

NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, SEPTEMBER 27, 2007

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, September 27, 2007 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Richard Thimot, Richard Houle, Donald Cerrone- chairman and Mary Burgess- town planner. Christopher Sweet arrived at 6:42 P.M.

Planning Board Business:

1) Approval of Minutes;

Take up next meeting need Joan Marchitto.

2) Endorsement of Vouchers;

Earth Works- WalMart, Riordan Extension, Doolin Circle, Barth Drive, Ringuette Circle and Queens Grant. Riordan, Doolin Circle, Barth and Ringuette was for final inspection. Queens Grant was an old bill.

Mr. Cerrone, Do we have all reports on these everything is on file?

Ms. Burgess, Yes.

Mr. Thimot, Have you had a positive response from Mr. Lavin as to getting bills in more timely fashion than he has in the past?

Ms. Burgess, Yes.

Mr. Thimot, I don't believe we can back up for authenticity if he hasn't got them after being advised of this.

Mr. Cerrone, Voucher for \$5,516 from Earth Works all projects just stated.

Mr. Thimot, Is he reasonably up to date now?

Ms. Burgess, We're almost there Linda is updating the finals right now so we'll know.

Mr. Thimot, I don't want anymore comments from developer that he's getting stuff back 6 and 8 months or more.

Mr. Cerrone, I agree everything should be within 30 days.

3) Review Final Action Deadlines;

Cobblestone due 11/30/07. Coming in on 11/1.

Mr. Cerrone, Will everything be ready that night?

Ms. Burgess, I'm assuming because they're putting it out so far that they need some time to get some materials together.

Mr. Cerrone, In my opinion I'm not giving anymore extensions I'm going to either approve it or deny it on 11/1. You have these people come in all the time. Notify Mr. Manoogian. They met with public works were supposed to come back to us with some ideas I haven't seen anything.

Mt. Hope Farm;

Hearing is 10/18.

4) Review Bond Expiration Dates;

Windchime 10/31, Hoppin Hill 11/1/07, Bally Heather 13/31/07.

Mr. Cerrone, What is going on with Bally Heather?

Ms. Burgess, I spoke with Mr. Fitzgerald last week I gave him the alternatives that were provided to me by DPW for water gate. I also forwarded him a copy of new estimate done by Kings for the dry stream and he said that is fine he'll get in touch with a landscaper and that he's moving forward with everything else. He's coming in on 10/4 to discuss things with the board.

Mr. Cerrone, We went to look at tire marks neighbor complained about they were tire marks from when they were paving so he should fix that. I think it was 31 Millard Rd. Write letter to Mr. Fitzgerald.

Sheldonville Preserve; Barth, Ringuette, Riordan due 2/1/08 expiration. Henry Riordan Extension 8/20/08 and Doolin Circle 8/20/08.

Windchime status;

Ms. Burgess, He just brought in the stamped plan for modification to drainage.

Mr. Cerrone, Can you find out the status on the pole? Lynch themselves took charge to deal with Verizon.

NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, SEPTEMBER 27, 2007

6:45 P.M.- Joint consolidated public hearing for the proposal of Department of Public Works/Tree Warden to remove public shade trees;

Ms. Burgess reading in public hearing notice.

Bob McGhee- acting tree warden, There is list divided into two groups top five or six trees listed like to handle them and go down last group of trees is dedicated to Sheldonville Rd.

There was problem with list one tree was added it was post incorrectly. #182 Old Post Rd. posting was put on wrong tree real tree that should have been posted took picture can see it is dead. Posting was corrected today it's suppose to be seven days before hearing we can wait another meeting but the way meetings go with trees it could be a year. What we used to do in past if it's possible when I'd get request from resident or spot a tree that was dead or dying I would e-mail town planner in plenty of time two weeks to month or two months to give the planning board chance to go out and view the tree. If there was any contention that it would rate a meeting then we'd post a public hearing that is way it was done with your previous planner. I won't take it down until you're really sure yourself that it deems being removed.

Mr. Cerrone, We have to have public hearing on scenic road I think we should go through the process. 285 and 299 Old Post Road they are Ash both are going to go. When we take these trees out are we replacing them?

Mr. McGhee, There is no budget to replace trees we usually replace trees when they're taking down for construction reason and there is someone we can lean on. In this case there are no plans to replace the tree. When you look at Sheldonville Rd. that is a different matter that is going to come under construction at some point just because we all know the road needs something done to it. At that time I think we should invest in a tree scape/landscape a whole layout design but that is not reason for Sheldonville trees to come down right now.

Mr. Cerrone, Mt. Hope St. 213 I didn't look at those I looked at 1001 and 1040 Mt. Hope they were dead.

Mr. McGhee, I have the original requests they normally come from the residents.

Mr. Cerrone, Let's do Sheldonville Rd.

Mr. McGhee, Next group all these trees were posted originally in 2005. I've looked at these and had certified arborists go out statement from them certifying that these trees are dead or dying. The planning board and myself walked the site we identified trees I think we'd like to give another chance to live and some trees that we saw since this original survey unquestionably have died. I think were pretty harmonious about this list by end of walk. I'd like

to propose this list and changes we made that night that those trees be recommend to be removed.

Mr. Cerrone, We're going to be cutting trees with nothing to replace them. We have to find a way to replace these trees. I know water line went through there that is why these trees are dead that is what caused the growth in that end of town. Somebody should have got some kind of money when the developer proposed that water line that money be put aside for trees.

Mr. McGhee, It's tragic so many trees on one street will change the whole face of that street. Raymond Payson-past tree warden, This goes back probably five years it was very trying time at that time to try and save those trees. I think that the trees were to come down once they put the water line in. Those big oaks have been dewatered from the closeness of the 16" water main that went there. Some of the maples need help it's unfortunate that it's mostly oaks there that were very hardy. I would recommend that nothing be done. The town created this problem number one giving an easement to the developer to go on the inside of the trees, which they dug all up on inside of trees town came in and dug up on the outside those trees were destined they knew it they counted on it they would come down and it was not right. We argued and neighbors argued at that time not to touch the trees. Public works dept. backed away and didn't do anything. As it went on between the curb cuts to driveways and the damaged roots they're dead. I don't think anything should be done until the town comes up with tree program where it may want to go they want to widen that road. I proposed a road from High St. all way down so you wouldn't have to do what you have right now a new road a new Allen Ave. all the way to the 295 bridge. That plan is still out there that would have prevented this whole episode of 100 so trees to come down in one shot without any program to replace those trees. I'm not so sure the town ought to look at again having an elected tree warden. Public works wants them down if you had another avenue of elected tree warden you might have a new program.

Mr. Thimot, If we hadn't proposed at town meeting the scenic road by-law you would have had more banded trees on those roads.

Mr. Houle, We're looking at Sheldonville Rd. but we're only looking at what is still posted because we removed signs where the trees are going to stay or are we looking at taking everything down?

Mr. Cerrone, Eventually they're all going to die we're just taking with the list. I'm saying when developer went through there should have been money in escrow for trees to be replaced on that road as they die you replace them the town would have had the money. Town got a water line but what are they going to do after. Now we have a tree warden and all these trees are dead they're going to cut them and no money to replace them. Every one is complaining about growth the growth was because of that water line at that end of town. Planning board got beat up last four or five years. If that water line didn't go up there all those houses wouldn't be there. It's not the tree warden's fault he's trying to do a job make sure nobody gets hurt.

Mr. Houle, There are some that absolutely propose a threat to public a public safety hazard there. Other ones are not the bad.

Mr. Cerrone, I think what we said the ones that we thought were good took the stickers off and the ones we left the stickers on are the ones coming down and prune a lot of those trees too.

Mr. McGhee, If we get in process of cutting these trees down they come down in long period of time. We'll have a chance to look at some I think it's time to do right thing and take our head out of the books a little bit. If there are some trees to save, save them we might want to keep even one or two more than we decided to take down. I'm just proposing if we get into process of taking these trees down we work in one direction we look at it again.

Mr. Cerrone, Wouldn't you be better off going in and pruning them all and see what you got and then go back and say the ones we think have to come down? If some of them you can leave for another two, three or five years get most life you can out of the tree.

Mr. McGhee, There are a lot of concerned people that is why I left them there for two years this is a shock taking these trees down.

Mr. Cerrone, There is one across street raised ranch that one is dead and it wasn't even posted it was a big tree it died.

Mr. McGhee, I'm also the highway supt. any work that we do in street in the future this has no bearing why these trees need to come down the street just the way it is rates low on our OCI. Any improvements on that street from me will be recommended with a tree scape. I wouldn't recommend doing anything to that street without some kind of landscape improvements that is the direction I will be pursuing.

Mr. Thimot, What size tree would you put up there to replace any of these?

Mr. McGhee, We can't put sapplings there it has to take little bit of sand and salt being splashed on it so I think we have to use no less than 3" caliper or something maybe 13ft. high good size roop all dug out wrapped in filter fabric. We still have that trench there I don't what backfill is in the trench but if it is going to continue to take water away I'll look at all of those things before we invest money. It's not like there is lack of water it just doesn't stay for long period if you dig trench and put stone in it its going that way first.

Mike Marchitto- 503 Hoppin Hill Ave., Very interesting with regards to the drainage because some of the residents on the other side of Sheldonville Rd. across from the new development. They wanted that trench back filled with gravel in order to take water away because they had such sever flooding or drainage problems in their basements. It was pretty unique compromise engineered over period of time regarding those trees and I think it was worth the effort. There were any number of things proposed at time to save them. Initially the plan was to come in with utility lines at the street in front of those trees or where the trees are and take them all out and residents didn't want any part of that. Then we talked about underground and NAED and utilities were here and they told us about the impossibility of that. Since subdivision regulations have changed now that everything is underground but at time it wasn't the case. Somebody came up with idea of lets tuck them in behind the trees, prune the trees up and see what happens. We've read it in the paper over last couple of days what Ray Stack said he did said that he said those trees are going to die. Compromise that was reached after lot of back and forth was lets run utility line in behind NAED had an obligation to get service up there on those Form A's that's the rule and let's see what happens and everybody said lets do that. Maybe we should have said when they do die and we lose all those trees what is the fall back plan?

Mr. Cerrone, They should have got some kind of bond or something so when we take them down we'll replace them put them in right place.

Mr. Marchitto, Initially it strikes me as nothing should be done on any of those scenic roads without public hearing, widening roads, trimming limbs, touching stonewalls whatever it might be.

Mr. Thimot, Until we inserted that article at town meeting about six or seven years ago up until that time we were getting beat up all the time about what we wanted to do. People had no idea of what was going on there were no controls at all. It's my thought right now there maybe few other roads we should look at to include in this by-law and maybe even broaden the scope of by-law little bit as result of what is happening now.

Mr. Payson, Is this hearing under scenic by-law or tree hearing?

Mr. Cerrone, Just a tree hearing. It's scenic road but we have to have hearing on the trees.

Mr. Payson, Whole issue was it had to fall back on public works it was a public way had nothing to do with planning board or with Form A's they were all Form A's planning board didn't get into any bonds of any kind. Millard Rd. is going to be same way those trees are all going to die. There has to be a bond posted at least for five years for replacement of the trees.

Mr. McGhee, We go out to bid on taking trees down they're priced by caliper by numbers it's like \$28,000 I think for Sheldonville Rd. that is estimate.

Mr. Payson, I'm paying for somebody that made a mistake not only that but developers have to be either fined they purposely kill these trees. I don't think it's fair of what we're doing here right now.

Mr. Houle, The ones still posted are the ones to come down right now.

Mr. Cerrone, We took stickers off trees we wanted to save there are no numbers.

Mr. Thimot, Make motion as result of our site visit we jointly determine between Mr. McGhee and members of board that were there that certain trees should be cut and certain trees should be saved. I think we have the master list that was appropriated and we follow that.

Mr. Houle, Second for discussion. How are we going to make sure that some of them that don't have sticker anymore are not going to be cut? There has been some talk here that some people don't want any of these cuts and I think that has to be looked at.

Mr. Sweet, We put faith in Mr. McGhee.

Mr. Cerrone, Tree warden make right decision if he has question he can call and we can set another site visit.

Mr. McGhee, Because it's an extraordinary situation I think it should be left as work in progress.

Mr. Cerrone, Some trees we might get another four or five years out of them.

Mr. Houle, Some trees should have been taking down two years ago some are a public safety hazard no doubt about it.

Mr. Cerrone, Motion made and second all in favor 4 to 0. Close public hearing at 7:15 P.M.

Mr. Thimot, I would like to make this comment for next town meeting we work on addition to current scenic road by-law.

Mr. Sweet, If you want to do that it would be great.

Mr. Houle, Good project.

Mr. Cerrone, That is a good idea you can lead the charge on that.

Respectfully Submitted,

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New Business:

1) Form O: Action Automation & Controls, Inc. (Tilton & Associates, Inc.) Note: Final Action Due 10/31/07;

Ms. Burgess reading in application.

Glen Ofcarcik-Tilton & Associates, With me tonight is Mr. Robert Pompei principal of Action Automation. Expansion to existing Action Automation facility. We were here in spring and early summer of 2004 similar application, which approved the addition, which has been constructed and completed. That work has been released by Conservation earlier this year. Presenting

another expansion plan tonight, which has been broken into two phases. The initial design is for 15,000 sq.ft. addition immediately to the north of the existing building and possibly another addition of that 2400sq.ft. for total expansion of existing building of 17,400sq.ft. To accommodate existing floor space, which is all going to be just an expansion of the manufacturing facilities located in the assembly facilities located in the rear of the building. We've added additional parking. Stormwater management system that we reviewed, approved and designed as part of our three year ago expansion has been designed to accommodate all of this future expansion. We've looked at full build out on the site. There are going to be two small minor modifications to stormwater management system in the rear. Berm around sediment four bay is going to be raised another 6" or so to give more capacity in the initial collection system. Outlet pipe structure on the detention basin is going to be reduced from 12" to 10" orifice modified slightly. Minor grading around the basins but way basins were structured as part of this original site plan they have adequate capacity. We've included hydrologic analysis to stormwater component system we meet all the design storms that are required under the Mass. Stormwater Policy. This work has been work shopped with Conservation there will be new NOI filed based on same site plan. One of the other comments because this is an existing operation, existing facility we want to keep it up and running during construction. It was requested by the owner and discussed with Deputy Chief Brousseau of the fire dept. Our proposal is to construct this addition and have basically a work construction entrance coming off of Vallencourt Dr. We have relatively a grade entrance from Vallencourt just down from the cross culvert so our proposal is all of the construction work would be accessed off the south side of Vallencourt so as not to disrupt the existing operation. We have to do some work to construct the parking lot once the work is completed the fire dept. has requested what we do is retain this construction access drive as a gravel driveway will gate it off so there is second means of access and egress but it won't be used by trucks, etc. of the operation. There are no new sanitary facilities they are already constructed so there are no other utility improvements required.

Robert Pompei, It is for both warehousing and light manufacturing it is just assembly of components. No painting there are no chemicals it is environmentally friendly.

Mr. Sweet, Southwest corner of property can you explain what is going on with the easement?

Mr. Ofcarcik, If your come in from Larson Way there is wooded area property line comes in from Larson angles south and then comes along boundary. When these lots were divided originally it was all one big parcel. In triangular piece which is part of a lot there was reserved an easement for right of way and access presuming that some work would be eventually be done, which would require the expansion in area. The driveway comes in but all of the new parking, handicap parking and all of the other improvements are on Mr. Pompei's land. Rather than have a dead end T in both directions we have the right for that driveway access there will also be a curb cut. Mr. Pompei owns the right of way the land is owned in fee by the Shanley Trust who is the owner of the property next door. We need to get new driveway permit from DPW.

Mr. Cerrone, Gravel road in back do you have letter from fire dept.?

Mr. Ofcacik, I don't have one and we can get one.

Ms. Burgess, You said you were going to put 12 new trees and you're taking down that whole wooded area for the parking lot.

Mr. Ofcarcik, There is major wetland in north portion of site, which we can't touch so the landscaping is just in between those two lots. Minimum landscaping it will be opened up but it is going to remain wooded. We're adding 6" on top of the berm that goes around loam and seed berm that goes around the basin now.

Mr. Thimot, What is total open space plan?

Mr. Ofcarcik, It's 62% open space. We were looking at larger additions and he was forced with potentially looking at another site he really doesn't want to leave the park.

Mr. Cerrone, Drainage we should have it checked out by our engineer?

Mr. Ofcarcik, The drainage is very minor modifications all of the piping that is in there has capacity to handle this there is no new piping included in this section minor modifications of the berm. We did drainage report for you and for Conservation. Corner of building is right at edge of wetlands originally we had proposed an 18 or 20,000sq.ft building expansion, which actually went into the wetlands. When we work shopped that with that commission there was kind of a split decision it is permissible we were within the limits of the amount of work that would be allowed in the wetlands. At consensus of that workshop meeting in North Attleboro Conservation Commission generally likes to have about 25ft. offset from industrial buildings to the wetlands. We've reduced it from 20,000 sq.ft. down to 15,000 and then jarg on 2400 that is an issue that we still have before the Conservation but we need the 15,000sq. ft. to work with the internal circulation in the existing building. Problem if we step the building back then it effects the racks, the layout, machinery, etc.

Board agrees to have John Lavin review the drainage get a price so they'll know what it will cost them. Continue until 10/18/07.

2) Form O: Amerada Hess Corporation (Bohler Engineering, P.C.) Note: Final Action Due 11/1/07;

Ms. Burgess reading in application.

Luke DiStefano-Bohler Engineering, This was a project from when Hess was originally seeking a convenience store here back in 2002/2003. They had received all approvals from various municipal boards. They determined that it is an appropriate site for a car wash. It is small attendance kias located in center of site with canopy with six multi product gasoline dispensers. There is also small storage shed located in northwest corner of the property. The entire layout of the site will remain effectively the same from gasoline operation standpoint. They are not proposing any changes to existing structures nor proposing any changes to the canopy nor to existing dispenser configuration or underground storage tanks. They are proposing a construction of 864sq.ft. automated car wash, we are proposing it in southwest corner of the lot. Facility would be accessed via traffic moving to the south they move through lot circulation around and then have access either back to gasoline pumps or one of the two curb cuts existing along Washington St. We are also proposing two parking spaces with vacuum towers. The only other major physical change to the property is the right of way area. Under current conditions there is fairly wide right of way on northern end of the site and a second fairly wide and very poorly defined curb cut on southern side. We were looking to do for better access into and out of site is to configure curb cuts according to Mass. Highway. Basically bring out landscape portion little bit further. Also proposing improvements to the landscaping submitted in package is landscape plan. We are proposing to sod the majority of the areas, there are series of trees and shrubs proposed also. Looking to upgrade lighting, lighting plan submitted also. Shoebox style down lighting with cut off fixtures on the southern side of the site, which is on the active portions of the site and not out into right of way and/or to abutting property. Stormwater management right now under existing conditions you have no stormwater attenuation what so ever in 100% of the site. Sheet flows unabated and untreated into wetland area just on western end of our property. We're looking to collect all the runoff from the paved portions of the lot will do with construction and installation of four deep sump catch basins with water hoods. They will collect the runoff from paved portions direct it into vortex stormwater quality unit prior to discharging it into a proposed detention pond located on northern end of site. Detention pond is fit with outlet control structure, which will help reduce the peak rates of runoff into the wetland

areas. Improvements to stormwater quality but improvements to quantity we'll be reducing the ultimate peak runoff rates into the wetland area. Project has received prior approval from ZBA and also appeared before the Conservation for initial hearing relative to NOI. We're scheduled to reappear at Conservation on 10/16. The depth of retention pond is about 6ft. at its deepest point there is fence proposed with an access gate. One of the things Conservation had asked that we add impermeable liner to bottom of basin they were afraid of potential contaminants making way through system and into detention basin so we've added the liner. Fence will be 6ft. We'd add concrete curbing throughout the entirety of site or granite within the right of way according to MHD requirements. There is slight reduction in open space I believe it is about 6% reduction this is a 40,000sq.ft lot. Open space is about 40.6%. Green space we consider open space is within the property. On edge of site there is 10ft. buffer. We submitted three copies of drainage report.

Board agrees to have John Lavin look at it and also get cost.

Mr. DiStefano, I think they would prefer to stay open during construction.

Ms. Burgess, I just have a suggestion I'm afraid sod is not going to wear well that close to the road I would suggest maybe different type of landscaping plan to buffer the office building and possibly do a little bit of buffer on detention basin shield it from elements, etc.

Mr. DiStefano, We can work with the board or your office come up with plan.

Mr. Cerrone, Next meeting tell us what you want to do.

Andy Lautenbacher, Operations from 6:00 A.M. to 11:00 P.M.

Mr. DiStefano, Just so we can report back to Conservation is it safe to say other than drainage review and additional landscaping that configuration is generally acceptable?

Mr. Cerrone, Yes. We will have our engineer look at the drainage. Are you doing anything with signs?

Mr. DiStefano, There would be car wash sign added to the building 16sq.ft. there is existing pylon sign there in front now may add car wash panel to it I think.

Mr. Cerrone, Get letter from fire dept. they looked at the plan.

Ms. Burgess, DPW sent a letter saying they haven't had a chance to review it.

Mr. Cerrone, Also get letter from DPW.

Mr. DiStefano, There is reclamation system for the water.

Continue until 10/18/07.

3) Form A: Steven & Virginia Loynds (W.T. Whalen Engineering Co.) Note: Final Action Due 10/10/07;

Mr. Cerrone reading in application 602 Hickory Rd.

Steven Lyons, Entire property is owned by my mother in-law and father in-law passed away January. They have been in town for number of years and known as Mike's Donuts. His wish was to build house there and give family members lots as well. Front lot is in question it is still in probate come January probate will be completely nobody is questioning the probate at all. We're just getting everything together to submit this to planning board.

Ms. Burgess, Everything meets the requirements.

Mr. Lyons, There is also a large conservation area that was in question we had the wetlands all flagged prior to submitting this so we wouldn't be infringing on any of the wetlands.

Driveway for existing dwelling stays on Lot 2. The only way you could get in back would be to put a road in but she doesn't plan on doing that in near future.

Mr. Houle, Make motion that we accept the Form A for Steven & Virginia Loynds location 602 Hickory Rd. Plat 31, Lots 27A and 327.

Mr. Cerrone, Divide into Lot 1, 2 and A.

Mr. Sweet, Second motion.

All in favor 4 to 0.

Board taking 10-minute break.

4) Request of DS Amin Corporation, Level Design Group, for Board's Determination on Specific and Material Changes to Previously Denied Plan;

Dan Campbell- Level Design, I spoke to Mr. Amin they do have to take off the front of building to move the parking to give 10ft. buffer strip. We've moved the parking we've made modifications to the addition sizes on both side and front. To do that we've gotten 10ft. buffer strip in front, we have eight parking spaces required, we've reconfigured the front entrance to be in middle of the building. That helps us due to elevations of finished floors internal to the building one portion of building is at one elevation and other portion of building is at another elevation. So coming in middle we can shorten up our handicap ramp gives the appropriate turning distances. Loading space is the same with the caveat that we've now striped in front of loading space. We've added notes to the plan just noting the snow removal that was conditioned by the ZBA but also that the material stock for the facility will take place during non-business hours. It will be there before he opens in the day or will be there after he closes at night it will take place with box truck vehicle. I did submit pictures of type of vehicle they're located in Providence. Non-business hours are on stamped and approved plans. With driveway one way it addresses Mr. Cerrone's comment does person have enough room to back up before he gets to right of way he now has about 26ft. before he gets to right of way to be able to make turn on one way. Everybody has significantly more turning space than they did previously. With moving driveway back we've modified the radii and with guaranteeing that it's a box truck there should be no problem with ingress and egress as well. It is 12ft. wide driveway. Box truck itself is approximately 14ft. long. Loading space as is required by zoning by-law and it's in accordance with ZBA approval. First floor existing is 1365 with the additions and with removing that one section of building we're at about 2,000sq.ft. He is looking at maybe six or seven seats majority of it is display place or cooking space.

Mr. Sweet, My concern again was traffic coming in and out from Rte.1 hidden by structure. Mary do you have any thoughts on traffic study requirements or anything?

Ms. Burgess, For this size of a business I would say that would be little bit excessive traffic study or traffic count because it is on Rte. 1 he would have to go back to the exits.

Mr. Cerrone, Main concern we're here for safety.

Mr. Houle, We still have trucking issues.

Mr. Campbell, If box truck needs to pull in during business hours he can pull in straight and can off load out back he's not backing in, he's not bringing it in back of facility he's bringing it in front of facility. He will pull in straight back out and he does have turning radius to do that entirely on site. They are not hiring large scale company to do this I visited them at 7:00 A.M. and this was only truck still on site the box truck. I spoke to the owner he said they do this type of facility all the time far tighter than this and are able to get into a loading zone exactly like this.

Mr. Cerrone, We're is plow going to push the snow?

Mr. Campbell, Right now he has 8 1/2ft. of grass area in front of building before you get to the shrubs. Anything over 3" of snow he has to take off site per ZBA approval.

Mr. Sweet, Make motion we approve it.

Mr. Cerrone, Have him come back with changes I don't see any problem.

Mr. Thimot, Second motion.

Mr. Cerrone, All in favor 4 to 0 you can refile.

Old Business:

1) Review Current Status of John C. Porter Way;

Mr. Cerrone, Submit article road acceptance semi town meeting, final asbuilts have been submitted, final inspection report from John Lavin has been submitted. Board request the road to be reloom and seeded and reinspected. Letter from John we're all set Mary?

Ms. Burgess, Yes there were issues and have since been corrected, added to plan/located, etc.

Mr. Cerrone, We looked at it Monday night hydro seeding was lot better and cleaner.

Shaun McCormack-Stonebrook, There are 3 lots left. I do have final asbuilt to bring to Mary on Monday. I will deliver to all the depts. electric, public works, etc. on Monday. Would it be applicable at this point to talk about town acceptance? Do we see any issues?

Mr. Cerrone, I didn't see any issues once the grass comes in everything looked good. We'll make recommendation to overturn IP.

Allyson Huntington, I'm wondering if that needs to be voted on today?

Mr. Cerrone, On October 4th. we'll vote on it. All trees on the lots.

Mr. McCormack, Yes and alive too.

Mr. Cerrone, You'll have some dead in that pond.

2) Review Current Status of Hoppin Hill Farms Subdivision;

Mr. Cerrone, Update work completed since site visit on 9/18/07, final asbuilt has been submitted, all requirements of John Lavin and DPW have been met. Do we have letter from his engineer to make sure retention pond was built right?

Ms. Burgess, Calculations are on the plan we don't have letter from engineer because he didn't do original plan.

Mr. Cerrone, We want letter from his engineer.

Ms. Burgess, It's off by .2 acres per foot I think John said it roughly comes out to 2" in depth. John hasn't had a chance to get me something. Do you want me to get those letters for every road that is up now because we don't have them for Porter, Sheldonville, etc.?

Mr. Cerrone, We should have letter from engineer saying pond was built according they did an asbuilt for the pond they should know if pond is according to plan approved. Ponds are important that is drainage, infrastucture, sewer/water, drains.

Mr. Houle, The engineer should have signed off on it.

Ms. Burgess, I believe our engineer did sign off on it when it was inspected.

Mr. Cerrone, Yes he was inspected it but he didn't sign off that it was according to plan we approved in 2002.

Bob Hall-Jenniston, I think it was built it came out just little undersized.

Mr. Cerrone, I don't care as long as I have something from the engineer it is up to board to make decision whether they want to approve it or not.

Mr. Hall, Last meeting you had questioned that would like to know what the proposed and what actual was. Proposed came off of definitive plan those numbers are on here and engineer who did the asbuilt calced out what it's capable of holding and put the actuals.

Mr. Cerrone, I said we need letter from your engineer say that pond is built according to what was approved and everybody said you were going to get it. We need letter from your guy whoever designed the pond whoever asbuilt it should be able to give you a letter.

Jim Doherty-12 Westcott Dr., Is it supposed to built to spec of the plan?

Mr. Thimot, I'm not going to argue for 2"

Mr. Cerrone, I wouldn't either but I would like to know if it's off whatever inches.

Mr. Houle, I don't think 2" will hurt it.

Mr. Thimot, Is there any figure there? (Yes.) Is there are stamp? (Yes.) Is it stamped by a PE?

Mr. Hall, It's land surveyor stamp.

Mr. Doherty, I think the subdivision regulations require that it is all stamped by PE.

Ms. Burgess, I believe it's an LS or PE.

Mr. Cerrone, We want letter saying what is proposed when plan was approved and this is what it is now the difference. Do you have 12 trees on lots?

Mr. Hall, Yes.

Mr. Doherty, Not according to what I looked at and fact that there were not survey stakes in place there could be a difference and other piece of equation is what he physically planted it's not what homeowners have planted since they were there. It says builder's plantings not the homeowner. On my lot depending on where stakes are because plan shows stonewall in straight line it is not even close to straight line. Without survey stakes in there you truly can't tell what trees are physically on your property and what aren't. Lot next to me could be potentially five or six trees short. There were five originally planted of the five three died there are two closest to my lot that were just planted by the homeowner. Regs say the developer has to plant them or they have to be physically on your property there are short falls. Lot 14 has only three trees in front of the wall builder only planted five and even one of those are in question. Center of wall varies as much as three or four feet is what is shown on definitive plan that was registered at Bristol County Registry of Deed. This plan isn't even accurate as far as position of the wall. I'm short on trees and my neighbor is short on trees. I could be short two or three depends on where the line is. There is only one survey stake between Lot 14 & 15.

Mr. Hall, We don't survey property lines we stake out houses, their systems and build accordingly the stonewall in back is the property line. From my opinion as builder and property owner in the beginning there is adequate amount of trees along the stonewall. Mr. Doherty I think is bases this on assumption because he too hasn't had it surveyed. If he's short a tree would the board be happy if I planted a tree?

Mr. Cerrone, Yes that's no problem you can plant them.

Mr. Doherty, He can't plant them on my property without my permission. We've ongoing conversations and we've gotten no where.

Mr. Houle, You came to the board and you just discussed it with the board. What is it you two want, what is it sir you want is it a tree? Let me know he just offered to plant one if it's not a tree what is it you want?

Mr. Doherty, It is reimbursement for regrading and putting turf in between front of my yard and the sidewalk. He did it late last fall and it all came up grab grass all weeds and his comment to me was I planted it once I'm not a weathermen it all washed out. It was never even fertilized and I called him and he basically told me to pound sand. If you look at house directly across the street from me it's the same thing everybody else either put turf in or regrade it and reseeded, which is truly his responsibility. Kevin Delaurier diagonally from me in order to sign of that he didn't want the trees Mr. Hall had to go in and do repairs/punch list items on that house to get him to sign off windowcasing, siding on the house.

Mr. Cerrone, We're just on trees here.

Mr. Hall, I don't know what his issue is and I don't think it should be played out at this board. I will say after we put the sidewalks in we did go back and loam and seed both sides all way around the complete subdivision. We would be more than happy to go back and throw more seed down and do best we can. I'm not there to water, mow and take care of it. Mr. Doherty didn't like the way he tore it all up and put sod down and gave me a bill for sod in his front yard. We never gave sod for any of the yards. This is more of a personal issue nothing to do with street acceptance.

Mr. Cerrone, We have to make sure there is enough trees on lot you're willing to offer the trees.

Mr. Houle, Would the tree settle what is wrong?

Mr. Doherty, No. My point to the board is I can't honestly tell you and Mary Burgess told me that the burden of proof that those trees were physically on my property it is his responsibility to prove they're on my property. I'm telling you I can't honestly say whether I'm one, two or three tree short. I'm not going to have it surveyed she said it was on his responsibility to prove those trees were on my lot.

Mr. Cerrone, We receive letter from him in our package. He has to prove to use that those twelve trees are on a lot.

Mr. Hall, He's making an assumption without have property surveyed.

Mr. Doherty, Stonewall meanders and is three or four feet different than what your plan shows the plan isn't even accurate. They're showing wall in straight line with the property line going through middle of the wall. Wall is three or four feet off in different areas.

Ms. Burgess, Wall has to do property lines, farm lines used to be old boundaries.

Mr. Hall, He says it's one, two or three trees I'll give him two trees.

Mr. Doherty, He went to my wife's work threatened her with a letter saying I was the one holding up the subdivision.

Mr. Cerrone, That is between you guys not the planning board. I will go out there and look at stonewall. You don't mind if I take a walk through your backyard?

Mr. Doherty, Absolutely not I'd like to know when you're going to go.

Mr. Cerrone, I'll call you before I come.

Mr. Doherty, Page 37 of the by-law erosion control during construction does that apply to all houses all lots being constructed?

Mr. Cerrone, I think that is during the construction of the road that doesn't apply on lots that is my understanding.

Ms. Burgess, If there are missing trees is there going to be a resolution? If there are three trees missing and Bob puts three trees on your lot is that going to resolve the situation?

Mr. Doherty, I don't know I'll consider it but I would like to know what they are and if we did anything like that we would want someone else plant them.

Mr. Hall, There is one left to build and I don't own it. There is one at end of Vernon Darrah lot 6 and then there is lot #12.

Mr. Cerrone, Get letter from your engineer. We should have them from everyone.

Mr. Hall, It could have been built proper dimension but it settled few inches over the years. I'll give it to Mary.

3) Work Session to review conditions of approval for the modification to Special Permit No. 111 for North Attleboro Marketplace, LLC (WalMart.);

Jack Jacobi, Representing the applicant. Mary e-mail me the decision I made few suggestions.

Ms. Burgess, There are two copies in your packet one says Jacobi Revision and then there is one labeled Draft II, which we've put in John Lavin's comments. He only had three comments to change. Most of Mr. Jacobi's recommendation were just in the body.

Mr. Jacobi, Most of what I tried to do was what time constraints were on each of the conditions that show up later on. Submit electrical utility plan to NA Electric Dept. I just added prior to construction there. #2 complete calculation to 25 storm I put prior to issuance of an occupancy permit.

Ms. Burgess, We can take that one out because we've already done it. That was one John Lavin's comments he said it was already done.

Mr. Jacobi, #3 begin process with Mass. Highway and submit 25% plans I put prior to issuance of occupancy permit and I put language that there is no requirement of further action on this issue other than submittal for this. If Mass. Highway accepts the 25% we're committed

to you to go forward if they don't accept it then we have bigger problem to deal with but that doesn't stop the occupancy permit.

Mr. Cerrone, That is what we told them.

Mr. Jacobi, If Mass. Highway accepts the plan then we are committed to following through with Mass. Highway process.

Mr. Sweet, That would be acceptable.

Mr. Cerrone, If they accept the plan follow through with next phase.

Mr. Thimot, At what point does SRPEDD put their two cents in?

Mr. Jacobi, When we file with the state they kick it to SRPEDD for comments.

John Kokot, They kick it to every one for their comments any agency that might be involved gets a copy.

Ms. Burgess, If Mass. Highway accepts plan the applicant must follow through with subsequent phases.

Mr. Jacobi, #4 is blinking light I just added prior to certificate of occupancy. #5 plans showing traffic calming island with right turn only prior to construction because we have to update those plans for you. #6 get gas line crossing allowed if approval is not obtained by time of certificate of occupancy is issued the planning board will allow applicant to opening store will consider modification of condition. That is what you told us come back to you. #7 is follow up of that, which is provide proof of the acceptance or denial prior to occupancy permit. I just put bond amount at the end. Next one was installing stop signs in other two directions you asked for that is prior to issuance of occupancy permit. Next bringing Allen Ave. gate up to operational status prior to occupancy.

Mr. Cerrone, Engineer from electric co. looking at the gate then Jay Moynihan was there. They were going to wire it I told them Mr. Carpcionata is going to do it for us I told them to stop.

Mr. Jacobi, Traffic striping for separate lanes prior to occupancy permit. Approval from ConCom prior to construction. All Attleboro is also prior to construction. #13 \$1.00 per foot in mitigation funds just added that upon an occupancy permit being issued. Square footage is 66,279 sq.ft. Then Mary and I had discussion on the bond it occurred to us there are only two items that bond would be covering because everything else you have occupancy permit to hold us up on. The submission of 25% plans to Mass. Highway and wiring the gate everything else we can't open the store addition unless we completed all those conditions. We're going to suggest \$10,000.

Ms. Burgess, I recommended the \$10,000.

Mr. Jacobi, We didn't try to commit to anything that is why we left it blank.

Mr. Cerrone, My number is \$50,000 this way he gets anxious to get the plans get all the stuff.

Mr. Jacobi, Would the bond be released when wiring and submitting 25% plan?

Mr. Cerrone, Yes it will be released at least it gives you motivation to do it. You need your CO the only leverage we have is that bond saying those plans have to be done.

Mr. Kokot, Agree to \$50,000.

Mr. Jacobi, Can we add that bond will be released upon satisfying conditions whatever the two numbers are?

Mr. Cerrone, Yes and board agrees. Rest of conditions that were set on first phase they're still going to stay on like sweeping, hours, etc.

Mr. Kokot, Yes. ConCom made us submit a pretty thorough maintenance plan.

Mr. Cerrone, They were cutting all the weeds in one of the ponds, cutting everything, cleaning it.

Mr. Kokot, ConCom wouldn't even let us submit this latest notice until we cleaned it up.

Mr. Cerrone, Most water I've ever seen in those three ponds is maybe a foot and then gone within couple days.

Mr. Kokot, We're looking at the very same things you notice. We already went in and got ConCom approval about year ago there is lot we got approval to build in area that is in back of John Case. We haven't come to you yet but we got if for same reason you're talking about it isn't really wet.

Mr. Cerrone, Does board want to make motion to approve conditions?

Mr. Kokot, What were the three the engineer added?

Ms. Burgess, One was get rid of #2, on my original I had question marks about Algonquin I didn't know what it was called he added that in and third one was I believe wiring the gate.

Mr. Sweet, Make motion we approve draft decision amendment as spoken and jotted down with changes, seconded by Dick Houle.

All in favor 4 to 0.

Mr. Thimot, Mary did you get letter back from Roger?

Ms. Burgess, No I requested it twice and I verbally requested it once more on Tuesday morning.

Mr. Cerrone, How are you making out with Roger on all the stuff we have with him?

Ms. Burgess, He's working on it. It's been there couple weeks. I did get verbal response from him regarding Chauncy Village that we can sign off that all the conditions have been met.

4) Update on progress of Hickory Woods Subdivision;

Donald Cerrone and Richard Thimot left table at 9:19 P.M.

Mr. Thimot, There is no quorum.

Ms. Burgess, I sent letter to Board of Health, Board of Selectmen, Board of Public Works and Conservation with an update. It just stated that Wednesday next week we are expecting calculations and plans from Mr. Bottomley.

9:19 P.M. Donald Cerrone and Richard Thimot returned.

5) Completion of Beaupre Circle and Pinonnault Lane;

Mr. Cerrone, Receive letter 8/16/07 drain structure.

Ms. Burgess, It is more or less the same from our last meeting nothing has changed. I did want to ask the board if you would like me to send letters to everybody on this list asking where they stand by end of season so we can move forward for the spring. Linda does the letters and then I review them.

Board agrees good idea.

6) Completion of t. Lawrence Way;

Ms. Burgess, There is no update I didn't know if you guys made a decision about the patch.

Mr. Cerrone, As far as I'm concerned that patch is fine I went out and looked at it. We released money because that patch was right the pavement money. The lights are the problem.

Ms. Burgess, I talked to Fred and he said he ordered the lights.

Mr. Cerrone, Check with the electric company.

Ms. Burgess, Fred won't pay Lynch until board says it's an acceptable patch.

Mr. Cerrone, Have Bill McDowell look at it and this way our engineer isn't looking at it and it would be fair to both parties.

7) Completion of Bally Heather Subdivision

Ms. Burgess, Mr. Fitzgerald is coming in on the 4th and update the board. Everything else is the same there are no other changes. Bond expires 12/31.

Other Business;

31 Millard Rd. Barlick's;

Mr. Cerrone, We talked to them.

ZB Letters;

Ms. Burgess, I did two letters. Pride and Boch appealing decision of building inspector for 10 x 20. I wrote a conjoined letter.

Mr. Cerrone, These commercial sites are all striped all the dealerships are striped. If they want to change parking size fine someone submit an article but as far as I'm concerned they should be marked. I support the building inspector's decision he's right.

Ms. Burgess, That's what I wrote the board supports his decision. Reading her letter.

Mr. Sweet, I like that letter enough that maybe we get it to RTM if you like that idea it has to be 160 or however many copies by Monday.

Ms. Burgess, Other letter I composed was to Boch regarding 35ft. stream buffer between commercial and residential planning board does not agree with location of zoning district boundary line as drawn on accompanied unstamped plan submitted by Tilton. The planning board strongly recommends that ZBA request applicant reappear before planning board for zone line determination.

Mr. Cerrone, As far as I'm concerned that 35ft. buffer should stay.

Ms. Burgess, I didn't write letters for these two Burke seeking variance for use old police station they want to do internet and office space. Dussault is seeking special permit for used auto sales and auto repair it is next to Car Town 625 East Washington St. I thought it was an existing use.

Mr. Cerrone, It's a business that's been there as long as he follows with site plan. How about Pride and Kia same thing as Boch right?

Ms. Burgess, Yes.

Dept. Head Meeting 10/1/07.

Workshop on 3rd. Low Impact Development;

Ms. Buirgess, Instead of having vast detention basins you install other practices like drainage swales, rain gardens. They implement overlay districts say vast tract land that you don't want see chopped completely clear cut. This is one way of putting in an overlay district and they have to do it this way.

APA Conference on 10/11 and 12 of October.

Dept. Head Meeting;

Mr. Sweet, Is this one you solicit suggestions. Selectmen had asked the town administrator to hold all hands dept. meeting.

Ms. Burgess, No this is just dept. head meeting we're having once a month.

Building Permit List;

Mr. Cerrone, I asked Mary to specify because we don't know if it's single, multi units we want it itemized she's going to check with Al. 2005 we did 135, 2006-47 and 2007-27 permits.

Botts Land on Rte.120;

Mr. Cerrone, We have to make a recommendation Chapter 61A. It is not big enough for what the town wants to do.

Ms. Burgess, Possibly affordable housing I've heard a lot from the community.

Mr. Cerrone, We had three affordable houses on Old Post Rd. they knocked down the town should have bought those you wouldn't have had this problem with Boch. The lot is 9 acres they're selling it the town has first refusal.

Ms. Burgess, We have it for 120 days we have to make a decision.

Mr. Cerrone, I don't feel it's big enough.

Mr. Sweet, Pass.

Mr. Houle, Pass.

Chauncey:

Ms. Burgess, They met all conditions of requirement before endorsement gone over them all and also did legal stuff with Roger. I feel it's okay for board to sign it.

Mr. Cerrone, We'll stop in and sign it.

Mr. Houle, Make motion to adjourn, seconded by Chris Sweet.

All in favor adjourn at 9:45 P.M.

Respectfully Submitted,

Attach Agenda to Minutes.