

PLANNING BOARD MINUTES OF FEBRUARY 16, 2023

A regular meeting of the Walpole Planning Board was held on Thursday, February 16, 2023 at 7:00 p.m. in the Town Hall Meeting Room. The following members were present: John Conroy, Chair; John O'Leary, Vice Chair; Catherine Turco-Abate, Clerk; Philip Czachorowski, and Sarah Khatib.

Mr. Conroy opened the meeting at 7:02 p.m.

Minutes: Ms. Abate moved to accept the minutes of January 19, 2023. Motion seconded by Mr. O'Leary and voted 5-0-0. Ms. Abate moved to accept the minutes of February 2, 2023. Motion seconded by Mr. O'Leary and voted 4-0-1 (Ms. Khatib abstained).

7:05 p.m. Northwoods Subdivision, Delaney/Dover Drive, Continued Hearing: Mr. Conroy opened the hearing. The applicant was represented by Rob Truax, GLM Engineering, Holliston, MA. Mr. Conroy read new correspondence from the Walpole Fire Department and the Walpole Police Department. Mr. Truax stated he will meet with Paul Barry prior to plan endorsement. Mr. Conroy read Mr. Balduf's comments from January 11, 2023.

The board discussed the standard conditions, special conditions and requested waivers.

Mr. Conroy moved to grant the waivers as requested. Motion seconded by Mr. Czachorowski and voted 5-0-0.

Mr. Conroy moved to approve the subdivision with the board's standard conditions, special conditions and waivers. Motion seconded by Ms. Abate and voted 5-0-0.

7:15 p.m. 2250 Route 1 Site Plan Approval, #22-07 and Special Permit, #22-08 Continued Hearings: The applicant was represented by Atty. Philip Macchi, 1256 Washington Street, Norwood, MA and John Glossa, Glossa Engineering, 46 East Street, East Walpole, MA. Mr. Conroy read comment letters from the Walpole Fire Department and the Walpole Police Department. Mr. Macchi stated there is already a lockbox shown on the plans, which they agree with. Mr. Conroy read an updated comment letter from the Town Engineer, Carl Balduf, dated February 14, 2023 stating he has no objections to this project.

Ms. Khatib questioned the signage and also if the back of the building is the main entrance. Atty. Macchi stated yes and is shown on Sheet 3. Mr. Glossa will change the signage per Ms. Khatib's comments. Mr. Czachorowski stated he would like the dimensions of the new building added to the plans. Mr. O'Leary asked if both entrances are off Fox Hill and Atty. Macchi stated yes.

The Board discussed the special conditions associated with the site plan application.

Mr. Conroy moved to approve the site plan with the board's standard and special conditions. Motion seconded by Ms. Khatib and voted 5-0-0.

Mr. Conroy moved to approve the special permit with no conditions. Ms. Khatib stated at the last meeting she had questioned the reduction of parking. Atty. Macchi stated that doing that would affect the turning of the fire trucks. Motion seconded by Mr. Czachorowski and voted 5-0-0.

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7:25 p.m. Bristol Industrial Subdivision Continued Hearing: Mr. Conroy moved to accept an extension of time up to and including April 30, 2023 as put forth by the applicant's attorney. Motion seconded by Mr. O'Leary and voted 5-0-0. Mr. Conroy continued this hearing to March 2, 2023 at 7:10 p.m.

7:28 p.m. Bruin Court Subdivision Continued Hearing, 965 West Street: Mr. Conroy read the public hearing notice. The applicant was represented by Atty. Philip Macchi, 1256 Washington Street, Norwood, MA and the site engineer, Scott Henderson. Mr. Conroy temporarily stopped the Bruin Court hearing to open up the East Walpole Clock Tower hearing.

7:30 p.m. East Walpole Clock Tower: Mr. Conroy interrupted the hearing and stated the East Walpole Clocktower, hearing, case No. 22-02, scheduled for 7:30 p.m. will be continued as requested by the applicant's engineer, Dan Merrikin, Legacy Engineering, Millis, MA.

Mr. Conroy moved to accept an extension of time up to and including April 30, 2023 as requested by Dan Merrikin. Motion seconded by Ms. Abate and voted 5-0-0. Mr. Conroy continued this hearing to April 20, 2023 at 7:10 p.m.

7:33 P.M. Mr. Conroy returned to the Bruin Court Subdivision hearing.

Atty. Macchi stated that two years ago he filed a both a preliminary plan and an ANR. Mr. Freiburger will still be living in the same exact house he is presently in after this is approved. Atty. Macchi stated they can create a paper street; however, both lots have the proper frontage and area and both are buildable lots. They are aware that Lot 2 is wet. They are compliant with zoning on both lots. Most of the discussion will be how much of this will actually be built. Mr. Freiburger would prefer to do nothing. They are aware this will be subject to fire department comments and there will be additional improvements before this is built. Mr. Conroy stated it appears you can't do anything on Lot 1 which is shown in "blue" on the plan at this time. He further feels they should come back with a covenant. He asked if that would need to be recorded and Atty. Macchi stated yes. Mr. Conroy stated if this is never built, the covenant will never be released. Atty. Macchi agreed. Ms. Abate asked what would make this buildable and Atty. Macchi stated engineering would. He stated that this will be on septic and the Conservation Commission also has to be on board. Ms. Abate asked if this will be in the foreseeable future and Atty. Macchi stated no.

Mr. Conroy read comments from Tim Bailey, Fire Chief regarding the acceptance of the street name.

Mr. Conroy read the comments from Carl Balduf, Town Engineer, addressed waivers addressed, private roadway in perpetuity, drainage, slopes and post and pre-development calculations. Mr. Conroy stated the comments from the Board of Health does not support this and we need their approval. He does feel that their specific comment is outside of their "sandbox" as it relates to the wetlands. Atty. Macchi stated the Board of Health has no jurisdiction over the wetlands.

Scott Henderson, site engineer, stated that regarding the wetlands, the waiver-free plans shows some work right up to the wetlands up to 2,000 s.f., but 5,000 s.f. is allowed as is mitigation. The waiver plan has a significant reduction. Mr. Henderson stated they also need to go before the Conservation Commission.

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Mr. Conroy stated the Conservation Commission will only want to see one plan, which will be the waiver plan. Mr. Conroy asked if Mr. Henderson has any questions or comments with regard to Mr. Balduf's comment letter and he responded no because most changes will be housekeeping things. Mr. O'Leary asked the slope of the roadway and Mr. Henderson stated 3.5% which is the same as the existing drive. Mr. O'Leary questioned the Lot 1 upland area and Mr. Henderson stated both lots comply fully with the underlying zoning. Mr. O'Leary asked if the Conservation Commission says it is okay, you can then build out both lots. Mr. Henderson stated that the septic system would need to be approved which would be a challenge as it is a very limited area. Mr. O'Leary asked where exactly on West Street this is located and Mr. Freiburger showed him on the plan. Mr. O'Leary questioned the Kingsbury Street cemetery and Mr. Freiburger stated they are not near that. Ms. Abate asked if there is sewer up there and Mr. Henderson stated no. Mr. Czachorowski questioned the application showing the total area as 22,000 s.f. and asked if that is just the roadway and Mr. Henderson stated yes. Mr. Czachorowski questioned the locus map and Mr. Henderson explained it to him. Mr. Czachorowski asked if they are asking us to approve all the waivers and Mr. Henderson stated yes. Atty. Macchi stated they need an approved subdivision and the majority of the discussion will be granting waivers. Ms. Khatib questioned the road and asked if this will be off the property at 953 West Street and if so do they need an easement. Mr. Henderson stated that is actually their own property and what is shown currently exists even though it is not on GIS. Ms. Khatib asked if it was done when the ANR was done and Atty. Macchi stated no, it was done when the lot was originally created. Mr. Henderson stated he will get the board a copy of that. Mr. Khatib stated she would like to see that. Ms. Khatib asked if they have the full length of what would be a non-waiver road and Mr. Henderson stated yes. Ms. Khatib questioned the two lots and Atty. Macchi stated there is nothing that says the two lots need to be buildable. The fact that they don't want to build it is not relevant, which is an opinion from Judith Cutler regarding the Railway subdivision. Ms. Khatib stated that doesn't sit well with her. Atty. Macchi stated the board can make Mr. Freiburger do all the improvements. Ms. Abate stated the ANR was voted on September 2, 2021. Ms. Khatib stated she would like an opinion from town counsel. Atty. Macchi stated he will get her copies of the deeds and Ms. Cutler's letter.

Mr. Conroy stated an out-of-town engineer really pays attention, but the local ones don't. The show stopper right now is the Board of Health. He asked if they will need a Form F and Atty. Macchi stated yes because it would keep the subdivision under common ownership. It is protection if he wanted to build out Lot 1.

Atty. Macchi stated a condition of approval would be a building permit will not issue without the Form F. Another condition would be they couldn't further subdivide the property. This is a two-lot subdivision and they would have to come back for a modification if they are going to build it out. Mr. Conroy stated they would need to come back and start again.

Atty. Macchi stated they will be working with the Board of Health and he will get the documents that Ms. Khatib requested. He granted the board an extension of time up to and including March 31, 2023. Mr. Conroy moved to accept the extension of time as granted. Motion seconded by Ms. Abate and voted 5-0-0. Mr. Conroy continued this hearing to March 16, 2023 at 7:20 p.m.

Mr. Conroy moved to adjourn. Motion seconded by Mr. O'Leary and voted 5-0-0. The meeting adjourned at 8:15 p.m.

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Respectfully submitted,

Catherine Turco-Abate, Clerk

Accepted March 16, 2023