

## WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 19, 2009

The Town of Walpole Planning Board held a regular meeting on Thursday, November 19, 2009 at 7:00 p.m. in the Main Meeting Room, Town Hall. The following members were present: John Conroy, Chairman; Edward Forsberg, Vice Chairman; John Murtagh, Clerk; Richard Mazzocca, Donald Johnson, Town Planner; Margaret Walker, Town Engineer.

**Minutes:** Mr. Conroy moved to accept the minutes of October 1, 2009 and October 15, 2009. Motion seconded by Mr. Forsberg and voted 3-0-1 (Mr. Mazzocca abstained).

**Sign Bylaw Discussion:** Stephanie Mercandetti, Economic Development Officer was present to discuss the sign bylaw. She stated she would like a Planning Board member along with the Building Inspector and others to see how changes could be made along the highway. She stated that they have a request for a tri-sign on Route 1, but it is not allowed. Mr. Mazzocca asked what Jack Mee thinks about this and Ms. Mercandetti stated he feels there needs to be a bylaw change. Mr. Forsberg suggested she come back with some language. Mr. Johnson suggested she call town counsel to see what her concerns are. She asked if the board wants to be involved and Mr. Conroy stated that Mr. Johnson should be and that town counsel should tell her what she wants changed.

**Keaney Estates:** Mr. Conroy read a letter dated October 29, 2009 from Christopher Keaney, 2604 Centre Street, West Roxbury requesting a two-year extension to the subdivision. Mr. Keaney was present and stated that the current housing market is discouraging. There were no comments from the public.

Mr. Conroy moved to extend the definitive subdivision, Keaney Estates, for two years up to and including January 3, 2012. Motion seconded by Mr. Forsberg and voted 4-0-0.

**Time Cards:** Mr. Conroy moved to approve the secretary's time cards. Motion seconded by Mr. Murtagh and voted 4-0-0. Mr. Conroy moved to approve the planner's time cards. Motion seconded by Mr. Murtagh and voted 4-0-0.

**Resignation:** Mr. Conroy read an email from Ms. Nashawaty dated November 12, 2009 resigning from the Planning Board effective immediately. It was noted that we are in receipt of a letter of interest from Richard Nottebart to fill that vacancy. Both the resignation and letter of interest have been forwarded to the Selectmen along with our recommendation to appoint Mr. Nottebart.

**Horsley Witten Invoice:** Mr. Forsberg asked what will be the balance when we pay this invoice and questioned if Horsley Witten will come to Spring town meeting. Mr. Johnson stated approximately \$101 and they will go to the town meeting. Mr. Conroy stated we provided the Kendall Fund to the Board of Selectmen and they disperse it because this is their article.

WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 19, 2009 (2)

**State Ethics Law:** The board was given a memo from Jim Johnson dated October 16, 2009 and instructions on completing a summary.

**7:32 P.M. Legacy Lane Definitive Subdivision:** Mr. Conroy informed the applicant that he was entitled to a 5-person board and there were only four members present tonight and they could opt to wait until the vacancy created by Ms. Nashawaty's resignation was filled. The applicant was represented by Philip Macchi, Esq., 1256 Washington Street, Norwood. He stated the applicant would like to move forward.

Mr. Conroy read the public hearing notice and explained the procedures to the public. Mr. Macchi stated that Malo Terrace was approved on May 17, 2007 as a 2-lot private way. His client submitted a plan for a 3-lot subdivision for Rose McPhee and her two children. They also had previously submitted a preliminary plan. They also filed an O&M, Form F and all the other required docs.

Mr. Macchi stated they received Ms. Walker's comments earlier today. He would like to have Bob Babcock from Dunn McKenzie respond to those comments. He also stated he will meet with Ms. Walker and Mr. Johnson to finalize the subdivision docs. He said it is the same land, entrance is the same, but what were two lots are now three. His client would like the subdivision built to full road standards. Mr. Babcock stated that the existing site is partially wooded and consists of 1.9 acres. The applicant is proposing to put in 200' of road and all three lots would have public water. There would be an underground system on the southerly part of Lot 3. The applicant is requesting five waivers for the site. He further stated there are no sidewalks presently on McKinley Avenue.

Mr. Conroy stated this land was previously subdivided by Ken Woods into two lots. This is still a legal subdivision and Mr. Wood could build that out right now. If this is approved Mr. Wood's plan would be rescinded and taken off the books. Mr. Macchi stated there would be three things rescinded and he has already drafted a letter if this is approved.

Mr. Conroy read letters and comments received from town boards and committees. Mr. Babcock stated he is not sure if there is a hydrant on their property or in the road. Mr. Conroy stated we will discuss that. Mr. Macchi stated he will take a look at the utility easement.

Ms. Walker stated she will go over her comments separately with the applicant. However, the zoning circles need to fit tangent to the lot line. Mr. Babcock agreed. Mr. Macchi stated they will put post lights on a timer at the end of every driveway in place of street lights. They will try to have them all the same.

WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 19, 2009 (3)

Ms. Walker stated she has an issue with the water line and the applicant needs to check out the ownership. Mr. Babcock stated he checked with Rick Mattson and he wasn't sure. Mr. Macchi stated he believes it belongs to everyone, but he will check that out again. Mr. Forsberg asked if there are street lights on McKinley Avenue now and Mr. Macchi stated no. Mr. Mazzocca asked if there are sidewalks and Mr. Macchi stated no. Mr. Mazzocca asked why the applicant wants a public road. Mr. Macchi stated she wants it for her two children and feels it is beneficial to have it built to public standards. Mr. Murtagh asked if there will be granite curb and Mr. Macchi stated yes. Mr. Murtagh asked if the outside post light is enough and Mr. Macchi stated they will only serve these three houses. Mr. Murtagh asked if one hydrant is sufficient and Mr. Macchi stated there is another one 200' away. Mr. Conroy asked why Sewer & Water didn't comment about the water line. Ms. Walker stated she is not sure. It didn't come up with Rick Mattson until after the hearing. Mr. Conroy questioned waivers. Mr. Babcock stated there will be no rounding of the pavement and the layout will have a 30' rounding. Mr. Conroy asked if there will be a 40' right of way and a 6' wide access easement and Ms. Walker stated it will be 46' wide, but 6' will be over the lots. This is similar to New Fisher Lane. Mr. Conroy asked if there will be an issue regarding the control of the 46' and will it create a problem. Ms. Walker stated no because the road would be laid out over the 6' easement.

Mr. Johnson stated he spoke with Mr. Babcock about some minor changes such as the groundwater recharge system and what happens when we exceed storm capacity. Mr. Babcock stated the infiltration rate in that area is very high. The system will be deep enough in the ground and there is no surface for it to break out. They will do a more careful study if the board wishes. Ms. Walker asked if it can hold the volume of a 100-year storm and Mr. Babcock stated he thinks so, but will check. They have the room to make it larger if necessary.

Mr. Johnson stated that Lot 3 is on the edge of McKinley Avenue, so we will need a condition that the brush remains trimmed. Mr. Babcock agreed and stated the other plan had a brush clearing area also. He will look into this. Mr. Johnson stated that regarding waivers, there should be a balance between them and the interest of the public. Mr. Forsberg stated that regarding waivers, he feels the replacement of the hydrant is sufficient if requested by the deputy fire chief. Ms. Walker stated she will look at the layout as presented regarding the layout of the radius.

Mr. Conroy stated that any reference made to "family" won't change the board's conditions as the applicant could easily sell the lots. Mr. Macchi stated any reference to "family" doesn't provide anything binding or legal.

Mr. Conroy asked for comments from the public.

Richard Carty, 10 McKinley Avenue: they were here when Ken Woods proposed the 2-lot subdivision. He asked who owns the property now. Mr. Macchi stated the McPhee's. Mr. Conroy stated they could go ahead and build what is already recorded.

WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 19, 2009 (4)

Mr. Carty stated there was a commercial property there and asked if it is now null and void. Mr. Macchi stated if it is absented for two years, it would be limited to residential. Mr. Carty stated they are asking for waivers, variances, easements. If none were applied, would this be buildable as a 3-lot subdivision. Mr. Macchi stated all but one. Mr. Conroy stated these are typical waivers we have in our Planning Board Rules and Regulations. Mr. Carty stated he is concerned with the 46' street width. Mr. Conroy stated they have that amount. Mr. Carty asked if the setbacks for the house would start at the 46'. Mr. Conroy stated 30' from the 46' is where the house could start. Mr. Carty stated he looked at the plans and feels they are squeezing three properties in. None of these properties are staked out, so he doesn't know where the boundary lines are. He feels they are putting everything right on the boundary. Also, the other people's drinking water is right there. He asked how the town verifies where the leaching fields go. Mr. Macchi stated it is a multi-fold process. The Board of Health actually approves the septic design. The applicant has to design a Title V system that meets both State and Town requirements. Mr. Carty stated that placement of the septic system has not been shown on the plan yet. Mr. Babcock agreed. Mr. Carty asked if they will be required to stake out the boundaries of the property and Mr. Conroy stated no. Mr. Carty asked about the catch basin underground and asked if it will remain open or will there be vegetation over it. Mr. Babcock stated there will vegetation over it. Mr. Carty stated that regarding a public way, McKinley is private, so why are we giving them a public way off a private way. Mr. Macchi stated the road is still public. Mr. Carty stated the town doesn't resurface the private way, but the town would take care of the new street? Mr. Conroy stated yes. Mr. Carty asked if there is damage caused by the developer, who corrects this? Mr. Macchi stated the applicant would do so if there was a problem. Mr. Carty asked if a bond could be posted on this and Mr. Conroy stated no as we can only bond the roadway. Mr. Carty stated that the original plans showed sidewalks and curb and asked if that will still be in effect. Mr. Babcock stated yes.

Chris Knight, 20 McKinley Avenue: lives 100' behind the lot on the left. The water now sits in front of his house and it will drain into Willett Pond. He has a problem that it goes into his drinking water. The Board of Health may not care, but he does. He also will be able to see up the street to Fisher Street. He didn't buy his house to have that happen. He understands that two houses were approved, but it doesn't seem that three houses should be approved. He wants to re-enforce what Rich Carty said. He would also like to see the buffer zone. Mr. Babcock stated there will be a catch basin at the entrance to Legacy Lane, but the calcs have to be approved by the town. There are three areas for pollution problems and they will need to be maintained. Mr. Carty stated the water only goes to Hobart Street and everything below that is on well.

John Rafferty, Hobart Street: asked if the water will go into the catch basin and flood it. Mr. Babcock stated it will be up from McKinley.

WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 19, 2009 (5)

Doug Brucheski, 17 McKinley: there is a serious problem now with run off water. This will increase the permeable ratio. He is concerned that the basins will be clogged up with leaves. They have a lot of erosion when the water comes down. He is concerned that the town keeps the maintenance on both the town and the private catch basins. Mr. Babcock stated he cannot answer for the town. Mr. Macchi stated the town requires an O&M covenant that has a provision for maintenance. If not, the town can go on the property and then add to that person's tax bill.

Peter Bassey, 7 Tetreault Drive: believes his lot is rural. When you change the nature of this development, it will make it more congested. There will be a lot trees taken down. Mr. Conroy stated it is their property and they can do what they want. Everyone has the right to develop their own property according to the board's rules and regulations. Mr. Bassey stated he has a well and wondered if that is accounted for. Mr. Babcock stated this plan will need to be submitted to the Board of Health for approval. Mr. Bassey asked when that meeting is and Mr. Babcock stated sometime before Spring and after this is approved by the Planning Board. There will not be a public hearing, just administrative approval. Mr. Conroy stated the applicant can go through this and find out they can't put a septic on it. Mr. Bassey asked what would be the consideration for putting four houses there. Mr. Forsberg stated they need to have 20,000 s.f. lots and all three houses need to meet the board's requirements and frontage requirements. They can't put any more in there. This is would be the maximum allowed.

Mr. Forsberg questioned the 100-year storm with the catch basin. Ms. Walker stated she is looking at that. Mr. Carty questioned the waivers given to Ken Wood. Mr. Conroy stated we deal with them at the end of the public hearing process. We will tell you tonight what night and time this hearing will be continued to.

Chris Knight, 20 McKinley Avenue: with respect to approving the plan by the Board of Health, if they turn it down for three lots, can they sell it as three lots? Mr. Conroy stated yes if someone is dumb enough to buy it.

Sheila Scannell, Hobart Street: her land abuts McKinley Avenue and she is concerned about the run off and other water problems. She questioned the new lots. Mr. Macchi stated the board endorsed an ANR on January 31, 2008 and also in 1987 for three lots in front of this.

There were no further questions. Mr. Conroy continued this hearing to December 17, 2009 at 7:05 p.m. He asked them to call the office to make sure this hearing is still going forward that night. If the applicant can't get everything done by then, it will go to January 7, 2010.

WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 19, 2009 (6)

**8:40 P.M. Walpole Mall Modification:** The applicant was represented by Philip Macchi, 1256 Washington Street Norwood, MA. He stated he has met quite a bit with Jack Mee. They have put together a book with a plan that is highlighted and colored. It was prepared so the numbers correspond to the modifications. Mr. Macchi stated in the future they will not ask for changes that are already done as per the board's request. At this point in time, there are two pads that are not authorized; one is the bank and the second is the CVS building. However, the Norwood Board of Selectmen and Zoning Board would not allow an access through their town. They can have a sidewalk but not a car. They don't know when they will get a tenant. They will have to come back to us for site plan approval when that happens. They did however take precautions about snow and reflectors. As to the mall itself, referring to the existing area, they are searching for tenants. The footprint of the mall exterior will not change and if it does, they will have to go to the Zoning Board. They have filed for a certificate of compliance but the Conservation Commission will not issue one until there have been two growing seasons. Everything is on track. They would have to come back if the two vacant pads are filled.

Don Myers, Norwood Engineering, stated the resubmission is similar to the one filed in October. They have dealt with traffic, safety, signage, stop lights, etc. This plan was submitted to the other town officials also. He would like the board to consider these to be minor modifications.

Mr. Conroy read comments letters received from the deputy fire chief, building inspector, board of health, conservation commission, town engineer, sewer and water and police.

Mr. Johnson stated the problems that existed have been addressed with regard to stop lights, stop signs, etc. Mr. Conroy asked about the stop lines and signs at Route 1. Mr. Myers stated that is not done yet, but will be done after tonight's meeting. Mr. Conroy asked about the other items that were already approved. Mr. Myers stated the things previously approved have been done. Mr. Conroy stated there is stuff here that is on the plan but never done. Mr. Myers stated work is still going on. Mr. Conroy stated that no one is striping any more. Further, they occupied the mall and still haven't done what was on the plan. He mentioned this stuff two meeting ago. These things should have been just what you want modified and the other things should have been 100% done.

Mr. Myers stated that regarding the striping and paving, most of that is done. Mr. Conroy stated that has nothing to do with the stop lines at the ends of the rows. Mr. Myers asked where. Mr. Conroy stated at LA Fitness onto Route 1. Mr. Myers stated this is not on the original plan. Mr. Conroy stated yes they were. Mr. Myers stated no, but they are part of what they are asking for now.

Mr. Conroy questioned the compactor in back and stated there was no plan showing that. Mr. Myers stated Sheet 11 shows a compactor in a cloud. Mr. Forsberg asked who is responsible for the signs, the state or the town. Mr. Myers stated the applicant is and it is on this plan as part of the minor modification.

WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 19, 2009 (7)

Mr. Forsberg stated there needs to be a directional sign on Route 1 for safety reasons and he wants that signage up now. He asked when that will be done. Mr. Myers stated they need a few days to order them and get them in stock. This is pending tonight's meeting.

Regarding snow removal, Mr. Forsberg asked which way does the parking lot pitch and where is the closest catch basin. He also asked about changes made to the shopping cart returns at Kohl's as parking spaces are lost because of them. Mr. Myers stated there are no changes now and it is not anticipated. Mr. Forsberg stated he would like Mr. Johnson to look into that and that in the future we designate spots for cart returns. Amy Snuffer, Walpole Mall stated all the tenants are reminded that they are responsible for collecting their own carts and they are to be kept within their own store.

Mr. Murtagh asked who made the decision to relocate the cross walk and Mr. Myers stated Jack Mee. Mr. Johnson stated the parking lot behind Kohl's was not restriped and there are potholes. He asked if there are any plans to do address that. Mr. Myers stated no. Ms. Snuffer stated the mall will make them aware and that it needs to be addressed as soon as possible. She will have Paul Cisternelli out to address the potholes tomorrow.

Mr. Macchi stated they have done as much as they can do and as fast as they can considering the economy. Mr. Murtagh agreed with that.

There were no further questions. Mr. Conroy stated they are here tonight for a major or minor modification determination. He moved to determine the request before the board to be minor modification #5. Motion seconded by Mr. Murtagh and voted 3-1-0 (Mr. Conroy voted against the motion).

Mr. Conroy asked if there is anything more to add to the plans and Mr. Myers stated not that he is aware of, but maybe the compactor. Ms. Snuffer stated the compactor will make less noise. Dumpsters are a problem. The tenants were given specific information. Her vendors are aware of the mall hours. All the neighbors have her phone number and she addresses them immediately.

Ms. Snuffer stated that the compactor is very quiet. Mr. Conroy feels we should limit the use to 10:00 unless there is a complaint and then the mall could be required to put a sound proof barrier. He asked Mr. Johnson if he has the condition to be added to this decision and Mr. Johnson stated yes.

Mr. Conroy asked if they intend to do more than the barriers and Mr. Myers stated around Pad 3 they are planning on putting in some reflector stakes to prevent cars from going in that area.. Regarding Pad 6, they have two barriers and will use reflectors there also. Mr. Conroy asked that they be labeled "temporary" so there is no confusion.

Mr. Conroy moved that all the things discussed tonight be addressed. Motion seconded by Mr. Murtagh and voted 4-0-0.

**9:25 P.M. B&C Floral, 1415 Main Street, Case No. 09-8:** Mr. Conroy informed the applicant that we only have four members tonight and they are entitled to five. He is not sure when we will have the fifth member.

Mr. Babcock, Dunn McKenzie, stated they will move forward with four members. Mr. Conroy read the public hearing notice. Mr. Babcock stated the existing site is presently partially developed as a florist and greenhouse. The front is retail and the rear is partially wooded and there has been some substantial soil disruption on site. The area to the rear of the building entrance has access from both sides of the building. There is an existing easement. They are proposing to put in a 12' wide crushed stone driveway on the right side. The proposed improvements will require 14 parking spaces. There are 17 that exist on the site now. There will be no wetland disturbance proposed. They are planning on leveling a substantial area similar to the slope that exists along the southerly side of Dunkin Donuts.

Mr. Conroy read comments from the town boards and committees. Mr. Babcock stated he will be submitting new plans. Ms. Walker stated she needs drainage calculations. She stated a previous applicant at this site did not have the proper drainage plan. Mr. Babcock stated part of this exists now. Ms. Walker stated there is a lot missing from the plans that she has and also there has been no traffic study done. Mr. Conroy agreed and stated the applicant needs to show what is allowed and what is proposed. Mr. Babcock stated there will be no retail business out of the storage building in the back. There will be some machinery stored in the building, but no public traffic. Ms. Walker asked what they are anticipating for parking and what is existing and what is proposed. Mr. Babcock stated that 14 are required and they have 17; therefore, they meet the parking requirements. Ms. Walker stated she will go over these after Thanksgiving. Mr. Babcock agreed.

Mr. Johnson stated some zoning issues need to be discussed, including the Dunkin Donuts parking on this side, the in and out driveways, the proposed wall, traffic flow, street plantings, drainage study for Engineering, furnish grades and contours, earth to be removed from site. Mr. Babcock stated 4400 yards are to be removed from the site. Mr. Johnson also stated lighting needs to be addressed. Mr. Glaropoulos stated lighting will be in the front and back. Mr. Babcock asked for a copy of Mr. Johnson's comments and Mr. Johnson agreed to give them to him.

Mr. Mazzocca stated it is a garden center and Mr. Glaopoulos stated yes. Mr. Forsberg stated we need to follow up on the parking. Dunkin Donuts's customers use these 17 spaces. There needs to be parking on tar not on gravel. He also questioned the dumpster and asked if it is shared. Mr. Glaropoulos stated no, they have separate ones. Mr. Forsberg questioned the bins on Mylod Street and how we handled it. We need to be consistent. He asked Mr. Johnson to follow up on this. Mr. Glaropoulos stated they will be selling stone, mulch, etc. to landscapers. Mr. Murtagh would like the drainage addressed. He would like the plantings specified that are being put in this area.

WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 19, 2009 (9)

He asked if there is any storage of fuel like diesel on site and Mr. Babcock stated no. Mr. Conroy asked if they will stay outside the wetlands and Mr. Babcock stated yes. Mr. Conroy stated we have received nothing from the fire department yet and we need to. He asked about the ownership between Dunkin Donuts and this. He stated we will need an easement to allow them to use the 10' easement. Mr. Glaropoulos asked how he does that and Mr. Conroy suggested he call an attorney. It will go with the property in case you sell it. Mr. Glaropoulos asked if he could move it to the other side and that way he won't need an attorney and Mr. Conroy stated yes. Mr. Glaropoulos stated there was an easement in place to get along the back of the building. Mr. Conroy stated they can move the dumpster to wherever they want. He also doesn't want stone coming out to the corner as it will track onto the pavement. He asked if they will be delivering the mulch and Mr. Glaropoulos they will deliver it to people's houses. A landscaper can also go in the back and pick it up. Mr. Conroy asked if it is a retail or wholesale business. Mr. Glaropoulos said both. Mr. Conroy asked if they will allow people to drive back there and Mr. Glaropoulos stated they will be allowed to walk back there. Mr. Conroy stated there will need to be a sign "wholesale pick up". Mr. Glaropoulos agreed. A landscaper could drive out there and pick up mulch. It could also be a residential person who wants to pick up stuff and then they could drive out back. There is a difference between retail and wholesale businesses in the bylaw. Mr. Glaropoulos stated there will be an extra charge for delivery. Mr. Conroy stated it is "wholesale". Mr. Babcock stated the town will look at it in a different light for a wholesaler.

Mr. Conroy asked about striping on the parking lot. Mr. Babcock stated he is looking at that. Mr. Conroy stated they can always have more parking, but not less. They also need to show handicap. Mr. Babcock agreed. Mr. Forsberg requested the applicant put a stop sign at the end of the driveway. Mr. Babcock agreed. Mr. Forsberg also asked for a restriction on the delivery hours of their mulch so there be regular hours and nothing in the middle of the night. He also doesn't want trucks idling. Mr. Conroy questioned the 26' buffer and stated we don't want people going in there. They need to take photos and come up with what they want to go in there. Mr. Murtagh asked if the 18-wheelers that are delivering mulch to them can get in there. Mr. Glaropoulos stated yes. Mr. Babcock stated they do that now.

Steve Lynch, 80 Williams Street: the buffer is quite narrow and is only 20-30' wide. His concern is noise pollution back there. His fence is actually on their property. Mr. Conroy asked if Mr. Lynch is happy with what is there now and Mr. Lynch stated yes, but would like the thin areas filled in. Mr. Conroy suggested they get together and decide how they will proceed down the road in case someone moves. Mr. Lynch stated there was a written liability with the previous on the fence.

Joseph Deyesso, MacDonald Circle: asked how this is different from Gerard Associates. He asked if there are marketing facilities, mens' room, etc. Mr. Babcock stated no. He asked about the pitch of the walls. Mr. Babcock stated it is a one to one slope or 45 degrees. Mr. Deyesso asked about the buffer.

WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 19, 2009 (10)

Mr. Babcock stated it is 26' between business and residential. Mr. Deyesso stated that the other owner destroyed what pines were there before. Mr. Glaropoulos stated they are pushing back to the edge of the 26' buffer. Mr. Deyesso asked what is happening with the trailer trucks. Mr. Babcock stated nothing. Mr. Deyesso stated when it rains, it is a mess. Mr. Babcock stated those issues will be addressed in the drainage report. Mr. Deyesso stated that the trucks for Gerard did idle and did deliver in the middle of the night or early morning. Mr. Babcock stated it is a different owner now. They won't disturb anything within 100' of the wetlands. Mr. Deyesso stated other than that, he wishes them well. The area was backfilled over 6'. Mr. Glaropoulos stated that Landis Hershey from the Conservation Commission has asked that trees he pointed to on the plan be taken down. Mr. Conroy stated what was done back there was done so before zoning. The building department will enforce what needs to be done.

Mr. Conroy asked what they want for a time frame as he feels they need to contact the fire department. Mr. Babcock agreed to do that. Mr. Glaropoulos questioned the agreement between him and Mr. Lynch and asked when the board wants that. Mr. Conroy stated before the next meeting.

Mr. Conroy continued this hearing to December 17, 2009 and January 7, 2010. He informed the applicant that the information needed for the board to proceed on December 17 had to be in the office by December 3. If not, they would need to appear on December 17 to request a continuance to January 7 and also to grant an extension of time.

**Zoning Bylaw Use Table:** Mr. Conroy read a letter dated November 19, 2009 from the Board of Selectmen requesting the Planning Board attend their December 29<sup>th</sup> meeting to hear their concerns and comments regarding the most recent proposal.

Mr. Murtagh stated he could attend; Mr. Johnson stated he will be available. Mr. Forsberg asked that the Planning Board be given a recent copy of what is referenced in this memo.

Mr. Conroy asked who else is being invited and feels there should be one night of explanation for everyone. He asked that Cindy send a copy of the most recent proposal be sent to the board.

**FY 2011 Budget:** Mr. Conroy moved to accept and submit the new FY 2011 budget as presented. Motion seconded by Mr. Mazzocca and voted 4-0-0.

**Next Generation Children's Center:** The board is in receipt of an email from the safety officer, Warren Goodwin, requesting they request a review of safety issues as they were suppose to come back. It was agreed to write them a letter with a copy to Mr. Goodwin.

WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 19, 2009 (11)

**Evaluations:** The secretary's evaluation was given to Mr. Conroy to be done. The planner's evaluation was given to Mr. Conroy on September 3.

**MPIC:** Mr. Conroy asked Mr. Johnson to get a phone number for Patrick Shields who was recently appointed to the MPIC on November 17 by the Selectmen.

**Farmview Estates Update:** Ms. Walker submitted an update to the board.

**Joseph Lane Update:** Ms. Walker submitted a letter dated November 19, 2009. Mr. Conroy asked that this be forwarded to the bonding company and also everyone on the street.

**High Oaks IV Update:** Ms. Walker submitted an update to the board.

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:45 P.M.

Respectfully submitted,

John Murtagh, Clerk

Accepted 12/17/09