

## WALPOLE PLANNING BOARD MINUTES OF OCTOBER 5, 2017

A regular meeting of the Walpole Planning Board was held on Thursday, October 5, 2017 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: John Conroy, Chairman; Marc Romeo, Vice Chairman; Sarah Khatib, Clerk; Catherine Turco-Abate, Joseph Moraski, Elizabeth Dennehy, Community Development Director.

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

**Minutes:** Mr. Moraski moved to accept the minutes of September 7, 2017 and September 21, 2017. Motion seconded by Ms. Abate and voted 5-0-0.

**7:06 p.m. Public Hearing for Town Meeting Zoning Articles:** Mr. Conroy read the public hearing notice.

**Article 16:** Mr. Conroy read the article. Article 16 was presented by Elizabeth Dennehy, Community Development Director on behalf of the Board of Selectmen. Mr. Conroy read a letter from Margaret Walker, Town Engineer, dated September 22, 2017.

The board raised many issues including safety concerns with regard to the Fire Department. Mr. Conroy asked for public comments.

Ken Southwood, 4 Neponset Street stated the LM zone has been shrinking over the years and questioned the list of available land. Ms. Dennehy stated the list was provided by the Assessors' office. There are two lists: one that consists of 15 acres and the other is between 10-15 acres.

Mr. Conroy moved to close the public hearing for Article 16. Motion seconded by Mr. Moraski and voted 5-0-0.

Mr. Conroy stated he would have liked to have seen a vote from the Selectmen on this article. Jim Johnson, Town Administrator, stated the selectmen voted favorable action on this. Mr. Moraski stated he would like to add something to this article with regard to safety concerns and the fire department. Mr. Johnson stated his concerns will be met via the Fire Code. Further, an amendment could be offered on town meeting floor. David Norton, Building Inspector, stated this board will be the special permit granting authority on this. Each applicant must have a construction management plan that deals with fire and safety.

Mr. Moraski moved Favorable Action on Article 16. Motion seconded by Ms. Khatib and voted 5-0-0.

**Article 17:** Mr. Conroy read the article. Ms. Dennehy stated this is a step in the process. There were no public comments. Mr. Conroy moved to close the public hearing for Article 17. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Moraski moved Favorable Action on Article 17. Motion seconded by Mr. Romeo and voted 5-0-0.

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**Article 18:** Mr. Conroy read the article. He stated that abutters in both Walpole and Westwood were noticed of this hearing. Mike Mullen, Assistant Norfolk County Director, Frank Haggerty and Scott Lopez were present.

Mr. Mullen stated approval of this article would allow them to help meet the State solar tax deadlines. The county would like to protect the landscape of the North Walpole neighborhoods. They are removing Map 5-43 from this proposal. The top priority is on the west side of North Street. This is the first part of the process and they will work with the Planning Board through the site plan process. Mr. Mullen offered a tour of the site to anyone that was interested, including the board and the public.

Henry Barrett, Kersage Company, stated they are a privately owned solar company and they work with schools and towns all the time. This is the first step in the town's permitting process. There will be no burden on the town's schools, water, environmental benefits, etc.

Mr. Conroy read a letter from Carol O'Neil, Courtney Road in opposition to this article. Jim Johnson, Town Administrator, stated the Board of Selectmen voted 5-0-0 for Favorable Action and Finance Committee voted 15-0-0 for Favorable Action. Mr. Johnson stated that currently the town collects no taxes on this property. We would do a PILOT on this property and they would pay us for the equipment that is on the property.

Frank Haggerty, Norfolk County stated this project will be done with the least impact to that land. They have been through months of discussion. Their goal is to put these in the valley so this won't be visible from the street and it is not a forested area.

The board discussed the importance of the area being considered for the solar farm in terms of how it relates to the Master Plan. It was recommended by the board that the solar panels need to be incorporated in only those parcels where they are going to be installed. The article is therefore too broad; the town would be allowing panels on parcels where they are not going to be installed. The board further recommended that a perimeter ANR be made so as to develop new parcels. Mr. Moraski discussed economic obsolescence.

Mr. Romeo stated he is pro-business and pro-development for Walpole. He doesn't want Walpole to be a bedroom community. He made a motion for no action. Mr. Conroy seconded the motion.

The following people had questions and spoke against this article: Olivia Cullen, 27 Bubbling Brook Road; Brian Murphy 4 Bubbling Brook Road; Christopher Barajas, 1400 North Street; Trisha Barajas, 1400 North Street; Anthony Watson, 24 Skyview Drive; Mark Reilly, 1115 North Street; Ann Sommers, 1270 Old North Street; Steve Berkley, 1326 Old North Street; Susan Shocket, 1340 North Street; Charles Hayes, 1354 North Street; Paul Burgess, 5 Skyview Drive.

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Mr. Johnson reminded everyone present that the Finance Committee will be holding a public hearing on the articles on October 12, 2017 at 7:30 p.m. in the Council on Aging Room and town meeting is scheduled for October 16, 2017 at Walpole High School at 7:30 p.m.

Mr. Conroy moved to close the public hearing for Article 18. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Romeo withdrew his previous motion; Mr. Conroy withdrew his previous second to Mr. Romeo's motion.

Mr. Romeo moved for unfavorable action on Article 18. Motion seconded by Ms. Khatib and voted 5-0-0.

**Article 19:** Mr. Conroy read the public hearing notice. There were no board comments. John O'Leary, Washington Street asked for an explanation of tandem parking. Mr. Conroy moved to close the hearing for Article 19. Motion seconded by Mr. Moraski and voted 5-0-0.

Mr. Conroy moved Favorable Action on Article 19. Motion seconded by Mr. Moraski and voted 5-0-0.

**Article 20:** Mr. Conroy read the public hearing notice. There were no board or public comments. Mr. Conroy moved to close the hearing. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy moved Favorable Action on Article 20. Motion seconded by Mr. Moraski and voted 5-0-0.

**Article 21:** Mr. Conroy read the public hearing notice. There were no board or public comments. Mr. Conroy moved to close the hearing. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy moved Favorable Action on Article 21. Motion seconded by Mr. Moraski and voted 5-0-0.

**Article 22:** Mr. Conroy read the public hearing notice. Robert O'Leary, Washington Street questioned if relief will be granted for non-compliant lots and Mr. Norton stated that a non-conformity can be extended by a special permit. Mr. O'Leary questioned heights, larger homes on smaller lots being allowed, setbacks and corner lots. There were board comments on this article possibly leading to "tear downs" because the value of smaller parcels would be enhanced.

Mr. Conroy moved to close the hearing for Article 22. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy moved Favorable Action. Motion seconded by Mr. Romeo and voted 5-0-0.

**Article 29:** Mr. Conroy read the public hearing notice. Elizabeth Barrows, Union Street, was present to speak to this private petition. Ms. Barrows stated she created a citizens' petition because she has had experience with an application for a development behind her house. She would also like to remove the commercial portion of this article. Ms. Dennehy stated that to remove a section of the article, there should be a substitute motion on the town meeting floor.

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The board discussed the article. Mr. Conroy stated the previous building inspectors interpreted this section of the bylaw differently. Mr. Norton stated that Table 5 still applies. Ms. Khatib doesn't see how this article would be good for the town. Ms. Barrows asked if she agrees there is a problem and Ms. Khatib stated yes but doesn't think this change is helpful. Mr. Conroy stated that Mr. Petrozzi could build a subdivision now and build exactly what he wants, but he would have to fix the road, etc. Mr. Norton agrees and is not against what Ms. Barrows is trying to do. Ms. Khatib stated if what we want is guidance, then we need to create guidance. That is not what we are doing. Mr. Romeo asked if Article 29 has any teeth and what does it stop. Mr. Norton stated it gives the Zoning Board more to deal with as a whole. Ms. Khatib stated she is very sympathetic to the issue, but doesn't see this as a benefit to the town or the residents. Ms. Barrows stated if you support her article and it passes town meeting, what is the worst thing that could happen between now and the next town meeting when something could be done to change this. Mr. Romeo stated we can't create a dead end. Ms. Abate stated that after this discussion, we will get beaten up at town meeting and we don't want that to happen. Mr. Moraski asked if Section 6-C is redundant, why we have it. Ms. Khatib wants to potentially write a new section. She doesn't see how this helps them, it just hurts them. Mr. Norton stated we need to look at this and decide whether or not someone has to go to the Zoning Board or the Planning Board or both. Ms. Barrows stated she understands what everyone is all saying, but she feels that the negativity of waiting to fix something is going to far outweigh doing it now. Mr. Norton stated the only project that will be affected is Pinnacle. Mr. Romeo stated to do this would be presenting an article that we already know is no good.

Robert O'Leary, Washington Street stated the confusion exists and you have someone that is trying to remove it. You are forcing the Zoning Board to make a decision they shouldn't be doing. He asked how many developers are doing these projects in a GR district. Mr. Conroy stated none.

Philip Macchi, 1256 Washington Street, attorney for Siemens Healthcare, stated he understands what Ms. Barrows is proposing. Siemens buildings are all connected by walkways. This will affect them and also the Walpole Mall. It will make them non-conforming, will change their commercial viability and they would need a variance. He is not in favor of this change. He also doesn't disagree with Mr. O'Leary. He does think that Section 6 as written is horrible and recommends that someone take a look at the whole thing.

There were no more comments.

Mr. Conroy moved to close the hearing for Article 29. Motion seconded by Mr. Moraski and voted 5-0-0.

Mr. Moraski moved to remand this article back to Planning Board. Motion seconded by Mr. Romeo and voted 4-1-0 (Mr. Conroy voted against the motion.)

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**54 Peach Street Bond:** Mr. Conroy moved to set the bond as requested at \$46,000.00 as per recommendation of Margaret Walker, Town Engineer. Motion seconded by Mr. Moraski and voted 5-0-0.

**Roscommon Subdivision:** The applicant was represented by Atty. Chris Timson. Ms. Dennehy stated that town counsel was all set with everything. The documents don't need to be voted as they are already recorded.

Mr. Conroy moved to set the bond for the Roscommon subdivision at 2.9 million dollars. Motion seconded by Mr. Moraski and voted 5-0-0

Mr. Conroy moved to accept the surety of International Fidelity Insurance Company in the amount of \$2,900,000.00 on behalf of Whitman Homes. Motion seconded by Mr. Moraski and voted 5-0-0.

Mr. Conroy moved to endorse the Form I to release the Form F Covenant for Lots 1-30. Motion seconded by Mr. Moraski and voted 5-0-0.

Atty. Timson notarized the Form I and took the original. He will return proof of recording to the Planning Board.

It was moved, seconded and voted to adjourn. The meeting adjourned at 12:20 p.m.

Respectfully submitted,

Sarah Khatib, Clerk

Accepted 10/19/17