

## WALPOLE PLANNING BOARD MINUTES OF MAY 2, 2019

A regular meeting of the Walpole Planning Board was held on Thursday, May 2, 2019 at 7:00 p.m. in the Walpole Public Library Community Room. The following members were present: John Conroy, Chairman; Marc Romeo, Vice Chairman; Sarah Khatib, Clerk; Catherine Turco-Abate, Joseph Moraski and Margaret Walker, Town Engineer.

**Minutes:** Mr. Conroy moved to accept the minutes of April 4, 2019. Motion seconded by Ms. Abate and voted 4-0-1 (Mr. Moraski abstained).

**1350 North Street:** Conroy stated the special conditions in the final decision are not the same special conditions voted by the board. He feels Mr. Charbonneau should have discussed the decision with town counsel. Mr. Romeo asked if this was an oversight on Mr. Charbonneau's part or maybe miscommunication. Mr. Conroy stated he sent him the things he wanted in the decision twice and they never made it in it. He is not sure how this plays out with everyone and is not sure if the decision has to be amended or done again. He asked this be put on the next agenda. Ms. Abate agreed that putting this on an agenda is being transparent. Mr. Conroy stated that what we voted and what made it into the decision is not the same.

**Bond Process:** Ms. Walker asked what the process is regarding new unit costs when calculating a bond reduction. She asked if she should change the pricing to be what is current and should it always be increased every two years. Mr. Conroy stated yes.

**Tall Pines Subdivision:** Ms. Walker stated she has tried to work with the developers for the past two or three years as the top course still has to be done. Mr. Conroy asked how much is left to be done. He also requested a letter be sent to their bonding company.

**Highland Development, Case No. 18-17:** Ms. Walker stated she is all set with endorsement. Mr. Conroy moved to endorse the plan as presented. Motion seconded by Mr. Moraski and voted 5-0-0.

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**7:30 p.m. Article 19 Public Hearing:** Mr. Conroy read the public hearing notice for Article 19. He stated this is a petition of the Board of Selectmen and Nancy Mackenzie, Vice Chairman of the Board of Selectmen and Patrick Shield, Assistant Town Administrator will present this article, which is about adding a definition to the zoning bylaw regarding vaping. Mr. Conroy read a memo dated April 2, 2019 from Margaret Walker, Town Engineer.

Ms. Mackenzie presented a power point presentation. Robin Chappell, Health Agent read her comments dated May 2, 2019.

Ms. Mackenzie and Ms. Chappell answered questions presented by the Planning Board with regard to this article. There were no public comments. Mr. Conroy moved to close the hearing. Motion seconded by Ms. Abate and voted 5-0-0. Mr. Conroy moved to grant Favorable Action on Article 19 as presented. Motion seconded by Mr. Moraski and voted 4-1-0 (Ms. Khatib voted in the negative).

**8:15 p.m. Article 20 Public Hearing:** Mr. Conroy read the public hearing notice for Article 20 as advertised. He also read a letter from Margaret Walker, dated April 2, 2019 stating she had no comment and a letter from the EDC dated April 29, 2019 recommending No Action on Article 20. Mr. Moraski explained the article and stated this is in concert with the WHP goals.

The board presented their opinions on this article.

Mr. Conroy asked for public comments.

Bill Hamilton, Precinct 5, spoke in support of this article.

Linda Colletti, Old Farm Road was in favor of Walpole residents' being given priority for affordable housing in town and is in favor of this article.

Phil Czachorowski, Precinct 7 and member of the WHPP spoke in favor of this article.

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Mr. Conroy moved to close the hearing. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy moved Favorable Action on Article 20. Motion seconded by Mr. Moraski and voted 4-1-0 (Mr. Romeo voted in the negative).

**8:45 p.m. Article 21 Public Hearing:** Mr. Conroy read the public hearing notice for Article 21 as advertised. Mr. Moraski presented Article 21. Mr. Conroy read a letter from Margaret Walker dated April 2, 2019 stating she had no comment and a letter from the EDC dated April 29, 2019 recommending No Action on Article 21.

The board presented their opinions on this article.

Mr. Conroy asked for public comments.

John Hasenjaeger, Pinnacle Drive stated we need to find a creative way to work on affordability housing and there is a land use issue.

John O'Leary, Precinct 3 stated bandaids are necessary as we have to stop the bleeding.

Mr. Conroy moved to close the hearing. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy moved Favorable Action on Article 21. Motion seconded by Mr. Moraski and voted 4-1-0 (Mr. Romeo voted in the negative).

**9:10 p.m. Alsarabi Preliminary Plan, 32 Starlight Drive:** The applicant was represented by Dan Merrikin, Legacy Engineering, Millis, MA. He stated the existing house will remain along with three new lots. They are proposing that the roadway remain a private way in perpetuity which would be maintained by an HOA. Mr. Merrikin stated that Mr. Alsarabi is a contractor and he would like to use the existing 18' wide driveway as a private way. They have done a plan showing both a private way and a public way. They are also proposing to install additional stormwater management to what is existing. Mr. Conroy stated there was a lot of rock on this lot. Mr. Merrikin stated it didn't make sense to subdivide this lot previously because of the rock, but things have changed. Mr. Merrikin stated they also need to file with the Conservation Commission for input. Mr. Moraski stated that the Westwood Gun Group is an abutter and he feels that

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could be an issue. Mr. Moraski stated the Gun Club was here first and will not move. Ms. Abate asked the length of the existing road and also the new proposed one. Mr. Merrikin stated 500' and 650'. Ms. Khatib asked that the existing fence and structure added to the plan and also questioned the width of the existing street. Mr. Merrikin stated it is 26'. Ms. Khatib questioned the regrading, items missing from the locus plan and the placement of sidewalks.

Mr. Conroy read comments from the Board of Health and John Charbonneau. Ms. Walker addressed her comments. She did ask if they will be putting in a water main and Mr. Merrikin stated yes. She reminded him that town standards need to be met.

There were no further questions. Mr. Conroy moved to grant tentative approval. Motion seconded by Ms. Abate and voted 5-0-0.

**9:40 p.m. Lincoln Road Estates Preliminary Plan:** The applicant, John Hasenjaeger, was presented by John Glossa, Glossa Engineering, 46 East Street, East Walpole, MA. He stated this property is located just before Deerfield Drive off of Lincoln Road which they want to subdivide into 24 lots. It is in the WRPOD district and there are some wetlands both on and off the site, so they will be filing an NOI with the Conservation Commission. Mr. Glossa stated they are proposing to create a new road. Road C will connect to Deerfield Drive, so it will no longer be a dead end street. They will not be requesting waivers and the streets will be public ways. There will be three detention basins and an aboveground infiltration system to meet the stormwater management policy. Mr. Glossa stated they do abut the Walpole Sportsmen's Club and they do have a relationship with them. The purpose of this preliminary is for feedback and to discuss any problems.

Mr. Conroy read comments from Mr. Charbonneau and the Board of Health. Ms. Walker read her own comments.

Ms. Khatib asked that the cover sheet needs to show the surrounding streets and there should be an existing conditions sheet. She asked for a phasing plan. Ms.

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Abate questioned the lots. Mr. Moraski questioned the contract between Mr. Hasenjaeger and the Sportsmen's Club.

Mr. Hasenjaeger stated that they will be scheduling a meeting soon to discuss this with the neighbors up there and the abutters will get copies of everything. Regarding the Gun Club, he spoke to their attorney and is still waiting to have a meeting with them. Mr. Moraski asked if there will be any mining involved. Mr. Hasenjaeger stated that will be worked out to the town and neighbors' best interest. Mr. Conroy questioned the difference in elevation right now as it exists. Mr. Glossa stated this plan is not 100% accurate, but they will be following the grade regulations. Mr. Conroy stated Walter LaCivita gave a floating easement to the Gun Club seventy years ago, but he doesn't see it on the plan. Mr. Conroy stated there is a copy of the Purchase & Sale Agreement in the folder which expired on March 30, 2019; therefore, he doesn't think that Mr. Hasenjaeger can represent Mr. LaCivita. Mr. Hasenjaeger stated that is not true. Mr. Conroy stated there is nothing in front of us that states you can proceed. Mr. Hasenjaeger stated he has an extension at home and will bring it in first thing in the morning.

Atty. David Martin, Real Estate Broker, stated he was hired by the LaCivita family to sell the parcel to John Hasenjaeger subject to receipt of approvals. There was a representative of the LaCivita family present tonight, but she had to leave due to the lateness of the hearing. Mr. Hasenjaeger has been granted an extension on from the LaCivita family with an agreement to purchase subject to subdivision approval. Mr. Conroy also stated that Mr. Hasenjaeger never filed separately with the Board of Health as per the Board's Rules and Regulations. They need to file again as there is nothing we can vote on as we have nothing that says Mr. Hasenjaeger owns the land. The 45-day time frame doesn't start until the application is complete.

Mr. Conroy made a motion to disapprove a preliminary subdivision plan submission. Motion seconded by Mr. Moraski and voted 3-2-0 (Khatib, Romeo voted in the negative).

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**10:40 p.m. Bristol Bros. Site Plan, Industrial Subdivision, Special Permit and WRPOD Special Permit Continued Hearings:** Atty. Tocchio granted the board an extension of time on which to take action on the Industrial Subdivision up to and including June 30, 2019. Motion seconded by Mr. Moraski and voted 5-0-0.

The applicant was represented by Atty. Jeffrey Tocchio. Gabe Crocker, Crocker Design Group, and Sean Kelly, Traffic Engineer, Vanasse Associates were also present. Mr. Crocker discussed the width of the roads, visitor parking and responded to Deputy Chief Barry's comments with regard to the cul-de-sacs.

Theresa Feuersanger, Supervisor T&D Rights and Survey, Eversource was present. She stated Eversource did receive an application on April 9, 2019 and on April 18<sup>th</sup> they received revised plans from Bristol Bros. but they have not been fully reviewed yet. If anything is approved within the transmission right of way, they will issue Bristol a license. They have not approved this yet and there is concern with safety issues; therefore, a comprehensive review needs to be done, which she has already indicated to the applicant's engineer. She stated the review could take up to three months and any use of the company's right of way needs to be reviewed. She stated their engineer didn't have a problem with the putting green. Mr. Moraski asked if this can be expedited. Ms. Feuersanger stated they will follow up as quickly as possible, but they just got the application in April. Mr. Crocker stated Renmar Avenue will be the main road. Ms. Feuersanger stated the retention basis will not be allowed in the right of way. She stated they will talk with Mr. Crocker about a retaining wall that is going right across the right of way. They don't allow certain tree heights in the right of way or certain tree species. Mr. Moraski asked if she has a problem with an Eversource representative being on site when the work is being done in the easement. Ms. Feuersanger stated the applicants would need to pay any costs associated with that. Atty. Tocchio stated they did notify them and if they thought someone was needed, that would happen. Ms. Feuersanger stated they might have to secure the area when work is being done. Mr. Moraski asked when they sell the units, who will own the easement.

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Atty. Tocchio stated the condo association will be subject to these requirements. Everything stated by Ms. Feuersanger is actually what they have done at other sites. Work done will be per Eversource rules. Mr. Moraski thinks this Eversource thing needs to be buttoned down. Ms. Abate asked if anyone from the Walpole Electrical Inspector's office has been approached and Ms. Feuersanger stated yes. Mr. Romeo asked if their opinion is there anything they have now that is not fixable so they can move forward. Ms. Feuersanger stated they will look at this and it will become memorialized in their license. Mr. Conroy stated if they change the site plan, they will need to come back to us.

Mr. Conroy read comments received from the deputy fire chief dated April 24, 2019 that stated they need another egress because roads are longer than 750'. Atty. Tocchio stated they do exceed 750', but they designated it as a no parking lane. They have gone with the extra width and in some places there is 29' of width going on. He further stated that this isn't a subdivision even though it functions as one. He also stated they can sprinkler this. Mr. Conroy stated you need to talk to the deputy fire chief as this effects how we move forward. Ms. Abate stated she did mention the 750' at the last meeting as a head's up to the applicant. Mr. Conroy stated that Paul Barry uses 750' regardless of whether this is a subdivision or not. Mr. Conroy read comments from Board of Health, Zoning Board, Sewer and Water, Mr. Charbonneau and ConCom.

Ms. Khatib questioned where driveway B goes into Driveway A. The town's peer reviewer, Amy Archer from Pare Associates, stated this is fairly standard. Mr. Moraski asked if the review was on paper and Ms. Archer stated it was a site visit. Mr. Moraski stated the Chairman of the ZBA recommended extending the sidewalk and asked if the applicant agree. Ms. Archer stated they didn't look at that yet.

Ms. Walker addressed her own comments. Atty. Tocchio stated he will get in writing the commitment between them and the Sewer and Water Commission. Mr. Moraski stated that regarding the latest plan, waivers need to be listed on the cover sheet. Mr. Crocker stated it is on the zoning chart, page C-2. Mr. Moraski

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questioned the clubhouse, the guardrail, retaining walls, and some of the general notes shown on the plan. He suggested rezoning to PSRC and Atty. Tocchio stated they will talk to the conservation agent. Ms. Abate stated she is happy with the proposed guest parking and asked the total number. Atty. Tocchio stated 31 and the total number of parking spaces is 389. Mr. Romeo asked the length of the cul-de-sac and Mr. Crocker stated 900'. Ms. Khatib stated at the last meeting, the applicant talked about Forest Road. Atty. Tocchio stated there are two scenarios; one is a hammerhead and the other is a half cul-de-sac. Ms. Khatib questioned emergency access, repaving or improvements on Forest Road, snow storage on the plans, structures within the easement, the deputy fire chief's comments regarding parking in the access way, visitor parking and affordable units. Atty. Tocchio stated he will speak with the Housing Authority to find out what their needs are.

Mr. Conroy stated we need a full blown phasing plan which needs to go to the fire department for review to make sure it works safely. He asked if the existing house is part of the lot count and Atty. Tocchio stated yes. Mr. Conroy stated we need some input from town counsel regarding the 50' perimeter, density in RA zone, the January 24<sup>th</sup> letter reviewed as requested by Mr. Moraski. Mr. Conroy asked who owns Forest Road and Atty. Tocchio stated one of the quarries. Mr. Conroy stated because it's a lot, there could be an issue of proper notification of the hearings as it would be a separate entity from what we have in front of us. He also requested a copy of the cross easement agreement with the quarry, Bristol Bros. and the AQV as they could be told they can't go down there anymore. Atty. Tocchio stated he will check into that. Mr. Conroy questioned the triangular piece which was what this filing is based. He also stated that Forest Road would need to be brought up to subdivision standards and then turned over to the town.

Bill Hamilton, Precinct 5 questioned the proposed retaining wall, the golf course, and if the change to the retention basin will affect the impervious cover. Atty. Tocchio said nothing will be affected.



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Mr. Conroy asked for proof that this pit has been in continual use. Atty. Tocchio stated that is Attachment 5 in their April 18<sup>th</sup> responses.

Atty. Tocchio granted the board an extension of time up on the site plan application, special permit application and WRPOD special permit applications for Bristol Bros. presently before the Planning Board up to and including June 30, 2019. Mr. Conroy moved to accept an extension up to and including June 30, 2019 for all the Bristol Bros. applications before the board. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy continued this meeting to May 30, 2019 at 7:00 p.m., 7:01 p.m., 7:02 p.m., and 7:03 p.m. for the Bristol Bros. Site Plan, Case No. 18-12; Bristol Bros. Special Permit, Case No. 18-13; Bristol Bros. WRPOD Special Permit, Case No. 19-02; and, Bristol Bros. Industrial Subdivision.

It was moved, seconded and voted to adjourn. The meeting adjourned at 12:57 a.m.

Respectfully submitted,

Sarah Khatib, Clerk

Accepted 5/30/19