

NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, JUNE 7, 2007

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, June 7, 2007 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Richard Thimot, Donald Cerrone-chairman and Mary Burgess-town planner. Joan Marchitto arrived at 6:48 P.M.

Couldn't start meeting until 6:50 only had two members.

Joan Marchitto asking if Millard Rd. trees were cut down is scenic road thought maybe in 1998 or 1999. Mary will look into it.

Old Business:

1) Form O: National Elevator Industry (Hayward-Boynton & Williams, Inc.);

Peter Maynard-Hayward-Boynton & Williams, Note #6 on plan more detail breakdown of open space, which is basically building areas both existing and proposed, parking and drainage areas. Post construction looking at 31% open space we're in excess of 30% needed. Based on Mr. Lavin's suggestions inlets for manhole basically outlet for detention area was raised. Verified calculations through hydra-cad modeling that we weren't going to get overflow in two existing basins that we're trying to tie into. The most it will come up to is 183 elevations so almost 3ft. below where they're currently at. We put trench drain, regrading northern parking lot.

John Lavin is okay with it.

Mr. Thimot, Make motion to approve Form O National Elevator Industry, seconded by Joan Marchitto.

Mary Burgess, Date of revised plan in motion.

Mr. Cerrone, Motion made for revised plan on 5/31/07 all in favor 3 to 0.

Planning Board Business:

6) Request of Robert Shelmardine to review performance bond for Christina Estates Subdivision;

David Manoogian, Christina Estates changing to cash bond instead of agreement. Have Form J ready for cash bond. Bond amount was set at One million ninety three thousand seventy hundred two. We will get check from bank if you approve it.

Mrs. Marchitto, I would like to look at it and I think Mary should look at it.

NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
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7:00 P.M.- Continuation of the public hearing on the application of North Attleboro Marketplace, LLC, for the proposed modification of Special Permit No. 111/WalMart;

Jack Jacobi- attorney, I understand you only have three members tonight therefore I request we continue this until 6/21 at 9:00 P.M. We had workshop with conservation maybe two weeks ago and they were concerned about some of drainage structures stay dry and let water out too soon. Tilton Engineering along with Doucette have looked at it we have another workshop coming up which will probably be scheduled for end of month. They're going to treat it as two different things as I understand it. They will act on NOI but then also asking us to hold more water in drainage structures.

Mr. Lavin, I submitted review as far as whole plan three weeks ago.

Mr. Jacobi, We will get it to our engineer.

Mr. Cerrone, I would like to have all members when we read it in you need four votes on this. Whatever the board wants to do.

Mr. Jacobi, I would prefer to have engineers look at your report and be in touch with you. Discussion of releasing report before it is read in.

Mrs. Marchitto, I had an action needed report on me as acting chair due for not releasing information I had to release it.

Mr. Thimot, I would prefer not to take any action until the board is here.

Mrs. Marchitto, Council said I had to release it and I did.

Mr. Jacobi, If we can obtain through information act the drainage report perhaps it will be revised by two weeks by now. We will bring up written request tomorrow.

Mrs. Marchitto, Make motion to continue public hearing, seconded by Richard Thimot.

Mr. Cerrone, Continue public hearing until 6/21/07 at 9.00P.M. all in favor 3 to 0.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD
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Planning Board Business:

6) Request of Robert Shelmardine to review performance bond for Christina Estates Subdivision;

Bob Shelmardine, Bond estimate came in on 12/15/06.

Mr. Thimot, Do you have any objection of me responding to action tonight?

Mr. Manoogian, No you can sit it is just bond amount subdivision has been approved.

Mr. Selmardine, Bond lists Phase I in subdivision we have six phases. First phase is 20 lots, lot 7 through 26 that comes in off Cumberland. On 5/21 submitted request security we post be a tri-part agreement, which comes out of your subdivision rules and regulations 4.9.3. It was sent to town council we became aware this past Monday he hadn't had opportunity to review it. I called Mary I said beside tri-part agreement how do you do it and she said normally done by cash deposit. She faxed me form and we filled it out. Application for approval is 8/19/05, certificate of approval is 6/30/06. My client has signed it we've given our employer ID number and Mary sent W9 form when interest is paid by bank it goes to Intoccia Construction, which is beneficiary of Cumberland Associates Realty Trust. We're never submitted the tri-part because that is still be reviewed by town council. We had workshop with conservation earlier this week regarding schedule and we've been working with town on schedule we submitted an updated construction schedule. We can submit one to planning board.

Glenn Ofcarcik-Tilton & Associates, The last remaining condition before we can start construction is I think #20 we need to complete test pits on centerline of road for Phase I, II and III. We got permission from MEPA last year to cut trees, do the clearing. Shannon has gone out and done final erosion control inspection this week. Pending her approval it's my understanding planning board is waiting for \$3000 deposit check for John to go out and inspect test pits we will notify dig safe and then we'r4e ready to go to construction. We're completed with MEPA as far as phase I granted a phase I waiver. The draft EIR is being prepared we are allowed under MEPA to proceed with what they've included in phase I waiver. We have permission from conservation to proceed with that part of construction but we're not allowed to go in any of the subsequent phases until MEPA has completed all that process.

Mr. Shelmardine, We met with group called archeological servicing we took them on the site. We'd be willing to enter into some kind of arrangement with them if they want to buy some lots. I got letter from them they have other projects working on.

Mr. Ofcarcik, What we can tell you about archeological areas they are in phases IV, V and VI we have no take letter from Natural Heritage endangered plant species.

Mrs. Marchitto, I saw public notice with conservation with Mr. Visconti on Cumberland Ave.

Mr. Shelmardine, We are helping him.

Mr. Ofcarcik, One of conditions in planning board's certificate of approval was that we accommodate the concerns that Mr. Visconti had about his property we have been working with him and his engineer Joe Hanlin. The plan that we feel and they feel accommodates that has been submitted to conservation it is on I believe for 6/19 hearing. It is designed as separate, stand-alone plan for Mr. Visconti it is filed under his name but has been prepared at expense of Intoccia Construction. It is intended to be separate, stand alone NOI for work on his lot that if Christina Estate is not constructed his work may still go forward but they are integrated into one common plan. It is low retaining wall that goes behind I believe it is 2ft. high basically filling his back yard. He's identified certain trees that are going to be welled and saved. Water which now sheet flows around his lot and that stone swale that is there and wetlands that is still going to be accommodated but basically we're raising his backyard about 2ft.

Mrs. Marchitto, There was some mitigation on Cumberland Ave. regarding DPW on drainage across the street.

Mr. Ofcarcik, We're still working with DPW on drainage and sewer. Those issues were with original drainage design when we had roadway going between Mr. Visconti and Mrs. Levesque's house. The roadway is now going five houses down the street further going through house #218, which has been demolished. That is not phase I drainage concern.

Mr. Manoogian, On sewer DPW presented us with plan of how they'd like us to sewer project we agreed to do it that way. DPW is trying to effort with other third parties to help our ability to implement sewer so we don't have put sewer through Attleboro it will all go to NA Treatment Facilities which is what DPW wants. DPW came up with alternative plan Intoccia said he'd help fund it. Phase I septic is up to DPW we told them to give us utility license and we'll sign it.

Mr. Shelmardine, We'll probably sinking lines anyway even if we go on site septic for first 20 houses.

Mr. Ofcarcik, The plan shows both.

Mr. Manoogian, We'll have to run sewer down Cumberland Ave. go to intersection and up Rte.1 that is how they proposed. It will tie into Rte.1 sewer and tie into WalMart pumping station. DPW proposed this to us.

Mr. Cerrone, This development will be able to tie into that line and Cobblestone can't tie in. What is the difference?

Mr. Manoogian, It's different route it involved gallonage in private line and that is what DPW is working on. This was DPW's proposal to us we didn't propose it to them.

Mary Burgess, It is two year bond.

Mr. Manoogian, June 7, 2009 cash bond.

Mrs. Marchitto, Make motion to accept Form J for Cumberland Associates Realty for lots 7 to 26 amount of One million ninety three thousand seven hundred two dollars, seconded by Richard Thimot.

All in favor 3 to 0.

Mrs. Marchitto, On Cushman Rd. during rain there were residence that were calling this office regarding flooding.

Mr. Tilton, MEPA wouldn't allow us cross wetlands from Cumberland Ave. it's all rock it should have flowed right over top.

Mr. Shelmdardine, We'll check it.

5) Request of Shawn McCormack for bond release for Raymond A. Sampson Drive;
Shawn McCormack, Raymond Sampson got approved at town meeting and now looking to get bond released I believe it's \$25,000.

Mr. Lavin, Submitted letter it was finalized.

Mr. McCormack, On Porter I'm going to update construction schedule and get that to Linda and John.

Mr. Cerrone, Want to vote on it subject to receipt of John's letter and article that it's been approved. \$25,135.10 is left for bond.

Mr. Thimot, Make motion, seconded by Joan Marchitto.

All in favor 3 to 0.

New Business:

5) Request of Wendy's International to discuss proposed modification to conditions of approval for Special Permit #121.

Michelle Howard and Watson Oscar.

Ms. Howard-district manager, The permit currently allows to stay open until 11:00 P.M. we would like to petition to stay open until 12. We had received permission from board of selectmen and police chief to do that. We were told we had to come before you to find out what to do.

Mr. Cerrone, Have to go through public hearing and notify the abutters. The concern of abutters was don't want kids out at midnight screaming and yelling and this board put that condition on it. I'll tell you right now I'm not going to change my mind.

Ms. Howard, It was open 1998.

Mr. Thimot, It takes four people to approve and there is five person board. Mr. Cerrone and I both sat on that board at that time and we both voted for this condition he has already stated what his position is and more than likely I'm going to retain the same position. It is your right to seek a public hearing.

Mr. Cerrone, They were open at 1:00 one night we had a condition we had some problems at the beginning but it has been fine since then.

Mr. Thimot, Restaurant can stay open until 10:00 and drive up until 11.

Old Business:

Don Cerrone and Richard Thimot left at 7:35 P.M.

2) Update of work on Hickory Woods Subdivision;

Ms. Burgess, Bottomley and Riley went to electric dept. about conduit and water situation. They met with Mr. Allen and then went on site with Mr. McGuire to pop all conduits and see which ones were getting water and take measurements in order to facilitate plan to fix conduit. They will be back on the 14th. to let us know about progress. I haven't heard from any other boards and other board members have been updated.

Mrs. Marchitto, Any correspondence on Beaupre and Pinsonnault.

Mr. Lavin, Mr. Joyce sent letter saying he'd be done with landscaping and such on lots by 6/30 and at that time will start roadwork hoping to be done by 10/30. There was partial punch list we'd have to clear up. After you finish landscaping I would suggest we take walk.

Mrs. Marchitto, Can you present construction schedule?

Kevin Joyce, Yes by next meeting.

Mr. Lavin, There is lot of work could do on asbuilt as far as inverts, etc.

Mr. Joyce, Don't have designs on sub-drains will give designs.

Mr. Lavin, Roadway layout will be verified by surveyor, asbuilt conditions will be verified by surveyor. Drainage issues, sub-drains.

Mrs. Marchitto, We need to know where those are and they will be put on asbuilts and plans.

Mr. Lavin, You have to verify where septic systems are and also any pipes to be dealt with.

Mr. Joyce, Will get the information to planning board by the 21st.

Mr. Lavin, Water service locate them and make sure they not too far back. Drain pipes if any for the foundation have to be dealt with.

Mr. Joyce, There are couple, which we've gone over with John we'll locate them on the asbuilt they aren't tied into dry wells.

Mrs. Marchitto, Are roof drains tied into dry wells?

Mr. Joyce, Propose another alternative.

Mr. Lavin, Will be done before you put curbing in. The roadway has to be looked at and there are some areas that have to be removed. If there is any surface water cul-de-sac right now it's not problem. Recommend that televise before the end of septics to make sure it's flowing.

Mr. Joyce, Bottom line is it all has to be done before I get my final approval.

Mr. Lavin, Water main services I haven't looked at file testing of chlorination. Side slope issues still out there 4 to1 as part of their right of way go over those with Kevin and some side slopes will have to be pulled back. Easements to drainage basins should be capable of supporting heavy equipment. Petuminous concrete some areas they said patching I would recommend take couple cores to make sure there is proper petuminous concrete and thickness. Receive letter from NA Electric Dept. saying they did their inspections, streetlights are up and on. If there is any trees in layout, fire hydrants several installed too low. Concrete bounds install them along roadway layout, retaining wall.

Mrs. Marchitto, That doesn't apply.

Mr. Joyce, Anticipate completing 10/30.

Don Achin-38 Harold Bishop, I was recommend by everybody to go to DPW to get permit hook into drainage. DPW cannot issue any permits because it is not town accepted road I went last Friday.

Mr. Lavin, Tie ins were discussed at public hearing at police station it was said DPW would allow tie ins.

Mr. Achin, It was Bob McGhee.

Mrs. Marchitto, We'll look into that.

Raymond Payson, I would question if they were going to put curbing in, sidewalk and road and then tear up again Harold Bishop.

Mr. Lavin, It should be acceptance just for this because of situation or stub to layout underneath sidewalk.

Mr. Payson-Walcott Rd., It's modification of subdivision and modification plan was approved does it show stub to property line? Is that stub in conflict with septic system?

Mr. Lavin, No.

Mr. Achin, 50ft. regards to septic my pipe is about 43ft. it is perforated but I can change that and I'm willing to do that.

Mr. Lavin, If it's not perforated and not filled with stone it is not capturing high seasonal 50ft. is high seasonal.

Mr. Achin, I have three pipes going into hole in front yard that aren't hooked up at all. There are no roof drains at all in this development. All three of them hook together on my property. Hookup is on sidewalk pipe coming to it I can change that.

Mr. Payson, Is it worthy of this going any further there is only one person on the board? Can you conduct business with one person? It's a public meeting.

Mrs. Marchitto, He wants to discuss an issue on his property.
Ms. Burgess, It is informational.
Mrs. Marchitto, I'm not making vote Mr. Achin is here as resident.

NORTH ATTLEBOROUGH PLANNING BOARD
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8:00 P.M.- Continuation of the public hearing for the definitive subdivision to be entitled Cobblestone (Note: Final Action Due 6/30/07);
Don Cerrone and Richard Thimot returned at 8:00 P.M.
David Manoogian-attorney, I presented the board with extension of time to render decision through and including 8/31/07. We had very productive meeting with DPW and neighbors.
Mr. Cerrone, Do hearing 8/16 at 7:00 P.M.
Mr. Thimot, If it's all right with Mr. Manoogian that I sit in on any of this?
Mrs. Marchitto, Make motion that Cobblestone Spinnaker Group extended until 8/31/07.
Mr. Cerrone, Public hearing will be 8/16 at 7:00 P.M. motion made.
Mr. Thimot, Second.
All in favor 3 to 0.
Mr. Manoogian, One thing I will ask is that perhaps couple members of the board and Mr. Lavin meet with our representatives and Mr. Stankovich and one member from DPW board at a workshop. We'll try to work with Mary.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD
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Don Cerrone and Richard Thimot left table at 8:04 P.M.
Hickory Woods;
Mrs. Marchitto, To address comment from resident on Walcott Rd. Mr. Payson my thought is that Hickory Woods has been coming to all planning board meetings since we started public hearing 81W. I think as courtesy is to give an update and least allow you opportunity to speak in our planning board meeting I think is appropriate. If I'm doing something inappropriate on town's behalf I apologize. I feel as you as residents living up there you should at least be heard in some form and some way.
Mr. Achin, We appreciate that.
Mrs. Marchitto, Subdivision control we do have the authority and we're trying to work with the boards or at least have them come to a conclusion so we can go forward. I think it would be unfair I wouldn't feel comfortable going home tonight as one person sitting here and not allowing you at least something to say. As an elected official on planning board I would like to continue tradition of letting resident speak. If I get my self in trouble for allowing you to speak so be it I'm willing to do it. I wish I had more information for you.
Mr. Achin, We have another letter was sent to electric co. we'll see how that goes. I just wanted to report that I did do as I was asked to do and response I got.

Mrs. Marchitto, I will have Mary look into that and see what we can get for an answer.

Mr. Achin, I'm more than willing to correct the pipe soon as someone tells me I can do it.

Mrs. Marchitto, We do not have jurisdiction on your property to say that.

Mr. Achin, I understand.

Mrs. Marchitto, Kevin we'll have construction on 21st. look into if any drainage needs to be tied in to DPW would you go forward to DPW?

Mr. Joyce, Yes.

Mrs. Marchitto, Beaupre Circle there is driveway where water at the seams is coming up first driveway on the right. Is that addressed John in your letter?

Mr. Lavin, No will have to be taken care of other roads as far as piping and design and stubs coming out you might take that into consideration.

Donald Cerrone returned at 8:08 P.M.

Board taking 5 minute break.

Three members at table Donald Cerrone, Joan Marchitto and Richard Thimot.

New Business;

1) Form O: DS Amin Corporation (Level Design Group);

Mr. Cerrone reading in application.

Nick Facendola-Level Design, Parcel is located at 834 E. Washington St. on southbound side of Rte.1. Parcel is located in C7.5 district, which is commercial use zone. Existing dwelling is residential family ranch style house approximately 1300sq.ft. attached garage. Lot is hair over 10,000sq.ft. and are no current zoning issues. Located in rear of lot is small wood shed old stone foundation, concrete walkway. In front of building is existing driveway and walkway, fenced in around back. To north is dentist office to south is used car lot to rear of lot is 10ft. wide parcel owned by the town maintained by DPW there is 30" sewer line running through there that is where this site gets it's sewer service from. Ten-Mile River is not on site but we are subject to wetland protection act for 200ft. whole site is located in 200ft. zone and we are currently in front of conservation. We're looking to convert existing ranch dwelling into small market café. There are two proposed additions one 420sq.ft., second 483sq.ft. Proposing 7 parking spaces as required one handicap. Rear of site proposed concrete dumpster pad will be enclosed with fence, small access drive will be gated. Proposed parking area is graded towards main entrance to a trench drain then discharges to rear of site, it is filtered through stormceptor and then discharges into infiltration pit. Paved area is approximately 3500sq.ft. Infiltration pit is fitted with catch basin rim serve as an overflow if needs to surcharge can do so and make its way down slope towards Ten-Mile River. Entrance is one large entrance current curb cut all along front of old parcel.

Mr. Cerrone, I don't think can have opening that big you're making modification to that site you have to meet today standards we're going by zoning.

Mr. Facendola, We'll look into that.

Ms. Burgess, Open space is 64.6%. One of required parking spots is in front of loading zone.

Mr. Facendola, The size of building and zone determines amount of parking spaces required.

Mrs. Marchitto, Where is emergency vehicles and where is snow removal?

Mr. Facendola, Parking in between Rte. 1 and this area there is about 20ft. enough room for large fire truck. There is extra space that isn't associated with parking spaces for snow storage.

Parking area is 3,300sq.ft. In event of large storm snow will have to be removed from site.

Open space complies with current zoning reg. it is approximately 64% in rear shed, stone foundation and walkway is being turned into lawn space.

Mr. Cerrone, I think the biggest thing is parking and entrance. Do some research on the opening?

Mr. Facendola, Coverage required is 50%, we're covering 18% of the site with building coverage. No lights proposed at time if you would like we can add light to the site. Sign will be small pylon sign externally lit sign. Parking spaces are 10 x 20 except for handicap is 8x 20 with 5ft. aisle. Area leading to ramp is all ADA accessible. There is enough room between edge of traveled way and parking spaces for a car to back out without pulling into traffic. Currently there is no curbing in that area if board would like us to get clarification from Mass. Highway curb cut permit we can look into that. We submitted plans to DPW have not gotten a response.

Mr. Cerrone, I think you should check on driveway opening our bylaw says 30ft.

Ms. Burgess, Will forward comments to applicant. This came in on 5/7.

Mr. Facendola, Delivery truck would be size of UPS truck.

Mr. Cerrone, We have to make sure the safety is there.

Ms. Burgess, He's asking for waiver on 10ft. vegetated buffer in front of building. What are you doing with upstairs?

Dan Campbell-Level Design, He's not doing any addition upstairs no residential.

Mrs. Marchitto, Make motion to extend Rte. 1 Market Café DSM Corp. until 7/16/07, seconded by Richard Thimot.

All in favor 3 to 0 continue until 7/12/07.

2) Form O: Mike Celeste & Jarvis Green (Merrikin Engineering Co.);

Ms. Burgess reading in application.

David Manoogian-attorney, Mr. Green and Mr. Celeste are present. Approval of site plan maybe premature because there are several aspects of relief needed from ZBA. It is my understanding that this project has been workshops over last several months with board. We do have some restraints on open space requirements we can come up with 13% it will be difficult to come up with much more than that. We would need special permit from zoning board use proposed residential on top business on bottom that is what is there now and is allowed with special permit because we're keeping footprint.

Richard Merrikin-Merrikin Engineering, We have 14,000sq.ft. parcel on N. Washington St. There presently structure of garage in back, which is combination of commercial and residential at the present. There is driveway on side and some paved parking in rear. We have building 80 x 52 intending to be professional office or commercial on first floor and then three floors with total of six multi family units above. In same location as present building we have driveway 17ft. entrance drive in same location as present drive we've expanded rear parking lot to try to meet as much of regulations as we can. The layout provides required number of spaces, which is 23 for use in commercial as well as residential. We have put some green space around building and along back. We come within foot of property line, which would be waiver from zoning board but we propose fence in that location. We have some green behind building to expand green space as well as little in front on both sides of walkway we have some green space. We're proposing drainage on the property it slopes from street back we're proposing is two catch basins with infiltration basin and it will be basically retention basin hold the water. In event of 100 year a little bit of back could be innovated to add additional storage for that event. We are proposing smaller parking spaces than standard we've shown 9 x 20 with 20ft. aisle which meets regulations and then some parallel spaces 10 x 18. On special permit they will allow us 80% of required parking and we could then put big spaces in.

Jarvis Green, Jarvis Green foundation it will be the home base office for entire country. Doing things for Hurricane Katrina victims also in Mass. area doing things for the community. Two as most for employees working there myself with be three.

Mr. Cerrone, Have letter from public works.

Mr. Merrikin, We need to do test pit.

Mr. Cerrone, How many variances are you looking for with ZBA?

Mr. Manoogian, We'll need special permit to legitimize the use that is allowed special permitted use under bylaw for mixed use in C7.5 zone housing on top floors and business on first floor. Parking has to be at least 5ft. from side yard constraints of lot being long and narrow we don't have enough room. There is area we believe is C7.5 also if it was residential we'd have to have 25ft. buffer strip between two zones. We'd ask for special permit to eliminate buffer and put fence instead I'm not sure what the zone is I believe it is still C7.5.

Mr. Cerrone, If it's 7.5 you won't need variance.

Mr. Merrikin, We put 10ft. in there for your bylaw.

Mr. Manoogian, It is roughly 10ft. but it's not uniform all the way we'd like variance down to 8 or 9ft. Because of shape of lot building has to be tight to one side, which we have zero lot clearance we can go to lot line. If we had to get 5ft. we have narrow travel lane and we want to keep 20ft. there. Parking is your call we can seek 9 x 20 reductions from ZBA or we ask ZBA to eliminate few parking spaces down to 80% and make them all 10 x 20.

Mr. Merrikin, Open space is 13% supposed to be 25. If we go with special permit for less parking spaces we could probably get to 25%.

Mr. Manoogian, What is there now is proceeding in zone. We need special permit we're using roughly same footprint but we're not using exact same structure. Going to ZBA as soon as we can. Theoretically you could approve site plan subject to ZBA approval I find that to be backwards want ZBA to act first and then look at this. My thought on site plan we could keep continuing until ZBA has chance to act or if you would allow us to withdraw without prejudice and save filing fee I'll leave that up to the board.

Mr. Thimot, You have 24 spaces I count maybe off by one. Is that necessary to have at least 24 parking spaces?

Mr. Manoogian, We need 25 to meet current code but ZBA with special permit, which we're willing to ask for can reduce number of spaces to 80% 19 spaces it is planning call we need you're assistance would you rather have extra spaces or come as close to 25% open space as we can if we eliminate some of the parking spaces.

Mr. Thimot, Because it's downtown and have limited space I tend to want to go with as much open space as feasible.

Mr. Manoogian, We're willing to do whatever the board wants but I think the planning board probably should discuss it and come up with recommendation to ZBA.

Mr. Cerrone, How many parking spaces would you have to lose to come up with 25%?

Mr. Merrikin, We need another 10% 6 or 7 spaces, we might be at 23%.

Mr. Manoogian, Maybe we can be somewhere between 20 to 22% and we still have enough spaces for safety. I think there is provision in our bylaw that we can still avail ourselves to off street parking.

Mike Celeste, I was trying to avoid that.

Mr. Merrikin, Do you have an opinion on smaller space verses larger space?

Mr. Cerrone, I think if you have 9 x 18 and have some 10 x 20.

Mr. Celeste, They will be two bedrooms roughly 1200sq.ft.

Mr. Manoogian, Before we file if you could keep this open come up with new sketch to show greenery so board can look at it before we go to ZBA.

Ms. Burgess, Is there currently variance for frontage and width?

Mr. Manoogian, No because what I would maintain is the lot itself is prior existing non-conforming lot. The argument is non-conforming use but to extend we think we need it I'm asking for it.

Mr. Green, It will be just one office.

Ms. Burgess, It came in on the 8th. it would be until June 22.

Mr. Manoogian, Can we ask for extension until 7/31? Is it safe to say right now we're looking for ways to increase open space and reduce parking?

Mr. Cerrone, Yes and then we'll go from there.

Mrs. Marchitto, Make motion to extend Form O for Mike Celeste & Jarvis Green Merrikin Engineering Co. to 7/31/07, seconded by Richard Thimot.

All in favor 3 to 0.

Continue until 7/31/07.

3) Form A: North One Development Corporation (RIM Engineering Co.,Inc.);

Richard Thimot left table at 9:30 P.M.

Mr. Cerrone reading in application.

David Cannata, President of North One Development Corp.

Mrs. Marchitto, We don't have quorum.

Ms. Burgess, Necessity with Dick if applicant agrees?

Mr. Cannata, Because he works for firm that sold piece of property for me two years ago how does that exempt him from voting on piece of property miles away that has nothing to do with this business? I don't have problem with Dick voting.

Ms. Burgess, Explaining issue of conflict of interest might be able to profit somewhere down the line by this being approved.

Mr. Cannata, What was just explained to me that he can't vote on anything else in town because he may sell every piece of property.

Mr. Thimot, I feel that if something comes up where I will have to go to town council I will do that. At this point I would just a soon abstain.

Mr. Cannata, Can I get any conversation on this so when I come back I can have my drawings, etc. any comments like a workshop?

Mr. Cerrone, You have an application in front of us and I just read it into the minutes the clock starts. It was received on 5/23/07 we have 21 days.

Board will take this up on 6/14/07 at 6:30 P.M.

Ms. Burgess, Anything after 10:00 we have to pay and I have bill.

4) Request for Nicholas Todaro to discuss proposed construction of Emerson Way;

No one present.

Old Business:

Mrs. Marchitto, Was Shawn Jorde supposed to be here tonight?

Ms. Burgess, He said he was going to come I saw him last week.

Mrs. Marchitto, Can we send letter of his intention on construction schedules for Waterson, Lyman, Edgewood?

Ms. Burgess, He didn't give any dates just gave everything he needed to complete. Will send letter to him.

Mrs. Marchitto, Could you also send him letter regarding Quail Creek? Resident asked when that would be completed I would like to see it for October meeting.

Planning Board Business;

1) Endorsement of Vouchers;

Did that.

2) Approval of Minutes;

Wait until all members are here.

Mr. Thimot, I think there is only one or two I can vote on.

3) Review Final Action Deadlines:

Ms. Burgess, I believe we covered all of them with extensions.

4) Review Bond Expiration Dates;

Ms. Burgess, Everything is all right on that.

ZBA applications;

Mrs. Marchitto, Spring Hill Dr. Communication Tower in residential area.

Ms. Burgess, It is in residential area tucked back behind tree farm.

Mrs. Marchitto, They are looking for variance and special permit.

Mr. Cerrone, It's in R40 it will be behind houses. Mary are you writing letters to ZBA? We usually make comments. Hess Car Wash, in-law apartment on Allen Ave.

Mrs. Marchitto, Dick what do you feel about wireless towers on Spring Hill Rd.?

Mr. Thimot, I don't want them there.

Mr. Cerrone, Richard Miller for variance in center of town.

Ms. Burgess, I have Greco Circle.

Mr. Cerrone, It is four family and office Rte 1 N. Washington St. Should he file site plan? He's building stairs, deck four family plus office. Was it four family before it is old Charlie Mason's office he's in 7.5 district.

Mr. Thimot, I'm concerned about reduction of open space to 50%.

Ms. Burgess, I didn't know if you offered the comments and I wrote the letter.

Mr. Cerrone, You offer the comments and run it by us. Hess is 788 E. Washington St. Check with Assessors see if it was four family before on N. Washington St. Car wash is going in back of property line.

Ms. Burgess, Four family all they want to build on it is put deck and stairs for egress it is existing four family. He's trying to make it safer.

Emerald Square Mall;

Ms. Burgess, Has approached building dept. who has pushed it over here. They would like to have two things. First is smart car display will take up 55 to 60 parking spots to be located in south parking lot by JC Penny. It will be 54ft. trailer and 10 x 10 tent they will have five smart cars doing demonstration. Second proposal if for carnival 800sq.ft. on south parking lot, no animals it will be 6/21 to 6/24 hours operation weekdays 5 to 10 and 12 to 11 on weekends. As far as carnival it is under amusements so I would think it would have to go to zoning. There is nothing in conditions of decision of planning board to actual dictate whether or not. Does stipulate in town bylaws that the licensing and permitting goes through select board and building dept.

Mr. Cerrone, I don't want to see that on Rte.1.

Mr. Thimot, I would make recommendation in form of motion if I have too that you express our views to ZBA in regards to this stuff. The parking at Mall was done because of hearings to determine how much land was going to be available and what size spaces and how many, etc. We have in order of conditions in regard to fence and some strong regulations in place to take care of that.

Ms. Burgess, If it's a use it has to gone zoning if they want to modify special permit to allow for carnivals and outsides displays, etc. with permission from zoning board because of additional use to principle use. Principle use is commercial if you have other use being recreational or amusements that is accessory to principle use.

Board doesn't want it.

Mrs. Marchitto, They're utilizing parking area that has gone through public hearings.

Ms. Burgess, Zoning dictates parking.

Mrs. Marchitto, That parking was designated for the principle use of that building. If it is accessory use where on that property can that accessory use be placed without interfering with open space, parking and drainage.

Ms. Burgess, Piggyback on that you have 80,000sq.ft. of recreational use how many parking spots to you need to go with recreational use. It would alter the site plan because you would need to increase number of parking spaces therefore it would not only be in violation of site plan because it would be modification it would also be violation of zoning bylaw because they don't have parking spots to do both accessory and principle use. I just needed to find away it was violating the site plan and we just did.

Tomorrow we have dept. head meeting.

June 14 and 15 is the Mass. Association of Planning Directors Annual Conference;

Ms. Burgess, It is in Worcester and I have registered.

Mr. Thimot, When you go to that meeting I would like you to find out about upcoming seminars that planning board might be interested and consider participating in.

Executive Session 10:12 P.M.;

Mr. Thimot, I would like to call for executive session.

Roll Call;

Joan Marchitto- Yes.

Donald Cerrone-Yes.

Dick Thimot-Yes.

Mary Burgess-Yes.

10:42 P.M.

Mrs. Marchitto, Make motion to come out of executive session, second by Richard Thimot.

Joan Marchitto-Yes.

Dick Thimot-Yes.

Donald Cerrone-Yes.

Mary Burgess-Yes.

Mrs. Marchitto, Make motion to adjourn at 10:43 P.M., seconded by Richard Thimot.

All in favor 3 to 0.

Respectfully Submitted,

Attach Agenda to Minutes.