

WALPOLE PLANNING BOARD MINUTES OF MARCH 7, 2013

A regular meeting of the Walpole Planning Board was held on Thursday, March 7, 2013 at 7:00 p.m. in Room 112, Town Hall. The following members were present: Edward Forsberg, Chairman; Richard Nottebart, Vice Chairman; John Murtagh, Clerk, John Conroy (7:42 p.m.); Margaret Walker, Town Engineer.

Solar Overlay Fee discussion: Mr. Nottebart stated that two weeks ago, the board had promised to set the overlay fee at tonight's meeting, but he never heard from anyone. Therefore, he has put together two proposals and would like the board to vote one of them tonight. After a brief discussion, Mr. Murtagh moved to set the base fee at \$500 plus \$100 per acre of the property on which the project is located, but not including buildings. Motion seconded by Mr. Nottebart and voted 3-0-0 (Forsberg, Nottebart, Murtagh).

7:15 p.m. Niden Woods Bond discussion: Mr. Forsberg stated he was quite upset after the last meeting. This subdivision is being dragged out and the town could be stuck holding the bag. Our purpose is to make sure that every project abides by the Zoning Bylaw, but he has bad vibes on this one. He feels that the applicant showed the board no respect by not abiding with the Zoning Bylaw. He asked why the sidewalk isn't done. Dan Merrikin stated there was a neighbor that stood in the way of getting that sidewalk done for almost a year. Ms. Rosenfeld stated at one point, they thought Ms. Walker wanted a sign off from them if they stepped on his property. Ms. Walker stated she does need a temporary right of entry. Ms. Rosenfeld stated she sent them letters, but they wanted money from her and fences, which is how Ms. Walker got involved. They were horrible to deal with. Mr. Forsberg stated the sidewalk should have been in before she sold the house. Ms. Walker stated the sidewalk is not included in the bond. Mr. Merrikin stated the sidewalk is off site and is beyond the subdivision as it is located between Lorraine Road and Hummingbird Lane. Mr. Murtagh stated he would like the bond reduction put on hold while the entire Planning Board and Ms. Walker to do a site visit. Mr. Merrikin stated that the drainage bond has \$79,000 in it and the subdivision bond is roughly \$136,000 for a total of \$220,000 in bonds. The road is fully paved and curbs are in. To return \$59,000 as previously voted would leave \$157,000 in the bonds. Ms. Walker is holding all the money for the paving and \$20,000 for as built plans. She received draft as-builts already. Mr. Forsberg stated they missed the Spring town meeting and wants this ready for the Fall town meeting. What if you miss that one? He doesn't have much faith in them after all this. Ms. Rosenfeld stated there will be \$157,000 left in the bonds and she will not leave that kind of money on the table for \$10,000 worth of work that needs to be done.

Mr. Murtagh agrees with Mr. Forsberg, but he still wants a site visit. Mr. Forsberg questioned the outstanding items. Ms. Walker stated hydrants, loam, seed, trees, gate boxes, survey of bounds and the like. Mr. Merrikin stated they have prepared the bound certification and as built. Mr. Murtagh stated he has issues with walls being in the wrong place. Mr. Forsberg stated the applicant should have come back for modifications to the approved plan.

Ms. Walker stated she also requires a statement on the plan by their engineer certifying that the detention basins will function as designed. Mr. Nottebart stated he has previously trusted there was enough money, but the thing that bothers him is why have a plan if you don't follow it. Ms. Rosenfeld stated if something doesn't work, she fixes it. Mr. Nottebart stated they should have asked for modifications and as an attorney she should know that. It could possibly work if there is some mitigation with Ms. Walker. Mr. Merrikin stated Ms. Walker has done that. Mr. Nottebart feels that Ms. Rosenfeld was a little cavalier with us at the last meeting. Ms. Rosenfeld stated she is not going to slough off her responsibility. She sold the lots according to the plans and details and the buyer built it, who has assured her that he will fix what needs to be done. If he doesn't, she will do it herself and then go after the buyer. Mr. Forsberg stated we go through the process, we approve the plans and if you want to change it you need to come back for a modification. We just can't go too far out of the scope. You have to go to the Fall town meeting and if you aren't on the agenda for the Fall, he will move to pull the bond. Ms. Rosenfeld stated she had asked previously for a minor modification for two fences. How does she get that? Mr. Forsberg stated she needs permission from the mortgage holder. Mr. Merrikin stated that should be a minor modification, but could be considered a field change. Mr. Murtagh stated he feels it is a minor modification and that Ms. Rosenfeld disrespected the board by not coming back with changes. Ms. Rosenfeld stated she now gets that. Ms. Walker asked what the board decided regarding fences and trees and Ms. Rosenfeld said you said no. She will try and get the sign offs and if not she will just do it. Mr. Murtagh stated we want to work with you to prepare for the Fall town meeting. Ms. Rosenfeld stated she will absolutely guarantee she will be there. Mr. Murtagh would still like a site visit. Ms. Walker stated that for two members and herself to do a site visit would be okay with her. Ms. Rosenfeld stated she just wants some cash flow. Mr. Forsberg stated we all know where we stand and as long as Ms. Walker is happy, we will go along with the bond reduction. Mr. Merrikin stated he will do a site walk with Ms. Walker, two board members and Ms. Rosenfeld. Mr. Forsberg stated the bond reduction letter can go now.

7:43 p.m. Lubold, Plimptonville Crossing, 254 Plimpton Street, Case No. 13-1: Mr. Forsberg continued this hearing to March 21, 2013 at 7:45 p.m. as per a request dated March 7, 2013 from the applicant's attorney. He also moved to accept an extension of time up to and including April 19, 2013 as per request of the applicant's attorney, Paul Schneiders. Motion seconded by Mr. Nottebart and voted 4-0-0.

7:45 p.m. Zoning Map Amendment Public Hearing: Mr. Nottebart moved to waive the reading of the public hearing notice. Motion seconded by Mr. Murtagh and voted 4-0-0. Stephanie Mercandetti was at the hearing to present the article and to answer any questions. She stated that the property location is 564 Main Street the property is currently zoned GR with a small piece in the rear that is PSRC, all of which will be changed to Business near Cobbs Pond. The property houses a residence owned by Shirley and David Booth along with Shirley's business, Shirley's Beauty Barn. There are multiple commercial businesses in the area and there is an interest to sell the property with the primary use of the site being business.

This rezoning fits in nicely with the Town's desire for more appropriate economic development. According to the Town's 2004 Master Plan and the 1999 Comprehensive Economic Development Plan, these plans recognize the importance of a diverse economy and calls for economic development efforts to create a higher-value nonresidential tax base and improve/enhance the appearance and traffic function of our business areas/zones. It makes sense to have this property zoned for business as Main Street (Route 1A) is one of our commercial corridors.

Mr. Forsberg read comments from the Conservation Commission, Engineering and the Deputy Fire Chief. Ms. Walker stated that if this approved, she would like the engineer's digital files. Mr. Murtagh asked if this is will be one business and Ms. Mercandetti stated it is one parcel. Mr. Murtagh stated he feels they should have included more parcels from Walpole to the Norwood line as they could have a serious problem with spot zoning. He will not go against the will of the board, but feels the attorney general will take issue with this. He is all for business and if the board sees fit to do this, he won't be the dissenting factor. Mr. Conroy asked who owns the PSRC parcel and Ms. Mercandetti stated the Booths. Mr. Conroy stated we only took town property when we rezoned this years ago. The map is based on someone's drawing. He asked her to go back to the original town meeting article when we changed to PSRC and check to make sure this was included. We only took town parcels at that time and feels this needs to be cleared up prior to town meeting. Ms. Mercandetti agreed with him but said she couldn't find anything. Mr. Conroy stated it was sometime in 1997, 1998, or 1999. Ms. Walker suggested she check with the town clerk. Mr. Conroy stated it looks like you are rezoning town property and giving it to the people. Mr. Forsberg stated that people will ask why you rezoning town property. Ms. Mercandetti stated when she looked at the zoning map she wanted to include the PSRC piece so there wouldn't be an issue later on. She is also aware that single family homes are not allowed in the Business zone. Mr. Murtagh asked if the direct abutters were noticed and Ms. Mercandetti stated yes. She also stated she did approach ReMax but they didn't see fit to change their parcel to Business. She is sensitive to the spot zoning issue and can tie this back to a larger public benefit. Mr. Murtagh feels she has done her homework and did a good job. Mr. Conroy stated we could have rezoned ReMax without their approval. You can rezone anything you want. Mr. Forsberg questioned the tax rate and Ms. Mercandetti stated it is commercial. Mr. Nottebart asked if we can include ReMax now and Mr. Conroy stated no, but maybe next time. He feels Ms. Mercandetti is doing her job by looking at a broader area. Mr. Murtagh asked the new use going in there and asked if it would be a marijuana dispensary and Ms. Mercandetti stated no.

Mr. Conroy suggested that when Ms. Mercandetti goes to town meeting with this map, it would be easier to understand if all the town properties were the same color. Mr. Forsberg asked how wide is the access off Main Street and Ms. Mercandetti stated she doesn't know.

There were no public comments.

Mr. Murtagh moved Favorable Action on the Zoning Map Amendment from PSRC to Business. Motion seconded by Mr. Nottebart and voted 4-0-0.

Time Cards: Mr. Forsberg moved to approve the secretary's time cards as submitted. Motion seconded by Mr. Nottebart and voted 4-0-0.

Northridge Farm Bond: Mr. Forsberg moved to set the bond for Northridge Farm at \$540,000.00 as recommended by Ms. Walker. Motion seconded by Mr. Conroy and voted 4-0-0.

Minutes: Mr. Nottebart moved to approve the minutes of February 21, 2013. Motion seconded by Mr. Conroy and voted 3-0-1 (Mr. Forsberg abstained).

Fluoride Meeting: Mr. Forsberg read a memo dated February 27, 2013 from the Sewer and Water Commission re: Fluoride Public Meeting scheduled for March 11, 2013.

Walpole Place: Mr. Nottebart stated he will draft a memo of Planning Board support to be sent to the Zoning Board regarding a request for a variance for an 8' fence.

Planner Position: The Planning Board secretary informed the board that if they want to meet with the FinCom to discuss the addition of a planner to our budget, the last date to meet with them is March 28th as they will be holding all of their public hearings before the end of April.

It was moved, seconded and voted to adjourn. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 4/4/13