

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

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, September 16, 2010 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Richard Peterson-Vice Chair, Thomas Welch , Richard McCarthy and Mary E. Burgess-Town Planner. Richard Houle, Chairman and Mary Signoriello arrived at 6:35 P.M.

Vouchers signed by the Board

New Business

Request for release of Covenant – Woodridge Estates

Stephanie Clapp represented Glenn and Ray Bourque.

Glenn and Ray Bourque and Dan Delvecchio were also present.

The developer is requesting the release of covenant on Lot 2 of Woodridge Estates.

The developer would like to build a model home for marketing purposes.

Lot 1 is not appropriate due to the location of the house in relation to Paine Road.

Although, this is against the Board's rules and regulations, the developer produced a notarized document signed by both owners that stated:

1. That all other provisioning of the Covenant shall remain in full force and effect including without limitation of the prohibition against any sale or transfer.
2. That no certificate of occupancy shall be applied for and no person shall occupy the to-be-constructed building or use it for any purpose other than as a model home for marketing purposes.
3. The foregoing conditions shall apply to the lot until such time as the performance guarantee is established for the subdivision pursuant to Condition #3 of the Subdivision Approval dated December 21, 2009.

The applicant also produced a receipt indicating that all tree stumps had been removed.

The Planning Board discussed the importance in following the Rules and Regulations and deviating from these would open up a Pandora's box of issues.

The developer asked for a foundation permit prior to the installation of the road way.

Also, the developer offered to secure a \$200,000 cash bond to ensure the completion of the road after the release of covenant on lot 2.

Public Hearing for CARMAX was opened at 6:45pm and recessed until 7pm.

Further discussion regarding the negative affects of granting the lot release.

A motion was made by Thomas Welch and seconded by Richard Peterson to not approve the release of covenant for Lot 2 of Woodridge Estates. Motion carried 5-0.

**NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, SEPTEMBER 16, 2010
6:45 P.M.
(CARMAX AUTO SUPERSTORES, INC.)**

Pursuant to the provisions of Chapter 40A Section 9 of the Massachusetts General Laws, and the provisions of Section VI.N and other Sections of the North Attleborough Zoning By-Laws, the North Attleborough Planning Board held a continuation of a public hearing on Thursday, September 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 CarMax Auto Superstores, Inc. to modify Special Permit #128. Subject property is located at 120 Draper Avenue/891 S. Washington Street, at the northwestern quadrant of the intersection of South Washington Street (US Route 1) and Interstate 295, (formerly occupied by Pride Auto Group), further identified as Assessors' Plat 26, Lots 39 and 321, and is located within the C-30 zoning district. Applicant is proposing a 3,151 square-foot addition to the former Ford building and a 964 square-foot carwash addition to the rear of the building, with associated access drives, parking lots and landscaped areas, and to demolish the former 4,240 square-foot Kia building.

Board members present were Richard Houle, Chairman, Richard McCarthy, Thomas Welch, Richard Peterson and Mary Signoriello. Town Planner, Mary Burgess was also present. Chairman Richard Houle opened the public hearing at 6:45 p.m., and recessed until 7:10 p.m.

Attorney John Jacobi, was present to speak on behalf of the applicant.

Jacobi: We have made significant progress with the project over the past year, and there are two issues that we want to address. The first being our response to the Planning Board's consulting engineer's review (Earthworks Engineering, Inc.). The only matters that remain open are pertaining to the suggestion that conditions be imposed to require the applicant to approach Mass. Highway with regard to traffic. Every other item referenced in the letter is closed. All of the other issues regarding drainage and traffic studies, etc. have been addressed to the satisfaction of the Board's consulting engineer.

Richard Houle: Is there any new information to be read in?

Mary Burgess: No, we can just go along and address things as they come up.

Jeff Kane (EarthWorks Engineering): We worked with them and actually had a very productive conference call and took care of all the issues that were open. The main issues being the treatment of the infiltration area. The applicant worked well with us, and took our recommendations and closed up all the items, so we are satisfied that the project now provides the protection necessary to give it our blessing.

Houle: Thank you Jeff.

Jacobi: The second important issue that the Town Planner shared with me was Town Counsel, Roger Ferris' opinion on the variances and open space question. While I strongly disagree with him, that is not important to you, and we can not spend years litigating this matter to get a

result. So, what we have done is gone and found the 2.2%. I would like to ask Brian Brewer, the engineer, to walk you through that so that you can see what it is that we are doing.

Brian Brewer (Kimley-Horn Associates): This will be a quick walk around. Basically, the green highlighted areas are the new areas that we are proposing to add to the open space. Before they were pavement. I'll start in the customer/employee lot. There are 2 new islands of smaller width, that basically will separate the parking spaces. Those are areas 1 and 2. Area 3, was a former dumpster pad area, and 4, 5, 6, 7, 8 and 9 were all just kind of dead areas in the parking lot in the sales area that were basically just pavement, which some of it was proposed to be striped. But again, it was just dead area that wasn't being used, so now we are proposing that as open space. The same thing for 10, 11, 12 and 13. Fourteen (14), is the area where Carmax had the toughest... (inaudible)... Remember, last time we were talking about the number of spaces that would be lost. In order to get the additional roughly 7,000 square feet of area that we needed to meet the 30% open space requirement, we did have to take out a significant number of spaces along Draper Avenue.

Jacobi: If you look at the table there at the top, you will see that number 14 is .98%. So basically, about half of what we found is getting rid of display spaces for inventory.

Richard Peterson: How many did you actually have to eliminate?

Brewer: 22

Peterson: You said 45 the first time. Ok, good.

Brewer: Same thing for 15, 16, 17 and 18. Again, just areas that were originally shown as striping, or areas that weren't involved in the parking(inaudible).....

Jacobi: Because this is hot off the press, we don't have the engineered plans to hand to you tonight, but what we would suggest to you is that if we get to the point that you can close the hearing tonight, we can supply you with the engineered plans by the end of next week that would be record. But we wanted to bring this in, and I'm telling you that this was e-mailed to me last night, so they were working on it diligently over a couple of days, to find these areas, and have found them.

Thomas Welch: Can I just talk about the traffic for a minute.

Jacobi: Sure, the engineer is here for that if you want to address anything to him.

Peterson: Excuse me Tom, before we start with that, just to kind of finish up this. So are these areas going to be landscaped or gravel, or.....

Brewer: The interior areas are smaller areas, so they are probably going to be the washed stone like we have, continuing that theme across the site. Quite honestly, the area that I think we may look at doing grass would be right along here. Right now there's a sidewalk obviously on Draper, and there's going to be grass between the property line and the sidewalk. So it probably makes sense to extend that. That's something that we wanted to look into, but that's my first thought.

Peterson: Thank you.

Burgess: I'm just thinking that the washed stone isn't going to look very..... You've got to curb those areas anyway, and you're just going to put stone in them, instead of just grass or a tree?

Brewer: Well the grass in such small areas, you know it's tough to keep it green. It turns into just dirt.

Burgess: Well, the larger areas next to the addition, and the larger islands and stuff. I mean I can see the smaller ones, but that's 2 parking spots, so that's what, 10 X 20 times two.

Brewer: Well we try not to have islands of grass for maintenance reasons. I mean you've got one guy coming in with a lawn mower and cutting these areas every day. It's a little tough to maintain, and I think the idea was to have open space and pervious area, and the open rock is pervious.

Houle: And you do think that this bigger spot would probably be grass?

Brewer: Yes, a continuation of the grass.

Peterson: Yes, I think that has to be planted.

Houle: Just out of curiosity, how about this longer space here.

Jabobi: Between parking areas 1 and 2?

Houle: Yes

Brewer: That area is approximately...(inaudible)... feet wide, so we could probably grass that area. We have grass on either ends, so that may be another area.

Houle: So that would actually be 1, 2 and ...(tape turned over)....

Brewer:and on the ends right now, where we already have the islands there is grass, so that can be extended.

Richard McCarthy: Oh, alright, so that can be extended.

Brewer: We will leave these isolated areas.

Peterson: We just want them to plant out the addition.

Houle: Mary, is that ok for open space?

Burgess: Yes, and like Jeff just said, you can put trees and rocks. They grow just fine. You can submit a landscaping plan.

McCarthy: Where were you thinking to be trees? In the interior space?

Brewer: What we try to do is generally avoid the trees in the display area. We try to do our best to stay away from that for visibility purposes.

McCarthy: Well you can put perennials or something, right?

Brewer: We like to do ground plantings. We like to do that if it has to be some type of planting.

McCarthy: Right. Not just stone.

Houle: It would certainly look better.

Peterson: Right, over gravel. That would be fine, wouldn't it Mary?

Burgess: I would think so.

Houle: Jeff, does this change the drainage at all?

Kane: Not enough to warrant any concern. If anything, it's obviously going to take away a little impervious, and we'll speak to the applicant, but I doubt that we're going to resubmit the whole drainage calculation to try to give credit for this small area.

Jacobi: Because, you would agree, that it improves the situation.

Kane: Yes, it subtracts a small amount of impervious area. The 2% that they found was impervious, and now it's pervious.

McCarthy: So 11, 12 and 13, what do you think in there? Is that stone?

Jacobi: What I think I heard you ask for was to put that low juniper kind of ground covering on those.

McCarthy: Stone with juniper you mean?

Peterson: Yes

Brewer: I would not propose any type of plantings over 12 and 13. That's where our significant underground stormwater detention system is. I don't think that the plantings would interfere with it, but I prefer not to take the chance.

Peterson: Wouldn't we only need plantings around the building? I 'm just trying to visualize it.

Burgess: That's what I was thinking. Just here.

Houle: I was thinking more in the bigger areas. They've already agreed that 1, 2 and 14 would be grassed. This is 4 feet wide right here. I don't know. What's the distance from here to here?

Peterson: It's a lot, about 20 feet.

Houle: So that would be grass. Maybe it makes sense where the building is and where the customers would be around, for you to put a couple of plantings there.

Jacobi: The low ground kind of cover plantings, is that what you'd want?

Houle: Well maybe like on 17, 15, 4 and 5? I mean you've got a couple of bigger ones here that you can do some things with. Would you be open to that?

John MacNamara: I think we can make that work. I don't see a problem with that. I mean I want to let Brian take a look at it and see what makes sense, if it works with the rest of our plantings, and make sure we're not interfering with the underground system. But I think that we understand what you're getting at. If Brian can put it on a landscape plan to submit, and make sure we're on the same page. What do you think Brian?

Brewer: Right off the bat, I would say numbers 9, 12 and 13, I would not propose any plantings just because they are, again, over 2 different stormwater systems.

Houle: I think if you look at 15, 17, 4, 5 and possibly 6, those are the ones that I would be looking at.

MacNamara: And we can absolutely consider all that. I'm just hesitant to say yes right off the cuff without considering the rest of the engineered plans and all that stuff, and having some time to look at it. But I think that we've heard what you're(inaudible).

Peterson: I don't want to speak against aesthetics, because I love aesthetics, but you're going to be planting around the perimeter, right?. Your going to be planting around Draper Avenue. So what we're asking to do is to add plantings inside where they're doing their work. I mean it's nice to have, but I don't necessarily think that should be a deal breaker, because it's the aesthetics within the site. We're not going to be able to see that stuff from the road, I doubt very much.

McCarthy: We were thinking about the customer areas though, right?

Houle: I'm not looking at it as a deal breaker, and that's why I asked if you would be willing. I think that this is a great plan. You met the 30% open space. The bigger part of it is that Jeff has given it his ok and his blessing on this, and I think that would have been the bigger deal breaker for me. If you guys are willing to at least take a look at this. Mary, do you have any questions on this part of it?

Burgess: No, but I would say, prior to closing the public hearing, I would want to see a landscape plan, just so that we can...(inaudible)... In the past the Planning Board has approved plans, not this Board, without having the final set of plans in hand, and I think it would be a good practice that we don't, moving forward.

Jacobi: If the only issue is presenting the landscape plans, do we have to wait all the way until the 21st of October, or would we be able to sneak in on your next meeting with just that issue?

Burgess: Well, we would have to do the conditions of approval as well, so it's going to be a longer meeting.

Jacobi: Well I wasn't sure what you were going to do. I thought that you might take a vote on the concept and then ask Mary to draft up something that you could then think about until the next time. I was just trying to get us finished by the 21st.

Houle: Will Jeff need any time for anything Mary?

Mary Signoriello: Is there anything else besides this? Everything else is cleared?

Burgess: There's traffic and there's the gate.

Jacobi: The gate you have to vote on. We've made our presentation.

Burgess: Yes, a lot of the things that I think that we need to go over are for discussion after the public hearing is closed.

Houle: I have an idea. You have a couple of questions that you would like to ask. Why don't you ask your questions Tom, and let's see where this is going, and we'll see if we can get by on that.

Welch: Ok, I just wanted to go over what you're submitting to You're submitting the study on a single system and testing the system(inaudible)..... Are you also submitting a single-timing optimization plan to, which they like to see?

Jeffrey Dirke: Yes, actually it will be like a functional design report. We are going to go out and inventory all the ...(inaudible)... that you've mentioned. Testing the vehicle detention system, opening the cabinet and making sure everything is working, and doing an inventory of what's in there. Then also downloading(inaudible)... that's in there.

Welch: Then you're submitting a plan to ...??? So that they can go out there and view the modifications based on your plans?

Dirke: Yes, there will be a timing chart that goes along with it.

Welch: That's what I wanted to see done.

Dirke: And a copy of that will come to the Town to the Planning Department as well.

Welch: That should be a condition of ours. That's all I want to know.

Jacobi: So I think that completes what we wanted to present tonight, and I guess it's just a question of where we go from here. Obviously, if the public has any other input we can hear.

Mr. Patrick Murphy (71 Norton Rd.): Mr. Dufault sends his apologies. He was unable to make it tonight, but I did stop by the Planner's office and got this report from the Police Chief on incidents that have occurred, and I think that the question should go back to the Police Chief, and I'm suggesting this question. Dear Chief Gould, Which would you prefer? **A)** A gate, **B)** Surveillance cameras **C)** A gate and surveillance cameras? I think that this has been a pretty safe site, and I think the gate has made it a safe site. If you look at the statistics that have been given to you by Chief Gould, 87 are to check the building. If you add up the rest, its only 69 other incidents that have occurred.

Welch: I just want to ask Mary a question. Did he give us any text with those statistics, or did he just give us the statistics?

Burgess: Well, he gave me about 60 pages worth of reports, and a lot of them were things that happened in the vicinity, like a two-car accident. I obviously did not put that in there, because it

did not happen on site, but at the area around. So, I sifted through everything and then I basically drew up the graph myself.

Welch: So you had to go through all the reports and everything?

Burgess: Yes.

Houle: Why don't we let him finish though.

Murphy: I'm not sure the Chief was asked the question directly, which he would prefer. If the Chief feels that surveillance cameras alone are sufficient, I think that Mr. Dufault and I would be fine with that. If he thinks that there should be a gate alone, we would be more than happy with that. And if he thinks that both would be beneficial to the property, then we would both go along with that also. What we fear the most, what we brought up at the last hearing, was that if there is no gate, there's nothing to stop from deliveries being made anytime of the day or night. They might promise that it won't be done, but there's nothing to stop it. If you have a locked gate at 9:00, then deliveries can't be made until the next morning.

Houle: Thank you. There's another part of that. I don't know if the resident is here that was here that night. I don't see him, but it could also make the truck sit there, if it's winter time, with its' engine on, which we're hoping doesn't happen either.

Murphy: Then I think they would be parking illegally, if there's no parking. So then he could just call the police if it wakes him up. Then the police would have you come out and ask them not to do it.

Houle: I would also like to say that during the discussion, there was talk about quite a bit of public drinking or parties going on back there. I think that its worth noting that there's only one instance of public intoxication in here, so I don't think that's really a problem.

Murphy: I'm the one that brought that up, and I don't think it was in the past. I think it will be if there's no gate there. When the gate is closed, they can't drive in there. If there's no gate, that's a possibility that would come in the future. That was my point, not that I had ever seen it there before.

Houle: Ok. Mary, the next meeting. Is there any way that we could possibly get them squeezed in some how? I know that we have a pretty full schedule that night.

Burgess: Yes, I have two different things. I've got people coming from different areas for the work shops and stuff like that.

McCarthy: So what's on our agenda for the next meeting?

Burgess: We already have one hearing on there, and then we're doing the housing section and the survey. The thing is I can have everything ready for the 21st. So the 21st, close the public hearing, do the conditions, bam, done. But only receiving this as you guys did, I can't do any conditions when I don't have anything in front of me.

Houle: I totally agree with Mary. I'm not going to close the hearing until we do have that. So we've done it, and we should ...(inaudible)....either.

McCarthy: Should we just close out the gate issue?

Houle: Well, I think what we'd like to do is get a clarification between now and then from the Chief, as to what he would like to see, and I don't want to put words in your mouth, but I think I also was pretty vocal about the date. The residents seem to think that the gate would help them. Personally, I don't see where, and I heard what you guys said about the gate. Somebody tried to go under it and cause a problem, and I heard the ex-owner and what he had to say about that. Well you don't have to have just a bar type of gate. You can have any type of gate you want. We're not telling you what type of gate to put there. You can have one that maybe somebody can't drive under or something.

Jacobi: I understand that Mr. Chairman, but I also feel that my client's being singled out here. There isn't a gate anywhere else in Town. No other shopping center in Town, that I know of, has a gate. So, I guess that we have done everything that has been asked about this property. We've done the job of improving the drainage, improving the lighting, improving the open space. Because we all know the open space was, under those old variances, was way less than it is now, and I think that we're entitled to...(inaudible)....

Signoriello: I don't like the gate. I'm just going to put that out front. I don't like the gate.

Welch: I don't like the gate either.

Signoriello: I don't like gates.

Houle: What's the flavor of the Board? Would you like to get a clarification from the Chief, or would you like to vote on that tonight?

Signoriello: I would like to vote on it tonight.

Welch: I would too. Do you want a motion?

Houle: I don't think we need a motion.

Burgess: You don't need one, no. If you want it, it would just be in the conditions of approval if you wanted one.

Houle: So you feel that the gate is not needed?

McCarthy: Here's the thing I think about this gate. The question of the gate is to prevent deliveries from potentially coming in, right?

Houle: From people going in at night too.

McCarthy: Well, let's talk about the delivery aspect, because I know that was one of the issues. So, they come up Draper, and they're there at 11:00 or 12:00 at night with a car carrier, and there's a gate, and they can't get in. Now where do they go with this car carrier?

Houle: They're going to look for a place to park, obviously, until they can get in.

McCarthy: There going to go up Draper Ave. So now they're going to go further into where all the residents live. So, on one hand you're trying to protect against deliveries, but if they make the mistake at 11:00, 12:00 or 2 :00 in the morning, at least they can turn around and get out. But now we're sending them up Draper Ave. with a gate. That's why I think that the gate is ...(inaudible)... to protect against that.

(Unidentified): Plus we have a state-of-the-art security system in here that's going to detect any type of activity.

Jacobi: Absolutely

McCarthy: I think that coupled with their security system and having the cameras, I think that the parents will be very thrilled they have cameras there, so if the kids are doing something illegal, they can stop by Carmax and find out. And the other thing is that the police can get in there and get out, as opposed to getting out of their vehicles. So, needless to say, I think that the gate is not necessary.

Murphy: They might not have any gates at the Mall or places like that, but I think if you look around Town, and look at all the car dealerships, every single one of them has a gate, and every single one of them closes the gate at night.

Peterson: Well, this does have a gate. There's a gate to prevent people from going onto the sales area. So there's not going to be full access to the parking lot where the cars are on display. It's only the entrance gate where the public would come in, correct?

Jacobi: Yes, the security for the display area and inventory is gated and it's got those bollards all along outside.

Peterson: Right, so somebody can't just drive in and drive around and cause mayhem in the display area.

Attorney David Manoogian: Mr. DosAngos pointed out last time here, that other car dealers have gates because their insurers require them. Because CarMax is a self-insurer, they don't need it, and the other car dealers don't have anywhere near the state-of-the-art security system that Carmax is providing. So most car dealerships would prefer not to have the gate, but they don't have that luxury because they aren't self-insured, and they don't have state-of-the-art surveillance cameras. So the fact that all the other dealerships have them should not be, in the owner's opinion, should not be the criteria for making the decision to have or not have a gate. Mr. DosAngos said last time, his recommendation would be not to have the gate, and he thinks it has caused some accidents in the past. And I think Mr. McCarthy quite accurately stated the reasons why we shouldn't have a gate. Those are exactly my client's reasons. Thank you.

Houle: Is there anybody else here to speak for or against it?

MacNamara: I would just say, respectfully, I think that we've talked about this a lot, but just to reiterate our position, Carmax has proffered everything that we possibly can, to ensure that we will not have the meetings after 9:00, and we will control that in a number of different ways. I think that we could speculate a lot about a million different scenarios that could happen where the gate is useful or the gate is a hindrance, and I think the gate is a perfect example of the law of unintended consequences when it ends up in there, and I think you know what our

position is. It's an operational nightmare, internally, for us to have a gate there where our customers are trying to come in and out of the property. So that would be our position.

Signoriello: I think we're pretty much in agreement with this aren't we? Regarding the gate? Do you want a motion for the gate?

Houle: We don't need one. Only if we were going to make it a condition.

Burgess: I'm just thinking. Was the gate part of the original conditions of approval on Special Permit #128?

Houle: Yes, it was.

Burgess: Ok, so we should.

Jacobi: We had given you a letter because there were some minor things that needed to be changed, which were very, very minor, but this was the reason.....(inaudible...several speakers)...So, if you wanted to take a vote tonight, and give Mary a direction in preparing her proposed decision, I think that would be helpful.

Houle: Or we could ask Chief Gould to give us maybe a clarifying letter, if he could.

Welch: But that's if he's going to give his opinion, because all that he gave Mary was statistics.

Murphy: He never gave an opinion.

Welch: Well, I'm saying he may not want to give an opinion.

Peterson: I know, but every parking lot in any commercial section of Town, does not have a gate across it. Why are we making these people put a gate.

Houle: I think Toyota does. I think they have gates.

Peterson: No, but Benny's doesn't have one, Stop and Shop doesn't. I mean, do we have a special condition for Stop and Shop that they don't deliver during certain times of the day? A lot of communities have things like that. We have already established that with these people, that they are not to be delivering anytime after a certain time. I don't remember what it was. I mean the only thing is that, I guess the penalty of it is, when a neighbor sees that there is a delivery being made, they have to call the Police Department and the Police Department has to come down and scoot the guys out.

McCarthy: I think the reason why the other dealerships have the gates is largely based upon insurance.

Peterson: You're right, but what I'm saying is that these other massive parking lots where people can get into all kinds of trouble don't have gates on them. So, I don't see why. I mean we are kind of assuming that they are going to be delivering when they are not supposed to, and we have already set the condition that they are supposed to deliver and drop off things at a certain time, and if they don't, then the local residents call the police.

Burgess: If you notice, in the statistics, there is one for By-Law violations.

Signoriello: Right.

Burgess: So, they have called the Police, and it was enforced.

Peterson: Yes, so I think that we've got it covered.

Houle: Ok, do we want to make a motion?

Signoriello: I make a motion to eliminate that gate from the original conditions from Special Permit #128..

Motion seconded by Thomas Welch. All members voted in favor, none opposed.

Signoriello: So what do we have left? The landscaping plan?

Houle: They are going to come back with the landscaping plan to Mary, and I am not going to close the hearing until then. We have already learned our lesson on that. What I would like to do is, we can not get you in at the next meeting. We are going to be here late that night as it is, and we get charged for anything after 10:00, so Mary what is the next date?

Burgess: October 21st.

Houle: So we are going to continue until October 21st?

Burgess: Yes, 6:45

Jacobi: Then, as I would understand it, the only thing that would be live that night, would be presenting the landscape plan so you can see it.

Houle: Correct.

Jacobi: Then with that you'll be ready to close, and Mary will probably have a draft decision ready, and she might even e-mail it me?

Burgess: You'll get it ahead of time.

McCarthy: I don't think the rest of your crew will need to be here, right?

Houle: That's up to him.

Jacobi: We would need the engineer at least, in case there are questions on the landscaping.

Houle: Jeff, I didn't ask if you had any further comments on this.

Kane: Not as far as the landscaping plan, it's more of a preference with the Board.

Houle: Ok, so do we have to continue it Mary?

Burgess: Yes

Houle: And also do we need a note from them?

Burgess: No

Houle: Can we have a motion to continue to October 21st?

Peterson : I make a motion to continue the Carmax hearing until October 21st, at 6:45.

Motion was seconded by Richard McCarthy

All members voted in favor, none opposed.

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING (Continued)
THURSDAY, September 16, 2010**

New Business Cont.

Thomas Welch Left the table at 7:45pm

Read application into record for:

2.) Form A: Paul & Linda D'Adamo Date of final action: September 24, 2010
Paine Road and Hawkins Road Map 30 Parcel 20
R40 District- 40,000 sq ft, 150' of frontage Divided into 6 Lots

- Lot 1: 1.18 acres, 151' of frontage on Hawkins
- Lot 2: 1.21 acres, 151' of frontage on Hawkins
- Lot 3: 1.17 acres, 274.50' frontage on Hawkins
- Lot 4: 2.72 acres, 315' frontage on Hawkins/Paine
- Lot 5: 3 acres, 182.43' frontage on Paine
- Lot 6: 4.03 acres, 150.57' frontage on Paine

- All lots meet ANR requirements

Mark Whalen of Whalen Engineering present on behalf of the applicant. The applicants, Paul and Linda D'Adamo, are present.

Motion to accept the Form A submission by Paul and Linda D'Adamo for Lot 1,2,3, 4, 5 and 6 as per plan dated June 24, 2010 was made by Richard Peterson and seconded by Richard McCarthy. Motion carried 4-0.

Thomas Welch returned to the table at 8pm

The Planning Board will take a 10 minute recess.

Regular meeting continued at 8:10 pm.

Old Business

1.) Form O: 58 Reed Ave LLC
Modification to existing site plan

Date of final Action: September 30, 2010
58 Reed Ave.

- Plan was provided by Level Design for final review
- Received letter from Fire Dept

Read email read into the record provided by Bill McDowell, Project Manger, DPW.

David Manoogian, attorney, representing 58 Reed Ave.

The Planning Board discussed the requested changes to the plan as well as the Fire Dept letter. The Planning Board is concerned about the ability for a fire truck to turn around in the parking lot if all parking spaces are being utilized.

The discussion continued to changing the radius on the turn into the right portion of the development.

The Board reviewed and amended the previously submitted conditions of approval.

A motion was made by Richard McCarthy and seconded by Richard Peterson to approve the site plan for 58 Reed Ave as modified on September 12, 2010 with conditions 1-8 included proposed modifications as discussed. Motion carried 5-0.

Other Business

Zoning applications for September 21, 2010

Letter provided for Daniels, 1 Toner Blvd for a use variance as a Chiropractor's office.

Meeting with Finance Committee re: SATM and reserve fund transfer.

Discussed first proposal from Beals & Thomas. They should change signature box on bottom of proposal to the applicant rather than the Planning Board.

Motion made by Richard Peterson and seconded by Mary Signorello to adjourn at 8:50 pm.
Motioned carried 5-0.

Respectfully Submitted,

Mary Signoriello
Secretary