

NORTH ATTLEBOROUGH PLANNING BOARD  
RULES AND REGULATIONS MEETING  
TUESDAY, JANUARY 30, 2007  
NORTH ATTLEBOROUGH POLICE STATION

The North Attleboro Planning Board held Regular Meeting on Rules and Regulations on Tuesday, January 30, 2007 at 7:00P.M. at North Attleborough Police Station located in North Attleborough, Massachusetts. Board members Donald Cerrone, Christopher Sweet, Raymond Payson-chairman. Richard Houle arrived at 7:10 P.M. and Joan Marchitto arrived at 7:30 P.M. Open public hearing at 7:00 P.M. and recess.

Westwood Estates-Cedar Hill;

Two articles for acceptance. Public works oppose it because of downstream defender. No lighting on poles. Not sure about sign off from DPW still holding bonds. Lighting is safety. Ray talked to representative at NA Electric.

Waterson Estates;

Doesn't have lamps.

Stonebrook;

Still ongoing.

Mike Stankovich, Developer supply electric plan.

Mr. Payson, Policy developer once those lights are constructed developer responsible until town takes over road. There is supplemental agreement.

Raymond Loughlin-Flair Homes, We put pipe in we set a pole that they provide. Sign contract and developer pays for lighting.

Larry Tilton, On subdivision plan you'll find the detail for base and bull pattern. Detail plan shows lighting.

Doolin Circle set bond amount;

Mr. Cerrone, Make motion to set bond amount \$125,237.64, seconded by Chris Sweet.

All in favor 4 to 0.

Bond reduction for Henry Riordan Extension;

We have \$202,000 for bond.

Mr. Cerrone, Make motion to release \$169,053.72, seconded by Chris Sweet.

All in favor 4 to 0.

Acceptance of street planning board will recommend for April town meeting.

Performance period L.O.C. 2/1/07 Sheldonville Preserve ( Charles W. Barth Drive, Leo J. Ringuette Circle and Henry B. Riordan Way);

Raymond Loughlin-Flair Homes, Talk to Linda and loan officer will have extension by Thursday.

NORTH ATTLEBOROUGH PLANNING BOARD  
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7:30 P.M.- Amendment to Rules and Regulations governing Subdivision Control Law;  
Letter dated 1/8/07 Public Works to Planning Board regards to regulations (insert).  
Steve Carbral-DPW, We wanted to relay some of our thoughts to this board.

Mr. Payson, I think you have more of set of specs. than regulations we don't have your regulations.

Mr. Cabral, We have different consultants for different inspections. Tater and Howard we're getting into water issues, we want to minimize confusion.

Mr. Payson, In set of regulations we normally go back to...(inaudible).

Mr. Cabral, There are planning board specs. and public works specs. which one does the developer use?

Mr. Payson, You made those specifications for that particular project. You tell developer to do this and that and then they come here and now there is a conflict. In past normally our regulations compliment what you have as far as specifications.

Bob Norton, We don't question your authority to control subdivisions we just made suggestions as to what we recommend or what we'd like to see in subdivisions. We'd like you to consider it in your regulations and spelling it out to contractor so we're on the same page. Material and type of equipment used is one aspect touches on several other things such as plans, elevations, grades and completion of plans, etc. being on same page before definitive plan is approved. You did mention and these relate to your regulations specific type of lift station. We're asking that you consider adopting what we have looked at and have recommended there was lot of effort to get where we are.

Mr. Payson, There is only going to be one standard for the town that has been since zoning subdivision rules came into being. We can't have a conflict.

Larry Tilton, If there is discrepancy doesn't board default to Mass. Highway?

Mr. Payson, Only if it isn't outlined in regulations. There is only one master in subdivision control that is the planning board.

Mr. Sweet, Are you regulating authority or are setting specifications?

Mr. Norton, When it comes into the public right of way it becomes our domain. To accept the project we want it built regarding our specifications, which are ultimately very similar to planning boards. We can all meet together before we have to go in front of town meeting to accept the road.

Mr. Payson, I think your standards are pretty strong. We are very pleased with our inspection services. As far as water main I think water dept. should go out there and look at it, it could be a policy. When sewer is being installed sewer dept. is out there looking at it.

Mrs. Marchitto, When I'm talking to a staff member they seem very knowledgeable of what it is happening.

Mr. Stankovich, Looking back over last five years I don't think it's been consistent policy where DPW inspectors go out and ...(inaudible). DPW will have consistent role in reviewing the construction where appropriate. It sounds like the planning board will allow us to inspect the various things.

Mr. Houle, I think at that point you can raise some concerns with John.

Mr. Stankovich, With inspection it is good to have another set of eyes. You have subdivision for twelve to eighteen months we have it for fifty years we want to make sure that it's installed properly.

Mr. Cerrone, Contractor can't have two bosses that is the problem.

Mr. Houle, I think maybe joint venture somebody has to be responsible.

Mr. Norton, Approve subdivision all plans are in place grades, layout everything is as it should be. You guys are overseeing the actual building of it, building inspector has some portion of work there conservation does as far as drainage installed where it should be, storm runoff is protected while construction is going on. We end up owning it in the end if everything is all set

and plans are in place why don't we inspect it to make sure the end product that we get is what we want?

Mr. Cerrone, Why should the taxpayers in town pay for inspection?

Mr. Norton, We have part of revolving fund just like you do developer pays for our men to be out there. I'm saying once the plan and everything is done, which is similar to all design, engineered built projects everything is signed off on hire contractor inspector goes out and follows through to make sure it's done the way it should be done. I would be more comfortable with our inspector who is going to inherit the job for rest of his life instead of your inspector who will move to next project. I don't mean any offense to people you have.

Mr. Payson, It's a two way street I don't think it's good to have too many. There is reason the planning board went to an independent engineer.

Mr. Cabral, We're the ones who will be maintaining it for long term.

John Walsh, Water dept. inspects water, sewer dept. inspects sewer and it just seems to work better with the town doing the inspections.

Mr. Payson, We have independent engineer who is working for us he has no affiliation with anybody. Every project you do you have an outside engineer what is wrong with your people doing that? Why do you have an outside engineer on different projects?

Mr. Tilton, Isn't bond in place for engineering so if you end up in a conflict issue?

John Lavin, Yes it's not requested as far as general liabilities required.

Mr. Payson, We're there hour by hour for inspections and I don't know if you have that man power to go out there and do that.

Mr. Norton, We're not professing that we're sitting there 24/7 watching what is going on.

Mr. Payson, You're getting into lots we're not very happy with that.

Mr. Cabral, It was just suggestion I understand it's not public works issue.

Mr. Payson, We're trying to deal with lots on frontage. We'll look at this and respond to it.

Mr. Norton, There is very important stuff about definitive plans actual definitive grades roads and streams are laid out. We may not agree on everything but at least we know where we stand on everything. I think couple subdivision have gone through this not everyone is on board with every aspect of it. It is part of your own bylaw that everyone has input and that brings in groundwater are done as part of existing regulations.

David Manoogian, Present Cedar Hill Roger Sauvageau is here also John Walsh for Westwood Estates. Drainage not acceptable to DPW.

Mr. Payson, We're going to send letter to all contractors, developers, anyone that has anything to do with ...(inaudible). Outlining who is responsible for whatever in that book.

Mr. Manoogian, I was talking about having article at town meeting and you find out DPW has objection to some drainage or whatever. Those were two projects that we're completed under old system where DPW did inspections for planning board. One thing I've seen in other towns is design review board with member from each board.

Mr. Payson, What is going wrong is when they demand you go over to public works and they sit you down and tell you by this standard and this is what you're going to use. They should be asking for that in submittal not saying you have to use this product, etc. here is my standard. You have to go back to where the planning board start the legislature said under Chapter 41 planning board is responsible for setting standards and regulations of subdivision control end of story.

Mr. Manoogian, I agree but I'm saying is in actual process of subdivision...(inaudible). How to facilitate application unless you set rules and regulations how to proceed. One of things I find is not so much the regulations you're the statutory board but in terms of getting an application

approved it may help to have separate committee a member of each board meets and accept design review to hammer out design.

Mr. Payson, You don't change regulations too often because you set them down...(inaudible) but it's done professionally it isn't done with board member coming to a review meeting of a subdivision. Staff okay what happens now still was you go to planning board sewer supt. goes over it, highway supt. goes over it they sit there and review that plan out comes the product. It goes back to public works they write a letter. We have two or three workshops if you get bigger subdivisions we got out to bigger consultants i.e.; Judith Nitsch Christina Estates. There are always problems you're not going to solve all the problems . When another agent of the community goes out of bounds you run out of bounds you don't count.

Recess public hearing at 8:28 P.M.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD  
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Westwood and Cedar Hill;

David Manoogian, Board of public works wouldn't accept it because of drainage. DPW did the inspections don't want downstream defender. Larry Tilton is here was engineer on both projects.

Steve Cabral, We've always preferred systems where we use clamshell.

Bob Norton, We were asked about using downstream defender we wanted to do research. Our research came back wanted vortechnic because there was maintenance issues vortechnic or equal was requested. We sent many letters regarding that issue.

Mr. Manoogian, We have letter 6/22/04 addressed to John Walsh.

Mike Stankovich, Our biggest challenge is maintenance budget has been cut. We want unit we can clean with clamshell. We told the developer, Mr. Tilton we did not agree to downstream defender and they still went ahead and installed them. We told them we're going to recommend to finance committee and RTM not to accept this everybody was put on notice.

Mr. Cabral, Originally it was built with grass swale it was proposed to eliminate the grass swale with downstream defender.

Mr. Manoogian, We did it the way planning board approved there has to be some resolution. If I have to fight on town meeting floor I will.

John Walsh, These areas were already built drainage, swale. Couldn't get vortechnic unit to work without raising the road, etc.

Mr. Payson, I think there was lot of conflict or equal.

Larry Tilton, Roads were constructed with defender we used. Getting back to maintenance issue clamshell verses vac trucks town has 2 vac trucks. What does it cost to maintain vortechnic verses downstream defender?

Mr. Stankovich, \$200 difference in maintenance with downstream defender. We're prepared to go to town meeting and debate on town floor.

Mr. Manoogian, If you want to tell this board from now on strongly stress only vortechnic that is fine. I'm just saying on these two subdivisions what you're telling us and my clients don't like

taking care of eleven downstream defenders. We engineered it couldn't take vortechnic without costing double we'll meet you on town meeting floor.

Mr. Norton, This was spelled out before you put them in.

Mr. Walsh, If I go to true x and ask them to clean these vortechnic units with clamshell...(inaudible).

Mr. Payson, There has only been vortec installed in subdivisions. I think what we saw and we took into consideration it was kind of unique situation. We've gone with your recommendations

Mr. Tilton, I think we need to ask vortechnic to come in they're in office next week doing big demonstration for us. I'll have true x come over and I'll have them clean a vortechnic with clamshell. There are three compartments to a vortechnic I'll defy them to get the clamshell. One section in the center the very first cover that has an aluminum plate you bounce clamshell off that plate I'll defy them to put clamshell in other two portions of that vortec. Vortechnic is rectangular unit clamshell is round last I knew they don't fit into cones. Defender is round shoot right down center and suck it out and it's done. I will get true x to give us a cost for defender cleaning.

Mr. Sweet, We just purchased two vacuum trucks just spent \$250,000 year and half ago on a vac truck.

Mr. Norton, One is extinct it doesn't work anymore the other one is for sewer.

Mr. Tilton, With these deep sumps and hoods the clamshells are knocking hoods off. Vortechnic would not have worked in Westwood you have 8 to 9" of water in those streets.

Mr. Manoogian, Can I ask public works what can we do to have them say to finance committee that you would have these subdivisions accepted?

Mr. Norton, I think should be assured that we're not going to have to rip them up.

Mr. Manoogian, I want you to understand my client's perspective.

Helen Sauvageau, We went through seven years getting approval and built it according to plan. How can town come back and say want more retention ponds?

Mr. Walsh, The retention ponds who is supposed to clean them as far as long-term maintenance?

Mr. Tilton, It used to be done by the town actual cleaning of debris is homeowner's responsibility. Water quality ponds have to be completely stripped down reloom and reseed and brought back that material needs to be taken to hazardous waste site.

Mr. Payson, I think we're going to enter an article to town meeting that town takes care of it.

Mr. Tilton, Those water quality inlets control structures came in after subdivision was approved and before construction. When EPA brought a whole water quality issue phase I and phase II we had to modify that subdivision put water quality units in.

Mr. Payson, Town has to take over maintenance because they're not being maintained.

Mr. Tilton, Making sure they still meet 80% is totally different issue.

Mr. Payson, Right now the homeowner is responsible for maintenance. I think we have to make provisions if the town has to go in there. There is another issue to do with lighting.

Mr. Manoogian, I spoke with Jay Moynihan at electric dept. Both of these subdivisions detail shows poles and/or arms. Practice of NA Electric is once street is accepted they approach selectmen and say streetlights have to be powered up.

Mr. Payson, Before it's accepted it becomes public safety issue. I don't know what the agreement says but you have supplemental agreement. The builder has to pay light bill until it's accepted. It's not in our regulations it's in their supplemental agreement.

Mrs. Marchitto, Sheet 8 of 25 street lighting.

Mr. Payson, We have ten other subdivisions that have their lights in.

Mr. Manoogian, I've never seen a supplemental agreement. According to Mr. Moynihan he said the way he does it.

Mr. Payson, He may have new policy we want to know that because we're going to address it in our subdivision rules and regulations.

Mr. Cerrone, I guess the town has a lawsuit because lights weren't on and someone got hurt because lights weren't on.

Mr. Walsh, Homeward Lane lights are on there is no downstream defenders that wasn't even brought up and Coach Rd. the same thing. The lights are on I pay the electric bill. Problem is when the town accepts the subdivision you tell electric company we know longer own it they keep billing us. As far as liability it's my insurance policy. NA supplies the wire, the bulbs and fixture.

Mr. Payson, These people are living there with no streetlights.

Mr. Manoogian, Why don't we both check with Jay Moynihan. Everything is there but the bulbs and wires. Question is that is something done before or after it's acceptance?

Mr. Payson, History it's always been done.

Mr. Manoogian, We'll look into that.

Mr. Payson, Is it money issue that is stopping you or is it safety issue that no one cares about? What is reason they aren't on?

Mr. Manoogian, It was our understanding that once streets are accepted just put bulbs in and turn them on.

Mr. Payson, We just make sure that stand and light is there and it should be functional.

Mr. Manoogian, By way of housekeeping annual town meeting warrant closes 2/9/07. I've taken the liberty of preparing petition article for acceptance these are ones that were IP'd Westwood and Cedar Hill these are new ones for annual town meeting. I've given you letter request that two bonds for Cedar Hill L.O.C totally \$45,000 together to release and exchange for that all the work has been done I have a cashier's check to town of North Attleboro for \$10,000. L.O.C expire 1/31/07 submitting copies of that and cashier check. The intent of this is the lights and whatever work on Walcott Rd. I would ask for vote releasing those two L.O.C. in exchange for cashier check of \$10,000.

Mr. Tilton, Wall configuration for Elmo's property recommend to modify and move back onto his property wants PCV for lights.

Mr. Payson, Talking about taking down tree.

Mr. Tilton, Reason we moved wall and pillar back was because rubbish trucks and busses were going up in piece of road that they're using and back into Elmo's driveway. Elmo seemed to be in agreement but he has not seen the plan.

Mrs. Marchitto, Make motion for Cedar Hill Subdivision release L.O.C #886 for \$25,000 and #00631 for \$20,000 seconded by Dick Houle.

All in favor 4 to 0.

Mrs. Marchitto, Make a motion to accept cashier check for amount of \$10,000 for remaining work on Walcott Rd., seconded by Dick Houle.

All in favor 4 to 0.

Cobblestone;

Mr. Manoogian, Thursday night I'm only going to require 10 or 15 minutes because there is an issue holding us up.

NORTH ATTLEBOROUGH PLANNING BOARD  
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9:05 P.M.- Proposed amendments to Planning Board's Rules and Regulations Governing Subdivision of land;

Mr. Ofcarcik, You have statutory jurisdiction we can't go get approvals for things before you approve them. You have statutory regulations; conservation commission has statutory regulations and board of health you can't over rule board of health.

Mr. Cerrone, I remember there was vortec and downstream defender Dale was representing us at the time we went around in circles.

Dale MacKinnon, The vortec now have round one the square one will be obsolete I predict in five years. You're just going through this thing because they use a clamshell but it's not designed to be cleaned with a clamshell it is a stupid idea and I told them five years ago.

Mr. Ofcarcik, Inside the vortech unit is stainless steel it has different chambers, it does different things.

Mr. MacKinnon, We're dealing with silt in these downstream defenders all the other stuff is caught out in the catch basin. These things should be cleaned with a vac truck they don't want to hire someone.

Mr. Cerrone, They never cleaned the catch basins.

Mr. MacKinnon, Eventually they'll require you to go back and make corrections in your existing systems. Vortech unit will no longer be around in five years. They'll be using the round vortech because of clamshell. Vortech is an inferior product because it has a lot of head loss that is why Tom Boulio selected the downstream defender working for Tilton. I independently working for Earth Tech also thought that downstream defender along with some of the other ones was a much better unit than vortech.

Mr. Tilton, The good vac trucks also have dry unit so when you extract the silt if it's liquid form it goes through a drying procedure you keep the solids and recycle the water back into the unit.

Mr. Ofcarcik, The reason with our meeting with vortech next week is we ordered the units for Christina and they said they have a round one that is like a manhole. In my tenor here this board has approved Form O's and Planned Business Development site plans that I presented I don't think one of them had a vortec. We used downstream defenders on every one of those private things. They work, they're being maintained, meet the federal code. We presented Christina Estates with downstream defender, got letter from DPW we went to the plant I want my approval we put vortec in. Do you know of any other town that inspects only one particular brand?

John Lavin, You can't but I know most people want vortex with clamshell they don't get the whole thing out but they don't care they just get whatever they can. Most DPW like vortec that is just kind of in general.

Mr. Payson, Close hearing at 9:35 P.M.

Respectfully Submitted,

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Planning Board Business:

Form A: James M. LaFratta ( E. Otis Dyer);

Mr. Payson, We have legal question.

Mr. Cerrone, If he cuts it up before zoning the way they had it I think we can approve it.

Mrs. Marchitto, How about we fax it over to Bobrowski and bill the town we need council on this we can't get Bob Bliss and we need council before Thursday.

Mr. Sweet, Cover ourselves let town administrator know.

Mr. Cerrone, Call Don Schmidt.

Zoning Determination on Rte.1;

Make copies of legal zoning map house part residential and commercial. 1968 map was all residential.

If they don't like our decision go to town meeting to change zone line.

Corliss Landing;

Linda was going to call Level Design to try and get extension until 14<sup>th</sup>. You have to approve it or deny it have to write why you deny it or approve it with conditions. John Lavin is meeting with them tomorrow. They owe public works information. Have to make decisions on their waivers concrete sidewalk, instead of putting easement under roadway put it in culvert so there is no easements. Sewer you can get approval for a plan but can't build anything until approval for sewer. John put in letter that they would have to get permit from DEP and North Attleboro prior to sewer extension. Tim O'Neal Industrial Park only concern is no dip and no sidewalks.

Mrs. Marchitto, Motion to adjourn at 9:52 P.M, seconded by Chris.

All in favor 4 to 0.

Respectfully Submitted,

Attach Agenda to Minutes.