

The Board of Selectmen met on Tuesday, March 28, 2017 beginning at 7:00 pm in the Main Meeting Room of the Town Hall. The following members were present:

Eric Kraus, Chairman
Nancy Mackenzie, Clerk
Mark Gallivan
David Salvatore

Also Present:
James Johnson, Town Administrator
Kristine Brown, Principal Clerk
Maggie Walker, Town Engineer

Chairman Eric Kraus called the meeting to order at 7:02 p.m. following the Pledge of Allegiance.

APPOINTMENTS:

3-13 to 3-16 Street Acceptance Hearing

MOTION moved by Ms. Mackenzie to open the public hearing for Street Acceptances, seconded by Mr. Gallivan. Voted 4-0-0

Town Engineer Maggie Walker stated that the Planning Board is satisfied. All of the bonded items are complete. There are no outstanding issues and everything has been taken care of.

Mr. Kraus asked if there were any comments from the Public.

Motion moved by Ms. Mackenzie to close the Public hearing, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to approve the layout for Hancock Court from beginning to its terminus, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to approve the layout for Arlington Lane from beginning to its terminus, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to approve the layout for Evergreen Lane from beginning to its terminus, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to sign the order of layout documents and plans for Hancock Court, Arlington Lane and Evergreen Lane and to have them on file in the Town Clerk's Office seconded by Mr. Gallivan. Voted 4-0-0

3-17 Road Improvements to Eastover Road

Mr. Johnson mentioned that this was brought before the Board a few weeks ago. The Board wanted to know why these improvements needed to be made. Mr. John Glossa is here to explain.

John Glossa of Glossa Engineering provided the board with 2 handouts. He explained that the first handout is regarding the project, the second handout is the work being proposed within Eastover Road. Diamond Builders owns the parcel at the end of Eastover. They are in the process of constructing twelve condominiums. These buildings will be connected to Town Sewer. We have been working with the Sewer & Water Department and have received approval to put in a new water main. It will be an 8 inch water main that will extend the full length of Eastover Road. We are going to install the main and then provide laterals to the front of each of the existing houses. As far as the sewer goes, we will install a new sewer main that will stop at the high point of the road, and will provide laterals to 4 of the houses that are there. The condominiums are going to have a grinder pump. That pipe is already there, under the driveway leading to the condos. The previous owner put this in, not Diamond Builders in anticipation of this property being developed. The original plans were drawn by Paul Broadmerkle for a company other than Diamond Builders. Mr. Broadmerkle identified 2 deficiencies: 1.) if a large truck (i.e. trash truck, fire engine) needed to turn out of Eastover, they would go over the double yellow lines of East Street to make that turn. That is not acceptable, so the radiuses would be extended. 2.) Eastover does not stay at a continuous width. We are going to widen the road to a continuous 20 feet-it will be that length for the entire width of the road. The Town Engineer had no problem with that according to their letter. The road will be repaved. We also saw that the Fire Chief asked for a hydrant to be placed at the beginning of Eastover Road, we have no problem accommodating that request as well.

Mr. Salvatore stated at the end, the circle is not paved out. No one is seeking to change the shape of that half circle.

Mr. Glossa explained that when the condominiums are built, occupied and finished. A fire truck or trash truck will be able to drive down there and have the proper radius to turn and drive out.

Mr. Johnson wanted to know if they had met the requirements with Planning, Zoning and Conservation Commission.

Ms. Walker stated as far as she knew they did. She mentioned that they did not have site plan approval from Planning Board because the previous Building Commissioner determined it was not necessary based on what was previously in the bylaw. They did go through Conservation.

Mr. Johnson told the Board that the Town has since amended the Town's bylaws to fix this loophole.

Ms. Mackenzie said that she wanted an agreement in place with the condominium that the town trash truck is allowed to turn around in that circle, before they open up the curbs and change the roadway. She went on to say that she has some concerns. She would like to see an agreement written out since it did not go through the Planning Board to protect the neighbors and ensure there would not be future problems.

Philip Sullivan 1 Eastover Road stated that he has lived at this house for 52 years. He is not against this project. He has a couple of questions. In regards to the gravity fed sewer, my sewerage goes out to East Street however there is a problem, 3 Eastover Road had an easement that was put on in 1961, which runs through my backyard. This easement has prevented me and that neighbor from doing anything to the backyard that requires digging (pool, addition etc.) I have never pushed because there was no sewer on Eastover Road. I would like for this sewer line should be disconnected where it enters my property. I don't care who does it but I think it would be a good gesture for the Builder to tie in the lateral. I went to every meeting regarding this project and never once was I able to see the finished approval plans or order of conditions. I would like to see those at some point.

Mr. Glossa said he would like to meet with Mr. Sullivan at the site to go over all of his concerns. He will also bring some finished plans for Mr. Sullivan to view.

Steve Miller 14 Eastover Road had a question regarding if the last couple of houses would not be connected to sewer. He also wanted to know if they would be running a new water main or a second water main.

Mr. Glossa stated that these houses at the end would need to get a grinder pump in regards to sewer. He also said that yes they would be installing an 8 inch line that will end at Eastover. It will be a public water main, not specifically for the condominiums.

Ms. Mackenzie questioned whether the new curb would be granite she felt it should be consistent with what is currently there.

Mr. Kraus said before the Board voted on this proposal there were a couple of things he would like to see happen. He would like to get a report from the Economic Development Director Liz Dennehy, a report from Conservation, memos from the Building Commissioner and the Fire Chief. Also conversations with the neighbors would be helpful. He would like to postpone/continue this vote until a later meeting to get these questions answered. We are not against this happening we just want to make sure the town is protected.

Motion moved by Ms. Mackenzie to continue this to the April 11, 2017 Board of Selectmen meeting, time to be determined, seconded by Mr. Salvatore. Voted 4-0-0

3-18 Change of Manager Texas Roadhouse:

Mr. Kraus asked the new Manager to come up and introduce himself.

Tristan Gaffny mentioned that he was from Amesbury, MA and he has worked for Texas Roadhouse in Methuen for the last 4 years. He came to Walpole to take over as the Manager a couple of months ago.

Mr. Kraus asked Mr. Gaffney to keep up the good work in not serving alcohol to minors.

Motion moved by Ms. Mackenzie to approve the change in Manager for Texas Roadhouse, 102D Providence Highway from Brian Berry to Tristan Gaffny, seconded by Mr. Gallivan. Voted 4-0-0

OPEN FORUM 7: 35 p.m.

No one was present

3-19 PUBLIC HEARING Wine & Malt Common Victuallers License, Fancy That

Motion moved by Ms. Mackenzie to open the public hearing, seconded by Mr. Gallivan. Voted 4-0-0

Sarah Erlandson stated that she is the owner of Fancy That. She has submitted her plans to obtain the available Wine & Malt License because they would like to serve sparkling wine or champagne to their patrons.

Motion moved by Ms. Mackenzie to close the public hearing, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to grant a Wine & Malt Common Victuallers license to Sarah Erlandson d/b/a Fancy That, 272 Main Street, seconded by Mr. Gallivan. Voted 4-0-0

3-20 Common Victuallers License Piezoni's, 555 Providence Highway

Joe Ferrera one of the members of Piezoni's Corporation stated that a franchisee was running the store. Corporate stepped in and took over because the previous owner walked away and these licenses are not transferrable. We put a new manager in place. We like this town and would like to continue to have our store here.

Motion moved by Ms. Mackenzie to grant Piezoni's of 555 Providence Highway a Common Victualler's License, seconded by Mr. Gallivan. Voted 4-0-0 in favor

Ms. Mackenzie thanked Mr. Ferrera for keeping his business in Walpole and not closing the establishment.

Mr. Johnson mentioned that he asked Mr. Glossa to stay at the meeting to discuss Article 32. He asked if the Board wouldn't mind voting that now. Article 32 is a citizen's petition to abandon a walking easement.

John Glossa explained that his client owned Lot 4 of Timberline Drive, when he went to sell the property it was discovered that there was a 10 foot wide walking trail easement. It is an easement to nowhere, there is no reason for it to be there. Goetz Trail is in this area, you can walk on Timberline and then walk across Goetz Trail and end up on Route 27. Gary Riggott noted that the trail was not near the easement. The trail is on the Town's property. On September 14, 2016, Conservation Commission voted to abandon this easement because it is not connected to or hold a purpose for the Town's trail system. Just last week Planning Board asked how we the Town could abandon an easement that Planning Board had approved. I spent 3 hours in the Planning Board/Conservation office looking through these plans. The first permit was the subdivision approval and that plan does not show the walking trail easement, the second permit was regarding two of the lots (3 & 4) needing a Special Permit for a common driveway. When they filed for the common driveway they filed a plan at the registry of deeds and that plan does show the 10 foot wide walking easement. What happened was after the subdivision was approved the developer filed for an order of conditions (approval from Conservation Commission). There is evidence that Al Getz and Beth Lad who was the Conservation Agent at that time, met at the site. There was conversation about the circuit trail. This happened on September 12, 2001, there is clear evidence that the Conservation Commission asked for the trail easement to be placed. It seems that when they went to file the plan at the Registry for the Special Permit for the common driveway, they added the trail easement to the plan as well. There was no language in the Planning Board application regarding this easement.

Ms. Mackenzie wanted to know if Gary Riggott and the Conservation Commission were ok with this.

Mr. Glossa said that both Mr. Riggott & the Conservation Commission have no problem with abandoning this easement.

Motion moved by Ms. Mackenzie to recommend favorable action on Article 32-Walking Easement abandonment seconded by Mr. Kraus. Voted 4-0-0

3-21 Hearing for Petition of Eversource and Verizon, to install a new pole:

Motion moved by Ms. Mackenzie to open the hearing for the installation of a new pole on South Street for the Police Station, seconded by Mr. Gallivan. Voted 4-0-0

Christine Cosby from Eversource Energy said they were requesting a new pole on South Street, purpose of this pole would be to provide service to the new Police Station.

Ms. Walker said that everything was in order and that there were no comments from the Engineering Department.

Ms. Mackenzie wanted to know if the Town was going to be paving this road when it is done (South Street). She felt that it would have been nice to put this all together, the pole and the paving if the road was scheduled to be paved.

Motion moved by Mr. Kraus to close the public hearing, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to approve the request of Eversource and Verizon to install a new pole 105/3A on South Street for the New Police Station service, seconded by Mr. Gallivan. Voted 4-0-0

3-22 Hearing for Petition of Eversource and Verizon to install a new pole on Summer Street:

Motion moved by Mr. Gallivan to open the hearing for the installation of a new pole on Summer Street for Boyden Lane seconded by Ms. Mackenzie. Voted 4-0-0

Christine Cosby from Eversource said that the purpose of this pole would be for the overhead to underground service to the new residential subdivision Boyden Lane.

Ms. Walker said that she would recommend that the pole should be placed so it will not block the site distance of the people coming out of the new subdivision of Boyden Lane.

Motion moved by Ms. Mackenzie to close the hearing, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to approve the request of Eversource and Verizon to install a new pole 30/47A on Summer Street and Boyden Lane and that the pole placement will be approved by Maggie Walker prior to installation, seconded by Mr. Gallivan. Voted 4-0-0

Mr. Johnson asked the Board if they could vote on Article 29 – Access Easement and Article 30 – Site Line Easements because he had asked Maggie Walker to stay at the meeting to speak to those. Finance Committee recommended Favorable Action on these.

Ms. Walker stated Article 30 is regarding Site Line, if the homeowners association for Kevin's Way (a private road) does not keep brush cut back to not impede site distance it gives the

Town the right but not responsibility to cut that brush back if needed. Article 29 is regarding the Access Easement –if there is a problem it gives the Town of Walpole the right but not the responsibility to fix the issue.

Motion moved by Ms. Mackenzie to recommend favorable action on Article 29 - Access Easements, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to recommend favorable action on Article 30 – Site Line Easements, seconded by Mr. Gallivan. Voted 4-0-0

NEW BUSINESS:

3-23 Appointments to Committees and Boards

Motion moved by Ms. Mackenzie to appoint those listed in the memo dated March 28, 2017 to the Boards/Committees seeking reappointment, seconded by Mr. Gallivan. Voted 4-0-0
Mr. Kraus would like to thank everyone for volunteering their service to these committees.

March 28, 2017 MEMBERS OF BOARDS/COMMITTEE SEEKING RE-APPOINTMENT

Adams Farm	Committee/Board	Seeking Re-Appointment Term will expire
	Gary Riggott	4/1/2020
Recreation		
	Jeffrey Hutnick	4/1/2018
	Robert Talienti	4/1/2018
	Michael McGrath	4/1/2018
Registrar		
	Linda Garr	4/1/2020
Special Police		
	Jeffrey Abate	4/1/2018
	William Bausch	4/1/2018
	Steven Palmer	4/1/2018
	Detective Jason Reilly	4/1/2018
Trails Com		
	Gary Riggott	4/1/2020
Town Forest	Gary Riggott	4/1/2020
MAPC		
	Elizabeth Dennehy	4/1/2020
	Alternate James Johnson	4/1/2020
EDC		
	Michael McGrath	4/1/2022
Zoning Board		

	Timothy Foley	4/1/2018
	James Decelle	4/1/2022

3-24 Not Seeking re-appointments

Motion moved by Ms. Mackenzie to accept with regret the decision of Susanne Murphy, William Maloney and David Wildnauer not to seek re-appointment to their respected committees, seconded by Mr. Gallivan. Voted 4-0-0

The Board thanked these individuals listed above for their time, service and dedication to the Town of Walpole.

3-25 Special Police Appointment

Motion moved by Mr. Salvatore to appoint at the request of Chief Carmichael Carly Moriarty as a Special Police Officer for Walpole, seconded by Mr. Gallivan. Voted 3-0-1 (Kraus, Gallivan and Salvatore voting in favor; Mackenzie abstaining)

3-26 Village Fair

Motion moved by Ms. Mackenzie to approve the request to conduct the annual Village Fair on June 10, 2017 including:

1. Game booths and food
2. A road race at 8:45 am
3. Use of the Common across from the parish and bandstand
4. Exclusion of traffic on streets bounding the church and use of Front Street

Seconded by Mr. Gallivan, Voted 4-0-0

3-28 Marijuana Ballot Question

Mr. Johnson stated that he would like the Boards authorization and permission to opt out of the retail marijuana sales. This would be a question on the June 3rd election ballot.

Ms. Mackenzie mentioned that the Town of Medfield voted on this issue yesterday and they voted to opt out of retail marijuana sales. Walpole voted against the legalization of marijuana in the November election, I believe it is our responsibility to follow through with what the town wants and to put this question on the June 3rd ballot.

Motion moved by Mr. Mackenzie to place a question on the June 3, 2017 election ballot that allows the Town under MGL Ch. 94G, Section 3(a)(2) to opt out of retail marijuana store in

Walpole, and to authorize the Town Administrator to work with Town Counsel to draft the appropriate language for the question, seconded by Mr. Gallivan. Voted 4-0-0

CONSENT AGENDA ITEMS:

MOTION moved by Mr. Salvatore to accept with thanks the

1. Gift Acceptance from Walpole Friends of St. Patrick, \$2,500 to the Ponds gift account (3-30)
2. Gift Acceptance from Frank & Ilene Hamm, \$25 for Fire Account in memory of retired FF Lt. Gerald Comeau (3-31)

Seconded by Ms. Mackenzie, voted 4-0-0

3-29 Spring Town meeting Warrant Articles

Motion moved by Mr. Gallivan to recommend Favorable Action of Article 5 – Water Enterprise Fund, seconded by Ms. Mackenzie. Vote was 3-0-1 (Kraus, Mackenzie, Gallivan voting in favor; Salvatore abstaining)

Motion moved by Ms. Mackenzie to recommend Favorable Action on Article 6 – Sewer Enterprise Fund, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to recommend Favorable Action on Article 14 – Old Post Road Storage Tank, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to recommend Favorable Action on Article 15 – Water Main Construction, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to recommend Favorable Action on Article 16 – Pilot Treatment Study, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to recommend Favorable Action on Article 17 – Capital Municipal Infrastructure, seconded by Mr. Gallivan. Vote was 3-0-1 in favor (Kraus, Mackenzie, Gallivan voting in favor; Salvatore Abstaining)

Motion moved by Ms. Mackenzie to recommend Favorable Action on Article 18 - Capital Equipment, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to recommend Favorable Action on Article 19 – Repair & Drainage improvements to Streets, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to recommend Favorable Action on Article 20 – Road Improvements, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to recommend No Action on Article 23 – Matching Grants, seconded by Mr. Gallivan. Voted 4-0-0

Motion moved by Ms. Mackenzie to recommend Favorable Action on Article 24 – Revolving Funds, seconded by Mr. Gallivan. Voted 4-0-0

Motion made by Ms. Mackenzie to recommend Favorable Action on Article 25 – Cable Funds, seconded by Mr. Gallivan. Voted 4-0-0

TOWN ADMINISTRATOR’S REPORT:

Town Clerk: There are 3 candidates, all with municipal experience. We are going to need to schedule a night for interviews. Please let me know if the Board could like to meet next week for interviews or if you would like to do it on another night.

Finance Committee: The Committee will likely finalize their budget votes on Monday March 3rd.

Moose Hill Road 40B: Barberry is in the process of selling the property to another company. All permits (including the Comprehensive Permit – 40B) follow the property and not the owner(s), therefore any permits that have already been obtained are going to be transferred with the project to the new owners when the deal is finalizes in May/June. No new notifications will go out to abutters and no new permits would need to be obtained. I suggested to the new owners that it would be in their best interest to hold a meeting with the abutters to let them know what is going on. I offered to allow them to have the meeting at the library. There are no major significant changes, still the same number of units (157) Bedrooms: 65 – 1 bedroom units; 92 – 2 bedroom units, the same affordability component. They expect to break ground in June and formal construction will likely begin in July. ZBA has approved because they have reduced their footprint.

ADJOURNMENT:

With there being nothing else to discuss

Motion moved by Mr. Gallivan to adjourn the BOS meeting at 8:37 pm, seconded by Ms. Mackenzie Voted 4-0-0

Respectfully submitted,

Kristine Brown

Minutes approved on: April 25, 2017