

## WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 3, 2015

A regular meeting of the Walpole Planning Board was held on Thursday, September 3, 2015 at 7:00 p.m. in the main meeting room at town hall. The following members were present: Richard Nottebart, Vice Chairman; John Murtagh, Clerk, Elizabeth Gaffey, Richard Mazzocca (7:30 p.m.); Margaret Walker, Town Engineer, Elizabeth Dennehy, Community Development.

Mr. Nottebart opened the meeting at 7:10 p.m.

**Scenic Road Hazardous Tree Removal:** Mr. Nottebart read a memo dated September 1, 2015 from Robert LeBlanc, Tree Warden, regarding the removal of two trees at 140 Lincoln Road. Mr. Nottebart moved to accept Mr. LeBlanc's recommendation to remove two trees immediately as there is definite structural weakness. Motion seconded by Mr. Murtagh and voted 3-0-0 (Gaffey, Nottebart, Murtagh).

**Meadowbrook Traffic Peer Review:** The applicant has asked for three other prices as they felt the first one that was received from McMahan is too high.

**ANR – Mooney, 23 Oak Hill Drive:** Mr. Nottebart moved to place this on the board's September 17<sup>th</sup> agenda as Ms. Walker had some questions regarding the plan. Motion seconded by Mr. Murtagh and voted 3-0-0.

**Olmsted Form F Covenant:** Mr. Nottebart placed this on the board's September 17 agenda as we are still awaiting input from town counsel, Ilana Quirk.

**Winter Estates:** Mr. Nottebart placed this on the board's September 17 agenda as Ms. Walker had some questions on the mylar.

**Goodman vs. Planning Board:** Mr. Nottebart moved that we ask Ms. Dennehy to communicate with town counsel and also to advise Mr. Conroy that the board would like to be kept informed and apprised of the ongoing litigation. Seconded by Ms. Gaffey and voted 3-0-0.

**Zoning Articles:** Ms. Dennehy stated there are thirteen articles that the board voted to sponsor and two private petitions for a total of fifteen articles. She stated that town meeting will be held on October 19, 2015 and therefore the public hearing needs to be scheduled for October 1<sup>st</sup>. Ms. Gaffey stated that at the board's July 16<sup>th</sup> meeting she submitted two articles. The first was to amend Section 5.B.1.k to strike cemeteries from Zoning Districts B, CBD, HB, LM, and IND. However, this was removed as cemeteries was taken out of the Use Table completely. The second proposed article would amend Section 12.3.B(1) by adding the line "(0) cemeteries for humans and animals". She asked that the Planning Board write a letter to the Selectmen asking them to reopen the Warrant. Mr. Nottebart moved that the Planning Board sponsor an article asking the town to vote to amend Section 12.3.B.1 of the Zoning Bylaws by adding a line "O" under prohibited uses. Motion seconded by Mr. Murtagh and voted 3-0-0. Mr. Nottebart moved that the board's secretary send a request to the Selectmen requesting them to reopen the warrant

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 3, 2015 (2)

for the above change. Motion seconded by Ms. Gaffey and voted 3-0-0. Mr. Nottebart moved to set up the public hearing for the zoning articles on October 1, 2015 at 7:31 p.m. Motion seconded by Mr. Murtagh and voted 3-0-0.

Mr. Mazzocca arrived at 7:30 p.m.

**7:30 p.m. 54 Peach Street Definitive Two Lot Subdivision:** Mr. Nottebart informed the applicant there are only four members present. Atty. Brady stated they will go forward. Mr. Nottebart read the public hearing notice. Mr. Murtagh stated all the green cards were returned. The applicant was represented by Atty. Jim Brady, Main Street, Walpole and Don Seberg was present instead of John Glossa.

Atty. Brady stated this is a two lot subdivision as they can't have a one lot subdivision. Both lots are buildable and they are also asking for many waivers. They did meet with some of the neighbors a few weeks ago to address some of their concerns. The Adams' intend to live in the back house once it is constructed. The front house was built about 120 years ago and they know they have to go before the Historical Commission even though it is a knock down and is not a famous house.

Don Seberg, Glossa Engineering stated they are seeking a 12' wide driveway instead of a regular width road. They will not be impacting any wetlands as they are outside the 100' buffer. It is zoned RB with 20,000 s.f. area required and 125' of frontage. They meet all that. Presently it is one 67,500 s.f. lot. Both lots will meet zoning. They will bring sewer off Peach Street and also the water line and hydrants as requested by the Fire Department. There will be an 8" sewer service coming in.

Ms. Dennehy discussed the waivers. Ms. Walker doesn't think a full traffic study is necessary but the sight distance needs to be measured and filed. Mr. Nottebart read comments that were received. Ms. Walker stated she will meet with John Glossa to go over her comments. She asked what will happen with Parcel A. Atty. Brady stated his client wants to retain Parcel A ownership for also fee in the street. Mr. Nottebart stated that Fire, Police and E911 have approved the name "Morrissey Lane".

Mr. Mazzocca asked if Atty. Brady has researched a two lot subdivision as was discussed at the preliminary hearing. Atty. Brady stated that according to M.G.L. there is no such thing as a one lot subdivision. At the preliminary hearing a discussed was held on whether the board can approve a one lot subdivision, but he has since found out the answer is no as there has to be two or more lots. Mr. Mazzocca asked if it is a problem that one is an existing lot and Atty. Brady stated no.

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 3, 2015 (3)

Ms. Gaffey stated the plans are not stamped, which might be a housekeeping thing. There is a lengthy list of waivers, one of which is street lights which she doesn't agree with. Peach Street is a scenic road and is not a high traffic area, but it is a cut through. She also thinks there should be some kind of curbing and no waiver for the sidewalks or grass area. She asked if it will be a private way or town accepted. Atty. Brady stated it will be a private way. They will have a mutual maintenance agreement and private way agreement. Ms. Gaffey stated Atty. Brady did his homework with the historical commission. Atty. Brady stated this house is 198 years old. Regarding lighting, he is not sure the other people on Peach Street want a big light there. There will be adequate lighting but it will be more tasteful than a street light. He also disagrees with Ms. Gaffey's statement on the sidewalk, but agrees with a grass strip on each side. Ms. Gaffey stated this would be a passageway to two homes. Atty. Brady stated the frontage for the first house is on Peach Street and the address will be Peach Street. Mr. Murtagh asked if this subdivision conforms to the Rules and Regulations with regard to the roundings and Mr. Brady stated they are asking for a 30' waiver in the front. Mr. Murtagh stated he likes this project. Mr. Brady stated he will give the board a copy of the brief on the history of the house. Mr. Nottebart stated he likes this project but feels there are too many waivers. This is a great piece of real estate and he hopes they will reach out to the neighbors. Mr. Mazzocca stated that in light of the July 31<sup>st</sup> fire department letter has the Deputy Chief's concerns been addressed. Mr. Seberg stated not but they can address them. Mr. Nottebart asked if the wetlands are in jeopardy and Mr. Seberg stated no. Atty. Brady stated their intent was to minimize this by adding only one house. Their goal is to reduce the impact but feels Ms. Dennehy's comments are geared to a larger subdivision. He respects the Fire Department's opinion, but doesn't want to look like a road, but would like it to look like a driveway, which is one of the reasons why he doesn't want roundings. Mr. Seberg stated when you add a curb, you channelize the flow. Mr. Nottebart stated the board will consider all of this information. Mr. Murtagh stated they need to be on board with the fire department and Atty. Brady agreed. Mr. Nottebart asked if he was aware of these comments and Atty. Brady stated no, but he will get copies. Mr. Mazzocca stated there are requirements and you are asking the board to waive half of our subdivision standards. Is this one lot with two houses or two lots? Mr. Nottebart asked Atty. Brady to verify this.

Mr. Nottebart asked for public comments.

Kevin Uniacke, 110 Peach Street stated he personally has no problem with this project and he realizes the board is wrestling with the town's standards. He agrees with the street light issue and the fact that the abutters don't want street lights as the street lights already on Peach Street are on poles and he agrees that Ms. Dennehy's grass strip comments are very good. He suggested the board look at Juniper Way as there is no curb there. He also agrees with Ms. Walker's comments. The street is very narrow. The board should take precautions that they get what they want as the front house will be done on spec. He asked what will be done with the

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 3, 2015 (4)

street for the first few feet; will there be clear cutting; there should be some design consideration. He would like more information. He wants to keep the fabric of the street the way it is.

Robert O'Leary, 776 Washington Street stated he has no problem with this except procedurally. He would like the board to explain any decision that is made in writing. He doesn't want someone to say they did it so I want to do it. He wants to understand the process and see it written down on paper. Mr. Nottebart stated we won't make any written rulings until we deliberate. This project needs a lot of waivers. Mr. O'Leary stated he is still confused with Parcel A and how it fits unto the subdivision control law. Mr. Nottebart asked in what sense and Mr. O'Leary responded size. Atty. Brady stated that Parcel A would prohibit the abutters from joining in on the proposed street and would eliminate expansion. Mr. and Mrs. Adams would continue to own Parcel A. Mr. Seberg stated Parcel A is a 1' wide strip that goes across the road. It doesn't touch any property line. It goes across the back and down the side. It is a buffer between the neighbors and the proposed subdivision. Mr. O'Leary stated he will have a similar situation and he would like to know that.

Rich Gately, 23Peach Street stated that Mr. Adams has not been on Peach Street for over ten years. What is the purpose of Lot A and are there ramifications if the Adams' sell this. Will there be a problem? It was said the residents don't want a light, but at that intersection it borders the pond at Royal Crest. He thinks a light would help and not be bad. Atty. Brady stated Mr. Adams' son Andy will build these houses and he will live there. The Adams had every intention of moving to Walpole but things do change. Mr. Adams stated they are definitely moving here from Newton. Their social life revolves around Walpole Country Club. Mrs. Adams stated she still works in Boston, but will probably retire when they move to Walpole. Atty. Brady stated that the front of where that house is now will remain as it is. Their intent is to keep this all the way it is. He asked for the minutes of this meeting so he can do what Ms. Walker is looking for. Mr. Nottebart urged them to try and work without waivers.

Atty. Brady questioned Ms. Dennehy's comments on curbs and gutters. She stated it depends on what they propose for drainage. The 20' defers to the Fire Department on the width of the road. Atty. Brady stated the Fire Department originally said 16'-18' so they will go back and talk to them.

There were no further comments. Mr. Nottebart moved to accept an extension of time up to and including November 30, 2015 as per Atty. Brady. Motion seconded by Mr. Mazzocca and voted 4-0-0. Mr. Nottbart moved to continue this hearing to November 5, 2015 at 7:30 p.m. Motion seconded by Mr. Murtagh and voted 4-0-0.

**8:45 p.m. KAM Construction, Eastover Road, Case No. 15-9:** Mr. Nottebart read the public hearing notice and informed the applicant there were only four members present. The applicant's attorney, Paul Schneiders stated they will go forward with a four person board. Atty.

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 3, 2015 (5)

Schneiders stated that also present was Paul Brodmerkle, Site Design Professionals, Jack Gillon, Traffic Consultant, and Mr. Marini. He stated they have a 12-unit condo project before this board. It is a 4.9 acre parcel. To the rear is Royal Crest and condos to the east and west and there are single family homes on Eastover Road where they will exit and enter the project. The surrounding units are more dense than what they are proposing. Mr. Gillon stated he counted the cars on East Street and there are 16,340 cars/day. Mr. Nottebart asked Ms. Walker and Ms. Dennehy if they reviewed the traffic study. Ms. Dennehy stated she would defer to Ms. Walker if she feels they need a peer review. Ms. Walker her issue is sight distance. Mr. Nottebart stated we will have Ms. Walker review this. The abutters can come into the office to read any information. John Marini stated he had a meeting months ago with all the neighbors at Conrad's Restaurant and it was a good meeting. Mr. Brodmerkle stated they also met with the Conservation Commission and have an Order of Conditions on this site. Mr. Nottebart asked where they were with the Zoning Board and Atty. Schneiders stated they filed under GR. They will split up the six unit building into three's, therefore it is a different section. Their plan has to be revised. Ms. Dennehy stated they will need to submit a revised plan with us.

Mr. Nottebart read board comments. Ms. Dennehy stated they will not have a special permit in hand until they get through the Zoning Board. If the site plan changes, they will have to come back before us for a modification. She also stated the Order of Conditions should be included in our decision. She also noted that the landscape plan was not stamped. Mr. Brodmerkle stated the plan he has is stamped. Ms. Walker stated there should be sewer from this project to East Street and they will have to provide laterals along the way for four to five homes. Mr. Nottebart thinks they should file with the Sewer and Water Commission.

Mr. Mazzocca asked how long will the roadway be from the end of the current road to the parking lot. Mr. Brodmerkle stated 200' and it needs to be widened. He questioned if the guardrail is metal and Mr. Brodmerkle stated no it is wooden. Mr. Mazzocca questioned a retaining wall and how high is it. Mr. Brodmerkle stated it will be 4' high. Mr. Nottebart stated they need to check with the Building Department as we are not sure if you need to have a ruling on a 5-6' wall. He also questioned the wetland crossing. He asked Mr. Brodmerkle to send us a PDF of the plan and Mr. Brodmerkle agreed. Mr. Mazzocca asked how many truckloads will be going down the street and Mr. Brodmerkle stated he will come up with a number. Mr. Mazzocca asked if the ConCom has a requirement for what is used for fill and Mr. Brodmerkle stated that would not be ConCom but the Building Department. Ms. Dennehy asked if this is a subdivision plan for a condo development and Mr. Brodmerkle stated it is single family attached town houses. Ms. Dennehy questioned the curbing and asked if it is something that will stop a car if it rolls. She also asked if the wall is 4' up. Mr. Brodmerkle stated there is a retaining wall and it will prevent you from going onto the grass. Ms. Dennehy would like the same plans given to the Zoning Board. Mr. Brodmerkle agreed. Mr. Murtagh asked when they expect the Zoning Board decision and Atty. Schneiders stated about six weeks. Mr. Murtagh wants to hold off until

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 3, 2015 (6)

then. Atty. Schneiders agrees that makes sense. Mr. Murtagh stated this has to be advertised again and Atty. Schneiders stated that is correct. Mr. Murtagh asked what type of curbing will be put in, asphalt or granite. Mr. Brodmerkle stated bituminous curb.

Ann Bielenin, 15 Eastover Road questioned the road being raised. She asked what will happen to the drainage to her property and will there be a hill. Mr. Brodmerkle stated it won't move enough to affect her. The low point will remain where it is. There will be no changing of the grade in front of her house at all. Ms. Bielenin stated there is no incline going into the road where Eastover ends now and Mr. Brodmerkle stated no. Ms. Bielenin stated she doesn't want run off on to her property. She questioned how will she get home during construction. Mr. Brodmerkle stated they will have to provide her access to her property. Ms. Bielenin stated Eastover Road is 24' before the hill and then it gets narrow. She would like it measured. Her concern is her backing out on to one lane and she has no sight at all of someone going to the condos. Eastover becomes one lane in the center and she is not sure anything can be done. Mr. Nottebart asked Ms. Walker to look into that. Ms. Bielenin also wants to make sure there are hydrants on that road and she will talk to the fire department herself. Mr. Brodmerkle stated they are proposing a new one in addition to what is there.

Phil Sullivan, 1 Eastover Road thinks it is great that Marini is building this before someone builds a 40B. He would like the mouth of the road opened up specifically going to the left. The other thing is the lateral sewer. Originally there were five houses there. His house has sewer that goes to East Street and so does the house across the street. The other houses have an easement. If something happens to #3, who will pay if it needs to be dug out. He would like a lateral to all the houses even though he has sewer. Mr. Nottebart stated when they go to Sewer and Water that would be an appropriate question. Mr. Sullivan asked Sewer and Water or Ms. Walker and Mr. Nottebart stated both.

John Hayes, 3 Eastover Road stated he would like them to visit Eastover Road. He doesn't think the road could handle another 15-17 cars. The road is very narrow and very dangerous.

Joyce Collins, 780 East Street stated she would like to know what the alteration of the buffer zone will have on her property. Mr. Brodmerkle stated there is a requirement for a 50' buffer between residential and the condos, but there will be about 400' of woods between them and her. Also, water will not go onto her property. Ms. Bielenin asked what kind of structure will be in her back yard and Mr. Brodmerkle stated she won't be able to see anything.

There were no further comments or questions at this time.

Mr. Nottebart moved to accept an extension of time up to and including November 30, 2015 as granted by Atty. Paul Schneiders on behalf of the applicant. Motion seconded by Mr. Mazzocca and voted 4-0-0.

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 3, 2015 (7)

Mr. Nottebart moved to continue this hearing to November 5, 2015 at 7:35 p.m. Motion seconded by Ms. Gaffey and voted 4-0-0.

It was moved, seconded and voted to adjourn. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 10/1/15