

WALPOLE PLANNING BOARD MINUTES OF JANUARY 20, 2022

A regular meeting of the Walpole Planning Board was held on Thursday, January 20, 2022 in the Main Meeting Room at Town Hall. The following members were present: John Conroy, Chairman; John O'Leary, Vice Chairman; Catherine Turco-Abate, Clerk, Philip Czachorowski and Carl Balduf, Town Engineer.

Mr. Conroy opened the meeting at 7:03 p.m.

Minutes: Mr. Conroy moved to approve the minutes of November 4, 2021. Motion seconded by Ms. Abate and voted 3-0-1 (Mr. Czachorowski abstained). Mr. Conroy moved to approve the minutes of November 18, 2021. Motion seconded by Ms. Abate and voted 4-0-0. Mr. Conroy moved to accept the minutes of December 2, 2021. Motion seconded by Ms. Abate and voted 4-0-0.

Meetings: Mr. Czachorowski stated that Ms. Khatib is not here in person tonight; however, he could put her on his speaker phone for tonight. Mr. Conroy stated the meetings will be in person or by Zoom. Mr. Czachorowski stated other towns have done this. Mr. Conroy stated that other committees don't have the judicial provisions that we have to uphold. He stated there is no such thing as a hybrid meeting. Mr. Czachorowski stated he will seek an opinion on that. Mr. Conroy stated there is nothing preventing anyone from being here.

ANR – Losordo/Zuker, 260 Summer Street: Mr. Conroy stated the purpose of the application is to divide this parcel into three lots. Matt and Andrea Zuker, Brookline, MA, were present on behalf of her parents, Mr. and Mrs. Losordo. Mr. Conroy asked if this property has sewer and Ms. Zuker stated no, but they will. At this moment, no one is living in the house. Mr. Conroy stated because this is the aquifer area, the house has to conform to zoning. We could approve this as non-buildable. Mr. Czachorowski stated Lot 1 is zoned RA and it does meet the requirements. Mr. O'Leary stated it doesn't meet the requirements for the WRPOD. Ms. Zuker stated she does have the frontage and the Building Department is going to revoke the occupancy permit for the house. Mr. Zuker stated only frontage on a public way is necessary for an ANR and they meet that requirement. He is aware that no other permits could be pulled for the other two lots. Mr. Conroy stated this will make the existing house non-conforming, which is the problem. He read an email dated January 20, 2022 from James Crowley, Building Inspector.

Ms. Abate stated her problem with this is the change from conforming to non-conforming. Mr. O'Leary stated he never heard of a discontinued occupancy permit and feels each lot should be listed as non-buildable until such time when sewer is brought to the lots.

Mr. Conroy moved to endorse an ANR for 260 Summer Street with the caveat that these lots are presently non-buildable and unmarketable until such time that the sewer is brought to the lots and the house at 260 Summer Street is connected to sewer. Motion seconded by Ms. Abate and voted 4-0-0.

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7:40 p.m. Ironwood Solar, 455 South Street Continued Hearing, Case No. 21-07: Mr. Conroy moved to accept an extension of time up to and including February 28, 2022 as granted by Atty. Philip Macchi, Norwood, MA on behalf of the applicant. Motion seconded by Mr. Czachorowski and voted 4-0-0. Mr. Conroy continued this hearing without testimony to February 17, 2022 at 7:18 p.m.

7:42 p.m. Stigmatine Fathers 655 Elm Street Continued Hearing, Case No. 21-08: Mr. Conroy moved to accept an extension of time up to and including March 31, 2022 as per Amanda Cavaliere on behalf of the applicant. Motion seconded by Mr. O’Leary and voted 4-0-0. Mr. Conroy continued this hearing without testimony to February 3, 2022 at 7:16 p.m.

7:44 p.m. Garden Path Estates Subdivision Continued Hearing, 585 Washington Street: Mr. Conroy moved to accept an extension of time up to and including February 11, 2022 as granted by the applicant’s engineer, Daniel Merrikin, Legacy Engineering Motion seconded by Mr. Czachorowski and voted 4-0-0. Mr. Conroy stated there is also an amended application, which was part of the filing of revised plans. Atty. Macchi stated they were asked to prepare the amended application. Mr. Conroy continued this hearing without testimony to February 3, 2022 at 7:30 p.m.

New World Estates: Atty. Macchi also asked that endorsement of the New World Subdivision plan be added to the February 3, 2022 agenda.

7:50 p.m. Paragon, 130 West Street/25 Spring Street, #21-04 Continued Hearing: The applicant was represented by Atty. Philip Macchi, 1256 Washington Street, Norwood, MA. He stated they have worked with abutters as requested by the board and reworked the delivery spot as requested by Ms. Khatib. There is no condo association set up as yet.

The architect, Mr. Cabral, stated they have added new sidewalks on West Street and they have gone over the changes they have made and issues have been addressed. Mr. Conroy read correspondence from the Board of Health, Water and Sewer Commission, and Fire Department. The town engineer, Carl Balduf, discussed his comments regarding the latest plan dated November 10, 2021. Atty. Macchi stated they have a letter from the lady who lives at the top of the hill asking for payment for a fence in lieu of what they are going to do at the bottom of the hill.

Mr. Conroy discussed the special conditions: 1) he stated that the fence will either be installed by the applicant or the money paid to the abutter for the installation of the fence. Either will be prior to receipt of the certificate of occupancy. Mr. Conroy asked that the Planning Board be copied of the agreement if the money is given to the lady; 2) the applicant will continue talking to the condo neighbors regarding Option A or Option C or he will come back for a minor

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modification with regard to a strip of land. Ms. Abate stated the bylaw requires Option A and Option C is what the condo association wants. Atty. Macchi agreed.

Mr. O'Leary questioned what will be allowed and what won't be allowed. Ms. Abate thought that would be put in the Master Deed. Mr. Macchi stated that is their intent along with adding it to the Condo Deed. Their intention now is to discuss what they don't want here. Mr. O'Leary questioned a street light. Mr. Cabral stated it was on plan, but seems to have disappeared. He will make sure it is put back. Ms. Abate stated her issues have been addressed. Mr. Czachorowski stated he missed the November 4th hearing, but he did use the Mullen Rule. He asked if they are looking for any waivers and Mr. Macchi stated no. Mr. Czachorowski questioned the handicap parking and asked why there is only one space. Mr. Macchi stated the bottom line is they must meet code and they do. Mr. Czachorowski stated that the handicap space shown Plan Sheet C-3 is different from Plan Sheet C-6. Mr. Cabral stated that Sheet C-6 is correct. Mr. Czachorowski questioned the delivery spots and traffic flow on the pavement. Mr. Macchi stated that is on the plan already. Mr. Cabral stated there will be pavement striping.

There were no public comments.

The board discussed the special conditions. Mr. Conroy stated everything requested will be on the plan before endorsement as checked by Mr. Balduf, Town Engineer.

Special conditions discussed:

- Everything that Mr. Balduf has asked for in his comment letter dated January 13, 2022 will be part of this approval and shown on the plan prior to endorsement;
- Regarding the fence, the applicant will either install the fence for the abutter or will pay the abutter the associated price. A copy of the cancelled check will be given to the Planning Board for their records;
- Regarding the existing condo property, either Option A or Option C needs to be chosen prior to endorsement. If after endorsement, the applicant can bring it back before the Board as a minor modification to the plan;
- The first floor occupancy/use will be in accordance with the Zoning Bylaw;
- Delivery spots will be shown on the plan prior to endorsement.

Mr. Conroy moved to accept the Special Conditions as discussed. Motion seconded by Ms. Abate and voted 4-0-0. Mr. Conroy moved to close the public hearing. Motion seconded by Mr. Czachorowski and voted 4-0-0.

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Mr. Conroy moved to grant Site Plan Approval for 130 West Street/25 Spring Street, Case No. 21-04 with the board's standard conditions and special conditions as voted. Motion seconded by Ms. Abate and voted 4-0-0.

New Pond Village: Mr. Conroy moved to grant an extension of time to the applicant for the start of construction as requested by their attorney, Philip Macchi, up to and including February 3, 2023. Motion seconded by Mr. Czachorowski and voted 4-0-0.

Pine Acres Subdivision update: The developer, Joseph Verderber, submitted invoices and a list of the materials that have been ordered for the completion of the subdivision. He stated that the curb and asphalt are on order also. One of the abutters questioned the street light. Mr. Balduf stated that Eversource was contacted by the Engineering Department and they are waiting to hear back from them. The conduit and pole are in. Mr. Verderber stated there will be two lights. Mr. Conroy stated that Eversource owns the pole and we can't control them. He feels it should be in around mid-March.

Mr. Conroy moved to extend the bond on this subdivision until May 30, 2022. Motion seconded by Ms. Abate and voted 4-0-0. Mr. Conroy continued this to May 19, 2022 at 7:05 p.m.

Boyden Estates Bond Reduction: Lou Petrozzi, Walsh Street Development, stated he doesn't agree with the 25% retainage on a bond reduction. Mr. Conroy moved to reduce the bond on Boyden Estates to \$52,981.00 as recommended by Carl Balduf, Town Engineer. Motion seconded by Mr. O'Leary and voted 4-0-0.

Tall Pines Subdivision: Mr. Conroy moved to accept and endorse the agreement as prepared by Town Counsel to release the Tripartite Agreement subject to a correction on the last page changing the date from 2021 to 2022 and also changing Town of Sturbridge to Town of Walpole. Motion seconded by Ms. Abate and voted 4-0-0.

54 Peach Street Final Bond Release: Mr. Conroy asked that Mr. and Mrs. Richard Adams come in on February 3 to discuss the final bond release with regard to street milling. Mr. Balduf stated that both he and Mr. Mattson are in agreement that this bond is ready now for final release. Mr. Conroy stated they can write a check for the cost of the milling, but they just can't walk away and do nothing. It is part of the original bond.

Hybrid Meeting Discussion: Ms. Abate feels that people need to be cautious, but we should meet in person if possible. Mr. Czachorowski wants to go remote. Mr. Conroy stated that the ZBA voted 8-0 to continue with live meetings. Mr. Czachorowski stated he will investigate to find out if the members could call in. Mr. O'Leary stated he doesn't want someone to feel threatened.

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Mr. Conroy moved that our meetings continue to be in person as we are currently doing. Motion seconded by Mr. O'Leary and voted 3-1-0 (Mr. Czachorowski voted against the motion).

Mr. Czachorowski moved that he will investigate ways for Planning Board members to participate when everyone else is live. Motion seconded by Mr. Conroy and voted 4-0-0.

Master Plan Update: Ms. Abate would like a thank you written on town letterhead to the high school students that participated in creating a logo for the Master Plan. She submitted a draft letter along with a list of the students and teachers involved in this process. Mr. Czachorowski thanked both Patrick Deschenes and Judy Barrett for their active participation in the Master Plan Steering Committee.

Lincoln Estates Appeal Update: Mr. Conroy stated there is nothing to discuss at this time.

Lincoln Estates Return of Filing Fee Request: Mr. Conroy moved to return the filing fee in the amount of \$37,500.00 as requested in a letter dated November 2, 2021 from John Walsh as there was no burden on the account from the refiled application. Motion seconded by Mr. Czachorowski and voted 4-0-0.

Lincoln Estates Peer Review: Mr. Conroy stated that the Planning Board was not involved in Beta Group peer review process. It was agreed that Mr. Balduf would return the remaining funds to them as requested.

Mr. Conroy moved to adjourn. Motion seconded by Ms. Abate and voted 4-0-0. The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Catherine Turco-Abate, Clerk

Accepted 2/3/22