

**NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, JUNE 18, 2009**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, June 18, 2009 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Scott Weymouth, Donald Cerrone, Richard Houle-chairman, Richard Thimot, Richard Peterson and Mary Burgess-town planner.

Planning Board Business:

Endorsement of Vouchers;

Legal advertising for zoning bylaws and John Lavin review on Cushman

Approval of Minutes:

5/7/09: All present(Changes need to be made per DC and RP);

Ms. Burgess, I did Rich Peterson's changes but didn't do Don. I went through them and I found one mistake but I didn't know if you had more.

Mr. Cerrone, I don't have it on me.

Ms. Burgess, We'll wait on 5/7 minutes. I found one that was 213 it was suppose to be 213,000.

4/16/09: Houle, Cerrone, Thimot and Peterson;

Ms. Burgess, 4/16 was the executive session we had with B of Selectmen.

Mr. Peterson, Make motion to approve minutes for 4/16, seconded by Donald Cerrone.

All in favor 4 to 0 to 1 abstain Scott Weymouth.

5/19/09: Houle, Cerrone, Thimot and Peterson;

Ms. Burgess, That was zoning bylaw.

Mr. Cerrone, Make motion we approve 5/19/09, seconded by Richard Peterson.

All in favor 4 to 0 to 1 abstain Scott Weymouth.

5/21/09: Houle, Cerrone, Thimot and Peterson;

Mr. Cerrone, We didn't finish the agenda how are you going to approve that. We never finished the package. All the correspondence, etc. didn't get done.

Mr. Houle, You can still okay the minutes of what was said.

Mr. Cerrone, I'm not going to okay the minutes you guys can.

Nancy Proal, I won't go back and do minutes again for that day.

Mr. Peterson, I don't follow what you're saying.

Ms. Burgess, He said we didn't finish the agenda but we did finish the meeting we adjourned it.

Mr. Cerrone, We were going to take up package at next meeting and we never did.

Ms. Burgess, We did go through lot of it at DPW.

Mr. Cerrone, We haven't met since the 21<sup>st</sup>.

Mr. Peterson, 28<sup>th</sup>. was our emergency meeting we didn't discuss it then.

Ms. Burgess, When we met at DPW for zoning articles we discussed some of those issues then.

Mr. Houle, There were some things I think at back of package that were not discussed. We were going to go over it at next meeting.

Mr. Peterson, I don't think that has anything to do with us accepting the minutes of the meeting.

Mr. Cerrone, You guys can do what you want I'm not going to accept it.

Mr. Thimot, Make motion we don't go to DPW anymore.

Mr. Houle, Why is that?

Mr. Thimot, I don't like it over there.

No second.

Mr. Houle, I'm not going to second it because I feel we should have freedom to go where we want to go.

Mr. Peterson, I think we should keep our options open.

Mr. Houle, 5/21 does anyone want to accept it?

Mr. Peterson, Make motion we accept the minutes of 5/21/09.

No second.

Mr. Houle, Won't accept that one go over agenda at later date.

Ms. Burgess, For record we can't open that day back up so it is still going to be 5/21 and the minutes are going to be exactly the same.

Mr. Houle, That is why I said Don we're only accepting what is on the minutes.

Mr. Cerrone, Last meeting you said we were going to do it next meeting we never did so I don't know what meeting you guys said we were going to do it. I said we still have lot of things to do on the agenda.

Mr. Peterson, That may very well maybe but I'm not sure how that relates to the minutes.

Mr. Cerrone, That meeting should be all the minutes everything we do.

Mr. Houle, What we did do is in there.

Mr. Cerrone, We still have stuff we haven't done I'm not going to approve half the agenda.

Mr. Houle, But we're only approving what is in here.

Mr. Cerrone, Dick you can approve it you do what you want to do and I'll do what I want to do with my vote. You guys said you were going to take it up at next meeting you never took it up.

Mr. Houle, We'll leave that open for now.

5/28/09: Houle, Cerrone, Thimot and Peterson;

Mr. Cerrone, Make motion approve the minutes, seconded by Rich Peterson.

All in favor 4 to 0 to 1 abstain Scott Weymouth.

Old Business:

Form O-SRD Realty, LLC;

At last meeting, board requested that the applicant get approval to tie into town drainage system from B. of Public Works.

Applicant attended the June 9, 2009 BPW meeting.

Bill McDowell will provide a letter for the board's review.

Ms. Burgess, Received letter today from W.T. Whalen Engineering dated 6/18/09 (insert). I spoke with Mr. Sharple today and he said he could have changes by 25<sup>th</sup>. I also have letter from DPW with what they would like to see done.

Continue hearing until 6/25/09.

Other Business:

Review RFP for Peer Review Engineer;

Ms. Burgess, I held off because I wanted to get your comments tonight before I handed it out to anyone else.

Mr. Weymouth, Is this only for subdivision?

Ms. Burgess, No it is for site plan, NOI wetlands, and B.of Health review.

Mr. Weymouth, There is no site plan review written in it that is why I asked the question.

Mr. Cerrone, There is no asbuilts either there are few things missing. Which one are we going by?

Ms. Burgess, I haven't changed it at all.

Mr. Cerrone, So we're looking at draft.

Ms. Burgess, Yes there is one in your package that is same as one I gave you couple months ago.

Mr. Houle, I had question when you put please contact and you left it blank. How are you going to fill that and what is the board's wishes on that?

Mr. Cerrone, It should be Planning Board. There should be traffic in case need traffic study or something. Have somebody on board that should be able to review traffic and have to approve the final asbuilts too.

Ms. Burgess, Hydrology, stormwater.

Mr. Houle, I think they should be able to give feedback on all of those.

Mr. Peterson, I don't know if this is right time to bring this us but after the meeting. I'm wondering whether all the boards within the departments that have any sort of involvement in this process should be established and some sort of protocol before we think about anyone who is hired to oversee our work. I don't think we have a common letterhead to anything. It just seems to me that we should be clarifying between the departments and boards what their responsibilities are and how they were established by what bylaws or state laws or whatever they're governed at. Try to organize it so we all speak in the same language and ask all same questions. So when someone comes in not even for the applicant but for ourselves. Sometimes we read some of these things and Mary will do summary of the project and then DPW comes in and writes the same verbiage all over again it is kind of redundant. Seems to me before we hire someone we should be organized in what we expect from people before we hire them.

Mr. Houle, In one of the other drafts and Mary you can talk little bit more about it. It doesn't have date so I don't have date to give you but this is other draft that bad B. of Health, Planning Board and ConCom.

Ms. Burgess, I haven't changed anything.

Mr. Peterson, If I understood correctly we're outlining what we want this engineering services to provide to us. What I'm saying is we should have information we our requesting from these people provide us. We should be organized so all departments are asking questions in same way. I don't think we're addressing all these issues in common fashion now between the departments.

Mr. Houle, But the requirements to departments might be little different.

Mr. Peterson, They are but what I'm saying is it should be organized and stated in same way.

Mr. Cerrone, You can't different departments have different issues.

Mr. Peterson, All these requests are asking same sort of.

Mr. Weymouth, What requests are you referring to?

Ms. Burgess, I think when Conservation and then DPW's engineer review this they all do common overview. There is going to be some repetitiveness but DPW has common overview for their areas and I have them for mine. We might all state that it is 25,000sq.ft. building but it is also acting as review for Conservation everybody has their own overview there is some repetitiveness.

Mr. Cerrone, You're always going to have that.

Ms. Burgess, I don't think there is way to avoid it everybody writes their own reviews that way.

Mr. Houle, I think some of that will go away by town planner spearheading this and getting input from everybody. I agree with you Don you're never going to get it to go away altogether I don't see how you would.

Mr. Cerrone, We have our own zoning stuff.

Mr. Peterson, Perhaps I haven't clearly thought out my comment that I made. It just seems to me we should be presenting a whole package to whatever engineering services are hired. Every department shouldn't be like chapter written by different person.

Ms. Burgess, I know what you're saying you're saying when we give the engineer plan to review with all of our accompanying documentation from Conservation from DPW and myself you want it all to be consistent and basically non-repetitive.

Mr. Peterson, Non-repetitive was one of the things. It just seems to me that every department is going to present what they need certain way to engineer need common way to present it. We do all have a common course of action with trying to get a project approved.

Mr. Cerrone, What this is going to eliminate is on firm will review for all three boards that is what you're doing. They will submit the plans here engineer firm will pick it up and then give report to all three boards.

Mr. Peterson, Say for instance does every department every board requires all drawings to be same scale?

Ms. Burgess, No.

Mr. Peterson, Why not?

Ms. Burgess, Because different scales reflect ...(inaudible).

Mr. Peterson, You present an engineering package. All drawings we ever got in our office all basic drawings are all same scale then if you have to go to larger scale for specific issue because it requires more detail then you do it. Why does one department have requirement for site plan to be 1=20 next guy 1=40, etc. That is kind of thing I'm talking about all different departments are going to have very serious issues they have to address. Even if you have one engineer you're going to have to do three different site plans three different scales because three different boards require different sizes.

Ms. Burgess, No because one of them will be for NOI or wetland. I understand what you're saying you want consistency between all the boards so that one set of plans that will accomplish one certain review.

Mr. Houle, To be standard what you're saying I think makes lot of sense I just don't know if it could ever come about.

Mr. Cerrone, Still one thing to review they still have to file with comments like Conservation or B. of Health. You still have to submit plans to them. Subdivisions sometime they have to make crossing and still have to go to Conservation. Only thing it is doing they are coming to us for that then they have to go back to Conservation anyway to get approved. We can't give approval on Conservation or B. of Health.

Ms. Burgess, I think if look at all other policies that other boards have. I'm not trying to do anything...(inaudible).

Mr. Thimot, I'm trying to figure out what is all about.

Mr. Houle, From what I've been able to gather from everything. We're trying to get one engineering firm that will work with ConCom, Health Dept. and the Planning Board. I think that will help expedite some of the problems that we've seen in the past. That is the way I'm seeing it. But for ConCom to have engineering firm or Health Dept. to have another engineering firm and us to have our own I'm not so sure that makes sense. I think we should help expedite some of these projects by having one engineer do everything. Like you said at meeting with Selectmen is there a firm out there that can do everything I don't know I'd like to think there is. We think it should be done in expeditious manner. We have ConCom who we ask for letters, Health Dept. who we ask for letters we're all under the same engineering firm I think that would help expedite some of the things. I'm not saying it will go through without any problems but it seems to make sense they're not hiring town engineer. I think clearly at last meeting they said that is not what they want.

Mr. Thimot, You can't believe them.

Mr. Cerrone, How are you going to hire this firm?

Mr. Peterson, They have to have all of these requirements.

Mr. Houle, I think he's saying who is going to hire them. I think that is great question Don and I requested at Selectmen's meeting if you recall. I'm not sure there is answer to that but I am going to say this the Planning Board is the body that is responsible for this and that has the law stating that we have the responsibility for this. I would think the Planning Board as a board would be part of that. I think however they are going to set up the valuation process and people that are going to evaluate that process I think this board on whole should be part of it.

Ms. Burgess, I'm going to put in here contact is going to be Planning Board Office and all of the submissions are going to be sent to Planning Board Office also. I think with the other questions regarding who is going to review and everything I don't know if we can answer that right now. Who is going to review, who is going to hire?

Mr. Cerrone, I would like to know before we go for RFP. If we're doing RFP we want to know who is in control.

Mr. Weymouth, Each board has chair and vice chair correct so theoretically if left to chair and vice chair from each respective board.

Mr. Cerrone, I don't agree with that you have five members here that have been elected.

Mr. Houle, That is why I'm going to agree with Don.

Mr. Cerrone, You have to bring it out right now RFP is nothing. Who is going to write check you have 10 guys or 1 guy?

Ms. Burgess, They stated at the meeting how Mark Fisher envisioned it. That there would probably be 12 person review board.

Mr. Cerrone, That would never work.

Ms. Burgess, I think right now we just need to be part of this and it may not get any further. We have our engineer we're all set with that right now.

Mr. Cerrone, Why are we doing this then?

Ms. Burgess, Because we've been asked to.

Mr. Cerrone, If we've been asked we should be in control. Are we? I'm not going to be rubber stamp.

Mr. Peterson, It would seem to me if we have project that comes in we're the permitting authority all these other departments are kind of adjunct to us making our decision. If we hired engineer that oversaw all these different aspects of it we couldn't coordinate with other boards and departments review our engineers work in that particular area. Concerns for them to review it but it would be our engineer that would look at the whole package. Then if other departments that had engineer services that didn't have anything to do with us they would kind of be on their own so to speak as to what engineer they pick. I would think the only reason you would have one engineer is because we're trying to stream line the whole process. If someone goes to get septic approval and it has nothing to do with us. What difference does it make what engineer they hire? If we had project where we're going to be overseeing it and we have all these other departments that have to review it that is project we're trying to simplify.

Mr. Cerrone, We're the ones who should be in control.

Mr. Peterson, In that case I would think the Planning Board would kind of filter down.

Mr. Cerrone, We get input what they want on RFP.

Mr. Peterson, I'm also going to ask what difference really does it make who hires engineer?

Ms. Burgess, The other thing too we can have 3 contracts with same firm. I think that would actually work better because that way under subdivision control they would do all same things for Conservation and B. of Health. But Conservation needs review of wetland delineation that has nothing to do with us they would have same firm. We've already stream lined B. of Health. We don't all have to have same contract.

Mr. Houle, Same firm different contract.

Ms. Burgess, Correct. I think because of the different departments require so many different things they're going to need their own contract anyway because for payment. They're not going to pay the Planning Board for NOI and they're not going to pay this board for septic review.

Mr. Cerrone, That doesn't come under subdivision anyway.

Ms. Burgess, No I'm just saying they're going to have same engineer firm so that they don't have to go and get another engineering firm. Simplify it stormwater B. of Health review it we review it and so is ConCom so why are we going to have 3 different engineers. That is what we're trying to avoid is having 3 different engineers and the overlap. If we have one firm doing it we get condensed version of stormwater, which includes the wetland aspects includes the public health and welfare includes all that. But that same firm can review wetland delineation under Conservation.

Mr. Houle, That can be done under three separate contracts.

Ms. Burgess, Correct. Right now way Conservation is doing it they are doing case by case contract.

Mr. Cerrone, All three groups have to get together to hire them.

Mr. Peterson, I guess my question was how important is it that a board or department hire the engineer? Engineer when you hire him I suppose to meet certain level of criteria by license and what we're requesting them to do. No matter who we hire they should be doing what we ask them to do.

Mr. Houle, I'm going to agree and disagree with you. We also have state law that says we have right to hire our own engineer.

Mr. Peterson, True I know that. What I'm getting at is I don't know if we should be hung up on who is actually going to hire them because they have to meet criteria RFP plus they have to meet requirement for license for whatever engineering they are doing.

Mr. Houle, I don't remember answer to my question and I will bring that up again. Somebody said 12 panel is going to do this. How are they envisioning that who are the 12 people?

Ms. Burgess, I think Mark had said that he envisioned member, chair and vice chair and technical staff.

Mr. Houle, I am going to have one problem with that. Everybody here doesn't matter if you're chair or vice chair that doesn't make any difference we are all elected officials. I don't think it is right for me to say that is great for me but it stinks for rest of members.

Mr. Cerrone, I don't agree with that.

Mr. Houle, I don't agree rest of members are just as elected as I am.

Ms. Burgess, I think if we state that we want whole board present then they will be present. I really don't think that aspect has been hacked out yet. They just want to see a document right now.

Mr. Weymouth, You don't need to have decision making process outlined in RFP?

Mr. Houle, I think it should be.

Mr. Cerrone, The company has to know who they're answering to.

Ms. Burgess, Get qualifications done first.

Mr. Houle, I think we can continue on that but I think the hiring process and how this is all going to work is very important aspect of this RFP. We can table that until end until we do rest of it will just move things forward.

Ms. Burgess, I will make all the changes, etc.

Mr. Houle, You have hydrology, asbuilts.

Ms. Burgess, Traffic, site plan, asbuilts, hydrology, stormwater I have Planning Board Office. I'll fine tune it and then our part is done for now then I can give it to the other departments.

Mr. Cerrone, Have the other departments give you RFP of what they want on it.

Ms. Burgess, I did I didn't make any of this stuff up. Their boards have had no input on what they want. Only people who have seen this is you guys.

Mr. Cerrone, They didn't run it by their boards?

Ms. Burgess, They mentioned it they knew that it was being done. I don't work for those boards I don't know exactly. I got all of this e-mail I combined it into one document. I expected this to be very brief exercise. I thought everyone was going to take it back to their boards I thought we would already be done with this by now.

Mr. Houle, In fairness to Mary she was volunteered for this first by Joan Marchitto who was chair and I volunteered you again. I don't think we can blame Mary if she went to department head, which is what she should have done. If they didn't get any input from their boards.

Mr. Cerrone, It is not our problem.

Mr. Houle, That is what I mean and I don't think we can blame it on Mary either.

Mr. Peterson, When this is issued to other boards/departments I think it would be wise if Mary had cover letter or something explain how information in here. So it doesn't look like Mary did it on her own it was based on input from different boards/departments.

Ms. Burgess, I will do that.

Mr. Houle, Maybe quick letter to Health and ConCom just asking them would they get okay from respective boards on what they gave you. Or just get some feedback from their respective boards.

Ms. Burgess, I think what they're going to do once I give them this they're going to take it to their boards and they will fine tune it just like we're doing.

Mr. Houle, But if we can fine tune it having that information that would help expedite it. Maybe if we can get any information the boards may want to give maybe it would be helpful if we had the information from the boards.

Ms. Burgess, Yes that is what we're doing.

Mr. Houle, I think what was just said the respective boards haven't really seen what department heads put down here so maybe we should get little input from the boards to see what they have to say.

Ms. Burgess, That is what I was going to do. It is same exact process as we're doing right now. You guys want it to be more specific and on scope they're going to want to be more specific. I will do that.

Old Business:

Form O: Nissan;

Last meeting board gave the applicant the review completed by town planner and DPW and requested John Lavin review the site for compliance with Stormwater Regs and Traffic.

Stormwater Review from John Lavin.

Ms. Burgess, We do have two reviews by John Lavin and also today I received letter from Angle Tree in response to my report and DPW's report.

Mr. Houle, None of have seen it and I'm not going to act on anything I haven't had chance to look at.

Ms. Burgess, Everybody received John Lavin's stormwater in your package traffic as well. John Lavin is not here tonight because I didn't feel it was necessary because we weren't going into depth on stormwater because we just received these e-mails. I also discussed this with chair and Mr. Simmons.

David Simmons, I apologize for getting the response in late but my wife had major surgery three weeks ago and I've been unable to do it. Mary had couple comments in her letter in regards to zoning. First question is we're going to have new building and old building at least in

partial simultaneous existing on site at some point of project. Her question was does it create any zoning violation. In my experience as long as there is clear expressed intent to take old building down. I have talked to Rod and I think we've come up with solution. Way we will do it is provide letter that is commitment on part of Nissan Village once they get temporary certificate it says permanent in letter but we talked further. Once they get temporary CO within 30 days they will begin demolition of old building and then within 90 days it will be torn down. There will be no point in time when you have two buildings on lot.

Mr. Thimot, Asking about Planned Business Development.

Mr. Simmons, Site is not big enough doesn't qualify it is under 5 acres. Other question was whether or not we need to merge the lots. Rod and I talked about this I believe last time we talked we hadn't had answer. I dealt with this before we did Toys "R" Us.

Mr. Cerrone, Toys "R" Us was Planned Business.

Mr. Simmons, Mall I think it was written (bylaw) for Mall. NA has very unique definition of lot. It says in your bylaw it can be one or more parcels or combination of lots. Way it is treated if multiple parcels are used for single development purpose the lot is all of the parcels as whole. Bylaw I believe is very clear on that. If it becomes real issue we can do perimeter plan, surveyor certificate to combine them but I don't see any legal to do it. You guys can talk with Rod.

Mr. Cerrone, That was done because of the Mall when Sears was there they wanted their own separate lot.

Mr. Simmons, They wanted to own their own pad.

Mr. Cerrone, That is why 5 acre Planned Business Development came in. If you had 5 acres you could do it. You have to combine it.

Mr. Simmons, No bylaw doesn't talk about whether... (inaudible).

Mr. Cerrone, You're going to have two lots with building on both lots so you're going to meet both lots requirements.

Mr. Simmons, Lot is perimeter of parcel that aggregated the development, lot lines don't matter. That was issue with Toys "R" Us.

Mr. Cerrone, I told you Toys "R" Us was Planned Business Development 5 acres this is not 5 acres.

Mr. Simmons, It doesn't matter.

Mr. Cerrone, It does matter.

Mr. Simmons, It is semantics if you need us to do perimeter plan we can do that. Bylaw doesn't require it. I tried to give answer right of your own bylaw if you want us to do something different then we're trying to be cooperative we'll do something different I need to know.

Rod Palmer-building inspector, I think I would have to disagree with you. I think that if you have multiple lots ... (inaudible) replace structure or imaginary lot line I believe that you need to meet setback requirements for that imaginary lot. To think that two homeowners could build a garage over a lot line and share garage. That is what you're saying in residential application could build one garage over lot line and share garage I don't think that is the intent.

Mr. Cerrone, We did one on Westwood Estates owner had lot for pool house he had to combine it. He wanted to keep lot separate they made him combine it.

Mr. Palmer, That was my requirement.

Mr. Simmons, Reading definition of bylaw section 9D. If you want us to do perimeter plan we will do it. Do you prefer we do perimeter plan? (Yes). We will have it done. Other thing I would ask board to look at between now and next meeting you will see responses to it in our letter, probably comments from John Lavin and comments from Bill McDowell. Whole issue we talked about at first meeting about catch basin on Rte. 1 that floods. Question is going to end up

being we've provided enormous sub surface drainage probably quarter million dollars worth that we're probably not required to do. We want to help with that problem on Rte. 1. We've been down to Mass Highway to talk to them about it. That system we proposed will reduce the flows by almost 90% off site rate of flow. Part of what we did when we set out on initial design is we shifted some of the runoff from front of site to back of site. We then put huge pond in back of site as well. Bill McDowell makes correct observation that some of water is being diverted in terms of volume to back outlet from front outlet. That was Mass Highway's request so we could minimize amount of water that goes out into Rte.1 right of way. I guess the board needs to tell us, which is worst problem. If Rte.1 problem is driving factor, which I think it should be. Is it better to do what we've done or do you want flows to be exactly same we can do either way. If we do that the flow of Rte.1 will increase little bit.

Mr. Cerrone, Manhole across the street there are two manholes tied together they don't go to brook in back?

Mr. Simmons, They do everything else goes to Seven-Mile River no matter where you feed it from it ends of south of the site into Seven Mile. I've been unable to uncover any history of flooding in that portion of Seven Mile but clearly there is flooding problem on Rte.1. It is catch basin that is problem we can't touch it Mass Highway won't let us. They went so far as they had approved pipe connection in 2005 they now won't reapprove that connection they don't want that built. The new policy they changed their permit regulation is you can't ever connect anything to any state drainage system anymore period.

Mr. Cerrone, Have you looked at Riverview they have manhole?

Mr. Simmons, Everything goes to same place. That whole watershed goes right to that catch basin either goes over surface or into pipe underneath it all ends up at one spot. You have system that can take 5 or 6CFS and it is probably getting 30 in big storm. Catch basin alone can only handle about 2.

Mr. Houle, Is it just the catch basin that is overflowing?

Mr. Simmons, Piping is too small as well but the catch basin that restriction of catch basin is causing surface flooding for most part. You will see in Bill McDowell's letter he says he's observed the problems in quick intent summer storms. That is clear indication it is not volume problem it is rate problem. You can't get water into system fast enough and it backs up. What we've done is reduce the flow off this site from 19CFS to 2, which is almost 90% reduction that should help.

Mr. Houle, What about stormwater period?

Mr. Simmons, We've got water quality structures. It is just question that Bill raised and I don't know how to answer it.

Mr. Cerrone, Make motion to continue until 7/18/09 and extension for final action until 8/31/09, seconded by Richard Peterson.

All in favor ?

Mr. Simmons, Asking Mary to fax copy.

Mr. Peterson, Do we have to vote on fact that we asked him to combine lots?

Mr. Cerrone, No.

Mr. Houle, I don't think we asked him to do that.

Mr. Cerrone, He had to do it.

Mr. Peterson, I don't see how you can have lot with two different owners with one building on it. The definition is very ambiguous.

Mr. Cerrone, Yes but you have to read the whole book don't just read the paragraph. Whoever wrote that book knew what they were doing because that guy was back in 60's.

Mr. Peterson, Yes because that is definition for lot when you have more one building on lot when you have 5 acres.

Mr. Cerrone, One they did for Mall they did for purpose of Mall 5 acres. If you look at plan for Mall see way lot lines are in there in is unbelievable. Two anchor stores wanted to have their own pad.

Mr. Houle, Why did they want their own pad?

Mr. Weymouth, Their cost of funds are lot less than the developers lot of retailers do that.

Mr. Cerrone, I think it was financing too. Then when they did Toys "R" Us there were 3 stores there one time they came in under 5 acres they all had separate lots.

Mr. Houle, Why was it allowed there and not at Mall?

Mr. Cerrone, Mall was allowed too. There is one that didn't have own pad Fashion Crossing that was one developer who did whole thing he works for New England Development when he was building Mall he did that on his own.

New Business:

Form O: W.H.Riley & Sons;

Applicant is proposing an addition of a 90' x 40' metal garage to house delivery trucks associated with the existing business.

Conservation Agent suggested that Earthworks Engineering Inc. also review because site is considered a redevelopment site and would have to comply with the Stormwater Regulations. Conservation is reviewing on June 16, 2009.

Town Planner provided review with recommendations.

Mr. Cerrone, Abstaining because I buy fuel from him.

Donald Cerrone left table at 7:42 P.M.

Ms. Burgess reading in application.

Mark Allen-owner W.H. Riley.

Ms. Burgess reading in town planner review 6/12/09 ( insert).

Mr. Houle, Carport with two walls can you explain it to board.

Ms. Burgess, Basically right now way that it is set up it has three walls so it is enclosed. Carport would have two walls and roof so you can drive through it apparently they're allowed to have dirt floor with that verses when you add third wall you have to have concrete floor.

Mr. Allen, Where I'm proposing this there used to be building there called a shed with roof and three sides. Roof died long time ago and was torn off the walls are still there probably about 7ft. high but structurally they do not support in today's code. I want to put three sided shed cover over it just to keep snow and ice off the trucks these trucks are loaded from top. In winter it causes problem with snow and ice it is just to protect them. I did this two years ago in Taunton at our other location it is same thing. Walls actually don't even go to the ground they are probably about foot from ground.

Mr. Houle, Building proposing is not enclosed it is just three sides?

Mr. Allen, Correct with roof open at bottom.

Mr. Houle, Mary there is no aquifer protection or anything like that?

Ms. Burgess, Not aquifer protection district but he is right on river.

Mr. Allen, I've already gone to Conservation. We've been there so long we've never done surface water on how flows and runs. We're not changing the contour of anything not doing any grade differences but they just don't know what it is so they want us to provide that. This is where I park trucks now same exact spot.

Mr. Houle, Three sided building that is basically gone?

Mr. Allen, Yes walls are still there. In other words if I could would like to put another roof on it but you can't do it because of state code it would not work.

Mr. Houle, How far are you from Ten Mile River?

Mr. Allen, 91ft. I'm not doing anything different than what I'm doing now other than some type of protection over the trucks.

Mr. Houle, Which was there before?

Mr. Allen, Yes years ago there used to be coal shed to keep weather off it. I like the gravel better because these trucks are parked empty but there is always little pot and hose something could be 10 gallons could be whatever so if you ever have leak small leak or whatever little bit of gravel would be easy to clean up. If you have drain or something it ever gets in drain wherever drain goes is where anything like that would go. Carport thing is fine I could leave a side off.

Ms. Burgess, Problem being gravel floor that is why I asked the building inspector and he said if it only has two sides then it could be carport.

Mr. Allen, What I'm trying to do is required by government laws FTC plans spill prevention counter measure and to upgrade this to meet those specs. It is really more cosmetic I have roof over loading area, which is made out of wood it can't be wood anymore it has to be metal. Footing for steel posts I have to go there now I've destroyed the concrete pads so I have to redo those. I'm not making them bigger/thicker height nothing it is just that and I have to put concrete floor in the dike inside dike area. It is clay now, which holds water but that is not good I have to put cement. These are really to just comply with the laws and while I was doing it I said where I park my trucks I would just like to put roof over it.

Mr. Houle, Roof that is not there anymore or building how big was it?

Mr. Peterson, How is dike area going to drain?

Mr. Allen, You would have to pump it out.

Mr. Weymouth, What is surface that trucks park on now?

Mr. Houle, Is it just going to be trucks there is there going to be anything else store in there like oil/diesel?

Mr. Allen, Right now along the wall we have to plug them in the winter because they're diesel so we have electricity along the wall.

Mr. Houle, How about lighting that could effect the neighbors?

Mr. Allen, No. We have in the streets ones that NA Electric puts on the poles.

Mr. Houle, Mary I see June 16 ConCom was going to look at this. Did we get anything?

Ms. Burgess, No they're just waiting for surface runoff Shannon did say...(inaudible).

Mr. Houle, Mary do you have any other thoughts for the board?

Ms. Burgess, No I think it is pretty simple modification.

Mr. Houle, I think ConCom is going to have something to say aren't there?

Ms. Burgess, They already know about it they're not addressing that.

Mr. Allen, Conservation has looked at it they haven't brought up any issues to me. Trucks there now have been there for years. I can't tell you with these drains if you put floor in and drain you're creating another whole issue.

Mr. Weymouth, Have they commented on surface treatment did ConCom comment on surface treatment?

Mr. Allen, Only thing they asked me with their set it would be dirt floor and there is no foundation to it essentially it appears it has it's own footing. It is open probably would at least be foot off of the grade because I do want the ventilation because I have propane truck and if it has slight leak or something you need that. Only thing they asked me was would it be gravel and I said yes same surface it is now.

Mr. Houle, What did ConCom say about gravel?

Ms. Burgess, The concrete floor hasn't been proposed to them because it is proposed as gravel floor. If it does turn out to be concrete floor they will have to go back and have to alter conditions of approval/order of conditions.

Mr. Allen, Yes I think from my point of view I just wouldn't put concrete floor in. If I can't do building I can't do building I'll just leave the trucks there.

Ms. Burgess, Do you want to do carport?

Mr. Allen, I could do that. I think between building dept. and plumbing.

Ms. Burgess, Plumbing is one that is going to get you with the new floor.

Mr. Allen, They're looking into it because I'm not sure they're sure. How does this fall what do you call this?

Mr. Houle, If he did this as carport certainly gravel would be okay.

Ms. Burgess, Correct under building code we put condition on site plan that it has to be carport with only two walls.

Mr. Cerrone, You look at footprint that is all you have to look at. I don't care what design he does it is up to him if he wants to put carport or something. We're not designing it.

Mr. Houle, But you have river 90ft. away that is my only concern.

Mr. Cerrone, Yes footprint of the building he has gravel so he can design carport whatever he wants.

Ms. Burgess, I just wanted to avoid him having to come back to us.

Mr. Allen, Building would be as carport or three sided it would be built essentially the same just wouldn't put siding on. To support roof you're going to need same number of columns.

Mr. Houle, This is 90 x 40 this is same type of thing that some of farmers use for equipment. It is not big deal. I personally don't have problem with looking at this as carport if he is just going to put vehicles there and there will be nothing stored. What is board's flavor?

Mr. Thimot, Make motion to approve it.

Mr. Houle, As carport?

Mr. Thimot, As presented by him whatever he wants to call it carport or garage.

Ms. Burgess, If we present this plan right now it will not get registered but if we can just make it as carport. It is up to the applicant.

Mr. Houle, Put motion out that this is going to be carport is that acceptable?

Mr. Allen, Only reason I hesitated in talking with building dept. they have some questions. I think they feel the way you do. I don't see what the problem is but because it doesn't have full walls, etc. they were looking into couple of issues where it doesn't come all way to ground. I don't mind I will do carport if that is what I can do. I would just a soon have roof over it if that is all I can have it is better than nothing.

Mr. Houle, I don't want to design this for you. I'm trying to help you tell me what you want to do.

Mr. Allen, What I'm saying is the building dept. is telling me maybe I can do this and maybe you can't. I'm kind of in middle too.

Mr. Cerrone, It is up to building code it is not up to us.

Ms. Burgess, Only reason I bring this up is because it was brought up to me.

Mr. Allen, I went to building dept. and plumbing to get answer before this meeting and they were not able to give me answer. Floor and floor drain.

Mr. Cerrone, Where does it say that?

Ms. Burgess, Building code.

Mr. Houle, Not if it is carport.

Ms. Burgess, Carport shall be open at least two sides non-combustible materials shall be considered garage and shall comply with provisions. If he wants to have three sides this is very new bylaw.

Mr. Houle, Are you storing propane?

Mr. Allen, Those are new tanks when they first ship to us.

Mr. Houle, Will they be there in the future?

Mr. Allen, I don't store that many tanks that is our Taunton.

Ms. Burgess, We do have meeting next week if board wants to wait to hear from building dept.

Mr. Houle, I would like to hear from ConCom.

Mr. Allen, I'll make carport that is fine with me. If they come back to me and say I can put garage up then would I have to come back? If I leave 3ft. out of side wall is that considered a wall?

Mr. Houle, ConCom looked at this Tuesday we got nothing from them. Maybe put you on for next meeting get little bit more information and we'll have little more time to digest it. That is my feeling how does board feel?

Mr. Thimot, I have no objection.

Mr. Allen, I would do carport if that is what they will allow me if I just had roof it is better than nothing. It is almost going to be same structure whether I put roof no sides, roof one side or two sides.

Mr. Houle, You might want to ask building inspector about that half a wall.

Mr. Allen, I already did he just looked at me like I don't know. What is definition of a wall? If this is 40ft. I put 5ft. 10 open space, 10 open space and 10 open space is that a wall? I don't know.

Mr. Houle, I will say that I've seen some of these in lot of agricultural areas and they don't pose any threat to anyone.

Mr. Allen, I will call the engineer see if it is not big deal but it is just matter putting all information together to try and come up with they just don't have any old figures because we've been there so long. They have nothing to compare it too.

No one seconded motion.

Continue until 6/25/09.

Donald Cerrone returned at 8:06 P.M.

Mr. Cerrone, They've been in business over 150 years in town you're making him go through all this. When we get somebody that is fly by night to put tent up give him permit. That is very good. He's been in business 150 years in this town and has been good to the community.

Mr. Houle, We didn't tell him anything we're just asking to come back next week so we can get the letters that we need to see. I don't think there is anything wrong with that.

Ms. Burgess, Problem is if he gave it to building dept. they wouldn't give him permit and then he would still have to come back.

Mr. Cerrone, They have new buildings they give permits no floor drains in this town. Lewicki down on Plain St. he didn't put floor drains in. I could understand if it was enclosed building this is just roof over to protect his equipment his trucks.

Mr. Houle, If that is way it comes down and building inspector and ConCom doesn't have any problem with it I won't have problem with it either.

Mr. Cerrone, Are we getting involved in designing buildings now? It is up to building inspector.

Mr. Houle, Didn't you hear what I just told him we don't design.

Mr. Cerrone, You should have approved it he has drainage, parking all that it is our jurisdiction not design of the building.

Mr. Houle, Nor did we design it. It is matter of week here.

Mr. Cerrone, He's been going around with this for 5 months.

Mr. Peterson, Discussion we just had I thought when other departments or boards were consulted and we were expected response that we weren't going to vote on anything until we had their input. Isn't that situation we just had?

Mr. Houle, You're exactly right on that we do ask for their input and normally we do evaluate that I think that is way it is. I hear what Don is saying he's been in business here long time.

Mr. Peterson, That is beside the point.

Mr. Weymouth, How can you grant approval for application by definition needs variance? How can you do that as a board?

Mr. Cerrone, We're approving site plan not variance for building number 1. We're not in building dept. they can deny building permit for special reasons.

Mr. Weymouth, This board can grant site plan approval without variance first being granted?

Mr. Houle, That is why we asked so they wouldn't come back here. I think that is what Mary was getting to.

Mr. Thimot, What do they need variance for?

Mr. Weymouth, By definition.

Mr. Cerrone, By whose definition? By building dept. not by us.

Mr. Houle, No but I think what Mary said though was that maybe if he could wait a week he may not have to come back to us. To me it makes sense we're talking about week here. I think we're all cognizant of the fact that he has been long time business here in town.

RFP;

Mr. Houle, Are we pretty much done on that for tonight?

Mr. Peterson, I thought we were all set on that.

Ms. Burgess, Being in draft form it is going to come back again.

Correspondence:

Christina Estates- Letter we sent out we had John do estimate based on construction schedule. Asking for additional funds to do inspection reports.

Ms. Burgess, Because our construction schedule said there was only to be done out there on June 14<sup>th</sup>. I went out there and they are not doing any roadwork or anything they're going to do foundations. I also gave them our policy and procedures on calling inspections and reminding them of all stuff with regards to inspections. Nobody else has gotten back to me.

Mr. Houle, What about electric dept. letter?

Ms. Burgess, I guess it is little fuzzy on whether they approved the electrical plan is still good. They believe that the plans that the electric dept. drew for them under old rules was approved and electric dept. is saying no it wasn't you have to come back with plan that you design now. They're working through that I'm not sure. We get letter from Jay saying that they have to come back with drawings so I'm not sure what is going on with electric dept. Other one is tripartite.

Stipulation of dismissal;

Ms. Burgess, That is between Bottomley and ZBA and Planning Board regarding Reed St. They did go forward and dismiss that. I did receive set of draft final plans and I went through our conditions of approval and just noted which ones are complete and which ones weren't applicable at the time. I did note on #7 where our condition stated that P1 shall be 18" RCP and P2 shall be 15" RCP. They had to do P2A and P2B because of the stormceptors that they had to put in. Instead of having straight pipe they had to put stormceptor and then have 2A then coming out is 2B. So essentially it is still Pipe 2 but because they had to put stormceptor they renamed 1-2A and another 2B because they're not continuance line anymore. P1 is 18 and

P2 is 15, P2A and P2B are both 15". Once I receive final set of plans the Planning Board can sign them.

Cedar Ridge Developers;

Ms. Burgess, We had core samples done out there John Lavin is reviewing it.

Mr. Houle, When do you think he'll have that done?

Ms. Burgess, He dropped it off today.

Mark Hollowell regarding High St.;

Ms. Burgess, He is still trying to find signed copy he believes it was in Smith St. flood and it may have been lost. He said he is going to contact Toll Brothers and get copy.

Mr. Cerrone, Town council might have copy I think he checks the agreement.

Mr. Houle, In reading this it seems to me that the only big thing was fact that they put stub on 6 or 7 houses. Is that true Mary?

Ms. Burgess, They ran sewer line all way up and I believe gas line as well.

Mr. Cerrone, Gas Co. ran gas line.

Ms. Burgess, I'm not entirely sure what agreement constitutes. I know they put sewer line they were suppose to stub it off to the houses but I don't know if they were paying to hook up the houses, etc.

Mr. Cerrone, You have to leave stubs you get messy road that taxpayers are going to pay for. Nobody knows how to watch the store. I feel sorry for those people up there.

Mr. Peterson, This bonded reduced \$100,000 was only for the patch they did when they put in the sewer line and then since then they have opened it up several other times.

Mr. Houle, They opened up couple times on both sides.

Mr. Peterson, All of that mess has been created after right and no one has been paying attention?

Mr. Cerrone, Staff is looking at it none of them live in No. Attleboro.

Mr. Houle, I would like to say one thing this is not the only street that I have noticed recently that is in that type of disrepair.

Mr. Cerrone, Go in front of electric co. Landry Ave.

Mr. Weymouth, We were talking about this earlier I just find it hard to believe that Toll Brothers did not have improve High St. as part of their project. They will be in again because they own land across the street.

Mr. Cerrone, They did all off site improvements they don't have to do nothing.

Mr. Weymouth, Yes they do this board could have made them.

Mr. Cerrone, Not us we were in court with them.

Mr. Weymouth, This board in my opinion could have made them.

Mr. Cerrone, You go talk to the judge that was back in 90's it was in court for like 15 years. Same thing with Pioneer that was in court too. Two or three years ago lawyer came in we settled finally mitigation all kinds of things. Judge said you didn't have any rights to do that I wasn't on the board when they approved it.

Mr. Houle, Mary could you do little research and get back to board. When you have subdivision like Toll Brothers do we have any rights. I know what the book says do we have any rights you might want to ask Roger do we have any rights for off site improvements.

Ms. Burgess, We do have right to require anything that mitigates number of houses, number of trips per day and I think all broad terms within reason. They wanted to put sewer line up there they wanted to do that so I'm on same page as you guys where they wanted to do it then they should have repaved it.

Mr. Cerrone, That is public works they're the ones who should have done mitigation not us you couldn't touch that.

Ms. Burgess, Because it is town street we couldn't order them because DPW has jurisdiction over that road. We couldn't even get them to put sidewalks on Draper. Ultimately it comes down to who owns the road. We run into this problem when DPW doesn't want off site improvements that Planning Board wants. Because they own the road they won't okay it.

Mr. Cerrone, Only way we have control like state highways because we can tell state what we want.

Mr. Weymouth, Because of that you can't condition off site improvements?

Ms. Burgess, We can but generally we have to have DPW also agree to those off site improvements. We wanted sidewalks from Cobblestone all way down to Rte.1 and they didn't want to take time to widen the road and do all the improvements even though they were going to be paid for. They didn't want to period we were lucky we got what we got out of that.

Mr. Weymouth, Now I'm beginning to understand depth the issue between Planning Board and DPW. How did DPW have the jurisdiction over what basically subdivision law and the commonwealth?

Ms. Burgess, You need street opening permit right?

Mr. Cerrone, You have to go to them.

Ms. Burgess, They'll deny street opening permit. We can handle the off site we can widen road, which we did in case of Cobblestone. Widen road, cut down hill within jurisdiction of their project and everything like that but where we wanted sidewalks all way down and them pay for it.

Mr. Weymouth, Theoretically someone on DPW didn't want High St. improved?

Ms. Burgess, Quite possible.

Mr. Houle, Or it could be not at this time maybe they knew something we didn't know. That is not only street that is like it right now and there are some other streets that are in some disrepair and it needs to be addressed.

Letter regarding budget;

Ms. Burgess, Letter sent out regarding budget after they increased sale tax and decided not to give to give it to any in town. They wanted us to write our local people.

Conflict of Interest Workshop;

Has been rescheduled for 9/23.

Zoning Board Decisions;

Ms. Burgess, One was side yard variance that was granted.

Mr. Cerrone, They had hearing this week.

Ms. Burgess, Had hearing on Tuesday.

Mr. Cerrone, What did we have for applications?

Ms. Burgess, Application for deck, for extra sign on panel. 51 Robinson St.

Mr. Cerrone, Did we send any letters to zoning board for any of it?

Ms. Burgess, Nothing. I gave you guys the applications and asked you to get back to me and no one ever did.

Mr. Cerrone, I thought we made comments on 51 Robinson St. what was that?

Ms. Burgess, I can't remember off top of my head.

Mr. Houle, We did give you some feedback on that.

Mr. Cerrone, I know I didn't. We don't send any letters anymore to Zoning Board from Planning Board from town planner?

Ms. Burgess, Use variance for Robinson St. to be Karate School. In package as well is everybody's phone and address that is it.

Mr. Thimot, When are you going to get Mary write letters to ZBA? I think she should have automatic authority to write letters to ZBA as town planner as agent of Planning Board.

Mr. Houle, This board at a meeting said they wanted to see all letters before they go out. Mary and I have talked and is that something that you start ...(inaudible) Mary?

Ms. Burgess, All regular business where I'm asking for money or altering like latoccia letters where I was asking for money. Just day to day letters and simple responses to requests. Somebody asked me for Aquifer Protection Map I sent memo for that. Simple day to day correspondence unless it has something to do directly with a project, etc.

Mr. Cerrone, You can draft letter and chairman can look at it and approve it. I have no problem with that.

Mr. Houle, Answer your question Dick that has been happening.

Mr. Cerrone, How come we didn't get any to ZBA?

Ms. Burgess, Apparently I asked you guys.

Mr. Cerrone, You're the town planner you should be making recommendations of what you think.

Ms. Burgess, If I thought there was something that needed to be commented on I would have commented on it. I would have brought it up. I didn't feel additional sign.

Mr. Thimot, Make suggestion I make it in form of motion if you want it that way. I suggest you make comments as our town planner for ZBA.

Ms. Burgess, I have no problem doing that.

Mr. Houle, Does board have any problem with that?

Mr. Cerrone, As long as chairman looks at it if there are any changes or anything you want to add on.

Mr. Thimot, Town planner agent for Planning Board.

Mr. Houle, E-mail me or we talk way we've been doing I have no problem with that either.

Mr. Cerrone, What was application on place on Robinson Ave.?

Ms. Burgess, That commercial building.

Mr. Weymouth, Where Doranco used to be?

Mr. Cerrone, Yes that is not commercial. I don't think it is commercial like I said no one is watching the store. It is R15 zone Robinson Ave.

Ms. Burgess, You are right it is R15 zone so they needed to have variance anyway to have any use in there.

Mr. Cerrone, At least you should have sent letter to Zoning Board.

Ms. Burgess, This is the situation it doesn't meet ...(inaudible).

Mr. Cerrone, You said it was commercial you didn't even do your homework.

Ms. Burgess, I'm sorry I don't have it in front of me. If you would like me to comment on them they're always going to be you shouldn't grant variance because it doesn't meet qualifications. That is what I've learned so this commercial use for only for commercial building.

Mr. Cerrone, It is not zoned commercial there.

Ms. Burgess, Neither is half things in town.

Mr. Cerrone, Maybe zone should be changed to allow that building in that zone as a town planner.

Ms. Burgess, Do you want me to speak as town planner, Planning Board representative or planner in general because I would say that is going to be their period.

Mr. Cerrone, What are you going to do knock it down?

Ms. Burgess, You going to keep granting variances left and right.

Mr. Cerrone, No that is why I said maybe you should go with zone line change.

Ms. Burgess, Yes then they will just go and spot zone everything. I have no problem commenting on every single application that comes through here. I would almost prefer to do that but in past the way that it has been done I have been doing it.

Mr. Thimot, Want motion?

Mr. Houle, I don't think we need a motion. If you write comments on something if it needs further discussion we will simple as that. Maybe she needs little bit more freedom in writing some of these things.

Mr. Cerrone, She can write it but you can over see it.

Mr. Houle, That is not what I'm saying but I think the way we left it with her maybe she is feeling she shouldn't be writing any of these.

Ms. Burgess, I have no problem I'm just saying that every time these decks that are getting dimensional variances I don't think that is right. I don't think as you said giving away the store. There is no hardship you want bigger deck or bigger pool.

Mr. Houle, Mary go ahead and write something and we'll talk about it.

Ms. Burgess, I will no problem.

Town Planner Evaluation;

Mr. Houle, We have evaluation that is due for Mary we talked about it several times. I am going to suggest we either do it tonight or at next meeting whatever board wants to do.

Mr. Cerrone, I don't have my copy with me.

Mr. Houle, This is something that has to be done and each one of us has to fill it out and then I do an overall.

Ms. Burgess, There is new procedure they have it involves everybody fill it out and then there is number score and averages there is some math involved now.

Mr. Houle, It is not difficult I think it would probably take ½ hour for us all to figure it out maybe little bit more. One way or other we're going to do it either tonight or next meeting.

Ms. Burgess, We're having meeting on 6/25 we have hearing for Savors, SRPEDD coming in to discuss Rte.1 and now Sharples is going to come in with new plan and W.H.Riley.

Mr. Cerrone, We'll do it next meeting.

Mr. Thimot, Make motion to adjourn seconded by Rich Peterson.

All in favor 5 to 0 adjourned at 8:37 P.M.

Respectfully Submitted,