

WALPOLE PLANNING BOARD MINUTES OF MARCH 18, 2010 (1)

A regular meeting of the Town of Walpole Planning Board was held on Thursday, March 18, 2010 at 7:00 p.m. in the Main Meeting Room, 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, and Margaret Walker, Town Engineer.

Minutes: Mr. Conroy moved to accept the minutes of March 4, 2010. Motion seconded by Mr. Nottebart and voted 5-0-0.

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

Bird Estates re: Open Space Restriction Documents: At the board's March 4th meeting, Mr. Conroy requested the town planner to follow up on this document. Mr. Johnson had called Atty. Kablack who informed him that these documents have to be submitted before Phase V is bonded. No action is necessary at this time. Ms. Walker questioned the residents' request for crosswalks within the Bird Estates.

Legacy Lane Subdivision: Mr. Macchi requested the board vote a Phasing Plan so he can submit the final plan for endorsement. Mr. Conroy read a letter dated March 4, 2010 requesting five points as they are replacing a hydrant for the town. Mr. Macchi stated he will insert the points on the plan and then request endorsement. It was moved by Mr. Conroy, seconded by Mr. Murtagh and voted 5-0-0 that the Planning Board finds that the applicant has met the criteria of the Zoning Bylaw Section 9-I(5)h, now Section 2-7-D Positive Design Elements-h and is entitled to five (5) points with a 100% build out.

7:20 P.M. The Trails Subdivision: Ron Priore asked the board if his house that is already built has to be included in the Mutual Maintenance Agreement for the subdivision. Mr. Johnson stated that part of that lot is in the subdivision. Mr. Priore stated he wants to sell his house and build on another lot. Mr. Conroy questioned where the frontage is and Mr. Priore stated it is on Crosswoods Path. Mr. Conroy stated that if he has 200' or more on Crosswoods Path, he will be okay. He would have to submit an ANR to get his present house out of the subdivision.

Regarding the \$25,000 donation to the town, Mr. Priore asked if that could be connected to the issuance of the occupancy permit on the first lot. Ms. Walker stated the decision states it should be submitted when the plan is signed. Mr. Conroy stated that can be changed through a minor modification when he requests a bond figure. He asked Mr. Priore to request time on the board's agenda before the first certificate of occupancy is issued.

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7:33 P.M. 2010 Spring Town Meeting Article 30 – Private Petition of Donnell Murphy: Mr. Conroy read the public hearing notice. The applicant was represented by Philip Macchi, Esq., Philip Macchi, II, Ray Johnson, Geologist with Tetra Tech Rizzo, and Dan Merrikin, Merrikin Engineering.

Mr. Macchi stated that this application is based on scientific study. The Murphy family feels this location is incorrectly classified at present and they would like it reclassified from Area 2 to Area 3. He stated that Walpole, unlike the State, has Areas 1, 2, 3, and 4 plus Zone 1 and there is a distinct difference between how the State and DEP categorizes these areas versus that of the town. The best illustration is Iorio's, which was changed. The whole purpose of Area 2 is it is a potential water resource area. Zone 1 stands for a wellhead and either the town owns or controls the 400' area around that wellhead. A building can be constructed on this property regardless of whether or not this is an Area 2 or 3 and would have to comply with site plan approval requirements which could condition it. The maps before the board were done without the technology that we have today as it wasn't available at that time. They didn't even do test borings on this site before. Mr. Murphy entered into an agreement with the town of Walpole as to what was and wasn't allowed on this property. They also volunteer certain monitoring. This property was not part of Walpole Park South.

Dan Merrikin, Merrikin Engineering, stated that this parcel is directly across from Iorio. Ray Johnson's company went out there and put in borings in various locations and excavated 7-8 test pits to get a feel for the soil type that was on this property. At that time, they found they did not have more than 40' of Buried River Stratified Drift which is required for an area to be Area 2. There was approximately only a thin layer of about 20' and the remainder consisted of fine sand and silt, which is not conducive to a well. When you put a well in the ground, you need 1) a coarse material or you can't pull the water out of the ground and 2) saturated soils. In a significant amount of the property they don't even have 40' of soil; therefore, it can't be considered an Area 2. Given all the investigations made, they feel this property should be designated as an Area 3. All the other areas around there are Area 3. Mr. Merrikin stated that in 1998, Iorio petitioned the town to rezone that parcel from an Area 2 to an Area 3 and they were successful. There is a consistent amount of data and conclusion that shows Mr. Murphy's parcel should not be an Area 2. Mr. Merrikin showed the board a GIS map that was prepared in 1975 that was referenced in a State study. Woodard & Curran and Weston & Sampson also referenced this map.

Mr. Merrikin stated the Murphys are proposing to build a 117,000 s.f. building, which could be a warehouse or for retail. Area 3 would still afford tremendous protection to the drinking water supply.

Mr. Conroy read a memo dated 3/16/10 from the Sewer & Water Commission who voted against this article because they recommend finishing their study of the entire WRPOD first.

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Mr. Conroy asked for questions from the public.

Theodore Iorio, Iorio Arena: stated the work he had done previously has been referenced tonight and he has no connection to these people. He wanted to complete the steel structure out in front of his arena, but because it was in Area 2, he couldn't. When they built the arena, it was suppose to be 4' higher but they couldn't do it because of the ledge under it. They did do borings and a seismic test. They had to provide \$10,000 to the town so they could hire an engineer to review the data and have test pits done. The only water they did find was in front of the security building and that was from their septic system. The whole procedure cost him over \$100,000 because of lawyers and the work that had to be done. It also delayed him several years. Jack Willis was on the Board of Health at that time he said the Board of Health just drew lines at random.

Kevin Muti, Chairman of Sewer & Water Commission: stated their vote was 4-1 not to support this article as they agreed with the engineering study done by Weston & Sampson who disagreed with the other study. There are issues regarding the overlay protection district, especially the soil, etc. There are contradictions between their engineer and the applicant's engineer. Weston & Sampson has come up with a plan to do a comprehensive study of the WROPD. One recommendation was to do a complete rewrite. There is documentation as to what this area is. They need to do an independent study outside of the Sewer and Water's engineer and the applicant's engineer. That is the reason why they took this vote.

There were no further questions from the public.

Don Johnson, Town Planner, stated that according to the definitions of Areas 2 and 3, this area more closely matches 3 as based on information presented. The way the bylaw reads, it should also be an Area 3. Mr. Conroy asked him if there are any issues with the way the article is written and does it affect our book. Mr. Johnson stated no.

Mr. Mazzocca asked if there have been any other test holes done since the last time the applicant was here last Fall. Mr. Merrikin stated no as there wasn't an interest to do so. Mr. Mazzocca asked the Sewer and Water Commission if they have a timetable to do this study and Mr. Muti stated he can't answer that. The S&W Commission has this on their agenda every meeting and it is a high priority item. They are just not sure what approach to take. They will get counsel from Weston & Sampson and put it out to bid, although he doesn't think this will make the Fall town meeting. It will probably take many months to do. Mr. Mazzocca asked when the maps were last done and Mr. Merrikin stated back in the 1980's.

Mr. Macchi stated we are only talking about a limited area of about 27,000 s.f. or a half acre. The town was authorized to go onto that property, but they didn't.

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Mr. Mazzocca stated that everyone in town wants to see Route 1 developed, but he is hearing the Water and Sewer Commission say they are not comfortable. Maybe the building could be built and then changed at a later date if the Area designation is changed. Mr. Macchi stated that just this building alone generates more than \$100,000 per year in tax revenue and it has more value by keeping the uses the same. It would be hard to find a tenant in this situation. Mr. Mattson, Superintendent of the S&W, stated you are saying you can't rent it, but they can. Also, you might get \$100,000 in taxes, but it would cost two million to remove contaminants from the water.

Mr. Forsberg asked Mr. Muti if they have any data on file to contradict what the applicant has done. Mr. Muti stated the board had that in the Fall and Weston & Sampson has a report on file also.

Ray Johnson, Geologist, stated that the primary disagreement is that the soil material is a very fine sand and silt. He interpreted it to be a glacial lake deposit. Weston & Sampson feels it is buried river stratified drift; however, all they did was look at boring logs and didn't see it first hand like he did.

Mr. Muti stated that the objective of what they want is to do a complete review of the WRPOD. They are trying to eliminate the spot zoning that is in various places. This study will accomplish that certain areas with restrictions may be reduced, but they will also have other areas that will have more restrictions. They are dealing with contamination now at Area 3 in Walpole Park South. Now, you are trying to do this at this property. There could be contamination. This area is less than 200' from the School Meadow Brook so they want to avoid contamination on this parcel.

Mr. Macchi stated they are talking about re-mapping the whole town. His client is dealing with one area. Peer review was offered and not accepted. Weston & Sampson did make comment, but they never went out to that site and never did borings.

Ray Johnson stated that the Public Involvement Plan (PIP) is for the public. There were some sites at Walpole Park South that had lead that was above the drinking water standards and it showed it could be from an off-site source. They do monitor this site three times a year and also have Board of Health samplings done. Mr. Merrikin stated this is an unusual site because it has an ongoing monitoring program in place. They have not detected anything in the last three to four years; therefore, there should be closure soon from DEP.

Mr. Forsberg asked if the borings were done on the whole lot or just the triangle in question. Mr. Merrikin stated just the triangle. There are borings throughout Walpole Park South to monitor the various wells. Mr. Forsberg questioned the quantities cited in the zoning bylaw and stated he would like to see the actual listing and Mr. Merrikin stated there is no list. Household quantities are what are referenced. The applicant has to prove that what they are proposing would not hurt anything.

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Mr. Forsberg asked if Area 3 would need a special permit and Mr. Merrikin stated yes. You can't apply for a special permit in the Area 2 zone as variances are not allowed. Mr. Macchi stated they have to meet certain criteria put forth by the Board of Health and then they need a special permit from the Zoning Board of Appeals and a site plan from the Planning Board. If the Board of Health doesn't agree, it doesn't go to the Planning or Zoning Boards. It makes sense to review the entire building, rather than just the portion in the Area 2 zone. Mr. Forsberg asked if the Sewer and Water Commission would consider just doing this area as it doesn't seem fair to make the applicant wait for the entire town to be done. Mr. Muti stated he doesn't see a problem with that; but, they will talk to their own engineer to see what approach they can take. However, they had a special permit on Walpole Park South and now they are dealing with contamination.

Mr. Murtagh stated Water and Sewer does a good job of protecting the aquifer, but would like to see a more friendly type of business here. Last Spring he asked for an independent group to do testing. He didn't want Ray Johnson to do it as he was involved in the spill. Mr. Merrikin stated they did offer testing to the Sewer & Water Commission, but they didn't act on it. Mr. Muti stated that would be having the petitioner fund their own study. Mr. Merrikin stated the town hires them, but the applicant pays for it. Mr. Murtagh agrees with Mr. Mattson – what good are more jobs if we have to pay to fix the contamination. Mr. Nottebart stated he would like to see business there but understands the nature of the aquifer. He asked if they could do a study on this parcel quickly. Mr. Muti stated he can't give him an answer right now. Mr. Nottebart feels he needs to read up more on this.

Mr. Conroy asked Mr. Merrikin if he had stated this isn't 40' deep and Mr. Merrikin stated yes. Mr. Conroy stated that our bylaw says 40'. If it doesn't meet our criteria regardless of what Weston & Sampson or Ray Johnson say, it doesn't matter. He is also disappointed that Weston & Sampson has not even looked at this site. We solicited comments from everyone and the only comment we got back was from the Sewer & Water Commission, but no one else. No comment means they don't have a problem. As far as doing a study, it could be two or three years from now and it would also have to go before Town Meeting. He asked if the requirements of a Level 1, 2, 3, or 4 changed? He feels this study should have been talked about the last time it was presented last Fall. Again, if this area isn't 40' deep, it doesn't meet the criteria of zoning regardless of what the dirt is.

Carol Lane, Finance Committee: the Finance Committee didn't respond because they didn't have any materials. Mr. Conroy stated we noticed you on February 24th and included the information given to us by the petitioner. Mr. Merrikin stated they will be presenting to the Finance Committee in a few weeks. Mr. Macchi stated they will submit the information to them.

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Tom Bowen, Finance Committee: feels that the assumption that the Finance Committee didn't answer should not be constructed as either an approval or disapproval. Mr. Conroy stated he only could comment on what was received. He feels that the Board of Health and ConCom should have commented. Mr. Bowen stated he cannot comment on the lack of comment from Board of Health or Conservation Commission.

Mr. Forsberg stated he would like to postpone or continue this until the next meeting as he would like more data from Weston & Sampson. Mr. Muti stated the Planning Board does have the data from last Fall. He would also like Weston & Sampson to come in and do a presentation. Mr. Macchi stated that all they have to do is go on site and do their own borings and then say yes or no. The land speaks for itself.

There were no further questions or comments.

Mr. Forsberg moved to continue tonight's hearing to April 15th in order to get more data. Motion seconded by Mr. Murtagh. Mr. Murtagh asked if Weston & Sampson would come forward that night and Mr. Muti stated he will ask them. Mr. Macchi stated he would like them to just come on site and do borings. Mr. Conroy stated he would like Sewer and Water to forward this along. We don't go back to old records. This is a new hearing. Motion voted 5-0-0. Mr. Conroy continued this hearing to April 15th at 8:15 p.m. Mr. Merrikin asked to be noticed when Weston & Sampson is going out to the site.

9:05 P.M. 2010 Spring Town Meeting Article 31 – Private Petition of Hawthorne Development: Mr. Conroy opened the public hearing and read the notice as advertised. He stated this is strictly a zoning change. He explained the process and stated that the Planning Board vote is only a recommendation and that Town Meeting controls the binding vote and outcome of this article. He stated that the applicant will explain what they are proposing to do. He will read comments from the town agencies and will allow questions from the public after that. He asked that they state their name and address for the record before presenting their comments.

The applicant is represented by Philip Macchi, Esq., 1256 Washington Street, Norwood, A; Scott Cohen, Principal in Hawthorne and Epoch; Joe Pagnolla, Engineer; Rob Rosen, Stormwater expert; Chris Buchanan, Architect; Robert Michaud, Traffic Consultant; Philip Macchi II, Esq.

Mr. Macchi stated the site is presently an existing daycare center plus three house lots. Most of the abutters that are present were also involved when it was a 7-lot subdivision. The superseding plan is going from 7 to 3 lots. One house lot is on Route 109 and two lots are in the rear. As a result of the present market, the owner decided to explore various areas of selling. The lots with the existing short stub roadway and with the existing stormwater may be modified if what is proposed is built. If this is not approved, there will be three houses built with no stormwater management.

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In consideration of not building the three homes and building an assisted living facility instead, the applicant has a parcel of land to be added to make five acres. The subdivision would be negated and there would be two ANR lots created. A lot of thought has gone into this and the question was asked if it is practical to have three houses. He stated that all the people are here tonight because of the water. He would like to show them what he is proposing.

Mr. Macchi stated they have talked with both the Walpole and Westwood Sewer and Water Commission. Westwood was amenable to allow the people to hook up to sewer. The stubs would be made available and the line fixed to allow them to connect to sewer. It was brought up that Westwood has accommodated Walpole residents in the past. The agreement with Walpole and Westwood is that when they get a bill and it's computed, twice a year they would give that amount back to Westwood. If this is approved, they will also need site plan approval from the Planning Board.

Scott Cohen, Principal of Hawthorne Partners: they are proposing an assisted living facility delegated to people with Alzheimer's and other types of dementia. More than 5 million people in the United States have Alzheimer's today and this figure will grow significantly in the next few years. It is the biggest cause of death with no treatment. The proposed one-story facility is 40,000 s.f on a total of 5.5 acres and is consistent with other structures on Route 109. It will be 48 units and will consist of three separate houses with each house containing sixteen units. Each house will be secured for safety and will be self-contained with kitchens. They will look like regular residences in appearance and will provide a safe nurturing environment and comfort to the families. Epoch Senior Living is an expert in this field. There are many benefits to the town of Walpole and will provide a \$70,000 tax base and also up front revenue for fees. They will employ 37 full time employees. They will bring the sewer from the town line up to the site and will allow all the abutters to tie in. He spoken to them and they are excited about that.

Nadine Starr, Nurse/Program Director for Epoch Center, Weston, MA: spoke about what the program offers as a service to the community. She stated there is a risk of wandering, so safety is a big concern. People want the units to feel like home and they want to stay close to their families. Their goal is to reduce challenging behaviors. It is a secured facility, but they are not an institution. The goal is to integrate this type of facility into a neighborhood.

Joe Peznolla, Civil Engineer, Hancock Associates: he also engineered the previous site and is very familiar with this area. They want to divide this into two lots and change the cul-de-sac. The curb cut would not change or anything coming into the facility. There would be parking for 40 cars. He would like to have an agreement with Next Generation Childcare Center for off-day parking, such as a Sunday. They would need to bring in a little bit of fill at the back of the site. Regarding stormwater management, they are proposing an expansion of the existing detention basin to take care of some of the roof drainage with overflows.

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They will look at volume control knowing the area is sensitive to additional water and surface run-off in the area in the balance of the subdivision and in what is called the Oxford site. They will strive to interrupt any surface run-off problems. There is an isolated wetland on the site. They would like to mitigate some of the issues that are out there.

Dr. Rob Rozeen, UNH: his role is under the direction of the UNH Stormwater Center and R&D of the Stormwater designs. They will look at the problems the abutters are presently dealing with and will work around run-off problems. They were hired to design and monitor systems. He has been asked to work with Hawthorne on volume control. There are simple improvements and a range of things that can be done on Deborah Drive that would improve the ability to shed run-off so it won't impact the properties.

Chris, JSA Architects: they have been designing facilities for over thirty years. This design is to be residential in nature. They don't want it to feel institutional. He showed various boards of what this facility could look like. The three houses would be connected to a core. The proposed daycare would sit down 8-10' from the elevation of County Road.

Robert Michaud, Traffic Consultant: stated that NGCC has 177 students which is half of their capacity and 35 staff members. When they are at full enrollment, there will be 200 trips over an hour or less. The permitted level of activity was closer to 300 trips per hour. This proposed facility has extremely lower traffic usage. Most traffic would be staff related trips and to a smaller extent, visitors. It would be fewer than 20 trips per hour. They are 40% below what was originally traffic generated figures. It would take 14 seconds to turn out of the driveway with 2-3 cars in the queue.

Mr. Macchi handled out an analysis from John Connery. Phil Macchi II stated the whole purpose of the warrant article is to get a positive vote to support the rezoning contiguous to Route 109. He reminded the board they are not voting on the project, just the rezoning. They will connect to the sewer on Route 109 if they go forward. The Planning Board will rule on the site as a whole. If the rezoning is not allowed, then Walker Realty will move forward with building three houses. If the new proposal goes forward, it will address the bad water problem. No one disputes there is a problem and they have said they will work to minimize the problems. They are asking for the board's favorable action on this.

Mr. Conroy read a letter from the Sewer and Water Commission in which they agree with the Town of Westwood's Sewer and Water Commission. He also read a letter from Don Johnson regarding technicalities of the application possibly being in conflict with the uniformity requirement of MGL Ch 40A, S4 and as agreed to by town counsel. Mr. Macchi stated an identical scenario occurred on Pine Street and Town Counsel allowed that to go forward and it also was passed at town meeting.

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Tom Brady, Esq., 12 Misty Lane: representing the neighbors on Deborah Drive and Appletree Lane. His goal is to get the board's support in opposition to the article. He doesn't want to create a precedent. He stated they are taking a Rural section in the Town of Walpole and trying to create a monstrosity in a Rural area. They shouldn't be allowed to have this building in the neighborhood. Section 10-B of the Zoning Bylaws was specifically created in 1998 with limitations as to where this type of facility could go. It has to have town sewer, be at least a five-acre parcel and be in a LM, B or GR zone. It was sold with those requirements to town meeting at that time. The applicant should have gone to the Zoning Board of Appeal for a Variance, but instead they want to change the zoning in this area. The citizens in the area are asking this be stopped.

Mr. Brady also questioned the two ANR lots. He asked if that is an acceptable right of way. Mr. Macchi stated no. Mr. Brady stated they would have to come back before the Planning Board for changes. The biggest concern of the neighbors is not the water, but the change in zoning. That would allow this neighborhood to change to a Business zone when they bought homes in a Rural zone.

Ronald Votta, 8 Old Towne Road: he was at the meeting when they were allowed to build the daycare center. It costs about \$175 to pump a system every 2-3 years. It would cost more to tie in to MWRA. He paid to live in a Rural area. He suggested they wait for the times to get better and then build the three houses. He doesn't agree with the traffic study. They previously told the people with water they would take care of that and didn't.

35 Crest Drive, Dover: she had built a porch on her house and now she only sees the lights from the NGCC. She can't imagine what the lights will be like from the new facility.

John Coakley, 24 Deborah Drive: they have been going at this since 2005. He knows that Epoch is a good company, however, relative to his situation, this board approved the daycare and also three lots. At that time, they were told they would never have to come back because the water problems will be addressed. The lot was clear cut and that is what caused problems. The rain gardens were not done. They have reached out to Joe Trola., the contact guy, with no return calls. You can't control that groundwater. This will adversely affect 8-9 neighbors. He was pumping 3,000 gallons per hour out of his yard to keep up with this problem. He feels this will sacrifice the neighborhood and would be spot zoning. They have had three engineers tell them it will be okay and that is not correct.

Ralph Knobel, Appletree Lane: they have heard a lot of representations and many of them were never kept. Mr. Conroy stated these representations are not binding. Mr. Knobel agrees and asked how these representations can be nailed down.

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Dan Nagle, 16 Deborah Drive: has pictures prior, during and now. He stated the economy was mentioned, but it has affected everyone in the room. They have to abide by stormwater management. This will be a 24-hour facility open 7 days a week. The response time to this area is very high. Houses were purchased because it is a Rural area. To change the bylaw to allow a commercial business will be a bad and negative precedent. What Epoch does is fantastic; it is just the wrong location. He would like a no vote from the board.

Mary Joyce, 18 Deborah Drive: bought her house 18 years ago and never had a water problem until the NGCC went in. It is unacceptable.

Gloria Petruzzello, 52 County Street: The Oxford Trust land has property in the back. The land for the proposed facility did not perc so they have taken some land from the Oxford property. How can it be sold for a structure if the land cannot perc? It can't be built upon because it is conservation land and doesn't perc.

Charles Ryder, 11 Appletree Lane: read a letter stating this is not a tweak from the bylaw, but is a major change. The letter asked the board to vote no on Article 31. Mr. Brady submitted a petition with 60 signatures also in opposition to Article 31.

Mr. Mazzocca asked how this would withstand a challenge against spot zoning. Mr. Macchi stated spot zoning would mean it needs to be Rural and contiguous to Route 109. You would have a map if you have a real zone that you want to change. There is no such thing as a map under 10-B. It is allowing a use next to Rte. 109. This was not to avoid a variance. The ZBA cannot grant a use variance as they are not empowered to do that. Mr. Mazzocca stated a developer could come in and say you did it for them, now you can do it for us. He asked the size of the two separate parcels. Mr. Macchi stated one parcel is approximately 3 acres and the other is approximately 2.6 for a total of 5.6 acres. Mr. Forsberg stated this feels more like a site plan than a zoning change. He spent some time out there this morning. It appears the drainage on this site is a problem. Mr. Macchi stated he understands Mr. Coakley's concerns and Mr. Knobel's concerns. The board would have jurisdiction over both parcels rather than just one parcel as before.

Mr. Forsberg stated there was suppose to be a traffic study one year after NGCC. Was it done? Mr. Michaud stated that his firm was not asked to do that and is not sure if anyone else did it. The daycare center is operating exactly the way they said it would. Mr. Brady stated their study is based on half capacity and Mr. Michaud stated that is correct. Mr. Forsberg stated the language bothers him and he wishes it was more detailed. What if someone bought up parcels that add up to the five acres? Then they would be allowed to put in one of these facilities. Mr. Macchi stated it is a matter of economics. Mr. Conroy stated economics plays into everything. You could buy up five houses any where on Route 109 and do the same thing as long as there is frontage on 109.

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Mr. Murtagh feels the building would blend in with the neighborhood, but shares Mr. Forsberg's concerns. Mr. Nottebart also agrees. He also asked if we should consider the previous commitments that were made. Mr. Conroy stated they have to live up to the site plan. It is a great location on 109. He didn't agree with the daycare going there, but it is working and they are doing everything within the law. If the people weren't living behind this site and it was on Route 1, it would be the perfect spot. However, there are other places in town where they could build this facility. Mr. Macchi feels this blends in with this neighborhood – the tennis club, nursery, daycare center. Mr. Conroy read from the bylaw regarding the town sewer, which stated they will be connected to town sewer and water. However, this proposal has them connected to Westwood, not Walpole. Mr. Macchi stated they will be connecting to a Walpole line.

Mr. Conroy stated that when you buy a house somewhere, you should be able to live there. Every person here has bought into a residential area. That is what they expect. That is one of the reasons why he got involved. Changing zoning is the biggest thing that can happen to your house. Therefore, he will not support this. Mr. Macchi stated that his client originally felt that the benefits provided to the abutters offset the zoning change. We know that area suffers from water problems and they need sewer. The entranceway will not change. The sewer line would be put in regardless of whether or not people hook up or not. The abutters would not be paying a nickel to have sewer run up there.

An abutter stated that they can't run the sewer line because it would need to run through Dover and Dover won't allow it.

Mr. Conroy stated that if everyone agreed with the sewer, he would vote for it, but because the neighbors are waiving the benefits of sewer, he won't vote for it.

Phil Macchi, II stated if this were a hospital or continuous health care facility, it would be allowed without a change as would a heliport, etc. To say that Rural is purely for residences is incorrect. Mr. Conroy stated they would be allowed by MGL. It is a proposed zoning change and the residents don't want it.

John Coakley : for their attorney to get up and say the stormwater management won't change unless this zoning change is done is ridiculous. We have been dealing with this since 2004. He has no choice but to be against this. There is tension in his own home to go against this. Mr. Conroy stated there can not be an assisted living facility without a sewer.

There were no further questions.

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Mr. Conroy moved favorable action on Article 31. Motion seconded by Mr. Forsberg and voted 0-5-0. Motion denied.

It as moved, seconded and voted to adjourn. The meeting adjourned at 11:20 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 4/1/10