

## WALPOLE PLANNING BOARD MINUTES OF OCTOBER 3, 2013

A regular meeting of the Walpole Planning Board was held on Thursday, October 3, 2013 at 7:00 p.m. in the Town Hall Main Meeting Room. The following members were present: Richard Nottebart, Chairman; Edward Forsberg, Vice Chairman; John Murtagh (7:07 p.m.); John Conroy, Richard Mazzocca, and Margaret Walker, Town Engineer.

**Minutes:** Mr. Nottebart moved to accept the minutes of September 19, 2013. Motion seconded by Mr. Forsberg and voted 3-0-1 (Mr. Mazzocca abstained).

**Bird Estates Partial Bond Release Phase 3:** Mr. Forsberg moved to return \$64,000 to the applicant from the Phase 3 bond per recommendation of Margaret Walker, Town Engineer. Motion seconded by Mr. Conroy and voted 5-0-0.

**Bird Estates Partial Bond Release Phase 4:** Mr. Forsberg moved to return \$752,000 to the applicant from the Phase 4 bond per recommendation of Margaret Walker, Town Engineer. Motion seconded by Mr. Mazzocca and voted 5-0-0.

**Bird Estates Partial Bond Release Phase 5:** Mr. Forsberg moved to return \$179,000 to the applicant from the Phase 5 bond per recommendation of Margaret Walker, Town Engineer. Motion seconded by Mr. Mazzocca and voted 5-0-0.

**Nightingale Farm Road:** The board allowed Joseph Moraski, Precinct 8, to speak on several issues he had with regard to Nightingale Farm Road.

**7:35 p.m. Town Meeting Article 13 Medical Marijuana Public Hearing:** Mr. Forsberg moved to waive the reading of the article as advertised. Motion seconded by Mr. Murtagh and voted 5-0-0. Stephanie Mercandetti, Economic Development Coordinator presented the article on behalf of the Selectmen. She stated this will require a special permit within the Industrial zone and also an amendment to the Definitions within the Zoning Bylaw when voted favorably at town meeting. She explained the article to the board. Also present to answer any questions was Deputy Police Chief John Carmichael. He stated there will be 35 dispensary licenses in the first year and after that it can go up. He stated we can't ban it. Ms. Mercandetti stated the Board of Health is working on the regulations. Mr. Forsberg asked if they know the hours of operation, etc. and Ms. Mercandetti stated that falls under the jurisdiction of the Board of Health. She stated that she would have preferred it be done through pharmacies, but that is not what was approved by the voters, so now we need something in place. Mr. Conroy asked if there are regulations on the type of buildings and Dep. Carmichael stated yes. Mr. Nottebart stated there cannot be any advertising. Ms. Mercandetti stated that twelve applicants have passed the first phase. Mr. Conroy questioned the moratorium that is already in place. Ms. Mercandetti stated when this bylaw is put in place, the moratorium goes away. She said she didn't ask town counsel about the moratorium, but saw it in some information supplied by the attorney general. Deputy Carmichael stated that by the time this is passed, we will be beyond the moratorium time frame.

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Mr. Forsberg stated this will address the locations and setbacks and the rest will be done by the Board of Health and Ms. Mercandetti stated that is correct.

There were no public comments or questions. Mr. Nottebart moved to close the hearing. Motion seconded by Mr. Murtagh and voted 5-0-0. Mr. Nottebart moved to recommend favorable action on Article 13 as presented. Motion seconded by Mr. Forsberg and voted 5-0-0.

**7:55 p.m. Allied Recycling, Special Permit Continued Hearing for Case No. 13-6 and Site Plan Approval for Case No. 13-7:** Mr. Nottebart read a request from Shane Oates, Senior Project Manager, Coneco Engineering dated October 3, 2013 requesting a continuance to November 7, 2013 and also granted an extension of time up to and including January 10, 2014.

Mr. Nottebart moved to accept an extension of time up to and including January 10, 2014. Motion seconded by Mr. Forsberg and voted 5-0-0. Mr. Nottebart continued the hearings to November 7, 2014 at 8:00 p.m. and 8:01 p.m.

**ANR – Washington Green:** Mr. Nottebart read a letter from Atty. Einhorn, 45 Braintree Office Park, Braintree, MA requesting a continuance to October 17 and granting the board an extension of time up to and including October 30, 2013. Mr. Nottebart moved to accept an extension of time up to and including October 30, 2013. Motion seconded by Mr. Mazzocca and voted 5-0-0. Mr. Nottebart continued the hearing to October 17, 2013.

**Plimptonville Crossing:** Mr. Nottebart read a letter dated September 21, 2013 to Jack Mee and also a letter from Paul Schneiders dated September 24, 2013. Mr. Nottebart stated he had a discussion with Mr. Mee who stated that the issuance of certificates of occupancy is under his jurisdiction, not the Planning Board. Mr. Conroy disagrees with that and stated he will speak with the Building Inspector about it. He also stated that regarding the buffer issues, the applicant could have gone to the Zoning Board for relief but didn't.

**8:09 p.m. Tall Pines Subdivision Continued Hearing:** Mr. Nottebart read an email dated October 1, 2013 from Atty. Mark Gladstone requesting a continuance to October 10, 2013 at 7:00 p.m., which will be a special meeting with town counsel present. Rick Merrikin, Merrikin Engineering was present. Mr. Nottebart moved to continue the hearing to October 10, 2013 at 7:00 p.m. Motion seconded by Mr. Forsberg for discussion. Mr. Conroy asked if everything has been submitted and there is no more information and Mr. Merrikin stated that town counsel is asking for certain information in her email of October 2, 2013 including clarification of Lot 28 and the setbacks. They will respond to her questions, but there are no additional plans to be submitted. Mr. Conroy asked if we are rolling with whatever we have now and the applicant will only be submitting responses to town counsel's questions and Mr. Merrikin stated yes. There

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was a mistake on the original land court plan. The actual area is sufficient to take corner roundings out and still be okay. Motion seconded 4-0-1 (Mazzocca abstained).

**Beckett's Discussion:** Mr. Conroy feels that Jack Mee needs to revisit the parking at Beckett's. He suggested the board write a letter to him to let him know we feel he might have missed something with regard to the parking and we would like him to review it and then update the board at our next meeting. We are not the experts and we will defer to him. Mr. Nottebart asked if we should write a letter, call him or go see him. Mr. Conroy wants a letter, but the remainder of the board feels Mr. Nottebart should go see him.

It was moved, seconded and voted to adjourn. The meeting adjourned at 8:50 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 10/17/13