

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 15, 2022

A regular meeting of the Planning Board was held on Thursday, September 15, 2022 in the Main Meeting Room in Town Hall. The following members were present: John Conroy, Chair (7:11 p.m.); John O'Leary, Vice Chair; Katie Turco-Abate, Clerk; Philip Czachorowski, Sarah Khatib, and Carl Balduf, Town Engineer.

Mr. O'Leary opened the meeting at 7:10 p.m. Mr. Conroy arrived at 7:11 p.m.

New World Subdivision: The applicants, Andrew Adams and RDZ Associates were represented by Atty. Philip Macchi, 1256 Washington Street, Norwood, MA. Mr. Conroy moved to release the Form F covenant (Form I) as presented. Motion seconded by Ms. Abate and voted 5-0-0. Mr. Conroy moved to accept a subdivision bond issued by Chubb Federal Insurance Company in the amount of \$206,000.00 as presented. Motion seconded by Mr. O'Leary and voted 5-0-0. Mr. Conroy moved to accept a Conveyance of Easements and Utilities as presented. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Macchi will record the Form I and the Conveyance of Easements and return proof of recording.

7:15 p.m. 173 High Plain Street, Case No. 22-01 Continued Hearing: The applicant was represented by Dan Merrikin, Legacy Engineering, Millis, MA. Mr. Conroy read comments from the Board of Health dated September 7, 2022 and the Deputy Fire Chief dated August 22, 2022. There were no further board comments or comments from the public. Mr. Conroy moved to approve Case No. 22-01, 173 High Plain Street with the Board's Standard Condition and ten Special Conditions as discussed. Motion seconded by Ms. Khatib and voted 5-0-0. Mr. Conroy moved to close the public hearing. Motion seconded by Mr. O'Leary and voted 5-0-0.

7:22 p.m. East Walpole Clock Tower Continued Hearing, Case No. 22-03: The applicant was represented by Dan Merrikin, Legacy Engineering, Millis, MA. Mr. Conroy read correspondence from Jim Crowley, Building Commissioner, Deputy Fire Chief Paul Barry, Conservation Commission and Engineering. Mr. Merrikin stated that the MBTA wants to provide a ticket kiosk in this area. Also, the tower will stay and the applicant is proposing to build around it. Two sides of the tower will be visible all the way to the top. The door will appear to be operable, but it probably won't be. Mr. Merrikin stated they will be moving the dumpster to allow for more parking. Further, the driveway will be in on Chestnut Street and out on Washington Street. There are not a lot of big changes, but they will be incorporating Mr. Balduf's comments onto the revised plans.

Ms. Khatib asked if the clock tower will be moved and Mr. Merrikin stated no. She asked if the clock will work and Mr. Merrikin stated they hope so. The applicant, Mr. Powers, stated that the original equipment for the clock date back to 1890 and they are hoping this will be a working clock.

Ms. Khatib questioned the door and Mr. Powers stated it will be an actual door. Mr. Czachorowski stated he liked the changes that have been proposed, but is concerned about the turn from Chestnut Street onto Washington Street. He thinks there should be a sign there. Mr. Merrikin stated the turn is wide enough for fire trucks to make the turn. Mr. Czachorowski questioned the tunnel under Washington Street and Mr. Merrikin explained it. Ms. Abate questioned the lighting and Mr. Merrikin explained it. Mr. O'Leary questioned if the entrance is on Chestnut Street only and Mr. Merrikin stated that is correct.

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Mr. O'Leary asked why there are doorways in the back of the building and Mr. Merrikin stated for deliveries. Mr. Merrikin stated there will be four two-bedroom units and two one-bedroom units in the building. Mr. O'Leary questioned the railroad and Mr. Merrikin showed him the old railroad bed on the plans. Mr. Conroy stated in the past there have been three major fires in this area: the Bird Mansion, the Bird Box Shop and the Bird Café. He stated he is in favor of the proposed changes to the intersection.

There were no public comments.

Mr. Merrikin granted an extension of time on which to take action up to and including October 31, 2022. Mr. Conroy moved to accept an extension up to and including October 31, 2022. Motion seconded by Mr. O'Leary and voted 5-0-0. Mr. Conroy continued this hearing to October 6, 2022 at 7:14 p.m.

7:50 p.m. 24 Heidi Street Continued Subdivision: The applicant was represented by Atty. Lou Cavacarro, Norwood, MA. Mr. Conroy stated this can be done, but there is a format they need to follow to do this. We have found that all roads were bonded except for Heidi. He asked the attorney if he knew if a bond was ever posted on Heidi and Atty. Cavacarro stated no. He only found a covenant recorded at the Registry of Deeds, which expired on May 1, 1974. Mr. Conroy stated they would need to do a subdivision with a cul-de-sac, but Harry Butters who is an abutter would need to be included in the application. Mr. Cavacarro stated they have a paper street and a road that has lost its protection under CH 40A, Section 6. He needs to prove adequate area, frontage and safe access. He feels the legal avenue would be a subdivision modification. Mr. Conroy stated that because the lots were sold, he believes the subdivision has gone away and you can't modify something that doesn't exist and you can't sell lots without a bond. He thinks we need to forward this to town counsel. Mr. Cavacarro stated that if Engineering is satisfied, he feels they can build one house at the. Ms. Khatib feels we need legal advice. Mr. Conroy agrees that we need to know how to proceed and whether or not this would be a modification. Mr. Cavacarro stated there is drainage and water lines here.

Al Quaglieri, Windchime Way, wants to build a house. He started this project three months ago. He feels we are going backwards and they have done stuff that has cost him a lot of money. He feels there is a water line that we have no right to loop it around. Mr. Czachorowski stated we should go to town counsel as this is complicated as it goes back to the 1970's. It shouldn't take long to find out how to proceed. It seems that the Building Inspector, Conservation Commission and Deputy Fire Chief have no issues with this. Mr. Quaglieri feels he is trying to fix a problem that the town created as the water line here now is illegal. Ms. Abate stated a lot of the delays have nothing to do with us. In June, the green cards were not presented to the board by the applicant as required and in August the Fire Department comments had not even been addressed by you. Mr. Quaglieri stated he is not suggesting that all these issues didn't need to be addressed. Mr. Conroy pointed out that Mr. Quaglieri had stated that the water line is illegal, so it is. Mr. Quaglieri stated he is trying to fix this and feels that is a benefit to this project. Mr. Conroy stated that Mr. Quaglieri had asked him to meet with him over a year ago and this is just coming forward now. We need to run this by our attorney.

Jamie Bissonette, Zenith Consulting, stated that at the last meeting the board had requested they meet with the Conservation Commission, Building Inspector and Engineering which they did and updated comments were submitted to the board. As a result, there are a few things that need to be addressed.

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Mr. Conroy asked if we have a full waiver plan and Mr. Bissonette stated no. Mr. Quaglieri questioned why that is needed for only one house lot. Mr. Conroy stated because they need to show they can do whatever is required before they can ask to waive something. Mr. Bissonette asked if they need to show the entire way or just the one lot on the waiver plan. Mr. Conroy stated he doesn't have to go beyond what they are proposing. If we agree to a waiver and you don't touch the wetlands, then you won't have to file with the Conservation Commission.

Mr. Quaglieri stated that for the record this is why people do 40B's. He could have put eight condos in there and gone right to the Zoning Board. Ms. Khatib stated you don't have to show the entire subdivision, but if you have a road that can be continued at a later time, you need to show the cul-de-sac. Mr. Conroy stated they need to do a test pit regardless of what they are doing. We have rules and he goes by the rules. We have specific standards. Mr. Czachorowski stated that depending on the legal opinion, you can use the old plan as a starting point. Mr. Bissonette asked if they still need to show the cul-de-sac and Mr. Conroy stated yes. Mr. Khatib stated they can build out the entire road, but then you will need to go to the Conservation Commission. Mr. Conroy asked that they should talk to the deputy fire chief and the Conservation Commission before they get too far into this. He also stated when the plan is sent to Paul Barry it should be noted that this is a non-waiver plan. Ms. Khatib asked if they met with the deputy fire chief recently and Mr. Bissonette said yes during the week of the 22nd. Ms. Khatib stated we have a memo dated September 13th. She said we take the recommendations from the safety people very seriously. Mr. Bissonette stated that the deputy chief was concerned about future development here. Mr. Czachorowski asked if it was possible for other houses to be built. Ms. Khatib stated that one of the owners of the two lots in question should be a co-owner as the applicant doesn't own the full lots. Mr. Quaglieri stated he is just applying for his lot. Ms. Khatib stated we should ask town counsel if we can approve this without Harry Butters being a co-applicant. Mr. Conroy stated they also need to show the cul-de-sac. Atty. Cavacarro stated they want to keep the road private and keep the fee interest so they can control it. Mr. Conroy stated they can do anything with waivers, but need to be able to do it without a waiver. Mr. Balduf questioned having a Mutual Maintenance Agreement.

Harry Cesareo, 11 Carl Road stated he understands there are going to be changes to the plan, but he lives behind this and feels that nothing has changed on the plan. He asked if there is something on record stating there were problems previously with the water line and Mr. Conroy stated no. Mr. Cesareo questioned whether or not the plan is truly accurate. Mr. Conroy stated they are trying to keep this out of the wetlands. Mr. Quaglieri questioned the bond that was posted years ago. Mr. Conroy stated we will send all the information and questions to town counsel for clarification of the legal questions. Also, he is not sure how Harry Butters' land fits into this. Mr. Bissonette asked that this be continued to the second meeting in October. Mr. Conroy asked him to go to each department and make sure they understand what is going on here. Atty. Cavacarro granted the board an extension up to and including October 31, 2022. Mr. Conroy moved to accept an extension of time up to and including October 31, 2022. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Conroy continued this hearing to October 20, 2022 at 7:16 p.m.

8:45 p.m. Marion Street subdivision continued hearing: The applicant, John Marini, was represented by John Glossa, Glossa Engineering, 46 East Street, East Walpole and Atty. Chris Alphen, Concord, MA.

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Mr. Glossa stated they will put in a double row of 8' on center arborvitaes as requested by the abutters and also a double row across the back abutting Steve Lynch's property, again 8' on center with 6-8' between the rows. Regarding a waiver plan, it was actually submitted with the original filing. Also, he pointed out they provided a 40' radius. Atty. Alphen stated there will be a covenant to the town regarding the drainage and also a clause stating "they will maintain the landscape as described herein". They will accept a decision with conditions. Mr. Balduf stated he has no problem with the proposed screening, but has a problem with the town being responsible for the arborvitaes. Mr. Conroy asked who will own the strip of sidewalk and Mr. Balduf stated the town. Atty. Alphen stated there will be language in the covenant with regard to the landscape agreement. Mr. Balduf reviewed his comments. Mr. Glossa stated they do not want a conservation restriction area, which is why they suggested a drainage easement. Atty. Alphen stated there will be a landscaping covenant. Mr. Glossa stated they will fix everything and also talk to Mr. Balduf. Mr. Conroy stated that everything on Mr. Balduf's comment list needs to be addressed except item 20. Ms. Khatib asked if the arborvitaes near the cul-de-sac were at street level and Mr. Glossa stated yes. Mr. Conroy asked if they will be submitting a revised plan and Mr. Glossa stated yes.

Atty. Alphen granted the board an extension of time up to and including October 31, 2022. Mr. Conroy moved to accept an extension of time up to and including October 31, 2022. Motion seconded by Mr. O'Leary and voted 5-0-0. Mr. Conroy continued this hearing to October 6, 2022 at 7:12 p.m.

9:05 p.m. 1429 Main Street Continued Hearing, #21-09: The applicant, John Marini, was represented by Atty. Christopher Alphen, Concord and John Glossa, Glossa Engineering. Mr. Glossa stated this is in compliance with the original plans. Mr. Balduf stated he is all set with this site plan. Ms. Khatib stated that Mr. Glossa had previously said the landscaping is all set; however, we have asked at every meeting that it be shown. Mr. Glossa stated that everything is on this plan. Mr. Balduf stated he is all set. Ms. Khatib asked that the Marion Street locus be easier to read.

Atty. Alphen granted the board an extension of time on which to take action up to and including October 31, 2022. Mr. Conroy moved to accept an extension of time up to and including October 31, 2022. Motion seconded by Mr. O'Leary and voted 5-0-0. Mr. Conroy continued this hearing to October 6, 2022 at 7:13 p.m.

Other Business:

Master Plan: Mr. Czachorowski updated the board on the progress of the Master Plan Steering Committee. He stated they would like to come before the Planning Board in November or December and will confirm a date later. Ms. Abate stated she looks forward to the Barrett Group being at the next meeting as they were not at the last meeting. She stated there were some additions to the Master Plan that people weren't aware of and some things were missing.

Web Posting Discussion: Mr. Czachorowski thanked Pat Deschenes for his work and explained how this will all work.

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Mr. Conroy moved to adjourn. Motion seconded by Mr. Cazachorowski and voted 5-0-0. The meeting adjourned at 9:40 p.m.

Respectfully submitted,

Catherine Turco-Abate, Clerk

Accepted 10/20/22