0-0. Mr. Conroy returned the \$600 check to Mr. Viano.

Mr. Johnson stated the plan as presented meets the frontage as required. He has no further questions.

Mr. Conroy moved to endorse an ANR plan by John Glossa Engineering finding Form A in order and subdivision control not required on an application from Northridge Ventures, LLC, 2 Norton Avenue, #58, Walpole, MA and for property owned by Buttimer Family Trust, Richard Gelerman, Trust, 30 Walpole Street, Norwood. Motion seconded by Mr. Nottebart and voted 5-0-0. The owner's title to the land is derived under deed from John Buttimer et al dated September 24, 1973 and recorded in Norfolk Registry of Deeds, Book 4991, Page 105 for property shown as Assessors' Map 12, Lots 98, 99, and 107, Zoning District Rural.

WALPOLE PLANNING BOARD MINUTES OF DECEMBER 1, 2011 (2)

Atlantic Court Extension: Mr. Viano has requested a waiver from using granite curbing and using Cape Cod berm in its place. Mr. Forsberg stated that Cape Cod berm gets ripped up by the plows and therefore doesn't agree with granting the waiver. Mr. Conroy moved to grant a waiver from the required sloped granite to bituminous berm as requested. Motion seconded by Mr. Forsberg and voted 0-5-0. Motion denied. Mr. Conroy read a letter from the Deputy Fire Chief dated November 3, 2011 with regard to a fire hydrant and on site blasting operation. It was agreed to forward a copy to Mr. Viano.

Allied Recycling: Michael Sciaba, site operator, was present along with Jack Mee, Inspector of Buildings. Mr. Sciaba presented the board with an as-built plan as per the Board of Selectmen who asked that he file a site plan in conjunction with his license renewal. Mr. Conroy stated there is no action for the Planning Board to take as he is not requesting approval of anything. He is only here to meet the requirements of the Selectmen even though the Planning Board never received prior input from them. Mr. Murtagh questioned stormwater management and Mr. Sciaba stated that has already been approved by Landis Hershey. Also, the Fire Department is okay with this site. Mr. Murtagh questioned contamination and raw asbestos. He asked if it was removed. Mr. Sciaba stated he doesn't know. Mr. Mee stated he just wants to make sure the procedure moves forward. He agrees with Mr. Conroy's description that no action needs to be taken. There were no further questions. Mr. Conroy moved to accept the site plan that was submitted. Motion seconded by Mr. Nottebart and voted 5-0-0.

Emergency Tree Removal: Mr. Conroy read a letter dated November 21, 2011 from Robert LeBlanc, Tree Warden, informing the board of the removal of three trees at 235 Lincoln Road that are in poor condition.

Pilot Rail Study: It was agreed that Mr. Mazzocca will write a letter.

FY 2013 Budget: Mr. Conroy moved to approve the budget for FY 2013 as presented. Motion seconded by Mr. Mazzocca and voted 5-0-0.

Plimptonville Crossing Update: Mr. Merrikin was present to give the board an update on this property. Mr. Conroy stated that any modification needs to be presented to the board. He also requested an extension of time as per a letter dated November 3, 2011. Mr. Conroy moved to grant an extension of time up to and including March 31, 2014. Motion seconded by Mr. Nottebart and voted 5-0-0.

Toll Update: Mr. Conroy read a letter dated October 31, 2011 from Atty. Philip Macchi providing an update relative to the status of the Form F Covenant for Phases 1, 2, 3, 4, and 5 within the Bird Estates subdivision.

WALPOLE PLANNING BOARD MINUTES OF DECEMBER 1, 2011 (3)

Hale Trailer: Atty. Philip Macchi, II was present to give an update of Hale Trailer. Mr. Conroy stated there are a lot of trailers, more than 200, at this site on Industrial Road. It is a fully operational site, but they never completed what they were supposed to as shown on the approved site plan. Mr. Macchi stated that Zoning Board told the applicant he could use the trailers until the site plan is completed up through January 2014. He stated there are three trailers and two have been removed and they have gone from four to two people working on site. He stated there are lots of trailers being stored on site, but he doesn't know how many are being moved. When the site plan runs out, they can no longer use it. Mr. Conroy stated they have asked for a temporary condition that is not part of the site plan. This site is built and functioning. Mr. Macchi stated the building is not built. Mr. Conroy stated he feels we are being held hostage. Mr. Macchi stated he thinks it runs out in January 2014 because of the two year extension being automatically granted, otherwise it is January 2012. Mr. Conroy stated he doesn't agree and thinks we are being taken advantage of. He asked if they have a temporary CO.

Mr. Conroy moved to send a letter to Philip Macchi, Esq., indicating it is our opinion that they haven't attempted to comply with the site plan which should have been completed by now because they are functioning. Motion seconded by Mr. Murtagh and voted 5-0-0.

Barachiah Lane: Mr. Conroy moved to set the bond for this subdivision at \$41,000.00 per recommendation of Margaret Walker, Town Engineer. Motion seconded by Mr. Forsberg and voted 5-0-0.

Oakwood Estates: Joe Peznola, representing Walker Realty Trust, was present to request a minor modification to the piping in the existing subdivision. Mr. Conroy stated that if this street was already accepted, the applicant could have just gone to Ms. Walker for a field change. Ms. Walker agreed. Mr. Peznola stated there is ground water on site because of all the ledge. The water comes from County Street, down across the street and then the water gets stuck. Mr. Murtagh asked if this piping will alleviate that problem and Mr. Peznola stated yes. Mr. Nottebart asked if it will help Deborah Drive and Mr. Peznola stated just a little. There were no further questions or comments. Mr. Conroy moved to grant a minor modification for piping as presented. Motion seconded by Mr. Nottebart and voted 5-0-0. Ms. Walker stated she will work with Mr. Peznola.

High Oaks IV: Mr. Conroy read a letter November 9, 2011 from the Sewer and Water Commission and a letter dated November 17, 2011 from Rick Mattson, Superintendent of Sewer and Water Commission. Ms. Walker stated that Jack Walsh owes the town money. Mr. Conroy stated that if Mr. Walsh wants this street accepted up to the pump station, he needs to pay the town the money owed. Ms. Walker agreed. Mr. Conroy asked if anyone has told him that and Ms. Walker stated she doesn't know, but will find out. Mr. Conroy stated we are interested in accepting the road. He told Ms. Walker if she wasn't here we wouldn't know what was going on.

WALPOLE PLANNING BOARD MINUTES OF DECEMBER 1, 2011 (4)

Mr. Conroy moved that we send a letter to Sewer and Water asking what their memos mean to us as it pertains to the bond; i.e., will they accept the pump station under bond or does he have to pay more money. Motion seconded by Mr. Nottebart and voted 5-0-0.

The Trails: Mr. Conroy moved to accept a check in the amount of \$25,000 which is to be deposited into a special account and used for the repair of Starlight Drive as per a condition of approval set forth in the Certificate of Approval for The Trails Subdivision. Motion seconded by Mr. Nottebart and voted 5-0-0.

Mr. Conroy moved to set the bond at \$76,000 for The Trails Subdivision as per recommendation of Margaret Walker, Town Engineer. Motion seconded by Mr. Mazzocca and voted 5-0-0.

Ted Cannon, Esq., who was present on behalf of Ron Priore, stated he has a deed that needs to go to either the Board of Selectmen or the Conservation Commission. They would also like a release of Lot 18 from the bond. Mr. Conroy stated we can't do that because Lot 18 has to be either on an accepted way or bonded, either in the form of a Tripartite Agreement or cash per M.G.L. and Mr. Cannon agreed with that. Mr. Cannon stated he would like to bring the bond into the board's next meeting for acceptance. Mr. Conroy stated if they get the bond in quick enough to allow review of it by our Finance Director, Mark Good, it can be accepted on December 15, 2011.

Mr. Cannon also requested a minor modification to the natural buffer. Mr. Conroy stated he is not sure if what they are requesting is a minor or a major modification. He feels we need input beforehand from town counsel for our own protection before making that decision. Mr. Merrikin asked if the board needs town counsel to inform you if we can do this or which way to go and Mr. Conroy stated yes. Mr. Merrikin stated this came about in the approval of the points. Mr. Conroy stated that he originally thought they were adding a piece of land to the original plan, but Mr. Merrikin stated no. Both Mr. Conroy and Mr. Merrikin agreed this would constitute a new hearing. Mr. Conroy stated that currently the area is a vegetated buffer and now you want to flip it to the right. Mr. Mazzocca asked if this is a conservation commission issue and Mr. Conroy stated no. Mr. Nottebart asked if the expansion has to be done in equal amounts and Mr. Conroy stated it appears to be close, but regardless it is not buildable land. Mr. Priore stated the change just involves a corner of one of the houses. Mr. Forsberg asked if all those lots retained ownership and Mr. Merrikin stated yes. Mr. Conroy stated they are really not adding anything, so it is like a swap.

Mr. Conroy moved to send a letter to town counsel asking her guidance on how to proceed and whether or not the modification is a minor or a major change. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Johnson asked if the board would like this run by the Conservation Commission as it may be more valuable one way or another. Mr. Conroy stated yes. He feels if we are adding land, it would be a major modification, but just a land swap would be.

WALPOLE PLANNING BOARD MINUTES OF DECEMBER 1, 2011 (5)

Walpole Park South: Mr. Conroy stated that based on what he has read, we now have another entity in this deal, namely the Board of Selectmen. He wants to bring everyone to the table: the Planning Board, Town Counsel, Selectmen, Town Administrator and the Walpole Park South crew. He feels if we meet with everyone at one time, we could resolve something that night.

Mr. Mazzocca stated he feels that is a great idea and Mr. Forsberg agreed. Mr. Conroy moved to send a letter to Michael Boynton, the Board of Selectmen, Ilana Quirk, Merrikin Engineering, Macchi and Macchi, and the Murphy team. Motion seconded by Mr. Nottebart and voted 5-0-0.

Mr. Macchi stated he feels that is a very good plan and stated he did not know why the Selectmen would have met in executive session. He gave us a packet dated December 1, 2011 listing all transfers and deeds. Mr. Conroy asked that the letter we received from Philip Macchi, Esq. be attached to the above referenced letter and also copies forwarded to the Planning Board.

B&C Floral endorsement: This is on hold as Ms. Walker had some questions.

Sharon Credit Union endorsement: Mr. Conroy placed this on our next agenda as Mr. Forsberg had some questions.

8:15 P.M. Minuteman Truck, Route 1, Site Plan Approval, Case No. 11-10 and Minuteman Truck, Route 1, Special Permit, Case No. 11-11: Mr. Conroy opened the public hearing and read the advertised public hearing notices. He stated the two hearings will run concurrently. He stated that we have received modified plans from Norwood Engineering that have not as yet been looked at. With regard to voting, he stated that there are five members sitting tonight and the applicant needs a super majority of four favorable votes.

The applicant was represented by Atty. Philip Macchi II, 1256 Washington Street, Norwood and also two representatives from Manage Air Systems. He stated the application was signed by both the owners and applicants. They have met with the Deputy Fire Chief, Board of Health, Conservation Commission and Building Inspector. They tried to meet with Sewer and Water and were put on their next meeting agenda. Mr. Conroy stated we are only obligated to wait 35 days for a response from them. Mr. Murtagh asked them to make a presentation to the Sewer and Water Commission.

Mr. Macchi stated that regarding a peer review, the Deputy Fire Chief and Board of Health would like that done and have developed a scope of work which is being reviewed by Health, Building Inspection and Fire Department, which will be under the auspices of the Board of Health. He doesn't expect closure on the special permit until after that review.

WALPOLE PLANNING BOARD MINUTES OF DECEMBER 1, 2011 (6)

Mr. Macchi stated this site was originally owned and operated by Rodman Ford and then sold to Minuteman Truck in 1991 and has been operating at this location continuously since then. They are an International and Ford dealer that sells and leases new and used medium and heavy duty commercial trucks and specializes in the service, repair and provide parts for Class 3-8 trucks and emergency vehicles. The proposed addition is being built in order to provide a more efficient and safer paint area as part of the ongoing service/repair operation. They would like to expand their paint building which is presently a very small stand alone building. He stated the chemicals referenced are the paints to be used in the booth.

The proposed addition to the existing paint building consists of approximately 3,800 s.f. There will be some minor realignment of the pavement in this area; however, the pre and post construction impervious cover will remain unchanged. The new facility will be used for the repair of collision and corrosion damage on commercial trucks and fire safety trucks. The operation within the new facility will be determine damage to vehicle and estimate type and cost of repair; remove damaged parts and replace or repair as needed; sand and fill the damaged area using a central vacuum system to eliminate airborne dust and particles; reassemble the vehicle; paint, prime apply finish coat; buff and polish same. The building and equipment are designed to provide a safe area for truck body repair. All the hazardous materials are located in lockable storage cabinets with spill containment. Material required to be mixed is removed from the storage cabinet in its sealed container, taken to the mix room which has built in spill containment and an exhaust system that runs 24/7. All containers are emptied and disposed of on a regular basis by Clean Harbors.

They are seeking Site Plan Approval under Section 13 of the Zoning Bylaws to allow a 3,800 s.f. addition to an existing stand alone building used as a painting facility with upgrading of the drainage and other site work and also a Special Permit, under but not limited to Section 12:3.C(2) and 12:3.C(6) of the Zoning Bylaw to allow those activities allowed in the underlying zoning district that involve the handling of toxic or hazardous materials in amounts greater than normal household quantities and the storage of liquid hazardous materials.

Mr. Conroy read comment letters from the town boards and departments. Mr. Macchi stated he will get clarification from the Deputy Fire Chief's letter and also the Board of Health, so there is no duplication of the process. Mr. Murtagh asked if they think this warrants an outside company and Mr. Macchi stated it is already being done by the Board of Health. Mr. Conroy asked the timetable as it may be different from ours and Mr. Macchi agreed.

Mr. Macchi granted the board an extension of time upon which to take action on this application up to and including January 31, 2012. Mr. Conroy moved to accept the extension of time up to and including January 31, 2012. Motion seconded by Mr. Nottebart and voted 5-0-0.

WALPOLE PLANNING BOARD MINUTES OF DECEMBER 1, 2011 (7)

There were no further comments or questions. Mr. Conroy continued this to January 5, 2012.

It was moved, seconded and voted to adjourn. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

John Murtagh

Accepted 12/15/11