

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, SEPTEMBER 4, 2008**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, September 4, 2008 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Richard Houle, Joan Marchitto-chairman and Richard Thimot. Donald Cerrone arrived at 6:42, Christopher Sweet not present.

Planning Board Business:

1) Approval of Minutes 8/7/08;

All members were present.

Mrs. Marchitto, I would like to read over the minutes again. I would make recommendation to approve minutes at next meeting if the board wants to make motion to accept those minutes at this time that is appropriate. As recommendation as chair I would like to read them one more time.

Mr. Houle, I have no problem with that, second by Richard Thimot.

2) Review Final Action Deadlines;

Cushman Village: October 31, 2008

Mount Hope Farms Estates: October 30, 2008

Mt. Hope Terrace Extension; September 22, 2008

Mrs. Marchitto, First two we will be meeting again and the third one we will have meeting before that time.

3) Endorsement of Vouchers;

One for Earthworks, Staples and Mass. Federation of Planning Board.

New Business:

4) Release of Covenant: Sheldonville Preserve II;

Ms. Burgess, Thomas Doolin Circle the book and page on original covenant release was incorrect it came up on title search when they were going to resell the house. We need to correct that by re-releasing the covenant with correct book and page.

Mrs. Marchitto, In September 18th, 2007 we had to do similar process. Will this come up each time the house is being sold?

Ms. Burgess, Now that this can be reregistered so it shouldn't when they do new title search this new document will pop up as well as old document.

Mrs. Marchitto, The title will be clear?

Ms. Burgess, Yes they didn't pick it up the first time they sold it. You can do vote and signature page.

Mrs. Marchitto, If you want to wait until after the public hearing we can do this.

**NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, SEPTEMBER 4, 2008**

6:45 P.M.- Public hearing on the application of The North Attleborough Real Estate, LLC, for a 34-lot preliminary subdivision plan for property located on Mt. Hope Terrace and Mt. Hope Street. Note: Final Action Due 9/22/08;

R40 Zoning District

Extending Mt. Hope Terrace and second road on Mt. Hope Street

Ms. Burgess reading in application.

Present David Manoogian, Gene Goldstein, John Cohen, Renee Cohen, Gus Raposa and Lance Hill (VHB).

Mrs. Marchitto, Explaining conceptual what a preliminary plan is I'm going to read two first paragraphs of North Attleboro Rule & Regulations of Subdivision of Land. There might be more than one or two of this hearing but once it is approved or if it is approved the applicant comes back in 7 months time with definitive plan. The definitive plan is much more entailed it has drainage, more engineering and that would be the plan that planning board would approve that would be constructed. Preliminary plan is to hear the input from municipalities from abutters and to give conceptual idea of what is going to be presented in this neighborhood.

David Manoogian-attorney, Representing applicant North Attleborough Real Estate LLC. This is an application for preliminary plan approval here tonight to seek comments of planning board and other municipal depts. and also from any abutters who are present. Our engineering firm is represented by Gus Raposa and Lance Hill.

Lance Hill- VHB, Conceptual site plan is to west of Old Post Rd. to south by Mt. Hope St. and Mt. Hope Terrace and to north by I-295. We took number of trips out to the site and we noticed there are numerous amount of wetlands on site. We also took number of test pits to get general feel of the soil. We went back to office and looked at regulations and drafted this plan. Plan details access point off of Mt. Hope Terrace which we have named Road A, extension of Mt. Hope Terrace comes up and loops backs in and third road further down Mt. Hope St. to east, which we named Road B on this plan. This subdivision is in R40 zone so all of these lots are 40,000sq.ft. or larger. Roadway that we have preliminary shown meet the intent of the regulations as we understand them. We took great care into trying to locate the roads and lots to avoid all of the wetlands and other impacts on the site. We then went to DPW to look at the sewer locations we found that they were pretty far away from this piece of property so each one of these lots at this time is currently proposed to have septic fields. We have not done individual septic test pits for each lot this plan represents our best idea at this time subject to more definitive test pits and how that will shape where the septic fields actually goes. We're really here to look for your questions and questions from the abutters.

Mr. Manoogian, One of the points we'd like to have some feedback on from the board are two that deal with section 5.1.1F, which deals with the 900ft. maximum for dead end road. With respect to roadway B, which sits on right side of plan we've measured that 900ft. from beginning of pavement of Mt. Hope to center of cul-de-sac. Regulations are unclear in where it starts to where it ends. We'd like you assistance in determination of whether or not we measured it correctly. Other issue deals with roadway A and loop the way we interpret 5.1.1F is that is not a dead end street because of the configuration of it although it is more than 900ft. We would be looking for your assistance to make sure we're interpreting the rules correctly with respect to length of roadway A.

Mrs. Marchitto, How did you come to conclusion where the pavement on Mt. Hope is? Is it a variable road?

Mr. Manoogian, We've done with pavement and at this point it best guesstimate we have to get details from DPW. I'm sure Mt. Hope is variable pavement but the layout is probably consistent as far as layout. We'd like to have determined is when we measure do we measure from the beginning of existing road layout to center of cul-de-sac. That is one of the issues we'd like clarified from you. We've just drawn the 900ft. from where we believe to be roadway to mid point of the cul-de-sac.

Mrs. Marchitto, One of things with the engineering on preliminary plan there is no exactness. Mr. Manoogian, When we do the definitive plan we can find exactly where street starts but again for design purposes. Question is when does your 900ft. terminate? We've terminated it at center of cul-de-sac or do you desire to go to end of cul-de-sac. Second one also deals with that same regulation but it is question because we have more than one point of entrance for that roadway technically and it has loop is therefor that a dead end street? We don't think it would be because we think dead end street is more typically what you see on roadway B. Should you determine that roadway A falls within the 900ft. preclusion in 5.1.1F we'd like to know that now. Perhaps Mary can shed some light on that later after the hearing to provide us that information. Those are the two big questions we have of this board right now. We haven't done any traffic work but we're confident that the sight distance on existing Mt. Hope St. being fairly flat at that area we think we're okay on that.

Mrs. Marchitto, We're talking about loop I had question the curvature of that loop. What is your radius curvature around that area?

Mr. Hill, 300ft. is minimum radii that is specified by regulations and that is what we met here.

Mrs. Marchitto, You have taken that from our subdivision regulations and will not require waiver?

Mr. Manoogian, Right now we don't anticipate asking for any formal waivers. Only think I've advised my client and engineer is that once we get into detailed engineering there maybe some good engineering reason why we may have to deviate from cover on slope, etc. Right now the so called big ticket items sidewalks, etc. we don't expect any deviations and waiver requests from that. One of the things you see here is sidewalks on both sides. Only waivers we would anticipate asking if the engineering dictates are just those waivers that are dictated by engineering, good practice of existing conditions of the land. We haven't done any traffic counts yet one thing we'll do we'll feel confident this point in time that what we have shown on the preliminary would be in accord with your minimum sight distances set forth in your regulations. That would be confirmed to you with more appropriate traffic details on filing of definitive plan.

Mrs. Marchitto, It does appear on two of those entrances or even B the cul-de-sac there are some curvatures there I think you would run into some sight distances. The speed is posted 30MPH. I'm telling you it's posted 30 I don't think it is traversed at 30 though. I think that is something that is going to be asked by the board to the applicant we have asked it on Freeman St. and we're also asking it on Mt. Hope further up in a development. You will be asked to do site plan and do traffic count. You are going to have to abide by the September 2007 subdivision North Attleborough. We've had some updates, which is good but I am going to ask for traffic.

Mr. Manoogian, One of things you see with two ingress and egress points because of extensive wetlands we've put in roadway B the shorter street to avoid interference with and crossing of that extensive wetland that is why you see the configuration.

Mrs. Marchitto, What wetland impact associated with the build out of the subdivision and what are you planning detention pond?

Mr. Hill, We had workshop with Conservation agent did quick walk through had brief description of what we're planning to do. At that time she'd advised us to avoid wetlands as much as possible. Taking into that account that is how we kind of ended up with this particular location. We have done very preliminary analysis of the grading and where we anticipate the septic fields to go depending on their suitability as well as houses. On plan we provided we have shown at this point our best estimate of where those detention facilities might go. It is our intention to use low impact design techniques of bio-filtrations, swales, rain gardens, etc. and help kind of alleviate stormwater impact as much as possible.

Mrs. Marchitto, Do you have anticipation at this time where detention ponds may go?

Mr. Hill, We've shown them on the plan. Initially located number of different detention facilities in amount of four of them.

Mr. Manoogian, One of the things we would ask is we'll be designing the detention ponds as part of drainage system so that the owner of the property has primary responsibility of making sure that they are kept clean and free of debris, etc. There would also assumably be an easement to the town so town would have rights to go in default of the homeowner keeping up the easement area.

Mrs. Marchitto, Agreed that was one of my comments.

Mr. Manoogian, If you anticipate a methodology to maintain those ponds different than what I've said let us know because we were planning this to be traditional approach that you've used in the past. However everything is subject to change if you want something different let us know.

Mrs. Marchitto, I think at this time we don't have any changes in place that is right way with drainage we will need access and easement to the drainage. We will also in past we've asked for some type of vehicle access allowing them so at least we can get to point of sources. If it does change before you come with definitive we can let you know.

Mr. Manoogian, We've done the waivers, traffic, drainage, and wetlands.

Craig Hobson, You haven't talked much about the drainage.

Mr. Manoogian, We haven't talked much about the drainage because drainage is something that requires a great deal of engineering resources and time.

Mr. Hobson, Town has no strict rules about elimination of wastewater and sewerage.

Mrs. Marchitto, Preliminary plan at this time does not have the particulars and specifications of drainage that will come at the definitive. At this time I'm going to allow the applicant to present the subdivision and then I will open it up to the residence with questions. I think it is fair first for the applicant to present the whole subdivision first and then I will open it up to residence to have questions. I will give you an opportunity to ask those questions through the chair to the engineer.

Mr. Manoogian, Just on the point for those abutters that are here the drainage and so called stormwater management is all dictated by state and federal policy. There are many different and complicated ways that we can address compliance with stormwater management. Those methods have not been decided at this stage because they don't have to be and we want idea of what we're designing before we look at the drainage. So that simply put we just don't have that information for you tonight because it's not needed and it is rarely done because the resources devoted to that when we design something hypothetically would be silly to do quite frankly. It is important but as we understand it not at this stage of the proceedings. When we do design that we will give design in our definitive plan I don't want to speak for the planning board but what their normal course of operation is they will assign it to their outside engineer who's task is to comment on our engineer's design to make sure it is design to the best possible extent using best engineering practices and making sure we comply with all the applicable state and federal regulations and local regulations. As to the septic design since this will not be on sewer because there isn't sewer in the vicinity to compel us to hook up to it then we will have on site septic systems. Those on site septic systems as part of the definitive filing we will also have to file with Board of Health, which is concurrent filing. Planning Board cannot act on approving any definitive plans until B. of Health passes on the septic design for each lot. We still have to design stormwater management, have to design locations of septic systems based upon the soils that are out there. Those tests have not been done when they get done they are done under the B. of Health the soil test called percolation test once those results are passed

then we can start designing. There maybe some changes in the shape of this subdivision based upon soil conditions based upon wetland locations but we're fairly confident it would look pretty much like this. Some of the interior lot lines may change based upon soil conditions we may lose several lots based upon the types of soils we see whether they can accommodate septic systems. We just don't know at this time but those things are important to us and they are important to planning board because there is whole procedure mechanism that is in place to make sure that is done properly.

Mrs. Marchitto, Mary Burgess is town planner will you please read your memo to planning board members.

Ms. Burgess reading her review (insert). Have no other letters from any other depts.

Mr. Manoogian, We're disappointed we don't have letters from other boards but we will seek them out independently particularly DPW, which we've had some preliminary discussions with as to water and sewer. We will seek them out and try to obtain comments from their engineer. B. of Health there is really nothing for them to review at this time there is no information to give them but they will receive that at time of filing of definitive plan as to percolation and drainage and septic system design. Unless the board has any other concerns we'd be happy to answer any questions or entertain anything else you have.

Mrs. Marchitto, Would you like to further explain the low impact?

Mr. Hill, Low impact design techniques we're not sure where they will be placed at this time the soils that we find out there and the final location of the roadways, lot lines and things like that. Low impact design techniques are smaller depressions that are used in multiple locations all over the site they use swales, ponds that have specific wetland planting and wetland soils that are planted actually inside the pond to help filter the water and help that water percolate into the ground lot better and help be used by the plants that inside of those facilities to really help mitigate some of the runoff that would be coming off the site. Traditional design comes in with subdivision wipes down all the trees take it to big ugly detention pond and that is the end of it. The newer regulations are requiring more and more engineering efforts to kind of place lot more environmentally sensitive low impact design techniques they are called in numerous places along the property.

Mrs. Marchitto, Would you also like to touch upon concrete pavement sections and sidewalks? Usually we have asphalt in subdivisions.

Mr. Hill, This is Type I subdivision there is stipulation in there that allows for bituminous. I would assume that bituminous we would be willing to explore if that was something that was allowed. In our details we have it shown as concrete sidewalks. In our preliminary discussion with town it was our understanding that was the preferred method of installation that is why it is in design.

Mrs. Marchitto, I thought perhaps you were proposing it. We usually use asphalt don't we?

Mr. Hill, It was our understanding with our discussion with the town that concrete was the preferred method. I think either way the applicant would prefer to install asphalt.

Mrs. Marchitto, Which municipality did you get the concrete from?

Mr. Hill, That was due to our initial conversation I thought that was my recollection.

Mrs. Marchitto, Usually concrete is on industrial subdivisions but not residential.

Mr. Manoogian, We could do whatever your preference is.

Mr. Hill, I think the bottom line is whatever is requested by the board we would be happy to do.

Mrs. Marchitto, I didn't know if it was part of your low impact that is why I brought it up.

Mr. Hill, Another board doesn't want to hear about sidewalks on both sides they are actually kind of counter productive to low impact design technique. We would be happy to work with

the board and the planner to kind of come up with something that is suitable for all parties involved. At this time we propose sidewalks on both sides of street as per the requirements of the town.

Mr. Thimot, ...(inaudible).

Mrs. Marchitto, Can you show the cul-de-sac where you're questioning where you start the 900ft.?

Mr. Thimot, ...(inaudible).

Mr. Manoogian, We think we're within the 900ft. we just want to make sure we start at the right point and end at right point I think we're all set way Mary spoke to it. That is one location on that street.

Mr. Thimot, You're not looking for it anywhere else?

Mr. Manoogian, No we're not looking for waiver on that.

Mr. Hill, I think we were just looking for clarification so we can make sure when we came forward that it was appropriate design.

Craig Hobson-10 Millstone Dr., The town seems to be more interested in traffic than it is sewerage and they have very definite rules for traffic but no definite rules as far as how many units can go up and septic system that is filled with wetlands. Sooner or later there is going to be a problem. Has town considered running town sewerage out there? It is only part of town that doesn't have town sewer. I would just like to request that.

Mrs. Marchitto, NA subdivision regulations does require that if subdivision is within 1200ft. of sewer they must extend the sewer and tie in. This project is not within 1200ft.

Mr. Hobson, I understand that but doesn't the town have any regulations as to how many septic units that go into small area?

Mrs. Marchitto, Per house that is covered under the B. of Health that is their jurisdiction and it needs to be approved by B. of Health the septic systems. How it works is when they come in with definitive plan the day they go to clerk with definitive plan it goes immediately down to the B. of Health and plans come here. B. of Health has 45 days per the state stature to comment and do approval or disapproval on the septic systems of the subdivision.

Mr. Hobson, My comment should go to B. of Health?

Mrs. Marchitto, Right but we do take credence and we understand what you're asking and your comment. If it is within 1200ft. of a subdivision the applicant must tie into sewer they are not. Septic system is Title V and that is under B. of Health jurisdiction.

Mr. Manoogian, Title V of the Mass Code of regulations dictates the design of individual septic systems on each lot. That is based upon soil conditions and approval of B. of Health. B. of Health has to approve each individual septic design for each lot. They go by state published regulations that we have to comply with. There is some wiggle room with B. of Health if there is variance requested. That ties in with the drainage also their independent but this board looks at the drainage make sure it complies with federal and state stormwater management practices. There are specified regulations that we have to adhere to there are several ways you can comply and I think planning board means of compliance up to each applicant subject to their approval and their approval of their engineering staff. To answer your question from my client's perspective is that there are regulations that are state and federal mandated that we have to comply with for stormwater management/drainage and design of each individual septic system. Those are left by state.

Mrs. Marchitto, If I sound like I'm putting more importance on traffic than on drainage my rational is that this is conceptual preliminary plan. They have to abide by drainage by state they know they have to do drainage for the subdivision. What is not in this regulation right now for an area like your area is traffic and sight distance. I'm letting them know beyond my subdivision

control as the board I'm going to be interested on that traffic on Mt. Hope and how that is going to effect that subdivision. I am stating that not only for the residence I'm stating it as preliminary plan to the applicant so that when they come with definitive they're not saying you never asked for that. That is why I'm putting importance right now to traffic to let them know I'm going to ask that.

Mr. Hobson, In reference to the traffic it wasn't too many years ago that they had some doubt as to whether school buses could pass on Mt. Hope St.

Mr. Thimot, Dr. Hobson for your information Mt. Hope St. is one of our scenic streets in town. Any trees taken down on Mt. Hope St. has to come before public hearing with this board. They cannot take down trees without hearing.

Mrs. Marchitto, What Mr. Thimot was just stating that Mt. Hope is scenic by-law in North Attleboro is scenic so for any construction or any trees really any maintenance construction happening on it there has to be public hearing held by planning board and DPW.

Mr. Hobson, Stonewalls come under that too?

Mrs. Marchitto, Yes.

Jim Rasicot-32 Fitzys Way, Who would pay for removal of those trees? I understand it would have to come before town meeting to remove any trees if that was necessary but who would pay for that removal if it was determined through traffic study that would have to take trees down?

Mrs. Marchitto, We'll address that as applicant to subdivision. Generally it is usually the person who is coming as applicant to take the trees down.

Michelle Raymond-652 Old Post Rd., I'm not clear abutter of what is going on here but I know myself and several neighbors are concerned because we have lot of water issues we're kind of downhill from all of this. During the spring we get wetlands behind us all sorts of springs bubble up we get quite bit of water in our backyards and there is even an intermittent stream that comes up behind our houses through a stonewall and really ties up with Attleboro reservoir. We concerned to make sure that this development, which is above us. I didn't live there but my neighbors said that when Historical Way came in, which is also above us that increased the water issues. We're concerned that this is addressed that it's not going to create more water even if it seeps into the ground and it will come and flood us out. We get our backyards filled with water I know my neighbor Mr. Beaupre had to put in drainage all by himself to kind of get the water flowing. That is one of our concern to make sure that is addressed somewhat in mitigation that you're going to be doing because it is only going to get worse if there is anymore development.

Mr. Hill, These are all very valid comments. Any time have development that is major concern to all of the abutters. Purpose of introducing water into ground because that is where it goes today. We're trying to do as much as we can try to get as much of that water into the ground to kind of replicate the historical drainage pattern around there.

Mrs. Marchitto, I have 7:30 hearing I would like to recess this until 7:40 P.M.

7:30 P.M.- Public hearing on the Special Permit application of Boch Attleboro, LLC for a Planned Business Development;

Applicant has requested a continuance to October 16, 2008

Due to pending litigation, Town Council suggest asking if the applicant believes the court issue will be resolved by October 16 and if it wouldn't be prudent to extend the continuance until litigation is resolved.

Due to the importance of the zone line of this project it wouldn't be appropriate to move forward with the public hearing until the court makes a decision.

Ms. Burgess, Reading letter from applicant regarding continuation. Dated 8/28/08 to Planning Board from Tilton & Associates (insert).

Stephen Clapp-attorney, As you recall Michael Clemmey is representative of the applicant. He went in for some scheduled surgery early this week something on his throat he is not able to speak he is recovering now and we would like to allow him to participate because he has lot of information. For that reason we've asked to be put off until mid October.

Mrs. Marchitto, Do you think mid October is prudent or should we continue further in light of what individual board members received yesterday in their package?

Mr. Clapp, We could revisit the continuation at that time.

Mrs. Marchitto, Do you think that will be resolved before October 20th. where we have until 20 days to respond?

Mr. Clapp, If it isn't we could agree on another continuation if necessary. I would welcome discussions with town council or whoever is going to respond in that case.

Mrs. Marchitto, Without board members being present?

Mr. Clapp, Normally that is the way it is.

Mrs. Marchitto, What is board's wish continuation until October 16th.?

Mr. Cerrone, That is fine.

Mr. Houle, Have no problem with that.

Mr. Cerrone, Make motion we give extension until October 16 at 7:00 P.M. continuation, seconded by Dick Houle.

All in favor 4 to 0.

Respectfully

Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY HEARING
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New Business:

4) Release of Covenant: Sheldonville Preserve II;

Mr. Houle, Make motion to release covenant for Sheldonville Preserve II Thomas B. Doolin Circle lots 15C, 40, 41 and 42.

Explaining to Mr. Cerrone.

Mr. Cerrone, Second motion.

All in favor 4 to 0.

Talking about where to start 900ft.

Mr. Cerrone, That is way I've always done and previous boards to center of cul-de-sac. Whatever the layout comes when they do survey.

NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, SEPTEMBER 4, 2008

7:40 P.M.- Public hearing on the application of the North Attleborough Real Estate, LLC. (Mt. Hope Terrace vicinity);

Ms. Raymond, You were answering question about drain off. How do you determine where the retention ponds are going to be? I know you constructed little bit more before because we're all downhill and it just seems that is where lot of water is coming from that area out Historical Way and probably just where you're building where the wetlands start.

Mr. Hill, Take quick step back not only does the planning board have to review the drainage but I believe the town engineer does also. Where some of the locations are due to wetlands we're also going to require Conservation approval that is another review of out drainage as well. There are number of agencies that are reviewing to make sure that we're not causing any problems downstream. That is just one caveat to what I was going to say. We do very extensive analysis of the existing conditions and we break existing property line up into what we call watershed mass. Little watershed areas where we're determining that is where water is going today. At each different spot site like this kind of convoluted with the property line may have number of different spots where the water is draining. Our intention to do then is to evaluate those based on state requirements for different storm events small storm event as opposed to medium as opposed to large storm event. We evaluate those from existing what is out there today and then we have to evaluate based on all of our proposed improvements. We have to re-evaluate it based on those proposed improvements at all of the same points where we determined the water is going. We have to meet or go below what is going there today for each of those different storm events. We're required to do that as absolute minimum that is what we have to do. This particular project with some of the newer guidelines they're trying to do some as I eluded to the lower impact design techniques to try and capture some of that water make things little bit better as opposed to typical subdivision design.

Ms. Raymond, I know all of us have at least two to three pumps in our basement and every year it's getting worse. Amount of drainage we had this year it is just getting worse and worse. When do you do perk test where in the process?

Mr. Hill, There is set criteria of time we have to try and get if we're outside of those times then there is additional scientific methodology that we have to avoid.

Ms. Raymond, You mean by time of year?

Mr. Hill, Yes time of year between April and October and then we have to apply certain criteria depending on what time of year that we do test pits. Those test pits are witnessed by B. of Health. In North Attleboro typical it is usually one or two lot subdivision the B. of Health agent would come out there and witness it himself. One of this magnitude we're anticipating that he's going to hire a third party reviewer to come in and watch every place that we dig and tell us whether it is good or not.

Jim Rasicot-32 Fitzys Way, I understand you're going to look at downstream effect. I'm immediately effected upstream and I want to make sure somebody takes look at that too. Currently part of our property is retention pond that I do maintain for extensive hours. When it rains because of the drainage along the highway that has never had any attention to my knowledge I still flood. I just want to make sure as you're changing the layout of land and putting in retention ponds, etc. that you take look at upstream effect as well as downstream effect.

Mr. Hill, Everywhere that we evaluate water leaving the property we have too. We can take look at it and evaluate it and as we go forward in the process make your questions known to the town and they can inform us of those as we move along.

Mr. Cerrone, Mt. Hope St. in winter time it is all icy get lot of runoff that road is always ice. I don't know where the water is coming from but you can go there from December until April its

ice. Even when they were building those houses in the front it got worse I think. That is big concern I don't know where it is coming from.

Charlie Legg- 309 Mt. Hope St., I'm not a butter but I lived there for 81 years and I'm interested. When they built the two new houses beyond Grenier's that time on the sand trucks might as well stay there all night because the water comes off of Mt. Hope Terrace and it will continue to come off all the high ground will go west into Historical Way and it will drain down and it all drains into Attleboro's water shed. If they're going to build pond they better make big one by Grenier's because I haven't heard anybody say anything about the 100 year flood or the 60 year flood like we've had 6/8 or 10" of rain. People on the south side of Mt. Hope St. will be in their canoes it's been that way for years. It seemed to come to ahead when they broke the ground for those two houses and they probably dug into the ledge before it may have been going underneath and out. When you do this on Mt. Hope St. you better look at the sizes of drains under Mt. Hope St.

Mrs. Marchitto, I have request that you could show us on map where you are speaking.

Mr. Manoogian, Which were the two houses that you said were built that exasperated the situation?

Unknown woman, I think it's 54 Mt. Hope St. that has lot of water in it.

Unknown man, #64.

Unknown man, 67 Mt. Hope I get all the water.

Mr. Legg, When these two houses were built they disturbed the bedrock or whatever it was since then you've had it. If they run it through anything they better make huge pond that will take 60 year flood because that is where its all coming down. Mr. Nelson who is 90 years old couldn't come to the meeting and he told me today we sat down and talked he says he has problems with water and they have problems put septic system. When you put septic system the peoples septic system if the water is running through their yard it is going through their septic system too. You don't know if the water going across the road is septic or not.

Jennifer Winslow- 38 Mt. Hope Terrace, We have put in french drains we have two sump pumps going all the time even had our cellar ripped up last year and had drains put in there. My question is town planner reading her recommendations she said something that should be looked into. I know they are not required to but I really think they should look into it. It is massive problem now.

Mr. Houle, Look into sewerage. Can you show me what you're talking about?

Ms. Winslow, Back of my house comes down and water doesn't pour down my backyard it is underground. It goes under my house then comes up in so solving the problem up top of ground is going to worsen it already it is getting worse every year. I don't know how these holding ponds or anything else is going to help me I just really wish they would look into sewerage. When they do line surveying for this I'm not sure its correct I believe we owned 25ft. more than is shown. How do you address that?

Ms. Burgess, Septic system on other parcel.

Ms. Winslow, It's not it was purchased separately in 1973.

Richard Beaupre-664 Old Post Rd., I've only been there 30 years but I can detest. When I originally agreed to buy the house I'm in the man had never had water in his basement I was in it was perfectly dry he had finished basement. While I was waiting for him to build new house he called me one night after tremendous rainstorm one of the worse ones I can remember in North Attleboro maybe it was the 60 or 100 year type thing. He called me and said if you want out I have to tell you I came home the other night there was 12" water in the basement. Now I have three pumps because I told him it was no problem he had already put in a pump now I have three pumps to make sure I stay dry. It has gotten worse as everybody said every year

and I'm on Old Post Rd., which comes down off of the hill and that is all ledge up in there. Anybody who has pumps in their cellar know what you're doing as soon as you start that pump up you start creating rivers underground rivers because you're pulling the water actually into your home so the water now has place to settle and it settles right under your home and you have to keep pumping it out. There is one other thing I would like to ask there was a family that I knew the Nobles from North Attleboro. He told me at one time there were ponds I never realized there were ponds out in back on those hills. He told me at the time there was a dam on his property that he had complete control of. Is that dam still there does anybody know? If anybody is controlling that.

Mr. Thimot, Are you talking about Reservoir St.?

Mr. Beaupre, I think so in those woods out back he said there were lot of ponds out there.

Mr. Thimot, That is wetlands that go all the way back to highway. I never saw a dam there might be down at end of Wild Acre Rd. down in back of WARA you go out to right I think there is dam in there.

Mrs. Marchitto, That would be on other side of 295.

Mr. Beaupre, I didn't know what effect that has on what we're talking about.

Mr. Thimot, The whole thing is connected all the way through there.

Jane Beaupre-Old Post Rd., Water comes down goes to our house into Attleboro reservoir and water along...(inaudible) Old Post Rd. on Draper Ave. and up ten years ago...(inaudible). You're putting sidewalks on dead end cul-de-sac Old Post Rd. is the oldest street in town sidewalk on one side of the street would be a blessing.

Mrs. Marchitto, Unfortunately the planning board doesn't have jurisdiction to ask the applicant to put sidewalks we did used to try and get mitigation for other areas of town.

Susan LaFortune-12 Fitzys Way, Had question asking clarification on the rules about property owners that have wetlands? Can the person that owns that lot disturb wetlands what is ruling on that? Can they cut down trees, can they build, etc.?

Mr. Manoogian, Any property that has vegetated wetlands on by wetlands it doesn't mean you have land that has water on it. You can have land that's indicated with water but it is not wet land. Wetlands are determined by the nature of the vegetated plants that are on it. You see in our plan green area we've marked out we go to Conservation they will do couple things; they will verify our wetlands line and they can expand or detract from it where the wetlands are. Once wetlands are on a property regardless of who owns it at any state and time the regulations that a town has pertaining to wetlands whether they are state and/or local those regulations trump land ownership. If I'm proposing to build or do anything within 100ft. of vegetated wetland I need a separate permit called " order of conditions" from Conservation.

Ms. LaFortune, That was part of my next question how close to the wetlands can you build say home, shed, etc.? Is there law about the distance from wetlands?

Mr. Manoogian, It is anything within 100ft. of edge of vegetated wetlands that edge is determined by Conservation. You can conduct certain activities but only with the permission and/or permitting with Conservation on case by case basis. For example on this subdivision we will need a permit called " order of conditions" to build the roadway. We will also need separate order of conditions to build the homes on those lots that are effected by the location of the wetlands. It maybe that 10 or 15% of the lots will need separate permitting from Conservation we have to give them site plan and we have to build it based upon what is there. If you deviate from that site plan you breach your permitting if you in the future decide you want to put deck on the house or swimming pool those activities are within your buffer zone of vegetated wetland cannot do so legally without getting further permission from Conservation. Round

about answer to your question is wetlands law effects the property regardless of ownership and regardless of improvements that are already made.

Paul Deschenes-27 Historical Way, I'm an abutter bottom of map lot down with retention pond proposed in backyard. What is the line around that?

Mr. Hill, This is the 100ft. setback off of the flagged wetlands.

Mr. Deschenes, Right now there is no standing water there and I'm high and dry. I am naturally downhill from all that water it is true in spring times of heavy rainwater will come up out of the ground it is not unusual. My septic system is close to that and those have tendency to swell/grow sometimes. What is the impact going to be?

Mrs. Marchitto, How far is your septic system from the property line from your back rear property line?

Mr. Deschenes, I'm not sure to be honest with you I would venture to say probably 30ft. and it goes downhill from my septic system. My lot was 12ft. higher they blasted and drop it 12ft. there may have been water at one time behind there but since I've been there it is kind of like vernal gets wet in the spring. There is no place for that water to go.

Mrs. Marchitto, Mr. Manoogian just offered to look into during the definitive plan.

Mr. Deschenes, Once its there unless there is drainage brought specifically someplace it is not going anywhere except underneath my house into my septic probably out in my front lawn and down Historical Way.

Paul Leveillee-64 Mt. Hope St., Am I to understand this board solicitates opinions from other depts. in town and DPW. There is flooding issue on Mt. Hope St. and constantly sand trucks and plows are coming through to try and break the ice now. Would letter from us to DPW should that be sent forward that letter to you to address that?

Mrs. Marchitto, This is preliminary plan the applicant to solicit they don't have to submit this, this is not mandatory. The idea for them is to get the input exactly what you're saying and before they do final engineering on it so they can bring it all in together to make a better subdivision.

Mr. Leveillee, I would think if the DPW had issues they would want to know that up front.

Mrs. Marchitto, To your point I will get to that later on after these questions. Usually in preliminary plan we do request and ask for this information and something about summertime there has been snafu so we don't have the letters. I would like to talk to the applicant after you all address the applicant I would like to also talk to them regarding your question you have. On Definitive Plan that is going to be the construction plan of the subdivision that is going to be it. At that time we do have input from DPW, B. of Health has to by state mandate in 45 days has to approve or disapprove this project. We have 120 days.

Ms. Burgess, After 7 months they submit definitive then they go back to 135 days within 7 months they have 90 days.

Mrs. Marchitto, But the B. of Health definitely has 45 days of the submittal of definitive they have to make yes or no. At that time of definitive public hearing that we're having the planning board we have all the letters that come. They should be in before the public hearing. At same time we're having our public hearing mandated by the state David is correct to say that they will probably be meeting with B. of Health, meeting with DPW and at some point with Conservation.

Mr. Manoogian, Part of the reasoning this is extremely helpful to us is we have pretty good guesstimate scientific guesstimate of what the issues are. This is very good for us because we're hearing particular issues that the neighbors have. We're making notes as you speak. One of the things we'll be doing is when we meet with DPW engineering staff we'll obviously tell them neighbor's have big problem with section of street icing all the time there is no ready

cure. Storm drains or you have drains coming in what is going on here if its something we can do to fix it during our construction process than obviously it is win/win for everybody. Our people are going to access that subdivision through those icy roads. Its an issue that will be on the table and we'll look into because we know from past experiences the planning board is going to be asking the staff at subsequent other hearings. We have to intelligently address where its coming from and if we can possibly fix it we will be looking at those issues.

Sandy Vandette-46 Mt. Hope St., We live at end of Mt. Hope Terrace. In front of my house Mt. Hope St. is probably as narrow as it gets there is lot of ledge on opposite side it is very dangerous. There was talk few years back about another housing development going in across the street Dadarrio. I'm little concerned about traffic. The other thing that concerns me is of course the water I'm at bottom of the hill and also the noise level from the highway. Right now you hear it a little but it is nothing like what is going to happen when all those trees come down and those houses go up. I can sit in my backyard on Sunday morning at 10 and hear the church bells from Old Post Rd. its very nice but once those trees come down we're not going to be able to hear that. 295 is very busy and it is getting busier every year. That is something that is going to hurt our neighborhood.

Kristin Watson-48 Mt. Hope Terrace, We're currently the last house on Mt. Hope Terrace on left. We have kids as well as couple other families so I'm wondering even though our house and the current Mt. Hope Terrace is not part of the plan for development. What is being done for betterment of the street to be able to extend the sidewalk possibly down our street in that section of Mt. Hope St. because now we have couple cars? If we have somebody coming up by our house there is a problem and we look into it because nobody comes up that far they are usually lost and turn around. Now it is going to be 50/60 cars a day through our street. What is going to be done to the existing street in the area to address that for safety of the kids?

Mr. Hill, What we have proposed right now is the street currently ends and it continues on paper at least little further up through easement through turn around. What we have proposed right now is connecting to that extension at the end of it and showing improvements on the street with sidewalks and pavement.

Ms. Watson, Sidewalks would be on the existing Mt. Hope Terrace?

Mr. Hill, I think that is kind of up to planning board and how they would like us to approach that and consultation with the owner see how he wants to handle it as well. One of the problems with obviously bringing sidewalks down an existing street then you have number of other problems that are there trying to get permission and approval from all the owners that live there as well as some of the tightness around some of the corners. When you go out to look where the sidewalk is going to go they say they've been using that land for all of these years now I'm going to lose it that is my land. There are number of issues involved with that I think we would be happy to explore it.

Mr. Cerrone, You should have the layout how old is that subdivision?

Ms. Watson, 69 is our house.

Mr. Cerrone, There should be layout for Mt. Hope Terrace. What is it 40/50 or 30ft. layout?

Mr. Hill, 40ft. layout.

Mr. Cerrone, So you have room to do anything right?

Mr. Manoogian, One of the things you folks are going to have to understand on Mt. Hope Terrace is that the roadway layout that they talk about is usually as Mr. Cerrone said 40ft. That means your property line in most circumstance goes to edge of roadway layout. The existing pavement maybe 25 to 28/26ft. What happens in most of the older subdivisions in town you probably have irrigation system that is off your land on to roadway layout, you may have flowerbeds, may have lawn. What you see now you may assume is your property but you're

actually and I'm just guessing what usually occurs in these different subdivisions is you're saying I want sidewalks. We go out map out the sidewalk, which is within the bounds of the street you may find that you say that is not what we anticipated because you are on our land. No we're on the town land and we're effecting it. I think Lance's comment is well taking we'll be glad to look at all these mitigation factors. In fact there is provision in the subdivision regulations that says, " they can require us to do reasonable improvements to existing ways to make it safe and harmonious". Experience tells me doing lot of this work that you maybe looking at your neighbors now and you think you're harmonious in most of your actions when it gets down to effecting your individual homes you may not be so unanimous and harmonious with what you want to see done. We're willing to do anything within reason as a developer the problem is sometimes people say I don't want sidewalk I want it to stay exactly the way it is. Make the improvements when you put your new roadway in. Sometimes the planning board may say "we've looked at this and for the benefit of the town we want those sidewalks". We don't know what is going to happen here because quite frankly we're not that far along in design process.

Ms. Watson, Who decides that and when is that done?

Mr. Manoogian, That will be done we'll make threshold decision when we submit the definitive subdivision plan of what we propose to do there. But jurisdiction as to what actually gets built there is the planning board. One of the things we'll be doing when we do our due diligence after this meeting is when we meet with DPW for example we're going to get their take on what they would like to see there. I can tell you from experience it is difficult to get unanimous methodology of what we're going to do to improve existing streets that is acceptable to DPW, planning board and the neighbors. I hope we have that type of good consent here but what I usually find is it doesn't go as smoothly as possible. Usually its my client that is saying just tell us what you want done and we'll do it but then planning board, neighbors and DPW are trying to get solution of work with them. I don't know what is going to happen in this case I'd like to think it won't happen but that is answer to your question this board is going to have that jurisdiction.

Mrs. Marchitto, It's Mass State Law it's also in our NA Subdivision Rules & Regs. It is adequate access from a public Way. I think on preliminary conceptual plan that this could apply because you're using section of roadway that is already there that goes into paper road so it's never really been built out totally. Bear with me and I'll read this to let you know because sometime I think its confusing information. Adequate access from public way is where the street system within subdivision does not connect with or have an opinion of the board adequate access from town, county or state public way. The Board may require as condition of approval of a plan an approval of plan becomes at the end of the definitive plan at the closing. That such an adequate access be provided by the subdividers and/or that the subdivider make physical improvements to or within such a way of access in accordance with the provisions of these rules and regulations. From the boundary of the subdivision to the town, county or state way. B; Where the typical condition or width of public way from which a subdivision has its access is considered by the board to be inadequate to carry traffic expected to be generated by the subdivision. I could apply 34 homes. Board may require the subdivision to dedicate a strip of land for the purpose of widening abutting a public way to the width at least ... (inaudible) with the required within subdivision and to make physical improvements to and within such public way to same standards required within subdivision. Any such dedication of land for the purpose of the way or such work performed with such a public way shall be made only with the permission of the governmental agency having jurisdiction over such way and all cost of widening or construction shall be born by the subdivider. C; All the off site improvements to

public access road to approval are dictated by the Dept. of Public Works. All upgrades must be completed and approved by the DPW prior to the Planning Board's performance guarantee is established. This is one reason why to Mr. Hobson's comment that I was asking that we will require some type of traffic study or site plan is to evaluate if upgrades need to be done on your roadway at the intersection. What is the impact of those homes to that way? So that we can have adequate access. That will come in the definitive plan. I hear what David is saying he is representing the applicant he has to navigate us all boards to the best of his applicant. We have to do the best interest and safety of the town. If it has 40ft. of right of way that area Terrace Way. I drove up there I think you need improvements on that roadway. He is going to be building a beautiful new subdivision roadway with drainage and sidewalks all new utilities and it has to be adequate to get there.

Jim Watson-48 Mt. Hope Terrace, There is lot of ledge if they have to blast we have assurance to make sure our foundations are fine. How are our houses protected so if there are cracks in wall or anything? I'm assuming there is lot of ledge. I'm just curious what you do about blasting?

Mr. Manoogian, We won't know if there is ledge there sometimes you see big boulders doesn't mean there is ledge. Lot of times it can be broken up with machines. Ledge has different characteristics in what lay people think is ledge. If there is blasting what typically happens is we have to have bonded and licensed blaster all those arrangements are made through local fire dept. there is insurance.

Mrs. Hobson, I think it's known as Redrock Hill.

Kristin Watson, Follow up that question will we be notified prior to the blasting and will there be means to access our homes before the blasting so we have frame of reference or should we do that ourselves and notarize it for damage?

Mr. Manoogian, Usually I can only speak from past experience depending upon the contractor's selected the contractor would engage you first and they often times do their own survey of your homes to make sure you don't come up with false claim. I really don't know how that is going to come about but if that comes about you can talk to the fire dept. and they can walk you through that process. Everything has to be arranged through the fire dept.

Frank Winslow- 38 Mt. Hope Terrace, I know due diligence is going to be applied to all these runoffs and I think that is what scares most of the abutters more than anything else. What happens if through the due diligence somebody makes one mistake through human error and later on there is water in my house? I stop the water in my house and water moves over to my neighbor's house. Who is then responsible for that? Is the town responsible to compensate us for the problems? Is the developer or is he only responsible until he sells each individual house lot? Who signs off on this and who is the final person that is responsible for anything that occurs after this development?

Mr. Manoogian, There is no one easy answer it is face sensitive. You could buy a house in this subdivision and we have detailed plans for not only the roadway construction but the excavation of the lot and placement of the house. If the contractor say we sell you the lot if contractor you engage decides to deviate from those plans in that situation the answer is you're responsible. You built the home and selected the contractor you would have right of action against your individual contractor. If my client builds a home and sells you a home and there was a problem just like in anything else you purchase he would have responsibility to make sure that house meets the plans and is habitable. Basement doesn't leak, walls don't fall apart, etc. You first have to trace where the problem is and then you have to assign responsibility. It could be my client's problem if they put in roadway and it was determined the roadway wasn't

built in accordance with the plan. I can't possible answer that question because there are too many variables that is my honest answer now.

Mrs. Marchitto, Charlie I'm going to let some other people speak and then I'll come back to you.

Mr. Legg, I just wanted to add the Planning Board decides for this for god sakes give plenty of sight line on Mt. Hope St. coming down the hill from Fitzys Way coming to the corner of Mt. Hope Terrace even if it means that somebody has to widen the road. According to the police chief last year or year before where over 2500 cars a day on Mt. Hope St. now and when they get beyond the 295 bridge we're coming through and it is that way all the time. Motorcycles, landscape trucks, oil trucks, everything. Old Post Rd. is a historical way nothing over 2.5 tones, Mt. Hope St. gets every type of vehicle including Desautel because it shorter coming that way to his place than the other way. Keep that in mind you have 2500 cars at least and trucks and everything going through there so give plenty of sight line.

Luis Soto-75 Mt. Hope St., If I had known the water. What he's saying about traffic the light pole right across from my neighbor 71 has been hit three times this year. On other side water that comes from 295 that is every year it is going more and more it is up to 2" on roadway crosses over. They put french drain that still hasn't helped. If I knew there was going to be water I would never have bought. That is an issue and soon as they pass Fitzys Way the officers park there it is like a speedway and light pole and little stream just got hit about month ago. I probably have it on video too because I have video camera facing the roadway. You actually see eighteen wheelers I don't know how they do it and then I'm concerned with school bus. In morning I take my son to school and I wait 15 minutes. It has to do turn and it can't do it on Old Post Rd. it's bad enough the traffic people cutting from Attleboro instead of going on the main road they cut through when it rains. I know when it rains on the main road that is the expressway I came from Lynn I would have stayed in Lynn. There is nothing for kids there and especially with the water that is skating rink there. I have the video camera facing the highway the street is actually considered highway and you do hear blowouts on 295.

Donald Lowe-103 Mt. Hope St., Just by way of background if you look at the description of Mt. Hope St. on town map it's described as winding country road of variable width. That was probably written 100 years ago but it is suppose to be scenic way, there are signs that say bike run on telephone poles. You wouldn't dare ride your bike very much on Mt. Hope St. anymore. What is going to happen when they put in 34 more homes, how many families are going to liver there, how many children? What is going to add to the traffic that we already get going to the Mall in all directions? It is a very busy public way now it is only going to get worse and I think the density of this is far too much for our neighborhood. I'd like to also add that the cul-de-sac if you look at the curve it goes right past that cul-de-sac that is almost a blind curve. My dog got killed at that corner because the driver couldn't see it along the roadway. This deserves lot of attention as to traffic what is going in and out of that street it's going to be a dangerous situation. I think the impact is going to be very tremendous in this area.

Lyle Rasicot-32 Fitzys Way, I have two concerns this is a sizable project for the town and developers or representatives of the developers. There have been number of items come up tonight that we don't know, we're not there.

Mrs. Marchitto, Because it is conceptual.

Mr. Rasicot, I can understand this it is preliminary hearing but there is another thing involved. I am wondering if there is any coordination can be set up among the various depts., the applicants, the owners and their successors to the applicants so that the individuals citizen, abutter, etc. 20 or 30 of us here tonight. So each of us can call or come in and say what is the latest. Another reason I'm concerned is my son has expressed we have a titled basin on our

property that title basin takes all the drainage of Fitzys Way there is an 18 or 24" pipe comes down off right of way of 295. We haven't had any problems with that but come the future we have bulldozers, people who bought homes, etc. Who is going to determine if I get back up and overflow from title basin? What is happened out in the hinder land where this meanders to drain the drain off for the basin? There are two things there is drain off I don't mind paying taxes on title basin I bought the property with that understanding but I do mind if I am shut off because of construction or a property owner decides they do not want this meandering stream going through their property in the future. This is the reason while we're getting there I would like to see and hope that the order of conditions you're able to get permits and exceptions to the wetland laws apparently. You're able to get exceptions to almost anything. I think each of us who are interested and here tonight should have some central location we can go to and find out what the current situation is as it's developed.

Mrs. Marchitto, Mary Burgess is the town planner so anything regarding subdivision definitive or preliminary you can call the Planning Board Office for an update. When we come to definitive plan when they submit and our engineers do a review Mary does review, all municipal boards do a review we do have the engineers the applicant's engineers the representative of planning board's engineer, the town planner we usually invite the DPW, B. of Health and Conservation to sit down a staff really actually a staff review sit down at this table during town office hours to go over this review to go over the plan definitive not the preliminary plan and to address all the issues that they have. The applicant to address those issues that each of staff has and each of engineers have. Applicant also has to meet state regulations, stormwater drainage and Conservation. At any time even during the preliminary or definitive you can call this office for an update. If you wish to have a person a contact if you want an organization or association in your neighborhood and you want one person to be contacted and have the calls to Mary that is fine too Mary can update one particular person and you can do telephone chain that way. Each time we have a public hearing if we don't close tonight on public hearing on preliminary plan, or public hearing on definitive or even on a site plan it is the board's responsibility by state law to give the audience and people attending a time and date of next meeting so all people present will know when the next meeting will be with the board and with applicant. That is one way you're informed. When this applicant comes back with definitive those abutting the property of the subdivision will be notified by certified mail and I'm sure many people are here tonight because they received certification. You will receive that again on the definitive plan.

Paul Leveillee, With constructing a new road what is the setback requirement? Does the road have to be so far back? Does road come right up to property line?

Mrs. Marchitto, We have zoning by laws and the setback come into when they are actually building the house.

Mr. Manoogian, Roadway depending upon what this board allows the layout of the roadway typically comes right up to your property. That is not to say the pavement would be constructed up to your property. There is usually 7 to 10ft. on either side of the roadway that is left for improvements that are mandated under Rules & Regulations of Subdivision Control of North Attleboro. For example the roadway layout maybe 40ft. but 7ft. you call in on your side of road where it hits your property line would be sidewalks, then any type of grass strip or planting strip the board may require. Roadway layout typically comes to your property line but the pavement in most cases under these rules & regulations does not. On new layout on new roadway the sidewalk will go to the property line.

Mrs. Burgess, 2ft. grass.

Mr. Manoogian, But that 2ft. of grass is on public land on existing ways improvements it is just too early to tell depends on the design criteria.

Unknown woman...(inaudible).

Mr. Hill, It is so conceptual we're not really sure it will really depend on how good the soils are. We have to go out there and dig all the pits if the soil is super good then maybe 3 or 4 bedroom home if they're not good, which lot of you have attest to it will really be depended upon what the state will allow us to do.

Mr. Cerrone, David does your client own land on other side of 295?

Mr. Manoogian, Yes.

Mr. Cerrone, Are you going to do impact statement for the whole project?

Mr. Manoogian, It wasn't planned at this point in time because there are no plans in drawing board for other side of 295 right now.

Mr. Cerrone, You will do one when you do the other side?

Mr. Manoogian, Yes we have to but in the foreseeable future there is nothing planned on that other side because the water there are many more access problems on other side. If we have to do the other side we have to have impact study but right now it isn't planned.

Mr. Houle, That answered my question I wanted to know if he owned any other land there.

Mr. Manoogian, On other side of highway yes.

Kristin Watson- 48 Mt. Hope Terrace, Getting back to question about types of homes you said it depends if the soil is not favorable. Does that mean we could have apartment buildings going in or are they always going to be single family homes?

Mr. Manoogian, The only thing allowed there as matter of right are single family homes in that zone it is 40,000sq.ft. minimum lots, single family homes, swimming pools, garages that sort of stuff.

Michelle Raymond-252 Old Post Rd., I just want to follow up on looking at other development in the area. I think our concerns on Old Post Rd. is that there is some land on 46 Mt. Hope, which has gone up for sale for 3 to 5 lot subdivision. We're concerned that we're going to get water from here then they're going to build there. Right now I have pool on my property that I could literally fill from the stream that bubbles up underneath it concerning the springs. Another question is you keep talking about definitive plan is there any time when you are looking at potential developing?

Mr. Manoogian, I couldn't tell you it all depends on how long takes to gather information and make some decisions with the owners.

Sandy Vandette, 46 Mt. Hope St. and off to the side of that it is powder house it is historical building.

Mr. Cerrone, I think we should look at doing impact because there is still lot of land available in that area. I don't think we should wait until we do the last phase of this land. You have Daddario, corner another 5 or 6 acres I think this project should do an impact statement for that whole area how much development, traffic, etc. I think we should make them do that.

Mr. Houle, As far as open space how much will be left here the percentage?

Mr. Hill, I don't know. We're going to have to evaluate that. Again it is really dependent upon what kind of soils that we find out there.

Mr. Houle, Most of the water is shedding which directions we don't have any calculations here?

Mr. Hill, It sheds in couple different directions generally it is kind of coming down.

Mrs. Vandette, What is involved in impact study?

Mr. Cerrone, Looking at traffic, how many kids going to school, etc.

Mrs. Vandette, How long does that take?

Mr. Manoogian, It is very detailed document that is why I'm saying to Ms. Raymond's question we won't know how long anything takes until we sit down and get decision from the board and

see how many issues we have to address. It could be 6 or 7 months before we file it could be 3 or 4 months depending upon the issues and resources we have to dedicate to it.

Jim Rasicot-32 Fitzys Way, This might not be the exact time to ask this. Do you have any idea of how you're going in? In other words going in and strip every tree, plant, grass and put up a house and leave or are you going to preserve as much of the trees and foliage as you can? Is it too early to tell?

Mr. Manoogian, I'm sure wouldn't ingratiate ourselves to anyone including the planning board members the initial method. Typically we would go in and phase it and we would have a plan for the benefit of board of how many trees we keep. Part of definitive plan is we have to show number of trees we're keeping, etc. We're just not there yet but I'm sure it's not in my client's best interest to go in there and erase the land and then come back and try to design on an empty lot. We understand the characteristics of the neighborhood and we want something marketable. It doesn't help us to lay waste of everything particularly if you're trying to sell lot that is on 295. It is too early to tell.

Craig Blanchard-11 Millstone Dr., I notice there is pond at end of the street that has been there as long as I've been there. I was just curious when you develop I'm sure there is going to be some runoff that goes into that pond I think on backside of other development on Old Post. That pond does empty down our street to a drain off the street to a field. If it happens to get more water over time and the pipe can't handle it how are we going to mitigate that? Does the town enlarge the drainpipe down the street or right now it overflows on the street?

Mr. Manoogian, One of the reasons we have consult with DPW is typically we can't effect any town drainage or existing drainage unless we have permission from the agency that has jurisdiction, which is more likely the DPW and they can prohibit us from accessing it unless we do improvements to upgrade it to handle additional flow so all of that gets looked at. We're not going to be able to introduce significant flow into 10" pipe that is existing.

Mr. Blanchard, I understand you don't intentionally do it but if it does happen that is the question.

Mr. Manoogian, I've been doing this for over 30 years and I've never seen in this town any agency missing anything like that. There are just too many areas of review both at DPW and this board with their outside engineer. I've never seen it happen because that is just basic engineering you can't dump water without permission and without re-engineering.

Paul McNamee-71 Mt. Hope St., I share all the concerns as rest of these people with water, safety and all of those things. Did I hear correctly when you said you were missing some information because of something that happen in the summer letters from other boards, etc.?

Mrs. Marchitto, No we're not missing it.

Mr. McNamee, That you would normally have when you vote on a preliminary project like this.

Mrs. Marchitto, Again preliminary is only conceptual. I had asked Mary if we had letters from other depts. she said not at this time.

Mr. McNamee, You had said something about that was because of something that happen in the summer.

Mrs. Marchitto, During the summertime the board itself had difficult time meeting once in August and July.

Mr. McNamee, I understand that but why wasn't this meeting put off until you had all the information I'm just curious?

Ms. Burgess, In our rules and regulations does not stipulate for preliminary plan to get the input from DPW but we may get the input from B. of Health depending on the applicant. I being new did not get the DPW input because I didn't think it was necessary because of the limited

details provided on a preliminary plan. I think what the chair was going to suggest was to continue this, get DPW input and then re-discuss this at later date.

Mrs. Marchitto, I'm trying to do this in orderly fashion so you can all get your questions in then I can address the applicant. Lot of times we do ping-pong and we're all over the place so that is why I didn't finish my thought to the residents because I haven't had an opportunity to talk to the applicant tonight directly. I wanted your input first. We also wanted time limit because of July when they submitted the preliminary plan the board was supposed to by law make date August 8th.

Ms. Burgess, 30 days.

Mrs. Marchitto, 30 days would have been August 8 it just happen by the time we received it and had a meet we didn't have a meeting and we couldn't advertise. You also need 2 weeks to advertise it we couldn't fit them in August so we had asked them do you mind having it in September for two reasons. When you have meeting scheduled we didn't have enough time for our first August meeting to notify you by state law we need 2 weeks at least.

Ms. Burgess, Preliminary plan is only one 10 days before the actual hearing.

Mrs. Marchitto, Second thing we find as a board that many people, residents themselves are on vacation in July and August. When we start proceedings of preliminary plan to definitive lot of people aren't present because they themselves have plans rightfully so. Those were couple things we encountered and we had asked them for an extension and they agreed so we could all be here tonight. I did ask Mary today if we had letters from depts. I assumed we had written letters our primary focus I guess was to get you on board in September. This is Mary's first preliminary plan she wasn't aware that usually we have from other board's information that comes forward to help you. One of the things I would like letter from DPW regarding preliminary plan. I think we should have one at this time because lot of questions that came up with Mt. Hope icing, drainage things that are effecting subdivision I think the information would be good for you as the applicant. I was wondering if you would indulge us to extend it/continue it.

Mr. Manoogian, Final action due is 9/22 when is your next meeting after that?

Ms. Burgess, Our next meeting in September is 18th. after the 22nd. we have 2nd. and 16th. in October.

Mr. Manoogian, When do you think you'll get comments from DPW?

Ms. Burgess, I don't think it will take that long at all.

Mr. Manoogian, You can have us back on the 18th. and see what you get or we can come back 2 weeks after that it is your call.

Mrs. Marchitto, September 18th. we have some heavy.

Ms. Burgess, We have Cushman and Mt. Hope.

Mrs. Marchitto, That is tough night for us.

Mr. Manoogian, First meeting in October?

Ms. Burgess, That would be fine. The meeting is October 2nd.

Mr. Manoogian, Why don't we extend it couple days after that so you can write?

Ms. Burgess, If we extend it to October 10th. that following Friday.

Mr. Manoogian, I will send you a letter and you can vote on it tonight.

Ms. Burgess, Date of final action would be October 10th. hearing will be 2nd. continuation of this. We have Cannata at 7 already and we also have another planned business development coming in front of us for review that night as well at 8. If the board wishes to meet earlier than 6:30.

Mr. Manoogian, I think this may not take too much time because we have most of this issues just receiving the comments.

Ms. Burgess, 7 for Cannata 8 I was proposing to put CarMax on for planned business development modification I'm doing the advertising right now.

Mr. Cerrone, Why don't we keep these guys at 7:30 or 7:45 then we can push CarMax if we have to.

Mrs. Marchitto, How about 7:45 and then CarMax at 8:15?

Ms. Burgess, Then I'll bump CarMax to 8:15 October 2nd.

Mrs. Marchitto, For the audience we are going to continue this preliminary hearing to October 2nd at 7:45 P.M.

Mr. Houle, Make motion we extend continuation to October 2nd at 7:45 P.M. seconded by Don Cerrone.

All in favor 4 to 0.

Mr. Manoogian, Madame chair for the record I would formally ask that you extend time by which the board has to render a decision in this matter from 9/22/08 to 10/10/08. I will send you a formal letter requesting that but at your discretion take action on that now if you would like.

Mr. Cerrone, Make motion we grant extension until October 10th., second by Dick Houle.

All in favor 4 to 0.

Board is taking 15-minute break.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY HEARING
THURSDAY, SEPTEMBER 4, 2008

New Business:

1) Form O: North Attleborough DPW (Smith Street);

Donald Cerrone abstaining has relatives that live next door. Donald Cerrone left table at 9:15 P.M.

R10 Zoning District

Final Action Due: October 10, 2008

Applicant is proposing a 10,000 gallon diesel fuel tank on a 32' X 10' concrete pad.

Existing office trailer to be removed.

Fueling station to be upgraded with new canopy and light.

Parking and open space are above requirements.

Allowed use under schedule B #18 "facilities for essential uses".

Ms. Burgess reading in the application. There has been waiver request for payment of \$50.

Mr. Houle, Make motion that we waiver \$50 fee for North Attleborough DPW, seconded by Richard Thimot.

All in favor 3 to 0.

Brian Gillis-Dunn McKenzie, I'm here tonight with Bill McDowell NA Dept. of Public Works.

Here tonight for site plan approval for modification to existing DPW highway garage located at 240 Smith St. Owner and applicant is town of North Attleborough. Existing development contains approximately 5.6 acres of land with frontage on Smith St. it is located in R10 zoning district. Buildings on site contain office space, garage area and storage area for various pieces of equipment owned and operated by town of North Attleboro. Currently 71% of site remains

open space with the remainder is either paved or providible fill. Site plan filing involves no increase in the impervious areas. Proposed is a 10,000 gallon above ground diesel storage tank, which will be used to fuel the town vehicles whether it be DPW or any other town vehicles that run on diesel fuel. Site is considered a community central service facility under local zoning by-laws that is allowed allowing for the installation of fuel tank. The tank components and fuel island have been designed to comply with federal/state and local fire marshal regulations. Steel tank we'll sit on 32' X 10' concrete pad, pad will sit approximately 20ft. from the existing fuel island center. Diesel fuel will be pumped underground from the above ground storage tank over to the fuel dispenser island. Improvements on existing center islands consists of new concrete drive mat, new tank components and diesel dispenser of multiple leak protection system. ... (inaudible) will surround the above ground fuel tank for safety ballads will be spaced 12ft. on center. Other improvements on the site that we're going to do is relocate some of the granite curbing that is currently exists make room for the drive mat and removal of the existing 1,000 gallon tank. There is existing island there currently now with canopy we're installing new 10,000 gallon tank and then upgrading the existing island.

Ms. Burgess, Has no comments.

Mr. Houle, Do we need any special okays from fire dept. considering there is going to be flammable liquid there?

Ms. Burgess, No.

Mr. Gillis, We've spoken with the fire dept. regarding the heater resistance and putting in new controls. I don't have anything in writing from them at this time it is something we could probably provide to the planning board. We have been coordinating with them as far as all the equipment that we are proposing now. I assume that is part of the building permit process. Fire Dept. I don't think gets involved with site plan. We can get letter to you from fire dept.

Mrs. Marchitto, All of it above ground.

Mr. Gillis, The tank is above ground it will be conveyed with a type of wall pipe to actual dispenser.

Mrs. Marchitto, For clarification Mary refresh my memory with Hess Station we had them go through extra things but that was because everything was underground is that correct?

Ms. Burgess, All their stuff is underground so that had different things they had to do and plus they had already had a leak so we had to get all the reports and everything like that. This being above ground I don't believe these guys have any leaks over there.

Mr. Gillis, No, the existing 1,000 gallon tank right now is very undersized also above ground located closer to the garage.

Raymond Payson-54 Walcott Rd., It is R10 zone 10,000 gallon tank is that a zoning issue?

Mr. Gillis, We did get something in writing from the building inspector. Originally we were going to file for special permit then we brought it up considered it community central services facility.

Mr. Payson, I don't think that counts. I think neighbors are looking at 10,000 gallon tank fuel tank warrants a public hearing for the neighbors to try and understand. Is it going to be screened? 10,000 gallon tank is sticking out in parking lot there. I'm not sure this does meet a zoning issue. There are houses around there.

Ms. Burgess, I don't have letter from building dept.

Bill McDowell-DPW, There has been back and forth with Sharon regarding the classification of central service.

Ms. Burgess, It can be considered I guess essential service because of the fueling station is what triggers it as essential service.

Mr. McDowell, She agreed with the classification couple times. At this time there is no screening proposed for the tank. Were that required by zoning or recommended by planning board it is something we would undertake.

Mrs. Marchitto, Do we have former site plan on record?

Ms. Burgess, Actually we don't have physical plan it appears through the communication that is in this folder that one was supposed to be provided that the planning board approved something and said, " subject to the condition that all depts. required site are modified". So I'm assuming that they were supposed to get back with the modified site plan and we don't have one in the file. The letter is dated 2000 April 4th.

Mr. McDowell, Building dept. agreed with us classification of essential services.

Ms. Burgess, Community facility is the heading it is #18.

Mrs. Marchitto, Do we have that in writing?

Mr. McDowell, I don't.

Mrs. Marchitto, It doesn't fall under town or state/federal buildings except for equipment garage. It doesn't fall under town equipment garage but it falls under facility for essential services.

Mr. McDowell, Conversation ...(inaudible) go on between John original engineer of record and Sharon regarding the actual classification of how they were going to classify this particular site to find out what the setbacks were for the tank itself. I do have letter from Mr. ...(inaudible) that Sharon agreed with him and classified it as essential service I don't have in writing from the building dept. given you that classification. We do fuel for fire, police and for school buses as well and also for snow operations. Reason we're doing this is because tank there now is grossly undersized. Deisel tank is located just off corner of the garage.

Mrs. Marchitto, How long has the tank been there?

Mr. McDowell, Mr. Payson may know.

Mr. Payson, I'm only bringing it up because we're going from 1000 gallon tank to 10,000 tank.

Mr. Houle, That is why I asked that in the beginning.

Mr. Gillis, They met with them on site fire chief.

Mr. Payson, I'm talking about the neighbors the magnitude of 1000 to 10,000 with no screening and houses there. It is residential zone and I think the town has got to start looking if they're not exempt from zoning. Not only Dept. of Public Works but every town dept. I think they need to go through zoning.

Mr. Thimot, We had problems with Dept. of Public Works about getting site plan for building on Whiting St. I did think we ever got it.

Ms. Burgess, We got one tonight.

Mrs. Marchitto, We did get it 2 years ago.

Ms. Burgess, 2001 for water treatment plant.

Mr. Gillis, If I'm not mistaken the site plan is for the location of the tank as far as zoning classification and as far as whether or not there is fire code or other issues that becomes part of the building permit process, which at this time I do not have letter from the fire chief. I would be happy to get one for you I believe it is part of building permit process, which is the next step after the site plan.

Mr. Houle, It is matter of public safety too and that is under our preview.

Mr. Thimot, Would you feel better if we got letter from fire chief?

Mr. Houle, Yes.

Mrs. Marchitto, I'm looking at what it falls under facility.

Ms. Burgess, Letter from zoning enforcement agent and letter from fire chief.

Mrs. Marchitto, Yes so then we know. Do you mind if we continue this and get letters in? I would like letter stating it is facility for essential services I'd like clarification on zoning and how they came to that conclusion.

Mr. Houle, Especially in the way of there is going to be 10,000 gallon tank that is not there now and I think that would be very pertinent Joan.

Mrs. Marchitto, Do we have anything in our by-laws zoning for 10,000 gallon?

Ms. Burgess, There is nothing that gives any size on the gallonage I found in zoning by-law I never found anything regarding that.

Mr. Payson, It's a structure whether it is tank, foundation.

Ms. Burgess, If it's structure then it's going for site plan review so it's in the right spot, whether it is flammable structure.

Mr. Houle, I would feel better if we had the clarification and letter from fire chief I think it is very important. Make motion continue site plan for Town of North Attleborough Dept. of Public Works Smith St. until 9/18/08, seconded by Richard Thimot.

All in favor 3 to 0.

Donald Cerrone returned at 9:35 P.M.

2) Form O: North Attleborough DPW (Whiting St.);

Minor adjustments to site including adding sidewalk on front and side of the building, removing pavement and adding landscape.

Ms. Burgess reading in application. Waiver has been requested for \$50 filing fee.

Mr. Houle, Make motion we waive \$50 filing fee for North Attleborough Dept. of Public Works, seconded by Richard Thimot.

All in favor 4 to 0.

Bill McDowell- project manager NA Dept. of Public Works, Plan in front of you is for the building renovation at 49 Whiting St. At some point I believe the planning board was told there would be no exterior work and no site plan was required. There is exterior work being done we brought in site plan for you to look at and review. Most of work you see as noted is ancillary landscaping work some sidewalk work that was done for handicap access to make sure we comply with ADA requirements. Removal of the trailer, removal of parking area that is in front and return to grass as it was prior to actual building renovation being done and the trailer being delivered. We'd also like to remove some of the paving to the rear of the building we no longer require the loading dock it doesn't go to any loading area we have loading dock on side of the building. We're going to grass area to rear of lot too. Area has been utilized for parking we'll still be used for head on parking outside of the gate. There is additional gate work, fence work to be done so we can allow people to park near the public meeting room entrance. There will be another sidewalk along the front of the electrical poles they're in front of the Whiting St. facility. They will be removed at some point at that point that area will be returned to landscaping. We understand that within 3 or 4 years those poles that are all joined together in front of building will be removed by electric dept. We'll have sidewalk leading to public meeting room and another exit and entry to meeting room in the rear. For most part what you see is landscaping plan. We are going to overlay area of pavement where the handicap parking will be for front for people to come in and do their bill paying. In back area we will mill out and put in whole new layer of paving just in portion leading back to the fields in the rear. Limit of work has been noted on the plan the area of this lot is about 13 acres. Limit of survey was between couple stone bounds behind water treatment facility the area was not specifically surveyed it would cost us about \$10,000 to have rest of the property surveyed. See alterations between the garage area and water treatment facility and Whiting St. facility. Have picture was taken 2000 prior to paving be laid down in front prior to the trailers being set the temporary trailers while

the office is being rebuilt. Fundamental returning it to the state it was before. The building is 13,000sq.ft. Parking spaces where the trailers are 4 parking spaces along there is 9 in other area there is parking spaces where the crews park. We're going to have another fence so area can also be for public meeting room itself. There are two handicaps spaces provided in front that is for in and out day to day business.

Mr. Cerrone, Are you using the building now?

Mrs. Marchitto, Didn't they come 2 years ago?

Mr. Cerrone, Yes they were going to come back with this plan at time they didn't think they were going to do anything on the outside.

Mr. McDowell, I have letter from that time saying site plan wasn't required.

Mr. Cerrone, They were going to do it before they got an occupancy permit.

Mr. McDowell, There clearly is exterior work we'll be doing so wanted to make sure you got the site plan.

Mr. Cerrone, Make motion approve Form O for Dept. of Public Works at 49 Whiting St., seconded by Dick Houle.

All in favor 4 to 0.

Smith St;

Mr. McDowell, The 18th. looking for building inspector letter from them regarding classification and from fire chief. It's regarding usage there or do you want it as far fire depression and everything else?

Mr. Houle, Yes storage of it is he all set with it knowing there is going to 10,000 gallon tank.

Mr. McDowell, At this point I don't know that fire chief has gotten the building plans for the canopy I will make sure he has those. I just want to have him be sure that fire as well as underground stuff is all set.

3) Form O: North Bound Realty, LLC (Mt. Hope St.);

Approved site plan for new building approved in 2004.

Applicant changed site plan by adding a handicap ramp in front of building and removing vegetated area in front of building and adding parking space.

Zoning Decision #2422.

Ms. Burgess reading in application.

Mark Whalen-W.T. Whalen Engineering, This is our new office. We're here because we're trying to finish the whole process. We have certificate of compliance with Conservation now we're looking for parking requirement. We have no safety issues as for inspection as far as fire and electric all the sign offs. There was deviation from the approved site plan in 04 & 07 the original permit had lapsed and we had to refile again for zoning. For most part there hasn't been many changes but in all construction there is always some unforeseen changes that do occur. We have four items basically first is parking stall in front, other thing was electric pad and transformer pads. In the original plan we figured we could just go to pole hookup that we continue to do the same thing not the case. We need transformer pads, etc. but underground we hook up our power, air conditioning unit the back of the building. One of the things they had asked we have stall #1 that the doors open certain way and they asked us not to park anything outside of the electric at time we said okay not problem. Relocating front we have our landscape 10ft. strip so we relocated stall to front. Most of our clients come in and stay for about 10 minutes they're in and out. One of things that we've always had it located or assigned is handicap spot because we're don't want our clients being ticketed if NA Police should go by. If you recall under requirements of ADA. We don't actually have handicap stall we have handicap ramp size is capable of handling it is extra wide stall. We didn't want to paint it up exclusively for that. We're here because we deviated from what was approved.

Mrs. Marchitto, You placed the handicap ramp, put 2 AC pads transpad on, oversized parking stall.

Mr. Whalen, Ramp itself is dictated by standard for ramp for accessibility to building our main entrance is in front of the building.

Mr. Houle, If it's not marked and people park there where will handicap people go?

Mr. Whalen, We have accessibility from Mt. Hope St. and there is off street parking there is sidewalk. All the time we've been in business I think we've had two clients it will be far and few in between. Mainly the ramps are there we are required to have accessibility. We need to finish up the landscaping we haven't put the loam in but that is something shortly. We've already started to purchase some of the plants after that we hope to be done.

Mr. Cerrone, Make motion we approve Form O for North Bound Realty, seconded by Richard Thimot.

All in favor 4 to 0.

Old Business:

1) Bally Heather bond;

Ms. Burgess, Letter of Credit expired on 9/20 and replacement letter was provided on 8/20 and that expires on 10/1/08. Tom Fitzgerald has indicated that he's going to ask the board to change out the Letter of Credit to just cash. He said he will have construction schedule on Tuesday for the paving he is going to be getting back to me on that. Motion to extend Letter of Credit.

Mr. Cerrone, Make motion to extend Letter of Credit for Bally Heather until 10/1/08, seconded by Dick Houle.

All in favor 3 to 0 to 1 abstain Richard Thimot.

2) Corliss Landing Performance Bond;

Ms. Burgess, I received letter from Donald Corliss, Corliss Landing Investment LLC this evening.

Richard Thimot left table at 9:55.

Ms. Burgess, Reading in letter (insert).

Mrs. Marchitto, Mary did good job on this could you give to Donald and Dick Houle. I had Linda make copy of the general law chapter 41 section 81 approval of modification and disapproval and the decisions highlighted government law was #3 what covenant is. I also attached what NA Covenant is NA Rules & Regulations. I also attached Mass. Federation of Planning and Appeals Board updated and revised in 2002 it is Planning Board Members Planner. I highlighted what covenant there is and I think ours is consistent with Mass. General Law.

Richard Thimot returned to table at 9:56 P.M.

3) Hickory Woods Subdivision;

Richard Thimot and Donald Cerrone left table at 9:56 P.M.

Ms. Burgess, Because Chris Sweet is not here Fred Bottomley did leave. We can't make decision on the mailboxes, While they are gone do you briefly talk about the other Beaupre and Pinsonnault?

Mrs. Marchitto, No we need Chris Sweet.

Ms. Burgess, Our next meeting is 9/18.

Donald Cerrone and Richard Thimot returned at 9:57 P.M.

Ms. Burgess, I'll put Hickory Woods on 9/18/08 and we can discuss those issues.

Mrs. Marchitto, I would like to talk first at 6:30 P.M.

Zoning Applications:

Ghossoub, 63 South Washington Street, Use Variance used car sales;

Ms. Burgess, We received three for the 9/16/08 meeting. First one is Ghossoub 63 S. Washington St. gas station at corner of Chestnut. They're seeking use variance to sell used cars. They have evidence that they once sold used cars there so they are trying to get that back.

Mr. Cerrone, That is Getty they used to sell cars there. I can't act on that because I do all my business with them.

Donald Cerrone left table at 10:00 P.M.

Mrs. Marchitto, It is corner of Barrow St. and S. Washington St. Do we have the application? (Yes.) Do we have it in our package?

Ms. Burgess, No I didn't get them on time.

Mr. Cerrone, When did application come in?

Ms. Burgess, I got it this week when Michelle did her packages. They have zoning decision in their packet that they have right to sell used cars they have used car licenses and all that from 2006 they have all their licenses to do it. It is kind of like on the same line as all the other gas stations or the other used car dealerships they have to come in now and apply because it's not allowed.

Mr. Cerrone, It is new owner last year 6 to 8 months.

Ms. Burgess, They need use variance in order to sell cars there it is kind of like the same thing that Achin had to go through and all the other little guys. They're going on notion that they are pre-existing.

Mr. Thimot, They're coming into this board to ask for use variance with understanding they used to do business selling cars there. Why are they asking for use variance?

Ms. Burgess, That is what the building inspector has told them to come back everybody it is whole used car dealership thing that has been going on for the last year.

Mr. Payson, That was a zoning issue on E. Washington St.

Mrs. Marchitto, When is this coming up?

Ms. Burgess, September 16th.

Mr. Cerrone, They must of filed with zoning in August?

Ms. Burgess, Yes.

Mrs. Marchitto, Why are we getting these late?

Ms. Burgess, It is when Michelle does her package. Some of them are dated 8/20.

Mr. Cerrone, Usually it is by 12th or 15th of month have to have it in or you won't get on agenda until the following month.

Mrs. Marchitto, Can you request from Michelle that we received this information earlier so we have due time to write letter?

Ms. Burgess, No problem. Would you like me to write a letter? We haven't taken a stand in any of the other ones.

Mr. Houle, It's pre-existing it was already being done right? (Yes). Nobody knows whether or not that is true or not is that the problem?

Ms. Burgess, The building inspector or the zoning enforcement agent wants them to be in compliance to get use variance. I have zoning board decision from 1966, have licenses from 2004, 2006, 2001, 2002, 1999, 1998.

Mr. Houle, We haven't said anything on the other ones up until now.

Mr. Payson, I think it is zoning issue once zoning board approves it maybe they would have to come in for site plan. It is zoning issue.

Mrs. Marchitto, I'll take look at it tomorrow.

Sanchez, 24 Tiff Street, Variance for rear and side to build shed;

Ms. Burgess, They want to build shed in their backyard.

Donald Cerrone returned at 10:07 P.M.

Ms. Burgess, They need a dimensional variance for rear and side setback in order to locate the shed. These little ones all the zoning board requires is where location of shed is going to be they want to put it in back of property so they need setback relief.

Labonte-Hsu, 66 Stanley Street, Use Variance to allow 3 family in R15;

Ms. Burgess, This one you might want to comment on it is R15 they want to convert 2 family into 3 family. I haven't seen it.

Mr. Cerrone, You have to look at the neighborhood.

Ms. Burgess, They quote Jackson St. in the area, Ivy St. and they give numbers of other multi family with 2 or 3 apartments.

Mr. Cerrone, You have to look at the area they might have been there for years and years.

Ms. Burgess, It is large Victorian they're not adding on they just want to convert it to 3 family.

Mr. Cerrone, They're not doing anything on the outside just the inside.

Mrs. Marchitto, Could you get the paperwork to us so we can look at it individually and comment back to you?

Ms. Burgess, Hearing is September 16th.

Upcoming Meetings;

September 25, 2008: 7 P.M. Meeting for SATM zoning articles;

Mrs. Marchitto, Are we all set for articles?

Ms. Burgess, We are I received a copy of the warrant on Friday before I made copies it is very thick. I didn't know if you want full copy of all 42 articles or just the articles that pertain to us.

There are couple we would want to comment on that aren't brought by the planning board.

Mrs. Marchitto, I want the 42 articles. Do the copy I will come in office to look at them. Do the articles that pertain to the planning board.

Other Business:

Willowbe Glen and Lowe Meadow;

Ms. Burgess, We received request from Bill Lowe to release his bond for Willowbe Glen and Lowe Meadow. How would the board like to proceed with this if they want to reduce it to certain amount, if you want me to get recommendation from DPW regarding the reduction of the bond. The only thing I have in the folder is that Earth Tech did the establishment of the bond I don't have any inspections.

Mr. Cerrone, Public Works did the inspections.

Ms. Burgess, DPW is not accepting it because of location of mailboxes they would not endorse the application on town meeting floor. The sidewalks are not handicap accessible they are handicap accessible but they don't meet ADA regulations because of the location of the mailboxes.

Mr. Cerrone, They did the inspections now they're holding the developer hostage and then they get up and say they don't want to take the road they're the ones who inspected it.

Ms. Burgess, There is also puddle at one of the cul-de-sacs.

Mr. Cerrone, There is folder somewhere they sent stuff over at one time inspections.

Ms. Burgess, The letter they gave us most recent acceptance at town meeting said the mailboxes and there is puddling at one of the cul-de-sac but otherwise the road is in pretty decent shape. The last letter I get was after last town meeting. There are no inspections report.

Mr. Houle, Can we request the inspection reports from DPW?

Ms. Burgess, I wasn't sure if we did the inspections or if DPW did.

Mr. Cerrone, That was under old rules DPW did inspections. We set the bond and Earth Tech reduction of what was done.

Mr. Payson-54 Walcott Rd., What is on the table is to continue the bond that conversation has been around for long time. If you got stalemate just release the bond let it die. He's done what he had to do, he's done what the planning board required him to do.

Mr. Cerrone, There should be a file with everything from day one.

Mr. Payson, Planning Board went there two or three times so we go back to Tom Stoltz he did all we had and we were satisfied. What is wrong with releasing the bond?

Mrs. Marchitto, Mary get the file out for me I'll look at it and I do have information.

Ms. Burgess, Reason I didn't compile anything because I wanted to know where to get the information. There is a file but there is no inspection reports.

Mrs. Marchitto, Staff changes too the developer was working with staff members to resolve mailbox.

Mr. Cerrone, Everybody did review of that plan before he started somebody should have picked it up.

Engineer Inspection Fees;

Mrs. Marchitto, We voted to approve the contract now there is glitch.

Ms. Burgess, I have spoken with town council and asked him about the escalation clause. You received e-mail in your package it happen when I was on vacation. Mark Fisher had indicated that we cannot increase the fee schedule without an escalation clause in the contract. Town council is going to look into the escalation clause because he's never heard of it he said usually it's for union. I did have town council approve our contract when we originally did it and we also had approved the most recent change. Where it fell by the waste side I don't know. I spoke to John Lavin today he said continue as we were with the same fee schedule until we can rectify the problem. Other wise town administrator is saying that we're going to have to put it back out to bid in order to amend the contract with escalation clause.

Mr. Houle, Only if town council agrees with that right?

Ms. Burgess, He is the chief procurement officer. I asked town council to see if there is way around this and maybe the chief procurement officer might not be correctly informed. Roger said he will get back to me.

Allen Ave.;

Ms. Burgess, There is an article for town meeting to remove gate.

Mr. Cerrone, I think you want to get all the conditions. I think there was condition with Fashion Crossing, Circuit City that was when they were first starting that is how the gate came about. I think that was condition of those projects and then there was another condition when WalMart went in Carpionato started his project. You can't just say we're going to take the gate that was part of the public hearing from all those neighbors from Old Post Rd., Allen Ave., that whole area.

Ms. Burgess, Way the article is written for town meeting is in case that they have to do all the upgrades of the road. The town has to pay for all upgrades of the road in order to handle the increase in traffic flow. It was one of the selectmen has brought it forth. They did this in 2003 the residents brought forth they copied the same article so it is exact same wording as last article that didn't pass.

Mr. Cerrone, It was part of the conditions I think it was because Carpionato when they did ring road.

Mr. Payson, He only had the gate. First part was when Fashion Crossing we made one way on the original Allen Ave. east that was dead ended at that circle. Then the public safety people said we want to have access up Allen Ave. don't block it off. It wasn't working so then along came WalMart put the gate there.

Mr. Cerrone, WalMart never wired it then they came in with second phase of WalMart and we made them wire it. Opticom was put on 4 or 5 years or 10 years ago. When they did Lowe's there was like \$25,000 they donated.

Ms. Burgess, It was \$16,000 that they used from the funds then they removed the opticom and put it somewhere else. Remember when we were doing addition to WalMart they said they wanted another opticom and you said you already had one.

Mr. Thimot, We paid for opticom units to go in the cruisers too.

Ms. Burgess, I'm not sure where it actually ended up.

Memo from Roger Ferris;

Ms. Burgess, The Bottomley/Riley Reed St. we appealed that decision and subsequently they filed for release of our appeal and they were denied. So now we're moving forward to go with the appeal.

Jill Marie;

Ms. Burgess, It turns out that the road is wrong on plan it is too wide 51ft. and it is only supposed to be 50ft. and it's registered in land court. In order to adjust the size of the road they have to go back to land court. This is them starting the process go back to land court to adjust the road.

Mrs. Marchitto, Any action the board needs to take?

Ms. Burgess, No.

Letters not in last package:

Jewel Cross and Fireside Nissan.

Notification that they hired new Building Inspector Rodman Palmer and he's to start on Monday. He is from Raynham.

Wastewater Management Strategies;

Ms. Burgess, Letter from B. of Public Works they're going to start meeting with everybody to discuss it and how we feel about it. We have not been asked to have meeting yet.

Briggs Nursery;

Ms. Burgess, I received e-mail from Shannon regarding Briggs Nursery. As you are aware from 2 months ago the drainage was off and a guys yard is getting flooded. Shannon went out and looked at it they did rearrange the drainage pipes according to the site plan. They are moving forward with that.

CPA Adoption Workshop;

Ms. Burgess, I don't know how you feel about Community Preservation Act. I know they tried to get it passed on town meeting floor several times and it hasn't passed. They're doing workshop on the 27th.

Turning Lanes on Rte. 1;

Ms. Burgess, Joan had asked me to e-mail to Plainville town planner and the Attleboro town planner regarding turning lanes on Rte. 1. As you recall for the Boch Toyota there was comment made regarding Mass. Highway doesn't want any turning lanes on Rte. 1. I did contact both of those and Gary did get back and he said that it was his board's stipulation to have turning lane and they worked with the Mobil Car Wash in order to get turning lane. He just thinks it's not Mass. Highway doesn't like turning on Rte.1 it's just that Boch may not need it or warrant it.

Mr. Cerrone, Do we have copy of regulations that Conservation has?

Ms. Burgess, We do not will get copy.

Names of Engineers to have on Record;

Mr. Thimot, Submitting some names of engineers to have on record from Larry Tilton. You're talking about possible issues coming up with John.

Ms. Burgess, Next time we put it out for bid we can send specific notification that we put it in that we have specific firms.

Mrs. Marchitto, We are in 3-year contract with John. Mary is putting package together to send to Roger Ferris and she will be sitting down with him and further correspondence will be coming to individual members through Mary.

Survey from U-Mass;

Mrs. Marchitto, Reading in Mr. Thimot's.

Mr. Houle, Make motion to adjourn at 10:40 P.M., second by Richard Thimot.

All in favor 4 to 0.

Respectfully Submitted,