

## WALPOLE PLANNING BOARD MINUTES OF NOVEMBER 1, 2012

A regular meeting of the Walpole Planning Board was held on Thursday, November 1, 2012 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: Edward Forsberg, Chairman; Richard Nottebart, Vice Chairman; John Murtagh, Clerk; John Conroy, Richard Mazzocca (7:13 p.m.); Margaret Walker, Town Engineer; and, Chris Musick, Safety Officer.

**ANR – High Oaks IV:** The applicant, John Walsh, Walsh Construction, was represented by John Anderson & Associates. He stated they are creating five new lots on Millbrook Avenue to replace the original five lots, so nothing is really changing except the shape of the lots. They just want to square off the lots to make them fit the wetlands better with no other changes. He stated that this ANR is being presented on two sheets because it wouldn't fit on one.

Mr. Forsberg moved to endorse an ANR plan of land by John Anderson & Associates, 281 Mylod Street, Norwood, MA dated October 23, 2012 for property on Millbrook Avenue shown as Assessors' Reference 11-124 and 11-125, Zoning District R, WRPOD 3 and 4. Motion seconded by Mr. Nottebart and voted 4-0-1 (Mr. Mazzocca abstained.) As per a note on the plan, Lots 127A and 129A are a realignment of Lots 127 and 129 as shown on the High Oaks IV Definitive Subdivision Plans dated October 15, 1996, revised July 29, 1997.

**Northridge Farm Form F Covenant:** Mr. Viano submitted a Form F covenant and requested the board accept it. He stated it has been signed by the landowner and mortgagee and notarized. Mr. Forsberg stated no lots can be sold until off site improvements are done and Mr. Viano stated that is correct. He stated he will bring proof of recording to the Planning Board. He also submitted a letter today asking that a bond be set for this subdivision. Mr. Forsberg moved to accept the Form F Covenant for Northridge Farm as submitted by Mr. Viano and reviewed by Margaret Walker, Town Engineer. Motion seconded by Mr. Nottebart and voted 5-0-0.

**Time Cards:** Mr. Forsberg moved to approve the board secretary's time cards. Motion seconded by Mr. Mazzocca and voted 5-0-0.

**Zoning Bylaw:** Mr. Forsberg read a letter dated October 29, 2012 from Jack Mee, Building Inspector, with regard to a flaw in the zoning bylaw which was changed by Article 15 at the October 19, 2009 town meeting. Mr. Forsberg stated we need to have more input from Mr. Mee and put this on the board's November 15<sup>th</sup> agenda. He needs Mr. Mee to be more specific and to submit the language he feels will work.

**Buttimer Family Trust:** Mr. Forsberg stated that the letter dated October 30, 2012 from Cathy Netburn, D'Agostine, Levine, Parra & Netburn, 268 Main Street, Acton, MA should have been sent to the Board of Selectmen as the matter addressed isn't before the Planning Board. He asked that a letter be sent to Atty. Netburn letting her know this needs to go to the Selectmen.

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**7:40 p.m. Walpole Place Continued Hearing, 555 Route 1, Case No. 12-12:** The applicant was represented by Atty. Philip Macchi, Norwood, MA, Daniel Merrikin, Merrikin Engineering and Donnell Murphy, Owner/Applicant.

Mr. Forsberg read comments that were received from Robin Chappell, Health Director dated October 11, 2012 and Jack Mee, Building Inspector dated October 9, 2012 with regard to a memo that the Planning Board sent to them on October 2, 2012 inviting them to tonight's meeting. In response to the board's memo, Chris Musick, Safety Officer, was present to address the board's concerns. He stated that a lot of the safety issues received were forwarded to Jack Mee. The police cannot anticipate things that will happen at a proposed site and can only address complaints that come in.

Regarding revised plans that were received on October 10, 2012, Mr. Forsberg read a letter dated October 12, 2012 from Landis Hershey, Conservation Commission; a letter from Sewer & Water dated September 26, 2012; and an email from the Deputy Fire Chief dated October 15, 2012 and a memo dated October 15, 2012 from Margaret Walker, Town Engineer.

Mr. Macchi stated they have met with everybody and feels the Sewer and Water Commission need to send us a new letter because their first letter dated September 26<sup>th</sup> requested the Fire Department to investigate the possibility of additional hydrants for the protection of the entire area and additionally that the possibility of looping the water line be investigated as well as determining if there are any existing easements to Squire Court or is there a potential for obtaining one. Mr. Macchi stated that when they met with the Sewer and Water Commission it was agreed there was no benefit to the town and no easement from this property to Squire Court was available. The Health Agent, Robin Chappell stated that any restaurant that goes in needs approval from the Board of Health and she has no comment on the site itself. Mr. Macchi stated they could stipulate no retail over 20,000 s.f. unless they come back before the board for a special permit. They did receive a land disturbance permit from ConCom. Dan Merrikin stated they will not ask the board for a decision tonight and asks what the board wants to allow in the buffer zone and will come back in December to present the final plan. They believe everything complies with Section 5-G should the board allow the work to be done. At the last meeting they mentioned an 8' fence, which means they will have to file with the ZBA if money allows. They would like the Planning Board to recommend this and would like the neighbors to support their request at the ZBA meeting. They will have the proposed wall in the hands of the Planning Board prior to the next meeting. He designed the basin outside the 40' buffer to show it is possible. It is not needed, but it would be a safeguard. He will make that change on the plan if that is what the board wants. Mr. Forsberg asked if they will do more plantings along the lot line and Mr. Merrikin stated they will plant trees in the depression, which can be a mixture of deciduous and others. Mr. Forsberg asked if the trees will be lower than the abutting property, it will be by how much and Mr. Merrikin stated 3'. The more volume on the site, the less water there will be and will yield more benefit to the neighbors.

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Mr. Forsberg asked if there will be much screening lost and Mr. Merrikin stated nothing is there now, so they will be gaining storage volume. Mr. Murtagh wants to know how the neighbors feel about this. Mr. Merrikin stated that regarding buffering, they met twice with the direct abutters in the last two weeks and they have prepared a sectional view to illustrate what they are talking about; however, the Pearsons did not attend the meetings. They have reached consensus with all neighbors except the Pearsons. He walked the board through the cross section through the Leutzinger property, who have not expressed any concerns. They will build half berm and slope down into the 40' buffer which will get the screen trees up in the air by 8-10'. He has not surveyed their house. To put those trees at grade would accomplish nothing more than a fence would.

Mr. Merrikin stated that the Gillis house is the closest to the building. They discussed the possibility of a berm with them, but most of the neighbors didn't want it, but did want to keep as much vegetation in the buffer as possible. Dan Merrikin stated that Jen Gillis, Squire Court, said she didn't want the berm, but would like the trees as high as possible. She did ask them to add more trees and they will. She also asked them to install a fence on the corner to screen the building, which Donnell Murphy is willing to do. They would like to add a note that when the fence is no longer feasible they can remove it.

Mr. Merrikin stated that regarding the Speer Vanderboom property, it is similar to the Pearsons, but is a little farther away. They would like an 8' fence as a security factor. They did add trees and will add more if they are asked to. Mr. Merrikin stated that the Pearsons are located off the left corner of the building. They are proposing a cut slope, which would vary in height depending on where you are. They will plant trees and then put in a fence, similar to KFC and the grade will be original. It will act as a visual barrier. They will add deciduous trees on the slope to provide additional screening. Mr. Merrikin stated that the Pearsons want a wall so the 40' can be left undisturbed. Mr. Merrikin feels that is very expensive, and it won't really add anything. The abutters are proposing things that are more than what is in the bylaw and everything comes with a cost. What they said to the Pearsons was if they want to press for the wall, then the fence variance will have to go as it would not be a viable option any more. The proposed design is consistent with the bylaw. They believe this design is reasonable and provides screening that exceeds what the zoning bylaw requires. Mr. Merrikin stated they did offer to plant more trees, but that was still not acceptable to the Pearsons. So, they are looking for direction from the Planning Board as they need to finalize this. They would like the board to tell them which way to go. He has met with neighbors four times and also took them on a site walk. He would like the board to reach a conclusion tonight so he fix the plan and submit it at next meeting. Mr. Forsberg stated when he was out there, he saw stakes that were about 8-10' off the property line and one about 40'. Mr. Merrikin stated they did the 40' one for the site walk. Also, they cut back the sewer and water line. There is no vegetation in this area so there will be no disturbance on the site. The slope varies from 20' to 40' and the existing grade tapers down. Mr. Murtagh asked if the buffer is 40' from the zoning line and Mr. Merrikin stated no 38' into the site plus the 2' strip.

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Mr. Murtagh feels they should have input from a landscape designer to enhance the buffer zone. Mr. Merrikin stated he ran the tree proposal by the tree warden and discussed the trees with him to let him know the goal is all-year screening so they are focusing on evergreens. Mr. LeBlanc agreed with Mr. Merrikin and Ms. Walker suggestion on the arborvitaes and white pines and western red cedars, although the majority will be green giant arborvitaes with the other types mixed in. He doesn't think there is any value to getting any one in and feels that Mr. LeBlanc has suggested what he feels will work. It will be similar to KFC. Mr. Murtagh asked if they will be taking down trees in the 40' buffer and Mr. Merrikin stated yes three trees will come down to accommodate the slope and they will save trees wherever they can. Mr. Murtagh asked if the 40' wall is interlock block and Mr. Merrikin stated it will probably be a big block gravity wall. Mr. Mazzocca asked if it will be a continuation of what is there and Mr. Merrikin stated yes. Mr. Murtagh would still like him to consider a landscape designer. Mr. Merrikin stated he will keep it in mind, but doesn't feel they need it. Mr. Nottebart agrees with Mr. Murtagh. Mr. Nottebart followed up on Mr. Murtagh's comments on landscaping. It was questioned by Mr. Nottebart of Mr. Merrikin that he was a civil engineer and in cases of landscaping it was not his expertise and that a registered Landscape Architect would add more credibility to the overall plan and verify some of the neighbors' misgivings of the tree canopy and "trees in depressed wells". He has run into situations like this and feels they should get a Landscape Architect that understands the soil and species. He won't use that as a condition, but urges him to look into it. He doesn't want to talk about the buffer until the neighbors speak. Mr. Conroy stated this is similar to the Walpole Mall. Mr. Conroy added that Mr. Merrikin is a civil engineer and that a structural engineer was necessary for stamping drawings related to walls, etc. Additionally, Mr. Conroy stated that according to our bylaws a registered landscape architect can be asked for by the board. Both Mr. Macchi and Mr. Merrikin agreed to that request. Dan says he is not a tree guy, but we haven't seen anything in writing from Bob LeBlanc. Mr. Merrikin stated he has two packages and will submit them. Mr. Mazzocca questioned if the neighbors want a retaining wall in addition to a fence. Mr. Merrikin stated that is what the Pearsons want. Mr. Mazzocca asked how they would do it, inside or outside the buffer. Mr. Merrikin stated they would like it inside, but it will be at the board's discretion. Also, they are not willing to landscape a huge area to put in a wall, which will taper down to a zero elevation. Mr. Forsberg stated it looks like 16' down to the grade. Mr. Merrikin stated it will go from 270' down to 252', which is considerably close to grade on the site.

Mr. Forsberg asked for public comments regarding the buffer.

Lee Pearson, 11 Mohawk Circle submitted a letter to the board dated November 1, 2012 to be read into the record (copy attached). He started his discussion with Paragraph 4 and stated he will discuss the first three paragraphs at a later time. He stated that there is no buffer zone because there is excavation being done in it and they will take down many trees presently in the buffer which will have a significant impact. Also, they would like a retaining wall at the point of the 40' buffer.

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The Zoning Bylaw calls for a minimum of a 40' buffer. He would like the grade and the property line to stay as is. They want a 6' fence on top of the retaining wall and the trees along the 6' fence on the commercial side of the property. They are looking for a retaining wall, a stockade fence and trees along the 40' line. They would like the buffer zone cleaned up and more trees planted in the buffer zone as they are looking for a permanent barrier between the residences and the commercial zone to provide issues from sound, safety, visual, etc. without major destruction in that area. The safety concern is of great importance to them and Mr. Pearson feels his suggestions will take care of those concerns. Mr. Forsberg asked if they are proposing the wall at the 40' mark and there is an existing fence, so where are you proposing the new fence. Mr. Pearson stated on top of the wall. He also wants the screening closest to what has to be screened. Mr. Forsberg stated that trees will have to be placed on the residential side of the line. Brendan Pearson, 11 Mohawk Circle stated they want both the wall and the fence and the 6' fence that is there to stay. Why take that down as it is perfectly good. Lee Pearson stated they are trying to say that the sloping starts at 8-10' at the property line which means everything will be taken down within that slope. He suggested the development should be started after the 40'. Mr. Merrikin stated they are not proposing any excavation 8' from the Pearson's property line. KFC was designed for a 40' berm which is why everything was removed. They are not proposing to strip out or clearing out the area. Mr. Pearson asked if everything that is part of the slope will be cleared and Mr. Merrikin stated yes and that would be three pine trees and scrub. Mr. Pearson wants a landscape architect to address the issues. Mr. Merrikin doesn't feel it is reasonable to request two fences. They are trying to work with the neighbors. They offered them a compromise to do a short wall about 3' high and 100' long. They also wanted to plant deciduous trees behind the Pearson house and then seek an 8' variance, but that was not acceptable to the Pearsons. They don't think that Mr. Pearson's proposal will work. They would like to know where the board is regarding the wall vs. the slope. Mr. Conroy stated the intent of the buffer is very clear; i.e., a 40' untouched undisturbed land. There has been talk about enhancement, but there is a no-build zone. Mr. Conroy stated there is a 40' no build so they should start at the 40' mark, which is the way he will vote. Mr. Merrikin disagreed with Mr. Conroy. He feels the bylaw gives this board a broad discretion. He stated they will end up with a retaining wall at the 40' mark and that won't help anyone. Mr. Mazzocca stated the intent is to provide screening and buffer. Mr. Pearson is entitled to what he asked for. He shouldn't have had to ask. Mr. Macchi stated it is incumbent of this board to look at the entire site. If it was just Mr. Pearson's property he would agree, but it isn't. By doing what the Pearsons are proposing will not help the other abutters. Mr. Murphy could just comply with the letter of the law, which would be a tree every 5'. The landscape architects plan will look different as there will be a wall and one tree every 5'. He asked that the board talk to the rest of the neighbors. Mr. Conroy stated they are entitled to a 40' buffer. Sometimes people do things to enhance it, but his point is this could go back and forth all night. He wants people to understand what has to be complied to. He agrees with Mr. Pearson about the 40' wall as it sure could look pretty ugly.

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He is here to protect the book and agrees we need a landscape architect to look at this. Regarding the fence, there is no guarantee for an 8' fence as only 6' is allowed and they could end up with nothing if the ZBA denies the 8' request. Mr. Conroy stated he would like a letter from Rick Mattson with regard to the Sewer and Water Commission comments and Mr. Macchi stated he will get that. Mr. Conroy also questioned the lack of a land surveyor stamp and Mr. Merrikin stated that will be on the final plan. Mr. Conroy agreed with that. He stated if the buffer ends up at 38', he will be all right with that.

Jen Gillis, 8 Squire Court stated they will be looking up at the proposed building and to put up a wall for the Pearsons will not allow any screening for her or the other neighbors. She would prefer the 8' fence and more plantings. All this discussion makes her nervous that they could end up with a wall and less plantings. Mr. Merrikin stated Mr. Murphy make a commitment to Ms. Gillis and they will not back out of it. The issue is whether or not the fence will be 8' or 6'. He stated on the north end by the Gillis' and the Leutinger property, he feels they would clearly be enhancing the buffering. He would like to know what the board feels as he needs a final configuration on the north end of the site. The alternative is building the retaining wall at 40' and planting trees which will then be below grade. Mr. Conroy stated what bothers him is down by the retention basin as it will look like Walpole Park South. Mr. Merrikin asked him if he wants to eliminate two parking spaces, but feels parking is important and they are in the middle of the range required for a restaurant. Also, the bylaw says they can't park in the first fifty feet on Route 1. Mr. Macchi stated with regard to parking, they have two extra spaces; i.e., they need 90 and have 92. Mr. Mazzocca stated they could make everyone happy and eliminate the two spaces and have no restaurant. Mr. Merrikin stated he spoke with Robin Chappell and there are no problems with having a restaurant. Because there was a bad experience with KFC, you can't throw all restaurants out. This is Route 1. Mr. Macchi stated if it is a matter of right, they are not going to throw it out. If you remove those spaces, you could end up with a Wendy's or another KFC or something else with a drive through. At this time, this is not set up for a fast food place, but if they take two spots away, it could become one. Mr. Murphy will do whatever the board wants, but to remove two spaces the building has to be redesigned and they would have to consider something else. Mr. Merrikin stated you are concerned about the retaining wall, but there is no difference between a wall and a slope. He could turn the corner of the wall, but nothing would be gained, but the wall as proposed tapers into the existing grade.

Mr. Conroy asked if the retention basin is adequate. Mr. Merrikin stated they are lowering the elevation in every design and there is no extra volume to give back in the 100-year storm. Mr. Conroy asked Ms. Walker for her comments. She stated there is a slight reduction. Mr. Merrikin asked if the last 15' of the wall is a concern for the board and Mr. Murtagh stated not for him. He feels they came a long way tonight. Mr. Forsberg said they should start the wall and continue it down from 8' to nothing. Mr. Macchi stated that if they go with the wall, you will get what is required. They will meet the criteria in the zoning book. Mr. Conroy stated they can't dig into the buffer and Mr. Macchi stated that is correct.

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Mr. Conroy asked if terracing works down by the retention basin and Mr. Merrikin stated they need the storage volume at the bottom of the hole. He stated they might be able to do two 6' walls than one 10' wall. There will be a 5' chain link fence on the top of the wall and along the parking lot. They have to work with what they have. Mr. Nottebart stated he would like to eliminate the turn out and Mr. Merrikin stated that would save them some money.

Jen Gillis, Squire Court asked if they are still going to go for the 8' variance on the fence with what is being proposed and Mr. Merrikin stated no. Ms. Gillis would like to plead for the 8' fence. This is right in her backyard and feels that a 6' fence is not enough for a buffer. Mr. Conroy asked if they can do the 6' fence and build a 2' berm. Mr. Macchi stated it doesn't make sense that they can build a berm in one place, but can't touch the buffer in others. Mr. Conroy stated you are already disturbing the buffer with one wall. Mr. Macchi questioned the face of the wall at 40' or the base at 40'.

Theresa Donovan, 12 Mohawk stated she is feeling nervous with the energy in the room. The buffer is a huge concern with her. She can see KFC and part of Route 1 from her window and the concerns of the Pearsons match her concerns. She would like the wall to go out farther and doesn't like the idea of one tree every 5'. She would like to go out again and see what is going to stay and what will go. She is worried about crime. She didn't live here during KFC and didn't know anything about the armed robbery, but she is trying to be open minded. She is a property owner and a mother and hears what the Pearsons are saying. She would like thorny bushes as a deterrent.

Gerard Higgins, 80 Old Post Road stated there is 50' of green in the front and feels if everything moved closer to Route 1 a lot of the problems would go away. Mr. Forsberg stated they would have to go to the Zoning Board for a variance in order to do that. Mr. Higgins stated they did it down by Lamberts and Mr. Forsberg stated that is a different town. Mr. Macchi stated that Prime and Clair got a variance as did the Walpole Mall and The Beacon Restaurant. Wherever you see parking lots against Route 1, they have been given a variance. However, the ZBA today isn't giving out variances easily. Donnell Murphy stated this property was always zoned LM or HB and the people that abut it were aware of that when they bought there. He had told the Pearsons that one tree would come down, but Lee Pearson didn't want that. This is nothing new or something that hasn't been granted in the past. This proposal meets the intent of the bylaw and he has gone out of his way to try and take care of the abutters. They were going to put in the 8' fence and the trees. The 8' fence could add to the security factor, but this is a piece of property on Route 1 and there is no access from the neighborhood, only from Route 1. This is why we have zoning and why we have HB. He feels he has gone the extra mile in dealing with the neighbors. Mr. Forsberg stated we appreciate his going the extra mile in trying to solve the conflicting issues with the abutters, but now we have to decide what we want. Mr. Merrikin stated they would like a wall and a shorter slope with a fence as only one tree would have to come down with that choice. Mr. Murtagh asked Mr. Pearson if he wants to change his mind and he stated no.

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Brendon Pearson, Mohawk Circle stated they will be cutting down trees and preventing trees from growing up and eliminating 20' of the existing vegetation. There presently is a 6' fence there which they would like to keep and with a ladder on the other side that kids have been scaling which they are trying to avoid. They would like the slats on the other side of the proposed fence so there is no ladder factor. They also would like a lot of trees so there will be a sound barrier and after the trees they want a retaining wall and another fence to seal off the area so people cannot travel behind there. Mr. Forsberg asked Mr. Merrikin to explain the trees again.

Mr. Merrikin stated the slope as proposed involves three trees coming down, but a shorter slope disturbs less area so one tree only one tree would have to come down. They are not going to create a fenced-in compound with two fences and feels that is not reasonable. Mr. Merrikin stated if a kid wants to climb a fence they will find a way.

Chris Musick, Safety Officer stated you need to look at what is going in there. Kids were cutting through to go to KFC. We don't know what is going in here so we don't know what we are really facing. If someone wants to access the site by jumping the fence, there is not much we can do. Mr. Merrikin asked if the board wanted the face of the wall at the 40' or the back of the wall at the 40'. Mr. Mazzocca stated he is not sure we have a choice as they have to construct it outside the 40' buffer and the residents want the 40' buffer. Mr. Merrikin stated he has never heard the board say they have no buffer discretion. Mr. Conroy asked what comes to mind and Mr. Merrikin stated KFC. Mr. Conroy stated that was before this bylaw. Mr. Merrikin stated Natureworks has both the berm and sloping in the buffer. Mr. Conroy stated the trees were left there and Mr. Merrikin stated some of them were.

Julie Beal, 16 Massasoit stated that when KFC was built they took everything down. Mr. Forsberg stated that was because they built in the buffer. Ms. Beal stated that once the trees were taken down you could actually hear people from her deck or from her front yard ordering their food; therefore, they should keep in mind the trees that need to stay to keep the buffer as thick and as high as it can be without removing anything. Mr. Nottebart stated the breaking point is that Mr. Murphy doesn't want to put up a fence and a wall. Mr. Merrikin stated that the north side is appropriate, but every other place is a choice between the wall and the buffer of a slope with an enhanced buffer or a compromise. They are all set on the north side of the lot. Mr. Mazzocca stated that Mr. Pearson wants a 40' buffer with a retaining wall. Brendon Pearce stated they are not saying an 8' fence, the others are. Mr. Conroy stated 40' is 40'. Could they come back and do something worse – possibly or something better – possibly. They want to build something and you want to protect your property. This should be worked out. If everyone is happy then he will be happy. We are trying to make this right for everyone and we want the applicant to make it come together. He stated he won't vote against this if all are happy.



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Theresa Donovan, 11 Mohawk asked Mr. Merrikin to outline what is being presented, which he did and stated they are willing to compromise with everyone. Mr. Conroy asked Mr. Macchi to explain the variance process and odds of getting one to the abutters. Mr. Merrikin stated they did get it for KFC. Mr. Macchi explained the process. Mr. Murphy asked if Mr. Pearson would be opposed to an 8' fence at his neighbors' property and Mr. Pearson stated no. Mr. Forsberg polled the board as to what they would like and stated he is in favor of the compromise with an enhanced buffer. Mr. Mazzocca stated he is in favor of making the abutters happy.

Mr. Conroy stated they may not need the fence after the landscape architect provides input, but he is in favor of whatever makes the most sense for everyone works. Mr. Nottebart stated he gives credit to Donnell Murphy for trying to work with the neighbors and feels the neighbors should be working among themselves to make this work also. He toured the site and agrees with Mr. Conroy and Mr. Mazzocca. He wants everyone to be happy and can live with compromises on both sides. He feels it is not fair to Mr. Murphy to keep asking for him to do more and more. Mr. Murtagh stated he would like Mr. Merrikin to have one more meeting with neighbors, which will make our job easier. He also complimented Mr. Murphy for stepping up to the plate. Mr. Forsberg commended Mr. Murphy for working with the neighbors and feels he has gone above and beyond when working with the neighbors and hopes they take that into consideration. Mr. Pearson stated they are willing to sit down and talk again and would like a landscape architect there also if possible. Mr. Murphy stated he would be happy to have one there. Mr. Murtagh stated this is a good start.

There were no further questions. Mr. Macchi granted the board an extension of time up to and including January 31, 2013 to take action. Mr. Conroy moved to accept an extension of time up to and including January 31, 2013. Motion seconded by Mr. Forsberg and voted 5-0-0.

Mr. Forsberg continued this hearing to December 6, 2012 at 7:30 p.m.

**10:15 p.m. Tall Pines Subdivision Continued Hearing:** Mr. Macchi asked that this hearing be continued without testimony to December 6, 2012 as they are not ready to move forward and gave the board an extension of time up to and including January 31, 2013. Mr. Forsberg moved to accept an extension of time up to and including January 31, 2013. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Forsberg continued this hearing without testimony to December 6, 2012 at 8:00 p.m.

**Niden Woods:** Mr. Forsberg read a memo dated October 25, 2012 from Ms. Walker updating the board on the sidewalk construction for Hummingbird Lane.

**Wisteria Way:** Ms. Walker showed the board the phasing plan as previously accepted by board and stated that John Walsh wants to have a portion of Gristmill released.

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**Oakwood Estates:** Ms. Walker stated she added a stop sign to the punch list and will send this to their attorney, Elizabeth Hern.

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:35 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 11/15/12