

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, AUGUST 20, 2009**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, August 20, 2009 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Scott Weymouth, Richard Houle-chairman, Richard Peterson and Mary Burgess-town planner. Donald Cerrone and Richard Thimot arrived at 6:37 P.M.

New Business:

Woodridge Definitive Subdivision (Action: Set Hearing Date).

September 17, 2009.

Tape is all static.

Discussion of plan in 1971

**NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
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6:45 P.M.- Continuation of public hearing to determine if Thomas Fitzgerald should be declared in default of carrying out his obligation to complete the Bally Heather Subdivision, including Garrett Road, Jonathan Drive and Massand Road;

Jeff Kane-Earthworks present Tom Fitzgerald not present.

Tape is all static following is just my notes.

Faxed waiver request couple Type O's. Start pipe next week and paving on 9/10/09.

Scott Weymouth reclused himself and Richard Thimot moved away from table.

512 2H going to us flow fill.

John, Jeff and Bill McDowell reviewed plans.

Earthworks review sent them new trench permit (state Permit).

Flow fill has to set overnight, street plates if left overnight.

Mr. Cerrone, Make motion to grant waivers, seconded by Rich Peterson.

All in favor 3 to 0 to 2 abstain Scott Weymouth and Richard Thimot.

Scott Weymouth just missed meeting and Richard Thimot has conflict.

Mr. Cerrone, Make motion to continue hearing until 9/17/09 at 6:45 P.M., seconded by Rich Peterson.

All in favor 3 to 0 to 2 abstain Scott Weymouth and Richard Thimot.

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Other Business:

Bid Sheets for Hickory Woods and Queens Grant;

Ms. Burgess, I usually open bids and make sure numbers are correct.

Mr. Cerrone, Don't want bids opened want them in sealed envelope and then board opens them at meeting.

Bid sheets available 9/4/09 for applicants to pick up.

\$10 charge for bid on Hickory Woods.

Advertise in Central Register and Free Press.

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7:00 P.M.- Continuation of public hearing for the application of Fern Realty Co. LLC, Iantosca, ET AL, to Modify Special Permit No. 124 (former CompUSA). Final Action Due: 90 days after the close of public hearing;

David Manoogian representing applicant, Joseph Iantosca, Paul Bourque, Julio Leitao, Andrew Arsenault and Phil Boness also present. Mr. Nato Jacob Engineering contractor.

Ms. Burgess, Reading in letter dated 8/13/09 from Traffic Study Committee Judy Sulfaro (Insert). Letter dated 8/19/09 from Chief Michael Gould (Insert).

Phil Boness-Jacob Engineering, Added 2 speed bumps one before cross walk, clearance of 5ft. maintain existing alignment, added pavement markings, vehicle notification system. No standing changed to live parking only wait for attendant.

Mark Dwyer, Average drop off weight 19lbs., won't use any of existing fire lane.

ADA width 60" by law 40".

Mr. Cerrone, Make motion to close hearing at 7:23 P.M., seconded by Rich Peterson for discussion.

Reducing sidewalk ADA acceptable or DPW standards, signs as approved by PB, sidewalk return to pre condition and attendee full time present for drop off.

Hours 9 to 9 on Monday to Friday. Open at 8:00 A.M. 4 times year for sales. Not later than 9 Monday to Saturday and no later than 6 on Sunday.

Propose no changes for lighting, any additional lighting required by Building Dept.

Mr. Peterson, Asking about setting precedent.

Ms. Burgess, I don't believe this sets precedent because board usually looks at it on individual bases.

Mr. Weymouth, Asking about awning material and being dangerous if snow piles on top of it.

Material for awning is canvas.

Mr. Houle, I do believe we've always looked at everything on individual bases and I will continue to do that as long as I'm the board. I didn't know until tonight how much money you guys give to charity.

Mr. Peterson, Make motion to approve request for drop off modification Special Permit No.124, seconded by Scott Weymouth.

Mr. Houle, Second for discussion.

Mr. Manoogian, Leave that condition ADA accessible or DPW standards.

Mr. Houle, Also any future signage that deem maybe needed.

Mr. Manoogian, I would suggest...(inaudible) special permit we'd want to come back to this board to approve language any future signage recommended.

Mr. Houle, Just so you guys realize for special permit you need majority vote 4 out of 5.

Mr. Thimot, Asking about lighting.

Mr. Manoogian, Haven't proposed any changes any added lighting per Building Dept.

Mr. Thimot, No curbing in front of entranceway.

Mr. Manoogian, As exists now to entrance in plaza.

Mr. Houle, Is there going to be any curb type lighting?

Mr. Bonest, There is curb light.

Mr. Weymouth, Talking about curb and worrying about pedestrian passage not so much vehicular.

Mr. Manoogian, We have attendants full time there will be sign you can't leave your car attendant will come to you.

All in favor 4 to 0 to 1 opposed Donald Cerrone with conditions discussed.

Mr. Cerrone, Reason for opposing is not changing original modification of special permit. I was on the board then I'm not changing my mind now.

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Board taking break.

Reopen meeting at 8:00 P.M.

Other Business:

Bids for work on bond taking;

Ms. Burgess, Open bids on 22nd.

Mr. Cerrone, Sealed envelopes on all these bids the board opens it up.

Ms. Burgess, This is how it is done.

Mr. Cerrone, Not how it is done this is way it's going to be opened right at public meetine here that is what we used to do when I did Middle School/Martin School the board awarded the contract and opened it up.

Ms. Burgess, I just wanted to make sure math is right.

Mr. Cerrone, If they can't do math they aren't qualified to bid.

Ms. Burgess, If they give us higher price than what they've added up.

Mr. Cerrone, Throw it out.

Mr. Houle, I think Don has good point. You wanted sealed bid and open it night of meeting.

Mr. Cerrone, Right when contractors are here. We can award it that night or review it take it under advisement.

Ms. Burgess, The way I've done it in past was open it up make sure all math is right.

Mr. Cerrone, I want sealed envelope opened at meeting.

Mr. Weymouth, No sense it putting yourself in middle Mary either.

Mr. Cerrone, I still want to go through process this way nobody can say you played numbers.

Dorey Estates;

Ms. Burgess, Under \$5000 have \$3200 remaining money. Ask James paving for quote and have Roger Ferris write article for acceptance with remaining funds.

Butterfly;

Ms. Burgess, I can hire somebody do seal those drains hydrant and then electric dept. can put pole in.

Mr. Cerrone, Have them put pole in first then fix other stuff.

Zoning Board Meeting;

Weren't nice to Mary then few people apologized all done with.

RFP Draft;

Ms. Burgess, I still don't know who is going to vote on engineer service.

Mr. Cerrone, You have tell them right up front.

Mr. Houle, We want to move this forward and I think board has said we want to participate and think it is good idea. I think when it comes to hiring the firm and I don't want to speak for the board I'm only one member I think this entire board should be part of who hires that firm.

Mr. Weymouth, I think if you wait for proposals to come in and then make decision is wrong.

Mr. Cerrone, That's what I said I agree with you 100%.

Ms. Burgess, I completely agree with you. The thing I'm saying is I think Planning Board, BOH and Conservation should all sit down I don't think I am the one to tell them.

Mr. Cerrone, I agree with you that is not your job Mary you're not on hot sit for us.

Mr. Houle, Have you gotten any feedback from them as to what those boards would like any feedback at all?

Ms. Burgess, No.

Mr. Cerrone, Why don't we set up meeting with them.

Ms. Burgess, I would like to get this to them so everybody has it then can all sit down and talk about it. Going through draft change fee proposal to fee schedule.

Mr. Peterson, 1st. paragraph on behalf of town is town going to have access to firm?

Ms. Burgess, No Bob Davis wrote it. It was group effort and I felt that it was well written. The requirements I felt that was adequate and then I did all the minimum qualifications all other stuff I did.

Mr. Cerrone, I think it should say Town of NA qualifying consultant engineering firm for Planning Board and assist/review for Conservation and other departments. We're the ones who should be the leader we're not joining with them.

Mr. Houle, I agree with Don I think it should read because we're putting our names on everything that goes out of here and I think it is very important that we have that type of authority.

Mr. Cerrone, We should be in charge.

Ms. Burgess, I can rewrite it.

Mr. Cerrone, The way this says we're doing it for 4 chiefs/4 masters.

Mr. Houle, Last paragraph NA Planning Board, Conservation and BOH reserves the right that has to be taken out all together. Shouldn't that say then the people board that is going to hire engineering consultant firm it shouldn't have everyone of boards on here.

Ms. Burgess, I really think this is something that you guys should discuss with all other boards.

Mr. Cerrone, That is fine I agree just put down NA Planning Board reserve the right to accept and reject any. We'll explain to them we're the ones who have to sign all time with our signatures. Even guy in 71 is coming back to us why doesn't he go to BOH, Conservation or Selectmen they come back to this board when there is problem.

Mr. Houle, This whole paragraph word it in different way Mary. My intention is not to insult any board my intent here is to say clearly you have to have somebody.

Ms. Burgess, You're not going to make them happy.

Mr. Cerrone, Can't make everybody happy.

Mr. Houle, This is either going to move forward or not that is why I'm saying lets start getting down to niddy-griddy so it can either go or we can sit in room again.

Mr. Cerrone, We can go back in front of cameras at Selectmen and play waste 1 to 2 hours.

Mr. Peterson, There are going to be issues that have nothing to do with us. I think personally if we're going to sit down with these other boards we have to make it clear that we're looking at it from review point their involvement based on something. All other things they get involved in they can use the same engineer if they want or they can use another engineer. We're trying to streamline this when we have all different boards that have to review everything all together. I think that is how we should try to present it that we're not trying to step on their toes but we're going to be the arbiter of the project, which is overseeing it that we feel it is our responsibility the last stop is here first and last.

Mr. Cerrone, They have to come here first.

Ms. Burgess, Not necessarily.

Mr. Cerrone, Our subdivision says they have to come here first if you read the book.

Ms. Burgess, Not Conservation NOI 21 days so we have 90 days.

Mr. Houle, Clearly if we left it they way it is now and if we all went on that premises. What are you going to have 3 chiefs and no cooks? That isn't going to work. What I'm trying to say is everybody is going to be chief but somebody has to have ability just like we've been seeing in the paper to move things forward and clearly I think that should be Planning Board.

Mr. Peterson, That is how we present it to them when we have project that requires Planning Board and all these other boards.

Mr. Cerrone, When they do perk test we're not involved in that.

Mr. Peterson, It would make sense if they used the same engineer but if they choose not to it would be left up to them.

Mr. Cerrone, You're trying to get everybody on same page but you have to have 1 captain.

Ms. Burgess, This is what I was trying to get away from because I would like to get this to other boards the contents and then have boards discuss I who is going to be in charge.

Mr. Cerrone, I want it right out front.

Mr. Houle, Once she gives this to them I think she is right about that. At some point it has to come between the 3 boards and we have to hash the rest of it out.

Mr. Cerrone, Yes we should have meeting with them. I agree once we get it way we want it then we say set up meeting with other boards.

Ms. Burgess, I don't think there is major overhaul on this I'm sure there is couple of things that have to be tweaked but I just want more of contents the stuff I can actually do without having meeting/boards decision on anything like that so I can get it to everybody else then set up meeting with boards.

Mr. Houle, I'm going to make suggestion I don't think the other boards will have real big problem. I think problem we're going to have we have to move this forward one way or other and I think cover sheet make changes. Submitted requirements, minimum qualifications all

these things did everybody have some input in that or was it what we had already? I don't want them to say we gave you our narrative but you never asked anything else.

Ms. Burgess, No what I have everybody gave me input to minimum qualifications. We looked at DPW, Town Administrator I took little bit from everybody that I thought was applicable. I took everybody's input and I did minimum qualifications and I think they come out pretty good. Like I said I have all 3 narratives and I did our narrative, I had everybody do narrative so that everybody has their 2 cents on what is there.

Mr. Houle, Can I make suggestion can we look at our narrative? Why don't we start there to see if there is anything we would like in there that is not there. As far as ConCom and BOH I don't think we should touch that.

Mr. Cerrone, You have Public Works in there too.

Ms. Burgess, Some stuff and I think it is good.

Mr. Cerrone, Page Mark Fisher B of Selectmen sent.

Ms. Burgess, Lot of the things if you want to go through their comments I'll tell you what I didn't do, etc. For DPW obviously I did not include them in RFP however I did put in experience in roadway utilities/water/sanitary and drainage because I felt that was important. Project manager should have minimum of 10 years just like John I felt that was important.

Mr. Cerrone, Another thing should put in there I don't see is Mass Highway standards because some of these companies don't do Mass Highway work/standards.

Ms. Burgess, Mass. Highway Regulations with regards to traffic impact I do have it in there.

Mr. Cerrone, I mean in roadway.

Mr. Weymouth, My personal thing about project manager being licensed I could go either way with that.

Ms. Burgess, I'm talking more for inspectional services.

Mr. Weymouth, If they have associates PE doesn't mean project manager has to have to there are lot of good people out there know their stuff that aren't PE.

Mr. Peterson, That is true they're working under the PE.

Mr. Houle, If that person comes here I've had couple conversations with the people/applicant asks if they're PE that has happen in past.

Mr. Weymouth, Jeff Kane is not PE.

Mr. Cerrone, John is principle.

Mr. Weymouth, So he works under his license. Project manager is working underneath the principle associates stamp not their own. I think project manager being PE might limit yourself to some very good people.

Mr. Cerrone, You don't want to do that.

Mr. Peterson, Registered professional somebody as their representative.

Ms. Burgess, It doesn't matter if we have PE for site inspections on roadway construction?

Mr. Houle, I'm telling you the question is going to come up is guy who did this a PE. I've seen it happen we've had people ask us that.

Ms. Burgess, Sentence I'm talking about says "furthermore the firm must have ability to provide a certified professional engineer for site inspections roadway construction including structures and must have minimum of 10 years of experience in roadway utilities", it is on page 2, 7 lines down. I think that was part from me I know DPW want 10 years of experience and I believe it was in my original as well that we wanted 10 years but I didn't put roadway construction but felt it was good idea to have 10 years experience in roadway and utilities. My brother is PE he doesn't know how to install roadway.

Mr. Peterson, If you hire company that doesn't have expertise would they hire a consultant why wouldn't you expect that consultant to have same years of experience as PE you hired?

Ms. Burgess, Usually it is under principle you hired to sub.

Mr. Peterson, If that is the case why do we care how many years experience associate has?

Mr. Cerrone, That's right.

Mr. Peterson, It could be one or other.

Ms. Burgess, I think it was 3 year minimum just so you don't get somebody right out of school/undergrad.

Mr. Peterson, I'm looking at minimum qualifications on page 1 & 2. You're saying principle shall have minimum of 10 years experience provide engineering services and his associate shall have minimum of 2 years experience. Either they do or you don't put it in because PE that is hiring is supposed to have experience.

Mr. Houle, Don't you want sub contractor to have that same knowledge?

Ms. Burgess, When I think of associate I think of your associate in the firm.

Mr. Weymouth, That is not how it is defined.

Mr. Peterson, I agree with what you just said Mary but that is not way it is worded.

Mr. Cerrone, I think it should be guy who is responsible signing off his responsibility to have 10 years.

Mr. Weymouth, Sub contractor to me means he goes out and hires 3rd party.

Mr. Houle, Will they read that same way?

Ms. Burgess, What if I just say...(inaudible)?

Mr. Weymouth, Now you don't address sub contractors you'd have to introduce the whole clause hiring sub contractor.

Mr. Cerrone, We don't want sub contractors want company to do their own inspections.

Mr. Peterson, We're already said there maybe case where we hire somebody.

Mr. Weymouth, You could have great engineering firm that is kind of weak on traffic but they offer it anyway and you'd want that guy to be able to have ability to go out and contract traffic engineer.

Ms. Burgess, I know lot of firms have their sub contractors already licensed sub out for traffic.

Mr. Cerrone, Maybe you want to put down on RFP all stuff he's going to review.

Mr. Peterson, Yes if it isn't offered by your firm who are your contractors.

Mr. Cerrone, Then board has choice I think that is how we did it with Middle School when we did RFP for architect.

Ms. Burgess, How about this in order to address the associates in the firm I will take words out sub contractor and then I will put in additional sentence that will say services firm does not provide please provide resumes, information regarding sub contractors.

Mr. Cerrone, That's good. Lot of these companies might be small company but have people that work with them very well and they can do assistance.

Ms. Burgess, You already have people basically on your staff but they do different companies.

Mr. Cerrone, You said you have Mass Highway standards somewhere?

Ms. Burgess, I put it under our standards when we review plans. Another reason why I did narrative so if we forgot anything.

Mr. Houle, If you look first sentence/first paragraph you really kind of covered everything we just went over. Are we being redundant?

Ms. Burgess, Yes we are.

Mr. Houle, Can we hit Planning Board narrative required service?

Mr. Cerrone, You know how you have Planning Board only meets twice month I would take that out of there because sometimes if we have business in this office we meet every week.

Ms. Burgess, I think I put that you have to attend any meeting.

Mr. Cerrone, But it says twice month here.

Ms. Burgess, Reason I put it in was because we do meet twice month but also under bullet point it said you must attend any applicable meetings attend monthly meetings where applicable.

Mr. Weymouth, Don's point all you need to do is say " generally meets twice month or as needed".

Mr. Houle, They could use that against you that you only said twice month so change that.

Mr. Cerrone, Inspection services include roadway construction and installation water, sewer, drainage according to Planning Board approve plan in compliance with DPW specifications. Take DPW specifications out of there.

Ms. Burgess, Will put Mass Highway instead.

Mr. Houle, Are we all set on page 3 now under Planning Board? Go to Page 4.

Mr. Weymouth, Is 48 hour notice typical?

Ms. Burgess, Yes it says 24 in our rules and regulations.

Mr. Houle, We shouldn't touch Conservation or BOH.

Mr. Cerrone, I have problem with retention ponds page 6.

Mr. Weymouth, Just because they have that doesn't necessarily mean we don't have right to tell.

Ms. Burgess, This is going back to board themselves believe that water quality in retention basin and other construction falls under their pervue.

Mr. Houle, You're telling me now that all detention ponds are under BOH?

Ms. Burgess, No they're not under them we approve them.

Mr. Weymouth, We don't have to necessarily agree or disagree with their recommendations correct?

Ms. Burgess, Correct talking about situation we had with watergate. If you have same engineer they will review for them and us.

Mr. Houle, B of Selectmen's comments you said you were taking that out?

Ms. Burgess, No that is not part of RFP I looked over their input I wanted you to see the input I got from other boards and how I got to where I was.

Mr. Houle, How quickly can you have RFP done?

Mr. Cerrone, You can have it for night we meet on site?

Ms. Burgess, You want to see it one time before I send it out?

Mr. Cerrone, Yes we can go over it that night. You might want to schedule meeting with them in September.

Mr. Houle, Why don't you give them 2 dates in September and say we would like to meet here.

Ms. Burgess, Discussing not enough room in office to be comfortable.

Mr. Houle, Leave it way it is Planning Board is calling meeting we're going to sit at table very simple.

Mary will do it over by Monday.

Industrial Business Meeting;

Ms. Burgess, Was canceled and rescheduled for 9/1/09.

Bylaw on sign;

Ms. Burgess, Have done research on it I'm hoping to have something for you.

Tyco Building next meeting 9/17/09.

Mr. Peterson, Make motion to adjourn at 8:45 P.M., seconded by Richard Thimot.

All in favor 5 to 0.

Transferring \$150 from salaries to overtime. That is because when we go over 10 have to pay janitor.

Respectfully Submitted,

Attach Agenda to Minutes.