

WALPOLE PLANNING BOARD MINUTES OF MARCH 6, 2014

A regular meeting of the Walpole Planning Board was held on Thursday, March 6, 2014 in the Town Hall Main Meeting Room. The following members were present: Richard Nottebart, Chairman; John Murtagh, Clerk, Jack Conroy, and Margaret Walker, Town Engineer.

Mr. Nottebart opened the meeting at 7:02 p.m.

Minutes: Mr. Nottebart moved to accept the minutes of February 20, 2014. Motion seconded by Mr. Murtagh and voted 3-0-0.

Walmart Street Layout: Atty. Philip Macchi was present on behalf of Walmart. He had provided back up information to the board that was received on March 5, 2014 with regard to Articles 29, 30 and 31 for the Spring Town Meeting, which included a copy of Articles 29, 30 and 31; the MA Dot plan depicting the altered layout; the draft ANR plan that will ultimately be recorded at the time of a conveyance to the town; the draft Walmart Easement plan; and, a meets and bounds description relative to the easement granted by Walmart, the altered layout the temporary easement as well as the deed description.

Atty. Macchi stated Article 29 is different from what was previously submitted because the layout is property that the town will now own. With regard to Article 30, because of the deeding and because the county is involved, the county commissioners need notice as to what is being done. Article 31 is the biggest change because it is no longer a “sketch” plan, but is now an “ANR” plan. Atty. Macchi stated that basically they are dealing with the plans which could be amended again by MA Dot. Mr. Conroy stated he has never heard of an ANR being done this way. Mr. Macchi stated Walmart is actually purchasing this and this is the way that MA Dot wants it. Ms. Walker stated that the reason this is before the Planning Board is that the Selectmen need to ask if we have a problem with this. The board needs to send their recommendation for these articles to the Selectmen. Mr. Macchi stated the hearing is scheduled for March 18, 2014. Ms. Walker stated the layout process always includes the Selectmen asking for input from the Planning Board. Mr. Conroy disagreed. He stated it is because of Ilana Quirk. Ms. Walker stated it was done before Atty. Quirk. Mr. Murtagh asked if Atty. Quirk reviewed this and Mr. Macchi stated she wrote the articles and approved the wording. Meets and bounds were included because the Board of Selectmen wanted it that way.

There were no further questions of board comments. There were no public comments.

Mr. Nottebart moved to recommend Favorable Action on Articles 29, 30 and 31 as presented by Atty. Macchi. Motion seconded by Mr. Murtagh and voted 3-0-0.

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Hummingbird Lane: The board agreed to re-send their recommendation that was previously sent to the Selectmen when the board released the subdivision bond in its entirety which stated that on December 19, 2013, the Planning Board held a residents' hearing for bond release/street acceptance and voted 4-0-0 to release both the subdivision bond and off site drainage bond in its entirety for Hummingbird Lane within the Niden Woods subdivision from STA 0+00 to its end at STA 7+57.05+/- and to petition the Board of Selectmen to proceed with the street acceptance process.

Deerfield Drive: Mr. Conroy stated he believes there is a small amount of money still left in that bond and feels we cannot make a recommendation to the Board of Selectmen until the Planning Board votes to release the bond in its entirety. Ms. Walker stated she had a copy of a formal demand for release of security funds dated August 5, 1996 from the Planning Board to the Walpole Cooperative Bank. She also checked with Marilyn Thompson, Finance Director, to see if she had anything on file. She gave Ms. Walker a copy of a card showing "Pinecrest Realty Trust, Lincoln Farm Estates, Paul Germano, Developer – Released 10/96". She feels the money has been released.

Mr. Nottebart asked that past minutes for Deerfield Drive or Lincoln Farms be checked to see if there is any information that would show the bond was either released or pulled.

Mr. Nottebart moved to send a letter to the Selectmen in response to their memo stating we have no issues with Hummingbird Lane or Walmart. Motion seconded by Mr. Murtagh and voted 3-0-0.

The board agreed to contact town counsel for an opinion as to how we should proceed; i.e., do we need to hold a hearing to release the bond in its entirety. It was further agreed to ask the Board of Selectmen to hold off acting on this at their March 18th meeting in order to allow us time to research this further. We are meeting on March 20th and will have a recommendation for them by that time.

Meetings: Mr. Nottebart stated he was asked to attend the March 18th Board of Selectmen meeting to discuss the Planning Board budget which was held by Michael Berry. He was also asked to attend the Finance Committee tonight after this meeting, but changed it to Monday, March 17th at 7:45 p.m. He asked that the board consider going with him to both meetings. It was agreed that the chairman would write a letter to the Selectmen asking them to let us know what they want to discuss so we will be prepared.

8:40 p.m. Prime Acura Continued Hearing, Case No. 13-9: Mr. Nottebart read a letter dated March 6, 2014 from Matthew McGovern, Vice President of Prime Motor Group requesting that their application before the board be withdrawn without prejudice. Mr. Nottebart moved to allow the applicant to withdraw without prejudice as requested. Motion seconded by Mr. Murtagh and voted 3-0-0.

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It was moved, seconded and voted to adjourn. The meeting adjourned at 9:10 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted on 3/20/14