

**NORTH ATTLEBOROUGH PLANNING BOARD
SPECIAL MEETING
TUESDAY, FEBRUARY 20, 2007**

The North Attleboro Planning Board held a Special Meeting on Tuesday, February 20, 2007 at 6:00 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Joan Marchitto, Christopher Sweet and Raymond Payson-chairman. Donald Cerrone arrived at 6:10 P.M.

Jill Marie Estates Extension;

Mr. Payson, We have to vote on extension the final action on Jill Marie Estates. We did get a fax from the applicant to extend 3/6/07.

Mrs. Marchitto, Make a motion to extend Jill Marie Estates definitive plan until 3/6/07, seconded by Christopher Sweet.

Mr. Payson, Hearing no further discussion all in favor 3 to 0.

Checks for Treasurer;

Mr. Payson, We have checks is keeping them in the draw and we have to turn them over to the treasurer for inventory of money until we go to town meeting. Something to do with Queens Grant. We vote on two.

Mrs. Marchitto, Did we ever receive a letter December 29th.?

Mr. Payson, Yes.

Mrs. Marchitto, I asked Linda to put it on the agenda as a paper trail.

Mr. Payson, A motion for these two.

Mrs. Marchitto, The only concern is that we don't have an article ready right now.

Mr. Payson, I think you have to vote forward it.

Mrs. Marchitto, We don't have a town planner. Donald Cerrone arrived at 6:10 P.M.

Mr. Payson, From the accountant.

Mrs. Marchitto, Linda doesn't want us to forget that she has the checks for Queens Grant and Green Construction. I would like to have it submitted to the accountant and at same time have an article written.

Mr. Cerrone, I think you should have the check in the account.

Mr. Payson, It says the supporting documentation closed so it has to be for something because the board voted.

Mr. Cerrone, Yes it's for that neighborhood that is where the money has to go.

Mrs. Marchitto, I just want to make sure that it goes there. With a town meeting coming up it is going in the general fund. We don't have an article.

Mr. Cerrone, You have to ear mark it we have to have an account. I would put this check in account of Queens Grant leave it there when the project gets done we still have the money there and then we'll decide what we're going to do.

Mr. Payson, I think once it goes to the general fund that is free cash.

Mr. Sweet, My understanding ...(inaudible). Make one specifically committed fund. This will have to be deposited into general fund but at least we'll be on top of it.

Mr. Cerrone, Who is going to have authority to spend this money now once it goes to general fund?

Mr. Payson, Committee there is a committee.

Mr. Cerrone, That was ear marked when this was done it was for that area. The committee might say we don't need it over there that is what I don't like.

Mr. Sweet, RTM is going to say committee you can decide we have to decide first. Once it is in the general fund RTM will say.

Mr. Cerrone, I would like to see it in a separate account.

Mr. Payson, We need some clarification of the by-law to what the state law has and we had that in our package.

Mr. Sweet, I suggest we have a meeting with...(inaudible) have her help us.

Mr. Cerrone, Town accountant set up a meeting with her. What I'm saying is when we did this project back 4 or 5 years ago the approval was because of that area. We were trying to get sidewalks from Allen Ave. all the way down to the Mall. I think those people up there deserve that they have put up with a lot and they should have sidewalks that is my feeling.

Mrs. Marchitto, To let you know Chris what happen I was not on the board but I was a resident. The planning board wavered sidewalks inside the subdivision so that money would be put on Allen Ave. in the area of Queens Grant and Windchime. I think Windchime gave 15ft. of land on Form A's for that.

Mr. Cerrone, So we could start this process I don't know what it will cost for sidewalks in the whole project. At least there is some money there to start this process.

Mrs. Marchitto, I know Andy Kushner who is presenting Cobblestone has asked me where this money has gone too. I told him the money is still here nothing has been done as far as construction. It does come to a point five years down the road the developer it was a good question for Andy to ask me where is that money. I think sometime in the discussion with the planning board is how to implement that, how to get these sidewalks going for the residence up in that area, which is something RTM aren't aware of.

Mr. Sweet, I suggest to the board that we ask the town treasurer to get his opinion.

Mr. Cerrone, It's not fair to the board we made a decision with the developer because we could have gone inside the subdivision.

Mr. Sweet, Our arm is twisted behind your back now.

Mr. Payson, It is state law too.

Mrs. Marchitto, Schedule a meeting with Lisa and Bill Moffit?

Mr. Cerrone, Yes I think before we do anything with this money get some opinion might want to ask town council too what the laws are.

Mr. Payson, It's all in the state law it is there in our package and we need to look at it.

Mrs. Marchitto, We need to meet with Lisa Higgins and Bill Moffit to find out how to get stabilization.

Mr. Cerrone, If they want to meet some night for an hour after 6:00.

Mr. Payson, It has to be a Thursday night.

Mr. Cerrone, Mr. Moffit I don't think can do it on a Thursday night because he has selectmen. Corliss Landing;

Mr. Payson, "Stankovich want to go to meeting on the 27th. public works dept. they're invited Corliss Landing".

Mrs. Marchitto, I can go.

Mr. Payson, This issue was detailed in letter to town planner 2/6/07. Another one here on lighting. I think we should send the building inspector we sent this on 1/10 nothing has been done.

Mr. Cerrone, We haven't seen a plan?

Mr. Payson, No plan.

Mr. Cerrone, That is what happens when you give them an occupancy permit they're all done they don't care we don't have any leverage. Once you give them occupancy permit on a site

plan forget it you don't have any leverage to enforce anything. They did temporary light but they still have to come back.

Mr. Payson, They have no permanent light plan. Send a letter to building inspector stating that we want a permanent lighting plan ASAP. Nothing is there they issued the occupancy permit.

Mrs. Marchitto, We issue it to the building inspector and CC. Myat next to BlockBusters.

Mr. Cerrone, That was in our site plan review.

Mr. Payson, Linda obtained a sewer extension permit from Attleboro. It's up to you people.

Mr. Cerrone, It's Attleboro there isn't much.

Mrs. Marchitto, Is John doing any of the inspections or is it all Attleboro?

Mr. Cerrone, Attleboro is taking care of that.

Mrs. Marchitto, So we're just doing the lots and the lots will be permitted by the building inspector.

Mr. Payson, Inter Municipal Agreement ...(inaudible).

Town Planner Interviews;

Mr. Payson, We have 22nd. interviews 6:00 P.M.

Zoning board letter;

Mrs. Marchitto, Letter not all acting chairs have such experiencing as the chair.

Mr. Payson, There is four people took this letter it is good letter. It is soft letter.

Mr. Cerrone, Is the other member here?

Mr. Payson, He'll be here at 8:00.

Mr. Cerrone, We wrote a soft letter that is what the other member wanted.

Board of Health;

Stormwater Committee;

Mr. Cerrone, Did you read the letter? It was in a public hearing stormwater consultant go to town meeting with stormwater consultant that is going to be good.

Mr. Payson, Everybody is going to have a consultant.

Mrs. Marchitto, When I saw that first letter from board of health.

Mr. Cerrone, You're talking to wrong guy he knows the laws. This guy this lawyer Shelmardine he knows the laws. It doesn't say where we meet at 7:00 it just says 3/14/07. It's in our package he has the stormwater management erosion control law. Chris I know you had some questions last time you went to the meeting. Did you ever have any of those questions answered to you on stormwater?

Mr. Sweet, Not a word.

Mr. Cerrone, How many communities are doing this, how much will it cost? They're drafting this to go to town floor. Keep building empires so you need staff.

Stonebrook;

Mr. Payson, Didn't we require I'm going on Stonebrook them to put up? We would release those bonds there and he put up \$10,000 bond for the performance.

Mr. Cerrone, Yes that is what I thought we said.

Mr. Payson, Now Linda says he said it is only for the fence. We voted a performance bond of \$10,000 I thought that check was in the drawer.

Mrs. Marchitto, No it was floating out there this information.

Mr. Payson, I swear we had a check. I think we have an understanding with him that we're not going to release any more money unless.

Mrs. Marchitto, We can get the minutes for that night that is best way to do it. Approve the minutes and show them to him that was the one for discussion it was a long night it was end of evening.

Mr. Payson, He's talking about statues.

Mrs. Marchitto, It was question of documents pending view by the public before a ... (inaudible) public hearing. You were absent that is why we didn't have the hearing that night. The applicant wanted all paperwork or correspondence.

Mr. Cerrone, Before we read it into public hearing. The planning board in the past has read all the documents at public hearing then you give it to them.

Mrs. Marchitto, Read it into the minutes it's good policy and we were challenged on the policy I asked for opinion from Ferris and it was under the information freedom act. How would you like to say it?

Mr. Payson, Well you can't that is what the issue was. I think he can go to public works dept.

Mrs. Marchitto, Public works would not release it they said it was addressed to the planning board.

Mr. Payson, He says it is public record.

Mrs. Marchitto, The applicant did go to DPW and ask for the letter addressed to the planning board. Director of DPW called our clerk and stated.

Mr. Sweet, ... (inaudible) has to by law provide it that was included for sending... (inaudible).

Mr. Payson, We didn't get it. I'm going to say the office got it we didn't get it, we get it at a meeting.

Mr. Cerrone, We never used to be challenged like that.

Mrs. Marchitto, The question was asked of me where did it go. I said with Linda and into a file.

Mr. Sweet, Normally you get it stamped ... (inaudible).

Mrs. Marchitto, You're stating we should give it?

Mr. Payson, Anything that sits in that file we don't even see it ... (inaudible).

Mr. Cerrone, I think the policy has been you can't give anything until it is read into public.

Mrs. Marchitto, We did get it, they did receive it.

Mr. Sweet, I'm just saying DPW wouldn't give it to them why wouldn't ... (inaudible).

Mr. Payson, They made ... (inaudible).

Mr. Sweet, They can address it to fifty people and Linda... (inaudible).

Mrs. Marchitto, Correct however it found it was the planning board that was being challenged not DPW.

Mr. Cerrone, That's the way it was the policy before.

Mr. Sweet, We can have our own policy. We received it with a stamp?

Mr. Payson, I don't know then the other is Walcott.

Mrs. Marchitto, It came in on Tuesday or Wednesday.

Mr. Payson, Maybe we shouldn't do that. Don't receive it.

Mr. Sweet, Until it's read into record.

Mr. Cerrone, Yes that is when you stamp it.

Mr. Payson, How many years these guys would come in a week before we met stamped subdivision in it has to be so they pick up a week.

Mr. Cerrone, They pick up time clock starts running.

Mr. Sweet, Inaudible.

Mrs. Marchitto, Correct we approve the minutes.

Mr. Cerrone, Once it's stamped in it's clocked in.

Mrs. Marchitto, This is good because I'm glad you have a lot of questions I had a lot of questions for our attorney Ferris. I had stated to Ray I actually asked that maybe as a board that there might be an opportunity where council Ferris comes in. We can ask these questions. We were challenged so I thought it was opinion it was first time used for myself because it has been policy and he did explain that probably at one time that the policy was in line with state

law. That is open meeting law but I thought it was a good opportunity perhaps to invite him to come in some night.

Mr. Cerrone, Some night 6:30 or 7:00 whenever he wants to come in.

Mrs. Marchitto, Especially where you have questions too. It assures me that you're asking these questions it sounded like sorry I didn't know.

Mr. Cerrone, It's like a domino effect everything follows.

Mrs. Marchitto, Question was raised from another board member what if they make changes before the public hearing? We may not accept what the comments say.

Mr. Cerrone, It use to be they use to give it to them they would come into meeting and everything would be changed and we would say wait a minute we haven't even acted on first letter. So at the time we said no more, you come into public hearing this way everybody knows what is going on we'll give them the documents then they can come back on issues and everybody is on the same page the board and the client.

Mrs. Marchitto, I believe other boards do the same thing.

Mr. Sweet, Protecting the client.

Mr. Cerrone, We're protecting the town.

Mr. Payson, I think Joan has a good idea other than that I think we really need some legal help much beyond ...(inaudible).

Mr. Cerrone, We need some land use.

Mr. Payson, We need to have funds to have someone on board.

Mr. Cerrone, To make a call. You know who was good remember that kid that lawyer when we did Christina Estates we hired that kid was pretty sharp.

Mrs. Marchitto, MacGreggor and Associates.

Mr. Payson, We need the money in the budget when we start looking...(inaudible). It's becoming as the land becomes scarce and valuable they are pushing us loopholes. It is probably going to cost someone to look at zoning by-law to upgrade. I think we should ask two or three companies. Zoning by-laws you have to get it through town meeting you're never going to get it through about the planning board ...(inaudible) a zoning by-law. Last time any major work was done it was done that way probably reconstructed a map and zoning. 1974 brought some minor changes.

Mr. Sweet, Professional against a non-professional board.

Mr. Payson, We're here trying to interpret the law we can't do that.

Mr. Cerrone, You guys have to read the stormwater thing.

Mrs. Marchitto, I know through Mark Bobrowski few years ago because us three were on board at the time. I know that we set revolving account like an engineers for an attorney. Do we use the same as an engineer or do we set up a second?

Mr. Payson, That is question I think we have to add it allows us to do it under subdivision control.

Mrs. Marchitto, I know that we have it I've been trying to find it under subdivision control. Each Thursday night that we have a Corliss Landing public hearing I'm challenged the next morning. I spend the whole day on the phone with challenges.

Mr. Cerrone, That's not right.

Mrs. Marchitto, This is how it all started.

Mr. Sweet, You're the acting chairman.

Mrs. Marchitto, Correct and I think also I've been on the board three years, Don has been fifteen years you started December or November and Dick Houle started in April. There are all through the procedures with experience that we know don't have. For instance just public hearing this is perfect example. My experience is three years this is not released until it is read

into public meeting for the residence also we got challenged on that. The other night I didn't really feel comfortable about the bond site plan because my three years East St. we did a site plan I was here for ending of Myat site plan. It's a zoning issue my short experience in three years I have not set the board had not set a bond for site plan so I wasn't quite sure why he presented that. I was quite sure why Corliss Landing had a letter already to go with dollar figure on it and the sites that were mentioned my three years experience didn't go beyond that so I wasn't really quick and fast. I was acting chair and usually as chair I would have said the other night your head is always in the books. I'm going through the subdivision withdrawal I'm going through the zoning I don't see anybody else do that. Don has the experience I don't have that. When I'm acting chair no one else is going through it so in my mind I'm thinking why Myat they could not open until springtime until it was finished. We made the vote it went through when I started looking I did get a call from Richard Houle who made the motion and he did say to me I don't think what we did last night was right. I called Ferris I started reading some by-law the sites that were examples stated were planned business development you can put up a bond for finish for temporary certificate of occupancy. If you look at zoning board in the site plan regular site there is no mechanism but if you looked at...(inaudible) plan site has a mechanism and mobile homes is a mechanism. In my mind I didn't feel comfortable because I was trying to figure out why in the past we haven't done this but these other ones. I haven't been around for planned development but East St. River View that is just site plan. Blackington was just a site plan, round house Shawn Jorde site plan no bond. Mt. Hope St. site plan no bond.

Mr. Cerrone, Myat was a site plan.

Mrs. Marchitto, I think we have to be careful because we don't have a revolving experience on the board as in the past. When we make up these motions and I've had this discussion before if we're telling the developers stay by the book we also have to do it. I have a letter to Ferris for clarification on that.

Mr. Payson, It's not allowed ...(inaudible) I60 you can't do.

Mr. Cerrone, You can't do what Ray?

Mr. Payson, In I60 it's not a planned business development.

Mr. Cerrone, No that's right it's just regular site plan but if he didn't set the bond there was no way he could get occupancy permit.

Mr. Payson, That is the building inspectors problem not our problem.

Mrs. Marchitto, I wasn't quite sure why we were being pulled in to it.

Mr. Payson, It is his call whether the thing has been constructed according to the site plan we don't even know what's missing. Is it public safety issue that is missing somebody gets killed out there?

Mrs. Marchitto, If you choose to read the zoning books I need either a revolving account to have an attorney on board or I need the members to know the zoning laws. When I'm chair I don't have the time and the other thing is I'm going through the books and there is discussion going on and I'm missing the discussion that is occurring.

Mr. Payson, When you're chairman you have to have other members looking as chairman you have other things to worry about then if you haven't looked it up to make sure you're right, wrong or indifferent. That is when it takes the experience takes somebody looking at the book to see if things are running good. You're not focusing on the legality of it sitting there as chairman you're trying to run the meeting.

Mr. Cerrone, You're right, I think anytime like that you should have a lawyer sit in.

Mr. Payson, On those kind of issues yes. I'd like to recess this meeting until 8:00 P.M.

Mr. Sweet, Second motion.

Mr. Payson, Hearing no further discussion all in favor 3 to 0.

Respectfully Submitted,

Hickory Woods Subdivision;

Board back in session at 8:13 P.M. Tuesday, February 20th.

Board members Joan Marchitto, Christopher Sweet, Raymond Payson-chairman and John Lavin-engineer. Board of Health members Don Bates, Diane Battistello, Susan Shaw and Bob Davis. Dan Ottenheimer and Steven Corr from Mill River Consultants. Allen G. Riley and Fred Bottomley in attendance also.

Mr. Payson, We asked board of health to come here tonight. I have one major thing continue our ongoing task to be able to get relief to these residence on Harold Bishop. We were going along very well what we did find is. There are three lots here up above Pinsonnault and I guess your consultant has been out there. Evidently you're doing a magnificent job in trying to identify. These lots are in question as to whether we need a waiver or not I go to another plan shaded areas there are four lots. Parallel to electrical duct on the residence side of Harold Bishop. What that made us do was come closer to septic system that fed out in the front yard. What is required by law is a waiver from board of health to go by these in closer proximity than allowed. We had a spec that we would hope clay barrier so it would not try to leach out to the road or under the electric duct. We think we've satisfied the requirements of the waiver to protect these subdivisions from leaching out. That is where we are right now.

Unknown man, Is that for the drain away that you're talking about putting in they're just collecting groundwater.

Mr. Payson, It is going to collect groundwater and also it is up to you people now whether you want to have these people tear their front yards up. I don't know where you're going and I don't want to get into it we'd like to talk about the waiver. We started this project in October 19th. we sent letters out to the electric and public works give them two weeks to comment on our plan. Everything was going along good until we had meeting at electric dept. that didn't go very well. We had a good meeting once with the board of health on working toward satisfaction to them for this waiver that is where we are today. We were stopped dead in our tracks in November we cannot go any further to help these residence until that happens.

Unknown man, It is waiver trying to buy?

Mr. Lavin, 50ft. setback for drain. High seasonal groundwater, etc.

Unknown man, Have they filed a variance request with the board of health do you know?

Mr. Lavin, Not that I know of.

Mr. Payson, We're working towards that to find out go through another lot if they say no that is the end of it.

Don Bates?, Up to the point that I thought the variance you were talking about was the one that required by DPW to sign off to allow them to hook up to the drains. That is the one I thought you were speaking of.

Mr. Payson, No speaking for board of health, permit by public works dept. This is all on private property these trenches that try to come out. We're in the layout right next to the property line. This drain curtain drain, side drain is in the public way we will have T's to where approximately this water is coming out if we can find it with permit.

Mr. Lavin, For foundation drain whatever drains they want to put in there.

Mr. Payson, Public works at one meeting was in agreement that they would issue a permit. That is up to the board of health if they are willing to ...(inaudible) request.

Unknown man, It's not only board of health decision this would be variance with Title V it will have to be approved by the state as well new construction.

Mr. Lavin, It's new construction it's not remedial construction it's brand new it's not a field system.

Unknown man, So you just go through DEP.

Mr. Payson, Yes you can go through DEP. How long do you think it will take you to go through DEP?

Unknown man, It's on the same conditions.

Unknown man, We're here tonight this is first time we're hearing of what the reason is I'm just trying to share it inside from ...(inaudible) perspective the applicant.

Mr. Payson, So you never knew anything about this?

Unknown man, Only from the point of seeing the plans and talking to Stankovich.

Unknown man, One of the issues he raised was how much water is going to be collected, where it will be discharged and how will that impact the rest of the drainage system? Are there any calculations or information on that?

Mr. Lavin, There is minimal water it is basically taking the water that was flowing on the top as far as the disimpervious surface. Lot of water shedding of as far as how much water is coming out. What are you talking about coming out as far as out of the soils?

Unknown man, Yes it's a sub surface drainage it is going to be collecting groundwater.

Mr. Lavin, Based on high groundwater I never looked at the septic system information so you probably know better than I where high groundwater is.

Unknown man, I have 15 Harold Bishop Rd. here where is it? Construction permit.

Mr. Payson, Is that the lot number, the assessor's lot number.

Unknown man, It is the address; I don't have anything up in that area so I can't tell you what the water table is in that particular area.

Fred Bottomley, I question the issue Mr. Chairman I'm somewhat in agreement with Don Bates. I thought we were here to discuss the pipes from the homeowners and that was the waiver issue that board of health was originally asked. Board of health to my knowledge has never been asked for any additional sub surface barrier drainage. As far as we're concerned we're done with the drainage. I thought this issue was specifically for four homeowners who have drains coming from their homes, which we feel are in violation of Title V to be categorical said they would not finish the road until that issue was done. This is the first I'm hearing that our perimeter or our barrier drains that the planning board is looking for ...(inaudible). We're done we did the plan that was approved and I'm hearing for the first time that you're looking to the board of health for waiver for more drains. I thought the issue of tonight's meeting speaking with board of health member was that we were going to be addressing these homes.

Mr. Payson, I don't know what these people are doing. I'll tell you right now Fred no one has been to this planning board since this issue arose we don't know either what they're doing.

Mr. Bottomley, I understand it is frustrating to you as it is to me and that is the reason I'm asking what question are we on?

Mr. Payson, We have a plan here that was drawn we came up to Pinsonnault did the work there and stopped here because of the septic systems.

Mr. Bottomley, What question are we trying to ask? If we're trying to get an answer from board of health.

Mr. Payson, We're trying to get up to #74.

Mr. Bottomley, If we're trying to get answer and no one knows the site better than I if we're trying to get an answer from board of health to my original request to board of health that there are four possibly five homes that maybe in violation of Title V. We've ascertained that there are

foundation drains, which can go within 10ft we understand that. We understand though the pipes from those foundation drains go within the 50ft. perimeter of the septic system. We understand that they were installed in a downgradient manner in stone so that they are carrying water going through the septic fields. We also brought to the planning board's attention and board of health's attention that one of the neighbors one on the corner of Pinsonnault and Harold Bishop had his own maintenance crew install a sub surface drain, pumps his chlorinated swimming pool water into and that pipe is specifically picking up surface and sub surface made 50ft. of his upgradient neighbor's septic system. Those are the issues that were presented last fall to board of health that we've discussed that we have board of health, electric dept., on and on. All of the drainage work that we did has been done, inspected, has been approved. I still do not believe to this day any homeowner has gone to DPW to see if they can tie in any of the surface drains that we have put in and completed. I think this board really must focus with the board of health respectfully on the homeowner's issue. I don't care if the homeowners have to tear up their yards because Allen and Fred did not put those in their builder did. They're in violation of Title V and that is the issue that has to be addressed. Mr. Payson, Fred I'm not there please. How are we going to pick house above #74, #62, #50 and #38?

Mr. Bottomley, Let's talk #74 we brought to the board of health's attention and planning board's attention that the builder supplied board of health with a proposed sanitary system layout.

Mr. Payson, Care about Title V and all the septic system we're trying to deal within this layout.

Mr. Bottomley, This guy drains his foundation drain goes out to daylight in the back that is what the builder told John Lavin and myself on site...(inaudible). That house is built 3 1/2ft. too low that has been proved to board of health.

Mr. Payson, I want to go back to layout. We're not responsible for the septic systems, house lots, high or low we're only talking about the layout.

Mr. Bottomley, House is too low and it drains out the back so no issue. Other house drains through within this line we feel, this house is clearly in violation of Title V because of this guy if not his own foundation drain. His foundation drain John Lavin and I were told by the builder is that corner of house goes straight through the field area.

Mr. Payson, Is there a pipe John? What is this plan all about if you think you are all finished?

Mr. Bottomley, The plan you approved never had drainage going up there never had continuation of the drain. When we dug and after instructions of your engineer we did test hole we found out where there was water and where there was no water. It was at that point that we exposed the pipes that the homeowners have done.

Mr. Lavin, Reviewing the plan is one thing going out in the field is another. What we found was all these pipes after the plan was reviewed, approve all that. We were really looking at just groundwater, way it was going, experiencing groundwater popping out. After we went out in the field after everything was approved people started fessing up where pipes. That is the only difference of what is going on if they're going to take them out and put them through the back then you don't have to talk about the layout.

Mr. Bottomley, That is the issue that should be before the planning board and board of health tonight. Are these homes in violation of Title V? I agree with this gentleman it is new construction.

Unknown man, And you can't collect contaminated sewerage and put it in a sub surface drain and carry it to a storm drain.

Unknown man, When we called to ask if we could meet one objective as I had mentioned to you on two occasions that these gentlemen were coming in to pull information out of whatever

it is you knew about Hickory Woods towards the objective of trying to not only get to those four houses but the entire development. As I mentioned to you on two phone calls that is what they're doing here. First time I heard about anything else as far as wanting waivers for Title V. These gentlemen are here to get information because their objective is to look in the entire development and find out where the problems are amongst which will be those four homes. Mr. Payson, ... (inaudible) is it \$5000?

Unknown man, Yes.

Mr. Payson, Their records have been here since you've been on the board you have to right to come in and look at these things you have the right the day you got here they have right to come here.

Unknown man, I'm here saying that they wanted to ask questions and get information that is the reason.

Mr. Payson, The questions all in our records I don't know what you want. If you want to take these pipes out we'd appreciate that they're not on our layout. We have nothing to do with it we don't know what's on that problem. We do know those pipes are not on the layout they're put on just before the layout. If you get out there I dug them up and found them. I didn't look for them the water was bubbling out of there it froze up the last few days. You can't see these pipes they're right here.

Unknown man, As Mr. Bates said our effort are not focused on these four lots they're information about problems out in the project. We were asked to try and get a sense of what those were.

Unknown man, What other questions do you folks have?

Mr. Payson, I think you have to go do your work first.

Unknown man, We've studied the subdivision.

Mr. Payson, Get your work done and if not these people have to tear their yards up.

Unknown man, We've had saying information about possibilities a pipe underneath septic tanks or pools being discharged and what we wanted was a meeting with the planning board to confirm that these things exist or they didn't exist. That was the idea of this meeting. We had looked at some Title V site plans for some of this work and found some issues with that. We had discussed some questions about drainage problems with the DPW and question of sub surface drain that had been installed in the street and we were trying to find out why the drain was installed, how much water was going to collect and where was it going to discharge it and whether it was part or the original calculations for handling surface water runoff from the site? Those were some of the questions we have.

Mr. Sweet, You're hearing what we know what else can we tell you.

Mr. Payson, You looked at these you know where they are.

Unknown man, We looked at those and it's very difficult to say where. I was told by DPW that there was a drain away installed in portion of Harold Bishop Blvd. that was it.

Mr. Lavin, That is what is on the plan.

Unknown man, I don't know if these were asbuilt plans or preliminary plans they don't say what they are. They don't say these are final asbuilts they say proposed road improvements I don't know if they were installed or weren't that is what we're trying to find out.

Mr. Lavin, Stankovich was out there also.

Unknown man, He indicated that he had seen some of it installed. He indicated that there was suppose to be some additional drainage installed but he didn't know if that had been installed. We talked about why it was installed the plans don't indicate why it was installed? Stankovich didn't indicate why it was installed. One of the reasons we came to the planning board was to try and find out what happen as an after thought this sub surface drain had to be installed, how

much water it was collected and where would be discharging it. Whether that was factored into the runoff or the discharge from the subdivision. Those are some of the issues that were raised that is why we came here.

Mr. Payson, After the road was destroyed where the water came in and that the curbing was washed out that sort of got us.

Unknown man, That was from groundwater or surface water?

Mr. Payson, It was surface water coming down the road so we thought maybe something should be done about it.

Mr. Lavin, Not down the road if you look at the soils.

Unknown man, If you look at the Title V Inspection Reports they're all 2 minutes per inch.

Mr. Lavin, What level what elevation? I heard they had to dig down 9 to 10ft.

Unknown man, At the elevation they chose to do the perk test at the deeper elevation once below it there was no information on the type of material it just indicates a sandy loam. From looking at the original study on this subdivision this was the hydrogeologic study to look at the amount of runoff. It appeared to be obvious from that at depth of about 2 to 3ft. it was either hardpan or glacial till. None of these indicate that anybody hit glacial till or hardpan so that is why we've come. Are these right or are they wrong?

Mr. Lavin, Know one looks at the poured house that is the board of health.

Unknown man, So what you're saying is you have a lot of groundwater that is surfacing.

Mr. Lavin, Surface water that is impervious it is about 40% the 200's so it's red clay. You have the gravel burrow; dense grade it's like the water hits it and stays there from the surface. We also found the...(inaudible) stone. If you look at the road the alligatoring in the road that is classic saturation of soils it's all out there and that is what I saw.

Unknown man, We weren't here during construction and when these plans were put together.

Mr. Lavin, As far as that stuff over there...(inaudible).

Mr. Payson, We're concerned about the road.

Mr. Lavin, What we did was go by Mass. Highway standards for sub drain and areas that ...(inaudible).

Unknown man, The project was built then the erosion happened we'd realized there is a problem. You asked the developer to come back.

Mr. Lavin, I came in after this was built. As far as the gravel burrow and dense grade and just found out ...(inaudible). The other material if you look in North Attleboro the soils are so standard that is what is here the red clay there are other areas I call it clay.

Unknown man, There is no real clay up here what you have is a glacial tail with lot of silt.

Mr. Lavin, 40% pass the 200?

Unknown man, Yes it's almost like concrete when you hit it. I understand that and that is what I would have expected when I looked at the Title V board of health site evaluation. That isn't what we found so we wanted to confirm that either the site evaluations were in error or some other thing was happening.

Mr. Lavin, There is a hole open and that is where we were doing test pits with Mr. Bottomley and looking for what was there.

Unknown man, One of the other issues here of course if the material is as you say it is and I have no doubt that it is because that was my first evaluation when I looked at the report before I looked at other things. There is a possibility that with this sub drain you're going to be collecting contaminated water from leaching fields. That is one of the problems that could occur with these sub drains there is no doubt in my mind.

Mr. Payson, You have to determine that.

Unknown man, You have to address that issue before you put in the sub drains or once the sub drains are in you're going to be collecting.

Mr. Lavin, 50ft. away from the septic field as DEP regulations state.

Unknown man, I understand that but also because of the soils that we're looking at and the fact that we are probably not getting any vertical movement over the leach head.

Mr. Payson, Do we know that did you find that?

Unknown man, If it's absolute hard pan then you're going to be getting horizontal movement away from the leaching field. Nothing else can happen you can get anything else. If the water is surfacing if the runoff and everything else and rainfall is surfacing and washing out the road. I don't see how you can expect the septic systems to be percolating water vertically down and avoiding moving horizontally and potentially contaminating the sub drains.

Mr. Sweet, It is speculation.

Unknown man, That is a possibility.

Mr. Payson, Maybe with your contract could give us some ideas on what we could do there. It is for the town remember for the residence it is the best interest of the residence and in the town because we're on two missions here. We're on protecting the road that is going to be there for next 100 years that is our number one in the planning board. Number two is that if there is break out of water coming from somewhere we want to pick that up because that is the first thing that ruined the road.

Unknown man, You have another issue here which is public health and the environment from contaminated water being collected and that is something that should be addressed if possible in anything that is done over there on the road. Potentially with some sampling.

Mr. Payson, Have you taken sample downstream?

Unknown man, Right at this point once we figure out what has gone on then we can make some recommendations to the board of health on what they should be doing. Whether they should be sampling the sub drains to see if there is contamination or they should look at these four lots with foundation drains, which are sitting on gravel running through a leaching field, which you can't really collect in a sub drain system because that is definitely a violation of Title V. Make recommendations to the board of health on what they should do with those. The only other additional thing I can say is the other issue is if you are collecting drainage the question is how much are you collecting and whether that would add to your drainage downstream and outfall at Hickory at the road because that is a flow limited culvert and you're not allowed to put more drainage downstream than before. That was part of the requirements of approval.

Mr. Sweet, So noted that is great.

Unknown man, That is why we came here to try and collect some more information.

Unknown man, Where does the project sit today from planning board?

Mr. Payson, We're very concerned about...(inaudible) because it is stalled. You can create as much bureaucracy as you want it's stalled.

Unknown man, We're not creating bureaucracy

Mr. Payson, I didn't say that. You know what is sad with this thing this whole charade is creating a stigma for those people in there and that area because it's know as Hickory Woods. That is not fair to those people who live there, there is a problem over there that can be corrected very nicely. To create that stigma for those people shame, shame on the town.

Mr. Sweet, So let's move forward. We've been beat up a bit so we're bending a little.

Unknown man, Are there any other instances where this type of situation has thought to have occurred in this development?

Mr. Payson, You can stay here for the rest of your life if you want to get over at Hoppin Hill.

Unknown man, No we said in this development.

Fred Bottomley, The answer is yes.

Unknown man, Can Mr. Bottomley talk he said he find other lots?

Mr. Payson, We know where the lots are I have a whole list.

Unknown man, We'd like a list of those lots.

Mr. Lavin, I don't have it have you talked to the developer? When Mr. Bottomley and myself we were talking called the developer over and basically said where pipes were. I only saw x amounts in the right of way at the circle of the driveways is because it was evident water was coming.

Unknown man, Respective areas that are under purview of the planning board in terms of the right of way. Are there other areas that you are aware of that have problems with break out surface water, other issues related too?

Mr. Lavin, Never seen groundwater breakout, never seen ponding. I've just seen pipes coming out and then as far ...(inaudible) and when it rains obviously water sheds down on grass saturation.

Unknown man, In the right of way the catch basin and storm drain system has this board been involved with any oversight of construction of that?

Mr. Lavin, Previous engineer.

Unknown man, That was installed correctly?

Mr. Lavin, I don't know.

Mr. Payson, It doesn't bubble out of the catch basins.

Unknown man, How about the stormwater retention system that was built several aspects of that? Has this board been involved in any of that?

Mr. Payson, It hasn't been...(inaudible) not that far into it.

Mr. Lavin, They're into it just hasn't been as built.

Unknown man, Retention basin hasn't been as built.

Unknown man, Where is the planning board with respect to the subdivision? Unable to do pavements not done is that the outstanding issue?

Mr. Payson, No we're trying to come to conclusion to finish off the problem so in the spring we can create a new road, reset the curbing and give these people a new road. That is our mission.

Unknown man, Is the applicant going to pay for those reconstruction roads?

Mr. Payson, Yes.

Mr. Bottomley, We focused on Harold Bishop it's probably important for them to know that drainage was also done the length of Jon C. Barry per the plan. All of the surface drains were put in ...(inaudible) so that I think that the planning board was correct in this evaluation that if the homeowners got permission on an individual bases from DPW the homeowners could tie in foundation drains in compliance with Title V into the surface drains. They have a basin to them they then tie into sub surface perimeter drain to barrier drain, drain away system, which then goes to the drainage system RCP in the roadway. I will say on Pinsonnault there is a foundation drain that is already connecting from the corner house into town drainage system. It comes down Pinsonnault that is not one of our roads but we did expose that when John Lavin had us do test holes. Probably water course through there ...(inaudible). We found that their drain was just to edge of the basin but dumping right into the roadway at the intersection. We know some of the drains are connected from the homes into the drains. What Ray Payson said is absolutely correct that these foundation drains are the ones that bubble up run over hit the gravel base and under mind the roads.

Unknown man, You said those were done by the homebuilder?

Mr. Bottomley, That is correct.

Unknown man, Separated from homeowner.

Mr. Bottomley, Yes and no the developer of the project Fred Bottomley and Alan Riley built no homes. What was not done the builder did not follow the planning board's approved plan every home was supposed to be recharging from its roof runoff into the ground. One home up there was built that way we've made people aware of it for three years.

Unknown man, The subdivision plan was approved by the planning board at that time.

Mr. Bottomley, Correct and as you know under subdivision control subsurface drainage or subsurface water is not addressed in subdivision control you're only dealing with the surface.

Planning board rightly so saw a problem they came to my brother in-law and I said will you fix it? We didn't have to but we agreed to put drains in but we didn't build any of the homes none of the homes have recharge. The one's we've identified are the one's that we personally know

where there is a questionable aspect of foundation drains as well as one homeowner putting a subsurface drain in. I know those for a fact this is now first hand knowledge that I'm passing on. John Lavin has also seen it; it is first hand to their engineer. You folks have to rule if we can waiver Title V I don't even think DEP can waive certain things.

Unknown man, Not for new construction they can't.

Mr. Bottomley, That was my meeting of Title V and I've said that all along.

Unknown man, You wrote absolutely correct.

Mr. Bottomley, If board health can make life very easy for the planning board say have the homeowner's tear up their drains and then we don't have worry about any of the polluten.

Mr. Payson, The bottom line is going to be if you find something that this town voted on you have to correct it. That takes our problem away and it transfers the homeowner and it makes the I think there is a tremendous financial burden going to be created if that happens. You go ahead and I think you have to do your thing on your septic systems and whatever is off the layout. We're not responsible for anything beyond that line that is the board of health.

Unknown man, We got that Ray we're very clear on that.

Mr. Payson, I'd like to see you go in there and do your job and then maybe we wouldn't have to have this and maybe we'd be protected so go them.

Unknown man, Question I have and you are right generally the planning board deals with road layout. This gentlemen indicated the planning board had approved the project on the condition that each house has it's own.

Unknown man, Subsurface drain.

Mr. Payson, That was conservation condition.

Unknown man, Where is that document?

Mr. Lavin, On the plan.

Mr. Bottomley, In addition to swales, etc. to comply with an 80% TSS removal.

Unknown man, Was there an order of condition issued?

Mr. Payson, Yes.

Unknown man, Nobody basically enforced.

Mr. Bottomley, Jurisdictionally they only control within the buffer zone...(inaudible) rest of the project.

Mr. Payson, Have you ever talked to the developer of the roadway the builder? I think your issue is not with the planning board your issue is with....(inaudible).

Unknown man, We're not accusing the planning board of anything. We're trying to determine what has gone on out there.

Mr. Payson, Your job is to seek out where the bad things are and who did them.

Unknown man, That is why we came here first to find out from you.

Mr. Payson, We don't know that because you ought to be talking to the person who built the subdivision and the builder who built the houses. Any other questions.

Unknown man, I was going to ask Mr. Bottomley the number of foundation drains if he would estimate exists and their locations. If we could find that information out.

Mr. Bottomley, I think the total of the homes ...(inaudible) where foundations are the ones I've questioned the ones we physically found in doing exploratory subsurface conditions. It has been terribly unfair that we've taken the public hit in the press for something we had nothing to do with.

Unknown man, What you were after earlier was what?

Mr. Payson, If the pipes go away we go away.

Unknown man, We don't know that so what was it you were after?

Mr. Lavin, The way the condition sits right now is if they had to bring a pipe up the road to tie into foundation drains or other drains the pipe going through within the 50ft.

Unknown, They would okay and you're looking for a waiver?

Mr. Lavin, You could put solid pipes there.

Unknown man, But you're looking for a waiver?

Mr. Lavin, Yes I think what Ray was getting at was so you can bring it up there to pick up so you can have a Y coming off it connect into take the water ...(inaudible).

Mr. Bottomley, We have put solid pipe in on right hand side.

Mr. Lavin, Any where it was the 50ft. inside.

Mr. Bottomley, Wherever we came within 50ft. we put solid pipe no stone it is the same bedded material that was there. We were told by board of health not to have any conductivity of water within that 50ft. We would go from a perforated section to a solid section to another perforated section.

Unknown man, Did you use a clay damp or just use impervious soils?

Mr. Bottomley, We used the soil that was there and it was inspected by the town.

Unknown man, I'm going to suggest that having a better feel for now with the planning board was after is that then if there is additional information you folks feel that Fred may have perhaps might agree to spend some time with us.

Mr. Bottomley, I've said it before.

Unknown man, And then in concert with that is that those focusing on whole...(inaudible) maybe first go after those four homes and deal with those first.

Mr. Payson, I think that is a good analogy.

Mr. Sweet, I would question with regard to the minutes greater concur. We as planning board would need to get back from board of health as to your determination about how we proceed. Is that ...(inaudible) at this point?

Unknown man, This is the first time we've heard. I guess you're telling me that it is black and white that on one hand if we told the homeowner rip up the drains then you're done. On the other hand if not then you have to do something else basically.

Mr. Payson, Right.

Mr. Sweet, We have a thought process here that we could move forward with if given the blessing to do it and that is where we're at. If that is not the right way to go fine but somebody has to let us know how to act.

Unknown man, Right obviously in this case we can't arbitrarily. I don't know what it would take I shouldn't say it would take because I'm not sure. A process none the less would have to take place to look at it fairly.

Mr. Sweet, I don't want to have grid lock.

Unknown man, No and that is what we tried to put this together tonight too. The next step perhaps is to then sit down with the owners and with any plans they have and perhaps provide an overview for them. That is one thought that we had if we have enough information to do that I don't want to waste their time.

Mr. Bottomley, I don't think the homeowners have any knowledge of what a subsurface.

Unknown man, I was wondering if they had their own plans.

Mr. Bottomley, No none of them built their own homes.

Unknown man, We'll get together with Fred.

Mr. Payson, I think you're going to have to get together with the residence to for warn them what is going to have to take place.

Unknown man, Absolutely.

Mr. Payson, You know what they're going to do their legal votes coming out of there.

Mr. Lavin, The way it could resolve that pipe is by just cutting it off you don't have to rip it off but you have to find where ever the water is that they're trying to get rid of.

Unknown man, Plug both ends make sure they're well plugged.

Mr. Lavin, We'll let you guys handle that.

Unknown man, I wouldn't start ripping up leaching fields.

Mr. Bottomley, But Ray maybe could exercise coming through also the comparison analysis like we did for Burns's house. Look at the board of health plans that were filed and then through the building inspector's office compare that to the asbuilts for foundation, cellar floor, etc. Make sure that the inverts.

Mr. Payson, If you plug it up where do you think the water is going to go?

Mr. Lavin, Yes that is the problem.

Unknown man, There are other ways to do it whether you plug it up or rip it up it is the same.

Mr. Lavin, Where the water that use to go through the pipe...(inaudible).

Unknown man, May have to put in a pump system.

Mr. Payson, Now DEP again on your calculations.

Unknown man, No we're good this is just possibilities.

Mr. Sweet, Again you've heard our side and see where we were going.

Mr. Payson, What we wanted to do is fill out there. If you feel that is the best way to do fine if you don't feel it then we need to know. What we're going to do summertime leave it alone and the road will eventually deteriorate and go from there.

Unknown man, I think it is important the planning board understand our mission we were not charge with figuring out what to do with these four lots. We were charged with looking at the entire project seeing what concerns there are and recommendations to the town as to how that might be addressed. The four lots maybe part of that but our mission was not to do detail engineering for those four lots.

Mr. Payson, I think you have to do everyone of them what is the difference? If you're going to analyze this subdivision you have to do every lot they're all the same.

Unknown man, Our scope of work is not to investigate every single lot.

Mr. Payson, How are you going to determine how much water coming out of there?

Unknown man, We'll be concerned about that.

Unknown man, I don't want the planning board to be disappointed we're not probably going to come back with an engineering analysis for that section of Harold Bishop I just wanted you to understand that.

Mr. Payson, You don't have too.

Mr. Lavin, After you get everything done what do you think is going to happen? You have to talk to the residence and then it's kind of be.

Unknown man, Ultimately we have make a final decision as I see it, which is the physical run of those drains that now exist are either within or without Title V. They either adhere to it or they don't. Then if they don't then what? What is the recommendation, what we then have to do? I don't know I don't have an answer.

Mrs. Marchitto, We have a plan but I'm curious what is the time frame to point we go forward? What are we looking for the time frame to complete the road?

Unknown man, I couldn't answer that.

Mrs. Marchitto, Information coming through.

Unknown man, Let's understand we came in on the side of this. Charged with a certain thing we're trying to do the best we can and as quick as we can. If this works based upon information we have I want to sit down with the residence after that I don't think there is another step that we need. Analysis produce ...(inaudible) on his part and go to the residence.

Mrs. Marchitto, I just feel in October at the police station the residence we had come to close public hearing Fred Bottomley and Mr. Riley were there and we gave a time frame to the residence at that time. It's like our time frame has been interrupted understandably. The time frame at that time was probably springtime and the game plan was the road was going to be torn up, base coat, final coat and curbing and it is the last week in February. I know realistically after being my third year on the board that you're coming here for information and it is the last week of February. We're usually sending letters out at this time telling the developer we want pavement first of April or soon as asphalt. I don't think it is realistically for us to go to Mr. Bottomley or to the residence to say they will have a road in springtime. That is where I'm curious.

Mr. Bottomley, We still can comply with that but we specifically need verification from this board and the town specifically DPW because we know where they're coming from to say hell or high water we'll do the road just like we said. I know that none of the homes have recharge systems that they were supposed to have. Right off the bat we know the 80%TSS was not met. Forget everything else there is lack of inspection oversight that is lost between departments. Planning board was very good.

Mr. Payson, I think everybody has their own responsibility.

Mr. Bottomley, That is correct and there is some gray area that doesn't get looked at.

Unknown man, That is one of the things we want to try and get at is how to prove that so it doesn't happen again.

Mr. Payson, Let us know.

Unknown man, I'll give you a call maybe this week.

Mrs. Marchitto, Motion to adjourn, seconded by Christopher Sweet.

Mr. Payson, All in favor 3 to 0.

Respectfully Submitted,

No Agenda.