

WALPOLE PLANNING BOARD MINUTES OF OCTOBER 6, 2011

A regular meeting of the Walpole Planning Board was held on Thursday, October 6, 2011 in the Town Hall main meeting room at 7:00 p.m. The following members were present: John Conroy, Chairman; Edward Forsberg, Vice Chairman; John Murtagh, Clerk; Richard Mazzocca, Richard Nottebart, Donald Johnson, Town Planner, and Margaret Walker, Town Engineer.

Mr. Forsberg opened the meeting at 7:07 p.m.

Minutes: Mr. Forsberg moved to accept the minutes of September 15, 2011. Motion seconded by Mr. Nottebart and voted 4-0-0.

Mr. Conroy arrived at 7:10 p.m.

Time Cards: Mr. Conroy moved to accept the secretary's time cards. Motion seconded by Mr. Murtagh and voted 5-0-0. Mr. Conroy moved to accept the planner's time cards. Motion seconded by Mr. Nottebart and voted 5-0-0.

High Oaks IV: Mr. Conroy read a letter dated September 26, 2011 asking the Planning Board to vote to remove the ball field restriction on Lot 115. Further, 1) they are willing to contribute \$100,000 to the town which is the Engineering Department's estimate of the cost to construct the ball field or 2) they would be willing to \$100,000 in construction work at any of the existing town fields that need upgrading in lieu of the financial contribution. Mr. Conroy asked that a copy of this letter be forwarded to the Board of Selectmen. Mr. Walsh stated he would like another house lot when he pays the \$100,000. He will not give the town money and give up a house lot. If that is the case, they will probably do the field instead. They are willing to give the money to the town and get another lot. Mr. Conroy asked the value of a lot in that subdivision. Mr. Walsh stated the value is zero because he hasn't sold a lot in 3-5 years.

Regarding the pump station, Mr. Conroy stated we need to make sure the pump station is part of the accepted street.

Foxboro Zoning Article: Mr. Mazzocca stated that the town of Foxboro will be holding a public hearing on October 13, 2011 for articles that will be discussed at the December town meeting. Many residents of South Walpole were present to ask the Planning Board to do whatever they can with regard to the proposed amendments to the Foxboro Zoning Bylaw. Mr. Conroy moved that Mr. Mazzocca write a letter to the Foxboro Zoning Board voicing the concerns of the Walpole residents. Motion seconded by Mr. Murtagh and voted 5-0-0.

8:10 p.m. Article 2 Zoning Article Public Hearing: Mr. Conroy opened the public hearing. He read the public hearing notice as advertised. The applicant was represented by Stephanie Mercandetti, Economic Development & Grants Officer and Michael Boynton, Town Administrator.

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Mr. Conroy asked if the selectmen had voted on this article and Mr. Boynton stated yes, 5-0-0. Ms. Mercandetti stated she is here on behalf of the Selectmen. Mr. Conroy read a memo from her dated September 30, 2011 which addressed background information on the article and summarized it. She stated that the underlying zoning will still exist. They are only providing an alternative zoning for these designated sites.

Mr. Conroy read comments that were received from town boards and committees. Mr. Murtagh stated he feels this would be an excellent use on this land. Mr. Mazzocca asked how we tax a ground-mounted solar photovoltaic array. Ms. Mercandetti stated the Department of Revenue is still playing around with that. Mr. Mazzocca asked if the amount of kilowatt hours is taxed by the local authorities and Ms. Mercandetti stated that if it is, she is not aware of it.

Mr. Nottebart asked who drafted this article and Mr. Johnson stated he did.

Allied Recycle representative: stated he has done research on this and asked if the town plans to buy any of this power. It would make it a feasible project if they do plan to do that. Mr. Conroy stated there could be a deal made with National Grid down the road. Mr. Boynton stated there is a group that tried to do something in the Ashland-Hopkinton area. There are also emergency grants available. We need to look into this more.

Mr. Conroy stated he has issues with how this proposal affects the current zoning bylaw. He questioned why it was decided to insert the proposed new section within the book rather than at the end with its own section. Mr. Johnson stated it was integrated as an overlay district and that it is why it was done this way. Mr. Conroy stated the article addresses this being just one overlay district. If there is a building attached, is it an accessory use to the building? Ms. Mercandetti stated the building would be the accessory. Mr. Conroy stated she keeps referencing "large scale". Ms. Mercandetti stated it has to be at least 250 kw as stated in the definition. Mr. Conroy stated they shouldn't add definitions without it being mentioned in the body. For example, there is no parking lot as referenced on Page 3. Ms. Mercandetti stated that is correct. It will then default to the underlying district. She stated they looked at the State model and also what other communities had. Mr. Conroy stated we have tried to create districts that flow and thinks this article could create an issue.

Mr. Conroy questioned the Limited Site Plan reference. He stated if you are not allowed to do it, it shouldn't be in there. He asked Mr. Johnson why LSPA is in there as it will never pertain to photovoltaic. We will never entertain LSPA in this capacity. Mr. Johnson agreed. Mr. Conroy stated we are now referencing something they can never do. Mr. Johnson agreed. Mr. Conroy stated we have now put many things into the Limited Site Plan category that shouldn't be there. We have opened everything up in the LSPA category. He asked Mr. Mee if he sees this as a problem and Mr. Mee stated it potentially could. Mr. Conroy stated the word "structure" sets off a major problem. There will be a lot of dead ends.

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The article has some merit, but the issue is how it gets integrated into our zoning book. An overlay district can be convoluted. It should be done as a bubble as it is unique to itself. Mr. Forsberg agrees with Jack with regard to re-numbering our current book. Every part of the book will have to be reviewed and changed if necessary. Mr. Murtagh agrees this should be put at the end of the book. Mr. Conroy feels it will simply everything to put it at the end. Mr. Mee stated many people have gone through a lot to clean up the book over the years. He asked where this puts us with the article as drafted. Mr. Conroy stated it is the Selectmen's article and needs to pass town meeting with a 2/3 vote. Mr. Forsberg asked if we can do a substitute motion and Mr. Boynton stated no. If we need a separate section, the article needs to be readvertised and changes made. They have strived to keep everything the same. The Planning Board needs to vote and make a recommendation for town meeting. He asked if the vote is unfavorable would there be a two-year issue. Mr. Conroy stated no because you would be rewriting it. Mr. Boynton stated he doesn't think this should go forward with the technical flaws that are presently in there. If we are going to pull it back, he will make a request that first time the Planning Board sees this should not be the night of the public hearing. He doesn't want to roll in here with them seeing this for the first time. Mr. Boynton stated that one option is that the spirit of the article is good, but the technical issues are not right.

Mr. Conroy moved that the Planning Board refer this article back to the applicant for further study. Motion seconded by Mr. Nottebart and voted 5-0-0.

8:55 P.M. Fox Hollow Estates Preliminary Subdivision: Mr. Murtagh recused himself as he is an abutter. The applicant was represented by Paul Broderick. He stated this is a 6-lot subdivision. The roadway is 750' long and sewer will be available. He feels this is a straightforward project, and it is coincidental that this part of town is having other issues right now.

Mr. Mazzocca questioned the dead-end at the end of the county line. Mr. Broderick stated he is not going past the town line. The site is 7 ¼ acres and they did a preliminary in order to have a consensus of the board before doing a definitive plan.

Mr. Conroy read letters from the Board of Health and the Conservation Commission. Ms. Walker discussed her comments and said she will send a copy of her comments to Mr. Broderick. She stated that the lot sheets need to be stamped by a registered land surveyor; the DIS is not signed; she questioned the legal frontage of the existing house. Mr. Conroy asked if Maggie's comments are for down the road and Ms. Walker stated yes, as well as what is missing now. Mr. Johnson discussed his comments. Regarding Lot 5, Mr. Broderick stated it is in excess of what is required. Mr. Mazzocca stated that Shufelt Road is a dead end street off of a dead end street and will need a waiver. Mr. Forsberg stated that the Sewer and Water Commission will have some issues also. Mr. Conroy stated that the applicant needs to prove this is a viable street. Mr. Johnson stated that the applicant and owners are not the same entity and that needs to be addressed. Mr. Broderick stated he has addressed that already.

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Ms. Walker stated that with regard to Shufelt Road, it is listed on the town clerk's accepted street list as "accepted", but she is not sure if it is. Mr. Mazzocca asked regarding the dead end issue what the status of the vacant lot is. Mr. Broderick stated it is wrapped up at this time in a family issue.

Deb Burke, South Walpole, asked when the abutters will become aware of what is going to happen. Mr. Conroy stated when they bring this before the board for the definitive process. Tonight is only for feedback from the board to the applicant. Mr. Mazzocca asked if there is another plan out there and Mr. Broderick stated yes. Mr. Forsberg agrees that the length of the roadway needs to be resolved. He asked if they will be proposing underground utilities and Mr. Broderick stated yes. Mr. Johnson stated the board could consider waiving one sidewalk and Mr. Conroy stated we do that as a matter of course because we don't plow or maintain it. It should be the sidewalk on the southerly side. Mr. Broderick stated it is actually the northerly side. Mr. Nottebart asked if the Bacon house is the one that is all overgrown and Mr. Broderick stated yes. Mr. Murtagh questioned the wetland on Lot 5. Mr. Broderick stated the next step would be to have this lot flagged by a botanist.

There were no further board questions or questions from the public.

Mr. Conroy moved to approve the preliminary plan as presented and stated that tentative approval is not binding on the definitive filing. Motion seconded by Mr. Nottebart and voted 3-0-1 (Mr. Mazzocca voted in the negative).

Brush Hill Subdivision: Ms. Walker asked which fund the board wanted the money from the waiver put into, sidewalk fund or tree fund. Mr. Murtagh moved that the money be put into the sidewalk fund. Motion seconded by Mr. Conroy and voted 5-0-0.

Niden Woods Subdivision: Ms. Walker stated the off site sidewalk still needs to be done. She is also concerned about drainage. Mr. Conroy asked that Ms. Rosenfeld come into a meeting to update the board.

Mr. Johnson stated he would like to attend the DRC for Walpole Woodworkers on Tuesday, October 13. He stated he will adjust his hours accordingly. Mr. Forsberg stated he is okay with that.

Walpole Park South: The secretary received an email from Ilana Quirk, town counsel, which stated she wasn't sure what the board was looking for with regard to WPS. Mr. Conroy stated we will send her another email request.

Production Road Bond: Mr. Johnson updated the board regarding this bond. He stated there is only a small amount left in this bond and the street is only bonded to the extent that it is built.

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Town Planner Interviews: At 9:45 p.m. the board interviewed Don Johnson, Interim Town Planner, for the position of permanent part time planner. At 10:00 p.m., the board interviewed John Charbonneau, Wareham/Rochester Town Planner for the permanent position of part time planner.

After the interviews, the board agreed to post a meeting for October 20, 2011 at 6:30 p.m. to discuss the planner candidates.

It was moved, seconded and voted to adjourn. The meeting adjourned at 11:00 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 11/3/11