

WALPOLE PLANNING BOARD MINUTES OF MAY 2, 2013

A regular meeting of the Walpole Planning Board was held on Thursday, May 2, 2013 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: Edward Forsberg, Chairman (7:13 p.m.); Richard Nottebart, Vice Chairman; John Murtagh, Clerk (7:11 p.m.); John Conroy, Richard Mazzocca, Margaret Walker, Town Engineer.

Mr. Nottebart opened the meeting at 7:09 p.m.

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

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

State Road Meeting: Mr. Nottebart stated he attended a Baystate Roads Program Workshop on April 11, 2013 and asked that the board reimburse him \$50.00 for the course entitled "How to Read Municipal Plans". Mr. Murtagh moved to reimburse Mr. Nottebart for the meeting he attended. Motion seconded by Mr. Conroy and voted 3-0-0.

Minutes: Mr. Nottebart moved to accept the minutes of April 18, 2013. Motion seconded by Mr. Murtagh and voted 4-0-0. Mr. Conroy moved to accept the executive session minutes of August 7, 2012 and October 4, 2012. Motion seconded by Mr. Conroy and voted 4-0-0. Mr. Nottebart moved to release the executive session minutes of August 7, 2012 and October 4, 2012. Motion seconded by Mr. Conroy and voted 4-0-0.

Mr. Forsberg arrived at 7:13 p.m.

Beatty, Washington and Chestnut Streets, Plan Endorsement: As requested, the applicant did not submit anything from the town clerk verifying that the appeal has been settled. Mr. Forsberg put this on the board's May 16th agenda.

7:16 p.m. Borrego Solar Systems, 33 Industrial Road, Case No. 13-2 Continued Hearing: The applicant was represented by David Albrecht, PE with Borrego Solar and Jared Connell, Project Engineer. Mr. Albrecht stated he submitted a number of items to the board for their review. On April 18, they submitted a de-commissioning bond estimate, lease agreement with the land owner, a copy of the one line diagram that was submitted to the fire chief. They also met with him on April 22. He submitted a waiver request for the scale on the drawings. The revised plans do have Ms. Walker's comments incorporated into them and they have also met with the Conservation Commission who had some requests that were incorporated on a new sheet and added to the revised set. They will be clearing some trees as requested by the Conservation Commission and they also need to certify a vernal pool as requested. Ms. Walker stated she has not seen any of the plans addressing the Conservation Commission's comments. Mr. Forsberg stated that we never received input from the Deputy Fire Chief.

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Ms. Walker reviewed her comments dated May 2. She stated she needs a copy of the revised O&M agreement. Mr. Conroy feels this should go to town counsel for review. Mr. Albrecht asked the board to meet before June 13th or vote a conditional approval tonight.

With regard to the bond, Mr. Forsberg asked who reviews the de-commissioning bond figure and Ms. Walker stated she doesn't know. Mr. Albrecht stated that everything on site is fully recyclable, so there is very little work to disassemble this site. Mr. Murtagh asked if it is 100% recyclable and Mr. Albrecht stated yes, including the land. This has been itemized in their estimate. Mr. Murtagh asked if they make money on doing this and Mr. Albrecht stated if everything is still recyclable, there might be some money made from it.

Mr. Forsberg stated new comments were only received from Conservation Commission and Ms. Walker; there was nothing from the Deputy Fire Chief. Mr. Conroy stated the owner needs to show proof of liability insurance that addresses not only the building part of the site, but after. Mr. Connell asked if it should be the property owner or the owner of the project. Mr. Conroy stated he is not referring to Workers' Comp. He stated he doesn't like the 2-1/2% and feels the CPI should do it. Mr. Albrecht stated this is reviewed on an annual basis. Mr. Forsberg asked how we verify the \$43,000 figure. Mr. Conroy stated that maybe Ms. Mercandetti should call around to other towns to see how this compares to them. Mr. Forsberg asked if the town will be copied when the bond is renewed and Mr. Albrecht stated yes. Mr. Conroy asked that a condition be added to our decision that the performance bond should be dated and needs to be renewed. Mr. Albrecht stated it is tied to the building permit or certificate of occupancy, which should be the date used for renewal.

Mr. Murtagh stated they were also looking for a waiver request for the scale used on the plans. Mr. Albrecht agreed and stated the plans are at 60 scale and the board had said it was typically 40 scale. It was done at 60 scale to keep it all on one sheet. He did submit a waiver. Mr. Conroy stated he doesn't think a "waiver" is correct as we can't waive zoning. Mr. Albrecht stated it is. He stated he will do it at a 40 scale if that is what the board is requiring. Mr. Forsberg read a letter dated April 9, 2013 requesting a waiver from the required scale. Mr. Murtagh moved to waive the 40 scale as per Section 13-7-B-5 of the Zoning Bylaw and allow the plans be presented at 60 scale. Motion seconded by Mr. Mazzocca. Mr. Mazzocca asked Ms. Walker what she would prefer. She stated it is very inconvenient when it is on two separate sheets. Motion voted 4-1-0 (Mr. Conroy voted in the negative)

Mr. Mazzocca feels we can vote this tonight with conditions. Mr. Conroy stated the submission in front of us has six sheets and the applicant is adding a seventh, which has not been reviewed. Mr. Albrecht stated the additional sheet is strictly a ConCom sheet and has no impact on the solar farm or fence. Mr. Nottbart stated he is uncomfortable with the finance stuff not being reviewed.

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Mr. Conroy stated we also don't have a one-line diagram and therefore do not know if he is in compliance, don't have proof of liability insurance and we don't know if the bond is right. If we close the hearing, we can't take any new information. We are also sending Ms. Mercandetti a memo and should wait for her answers. If they close this and something happens, they will need to start again. Mr. Nottebart agreed that it would be cleaner to keep this open. Mr. Albrecht agreed. However, they need to have a building permit in hand by June 20th because they are tied to solar credits. Mr. Mee had said that he would accept the building permit application and plans prior to the expiration of the appeal period.

The board asked that we send a memo to Stephanie Mercandetti as the author of the Solar Overlay article regarding the following issues that she could possibly address before our May 16 meeting: 1) one line diagram: the new Zoning Bylaw does not indicate who should review this document; i.e., fire chief or someone else; 2) De-Commissioning Bond: we have received the bond and we are not sure if this is in line with other towns who have required this type of bond. The board asked Jared Connell to work with Ms. Mercandetti on these questions and he said he will be contacting her. The board also asked for input from the deputy fire chief regarding the one line diagram and a copy of the liability insurance certificate.

Mr. Albrecht gave the board an extension of time on which to take action up to and including June 30, 2013. Mr. Forsberg moved to accept an extension of time up to and including June 30, 2013. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Forsberg continued this hearing to May 16, 2013 at 7:15 p.m.

Brush Hill Bonding: Mr. Hasenjaeger stated he is going to finish Hancock Court and would like the bond on Berkeley Drive released so he can finish the street. He didn't realize that wasn't done when the street was accepted. Mr. Conroy stated he didn't ask to reduce the bond, he had only asked for street acceptance. Mr. Forsberg read a letter from the Hartford Insurance stating that the bond is still in effect for Brush Hill subdivision. He also read a letter dated May 1, 2003 regarding the bond that was set for Brush Hill. Mr. Hasenjaeger asked that the bond be reduced by the amount of Berkeley Drive. Ms. Walker stated that bond was calculated in 2003 and she now would be adding ten year old costs to it, so she is not sure how much it will actually be reduced. Mr. Forsberg stated we have to take the total subdivision and the remaining work to be done. Ms. Walker has to come up with what is left to do and then reduce the bond by that. We can't reduce it by \$213,000 because then there won't be enough in the bond to meet today's prices. Ms. Walker stated she will take out Berkeley Drive and change the unit prices on what is left. Mr. Conroy stated when Ms. Walker plugs in today's unit prices, it could be that Mr. Hasenjaeger will owe us money. Ms. Walker stated she will work with what is there. She will take Berkeley Drive out totally and rework the other streets. The biggest expense category is asphalt. It was agreed the board would recalculate the bond and would discuss at our May 16th agenda.

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Walpole Estates/Kayla Court/Darwin Lane discussion: Mr. Hasenjaeger stated there are two lots at the end of the street that are not finished. Mr. Murtagh asked if all the people on the street are against what Mr. Hasenjaeger is proposing and he stated maybe years ago they were. Mr. Conroy asked if he bought this property from Nelson Loring after he built the subdivision and Mr. Hasenjaeger stated he wasn't sure. Mr. Forsberg stated he doesn't see anything different from the last time the board said no, but he does remember that everyone on the street was against this. Mr. Hasenjaeger asked what if he gets a letter in support of this and Mr. Forsberg stated it doesn't matter. Mr. Conroy asked if he would be building one house and then this goes away. Mr. Hasenjaeger stated no, the property would have to be marketed to someone else. Mr. Murtagh asked if it would be for a 40-B and Mr. Hasenjaeger stated he was not going to let Mr. Murtagh bait him. John Glossa thinks he can make this work. Two people have said they want to build here. Mr. Conroy stated Mr. Hasenjaeger wants us to say he can go forward with this and that going beyond 750' is okay. He said we will not agree to anything. Mr. Hasenjaeger can file a definitive or a preliminary plan and then we will discuss it.

It was moved, seconded and voted to adjourn. The meeting adjourned at 9:20 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 5/16/13