

WALPOLE PLANNING BOARD MINUTES OF MAY 19, 2016

A regular meeting of the Planning Board was held on Thursday, May 19, 2016 at 7:00 p.m. in the Town Hall Main Meeting Room. The following members were present: John Conroy, Chairman; Richard Nottebart, Vice Chairman; John Murtagh, Clerk; Elizabeth Gaffey; Richard Mazzocca (7:10 p.m.); Elizabeth Dennehy, Community Development Director; and Town Counsel, Ilana Quirk.

Mr. Conroy opened the meeting at 7:05 p.m.

7:05 p.m. Kingswood Estates Continued Hearing: The applicant was represented by Atty. Gerald Blair, Sharon, MA and John Glossa, Glossa Engineering, East Walpole, MA. Atty. Blair stated they have responded to all comments made by the board and the town engineer. Therefore, he feels they have fulfilled all obligations and addressed all issues and asks that the board approve the plan. They have some litigation going that is presently in Norfolk Superior Court which is separate from this, but he feels this subdivision is fully compliant with zoning. He has made an agreement with one of the abutters, Mr. Wyner with regard to the buffer. The plan shows the 25' buffer that they agreed to. He asked the board to close the hearing tonight and vote.

Atty. Blair updated the board on the pending litigation as requested by Mr. Murtagh. Ms. Gaffey questioned the issue with the buffer and an abutter. Mr. Wyner, 43 Bubbling Brook Road stated they are now in agreement with the applicant on certain conditions, such as the 25' buffer will have no structure in it either before or after construction and also the streets are to be kept clean. Mr. Nottebart asked when was the last time we actually reviewed what they are doing here as he didn't receive any information on this and is Mr. Taylor still the owner. Atty. Blair stated no, the Freedmans' now live at 44 Bubbling Brook Road and this language will be added to the final plan as requested by Mr. Wyner. Mr. Glossa stated there is nothing new to send him as nothing has changed.

There were no public comments or board comments.

Mr. Conroy moved to close the hearing. Motion seconded by Mr. Murtagh and voted 5-0-0. Mr. Conroy moved to approve the 3-lot subdivision at 44 Bubbling Brook Road with standard conditions and two special conditions; i.e., that the agreement dated July 15, 2015 between the Wyners, Freedmans and Taylors be incorporated into the decision and the 25' buffer be shown on the final plan. Motion seconded by Mr. Murtagh and voted 4-0-1 (Mr. Nottebart abstained).

After a brief discussion, Mr. Conroy moved to re-vote Kingswood Estates. Motion seconded by Mr. Mazzocca and voted 5-0-0. Mr. Conroy moved to approve the 3-lot subdivision at 44 Bubbling Brook Road with standard conditions and two special conditions; i.e., that the agreement and the 25' buffer be shown on the final plan. Motion seconded by Mr. Murtagh and voted 3-0-2 (Ms. Gaffey and Mr. Nottebart abstained).

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Minutes: Mr. Conroy moved to accept the minutes of April 7, 2016. Motion seconded by Mr. Mazzocca and voted 5-0-0. Mr. Conroy moved to accept the minutes of April 21, 2016. Motion seconded by Mr. Nottebart and voted 3-0-2 (Gaffey, Mazzocca abstained).

Rules and Regulations: Mr. Nottebart moved to incorporate the changes recommended by Ms. Dennehy into the Planning Board Rules and Regulations. Motion seconded by Mr. Mazzocca and voted 5-0-0.

Roscommon re: assignment of sewer easement: Mr. Conroy moved to forward this information to town counsel as requested by Margaret Walker. Motion seconded by Mr. Mazzocca and voted 5-0-0.

7:30 p.m. Maplewood Condos, off Pleasant Street, Site Plan Approval, Case No. 16-5: Atty. Philip Macchi II, 1256 Washington Street, Norwood, MA represented the applicant. He asked to continue the hearing without testimony until after the town elections as the board will be changing. He also granted an extension of time on which to take action up to and including July 31, 2016.

Mr. Conroy moved to accept an extension of time on which to take action up to and including July 31, 2016. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy moved to continue this hearing without testimony to June 16, 2016 at 7:30 p.m. Motion seconded by Mr. Nottebart and voted 5-0-0.

7:33 p.m. Boyden Estates Continued Hearing: The applicant, Lou Petrozzi, Wall Street Development, was present and submitted revised plans with two changes to the board. He stated they shifted the roadway 25' to the north to create better sight and shifted the sewer easement that exists on Lot 2 to allow for better house placement. He submitted a letter on April 7, 2016 addressing the town engineer's comments. His attorney advised him that town counsel should review this and he suggested that a condition be a pre-construction meeting with the town engineer. Mr. Petrozzi questioned the street naming process. Mr. Conroy stated he just needs to submit a name and we will submit it to E911, Fire and Police for approval. Mr. Conroy stated that Rob Truax had asked for Boyden Lane but we have no approval from the Fire Department as yet. Mr. Petrozzi stated he will follow up with the fire chief. Regarding the proposed covenant, he would like to exclude the last lot from the covenant so they can proceed with their transactions. Mr. Conroy doesn't think we can. Mr. Petrozzi feels it is at the board's discretion. Mr. Conroy stated we will send it to town counsel. He read the board and committee comments that were received. Mr. Petrozzi stated that he submitted the same plan we have to the Conservation Commission. Mr. Conroy stated that regarding Ms. Walker's comments, her issues need to be on the plans. Ms. Quirk stated the covenant surety will not protect the lot already built on. She suggested he might want the town engineer to give an estimate to support that lot. Mr. Petrozzi stated what it is today will be maintained during construction.

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Atty. Quirk stated it is up to the town engineer to tell him what services need to be secured. Mr. Murtagh agrees with town counsel regarding the surety.

There were no comments from the public. Mr. Petrozzi stated there are no waivers requested. Mr. Nottebart asked if the latest revision is April 7, 2016 and Mr. Petrozzi stated yes. He gave the board an extension up to and including June 30, 2016 and also asked to continue the hearing. Mr. Conroy moved to accept an extension of time up to and including June 30, 2016. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy continued this hearing to June 16, 2016 at 7:45 p.m.

ANR – Petrozzi, Boyden Estates, Lot 3-A: Mr. Petrozzi stated that the house at 323 Summer Street is not included in the subdivision. Ms. Walker had stated that there was not enough information on the plan to review it. Mr. Petrozzi asked to withdraw his ANR and asked that the filing fee be waived when he refiles. Mr. Conroy moved to allow the applicant to withdraw. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy moved to waive the refile fee. Motion seconded by Mr. Mazzocca and voted 1-3-1 (Mazzocca in favor; Nottebart, Gaffey, Conroy against the motion; Murtagh abstained). Therefore, the fee was not waived.

8:15 p.m. DiSangro, 24 & 28 Production Road, Case No. 16-4 Special Permit Continued Hearing: The applicant, John DiSangro, represented himself. He stated they have a recorded order of conditions for 24 and 28 Production Road. Ms. Dennehy stated they will have to deal with the Fire Department and provide the MSDS sheets. They will need to provide the specific quantities to them. Mr. DiSangro stated this is identical to Walpole Park South. Mr. Mazzocca stated this list was approved already. Ms. Gaffey stated the list provided to us is a master list and if he wants a larger quantity or something not on the list, he would need to go to the fire department. Mr. Conroy stated we are approving household quantities and they can't add something to the list.

There were no public comments. Mr. Conroy moved to close the hearing for Case No. 16-4 as requested. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy moved to approve Case No. 16-4 with regard to chemical storage and impervious cover per underground infiltration. Motion seconded by Mr. Nottebart and voted 5-0-0.

8:25 p.m. DiSangro, 23 & 27 Production Road, Case No. 16-3 Special Permit Continued Hearing: There were no public comments. Mr. Conroy moved to close the hearing as requested. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy moved to approve the Special Permit for Case No. 16-3 as per the previous hearing for Case No. 16-4. Motion seconded by Mr. Nottebart and voted 4-0-0.

8:29 p.m. DiSangro, 23 & 27 Production Road, Case No. 16-2 Site Plan Approval Continued Hearing: No new information has been received and no public comments.

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Mr. Conroy moved to approve Case No. 16-2, 14A Production Road with the board's standard condition and two special conditions. Motion seconded by Mr. Nottebart and voted 5-0-0.

8:32 p.m. DiSangro, 24 & 28 Production Road, Case No. 16-1 Site Plan Approval Continued Hearing: Mr. DiSangro stated he received a separate order of conditions. There were no public comments. Mr. Conroy moved to close the public hearing as requested. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy moved to approve Case No. 16-1 with the board's standard conditions and two special conditions. Motion seconded by Mr. Nottebart and voted 5-0-0.

8:40 p.m. Roscommon OSRD Subdivision Continued Hearing: The applicant was represented by Atty. Johanna Schneider, Rackemann, Brewster & Sawyer, Boston, MA. She stated there was a peer review and a traffic review to which they provided a written response.

Ms. Dennehy stated the subdivision shows thirty newly created lots, but this doesn't include Lots C and D, which was part of the special permit. She thought that would carry over, leaving 28 lots. There was a lot of discussion about this at the April 7th meeting. On May 9, Beals & Thomas stated the definitive plan shows 30 lots not including C and D and they don't have any issue with the lot count as presented. Concerning the waivers, at the last hearing the applicant was directed to contact the School Department and that was done. There was no issue. Regarding curbs/gutters waiver, originally the board thought it wasn't a reasonable request; however, the DPW Director, Bob O'Brien, stated he is in favor of the monoberm.

Ms. Dennehy discussed phasing and stated she feels there is an error in the Zoning Bylaw. Mr. Conroy stated the point system was added in 1998 and you can't double point. This would be minus 40 points, not 30 points as Ms. Dennehy stated. She further stated that all documents need to be reviewed by both town counsel and the town engineer. Ms. Walker's comments are dated May 18th and she feels they could be included as potential special conditions. Mr. Glossa stated they agreed that the retaining walls would be covered in the Homeowners' Association that they will responsible for that maintenance. Mr. Conroy asked if they submitted something to address that and Mr. Glossa stated it has been on the plans from the last two meetings. Mr. Conroy stated the information regarding the sewer is going to be checked by town counsel.

Mr. Conroy read comments from Ms. Walker, the Board of Health and Conservation Commission. Atty. Schneider updated the board on the documents which were originally submitted on January 18, 2016 and then sent to town counsel. She believes they have been approved. Mr. Conroy questioned that town counsel has had them since January and we are just getting them back now.

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Atty. Schneider stated they are fine with sloped granite is that is what the board wants and asked that be a condition of approval. She stated the turning radius is okay and they need a dead end waiver. These three waivers are presently before the board.

Mr. Murtagh stated he is already on record as supporting the dead end street waiver, but he still wants to see the sloped granite. He asked what is the fear of using sloped granite. Mr. Glossa feels this is similar to Audubon Drive. They replaced what was there with monoberm, which is part of the paved surface so it can't be dislodged from the pavement. The Conservation Commission, DEP and ACOE asked for Cape Cod berm or something with less of a slope as they feel the critters would be using that to go back and forth to the vernal pool. Mr. Murtagh stated he will defer to the rest of the board. Mr. Glossa stated their intention is not to cut costs, but thought that was what the town wanted. Mr. Nottebart stated when you asked for input from the DPW Director, did you ask his preference or not as he never knew Bob O'Brien to want something other than granite. Did you pose it as what do you prefer. Mr. Glossa stated he believes he did. Mr. Nottebart stated he doesn't have an issue, but would prefer granite. Ms. Gaffey asked if they are removing the street lighting waiver and putting in street lights and Mr. Glossa stated yes similar to past subdivisions. Ms. Gaffey asked if the granite changes the width of the street and Mr. Glossa stated no. Ms. Gaffey asked if it requires the same amount of room and is that why the DPW wants it. Mr. Glossa stated the roadway is 26' wide. The monoberm is a foot wide and you can drive on it, which means it could be 28'. Sloped granite is 26' with no driving up on it. Ms. Gaffey asked if fire trucks and school buses are okay and Mr. Glossa stated yes. Ms. Gaffey questioned the 30 lots. Mr. Glossa stated the 30th lot is off Gigi's Way. Ms. Gaffey asked if it is accessed through Gigi's Way and Mr. Glossa stated they would like it to be via a driveway off Gigi's Way. Regarding the berm, Mr. Mazzocca asked why they don't keep it consistent with what is in Olmsted and Mr. Glossa stated they are not arguing that point. It is granite in Olmsted. Mr. Mazzocca thinks it will look better to be consistent. He also feels we need to sit down and address issues that are incorrect in the book.

The board agreed to vote the waivers.

Mr. Conroy moved to approve monolithic berm in lieu of granite. Motion seconded by Ms. Gaffey and voted 0-5-0; therefore, the waiver was denied.

Mr. Conroy moved to allow the street alignment waiver. Motion seconded by Mr. Murtagh and voted 5-0-0; therefore, waiver was granted.

Mr. Conroy moved to grant the dead end street waiver allowing the street to be longer than 750' Motion seconded by Mr. Murtagh and voted 3-1-1 (Murtagh, Mazzocca, Nottebart voting in the affirmative; Ms. Gaffey voting against the motion; Mr. Conroy abstained). Waiver was granted.

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Mr. Conroy moved to grant a waiver allowing the grass plots to be less than 3' wide. Motion seconded by Mr. Nottebart and voted 4-1-0 (Conroy voted against the motion). Waiver granted.

Ms. Dennehy questioned allowing a flat spot for the critters and Mr. Conroy asked that it be a special condition.

Atty. Schneider stated they have no further presentation.

Mr. Conroy asked for public comments.

Joe Moraski, Precinct 8 asked if Beals & Thomas provided a reason for their conclusion as to why thirty lots was the number opposed to what Ms. Dennehy provided as a number of 28? Mr. Conroy asked if he read the report and Mr. Moraski stated he hasn't seen anything. Mr. Conroy stated we paid \$2500 to go with what they approved before. Mr. Moraski stated he thought the number was 28 also. He tried to look at what was available from previous Planning Board meetings. He also looked at the special permit that was granted. It was confusing, 30 or 28. There was a lot of discussion about Lots C and D. He thought the August 2014 drawing was still in play. Ms. Dennehy stated the plans that were part of the special permit were dated February 9, 2015. Mr. Nottebart doesn't think the lot count is clearly stated anywhere. Ms. Dennehy doesn't think you can just cut them out. Mr. Nottebart doesn't know how to resolve this, but he is not as hung up on those two lots. Mr. Conroy feels this is the old shell game. They shouldn't have shown lots C and D. That was part of the special permit. They just loped it off, which you can't do. We don't have a plan in front of us with the lot count. They have not demonstrated they can get 30. Mr. Moraski stated his other thing is Gigi Way – was that on the original plan. Mr. Conroy stated that is another change in the plan. Mr. Moraski stated that regarding phasing, he understands what Ms. Dennehy said. How will that be resolved? Mr. Conroy stated it will be up to the board. That was Ms. Dennehy's opinion. We need something from the developer. Atty. Schneider stated they have a phasing letter that was submitted last Fall. Mr. Conroy stated that was one of the reasons why other developers didn't buy this. They saw the points and walked away. Mr. Moraski would like this resolved so the neighbors know. Lastly, is the equestrian center. The special permit doesn't mention that and they want to know out that will be handled. Mr. Conroy stated we have nothing on that. Mr. Moraski stated it was on a ConCom plan. Atty. Schneider stated she would like to respond to the points. They had a phasing schedule dated August 14, 2015 and it was submitted to the board by Atty. O'Brien. Mr. Conroy stated it wasn't in front of us. Atty. Schneider stated it was resubmitted, but she doesn't know if the date changed. Mr. Conroy stated we can't go back to an old one. Atty. Schneider stated it was resubmitted on September 18, 2015. We were told that it is in the Planning Board file. Mr. Conroy stated he didn't see it. Atty. Schneider stated the original date is August 14, 2015 and is on Vinnie O'Brien's letterhead. Ms. Dennehy stated it would be part of the original application and when they refiled, it was part of the application. Atty. Schneider stated she heard some

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questions about the equestrian facility. It is an equestrian use and she is not sure what the issue is as an equestrian use is an approved use. This has been raised with the Planning Board in the past with the special permit and it is allowed. There will be a maximum of five horses on a 5.01 acre lot. It is an intended for private use and there are others along North Street.

Brian D'Angelo, 16 Covey Road stated with regard to the equestrian use, is there a requirement for the amount of grazing space? Can they take on boarders or is it private use only? What's to say they can't have 500 horses? Mr. Conroy thinks they have to go in front of the Board of Health. Atty. Schneider stated the ConCom limited them to five horses. Atty. Quirk stated it could be a condition and also a restriction. Mr. Mazzocca asked if there is a structure on this property and Atty. Schneider stated there will be a barn owned by the owner of Lot 30. Mr. Mazzocca stated he is hearing there will be a barn and horses here for the first time. Will other people be allowed to use that open space, barn and horses. Atty. Schneider stated it will be restricted. Mr. Mazzocca asked if they can use some of the open space and Mr. Conroy stated yes. Mr. Glossa stated there will be a small barn and a paddock on Open Space I which is approximately 2-2.5 acres. The owners of Lot 30 will be the operators of the paddock. Mr. Conroy asked if it is restricted and Mr. Glossa stated the area inside the paddock will be restricted for safety reasons. Mr. Conroy asked if it is in the calcs and Atty. Schneider stated it is allowed to be included and public access can be limited. Mr. Conroy stated we don't have to allow it. Mr. D'Angelo asked how a commercial operation can come into a non-commercial neighborhood. Also, how did we come up with the number of five for the horses. Mr. Mazzocca stated it came from the Conservation Commission. Mr. Conroy stated that all agricultural uses are exempt in this State. We can't restrict it.

Mr. Moraski stated he is unsure about the equestrian center as it is not in the special permit. He feels they should file for an amended special permit. They would like to have it buttoned down as to how it will be used. They are not opposed to an amendment, but want to see something in writing. Mr. Conroy asked if this is approved by the Conservation Commission and Atty. Schneider stated yes. Atty. O'Brien stated there is a conservation restriction that needs to be approved.

Mr. D'Angelo, 16 Covey Road stated that the Conservation Commission told them this was a Planning Board issue. Atty. Schneider asked how does the board prohibit a use that is protected by the Dover Act and the bylaw. Mr. Mazzocca stated he can't charge people to ride the horses or have horse shows. Mr. Conroy asked if that is shown somewhere and Mr. Glossa stated it is on Sheet 28 of 28. He doesn't see anything delineating the real open space and the paddock open space. Atty. Quirk stated if they intend to have sewer and water and electricity on this open space they need to say that. Mr. Glossa stated that has been the concept since day one. It was all well thought out. The house on Lot 30 will connect to Fisher Street. Regarding sewer, there needs to be a pump station and there are about twenty houses involved.

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Mr. D'Angelo questioned the septic facilities going to the barn and asked if there will be anyone living in the barn. Atty. Schneider stated no. Mr. Conroy stated that is the building inspector's call. You can have a bathroom but no living quarters. Mr. Mazzocca stated that is part of the open space so no one can live there. Atty. Quirk asked if it will be heated and Atty. Schneider stated maybe. Atty. Quirk stated that could be a restriction and a condition. Mr. Conroy stated we need to have a phasing discussion. Atty. Schneider suggested a special meeting and Mr. Conroy stated no. Atty. Schneider stated she submitted a chart and a letter explaining the points. Mr. Murtagh asked if that is consistent with our bylaw and Ms. Dennehy stated it is. Atty. Schneider stated the points are to encourage open space development. Ms. Dennehy explained to the board that there is a note in the bylaw that possibly contained an error and Atty. Quirk said the board could look back through the Town Clerk's minutes from 1998 to see if there was any indication if there was an error. Mr. Conroy stated that the phasing section of the bylaw has not changed since 1998. Mr. Mazzocca stated that he thought the board could allow the Building Commissioner to determine the phasing schedule as the Zoning Enforcement Officer.

Mr. Conroy stated this is the first 61A since Adams Farm. Back then, everyone came in for points because of the size; i.e., Toll, etc. Mr. Mazzocca stated this is a separate issue than the approval of the subdivision. Mr. Conroy stated yes, we don't have to do this tonight. Mr. Mazzocca stated he is hearing there are different interpretations. We need town counsel to look at this and guide us. Mr. Conroy stated we can do it after. We are now concerned with the number of lots. Mr. Mazzocca stated we are not experts. He agrees with thirty lots and he has no basis to go against Beals & Thomas. Ms. Gaffey stated she wasn't part of the original, but if 30 is what you give them, then that's that. She feels it is pretty jammed up. Mr. Nottebart stated this is different from what he thought, but he will go with thirty. Mr. Murtagh stated he will go along with Beals & Thomas. Mr. Conroy stated that 28 is what we said.

Mr. Conroy moved that the lot count be thirty. Motion seconded by Mr. Mazzocca and vote 3-2-0 (Gaffey, Conroy in the negative).

Mr. Conroy moved to close the hearing. Motion seconded by Mr. Nottebart and voted 5-0-0. The Roscommon public hearing is closed.

Atty. Schneider asked to approach the board and gave the board an extension of time on which to file the Roscommon Subdivision decision up to and including June 3, 2016.

Mr. Mazzocca moved to accept an extension of time up to and including June 3, 2016. Motion seconded by Mr. Nottebart and voted 4-0-1 (Conroy abstained). Motion carried.

Olmsted Estates Modification re. Endorsement

Mr. Conroy stated we don't have a bond on Olmsted. Atty. Quirk stated you have a bond on the original one. Mr. Conroy stated doesn't the subdivision need to be on a public way. We have a bond on Olmsted I. The rider was never accepted by this board. Atty. Quirk stated you have a bond for eleven lots. You need to endorse that plan. Mr. Conroy stated we just closed the hearing. Can we go back? You need to be on a public way. Atty. Quirk stated you need to have access not necessarily on a public way. The rider is for a lower amount. Atty. Schneider stated there is a bond that the board accepted several months ago. Mr. Conroy stated it was never given to us. Ms. Dennehy stated it was calculated by Ms. Walker who was told to do it.

Mr. Conroy stated yes, by Jim Johnson, but it has never gone through us. Atty. Schneider stated they did make the request at the April 7th public hearing. You said Ms. Walker could do it if she had time. On May 3, they submitted a formal request. Mr. Conroy stated we have an issue with the bond on Olmsted. The process is you ask for a bond, we send that request to Ms. Walker, she gives it back to us, the board sets it and then they come back to post it. We have a figure presently that we didn't vote on. Atty. Schneider asks that the board set the figure based on what the town engineer has presented. Mr. Conroy stated the Planning Board is out of the loop. Atty. Quirk stated Ms. Walker sent the bond figure to the board on May 5, 2016. Atty. Schneider asked the board to set the bond amount at exactly what the town engineer suggested. Mr. Conroy stated we don't count any more. He asked if she has the bond and Atty. Schneider stated yes. He asked if it went to our finance person. Atty. Schneider stated what is already accepted remains in place. Mr. Conroy asked if she has seen this rider and Atty. Schneider stated she doesn't think so. She stated it is a rider and the original bond is still in place. Mr. Conroy asked if Atty. Schneider is asking the board to go forward without having our town Finance Director review this. We have a bond on Olmsted Estates I not on Olmsted Estates II. Atty. Schneider stated you have a rider and the bond is still in effect. Town Counsel has reviewed this document. Atty. Quirk agreed. She stated she received it yesterday and it is proper. Mr. Conroy asked if she is speaking on behalf of the finance director and Atty. Quirk stated no. When you have a request to lower a bond, you don't go back. Mr. Conroy stated you are asking us to accept something our town finance director has not seen. Atty. Quirk stated you could condition it on approval from the finance director. Mr. Murtagh stated there is no doubt that procedure should have been followed, but the rider is in place. Mr. Nottebart stated you can punish them and tell them they have done wrong, but it is hard to follow the bouncing ball. Mr. Mazzocca stated there is either a rider in effect or not. He is comfortable that it is in place. He asked Mr. Conroy if he is saying there is no access. If so, he strongly disagrees as clearly there will be a road and we can condition that if we want to. The hearing is closed. Can we vote? Ms. Gaffey stated there has been a lot of sloppy paperwork. Right along, we didn't want to open Roscommon because of no access. She does feel Marilyn Thompson needs to check the rider. She has never seen anyone do this. It just never gets done right. This is the sloppiest subdivision she has ever seen.

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Mr. Conroy stated everything happened behind his back. You are asking us to take your financial obligation onto our shoulders and it is not fair. This doesn't protect the town. That is our job. If the vote is 3-2 to go with the bond then his opinion is we have given an enormous favor to them. Atty. Quirk stated it is a rider to an already accepted bond. You can condition this that it goes to the finance director. Mr. Conroy asked where would it go as it can't go on Roscommon. Atty. Schneider stated they are requesting endorsement of the Olmsted modification and acceptance of a modified bond in connection with this. Those plans can be held in escrow until approved. Mr. Conroy stated we closed the hearing. Atty. Schneider stated this is on Olmsted Estates Modification, not Roscommon. Atty. Quirk stated Olmsted has been Approved and the deadline to appeal has passed. Mr. Conroy stated the bond is not in effect for Olmsted II. Atty. Schneider stated according to the Rules and Regulation, the town engineer sets up the bond. Mr. Conroy questioned why this wasn't done the right way. Atty. Schneider stated they turned it around in 48 hours. The original instrument is still in effect. This is a rider. It would be a reasonable assumption that the rider is reasonable. Mr. Conroy asked if she would back it up. Atty. Quirk stated in order to endorse a subdivision plan, there needs to be a surety in place. If the board wants the finance director to look at this or if they have an issue with the amount, they can endorse and accept this rider subject to the condition that the town finance director reviews the rider. Mr. Conroy stated Ms. Walker didn't bond the cul-de-sac and the cut through and both should have been in the bond. Therefore, we don't have full coverage. Atty. Quirk stated you can consider that when you approve the Roscommon subdivision. She stated it is the board's decision. Mr. Conroy stated we didn't create this problem. He also questioned special condition #9. He feels everything has been at the last minute. After sitting her all these years, he is disappointed and disgusted. Mr. Nottebart asked what he thinks we should do. A lot of this is new to us. He asked how Mr. Conroy's suggests we fix this. Mr. Conroy stated everything has been a problem, but now they are putting the town at financial risk. Atty. Quirk stated the rider has a specific number. Mr. Mazzocca stated the rider is in place. We are being asked to endorse the plan. Atty. Schneider stated if the Planning Board disagrees with Ms. Walker's calculations, The Hartford would issue another rider with a new number. Mr. Nottebart stated he shares Mr. Conroy's frustration, but we are compliant. Ms. Gaffey asked if the board has to vote the rider tonight. Atty. Quirk stated the board can endorse subject to another bond or review by the town finance director. Mr. Conroy asked if it was decided to wait until the next meeting, what is the downside. Atty. Schneider stated the primary reason they are asking for endorsement of the Olmsted Estates plan is they have two buyers that are waiting to move forward. Both are Walpole residents. Mr. Conroy asked which lots and who are the people. Atty. Schneider stated she can't disclose that. After a short discussion, Atty. Schneider stated it is lots 3 and 4 and the names are Darling and Caves. Mr. Conroy stated we have had four different buyers and again you are asking for another favor. Atty. Schneider stated she is not asking for a favor. She is asking the board to sign the plan and hold it in escrow. She has only been before this board since November. Mr. Conroy asked if he has said something wrong

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and Atty. Schneider stated she doesn't have an opinion. Mr. Mazzocca asked town counsel how we deal with the bond number issue and Atty. Quirk stated in the motion you would indicate that the motion is based upon what you want to impose.

Mr. Mazzocca moved to endorse the plan and accept the documents as reviewed by Town Counsel noting that everything would be held in escrow until the town finance director reviews the rider and confirms that The Hartford is a viable entity and the town engineer reviews the bond figure and confirms that it includes both the cul-de-sac and throughway options. Motion seconded by Mr. Murtagh. Mr. Nottebart asked what we are voting on. Ms. Dennehy stated we are voting to endorse the Olmsted Estates modification mylars with the conditions as stated by Mr. Mazzocca.

Motion voted 3-1-1 (Murtagh, Mazzocca, Nottebart voting in the affirmative; Conroy voting in the negative; Gaffey abstained). Motion carried.

It was moved, seconded and voted 5-0-0 to adjourn. The meeting adjourned at 11:40 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted on 7/14/16