

**NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, MARCH 1, 2007**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, March 1, 2007 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Donald Cerrone, Richard Houle, Christopher Sweet, Joan Marchitto and Raymond Payson-chairman.

Mr. Payson, I would like to go into executive session for a legal problem.

Mr. Cerrone, Make a motion to go into executive session at 6:35 P.M., seconded by Chris Sweet.

Roll Call;

Dick Houle- Yes

Joan Marchitto- Yes

Ray Payson- Yes

Chris Sweet- Yes

Donald Cerrone- Yes

**NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING  
THURSDAY, MARCH 1, 2007**

7:00 P.M.- Continuation of the public hearing for the definitive subdivision to be entitled Cobblestone ( Note: Final action due 3/31/07);

David Manoogian, Representing applicant in Cobblestone matter. With me tonight is Andy Kushner-applicant and Len Bradley our site engineer. I believe there was a meeting with Mr. Payson, Mr. Lavin and Mr. Kushner and Mr. Bradley to go over some of the technical aspects. We'd like to give a brief overview of where we are and go from there.

Len Bradley-DiPrete Engineering, We were before you about month or so ago we gave the board an update of where we were at of the design. I'd like to recap what we've done over last couple of months. We've met with John Lavin your engineer probably on a monthly bases now to review the detail engineering of the proposed roadway drainage system, etc. John had number of comments and questions he wanted addressed. You may recall it was lengthily response to comments that we prepared. We're pretty much went through on everything John had asked us to do we've done. Some of the things we redesigned consisted of adding vortechnic stormwater treatment systems to the drainage system to make maintenance of drainage easier. We have also eliminated the wetland crossing was associated with Blais Dr. pulled the road back, reconfigured a lot of detention basins we resubmitted that design information to John and John had some additional comments. They basically had to do with groundwater obviously the water table out here is a big concern to the planning board as well as to us and we paid a lot attention to that during our design. The changes we've made over last two months working with John mainly had to do with catch basin location placements at the intersection to make sure we're picking up all the water running through intersections. We fine-tuned the drainage layout at main trunk line going down the street to make room for future utilities. We've also went in and looked at placement of the vortechnic units put them in a more

optune spot for maintenance off the roadway pavement on the shoulder or the road. John had asked us to pick up the detention basins to get more of a separation for seasonal high water table, which we did. All the comments that your consultant had we've modified the plans to do that. We had a meeting earlier this week with John again and went through those changes and he was happy with the changes. He had a couple other suggestions that we incorporated into the plan for instances on some of the lots where there is a significant grade change from where the house is down to the roadway. John suggested putting in lawn drains to pick up that roadway and divert it into stormwater system as opposed to letting it erode a channel in the shoulder and into the roadway and undermine the road surface. That is change in addition to the plan we're more than happy to make. We're taking in all the comments that John had and we're going to revise the plans and we'll get the detail plans back to John within next week or two addressing all his final comments. One of the things we had talked about in the meeting John wanted to make sure we paid very close attention to the roadway design and cuts and making sure we minimize that to greatest extent possible. One of the handouts I gave you tonight is the overall plan that has overall layout of the subdivision. This shows substantial portion of the roadway is actually a fill condition the only place we're cutting into grade with the proposed roadway is at the connection to Quinn St. The way the existing grade is today in order to have roadway come up we have to cut down portion of the fill there not a lot just couple feet and then also at the intersection with Draper again the land climbs up we have design the road in accordance with good design practice. We can only climb at a certain slope so this is cut top of hill that is a minor cut as shown on plan profile within the definitive plan set. Everywhere else is fill so this shows we're not cutting the roadway down deep into the water table. In the areas where there is a cut we're proposing a sub-drain the would run within the right of way to intercept any groundwater and that water would be diverted into drainage system and in through the detention basin. Design consideration to pick up the groundwater in the area adjacent to Draper Ave. and at end of existing Quinn St. where the road would be cut. That was something we really wanted to relay back that the majority of the site is going to be filled and we won't be cutting into water table anywhere accept within the roadway. The lots that abut these cuts are not cuts also those are all filled as well high water table septic separation required to top of foundation to the basement slab has to be 18" above seasonal high water table per board of health. Even though that portion of the road is going to be a cut the lots on either side will be fill and the cuts are minor. As far as design set goes I think we're very close to satisfying your consultant's concerns we've addressed all his concerns adequately. One of the other things I want to touch on we're proposing a swale along the easterly extent of the property line to intercept any water table from our site. John was concerned with having that swale cut into water table and end up creating a conduit for water to move down the slope. We redesigned that swale, eliminated the cut and basically we're creating a berm. We had always had a berm design into that edge of the swale but in essence we're creating the swale entirely of earthen berm. We have specifications on it to make that impermeable so water doesn't move through it and under mind it. We've submitted that to John for his review and he went through it and he may have a few other minor comments on it but it substantially conforms to what John was looking for. I think we've addressed all of John's comments with regards to the on site design that we've put together for the submission. I'd like to move on to off site mitigation unless someone has any questions specific to what I've reviewed so far. I'd like to start with Quinn St. we tried to clarify the plan as much as possible to depict the improvements that we're making. There are three handouts that pertain to the off site improvements; there is a plan and profile for Quinn St. and Draper Ave. also a summary sheet that kind of summarizes the improvements mitigation the we're proposing on both streets. Quinn St. the improvements

we're making consist of we're going to install a new waterline from Rte. 1 west along existing Quinn St. and into our site. The waterline we did meet with DPW and they had comments on where that waterline was to be installed. Our initial design had it in a new trench on north side of the road they wanted to see it go into the same trench on south side of the road and we complied with that request. We've moved waterline as they requested when that waterline goes in there will be a temporary bypass so all these homes can stay serviced. Once the waterline is in pressure test and chlorinated all the homes that exist on Quinn St. will be hooked up to that waterline. Other improvement making on Quinn St. is there is a nasty hump in the road just west of Penfield and what we depicted in color on profile portion of sheet is where we're going to cut the profile and where we're going to fill. Orange color shows where we're going to cut the fill down and green is where there is going to be fill. What that does exceeds sight distance, which would be achieved by having a vertical curb, which is in excess of 250ft. greatly improve the transition of that roadway as it approaches Penfield. Also proposing to do full width pavement of Quinn St. so that there is not a trench patch going down. We tried to summarize all the mitigation we've offered on Quinn St. There is a lot of work that we put into this to get to this point, we've done a full property survey to identify the true right of way lines of Quinn St. We've mapped the existing conditions of Quinn St., we've done ledge probes about every 100ft. to identify where the ledge is on the road. Right now the road as it exists is between 22 and 25ft. variable we'll pave that to same width. As I started out with we said we're going to put a new 12" waterline down the street to service the subdivision that will be looped into waterline on Draper. We paid a lot of attention and I've talked about this almost every occasion I've been before this board with capturing all the water on our site and diverting it away from Quinn St. to try and alleviate the amount of water that runs off our site in area. We're proposing new catch basins that will be just at our property line, which would capture the water run it back into our drainage system it is not going to go into existing drainage system on Quinn basically stay on our property. The same swale that I've talked about will basically run along this property line and divert all the water, keep all the water on our property and divert it into the wetlands, which is where it ultimately goes anyway. Those improvements pretty straightforward a lot of work has gone into this. We met with DPW on this their comments have been addressed with the location of the waterline. I'd like to move onto Draper Ave. we've tried to illustrate the improvements we're proposing by utilizing a color and some notations with the work we've compiled to date. As with Quinn when we got into the design phase of the project we found it necessary to complete a detail property survey of Draper Ave. There was no right of way plan on file with the town or the county so we basically had to go and survey the properties on both sides of Draper Ave. north and south side to identify the legal property lines. We had to go down to registry of deeds pull everyone's deed on north and south side, we had to go out and do field survey and locate state highway bounds for 295, stonewalls, fences any other property monumentation that we found. Basically we pieced together where the property line is almost like a puzzle. We found that it is variable width right of way, in front of our site approximately 40ft. but as you go west towards Allen Ave. it tapers down pretty narrow to about 30 to 33ft. We had the full mapping done of the site to create the existing conditions plan we did additional survey on site to confirm and fill in any holes from mapping survey. We also did borings and test holes where we saw the road was going to have to be cut down. One of our big concerns was where is the existing waterline we didn't want to cut the grade down over waterline so it didn't have enough cover and if that was the case we would have to relay section of waterline. We dug that hole at highest point of the road where it was going to get cut down and waterline was approximately down 8ft. so if we cut 3ft. off the road there would still be more than enough cover. We did ledge probes to identify is there is ledge in area we're

cutting. That information is shown on the plan we went down 10ft. and all ledge probes hit no refusal what so ever. We started looking at next was what do we need to do to the profile to meet ASHTO standards. ASHTO is design document that engineers follow when designing roadways, basically ASHTO is group of all the state highway transportation engineers that get together and develop design guidelines for us engineers can use to design safe roads throughout the country. Using that design document we did a profile to the existing curb to greatly improve what is out there. We did that by balancing the cut and fill. Orange is the cut shows us gutting down about 2 ½ to 3ft. the highest point, which would be right in front of our proposed entrance. Shows us filling a good portion of the site, good portion of Draper Ave. to the west of our intersection again probably about 3ft. What that achieves is stopping sight distance in excess of 500ft. to the west and 250ft. to the east. That provides as indicated on the bullet points provides a design speed for this roadway of 35MPH, which is an acceptable speed for this type of roadway. Other thing we're doing on this road is we're widening the roadway right now as it exists up at top of crest the roadway is about 16 1/2ft. wide and it's variable and at the most it gets up to 22ft. On this plan we tried to depict what was the existing pavement and what was the proposed. The existing is orange line on plan the proposed is the heavier blue line on outside of that. You can see at the top of our hill right in front of our entrance there is pretty big difference between what is existing and what is proposed as far as width. That is about the narrowest point about 16 1/2ft. and we're going to increase that to 25ft. There is an orange patch on this plan that runs basically from station 8+00 to 14+50 that is indicated again excuse me it is 6+00 that we're widening. 8+00 to 14+50 is basically where we're going to be doing the cutting and filling and then from 6+00, which is basically at westerly extent of our property to 12+50 we're going to do full width widening to 25ft. That is the width that DPW said they were looking for. To kind of recap we're going to cut a few feet off top of hill, fill few feet as it runs down, design a grade that meets ASHTO standards, get design speed of 35MPH. We're going to widen the roadway, which is about now 16 to 22ft. consistently in front of our property to 25ft. Once we get outside the extent of our property we're going to start tapering down to what exists basically at the driveway for the medical facility and we're going to also match into the pavement just west of our property line about 40ft. west of our property line. The other thing that we looked at was the feasibility of putting sidewalks on Draper Ave. What we found after we had all our mapping done, all our property line survey done we had this road redesigned and regraded is that there was not enough right of way to make a sidewalk connection from Allen Ave. all the way out to existing sidewalk on Norton Rd. What we saw was a problem and we listed those bullet points on the handout that we gave you. There are a few restrictions we list them with numbers 1 through 3; at westerly side of our site there are wetlands which have been delineated by our biologist and went to conservation they agreed with that delineation. It basically runs along north side of Draper Ave. There is also wetlands based on visual inspection on south side of Draper Ave. that is located by purplish line right around word Draper Ave. There is a restriction there and the wetlands right where that elevation contour 234 is there is a restriction there where the wetlands are almost right up against where we'd be proposing widening the pavement. There is no room to put a sidewalk on north side of the street. As you get onto south side in this area not only do you have the wetlands but you don't have the right of way and that actually continues to exist to the west there is just not enough right of way to put a sidewalk in. As we move to the east this is the area where the road kind of goes through a pretty deep ravine and the significant grade change from the abutting properties to where the road is. For example right where the 2 is the elevation of the abutting property is at 240 but the grade of the road is actually 234 so there is a 6ft. grade change from where the road sits to where the abutting properties sit

above. The slope as it already exists is probably around the 2 to 1 if not steeper so if we were to try and build a sidewalk in there you'd have to do takings to build the sidewalk and grade onto the abutting properties. Between the steep slopes and the deep cut that currently exists on the east side, the wetlands and narrow right of way on the west side we don't see there is room to put sidewalks along Draper Ave. and connect down to Norton Rd. The other thing I want to point out and I didn't touch on and this is something we did at the very beginning of this project; both the planning board and DPW asked us if we would consider donating 10ft. of land to the town for future right of way improvements. We agreed to do that and it is shown on the definitive plan but again that is something will help the town to get to their goal of having sidewalks on Draper Ave. because there will be plenty of right of way in front of the site to do that. As you get away from the site there are physical and legal restrictions that are in it's way and it can't be done without taking of property by the town. That is the mitigation package that we're proposing we've spent a lot of time trying to come up with this plan, which we feel is a significant improvement over what is there today. We tried to illustrate that through the handouts as best as possible and at this time I have nothing else to present. If the board would like to ask me some questions of the work we've done be more than happy to answer them at this time.

Mr. Houle, The cut out you're going to come down 2ft. approximately?

Mr. Bradley, The greatest cut, which was right in front of the entrance we're cutting down just about 2ft.

Mr. Houle, Did you look at bringing that down any further?

Mr. Bradley, We did I'm sure everyone would love to see the top just taking right off. The problem we have is you have homes that have driveways. The driveway right across our entrance is basically u-shaped and to drop that any further we basically block them out of their home the town would basically have to condemn their home. Same things exist in other area these houses are pretty close to the street one house is only about 36ft. above the right of way line. We worked very hard when we were doing this fill we working hard to balance the grading so that the person could still get in their driveway. There is a bigger driveway the house is set back further but again we grade it up to the property line you can see where you have these heavy contour lines we're grading right up to the property line we don't have the right nor can we go any further. If you could that down more you would essentially have to condemn that home because they wouldn't be able to get into their driveway, wouldn't be able to get access to the lot because you would cut it down so much.

Mr. Payson, What is the distance between the...(inaudible) and the layout?

Mr. Bradley, On that house it is about 45ft. and we're cutting it down 2ft. The grade in front of that house as it exists today is at 253. We're proposing a grade at 251.2.

Mr. Payson, 2ft. is that a lot of depth?

Mr. Bradley, It is not a lot but as I said we don't have the right to go in there and grade his property so what we're doing is we're trying to match in as best as possible. 2ft. is not a lot and I think that is still acceptable if you started going down say 4ft. it might be too much a driveway this short you wouldn't want to be any steeper than 5%. You can do some 12% driveways when you have a longer run and there is more room for them to transition off the street and into their garage. This person doesn't have a garage it is u-shape driveway and the way it's designed in my opinion you don't want that to be much deeper than about 4 or 5%.

Mr. Payson, The ledge probes are 10ft.?

Mr. Bradley, We went down 10ft. and didn't hit any ledge.

Mr. Payson, You're going to cut between 2 1/2ft. of the roadway to 3ft.?

Mr. Bradley, The scaling at the most we're really cutting it, which is in front of our entrance station 11+ 50 is 2ft. and then we're bringing the road up to the west of our entrance about 2 1/2ft. Combination of the two of those by pulling one end down and another end up gets you that vertical curve and the design speed of 35MPH.

Mr. Houle, What is the total distance between that?

Mr. Bradley, The total distance from the end of the fill to end of the cut is about 650ft.

Mr. Payson, The concern is that both of these streets are sub-standard width, sub-standard in many areas especially with no sidewalks. Our regs. call for minimum of 26ft. of width with 40ft. layout. What have you got for layout there? Was that a 33ft. layout?

Mr. Bradley, No our original thought when we started this was maybe two rod road 33ft. It really varies greatly down at west end you are only about 30ft., which is pretty much where our westerly property line is. As you get in front of our site you up around 40ft. at our easterly property line you're about 35ft. to the west of the driveway for the medical building you're right around 36ft. It is really all over the place from our records doing our survey we find no formal layout that was ever done for Draper Ave.

Mr. Payson, Public works is satisfied with those widths?

Mr. Bradley, We had numerous meetings with Gene Allen and 25ft. was the width that he said would be acceptable.

Mrs. Marchitto, Where you have the 3ft. fill how does that effect the driveways on the southerly side?

Mr. Bradley, Something we spent a lot of time looking at there is fill that is going to be placed within the right of way in front of that home, which is lot#2. There will be little bit of fill placed within the right of way at driveway entrance. When we're out there doing construction we're going to have to blend their driveway back in but it won't block their access we designed it to make sure that it wouldn't do that.

Mr. Payson, What is the value of the mitigation package?

Andy Kushner, We haven't done it we can come up with it but we haven't done a formal estimate of the value.

Mr. Cerrone, I'd like to see the value. You did a profile all the way down to Norton Rd. and up on the road?

Mr. Bradley, There is existing profile that goes down as far as the existing entrance.

Mr. Cerrone, You didn't do up to Norton Rd.?

Mr. Bradley, No this was the steepest section and starts flattened out.

Mr. Payson, For safety sake.

Mr. Cerrone, You should do the whole thing look at the whole profile for Norton Rd., where Pride Ford left off for sidewalks.

Mr. Manoogian, We have that we'll include that in the value.

Mr. Payson, I think that it is kind of sad this can't be accomplished because we worked very diligently all the way from EXXON to Pride Ford for mitigation to give that Draper Ave. something that it needed was widening and sidewalks. Now we're not going to do that with 50 houses up there that are going down that hill. I think we still have to work a little bit on that somewhere, somehow. In conjunction either in a partnership with the town or town has rights for eminent domain.

Mr. Manoogian, As part of our overall value package we'll be making some proposal and maybe the town could.

Mr. Payson, I think it could be a partnership there to do the job right. I don't feel that right now Draper Ave. is right at all. If we can't go and build a road in this town at least minimum of

26ft., which is our standards and sidewalks for pedestrian traffic something is wrong that is how I look at it.

Mr. Manoogian, We're willing to work with you obviously we have some constraints that we can't take private property.

Mr. Payson, I understand that but you can get some good faith effort in trying to work with the town and public works that is their road. They should be more than willing to help.

Mr. Manoogian, What would hope but have you heard back from public works as to their position?

Mr. Payson, No.

Mr. Manoogian, What we raised last time they were asking us to come out the other way.

Mr. Payson, I don't know what that was all about that was out of the blue.

Mr. Manoogian, We still feel this is the safest.

Mr. Payson, We do too the planning board feels that coming out there and Hemlock.

Mr. Manoogian, Coming out Hemlock we're still exacerbating they're still going into an inferior roadway. This way we eliminate some of the inferiority and we think most people are going down towards the Rte.1 side anyhow.

Mr. Cerrone, This road gets a lot of traffic it's a cut through for west side of town.

Mr. Manoogian, We recognize our obligation to make it as safe as we can within our constraints we're more than happy to work with you.

Mr. Cerrone, We're on the right track.

Mr. Payson, I think the board is in concert with what this plan is.

Michael Moloney- 253 Draper Ave., As you widen this we live right where the road gets narrow next to the Holmes Farm. 35MPH is relative I don't know what South Washington St. is for example. For me to cross the street now is an olympic event I practically get killed. What you're doing by opening this up and narrowing it down is dangerous the speeds will increase and it narrows down.

Mr. Manoogian, Just keep in mind that 35MPH we quoted was it could be safe up to that speed. We're not advocating that it be posted with that. The town would have to set the speed. From an engineering standpoint we're saying up to 35MPH would be safe but we're not advocating that it be set at that.

Mr. Moloney, We have families living here, we have dogs and kids and right now over this hill it is like the Dukes of Hazard cars take off. It is dangerous now so when you open it up the kids will go faster, and people at the narrow end are going to get caught in the squeeze.

Mr. Bradley, That is very good point and one of the things I believe was at our last meeting the planning board had raised a concern or request to look at some traffic calming.

Mr. Moloney, Traffic calming is what we're after.

Mr. Bradley, Once we get the consensus that this is the direction we want to go then we can start looking at that. One of the most logical and easiest things is three-way stop sign. There are things like speed tablets, which are basically big wide speed bumps. I don't know if that is something the town wants to do. We can work with the planning board to come up with traffic calmings. In our industry what we see is narrower road is much slower road, wider road you're in a very difficult situation where you have both narrow and difficult grade. Everyone realizes it needs to be improved but at the same time keep the area safe, we'll look into that.

Mr. Moloney, I would like to make a comment to Mr. Payson we're all interested in sidewalks but frankly where I live if we were to have sidewalks people would be walking in my front room. There really isn't any room in some of those houses.

Mr. Payson, There are stonewalls that can't be built to prevent intrusion.

Mr. Moloney, We're very close to the road as it is now.

Mr. Manoogian, That is one of the constraints we noted that we're pretty much powerless we will be working with the planning board.

Mr. Bradley, Right where your home is we're not proposing to widen pavement any more than few inches. Where your home is actually we're going to blend back into existing grade so you wouldn't see your pavement grow by 5ft. at all if anything that is where we would be ending our cut and match. Basically at end of west side of your driveway is right where our match would end.

Mr. Payson, We haven't seen any plans at all I think we're not up to speed either a plan that all of these things have been debated about. We'd like to see a plan of it. It would be helpful if you would stake that out at least down the hill.

Mr. Bradley, Sure stake the right of way.

Mr. Cerrone, Pavement edge.

Mr. Payson, The layout if the properties aren't bounded maybe where that is. I don't say you put every 10ft.

Mr. Bradley, We can put some stakes up there to mark it.

Kurt Chretien-171 Draper Ave., The orange section where you're going to cut it down. Once you cut that down and widen it how do you plan on maintaining the existing properties? Are you going to put natural walls there or grade it back?

Mr. Bradley, We're going to grade it back to right of way line and then come back loom and seed.

Mr. Chretien, Where my property is it is more than 45-degree angle now. To grade it back how far would you be into my property?

Mr. Bradley, You have a stonewall along your property so basically at the street side of the stonewall we would take that grade down and pretty much match what you have in front of your neighbor's property where it drops down to 2 to 1.

Mr. Chretien, Where the stonewall is we're probably talking maybe 10ft. off the roadway at 45 degree angle if you come down under 2ft. what type of angle are we talking about?

Mr. Bradley, That is about at the 2 to 1 not exactly 45 our mapping. I can see on east side of your property there is pretty substantial drop, on west side it's not as bad. We take from the street side of the stonewall and cut that down at 2 to 1 and blend right in.

Mr. Manoogian, When we develop the more detail plans and final plans we could do cross section to show you exactly what will happen.

Mr. Bradley, We can do a cross section at 13+50 to show how it would look.

Mr. Manoogian, I think when we get into the more detailed drawings before we seek the board's approval we'll give a detail sketch and go over it with Mr. Chretien so he knows what he's going to get.

Mr. Payson, I sat in a little bit on the workshop. My question was have you been to the neighbors to see if they would trade off a safe road with sidewalks verses some land taking, a gift of land? Maybe the residence would want a decent road with a sidewalk and maybe they would give 4 or 5ft. of land to do that. That is my suggestion.

Mr. Manoogian, Are you talking just on the area we have?

Mr. Payson, Wherever you can south side that road can move one way or the other.

Mr. Manoogian, We will send out letters to those neighbors.

Mr. Payson, What we're striving for is not a patch job on Draper Ave. we want a decent road that can handle the traffic. They're still building off of Allen Ave. they come Draper Ave. it is not only your traffic. Right now it's no the south side, more interested on the east side at this point in time. You have a problem on the west side and that will have to be dealt with.

Mr. Cerrone, All of Allen Ave. Dave because you guys did two Form A's down there didn't want to give us easements for sidewalks when we asked the planning board asked.

Mr. Bradley, When we did the Form A's we gave 10ft. on Allen Ave.

Mrs. Marchitto, On Allen but not on Draper.

Mr. Bradley, The problem on Draper was there was a lot on the corner that we didn't control.

Mr. Cerrone, If we had yours we could probably do something with the other lot you guys didn't want to do it.

Mr. Manoogian, We'll send out inquiries.

Mr. Payson, Your side is not a problem there are a couple houses there I would like.

Mr. Sweet, People have to realize this is going to be a major thoroughfare especially if the Hassota's property and Cumberland Farm property is developed the 300 plus acres. That whole strip is going to feed down through that one avenue and across that street to get to Rte. 1. Fifty some homes are the issue today but in year or three more years from now you're going to see a lot more traffic coming down the street.

Mr. Manoogian, I'll send out a simply questionnaire to the neighbors saying check off we'll give them a self stamped envelope saying would you be willing to give a portion of your property for sidewalks yes or no in the frontage. Hopefully we'll get some barometer who is in favor and who isn't.

Mrs. Marchitto, I think these neighbors in front can attest that is already happening Chris. I think they've seen the increase of traffic.

Claudia Moloney, I would definitely give up sidewalks if I had the land. When my children were young they would walk on Draper, go to the Mall and it was always terrifying. I can't imagine now what it would be like if I had little ones walking on that street. I would gladly have given up but I don't have the land I don't know how big our front yard is 18ft. maybe. We're right on the road.

Mr. Manoogian, Even if we did it and it stopped at least there is maybe only a 40ft. or 50ft. gap chances of anyone getting hurt walking there then they can transition to another sidewalk down the line. We'll look into it.

Ms. Moloney, You hold your breath when you see any child riding a bike or walking on Draper and I have for over 11 years.

Mr. Payson, It's tough.

Mr. Houle, Especially with the bus going over the hill and it stops I've seen kids that have to kind of dot out of the way.

Ms. Moloney, You jump into the side.

Mr. Manoogian, Mr. Chairman, members of the board just a quick question. From a consensus standpoint with the other work we're going to be doing obviously are we on the right track?

Mr. Payson and Mr. Cerrone, Yes.

Mrs. Marchitto, I just wanted to comment the reason I think part of the board didn't want the access where the road is coming in line because of the difficulty at this time. Especially in wintertime when you have school buses you have to stop and there is a sign now that says, "no trucks". I'm sure you see it and I can attest too it the trucks still come and I myself when you get that hill and see an 18 wheelers there is no place to go. The street coming out there is the visibility and the access to see because it is already difficult for two cars at this time a car and truck vehicle to pass at crest there. That is one of the reasons why they brought it down and widened that area.

Mr. Payson, John do you have a comment?

John Lavin, No we had two workshops one in January and one this week. Probably what I would ask is you're making corrections to the roadway we'll get a copy of the plans after you

make those corrections. The last comment letter I think the ball was in your court it was 12/10 if we get that. The major discussions were soils and stormwater besides the traffic, which are really the issues. Once you have finished those pass them along and we'll try and get further along.

Mr. Payson, You have a due date of 3/31/07 is that going to be realistic? Handle on that now because it comes up pretty quick.

Mr. Manoogian, When would you like us to come back and what time do you need?

Mr. Bradley, The only thing we have to really do for the plans is the yard drains we have everything else done.

Mr. Manoogian, I think they wanted to stake easements.

Mr. Cerrone, We're not going to approve the subdivision without the road.

Mr. Payson, I don't think we're going to meet until 3/29.

Mr. Sweet, 3/22 is next meeting.

Mr. Manoogian, Why don't I give you an extension until the end of April.

Mr. Payson, I don't want to get too close when we get bogged down.

Mr. Kushner, We'll get the plans to the rest of the board in next week in or two. Develop up the corrections as well as comment response to John. We'll send out letters to the neighbors in next week or so and get those back hopefully a week or two later. At the end of March we should have included all site improvements to the plans and gotten feedback from the neighbors.

Mr. Payson, I think we'll have some more comments from public work also.

Mr. Cerrone, Can we get copy of letter you send out to the neighbors also?

Mr. Manoogian, Yes I'll send you copies of everything we send to the neighbors so you'll have and give you copies of all the responses so you know what is going on. Mr. Chairman I would ask that the time you have in which you have to act be extended through including April 30, 2007. Then if we can set another date around the end of this month or first week in April just to review the status.

Mr. Payson, We can do the 29<sup>th</sup>.

Mr. Sweet, We have the 22<sup>nd</sup>. scheduled.

Mrs. Marchitto, I believe we may not have a full board so we shouldn't schedule a public hearing on the 22<sup>nd</sup>. Why don't we do 3/29/07 at 7:00 P.M. Make a motion to accept extension until April 30, 2007 for Cobblestone, seconded by Dick Houle.

Mr. Payson, Hearing no further discussion all in favor 5 to 0.

Mrs. Marchitto, Make a motion to continue the public hearing until March 29, 2007 at 7:00 P.M., seconded by Donald Cerrone.

Mr. Payson, Hearing no further discussion all in favor 5 to 0. The next meeting will be on 3/29/07 at 7:00 P.M. We never got to Quinn St.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, MARCH 1, 2007

Requests for Bond Reductions/Releases;

1) Request of Raymond Loughlin to reduce L.O.C. for Henry Riordan Extension.

- 2) Request of Raymond Loughlin to adjust bond amount set for Thomas Doolin Circle.
  - 3) Request of Raymond Loughlin for final release of L.O.C. and street acceptances for Charles Barth Drive, Leo Ringuette Circle and Henry Riordan Way;
- Mr. Payson, Have a bond reduction. John do you have bond reduction for Ray Loughlin?  
Mr. Lavin, He's not coming.

NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING  
THURSDAY, MARCH 1, 2007

Raymond Payson left the table at 7:58 P.M.

8:00 P.M. – Continuation of the public hearing for the definitive subdivision to be entitled Corliss Landing ( Note: Final action due 2/9/07);

Nick Facendola-Level Design, Requesting from the board if any correspondence came in that you've read into the meeting minutes and provide a copy to us. Anything new that we haven't gotten yet.

Mr. Lavin, The letter Tuesday I just looked at is this afternoon so I didn't get a full comment on that. I pretty much did the other comments what I do is it's kind of draft and you could probably pick them up tomorrow. I also recommended it kind of gets disjointed with the new plans and stormwater. I was going to suggest if we could meet one more time to kind of getting closer to resolving issues either way. With the removal of that it is just like the stormwater didn't follow through it is kind of different but it's the same. There are other issues we could probably resolve either way because there is kind of some imbuedity in the sense from the correspondances. I'll just come up with a straightforward recommendation because it's been going back and forth.

Mrs. Marchitto, I have Dan's traffic report we got that today. We have the 20<sup>th</sup>. from Dan we're waiting from Mike Stankovich letter from DPW last one we had was 2/06.

Mr. Facendola, Because of the DPW's issue we'd obviously like to continue. Submitting letter requesting the continuance from Dan.

Mrs. Marchitto, You want a continuance until 3/22 extension date to 3/26.

Mr. Houle, Make a motion we accept the extension on Corliss Landing until 3/26/07.

Mr. Sweet, We have meeting on 22<sup>nd</sup>. and 29<sup>th</sup>. now?

Mrs. Marchitto, Yes we do. Thursday the 5<sup>th</sup> is Holy Thursday so I assumed we weren't going to meet that Thursday. We're not meeting on the 16<sup>th</sup>. and Thursday the 8<sup>th</sup>. of March or March 15<sup>th</sup>. I think we should have two meetings 3/22 our chairman most likely won't be here but we can have a meeting with us four to do what business or any site plans or any Form A's that come in that doesn't require a whole board public hearing. The I did schedule Cobblestone on the 29<sup>th</sup>. because the following week is Holy Week so I figured there are a lot of people that have scheduling.

Mr. Houle, We have a motion on the floor do we have a second?

Mr. Cerrone, Second for extension.

Mrs. Marchitto, 7:00 P.M. All in favor for the extension 4 to 0. We'll continue until 3/22/07 at 7:00 P.M.

Mr. Facendola, I'll coordinate with John we'll set up something for sometime next week.

Mr. Cerrone, Make motion for continuation of the hearing until 3/22/07 at 7:00 P.M., seconded by Dick Houle.

Mrs. Marchitto, All in favor 4 to 0.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, MARCH 1, 2007

Raymond Payson returned at 8:07 P.M.

Mr. Payson, Ray Loughlin isn't here so we'll postpone him.

Other Business:

1) Site Plan: Boch Attleboro, LLC ( Tilton & Associates) Action due 4/9/07;

Larry Tilton-Tilton Associates, Myself and Glen Ofcarcik will be representing Boch Toyota for minor site plan modification.

Mrs. Marchitto, Reading in notice.

Mr. Tilton, I have Mike Clemmy with me tonight representing Boch Toyota. Because we are overlaying onto a previously approved site plan done by Whalen Engineering we thought it was appropriate to call them and received permission to use their plan. We overlayed onto received an original copy of granting permission to Tilton Associates to do this we have it for your file. Whether it is deeded or not it is just a question that we don't like to have on the table. There are three short minor modifications we aren't 100% sure we need to be here but we didn't want to have any questions. One of them we're going to take a hit for because it is already done and we thought it only appropriate was brought to our attention a few weeks ago. That minor modification is the connection between Boch Toyota site existing and the old carpet center. The locus is the old carpet center building that has since been bought by Boch Toyota they went ahead and connected the two sites. Quite honestly if we had come the other way or done two site plans we've always been asked by the board is there anyway to connect parking lots. This case they jumped the gun and did it so I'm asking for forgiveness and permission at the same time for that one. Second minor modification that we're looking to do is at present entrance there isn't a gate we'd like permission to close that gate and deny access temporarily for that site so that the internal traffic with all be through the main Boch Toyota site driveways that we have further up station. Further change we're asking to do is to take out some plate glass that is existing in the building and put an overhead door. The overhead door is to house the new Toyota trucks the full size trucks that are coming in there is a piece of equipment that is huge for alignment they're looking to put this in the building. You also know we have been before you with a workshop temporarily that we're going to raise this building eventually and go in through the proper permitting process and put a new facility in place of this. This is all kind of temporarily modification to use the building. The last one is to take the existing pylon sign that is there and bollots that are there and changed the signage out both on the pylon and on the building to Boch Toyota.

Mr. Payson, Is the sign going or staying?

Mr. Tilton, It is staying we just want to change the face out it's no longer the carpet center it is Boch Toyota. The pylon was not shown on the original approved site plan we added that.

That is pretty much why we called it a minor modification.

Mr. Payson, Is the gate going to stay?

Mr. Tilton, The gate is going to stay in place we want permission to close it so that site doesn't have access from traffic coming on and off Rte. 1.

Mr. Payson, You're still going to be able to come in here to the gate? I think if you're going to close it up the gate should go.

Mrs. Marchitto, You're saying from safety that people drive in all of sudden and stop immediately?

Mr. Tilton, We can ask the applicant you want to be able to use the gate?

Mike Clemmy-Boch Toyota, This is slight modification until we do the major plan but that curb cut opening is for that lot, a fire truck and for safety. Right now I have a gate locked I don't want my customers going down there because we can't control them I want them coming into main building. If ever case of an emergency, snow plowing, fire trucks, curb cut the gate is locked and we can keep it locked and fire dept. can have a key. I've been talking to the fire dept., seen the building we'd just like to keep it open until we come in six months with a new plan.

Mr. Payson, I don't want you to lose your curb cut opening.

Mr. Clemmy, There are seven curb cuts there and we plan to come back probably like four curb cuts on the whole property.

Mrs. Marchitto, Could the gate be closer maybe to the road?

Mr. Payson, Can you put something else there closer?

Mr. Tilton, So cars don't pull in and then back out?

Mrs. Marchitto, That is our concern cars coming on Rte. 1 and pulling in and then have to back out?

Mr. Clemmy, We can do some signage with Larry.

Mr. Tilton, We can do something there so they don't duck in here and then say we can't then back out into traffic. We'll come up with something for public safety.

Mr. Cerrone, These all separate lots?

Mr. Tilton, Yes right now they're connected similar to other sites that we've been asked to connect the sites. I apologize they just went ahead and did it.

Mr. Cerrone, By doing separate lots how many signs are you going to have there? How many Boch signs half dozen on Rte. 1?

Mr. Tilton, We just want to be able to take the first pylon.

Mr. Payson, Is this building going to be used for display cars also?

Mr. Clemmy, No absolutely not.

Mr. Payson, I'm going in different direction of lighting.

Mr. Clemmy, We want to have the main focus on the current facility right now. It will be used for some storage and files and this new front-end rack you can't fit this rack in our current building with ceiling height. We don't want any customers down there we want them all at the building.

Mr. Payson, I think that has to be a condition you're not geared up for a lot.

Mr. Clemmy, We know we can't put automobiles on the grass.

Mr. Payson, I'm talking about you don't have the lighting you don't have anything that goes along with it.

Mr. Tilton, They want to be able to put that new truck unit in there.

Mr. Payson, That's okay as long as it's not going to be sales lot.

Mr. Cerrone, That is why they're going to have the sign.

Mr. Payson, I'm saying the site plan there are a lot of other things that go along with a site plan.

Mr. Cerrone, That's right that's why I'm asking about the signs.

Mr. Clemmy, All the activity will be taken place in the main building at 620 South Washington St. There will be nothing up there but employees, we don't want any activity up there. We'll use it as least as possible want all the activity down low. I need to have this building for now once I'm going to have to take it out in six months come before the board hopefully five months we'll knock the building down. We don't want to get too use to using the building and then have to come back out in six months we have to knock it down. It will be used very limited for files, storage and this front end rack.

Mr. Payson, You can use it for anything you want as long as it complies with the zoning by-law but it's not going to be a car lot.

Mr. Cerrone, Showroom.

Mr. Clemmy, It will not be.

Mr. Cerrone, Will not be a showroom.

Mr. Tilton, That is not the intent.

Mr. Payson, We want to put condition on that it's used for accessory use.

Mr. Tilton, That's fine.

Mr. Payson, I'll entertain a motion for approval or.

Mr. Sweet, Make a motion that we approve as submitted.

Mrs. Marchitto, Second for discussions.

Mr. Houle, No conditions?

Mr. Payson, I'd like to see a condition it's used for ...(inaudible) use of the complex not going to be used for car lot for sales of cars.

Mr. Tilton, It's not to be used as a showroom?

Mr. Payson, Right.

Mr. Cerrone, For repair?

Mr. Tilton, There is an alignment rack that is allowed. They don't want to put a lot of funds inside this because the building inspector is going to be involved because we are filing the plan to take it down anyway the big truck is on it's way.

Mr. Payson, Hearing no further discussion moved and seconded all in favor 5 to 0 with that condition.

2) Form A; North Attleboro Marketplace ( Tilton & Associates) Action due: 3/16/07;

John Jacobi-attorney, Represent Carpinato properties.

Mr. Cerrone, We made an agreement with Mr. Carpinato when this land was rezoned about ten years ago.

Mr. Jacobi, It was rezoned in 94.

Mr. Cerrone, There was an agreement made that there would be no tax abatement on this site after occupancy permit for five years. You have the town in court with you. How do you expect me to act on this when you're challenging the town on tax abatement? As far as I'm concerned I'd like to have some legal council we can vote on this. I'm not going to vote on it when he's got the town in court and he's asking us to do this now.

Mr. Payson, There is a town by-law somewhere.

Mr. Cerrone, He's filing for abatement with the assessors. They've been to court back and forth the town is spending a lot of money our tax money to fight these people. They made an agreement in 94 they broke it; they're trying to get around it now we're going to give them everything. Why don't we sell the store to them?

Mr. Jacobi, Can I address that? The agreement that was made in 1994 is recorded in registry of deeds says that there will be no tax abatement for five years as I read it on the land.

Mr. Cerrone, No I'll get you the minutes in is right in there.

Mr. Jacobi, I've looked at that document extensively and then what it says is as each store opens up they won't be an abatement request for five years from the occupancy permit that is the way we read it. The town board of assessors reads it that there is no abatement at all until the last store is finished and then five years. We have asked the superior court to tell us which one of us is right or wrong and the tax abatement case has been put off until October I believe it is so the superior court can decide which of those two things is correct. We think that the underlying land is subject because that five years ran out in 99.

Mr. Cerrone, I'm the only member left from that zoning article. There were four other members and they're not here now that is why I'm bringing it up if I was gone these people wouldn't know. The agreement was I was the one who pushed it because at the same New England Development same town meeting was you guys Carpianto and New England Development. New England Development never got rezoned because they didn't want to agree to the five-year tax thing where Target is now. We said when you get your occupancy permit for the building the five-year starts not when the land got rezoned.

Mr. Jacobi, We have not asked for any of the buildings assessment to be challenged. Everyone of the buildings is off the table it is only the underlying land value, which we believe started in 94 and ran out in 99. The superior court will tell us which one of those two things is correct because otherwise we couldn't challenge the value of the land until the five years after the last building was built, which actually hasn't occurred yet because there is one more to go. That would mean the value of the land from 1994 until 2020 couldn't be challenged that is the issue that is before superior court.

Mr. Cerrone, I know they told me they have you guys in court.

Mr. Jacobi, It is only the land that we have said and Bob Bliss correctly pointed out he said, "there is an ambiguity in the document that is recorded as to whether there is a difference between the land and the buildings". So actually he filed the action in superior court asking the court to tell us what it meant and we have asked the tax board to defer the matter and they have kept deferring it. They recently just deferred it from January until October to let the superior court decide whether Bob is right or we're right. We have not challenged any building in this entire development value not one blessed square foot of any building. We have said that we think that the land itself that underlies it is over valued and that is what is before the tax board they will not act until superior court tells us what the document means that was recorded. That doesn't effect what we're doing here because all we're asking to do here tonight in the Form A is to take piece of land and move it from Marketplace II to Marketplace without a roman numeral that is all we're doing here.

John Kokot-Carpinato Properties, I also I could be wrong and I apologize if I am wrong I think that the tax abatement on the five years was not covered in the Wal-Mart zoning.

Mr. Cerrone, You're right.

Mr. Kokot, This is only on the Wal-Mart side it's not in the area that was covered with the five years.

Mr. Cerrone, You're right about that John.

Mr. Jacobi, All that we're doing is taking 9-acres of undeveloped land from Marketplace II and asking to add it to the Wal-Mart development.

Mr. Cerrone, That makes a difference in value?

Mr. Houle, The land value certainly.

Mr. Cerrone, You're playing games juggling the numbers, the land.

Mr. Jacobi, No we're not what we're trying to do is to expand the Wal-Mart by 67,000sq.ft. 2/3rds. of which would be in North Attleboro and you'll get the taxes from.

Mr. Payson, Where is the zone line? Where is the Attleboro line? This land is in Attleboro?

Mr. Jacobi, That is correct.

Mr. Payson, How can we Form A Attleboro?

Mr. Jacobi, It has to go through both planning boards. We were in front of the planning board in Attleboro Monday night and they approved it and they have signed the mylar, which we have here tonight. Because it's being added to landed in North Attleboro.

Mr. Payson, How can you give North Attleboro land that belongs to Attleboro?

Mr. Jacobi, We're not giving it to North Attleboro.

Mr. Payson, It's a use.

Mr. Cerrone, He just wants to use it.

Mr. Jacobi, What we're doing is taking the land and dividing it off from legal entity and putting it on other legal entity we're just adding from there to here. The town line stays the same and then the next thing we're going to ask is to move the building so it expands back.

Mr. Payson, I've never seen one of these.

Mr. Jacobi, It's just because it is being added to a lot it has no frontage.

Mr. Payson, It's in City of Attleboro.

Mr. Jacobi, That is right but in order to divide this it has to be added to other because it can't be a separate lawful lot. It has to be added to use the frontage and so it has to go before both towns because the North Attleboro Marketplace LLC is going to acquire this from North Attleboro Marketplace to LLC.

Mr. Payson, Do we have anything from City of Attleboro?

Mr. Jacobi, Yes we have the plan signed.

Mr. Sweet, No statement, no letter, no communication?

Mr. Jacobi, We have Form A signed by them.

Mrs. Marchitto, I saw Gary last night and he didn't say anything.

Mr. Payson, They have every right to do anything they want.

Mr. Jacobi, Plan has signature from chairman of Attleboro Planning Board John Camara.

Mr. Houle, There is only one signature?

Mr. Jacobi, Yes only the chairman signs it on a Form A not required to be signed by all the members you can but you don't have too. Because this lot cannot be a lawful lot all by itself it has to be conveyed to the owner in order to go through the From A process that is the reason for it.

Mr. Cerrone, I would like to have some legal council on this.

Mrs. Marchitto, Yes.

Mr. Houle, We have a couple questions with all due respect nothing against what you're doing here but I think there is enough questions that I'm not going to vote on this tonight. I'd like to hear from Roger Ferris our town council.

Mrs. Marchitto, Asking where strip of land is.

Mr. Cerrone, It's Attleboro the zone line.

Mr. Jacobi, You have roadway that comes up along the gas line and then if you go left you go over towards Lowes and Circuit City and Dicks if you go right you go into Wal-Mart. This is 9-acres of dead land that sits in back that is undeveloped and has never been developed.

Mr. Payson, I think we're uncomfortable I don't know if there is by-law that says if you a suit against the town you can't have a permit I don't know how far that goes.

Mr. Jacobi, That couldn't possibly be true that if you have a lawsuit against the town you can't ask the town for a special permit.

Mr. Payson, It says permit.

Mr. Cerrone, I'm not sure on that.

Mr. Kokot, Once again Mr. Cerrone raised the point about improving the value of the land, of land that is being added is all in Attleboro. We're not taking anything from the second zoning, which is where the tax issue comes to put it in the first zoning.

Mr. Jacobi, This land you don't tax.

Mr. Kokot, Whether the value is improved or not doesn't effect that tax situation.

Mr. Cerrone, I still want to get town council if we can vote on it.

Mr. Kokot, Understand I have no problem it is a tricky one I agree.

Mr. Cerrone, I think Ray is right on one thing there is a by-law in town I think.

Mr. Payson, I know it's on taxes if you owe taxes.

Mr. Jacobi, All the taxes are paid in full.

Mr. Cerrone, Yes you're just trying to get abatement.

Mr. Houle, I'm going to agree with that.

Mrs. Marchitto, We don't have a town planner at this time you're not the only one coming up with these tough unusual questions.

Mr. Jacobi, If you don't mind I can call Roger tomorrow.

Mrs. Marchitto, We can call him too.

Mr. Jacobi, You call him and tell him to expect a call but I'll call Roger I'll meet with him and show him this stuff so that he can give you an opinion.

Mr. Payson, I think if we have something from him.

Mr. Jacobi, You'll send him a letter.

Mrs. Marchitto, No our request to him is a letter.

Mr. Jacobi, I'll just give him a call and tell him if I can meet with him someday next week I'll show him what he needs to see of what our plans are.

Mr. Kokot, Mr. Tilton was just pointing out to me I think the Lowe's property is the same situation they have some land in Attleboro that is part of the lot in North Attleboro. This has been through before with the Lowe's. I'll be glad to defer so you can check with your council but I think there is already a precedent there for doing this.

Mr. Payson, We did this once before at Lowe's?

Mr. Cerrone, Yes there was a piece in back that went to Old Post Rd. near the houses.

Mrs. Marchitto, When do you think that occurred so I can look up the date?

Mr. Jacobi, The Lowe's has been open for less than 5 years because we haven't asked for tax abatement on the building so I know that.

Mr. Kokot, 2002 or 2003 there is a precedent but I have no objection obviously to check in with your council.

Mr. Jacobi, Are you going to need an extension from us?

Mr. Payson, I think we're going to need one because we have a problem with getting a quorum here. We're not opposed to what you're trying to do just want to make sure it's legal.

Mrs. Marchitto, We have a full board on the 29<sup>th</sup>.

Mr. Jacobi, Want an extension until 31<sup>st</sup>. of March?

Mr. Cerrone, Yes that's fine.

3) Request of John Jacobi to discuss proposed modifications to Wal-Mart;

Mr. Jacobi, We have applied to you to expand the Wal-Mart. We filed the plans with you it shows you what is being proposed.

Mr. Kokot, Currently the Wal-Mart store is approximately 120,000sq.ft. We're proposing what I would call in layman's term site plan revision to expand additionally approximately 65,000 ft.

Mr. Sweet, Typically the only reason you expand a Wal-Mart is for a supermarket.

Mr. Kokot, 45,000 of the 65,000 is in North Attleboro and 20,000 sq.ft. would be in City of Attleboro. We've simultaneously to City of Attleboro because we have to rezone the Attleboro

land. I think we're scheduled for hearing on April 17<sup>th</sup>. for that. In the past we've come before the board to add additional square footage at north end of the site where Allen Ave. and have asked the board would consider that to the subdivision thing.

Mr. Jacobi, You granted special permit #111 to allow the Wal-Mart to be built back in 1995. We're asking for an amendment similar to the amendment that you did for the area to the north of Dick's as we kept developing. We're asking for an amendment to this special permit to allow the additional square footage and basically the development would have put building where the parking lot and it would fill up the parking and a portion of the building to Attleboro.

Mr. Kokot, We'll not change the access and egress this is strictly an expansion of existing Wal-Mart.

Mr. Payson, You don't think this is a modification?

Mr. Jacobi, It is a modification of the special permit back then.

Mr. Payson, Does that require a hearing?

Mr. Jacobi, That is the question for you because in the past you have not held a public hearing each time we amended.

Mr. Cerrone, Originally what did we approve for square footage on the Lowe's? What do you have now?

Mr. Jacobi, It was 176 if I remember right it's now 190.

Mr. Kokot, We're here to ask.

Mr. Cerrone, We're going to go through the process as far as I'm concerned.

Mr. Payson, I've read I think we have some precedent also on modification. If you're going through that length.

Mr. Cerrone, It is changing the whole store.

Mr. Payson, I think we should do a public hearing.

Mr. Jacobi, Okay what type of application do you need from us or is the letter?

Mr. Payson, A plan business for zoning. It's like warrant some traffic systems or whatever it is modification.

Mr. Jacobi, We thought you might say that but as long as we had to be here for the Form A we'd give you a preview and ask for you opinion.

Mr. Cerrone, You went to zoning board for variance back then did you go to zoning board for Wal-Mart?

Mr. Jacobi, Could it have been for parking space size?

Mr. Kokot, We did 9 x 18.

Mr. Jacobi, We would file an application just like filing a new one with abutter's list, filing fee and formal application.

Mr. Cerrone, Do you have to go back to zoning for anything?

Mr. Jacobi, Not that we know of.

Mr. Kokot, We're looking at that and so far we haven't found anything.

Mr. Cerrone, I'm just asking because I saw you did go to zoning before.

Mr. Kokot, That was for size of space.

Mr. Cerrone, December 94 they made a decision.

Mr. Jacobi, The parking spaces that are in North Attleboro are staying the same size. The ones being replaced in North Attleboro are moving into Attleboro so we have to ask Attleboro for some zoning board relief. You're parking spaces are not different.

Mr. Payson, I think that is the best way to go.

Mr. Cerrone, Another one the restaurant that was a tough one.

Mr. Jacobi, Again the line goes right through the building and we've held some discussions with the police and fire dept. and water and sewer.

Mr. Payson, Everybody is happy.

Mr. Jacobi, The only practical and logical thing is to have all of the services come from North Attleboro so that is what we'd end up doing.

Mr. Payson, If you get that in very quickly I don't know if we have time to advertise.

Mrs. Marchitto, We need three weeks time.

Mr. Cerrone, I think you should wait until you get a new board after the election.

2) Form A: North Attleborough Marketplace ( Tilton & Associates). Action due: 3/16/07;

Mr. Houle, Make a motion to accept extension for NA Marketplace until 3/31/07, seconded by Chris Sweet.

Mr. Payson, All in favor 5 to 0. If you get that in tomorrow.

Mr. Jacobi, Should I get an abutter's list from the assessor's office?

Mr. Payson, No if you come in and see the secretary.

Mr. Cerrone, I think he should get an updated abutter's list.

Mr. Kokot, Does Jack have your approval to talk directly talk to your attorney?

Board agrees.

Mr. Jacobi, I'll call Roger and I'll come here tomorrow.

Mr. Sweet, We should at least let Roger know before hand.

Mrs. Marchitto, Do we need to set a public hearing in a meeting?

Mr. Payson, Not on a Form A.

Mrs. Marchitto, We'll just take the Form A on the 29<sup>th</sup>. put that on the agenda.

Mr. Jacobi, If we file the application soon like tomorrow do we then have to wait for your meeting on the 22<sup>nd</sup>. to have a hearing date established?

Mr. Payson, Our next meeting is the 29<sup>th</sup>.

Mrs. Marchitto, We do have a meeting on the 22<sup>nd</sup>. but it won't be a full board.

Mr. Jacobi, Would that be enough for the board to set a public hearing date that is what I'm asking?

Mr. Payson, We need 21 days, about three weeks.

Mrs. Marchitto, Do we need to set a public hearing in a meeting?

Mr. Payson, We should.

Mr. Jacobi, Do you want to do that tonight?

Mrs. Marchitto, We don't have the application.

Mr. Jacobi, So we have to wait until your next meeting. That would mean on the 22<sup>nd</sup> you would have the application in hand you could set the meeting date?

Mrs. Marchitto, Yes it is about three weeks I think we need like two weeks for filing we need to file it twice it comes out to the 13<sup>th</sup>. almost three weeks.

Mr. Jacobi, Should I show up here on the 22<sup>nd</sup>. just to talk to you about application?

Mrs. Marchitto, Right we'll set up a hearing date.

Mr. Jacobi, The 29<sup>th</sup>. we'll be back to take care of the Form A as soon as we resolve the legal issues and then sometime in the end of April we'll probably have a public hearing.

Mr. Payson, We can't go that span we're going to have another meeting in April sometime.

Mr. Jacobi, This mylar that has already been signed by Attleboro do you want to keep that?

Mr. Payson and Mr. Cerrone, No I think Mr. Tilton should take care of that.

Board is taking 5-minute break.

4) Request of Shaun McCormack to set bond amount for additional work on Raymond Sampson Drive ( fence around detention basin); discussion on relocation of light pole;

Mr. Cerrone, Do we have anything from John?

Shaun McCormack-Stonebrook Development, Couple of things I wanted to get through first we had discussed back in October the movement of a light pole. I presented the board a sketch; the electric dept. is requesting documentation of that approval.

Mr. Payson, I think we need to take a vote. I didn't want to send a letter until we had a board meeting. I'd like to have a motion that we approved the relocation of the light.

Mr. Lavin, That was submitted it is in the file.

Mr. Payson, I can't do anything unless we voted I'm going to say it's a modification I wanted the board to vote that.

Mr. McCormack, The station is on the memo. The original design had it right next to the hydrant and we just wanted to move it across the street same illumination.

Mr. Lavin, We discussed it there is no sidewalks or hydrant on other side and it is a roadway sight distance is open it's not like there would be any trees in the way so you get the same illumination.

Mrs. Marchitto, Make a motion for Stonebrook Development LLC light post was originally designed at approximate station 475 right side of Raymond A. Sampson to be moved to approximate station 446 left hand side of Raymond A. Sampson, seconded by Dick Houle.

Mr. Payson, Hearing no further discussion all in favor 5 to 0.

Mr. McCormack, Will there be communication with the electric dept.?

Mr. Payson, Yes we'll send over to the electric dept.

Mr. McCormack, Next issue I wanted to talk about was the discussion of detention pond bond. I'd like to request I reported at last meeting that we did do some work at the exit of that detention pond, which made a large improvement on the drainage of that pond. We also have a minor modification to that outlet that was approved before. I'd like to request that we hold off putting together the bond until we evaluate that work if that is okay. I've been watching the pond since then and even tonight it's not that it's rained tremendously but there is no water it is not even near the silt fence. I know we're going to get a lot of rain supposedly tonight and tomorrow I'd like to evaluate it. I haven't had a chance to get quotes on the fence I had Linda called me to say did you get your check. I just wanted to address the board and request with the detention pond there is a bond on John C. Porter Way as well so it's not like I'm going anywhere or Stonebrook is going anywhere. I'm not against the bond if we decide we need one I'd like to evaluate the pond based on moneys that I've paid out to modify it to make it perform the way you guys want it. The way the original plans had it without the fence and I'd like to evaluate it that way instead of doing both setting the bond and doing the modification if that is okay with the board.

Mrs. Marchitto, Have you seen it since the improvements? It has gone down.

Mr. Payson, Yes but I think this time of year everything went down the water table between what is frozen and no rain.

Mr. McCormack, I would agree and that is why I said since it's going to rain and April rains that I would like to take a look at it and I'm not going anywhere John C. Porter isn't even finally paved so there is plenty of chances to get that bond set if we could do that.

Mr. Payson, We'll put it in limbo until probably April.

Mr. McCormack, I'd also like to request that the bond isn't tied to Raymond Sampson because I do have Raymond Sampson on the April warrant for town acceptance.

Mr. Payson, I looked at these the other day did they say you only needed three?

Mr. McCormack, No I have more than ten there is multiple pages.

Mr. Payson, This is for April town meeting are we going to be done by that time?

Mr. McCormack, Yes the only thing left to do on that is the inverts, cleaning of pipes and basins and some minor loom on the sidewalks.

Mr. Lavin, Even when you're building you really should I don't know if they're going to be done. You have backing of sidewalks, etc.

Mr. Payson, It has to be done with no...(inaudible) what so ever. If you're not done you might have to go to another town meeting. Have you got the lights up there?

Mr. McCormack, They're up the electric dept. needs approval for that one change I've already done all the paperwork.

Mr. Payson, Okay we can agree to that.

Mr. Lavin, Part of approval from the electric dept. of their inspections that they're all set.

Mr. McCormack, They've already been given the asbuilt and the heads up. I've given a letter to all the depts. and John Lewicki is working I believe with the water dept. now with a couple issues.

Mr. Payson, We haven't seen anything yet.

Mr. McCormack, Should I follow that around to make sure they get it to you?

Mr. Payson, Absolutely.

5) Status of construction of Beaupre Circle and Pinsonnault Lane;

Mr. Payson, I put this on he isn't here we did send him a letter. I don't know when it went out and if it is back but he's not here he should have gotten by this time. I think we have to pursue during this month I think we should delegate someone to try to contact him and find out what is going on. We want a schedule. It is March and the weather will change very soon.

Mrs. Marchitto, You want another letter to go out to him?

Mr. Payson, Yes if we don't get a response then we have to do it again.

Mr. Houle, He has that circle really clogged up with stuff too there are people living there now.

Mr. Payson, If he doesn't respond then we have to do something we warned him about it before.

6) Decision on Franklin Farms;

Mr. Cerrone, We closed the hearing so we just have to vote on it okay.

Nancy Proal, You closed the public hearing you voted on that. You have everything to be waived.

Mr. Cerrone, We just have to vote on it and give him all the waivers.

Mrs. Marchitto, Make a motion to approve the waivers requested 1 through ? listed on plan and note on Parcel A Franklin Farm Subdivision Plan 1/5/07 owner Brett Franklin and Sarah Grenila, seconded by Dick Houle.

Mr. Payson, Moved and second to approve definitive subdivision Franklin Farms hearing no further discussions all in favor 5 to 0.

Public Works Standard Specification;

Mr. Cerrone, I'd like to have one questioned answered maybe someone on the board can answer. In our package there was a letter Town of North Attleboro Public Works standard specification and detail. We have subdivision control law says rules and regulations do they mean they have rules and regulations or standard specifications? What is the difference?

Mr. Payson, A specification is if you're doing a project there are specifications it can vary from one job to another job. Rules and regulations are legislative and they have to stay they can't be changed can't do anything. It is more legislative than a specification that is how I look at it. Specification is when you go out to bid for a job you want specifications and normally it is pertaining to that particular project or whatever you want to build. Public works does have specifications for water, water pipes, sewer pipes. They also can have or equal we can't have or equal in our rules and regulations that is the difference.

Mr. Houle, Ours are more stringent?

Mr. Payson, You can deviate from them you can deviate from these specifications. Like hydrant they'll have a spec. but it can be equal may do that specification can fit different hydrants.

Mr. Cerrone, We have a lot of developers say public works specification standards.

Mr. Payson, It should be cleaned up.

Mr. Cerrone, I can see if they say rules and regulations.

Mr. Payson, They're not legislated to do that they can do it or they don't have to do it. I've looked at these specifications they're really geared toward something that is being built. I think we need to stay with our rules and regulations that is on our book it is North Attleboro Subdivision Control Rules and Regulations there isn't a front page it doesn't say specifications. We have construction standards.

7) Decision on Jill Marie Estates Definitive Subdivision;

Mr. Payson, John have you looked at all the modifications and additions?

Mr. Lavin, Majority of them working with Linda.

Mr. Payson, How many copies did you send over?

Sueann Santos, Subdivision plan I think seven.

Mr. Cerrone, Anybody draft conditions?

Mr. Payson, Yes we have them.

Ms. Langson, I was going to call and continue if we didn't get draft because it is hard to just come in and start looking at something you hadn't seen before. At last meeting we had said we were going to get draft conditions before this meeting. We got them about 3 today. My concern is that you have a different copy than we do but you're saying no.

Mrs. Marchitto, I don't think it would be that drastic we can go through it.

Mr. Payson, Two other additions one at the swale and what was toward.

Ms. Langson, Yes there is a lot of repetition here too some of the conditions are in here twice.

Mrs. Marchitto, Linda had a set and she was trying to pull in John's when she called me she said she didn't know if she had all John's yet. Hers was definitely a working draft.

Ms. Langson, I think most of them are on the plans.

Mr. Cerrone, Are we going to have all the conditions on one of the sheets of plan?

Mr. Lavin, There is less issues with contractor, etc.

Mr. Cerrone, What happens is the guy who is bidding the job said I didn't see anything I just got a set of plans. This way it's in front sheet where we all sign they can read it.

Mr. Lavin, One thing is the house lots how do you control those?

Mrs. Marchitto, I have 49 conditions.

Mr. Lavin, We have to cut out the duplicates and add a few things.

Mr. Payson, We have to vote to approve with the conditions. We can approve the plan with conditions then we can follow those. You want to read these now?

Ms. Langson, Yes we would like too.

Mr. Lavin, We can go through them see if there is some additions and subtractions.

Ms. Langson, I think we need to go through the conditions.

Mr. Lavin, You're just getting input you guys have to set your own conditions.

Ms. Langson, We can go through our comments on it if you would like. Draft of conditions dated 2/20/07. December 14<sup>th</sup>. you didn't approve it on that date. There is not one new lot it's two lots having access from Carlgate to Terrace there is nothing having access from Primrose Terrace.

Mr. Lavin, What two lots from Primrose there is one lot?

Mrs. Marchitto, They deleted in.

Mr. Cerrone, Primrose doesn't include it it's not part of the subdivision.

Mr. Lavin, So you're only approving lots 2 through 9. It is still labeled at 1 it really is not part of the subdivision.

Mr. Payson, It shouldn't be there.

Ms. Langson, Two lots from Carlgate.

Ms. Santos, There was a lot line lot 1 & 2 it is still lot 1 because the property line has been altered this is not the old property line. Because it is part of lot 2 & 3, which is part of the subdivision.

Mr. Cerrone, Lot 1 doesn't go with part of subdivision. We have lot 2, 3, 4, 5.

Ms. Santos, 6, 7, 8 and 9.

Mr. Cerrone, Those are the lot numbers that we're dealing with we're not dealing with lot 1.

Mrs. Marchitto, When you say known as John F. Mason Rd. we should put a period there and then cross and 1 new lot access that should be crossed off. Next should be John F. Mason Rd. is proposed?

Ms. Langson, Correct.

Mr. Cerrone, You can put all the lot numbers.

Ms. Langson, Right and last line in that paragraph that plans should be originally dated and then revised 2/5/07. Originally dated April 29 and then revised 2/5/07.

Mr. Cerrone, This is a 7 lot subdivision now.

Mr. Lavin, It's plan done by Hayward Boynton & Williams 178 North Main Street, Attleboro, MA, scale 1"=40', dated April 29, 2005, with revision dates through 2/5/07, subject to following conditions.

Ms. Langson, First paragraph we are looking for waiver from sidewalks on one side. It is less impervious surface.

Mr. Payson, Our policy has been no waivers are granted on any further subdivisions.

Ms. Langson, We had this discussion last time.

Mr. Payson, You mentioned it I don't think you got an answer to it.

Mr. Cerrone, How many waivers are you looking for?

Ms. Santos, One.

Mr. Cerrone, Just sidewalks we didn't vote on it last time.

Ms. Langson, No you didn't vote on anything.

Ms. Santos, We just discussed it.

Mr. Payson, What is the purpose of waiver?

Ms. Santos, If you remember we had the conversation where I believe we would get a comparable amount for sidewalk on other side to be used somewhere else in the town that conversation came up with mitigation.

Ms. Langson, It is a small subdivision.

Mr. Payson, Do we have any mitigation in here?

Ms. Santos and Mr. Lavin, No.

Ms. Langson, It is small subdivision you're concerned about impervious surface too I don't see why you would need sidewalks on both sides.

Mr. Payson, That verses safety.

Mr. Cerrone, My concern would be someday they fix Reservoir St. and they make that a through way at least the sidewalks are there already.

Mrs. Marchitto, That road is not abandoned.

Mr. Payson, You have to ear mark it, it has to go town meeting it goes to the general fund no one can tell us where it goes from there.

Mr. Cerrone, That is the problem we have right now.

Mr. Payson, There is new law of revolving funds that has to go now to the general fund. You have to go to town meeting to get it out and it's not ear marked anymore I don't know where that is going really. No one can give us an answer.

Mr. Cerrone, My thing put the sidewalks in because if that road ever gets extended to Reservoir St. 10 or 20 years down the road. You still have the layout we're keeping the layout. If they straighten out that corner something happens on all that land they can push that road right through and have two accesses in and out. Right now there is only one access the layout will be there.

Mr. Payson, We set precedence that there would be no more further waivers on sidewalks.

Ms. Langson, Okay so that's it. Paragraph two and three do we have any comments?

Mr. Lavin, You have to put a condition on the plan when you vote on it there are no sidewalks shown on both sides.

Mr. Cerrone, We'll put it on the conditions.

Mr. Lavin, It has to apply by all regulations so you have to show sidewalks. This is the latest plan and you don't have sidewalks.

Ms. Langson, Put it condition if deny the waiver just make the condition.

Mr. Lavin, You want to get the contractor to know.

Ms. Langson, You make the condition that we make the changes on plan before you endorse it.

Mrs. Marchitto, I thought it was always done by the vote and when you vote on the waivers it was denied the plan had to come back with sidewalks. First of all we've been requiring the engineers to place the sidewalks on both sides and list it if they want a waiver. In this case what we've usually have done we vote the waiver that the revised plan before endorsement has to have sidewalks on it or whatever waivers have not been voted on. It doesn't necessarily have to be a condition if it's on the plan. It should be on the plan.

Mr. Lavin, That is correct.

Mr. Houle, Why isn't there sidewalks on one side on this plan?

Mr. Payson, That is the way they presented it.

Mr. Lavin, They drew it that way. Not just this one in general they should always be required to draw it to layout, curbing whatever it is. It's not just you there are others you assume you're going to get it but it effects other things stormwater and things like that.

Ms. Santos, It is not going to effect it because it was considered.

Mr. Lavin, As impervious both sides?

Ms. Santos and Ms. Langson, Yes.

Mr. Lavin, So you did the sidewalks but didn't draw them in? ( Right.)

Mr. Cerrone, That should be picked up on the review process when you first come in if it's not on then you have to put it on. We don't want to wait until the 99<sup>th</sup>. hour when we have to vote on it.

Ms. Langson, Prior to endorsement it will be on the plan that is part of your vote. Okay with #4 and #3. #5 all easement deeds and easement areas shown on the plan shall be relabeled as municipal utility easements; why?

Mr. Lavin, Are the easements shown on the plan?

Ms. Langson, They're shown as drainage easements.

Mr. Lavin, You don't have any utility easements?

Mr. Payson, Usually it is on municipal drainage easement.

Ms. Langson, Those aren't municipal drainage easement; we're just talking about regular.

Mr. Payson, Whose is it?

Ms. Langson, The owner.

Mr. Payson, It's in the layout. Detention pond is on the lot.

Ms. Langson, It's not a municipal easement.

Mr. Payson, How about easements to get to it?

Ms. Langson, We'll get that but you're saying you want it relabeled as municipal utility easement it's not that.

Mr. Payson, It's in the layout but who owns it?

Mr. Lavin, How about the transformers easements shown all the electrical and all that?

Mr. Payson, You own it.

Ms. Langson, The town didn't take the fee in it that did they?

Mr. Payson, No the town doesn't own it but the town needs an easement to go through it you own it.

Ms. Langson, Right but what I'm saying is these are not municipal utility easements. You're going to get an easement to come onto the property for the drainage but it's not a municipal utility easement.

Mr. Payson, It has to be.

Ms. Santos, The detention pond is what we're talking about that is what we're talking about.

Mr. Payson, We need an easement for maintenance.

Mr. Lavin, Take out the word utility on the detention pond.

Ms. Langson, Yes and that's later on in here in the decision.

Mr. Payson, But you have a municipal utility in this layout that you own the property.

Ms. Langson, Right but it says all easement deeds and easement areas shown on the plan shall be relabeled as municipal utility easements. Not all the easement deeds and easement areas shown on the plan are municipal utility easements.

Mr. Lavin, What do you want to do?

Mr. Payson, Where is the easement on here?

Ms. Langson, For drainage. My concern is that it says all easement deeds and easement areas. It's not all the easement deeds and easement areas and municipal utility easements. #21 has one second to last sentence.

Ms. Santos, Which is the same as #23 that one is better.

Mr. Lavin, Are the utility easements for the electric company and the telephone and transformer pads they're all shown on the plans?

Ms. Santos, Yes those are the utility easements.

Ms. Langson, Why don't we put utility easements should be shown on the plan labeled as such something like that.

Mr. Payson, We have to add to the plan.

Mr. Lavin, They already have to anyway. You can also say all easements shall be labeled as what they are.

Ms. Langson, All easements shall designated on the plan.

Mr. Lavin, It's your stormwater, utility, etc.

Ms. Langson, All easements shall be designated on the plan that is fine.

Mr. Lavin, Designated and labeled.

Mr. Cerrone, #7 should be out of there I think.

Ms. Santos, #6 is fine we can just add the note to the plan.

Ms. Langson, There is no more turn around for Primrose Terrace. #7 is out and #8 should be out. My understanding is that when you approve the plan that has as shown that changes the name.

Mr. Cerrone, We have to check with town council.

Ms. Langson, I don't know what appropriate documentation.

Mr. Cerrone, I know your applicant wants to name it Jill Marie Way that is fine I have no problem with that.

Mr. Lavin, What happens with the veteran affair do you have to go through them to get suggestions?

Mr. Cerrone, It's up to them the applicant.

Mr. Payson, You're changing a name though. I think you have to have a public hearing I'm not sure.

Mr. Sweet, It is a paper street.

Mr. Cerrone, I think we should check with town council.

Mr. Payson, It is a subdivision it just wasn't built it is John Mason Rd.

Ms. Langson, It may have to be amended by board of selectmen.

Mr. Payson, No the planning board can do it because it's a subdivision I think.

Ms. Langson, My question is I don't know what documentation you're going to need.

Mr. Payson, You're going to need something.

Mr. Cerrone, Maybe we might have to have public hearing just for name change. We'll check and let you know.

Ms. Langson, #10 I thought we already submitted that documentation I don't know why we need that.

Mr. Lavin, These were done awhile ago too.

Ms. Langson, Right so get rid of #10. #11?

Ms. Santos, That was added to the plan already.

Mr. Lavin, If we can talk about elevations that are shown on the plan. How are you going to keep them on private property to stay the way they are because of drainage issue? So you don't get the valleys the way they're shown on the plan is filled right across so the developer or the builder on private property.

Ms. Langson, They're shown on the plan.

Mr. Payson, We can't regulate.

Mr. Sweet, It is up to enforcement.

Ms. Langson, That is enforcement issue that is true with anything that you have on the plan.

Mr. Lavin, Yes but when they go to building they're going to file whatever and we never see it that is the point. You want to almost say if any submittal to the planning board. The application submitted to building inspector shall be submitted to planning board for review lot grading. So it doesn't push water to the next people over that should be just a general one so you're not effecting your neighbor.

Ms. Langson, That is fine.

Mr. Lavin, It's building permit I have wording on this.

Mr. Payson, #12 maintenance agreements do we have all those?

Ms. Langson, Isn't it just for lot owners that have the detention?

Mr. Payson, Do we have them in hand?

Mr. Cerrone, You'll have to get them to us before we sign the plans.

Mr. Payson, Just lot owner who has detention pond.

Mr. Lavin, Who owns the road?

Mr. Payson, They own the property there has to be an easement to go through here.

Mr. Lavin, Whoever owns it has to maintain it.

Ms. Langson, The abutters will own it.

Mr. Lavin, It's not on their property.

Mr. Payson, I don't think it needs a lot I think it's still a paper street.

Mr. Cerrone, Town owns it.

Ms. Langson, No because they haven't taken it yet. Abutters own to the centerline.

Mr. Payson, Only if it's abandoned. It's part of the subdivision.

Ms. Langson, Unless the fee even if an easement is taken the own the underline road to the centerline.

Mr. Payson, I disagree with you. It has to be abandoned then they own to center of road.

Ms. Langson, The town has not taken it.

Mr. Payson, How long has this piece of land been vacant since time began when subdivision was created. This is the same thing.

Ms. Langson, Unless they deeded it out they own to the center of line and subject to the rights of the way.

Mr. Payson, I don't think you can deed it out it is a subdivision filed in the registry.

Ms. Langson, So they own the underline fee subject to the way the rights of going across the way.

Mr. Houle, Those were existing homes.

Mr. Cerrone, I think they own half way.

Mr. Houle, If they own it how can you do anything to it.

Mr. Lavin, You're saying the abutters have to maintain the road the existing houses.

Mr. Langson, You can't put a burden on them to do that because they're not part of the subdivision.

Mr. Cerrone, When we take the street after you're done building it, it becomes part of the town layout.

Ms. Santos, The developer has to plow until it's taken over it's the same thing he has to maintain that access until it's taken over.

Mr. Payson, Right.

Mr. Houle, The ones in perpetuity with the land.

Mr. Lavin, Yes that is part of the deal. They have to maintain it yearly.

Ms. Langson, The applicant shall be responsible for maintaining until town accepts the road.

Mr. Lavin, Yearly basis.

Mr. Payson, I think there should be a condition here upon any occupancy of the subdivision that has to be built. Has to be constructed and approved.

Mr. Lavin, We have to tie it down to the building dept.

Mr. Cerrone, That should be one of the rules and regulations we should change.

Ms. Santos, #13 the verbiage on site sanitary systems can take that out and dry main take that out.

Mr. Lavin, #14 the other thing that should be in there too basically you're saying build retention pond put the binder down raise the basins and now the catch basins are there and all the water is going along side of the road.

Mr. Cerrone, The catch basin is supposed to be with the binder.

Mr. Lavin, What I'm saying is there is nothing to catch it as soon as water hits the road it is going off to the side and going down the side of the road with silts. You really need the curbing there in order for the water to get into the catch basins so curbings should be there too. Raise the basins and curbing should be in, it has to be done and then your catch basins will be functional.

Mr. Payson, Curbing has to be placed immediately after binder.

Mr. Lavin, You have to put time frame almost like 30 days.

Ms. Langson, I don't think we're going to be doing in phases so get rid of phases line last sentence of #14. #15 looks like it was your memo.

Mr. Lavin, Yes and then you just go out as far as 2ft. above.

Ms. Langson, That is done already it's on the plan.

Mr. Lavin, Also it's taking out the poor soils below.

Ms. Santos, We agree to that.

Mr. Lavin, There is one that shows it's only foot and half. You're going to take the material out?

Ms. Santos, Yes.

Mr. Lavin, After you take the material out you have to make sure it's 2ft. above water table. Height of walls was question I had they're only a few feet you can take B out. C you just go straight for removal you won't need C you just do D.

Mr. Payson, Why don't you tie it to the inspector that it has to comply with Stormwater Phase II.

Mr. Lavin, Yes you can do that and also with taken out the soils.

Mr. Payson, Someone has to make a determination that it's okay so that should be in there. That has to be approved by the inspector.

Mr. Lavin, This section is a witness by town official but also with an engineer giving a report. Performed and information taken by the developer's engineer.

Ms. Santos, I think in D if you remove the impervious layer of material (perched water) from below the detention pond and replace with gravel burrow verify water table at this time.

Mr. Cerrone, Don't put town put planning board representative.

Ms. Santos, E & F are on the plan I'm sorry F is not on the plan leave that one and probably add along the northerly property lines of Lot 5 and 6 so it actually ties it down.

Mr. Payson, We're going to approve the plan with conditions.

Mr. Lavin, You're going to approve the plan without sidewalks on and stuff like that?

Mr. Cerrone, They have to make the changes they have to come back before endorsements.

Ms. Santos, You're going to deny the waiver and then it will be a condition. #16 roof drains was done with the regrading of the lots so that is not even added to the plan.

Mr. Lavin, How do you control this one elevation of the house.

Ms. Santos, We showed it.

Mr. Cerrone, You have to give plans with elevation to the building dept. Send a note to building dept. to make sure the elevations are according to the plan that was approved. When the asbuilt comes in they're going to get a foundation asbuilt.

Mr. Lavin, Here's the key it says raise house to required level to allow leaching pits. Say there is ground water you have to be 2ft. above it.

Ms. Santos, We did that with the grading.

Ms. Langson, Don't they send the plans to board of health for review?

Mr. Lavin, Where is groundwater you're going to consider existing?

Ms. Santos, We did it at ground level.

Mr. Lavin, Then you're 2ft. above that okay if these grades stick.

Ms. Santos, We assume groundwater at the surface.

Mr. Payson, I don't know if you want to get into roof drains it is either going to be conservation or I don't know who.

Ms. Santos, Conservation because we do have to go back before them.

Mr. Cerrone, It is part of the stormwater.

Mr. Lavin, You have to infiltrate X amount water they're choosing to infiltrate the roof drains so it is part DEP Stormwater.

Mr. Cerrone, That is part of us.

Mr. Lavin, They chose to that, which you can same impervious surface to put it in the ground you have to put X in the ground. You just have to make sure they go into the ground the amount of water.

Mr. Payson, The water is not going to go into the ground.

Mr. Lavin, You have 2ft. you have storage in there for how many year storm?

Ms. Santos, It's not year storm it's based on percent.

Mr. Payson, There are something's you can't control if you're trying to put it into the ground the first thing the homeowner does is take it out of there cellar is filling with water. He takes an 8ft. pipe puts it on the grass how do you fight that?

Mr. Lavin, You're right.

Mr. Payson, Common sense says if you have good gravel. Some soils like that it is just going to bubble out of the ground. How do you enforce that?

Mr. Lavin, It is all relative to the soils you put around there. If they put nice stuff around it and then the clay around it as fill. Even the stormwater has .78 on this nice stuff they throw this clay in it, it's voodoo engineering.

Mr. Payson, If the contractor goes there and all of sudden he has to raise the house 2ft. what happens to the next door neighbor?

Ms. Santos, If he decides he is going to raise that house 2ft. there should be something at building inspector that says these grades don't match the plan go see the planning board.

Mr. Cerrone, They have to submit asbuilts to the planning board.

Mr. Lavin, Even before that and after.

Mr. Cerrone, We use to have to get a foundation asbuilt with the top elevation before you start framing. That is when you submit to the planning board to make sure it matches the grade.

Ms. Santos, That is better time.

Mr. Cerrone, We should put submit foundation asbuilts to the planning board to match subdivision that was approved something like that.

Mr. Payson, You're tying it to leaching pits so you're tied to that, that is what I'm saying. You're tied to a leaching pit that doesn't work anyway. You're raising house 2ft. for some leaching pits for drainspouts.

Mr. Lavin, What I had in there originally even though you have the 2ft. will it go into the soils?

Ms. Santos, There is also note on the plan that states you have to do test pit. They have to design before you can construct it, which that is when it has to be. In order for us to mover forward we assumed the water table at the surface and gave it enough room for the grading. It is like if septic system failed you have to hire somebody that knows how to do it and then design it and then you hand it off.

Mr. Lavin, The only way to catch these guys I go into every single subdivision I can when I'm here. Once the road and curb is in.

Ms. Langson, When your building inspector get's an application for building permit do they have sign offs from all the dept. where they send it out? A lot of the towns do that they send it out to everybody and they would see if it complies and then sign it.

Ms. Santos, It goes to the assessors, town clerk to make sure everything has been paid on it, goes to planning board, conservation, etc.

Mr. Payson, They do sign off.

Ms. Santos, Who signs for the planning board?

Mr. Lavin, They do it when you're going to pull the permit it is the proposed grades. The foundation plan has to be shown doesn't ask for the grading though.

Mr. Cerrone, What I'm saying is top elevations is what they're going to go by.

Mr. Payson, That is all they go by anyway is top of foundation.

Mr. Lavin, The hardest thing of this is the control of this. We'll just have to write something in.

Ms. Santos, Detention pond we made it bigger.

Mr. Lavin, If the drains don't work the retention pond is big enough to hold additional water.

Ms. Santos, You're just infiltrating clean water and that is the intent instead of getting it onto the street and into catch basins.

Mr. Lavin, Subdrains proposed roadway will be lower than existing elevations and detail on the plan.

Ms. Santos, Fine.

Mr. Lavin, Just by Mass. Highway Standards.

Ms. Santos, #18 was fine. #19 is fine that has already been done.

Mr. Lavin, It should say roadway slope shall be minimum of 1.5%.

Ms. Langson, #49 and #20 both deal with mailboxes.

Ms. Santos, #49 It was probably the waiver we were going to do a 3ft. grass strip, 5ft. sidewalk and then remainder grass strip.

Mr. Lavin, Are you going to have enough room?

Ms. Santos, Yes.

Mr. Lavin, I like #49 approve by US Postal Service

Ms. Langson, Get rid of #20. #21 and #23 are the same and we thought that 23 was better except that 23 the first sentence should say the owners of Lot 6 and 7. Get rid of 21 and use #23 with lot numbers. #22 is okay.

Ms. Santos, #24 not applicable because that went back to Primrose.

Ms. Langson, #25 okay, #26 and #36 I think are the same keep #36 get rid of #26. #27 okay.

Mr. Lavin, #28 is curtain drains I'm going to rearrange all these with headings.

Ms. Langson, John is going to work on #28.

Ms. Santos, #29 I don't know what the corrective actions are I don't think we need #29.

Mr. Lavin, Corrective action hopefully we never do corrective we do it right away.

Ms. Santos, #30 is fine we just need to have not on the plan. #31 didn't we already do that, this is like under #15.

Mr. Houle, Do we have the soil surveys?

Mr. Lavin, Yes and in roadway too that has been standard.

Mrs. Marchitto, You're going to work on that John and put that all under roadway.

Ms. Langson, #32 I think is okay.

Ms. Santos, It' already done so that's fine.

Ms. Langson, #33 is the same as #47 I think.

Ms. Santos, Yes and #32 is the same as #43.

Nancy Proal, Get rid of #43 and keep #32.

Ms. Langson, I think #47 has the word Carlgate Rd. in so maybe you want to keep #47 and get rid #33. I think #34 is okay.

Ms. Santos, #34 and #44 are the same.

Mr. Lavin, I'll take the most strictive of each one.

Ms. Santos, #34 has part of #33 in it too.

Ms. Langson, #35 and #46 I think are the same.

Mrs. Marchitto, #35 does state asbuilts.

Ms. Langson, I think #36 and #26 are the same we already did that we're keeping #36.

Ms. Santos, #37 is fine it is similar from one earlier.

Mr. Payson, We're bumping this up a year #37 topcoat 1-year of installation of base course? It conflicts.

Mr. Lavin, It is two years and you're going to put curbing in.

Ms. Santos, #39 was same as #14.

Mr. Payson, What do you have for curbing in here?

Ms. Santos, Whatever you require.

Mr. Lavin, It is the vertical line radii.

Mr. Payson, It says upright.

Mrs. Marchitto, #40 emergency exit we already kind of discussed that earlier didn't we?

Ms. Santos, Yes and John called turfstone not turnstone.

Mrs. Marchitto, John combine that with an earlier number.

Mr. Lavin, Do you have approval from the electric co.?

Ms. Santos, I thought we submitted that.

Mrs. Marchitto, You guys were all set with that it was okay. #42?

Mr. Payson, One is two and one is three ft. grass strip.

Ms. Santos, If we're going to do sidewalks on both sides it would be 3ft. grass strip.

Mr. Payson, Why 3ft.?

Ms. Santos, If you want to just go down to standard of 2ft. that is fine.

Mr. Payson, The narrower we can get it the better it is.

Ms. Santos, I don't know it's kind of whatever gets mowed 2ft. is fine.

Mr. Houle, #40 and #41 are okay right?

Ms. Santos, Yes.

Ms. Langson, #43 we got rid of. #44 is the same as #34. #45 I think we're fine with.

Ms. Santos, Yes.

Ms. Langson, #46 is the same as #35 we're keeping #35. #47 is the same of #33.

Ms. Santos, We're keeping #47.

Mrs. Marchitto. #48 all roadway construction shall be completed within three years I thought we were two years.

Mr. Payson, No that is for the base top, three years is the whole roadway.

Mrs. Marchitto, We're having a bond for the retention pond?

Mr. Lavin, Yes that's in there.

Mr. Cerrone, Should put in there should be pre-construction meeting.

Mr. Lavin, It talked about it you shall submit pre-construction.

Ms. Santos, #35 has it and #46.

Mr. Payson, Is there anymore discussion on this plan pertaining to conditions?

Mrs. Marchitto, I'm all set.

Mr. Payson, I'll entertain looking for a motion to approve the plan with conditions.

Mr. Lavin, Conditions on the plan things that are missing on the plan is that what you mean like sidewalk, berm?

Mr. Payson, Didn't we say we were going to put that as a condition?

Mr. Cerrone, I think we have to deny the waiver first.

Mrs. Marchitto, Make a motion to deny the waiver of one sidewalk.

Mr. Cerrone, No waivers.

Ms. Langson, Deny the full request for waiver of sidewalk on one side.

Mr. Payson, Deny the waiver that was requested pertaining to sidewalk.

Mrs. Marchitto, So moved, seconded by Ray Payson.

Mr. Payson, All in favor 5 to 0.

Mr. Cerrone, Make a motion we approve the subdivision Jill Marie Estate subject to receiving new revised order of conditions before we approve the conditions.

Mrs. Marchitto, Second for discussion. Are these plans complete now?

Mr. Cerrone, They're going to make changes.

Mrs. Marchitto, New revised plans according to conditions.

Mr. Cerrone, We haven't approved the conditions yet until we receive the revised conditions.

Mr. Lavin, Subject to approval the conditions.

Mrs. Marchitto, Dick Houle wasn't here at the beginning of this plan but he was in here in April and we had a lot of continuations.

Ms. Langson, There is new statue came out but I assume North Attleboro didn't accept it. You had to accept the new statue that allows you to review the records, etc. If you haven't accepted it then he can't do it.

Mr. Payson, I think we should note for that record that Dick Houle and Chris Sweet cannot vote on the plan due to lack of public hearings that they didn't attend. Motion and second you all set John?

Mr. Lavin, You're just getting input too have to go back and make sure.

Mr. Cerrone, With revised conditions.

Ms. Langson, Pending approval of revised conditions.

Mr. Payson, Hearing no further discussion all in favor 3 to 0 to 2 abstain Chris Sweet and Dick Houle.

Mr. Cerrone, John I think when you draft and make all the changes they might want to see a copy. They might want to come back to make sure it's in order. We have to check with town council on name of street how can we change it.

Mr. Payson, The planning board can do it.

Mr. Cerrone, We just have to advertise the hearing then we have to send a memo out to.

Ms. Langson, It's not a public way yet you don't need board of selectmen.

Mrs. Marchitto, March 6 is the deadline to file the decision so when will we have the conditions ready?

Mr. Lavin, Tuesday.

Mrs. Marchitto, Do you want to review the conditions one more time?

Ms. Langson, I wouldn't mind taking a look.

Mr. Payson and Mr. Cerrone, You should.

Mrs. Marchitto, Do we want an extension just couple more days?

Ms. Langson, Yes we have to redo the plans too.

Mr. Cerrone, Do the 30<sup>th</sup>. that way if there is any changes. In meantime we can give you an answer on the street. I think we have to hold a public hearing that is my feeling.

Mrs. Marchitto, Make a motion to accept the extension for Jill Marie Estates to 3/30/07, seconded by Chris Sweet.

Mr. Payson, Hearing no further discussion all in favor 5 to 0.

Cartown minutes;

Nancy Proal, Linda must have given someone Cartown minutes she needs a vote on portion 12/14/06 minutes.

Mr. Payson, We have to vote to accept the minutes of 12/14/06 for Cartown USA.

Mrs. Marchitto, Make a motion to accept the minutes for regular meeting Thursday, December 14<sup>th</sup>. for Cartown USA, seconded by Dick Houle.

Mr. Payson, All in favor 5 to 0.

Henry Riordan, Thomas Doolin, Charles Barth and Leo Ringuette;

Nancy Proal, Linda gave these to me on Henry Riordan, Thomas Doolin and Riordan and Barth we didn't do that because that is Ray Loughlin right?

Mr. Lavin, I'm going to meet Ray Loughlin also Bob McGhee called me the DPW requested him to put a punch list together. I told Bob to come with me so next week we're going to go out and walk those streets looking towards closer.

Mr. Payson, These guys are pushing these street acceptance become a phobia. I'm saying they're premature.

Mr. Lavin, We have to go out on that one.

9) Update of work on Queens Grant Subdivision;

Mr. Lavin, I called O'Neal he's coming in next Thursday for a workshop.

Mr. Payson, The workshop is going to be the person on corner of Allen Ave. and that street.

Mr. Lavin, It is the whole thing too it's the drainage. I said come in and tell us your plan going into the spring. How are you going to handle the water, what are you going to do with the wall, etc.?

Mr. Payson, He has some low hydrants in there.

Mr. Cerrone, John you have to put a punch list give us a copy for our files.

Mr. Payson, We need to John get out there right now and get on everyone of these subdivisions. We have to send letters out to them we want them done on a certain date.

Mr. Cerrone, You have to send them out with the things that have to be done and give them a time limit.

Mr. Lavin, I was thinking having a workshop get Fitzgerald in here, get them all and start the process put time limit the board will set the time limit.

Mr. Cerrone, We want a schedule. Before any bond gets an extension we want a schedule.

Mr. Payson, They don't care about bonds.

Mr. Lavin, Queens Grant would because they still have lots.

Mr. Payson, The thing that is really bothering me is Kevin Joyce. We sent a certified letter to him and he didn't show up tonight.

Mr. Lavin, You've done that before you also sent constable to him too.

Mr. Payson, April is around the corner and they're going to be working we want to know what they're going to do. Ground is so frozen the water isn't going to go in.

Mrs. Marchitto, We're in agreement John knows what to do in next couple weeks.

Mr. Lavin, You have a whole laundry list I know X amount of them but there are some I've never really dealt with but if you're trying to close them we'll do punch list I don't know how they stand. Tell me which ones.

Mr. Payson, The one we went out we just haven't followed up on we did five of them they're okay and we just haven't sent out any letters out. I think what I asked Linda some time ago to send those subdivisions to public works and see if they have any comments. Some of them were our inspections.

Mr. Lavin, I'll go after the ones I know.

Edgewood Gardens extension 3/14/07;

Mrs. Marchitto, Do we need to vote? We need a letter of credit.

Mr. Cerrone, That is Shawn Jorde.

Mrs. Marchitto, Can we get something from him?

Mr. Payson, Just tell Linda to get a hold of Shawn.

Mrs. Marchitto, We'll make a vote when we meet on Tuesday?

Mr. Cerrone, Yes.

Mr. Payson, Has to renew letter of credit.

Mrs. Marchitto, We need it by Tuesday night 3/6/07 so we can still vote.

Doolin pending;

Mrs. Marchitto, Still pending is he giving us letter of credit on that?

Mr. Lavin, You definitely need that extended.

Mrs. Marchitto, Need to call Ray Loughlin on Doolin Circle for Tuesday night.

Mr. Lavin, Doolin is the one he just did he just paid.

Mrs. Marchitto, All set does anybody see any other ones? We're going to take care of those two on Tuesday night. We don't need to do vote on Thomas Doolin.

Mr. Lavin, I'll talk to Ray.

Corliss Landing Bond;

Mrs. Marchitto, Bond on site plan that we voted on 2/15/07. From verbal council he recommends that we should rescind the bond. Our site plan on zoning does not give us; we're not the special granting authority on this site plan.

Raymond Payson left at 10:52 P.M.

Mrs. Marchitto, He recommends that we make a vote someone makes motion to rescind the bond on Corliss Landing Site Plan. We'll vote on that to rescind the bond and then we can follow up with a letter to the building inspector that we are rescinding the bond. He is aware of what has occurred and what is happening and we were thinking about that letter Level Design has sent to us with the outstanding issues to attach that. This is letter that Linda drafted that upon the vote then we'll send tomorrow to the building inspector. The second letter that we're reading is response. I did reply because Linda brought it to my attention yesterday and we received this correspondence yesterday on the 28<sup>th</sup>. It had been written by the applicant on 2/12/07. The planning board did not receive it until the 28<sup>th</sup>. When Linda called me yesterday afternoon I did have a respond on letterhead. I did call Dick Houle and he came in after hours. We discussed it that we would just immediate letter because we had to response by Friday to the selectmen stating that the planning board would take this matter up tonight to discuss it, look at it and read it and respond further. I did not write it Linda drafted it with help from planning board members. I don't know if you want to add anything it is addressed to me.

Mr. Sweet, I don't think you have to have last paragraph or at least last two sentences.

Mr. Houle, I think you should just remove the whole last paragraph I don't think it's needed. I think you're giving an answer here.

Mrs. Marchitto, Other thing that came up yesterday and Dick was there forward the first document for council review.

Mr. Sweet, I don't think it needs to be. If we want courtesy copy council on letter to selectmen as well attachment I would be in favor of that but I don't think we need to specifically go out of our way to ask for response from him. At least we should courtesy copy to him.

Mr. Houle, I'll agree with that just with attachment FYI.

Mr. Sweet, Make motion we send letter as written first letter to Mr. Spaulding.

Mrs. Marchitto, Wait a minute we need a motion to rescind the bond.

Mr. Sweet, Make a motion to rescind the bond of \$75,000 in matter of Corliss Landing, second by Dick Houle.

Mrs. Marchitto, Second for discussion any discussion all in favor 4 to 0. Letter to Mr. Spaulding is it okay to send?

Mr. Sweet, My motion that we send letter as written.

Mr. Houle, Joan just for the record I think what is going to happen is he gets temporary occupancy permit? Is that what happens?

Mr. Lavin, Usually it depends on building inspector that his choice and there is time frame to those 30 days or whatever.

Mrs. Marchitto, I did speak with Al yesterday stating that we may rescind do this vote so is aware of it. I think he was aware of it before I even spoke to him.

Mr. Cerrone, How come Lewicki couldn't get permit across from Plain St.?

Mr. Lavin, You run the risk when you issue temporary permits what are you going to do kick them out that is even harder?

Mr. Cerrone, The big building on Plain St. They had some units rented.

Mr. Houle, Wasn't there another issue of drainage or something?

Mr. Cerrone, Yes but the site was done. I'm talking about the site plan wasn't done.

Mr. Lavin, They were in aquifer protection. It is the floor drains.

Mr. Cerrone, I don't care about the floor drains. What I'm saying is they wanted to get some units rented and they had to have whole site plan done. They had to plant all the trees, do the parking lot, everything. They couldn't get occupancy permits it wasn't just because of the floor drains. How are you going to have control on temporary?

Mr. Sweet, It is out of the scope of this board isn't it?

Mr. Houle, Yes.

Mr. Cerrone, Next time when we take a site plan no sense on acting on site plans? It's not enforced what is the sense of wasting our time on acting on site plan? We go through the whole process of approving a site plan if it's not enforced what is the sense of going through a site plan process?

Mr. Lavin, Because your name is on it so to speak you have to make sure it's done to what you approved. That is something you could change in your regulations I don't know if it has to go through zoning. At the end of the day when the thing is done is done according to the plans.

Mr. Houle, If somebody gets a temporary they're going to get a date that has to be done by.

Mr. Lavin, Or the people in there have to get out.

Mr. Houle, I hear what you're saying but it also has nothing to do with us.

Mr. Lavin, Yes it's really a public safety issue that is what the building inspector has to determine.

Mr. Houle, I think it would be up to the builder to make sure if he has temporary he hits those dates.

Mr. Lavin, Yes because technically he could not have pavement down, etc.

Mr. Cerrone, Boch might come in and do the same thing I'm just asking that is what is going to happen.

Mrs. Marchitto, Absolutely you have tentacles here it is setting precedence. All set with sending letter to Mr. Spaulding?

Board agrees.

Mrs. Marchitto, Usually act on a motion with a letter?

Mr. Sweet, Okay so the letter is going to go as matter of course.

Board agrees.

Mrs. Marchitto, Second does anybody else have any issues or questions? It is from the planning board I don't think I should send it. Does the secretary want to send it? This is from planning board and the letter was devised by the planning board.

Mr. Sweet, I think they should both be signed, just initial it.

Mrs. Marchitto, It's on planning board heading.

Mr. Houle, The only thing I have a problem with is should somebody else sign that and not you?

Mrs. Marchitto, That is what I'm saying so you're next in line you're the secretary.

Mr. Houle, I don't think it's a big thing I'm just trying to think is there any repercussions from doing that so that we don't make another mistake. I don't have a problem signing it.

Mr. Houle, Make a motion that we adjourn at 11:08 P.M. seconded by Donald Cerrone.  
Mrs. Marchitto, All in favor 4 to 0.

Respectfully Submitted,

Attach Agenda to Minutes.