

## WALPOLE PLANNING BOARD MINUTES OF OCTOBER 2, 2014

A regular meeting of the Planning Board was held on Thursday, October 2, 2014, at 7:00 p.m. in the main meeting room, town hall. The following members were present: John Conroy, Chairman; Richard Mazzocca, Vice Chairman; John Murtagh, Clerk (7:11 p.m.); Edward Forsberg, Richard Nottebart, and Margaret Walker, Town Engineer.

**Minutes:** Mr. Conroy moved to approve the minutes of September 4, 2014. Motion seconded by Mr. Nottebart and voted 4-0-0.

Mr. Murtagh arrived at 7:11 p.m.

**Tall Pines Subdivision:** Ms. Walker stated she is still having an issue with the corner roundings with this subdivision. Mr. and Mrs. Miles should convey this directly to the town. Mr. Forsberg asked if this is holding them up from getting a building permit. Atty. Mark Gladstone stated he has been trying to get with town counsel, but Atty. Quirk is on vacation. Shirin Everett didn't return his phone calls. Carolyn Murray had no background on this matter. She totally changed the language on the Planning Board form. This morning, Mr. Gladstone got a call from Ms. Walker saying that Atty. Jonathan Eichman from Kopelman & Paige had an issue with the rounding easement. He thought he had reached closure on this with Ms. Walker. They have three buyers and they are looking to put in foundations. Ms. Quirk had approved these documents already. He talked with Johnathan Eichman and he told him this was all salvageable. He would like his building permits. He is willing to agree that until such time that Kopelman & Paige is happy, he won't be given a certificate of occupancy. Mr. Nottebart asked if we can accept the tripartite without the easements being done. Ms. Walker stated Ms. Quirk did not tie them together. Mr. Conroy stated when she left, he thought we were all set. Mr. Gladstone stated that was his understanding also. He wants to build five houses and all he wants right now is three foundation in right away. He will resolve his issues with Ms. Quirk when she gets back from vacation. Mr. Murtagh stated he doesn't know how to resolve this. Mr. Conroy stated we had an email that said the roundings are fine. Mr. Nottebart moved to accept the Tripartite Agreement as submitted by Atty. Gladstone, who will resolve the rounding issues at a later date. Motion seconded by Mr. Conroy and voted 4-0-1 (Mr. Mazzocca abstained).

**High Oaks IV:** Ms. Walker stated she forgot to add some items to the last bond reduction. Mr. Conroy moved to reduce the bond on High Oaks IV to \$771,000 as per recommendation of the town engineer, Margaret Walker. Motion seconded by Mr. Mazzocca and voted 5-0-0.

**Bradbury; Neal Street:** Mr. Conroy read a letter from Ms. Bradbury re: street paving. Ms. Walker stated this street was built in the 1950, and the end of the street was never accepted by the town. The road was being repaved now, but the town can't use Chapter 90 funds on private roads. Mr. Nottebart asked how many feet aren't accepted and Ms. Walker stated a couple of hundred feet. She stated she has tried to reach Ms. Bradbury and can't reach her to let her know the issue is she doesn't live on an accepted public street.

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Mr. Conroy asked when it went out to bid, was this part of it and Ms. Walker stated there were no drawings required for paving contractors.

**7:34 p.m. Marini, 1429 Main Street, Case No. 14-9 and 14-10:** Mr. Conroy moved to accept an extension of time on which to take action on the site plan request and special permit request up to and including December 29, 2014. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy continued this hearing to November 20, 2014 at 7:35 p.m. and 7:36 p.m.

**Sharon Zoning Board Request for Comments Old Post Road 40B:** Mr. Conroy moved to forward Wayne Feiden's comments to Sharon ZBA. Motion seconded by Mr. Nottebart and voted 5-0-0.

**7:46 p.m. Public Hearing for Zoning Article 24, 25, 26, 27.** Mr. Conroy stated that these articles were brought to our attention by Jack Mee, Building Inspector.

**Article 24:** Mr. Conroy read the public hearing notice as advertised in the Walpole Times. He read correspondence from Margaret Walker, Town Engineer, Zoning Board of Appeals, Fire Department, Economic Development and Wayne Feiden. He stated this is a clean up of what we have. Cliff Snuffer, Board of Selectmen, asked who is the sponsor of these articles. Mr. Conroy stated the Planning Board.

Mr. Conroy moved for Favorable Action on Article 24 as advertised. Motion seconded by Mr. Mazzocca and voted 5-0-0.

**Article 25:** Mr. Conroy read the public hearing notice as advertised in the Walpole Times. He read correspondence from Margaret Walker, Town Engineer, Zoning Board of Appeals, Fire Department, Economic Development and Wayne Feiden. Mr. Conroy stated the way this article presently reads is if you want to have a deck in the setback, you would have to build a porch. There were no public comments. Mr. Conroy moved Favorable Action on Article 25 as advertised. Motion seconded by Mr. Nottebart and voted 5-0-0.

**Article 26:** Mr. Conroy read the public hearing notice as advertised in the Walpole Times. He read comments from Engineering, Zoning, Fire Department, Economic Development and Wayne Feiden. He stated the way this article is written now, if you need a special permit anywhere in town, you have to file a full site plan, which doesn't make any sense. It was agreed to amend this article to incorporate the comments submitted by Stephanie Mercandetti, Economic Development Officer. Mr. Nottebart stated her recommendations are good.

Mr. Conroy asked for public comments.

Dan Merrikin, Merrikin Engineering, stated if the board wants to be consistent, they need to add "whichever is greater". It should read all parking lots of more than six parking spaces or less

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than 10% increase in existing parking spaces. He suggested adding the word “new” in front of six parking spaces.

Mr. Conroy moved to amend this article based on Ms. Mercandetti’s suggestions and Mr. Merrikin’s suggestions. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy moved Favorable Action as amended. Motion seconded by Mr. Nottebart and voted 5-0-0.

**Article 27:** Mr. Conroy read the public hearing notice as advertised in the Walpole Times. He read comments from Engineering, Fire, Economic Development, and Wayne Feiden. There were no public comments. Mr. Conroy moved Favorable Action on Article 27 as advertised. Motion seconded by Mr. Mazzocca and voted 5-0-0.

**8:35 p.m. Article 28 – Baker Hughes petition:** Mr. Conroy read the public hearing notice as advertised in the Walpole Times. The applicant was represented by Meredith Borestein and Anequa Cornetta. Ms. Borestein stated they specialize in finding land, such as superfund sites, that nothing else can be with and this property fall into that category. Mr. Conroy asked if they are here for the solar on behalf of Baker Hughes and Ms. Borestein stated yes. Right now is only step 1. This could or could not happen on this site. They are asking to do this so it could possibly be done. Mr. Conroy read comment letters from the fire department, economic development, and Wayne Feiden. Ms. Walker stated they need to submit their information to Jim Johnson or the IT department so this can be part of town meeting.

Robert Belcher, 50 Neponset Street asked the current zoning and Mr. Conroy stated that according to what was submitted, along Washington Street is GR and LM behind that. Mr. Belcher asked if the property on the other side of the railroad tracks is LM and Ms. Borestein stated yes. Mr. Belcher asked about the wetlands and Mr. Conroy stated they are just doing an overlay over what is there. They can’t build on the wetlands. Mr. Belcher stated this change allows the possibility of solar, but doesn’t change the zoning districts. Ms. Walker stated this is not a zoning change, it is an overlay. They don’t lose the zoning classification. Mr. Conroy stated they still have to go by the regulations of that zone. Mr. Belcher asked if this property could go back to being a warehouse and Mr. Conroy stated no. Ms. Borestein stated they just put an overlay over the entire parcel. Mr. Conroy feels we need clarification from town counsel. He feels if it is not allowed now, the overlay won’t allow it. It is like spot zoning.

Josette Burke, Finance Committee asked if they are going to be doing the installation of the solar voltaic and Ms. Borestein stated nothing is planned at this time as they need to just get approvals. If they don’t get them, there will be no reason to go forward. If this is approved, they will be back to the Planning Board for site plan approval and will also go to the other boards.

Cliff Snuffer, Board of Selectmen questioned what is being asked of the town and Ms. Borestein stated they are petitioning the town to put in a solar overlay on the Baker Hughes property. Mr.

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Snuffer asked if they are talking about the entire parcel and Ms. Borestein stated they are only petitioning for this parcel. Mr. Snuffer agrees this is spot zoning. He asked if typically these are base mounted stationary panels and Mr. Cornetta stated yes. Mr. Snuffer stated that overlay districts without a purchase is just spot zoning and Ms. Borestein agreed. She stated they have a thirty year lease with Baker Hughes. Mr. Conroy stated we can't control these overlays which are self-serving. Mr. Cornetta stated the Department of Energy only allows this on environmentally challenged land. Mr. Murtagh stated this is a dirty site and asked if this would be the end of the clean up. Ms. Borestein stated this is a way for Baker Hughes to use the land and she can only speak for themselves. Mr. Murtagh asked how much of the land will you put into the overlay district and Ms. Borestein stated they are only asking for one parcel at this time. She stated the overlay is tied to solar. This is a way to use the property without removing contaminants. Mr. Mazzocca asked if they are asking if they can only do this or can they do something else here. Ms. Borestein stated they are just doing this step by step. Mr. Mazzocca thinks this is great and is a perfect use for the land. We don't want to see this land sit. Mr. Murtagh agrees and stated this will be a good use.

Ms. Williams, 40 Neponset Street asked how do you control everything that is in the soil when installing the product. Ms. Borestein stated they are working with their environmental people. The site has a lot of restrictions but they have to meet Mass DEP standards also.

Josette Burke, Finance Committee asked how large this area is and Ms. Borestein stated she thinks it is over 100 acres. Mr. Belcher thinks it is 80 acres. Mr. Mazzocca thought it was around 74 acres. Ms. Borestein stated that the east side of the parcel with the pond is 108 acres and the west side on the other side of the railroad tracks is 57 acres, but they are looking at this as one parcel, but are not thinking about doing anything on the west side. Mr. Belcher asked if they normally cut down trees to make room for solar and Mr. Cornetta stated they will decide as they move along. If any tree gets cut down, they plant two in its place. Ms. Borestein stated that shade is always an issue with solar. Mr. Conroy stated that since the railroad goes through there, they have no access to the west side unless the railroad lets them go across the tracks. Ms. Borestein agreed. Mr. Conroy asked how much they anticipate covering with panels and Ms. Borestein stated 30-40 acres out of the 100 acres. Mr. Murtagh asked if there will be a buffer and Mr. Conroy stated yes. Ms. Walker stated they should come to her office to check out the underlying zones as they don't want to go to town meeting with incorrect zones. Mr. Conroy stated that their handout says GR to SPOD and that is incorrect. Mr. Nottebart stated we need to get our homework done on this. This is stamped August 16 and he asked when we did the overlay district for Industrial Road, there was an economic issue. They need to go to town meeting with specifics. He agrees with Mr. Conroy and Mr. Snuffer. They need to have meetings with the economic development director, building inspector and town administrator. Mr. Cornetta stated he has already talked with different departments. Mr. Nottebart stated there are details that need to be ironed out. He is hesitant to jump on this tonight, but he knows the

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time is ticking. Mr. Conroy stated they will have 150 people at town meeting who will ask questions. He suggests they have an open house before town meeting and take them for a site walk. This has been a big buzz site for many years. Ms. Borestein asked how they do that. Mr. Conroy stated they should go to the town clerk's office and get a list of the town meeting members. Mr. Murtagh recommends using Boyden School for a meeting with the people of South Walpole. They need to get the people's feelings for this. Mr. Conroy stated they should just get the word out. It could also be done by email. Mr. Murtagh suggested they approach the superintendent of the schools. Mr. Conroy stated they might want to contact the Walpole Times to write an article and lastly they could ask the town to put it on the website. Ms. Walker asked if they were aware of the packets that go out to the RTM. Mr. Snuffer asked if they were aware of the design review committee that they could have met with back in mid-August. What is missing here is the appropriate guidance. Josette Burke stated they got some excellent information tonight. Town meeting is October 20. They can put their information into the packets, but some don't open them until that night. She would recommend a separate mailing to the town meeting representatives. It is time consuming but in the long run you will reach everyone. People don't go to town meeting prepared. Mr. Conroy stated they can wait for town meeting when people's questions are answered. At this point we need an answer from town counsel as to can they only do what is allowed in that zone. He has no other concerns. If we don't get these questions to town counsel, you could be in trouble at town meeting. We need a legal technical explanation for everyone of what overlay means. Mr. Conroy stated an explanation would help everyone to understand the article, so we will ask town counsel. He stated we will forward counsel's opinion to the applicant as soon as we get it. He stated if they hadn't put GR on the plan, we wouldn't have to do this.

There were no further questions. Mr. Conroy moved to hold our recommendation until town meeting after we get input from town counsel. Motion seconded by Mr. Nottebart and voted 5-0-0.

Mr. Conroy asked Mr. Snuffer to help get an answer from town counsel prior to town meeting. Mr. Snuffer stated he sees no reason why this couldn't happen through the town administrator. He also informed the applicant that there are people in town hall who could be helpful to them. Mr. Glossa stated you don't want it in the GR zone and asked if they can amend the article to say it is only property that states LM. Mr. Conroy stated that might be harder to do.

Mr. Conroy continued this hearing to October 16, 2014 at 7:25 p.m.

**9:35 p.m. Article 29:** Mr. Conroy read the public hearing notice. Steve Martin, Martin Engineering was at the meeting to present the article. He stated this is for one parcel and Bird and Son owns the abutting property also. It is a 19 acre parcel zoned LM and they are proposing an overlay on that one parcel. There will be no cutting of trees or earth work. They have a

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permit from DEP. They will file with the Conservation Commission as the run off goes into the wetland. He stated that over the next 25 years there is the potential of \$847,296 in taxes generated.

Mr. Conroy read comments from the Zoning Board, Fire Department, Wayne Feiden, Economic Development and Engineering. Mr. Martin stated he will be providing information for the town meeting packets. He stated this is a good use for this parcel and there will be no impact as it can't be seen from anywhere. They have to go through DEP and the Board of Health also.

Mr. Conroy asked for comments. Mr. Murtagh stated this is an excellent use for the land. Mr. Nottebart asked if this is a contaminated dump site and Mr. Martin stated that DEP and GZA monitor this with groundwater and vents and that will continue. He stated he didn't get a chance to review this and questioned the potential tax revenue.

Mr. Forsberg asked if this will interfere with what is presently being done there and Mr. Martin nothing will change as they need site plan approval from us. Mr. Forsberg asked how they access this site and Mr. Martin stated through Merchants Drive and there is a gate there now. There were security problems there now so they have a security person that goes out there three times a day now. When this is done, there will be cameras and the area will be fenced. Mr. Conroy suggested they do packets for town meeting also. Mr. Nottebart suggested they not put the tax revenue information in the packets. They should be informative without making promises.

There were no further comments. Mr. Conroy moved to recommend Favorable Action on Article 29. Motion seconded by Mr. Murtagh and voted 5-0-0.

**9:50 p.m. Kingswood Estates Continued Hearing:** Mr. Glossa granted an extension of time on behalf of the applicant up to and including January 20, 2015. Mr. Conroy moved to accept an extension of time up to and including January 20, 2015. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy continued this hearing to December 4, 2014 at 7:35 p.m.

**9:54 p.m. Cumberland Farms, 1340 Main Street, Case No. 14-12 Continued Hearing:** Mr. Conroy continued this hearing without testimony to October 16, 2014 at 8:20 p.m. as requested by the applicant's attorney, Paul Paulosky.

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:00 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 11/6/14