

WALPOLE PLANNING BOARD MINUTES OF JULY 14, 2016

A regular meeting of the Town of Walpole Planning Board was held on Thursday, July 14, 2016 at 7:00 p.m. in the Main Meeting Room, Town Hall. The following members were present: John Conroy, Chairman; John Murtagh, Clerk; Elizabeth Gaffey, Joseph Moraski, Marc Romeo, and Elizabeth Dennehy, Community Development Director.

Mr. Conroy opened the meeting at 7:03 p.m.

Minutes: Mr. Conroy moved to accept the minutes of May 19, 2016 and June 2, 2016. Motion seconded by Ms. Gaffey and voted 3-0-2 (Moraski, Romeo abstained).

Reorganization: Ms. Gaffey moved to nominate Mr. Conroy as chairman. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Moraski moved to nominate Ms. Gaffey as vice chairman. Motion seconded by Mr. Murtagh and voted 5-0-0. Mr. Moraski moved to nominate Mr. Murtagh as clerk. Motion seconded by Ms. Gaffey and voted 5-0-0.

7:06 p.m. Zoning Articles: Five proposed zoning articles were presented to the board by the Building Commissioner and the Community Development Director. The articles were put forth for the board's consideration as to whether or not they would sponsor these articles for the Fall Town Meeting. One of the articles pertaining to properties that abut railroad right of ways was withdrawn. The board voted unanimously 5-0-0 to move forward with placement of the remaining proposed articles on the Fall Town Meeting warrant and a public hearing to be held by the Planning Board with the exception of the OSRD article, which was voted 4-1-0 (Murtagh voting in the negative).

8:30 p.m. Fairfield Hotel Continued Hearing, 630 Route 1, Case No. 16-8: David Johnson, Norwood Engineering, stated they received a land disturbance permit last night. Mr. Conroy read final comments from Sewer and Water dated June 30th and Engineering. Mr. Conroy stated we were ready to close before, but we were waiting for Sewer and Water approval.

Bill Hamilton, Precinct 5 stated he noticed there are two driveways with one entrance and one exit. He suggested they put a "do not enter" sign so people will be more aware. Mr. Johnson stated both of them are two way and have been tentatively approved DOT. Mr. Conroy stated then we have no say. Mr. Hamilton stated yes we do. He feels a big "do not enter" sign would be good for everyone and hopes that is considered. Mr. Conroy stated we will go by what the Walpole Police want.

There were no further comments. Mr. Conroy moved to close the hearing. Motion seconded by Mr. Murtagh and voted 4-0-1 (Romeo abstained). Mr. Conroy moved to approve the site plan as presented with our 31 standard conditions and one special condition. Motion seconded by Mr. Moraski and voted 5-0-0.

8:43 p.m. Maplewood Condos Continued Hearing, Pleasant Street, Case No. 16-5: Mr. Conroy moved to accept an extension of time up to and including September 30, 2016. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy continued this hearing to September 1, 2016 at 7:30 p.m. as requested by the applicant's attorney, Philip Macchi, 1256 Washington Street, Norwood, MA.

Bird Landfill Solar (Dynamic Energy) decision: Ms. Dennehy stated this is regulated by DEP, which supersedes the town bylaws. We need to be compliance with DEP.

Mr. Conroy moved to amend the decision to allow the applicant to be in compliance with DEP. Motion seconded by Mr. Murtagh and voted 3-0-2 (Moraski, Romeo abstained).

Brush Hill subdivision: Ms. Walker submitted an updated punch list dated July 5, 2016 showing twelve items, which is more than what Mr. Hasenjaeger had stated.

High Meadow Subdivision, 54 High Street: Mr. Conroy moved to accept the Form F covenant. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy moved to accept the O&M documents. Motion seconded by Mr. Murtagh and voted 5-0-0. Mr. Conroy moved to accept the conveyance of easements and utilities. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy moved to endorse the subdivision plan. Motion seconded by Ms. Gaffey and voted 5-0-0.

Walpole Fire Station, 20 Stone Street: Mr. Conroy moved to endorse the site plan for 20 Stone Street. Motion seconded by Mr. Moraski and voted 5-0-0.

DiSangro, Lot 4-A Production Road: Mr. Conroy moved to endorse the site plan for Lot 4-A Production Road. Motion seconded by Mr. Moraski and voted 5-0-0.

DiSangro, Lot 14-A Production Road: Mr. Conroy moved to endorse the site plan for Lot 14-A Production Road. Motion seconded by Mr. Moraski and voted 5-0-0.

Roscommon Subdivision Form F: Mr. Conroy moved to accept the Form F Covenant for the Roscommon OSRD finding Form F in order. Motion seconded by Ms. Gaffey and voted 4-0-1 (Moraski abstained).

Roscommon Plan Endorsement: Ms. Gaffey moved to endorse the Roscommon subdivision plans finding the conditions of approval have been met. Motion seconded by Mr. Murtagh and voted 3-0-2 (Moraski, Romeo abstained).

Mr. Conroy stated we will send off the documents to town counsel for review.

Roscommon Bond Figure Set: Mr. Conroy moved to set the bond for the Roscommon Subdivision at \$4,425,000.00. Motion seconded by Ms. Gaffey and voted 3-0-2 (Moraski, Romeo abstained).

Roscommon Phasing: Atty. Johanna Schneider, Rackemann, Sawyer & Brewster stated she would like all the board members to vote on the phasing. This is a ministerial action. Mr. Conroy stated absolutely not. This is a vote. Atty. Schneider asked Mr. Conroy if he has consulted with town counsel. Mr. Conroy responded no. He stated that every subdivision we have down had the phasing voted before we closed. Atty. Schneider stated that "we clearly have a disagreement". Mr. Conroy stated she disqualified him and Atty. Schneider stated no she didn't. She asked how he suggests they proceed. Mr. Conroy stated he doesn't know and asked how does she think they should proceed. She feels all five members can sit on this. Mr. McEntee stated they had pushed pretty hard to have the phasing done

previously. Atty. Schnieder stated the hearing is closed and this is a new request. It is related to getting a building permit. Atty. Schneider stated there will be 30 residential lots and six open space areas consisting of 20 acres of open space parcels which will provide parks. There will be 19 lots in Phase 1 and 18 lots in Phase 2.

Mark O'Brien, Whitman Homes, Architect & Owner stated he purchased the subdivision and will be doing the building on each of the lots. Gas and water will come in through North Street. All drainage will flow from Lot 14 forward. He has been a custom design builder in Canton for the past 24 years and they will not put two houses that are the same next to each other.

Atty. Schneider stated that in 1997 is when the structure and substance first appeared in the bylaw. In 2008 the town retained Horsley Whitten to rewrite the bylaw and it was approved at the 2008 Fall town meeting. Regarding what is now in the by law, if it was a typo it would have been caught by now. Mr. Conroy stated he pushed this in 1997 because of Adams Farm. It is worded clearly and was approved by Judith Cutler. Thirty points would be for a typical subdivision. It was a growth control measure and is voted by town meeting every five years. Atty. Schneider questioned that Mr. Conroy is saying the language is intentional. Mr. Conroy stated 61A is minus 40 points. You can't get points for an open space subdivision and a conventional subdivision. Atty. Schneider stated there are three letters in the file that ask the board to vote something more consistent with what they are proposing. Mr. Conroy referenced the seven year build out and assumed they read it the way he did. Mr. McEntee stated they did two previous abutter hearings and asked Whitman Homes to join them. The mention of seven years caused a lot of angst in the room. Mr. Murtagh would like a compromise like maybe a three year buildout. He is looking to lessen the impact on the neighborhood. Mark O'Brien stated three years would be acceptable to him.

Dale Olmsted, Fisher Street stated he would appreciate this being done in a timely manner. Mr. Conroy stated the phasing was set up with schools and police also. Atty. Schneider stated they submitted the phasing schedule in September of 2015. She asked if there has been a concern that this would inundate any town services. Mr. Conroy stated it is in the zoning book. There is no waiver, this is zoning. Atty. Schneider stated they took -40 on Olmsted Estates. Mr. Conroy stated we never did the phasing on Olmsted. Atty. Schneider stated Olmsted is not on the agenda and therefore it is inappropriate to discuss. Mr. Conroy pointed out that Atty. Schneider brought it up. Ms. Gaffey stated it is a number game and we have a formula to follow. Mr. McEntee stated we interpret the bylaw as written. They thought they were entitled to 35 lots and that point they made a business decision. He had previously said they wouldn't do an OSRD with less than 32 lots. A build out of ten homes per year seems reasonable to him. Mr. Murtagh asked who issued the point letter and Ms. Gaffey stated they did. Ms. Gaffey suggested we just do the math and divide it out. She suggested that they come back and show them everything that was not Buttimer's. Mr. McEntee asked if she is asking them to go back in time. Atty. Schneider asked if this is a denial of their phasing request. Mr. Conroy stated Ms. Gaffey wants to do it right. Atty. Schneider asked that the board deny the phasing and promptly follow the procedure to tell them why. Atty. Schneider discussed the definition of subdivision as per Section 14 of the Zoning Bylaw. Mr. McEntee asked how would you assign points. He went through this with MEPA. Is ten houses per year for three years putting a burden on the town? Ms. Gaffey asked if there is a phasing

plan in place on Olmsted Estates and Atty. Schneider stated yes. Mr. Conroy stated there is on the original filing, not the Olmsted modification.

Mr. Romeo stated his focus is more on the abutters and the people that need to watch the trucks every day, not what was written in 1997. He is inclined to respectfully move forward on this and he would be inclined to approve the compromise. He feels seven years is too long. Mr. Murtagh agrees with Mr. Romeo.

Motion made by Ms. Gaffey, seconded by Mr. Murtagh and voted 3-0-2 (Gaffey, Murtagh, Romeo in the affirmative; Conroy and Moraski abstaining) to award a total of 10 points resulting in a 3 year build-out of the Development or a Rate of Total Lot Build-Out Per Development Phase of 33%, which when considering 30 approved lots in the Development, and rounded to the nearest whole number (per 2.7.E.), this results in 10 lots across three development phases.

Mr. Conroy moved to adjourn. Motion seconded by Ms. Gaffey and voted 5-0-0. The meeting adjourned at 11:25 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 9/1/16