

WALPOLE PLANNING BOARD MINUTES OF OCTOBER 14, 2020

The Planning Board held a Zoom Meeting on Wednesday, October 14, 2020 at 7:00 p.m. in the Walpole High School Tennis Court area. The following members were present: John Conroy, Chair; Sarah Khatib, Vice Chair; Philip Czachorowski, Clerk; Catherine Turco-Abate, John O'Leary, and Carl Balduf, Town Engineer.

Meetings: The board discussed the difference between public meetings and public hearings and the process for moving forward at this time. It was agreed that a public meeting would be any meeting that didn't require notification of abutters, such as bonds, ANR plans, etc. Mr. Conroy moved to hold future public meetings via Zoom. Motion seconded by Mr. O'Leary and voted 5-0-0. Mr. Conroy moved there will be no public hearings until Covid is over. Motion seconded by Ms. Abate and voted 3-2-0 (Ms. Khatib and Mr. Czachorowski voted against the motion). Ms. Abate stated that if something comes in we can always revisit this.

Town Meeting Articles: Mr. Conroy stated there are four zoning articles in front of us and we are bound by MGL Ch. 40A to hold a public hearing. If the articles are approved by town meeting, they will be forwarded to the attorney general. What has been given to us cannot be changed. Mr. Conroy stated that the article numbers that were advertised and the warrant numbers that are before us tonight do not coincide. He is not sure if that is legal or how the attorney general will rule on that.

Article 19 (South Street Solar - Warrant Article 25): Mr. Conroy moved to allow the applicant to withdraw without prejudice. Motion seconded by Ms. Abate and voted 5-0-0.

Article 20 (Stadium Parking - Warrant Article 26): Mr. Conroy explained to Cyndi Hoag, the applicant, that there are many things that are not properly before us with this article; i.e., the scale of the map, the way the article is written, etc. He explained the process to Ms. Hoag and her options of moving forward tonight or withdrawing without prejudice. Ms. Hoag asked to withdraw this article. Mr. Conroy moved to allow this article to be withdrawn without prejudice. Motion seconded by Ms. Abate and voted 5-0-0.

Article 17 (Outdoor Dining - Warrant Article 23): Michael Yanovitch, Building Commissioner presented this article which was put forth to help Walpole's downtown businesses. Mr. Johnson, Town Administrator, was also present. Mr. Conroy stated this could be done by LSPA and it would completely eliminate "ii and iii" as they appear in the bylaw now. He suggested that they withdraw without prejudice. Mr. Johnson stated he is not in a position to withdraw. Further, Town Counsel has not mentioned what Mr. Conroy stated. He will check with her. Mr. Conroy stated you could be running the risk to set this back another two years. If you withdraw now, it could go forward in May. Mr. Johnson stated they are just trying to help the businesses out. The Select Board is very supportive of this. Mr. Conroy stated his job is to do this properly.

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Ms. Abate asked if we hold this hearing tonight and you check on it tomorrow, would you still have the right to withdraw tomorrow? Mr. Johnson stated he would ask the Select Board to refer back to committee after talking to town counsel.

Joanne Mulligan, Precinct 5 stated she is totally in favor of helping out the businesses in this town and feels this would be bad if it doesn't go forward at the Fall town meeting. She hopes something can be figured out and doesn't know anyone who is against this. Ms. Abate stated if it is determined not to be legitimate after town meeting votes, it will have to wait two years to come back. We can't change the way it has been submitted. Mr. Johnson stated they will not withdraw it, but they would refer it back to committee.

Joe Moraski, Precinct 8 stated the memo that was sent to the RTM about this article was pretty sparse. A review of the bylaw shows that outdoor dining and entertainment is a matter of right, so this already exists. The difference in what is being proposed and what is allowed is the applicant needs to have an overall length of 1000' where the business has its principal access. No one has explained to the RTM what the difference is. This was written for public safety and protection of the neighborhoods. He thinks town meeting needs more information regarding this particular article. Mr. Conroy stated it was done over 1000' because it was the CBD with nothing behind these businesses. He is not sure what prompted this. Mr. Yanovitch stated this started in 2014 – 2015 to make Walpole more business friendly. So far, this has worked fantastic. He understands Mr. Moraski's issues. This is an Economic Development article. Our businesses need help. LSPA will include any department in the process that has an issue and after doing a LSPA it will then go to the Selectmen for licensing. No business has said no yet. It is not a matter of right. It would be a special permit. Ms. Khatib would like a ruling on this as she thought it was every business had to have 1000' of frontage. She supports this article enthusiastically. Mr. Czachorowski supports this also and feels this will bring more people to downtown. Ms. Abate stated it makes sense. Mr. O'Leary agrees, but feels they should do site plan approval. Mr. Yanovitch asked that the board refer this back to committee. Ms. Abate suggested we vote this so it can move forward. Mr. Yanovitch stated he will defer to the chairman. Mr. Conroy stated we are a recommending board only and ultimately it is the recommendation of the Finance Committee. Mr. Czachorowski stated he thought Mr. Johnson was going to talk to town counsel and then possibly refer back to committee. Mr. Johnson stated he will work with town counsel and Michael Yanovitch first thing in the morning.

Ms. Abate moved Favorable Action. Motion seconded by Mr. Czachorowski and voted 4-0-1 (Mr. Conroy abstained). Mr. Conroy feels they should go to the Attorney General not town counsel.

Article 13 (IZB - Warrant Article 19): Andrew Flowers was in attendance to present this article. He stated it is sponsored by both the Selectmen and the Walpole Housing Partnership.

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He further stated that no one from the Select Board is here to speak on behalf of this. Mr. Johnson, Town Administrator, stated that the Select Board did vote to sponsor this article and also voted favorable action. Ben Barrett is the chair of the BOS and he has been working with Mr. Flowers. Mr. Conroy discussed several issues he had with this article.

Kristin Lenhart, 8 Hancock Court stated she is not in favor of this article as it puts a burden on certain areas of the community. She feels it should impact all of Walpole, not just certain areas.

Joseph Kelly, East Street agrees with Ms. Lenhart. He feels this article is socialism. He feels a solution would be to take the Adam Farm land and build there, even though most people won't like that solution.

Philip Macchi, 1148 Washington Street stated he is not here tonight representing anyone but himself. He stated that if you want smaller or bigger lots in town, the zoning bylaw should be amended. He doesn't think this article is ready for prime time yet as there are too many questions and issues and it doesn't tie into the rest of the zoning bylaw at this time.

Shawn Murphy, Walpole resident, stated he opposes this also.

Chris Sullivan, Walpole resident, stated East Walpole will be hit more because of this article.

Ryan Lenhart, 8 Hancock Court stated this is not about the big developments, but the small ones. He feels this is sloppy and is an idea vs. reality. He feels it should go back to the drawing board.

John Hasenjaeger, Pinnacle Drive stated he appreciates this being a "real" meeting tonight, not a Zoom meeting. He also feels this is targeting the East Walpole portion of town. This should be a town-wide referendum, not decided by just five people. He feels the Selectmen need to involve more people and asks that this be referred back to committee.

Joanne Mulligan, Precinct 5 stated she lives near the Summer Street project. We are supposed to be trying to get 10%, and it is disappointing that an AQV of the downtown projects don't qualify. She is all for affordable housing and feels we have to keep continuing to get there.

Ms. Khatib stated this is only one tool that the town can use. This should be a cooperative effort and we need a bylaw that is clear. She wants to see this project actually work and personally needs more information on this. She will probably vote against this and she feels we need to take this opportunity of good will and make it work and improve it and work with the developers.

Mr. Czachorowski stated he is a member of the WHP and he does support this article. The units downtown do not have Affordable Housing because we didn't have Inclusionary Zoning at that time. Ms. Abate stated that the WHP has been given a huge task. They have done many drafts and have been working on this for a long time. There is no question we need AH and the WHP has been working hard. We want what is passed to be right. Mr. O'Leary stated he agrees with

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the concept, but he can't support it the way it presently stands. Mr. Conroy stated that not a lot of the people sponsoring this are here tonight. This won't stop the 40B's. The Planning Board was cut out of the deal as it was given to the ZBA without any discussion. All the other towns have IZB administered by the Planning Board. Mr. Czachorowski stated that if there were all these concerns, you should have come to them before the end of the process. Ms. Abate stated her concerns were brought forward previously. Mr. Conroy stated there should be a consultant here to tell us we are wrong.

Ms. Lenhart, 8 Hancock Court stated that we are all sitting here because it affects everyone financially. Mr. Conroy asked the cost of the Housing Production Plan and Mr. Johnson stated between \$2,000-\$7,000.

Ms. Abate made a motion to refer back to committee. Motion seconded by Mr. O'Leary and voted 4-1-0 (Mr. Czachorowski voted against the motion.)

Mr. Johnson stated that town meeting will be held in the high school field starting at 10:00 a.m. on Sunday.

Mr. Conroy moved to adjourn. Motion seconded by Ms. Abate and voted 5-0-0. The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Philip Czachorowski, Clerk

Accepted 2/4/21