

WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 7, 2013

A regular meeting of the Walpole Planning Board was held on Thursday, November 7, 2013 at 7:00 p.m. in the Main Meeting Room, Town Hall. The following were present: Richard Nottebart, Chairman; Edward Forsberg, Vice Chairman; John Murtagh, Clerk; Richard Mazzocca, Margaret Walker, Town Engineer, Ilana Quirk, Town Counsel.

Mr. Nottebart opened the meeting at 7:08 p.m.

Minutes: Mr. Nottebart moved to accept the minutes of October 10, 2013 and October 17, 2013. Motion seconded by Mr. Mazzocca and voted 3-0-0 (Nottebart, Forsberg, Murtagh).

Meetings: Mr. Nottebart moved to meet on January 9, 2014 and January 23, 2014 instead of January 2 and January 16. Motion seconded by Mr. Mazzocca and voted 4-0-0 (Nottebart, Forsberg, Murtagh, Mazzocca).

ANR – SRII Ventures, LLC: The applicant, SRII Ventures, was represented by Michael Viano, 2 Norton Avenue, Walpole. Mr. Viano stated the owner is Buttimer Family Trust, c/o Gelerman, Buschmann & Jeter, P.C., 30 Walpole Street, Norwood, MA. He stated that the plan before the board is exactly what was presented to the board on 3/21/13; however, it was re-surveyed by Glossa Engineering because they are reconfiguring the parcel. Also, the barn is to be razed. Mr. Nottebart asked if this is the entire project and Mr. Viano stated yes. Mr. Mazzocca questioned the access and Mr. Viano stated it is shown presently on the plan as an existing tractor path. Ms. Walker stated the lots all have the required frontage and area and the minimum upland area. She stated that the Board's Rules and Regulations state the scale of the ANR plan shall be 1"=40' and the locus shall be 1" = 200'. If this plan was done to scale, it would need four sheets. The board didn't have a problem with the scale being submitted the way it is. There were no questions from the public.

Mr. Nottebart moved to endorse an ANR plan of land entitled "Subdivision Plan of Land in Walpole, MA", Scale 1"=100' dated October 8, 2013 by Glossa Engineering, 46 East Street, East Walpole, MA finding Form A in order and Subdivision Control not required. Motion seconded by Mr. Murtagh and voted 4-0-0.

Said ANR plan states the purpose of this plan is to create four buildable lots (Lot A through Lot D) and two parcels of land (Parcel A and Parcel B) which are not buildable lots as configured on this plan. The owner's title to the land is derived under deed from Buttimer, dated 2/26/98 and recorded in Norfolk Registry of Deeds, Book 12997, Page 416. Said property is shown as Assessors's Map 12, Lots 42 and 43 and Map 13, Lots 184, 187 and 188. Endorsement of this plan by the Planning Board does not constitute a determination of compliance with the Walpole Zoning Bylaw.

WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 7, 2013 (2)

Keaney Estates: Mr. Nottebart read a letter dated October 23, 2013 from Christopher Keaney, CMK, Inc., 2604 Centre Street, West Roxbury, MA 02132 requesting a two year extension of time for Keaney Estates up to and including January 15, 2016. Mr. Nottebart moved to grant a two year extension to the Form F Covenant up to and including January 15, 2016 as requested. Motion seconded by Mr. Forsberg and voted 4-0-0.

Swan Meadows Bond Reduction: Mr. Nottebart moved to reduce the bond on Swan Meadows Subdivision by \$178,395.00 as per recommendation of Margaret Walker, Town Engineer. Motion seconded by Mr. Mazzocca and voted 4-0-0. Said bond is a Cashier's Check No. 1451800284 in the amount of \$205,000.00 payable to the Town of Walpole and issued by the Bank of America dated September 12, 2013.

Town Planner: Mr. Nottebart stated he will prepare a report and submit it to the board prior to the next meeting scheduled for November 21, 2013.

7:28 p.m. Tall Pines Continued Hearing: Town Counsel, Ilana Quirk, was present. The applicant was represented by Richard Merrikin, Merrikin Engineering. Mr. Mazzocca recused himself. Mr. Merrikin stated he has no further questions or comments. Mr. Nottebart stated there is only a 3 member board tonight and asked if the applicant wanted to go forward and Mr. Merrikin stated yes. Ms. Walker stated the O&M agreement and covenants need to be recorded before any lot is conveyed out. There were no public comments.

Mr. Nottebart moved to close the hearing. Motion seconded by Mr. Forsberg and voted 3-0-0 (Nottebart, Forsberg, Murtagh). Mr. Nottebart moved to approve the Tall Pines subdivision which included standard conditions, special conditions, waivers, and street name and to adopt the decision as amended tonight; and, further, that he will sign it as an agent of the board. Motion seconded by Mr. Murtagh and voted 3-0-0 (Nottebart, Forsberg, Murtagh).

Mr. Mazzocca returned at 7:39 p.m.

7:40 p.m. Dedham Auto Mall Continued Hearing, Case No 13-3: Town Counsel, Ilana Quirk, was present. The applicant was represented by Rick Merrikin, Merrikin Engineering, Millis, MA. Mr. Nottebart read a letter dated November 4, 2013 from Jack Mee, Building Commissioner. Mr. Merrikin stated they would like to return the site to the way it was in 2012. Atty. Quirk stated they made changes and then decided they wanted to undo them. They need to go back to the original plan dated December December 9, 1982 and original approval, Board of Appeals Case No. 12/83. If there are any changes from that decision or plan, they need to go back to the Zoning Board of Appeals.

WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 7, 2013 (3)

Mr. Nottebart moved to accept an extension of time up to and including January 30, 2014 as requested by Rick Merrikin. Motion seconded by Mr. Mazzocca and voted 4-0-0. Mr. Nottebart moved to continue tonight's hearing without testimony to January 9, 2013 at 7:30 p.m. in Room 112. Motion seconded by Mr. Mazzocca and voted 4-0-0.

8:02 p.m. Allied Recycling Special Permit, Case No. 13-6 Continued Hearing and Allied Recycling Site Plan Approval, Case No. 13-7 Continued Hearing: Mr. Nottebart moved to accept an extension of time up to and including February 12, 2014 as per a letter dated November 7, 2013 from Shane Oates, Coneco Project Manager. Motion seconded by Mr. Mazzocca and voted 4-0-0. Mr. Nottebart moved to continue the hearing without testimony to January 9, 2014 at 7:45 p.m. and 7:46 p.m.

8:05 p.m. High Oaks IV Major Modification: Town Counsel, Ilana Quirk, was present. Mr. Nottebart opened the public hearing and read the public hearing notice. John Anderson, Anderson & Associates, submitted the green cards. He stated he mailed out 45 letters and 38 have been returned. Atty. Quirk stated she spoke with the applicant's attorney, Timothy McGahan regarding this application to modify the October 10, 1997 decision. They are seeking to take out any reference to Lot 11. The developer has offered \$200,000 to the town plus a restricted covenant that Lot 115 will be used only for one lot and the remaining portion of that lot could be conveyed to the surrounding property owners. A restrictive covenant has been signed by the developer and co-signed by the town. Also, at this point the Board of Health hasn't responded and they have 45 days to do so. She had been working on a potential decision late this afternoon that crossed paths with Atty. McGahan, so they have not had a chance to look at each other's decisions, but they will be ready before November 21, 2013. Mr. Nottebart stated it would be in the best interest of the neighborhood to come back. We won't take any testimony tonight. Atty. Quirk stated she is available to come back on the 21st. Mr. Forsberg questioned whether or not we should go forward tonight, but Atty. Quirk said if we do Mr. Conroy will not be able to sit on this going forward. The Board of Health had a quorum issue so we can't proceed anyway without their report or 45 days lapses. Atty. McGahan stated the current requirement that Lot 115 be conveyed to the town would be eliminated and rendered null and void as per the draft decision.

Atty. Quirk responded to an abutter who asked why we are continuing tonight's hearing: 1) no Board of Health input, 2) draft decisions between counsels not complete, and 3) a board member, Jack Conroy, was not present tonight. Mr. Mazzocca stated we are having tonight's to allow input from the abutters regarding Lot 115.

Mr. Forsberg moved continued this hearing to December 5, 2013 at 7:30 p.m. in the Main Meeting Room. Motion seconded by Mr. Mazzocca. Atty. Quirk stated she will be available to attend that night. Atty. McGahan stated there is a narrowness regarding the scope of the hearing – ball field or single family home. Mr. Nottebart stated the rest of the subdivision is not in play.

WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 7, 2013 (4)

Michael Ryan, a noticed abutter, asked if the Board of Selectmen determined the amount paid for Lot 115. Atty. Quirk stated we don't want to get into testimony. We should just continue. Mr. Mazzocca stated a brief answer is yes. Motion voted 4-0-0.

643-703 Main Street Marketplace: Rick Merrikin, Merrikin Engineering, was present to speak to the proposed change at this location. Chris and Bill Glaropoulos were before the board a short time ago to discuss snow storage on site. They are now proposing to just put gravel in the same area previously discussed where it is now dirt and woodchips to be used for snow removal storage. Mr. Murtagh stated it is a mud pile. They want to take some stuff out and put gravel in. He asked why they would be required to do a site plan approval. Mr. Forsberg stated that depends on whether there will be more paving or if they are changing the grades. Mr. Mazzocca asked how much they will be taking out and Mr. Merrikin stated at least a foot. Mr. Forsberg asked that they come back and tell us exactly how many yards. Mr. Merrikin stated they would be limited to 150 yards, but he will talk to the Building Inspector.

It was moved, seconded and voted to adjourn. The meeting adjourned at 8:45 p.m.

Respectfully submitted,

John Murtagh, Clerk

Approved 11/21/13