

**NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, December 16, 2010**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, December 16, 2010 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members present were Chairman Richard Houle, Richard McCarthy, Richard Peterson and Thomas Welch. Also in attendance was Mary E. Burgess, Town Planner. Chairman Houle called the meeting to order at 6:33 p.m.

Mary Burgess requested that the agenda be taken out of order, and to address Woodridge Estates first in order to accommodate Mr. McDowell from the DPW. She stated that she had contacted Glenn Bourque to inform him that, due to the colder weather, and based on recommendations from Jeff Kane of EarthWorks and Mr. McDowell of the DPW, that paving was not going to be possible. She also referred to a letter dated December 14, 2010 from Bill McDowell, North Attleboro DPW, regarding Woodridge Estates. Mr. Bourque had requested to meet with the Board.

**Woodridge Estates**

Attorney Stephen Clapp presented on behalf of developer Glenn Bourque, who was also in attendance. The developer was requesting that the Board consider setting a bond for the remaining work in order to build two houses over the winter prior to the roads being paved in April. The developer would also be asking for a foundation permit.

Mary Burgess requested that the Board open the Public Hearing on Cushman Village, and recess it until 7:00 p.m.

**NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING  
THURSDAY, December 16, 2010  
6:45 P.M.  
(CUSHMAN VILLAGE)**

Pursuant to the provisions of Chapter 41 Section 81W of the Massachusetts General Laws, and the North Attleborough Planning Board's Rules and Regulations Governing Subdivision of Land, the North Attleborough Planning Board held a public hearing on Thursday, December 16, 2010 at 6:45 p.m. in the Planning Board office, located at 43 South Washington Street, North Attleborough, MA, pertaining to the following matter:

Application of Cushman Development Corporation, 346 Cushman Road, North Attleborough, MA, requesting the rescission of the approval of the definitive subdivision plan entitled Cushman Village, filed with Town Clerk on March 31, 2009. Said plan consists of 8 buildable lots on property located easterly of Cushman Road, identified as Assessors' Plat 29, Lot 37, and is located within the R-20 zoning district. Town Planner Burgess read the notice for the public hearing into the record.

Board members present were Chairman Richard Houle, Richard McCarthy, Richard Peterson, and Thomas Welch. Also in attendance was Mary E. Burgess, Town Planner.

Chairman Richard Houle opened the public hearing at 6:45 p.m., and recessed until 7:00 p.m.

**NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING (Continued)  
THURSDAY, December 16, 2010  
6:45 p.m.**

**Woodridge Estates (continued)**

Lengthy discussion ensued. It was the consensus of the Board that it would not be in the best interest of the Board or of the Town to override the newly approved Rules and Regulations regarding subdivisions. A motion was made by Mr. Welch to deny a foundation permit for Woodridge Estates. The motion was seconded by Mr. McCarthy, and approved 4 – 0.

**NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING (continued)  
THURSDAY, December 16, 2010  
7:03 P.M.  
(CUSHMAN VILLAGE)**

Houle: We'll re-open the hearing for Cushman Village at 7:03. Anything to read into the record Mary?

Burgess: I already read the legal. Basically, as you are aware, the same proponent has come in from of us with Cushman Estates, and they wish to rescind the Cushman Village which was approved in March of '09. This was encouraged by myself because it's hard to have two approved definitive plans on one parcel. It's pretty much straightforward, they wish to do it, we're not actually doing it, usually it's the other way around.

Houle: Is there anything we should run by Roger just to see if there's anything we need to know?

Stephen Clapp: Mr. Chairman, my name is Stephen Clapp, I'm an attorney with offices in North Attleboro. I represent the applicant, Cushman Development. The former subdivision plan was approved, but never endorsed, so there's nothing on record, we never signed the definitive plan. We never completed the process of submitting those things that are required to be submitted before the plan can be signed, so that never happened.

Burgess: However, the decision was filed.

Clapp: It was filed with the Town Clerk, but there has been so plans signed, nothing recorded. We simply want to go forward with a different plan. Mary said that she thought we should file under this procedure, so we did.

Houle: And you do realize the whole Open Hearing process will have to start over again?

Clapp: Yes.

Burgess: Yes, when they file the new definitive plan.

Houle: Any questions from the Board?

Burgess: Just want to word it to allow the Developer to rescind.

Welch: I make a motion to all Cushman Development Corporation to rescind the subdivision approval dated March 26, 2009.

Houle: Do I hear a second?

Burgess: One moment. Add "entitled Cushman Village".

Welch: Entitled Cushman Village.

Peterson: Second.

Houle: I hear a second, all in favor? Motion passed 4 – 0. Public Hearing closed at 7:05.

**NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING (Continued)  
THURSDAY, December 16, 2010  
7:05 p.m.**

**Vouchers were signed by the Board**

**Approval of Minutes**

The approval of minutes from October 28 and November 4, 2010 was tabled until the next scheduled meeting.

**Old Business**

**1) Form O: Distron Corporation**

87 John Dietsch Square

Map 34A Lot 371B

Application was previously read into the record. Mary Burgess reported that all conditions have been agreed to and she was able to draw up conditions of approval. She briefly reviewed changes to the plans, specifically the parking area. John Grenier of J.M. Grenier Associates, Shewsbury, presented on behalf of the applicant, who was not present. The applicant is requesting a site plan approval. At the request of the Chairman, Mary Burgess reviewed the conditions of approval. Mr. Peterson made a motion to approve the Form O submission by Distron Corporation for a site plan approval at 87 John Dietsch Square, drawings dated

November 29, 2010. Seconded by Richard McCarthy. Motion carried 3-0-1 (Mr. Welch abstained.)

### **New Business**

#### **New England Gas Company**

New England Gas Company is requesting an advisory opinion from the Planning Board regarding a permit for earth removal at 439 Mt. Hope Street. Mary Burgess had discussed the issue with Town Counsel and reported that based on the opinion of counsel, the issue does not fall under the jurisdiction of the Planning Board. Discussion ensued regarding the Town By-Laws regarding the removal of top soil. Ms. Burgess stated that the By-Law's intent is to address the removal of top soil for quarrying; the earth removal by New England Gas is considered dredging, and is a result of a long-term remediation. The removal will be overseen by DEP and the Conservation Commission. Derek Tomka of New England Gas addressed the Board regarding the earth removal and the history of the remediation. Following further discussion, Mr. Peterson made a motion that with regard to the matter involving earth removal by New England Gas Company at 439 Mt. Hope Street, the Planning Board maintains that North Attleboro Town By-Laws Article 20, Section 1 and 2 do not apply to this project. Seconded by Mr. Welch. Motion carried 4 - 0.

### **Other Business**

Mr. McCarthy was recused from the meeting at 7:49 p.m., while the Board discussed an update regarding Christina Estates. Mary Burgess reported that the drainage work required by the Planning Board in order to prevent street flooding on Cumberland Avenue, as well as work to the Visconte property has been completed. However, the developer has not made a second payment on the recent agreement with the Tax Collector, and has missed deadlines set by the Conservation Commission. As of this date, the review comments that were due to the Town Planner by December 17<sup>th</sup> (in order to be on the January 6, 2011 agenda) have not been received. Mr. McCarthy returned to the meeting at 8:04 p.m.

The Board reviewed and discussed correspondence regarding:

- Nissan sidewalks on Route 1. Approved by Mass Highway, to be maintained (plowed) by North Attleboro DPW
- Plans for Chestnut Street condo have not been released, due to outstanding bills
- SRPEDD letter regarding Chestnut Street intersection
- Grants received by Town and FY2011-2012 Budget
- Proposed Emerald Square Mall modifications and Town By-Law review to include an additional use of exhibition space
- Board members reviewed draft letters presented by Mary Burgess regarding the following zoning applications:
  - Refusal of request for shed at 136 May Street
  - Suggestions for conformity for 98 Orne Street addition to add 300 sq. ft. office
  - Pre-existing non-conforming use at 41 Richards Avenue (plans requested)
  - Residential in-law addition

Chairman Houle requested a meeting with Board members regarding the evaluation of the Town Planner; members will meet at 6:00 p.m. on December 28 at the Police Station.

Mr. Peterson made a motion to adjourn the meeting, seconded by Mr. McCarthy. Motion carried 4 – 0. The meeting adjourned 8:50 p.m.

Respectfully Submitted,

Mary Signoriello  
Secretary