

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 21, 2023

A regular meeting of the Planning Board was held on Thursday, September 21, 2021 at 6:45 p.m. in the Main Meeting Room at Town Hall. The following members were present: John Conroy, Chair; John O'Leary, Vice Chair; Catherine Abate, Clerk; Philip Czachorowski, Paul Smith, and Carl Balduf, Town Engineer.

Mr. Conroy opened the meeting at 6:45 p.m.

Minutes: Ms. Abate moved to accept the minutes of August 17, 2023. Motion seconded by Mr. Smith and voted 4-0-1 (O'Leary abstained).

6:45 p.m. Patrick Deschenes re: MBTA Zoning: Mr. Deschenes discussed his memo dated August 4, 2023 and provided background information for the Multi-Family Zoning Requirement for MBTA Communities. Mr. Conroy stated we do Subdivision Control and Site Plan Approval. We don't necessarily do planning as it is not in our town charter. Mr. Czachorowski stated our Web page states differently and he also read from the Planning Board resource book. Mr. Conroy stated that is only someone's opinion. We have a Housing Partnership. He stated if the goal of this is to create more housing, it would make more sense to have the Walpole Housing Partnership do it. Mr. Czachorowski stated that the WHP just did a small part of planning. We need to be part of this process. We are responsible for the Zoning Bylaw. Mr. O'Leary also feels the WHP would be more in line with this. Ms. Abate stated she has concerns with us spearheading this, but feels we should have a hand in it. She stated we don't have enough staff that can dedicate enough time to this. She feels this should be focused on by someone else who would report back to us during the process. Mr. Smith agrees with Ms. Abate. He stated there could be a committee and we would give advice and our views, but not spearhead it. He feels someone from every department should be on it. Mr. Czachorowski asked if the Select Board would do a joint committee with Pat Deschenes part of it.

Mark Galvin, Select Board, thinks the Planning Board should be the driver of this process. The WHP is inactive at this point. He would like someone from the Planning Board on this committee. We have two more town meetings in which to pass this. He feels we should shoot for the Spring 2024 town meeting. Further, he feels it will probably end up as an overlay district. Ms. Abate thinks someone from the Zoning Board should be on this. Mr. Galvin stated this will be on the Select Board agenda next week.

7:05 p.m. Article 16 ADU Public Hearing: Mr. Conroy read the article. Mr. Deschenes, Community Development Director, was present to speak to this article. Mr. Conroy asked when the Select Board voted on this article and Mr. Deschenes stated it was voted 5-0-0 on August 1, 2023.

Mr. Smith had no comments. Ms. Abate asked if this article goes through it means there will be no public hearing required and Mr. Deschenes stated that is correct. Ms. Abate stated she is not in favor of taking this out of the public hearing process and therefore she would vote against it.

Mr. Czachorowski stated he supports this as it would allow the elder population to remain in their homes. Mr. O'Leary questioned the wording and stated he agrees with Ms. Abate regarding

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the need for a public hearing. Mr. Conroy stated he feels this is a special use and needs a special permit. Mr. Deschenes stated it is regulated. Mr. Conroy stated these are single-family homes. You are allowing something special and it should stay with requiring a special permit. These would be allowed anywhere if we adopt this and he pointed out there is no parking code. Mr. Deschenes stated it would be regulated similar to the way it is now. Mr. Conroy asked for an explanation of 55 and over which Mr. Deschenes provided. Mr. Crowley, Building Commissioner, stated it is very similar to an in-law, but we are requiring a 3rd kinship of over 55 years of age. Mr. Conroy feels we are creating a bunch of two family houses throughout the town. He stated the article also says no short term rentals, but it doesn't define the difference between long or short terms rentals.

Mr. Johnson, Town Administrator stated this is a Select Board article, not Mr. Deschenes' article. We are here to have the Planning Board conduct a public hearing. Nothing can be changed tonight. The only people that can change this is the FinCom. Jim Crowley will be doing the enforcement on this. It is written the way it is written. He understands the questions, but he doesn't want it to become personal.

Mr. Conroy stated that a single-family is a single-family. Mr. Czachorowski feels most people are fairly considerate. He stated that 37 towns around us allow this to be done. Mr. Conroy asked if this could be done on a non-conforming lot. Mr. Crowley stated you can by going to the Zoning Board of Appeals to expand a non-conforming use. Mr. Conroy questioned recording a letter at the Registry. Also, the owner is supposed to let the Building Inspector know when they are selling their house. Mr. Crowley stated it comes back through the Registry of Deeds. The minimum addition is 250 s.f. and the maximum is 900 s.f. Mr. Conroy questioned the landings and stated it needs to remain looking like a single-family house. Mr. O'Leary feels this would be like a lodging house. Mr. Crowley stated a lodging house requires a Special Permit and the owner doesn't need to live there. He explained a lodging house versus a two-family. Mr. Conroy asked if you can put this on a three family and Mr. Crowley stated no because an in-law is designed for a single

Mr. Conroy asked for public comments.

John Lee, 235 Lincoln Road and Chair of the ZBA stated we have an in-law bylaw already and it works now by going through the public hearing process, which allows the neighbors to know what is going on. This bylaw is poorly drafted; for example, parking is not defined, a common wall is not defined, presently separate utilities are allowed, someone could have a single-family home and split it into condos. What we have for in-law suites is presently working. This will create a lot of problems throughout the town.

Judy Conroy, 455 Elm Street and member of the Zoning Board stated this should remain as a special permit. The Zoning Board controls the process and the advertising of the public hearing. The Zoning Board cannot deny a special permit but can condition it. An accessory in-law suite by permit versus an ADU by right is the question.

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Mr. Deschenes stated an ADU is consistent with State language.

Ms. Conroy stated in an in-law public hearing, sometimes the person brings their builder, but an attorney is not necessary. A special permit should not be looked at as a barrier, but as an opportunity for neighbors and abutters to be part of the process.

Mr. Conroy moved to close the public hearing. Motion seconded by Ms. Abate and voted 5-0-0. Mr. Conroy voted to recommend Favorable Action on Article 16, the ADU article. Motion seconded by Ms. Abate and voted 1-4-0 (Czachorowski in favor; Conroy, Smith, O'Leary, Abate against the motion). Motion denied.

8:13 p.m. Article 17 Marijuana Private Petition of Gupreet Kalra: Mr. Conroy read the public notice. The applicant was represented by Peter D'Agostino, who asked to submit a substitute article. Mr. Conroy told him the board had to proceed tonight with what was originally filed and advertised. Mr. D'Agostino agreed. After a brief discussion, Mr. D'Agostino asked that this article be closed and referred back to committee. Mr. Conroy moved to close the hearing. Motion seconded by Mr. O'Leary and voted 5-0-0. Mr. Conroy moved to refer this article back to committee. Motion seconded by Mr. O'Leary and voted 5-0-0.

8:54 p.m. Bristol Bros. Site Plan Case No. 23-01 Continued Hearing: Mr. Conroy opened the hearing. Mr. Balduf read his comments dated September 21, 2023 and stated he is good with the plans before the board tonight.

Mr. Conroy moved to close the hearing. Motion seconded by Mr. O'Leary and voted 5-0-0.

Mr. Conroy moved to approve Case No. 23-01 with the board's standard conditions and twelve special conditions, including Mr. Balduf's comments of tonight. Motion seconded by Ms. Abate and voted 5-0-0.

9:00 p.m. Bristol Bros. (2) Special Permits Case No. 23-03 Continued Hearing: Mr. Conroy moved to close the hearing for a Special Permit under Section 10-C, Case No. 23-02. Motion seconded by Ms. Abate and voted 5-0-0. Mr. Conroy moved to approve a Special Permit under Section 10-C with twelve (12) Special Conditions. Motion seconded by Mr. Czachorowski and voted 5-0-0.

Mr. Conroy moved to close the hearing for a Special Permit under Section 12. Motion seconded by Mr. O'Leary and voted 5-0-0. Mr. Conroy moved to approve a Special Permit under Section 12, Case No 23-02. Motion seconded by Ms. Abate and voted 5-0-0.

9:04 p.m. Bristol Industrial Subdivision Continued Hearing: Mr. Conroy moved to accept an extension of time up to and including December 31, 2023 as requested by Atty. Jeffrey Tocchio. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Conroy continued this hearing to December 7, 2023 at 7:05 p.m. as requested by Atty. Tocchio.

9:06 p.m. Kearsarge, North Street, Continued Hearing, Case No. 23-04: Carl Balduf, Town Engineer, recused himself. The applicant was represented by Dan Voss and Rob

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Bukowski. Mr. Bukowski stated they submitted revised plans on September 7, 2023 and he addressed the changes. Mr. Conroy read a memo from the Board of Health stating they had no concerns. Mr. Conroy stated that the fire department will most likely want a paved road and Mr. Bukowski stated that will be done in a way that it's a compacted road as they don't want to create any impervious cover that they don't have to. Mr. Conroy stated they will have to do what the fire department recommends. Mr. Bukowski stated they will meet with the fire chief and if he insists they will change to paved. Mr. Conroy stated this gravel issue would need to be straightened out before this is approved by the Board. Mr. Bukowski stated it could be a condition of approval and Mr. Conroy stated we would like to know what he wants before we vote this. It will be a matter of a couple of weeks. We want to know exactly what he wants. Mr. Bukowski agreed to meet with the Chief Barry.

Mr. Czachorowski questioned the amount of trees to be removed and Mr. Bukowski explained what they are proposing. Mr. O'Leary questioned the fire truck-turning ratio. Mr. Bukowski stated he will discuss that with the fire chief when he meets with him.

There were no public comments.

Mr. Conroy moved to accept an extension of time up to and including October 31, 2023. Motion seconded by Mr. Smith and voted 5-0-0. Mr. Conroy continued this hearing to October 5, 2023.

Mr. Balduf returned to the meeting.

9:16 p.m. Warwick Road Subdivision Continued Hearing: Mr. Petrozzi, the applicant, and his engineer, Rob Truax, GLM Engineering were present.

Mr. Conroy read a letter from the Board of Health and Mr. Balduf discussed the Engineering comments dated today. He stated this is his fifth review. Further, there are seven new comments, most of which are construction details.

Ms. Abate stated this hearing has dragged on and on. She asked if we started this hearing a year ago and Mr. Truax stated yes. She questioned the comments that have not as yet been addressed as per Mr. Balduf and feels we are chasing around in circles. Mr. Balduf agreed that some of his comments were skipped. Ms. Abate asked what is hanging out there right now. Mr. Balduf discussed what he is waiting for from the applicant at this point. Ms. Abate asked if we are closing this tonight and Mr. Conroy stated we can.

Ms. Abate moved to close this hearing. Motion seconded by Mr. Conroy and voted 5-0-0.

Mr. Conroy stated we have a subdivision in front of us that goes nowhere. There is no connection to Warwick Road and therefore this cannot be built as presented.

Mr. Truax asked if that could be made a condition of approval.

Mr. Conroy reminded him the hearing is closed. He asked if they have an agreement with the Select Board yet and Mr. Truax stated no, not yet. Mr. Conroy stated we don't have a

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subdivision without a connection. Mr. Czachorowski feels we can approve this with a connection being a condition.

Mr. Conroy moved to approve the plan as submitted. Motion seconded by Mr. O'Leary and voted 1-4-0 (Czachorowski in the affirmative; Conroy, Abate, O'Leary, Smith in the negative). Motion denied.

East Walpole Clocktower: Mr. Conroy moved to endorse the plans as submitted and reviewed by Engineering. Mr. O'Leary seconded the motion and it was voted 5-0-0.

ANR – Matthew Kinch, 275 Pemberton Street: Mr. Conroy moved to re-endorse the ANR plan as requested by Land Court. Motion seconded by Mr. Czachorowski and voted 5-0-0. The first ANR plan was endorsed on May 18, 2023.

Master Plan Update: Mr. Czachorowski proposed that we meet via Zoom with Judi Barrett sometime in either October, November, December or January as he thinks it is important for the board to move forward on this. Ms. Barrett has met with the Master Plan Study Committee twenty-two times. Mr. Czachorowski moved we select one of the first Thursdays of the month to meet with her virtually, October 5, November 2, December 7, January 4 or February 1. Motion was not seconded.

Mr. Smith stated we paid a lot of money and this woman should meet with us in person. Mr. Conroy stated the town has also signed her up for the MBTA process. Ms. Abate stated she signed a contract with us and knew our schedule. Mr. Conroy stated we are paying her; therefore, she should come to us. Mr. Czachorowski urged the Board to reconsider. Mr. Smith stated that by the time you get her here in November the rewrite won't be considered until after the first of the year. Mr. Czachorowski stated she is not available in January, February or March. He suggests that Mr. Conroy call her. Mr. Czachorowski stated she is willing to meet on a day other than a Thursday. Ms. Abate stated she has a commitment with us. Mr. Conroy stated he can't believe she would take another job with us.

Mr. Czachorowski stated he wants to see this through and does agree it would be better if she met with us in person. Mr. Smith stated another committee member needs to speak with her and be stern. Ms. Abate requested we send her a letter. Mr. Conroy stated this is being put on us like it is our fault.

Ms. Abate moved to adjourn. Motion seconded by Mr. Smith and voted 5-0-0. The meeting adjourned at 10:10 p.m.

Respectfully submitted,

Catherine Turco-Abate, Clerk

Accepted 10/19/23

