

WALPOLE PLANNING BOARD MINUTES OF JANUARY 17, 2019

A regular meeting of the Walpole Planning Board was held on Thursday, January 17, 2019 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: John Conroy, Chairman; Marc Romeo, Vice Chairman; Sarah Khatib, Clerk; Joseph Moraski, Margaret Walker, Town Engineer; John Charbonneau, Community Development Director, Robert LeBlanc, Tree Warden and Jonathan Eichman, Town Counsel.

Mr. Conroy opened the meeting at 7:04 p.m.

Minutes: Mr. Conroy moved to accept the minutes of January 3, 2019. Motion seconded by Mr. Moraski and voted 4-0-0.

87 Lewis Avenue: Ms. Walker and Mr. Charbonneau reviewed the site plan and found no issues. Mr. Conroy moved to endorse the site plan for Case No. 18-14. Motion seconded by Mr. Moraski and voted 4-0-0. Atty. Philip Macchi took the endorsed plans for copying.

Walpole Housing Plan: Gino Carlucci, Consultant, made a presentation on behalf of the Housing Partnership. He stated that in order to get this plan approved by the State, they need a vote from both the Selectmen and the Planning Board. Once approved, the town will become eligible for "safe harbor". After a lengthy discussion and many questions asked by the Planning Board, Mr. Carlucci stated the plan we had expired in December of 2018. He also said they will be meeting with the Selectmen on February 5th for their approval. Ms. Khatib asked if the board would consider a straw vote for the Selectmen. Mr. Conroy asked the board and Ms. Khatib and Mr. Romeo stated yes, Mr. Moraski stated no and Mr. Conroy abstained. Mr. Conroy continued this hearing until February 7th.

8:00 p.m. Pinnacle Point Multi-Family Subdivision Continued Hearing: Mr. Conroy moved to accept an extension of time up to and including April 30, 2019 as requested by Mr. Hasenjaeger in an email dated January 17, 2019. Motion seconded by Mr. Romeo. Mr. Moraski stated this has been before us with no updates for a while and the material in our file is below our standards. He is not happy with the fact that this is continuing again as it is taking up room on a busy docket. We keep continuing with no updates. He would like a new package and would consider waiving any fees for the developer. Motion voted 4-0-0. Ms. Khatib stated that people would come to the hearing and then it would be continued. Mr. Romeo asked if it is within his right to continue. Mr. Charbonneau asked if the abutters list is still valid. Mr. Glossa stated on behalf of Mr. Hasenjaeger that there would be no problem obtaining a new abutters list, which changes on July 1st not January 1st. Mr. Conroy moved that the applicant will get a new abutters list and compare it to the old one. If the same, he will renote by certified mail. If it is different, this will be over. Motion seconded by Ms. Khatib and voted 4-0-0. Mr. Conroy continued this hearing to February 21, 2019 at 7:35 p.m.

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8:20 p.m. Walpole Athletic Fields Continued Hearing, Case No. 18-16: Mr. Conroy moved to withdraw this application without prejudice as requested in a letter dated January 16, 2019 from the Town Administrator, Jim Johnson. Motion seconded by Mr. Moraski and voted 4-0-0.

8:20 p.m. Rojo Car Wash, Providence Highway and Pine Street Site Plan Continued Hearing, Case No. 18-10 and Special Permit Continued Hearing, Case No. 18-11: Mr. Macchi stated he is aware that there are only four members present and therefore would like the site plan approval application to be voted first. Mr. Moraski asked if anything is shown on the new plans in Area 2 and Mr. Glossa stated there are stubs for the electric, water and gas in Area 2 and there is a note on the plans that the owner is putting those in at his own risk. His understanding from the last meeting was he had to move the building out of Area 2. Mr. Macchi stated there is no building. Mr. Moraski stated the stubs are not to be in Area 2 and that will be a condition of the site plan approval. Mr. Glossa stated that is not a problem. Mr. Charbonneau added prior to endorsement. There were no further public comments or board comments.

Site Plan, Case No. 18-10: Mr. Conroy moved to close the hearing. Motion seconded by Mr. Moraski and voted 4-0-0. Mr. Conroy moved to approve Case No. 18-10. Motion seconded by Mr. Moraski and voted 4-0-0. Mr. Conroy moved to approve with the board's standard conditions and the special condition that the stubs will be removed from Area 2. Motion seconded by Mr. Moraski and voted 4-0-0.

Special Permit, Case No. 18-11: Mr. Conroy moved to close the hearing. Motion seconded by Mr. Moraski and voted 4-0-0. Mr. Conroy moved to approve Case No. 18-11 with no special conditions. Motion seconded by Mr. Moraski and voted 4-0-0.

8:45 p.m. 1350 North Street Scenic Road Continued Hearing: Robert LeBlanc, Tree Warden, was present for the hearing. The applicant was represented by John Glossa and Jack Gillon, Traffic Engineer, was also present.

Mr. Glossa stated they drew up a sketch to make sure the location onto Bubbling Brook Road was designed in a manner for safe travel. The latest plan is dated January 3, 2019 with the change there would only be three trees within the proposed access that would need to be removed and replaced with species and location chosen by the tree warden. No stone walls would be removed. Mr. Conroy asked if the other plan for the Scenic Road is gone and Mr. Glossa stated yes. Ms. Walker read her comments and Mr. Charbonneau had no comment. Mr. LeBlanc stated he would like setback plantings. Also, the power lines are on this side of the street so the trees need to be no more than 25' high and setback off the travel way by at least 20' off the roadway. Mr. Moraski asked the width of the entrance and exit and Mr. Glossa stated 24' at the throat. Mr. Moraski asked what happened to the hydrant and Mr. Glossa stated there was no problem with that location. Mr. Moraski asked if this plan is more acceptable or if he

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liked the first one. Mr. Glossa stated he thinks this is more acceptable. Mr. Moraski personally thinks the new one is safer. He asked if the angle parking would make them lose spaces. Mr. Glossa stated that is part of the site plan. Mr. Romeo deferred to the tree warden, but feels the new plan is better than the first one. Ms. Khatib also thinks the new plan is better and is glad they are not planning on touching any walls.

Brian Murphy, 4 Bubbling Brook Road stated he lives across from the new driveway. There are nine kids that stand at this exact spot. It is dangerous now and this is a small street. He spoke to his lawyer and this could potentially be considered reckless endangerment. It is dangerous. Ms. Khatib asked if the stop is at Bubbling Brook Road and Mr. Murphy stated yes. Mr. Romeo asked if it is elementary students and Mr. Murphy stated it is Fisher, Johnson and High School. Mr. Conroy asked if the bus goes down Bubbling Brook Road and Mr. Murphy stated no it stops on North Street.

Harry Brousaides, 23 Bubbling Brook Road stated there are nine children, but this morning they almost had eight. A vehicle was parked in front of the hydrant and a truck turned onto Bubbling Brook Road and almost wiped his kid out. Everything you are trying to do at this site is not working. Somebody is going to die up there. The town may have to look at a crossing guard there.

Mr. Conroy asked if you guys have an issue with the exit on North Street and Mr. Murphy stated yes. Mr. Conroy stated then you feel anything is bad there. Mr. Romeo asked what time does the traffic significantly slow down on North Street. Mr. Murphy stated people are coming both ways and they turn around on this street when they see the traffic. It is dangerous.

Sue Pakenham, 1062 North Street stated she has been here for 24 years and she is on her 13th telephone pole. She questioned the curve on the plan and stated it looks bigger than it is. Mr. Romeo asked if the radius is accurate and Mr. Glossa stated yes.

Phil Hooper, 39 Bubbling Brook Road stated he is concerned about the traffic in general. His concern is 100 or more cars during the peak hours. People will be turning left and turning right and you can't get out of Bubbling Brook Road now. If you need police, fire or an ambulance, they couldn't get through during the rush hour, plus snow in the winter. No one can get by, so what will be the solution.

Charles Hayes, 1354 North Street stated this debacle as it goes on gets better and better. He feels the number of houses and this business is another 100 plus opportunities to get broadsided in the morning and afternoon.

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Trisha Barajas, 1400 North Street stated it is a cluster there now with kids getting on and off the bus. People do not slow down. No one slows down to 20 m.p.h. The amount of traffic has increased.

Janet McKenzie, 3 Bubbling Brook Road stated she is new to the neighborhood and has no little kids any more. The traffic backs up now. She questioned when the traffic study was done. She asked if there will be a stipulation that this can't change from a day care to a group home if this doesn't work. Mr. Conroy stated if something is allowed, it is allowed.

Ann Zawistowski, 49 Woodruff Road asked what is the point of the Zoning Bylaw. She doesn't feel this is under the Dover Amendment. This is not appropriate for this rural area.

Roy _____, 44 Wheelock Street, Norwood stated he has been listening to the concerns of the abutters and he would like a straw vote. The only difference between this meeting and all the others is that they have lost 300 years of history. This home was put in a dumpster. He asked that the board listen to the abutters.

Mr. Conroy stated you have a new proposal off Bubbling Brook Road that is before us tonight. We have not seen how the site plan will work. He can't go with either one without hearing what is better or worse. Mr. Glossa asked if the board wants to continue this and go over the site plan. Mr. Conroy stated we have to work responsibly. Do we pick plan one or plan two. We have not seen how the flow is or how this will be handled. He would like to see the site plan and would like town counsel to explain our requirements under site plan review. Atty. Eichman stated it is review of a use and is allowed by right or by special permit. Mr. Moraski stated the abutters are saying deny it, but according to law is that an option. Atty. Eichman stated the only circumstances when you can deny a site plan is if there is no condition that would bring this project into the site plan criteria. We could do a decision with conditions and the applicant could appeal.

9:25 p.m. 1350 North Street Case No. 18-5 Site Plan Approval Continued Hearing: Mr. Conroy opened the continued public hearing for the site plan. He stated the Scenic Road hearing is being held for now.

Mr. Glossa stated the biggest change to the plan is reconfiguring the exit from the site onto Bubbling Brook Road. They had to move the dumpster and they added landscaping around the edge of the property lines. He discussed the drainage and will be meeting with Ms. Walker to discuss her recommendations. They did some test pits today and they can provide an underground infiltration basin to store more water. He will not fight with Ms. Walker, but will try and find a solution so as not to be at odds with the town engineer. He would like to continue

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so they can come back with revisions to the drainage. There will be a revised plan changing the drainage and possibly the landscape.

Mr. Conroy questioned the Medfield daycare analysis previously mentioned by Mr. Glossa. He stated we never got it. Mr. Glossa stated they physically counted the cars at the Goddard School in Medfield. It was the Hillside Village report. He stated that Ms. Mazzola will speak to the times for bringing the kids to school. He will talk about the snow storage.

Mr. Conroy read board comments. Mr. Charbonneau read his own. He stated he compared this with three other local daycares.

Mr. Glossa asked if they determined where the legal parking is. Mr. Glossa stated the police will tell the board.

Maureen Mazzola, applicant, stated she met with the traffic safety officer and went through the drop off and pick up times. He thought they could contain all the traffic on site and they could also park on Bubbling Brook Road. Mr. Conroy stated he would like that in writing from the police and also that overflow will be onto Bubbling Brook Road. Ms. Mazzola stated they don't anticipate needing overflow parking.

Mr. Conroy stated we never received the car analysis from Medfield that Mr. Glossa stated was submitted. Mr. Glossa stated he physically counted the cars at the Goddard School in Medfield. He stated that Ms. Mazzola will speak to the times for bringing in the kids. They will also talk about snow storage, the left turn from Route 109 and left again onto the site or onto Bubbling Brook Road. Mr. Glossa stated they will get a letter from the police with regard to the legal parking. Mr. Conroy stated he would like to see the plan with faculty parking designated and also where the children will be dropped off. He would also like an excel sheet showing the time frames. He asked that they show where the legal parking is on Bubbling Brook Road. He is also would like them to show how they will get out with a car parked across the exit. We need to make sure everything works.

Ms. Mazzola asked if the board received the increments and breakdown. Ms. Khatib responded yes, but if we need to see what changed, if anything.

Jack Gillon, Traffic Peer Reviewer for the Applicant, stated he will present at the next meeting. Ms. Khatib asked that he take into consideration the new exit onto Bubbling Brook Road when he does present. Mr. Romeo stated that Mr. Brousaides and Mr. Murphy explained the predicament we are in when they spoke. We are under the Dover Amendment and it is tough to stop something. We have to decide which is more hazardous for the kids, Bubbling Brook Road or North Street. Mr. Murphy feels without question Bubbling Brook Road is more dangerous. He asked town counsel if safety is factored in at all. Town Counsel did not respond.

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Mr. Brousaides stated he concurs with Brian Murphy that the exit should be on North Street. Regarding the Dover Amendment, at what point can they ask for a third party opinion to be paid for by the town. Mr. Conroy stated our town counsel is here representing us; therefore, the answer is no to a third party opinion. Mr. Brousaides stated he hasn't seen anyone that is in favor of this business. Mr. Conroy stated we are bound by our zoning bylaw.

Mr. Moraski stated he may want two plans – both North Street and Bubbling Brook Road.

Mr. Moraski stated he has no vote in this and neither does Ms. Abate. You will need to carry three out of three. He questioned employee parking. Mr. Conroy asked the maximum number of employees parking. Ms. Mazzola stated there are 18 total people on the roster. The flow of the staff follows the flow of the children. She stated that this is shown on the spread sheet had submitted. Mr. Moraski asked about big group events and Ms. Mazzola stated there would only be small groups not large ones. Mr. Moraski asked if the septic system will be moved and Mr. Glossa stated no.

Sue Shockett, 1340 North Street stated moving the dumpster right onto North Street doesn't seem to be the right place as this is a scenic road. She asked if it will interfere with sight distance as it will be on the corner. Mr. Glossa stated it will not be within the 140' of sight distance. Ms. Shockett also questioned a MEPA review which was triggered by the house demo, but so far that has not been scheduled, which is necessary before they get licensed. If the findings from the review are not in accordance with what is required, there will be impact to the neighborhood and historical character of the area. Mr. Conroy stated that doesn't affect us, so we will not be providing an answer. Ms. Shockett asked if it will have any bearing on the Planning Board approval. Mr. Charbonneau stated it is a State process and this is a town process. Mr. Romeo asked if they don't pass the MEPA process, then they can't get their license? Ms. Shockett stated that is her understanding. Mr. Conroy stated this is not germane to what we as a board are charged with. Ms. Shockett stated her attorney had said this was not allowed to be built here. This is an abuse of the area. Mr. Conroy stated we have to deal with what we have to deal with. Ms. Shockett stated there has to be a line where this would be considered overstepping. Mr. Conroy stated we have to go with what our town counsel says.

Barbara Montiero, 15 Courtney Road hopes this committee will find a way to deny this or may give approval for fifty kids, not one hundred.

Mark Reilly, 1115 North Street asked who decides which side is right or who mediates it. Mr. Conroy stated we do. Ms. Shockett stated with input from police and whoever. Mr. Conroy stated that school, fire and police are key in this. He stated that Plan #1 doesn't change anything, but Plan #2 does. Mr. Glossa agreed there will be two sets of plans.

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Mr. Conroy moved to accept an extension of time up to and including March 15, 2019 as per Mr. Glossa. Motion seconded by Mr. Moraski and voted 4-0-0. Mr. Conroy continued the Scenic Road hearing to 7:15 p.m. and the Site Plan hearing to 7:16 p.m. on March 7, 2019.

It was moved, seconded and voted 4-0-0 to adjourn. The meeting adjourned at 11:05 p.m.

Respectfully submitted,

Sarah Khatib, Clerk

Accepted 2/7/19
