

WALPOLE PLANNING BOARD MINUTES OF JUNE 4, 2009

A regular meeting of the Town of Walpole Planning Board was held on Thursday, June 4, 2009 at 7:00 P.M. in the Main Meeting Room, Town Hall. The following members were present: John Conroy, Chairman; Edward Forsberg, Clerk; John Murtagh, Elizabeth Nashawaty, Donald Johnson, Town Planner; Margaret Walker, Town Engineer.

Minutes: Mr. Conroy moved to accept the minutes of May 7, 2009 and May 21, 2009 with clerical corrections. Motion seconded by Mr. Forsberg and voted 4-0-0.

Appointments:

7:30 P.M. Glaropoulos, 643-703 Main Street, Case No. 09-2 Continued

Hearing: The applicant was represented by Richard Merrikin, Merrikin Engineering, Millis, MA. He requested that this hearing be continued to January 7, 2010. He also gave the board an extension of time up to and including January 31, 2010.

Ms. Nashawaty moved to accept an extension up to and including January 31, 2010 as requested. Motion seconded by Mr. Murtagh and voted 4-0-0.

Mr. Conroy continued this hearing to January 7, 2010 and stated that the application will need to be readvertised and abutters will need to be re-noticed.

7:35 P.M. MetroPCS, 41 Wagon Road, Case No. 09-7: The applicant was represented by Michael Johnsen. Mr. Conroy reminded him that the board is still waiting to endorse the plan for Case No. 08-2.

Mr. Conroy read the public hearing notice. Mr. Johnsen stated that Verizon and AT&T are already at this location. MetroPCS is proposing to do a small bump out and but in a 10'x16' pad. The antenna will be at the 90' level. They are not extending the height of the tank at all and they will paint it to match the exterior color of the tank. It will be serviced once a month, there will be no sewer or water, no noise and it will be an unmanned facility. This is an ideal location. The first carrier went on this site ten years ago.

Suzanne Shroba, 47 Wagon Road: she lives on the same side of the street as the existing water tower and would like to know about the effects on the houses in the neighborhood. Mr. Johnsen stated that as part of the special permit application, they submitted a health and safety report regarding the radio frequency emissions and the cumulative effect which is less than 1% of the maximum exposure levels as allowed by the FCC for all three combined. They are in total compliance and the sites have very low power. He submitted a copy of the report to the board.

Ms. Shroba would like the total EARP. Mr. Johnsen stated he doesn't know. Mr. Murtagh asked how close is the nearest neighbor to the water tank and Mr. Johnsen stated it is 271' to Lot 50 and the lot to the rear is owned by the town.

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Mr. Murtagh asked if there are any concerns or comments from the people and Mr. Johnsen stated they were all addressed at the ZBA meeting. They are in full compliance with all State and federal regulations. Mr. Murtagh asked about the fire department. Mr. Johnsen stated they have a letter from the Deputy Chief that states there was a mistake on one of the plans. Everything will be grounded and there will be no steel frame. They will run this by the fire department before seeking a building permit. Ms. Nashawaty asked if this involves a lease with the town. Mr. Johnsen stated yes, but it is not signed yet. They submitted a detailed site plan regarding the location of the equipment to Rick Mattson.

Mr. Forsberg asked if there will be parking inside the fenced area. Mr. Johnsen stated there is lots of room for parking on the side of the tower.

Ms. Shroba asked if they are going to add on behind the tower and Mr. Johnsen stated yes toward to woods. There will be a 10'x16' concrete pad. Ms. Shroba's concern is how many more companies will be adding on. Mr. Johnsen stated that existing is At&T and Verizon. They didn't have to remove any trees to do a bump out. A 4th carrier would have to go back to the town for approval. Ms. Shroba stated that expansion could change the health issues.

Mr. Forsberg asked if Lot 19 is owned by the town. Mr. Johnsen stated he thinks it is but is not certain. Mr. Forsberg stated that the proposed pad will be approximately 18' off that lot line. Further, the proposed pad is significantly smaller than what is there. It is not that big. Also, both Verizon and AT&T have generators and you don't have one listed. He asked what they will do for back up. Mr. Johnsen stated those generators are probably a diesel generator. Mr. Forsberg stated that natural gas could be piped underground. His concern is if the neighbors hear the generators running. Ms. Shroba stated she can and she is one house away. Mr. Johnsen stated they can go six hours without power, so they could just wait for the power to come back on.

Mr. Conroy read comments from the boards and committees. He also stated that we have copy of the ZBA decision.

There were no further comments or questions.

Ms. Nashawaty moved to grant site plan approval to MetroPCS, Case No. 09-7 as per a plan dated January 14, 2009 subject to nine (9) standard conditions and eight (8) special conditions. Motion seconded by Mr. Murtagh and voted 4-0-0.

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8:05 P.M. Michael Shea, 390 West Street, Case No. 09-3 Site Plan Approval and

8:06 P.M. Michael Shea, 390 West Street, Case No. 09-4 Special Permit: The applicant was represented by Richard Merrikin, Merrikin Engineering, Millis, MA. He stated that the applicant would like to continue tonight's hearings in order to have a full board at the next meeting. He also granted the board an extension of time up to and including July 31, 2009.

Mr. Conroy moved to accept an extension of time for both hearings up to and including July 31, 2009. Motion seconded by Ms. Nashawaty and voted 4-0-0.

Ms. Nashawaty moved to continue Case No. 09-3 to July 9, 2009 at 8:00 P.M. and Case No. 09-4 to July 9, 2009 at 8:01 P.M. Motion seconded by Mr. Murtagh and voted 4-0-0.

Other Business:

ANR: Nstar, 1477 Main Street: The applicant was represented by Daniel MacIsaac. He stated that the reason for this ANR is that the abutters have encroached on Nstar property; therefore, they are selling the lots to them. Mr. Conroy asked if the lots have been transferred yet and Mr. MacIsaac stated no, but they have an agreement to convey. They are doing this for liability reasons. Mr. Conroy asked if it is an issue to have it carved up now. He stated the plans show how the lots are being combined, therefore each person would have to be part of the Form A process. Mr. Johnson stated he doesn't think so. Mr. Conroy stated that right now the plan should just be carving up the parcels and then they should then come back to do the lots individually. Ms. Nashawaty stated they could come back and combine the lots if they want to.

Mr. MacIsaac stated that Nstar has an agreement with each of the abutters. Mr. Conroy asked if he is going to record this ANR plan and Mr. MacIsaac stated not necessarily. There still has to be an actual deed filed to transfer the property to those people as shown on the plan. Mr. Forsberg stated they won't buy the lots until Nstar splits them out. They can just keep it as a separate parcel and not combine them. Mr. MacIsaac agreed. Mr. Conroy questioned the word "combined" on the plan. Mr. Forsberg stated they should be referenced as parcels, not lots.

Ms. Nashawaty moved to endorse an ANR plan entitled "Subdivision Plan of Land, Nstar Substation #447, 1477 Main Street" as drawn by Feldman Professional Land Surveyors, 112 Shawmut Avenue, Boston, MA consisting of 4 sheets dated October 12, 2006. The owner's title to the land is derived under the following deeds recorded in the Norfolk County Registry of Deeds Book 4284, Page 320; Book 4244, Page 715; Book 4070, Page 708; Book 4236, Page 656; Book 4280, Page 320 and composed of assessors' parcels 40-94, 110-115, 120-125, zoning districts RB and LM finding Form A in order and subdivision control not required. Motion seconded by Mr. Murtagh and voted 4-0-0.

Mr. MacIsaac took the endorsed mylars and will return paper copies to the office.

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Time Cards: Ms. Nashawaty moved to approve the planner and secretary's time cards as submitted. Motion seconded by Mr. Forsberg and voted 4-0-0.

Draft Decisions: Mr. Conroy stated that he doesn't want draft decisions to be sent out to the board ahead of time or before a hearing is opened. He asked that Mr. Johnson submit a checklist to the board instead.

Subdivision Status Update: Mr. Johnson stated he spoke with Jack Walsh regarding High Oaks IV and also went up there and took pictures. Mr. Johnson stated he updated the list of when Form F Covenants expire. Mr. Conroy asked about a bonding list and Mr. Johnson stated he is working on that. He stated he has not heard anything about Hollowdale Farm. Mr. Conroy stated he wants input on any outstanding subdivision such as what are their plans, time frames, etc. He asked that we request them to come to a meeting to update the board and Mr. Johnson agreed. Mr. Forsberg agreed that we need to have a progress report on the outstanding subdivisions. Mr. Conroy asked the planner to email the board copies of the letters being sent out so the board can review them before the next meeting.

High Oaks IV: Mr. Johnson stated in his Planner's report that he had met with Ms. Walker, Mr. Anderson and Jack Walsh on June 3rd regarding Mr. Walsh's request to accept the built portion of Millbrook Avenue. At that time, they reviewed three options: 1) build all of Millbrook through to the other built portion of Millbrook; 2) build Millbrook through to binder only and keep the bond; 3) construct a temporary turnaround at the present end of Millbrook near the pump station on a temporary easement and discuss phasing. Mr. Conroy questioned if option #3 is legal. Mr. Johnson stated we can waive the 750'. Ms. Walker stated this would then be considered a through street that is not yet finished. Ms. Nashawaty stated that she would not go for a 2400' dead end. Mr. Conroy stated we should send a letter to Mr. Walsh stating that if he picks Option 3, we will need drawings of what he would be proposing. Ms. Walker feels we should tell him what we want. Ms. Nashawaty asked Mr. Johnson to tell him that she wants a through road, not a 2400' dead end. Mr. Forsberg stated that Mr. Walsh probably doesn't want people cutting through there. Mr. Walsh stated he doesn't want to spend the money and it will be a thoroughfare anyway. Ms. Walker stated she would like Option #1.

Ms. Nashawaty stated we would need to increase the bond. Ms. Walker stated she will need to project costs, etc. Mr. Conroy stated he is not sure if we can accept just a portion of the street. He asked if 2400' constitutes a dead end and if there is an outstanding order of conditions. He also asked how all of this would relate to drainage. Ms. Walker stated she hasn't looked at that yet.

Mr. Johnson stated there is a lot of gravel out there. Ms. Walker stated we need to look at all the legal issues out there. Mr. Conroy stated that Ms. Walker is the controlling factor. Ms. Nashawaty stated that if we give him a turn around he will stop there.

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We can give him an extension to finish what he needs to, but it will cost him. Ms. Walker will need to increase the bond and also we have to give him a time frame. This should be done before the road is accepted. Mr. Conroy stated he also needs to tell us what he is planning to doing next. We don't want him to do 1,000 feet at a time. Ms. Nashawaty stated we should tell him no cul-de-sac built until the road is complete and the bond will be increased if phased. He needs to complete what is approved.

MPIC: Mr. Johnson stated there is a meeting scheduled for June 9, 2009. The Board had no comments on the draft Task Table for the Master Plan 5-year update.

Horsley Witten: Mr. Forsberg and Ms. Mackenzie requested to be put on the selectmen's agenda for the meeting scheduled for June 9th to discuss a previous vote taken by the Selectmen.

Private Roads: Mr. Johnson will add what was submitted by Ilana Quirk to our standard conditions of approval for subdivisions that have a private road.

Rules and Regulations: It was agreed to place this on the August 6th agenda.

Special Permits: It was agreed to place this on the August 6th agenda.

Conditions of Approval: The board discussed the procedure for listing the standard conditions of approval in our decision. Ms. Nashawaty suggested that we add a paragraph to the decisions that states: "Of the 23 standard conditions, the following ones shall be applicable to this decision: 1, 7, 9, etc. The remaining ones are not applicable to this decision."

Mr. Forsberg suggested that they remain as listed and those that are not to be included should show "not applicable" beside it.

The board agreed with Mr. Forsberg.

Draft Zoning Articles: This was placed on the board's July 9 agenda.

Peach Grove Farm: Ms. Walker stated she is all set with this and the final bond release can be voted.

Mr. Conroy moved to release the bond in its entirety for Peach Grove Farm as per recommendation of Ms. Walker. Motion seconded by Mr. Forsberg and voted 4-0-0.

Mr. Conroy noted that this subdivision will remain private in perpetuity.

Commerford's Corner: Mr. Conroy asked Mr. Johnson to go through the folder and list the conditions that are still outstanding.

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Brush Hill: It was agreed to place this on our July 9th agenda.

Lakeview Drive Extension: Mr. Conroy asked that we send out the agreement prepared by the board to Mr. Viano, Mr. and Mrs. Mitchell and Ms. Walker.

Mr. Conroy reminded the board that we are scheduled to meet on Monday, June 8th at 7:00 p.m. to discuss replacing Ms. Mackenzie if elected to the Board of Selectmen.

It was moved, seconded and voted to adjourn. The meeting adjourned at 9:30 P.M.

Respectfully submitted,

Edward Forsberg, Clerk

Accepted 7/9/09