

WALPOLE PLANNING BOARD MINUTES OF JULY 10, 2014

A regular meeting of the Walpole Planning Board was held on Thursday, July 10, 2014 at 7:00 p.m. The following members were present: John Conroy, Chairman; Richard Mazzocca, Vice Chairman (7:10 p.m.); Edward Forsberg, Richard Nottebart, Margaret Walker, Town Engineer.

Cumberland Farms: Mr. Conroy moved to accept an extension of time up to and including September 30, 2014 as requested by Philip Henry. Motion seconded by Mr. Nottebart and voted 3-0-0.

Walmart: Mr. Conroy moved to accept an extension of time up to and including August 31, 2014 as requested by Philip Macchi II. Motion seconded by Mr. Nottebart and voted 3-0-0.

Mr. Mazzocca at 7:10 p.m.

ANR – Brian Cecca, 97 South Street: The applicant was represented by Atty. Jonathan Smith, Norwood, MA. He stated that they are subdividing Lot A to give a piece to Lot B. Mr. Conroy stated that Lot B is existing and they are not changing the frontage. Lot A is staying the same less the sliver being given to Lot B. Mr. Conroy moved to endorse a plan of land entitled “93 South Street, Walpole, MA” dated September 24, 2013 by Peter Nolan & Associates, LLC, 697 Cambridge Street, Suite 103, Brighton, MA finding Form A in order and subdivision control not required. Motion seconded by Mr. Mazzocca and voted 4-0-0.

The name of the applicant is Brian Cecca, 1096 Main Street, Walpole, MA. The owners’ title is derived under deed from Gerald F. and Florence C. Sheppard dated March 12, 2009 and recorded in Norfolk County, Registry of Deeds, Book 26476, Page 549. Said property is shown as Parcel No. 33-167.

Keaney Estates: Mr. Conroy moved to set a bond on Chieftain Way at \$121,951.20 as per Margaret Walker’s recommendation. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Conroy moved to accept an insurance bond issued by Western Surety Company in the amount of \$125,000 and dated July 10, 2014. Motion seconded by Mr. Forsberg and voted 4-0-0. It was noted that Marilyn Thompson, Town Finance Director, reviewed and approved the bond prior to the Planning Board vote to accept.

Rockland Federal Credit Union: Ms. Walker reviewed the plan and feels it is all set to be signed. Mr. Conroy moved to endorse the Rockland Federal Credit Union plan given no appeals have been taken as per the town clerk. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Forsberg commented that he appreciates all the signature blocks being in the same place on each page.

Time Cards: Mr. Conroy moved to approve the secretary’s time cards. Motion seconded by Mr. Nottebart and voted 4-0-0.

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7:22 p.m. Millbrook Avenue Residents' Hearing: Mr. Conroy read the public hearing notice and noted that no residents were present. Ms. Walker stated she is all set. Mr. Conroy moved to release the bond for Millbrook Avenue, STA 0+00 to 26.07 +/- and to move forward with the street acceptance process as per recommendation of the Town Engineer. Motion seconded by Mr. Mazzocca and voted 4-0-0.

7:25 p.m. Estates at Walpole Residents' Hearing: Mr. Conroy read the public hearing notice. Jeff Alpert, President of the Homeowners' Association stated there was an issue at the last meeting with a basin that wasn't draining properly, but Bill Keaton fixed it and they are pleased with the solution. Ms. Walker stated all the catch basins have been fixed. Atty. Philip Macchi II was also present to answer any questions. Ms. Walker stated the board can vote tonight and release everything except Mansion Drive as there is an outstanding issue with that portion and that the board continue that portion to August 14, 2014.

There were no comments from the public. Mr. Conroy moved to release the bonds on Phases III, IV, and V with the exception of Mansion Drive as per recommendation of Ms. Walker and to proceed with the street acceptance process. Motion seconded by Mr. Nottebart and voted 4-0-0.

Mr. Conroy continued the bond release for Mansion Drive to August 14, 2014 at 7:20 p.m.

7:35 P.M. Tee-T's Restaurant, 943 Main Street, Site Plan Approval, Case No. 14-5 and Special Permit, Case No. 14-4 Continued Hearings: The applicant was represented by Atty. Philip Macchi II. He asked that the board close the public hearings as there are no further questions.

Mr. Conroy moved to close the public hearings for Tee-T's Site Plan Approval, Case No. 14-5 and Special Permit, Case No. 14-4 as requested by the applicant's attorney. Motion seconded by Mr. Nottebart and voted 4-0-0.

Mr. Conroy moved to grant site plan approval to Tee-T's, Case No. 14-5 with the board's standard conditions. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Conroy moved to grant a special permit to Tee-T's, Case No. 14-5. Motion seconded by Mr. Mazzocca and voted 4-0-0.

Michael Viano, Open Space Discussion: Mr. Viano was present with his attorney, Vincent O'Brien, Dover, MA and John Glossa, Glossa Engineering. Mr. O'Brien stated the preferred access to his proposed subdivision is through Olmsted Estates as he feels there will be less disturbance that way. Mr. Forsberg asked if there will be an emergency access from North Street as he thinks the fire department will have a problem with only one access off Fisher Street. Mr. Viano stated he has spoken with the fire chief and he is okay as long as the water line was looped from North Street.

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Mr. Nottebart asked if they have filed with the Conservation Commission yet and Mr. Glossa stated no. Mr. Conroy stated that problems will come about if the fire or police have issues. If they say no to something, this is done. Further, this is the first time for an open space plan since the new bylaw. Mr. Forsberg reminded Mr. Viano this is not a binding discussion. Mr. Viano agreed and stated he will be filing shortly.

Olmsted Estates: Mr. Viano stated he would like to withdraw the Olmsted Estates application presently before the board without prejudice which was continued to September 4th due to the fact that a letter carrier signed approximately 12-15 cards and also asked that the board waive the filing fee for a re-file. The post office will pay to re-notice all the abutters by certified mail. Mr. O'Brien feels this is the cleanest way to go. Mr. Viano stated he will submit updated plans.

Mr. Conroy moved to allow the applicant to withdraw Olmsted Estates without prejudice as requested and to waive the fee for a re-file. Motion seconded by Mr. Nottebart. Motion voted 4-0-0.

Joseph Moraski, Sunny Rock Drive requested that the plan to be submitted have a cul-de-sac.

8:00 p.m. Kingswood Estates Continued Hearing: The applicant, Tom Taylor, was represented by John Glossa, Glossa Engineering. He informed the board that the Conservation Commission voted approval of a plan dated June 27, 2014; however, the latest plan before the Planning Board is dated June 9, 2014. He will submit the latest plan. Mr. Glossa also questioned a covenant as it would restrict Mr. Taylor's house. Mr. Conroy stated you don't want to tie up his house with the other two as that could be an issue if he wants to sell his own house down the road. Also, he would have to put a bond on it if it is included in the covenant. Ms. Walker stated that once that house is part of the covenant, they can't sell it individually. It should be released from the covenant or kept out of it. Mr. Conroy stated if they need it to get to the house, it needs to be part of the covenant, but they don't. Ms. Walker agreed. Mr. Forsberg doesn't think they have access to their property as the roadway is over the driveway. Mr. Glossa stated the covenant needs to be tailored to protect all parties. Mr. Forsberg asked at what point can they remove it from the covenant and Mr. Glossa stated whenever they want. Right now it's just Tom Taylor and the owners of the two lots. Mr. Taylor stated he doesn't want to be trapped by the covenant. Ms. Walker stated there has to be a legal way to handle it. Mr. Glossa stated it is a legal document and it will have an effect on the Taylors. Mr. Conroy stated just don't record it. Leave it out there. Mr. Forsberg feels an attorney has to have something written up and the board can then run it by our town counsel. It doesn't matter to us what you do, but you should have the correct language for yourself.

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Mr. Conroy stated the sewer issues also need to be resolved. Mr. Glossa stated the town could eventually end up maintaining a small piece of sewer and not get any money for it. Mr. Forsberg read an email dated June 5th from Rick Mattson which addresses Mr. Glossa's concern. Mr. Conroy asked if this is a full build out and Mr. Glossa stated yes and it is in compliance with the Planning Board's Rules and Regulations. Mr. Conroy asked Ms. Walker to look at the new plan when it is submitted and she agreed. Mr. Glossa stated only one of the three houses would be able to connect through gravity which would make it very expensive. Also, there is a lot of ledge in this area. The other two houses would have to pump anyway. Mr. Glossa stated that Westwood approved the three houses and they are anticipating these people will leave the laterals, which is not automatically approved. Mr. Forsberg stated he would like a letter from Westwood. Mr. Glossa stated he can give the board a copy of the Westwood minutes. Mr. Conroy stated this is their risk as we would approve it with them being tied in and if they can't or don't the subdivision would fail.

Mr. Glossa stated they do show street trees on the plan and will also put in a street light. The Order of Conditions has been issued. Mr. Conroy stated they do need a final okay from the Sewer and Water Commission and they also need to address the covenant issue. Mr. Glossa thinks that once the Sewer and Water Commission finds out this is private, they will wash their hands of it.

There were no public comments. Mr. Conroy moved to accept an extension of time up to and including September 15, 2014 as requested by Mr. Glossa. Motion seconded by Mr. Nottebart and voted 4-0-0. Mr. Conroy continued this hearing to September 4, 2014 at 7:25 p.m.

Zoning Bylaw Changes: Mr. Conroy discussed these briefly and asked this be put on the August 14th agenda.

Planner Discussion: Mr. Conroy asked this be added to the August 14, 2014 agenda.

It was moved, seconded and voted 4-0-0 to adjourn. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted September 4, 2014