

WALPOLE PLANNING BOARD MINUTES OF JANUARY 5, 2012

The Walpole Planning Board held a regular meeting on Thursday, January 5, 2012 at 7:00 p.m. in the town hall main meeting room. The following members were present: John Conroy, Chairman; Edward Forsberg, Vice Chairman; John Murtagh, Clerk; Richard Mazzocca, Richard Nottebart, Margaret Walker, Town Engineer and Ilana Quirk, Town Counsel.

Time Cards: Mr. Conroy moved to approve the secretary's time cards as submitted. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy moved to approve the planner's time cards. Motion seconded by Mr. Mazzocca and voted 5-0-0.

Personnel Board: Mr. Conroy stated we are scheduled to meet with the Personnel Board on January 17th at 7:45 p.m. to discuss the secretary's proposed increase in hours.

Spring Town Meeting: Mr. Johnson had given the board a draft article amending the Zoning Bylaw relative to front yard setbacks within the Business zoning district. Mr. Conroy stated the warrant closes January 23rd. This was placed on the board's January 19th agenda for discussion.

Lost Brook Trail: Mr. Conroy moved to grant an extension of time to a subdivision known as Lost Brook and the Form F Covenant up to and including January 23, 2015 per request of Louis Hoegler, 330 High Street. Motion seconded by Mr. Murtagh and voted 4-0-1 (Mr. Forsberg abstained).

ANR – Barachiah Lane: Atty. Quirk stated in her opinion it is all right for the board to sign this ANR because there is no lot restriction. Mr. Conroy gave her a copy of the decision, specifically Special Condition #6. After reading Condition #6, Atty. Quirk stated the applicant needs to come back and get the subdivision modified. Mr. Wakefield cannot appeal that condition at this point in time as it would be considered an untimely appeal as the appeal period has passed. Mr. Conroy asked if the subdivision becomes bonded do we still have to have a request for modification. Atty. Quirk stated yes even if the bond has been released. She recommends this be explained to the applicant. He can withdraw his ANR without prejudice at this point. However, if he chooses to go forward, the board can endorse the ANR and give a memo to the Building Inspector stating that there is an issue and he cannot issue a building permit until the subdivision is modified. Mr. Forsberg asked if it is the ANR first or the modification. Atty. Quirk stated it is up to the applicant. Mr. Wakefield stated this is a private way and he feels the town is protected. He would like the ANR plan signed and he will file for a modification at a later time. Atty. Quirk stated that under the Hamilton case, Special Condition #6 is a restriction which can be noted on the plan. Mr. Conroy asked Mr. Wakefield if he wants to withdraw his ANR request or proceed and the board will issue a memo to the Building Inspector. Mr. Wakefield stated he would like to proceed.

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Mr. Conroy moved to endorse an ANR plan of land entitled Plan of Land in Walpole, Mass dated December 20, 2011 by John R. Anderson & Associates, 281 Mylod Street, Norwood, MA finding Form A in order and subdivision control not required. Further, it was agreed to send a letter to the Building Inspector per Atty. Quirk's recommendation to inform him that a building permit cannot be issued until Mr. Wakefield modifies the existing plan. Motion seconded by Mr. Murtagh.

Ms. Walker feels the small piece shown as Parcel A should be labeled "not a building lot" and Atty. Quirk agreed. She believes the lot line as shown at the back of Existing Lot 1 is also problematic. Mr. Wakefield thought that the Conservation Commission would be interested in this piece of property. Atty. Quirk feels the Planning Board should write "non-buildable" on Parcel A. Mr. Conroy wrote on the mylar as per Atty. Quirk's suggestion. Motion voted 5-0-0.

The owner's title to the land is derived under deed from Sergeant Realty Trust dated March 12, 2005 and recorded in Norfolk County Registry of Deeds, Book 22396, Page 222.

ANR - Plimptonville Crossing: The owner, John Lubold, 254 Plimpton Street and the applicant, Framing Company, Inc., 345 Neponset Street, Canton, MA were represented by Richard Merrikin, Merrikin Engineering, Millis, MA. Mr. Merrikin stated that 254 Plimpton Street is a 3-family house and he has labeled it. He submitted a new plan incorporating Ms. Walker's comments. Mr. Conroy asked if there is proper frontage and Mr. Merrikin stated yes. Ms. Walker asked if there is a need for patio setbacks and Mr. Conroy stated not if the patio is flat. Mr. Forsberg questioned the 15' strip along the back that abuts Rubini property. Mr. Merrikin stated they need that to be able to fit the proposed building in and also there is no requirement against doing this.

Mr. Conroy moved to endorse a plan of land entitled "254 Plimpton Street, ANR Plan of Land, Walpole, MA" by Merrikin Engineering dated October 20, 2011 finding Form A in order and subdivision control not required for property shown on the Assessors' map as Lot 18, Parcel 194, Zoning District GR, Flood Plain. Motion seconded by Mr. Mazzocca and voted 5-0-0.

The owner's title to the land is derived under deed from Evelyn Pascoe dated June 18, 2007 and recorded in Norfolk Registry of Deeds, Book 24903, Page 128.

7:50 P.M. Minuteman Truck, Site Plan Approval, Case No. 11-10 and Special Permit, Case No. 11-12 Continued hearings: The applicant was represented by Philip Macchi, II Esq., 1256 Washington Street, Norwood, MA. Mr. Conroy stated these hearings will run concurrently. He also stated we just received revised plans. He read a letter from Don Johnson regarding the RFP for a peer review. He asked Mr. Macchi if he had received a copy of the RFP that was sent out. Mr. Macchi stated he never actually saw it, but was aware of what it said. He was given a copy.

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Mr. Conroy read an email from Robin Chappell, Health Agent dated December 22, 2011 informing Don Johnson and Michael Laracy that she has looked at the peer review proposals and stated she would stay away from Furrh because they are a client. She feels Cambridge Environmental was better because they mentioned categorizing the chemicals. Mr. Conroy asked Mr. Macchi if he was aware of the amounts of the proposals that were received and Mr. Macchi stated yes and they range between \$4,000-6,000, but he has not seen the individual scopes. His client is willing to go forward with whatever company the board feels is most qualified. Mr. Conroy feels based on Robin Chappell's email, Cambridge Environmental should be number one. Mr. Forsberg asked if they are qualified and Mr. Macchi stated they previously did the peer review for Walpole Park South and that was a much larger scope of work and cost about \$10,000. Also, Stephanie Mercandetti, Economic Development Coordinator, feels the pricing is in line. The Zoning Bylaw states the applicant has to submit a certification by a qualified professional, but it doesn't define "qualified professional". His applicant agreed to a peer review in the beginning of the process and they will not go back on their word and they don't want to add time to the entire process. Mr. Murtagh asked if he thinks this is overkill and Mr. Macchi stated yes in this case. Mr. Murtagh feels we need all the protection we can get. Mr. Macchi agreed in the case of a new business, but this one is existing. Mr. Conroy stated if they wanted to speed up the process, the applicant should have met with people before the application process began.

The board members agreed to move forward with Cambridge Environmental. Mr. Conroy moved to choose Cambridge Environmental to perform a peer review for Minuteman Truck, Route 1, in an amount not to exceed \$4,500.00 and based upon our RFP. Motion seconded by Mr. Mazzocca and voted 5-0-0. Mr. Macchi stated he will bring a check into the office on Monday. He also asked for and was given a copy of the Cambridge Environmental RFP.

Regarding Site Plan Approval, the board received a revised plan dated November 29, 2011. Ms. Walker read her comments and stated she met with Don Myers and she is all set with him at this time. They did a design based on what she thinks the soil conditions are. If that is wrong, it will have to be fixed. Mr. Conroy read comments received from the Sewer and Water Commission dated December 13, 2011. Mr. Macchi stated he has an appointment to meet with Sewer and Water Commission on Monday at 7:15 p.m. Mr. Conroy stated their comments pertain to the special permit, not site plan approval. Ms. Walker stated she is all set at this time.

Mr. Forsberg questioned the toilet facilities on site. He stated they may need a waiver and should talk to the plumbing inspector or file with the Plumbing Board for a variance. Mr. Macchi stated the applicant did try to contact the plumbing inspector, but he did not return his calls. Mr. Forsberg stated they will also need floor drains as the State Code says you need them if you have a garage door. Paul Otterway stated that drains are not needed in the building and they are not allowed to put a drain in the spray booth to prevent hazardous materials from getting into the drainage system. Any dust or dirt will

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be vacuumed out also. Mr. Forsberg just wants them to know ahead of time. He asked if there are any lighting issues. Mr. Macchi stated it is remaining with a security light on the side. Mr. Forsberg asked if the dumpster will be screened. Mr. Macchi stated they are not adding anything else at this time, but will in fact be taking one off. He is not sure if presently it is screened. Mr. Forsberg stated if not, they should do so.

Bill Wichter stated the dumpster has been on site for twenty years, but it is not screened. Mr. Conroy asked compactor or dumpster and Mr. Wichter stated compactor. Mr. Murtagh stated he is looking forward to the comments from the Sewer and Water Commission. Mr. Forsberg asked that we require screening as a condition of approval.

There were no comments from the public. Mr. Conroy asked if the applicant wants to close or leave this open. Mr. Macchi stated they will leave it open just in case the special permit peer review brings something to their attention. He granted an extension of time up through February 29th for both the site plan approval and special permit application.

Mr. Conroy moved to accept an extension of time on which to take action on the special permit and site plan approval for Minuteman Truck up to and including February 29, 2012 as per requested by the applicant's attorney. Motion seconded by Mr. Mazzocca and voted 5-0-0.

Mr. Conroy continued this hearing to February 2, 2012 at 7:35 p.m. and 7:36 p.m.

Mr. Conroy asked that we move ahead with depositing the peer review check and asked that we find out if we need a contract.

Norfolk County Agricultural School Plan Endorsement: Mr. Forsberg stated that one of the parking areas doesn't conform to zoning and he asked town counsel if they are exempt from the zoning bylaw. Atty. Quirk asked if the parking is reasonable and if the issue is the number of parking spaces. The board needs to find the number that is reasonable to apply for this type of use. Mr. Forsberg stated the number is 18 and the size of the spaces is 6" narrower; however, the travel lane is the issue as it will be 18' versus 26'. Ms. Quirk stated that is a big difference. It may be they should have fewer spaces and what they have should be the correct width. Ms. Walker stated the road is a travel road, but they are trying to save asphalt and green space. Atty. Quirk asked if this is an existing school with a new addition and Mr. Forsberg stated yes. She asked if there will be new classrooms and Mr. Forsberg stated yes and also a riding ring. She asked if the new building will create more cars and if so it will come down to negotiating. Mr. Conroy stated if we turn down the plan, does that matter. Atty. Quirk stated the board should negotiate with them. There should be a greater turning radius and fewer spaces. Is there any other place on the property where they could add parking or could we ask them to use any other land for satellite parking that would be unpaved. She feels it all comes down to negotiating with the school.

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Mr. Murtagh asked if they are exempt from our conditions. Atty. Quirk stated they do have special protection as an educational use, but reasonable conditions can be imposed by the Building Inspector. Also, they did file for site plan approval. She feels the board should have a good faith discussion with them to resolve this. Mr. Conroy stated we don't have to do that but it would be nice. Mr. Forsberg asked if we can give them a waiver and Atty. Quirk stated it is a question of the plan being brought to us and us saying we are okay and satisfied with the plan. Mr. Conroy asked if it would open a few eyes if Ms. Walker and Mr. Forsberg sent them a letter stating it is more of a safety factor. Atty. Quirk stated there should be a memo from Ms. Walker stating she has safety concerns. Ms. Walker asked if it matters that the hearing is closed. Atty. Quirk stated the Building Inspector will look at this when he issues the permit. Mr. Forsberg asked Ms. Walker to copy the Building Inspector when she writes her memo. Mr. Nottebart asked if this is existing parking and Mr. Forsberg stated no, it is new and is located in front of the new courtyard. Mr. Conroy added this to the board's January 19th agenda.

B&C Floral Endorsement: Ms. Walker stated this goes back to November and she still has four issues. Mr. Conroy stated the issues are with Dunkin Donuts, not B&C Floral. He moved to endorse the B&C Floral site plan as presented. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Glaropoulos will pick up the plan in the office next week and make copies for the board.

Walpole Park South: Atty. Quirk summarized her email of January 5, 2012 that she sent to the board regarding WPS. She asked Ms. Walker if she has prepared a punch list and also stated the other evening the board raised another issues; i.e., it seems there is no condition she can find in the approval given by judgment in 1986 and no configuration restriction there is no reason why this can't be combined the way it is. As per the January 20, 2011 Planning Board decision, the board was aware that there was land being added as per Condition #13, which will ensure that all the requirements of the 1986 judgment are met. She sees no issue other than the surety at this point. Also, there is a letter from the applicant putting forth a surety of \$175,000 that the board can accept. She recommends we move forward. Back in 1986, there was no requirement for a Property Owners' Association so the roadway and drainage easements would be controlled by one entity and she feels there should be. She stated they did convey the roadway into one single trust so now one entity controls the roadway and drainage and that is a good thing. She has not looked at the title on this yet. Atty. Quirk submitted language to add to our Rules and Regulations.

Mr. Conroy asked how the 16 years relates to the 8 years with regard to current zoning. Atty. Quirk stated she feels it conforms now. Mr. Conroy feels that after 8 years, they should have to conform to current zoning, including roadway, utilities and storm water management. Now, there is more than an 8-year lapse. It was built according to 1983-1986 standards. He asked if this comes under the current zoning statute and Atty. Quirk stated no because the roadway was done. She feels it should be done the way it was approved. Mr. Conroy again stated that more than eight years has passed.

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Atty. Quirk thought the roadway was built within one year of approval. Mr. Conroy stated it was built, but not accepted. Atty. Quirk stated that doesn't matter. Her opinion is that it doesn't have to be by today's standards. The developer has indicated that there will be improvements as best as can be done up to today's standards even though it is not required under subdivision control. She stated that would be a policy decision for the town meeting to make when or if this is brought forward. There is a process when it comes forward for the Planning Board and Ms. Walker to make recommendations. Mr. Conroy stated if we go ahead the question will be put back to the Planning Board as to why we didn't make them conform to today's standards. Mr. Conroy asked if what Atty. Quirk is saying is there is case law saying they don't have to go by today's standards. Atty. Quirk stated their rights are preserved under the original subdivision approval and they will be making improvements in case they do decide to move forward. Mr. Mazzocca asked what if this goes to town meeting and is voted down, does Mr. Murphy have any recourse. Atty. Quirk stated no.

Atty. Quirk suggested we do a workshop regarding surety and the fact that the town has the right or obligation to pull surety and do the work ourselves. Mr. Merrikin stated there is already a punch list. Ms. Walker stated once it is clarified, she will tweak the punch list. There will be a new bond for the remaining work. She calculated on what in general has to be done to make it acceptable, but not necessarily to today's standards. Mr. Conroy asked if this is similar to Starlight Drive. We would like an answer on what we can and can't do. He would like all this in writing from Atty. Quirk. He would also like Ms. Walker to do a punch list based on the 1985 standards and what it would be if it were today. Ms. Walker stated that some of the issues would be the road was built 25 years ago and what was done is satisfactory then, but not now just because of age. Mr. Conroy stated that has nothing to do with that. Atty. Quirk referenced her October 19, 2011 letter to the Planning Board. Mr. Conroy asked Ms. Walker to base her calculations on what she sees on site as thirty years has past. Ms. Walker stated that is essentially what she has done and the bond is in the neighborhood of \$175,000. Mr. Forsberg asked what would trigger the eight years that Mr. Conroy is talking about. Atty. Quirk stated what is out there is out there. Mr. Conroy stated if something is sitting for eight years, they need to come back again. Atty. Quirk stated she does see a developer that is willing to go above what is required. Mr. Murtagh asked about granite curbing. Ms. Quirk stated that is a risk the developer runs when he goes before town meeting. Mr. Forsberg asked if he is obligated to get it accepted and Ms. Quirk stated no, there is no requirement. Mr. Forsberg asked what happens with the bond and Ms. Quirk stated the release of the bond has nothing to do with the roadway except to the degree of completion of what has been done satisfactorily. They have no obligation to bring this forward. There is no way to impose a 2011 requirement on a subdivision that was approved in 1986.

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Mr. Conroy disagreed and asked what if the road completely disintegrates. If this goes back 200 years and at that time all they needed is gravel, we can't make them change that? Ms. Quirk stated everyone needs to be practical. If you have a gravel subdivision from the 1930's and the houses are built, there is no way to bring them up to today's standards. Mr. Conroy stated that town meeting can refuse to accept this. Mr. Nottebart asked who should have informed who with regard to the surety. Ms. Quirk stated she is not sure if the Planning Board should have known or the developer. She feels the Planning Board should create a policy for the future. She suggested that the board secretary schedule a surety session once or twice a year to review the surety for every subdivision so we can see what the status is. Whenever there is a default of any kind, the developer is given the opportunity to cure it.

Mr. Conroy also questioned the property being transferred as we didn't know that. Ms. Quirk suggested that when we do surety agreements she recommends there be a fixed written document with the requirements and deadlines spelled out and also a deadline for the work to be done. Mr. Conroy questioned a transfer from Corporation A to Corporation B, which has been done four or five times in this situation. He asked if Atty. Quirk is saying they can do that and then come back and post a bond. Ms. Quirk stated she is saying they should be allowed to come back and cure a problem. Mr. Conroy asked if that means anyone can do that with no penalty. Ms. Quirk stated when the deadline comes up then there is a point of discussion. She sees no penalty in the case. She sees this as a communication issue. The way to create dialogue is to build deadlines into the system and in doing that the relationship between the Planning Board and developer will stay alive. Mr. Conroy stated there was transfer before the tripartite agreement expired, but we have ultimate failure to do what is proper. Atty. Quirk agrees there is an issue to be addressed which should be cured. Mr. Conroy asked if she agrees there was a failure and Ms. Quirk stated not optimal. Mr. Nottebart agrees with Atty. Quirk that there should be a follow up system and likes Ms. Quirk's suggestion to do a yearly follow up on the surety that is out there. He stated we have to satisfy our concerns. He asked if we are nit picking or do we need to move this forward. Eric Kraus said we need a guarantee that this is right. So, based on that statement, we need a guarantee. Mr. Mazzocca stated that Mr. Kraus doesn't have a right to say that. Ms. Quirk asked that the town engineer prepare two punch lists; one under 1985 approval and one that she feels they need to have for street acceptance under today's regulations and give them to both the board and the developer.

Mr. Conroy stated they run the risk of not having this done on time, which is why Ms. Quirk asked Ms. Walker to do two lists. Ms. Quirk again recommends we have a work shop on issues separate from this. She asked Ms. Walker to do punch lists so we can move forward. The developer is willing to meet the amount; therefore, there is no issue in this case. Mr. Forsberg feels we need a figure at today's standards and a figure with the standards of 1986; then, we can come up with a figure. Ms. Walker stated they have done all the original work, but it is falling apart. Ms. Quirk stated a punch list will show what they need to do.

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Mr. Murtagh asked the town engineer to put in her estimate an amount to mill and re-pave the road. Mr. Conroy stated they might have to camera this and re-do the hydrants. He is doing this for the board's knowledge and also town meeting's knowledge. Ms. Quirk asked how long will this take and Ms. Walker stated she is essentially done. Mr. Forsberg asked if the bond will be for remaining repairs. Ms. Walker stated yes, but there are some things that they are not required to do. Mr. Forsberg stated that when they get that figure and do that work and Ms. Walker is satisfied, we will release the bond after a public hearing and then go to town meeting. Ms. Quirk agreed. She suggested the board task Ms. Walker to do that and task her to work with the developer for a surety agreement based on today's standards. Mr. Conroy stated that this is like one-stop shopping. Mr. Macchi questioned the public hearing to release the bond. He stated that is a hearing to release the bond, not a public hearing. Ms. Quirk agreed. Mr. Macchi stated they will do the work as on the punch list and Ms. Walker will verify that the work is done and then the bond will get released. Mr. Conroy stated we will have a residents' hearing before we release the bond even though it is not binding. Ms. Quirk stated she knows it is not required. Mr. Macchi stated we all know Walpole Park South will only show one person, Mr. Murphy, for the residents' hearing. He asked why the board would do that. He is trying to bring some reasonable closure. Mr. Merrikin stated the board could waive the procedure. Mr. Conroy stated if we do a residents' hearing and you don't show up, we will still go forward. Mr. Murtagh stated that one entity should control the subdivision. Ms. Quirk stated the owner will.

Mr. Macchi stated that in an attempt to bring this to closure, Walpole Park South Realty Trust now owns the entire fee in the road and drainage. Mr. Conroy stated that procedurally, we have a subdivision and now a site plan approval. Is that site plan approval part of the subdivision? Ms. Quirk stated that condition #13 of the site plan approval stated they need to amend the decision or judgment that was entered in 1986. Ms. Quirk asked if they are willing to have a restriction on the unregistered parcel. Atty. Macchi II stated it is on both sides already. They extended the restriction but did not go back to open up the judgment. Ms. Quirk stated okay. She explained the Hamilton case and stated we have the ability to control the lot configuration; however, you may want to continue to do it through site plan approval. The board did a good job when they looked at this a year ago. She sees no restriction that stated they couldn't add this to the subdivision.

Mr. Conroy stated Atty. Quirk has thrown out a lot of information and asked her to give the board a synopsis for us to follow going forward. Ms. Quirk stated that was done on October 19, 2011. She reviewed that memo in part which stated: punch list from town engineer, negotiate surety and performance agreement, homeowners' association, but now there is only one entity so it is not necessary. Mr. Conroy stated if Ms. Walker comes up with a number and the developer doesn't like, then what. Ms. Quirk stated they have agreed to do this in writing. Mr. Conroy stated we don't have it. Mr. Forsberg stated they can do the work and then there will be no need to post the money and Atty. Quirk agreed.

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Ms. Walker stated we will reformat the bond because the pump station is not in there and she also needs certification of monuments. Mr. Conroy asked if there are any conservation issues involved in this and Ms. Walker stated they may need a certificate of compliance, but the selectmen would deal with that. Mr. Murtagh stated we need to move on this. Ms. Quirk stated if authorized, she will meet with them.

Bill Hamilton, South Walpole: questioned the original WPS approval and the additional parcel, which has the protection of the underlying zoning. Atty. Macchi II stated he is referring to WPS VIII. He stated the only thing not included in zoning is well monitoring. The new zoning is more tolerant and no waivers were requested. The current parcel of both registered and non-registered land all complies with current zoning and the current building, drainage and use within the building complies with zoning the way it is. Mr. Hamilton questioned an underlying restriction. Mr. Mazzocca asked what restriction he is referring to. Mr. Conroy stated there is some agreement with the court with regard to the watershed. We now have a new lot and that new lot should be protected. Mr. Hamilton stated the new lot is covered by both zoning bylaws. Ms. Quirk stated that is a matter that belongs to the Zoning Enforcement Officer. Atty. Macchi II stated that grandfathering doesn't apply. Mr. Hamilton stated that the Planning Board use to require a passbook bond and asked if the \$20,000 surety bond grows in interest. Mr. Conroy stated we have to go by Mass General Law. We can accept a Tripartite Agreement, a passbook, or insurance bond, but he wants cash.

Dan Merrikin, Merrikin Engineering, stated they are not sure if the Sewer and Water Commission will assume the pump station, so there is a question of whether or not it should be part of the bond at this time. If they don't accept it, it will remain private forever. Mr. Conroy stated it will appear on Ms. Walker's punch list. Ms. Quirk stated this is not about street acceptance by the town. You should still have the money so that it is built properly. She feels it still should be on the bond and asked if it was shown on the plan. Atty. Macchi II stated yes. They could come back with an agreement stating they will not do the work and then that will be the end of it. Mr. Conroy stated if it is going to be a lot of money, you might want to give us the agreement that it will remain private. Ms. Quirk stated her recommendation is the board should task Ms. Walker to do this. She asked if she is authorized to negotiate the surety agreement and Mr. Conroy stated yes.

Mr. Forsberg stated we need to have Ms. Walker set the bond figure for the work to complete Walpole Park South in accordance with the original plans. Also, she should have a number for the different upgrades for 2012.

Ms. Walker asked if everything is to come up to 2012 or just the stuff they agreed to and Mr. Conroy stated everything. Mr. Mazzocca asked the difference between what was done in November and what Ms. Walker will do now and Ms. Walker stated as built plans and a few other things such as granite curbing as her figure is based on Cape Cod berm.

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Mr. Mazzocca stated he doesn't think you can change the costs associated with granite curbing unless we are bringing this up to 2012. Ms. Quirk stated we can discuss this further at the next meeting. Mr. Mazzocca wants Ms. Quirk to see the draft minutes as soon as they are available.

Mr. Conroy moved to allow Ms. Quirk work with the developer and their attorneys for a surety agreement and to get the title certification, etc. Motion seconded by Mr. Mazzocca and voted 5-0-0. Ms. Quirk asked the deadline to have information to the board before a meeting and Mr. Conroy stated it is a week prior to a meeting or if less than a week, it will be put on a subsequent agenda. Mr. Conroy put on our January 19th agenda per Ms. Quirk's request and told Ms. Quirk any information for the board is due by January 13th. If we don't receive the information, it will be put on February 2nd meeting agenda. Atty. Quirk again suggested a work shop with herself and the Planning Board on a Saturday during the day or a week night.

Sharon Credit Union: Mr. Conroy put this on our January 19th agenda as we just received the mylars this afternoon.

Foxboro Casino: Mr. Nottebart would like the board to send a letter stating our vote against the casino on record in Foxboro and asked Mr. Mazzocca to draft it. Mr. Mazzocca agreed and stated he will copy the board for comments before sending. The board agreed. Mr. Conroy stated we could ask the other boards in town if they want to do it. Mr. Mazzocca moved that we send a letter to the Foxboro Board of Selectmen informing them that we don't want the casino in Foxboro and that we support their 3-2 previous vote. Motion seconded by Mr. Forsberg and voted 5-0-0.

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

Respectfully submitted,

John Murtagh, Clerk

Accepted 2/2/12