

WALPOLE PLANNING BOARD MINUTES OF APRIL 4, 2013

A regular meeting of the Walpole Planning Board was held on Thursday, April 4, 2013 at 7:00 p.m. in the Town Hall Main Meeting Room. The following members were present: Edward Forsberg, Chairman; Richard Nottebart, Vice Chairman; John Murtagh, Clerk; Richard Nottebart, and Margaret Walker, Town Engineer; Ilana Quirk, Town Counsel.

Mr. Forsberg opened the meeting at 7:08 p.m.

Northridge Farm Bond Acceptance: Atty. Quirk stated there was a bit of going back and forth between her and the surety company as the issue was the form of the bond and that there was no expiration date. They arrived at a bond and surety agreement wrapped into one and she doesn't have an issue with that. The signatures will be by the Planning Board on behalf of the Town of Walpole, Northridge Ventures, LLC and P.J. Hayes, and Hartford Fire Insurance Company, who is providing the guarantee. Once the bond agreement is deemed to have been satisfied by a majority vote of the Planning Board or an alternate security is in place including a cash bond, this bond will be released. Another issue was whether or not the surety company was financially sufficient; the answer provided by Michael Boynton was yes. In her opinion this bond instrument is in proper form and should be signed and acted upon by the Planning Board. There was also a discussion that she had with Mr. Boynton regarding payment of town counsel's fees. In the last two weeks there was a great deal of money spent for town counsel. Mr. Viano had agreed to pay for those services; therefore, a final bill will be prepared and sent to the applicant for payment or it could be done through Chapter 44A, Section 53-A Gift Accounts.

There were no board questions or questions from the public.

Mr. Forsberg moved to accept the bond dated April 4, 2013 in the amount of \$540,000 by and between the Town of Walpole acting by and through its Planning Board; Northridge Ventures, LLC acting by and through its agent P.J. Hayes, Inc. (the Applicant) and Hartford Fire Insurance Company for a five lot subdivision as shown on a definitive plan entitled "Northridge Farm, A Single Family Subdivision" prepared by Glossa Engineering, Inc., and dated April 24, 2012 as revised through September 19, 2012. Upon completion of all of the obligations on or before November 14, 2014 or as may be extended by formal vote of the Walpole Planning Board with the written consent of the Applicant and Surety, then the interest of the Town, by and through the Planning Board, shall be released and the surety bond shall be returned to the Surety and this Agreement shall become void. In the event that the Applicant should fail to complete said obligations in a satisfactory and timely manner as specified in the Agreement, then the Agreement and Bond may be enforced in whole or in part by the Planning Board for the benefit of the Town of Walpole to the extent of the reasonable cost to the Town to complete said obligations as specified in the Agreement. In the event of such a default, the Planning Board shall have the right, but not the obligation, to demand and seize the surety funds under the Bond from the Surety and any delay in the Planning Board in exercising such right shall not operate as a waiver of such rights.

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Any unused portion of the seized surety funds shall be released and returned to the Surety upon satisfactory completion of said obligations. Any amendments to the Agreement and the Bond shall be agreed upon in writing by all parties to this Agreement. Motion seconded by Mr. Nottebart and voted 4-0-0.

The Form I Release of Form F Covenant was notarized and returned to Sean McEntee for recording.

Atty. Quirk left at 7:20 p.m.

7:30 p.m. 14 Renmar Avenue, Case No. 05-3, Minor Modification Endorsement:

The applicant was represented by Atty. Michael Cabral, Gelerman & Cabral, Norwood, MA. Ms. Walker had reviewed the plans and was satisfied. Mr. Saccone stated that screening is in place and has been maintained and he will continue to do so.

Mr. Forsberg moved to endorse the minor modification for 14 Renmar Avenue as presented and reviewed by Ms. Walker. Motion seconded by Mr. Nottebart and voted 4-0-0.

The League School, Case No. 12-13, Site Plan Endorsement: The applicant was represented by Atty. Philip Macchi I. Mr. Forsberg moved to endorse the League School site plan as presented and reviewed by Ms. Walker. Motion seconded by Mr. Murtagh and voted 4-0-0.

Swan Meadows Subdivision Bond: The applicant was represented by Atty. Philip Macchi I. Mr. Forsberg moved to set the bond at \$205,000.00 per recommendation of Margaret Walker, Town Engineer. Motion seconded by Mr. Nottebart and voted 4-0-0.

Time Cards: Mr. Forsberg moved to endorse the board secretary's time cards. Motion seconded by Mr. Mazzocca and voted 4-0-0.

Spring Town Meeting Article 32: Mr. Nottebart stated he has reviewed the regulations put forth by the Department of Public Health regarding the Marijuana Moratorium and asked that the board reconsider their vote taken at our March 21, 2013 meeting.

Mr. Nottebart moved to reconsider the vote taken by the Planning Board on March 21, 2013 with regard to the Marijuana Moratorium due to his review of information put forth by the Department of Public Health. Motion seconded by Mr. Murtagh and voted 4-0-0.

Mr. Nottebart moved for favorable action on Article 32. Motion seconded by Mr. Murtagh and voted 4-0-0.

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Minutes: Mr. Forsberg asked that the minutes of March 21, 2013, Page 2, Marijuana Moratorium, Paragraph 1 be corrected to reflect January of 2013 instead of June of 2013. Mr. Forsberg moved to accept the minutes of March 21, 2013 as corrected. Motion seconded by Mr. Mazzocca and voted 4-0-0.

Mr. Forsberg moved to accept the minutes of March 7, 2013 as amended by Stephanie Mercandetti with regard to the town meeting article. Motion seconded by Mr. Mazzocca and voted 4-0-0.

Mr. Murtagh asked that Ms. Mercandetti be added to the board's request for comments list. The board agreed.

It was moved, seconded and voted to adjourn. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 4/18/13