

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, JANUARY 17, 2008**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, January 17, 2008 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Christopher Sweet, Richard Houle, Donald Cerrone-chairman and Mary Burgess-town planner. Joan Marchitto arrived at 6:31 P.M.

Planning Board Business:

1) Approval of Minutes:

No minutes to approve.

2) Review Final Actions;

Form O: Amerada Hess Corp.-71 East Washington St. Have letter from them Mary Burgess reading into minutes.

Final Action due: January 22, 2008

Request continuance to March 6, 2008;

Mr. Houle, Make motion for continuance until 3/6/08, seconded by Chris Sweet

All in favor 4 to 0

Requesting extension for final action to March 21, 2008;

Mr. Houle, Make motion to extend final action until 3/31/08, seconded by Chris Sweet

Lighttower, Nextel and Metro PCS: Site plan review;

Final action due; February 1, 2008

Requesting extension for final action to March 21, 2008. Have not come in front of us but have sent letter to extend final action until 3/21/08 due to zoning.

Hearing scheduled for 3/6/08

Mr. Sweet, Make motion to extend final action until 3/21/08, seconded by Dick Houle

All in favor 4 to 0.

3) Bond Expirations;

Nothing expiring until June

4) Endorsement of Vouchers;

No vouchers.

Other Business:

Outstanding subdivisions;

Linda doing follow up on letter sent to developers asked them to bring proof of bond. One surety was bought out by another. Letters were certified return receipt.

Walcott Rd.;

David Manoogian-attorney, Representing developer Roger Sauvageau. Last time we had expressed some desire affirmative fill in trenches and pitch on behalf of my client was that I could advise him to do that because it would be contrary to order of conditions that is there. I believe Ms. Burgess has made some inquiries.

Ms. Burgess, There is letter from Conservation yet and she recommended not filling in trenches letter indicated it would not be possible without modifying DEP plan, providing engineering review and permitting with the state. You would have to change the drainage.

Mr. Cerrone, I think that decision was made before she came in Walcott Rd. has been going on for about 10 years at least.

Mr. Manoogian, That is superseding order from the state local conservation had no authority to change that.

Raymond Payson-abutter, I believe superseding orders were approved by DEP to modify those trenches. I think someone has to research that. Question was I think there was no money to do that and also looked up \$10,000 bond it says to clean up or finalize for Walcott Rd. It doesn't say what that \$10,000 was for. There is money to do the trenches and it is my understanding that contractor was going to do trenches.

Mr. Manoogian, There is superseding order issued by DEP and there is also Certificate of Compliance. That doesn't mean the orders are not in effect if that is changed in anyway you would need to get DEP permission nor can local Conservation enforce it for DEP if they chose to issue cease and desist. My permission has not change with respect to my client he built in accordance with the plans approved by this board and by DEP and that is all we have to do and we're not changing it. If you want to change it you take that liability but I'm not advising my client to do.

Mr. Cerrone, Last couple snow storms there were couple trucks that went in trenches they had to get tow trucks.

Mr. Manoogian, That is not my problem we did it based on approved plan that this board did, we did it based on what DEP had and you can thank Mr. Patch for bringing the original plan approved by local Conservation as to sheet flow. Mr. Patch appealed it and that is what result of it was superseding order that is what we have to live with. If you want to change it my client doesn't care about \$10,000 as far as we're concerned it should go to Mr. Finocchio for his wall. If you want to use that bond for something else including the re-engineering of that road, including re-engineering of drainage system be our guest but you are not getting anything else from us for that road that is all we can do. I can't advise my client to go against valid order of law and I'm not going to do that.

Mr. Cerrone, We'll do some research.

Ms. Burgess, Letter that Shannon wrote was looking through the file on superseding order of conditions and determined it was too difficult to try and modify and go back to state.

Mr. Manoogian, I think it was everyone's consensus back years and months ago that wasn't great design but we were stuck with it. Maybe DPW could go and fill it on their own and I think Mr. Walsh said he would provide the labor if you want to use bond for that go ahead. I couldn't advise Mr. Walsh to do that on behalf of my client because there is too much liability.

Mr. Cerrone, Maybe town can do it.

NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, JANUARY 17, 2008

Christopher Sweet left table at 6:45 P.M.

6:45 P.M.- Continuation of Cobblestone Final Action Due: February 10, 2008;

David Manoogian, Representing Spinnaker Group with me is Andy Kushner and Len Bradley-DiPrete Engineering. I think last we met public hearing was continued tonight because I think Len was going to provide you with some edits to the plans, which incorporated all of John's comments to date. We recognize before the mylar is signed approve edits but we just wanted to give you update set of plans. Other reason it was continued I think the board instructed town planner to get some opinion from town council respect to sewer line in vicinity of subdivision.

Ms. Burgess, Reading letter into record from town council Roger Ferris dated 1/14/08 (Insert).

Mr. Cerrone, What about letters we sent him no response on them? Letter neighbor's brought to our attention the agreements.

Ms. Burgess, That is what he was referring to was those letters as well.

Mr. Houle, He didn't bring those letters up at all.

Ms. Burgess, Sent letter to council on the 4th. and I believe fax as well that is response I got on 14th.

Curt Chretein- 71 Draper Ave. I was one who supplied the copies of agreements. I still believe he didn't answer question about sewer being private. Until we get definitive answer I still believe that development should not proceed without town sewer I will take it to appeals court.

Mr. Manoogian, I request the public hearing be closed you got the answer we're not going to give further extensions to wait to see what happens. I know this is private line regardless of what happens to the Evergreen Common the affluent all goes into private line on Rte. 1 and there is master agreement between Mall and town that gives that sewer line to Mall DPW can maintain if they want but rights of that line are in the Mall until town takes it over. The town has chosen not to take it over DPW there is opportunity for town to take it over an article at town meeting but everyone is against it that is where it stands. Regardless of what happens to Norton Rd. subdivision the effluent still goes into that Mall line. For my clients to tie into that Mall line is \$60 gallon that yields prohibitive results we're not going to tie in. Based on this you have no private sewer within 1300ft. from public sewer and we have approval of Board of Health so we respectfully request that public hearing be closed. If Mr. Chretein wants to appeal ultimate decision of this board that is his right to do so.

Mr. Chretein, Also supplied documentation that Steve Cavalieri offered to gift to the town pumping station.

Mr. Cerrone, Everything is all set with Board of Health and other departments public works have letters?

Ms. Burgess, There was 3 lots in wetlands.

Remove 3 lots all set with conservation.

Mr. Houle, There is problem here we're not sure whether this line is public or private. I wish we could deal with facts not hearsay.

Mr. Cerrone, I know last meeting we sent all information to Roger Ferris town council is this is letter we got back. We are on time limit this developer has been giving us extension he doesn't have to do anymore we have to make a decision.

Mr. Houle, He says information is still being collected do we even have an idea on how long?

Mr. Cerrone, We've been sending all the information we get to all the depts. we're trying to help these neighbors there but seems like we're getting stalled.

Manny Cavaco- 10 Quinn St., I thought I was going to see from town council was direct response to issue of DPW because Mr. Manoogian brought it up supposedly has the right if someone is in emergency situation. I thought that was what town council was going to address again whether it was public/private something that would say reviewed letters and documents and hereby agree with whatever that DPW had that right or didn't have right. It just seems so unclear.

Mr. Cerrone, Letter we sent to him was that someone tied into that line we wanted to know how did they get permission to tie into that line. This is answer we got back from town council.

Mr. Houle, Also the letter from Mr. Chretein.

Mr. Cerrone, Recess this open up public hearing for Mount Hope at 7:00 P.M. recess until 7:15 P.M.

Mr. Manoogian, Only thing I could state that if the neighbors have that concern free to file petition at town meeting seek to take over the line themselves. For purpose of this evening

we're not prepared to wait several weeks because we don't know if there is any end in sight. It does state that as far as he's concerned for the present and near future he's standing on prior decision that it is private line. We have Board of Health approvals we're not willing to grant any further extensions we would put it in your lap. If before we start construction there is possibility of sewer we'll come back with an 81W plan and ask that you amend it because it helps us if it goes on sewer too.

Mrs. Marchitto, We do have letter 11/21 from Roger Ferris reading in (Insert) it was received 11/27 it was letter of request from Planning Board 11/19.

Mr. Manoogian, We never saw that. What Mr. Kushner has come up with he would not balk at condition that says should the line be determined to be public before construction and there is no longer sewer moratorium. There are two things here even if line goes public until town makes their sewer moratorium we couldn't connect anyway because sewer moratorium is due to deficiencies in the plant and DPW not having EIR. If you impose condition saying that before construction starts and before town no longer has sewer moratorium that line is accepted by town and we have to tie in then we could come back with sewer connection. I think right now your constrained to follow town council's opinion I think he's been consistent it is private line and we're constrained to follow his opinion. I understand where Mr. Chretein is coming from and he is totally entitled to appeal.

Mr. Cerrone, We can't deny it they have Board of Health letter they perked.

Mrs. Marchitto, If we close it is our intent to come back and do conditions?

Mr. Cerrone, Yes we have draft here you can look it over.

Mr. Houle, Legally there is no reason not too?

Mr. Cerrone, Yes our hands are tied.

Mr. Cavaco, If you close it does that mean you approve it?

Mrs. Marchitto, What I was bringing up was if it is public sewer we could require them within our subdivision control laws to tie in. Council is sticking by it's private. They can still get on site sewer systems on individual lots so it is not reason for denial of subdivision. If they could not receive on site sewer it could be a legal issue.

Mr. Cavaco, I understand both sides I guess my question was if you close public hearing today and you're not going to vote on it today. I guess what I'm saying if there is an opportunity for me to see hands go up.

Mrs. Marchitto, Once we close the hearing then no more public input comes in and no more documentation. We do deliberation of this board talking amongst ourselves you can sit and listen we cannot allow anymore testimony and applicant can hear out discussion but we can't have any more new evidence.

Mr. Chretein, When you have final decision I would like you to take into consideration Mr. Manoogian's recommendation if it goes on sewer or Cavalieri line being accepted or Draper Ave. line.

Mr. Cerrone, I talked to our town planner this afternoon she was drafting up some conditions that was one of the things I put in there. You people still have shot at it you want to get article at town meeting you're welcome. Developer wants to do it right way too.

Mr. Houle, We can't force him to get onto private line we have no jurisdiction.

Mr. Chretein, I understand the issue I'm not trying to make the developer go away I said that from day one I'm not trying to stop it.

Mr. Cerrone, Close public hearing for Cobblestone at 7:10 P.M. on 1/17/08.

Continue hearing until 2/7/08 at 8:00 P.M.

Christopher Sweet returned to table at 7:10 P.M.

7:15 P.M.- Public hearing for the application of Linda & George Weston for the Definitive Subdivision to be entitled Mount Hope Farm Estate. Note: Final Action Due 2/29/08; Christopher Sweet reading in statement disclosure of business relationship with Ed Casey prepared will and sold him life insurance.

Ed Casey-attorney, Represent the Weston's we have GPI traffic study. Sewer been to public works

Ms. Burgess, Reading in letter dated 11/26/07 (Insert).

Jim Noyce-Greeman Peterson, Floating car study average speed. Radar study done on Wednesday between 2 and 4 1/19 off peak hour 114 vehicles north 137 vehicles south. 85th. percentile 35 north 47 south. Sight distance 300ft. looking south greater than 500 north at 35MPH need 250ft. sufficient sight distance. Morning traffic study would have to be after 9:00 A.M. Driver eye height 3 1/2ft.

Mr. Sweet, There is boulder impeding sight.

Linda Weston, I think it is on town layout and is for decorative purposes. We deeded 7ft. to the town.

Anita MacDonnell-59 Lakewood Dr., Coming out of from development both corners kept clear coming out 15ft. from gutter line.

Carl Boardman-Angle Tree Consulting, 5ft. given to town shown on plan.

Mrs. Marchitto, Could you put stakes where entrance is and where sight distance is?

Mr. Boardman, Yes need 250ft. have 300ft. down to south and north also 330ft. will stake it all out and let board know when it is done. Responded to all comments of letters read on 12/6/07. New plans dropped off 1/8/08. Water and sewer lines from homes, layout stayed same existing conditions overlay of where roadways would go proposed topography elevations of various curb cuts. No difference in amount of fill intent of using E1 purpose to bring everything down.

Mr. Cerrone, Should have been to public works to design sewer.

Mr. Boardman, Size of pipe part of rules and regulations 8" sewer in street 6" to house.

Direction of public works sewer coming from John Rezza up Mt. Hope to subdivision.

Mrs. Weston, It is against your rules and regulations.

Tape 1 Side B inaudible.

Mr. Cerrone, Board of Public Works when you go forward they're the ones you have to apply to that is way it's been in the past.

Mrs. Weston, We can't do definitive plans using unless...(inaudible) we'd be grandfathered right.

Mr. Cerrone, I have to see if they have master plan for the area they must have something for that area of what they're going to do there are lot of streets with no sewer. We're making a decision on road that is 1300ft. sewer on Mt. Hope St.

Mr. Casey, We're going to be gravity feed from within the subdivision we're not talking about pressurized line on Mt. Hope.

Mr. Boardman, Let me explain low-pressure sewer system. Low pressure sewer system will utilize individual in one pump, which will line pump deposit displacement line in the pump that push the sewer up through a 20" force main to the gravity sewer. Gravity sewer constructed in Mt. Hope St. would be an 8" with manholes come up John Rezza Dr. that is way it's shown on master plan for town of NA. We did meet with them and we questioned how we're going to route this sewer. We looked at several alternatives as to how to connect and run sewer to some of neighborhood properties they didn't want to see us do that. We don't have direct access to the sewer anywhere the only place they directed us to put sewer was John Rezza Dr. Mt. Hope St. up to entrance of subdivision. Depending on design we would carry that sewer into subdivision connect it with the low pressure sewer system on number of houses within the subdivision and probably majority of houses within the subdivision would be serviced by low

pressure systems. Pumps would be maintained by individual homeowners. Existing is on ... (inaudible) 4 surface at that elevation. We've done some preliminary design and I believe we can bring road surface 1% in 1% back up to high point which is basically by topography outcropping of ledge on G. Donald Weston Dr. Stevens Dr. we would leave design alone as it goes to the south again lower the roadway and cul-de-sac which contains large quantity of fill. Existing design approximately 60,000 cubic fill we believe we would be able to reduce the volume of fill by about 30 to 40%. This would require using low-pressure sewer system to the 3" pipes. That is why waiver request because their regulations require 8" sewer.

Mr. Cerrone, I've been on board 17 years I've never seen one of these yet when we design subdivision. Usually when they design a subdivision Public Works don't want to have these things because homeowners buy these houses all sudden they have problems and they get the call that is my feeling.

Mr. Boardman, We designed the subdivision with 8" sewer. At workshop sessions Mr. McDowall indicated that they would consider the low-pressure sewer system.

Mr. Casey, If the board would like us to go to Public Works and secure some vote of approval.

Mr. Cerrone, Yes I'm not going to approve subdivision where they own sewer rights and all that. How many houses are going to be in this project?

Mr. Casey, 19 not all of them will be serviced by that. I think the first 4 or so are gravity feed.

Mr. Boardman, I would say 17 would have low-pressure pumps 16 or 17 lots with low pressure.

Mr. Houle, Have they gotten letter from public works other than this saying that this is okay? This clearly states with approval from the Board of Public Works.

Mr. Cerrone, This was staff that works for public works it wasn't the board.

Mr. Boardman, No we met with Board of Public Works months ago we presented them with three alternatives of sewer. They indicated run sewer up John Rezza Dr. into Mt. Hope St. Because of their circumstances with master plan and various filings they are not in position to grant approval for any sewer. Best we can get is staff approval.

Mr. Cerrone, If you get easements say someone gave you an easement.

Mr. Boardman, Alternatives that were considered and presented to Board of Public Works. Alternative coming from end of large cul-de-sac in easement on Weston property to tie the sewer in Angelina Dr., which would require at a minimum of 400ft. easement over existing house lots. Another option was 660ft. easement over existing house lots to Lakewood Dr. and then through an existing easement to end of Lakewood Dr. and Angelina Dr.

Mr. Cerrone, Existing easement is there on Angelina Dr.?

Mr. Boardman, Lakewood one is there none of the easements from Weston property to either Lakewood Dr. or Angelina Dr. exist at present time.

Mr. Cerrone, Have you tried to get an easement from neighbors?

Mr. Boardman, We did not pursue that because Board of Public Works directed that they wanted sewer in John Rezza Dr. and Mt. Hope St.

Mr. Cerrone, We don't have anything from DPW they want that either.

Mr. Lavin, I think they just submitted the plan with the sewer design in roadway it wasn't in first set of plans. That was comment at the workshop design the sewer system at end of road that is not even there yet.

Mr. Boardman, Some sewer design sheets showing the alignment and profile from John Rezza Dr. through entrance to subdivision.

Mr. Lavin, Asking about plan in yellow. First thing I look for reduction of fill is the key. The 1% meets I haven't seen anyone with 1% without puddles but you're proposing 400ft. of it.

Mr. Boardman, 1% is the minimum slope specified in regulations.

Mr. Lavin, It's in regulations you can't go against that but few people are ripping roads out right now because of the 1%. It is because you can't pave it that way what happens road stops you get a puddle.

Mr. Boardman, I have found 1% with great asphalt.

Mr. Lavin, You can't do that.

Mr. Boardman, I've done roadways with ½% they are really tough.

Mr. Sweet, Lot 19 from street where deck is proposed there is also bedrock protruding from the ground.

Mr. Boardman, These are just typical indicative dwellings to show it doesn't have to be there. We use drainage calculations for what is possible to put on site. Sidewalks on both sides of the street, handicap access ramps we stuck with asphalt sidewalks. We went through the regulations checked all of the items.

Mr. Cerrone, Roadway is 900ft. long?

Mr. Boardman, Roadway is 971ft.

Sandra Copley, 972ft. to centerline of cul-de-sac.

Mr. Cerrone, My past experience has been since I've been on the board 900 to center of cul-de-sac. We have two letters NA Fire Dept. and NA Police Dept.

Ms. Burgess, Reading into record Police Dept. dated 1/7/08 and Fire Dept. 1/3/08.

Mr. Cerrone, I have agenda from Board of Health I guess they still have 11 days remaining we haven't received anything from them?

Ms. Burgess, No we haven't.

Mr. Cerrone, Have you filed with Conservation?

Mr. Boardman, Preliminary review with Conservation.

Ms. Burgess, Usually Shannon won't comment until she has NOI.

Mr. Cerrone, John needs more time to review this.

Mr. Lavin, The whole concern was amount of fill coming in that is why Mr. McDowall considered E1 so you can pump to lower the houses. Question too is can you lower the houses and still be 2ft. above base of high seasonal groundwater.

Mr. Boardman, We were filling as result of road being up there north extension houses would not be problem.

Mr. Cerrone, Mary if you could send Bill McDowall see if it makes different if they came for an easement with the sewer. Would that change the fill? Have him take look at it because he probably knows the inverts of the manholes, etc. he can look it up. That might be another way to go too so they don't have to use those E1. If I recall when we approved this last Woodland Park we left an easement there for a reason Planning Board made him get an easement so the sewer could go around there somewhere.

Mrs. Weston, I maybe wrong but I know Scott they did go to DPW with these two ways and DPW took quite bit of time and went over those streets and did pull the manholes and did whatever they had to do. They told Scott that it could not be connected that way to Woodland Park.

Mr. Cerrone, Let me get something from them.

Mr. Boardman, DPW was looking to extend their sewer in accordance with their master plan that goes up John Rezza Dr. and Mt. Hope St. rather than trying to extend sewer through Angelina Dr., which would require I believe extensive reconstruction of the sewers within that subdivision. Where as this way they come down and get right into easement that they had for those existing pipes.

Mr. Cerrone, These people on Lakewood Dr. they've been waiting for sewers for years.

Mrs. Weston, T to those houses.

Bill MacDonnell-Lakewood Dr., The board is well aware amount of problems on Lakewood Dr. and Young Ave. with water. I have letters from your engineering company, Dept. of Public Works and Conservation all stating about the fill you have copies of and they keep looking at neighborhood impact. Also at last meeting was brought up that the extension of the road they want more house lots it would go from 15 to 19. With all water and all ledge in that area and the fact that area of Lakewood and Young now get serious water problems. I feel that with free standing ponds and groundwater just couple feet under you're just asking for problems and especially North Attleboro has lot of problems with water.

Sandra Copley representing parents.

Mr. Houle, If someone does not live in this town is there a law Mary that would prevent them form speaking? I just want to make sure we're not breaking the law.

Mr. Cerrone, It is her mother.

Sandra Copley, I live in North Attleboro 115 Lorden Dr. To the engineer if you lower and reduce the fill by 30 to 40%. How much lower would those houses be on northerly large cul-de-sac you said you had plenty of height to start with and you were quite high?

Mr. Boardman, All way to cul-de-sac minimum is about 2ft. will lower the cul-de-sac approximately 4ft., which would bring houses down.

Mrs. Copley, Comments indicated on revised plans that you brought in tonight that revisions to detention pond and I'm wondering if you could tell us what that is.

Mr. Boardman, Initially we presented lots of detention ponds for surface area to be Conservation objected to locations and proximity of wetlands. We were able to change the configuration of detention pond with amount.

Mrs. Copley, So they are smaller and shallower? (Yes.).

Mr. Cerrone, That is one on lot 15 and 17?

Mr. Boardman, Lot 8, 9 and other one is on 15 & 17.

Mrs. Copley, That won't effect the improvements that this water runoff that you had?

Mr. Boardman, Indicated any amount details stormwater management. We have reduce at north wetland area seemed to be most concerned reduce flow to existing pond that is there 31 to 40%. Two storm event, which is the most common we've reduced the flow about 36% to detention pond to the existing pond that is there. From pond to Lakewood Dr. area we've reduced the flow at about 60%.

Mrs. Copley, Where is that water going?

Mr. Boardman, Water is being detained on the site some of it is infiltrated and it is just question of releasing it at slow rate.

Mrs. Copley, Those reductions that you did on that original plan will they still hold with shallower retention pond?

Mr. Boardman, These are the results as they are designed today.

Mr. Houle, She asked a question where is the water going?

Mr. Boardman, Water is infiltrated.

Mr. Houle, 60% of that water is going to infiltrated?

Mr. Boardman, Not 60% no.

Mr. Lavin, The impervious surface created.

Mr. Boardman, About 20% in 2-year storm and goes down to 4% in 100 year storm.

Mr. Casey, Carl if the board were to grant the waivers to the size of sewer line and ...(inaudible). Do you have an opinion whether the reduced height of the roadway would further reduce height of some of the houses would effect the way with drainage calculations that are now standing before the board?

Mr. Boardman, No they won't effect it all there might be some slight increase to time of concentration but the impervious area is going to remain the same.

Mr. Casey, If we were to go through this process of getting Board of Public Work's to support E1 and maybe from the board for the size of the puddles. All of the definitive subdivision plan detail including the stormwater management plan would have to be recalculated and then submitted to town for review and approve this. In sense we'd be starting fresh?

Mr. Boardman, In a sense yes. Drainage area however we're going to remove this the impervious areas are going to remain the same compound achieving is time of concentration that is final take water and get into outlet that will change we won't have steeper slope. Only concentration would be reduced to rate amount, slope would not. I would need to get these rates changed sewer and half for the sewer.

Mrs. Copley, Cul-de-sac is about 14,000sq.ft. big one on north side? If there is going to be vegetated berm type thing in middle my understanding was homeowners were going to take care of it. If they don't what happens?

Mr. Cerrone, It would be a jungle I've never seen one those of yet. I don't think it's in our rules and regulations. Attleboro has them I was on when they approved Cherry Tree that was before my time.

Mrs. Copley, Is he required to put one of those in do you have to landscape it?

Mr. Cerrone, Town owns it it's the town layout.

Mrs. Copley, We talked about encroachment on 100-year flood zone a number of these properties. How does that impact the water, with fill, etc.?

Mr. Boardman, Houses will not encroach on 100 year flood way it is calculated 100 year flood elevation is not something we can change by doing water and calculated.

Mrs. Copley, These houses won't be in flood plain?

Mr. Boardman, No they will not.

Mrs. Copley, If you reduce number of lots in cul-de-sac because you're asking for 71ft. waiver. Would that reduce the water flow or rate of flow over impervious surface?

Mr. Boardman, It would reduce the amount of impervious area too minor extent you're taking out where these 10,000sq.ft. of fill. You're going to have minor decrease in rate amount.

Mr. Casey, This subdivision as designed for us possibly revised to accommodate lower roadway elevation would include the degree of flooding that is experienced by neighbors because the waters would be held for longer time on Weston property.

Mrs. Copley, I'm asking the board if there is some kind of provision where all numbers come in and it looks like it shouldn't effect anything has there ever been any kind of funds set up in escrow account for five years and if nobody's land gets any worse you get your money back. If board looked at houses that have serious problems and notes maybe by building inspector or Conservation or whoever's power it be here is existing problems here is record of particular property. When you blast numbers can say something and mother nature can do whatever she wants. If everyone is so confident is that something that could be discussed legally? I know in Attleboro when I had to go through a project the city had us put X amount of dollars in a fund to do some research into something that involved water, etc. and within couple years you get your money back.

Mr. Sweet, You speak to town accountant you will find that moving forward the state has been very difficult with mitigation funds it is not recommended that anybody do mitigation funds for whatever purpose state is cracking down. It is state law and we go by state law.

Ms. Burgess, My understanding that specific fund has to be established for specific project and certain guidelines have to be set up before they are approved.

Mr. Cerrone, Before all this change we used to have mitigation put some money towards that area because we have lot of projects like that. Example was John Rezza Dr. we got \$2500 when they did last phase 6 or 8 lots instead of putting sidewalks in cul-de-sac they gave money to do something on John Rezza Dr. because people were complaining at time they wanted sidewalks. The developer gave us \$2500 specified to be used on that road. We can't do that anymore the laws have changed.

Mr. Copley, Is it the job of engineer maybe I don't know whose job it might be to investigate if there is any other non monetary mitigation that might be appropriate? As I had mentioned before my parents are willing to give drainage easement right near big pond north between pond and to go out into Lakewood Dr. or to direct the flow. Can the board suggest help everybody to get what they want? Weston's have their subdivision you guys figure it is all to town regulations but also my feeling on behalf of my parents is that these folks that can swim in their basements we would like help too.

Mr. Casey, Weston's through their engineering firm devoted significant amount to do that. They live in the neighborhood if they could help they would it isn't case where they are ignoring the complaints that they hear from you. Whether it is based on Wetlands Protection Acts, which limits the activity that can take place in proximity of wetlands or DPW insisting upon certain routing. Really tied hands on engineers of Weston's in finding a way to address your concerns if they could do it they would gladly accommodate you.

Mrs. Copley, I'm saying is I think they may not be fully cognizance of the fact that my parents have offered an easement. We don't know if it's going to work my question is who can find out? The pond trickles or streams down supposedly into a culvert but what happens is it backups and lady's backyard is under water she has couple sump pumps. There is some kind of drainage culvert.

Mrs. Weston, When I went to registry of deeds and I dug up Lakewood Dr. plan that was submitted when it was built there is an easement that was filed with registry of deeds that goes right across for drainage it is between lot 7 & 8. There is legal easement and water was stopped.

Mrs. Copley, My parents have indicated that they are willing to give an easement for drainage.

Mr. Cerrone, We'll have our engineer look at it.

Mrs. Weston, We don't own this land where all of that drainage goes too anything to do with Young. Kevin McIsaac doesn't even touch our land we can't do anything there. You walked through our ponds there was no water.

Kevin McIsaac-50 John Rezza Dr., My next door neighbor Mike who couldn't be here tonight lives directly across from me had lot of water damage this past springtime in his basement.

Mrs. Copley, To Weston's credit they are trying to do everything they can on their own property what we're trying to bring out is everyone is willing to help. If my parents would give an easement, if we could investigate some other way to lessen the impact on Young Ave. by someone over there giving an easement.

Mrs. Weston, You don't have public sewer. I know your parents don't have water problem you told me.

Mrs. Copley, They don't have it in their basement what happens is back land, which wasn't wet before is now becoming wet and now being flagged as wetlands so they have issues that are happening and have happened in last few years. Showing pictures with culvert pictures were taken 11/06.

Mrs. Weston, We're proposing to put less water than goes there now by considerable amount we specifically pay attention to our neighbors on Lakewood. I would like to ask Mr. Lavin if

these calculations are done by our engineering company the town goes over those don't you to make sure calculations are correct?

Mr. Lavin, Yes. Other thing as far as water going feeds wetlands rights now so whatever feeds it now has to go there later.

Mrs. Weston, We're not just giving calculations that you take our word for they are going to be checked by town engineer. I also would like to point out at preliminary hearing Mr. Payson remarks about what they should be doing about their own problems.

Mr. Lavin, They're going to review E1 we just got this.

Mr. Casey, If we go to Board of Public Works and we do up definitive revised plans and they don't pass with you?

Mr. Lavin, It is just matter of 30% of water comes down it is just looking and comparing and make sure everything can still work and then look reduction.

Mr. Boardman, We looked at elevation of retention ponds, elevation of storm drains to make sure that we could put.

Mr. Lavin, Existing sewer is deep enough as shown?

Mr. Boardman, The sewer would not be there it would be E1's it will all be pressure sewer. We did that as indication of what we could do.

Mr. Casey, I would like to amend the request regard to length of roadway based on centerline actual length is 972ft. so it would be 72ft. There is three page letter plus lot of supporting material that speaks to the issue of the waiver for length of roadway. I recall when we were here last that Mr. Thimot said that he was unaware of any town, which planning board had granted waiver for length of roadway. I did lot of research.

Mr. Cerrone, I want to give you history I've been on board I think since 1990 somewhere around there. We were getting subdivisions rules and regulations were 600ft. people were coming in with 700ft./ 800ft. and board was giving waivers at the time. There was one project Hawkins Rd. Germaine Dr. was long road at that time I suggested to board we either have to change regulations or stop giving waivers. Board had discussion and we came up with 900ft. since then there has never giving waiver since I've been on the board.

Mr. Casey, In package there is copies of some subdivisions from late 1990's entail roadways in excess and I know that is not binding in anyway with this board. I found more persuasive and hope you will is the significance of the approval of the preliminary subdivision plan by this board 10/06.

Mr. Cerrone, We approved the concept.

Mr. Casey, I have the minutes from that 10/5 meeting and it went on for seven or eight pages. Scott Rolffe on two occasions spoke specifically to the length of roadway and my argument to you is one that is by I think is common sense and sense of fairness. That if we have practice that says we strongly encourage. The language of your rules and regulations say to prevent costly changes in final detail engineering drawings it is considered indispensable by the board that a preliminary plan be submitted by applicant. So if in your view it is purely conceptual why is that we bother going through that exercise? We submitted preliminary subdivision plan that we have now modeled for the definitive subdivision plan. Preliminary plan had same layout, had same length of roadway. I think if there were ever reviewed by someone else I think the conclusion would be that there was defacto of waiver by the Planning Board when it reviewed that concept plan. We get into all sorts of issues what about traffic, what about mailboxes, what about neighbor's concerns about drainage? As vice chair was saying we went on for quite awhile with this. I have lot of information and at the end I suggest that if the boards aren't swayed by anything I've said I think the Weston's they're not willing to redesign the plans showing 900ft. roadway they have too much invested now and Don even with ill

health is prepared to fight this issue. If I didn't have preliminary subdivision plan I wouldn't be advocating but in issue of fairness to have gone from getting preliminary subdivision approved to spend ten's of thousands of dollars to develop definitive showing 19 lots and then to be told it is purely conceptual is an unsatisfactory response.

Mr. Lavin, Only thing I remember it was presented that they were going to do parkway and it is also in regulations I think that is why parkway was shown. It says permanent dead end streets, street extensions, etc. shall not be greater than 900ft. an alternative the board may require a special double roadway or parkway.

Mr. Casey, I think reason that boulevard or double roadway was eliminated was action to opposition by some of neighbors.

Mr. Boardman, Being told at time by the board that parkway was not perceivable they did not want to see the boulevard entrance to the subdivision just clean straight roadway.

Mr. Casey, Reading letter dated 1/17/08 (Insert).

Mrs. Marchitto, My understanding of waiver is two prong one is for board to fine prudence on applicant?

Mr. Casey, It is my burden yes.

Mrs. Marchitto, First finding is waiver is in public interest there is definition for public safety is it the same for public interest and public safety?

Mr. Casey, No I don't think the definitions are the same.

Mrs. Marchitto, Second is finding that the waiver is not inconsistent with subdivision control.

Mr. Casey, I think that public interest is greater than public safety. Public interest includes public safety but it is not limited to public safety. If you said I made good argument on public safety but I'm not persuaded that granting the waiver is in public interest.

Mrs. Marchitto, I'm not saying that I asked what I asked I wanted clarification.

Mr. Cerrone, On page 28 I made motion when you came in with plan the concept plan of Mount Hope Farm that was my motion we approved concept plan. That is what we've always done in past so what is concept it could be anything.

Mr. Casey, But comments contained in planner's letter picked up with concerns expressed during the coarse of public hearing that related to what we were going to do about drainage. What we're going to do about original design for mailboxes because there were safety issues expressed about school buses and people stopping to get the mail. There was concerns about traffic what was traffic situation going to be on Mt. Hope St., what were the sight distances. That was what was emphasized I thought in the minutes it was emphasized in the letter of town planner of recording of matter had been voted for approval. I would disagree with you that your use of the word concept cannot be so limited as to allow a board to escape any responsibility for having participated with us in design of the subdivision. When I look at law and I look at the cases this is not an adversarial relationship. We recognize the roll you have, neighbors have acknowledged we as property owners have right to pursue subdivision approval. Reason these proceedings go on as long as they do is because there is this give and take the dialogue that develops. It isn't case we operate in a vacuum and say vote yes or no it is an evolutionary process. Plan provides through your comments and criticisms.

Mrs. Copley, What would be public interest of making that road longer?

Mr. Casey, I don't think there is any good rationale that I can offer for public interest. Our obligation is to make sure that we don't harm the neighbors. Whole concept of subdivision control is to allow property owners to develop land for residential purposes. If I could stretch and could say that public interest is served by making more housing available indirectly effect the price that is paid by a buyer housing has increased that is crock.

Kevin MacDonnell-Lakewood Dr., Sometime ago Scott invited my neighbor Bill Copley and I was abutters to his office at Angle Tree to show about the detention ponds. He showed us where the three ponds serviced water and how detention ponds would cut back. Being at all these meetings I've heard a lot about groundwater and I know for fact there is lot of ledge there. From what I've heard this groundwater is pretty close to the surface. If you start blasting what happens to the groundwater? We know now that the detention ponds are designed to effect the surface water.

Mr. Boardman, ...(inaudible).

Mrs. Copley, Couldn't it effect the direction of water flow?

Mr. Boardman, Detention pond is designed to collect surface water.

Mr. MacDonnell, Engineering firm that you people have put in the letter that they should have geotech engineer on the job and I haven't heard that brought up that is going to happen.

Mr. Lavin, I think what that was proposed to have retention pond the side walls soil is geotech because you have hold back 100 year storm that was to do later. Also at same time they recommend during construction that geotech be on site to oversee it because there is design issue. It really was just for construction and building of sidewalls of retention basins not the groundwater or blasting issue.

Mrs. Copley, My understanding if you blast it may not effect the surface water but it could change direction of the water and can you determine if you blast it won't direct water into somebody's basement?

Mr. Boardman, ...(inaudible).

Mr. Lavin, Experience in last year with blasting Christina Estates the rock is crap it is soft and fractures all over the place once you blast. You really have to look at elevations and assume that it is going to go any which way and make sure it doesn't blow into basements.

Mr. MacDonnell, When they blasted on Angelina Dr. behind Lakewood Dr. and I have lived in the house just over 30 years we never had any water. Before they blasted there they came around with cameras to make sure there were no cracks, etc.

Mr. Lavin, It is state law.

Mr. MacDonnell, No cracks in the walls or anything but the water flow all of sudden came and where our bulk-head was we were getting tremendous amounts of water we had to bring people to do extensive work to solve that problem. So blasting does effect flow of water.

Mr. Lavin, Yes it depends on where the groundwater is if you're blasting below where the groundwater was so it is really looking where groundwater is in rock.

Mr. Cerrone, You have to go to Public Works right and John has to review this.

Mr. Casey, Yes is there a sense that if we go to Public Works and they say given all that you've shown us you made a persuasive argument so that we would approve the E1 pumps and we'll come back and ask you for the waiver?

Mr. Cerrone, Get us a letter because they're going to take care of the road, take over the sewer line they are the ones who are going to maintain it. I don't want them blaming us for approving something saying they didn't tell us to approve it. They're the ones who take over once your project is done. If you can get something from them saying they are fine with the E1 pumps give us letter and board will vote on it. There was another thing and I think Mr. Payson when he was on the board that said cul-de-sac was an issue the length of road it was in the minutes.

Mrs. Marchitto, I think there is an issue having asked for any waivers of the road of the cul-de-sac or as is it cul-de-sac. If you're going to highlight yours I think we can go and highlight ours. I have 9/14 minutes I understand I've read these I know where you're coming from you can highlight yours and we can highlight ours for the board.

Mr. Houle, I think highlight part of this is going to be secondary I think these letters we would like to see if that could happen we have lot more to base this stuff on.

Mr. Cerrone, Biggest issue is going to be Public Works you have to get through them convince them of the E1. All other stuff drainage, etc. is between engineers they're going to review it calculations, etc. You tell us how long you need with Public Works.

Mr. Casey, The board has made clear what they were saying we're going to spend substantial amount of time we don't have waiver voted by you.

Mr. Cerrone, We cannot vote on waiver.

Mr. Casey, You could do waiver conditioned upon Public Works approval.

Mr. Cerrone, No I want letter from Public Works that says they met with you from board not the staff. Get on agenda say this is plan we want to do 17 lots with these pumps plain and simple if they say no/yes they want to see drawings finished we want to see it first then we'll approve it. Then you can say to us Public Works is going to go for it that is all you have to do. They might say they don't want that concept because they're going to be taking over the roads, all sewer lines no sense in spending money on any drawings.

Mrs. Weston, If they give us that letter you are open to that?

Mr. Cerrone, We'll listen to that letter see what they say. I want to see something from them of what they're going to say.

Mr. Casey, Okay without asking you to take formal vote.

Mr. Cerrone, I'm not going to make commitment until I see letter.

Mr. Sweet, Mary didn't we get letter from Attorney Ferris on that?

Ms. Burgess, No voting on waivers before public hearing is closed.

Mr. Cerrone, You want copy of the letter to be fair for your records.

Mr. Houle, In fairness I think before we go for vote on waiver I'd also like to hear John's final comment something else might come up. I'd like to hear our engineer's final comments.

Mr. Casey, In fairness to the Westons chairman I heard what you said and without accusing you of being politician and lawfully a little bit. What I had thought you had said earlier on was that you go to Public Works get letter from them that is satisfactory to us you can't have some crazy conditions it has to be pretty clear that they approve E1.

Mr. Cerrone, They're going to accept subdivision with E1's.

Mr. Casey, Correct we'll make sure if they agree it would have that language then we come back here and you would then at conclusion of public hearing vote the waiver?

Mr. Cerrone, Yes we'll vote for the waiver.

Mr. Casey, Rather than just say well we'll see how it's going that evening.

Mr. Cerrone, No when we get all the information and get letter from Public Works they will accept these roads with E1 pumps or whatever they accept all 17 lots or whatever couple of them are going to be gravity okay.

Mr. Casey, Do you think this works with throwing up my package to town council or does that cost you money?

Mr. Cerrone, What do you want rule of concept?

Mr. Casey, We'll save that for another time. Mr. Casey determining amount of time needed two months and then we'll come in and give status report or letter saying we're making progress we'll do it in sufficient time so we can notify neighbors.

Mr. Cerrone, Yes notify neighbors when you go to Public Works.

Ms. Burgess, We need an extension.

Mr. Casey, Could we ask to come in March?

Mr. Cerrone, Okay 3/20 at 7:00 P.M. for update you can tell us when you're on agenda with Public Works they're going to make decision.

Mrs. Marchitto, Did we have letter from DPW originally? (Yes).

Mr. Cerrone, Gene Allen might have done that one.

Mrs. Marchitto, What I'm looking for usually when we receive letter from Board of Public Works regarding subdivision plans the normal practice at the end is for applicant to come to the board before.

Mr. Cerrone, That's right in the past

Mrs. Weston, We did workshops with them.

Mrs. Marchitto, Past letters have directed the applicant to Board of Public Works usually on definitive to address concerns talked about.

Mr. Cerrone, We're supposed to receive letter from them with approvals before we make final decision we can't make decision until we have all the letters.

Mr. Casey, If we have some luck with DPW that we get a draft letter and make sure and try and schedule with Mary?

Ms. Burgess, I would hope not draft letter could be letter from them.

Mr. Casey, I'm saying in draft form so that you are happy with the language. I would like to get something from them have you look at it give us your recommendation and then we can get it from them.

Ms. Burgess, Okay.

Mr. Cerrone, Mary when we started I asked if we had everything was ready?

Ms. Burgess, You asked me to take this out is no longer in there.

Mr. Cerrone, Letters for their plans.

Mr. Sweet, It is still in there page 13.

Mr. Cerrone, We never took that out we took out article for town meeting for Public Works so the developer when he gets done doesn't have to fight three boards. You have to get letters from all the departments.

Mr. Houle, We added to approval process.

Mr. Sweet, They did take it out it's different language. Make motion we accept extension for 4/30/08 for Mount Hope Farms, seconded by Dick Houle.

All in favor 4 to 0.

Continue hearing until 3/20 at 7:00 P.M.

Mr. Casey, Asking for copy of letter Roger Ferris sent.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, JANUARY 17, 2008

Board taking 10-minute break.

Article Planning Board and Public Works;

Ms. Burgess, Draft article.

Mr. Cerrone, Mitigation money for subdivisions joint venture between Public Works and Planning Board to spend in that area of Allen Ave. We have \$36,498 in Queens Grant have \$47,652 on Windchime to be used to install sidewalks on Allen Ave.

Ms. Burgess, Just an over all of what we had. I told assistant Mark Holloway that I would draft the article and give it to him warrant closes Friday.

Mr. Sweet, Make motion we submit this to DPW Board of Public Works, seconded by Dick Houle.

All in favor 4 to 0.

Ms. Burgess, Warrant closes on 2/8/08.

Zoning Map and Zoning Changes;

Drafted letter to send to residents affected by rezoning project.

Propose zoning changes will not be done for ATM.

Ms. Burgess, There are so many we're attacking one area at a time. I wanted you to look at draft so when we start moving forward we're going to send letters to residents and they're asked to contact office to discuss it. Will send it certified. Greg Guimond is ill and he said that our project might be put on back burner.

Mrs. Marchitto, I recommend as board we have workshop on this so we have an understanding what zoning map is.

Wait for Greg to be able to attend and see what he has.

Proposed Zoning Articles for ATM:

Aquifer Protection zone;

Ms. Burgess, In last package there was letter to Mark Hallaway at DPW regarding changes to Protection Act at state level so we have to update our aquifer protection zone to go along with those.

Have to go to town meeting with it.

Ms. Burgess, It is all laid out something we can look at our next meeting.

Special Town Meeting January 28th. at 7:00 P.M.

Warrant Closes February 8th.

Zoning Board Applications:

Ms. Burgess, Hasn't given it to us yet it doesn't close I think until Monday have them on 2/7. To let you know what happen at last zoning board meeting they did denied Paul Preston's application for frontage waiver Towne St. near cemetery they did refer to our letter. They continued the cell tower off Allen Ave. to 2/19/08.

Dept. Head Meeting;

Ms. Burgess, Had meeting today discussed capitol improvement plan and the FY 09 budget.

FY 09 Budget (executive session);

Mr. Sweet, Make motion we go into executive session for budget, seconded by Dick Houle.

All in favor 4 to 0.

Roll Call;

Joan Marchitto- Yes

Dick Houle- Yes

Chris Sweet- Yes

Donald Cerrone- Yes.

Amy DeMelia, I would like it on record as objecting to executive session.

Ms. Burgess, We can go in for personnel reasons that has to be in the budget.

Ms. DeMelia, You also have to say for ...(inaudible).

Mr. Cerrone, We will after that because we have to close the meeting. We'll come out of executive session and then open up meeting again. Do you want to have time?

Ms. DeMelia, If you're not going to have anymore discussion.

Mr. Cerrone, I would say half-hour.

Ms. DeMelia, That is fine if you guys want to ...(inaudible).

Mr. Cerrone, We're doing the agenda that I have.

9:58 P.M. in executive session.

Mr. Cerrone, 10:25 P.M. coming out of executive session.

Dick Houle- Yes.

Joan Marchitto- Yes.

Donald Cerrone- Yes.

Chris Sweet- Yes.

Package given Planner's Journal;

Ms. Burgess, This is something new in reference to what you said at last meeting. It is just daily log of everything I have a book.

Mr. Cerrone, This is fine. I would like to see this in our package on Monday. I called yesterday to tell you about drafting Cobblestone Conditions. Anytime you do subdivision.

Ms. Burgess, Keep an ongoing record.

Mr. Cerrone, Yes and put it in our package before we come to meeting so we can look at it and then we can give it to them and set up time. You should prepare one before every project before we approve on final meeting.

Inspections;

Mr. Cerrone, What is the protocol?

Ms. Burgess, Christina is the only thing ongoing and Bob Hern E-mails us construction schedule for the following week on Friday. It got a little mixed up this week he e-mailed it at 4:30 so no inspection went out.

Mr. Cerrone, Who handles the inspections in this department?

Ms. Burgess, Linda keeps an ongoing log if they need inspection they call Linda everything goes through Linda.

Mr. Cerrone, She takes the message, sets up with John Lavin or whoever is doing the inspections so Linda does the whole thing? (Yes). So if we have question on inspection Linda is the one who has all the notes.

Ms. Burgess, Or you can ask me because I keep journal of all the inspections for my own knowledge. It is just so I can be more prepared for myself it is not for any other reason.

Mr. Cerrone, There should be folder or notebook that you can go and check.

Ms. Burgess, It is not a book it's a calendar.

Mr. Cerrone, You're keeping another set of books?

Ms Burgess, For myself what I've been doing is I've been reviewing all the inspection report to keep up where they're at.

Mr. Cerrone, When we met with Public Works on discussion mitigation money that issue came out that they're out there too and they saw something and we never received any mail. If there is problem out there where are the people?

Ms. Burgess, I didn't see the problem if they saw it you'd think they would alert us. If there was a problem nobody notified anybody.

Mr. Cerrone, Okay as far as I'm concerned there was no problem.

Ms. Burgess, Fred comes in here every Tuesday and Thursday and he copies all the stuff and gives copy to Linda and he has his own copy as well. He goes over to Shannon he comes in all time and gives us verbal when anything goes on.

Electric Dept. letter for Christina Estates;

Mrs. Marchitto, In November sent us test pit 11/11 data basically additional test pits were required regarding conditions.

Ms. Burgess, Tilton said they did them and submitted them to us. John says no they weren't detention basins and he said he was going to talk to them. I will follow up on that.

Mr. Cerrone, Send letter.

Ms. Burgess, I think we've already sent letter regarding that but I will check.

Mrs. Marchitto, Tilton should be responding back to us.

Mr. Cerrone, Then we give it to John.

Donald Cerrone left table at 10:30 P.M.

Hickory Woods;

Mrs. Marchitto, John went out this morning the job engineer told Mary that Bill Moffit called yesterday regarding catch basins on William Thorpe.

Ms. Burgess, What happen is about 4:10 yesterday I received call from Bill Moffit regarding catch basin on William Thorpe. He said they had gone down there and lifted up the steel plate and saw that the detention basin and around it had been compromised. I called Joan and left message for Fred Bottomley. It is my understanding that Bill Moffit went down there or it was John Rhyno I'm not sure. I left Fred voice mail 8:00 A.M this morning I hadn't heard anything until Joan came into the office around 12 she had said her and John Lavin had gone out and looked. Everything that has happen Joan and John went out there and John generated report it is in your package. Today at 4:40 P.M. Bill Moffit came into my office and apparently the selectmen had emergency meeting to do the ice and snow funds and apparently they started talking about Hickory Woods that made Bill come upstairs and asked me if I had contacted Fred Bottomley, which I had. He also asked whether or not any of board members had gone out there I informed him that Joan and John did go out and report was forthcoming. After he left 2 minutes later get call from him saying that they called Mike Stankovich and he has determined it is public safety hazard up there and he is going to put tape around it to ensure that everybody knows where it is. When it is public safety issue you can put something around it.

Mr. Houle, Did Fred offer to fix it before that happen?

Ms. Burgess, I called him and he didn't return the call as of yet and I think Joan called him as well.

Mrs. Marchitto, I called him I talked to John Lavin last night and he agreed to go and check this morning so he called me at 7:18 this morning. I did go up and John took pictures that we have here Fred Bowen met us there also and he had pictures from 12/8. He is inspector that works for John Lavin. Fred did call me back he said that he would secure them today.

Ms. Burgess, I talked to Fred again and him and his crew will be out there 8:00 tomorrow morning I told him I would meet him out there. I told him to bring construction barrels hazard barrels I told him it has to be fixed and fixed ASAP. I will be out there at 8:00 tomorrow morning.

Mrs. Marchitto, I asked Mary to write this letter we sent letter in December as a board. I asked her to write this letter based on what I had seen at Hickory Woods this morning. I thought it had gone out today.

Ms. Burgess, I hadn't gotten the super okay so I wanted to double check. I will send it out first thing in morning.

Mr. Houle, I think this board has worked extra hard in trying to rectified a lot of situations that are over there especially in situation that most of us have inherited this. I hope everybody understands that we're working as hard as we can and we're trying to move this thing forward and it would be real helpful if the people that shouldn't be getting involved in this stuff they wouldn't. I think it would be very helpful to the board to let us do our job. I think it is worth mentioning also what someone felt was incident and they're residents there they have every right to want to complain about something if they wanted to. However I think there is chain of command and there is way to complain about something things get done real fast once the right people are notified.

Ms. Burgess, There was said they had resident complaint I asked him did you tell them to give me a call because I haven't received any calls from any residents besides the Riel's.

Mrs. Marchitto, Mary did respond to her in a letter.

Ms. Burgess, I said the other thing we do need is paper trail so unless we get action needed reports basically all of this is just hearsay. The only action needed report was St. Lawrence Way and...(inaudible) Heights.

Mrs. Marchitto, We've received action needed reports on different issues in different subdivisions and we've responded.

Board approves letter Mary drafted.

Donald Cerrone returned at 10:43 P.M.

Talking about passing of Ed Lambert.

Send notice to Board of Health have only 11 days left on Cushman Project.

Mr. Cerrone, If they have issues have them give us letter with all the issues and we'll discuss it.

Ms. Burgess, I did send that letter requesting exactly what statute asks for we haven't received response yet.

Discussion about all paperwork in packages received night of meeting. Any letters written by Mary and corresponding mail that comes in goes into packages.

Mr. Houle, Make motion adjourn at 10:45 P.M., seconded by Chris Sweet.

All in favor 4 to 0.

Respectfully Submitted,

Richard R. Houle
Secretary

Attach Agenda to Minutes.