

WALPOLE PLANNING BOARD MINUTES OF OCTOBER 3, 2019

A regular meeting of the Walpole Planning Board was held on Thursday, October 3, 2019 at 7:00 p.m. in the Main Meeting Room in Town Hall. The following members were present: John Conroy, Chairman; Sarah Khatib, Vice Chairman (7:04 p.m.); Catherine Turco Abate, Clerk; Philip Czachorowski, John O'Leary, and Carl Balduf, Town Engineer.

Mr. Conroy opened the meeting at 7:00 p.m.

Minutes: Mr. Conroy moved to accept the minutes of September 19, 2019. Motion seconded by Ms. Abate and voted 3-0-1 (Mr. Czachorowski abstained).

Boyden Estates Subdivision: Mr. Balduf stated he did a site visit with Chris Johnson, Assistant Town Engineer and has no problem recommending an extension of time as requested. Mr. Conroy moved to grant an extension of time for one year up to and including October 3, 2020. Motion seconded by Mr. O'Leary and voted 4-0-0.

95 West Street: The applicant was represented by Atty. Philip Macchi, 1256 Washington Street, Norwood, MA. He stated that he is requesting an extension of time as per Standard Condition #16 in the Certificate of Approval. The site was contaminated causing construction delays, which is why he is requesting an extension of time. Mr. Conroy asked if the parking lot still belongs to Michael Manzo. Mr. Macchi stated yes. Mr. Conroy asked if Corcoran owns it and Mr. Macchi stated no. Mr. Conroy stated there could be issues for Corcoran down the road and Mr. Macchi agreed. Mr. Conroy moved to grant an extension of time up to and including November 8, 2020. Motion seconded by Ms. Abate and voted 4-0-1 (Ms. Khatib abstained).

The Trails Subdivision: Mr. Conroy read an (undated) letter from Ron Priore, 32 Tamarack Road, Westwood, MA requesting the Tripartite for the Trails Subdivision be reduced down to \$15,000. He also read a letter dated September 30, 2019 from Carl Balduf, Town Engineer, recommending that the bond not be reduced at this time due to a major outstanding item, the water main.

Mr. Balduf also stated that one lot is still under construction. Mr. Conroy asked if there is enough money remaining in the bond now to cover outstanding issues and Mr. Balduf stated there should be. Mr. Conroy asked that Mr. Priore come into a meeting and give us an update and also request an extension of time for the bond.

7:09 p.m. Article 14 Public Hearing: Mr. Conroy read the public hearing notice for Article 14 which is sponsored by the Board of Selectmen. Ben Barrett, member of the Board of Selectmen and a member of the Walpole Housing Partnership was present to speak to Article 14. He stated the proposed bylaw as expanded has been confirmed with the moderator and town counsel. Further, this by law is just the first step in bringing affordable housing to Walpole. He stated this is not a magic bullet and will revolve over time. The Board of Selectmen, Town Administrator and other groups are on board with this. Mr. Barrett explained the work that has gone into this process. Ms. Khatib asked if the Finance Committee has voted on this and Mr. Flowers stated they will make a recommendation at town meeting

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and the Selectmen are scheduled to vote on this a week from Tuesday. Mr. Conroy stated we are dealing with the article as advertised tonight, not the one that was emailed to the board yesterday. What the board received yesterday is not part of this public hearing as we have to conduct the hearing the way the article was advertised.

Mr. Czachorowski read Section 5 of 40A for clarification. Mr. Conroy asked if their intent is to go to town meeting and present the other stuff that was given to us and Mr. Barrett stated yes as that is what everyone has recently been sent. Mr. Conroy stated what was advertised is the only thing we can speak of at this time or we would be violating the open meeting law. He asked Mr. Barrett how he would like us to proceed. We can take questions on this article or take a vote. Ms. Khatib asked if the new text has been published and Mr. Barrett stated no. Ms. Abate asked if there will be a substitute motion at town meeting and Mr. Barrett stated no. Ms. Khatib stated that the Finance Committee motion will become the main motion. Ms. Abate feels we have to look at what was advertised. Mr. Conroy stated that town meeting can do whatever they want. We are bound by M.G.L. What was advertised is what was given to us by the Board of Selectmen and reviewed by town counsel. Mr. Barrett asked what could happen and Mr. Conroy stated it would be an illegal public hearing.

Mr. O'Leary asked if this is a change to the zoning bylaw or is it going into the town bylaw. Mr. Barrett stated the zoning bylaw. Mr. O'Leary stated it isn't numbered as required. Mr. Barrett stated they asked the Building Department would it would be and they said 5-I. Mr. Conroy stated you can only make changes on town meeting floor and you need to be specific.

Mr. Czachorowski stated that all this is saying is that the town will vote to amend the zoning bylaw and within the scope of that we will be talking about how that change will be made. Mr. Barrett stated they are willing to do this tonight. Mr. Conroy stated the article has to be ready. Ms. Khatib asked if there is time to properly advertise this. Mr. Barrett asked if Mr. Conroy is saying the Board of Selectmen should vote on this before the Planning Board does. Mr. Conroy stated you would have to reopen the warrant and put the new article on. Mr. Conroy asked if town counsel ever said anything about this public hearing and Mr. Barrett stated they didn't ask.

Elizabeth Barrows, Union Street and WHP stated if there is not enough time to publish this, all the boards will be voting on something else. Mr. Conroy stated we can vote this and then you guys can do a substitute article. Mr. O'Leary stated they need to be more specific. Mr. Conroy discussed Form 7 that the Planning Board submits to the town clerk per MGL. The town clerk forwards it to the Attorney General for review to ensure the process was done properly.

Andrew Flowers, Vice Chairman of the WHP would like clarification on the legal requirements and also the town meeting process. Ms. Abate stated we can't always vote the way we want to. She was ready to move forward with tonight's discussion, but we have to go by the bylaw. We are bound by that. She stated she has been at town meeting when someone says this is not what was presented. Ms. Abate stated this is important, but she is not sure it's the right thing to move forward tonight.

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Ms. Khatib asked if we can hold the public hearing on the night of town meeting. Mr. Czachorowski stated we have to vote on what is before us. Ms. Khatib stated the Board of Selectmen and Finance Committee do not have our expertise. She feels we are not giving the people in town what they deserve. Ms. Khatib suggested a joint meeting between the Planning Board and Selectmen.

Mr. Conroy stated if we go off the rails this could be challenged. We can discuss what is in front of us, but cannot talk outside of the article as it could jeopardize it. Anyone can talk about Article 14 as advertised.

Mr. Czachorowski thanked the WHP and the Board of Selectmen and all the people who have been working so hard on this. Affordable Housing is such a critical problem to our town and affects everyone who lives in Walpole as our own folks can't afford to live here. He discussed the average income in town and the affordable housing range. He stated he is in favor of Article 14 and would like the board to vote favorably. He knows this article may not be complete, but it is a good framework.

Ms. Khatib stated she had three pages of questions and comments, but she will hold off on them. She stated that many people have seen versions of the inclusionary zoning bylaw. She is in favor of this article, but wants a good and workable bylaw. They have done an enormous amount of work individually and in groups. She also would like answers to her questions. She knows there some issues, but she is in favor of the intent.

Mr. Conroy asked what happens if Article 14 passes, but not the Article 15. Mr. Flowers stated that if 14 passes and 15 doesn't, the money will go into the General Fund and they will be at the mercy of the Board of Selectmen and Finance Committee to budget that money back to WHP. Mr. Conroy suggested the two articles run separately with regard to the money. Willa Bander, WHP, stated they wrote Article 14, but not 15. The trust can't tell the people what to do.

Ms. Abate stated her concerns have been heard and she is in favor of the article before us. She would like the people in town to have preference. Ms. Bander stated there is a reason why they can't do that.

Mr. O'Leary stated some of his issues will probably be discussed within the other version of this. He feels the general wording is good, but he does have issues with the percentage used. He feels this is a good idea and we are going in the right direction, but feels the format should be compatible to our zoning bylaw. He asks that they check to see if the changes alter anything unintentionally.

Joe Moraski, 3 Buckboard Drive asked if it is the board's intention to vote on what is before them. What you have is not the version that the WHP or the Selectmen want. Basically, the board needs to vote yes or no or remand back to the Selectmen, which is what he urges. He feels that would be a lot cleaner as obviously what is before the Planning Board is not complete. He would like to work further with the WHP.

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Liz Barrows, WHP and RTM Precinct 1 hopes the board doesn't vote no due to the lack of information. Ms. Abate stated that what Mr. Moraski suggested is not a bad idea. If the vote is split it could be an issue at town meeting. She stated that rather than vote no, the board could abstain. Mr. Conroy stated we are recommending to town meeting, so he doesn't think it matters if there is a split vote or not. An affirmative vote means you are supporting this article as written and a no means you are not supporting it. He feels it is cleaner to abstain. Ms. Abate asked about a remand. Mr. Conroy stated that if you vote for this, someone could say you only want this. Mr. Czachorowski stated we should vote either yes or no on what is before us. Ms. Abate disagreed. Mr. Conroy stated we can explain why it was voted to remand this article. Ms. Abate feels it is better to have no opinion than to make it look questionable. Mr. Flowers stated it is up to the board to remand it back to committee or vote yes or no. There is no reason why the board members can't express their questions and thoughts. He would encourage a yes or no vote.

Ms. Khatib moved favorable action on Article 14. Motion seconded by Mr. Czachorowski and voted 2-0-3 (Khatib, Czachorowski in the affirmative; Conroy, Abate, O'Leary abstained).

ANR – 215 Winter Street: Mr. Balduf stated he has reviewed this ANR and it is just a land swap. Mr. Conroy moved to endorse an ANR plan entitled " #215 Winter Street, Plan of Lan in Walpole, MA" dated September 23, 2019 and prepared by Glossa Engineering, 46 East Street, East Walpole, Massachusetts 02032 finding Form A in order and subdivision control not required. Motion seconded by Ms. Abate and voted 5-0-0.

The name of the applicant is Charles McLaughlin, 505 Old Post Road, Walpole, MA. The names of the owners are John and June-Marie Lee, 215 Winter Street, Walpole, MA and Charles McLaughlin, 505 Old Post Road, Walpole, MA. Said property is shown as Assessors' Map 55, Lot 5 and Map 55, Lot 4, Zoning District RA, WRPOD 3. The Norfolk County deed references are Book 28819, Page 189 and Book 33514, Page 472. It was noted on the plan that 1) Map 55, Lot 5 consists of Parcel A and Parcel C on this plan containing 327,952 s.f.; 2) Map 55, Lot 4 consists of Lot 10A and Parcel B on this plan containing 31,666 s.f.; 3) Parcel A and Parcel B are to be combined to create one lot with 327,944 s.f.; and 4) Lot 10A and Parcel C are to be combined to create one lot with 31,674 s.f.

Consultants: Mr. Conroy stated the consultant we use will take care of reviewing the plan. There will be a checklist for them to use. Mr. Balduf will look at the design standards. Also, the board's fee schedule is based on a full time planner. Mr. Conroy would like to see what the three consultants do for the other towns and also a list of references.

Mr. Conroy moved to adjourn. Motion seconded by Mr. Czachorowski and voted 5-0-0. The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Catherine Turco-Abate, Clerk

Accepted 11/7/19