

Date: May 8, 2007
Posted Time: 7pm
Location: North Attleborough Middle School
Administrative Office Room

Meeting called to order at 7pm by the chairman, Donald Cerrone
Members Present: Donald Cerrone, Chairman, Joan F. Marchitto, Vice Chairman, Richard R. Houle, Secretary, Christopher Sweet and Richard Thimot.

Staff Support: Mary E. Burgess, Town Planner
Also Present: Glenn Ofcarcik and Dale MacKinnon

This hearing is a continuation from to update the Planning Board's Rules and Regulations.

The meeting opened with Mr. Thimot initializing a discussion on the new electrical conduit policy. The Electric Department is no longer paying for the conduits causing an increase in costs for the developer. It was discussed whether the current regulations should be changed allowing the developer choose whether the utilities are underground or above ground. The current regulations stipulate that all utilities in a new development must be underground. The Board concluded that the current regulation shall stay as it is and the developer will have to absorb the cost.

The Board began going over the draft suggestions as proposed by Mr. Cerrone.

1. Section 5: Design and Construction Standards (p22)
Change Figures 1 & 2 : Type I & II Subdivisions: Minor Street, from sloped granite curbs to vertical curb.

Board agreed.

2. Section 6: Required improvements for an approved subdivision (p41)
Add the following verbiage:
...All of the above mentioned infrastructure shall be completed and approved by the Planning Board before any lots are released for sale and/or building permits are issued.

Glenn asked about the legality and how bonds and covenants work into the equation. Have covenant in place for first phase of Christina Estates means have a legally binding agreement with the planning board that we will build all roads and lots build all road and infrastructure up to binder before we get any building permits. Also requested and John sent bond amount, which we haven't set. Once the town gets the bond we can pull building permits and start building our houses. We have in essence given the town the cash to build the road. Existing problem is we have houses being built with no access, no utilities, etc. Planning board regulations limit us to 20 lots year.

Mr. Thimot, State law changed that it should concur with state law.

Mrs. Marchitto, We haven't enforced limit of lots and I think we've discussed that it is going to be taken out of subdivision control. We understand it is not enforceable.

Mr. Ofcarcik, You have development impact requirement for anything over 50 lots board may want to substitute for that limitation any subdivision over 50 lots should include a plan showing the proposed build out.

Board will check with town council on legality.

3. Easements;

Mr. Ofcarcik, Instead of dissolving the easement when it's done you may want to dissolve it with street acceptant plan.

Mr. Cerrone, Subdivision in cross section says 4 to 1 from rail so 50ft. easement will give you.

Mr. Thimot, Does this apply to Form A for 15ft. frontage?

Mr. Cerrone, This is for subdivision not Form A.

Mr. Thimot, We had member on this board that insisted on getting 10ft. or better before he would grant a Form A.

Mr. Cerrone, That was to widen the road.

Mr. Thimot, Where does it say in any of regulations that you have to give away some of your land before you can get approval?

Mr. Cerrone, For example Allen Ave, the one on Draper Ave. we asked him to give us 10ft. to wider Draper Ave. Manoogian represented them they said no. Now they come in with Cobblestone you better get easements because I'm not going to approve subdivision. You have some developers give us the land we don't push them we ask them. We asked Weston on Mt. Hope St. to fix that curbing he gave us 10ft. easement on Form A. Some people will, some people won't. We're not going to force them but if it can help the town to straighten road 20 years down road we're going to look for future of the town that is what we're here for.

Mrs. Marchitto, If representative of applicant goes back and states what the planning board or what intentions of board are for the neighborhood that they live in and they understand it they would be more gracious to give something or try to make it work. The board was making an area that is variable in width there is sidewalks over 295 into Emerald Mall and landowners in that area are very aware of pedestrian walkways, runners, joggers, babies and the dogs. There was no discussion of not approving that Form A yes the attorney applicant was very defiant in saying no and stating law and we weren't denying the law. They gave what they could it was enough to do something at some time to get sidewalks. When you were on board before you got up by Hoppin Hill in front of Windchime and Queens Grant I think you got up to 5 to 10ft. What was difference up in that area?

Mr. Thimot, There is lot difference between taking Gerard properties, which was acreage there ran all way down hill there was lot a land there. This other thing up other end was couple Form A's that was all they had.

Mrs. Marchitto, I believe that Allen Ave. today should have sidewalks. I believe as resident up in that area where the development was being done with Windchimes and Queen Grant that developer at that time should build the sidewalks when this board asked for the 10ft. This board asked never demanded.

Board agrees they can ask.

4.

Mr. Ofcarcik, I think what you mean the streets leading to the subdivision brought up to today standards. Not all of them can because some of them are less than 40ft. wide.

Mr. Cerrone, Public works will have to make the determination it is that jurisdiction.

Mr. Ofcarcik, I think it's up to DPW to approve the off site. I know planning board has some jurisdictions on Form A's if they're inadequate but if it's an existing public street. Planning board approves adequate access.

Mr. Cerrone, We don't want off site improvements after the subdivision we want them done before subdivision starts.

Mr. Ofcarcik, I don't know whether you get to sign off you can make it a condition that any off site improvements must be completed prior to issuance of first occupancy permit.

Mr. Cerrone, No before roadway.

Mr. Ofcarcik, Then I'm going to post a bond for all of it so I can do my houses first.

Mr. Cerrone, We're going to check with council I don't want to post a bond I want the roads and everything being done. Then if you want to post bond for finish coat or whatever. Public works holds bond if you don't get sign off from public works you're not going to touch the subdivision.

Ms. Burgess, All off site improvements to public access to approved subdivisions must be brought up to standards dictated by dept. of public works. All ...(inaudible) must be complete and approved by DPW prior to any lots.

Mr. Cerrone, We release the lots but we need sign off from public work.

5.

Mr. Ofcarcik, I'm not going to get letter from board of health ever because they have a higher standard than you do, they have different statutory requirement. My understanding is that is why they never responded to planning board. We can request letters but I can't make them give them to me. There is no statutory requirement for anyone to report to you except board of health and if they fail it's being approval and you're supposed to note in your approval that they didn't respond.

Mr. Cerrone, You want all depts. to look at plans because they have to give you input they should send letter. Set of plans gets stamp from all depts. they received the plans then we send memo to all depts. say we want correspondence on plans board requesting letter on comments.

Mrs. Marchitto, Our Section 4.5 just says approval by other boards you're just adding more language to what is there. We have 90 days on public hearing we're always asking for extension or they are.

Mr. Cerrone, Night we open hearing get all information. Maybe after public hearing you should set up meeting with your engineer and other depts. to go over this stuff town planner in charge.

Mr. Ofcarcik, Board has to trust the staff to make decisions of day to day operations. I've had resistance not with this board but from other depts. that they don't trust the staff.

Mr. Cerrone, You get list from our engineer, all depts. you can set up meeting with our engineer and other depts. and go over issues.

Board will do #5 over.

6. Grade elevation at top of foundation;

Mr. Cerrone, This was one of those things west side we had a lot of problems with septic grade. I think what happens is the road gets built and these guys change grades, etc. Tilton is only one I think that puts top of foundations, show box.

Mr. Ofcarcik, On each of our plans we show house box with foundation and garage we also show septic system with bottom of system.

Mr. Cerrone, You should show grades too.

Mr. Ofcarcik, With all due respect it is not your dept. you're approving the road I can do what I want on the lot. However as it effects drainage you have raised system in front of raised house.

Mr. Houle, Maybe there should be some verbiage that we would like to see a hydrology report?

Mr. Ofcarcik, The only issue I have is the difference between a planning board approval and supplemental document. I have no problem showing the grading of the whole subdivision. Problem I have is when you endorse it then if I have to change it I have to come for an 81W for modification of the subdivision. I think it is fair for the planning board to request a general grading plan to show the drainage is adequately addressed off lot drainage so you don't get sheet flow across sidewalk, etc. I don't know if you need hydrologist but you need drainage study. There are very few certified hydrologists.

Mr. Houle, I think we should consider that as a board because all we left is a lot of B land and maybe worse. I think if we're going to consider infrastructure of a street I think we should have that as part of consideration that we're looking at.

Ms. Burgess, I made up my own section 4.2 as new K under J.

Mr. Ofcarcik, I have no problem with showing grading of lots my only problem is I don't want you to approve the lots I want you to prove that I have adequate drainage for that. 300ft. for catch basins may not be adequate you mind need them every 200ft.

Mr. Houle, Put in PE or sanitary for hydrology report.

Street Lighting okay.

Order of Conditions;

Mr. Ofcarcik, I usually try and file them both at same time I like to include copy of order of conditions in construction set of drawings. You can't make your approval contingent on me getting order of conditions.

Mr. Cerrone, Order of conditions should be right there the guy bidding the job and building knows.

Mr. Ofcarcik, That set of plans has all your conditions, all conservation conditions.

Ms. Burgess, Also put in there stipulation something that says no order of conditions ordered for this plan not required so if it's not there they know.

9. Inspection controls pge 42;

Mr. Cerrone, I'm talking about street acceptance. Right now it has public works and planning board.

TAPE 2 SIDE A & B BLANK.