

## WALPOLE PLANNING BOARD MINUTES OF MAY 19, 2022

The Walpole Planning Board held a regular meeting on Thursday, May 19, 2022, at 7:00 p.m. in the Town Hall Main Meeting Room. The following members were present: John Conroy, Chair; John O'Leary, Vice Chair; Catherine Turco-Abate, Clerk; Philip Czachorowski, Sarah Khatib (6:34 p.m.), Carl Balduf, Town Engineer, and Thomas Lane, Town Counsel, Kopelman & Page.

Mr. Conroy opened the meeting at 6:35 p.m. The Planning Board voted to go into executive session to discuss pending litigation and will return to regular session.

The Planning Board went into regular session at 7:16 p.m.

**7:20 p.m. Pine Acres Update:** The developer, Joe Verderber, was present to update the board on the progress of the subdivision as requested. He stated that the sidewalks were going to be paved today, but it rained. Ms. Khatib questioned the mailboxes and Mr. Verderber stated that when the sidewalks get done next week, the mailboxes will be put in the right spots and then he will file for bond release.

**7:20 p.m. 1429 Main Street, Case No. 21-09 Site Plan Approval Continued Hearing:** The applicant was represented by Atty. Christopher Alphen, Concord, MA. He stated they have submitted a definitive plan. They are also seeking a modification to a decision voted in 2014 that allowed a mixed use in the front of this property. They want to remove a portion of the property that was approved. The special permit modification has recently been filed with the Board of Appeals. Mr. Glossa, Glossa Engineering, stated that no side setbacks are changing.

Mr. Balduf, Town Engineer, stated he was originally concerned with the drainage behind the building. Mr. O'Leary questioned the landscaping within the buffer zone. Mr. Alphen stated that is also a concern of the neighbors. The original decision had conditions with regard to maintaining the landscaping plan and they are fine with the landscape conditions continuing to be in effect. He is aware that the front property needs to conform to the original decision. Ms. Abate questioned the ongoing bamboo issue. Mr. Alphen stated his client is fully committed to getting rid of it and he has directed him to do so as soon as possible. They will agree to a condition to get rid of all the invasive species. Ms. Abate stated this definitely needs to be addressed. Mr. Conroy stated that condition can be added to both the site plan and subdivision decisions. Mr. Czachorowski stated it is not bamboo, but it is Japanese knotweed and is on the MA plant list of invasive species. Removal has to happen now. Mr. Alphen stated they will take care of it. Ms. Abate stated it increases with the heat. Mr. Czachorowski stated it needs to be done now. He also stated he would like Ms. Khatib to speak to the email she received from an abutter. Mr. Czachorowski also questioned Mr. Balduf's first letter. Mr. Balduf stated that is why he submitted a clarification letter.

Ms. Khatib stated it is disappointing to hear that maybe the applicant will consider doing something about the overgrowth, when he didn't do what he was supposed as per the original decision. Ms. Khatib stated that Mr. Glossa had previously stated he would get us a landscape plan and she asked if that plan was submitted to us for this review. Mr. Glossa responded no as he feels the plantings substantially comply with the original plan. He will have what was actually built superimposed on the plan. Mr. O'Leary asked if the setbacks were impacted and Mr. Glossa stated no. Ms. Khatib questioned the buffer zone and asked if the applicant is interested in adding to the buffer zone on condo property.

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Mr. Alphen stated he would like it all on the applicant's property. Further, they anticipate providing an additional landscape buffer. Ms. Khatib stated if you are definitely going to put plantings in the front lot, she feels the board needs to hear from the neighbors.

Mr. Conroy questioned the term "substantial". Mr. Marini modified this before he came to us by making the building bigger and didn't do what he was supposed to do. He stated we are not modifying the lot line. It is a zoning infraction and feels that should be added to this plan. Mr. Marini never completed what he was supposed to do. Mr. Conroy wants to see what was on the original plan. If there are supposed to be ten plantings, he doesn't want to see nine. He also would like all the plantings in by the next time. Regarding the buffer on the residential portion, we can't enforce it. Mr. Glossa stated there is enough room to do it on the business lot. Mr. Conroy stated we need a plan that will show the landscaping being brought back to where it should be and would like the landscaping done prior to their return meeting. Mr. Glossa stated Mr. Marini has a list of what is missing. He stated he will personally go out and count everything even though he knows it is not a substantial amount missing.

Lynne Vendetti, 18 Marion Street submitted pictures showing what Mr. Marini has done. They also have a rat problem and also a snake problem. Regarding John Marini, she asked the board not to reward bad behavior. He cut down the trees when he wasn't supposed to. He should put the trees back in and maybe build a playground. He did put in spruce trees. There is a lot of rock. Since the removal of the trees, she can hear the drive up window orders at Dunkin Donuts. Ms. Vendetti stated she is not sure they can put in a house as the retaining wall on the property is hers. She questioned where the snow will go. Also the bus stop is on Route 1-A as there are no kids in her neighborhood. She doesn't trust this guy because all he does is lie. Maybe if someone else was building the house, it would be okay. He doesn't follow through on anything he says. Mr. Conroy stated we can't force him to do anything you suggested.

Steve Lynch, 80 Williams Street feels the landscape should remain even if the lot is subdivided. Mr. Conroy stated he needs to have a buffer between Business and Residential zones. If he had left the woods the way it was, there would have been a 100' buffer, but he came in and mowed everything down. Mr. Lynch is against a house going in. Mr. Glossa stated Paul Brodmerkle did the original plan. They would like to work with Mr. Lynch to make sure he is satisfied.

Mr. Conroy stated this needs to be taken care of legally. Mr. Lynch stated he doesn't want someone new to come in, buy the house and take down the trees. Mr. Conroy stated that maybe a portion of the parcel could be transferred to Steve Lynch. Mr. Alphen stated it could be done by an easement or a restrictive covenant. Mr. Lynch stated he went to the Zoning Board meeting last night and it doesn't seem that they know what they are doing.

Mr. Conroy asked where the Japanese knotweed came from originally. Mr. Czachorowski stated it is throughout Walpole. It can be around mailboxes or between the cracks in sidewalks and roads. The vines can travel 200'. Mr. Lynch asked how you get rid of it. Mr. Czachorowski stated it needed to be mowed down in the Spring and then use a herbicide to kill it. It has to be done by a professional. You can also cut it and cover it with a tarp, but that may take two or more years.

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Denise Morris, 69 William Street stated that Mr. Marini brought the trucks on site around Christmas. At that time, they had a private meeting with John Marini and he was fined by the board. The Japanese knotweed is in her yard also. She knows the only way to get rid of it is to dig it up and dispose of the roots or use herbicide, but that takes several years to work. She is not opposed to a home being built here, but doesn't like all the trees being cut down.

Abutter, 22 Marion Street stated there is lots of bamboo in the area. She would like to see a fence in the area and suggested Mr. Marini bring in goats to eat the bamboo. Her husband stated the bamboo has been a nuisance for several years. Also, they caught ten rats in a trap in one night. There are also vipers in his back yard. He asked if the owner can be forced to clean up the area. Mr. Conroy stated that the rats probably are coming from Dunkin Donuts and their dumpster. You can't blame Mr. Marini for the rats. He stated they should contact the Board of Health and ask them to check out this area.

Cassi Braithwaite, 1429 Main Street stated she is the treasurer for the Homeowners' Association. She asked who was paying for the landscaping at the condos as Mr. Marini stated he was assuming part of the cost and the remainder would be passed off to the condo association. In April of 2022, she was told that the Planning Board didn't request him to do any recent work. Mr. Marini admitted it was work that he didn't do, but the condo people did pay for it. Because of this, the Homeowners' Association is now at a deficit. Mr. Conroy stated that condos are typically all the same, but in this case there is a master deed that states Mr. Marini is responsible, not the association. They are not owners per the master deed. Therefore, Mr. Marini can't be charging the association. If things are paid out of the condo fees, they are considered part owners. Ms. Braitway stated she would like to meet with Mr. Marini. Mr. Alphen stated it is a private property company. He believes it is not in his client's best interest to work closely with the property owners. Mr. Conroy stated there are too many games being played. Ms. Braithwaite stated that the businesses can use the back yards, but it really belongs to the condo owners. She asked what happens if Mr. Marini retires in the middle of this? There is a lot of moisture in the condo basements and water puddles a lot on site. They have to run dehumidifiers all the time. Mr. Conroy stated that this project could correct some of the problems that are on site now.

Abutter, 1 Marion Street stated she is concerned with the numbering of the new house. Mr. Balduf stated it will be Marion Street, not Marion Street Extension. He is not sure what number it will be given, but it won't be #1.

Mr. Conroy stopped this hearing and opened up the Marion Street subdivision hearing.

**8:50 p.m. Marion Street Definitive:** Mr. Conroy read the public hearing notice. Mr. Alphen submitted the green cards and Ms. Abate will check them to make sure they are all returned. Mr. Conroy questioned Section 81-T versus Section 81-Y.

Mr. Glossa, Glossa Engineering stated that Marion Street ends at this property line and will be widened to 46' as it is presently 40'. They need 125' of frontage, which is what they are providing with 100' at the setback. He stated they meet all the zoning requirements. They are creating a second lot parallel with the building. There is frontage, which means this is a two-lot subdivision. Lot 1 is the condo lot. Mr. Balduf stated he does not like the strip between the reserve strip and the existing Marion Street that is not laid out as a road. Mr. Glossa stated that Mr. Mariani owns both of those properties.

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Mr. Balduf stated it should be listed that way. Mr. Glossa stated when they laid out Marion Street it stopped 1' from the piece of property. It is one piece of land. There is no sewer here so the back part will have a septic system. He has done soil testing. The water main ends with a hydrant and the water service will be brought into the site. There is no formal drainage nearby. There will be a double catch basin which was designed per the board's regulations and MA DEP stormwater management regulations. There will be a retaining wall to hold back the soil so less water will get to the back of the lot.

Mr. Conroy read letters from the Board of Health and Fire Department. Mr. Conroy asked Mr. Glossa to get input from the Conservation Commission. Mr. Balduf will discuss his letter. He stated if they own the "reserve" strip, it should be shown on the plan. He stated that the catch basin and the pipe would be the town's responsibility and then it would become the homeowners' responsibility.

Ms. Khatib questioned where the cul-de-sac meets the existing Marion Street and asked if it's is there to allow compliance. Mr. Glossa stated yes. They tried to limit the waivers to what was absolutely needed. Ms. Khatib stated she likes that it is shown, but asked for a better design. Also, it sounds like the Fire Department is all right with this. Ms. Khatib questioned the Lynch property and Mr. Czachorowski questioned the street frontage. Mr. Glossa answered by stating they easily meet the frontage requirements and they created the "tail" shown on the plan so a one lot subdivision is not being created. They will remove the tail if the Planning Board states it is not required, but he thinks the board might want to leave it and put the arborvitaes in the strip as shown on the site plan. Mr. Czachorowski questioned the snow removal. Mr. Glossa stated they will probably push it to the back of the cul-de-sac. Mr. Czachorowski stated that the knotweed will most likely be dug up because of this project. Ms. Abate asked about the septic. Mr. Glossa stated there is no sewer on Marion Street, but the condos have sewer.

Mr. O'Leary asked if the proposed wall will be at ground level and Mr. Glossa stated yes. Mr. O'Leary questioned the fence and Mr. Glossa stated there is a detail of it on Page 7. The retaining wall is a 2-1 slope. Mr. Glossa stated he will add the existing conditions to the plan. Mr. Conroy asked if the wall can be knocked over and Mr. Glossa stated no. Mr. Conroy asked for an update on everything before Mr. Marini retires and Mr. Alphen agreed to get the board a list if that happens.

Mr. Conroy asked for public comments.

Cassi Braithwaite, 1429 Main Street asked if the new homeowner can remove the retaining wall. Mr. Conroy stated there needs to be some type of curbing there as there can't be a water problem. Ms. Braithwaite showed the board a picture of how close this will be to her condo. Mr. Czachorowski asked if the cul-de-sac can be pushed back about 4'. Mr. Glossa stated he will look at that.

Mr. Conroy moved to accept an extension of time for the special permit and site plan up through July 31, 2022 as granted by the applicant's attorney, Christopher Alphen. Motion seconded by Mr. Czachorowski and voted 5-0-0.

Mr. Conroy moved to accept an extension of time on the Marion Street subdivision up to and including July 31, 2022 as granted by the applicant's attorney, Christopher Alphen. Motion seconded by Ms. Abate and voted 5-0-0.

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Mr. Conroy continued the Site Plan to July 21, 2022 at 7:16 p.m. and the Special Permit to July 21, 2022 at 7:17 p.m. Mr. Conroy continued the Marion Street Subdivision to July 21, 2022 at 7:20 p.m.

**Minutes:** Mr. Conroy moved to accept the minutes of May 5, 2022. Motion seconded by Ms. Khatib and voted 5-0-0.

Ms. Abate moved to adjourn. Motion seconded by Ms. Khatib and voted 5-0-0. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Catherine Turco-Abate, Clerk

Accepted 7/21/22