

WALPOLE PLANNING BOARD MINUTES OF SEPTEMBER 21, 2017

A regular meeting of the Walpole Planning Board was held on Thursday, September 21, 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, and Elizabeth Dennehy, Community Development Director.

Mr. Conroy opened the meeting at 7:00 p.m.

Mr. Conroy recused himself at 7:03 p.m. Mr. Romeo chaired the meeting.

ANR – Burns Avenue: Mr. Romeo stated the plan is not creating any new lot lines and the developer has a legal right for a plan endorsement by the Planning Board. The fight from the abutters should take place at the next Zoning Board of Appeals meeting. Anything we sign or endorse tonight doesn't constitute any determination as to how this plan conforms to the Zoning ByLaw, which is the real issue.

After much discussion between the board and several abutters, Mr. Moraski moved to endorse the ANR for Burns Avenue which is presently before the board. Motion seconded by Ms. Khatib and voted 4-0-0.

Mr. Conroy returned to the board at 8:20 p.m.

8:20 p.m. Isaac's Path Subdivision Continued Hearing: Mr. Conroy read a letter dated September 21, 2017 from the applicant's attorney, Thomas Nannicelli, Norwood, MA requesting to withdraw without prejudice and also that the filing fee be waived when this application is refiled.

Mr. Conroy moved to allow the applicant to withdraw without prejudice. Motion seconded by Mr. Moraski and voted 5-0-0.

Mr. Moraski moved we give the applicant credit for what he previously submitted when he refiles the Isaac's Path subdivision. Motion seconded by Ms. Khatib and voted 4-0-1 (Mr. Conroy abstained).

8:30 p.m. Nichols Pond Lane Subdivision Continued Hearing: Mr. Wakefield submitted a trustee certificate to the board for Lewis Park Trust. Mr. Conroy stated we still haven't received a non-waiver plan. Mr. Truax stated he submitted a plan two weeks ago for the right of way through to Barachiah Lane. Mr. Conroy stated we need a plan without waivers and we don't have that. Mr. Truax disagreed and asked if that is in the Rules and Regulations. Mr. Conroy stated no.

Mr. Truax stated the Rules and Regulations say we can ask for waivers. You can ask for a plan showing the waivers. He has submitted plans for 25 years and has never submitted a plan with non-waivers.

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Mr. Conroy stated we have a plan that shows a connection onto Barachiah Lane. Mr. Truax stated that Mr. Wakefield has the right to go through Barachiah Lane. Ms. Dennehy stated we have a title search from Mr. Wakefield's attorney, Tom Nannicelli, but it stops before the Barachiah Lane subdivision was recorded and doesn't go to the present day. Mr. Wakefield stated he has always owned that property and believes the continuation is there. Mr. Conroy read the September 7th letter from Atty. Nannicelli. The title research stops at 2005 and the subdivision was done in 2007, which was what Ms. Dennehy was saying. Mr. Wakefield stated that deed doesn't stop. Ms. Dennehy stated the decision for Barachiah Lane stated it will be a private way in perpetuity. How can you make a private way a through way? Would you be required to build out that private way to town standards?

Mr. Wakefield stated the fee in the way is owned by Lewis Park Trust. He was the subdivider and retained the private way and he created Lots 1 and 2. Ms. Dennehy stated if there are questions about ownership, town counsel would need to review this. Mr. Wakefield thinks that is a good suggestion. Mr. Conroy stated the Deputy Fire Chief was not comfortable with the dead end. If you were going to connect, you would be responsible to upgrade the road. Mr. Romeo asked if Mr. Wakefield had agreed to perpetuity at the time and Mr. Wakefield stated that is boiler plate language on all private ways. Mr. Romeo asked if they are suggesting it will remain a private way on the plan that connects it and Mr. Truax stated they could. Mr. Conroy stated he would have to bring it up to town standards. Mr. Truax stated it is not their intention to connect to Lafayette or Barachiah Lane. They will meet with the deputy fire chief about the length of the street. They already met with Sewer and Water and did agree to loop the water line. They are asking this board to consider this subdivision to be a dead end. Mr. Truax stated there are other comments out there in addition to the deputy fire chief. Everyone is getting hung up on the deputy fire chief's comments. Mr. Conroy stated the plan will change at 750'. We only deal with the roads. Mr. Truax feels they should still be able to present the plan and not be stopped because of the deputy fire chief. Mr. Romeo asked if they met with him and Mr. Truax stated no. Mr. Romeo stated if that was so important to you, why not. Mr. Wakefield stated they had something scheduled to meet with the deputy fire chief, but he had a previous obligation. They are open to meeting with him. The issue is scheduling only. They have talked to the neighbors and have been very open with them. Ms. Abate asked if the neighbors don't think it is a good idea to cut through and the Planning Board doesn't like it, why not reduce the number of homes? Mr. Wakefield stated that previously the board has granted waivers. It is not a foreign concept. He wants to do what is best for the woodland area and the property on the hill. If they cut out more lots, it is kind of a hit. He lost lots when he rezoned years ago. Mr. Conroy stated he chose to rezone from RB to RA years ago. You didn't take care of the biggest issue and you had a month. That is the show stopper here. Mr. Wakefield stated they hit every other base.

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They had a scheduling problem. It takes all parties to come together. They are not against that process. Mr. Conroy stated we are not holding this up. We can't review anything tonight without fire department input. We don't have anything saying you can connect. Mr. Wakefield thinks that everything being sent to town counsel is a good idea and he endorses that concept. Mr. Conroy stated he also needs something from his attorney and something from the two lot owners on Barachiah Lane. Mr. Wakefield stated he will provide whatever the board wants. Mr. Romeo feels the number one thing that was on their plate was dealing with the deputy fire chief. He also asked if it is an option to sprinkler anything after 750'. Ms. Dennehy stated that would be six lots. She also stated that the people need to be noticed legitimately if we are to discuss Barachiah Lane. Mr. Moraski asked if we care whether he owns the road or not. The Barachiah Lane option is off the table unless the Planning Board can reverse their decision. He needs to show us a non-waiver plan. Mr. Romeo read the deputy fire chief's comments. Ms. Abate feels they should consider continuing until after they meet with the deputy fire chief. Moving forward is not benefitting you or us. Ms. Dennehy stated we need a non-waiver plan. Mr. Moraski agreed and would like a non-waiver plan that doesn't have a connection. Mr. Conroy stated a sketch plan is a submission. Mr. Wakefield questioned that. Ms. Dennehy stated they should withdraw and refile. Ms. Khatib agrees. We can't discuss what is happening on their land without noticing abutters. Ms. Khatib stated they weren't noticed that a direct road will be going through their property. . Mr. Truax stated there is no road through their property. Mr. Truax stated they were noticed for the Nichols Pond Subdivision. Ms. Dennehy asked if Barchiah Lane is officially off the table. Mr. Truax stated they would like to withdraw the sketch plan that was already submitted. Mr. Conroy stated we need to get an opinion from town counsel as this was in play tonight and then you asked to withdraw it. Mr. Moraski stated it would be much easier to withdraw and start over. Mr. Wakefield stated they already withdrew one plan. He will rip up the Barachiah Lane plan. Mr. Conroy stated it is already in play. Mr. Wakefield and Mr. Truax disagreed. Mr. Conroy asked if the Barachiah Lane proposal is done forever? He asked if they are going to tell us you will never connect. Ms. Dennehy stated they are wasting money on something you are not going to build. Mr. Wakefield stated they will meet with the fire department and the neighbors.

Mr. Moraski moved to deny the subdivision plan. This thing is chaos. They need to send out the green cards to the appropriate abutters. Motion seconded by Mr. Conroy. Mr. Romeo stated the original plan doesn't include Barachiah. Ms. Khatib stated we can't entertain any connection to Barachiah Lane. If you want to re-submit to the board, it needs to be a complete refile. Mr. Conroy stated if we deny, it's over. We will still get an opinion from town counsel. She might tell you the connection plan is in play and then we need to deny this.

Mr. Moraski withdrew his motion. Mr. Conroy withdrew his second to Mr. Moraski's motion.

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Mr. Romeo stated that Barachiah Lane is off the table for this submission. We are talking about your original submission. Mr. Wakefield stated they will stay with their original submission. Mr. Truax stated he will give us a letter requesting to remove Barachiah Lane from consideration. He gave the board an extension up to and including November 11, 2017.

Mr. Conroy moved to accept an extension of time up to and including November 30, 2017 on which to take action. Motion seconded by Mr. Moraski and voted 5-0-0. Mr. Conroy continued this hearing to November 2, 2017.

Michael Finocchi, 4 Barachiah Lane asked if Barachiah Lane is removed and Mr. Romeo stated yes for this submission.

Bob Dandurand, 12 Lafayette Drive stated if they put a connection through, it will be a bypass from East Street to Washington Street and Meadow Ridge. He doesn't feel that is a viable option.

9:45 p.m. Roscommon Subdivision Bond: The applicant, Rich Whittington, President of Whitman Homes was represented by Atty. Chris Timson. He stated his client purchased the open space subdivision and have provided documents showing that the subdivision conditions had been met. The town's finance director has stated their bond is acceptable. They have provided the off- site easement for the sewer and also plans and costs for the paddock. They asked that the missing title reference on the Form F be determined to be a scrivener's error.

Atty. Timson stated they are looking for a few things: bond form, restriction approved, approval of a bond amount without the barn and paddock, a reduction in the bond amount for a wall that was built. Mr. Conroy stated Mr. Viano couldn't get an easement from Walden Drive, so we will need to get a ruling from town counsel. He asked if we received a copy of the Homeowners' Association yet and did we approve it. Ms. Dennehy stated we do have copies of the recorded documents. Mr. Conroy asked her to check on the Homeowners' Association documents and we also need something we can attach to Lot 30.

The board discussed Lot 30. Mr. Conroy stated the normal route with regard to submitting to town counsel is you to us to town counsel and back to us then you. Ms. Dennehy stated that toward the end of the work day she received some adjustments to their surety bond instrument. Mr. Conroy questioned the gas line. Mr. Whittington stated he could start the drainage work immediately. Mr. Conroy stated there will be a big to do with Viano, Olmsted and Whitman Homes regarding the roadway. Mr. Conroy asked if someone withdrew from Conservation Commission on Lot 30. Mr. Whittington stated Mr. Viano filed with the Conservation Commission to put a barn on Lot 30. Mr. Conroy asked how he could continue when you owned Lot 30. Mr. Whittington stated he should have had his signature.

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Mr. Whittington asked if it would be possible if the Maggie's figure is reasonable could he bring in a bond with that amount at the next meeting. Mr. Conroy stated usually we round it up. The board agreed Mr. Whittington could do that. Mr. Conroy put this on the October 5, 2017 agenda. Mr. Conroy reminded them we also need a Form I Release of Form F covenant.

Corcoran, 95 West Street: Mr. Conroy moved to determine that modifying Standard Condition No. 30 would be a minor modification and to modify said condition to only require the cover page which lists all of the plan sheets with the site plan set to be endorsed as requested by Atty. Macchi in a letter dated September 8, 2017. Motion seconded by Ms. Abate and voted 5-0-0.

Mr. Conroy moved to endorse the 95 West Street site plan. Motion seconded by Mr. Moraski and voted 5-0-0.

Minutes: Mr. Conroy moved to approve the August 17, 2017 minutes. Motion seconded by Mr. Moraski and voted 5-0-0

It was moved, seconded and voted 5-0-0 to adjourn. The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Sarah Khatib, Clerk

Accepted 10/5/17