

## WALPOLE PLANNING BOARD MINUTES OF MAY 3, 2012

The Walpole Planning Board held a regular meeting on Thursday, May 3, 2012 at 7:00 p.m. in the Main Meeting Room, Town Hall. The following members were present: John Conroy, Chairman; Edward Forsberg, Vice Chairman (7:04 p.m.); John Murtagh, Clerk; Richard Mazzocca, Richard Nottebart, and Margaret Walker, Town Engineer.

**ANR – Allied Recycling, Main Street:** the applicant was represented by Tim Bodah, Coneco Engineering. He asked if Mr. Conroy could discuss this later in the meeting as he didn't have the mylars and was going to Allied to get them.

**Minutes:** Mr. Conroy moved to approve the minutes of April 19, 2012. Motion seconded by Mr. Nottebart and voted 4-0-0.

Mr. Forsberg arrived at 7:04 p.m.

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

**Request for Comments:** Conservation Commission asked for planning comments with regard to The League School. Mr. Conroy stated there are no planning comments.

**7:05 p.m. Atlantic Court Extension Discussion:** Mr. Viano and Mr. Wiley, Chairman of the Conservation Commission were present. Mr. Conroy stated the purpose of our discussion is that Mr. Viano wants to rescind the 4-lot subdivision that is already approved and then do an ANR for two lots only. Mr. Wiley stated the Conservation Commission wants to accept Mr. Viano's gift of Lot 5 which is addressed within the subdivision approval.

At the end of the discussion, Mr. Viano stated he is going to keep the 4-lot subdivision and not proceed with the ANR.

**7:30 p.m. Scenic Road Hearing, 870 North Street and Baker Street:** Bob LeBlanc, Tree Warden was present. Mr. Conroy read the public hearing notice. Mr. LeBlanc stated there are 12 trees in question, 11 on High Street and 1 on North Street. He provided photos of the trees in question and stated that because of public safety, these trees may have to be removed sooner rather than later. Mr. Forsberg stated he was noticed as a High Street resident, but High Street was not mentioned in the public hearing notice. Mr. Nottebart stated he went out there and looked for the trees to be removed and they were hard to find. He wasn't thinking that it was High Street. He feels the notice is misleading. Mr. Forsberg agreed and feels it is not proper to move forward. Mr. Nottebart asked if they have to take down the trees as they are big. Mr. LeBlanc stated they are creating a serious safety concern and need to be taken care of. Mr. Murtagh asked if they can do heavy pruning instead of taking them out as they are pretty big. Mr. LeBlanc agreed they are big, but most of them have big cavities in them, although he doesn't know the extent of the decay.

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Mr. Murtagh asked if they all had cavities and Mr. LeBlanc stated yes. Mr. Nottebart stated he is concerned with the public hearing notice. Mr. Forsberg feels that is an issue. Mr. LeBlanc feels the notice is appropriate. Mr. Conroy asked if he is referring to tree trimming under the Scenic Road rules and Mr. LeBlanc stated yes. Mr. Conroy questioned no notice to Baker Street and stated he feels they don't need to file for a Scenic Road hearing for tree trimming. NSTAR doesn't do any more than they have to. He feels Baker Street is okay and also North Street. The issue is tree removal on High Street. He asked if 870 North Street was noticed and Mr. LeBlanc stated yes. Mr. Mazzocca asked if this is an emergency that they need to come down immediately and Mr. LeBlanc stated he is trying to be proactive and he is not sure when those trees will fall down. He wanted approval and then the town will work on when they can remove them. The abutters at 363 High Street stated they are fine with any tree work being done in front of their property. There were no further questions.

Mr. Conroy moved to approve tree trimming and/or removal at 870 North Street. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy moved to allow tree trimming along Baker Street, even though he doesn't feel this trimming doesn't required approval from the Planning Board. Motion seconded by Mr. Nottebart and voted 5-0-0. It was agreed to readvertise a Scenic Road hearing for High Street and to renote the High Street abutters. Mr. Conroy placed this on the board's May 17<sup>th</sup> agenda at 7:15 p.m.

**7:50 p.m. Plimptonville Crossing (refile #2), Case No. 12-7:** The applicant was represented by Rick Merrikin, Merrikin Engineering and Atty. Paul Schneiders. Also present was John Marini, the applicant.

Mr. Conroy read the public hearing notice. Mr. Merrikin stated this is a revision to an application filed in January as the board had concerns over the advertising of whether or not this involves a portion of 254 Plimpton Street. Therefore, rather than risk an issue, Mr. Mariani decided to withdraw their application, Refile #1. He submitted proof of recording of the ANR plan previously endorsed. He stated that this will be 16 multi-family units located at 240-242 Plimpton Street. It was originally approved in 2007 for 10 units and this project mimics that quite a bit. They have a driveway that comes in off Plimpton Street with a cul-de-sac and then a sharp drop off with a drainage basin at the lower location. The Neponset River has been taken into consideration. They have approval from the Conservation Commission and they have been working with them to amend it to include this plan which they are about ready to approve. They have also gone before the Zoning Board and the hearing was closed and they are set to vote the approval next Wednesday. Mr. Merrikin stated the project provides a buffer along the southeast side of the property which is primarily yard area. They have proposed to enhance that with tree plantings and a fence. The original filing had some bulkheads and decks extending in the buffer, but they removed those. They received a letter from Engineering and they revised plans their plans to address her issues.

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They have those revised plans with them tonight. Mr. Conroy asked if he was going to submit those revised plans now and Mr. Merrikin stated he will at the end tonight's hearing, but there are no major changes. The only issue is that the original approval referenced some signage down on Plimpton Street. There is some shown on the revised plan on the curve and at the railroad tracks, which will require approval from the Board of Selectmen. They have had a lot of discussions with the neighbors. They have enhanced the screening and also added a retaining wall and fence. They also need to make the dumpster pad bigger as requested by Ed Forsberg. They have had conversations with Margaret Walker and the Superintendent of Sewer and Water about the questions relating to the sewer line. He asked if the board wanted the new plan now and Mr. Conroy stated no it will be for the next time.

Mr. Conroy read board/committee comments. Ms. Walker discussed her comments, which were based on plans dated October 20, 2011. Ms. Walker stated that anything off site needs to be approved by the Selectmen. She stated that regarding input from Ivas Environmental, she is not sure what version of the plans their comments were based on and she needs to know. Also, sight distance from the corner needs to be met. Mr. Mazzocca stated that regarding the traffic study, this is a dangerous street as there is a sharp corner and people do bomb up the hill. Is this study based on a certain speed? He doesn't think the cars ever go slow on this street. The traffic consultant, William Scully, stated he has been working on this project since the original application was filed. It was 16-17 units that changed to 10 and now changed to 16 units. He stated Mr. Mazzocca is correct about the corner, the grade and the horizontal curve. They knew they were close on the sight distance. They went out to the site with the safety officer and tree warden and discussed the enhancement work to be done. They do meet stopping sight distance for 30 mph coming up the hill. The highest speeds are from the other direction to the west. Most of the people on the road drive it all the time, so the advance notice is for those who don't drive here often. They are also suggesting a speed of 20 mph. They are doing everything they can. Stopping times were verified by sight distance many years ago. Mr. Mazzocca asked if Chris Musick, Safety Officer, addressed that issue in his letter and Mr. Conroy stated proper sight distance and snow plowing have yet to be addressed. Mr. Mazzocca stated he is more concerned about people parking at the train. Mr. Conroy asked Mr. Merrikin to have Mr. Musick take another look at this for our next meeting. He would like Mr. Musick asked what are the speeds the people are traveling at on that road, does he feel there is a large number of accidents in this area and what is his take on the sight distance.

William Scully, Traffic Consultant, stated they did a five day report that had measured approaching sight at 210' – 230' looking to the right and listed some recommendations. Mr. Nottebart stated the road needs to be more clearly marked. Mr. Merrikin stated he will meet Chris Musick on site. It was the other safety officer he met with on when this was originally approved.

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Gary Ciplik, 224 Plimpton Street stated the peer review was based on the plans of October 20, 2011. Ms. Walker stated the plans have changed two or three times since then and she would like any peer review based on updated plans. Mr. Ciplik asked if they are close and Ms. Walker stated he needs to look at that himself for their own project. Mr. Ciplik questioned the cutting of trees. Mr. Conroy stated they need a 50' buffer between residential, which can be enhanced but not taken down. Mr. Merrikin stated they didn't locate trees on the plan, they just show the edge of the woods, which was re-evaluated on the revised plan because most of the buffer is in the original yard. Almost all of it was part of a lawn at one point. They have proposed to enhance the area with trees and a fence. Behind units 8 and 9 they would like to leave 10' of grass. They would like the board to allow that given the fact that they will enhance screening all the way down with two rows of trees. Mr. Conroy stated it isn't a buffer any more if it is part of their yard. How will it be maintained? Mr. Merrikin stated that the buffer is supposed to remain as no touch. If it is lawn now, why would you prevent someone from keeping it lawn? Mr. Conroy stated it becomes a play area and then the buffer is eventually all gone. Mr. Merrikin stated if there is little or no vegetation in the buffer, they would be enhancing it at the edge of the single family property. Mr. Conroy stated it doesn't tell us where it is being enhanced and Mr. Merrikin stated it does. Mr. Conroy stated that all of a sudden it disappears and becomes someone's play yard. Mr. Merrikin stated they can put the trees on the other side and move the fence. Mr. Conroy stated that works.

John Marini, the owner of the property, asked what is wrong with people using their backyard. Mr. Conroy stated it is not their backyard – it is a buffer. Mr. Marini stated he doesn't understand. Mr. Conroy stated they will be encroaching in the neighborhood. Mr. Marini stated it is a single family house. Mr. Conroy stated the 50' buffer could shrink to nothing. Mr. Marini stated the owners could be told when they bought the property there is a 50' buffer requirement. He stated it makes no sense to move the fence. Who will maintain it and keep it clean? Mr. Merrikin stated property maintenance could be a problem. No one will keep it clean or trimmed. They can't work in someone's back yard. Mr. Conroy stated 50' of buffer is required and we don't have the ability to waive that. The applicant could go to the ZBA to request relief, but we can't reduce it. Mr. Ciplik stated what if someone shows up and clears this. Mr. Conroy stated they will have to replace them. They cannot touch 50' out.

Lisa Rubini, 8 Allston Drive stated she wrote a letter based on the October 20<sup>th</sup> plans. A lot of those issues have been addressed and the builder has addressed screening. She doesn't like the fact that there is only a 15' or 20' buffer on her side. Mr. Conroy stated it is not a buffer. It is a way around the requirement of doing a 50' buffer on her side. Mr. Merrikin agreed.

Marilyn Phelan, 237 Plimpton Street stated that coming over the bridge there is so much traffic causing her driveway to be in a terrible spot and feels that speed bumps would help the situation. Mr. Conroy stated that is up to the Selectmen. Mr. Merrikin stated he will mention it to them.

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Al Franz, 249 Plimpton Street stated he does tell people to slow down, but the traffic doesn't stop or slow down. He feels they need two signs; one stating residential area and one under 30 mph. This road is a major cut through. Speed bumps would encourage the cars to slow down. They are going 40-45 mph. He is amazed that cars haven't driven through the house next to Plimptonville Station.

Mr. Conroy asked if the applicant is doing any cuttings and Mr. Merrikin stated yes 5-6' off the pavement in the public way to improve sight lines. He stated they will bring this up at the Selectmen's meeting in a couple of weeks. Mr. Nottebart and Mr. Murtagh agreed that something has to be done. Mr. Forsberg asked if the topo will stay the same and Mr. Merrikin stated yes. Mr. Conroy asked if there is a safety fence on top of the wall and Mr. Merrikin stated yes. Mr. Conroy stated he would like cuts and fills with the volumes next time for what is coming in and out, not what is on site. Mr. Merrikin agreed. Mr. Conroy asked what the plans are for the three family at 254 Plimpton Street and if they are going to file a plan for that as it is a new lot. Mr. Merrikin stated he has nothing to do with that and doesn't think they need to file. Mr. Conroy stated they were grandfathered before, but he created a new lot, so they need to file a site plan. He also has an issue with the setbacks being only 22' and they need 30'. You weren't on the application when you bought it and now you guys are joined at the hip. We need to find out what is going on with this. Mr. Merrikin stated he will talk to Jack Mee. Mr. Conroy stated he already did. They need to meet the parking requirements. This is something they created new and we need to find out how this affects this filing.

Atty. Schneiders gave the board an extension of time up to and including June 14, 2012. Mr. Conroy moved to accept an extension of time upon which to take action up to and including June 14, 2012. Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy continued this hearing to June 7, 2012 at 7:45 p.m.

Mr. Merrikin did not submit revised plans.

**8:50 p.m. Southridge Farm Site Plan Approval, Case No. 12-8 and Special Permit, Case No. 12-9, 400 South Street:** Mr. Conroy read the public hearing notices. The applicant, P. J. Hayes, was represented by Rob Truax, GLM Engineering. Mr. Truax stated there is a wetland on the opposite side of the street and agricultural use on the property. They want to eliminate the access on South Street and move it down near Harwood Engineering. They want to use the other two lots for outside use. They have filed with the Zoning Board and were continued to the end of May. There will be a 24x60' modular office building. There will be a retaining wall along the back of the site, which will act as a material bin. The front of the site will be used for customer access and the rear of the site will be for contractors, deliveries and trailer trucks. The main access road will be 30' with a Cape Cod berm graded at 4% at the entrance which goes to 5% at the back. The soil is sand and gravel and can handle run-off. They will have two main drainage systems, one along South Street and then an underground recharge system. They can't tie anything into the town's systems as shown on the submitted plan, which

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they will fix on the revised plan. The basin is a recharge basin. All water on site is staying on site. There will be nothing going into the wetlands across the street. They have been to the Conservation Commission already and will be going back. They have also sat down with Ms. Walker and will be submitting revised plans after they receive the Planning Board's comments. Mr. Truax stated that the proposed entrance is primarily the new entrance with a 40' radius for the trucks. The smaller entrance is for customers. The existing road will be taken out.

Mr. Conroy read comments received from town boards and committees. Ms. Walker stated she has met with Mr. Truax. She stated they do need permission from the Selectmen to open the street and they could say no. Mr. Truax stated they will be going forward with septic and a well for a while if they have to. Ms. Walker questioned site lighting, a screened dumpster and parking. Mr. Truax stated he talked to Jack Mee. They are proposing 17 spaces for customer parking and the area will be fenced so customers cannot go farther onto the site than where they want them to be. He is aware that the retaining wall has to meet setback requirements and that an engineered stamped plan could be required depending upon the height of the wall. Mr. Conroy stated they would need a permit to build the wall and he would like this shown on the plan along with the fence above it. Mr. Truax stated that fencing would be for security reasons. Mr. Forsberg asked if the truck entrance will be crushed stone with hot top over it and Mr. Truax stated it is temporary during construction. It will be paved. Mr. Forsberg questioned the gate by the smaller entrance and Mr. Truax the gate would stop customers from getting into the yard. Mr. Forsberg asked if the sewer line to the street requires a manhole and Mr. Truax stated no it is a 6" service. Ms. Walker stated she doesn't want that. Mr. Murtagh asked if they have Conservation Commission approval and Mr. Truax stated they are in front of them right now. Mr. Nottebart asked if they will be open year round or are the seasonal and Mr. Hayes stated year round. Mr. Nottebart asked if snow will be an issue and Mr. Truax stated no. Mr. Nottebart questioned handicap parking and Mr. Truax stated it is there but not shown on the plan. Mr. Nottebart stated the plan shows Cape Cod berm on both entrances and asked if they had thought about granite. Ms. Walker stated it would have to be sloped granite and Mr. Hayes stated okay. Mr. Murtagh asked what would be the easiest and Mr. Truax stated Cape Cod berm.

Mr. Conroy asked if this falls under agricultural use and if so, they would be exempt from zoning. Mr. Truax stated he talked to both Jack Mee and his attorney and both felt it would be cleaner to go forward with site plan approval. Mr. Conroy asked why they are before zoning and Mr. Truax stated because they are selling hardscape products and everyone thought it would be the proper approach. Mr. Murtagh asked if there were still farm animals at this site and Mr. Truax stated there are horses, chickens, etc. Mr. Conroy questioned the impervious cover. Mr. Truax stated it is shown on the new plan. They also have three ANR lots at the front of the property. Mr. Conroy asked if all lots are held in common ownership. If they are, this would all be considered as one. Mr. Truax stated it is two different names. Mr. Nottebart asked if this is WRPOD 3 and Mr. Conroy stated yes.

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Mr. Nottebart asked if they will store chemicals and Mr. Hayes stated they will store a little fertilizer, maybe two tons, in bags inside on a concrete floor. Mr. Conroy stated that fertilizer is not considered hazardous.

There were no questions from the public. Mr. Truax gave the board an extension of time upon which to take action on both the special permit and site plan up to June 30, 2012.

Mr. Conroy moved to accept an extension of time upon which to take action on both the special permit and site plan approval applications up to and including June 30, 2012.

Motion seconded by Mr. Nottebart and voted 5-0-0. Mr. Conroy continued this hearing to June 7, 2012 at 8:00 p.m. and 8:01 p.m. respectively.

**9:38 p.m. Tall Pines Preliminary:** The applicant was represented by Rick Merrikin, Merrikin Engineering. Also present was Robert Fox and Mark Gladstone. Mr. Merrikin stated the property is 4 ½ to 5 acres and goes behind Big Y and High Plain Terrace. They are proposing to subdivide it by putting in a 750' road and creating five lots in the back plus they already have two ANR lots. The property is wooded and backs up to Arrowhead and Cherokee. Along the property lines is an existing 20' road, Summit Street, which is an existing way shown on a land court plan. It is a trail and putting their subdivision road there will not block access to it. All seven lots conform to zoning and can meet all the regulations of the Planning Board. Most of the drainage is to the rear of the lots, but some drainage goes into Old Post Road. They will try to infiltrate the water along the road and send the overflow into the Old Post Road street.

They are seeking waivers for the subdivision: 1) The property line while almost straight isn't quite straight. They need a straight line for the road leaving some parcels between the edge of the property and the road. They will ask the board to allow the road to be a little wider at 46 ½ feet so they don't end up with little parcels; 2) there should be two sidewalks, but would like to be allowed to only put in one as all houses are on one side of the street. The sidewalk on Old Post Road is on the opposite side; 3) instead of a 10' level grass strip they would like 3' or 4' on the edge of the road. Ms. Walker stated that in addition to the parcels on the edge of the road, there are some at the beginning which they don't want to leave orphaned. Mr. Merrikin stated they will try and give that to a neighbor. Mr. Walker stated that regarding Lot 28, does that drainage exist on the current ANR. Has it been conveyed? Mr. Merrikin stated no. They have purchased the two ANR lots and have a P&S on the other five. Ms. Walker stated that Lot 28 has a building permit in place. Will that be part of the subdivision? Mr. Merrikin stated they are not sure as it can either be included in the subdivision or they can create an easement, but it will always have an Old Post Road address as the frontage is on Old Post Road. He stated he will look into that. He also stated it wouldn't be a problem to post a bond prior to a certificate of occupancy. Ms. Walker asked if they need to prove they can discharge into the drain that goes down to Big Y and Mr. Merrikin stated he doesn't think so. As long as they don't increase the flow it should be okay. He stated they are meeting with Sewer and Water on this next week and he will get their comments.

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Mr. Forsberg stated there is a big drop off near the Big Y and Palumbo's and asked if this is an issue. Mr. Merrikin stated it is fenced. Mr. Forsberg questioned the sidewalk on the other side of Old Post Road and asked if they will need a crosswalk from the proposed one to the existing one. Mr. Merrikin stated yes and stated he would need to go to the Selectmen for that. Mr. Conroy stated also for striping. Mr. Forsberg questioned street lights and Mr. Merrikin stated he didn't put them on the preliminary plan as he is not sure if the Planning Board will require them. Ms. Walker stated they can't be waived as this is not private. Mr. Forsberg feels they may possibly need three street lights. Mr. Merrikin stated there is an under-ground pole near the intersection. Mr. Murtagh asked if there is any disadvantage to not having the second sidewalk and Ms. Walker stated no as the street is so short with nothing on the other side. Mr. Murtagh asked if this is a full-blown subdivision and Mr. Merrikin stated yes. Mr. Nottebart asked if he has had discussions with the neighbors and Mr. Merrikin stated not yet. Mr. Nottebart asked if there is any buffer from High Plain Terrace and Mr. Merrikin stated no. They will now have access to frontage on a street, so they are doing them a favor. Mr. Nottebart asked how they get onto Summit Street and Mr. Merrikin stated look to the left and there is also access from Route 1. Mr. Forsberg asked if it used to be a travel road and Ms. Walker stated yes many years ago. Mr. Forsberg questioned the right of way and Mr. Merrikin stated the deeds are spotty and they don't say who can use it. Mr. Conroy asked Mr. Merrikin to explain the numbering of the lots. Mr. Merrikin stated they are land court property. Mr. Conroy asked if Summit Road is an unconstructed street and Ms. Walker stated it doesn't show on any plans and doesn't know if it is a paper street. Mr. Conroy stated he would like something from the town clerk showing the status of it and Mr. Merrikin agreed. Ms. Walker stated that Summit Avenue is around the corner. Mr. Conroy questioned the width and stated he liked Mr. Merrikin's suggestion of letting the people having the extra width. Mr. Conroy questioned the sidewalks and stated they don't need two of them. He also stated he has been approached by an abutter regarding the water pressure. He suggests that Mr. Merrikin get together with the neighbors and make a big charge to the Sewer and Water Department to find out what they will do for them. Mr. Merrikin stated they were going to put a pump in place. The pressure increases as you get farther away from the tower. Mr. Forsberg asked if street names have been submitted and Mr. Merrikin stated he did.

There were no questions from the public. Mr. Conroy moved to grant tentative approval to the preliminary plan and potential waivers as presented. Mr. Nottebart seconded the motion and it was voted 5-0-0. Mr. Conroy reminded Mr. Merrikin this is a non-binding approval.

### **10:00 p.m. Northridge Ventures re: North Street Scenic Road Continued**

**Hearing:** Mr. Conroy stated this hearing was continued from April 19, 2012. Mr. Conroy read a letter from town counsel outlining conditional approval of the Scenic Road hearing. Mr. Forsberg agreed that access should only be 40' and Mr. Viano stated that would be adequate to get into mow the area.



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Phil Sanford, North Street stated there is an effort afoot to purchase the rest of this property to preserve the rural character of this area, which he personally agrees with. He would like to see the plan for the development of the west side of North Street as this is a scenic road. Mr. Conroy stated that is why we needed to get town counsel's input. Mr. Sanford asked if the town still has the opportunity to buy this land and Mr. Conroy stated yes, but the store is owned by another entity. He asked if they are taking down the entire stone wall and Mr. Conroy stated no. They want to make a 40' opening for now and then if it is bought by the town the opening would only be a 40' piece with the stones left on the site. In the event that the town doesn't buy it, they will be going through with the subdivision and the Scenic Road hearing would already have been done.

Mr. Nottebart asked if tree removal is required and Mr. LeBlanc stated the area where Mr. Viano is talking about may have one questionable tree. Mr. Viano stated his objective is not to take down any more trees than necessary. Mr. Conroy stated that the applicant is to work with Mr. LeBlanc and Atty. Amara agreed and whatever is agreed to is fine. Mr. Viano stated if they don't need 40' right now, they won't take 40'. Mr. Conroy stated if they can make an opening without taking down any trees, that is where it should be done. Mr. Viano stated he thinks there is only one good sized tree that needs to be taken down. Mr. Conroy stated they have two lots on either side and the driveway will be inside that, which means two less cuts. Mr. Sanford stated he is comfortable with that.

Atty. Amara stated that Buttimer Family Trust is the owner at this time, not Northridge Ventures as mentioned in Ilana Quirk's email. Mr. LeBlanc asked if the board wanted to stock pile behind the existing store and Mr. Conroy stated the stock pile should be to the side.

There were no further questions from the public. Mr. Conroy moved to allow the applicant to open up the road for tree cutting and removal of a portion of a stone wall to a maximum of 40' with the condition that the tree warden will select the actual area of the opening. Further, as per town counsel's recommendation, the 40' will be within the proposed entrance to the subdivision as shown on the submitted plan. The relief sought will be conditioned upon the requirement that the relief granted hereunder shall not be exercised (and so, no portion of the stone wall shall be disturbed and no tree shall be cut or trimmed), unless and until the applicant first seeks and obtains and provides a copy to the Planning Board of a writing, signed either by the Town Assessor or the Board of Assessors and the Board of Selectmen, that confirms that either the Town has been offered the opportunity to purchase the subject property and determined that it will not exercise its right of first refusal to purchase the subject property under G.L. c.61A or that the activity proposed and authorized hereunder (i.e., removal of the stone wall and cutting of the subject trees) does not constitute a conversion under G.L. c.61A. The Planning Board will forward a copy of the ANR Plan, the decision determining that the ANR plan shall be endorsed and the Scenic Road/Public Shade Tree application to the Town's Assessor, Board of Assessors, Board of Selectmen and Town Administrator, so they can

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evaluate whether the current level of activity has resulted in a conversion of the subject property under G.L. c.61A and whether they wish to contact the property owner as a result or take any other legal action that they deemed warranted at this time. Motion seconded by Mr. Nottebart and voted 5-0-0.

**ANR - Allied Recycling:** The applicant did not return with the mylar. Mr. Conroy placed this on our May 17, 2012 agenda.

It was moved, seconded and voted to adjourn. The meeting adjourned at 10:15 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted June 7, 2012