

The May 8, 2014 meeting of the Walpole Zoning Board of Appeals was held in the Main Meeting Room of the Town Hall.

Chairman James Stanton called the meeting to order at 6:32 p.m. with the following members present:

James Stanton, Chairman  
Matt Zuker, Vice Chairman  
Mary Jane Coffey, Associate Member  
Timothy Foley, Associate Member

Craig Hiltz, Clerk (not present)  
James Decelle, Member (not present)  
Susanne Murphy, Member (not present)

Also present:  
Ilana Quirk, Town Counsel

Mr. Stanton declared the board will be going into Executive Session to discuss litigation strategy regarding litigation known as 5th Fairway Development, LLC v. Walpole Zoning Board of Appeals, Housing Appeals Committee No. 2009-09, involving a proposed 40B Comprehensive Permit for land on Baker Street and to discuss litigation strategy regarding litigation known as Barberry Homes LLC v. Walpole Zoning Board of Appeals, Housing Appeals Committee No. 2014-01; and Town of Walpole, et al. v Barberry Homes, LLC, Land Court 2014 MISC 481399-AHS and Robertson v. Barberry Homes, LLC, Norfolk Superior Court NOCV2014-000129 involving a proposed 40B Comprehensive Permit for land on Moose Hill Road. A discussion of the foregoing in open session could compromise the purpose for the executive session. He further stated the board will return to open session at the conclusion of the executive session.

A motion was made by Mr. Stanton, seconded by Mr. Zuker, to go into executive session, under G.L. c.30A, §21 (a)(3), regarding the litigation identified and for the purposes and reasons declared by the Board's chairman, with the Board to return to open session at the conclusion of the executive session.

The vote was **4-0-0 in favor. (Mr. Stanton-Yes; Mr. Zuker-Yes; Ms. Coffey-Yes; Mr. Foley-Yes)**

The Board returned to open session.

**7:00 p.m. – Barberry Homes LLC- Case #21-13 (cont'd from 04/29/14) (Stanton, Zuker, DeCelle, Hiltz, Coffey, Foley)**

Mr. Stanton read the public hearing notice for **BARBERRY HOMES LLC, Case #21-13**, with respect to property located at 272 Moosehill Road, East Walpole and shown on the Assessors Map 36 and Lot Nos. 66, 66-1, 62, Residence A Zone.

The application is for:

A Comprehensive Permit under MGL Ch. 40B to allow construction of 174 unit apartment project containing 25% affordable units on a parcel of land containing 14.33 acres.

Mr. Stanton stated that the Town of Walpole had hired Mr. Philip Viveiros from McMahon Associates Inc. to conduct a peer review regarding the traffic study and that he was here tonight to discuss his findings with the residents.

Mr. Philip Viveiros with McMahon Associates, Inc. stated that they reviewed the traffic study that was done last year. He noted that the residents had some concerns regarding when the traffic study was conducted. Mr. Viveiros stated that they felt the timing was appropriate as it was conducted in the middle of the week. The concerns that McMahon Engineers noted were with respect to the speed of traffic in that area and they would like some clarification regarding Johnson Street. They also acknowledged that the Town has concerns regarding the Siemen's Plant. Mr. Viveiros has asked the applicant to update their plans with the appropriate signs that were recommended previously. Mr. Viveiros said that he would be happy to answer any questions.

Mr. Stanton questioned if they did a new traffic study or just reviewed that traffic study that the Applicant provided.

Mr. Viveiros explained that they studied the information that the applicant gave to see if it was applicable. If the Board has specific concerns they could acknowledge that. Site distance is the largest concern.

Ms. Angela Moore of 237 Moosehill Road mentioned that the neighbors noticed a camera on Friday morning. The traffic strips were laid down after that. The traffic study stated that it was the middle of the week. We know it was not done on a Tuesday.

Mr. Viveiros noted that the traffic study had a thick appendix. All of the information provided was dated May 22, 2013 and that is where they are getting their information from.

Mr. Stanton wanted to know if anything in the report was dated May 24, 2013.

Mr. Viveiros stated that the dates were May 22, 2013 and May 23, 2013. The company the applicant used is the same one they use. They are a reputable company and we never have issues with their counts.

Many of the residents had concerns with the amount of traffic already in that area. Also, there were many concerns noted regarding the speed of cars on Route 1 and trying to get out of

Moosehill Road onto Route 1. Many residents feel there will be more accidents due to the fact that people might get more adventurous trying to get out onto Route 1. They also thought the Walpole Police Department would be a good source of information regarding that area.

Mr. Viveiros mentioned that he was unsure if they would have counted the speed going onto Moosehill Road.

Mr. Foley noted that he feels the number provided for the extra traffic was quite low for a 174 unit complex.

Mr. Viveiros stated that there is a mathematical equation that goes into the numbers. It is not perfect or 100% accurate but they feel it is an OK way to test that.

Ms. Coffey asked Mr. Viveiros, if in his opinion, there would be a significant difference in a traffic count done on a Friday as opposed to a Wednesday.

Mr. Viveiros said that he would not recommend a traffic count to be done on a Friday. In most cases they would look at a Tuesday-Thursday period. They should never do a count on a holiday or school vacation.

Ms. Coffey mentioned that she has trouble with the report saying it happened on a Wednesday but the residents are saying they did not see a camera until Friday.

Mr. Zuker explained that it is a very reputable traffic company.

Mr. Viveiros echoed that statement explaining that he would be very surprised if they were not being truthful in their report.

Ms. Moore mentioned that she has an email from the neighborhood group stating when they saw the strips on Friday.

Mr. Viveiros explained that they have different types of equipment. All of the turning counts were done on Wednesday.

Selectman Cliff Snuffer mentioned that there is something called resident credibility. The residents experience this traffic on a daily basis. The Board might want to ask McMahon to expand on this.

Mr. Stanton asked Mr. Viveiros if the study mentioned the Walpole Police Department and their thoughts on the area. If not, would it make sense to talk with the Walpole Police Department?

Mr. Viveiros stated that there was no mention of the Walpole Police Department. He noted that contacting the police would provide more insight on the area but that he does not know if it would change the data.

Mr. Dante Ferrara of 275 Moosehill Road mentioned that there have been a lot of comments regarding the sight lines when discussing traffic on Moosehill trying to get onto Route 1. You need to be the first car to see what is coming. When the light turns green you get a flood of traffic and then it gets staggered. What does the sight line look like to the 2<sup>nd</sup> or 3<sup>rd</sup> car? I am strictly talking volume. If you add a 174 unit complex then there is going to be problems. Two weeks ago at 4:30, I left my house to go to the Good Food Store. It took me 4 sets of lights to get through. At 5:30, traffic was still backed up.

Mr. Zuker wanted to know if more cars are added, will this then become a safety concern.

Mr. Viveiros mentioned that it might result in cars not willing to wait for a gap. However that is not something they can measure.

Ms. Coffey stated Route 1 and Coney Street is also a problem.

Mr. Viveiros stated that Route 1 and Coney Street were not included in the traffic study and that they recommended that it should be in the study.

Mr. Foley stated that there is something to be said regarding neighborhood credibility. The volume of the traffic goes into safety.

Mr. Cabral wanted to know if any members of the board have driven through the neighborhood.

Mr. Stanton noted that he has driven through and understands the residents' frustrations. He asked Mr. Viveiros if there was any other data he could suggest or anything else he could do.

Mr. Viveiros mentioned that McMahon could go do the study themselves. It is not something they would do on a peer review. If the town would like them to do so, then they could make it happen.

Mr. Stanton stated that it made sense for the Board to ask McMahon Associates to do a new study. He asked if the other board members supported that.

Both Ms. Coffey and Mr. Foley agreed.

Ms. Coffey wanted to know if the study could go into more depth.

Mr. Viveiros said that they could make observations in what they have talked about so far. He also asked if the town would like to see anything specific studied.

Mr. Zuker asked to check the data on the traffic, review the numbers they have collected and see if there is a possibility to challenge the data.

Ms. Susan Saraca 258 of Moose hill Road wanted the Board to know that they have a lot of 18 wheelers coming through the neighborhood because the trucks missed their turns.

Town Counsel Quirk mentioned that possibly a sign could be put up.

Mr. Viveiros noted that a truck can use any road unless prohibited. A truck exclusion would have to be approved. He mentioned that he could look into a type of sign that would work.

Ms. Laura Vaites of 12 Johnson Road stated that in the warmer months, the road is one thing. In the winter time with snow, you are not able to get out of Johnson Drive unless you have a car with four-wheel drive. There is no access to public transit. If you own a small car then you are going to get stuck. How is the town going to reconcile that?

Mr. Cabral echoed that statement and added that the cars would have to exit on Route 1 into the breakdown lane, which is very tricky in the winter months.

Mr. Stanton said that the Board can meet on May 21, 2014. He wanted to know if Mr. Viveiros could do anything for the town before then.

Mr. Viveiros stated that McMahon could conduct a traffic study.

Town Counsel Quirk wanted to know the days and times they would be able to conduct the study.

Mr. Viveiros said that they could do the counts as mentioned in the study on the following Tuesday, Wednesday and Thursday.

A resident of 14 Orchard Drive said that she is nervous how people drive on these roads as of right now. There is so much traffic within these neighborhoods already. The thought of 174 units is awful. The situation will be bad.

Mr. Stanton assured her that the Board takes all of the residents' concerns seriously. This is why they have these meetings. I proposed that the Board adjourns for now and to continue the meeting on May 21, 2014.

Town Counsel Quirk asked if McMahon Associates could look at sight distance and what the mitigation would be on Route 1. She then entered a memo from Ms. Judi Barrett to the record.

A motion was made by Mr. Stanton, seconded by Mr. Zuker, to continue the hearing to Wednesday May 21, 2014 at 7p.m. in the Main Meeting Room at the Town Hall.

The vote was **4-0-0 in favor**. (Stanton, Zuker, Coffey, Foley voting)

Mr. Stanton thanked the public for coming out.

A motion was made by Mr. Stanton, seconded by Mr. Zuker, to adjourn the meeting at 7:28 p.m.

The vote was **4-0-0 in favor**. (Stanton, Zuker, Coffey, Foley voting)

Craig W. Hiltz

Clerk

kb

Minutes were approved on October 29, 2014.