

WALPOLE PLANNING BOARD MINUTES OF APRIL 3, 2014

A regular meeting of the Walpole Planning Board was held on Thursday, April 3, 2014 at 7:00 p.m. in the Town Hall Main Meeting. The following members were present: Richard Nottebart, Chairman; Edward Forsberg, (7:16 p.m.); John Murtagh, Clerk; Jack Conroy, and Richard Mazzocca.

Keaney Estates: Mr. Nottebart read a letter dated February 25, 2014 from Back Nine Realty to the Planning Board requesting a street name change from Virginia Way to Chieftain Way; a letter to Captain Stephen Smith, E911 dated February 20, 2014 requesting a street name change and Capt. Smith's approval dated February 20, 2014. Richard Shields was present and stated the endorsed plan shows the street as Roadway A. He will be living on this street himself. He stated he purchased this subdivision but wanted to change the name. Mr. Conroy stated there is nothing in our rules and regulations that stops him from changing the street name. E911 has control over this and we have a letter from Capt. Smith stating it is okay.

Mr. Nottebart moved to allow Mr. Shields to change Virginia Way to Chieftain Way as approved by E911. Motion seconded by Mr. Murtagh and voted 4-0-0.

Mr. Shields also asked that the board allow NSTAR to put the street poles underground. The plan shows them above ground but NSTAR only puts them underground now.

Mr. Nottebart moved to allow NSTAR to put the street poles underground in the Keaney Estates subdivision. Motion seconded by Mr. Murtagh and voted 4-0-0.

Kendall Fund: The board is in receipt of the actual Kendall Fund trust that is on file with Marilyn Thompson, Finance Director. Mr. Conroy stated we can use the Kendall Fund for Master Plan issues only. Mr. Nottebart moved that we not touch the Kendall Fund for staffing purposes or salaries. Motion seconded by Mr. Conroy and voted 4-0-0.

I-A Auto. 1449 Main Street: Mr. Nottebart moved to accept an extension of time up to and including May 20, 2014 as requested by John Nassar. Motion seconded by Mr. Murtagh and voted 4-0-0. The public hearing will open on May 1, 2014.

Santos, 1900 Main Street: Mr. Nottebart moved to accept an extension of time up to and including May 2, 2014 as requested by Melissa Young. Motion seconded by Mr. Murtagh and voted 4-0-0. The public hearing will open on April 17, 2014.

Winter Estates: John Walsh, Walsh Bros. and Margaret Walker, Town Engineer had petitioned the Selectmen for a street opening permit. Ms. Mackenzie, Board of Selectmen, questioned if this subdivision was still valid as it is quite old. Ms. Walker asked that the Planning Board confirm it is valid. Mr. Nottebart moved that we send a letter to the Selectmen stating that the Form F Covenant on file for the Winter Estates subdivision will expire on August 16, 2015 per a Planning Board voted taken on June 23, 2011. Motion seconded by Mr. Murtagh and voted 4-0-0.

WALPOLE PLANNING BOARD MINUTES OF APRIL 3, 2014 (2)

Mr. Forsberg arrived at 7:16 p.m.

High Oaks IV: Mr. Nottebart read a memo from Margaret Walker dated March 31, 2014 asking how the board would like her to proceed with a bond release request/street acceptance of Millbrook Avenue from High Street to the sewer pump station (approximate) and also a bond reduction request on the remaining streets/portion of streets within the subdivision. Mr. Conroy stated we will not be returning any money, so it really doesn't affect the town. He does feel she needs to recalculate the balances.

Walmart: Mr. Nottebart presented an overview to the board of the Walmart/MA Dot inability to move forward on special condition #5. This discussion was necessary as a result of a previous meeting that Atty. Macchi had with the Board of Selectmen. Mr. Nottebart feels we should write a memo to Atty. Macchi stating we are concerned with Special Condition #5 in the Walmart decision which allows Walmart to walk away from their obligations with MA Dot. Mr. Nottebart has already discussed this with Mr. Boynton; however, Mr. Macchi, who represented Walmart, has not been consulted or weighed in on this with the Planning Board. Mr. Nottebart is not sure how to handle this because at an earlier meeting, Atty. Macchi indicated there were no problems. Mr. Forsberg stated we could get hold of our state representatives to let them know of the problem. Mr. Nottebart stated that Mr. Boynton is already contacting the delegation, although we have nothing in writing, nor do we know the time frame. Mr. Forsberg feels there should be no time limits when MA Dot is involved in a project. Also, he feels if a project does not come to fruition, similar to Bullard and Willard Streets, the monies delegated for that project should be given to the town to be used elsewhere. Mr. Nottebart stated he told Mr. Boynton that the board may be asking for a meeting with the Selectmen and Atty. Macchi. After further discussion, Mr. Conroy suggested sending a letter to Walmart and their attorney, Philip Macchi, to suggest this could be resolved by having them request a minor modification to Special Condition #5 to allow additional time necessary to accommodate MA Dot at this intersection. The board was in full agreement with Mr. Conroy's suggestion. Mr. Conroy moved to send a letter to Atty. Macchi with a copy to the Board of Selectmen and Town Administrator. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Nottebart stated he will prepare a draft letter and give it to the board at the next meeting for their review and comment.

7:35 p.m. Kingswood Estates Definitive Subdivision: The applicant, Tom Taylor, 44 Bubbling Brook Road was represented by his engineer, John Glossa, 46 East Street, East Walpole, MA. Before opening the hearing, Mr. Nottebart informed both Mr. Taylor and Mr. Glossa that the plan that was submitted and advertised showed the property as Map 16, but it should have been Map 6. He further stated that town counsel was asked if we could proceed. Her response was "the public hearing was advertised as Map 16, but should have stated Map 6. The Plan also shows Map 16, but should have shown Map 6. However, the abutters list is correct and the abutters were correctly noticed. The public hearing notice is incorrect. She said we can proceed if the applicant agrees that it was a typo on their part or they can re-advertise using the correct Map number.

WALPOLE PLANNING BOARD MINUTES OF APRIL 3, 2014 (3)

If they choose to go forward and the Planning Board grants subdivision approval, they will run the risk that an abutter could come forward and appeal it on the grounds that they relied upon an incorrect public hearing notice. However, the risk is on the developer, not the Planning Board or the town. If the developer chooses to re-advertise, we will need an extension of time as there was a preliminary plan approved for this subdivision which means we have 90 days to render a decision. The 90-day period expires on May 11, 2014.”

Mr. Taylor stated he would like to do this properly and asked that we re-advertise. Mr. Glossa stated he will re-notice the abutters with the correct Map and apologized for the typo. Mr. Taylor granted the board an extension of time up to and including July 1, 2014. Mr. Nottebart moved to accept an extension upon which to take action up to and including July 1, 2014. Motion seconded by Mr. Murtagh and voted 5-0-0. Mr. Glossa will change the plan to show Map 6. It was agreed to put this on the board’s May 1, 2014 agenda at 7:45 p.m. The public hearing notice will be sent to the Walpole Times showing “Corrected Notice” in the ad. Mr. Nottebart also reminded the applicant that the board could possibly change after the June election, but they chose to move forward on May 1st.

Mr. Nottebart continued this hearing to May 1, 2014 at 7:45 p.m.

7:50 p.m. Rockland Federal Credit Union Continued Hearing, Case No. 14-1:

Mr. Conroy recused himself as he was not at the previous hearing. Dan Merrikin stated the board had asked for a landscape plan prepared by a registered landscape architect. Cosmos was hired and he prepared one which has been included with the revised plans. They have added a guard rail, stop lines and signs at the end of drives and have addressed all of Ms. Walker’s comments. The applicant has also restricted turns to “right turn only”. Mr. Nottebart commends them for the work they have done. He stated the change to the guard rail was only a recommendation, but we appreciate it. Mr. Murtagh stated the receipt of the landscape plan is a big improvement. There were no further board comments or public questions. As requested by Mr. Merrikin, Mr. Nottebart moved to continue this hearing to April 17, 2014 at 7:45 p.m. in order to give the various town boards and committees time to review the revised plans that were received on March 27th and sent out for comments on March 31, 2014. Motion seconded by Mr. Murtagh and voted 4-0-0. Mr. Nottebart gave the board a draft decision to review. He would like to meet with Mr. Merrikin on Monday, Tuesday, or Wednesday next week to review the decision. Mr. Merrikin will call the office to set it up.

Mr. Conroy returned at 8:10 p.m.

Summer Schedule: Mr. Nottebart put this on the April 17th agenda and asked the board to think about what they want to do.

WALPOLE PLANNING BOARD MINUTES OF APRIL 3, 2014 (4)

Deerfield Drive: Mr. Nottebart put this on the April 17th agenda. Mr. Mazzocca stated that Ms. Walker needs to tell us what is outstanding so we can make a recommendation to the Board of Selectmen. Mr. Conroy stated we had asked the selectmen how we should proceed, but they didn't give us any direction. Mr. Nottebart asked that we ask Ms. Walker for her comments.

Lot 8 Warren Lane. It was agreed that Michael Viano and the owner of Lot 8 Warren Lane need to come in together as this subdivision is still under subdivision control. Mr. Nottebart stated we should hold off on this until after the ConCom acts. The board secretary left at 9:10 p.m.

It was moved, seconded and voted to adjourn. The meeting adjourned at 9:40 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted on 4/17/14