

WALPOLE PLANNING BOARD MINUTES OF JANUARY 19, 2012

A regular meeting of the Walpole Planning Board was held on Thursday, January 19, 2012 at 7:00 p.m. in the town hall main meeting room. The following members were present: John Conroy, Chairman; Edward Forsberg, Vice Chairman (7:10 p.m.); John Murtagh, Richard Mazzocca (7:10 p.m.); Richard Nottebart, and Margaret Walker, Town Engineer.

Time Cards: Mr. Conroy moved to approve the secretary's time cards. Motion seconded by Mr. Nottebart and voted 3-0-0.

Minutes: Mr. Conroy moved to accept the minutes of December 15, 2011. Motion seconded by Mr. Nottebart and voted 3-0-0.

Barachiah Lane Subdivision Modification Determination: Mr. Conroy read a letter from David Wakefield, Trustee of Lewis Park Trust, seeking a modification from the board's decision dated April 30, 2007, for Lots 1 and 2 Barachiah Lane. Special Condition #6 stated in part if the owner of Lot 2 desires to utilize its frontage on Barachiah Lane instead of East Street as the primary access for a dwelling thereon, said owner shall apply to the Planning Board for a modification of this approval as the board may deem applicable.

Mr. Conroy moved to allow the owner of Lot 2 to utilize its frontage on Barachiah Lane instead of East Street as the primary access for a dwelling thereon and that it be considered a minor modification to the Barachiah Lane Certificate of Approval Special Condition #6. Motion seconded by Mr. Nottebart and voted 3-0-0.

Mr. Forsberg and Mr. Mazzocca arrived at 7:10 p.m.

Walmart, Case No. 10-8 Update: Mr. Conroy read a letter dated January 9, 2012 from Atty. Philip Macchi providing the Board with a status update on this project.

ANR – Blades Realty Trust: Rob Truax, GLM Engineering, had requested via email that the board re-endorse an ANR plan that was originally endorsed on March 25, 2011 as the Registry of Deeds requires a newer endorsement date prior to recording. Ms. Walker asked if this is registered land and Mr. Conroy stated no. Mr. Conroy asked how do we know if this wasn't already recorded and Ms. Walker stated she will have to check on that. Mr. Conroy asked Ms. Walker to check the mylars to see if there are any changes and to check with the Registry to make sure this wasn't recorded. Mr. Conroy stated we also need a \$900 check from Mr. Truax as this is now considered a new ANR.

High Oaks IV Ball Field Update: Ms. Walker stated she doesn't think this will be ready for street acceptance in the spring. Mr. Conroy agreed and stated they still have outstanding issues with Sewer and Water Commission. Regarding the Mr. Walsh's suggestion of September 26, 2011 offering 1) a financial contribution of \$100,000 to the town which is Engineering's estimate of the cost to build a ball field or 2) Walsh

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Contracting doing \$100,000 in construction work at any of the existing fields that need upgrading in lieu of the financial contribution, Mr. Forsberg suggested we double the figure and do the fields some place else. Mr. Conroy stated we are really not a part of this now. Mr. Mazzocca asked what Eric Kraus wants and Mr. Conroy stated money. Mr. Nottebart asked if this needs a vote and Mr. Conroy stated no.

14 Renmar Avenue, Case No. 05-3: Mr. Conroy read a letter dated June 18, 2012 from Michael Cabaral, Esq., 6 Beacon Street, Boston seeking a modification of the existing previously approved site plan. He stated his client is seeking to 1) amend the fence line from the fence line shown on the original site plans enclosing only a portion of the property instead of the entire boundary line; 2) amend the landscape plan; 3) add outdoor storage at the north side of the property.

Mr. Conroy read a letter dated January 18, 2012 from Jack Mee, Inspector of Buildings requesting the board to consider a stricter time line for compliance. He stated that the owner still needs to produce an as built endorsed by a Registered Land Surveyor. He also attached past and ongoing correspondence from him to RKS Contracting. Mr. Mee also informed the board that Mr. Saccone has a temporary certificate of occupancy at this site.

Chris Kirby, the applicant's engineer, stated they are looking to get a decision on a change to the approved site plan that was done in 2005. He submitted draft plans of the proposed changes, which include 1) the changing of the fence line to go around a portion of the property only; 2) change to landscape by changing the plantings out front; 3) along the north side of the property there is open space. Originally it was agreed there would be no outside storage there and they now want to store materials in that space. Mr. Forsberg asked what the difference is in plantings and Mr. Kirby stated they will pretty much be the same, such as decorative grass, etc. Ms. Walker asked if there were any deed restrictions and Mr. Kirby stated not that he is aware. Mr. Cabral stated there is an agreement with NStar to keep the easement clear, but there is room on either side for storage. Mr. Forsberg stated they have ignored the Building Inspector's correspondence so what is our guarantee that this will be done. Why hasn't this been finished and why have you ignored the conditions in the original decision. Mr. Kirby stated they realized they needed outside storage. Mr. Forsberg asked him why they didn't come back sooner. We approve plans and then you do what you want to do anyway. Mr. Kirby apologized for that. Mr. Forsberg stated that doesn't do any good. The place looks like a rat hole.

Mr. Conroy stated they have a special permit from the Zoning Board for impervious cover. Mr. Kirby stated the outside storage of equipment is fluid as there is more equipment stored in the winter and less in the summer because they are a contractor. Mr. Conroy stated they have a compound problem; i.e., one from with regard to the site plan approval and one from the Zoning Board with regard to the special permit. We can't modify the special permit; therefore, they can 1) ask for a modification of the site plan from the Planning Board for the fence and file with ZBA for a special permit or 2) they can file with the Planning Board for a whole new site plan and special permit together.

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Mr. Cabral stated they would be happy to have the Planning Board look at the modification to the site plan and they will file with ZBA regarding the Special Permit. Mr. Conroy stated they can't amend a special permit. It has to be a whole new filing. We would handle the site plan and special permit filings concurrently. He also feels it should be a new site plan as these changes are really significant and people would need to be noticed of a new hearing. He would vote no to a modification.

Mr. Conroy moved to allow the changes to the site plan as presented to be considered a minor modification. Motion seconded by Mr. Murtagh. Mr. Forsberg stated the Certificate of Occupancy has expired and the applicant also has letters from the Building Inspector stating his issues with this site. He doesn't want to go forward on this. Mr. Cabral stated the only issues are those that are before the board tonight and his clients are working with the Building Inspector to improve and change the area. Mr. Mazzocca asked Mr. Nottebart if he has been out there. Mr. Nottebart stated yes, this past summer. Further, the correspondence he is reading tonight shows there is a problem there. Kevin Saccone stated he thought the problem was the fence and outside storage. He didn't realize that eliminating the fence would be such a big deal. Mr. Nottebart stated he can only go by what he is reading here. He feels they should have paid attention to the Zoning Enforcement Officer. It looks like this has been going on for a while. He also told Mr. Cabral that he might want to change the date on his letter to us as it shows June 18, 2012 instead of January 18th.

Kevin Saccone stated there was an original building for which they did get an Occupancy Certificate and an addition. Richard Saccone stated the addition brought them into a site plan review, and giving up the outside storage was another issue.

Mr. Conroy withdrew his motion; Mr. Murtagh withdrew his second.

Mr. Conroy moved the changes as presented be a major modification requiring a new site plan approval filing. Motion seconded by Mr. Nottebart. Mr. Murtagh suggested we give them a certain date to comply by. Mr. Conroy stated they could ask the ZBA first about the special permit and then come in to us because whatever they tell you to do would be incorporated into the site plan approval. Mr. Cabral asked if he is referring to the outside storage and Mr. Conroy stated yes because outside storage is not allowed as a matter of right in this area. Since the special permit is the tougher issue, it should be sought first. We would only entertain the fence and landscape issues. If you come back after seeing the ZBA, we could then deem those changes a minor modification.

Mr. Conroy withdrew his motion; Mr. Nottebart withdrew his second. Mr. Cabral withdrew his request for a major or minor modification determination. Mr. Conroy stated we will keep the \$200 check because they are coming back.

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Kevin Saccone stated they applied for an Occupancy Certificate and were told they were not in conformance with regard to the fence and landscape and outside storage. Mr. Conroy stated there will be no Certificate of Occupancy until everything is done.

Draft Town Meeting Article: It was agreed to table this article at this time and not go forward with it at the spring town meeting.

Economic Development Workshop: Mr. Nottebart, Mr. Mazzocca, Mr. Forsberg and Mr. Murtagh will be attending this workshop scheduled for January 31st at 7:00 p.m. in Room 112.

Mr. Conroy left at 8:30 p.m.

Sharon Credit Union Endorsement: Mr. Forsberg moved to endorse the Sharon Credit Union Site Plan as reviewed by Ms. Walker, Town Engineer. Motion seconded by Mr. Murtagh and voted 4-0-0.

NCAS endorsement: Mr. Forsberg put this on the board's February 2, 2012 agenda and asked Ms. Walker to get in touch with the contact person and ask him to come into that meeting to address the parking issues.

It was moved, seconded and voted to adjourn. The meeting adjourned at 8:45 P.M.

Respectfully submitted,

John Murtagh, Clerk

Accepted 2/2/12