

## WALPOLE PLANNING BOARD MINUTES OF MAY 7, 2015

A regular meeting of the Planning Board was held on Thursday, May 7, 2015 at 7:00 p.m. in the Main Meeting Room, Town Hall. The following members were present: John Conroy, Chairman; Richard Mazzocca, Vice Chairman; John Murtagh, Clerk; Edward Forsberg, Richard Nottebart, Margaret Walker, Town Engineer, and Elizabeth Dennehy, Economic Development Director.

**Minutes:** Mr. Nottebart moved to accept the minutes of April 16, 2015. Motion seconded by Mr. Mazzocca and voted 5-0-0.

**Open Space Peer Review:** Ms. Dennehy stated that Beals & Thomas will charge \$2500 and can do the review within our time frame. Mr. Conroy moved to hire Beals & Thomas to do a peer review at the applicant's expense for the Open Space Special Permit. Motion seconded by Mr. Forsberg and voted 5-0-0.

**Scenic Road Hazardous Tree:** Mr. Conroy read a letter dated April 27, 2015 from Robert LeBlanc, Tree Warden informing the board that he removed three trees that are within the right of way near 999 North Street and 1062 North Street without a hearing as it was dangerous. Mr. Conroy moved that the board concurs with Mr. LeBlanc judgment to remove a tree on a scenic road without a public hearing as it was a safety issue. Motion seconded by Mr. Murtagh and voted 5-0-0.

**Wayne Feiden:** Mr. Nottebart moved to pay Mr. Feiden's final invoice in the amount of \$210.00 as submitted. Motion seconded by Mr. Mazzocca and voted 5-0-0.

**7:15 p.m. Marini, 1429 Main Street discussion:** The applicant was represented by Atty. Paul Schneiders, Canton, MA who requested that the board sign the plan for Mr. Marini. He stated they met with all the neighbors to resolve the buffer issue and came up with a new plan showing an amendment to Sheet 3. He asked that the Planning Board accept the new buffer plan, fencing and landscaping plan by way of a minor modification. He stated they incorporated all the comments from the town engineer from November and added the fencing and shrubs because that was what the Planning Board said they wanted. He feels the new landscape plan can be easily adopted. Mr. Conroy stated we never received the November 21, 2015 plans and as far as signing the plan after the appeal period, we need a request and a mylar as we have only had paper copies. Mr. Brodmerkle stated he is fine with the board signing the November 5 plan. Also, the November 21 plan only showed the drainage changes. Mr. Conroy stated that the draft decision submitted by the applicant referenced the November 5 plan. The Zoning Enforcement Officer shut this down because he didn't have a plan and we still don't have a mylar. Mr. Brodmerkle stated they are looking for direction tonight and they don't care what plan the board signs, either November 5, 2014 or November 21, 2014 is fine with them. Mr. Conroy stated that no matter what we sign, you will be shut down. Mr. Brodmerkle stated that Mr. Forsberg thought there should be a 26' buffer which they provided, but it was 30' at the rear of the

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property. The original trees are still there, but they are so tall they are not providing any screening. They are proposing to revegetate within the existing trees. The bylaw requires 5' high trees and they are using 16' high so the screening will be competent. They want to get it right and move on. He knows we don't have a mylar, but would like the board to determine this to be a minor modification and let them move on. Mr. Murtagh stated he feels Mr. Marini has paid the price and he is willing to make this a minor modification to adopt a new landscape plan and incorporate the town engineer's comments on the fence and the buffer. He feels this is now in the building inspector's court. The new plan is a huge improvement and he is on board with it. Mr. Nottebart stated he is disappointed with what happened up there and feels this has been in the Building Inspector's court. He asked Mr. Marini that when he is asked by the Building Department to cease and desist, that he do so. He would like the neighbors to be fully happy and would like them to move forward. Suzanne Caravaggio, an abutter, stated she is not happy. Mr. Forsberg stated he is happy with the buffer now as it addresses his concerns. He would like the neighbors to be happy and would like to know why they aren't. He would be in favor of a minor modification. Mr. Mazzocca stated if the neighbors are happy, then he is okay, but only if they are happy. Mr. Conroy stated you have a plan that has been approved and we can sign it but you can't do anything because it has changed. Mr. Schnieders doesn't agree. Mr. Conroy stated when you show no work, it means no work, but there was work all the way up to the houses. Is that true? Mr. Schneiders stated yes it is true. What the board voted on was in the Business zone. They did ask what was going to happen on the residential portion and he told the board they would need to go back and ask for a house. He thought the board asked if he was going to touch this at all but he thought the board meant are you keeping this as a buffer. Mr. Conroy stated he is just talking about the buffer. We can do a minor modification or a full re-submission dealing with just the buffer. It appears his colleagues will go along with a minor modification. He doesn't have a problem with that as long as the neighbors are noticed by certified mail. That isn't in the rules, but he would like that done. Mr. Murtagh agreed that everyone should be noticed.

One of the abutters, Mr. Lynch stated he had not seen this plan until 6:00 tonight. Mr. Brodmerkle stated this is the same plan he had emailed to him. Mr. Lynch stated he didn't receive this and is shocked that this plan is in front of the board and he hasn't seen it. Mr. Schneiders asked if the plan is the same as the one he submitted and Mr. Brodmerkle stated no, but the buffer is the same. It is 124' along his property line. Mr. Lynch stated it looks good, but the plan is new. He agrees that all should be noticed by certified mail. Mr. Brodmerkle stated that tonight is not a public hearing; it is just a meeting between him and the board. Mr. Conroy stated it is just a discussion to let the applicant know which way to go. Hopefully, it will be worked out by the time they get here the night of the hearing. He wants everyone happy. Mr. Lynch stated he is not dissatisfied and likes what is proposed.

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Sue Caravaggio, 75 Williams Street stated the entire neighborhood is impacted by this. She wasn't given a copy of this plan by Mr. Marini and she feels it would have been nice to have been given it. Her issue is the fence. She is a direct abutter and while the majority of her property line is not shared by Mr. Marini, she would like a full screen. She understood that originally they were fencing her entire property, but now it changed to only 20' which provides her with absolutely nothing. Her other concern is when is this going to happen as she wants those trees up before construction starts because she has small kids and doesn't want them exposed to the construction. Mr. Brodmerkle stated the Caravaggio's didn't want a screen fence when he spoke to them and nor did the Chamberlains.

Kenny Chamberlain, Marion Street stated there is supposed to be a buffer between residence and commercial and thinks it is 50'. At the first meeting he requested that stakes go in so he could see this. He removed his own trees and also some town trees. Mr. Forsberg stated we are only here tonight to discuss a minor modification. Mr. Schneiders asked who they should notify. Mr. Conroy stated the board agrees it should be certified mail to anyone on Williams and Marion Streets. He also expects that when they come back this will be settled between them and the neighbors. Mr. Brodmerkle stated they can't guarantee that. Mr. Schneiders asked if they can bring the mylar and have the board sign it that night and Mr. Conroy stated yes if it is the November 5, 2014 plan. Mr. Schneiders asked if they should add Ms. Walker's comments and Mr. Conroy stated we will sign the November 5, 2014 plans as is and then sign the modified plan. Mr. Schneiders asked if town counsel responded and Mr. Conroy stated no. Mr. Murtagh stated she put it back to the Building Inspector. Mr. Nottebart stated he was also told the neighbors were 100% on board with this and was surprised tonight to hear they weren't. Mr. Lynch asked if there was a house going in would they be noticed and Mr. Conroy stated yes as a subdivision. Mr. Schneiders stated he had advised Mr. Marini not to do anything until this is resolved. Mr. Conroy placed this on our May 21, 2015 agenda at 7:35 p.m. for a minor modification with the understanding that nothing would be advertised, but the abutters will be noticed by certified mail.

**7:55 p.m. Dedham Auto Mall, Case No. 14-14 Continued Hearing:** The applicant was represented by Daniel Merrikin, Merrikin Engineering. He stated he met this afternoon with David Alson, an abutter, who had concerns with the buffer. He asked for fewer, but taller trees. Mr. Merrikin stated they have now changed the proposed 6-8' trees to six (6) 8-10' trees to accommodate Mr. Alson. He asked that be a condition of approval. He would also like those trees coordinated with Mr. Alson.

Ms. Walker stated she is all set. Mr. Merrikin stated they eliminated paving over the septic system as requested by Ms. Walker. Ms. Dennehy had no additional comments. Mr. Forsberg questioned the 50' setback. Mr. Merrikin feels that is a building inspector issue. The original approval was in 1983, but since then it has been widened. He feels the applicant is grandfathered

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in, but the building inspector needs to make a determination. The outside storage areas are clearly delineated. Mr. Nottebart stated he doesn't see a parking plan. Mr. Merrikin stated there are six spaces, one of which is handicap. Mr. Nottebart asked how many cars and Mr. Merrikin stated sixty. Mr. Nottebart asked if Mr. Alson is okay with this and he stated yes and feels what is proposed will work. Mr. Murtagh asked who will be designing the landscaping and Mr. Merrikin stated Steve Cosmos. Mr. Conroy feels the 50' buffer is between the applicant and zoning enforcement officer.

Mr. Conroy moved to close the hearing as requested by Mr. Merrikin. Motion seconded by Mr. Nottebart and voted 5-0-0.

Mr. Merrikin stated Condition #2 needs to be modified to reflect the tree change.

Mr. Conroy moved to approve the site plan for Dedham Auto, Case No. 14-14 with thirty one standard conditions and two special conditions as discussed. Motion seconded by Mr. Nottebart and voted 5-0-0.

**8:10 p.m. Al Marhama Islamic Cemetery, Case No. 14-11 Continued Hearing:** Mr. Conroy opened the meeting at 8:10 p.m. He stated the last time information was discussed was on January 8, 2015. He also stated that tonight's hearing is being televised.

Ms. Dennehy asked if the frontage has been identified as Route 1 or Fox Hill Drive. Ismail Fenni stated he is here to represent Al Marhama and that he is also a rabbi. This is a non-profit religious organization that is here to provide a service to the community. They have been collaborating with the town of Walpole to ensure that family and friends would find a safe and beautiful resting place. They are committed to protecting the communities' aquifer and they have been mindful in addressing that. They have made the concerns of the community their own and have engaged the best consultants to help them. They have agreed to pay for the town's consultants. This has been presented to the Board of Health. They have finished the hearing with the Board of Health. This has been in front of the Conservation Commission and Sewer and Water. They are here tonight to hopefully wrap up the site plan review project. They don't want to re-litigate that which was also discussed with other town boards. Christian Farland, their engineer, is also present and also Jay Peabody, their counsel.

Mr. Conroy stated we have concerns that have not been addressed. Mr. Farland stated that the frontage will be on Fox Hill Drive. They don't have an address yet but will when applying for a building permit. Ms. Dennehy questioned the garage being an accessory use. Mr. Farland stated the building and plots will meet setback requirements. Ms. Dennehy stated that needs to be shown on the plan. Further, the board would like a layout plan showing where the plots will be. Mr. Farland agreed. Ms. Dennehy asked if they will be using vaults and Mr. Conroy stated that will change everything if they are as they won't have enough room for 3300 plots. He stated

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they need to demonstrate to us that they do have sufficient room for 3300 plots. Mr. Farland stated that will be part of the layout plan to be submitted.

Ms. Dennehy asked if based on the earth removal will they be asking for a special permit as usually people do that together. Mr. Farland stated their attorney, Jay Peabody, will address that. Atty. Peabody stated the way they read it, that removal is part of the site plan process, so in his opinion there is no need to file for a special permit as that would be redundant. Mr. Conroy stated that has not been mentioned before and asked him to put that in a letter to the board so we can forward it to town counsel for an opinion. Atty. Peabody stated that the board's consulting planner also said there was ambiguity with this. He will talk directly to town counsel. Mr. Conroy asked that he send it to us and we will forward it to Ilana Quirk, town counsel. Ms. Dennehy stated that on the plans dated February 5, 2015 you said you are located within the WRPOD district. Is there any way we could get an amended application indicating you are in that district or a letter from you for our files stating you omitted that from your application. Mr. Farland said sure. Ms. Dennehy stated they were supposed to provide a list of toxic chemicals. Mr. Farland stated he did that verbally. Ms. Dennehy stated we would like it in a letter. Atty. Peabody asked if we are looking for a list of chemicals designated by your zoning bylaw as hazardous and Mr. Conroy stated yes along with quantities beyond those found normally in a household. Ms. Dennehy asked if the corporation voted to allow this and if so can we have that in writing. Atty. Peabody stated he will provide that. Mr. Conroy asked that the letter show a name printed underneath the signature. Ms. Dennehy stated that in the April 21, 2015 letter to the Board of Health, they said they would provide a revised landscaping plan. We would like that also and we would like it stamped by a registered architect. Mr. Conroy stated we need one plan in this town hall for everyone. Ms. Dennehy stated it appears you have shown the septic on the revised February 5, 2015 plan, but that sheet is numbered one of one and it should be six of eight. She asked that be corrected to stop any confusion later on. Mr. Farland agreed. Ms. Dennehy questioned the lighting and also asked for an explanation of the driveway. Mr. Farland stated they followed what the Conservation Commission and Town Engineer wanted. Mr. Forsberg asked if there will be granite curbing and Mr. Farland stated yes. Ms. Dennehy asked regarding the swale on Route 1 if there will be a vinyl fence and also if there is anything else proposed between the swale and Route 1. Mr. Farland stated no. Mr. Conroy stated he doesn't think a fence will hold up very long. Is it 5' high and Mr. Farland stated no 3-1/2'. Mr. Conroy stated you are creating a hazard. You need a guard rail to stop a car from going into the ditch. Mr. Farland asked if he wants a fence and a guard rail and Mr. Conroy stated we don't care about the fence. Ms. Dennehy asked about Detail 2 on Sheet 8 on Sheet 8, can we see some of those with an actual scale rather than just a construction detail. Mr. Farland asked if the board wants a cross section and Mr. Conroy stated yes. He said they need to address the special permit as they are in the aquifer. Atty. Peabody asked if he means the same as what was addressed earlier and Mr. Conroy stated no, Section 12 or 13. Atty. Peabody stated he will do address that. Mr.

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Conroy stated that someone should have reviewed this. We are still waiting for some past requested information. We need to make this a comprehensive site plan. He asked Mr. Farland if he agreed and Mr. Farland stated yes. Atty. Peabody asked to confirm that his list of what the board is waiting for is the same as the board's list and that it is complete. Mr. Conroy asked if he is asking him to say that his list is 100% complete at this point and Atty. Peabody stated that is not what he is asking. He just wants to make sure they are the same lists. He is not asking for a final list at this point.

Mr. Murtagh stated his concern is that this area is our sole source aquifer and is in Area 2. Mr. Farland stated no it is in Area 3. Mr. Murtagh stated that with the spread of Ebola, traces can go into our water and then who knows what could happen down the road. He has talked to a lot of people and has never seen such anxiety among the people in Walpole. It is the unknown which is what is scary and it is also his concern going forward. We are one of the few that have not been contaminated and wants to keep it that way. He feels the applicant has been very respectful of the board in this process. Mr. Nottebart agrees with Mr. Murtagh. The applicant has been patient and respectful of us. His predominant issue is the safety of the aquifer and he is pleased they went over this with the Board of Health and Conservation Commission. He would like something from CDC or DPH that suggests the volatility of viruses, etc. If you look at our history, there will be storage of bodies here. We would feel the same about anything you might want to do in this area, not just a burial site. He believes that there is also a lack of information and medical input. He asked if the Board of Health will be voting at their next meeting and Mr. Farland stated yes. Atty. Peabody stated they closed the public hearing and will open it to vote. Mr. Nottebart stated he looks to the Board of Health for information. This board consists of a plumber, a stone mason, a retired guy which makes him nervous. Previously we had asked other applicants for a peer consultant on chemical storage. He also asked what kind of signage they are proposing. Mr. Farland stated as part of the application, there is none now, but will be later. Mr. Nottebart asked if roads will be gravel and Mr. Farland stated yes. His biggest concern is with the aquifer. Mr. Farland stated that is why they filed with the Board of Health. Mr. Forsberg stated he needs to be 100% convinced. Mr. Mazzocca asked where they are with the Sewer and Water Commission and Mr. Farland stated they needed to do soil borings, which they did and gave a report, but they didn't respond yet. Mr. Mazzocca asked if it will be a hearing like this and Mr. Farland stated he hasn't been told that. Mr. Mazzocca asked if the health agent would be entitled to check on a body or grave whenever she wants. He feels this is an issue and thinks it is strange that it is next to a highway in a WRPOD. Mr. Conroy stated this isn't about a cemetery, it is about the WRPOD. We are trying to protect what we have. He thinks the special permit is a big item. He asked if they are dealing with the Board of Health because they are required to do so and Mr. Farland stated yes. Regarding vaults, Mr. Conroy asked if they will have a bottom and Mr. Farland stated they will have four sides. Mr. Conroy stated he was told that they need to have an open bottom which is key to the special permit. He feels until that is

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decided this is in limbo. We can't give an approval based on not knowing what is being done. He read comments from various town boards and the town engineer. Ms. Walker stated she will review her comments with Mr. Farland next week. Wayne Feiden, Planning Consultant wrote a letter and feels the excavation does need a special permit and he also questioned the shade trees and doesn't like the idea of a 6' vinyl fence. Mr. Farland stated he has a copy of the revised landscape plan which was part of the Board of Health requirements. Mr. Conroy stated that needs to be sent to us. Mr. Nottebart asked the date of that plan and Mr. Farland stated April 17, 2015. Mr. Nottebart stated the plan in front of him is dated February 15, 2015. Mr. Farland stated that is correct. Atty. Peabody stated it is clear that this board will wait for the Board of Health particularly regarding the use of concrete liners. He doesn't feel it makes any sense to go further until after the Board of Health decision. Mr. Conroy stated we work independently. We will reference their decision, but we are not waiting or holding things up for the Board of Health. You said you don't know if you will use liners. If you don't know which way you are going, we should wait. Atty. Peabody stated that regarding the health issues, they have attempted to address all concerns. They have heard from some town residents and they understand those concerns. He also doesn't want to hear the residents repeating everything they said at the Board of Health meeting. There are some issues that need to be addressed that were discussed with other boards. Mr. Conroy stated one issue is vaults.

Bill Hamilton, Precinct 5 asked to clear up some issues discussed at other board meetings. Our aquifer runs through the proposed cemetery. It was an ancient river and runs through a river channel. The water will reach the well fields. No expert has said whether there will be contamination from this site or not. The site is right over the aquifer. His other concern is a carcinogen contamination to the Brookmeadow well field. There is no question that contaminants will go into the well field. It is just a matter of time. Everyone is wondering what kind of chemicals are in the ground because of a burial. We could do borings to find out what kind of chemicals exist in the present green cemeteries. We could use vaults with six sides but that is not what is being proposed. There are infectious diseases. It was originally said that it would take 24-48 hours for a virus to disappear; however, there are diseases that last quite a while in a body. Mr. Conroy stated when we get into the special permit which he feels is required, we will get into that. We are not the Board of Health. We are charged with protecting the aquifer, not the Board of Health. We need a list of chemicals. The applicant can look at Walpole Park South and see what information they gave us for just a warehouse which is above ground.

Victor Senna, Precinct 8 stated at the Board of Health meeting they asked Ralph Penney and the other engineers if they could be 100% sure there would be no contamination at this site and they all said no. On that basis, he would ask the board to deny this application. Mr. Conroy stated we still need a special permit filing. They are saying they don't need to, but we are saying they do.

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Tim Hampton, 47 Christina Drive stated an issue that is not addressed is that there is a building they are calling a garage. Will it have lavs and will it be connected to a leach field. There is usually a building associated with a garage. Mr. Conroy stated the plan shows there will be a single toilet which needs to be approved by the Board of Health. He believes the toilet is for the people working there unless someone else wants to use it. Mr. Farland stated it was designed according to Title V.

Ken Southwood, Precinct 5 asked if there is a plan in place to protect the Neponset River Valley. We are here to discuss health and safety. The resources of the Neponset need to be protected. We have a responsibility to the surrounding communities. Mr. Conroy asked Ms. Walker if she knows of any plans that address this. Ms. Walker stated no. Mr. Conroy stated we can do some digging on this.

David Salvatore, Oak Street asked how close to Route 1 is the ditch and does it provide adequate space for pedestrians between the guard rail and the ditch. People do walk along Route 1 at times and there should be a place off the road for them. Mr. Farland stated the guard rail that will replace the stockade fence will not go into the layout.

John Cook, 2222 Route 1 stated on December 11, 2014 he witnessed a test pit dug by the applicant. In their April 21 report they stated that they encountered water at 6.5'. If there was a burial on December 11, 2014, what would they do if they hit water at 6.5' during a burial? Also, doesn't excavation affect all the water level depths? Doesn't that make their reports inaccurate? All the water levels should be retested.

Mr. Conroy asked how do you proceed with that. Mr. Farland stated the layout plan to be presented to the board will show how the vaults are laid out. Mr. Conroy asked if the plots are pre-purchased and can you move them around if there is water. Mr. Farland stated they designed them around the water. Mr. Conroy asked what happens if you do encounter it. Mr. Farland stated they don't anticipate that happening. Ismail Fenni stated they can't bury where there is water. Mr. Conroy asked if they can move them to another spot and Mr. Fenni stated yes. Mr. Forsberg stated he read about the test pits and asked if they were registered. He also asked if they have a mottle line and Mr. Farland stated they do. Mr. Forsberg asked the State requirement for the separation between the high water mark and burial. Mr. Farland stated green burial is 3' and in most cases they have 7-8'. There is also 4' to the bottom. Mr. Conroy stated we will request Sewer and Water to give us their conclusions to help us go forward.

Tom Brown, Precinct 6 stated that with the purchase of Sharon Country Day camp, it was under the protection that no one could build there because of the aquifer. How can any board allow this. He asks the board to do more research on this. Mr. Conroy stated that will come under the special permit.

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Gaby \_\_\_\_\_, 6 Water Street stated they live in the town and don't want to live in fear that we will end up having disease. If raining, they don't bury someone. What about in the winter when there is snow – where will it go? Mr. Conroy asked the applicant what they do with the bodies in the winter when it snows. Do you hold them or do you bury them no matter what. Mr. Fenni stated a liner will prevent a situation from arising. Mr. Conroy stated so the winter doesn't matter. Mr. Fenni stated it should affect them. Mr. Conroy stated there will be no on site storage of bodies as there will be direct burial and Mr. Fenni stated that is correct. Mr. Forsberg questioned frost issues and Mr. Fenni stated the liner will help that. They have not had any issues with that.

Ron Holmes, Precinct 5 asked for clarification of the special permit and questioned the town meeting vote. Mr. Conroy stated that town counsel stated this needs to go before town meeting for approval and that is separate. The special permit process requires additional submissions and a special permit requires a super majority vote of this board. A special permit is more involved.

Gary Lipson, Pine Street stated the ground soils are at the worse for spreading contamination. He thinks there should be a six-sided vault that is water tight. DEP has signed off on this, but he is not sure they were given all the proper information. He doesn't know who would be responsible to present this to DEP. Mr. Conroy stated that after our August 14, 2014 meeting, they gave approval. They said they only care about wellhead protection. Their requirements are separate from us. We are protecting the aquifer and DEP is protecting the wells.

Mr. Cook, Old Post Road and also an abutter stated he has the Water and Sewer report. They really differ in the water level. He also has a letter from Rick Mattson. He discussed the water levels tested by our Water Department. Sewer and Water has been down on site twice. He and Chris Farland go back many years when Chris worked for Dunn & McKenzie. His initials are on some of the plans. The water level was high then and they were going to move the septic to the top of the hill back then. He has given the board an abundance of information. There are wells at the Redwing Restaurant. About 35 years ago he put tanks in the ground and they were in the water. There were big concrete blocks to hold them. The brook on South Street turned brown. He explained the route of the water to the board. He also doesn't believe that Sage Environmental is licensed in Massachusetts.

Atty. Gerry Blair, Sharon, MA stated the Water Department in January 2015 did a test. On April 22, 2015 the Water Department did another test to determine the high water table. He will submit that to the board. The numbers were shallow. There has to be at least 4' of soil between the high water mark and any bodies they will be putting in there. The numbers just don't work out. To bury someone at 4' they could be in the water table or just above it. There is a requirement that the 4' cannot be disturbed. Section 12-b-1-d regarding the disposal of hazardous waste is prohibited in an Area 3. It is the applicant's position that they don't need a special permit, but he disagrees. The applicant has offered nothing showing reasonable protocol

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when burying a deceased body. This was all explained in the Ralph Penney report. Also the World Health Organization makes it clear that when you have fine gravel and sandy soils, the contamination moves quickly to the water supply. We can't allow this. It's a gamble we have no right to take. All concrete liners are porous and will eventually degrade and will leach into the ground water. A concrete liner is not the answer. Hazardous waste includes body parts, blood and tissue material.

Bill Hamilton, South Walpole asked if ground penetrating radar should be used to find the bodies. Mr. Conroy stated he doesn't know as he is not familiar with this at all. He asked Mr. Hamilton to send us any information he may have. Mr. Hamilton stated the Wayland site does have three wells, but they have MWRA water and we don't.

There were no further public comments. The applicant granted the board an extension of time up to and including June 30, 2015. Mr. Conroy moved to accept an extension of time up to and including June 30, 2015. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy continued this hearing to June 18, 2015 at 7:30 p.m.

**Olmsted Estates:** Mr. Conroy stated that town counsel has said the Form F covenant is not ready for endorsement. Mr. Viano asked the board to endorse the plan and hold it until the covenant issues are worked out. Mr. Conroy stated if we do that we will not release the plan until we receive proof of recording of the Form F Covenant. Mr. Viano stated he can't get a bond figure from engineering until the plan is endorsed. Ms. Dennehy doesn't think that is an issue. Mr. Viano stated the town clerk has said there is no appeal. Mr. Conroy stated we will endorse at the end of the meeting.

**9:55 p.m. Twins Realty Trust Special Permit, Case No. 14-18 and Site Plan Approval, Case No. 14-17 continued hearings:** The applicant was represented by Atty. Gerald Blair, Sharon, MA and John Glossa, Glossa Engineering. Mr. Glossa stated they gave the town engineer revised plans to ensure that all her comments and board comments were addressed. He also showed where a vinyl fence will go and where the dumpster will be. He asked that the island be raised and also that the plans be sent to Wayne Feiden. He had spoken to him but Mr. Feiden stated his contract was done and that Ms. Dennehy will take care of this moving forward. He feels all issues have been addressed. The Safety Officer has also blessed these plans. Mr. Conroy read new comments that were received. Mr. Glossa stated the water main is going down to Morningside Drive and will be connecting to an 8" pipe. Mr. Conroy asked where they were in the Zoning Board's process. Mr. Blair stated the hearing was closed and is under advisement. They should be voting on May 13, but it won't affect this hearing. Ms. Dennehy stated all her concerns have been adequately addressed. The 5' vinyl fence and the buffer area are shown on the plan. She questioned the westerly entrance and asked if it is a right turn out and a right turn in from Common Street. Mr. Glossa stated he never said that. He doesn't feel they should limit

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this site to one entrance only. Mr. Nottebart agrees with Mr. Glossa. Mr. Forsberg questioned the sight distance. Mr. Glossa stated they measured it and it is 250'. He thinks there could be some replication. Mr. Glossa stated they would have to come back to the board for a modification if there are changes made. Ms. Dennehy stated the board could condition this so that the area has to be restored by the owner. Mr. Blair stated the easement owner and the property owner could work this out between them. The easement doesn't give them more rights or allow for work in the buffer if it is prohibited. Mr. Forsberg stated if they want to work in the easement do they need to get permission from the property owner. Mr. Blair stated they can do certain things subject to working with the town and the landowner. Mr. Forsberg asked for suggested language. Atty. Blair stated he will put something together. Mr. Glossa stated there is nothing planned for plantings in the area. Ms. Dennehy stated that is what we want restored to its original condition. Mr. Conroy stated this meets the 40' between their end and the building and Ms. Dennehy stated that is correct. Mr. Conroy suggested they show this on the plan and this will be done. Ms. Walker stated the only thing left is she would like to know why the sight distance of 174' is adequate when it doesn't meet the required 226'. Jack Gillon discussed his traffic report. Mr. Conroy asked Ms. Walker if she concurs with Mr. Gillon and she stated yes and the Safety Officer, Luke Parlon is also okay with this. This is not the typical way we would do this.

Ms. Walker and Ms. Dennehy stated they are all set. Mr. Forsberg stated that Ms. Dennehy addressed his concerns. Mr. Murtagh questioned the vinyl 5' fence and agrees with Ms. Dennehy that the buffer should be kept in its natural vegetated state.

Mr. Conroy continued this hearing to May 21, 2015 at 7:15 p.m. and 7:16 p.m. in order to give Mr. Blair an opportunity to submit draft decisions.

**Olmsted Estates:** Mr. Conroy stated the subdivision plans will not be released until the covenant is in place. He moved to endorse a plan dated December 19, 2014. Motion seconded by Mr. Murtagh and voted 4-1-0 (Mr. Nottebart voted against the motion).

Before endorsement, Mr. Conroy realized that some of the pages didn't have a signature block. He asked that Mr. Glossa add that to the plan. It was agreed that the board members would stop by the office to endorse the plan which will be held.

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:50 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 6/18/15