

## WALPOLE PLANNING BOARD MINUTES OF JUNE 18, 2015

A regular meeting of the Planning Board was held on Thursday, June 18, 2015 at 7:00 p.m. in the Main Meeting Room at town hall. The following members were present: John Conroy, Chairman; Richard Nottebart, Vice Chairman; John Murtagh, Clerk; Elizabeth Gaffey, Richard Mazzocca, and Margaret Walker, Town Engineer.

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

**Minutes:** Mr. Conroy moved to accept the minutes of May 7, 2015, May 21, 2015 and May 27, 2015. Motion seconded by Mr. Nottebart and voted 4-0-1 (Ms. Gaffey abstained).

**Hancock Court Extension:** Mr. Conroy read a request from Kevin Sullivan requesting an extension to the tripartite agreement for Hancock Court Extension. Mr. Conroy moved to grant an extension up to and including July 30, 2017 as requested. Motion seconded by Mr. Nottebart and voted 5-0-0.

**Southridge Farm:** Mr. Conroy moved to endorse the plans for Southridge Farm as presented. Motion seconded by Mr. Mazzocca and voted 5-0-0.

**7:30 p.m. Al Marhama Islamic Burial Services, Case No. 14-11 Continued Hearing:** Mr. Conroy read correspondence from Atty. Jay Peabody, Partridge, Snow & Hahn, dated June 18, 2015 requesting to withdraw their client's application for Case No. 14-11 without prejudice. Further, town counsel has confirmed that the email requesting this action is all we need to allow them to withdraw.

Bill Hamilton, South Walpole asked when they can reapply and Mr. Conroy stated tomorrow if they choose. Mr. Hamilton asked if they will be grandfathered and Mr. Conroy stated no.

Mr. Nottebart moved to allow the applicant to withdraw their application for site plan approval without prejudice as requested by their attorney, Jay Peabody. Motion seconded by Mr. Mazzocca and voted 4-0-1 (Ms. Gaffey abstained).

**7:33 p.m. Eastside Preliminary Subdivision, East Street:** Mr. Conroy stated this is not a public hearing, but a discussion. The applicant was represented by Rob Truax, GLM Engineering, Holliston, MA. He stated they are presenting a preliminary plan showing two proposed roads, Nichols Pond Road which will be 1060' long to a cul-de-sac. They are also proposing a 500' roadway, Isaacs Path, which is directly across from Natalie Lane over the existing driveway to the castle at the end and also the existing house. They will be looking for a waiver on the 1060' roadway. Regarding Isaacs Path, one house is existing and three new ones. They are trying to keep the character intact. The driveway is 12-14' wide and they are proposing a 16' wide roadway which they would like to keep private with no curbing or sidewalks. Also, they don't want to subdivide the castle lot. Mr. Truax suggested the board do a site walk. All the lots are 30,000 s.f. and they meet the upland requirements. They would like input on the waivers from the board before the definitive plan is filed.

WALPOLE PLANNING BOARD MINUTES OF JUNE 18, 2015 (2)

Mr. Conroy read correspondence from Board of Health, Liz Dennehy, Conservation Commission and Margaret Walker, who addressed her own comments. Mr. Truax stated they will probably take out the front five lots from the subdivision and ANR them.

Mr. Mazzocca asked if Barachiah Lane already exists and Mr. Truax stated it is just a driveway, but they have the right to go through. If the board wants them to connect there, they will. It will create a short cut though, so they would prefer a dead end. Mr. Mazzocca asked if they own the property and David Wakefield stated yes, he owns the layout all the way to Lafayette Drive. Mr. Nottebart asked if he owns Barachiah Lane now and Mr. Truax stated yes. Ms. Gaffey asked why they don't connect them and then they don't need a waiver and Mr. Truax stated they would prefer to keep the projects separate. Ms. Gaffey asked if Isaac Path would be private or accepted by the town and Mr. Truax stated private and the six homes would be responsible for maintaining it. Ms. Gaffey asked if the two houses out front would have East Street addresses so there would be only two houses in the subdivision and Mr. Truax stated the driveways would come out onto the private road, but they would have legal frontage on East Street. Mr. Nottebart asked if any abutters are present and Mr. Truax stated they are not noticed. Mr. Nottebart stated he hates waivers and he questioned the wetlands on the left side of Nichols Pond Road as it seems pretty tight. Mr. Truax stated they can't work within 25'. Mr. Nottebart stated he doesn't want Barachiah Lane to become a racetrack.

Mr. Murtagh asked if they are proposing an 18 lot single family subdivision and Mr. Truax stated yes in total, but only five would be on the private road and the other thirteen would be on a public road. Mr. Murtagh asked where is the hardship and Mr. Truax stated the idea is to preserve the way it looks today. Mr. Murtagh doesn't like the thought of young families coming in with no footpaths. Mr. Truax stated it would only be for five homes, with three on East Street. Mr. Murtagh feels the waivers are excessive. Mr. Conroy would like this numbered differently. Also, the lots on East Street are either in or out. It will be a fourteen lot subdivision when you submit this. Regarding waivers, he feels it is a little early to ask for them. If the fire and police want it connected for safety, then that is what you will have to do. He doesn't think to connect them would create a lot of traffic. Mr. Truax stated he will speak to Fire. Mr. Conroy stated we don't deal with waivers at this point, but would when a definitive plan is filed. Mr. Truax asked why and Mr. Conroy stated because this is a preliminary and no one has ever asked for waivers on a preliminary. Mr. Truax stated if you are saying no waivers, then he would need to go back to the drawing board. They will meet with Fire and Police to see what they want. Mr. Nottebart stated he is pretty adamant on the 750' waiver. He feels we need to look at that more closely.

There were no further board comments or comments from the public. Mr. Conroy moved to grant tentative approval for 470 East Street Preliminary Plan with the exclusion of the request for waivers. Motion seconded by Mr. Nottebart and voted 5-0-0.

**8:05 p.m Meadowbrook Realty Trust, 164 Pine Street Site Plan Approval, Case No. 15-6; Special Permit, Case No. 15-7; Special Permit 15-8:** Mr. Conroy noted the board's secretary filed a disclosure as per the Ethics Commission. Mr. Conroy read the public hearing notice and also comments from town

WALPOLE PLANNING BOARD MINUTES OF JUNE 18, 2015 (3)

boards and committees that have been received. He stated the three applications will run concurrently. The applicant was represented by Atty. Dan Seidenberg, 155 South Street, Wrentham. He stated he used to be at 128 School Street in Walpole. He stated he was present tonight with Paula Verderber and Joseph Verderber, owners of the project and long-time residents of Walpole. Also present was Rob Truax, GLM Engineering, Holliston, MA. Atty. Seidenberg stated they are proposing thirty 55 and over units located in fifteen separate duplex style buildings. He stated they are in the appropriate zoning district and have 11.92 acres when ten is required. They also meet all the dimensional requirements and they will have the appropriate landscaping plan done by a landscape architect. There will be a homeowners association and sidewalks throughout the project. They could build 46 units, but are only proposing 30 units. There will be two units in each building and two bedrooms in each unit along with another room that is not a bedroom. They will be filing a full site plan. There will be a 24' wide driveway which they believe is more than adequate to service the project and they will also provide a traffic count.

Mr. Truax stated the existing site is at 164 Pine Street and consists of two parcels located on the Sharon/Walpole town line. They did soil testing which was witnessed by Ms. Walker. There will be an on-site drainage system. There will only be one means of access and egress just west of Blair Circle and South Walpole Street. The street changes from Pine Street to South Walpole Street to Blair Circle. The units will be 20' from the roadway. Mr. Truax stated everything slopes from south to north and the water system will loop within itself and come in from Pine Street. The sewer system will connect to an existing pump station at Ganawattee Farm, which was built to handle this. These units will sit lower than the existing houses except for the two when you first come into the project. Mr. Truax stated there will be full cellars with no walkout except for two houses that will have a walkout. They will be going into the riverfront area and therefore they need to go before the Conservation Commission. They show sight distance on the plan. They will be hiring Bill Scollay to do a traffic report as he had done one in this area years ago.

Mr. Conroy read board comments and asked that Mr. Truax address them. Ms. Walker stated the most important thing in the traffic study will be sight distance and stated she has not yet reviewed the drainage.

Mr. Murtagh asked if they have a wetland delineation and Mr. Truax stated yes and they have identified the wetlands. Mr. Murtagh asked if there will be a landscape architect and traffic consultant and Mr. Truax stated yes. Mr. Murtagh questioned Mr. Truax with regard to Section 8 in the Zoning Bylaw and Mr. Truax stated he will review that as he thought Section 8 was about business not residential. Mr. Murtagh questioned the open space and Mr. Truax stated it is all in the back and all the land is in common ownership. Mr. Murtagh stated that Area 3 is a sensitive area. Mr. Truax stated it is all being recharged back into the ground – some of which will be underground and then an open recharge basin. Mr. Murtagh questioned the 24' roadway. He feels that seems narrow for thirty units. Mr. Truax feels that is more than sufficient as that is your typical roadway and aisle width for parking lots. Mr. Murtagh questioned the snow storage and Mr. Truax stated there are several areas on site to accommodate it.

WALPOLE PLANNING BOARD MINUTES OF JUNE 18, 2015 (4)

We would generally not have 100" of snow like the past winter. They can also just push it to the side. Mr. Murtagh stated it is a fine building but it will impact the area hugely. Mr. Truax stated that an over 55 development creates a smaller volume of traffic than a typical subdivision. Mr. Murtagh asked if it will be private trash pick up and Mr. Truax stated yes. There will be no dumpster. Mr. Nottebart feels the sewer pump station is important to look at. He knows it has malfunctioned and caused the neighbors' a problem. Mr. Truax stated this station is not the one with a problem. Ms. Walker stated it was storage from The Preserve. Mr. Truax stated they would hold it for a day and pump at night, but that is separate from this one. The pump station sits on a lot that conforms to zoning. Mr. Nottebart feels the aquifer is a big deal. He feels they need to be careful with that. He also agrees there should be a landscape architect. Mr. Nottebart feels parking can be a problem and questioned guest parking. Mr. Truax stated Stone Street (Delapond Village) has two in the garage and two out front. He doesn't know of any complaints there. This will be the same size project with the same width of pavement. They can park on the side of the road and cars can still get past. Mr. Nottebart asked if the stream on site is a perennial stream. Mr. Truax stated yes, but there will be no work in the 100' buffer, only sewer work. Mr. Nottebart questioned the contours on the back. Ms. Gaffey feels the setbacks are met but it's really close. They need to conduct flow tests per Rick Mattson.

Mr. Truax stated there will be no affordable housing units. He stated he is not sure if they can park in the front setback, so he will talk to Michael Yanovitch. Mr. Mazzocca questioned a fence and the requirement for a stamp on the wall plan. Mr. Truax stated it is 5' and he will get a certified plan as 5' is the number.

Mr. Conroy questioned the traffic count and the sewer on the right side of the plan. He asked why they don't put the road there. Mr. Truax stated because it is a riverfront area. Mr. Conroy asked if this a river and Mr. Truax stated yes. He asked if they will be condos or apartments and Mr. Truax stated condos with an association. Mr. Conroy stated we need to see the O&M agreement. He stated that Riverview and Delapond Village were done a while ago. Atty. Seidenberg stated they will look at that. Mr. Conroy feels that residential zoning is more strict than HB. This is an overlay district so you have to go back to what is underneath it. They might possibly want lamp posts rather than street lights. It would also be nice to have a walkway with a bench by the river. Mr. Truax stated they need to talk to the Conservation Commission about that before they do it.

Mr. Conroy asked about a scenic road hearing. Mr. Truax stated there are no trees or walls. Mr. Conroy stated they need to show us that. Mr. Truax stated there is a driveway coming out of there now. Mr. Conroy asked if it is 24' and Mr. Truax stated no.

Mr. Conroy asked for public comments.

Bill Hamilton, 45 Eldor Drive stated he was at last night's Sewer and Water meeting. The problem with the pump station is not cleared up. This additional sewerage will travel the same route of the problem area. Ms. Walker agreed. Mr. Hamilton stated it will increase the problem. He urges the Planning Board that what can be built by right can be built by right. However, any increases beyond that creates

WALPOLE PLANNING BOARD MINUTES OF JUNE 18, 2015 (5)

an issue. We have laws for water restrictions. They have a development on top of the water supply. Any treatment to the road will go back into the aquifer, so they need to be very careful. He has an issue with water and contaminants so he asked that the board not issue anything that increases the density of the project. He asked that the board just allow what can be done by right.

Shawn O'Reilly, 61 Blair Circle submitted a hand out to the board. He asked the board to do a site visit and questioned the traffic impact at the entrance and exit of the project. He questioned the road being at 164 Pine Street as presently it is a single family home at that address. He has safety concerns about a 24' roadway at the back of his property.

Mary \_\_\_\_\_, Pine and Washington Street stated sewer is still an issue. It has been improved a little but still not completely.

Karen Johnson, 162 Pine Street stated three condos will be in the back. The area will be going from a single family home to thirty homes and it is directly behind her. She questioned if there will be a drop. Mr. Truax stated they will be taking down a wall and they will be 51' from her fence. Ms. Johnson stated her concern is that all she will hear the roar from Route 1 and the ice skating rink especially in the winter. She would like more trees left. She also asked what this will do to her property value. This is her retirement. She would feel extremely better if she didn't see or hear them. This is extremely sad for them. She doesn't want to see lights. In October, her house shook and she found out they were doing a soil test with a big bulldozer. She would like to have been told that was going to happen, but wasn't. She moved here in 1996. There was no Ganawatte Farm then. Since that time, they have suffered with the sewer and the odor. She is over 55 and if she buys this and then moves, can she sell it to her 30 year old nephew? Mr. Conroy stated that would be enforceable by the homeowners' association. Ms. Johnson stated the road is very narrow and has many potholes. It is not safe there now. Mr. Conroy stated people live on scenic roads by choice and they are typically very narrow and very windy. Everybody has a right to develop their property.

Rachel O'Reilly, 61 Blair Circle stated she lives on the corner and bought into what was there. Mr. Conroy stated the bylaw allows this to be done. He expects the traffic engineer will come back to the board with input from both Walpole and Sharon. Mr. Truax agreed with Mr. Conroy.

Anna Oberlander, Ganawatte Drive asked how they can put an additional 30+ cars on Pine Street as they were told that Pine Street couldn't be widened. She has lost two mirrors because people won't move over. She asked why the road couldn't be repaved. There will be a lot more trucks and tractor trailers. Mr. Conroy stated potholes are your friend as they slow people down. With regard to truck traffic, there is no sign for no through trucking in either Sharon or Walpole. Only the Board of Selectmen can do that and would be a simple thing to do.

Jim Gamerman, 10 Montaup Road stated his house is the closest to this. Regarding the entrance way, your point is well taken, but the issue is the configuration of the road and additional traffic can only make it worse. A study done in July and August won't count as many cars as the Fall or school year

WALPOLE PLANNING BOARD MINUTES OF JUNE 18, 2015 (6)

would. He questioned moving the driveway as he doesn't feel it should be where it is. Traffic closer to Route 1 would not impact them. Regarding the entire project, the engineer suggested there is enough upland space to put in forty-six houses, but they are only proposing thirty houses. He feels it would be easy to reconfigure them to move them. He is happy that the road is narrow as that people go slower. He questioned the curb cuts and the fact that it should be built to the standard of a real road, but more narrow. He asked how far is it from the stone wall to the road or the edge of the driveway. Also how far from the stone wall to the building. Mr. Truax stated he will measure that. Mr. Gamerman asked how far downhill and Mr. Truax stated approximately 12'. Mr. Gamerman stated he would like a fence put in along the entire perimeter and also would like more plantings.

Mr. Conroy stated that regarding the entrance and safety, he feels safety is first, not the wetlands. The Conservation Commission cannot deny this. Jim Gamerman stated the traffic report will say whatever it says and Mr. Conroy agreed. Mr. Gamerman asked if this board can tell them where to put the driveway after reviewing the traffic report and Mr. Conroy stated yes as we can't argue with a traffic study. Jim Gamerman asked if this board makes that call and Mr. Conroy stated we would agree or disagree or ask for our own report. Mr. Gamerman questioned this report that will be sent to you, how do they get to see it. Mr. Conroy stated when it comes into our office. Our town engineer is a great engineer, but she's not a traffic engineer. He suggested the applicant look at the sewer issues. Mr. Gamerman asked that the project be moved as far away from people that you can, put up a fence and add more plantings.

Mr. Conroy asked if they have anything to support their statement that they could put up 46 units. Mr. Truax stated there are wetlands and requirements they have to adhere to. Jim Gamerman asked if the wetlands are upland and Mr. Truax stated no. Jim Gamerman stated 46 units could be built and no go into the wetlands and Mr. Conroy stated no. Mr. Truax stated there are restrictions. Mr. Nottebart stated you possibly can put in that many units in theory, but not in reality.

Bill Hamilton, South Walpole asked if the deed will show an age restriction. Mr. Truax stated yes. Mr. Hamilton asked why the board has to depend on a Homeowners' Association to say no. Mr. Truax stated it will be in perpetuity, not just twenty years.

Shawn O'Reilly asked how far is the entrance from the back property line. If it was a road would the setback have to be from the side line. Mr. Conroy stated it would be 46' for a normal subdivision. Mr. Truax stated the right of way can be the property line, not setbacks from a roadway.

There were no further comments. Atty. Seidenberg granted the board an extension of time on which to take action up to and including August 31, 2015. He stated he will email an extension letter to the office. Mr. Conroy moved to accept an extension of time on which to take action up to and including August 31, 2015. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy continued this hearing to August 20, 2015 at 7:30 p.m. He stated there will be no further notice sent to abutters.

WALPOLE PLANNING BOARD MINUTES OF JUNE 18, 2015 (7)

**9:55 p.m. Olmsted Estates Form F Covenant:** Atty. Vincent O'Brien provided the board with the original Form F covenant dated May 27, 2015. He asked that the board sign it and schedule a time when someone from the town could meet with him to attend the recording. Mr. Conroy stated that town counsel never saw the final covenant. Mr. O'Brien stated he sent the signed covenant to town counsel. Mr. Conroy stated has been going back and forth, but not to us. Atty. O'Brien stated the only reason it went to town counsel originally was because they couldn't fit all the names on the form. Mr. Conroy asked who is J&F. Atty. O'Brien stated it is the parties doing the construction work. Mr. Conroy stated the applicants were three people and now we have a fourth. He asked if Atty. O'Brien is saying the covenant was done on May 27, 2015. Michael Viano stated that was the date that town counsel said. Mr. Conroy stated that two applicants signed on May 6, 2015. Atty. O'Brien stated they thought on May 6, it was ready to go. Mr. Conroy stated the co-signers are all set, but nothing gets done outside of a meeting. Atty. O'Brien stated that prior to May 6, they couldn't fit all the names on it. Mr. Viano stated town counsel sent an email on May 7 stating the covenant was fine. After the board signs it they can convey lots. At the last meeting they did a fourth ANR so the parties can swap land prior to filing the covenant. Atty. O'Brien asked what they can do at this point. He believes they have met all the rules and regulations. Obviously, the board wants town counsel to say this is okay. Is there somebody on the board that can take the covenant tomorrow and ask Shirin Everett if it is okay and then they can record it. Mr. Conroy asked that they send it to the board and we will forward it to town counsel.

Atty. O'Brien asked for Liz Dennehy's email address.

**Reorganization:** Mr. Nottebart moved to elect Mr. Conroy as chairman, Mr. Nottebart as vice chairman and Mr. Murtagh as clerk. Motion seconded by Ms. Gaffey and voted 5-0-0.

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

Respectfully submitted,

John Murtagh, Clerk

Approved on 8/20/15