

NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, APRIL 26, 2007

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, April 26, 2007 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Christopher Sweet, Richard Thimot, Joan Marchitto, Richard Houle and Donald Cerrone-chairman.

Planning Board Business;

1) Vote on endorsement of Vouchers;

Working on them.

2) Approval of Minutes;

Mr. Houle, I don't think anything right now.

Mr. Sweet, Still quite a bit in arrearage.

Mr. Cerrone, How far back?

Mrs. Marchitto, I know Linda had a group she gave me.

Mr. Cerrone, We won't be able to approve those we have to read them.

Nancy Proal, I have some done they're at home on the disc.

Mr. Sweet, I had a list of ones in arrearage.

Ms. Proal, There is about six months in 03 that are in arrearage I think.

Mrs. Marchitto, Linda can give us an updated list she's keeping records of them.

3) Review Final Action Deadlines;

Mr. Sweet, Corliss and Cobblestone.

Bally Heather;

Mrs. Marchitto, That is Letter of Credit my understanding that those letters are coming so we just need to have a vote on it. Make motion to extend Bally Heather until 6/1/07, seconded by Dick Houle.

Mr. Cerrone, Can we get a punch list from John Lavin and send it to him and send it to Bally Heather too? I would like to get a schedule to finish before next extension.

All in favor 4 to 0 to 1 abstain Richard Thimot.

Hoppin Hill Farms;

Mr. Cerrone, Has Letter of Credit.

Mrs. Marchitto, Make a motion to extend Letter of Credit to 6/1/07, seconded by Dick Houle.

Mr. Cerrone, See what status is we have to start closing up some of these have John give us an update.

All in favor 4 to 0 to 1 abstain Richard Thimot.

Windchime;

David Manoogian, Current Letter of Credit expires 4/30/07 ask to extend it for six months same amount \$25,000. I'll have new Letter of Credit on the 30<sup>th</sup>. I know they got delayed because of the bad weather and some of the winter stuff. I'll ask Dick Burton to get in touch with John Lavin get mutual punch list so they can get it done in next few weeks.

Mrs. Marchitto, I think we're looking to do a final walk.

Mr. Manoogian, Just extend Letter of Credit for six months that's how the bank extends them and when it's done you can just release it.

Mrs. Marchitto, Make a motion to extend Windchime to 10/31/07, seconded Dick Houle.

All in favor 4 to 0 to 1 abstain Richard Thimot.

Cobblestone;

Mr. Manoogian, For the board's information we were trying to go to DPW on 5/8/07 there was a conflict with Len Bradley so it looks like that date is going to be 5/22/07 Tuesday. I'll send a letter to the board and letters have to go out to the neighbors also. Public hearing on Cobblestone is continued until I think next Thursday. I'll just come in and get an extension date and I'll give you another date to continue your time for action.

Mr. Cerrone, We're supposed to be here 5/3/07 we have to go to SRPEDD Mass Federation I'll open up the meeting and continue it.

Mr. Manoogian, We'll get a continuance date probably some time in June.

4) Review Bond Expiration Dates;

Cliffs Section E;

Mr. Cerrone, Have letter from public works Wagon Wheel Rd. That is the one Fred Bottomley did first phase I guess they did some cuts they want some work done there crack filling, expansion cracks roadway.

Mr. Sweet, 13 patches throughout the section of street that goes from Old Wood South curbs around right next Wagon Wheel.

Mr. Cerrone, Public works gave them the authority to cut it out because they did the inspections on that one. That was under old rules and regulations. I think we should send this copy to Mr. Bottomley. We have about \$9000 in the passbook. I thought it was all done until I saw this.

Mrs. Marchitto, We had a town planner that was working to have this finished.

Mr. Cerrone, I don't know if Fred knows anything about this.

Edgewood Gardens;

Mr. Cerrone, Expiration date is 6/1/07. Did you get schedule on that?

Linda Frizzell, Yes.

1) Endorsement of Vouchers;

Mr. Cerrone, Linda do you have any vouchers?

Linda Frizzell, Not yet I'm working on them.

Signatures for Town Accountant;

Mrs. Marchitto, Each new year after the election assign two or three people that can authorize or approve bills. If the board wishes chairman, vice-chairman and secretary? At regular schedule meeting of the planning board make motion that chairman Donald Cerrone, Joan Marchitto vice-chairman and secretary Dick Houle can sign vouchers and bill schedules, seconded by Chris Sweet.

All in favor 5 to 0.

Report from John Lavin;

Mr. Thimot, When are we supposed to work on this if we're getting it tonight?

Mr. Cerrone, This is for public hearing tonight.

Mr. Thimot, I'm just asking a question is this something that is going to be pertinent tonight and we're getting it now to review?

Mr. Cerrone, Yes this is going to be presented tonight. It's the engineer's report he is going to make the presentation tonight. It gets read into the public hearing he's the one who wrote it he has to explain it I didn't write it. Same thing with Corliss.

Special Town Meeting;

Mr. Cerrone, We don't have anything going in.

Mr. Sweet, To update the board I've been trying to get together with the town accountant, which has been very hard to do to discuss mitigation funds and how to handle that. That is still up in the air.

Finance Committee meeting on Monday at 7:00 P.M.

Mr. Sweet, I will not be able to attend.

Mr. Cerrone, Couple members should be there. I'll be there this is about budget is it going to be less or more?

Mr. Sweet, Less I don't know how much.

Mr. Cerrone, We're working on shoe strings now.

Mr. Sweet, Ms. Robbins had made a recommendation I don't know what it is.

Board of Health letter;

Mr. Cerrone, Liaison assignment Donald Bates he is going to be assigned to the planning board if anyone has any questions talk to him.

Mr. Houle, Who's ours for them?

Mr. Cerrone, I don't know we don't normally do this.

Mr. Thimot, Why are we getting a liaison from board of health we never had one before?

Mrs. Marchitto, Usually correspondence goes to town planner.

Mr. Cerrone, Yes that is the way it's always been town planner and their staff. Bob Davis is the agent officer he wants the office. Usually liaison would just be the selectmen has one that is the way it was in the past.

Mr. Houle, It was Jim Wood last year.

Mr. Thimot, Wouldn't it be Paul Belham then wouldn't he get Wood's job?

Mr. Cerrone, I don't know I guess they vote on it I think.

Street Acceptance;

Mrs. Marchitto, May 3<sup>rd</sup>. I don't know if we have any street acceptance that need to be put in for the special town meeting June 18<sup>th</sup>.

Mr. Cerrone, I don't think we have anything that is finished I haven't seen anything ready.

Mr. Sweet, At some point I would like to move into executive session to discuss what happen the other night.

Mrs. Marchitto, Do it at end of evening that would appropriate.

Mr. Cerrone, New members it would have been good to be there, it's a good learning thing especially with town council there.

Zoning Maps;

Mr. Sweet, Town clerk in passing brought up question about zoning map whether we made a determination what to do.

Mr. Cerrone, We haven't made a determination next week we have new town planner coming in and once we start we'll go over lot of issues. We need money for maps. They want these things done we need money.

Mr. Thimot, Certain instances transpired over the past two years since I left the board where money was spent that they didn't have the money to spend. Is that a fair statement? Last couple years there has been few things spent that shouldn't have spent but there were certain things desired by the board that happen.

Mr. Cerrone, No we never had the money we've been bringing up the budget the last two or three years.

Mr. Thimot, We've been getting cut every year.

Mr. Cerrone, Right we've been trying to fight to get budget back up. It isn't we spent stuff we shouldn't have spent.

Mr. Houle, I think there should be one set of maps and I think the planning board should lead that and get them out there.

Mrs. Marchitto, Policy and procedure to have it done too.

Mr. Cerrone, Yes you have to get money at town meeting you need some money to do that. You have to go back and do a lot of research you have to do all the articles that has been

approved for zoned determination that takes time and money. Last town map was done in 1969. I think we should find out how much it's going to cost.

Mr. Thimot, Who negotiated wages for new town planner?

Mr. Cerrone, Human resource told us what the wages were.

New Town Planner;

Mrs. Marchitto, Linda has organized a coffee hour 10 to 11 where all departments and staff are invited on Monday to meet new town planner.

Mr. Cerrone, I think we should set policy too she's the one that calls the engineer not every board member gets hold of the engineer. I think it should go through town planner that is the way it was before with Don Johnson.

Mr. Thimot, Making statement that John Lavin doesn't sit at table he's not an elected member of this board he should not sit at this table I can make that point of order right now.

Mr. Sweet, I invited him to sit at that end.

Mr. Thimot, Let him sit where all the other engineers have always sat for all these years.

Mrs. Marchitto, I have no problem with John sitting in the zoning secretary's seat. I'm not disagreeing that he's not elected I just feel as sitting off at another desk.

Mr. Cerrone, We have other things to worry about instead of worrying about where he's going to sit.

NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING  
THURSDAY, APRIL 26, 2007

7:00 P.M. – Public hearing on the application of North Attleboro Marketplace, LLC, to modify Special Permit No. 111 ( Wal-Mart Store);

Mrs. Marchitto, Reading in legal notice.

Jack Jacobi, Represent Carpionato Properties North Attleboro Marketplace. As you may have read in the paper the conservation commission had questions on drainage plan so we withdrew from them without prejudice planning to refile. We have hired another engineer to review the drainage plans. We thought since that review was ongoing that it would be more efficient for your time and everyone's time if any changes had to be made to come before you and ask for a continuance until 5/24/07 so that we get drainage review done. Then you would have the appropriate plans in front of you at that time.

Mr. Cerrone, I'm looking at some time in June 7<sup>th</sup>. because we're booked up for May.

Mr. Jacobi, That is fine it gives us more time to get in front of conservation June 7<sup>th</sup>. would be fine.

Mr. Cerrone, Somebody want to make motion to continue this until June 7, 2007 at 7:00 P.M.?

Mr. Thimot, Make a motion, seconded by Dick Houle.

Mr. Cerrone, All in favor 5 to 0. How are you making out with the assessors?

Mr. Jacobi, The settlement agreement came back from Roger the other day it is out for signature. We're all set by time we see you again it should be fully signed.

Mr. Thimot, Get everything resolved in Attleboro?

Mr. Jacobi, The hearing occurred a week ago the planning board has to make a recommendation to city councilman and city council will act on it probably will be mid June before they vote on it.

Continue hearing until 6/7/07 at 7:00 P.M.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD  
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New Applications:

1) Form A: Malcolm I. Hood ( Tilton & Associates, Inc.);

Mr. Sweet, Reading in application.

Larry Tilton-Tilton & Associates, This is on Hoppin Hill Rd. What you have in front of you is simple transfer of land going between former mother in-law and son in-law. Some years ago they subdivided off a lot and built a dwelling and shed and they occupied the front house. Now that things are getting older and started to settle out of states. They've decided to transfer a parcel A of about 5,000sq.ft. from the former mother in-law to the former son in-law. They're going to increase one lot by 5,000sq.ft. and decrease other lot by 5,000sq.ft. Both lots have sufficient area and frontage on public street, adequate access it is R40 zone. It is just case where they're taking it out one giving to other so lot lines are squarer and shed offsets are little better they want tree to be corner marker. We' re just moving property lines.

Mr. Thimot, Make a motion.

Mr. Cerrone, Motion made to accept Form A for Malcolm Hood to move lot line.

Mr. Houle, Second.

Mr. Cerrone, All in favor 5 to 0.

2) Form A: Eric E. Lund & Deanna J. Raffaele ( Tilton & Associates, Inc.);

Mr. Sweet, Reading in application.

Larry Tilton-Tilton & Associates, This plan is transfer of land similar to the previous one you just approved. If you may remember a few months ago we came before you and did a Form A subdivision where we attached a rear portion of land to front lot of 31 we're presently constructed a house where we eliminated a lot line. It is in Westwood Estates on Jeffrey Rd. at end Mr. Seymour's house is presently being constructed. The abutter property line at the time comes along Lot 227 and then it jargs in behind his house and ran along an existing stonewall. It is a huge lot it's 4 acres. The two owners have decide to straighten out lot line and continue the lot line that runs right up between them just project it to rear lot line. Lot 227 will take title to Parcel C 14,000sq.ft. they will attach it to their lot making total of 85,129sq.ft. increasing their lot are and decreasing the abutting lot by same amount of 14,000sq.ft. Just so property lines continue straight the fences will run straight and stops the jig and you're not behind somebody else's house. The two have worked it out.

Mr. Thimot, Frontage on cul-de-sac?

Mr. Tilton, Yes it is 88 there is 23 and 88 you need 90 on cul-de-sac. The old lot #31 was three lots on cul-de-sac under Westwood Estates Subdivision previously approved had 20+ thousand square feet. You need to add the 23 and 88 I've done the math on my plan 90ft. on a cul-de-sac the total frontage is 112.56 we had it approved on three lots on the cul-de-sac at 90ft. with full width of the lot at building line.

Mr. Cerrone, I think that is only thing left cul-de-sac to be built the one they're doing right now? Rest of lots people are living there houses are there. Any other questions?

Mr. Thimot, No as long as you have acreage and have frontage and setbacks.

Mr. Tilton, We have all of that the existing house that is under construction has 15.5ft. setback off the lot line and 6.40.6 that is asbuilt location of that house as well as the abutting.

Mr. Thimot, Make a motion, seconded by Joan Marchitto.

Mr. Cerrone, All in favor 5 to 0.

3) Form A: Gordon W. Cheney ( W.T.Whalen Engineering Co.);

Mr. Sweet, Reading in application.

William Whalen- W.T. Whalen Engineering, As it said in the application we were in some time back to try and do a subdivision here and it was denied. There was a restriction put on the remaining land that it was non-buildable lot the only thing we could do with it was combine it with abutting properties. This plan does the first of two abutters have agreed to purchase land. Lot shown as Lot 1A the original lot is identified at lot 1 parcel B is part coming out of the non-buildable lot and that is going to be combine with lot 1 to make one contiguous lot that is shown as lot 1-A. That has total area of over 36,000sq.ft. Second transfer would be parcel on lot 2 shown as parcel C that is coming out to be combined with an abutting property that is owned by Jeffrey Lovely. That additional square footage will be added to his lot and combined. Lot 2 Jeffrey's lot has frontage on Betts Dr. will now have total combined area of over 23,000sq.ft. Lot 1-A has frontage on Arnold Rd. will have combined area of in excess of 36,000sq.ft. We're just basically doing what was directed on the thing I think it is marked here also about parcel non-buildable those are the same notations that were on the original plan that was approved by this board few months back. We're here now to combine some of the acreage with abutting properties. We've taken parcel B and C out of this and combined it with lot 1.

Mr. Cerrone, You went to zoning board before Christmas I think for something.

Mr. Whalen, We went to try and make this a buildable lot and we were denied we had to go with non-buildable lot.

Mr. Cerrone, If I recall this came in few years back we cut it out because you were coming in with a subdivision. I have to do some research on this. We settle on non-buildable lot because I think you promised at time you were coming back with subdivision.

Mr. Whalen, What we're doing now is perfectly allowed we're just combining like one of the conditions that was put on it that we combine it with abutting property and that is what we're doing.

Mr. Houle, I'm going to suggest we look into this a little bit so we understand what this is.

Mr. Cerrone, I want to look at what we approved back then. I know they went to zoning board and got denied for something.

Mr. Whalen, Yes we wanted to build a house on it zoning board denied it because it was self inflicted hardship. We couldn't claim a hardship on it because the owner had created lots out in front so therefore the frontage was less than required frontage and that was a hardship he created.

Mr. Cerrone, What is frontage in R15 zone? ( 120). Do you have 120 on this lot where?

Mr. Whalen, Yes when you go to curve half around curve.

Mr. Cerrone, Is that curve built?

Mr. Whalen, It's laid out it's not built.

Mr. Cerrone, You don't have 120 on pave road.

Mr. Whalen, They denied it on face we couldn't prove a hardship because hardship was self-imposed.

Mr. Cerrone, To get 120 you have to build this. On one of plans it says future subdivision road. If I recall maybe that is why the planning board gave it to you because you were coming in with subdivision and that is why they did this. We should have never done this we made this non-conforming.

Mr. Whalen, Lot has already been out and approved it is already deeded out to another owner.

Mr. Cerrone, How many days do we have? ( 21 days). We got this April 20<sup>th</sup>.

Mr. Sweet, It will bring you to May 11<sup>th</sup>.

Mr. Cerrone, We're meeting May 10<sup>th</sup>. we'll take it up that night and do some research.

Mr. Whalen, We're just adding area to existing lots, we're not creating any new lots we're just adding area to them.

Mr. Cerrone, I understand what you're doing I want to make sure. When you came in I think you told the board if I go back to the tapes we're coming in with subdivision that is why the board said we're going to have a roadway there and that is why the board kept the construction easement and this they gave you the radius. Now you're coming back you're not going to do the subdivision we should never have given you this. Form now on when I sit on the board I will never do that again. You told the board one thing and you did another thing.

Mr. Whalen, That is not true.

Mr. Cerrone, That is how it comes out like this when you do research on it. We should never have done this you don't have 120ft. of frontage on a road.

Mr. Whalen, You've done that for years.

Mr. Cerrone, I don't think so. I want to do some research it is up to the board what they want to do.

Mr. Houle, I personally think I'm not against it I'd like to do a little research.

Mr. Thimot, Make a motion we continue it, seconded by Chris Sweet.

Mr. Cerrone, Continue it until 5/10/07.

Preliminary Plan submission Krochmal;

Mr. Whalen, We want to set date for preliminary plan and submit plan.

Mrs. Marchitto, Reading in application.

Mr. Cerrone, We have to have our engineer review this and we'll get quote from John to review it we'll let you know.

Schedule hearing for 5/24/07 at 7:00 P.M.

1) Request of Carol Lewicki for the Planning Board's determination ( Plain St., Special Permit No.145);

Present Carol Lewicki, Mike Ahern and Bruce Babcock-Tibbet's Engineering;

Mr. Cerrone, We have letter from planning board to town council dated 4/13/07 ( insert).

Mr. Sweet, Reading in letter. Letter from town council dated 4/19/07 (insert). Letter from Lewicki to planning board dated 4/12/07 ( insert).

Bruce Babcock-Tibbets Engineering, The original signed plan from the planning board states special permit request; commercial use of ...(inaudible) is not prohibited Section 4D4B that was signed. Language of contractor's office and storage units came into being during the original application paperwork. State basically all allowed uses by the underlying zoning district unless they're prohibited that is first thing we'd like is clarification. If it's the plan then it's all allowed uses by original zoning unless prohibited. If it's planning board write up of decision, which is the only place this occurs it's construction contractors, office and storage units. The advertisement says nothing but special permit application. The plan states it very clearly according to zoning. The planning board decision dated 5/4/05 under statement of facts states 48,000sq.ft. building that will be used as construction contractors, office and storage units.

Mr. Cerrone, That is commercial use.

Mr. Babcock, The actual application on the plan though was any use allowed by zoning that is not prohibited under Aquifer Protection District.

Mr. Thimot, You have one use over riding another you have I60 to begin with that says you can do anything you want as long as you don't do anything bad. Then you have Aquifer Protection definition, which is something else a fine-tuning of the original.

Mr. Babcock, That is correct and that is what we applied for was any use allowed by zoning that not is prohibited by Aquifer Protection District. If this is not the interpretation of the planning board then our intent is to modify the special permit that was granted as soon as possible. Lewicki's are in a situation of having building permits to build the inside walls but they can't get any occupancy under current situation so we need to resolve this.

Mr. Cerrone, Was application filed under construction, how did you fill out the application?

Mr. Thimot, Do we have right or ability to over ride anything in Aquifer Protection that passed?

Mr. Cerrone, No we don't.

Mr. Babcock, Reading in original application. Plan states under special permit request basically all allowed uses unless prohibited by the Aquifer Protection District.

Mr. Thimot, You have rebuttal about agricultural thing this is not a farming type thing is it?

Carol Lewicki and Bruce Babcock, No town attorney agreed with us on that. He agrees with us that anything in the underlying district should be allowed there unless prohibited by Aquifer Protection District. Right now we're caught up in the language the way decision was written.

Mr. Sweet, Do we have actual copy of Special Permit No. 145?

Mr. Babcock, The only place it states under statement of facts building will be used as construction contractor's office and storage unit. If that language was what was on actual plan then we wouldn't be having this discussion.

Mr. Sweet, Only question I have is manufacturing use. Town council has agreed that it is okay for pesticides, etc.

Mr. Cerrone, Because it comes under contractor.

Mr. Babcock, Manufacturing is allowed under zoning and it is only restricted by Aquifer Protection District if it is related to hazardous waste. This building has no floor drains.

Mr. Cerrone, That was your choice not to put floor drains.

Mr. Babcock, We applied to variance from state plumbing board and they agreed.

Mrs. Marchitto, Reading in decision for granting various with conditions Commonwealth of Mass. Office of Affairs dated 4/10/07 ( insert ).

Mr. Babcock, When we did the presentation board of health was to do the monitoring we actually hired a licensed professional to do once a year. Inspection and their reports go to board of health. Board of plumbing and examiner never mentioned during the hearing the fire dept. and building inspector also do an inspection they added it in afterwards as special requirement.

Mr. Houle, Does this indemnify the town for any hazardous things that might happen there?

Mr. Cerrone, No.

Mr. Houle, I'm not sure I like the wording on that.

Mr. Babcock, First off I'd like to point out that there is deed restriction on the property that basically follows the zoning exactly of the town. Lewicki's are under legal obligation to do everything correctly.

Mr. Houle, I understand that but say something gets done incorrectly or something happens this is basically stating the town is accepting responsibility. Am I correct?

Mrs. Marchitto, It accepts for inspections and review.

Ms. Lewicki, Responsibility for inspections once a year.

Mrs. Marchitto, Responsibility for the inspections and review of facility to determine that no hazardous would have been prevented by installation of floor drains.

Mr. Thimot, That is the biggest aquifer there is around here it goes all the way over to Witch's Pond in Foxboro.

Mr. Babcock, We're aware of it we originally offered the board of health with an independent person they came back with yes we like that but we also want fire dept. and building inspector to look at it once a year.

Mr. Houle, Did town council have that?

Mr. Cerrone, I have no idea it was dated 4/10/07 this is first time I've seen it.

Mr. Babcock, Copies went to the building inspector.

Mr. Cerrone, Has building inspector made any comments on this?

Mr. Babcock, It's been inspection two more entities to it. We're back to original question of clarification of special permit. Was it what was on the plan, which is all allowed uses unless prohibited? Or was it the contractor's office and storage units? If the board cannot clarify that this evening then we ask for a modification to our special permit as soon as possible. Right now we're at a stand still.

Mr. Cerrone, Open public hearing for Corliss Landing open at 8:00 and recess until 8:15 P.M.

Mr. Sweet, Special Permit No. 145 I don't see reading that referring to other documents that we have I don't see where it says manufacturing or storage.

Mr. Babcock, If you go into zoning under the I60 it gives you whole laundry list of activities that are allowed. Then when you go to Aquifer Protection District it gives you whole list of activities that are prohibited.

Mr. Thimot, I60 I have no quarrel with I see no problem there at all. The aquifer thing you have to be careful with.

Mr. Babcock, Building inspector is reading the actual planning board written decision and choosing to ignore what was on signed plan. What was written in the decision was construction contractor's office and storage unit.

Mr. Houle, It says it on site plan.

Mr. Cerrone, That is commercial use.

Mr. Babcock, Commercial usage is allowed by zoning and not prohibited by Statue 4D4B that is very wide range of uses.

Mr. Cerrone, I think your application says contractor.

Mr. Sweet, It says will be used as construction contractor's office and storage units.

Mr. Cerrone, I think we have to go through another public hearing and we have to get legal council to sit in when we do this.

Mr. Houle, I think legal council should get copy of special permit.

Mr. Thimot, We have to have it in way we can understand what they're talking about.

Mr. Cerrone, I think you're better off having legal council here.

Mr. Babcock, We've done everything we can do. Right now because of way language written and building inspector's interpretation of it, it is extremely limiting. There are some very reasonable uses that these individuals want to use it for clothes storage. Clothes are not a construction contractor's office but it is storage unit. The landscaping business. I believe you have gentlemen sitting here concerning putting an air conditioning unit outside the building it is 3ft. square to air condition one unit. The building inspector has interpreted that it is not included on site plan that is why he needs a special permit. We will be back here time and time again if we don't clarify this. Any time we want to do one change he's going to require us to come back. If you decide to go to modification of special permit I would ask that it be advertised as all allowed uses in underlying I60 district.

Mr. Thimot, You can't do that I just explained to you have I60 is one thing then you have aquifer protection, which over rides it.

Ms. Lewicki, We understand everything that is prohibited in aquifer district and we're not trying to do any of those, we're not trying to use the building for any of that.

Mr. Thimot, It's all in the fine print.

Mr. Sweet, Look at conditions of #1 & #2 it's reference with site plan I believe.

Mr. Babcock, It references that plan.

Mrs. Marchitto, Where the construction contractor's office and storage that is where you're getting stumbled? If that is where you're getting stopped in building inspector. I'm trying to find out where that verbiage came from and that is why I was looking at the application. I see commercial building and site plan improvement.

Mr. Babcock, It was our understanding that it was allowed uses in zoning unless prohibited.

Mr. Cerrone, Probably have to go back to the minutes the tape.

Mr. Babcock, It may have been written inadvertently written that way.

Mr. Cerrone, It's tough there that is big watershed you have Mansfield, Attleboro comes off that too. I think we have to make modification to site plan we have to modify special permit.

Mr. Babcock, Modification we would request is that it is uses allowed by zoning not prohibited by aquifer protection district.

Mr. Houle, Can we put that in there?

Mr. Thimot, I don't know if we can or not.

Mr. Cerrone, If he's allowed in aquifer district he can go in. We have to modify where it says contractor modify that you can't say contractor's that is where I think the building inspector is getting confused. Just make modification take that out of there say storage warehouses. I think we have to make amendment to the plan special permit. Have public hearing and go through the process

Mr. Babcock, The language is too specific the building inspector is saying that is all you can do.

Mr. Cerrone, Right that is where confusion comes in.

Mr. Babcock, I will go back to letter that you wrote Mr. Cerrone to town council. North Attleboro bylaw states permitted uses in underlying zoning district including new construction, or expansion of existing building ...(inaudible) expanded uses are allowed in aquifer protection district provided they meet the additional requirements of aquifer protection district. That is all we want.

Mr. Cerrone, We have to take contractor's out.

Mr. Babcock, If you try to do it by specific name contractor's yard just as an example. Building inspector focuses on that. You would have to list literally every use on that list and any other miscellaneous use that you could think of that included air conditioning units that is not prohibited. If you miss one you'd be coming back.

Mr. Cerrone, You'd be coming back every minor change.

Mr. Babcock, That is why we're asking for general approval that follows the zoning.

Mr. Cerrone, I think best way is to have public hearing to get it resolved.

Mrs. Marchitto, It would be 5/24/07.

Mr. Cerrone, Have to have two weeks to advertise.

Mr. Ahern, Could you also maybe send letter out to Roger and tell him what our original site plan?

Mr. Cerrone, I think I would like to have Roger come in the night we have hearing.

Mr. Ahern, My thought was if you had him look at that language on original site plan that was signed maybe we won't even need to have special permit hearing down the road.

Mr. Cerrone, I can ask him.

Mr. Babcock, The board should recognize that this is going to occur again and again going forward when you're in aquifer protection district.

Mr. Cerrone, That is why we want to make sure we do the right thing because we don't want another problem down the road. We'll advertise this for 5/24/07 at 8:00 P.M. for modification of Special Permit No. 145.

Mr. Thimot, Make a motion for scheduled public hearing, seconded by Dick Houle.

Mr. Cerrone, All in favor 5 to 0.

Schedule public hearing date for 5/24/07 at 8:00 P.M.

NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING  
THURSDAY, APRIL 26, 2007

Richard Thimot left table at 8:13 P.M.

8:15 P.M.- Continuation of the public hearing for the definitive subdivision to be entitled Corliss Landing. ( Note: Final Action Due, 5/1/07) continued;

Mr. Cerrone, Last time we talked you were supposed to meet with building inspector determination on corner lot. Do you have anything?

Dan Campbell-Level Design, We met with building unfortunately he had a death in the family he has been out all week has not had opportunity to write letter. Hopefully it will be resolved in near future. We met with DPW on Tuesday and I believe they sent letter that we resolved everything except for the sewer to their satisfaction and their staff is reviewing sewer in accordance with their master plan. We have to issue a final set of plans to them for their approval. We submitted response to comments for DPW comments as well as Mr. Lavin's comments.

Mr. Cerrone, Yes Mr. Lavin has another letter today.

Mr. Sweet, We have note here that nothing has been paid from Corliss.  
Submitted bill to Dan Corliss.

Mr. Sweet, Reading letter from Mike Stankovich board of public works dated 4/25/07 to planning board (insert).

John Lavin, Letter from Earth Works dated 4/26/07( insert). I used the previous comments and then incorporated. On waivers no further comment since the board will require to address variance request when appropriate. Applicant is currently working with building inspector on lot 5 as corner lot. Spot elevations as required by the plan. 4 to 1 slope information on plan prior to approval. Identity of various materials under roadway as Mass. Highway specs. Type II as definitive Type II minor roadway no comment required. Recommend board review with applicant on turning radius for tractor-trailer turning right from proposed Santoro Dr. onto John Dietsch. Question was will tractor cross over centerline during right turn. Applicant states the intersection requires 55ft. radius curve as subdivision regs. Be placed at 90 degrees to intersection as shown on the plan submitted by Vanasse Associates. I just made note definitive plan C7 indicates several different radius at intersection at Santoro Dr. and John Dietsch. Assuming the traffic plan will supersede because they're the experts. Curb and berm just asking for variance no further comment board will require to address ...(inaudible) when appropriate. Same thing with sidewalks requesting variance. Grass strips applicant pointed out, which is true it said grass strip was eliminated from verbiage but it still shows 1.6ft. on the drawing which wasn't changed. Drainage applicant states that level spreader will be relocated indicate where it

will be placed. Impervious surface applicant resubmit page with type-o it was verification of the impervious surface. Pre development rate exceeds post development for two-year storm at control point two. Applicant states there is type-o and will submit page with corrections. 4 to 1 slopes are set in your regulations applicant will meet 3 to 1 slope as required by DEP Stormwater Management. Recommend applicant provide cross-sections proposed retention pond to make sure it's 3 to 1. Temporary construction retention basin and also the temporary swale. Applicant states the temporary drainage swale is not part of DEP Stormwater Policy. Applicant is right in a sense that the applicant will be allowed to discharge stormwater from the swale once they've received permit from EPA for an NPDS construction permit develop stormwater pollution plan and also receive approval from conservation commission. However lot 5 has been previously approved by the planning board and stormwater discharge was approved based on the stormwater discharge from lot 5 meeting requirements of DEP Stormwater Policy. Therefore the applicant has eluded to the temporary discharge swale does not meet DEP Stormwater Policy and discharge from lot 5 cannot be discharged in temporary drainage swale. Applicant should provide stormwater design for lot 5 that meets all the criteria in DEP Stormwater Policy. Applicant states that lot 5 is existing condition and cannot be condition as part of this approval. Board has previously approved existing building under site plan review and has authority to request the applicant to submit modification to approved site plan so stormwater discharge from approved lot will meet DEP Stormwater Policy. We recommend to the board they request site plan modification hearing with the applicant to incorporate the proposed changes and will not be part of this definitive subdivision approval. Water quality units CBS units applicant is still waiting approval from DPW.

Mr. Campbell, They didn't comment on it in last comment letter they commented on it in previous one. We took them out on site and no further comment has been made. Their only comment on the unit was they wanted it moved closer to the roadway.

Mr. Lavin, I talked to Dan about this earlier, applicant as far as if there was water coming down John Dietsch onto Santoro. Applicant stated there was a sketch attached to submittal reviewer did not find sketch recommend applicant supply sketch. Location of manholes and lengths of pipes from catch basins to manholes applicant states previous discussion for length of pipe for catch basin was 90ft. Applicant has chosen not to reduce the excessive length of pipe between catch basin and manhole. Applicant potential maintenance cost that the town of North Attleboro Dept. of Public Works may incur to excessive runs of pipes that are not necessary or typical engineering standard. Recommend applicant relocate manhole proposed in additional manhole reduce excessive pipe from catch basin to manhole. Ask to move the catch basin cover away from curb to 3ft. so you have proper compaction. Water was just the shut offs applicant will provide detail and location of water valves on plan. Hydrants applicant will provide a hydrant at end of cul-de-sac. Recommend triple gate at the installed, applicant states there is already an existing triple gate in place there is no further comment. Sewer for extension applicant stated and gave documentation stating if town of North Attleboro files and completes their EIR sewer extension will be exempt from filing with DEP. In addition please refer to DPW comments with regard to sewer placement and I should add depth on that too. Easements for long-term plan recommend the board discuss with the applicant that the proposed utility easement be widen to 30ft. to accommodate future utilities from Landry Ave. Utilities as far as gas the applicant states that gas line can be relocated as condition of approval. Recommend as required by planning board rules and regulations that the gas line be relocated shown on plan. To sum it up there is a lot of minor issues besides the zoning issue and just design of stormwater. Kind of final review of stormwater calculations and then modification of plans.

Mr. Cerrone, There was letter on 4/18/07 from public works those issues with public works you haven't resolved them have you?

Mr. Campbell, As it says in public works letter we told them we would do certain things. They would like to see them on the plans. The things that we did not agree to at that time were the easement and depth of sewer. We specifically said we would not be modifying those things. Public works did not comment about excessive lengths on the cross pipes they were reduced from the previous length of 90ft. down to 61ft. at our longest length and public works did not have an issue with that. Public works and our response to their letter the sketch which Mr. Lavin discussed having to do with the drain at intersection of Santoro and John Dietsch a new catch basin will be located right there to prevent water from flowing across the front of the proposed roadway. Originally in the sketch we submitted, which did go directly to this board with CC to DPW we had pipe going down John Dietsch and connecting to catch basin as there is no structures ... (inaudible) surface. We were able to final get hold of original subdivision plans for industrial park today as well as some of the asbuilts. We were surprised to find out that there is a buried drain manhole less than 6ft. away from where we're proposing that new catch basin so we'll revise the plan submitted for much smaller run of pipe allowing for an easier connection. Mr. Lavin asked tonight basically there we were going to relocate the overflow field and that overflow has been relocated we will submit on revised plan.

Mr. Cerrone, Do you have any letters from electric company?

Mr. Campbell, Just what they submitted previously. The electric company submitted a letter saying that they had no concerns with project as submitted and we would have to submit subdivision plan to them.

Mr. Lavin, Did you resubmit?

Mr. Campbell, That was this one there was an e-mail sent we had that discussion. I think as Mr. Lavin said we addressed all the comments I think even the last letter the comments were minor in nature. DPW board has asked us to increase easement to 30ft. from 20ft. Mr. Lavin is doing the same. We had proposed 25ft. to the DPW board as plenty of space to service two utilities water and electric that would be inside that easement. They did not comment on that I think they wanted to finish the sewer service analysis prior to asking us to increase the easement any further than 25ft. If their sewer analysis proves out that we don't need to provide sewer I think 25ft. would be adequate 30ft. I'd have to ask the applicant.

Mr. Cerrone, Board of health?

Mr. Campbell, Board of health submitted letter of approval at last hearing, which you read into record.

Mr. Cerrone, April 12<sup>th</sup>. letter.

Mr. Campbell, If they receive comments they will provide comments.

Mr. Cerrone, Electric was dated 3/20/07 e-mail. Still waiting for building inspector's letter?

Mr. Campbell, Yes and we're waiting for final review with DPW. I met with Bill McDowell today gave him all the GIS information we previously provided to DPW to save them couple days on downloading and creating those maps so he has plenty of information to look at. The intent was to see whether or not we could service a larger portion of northerly side of Landry Ave. with an additional sewer service. Our argument to them were if we were to do that all of that flow would go to existing pump station, which was never designed for the flow. There is pump station where John Dietsch makes left-hand turn around Tyco just past that there is an existing pump station. That pump station was only designed to service industrial park from his property so he is looking at that. The second thing that he is looking at it there is an existing gravity sewer service, which feeds Westwood Estates that was installed by Mr. Walsh. Two stubs were placed on that design plan for future connections such as they're requesting. The last thing and

somewhat more important there is large box culvert, which goes underneath Landry Ave. Even if we were able to get sewer out to Landry Ave. and get it to that point he doesn't believe we'd be able to pass over box culvert, which would defeat the whole purpose of running it out so he is investigating it.

Ray Payson-54 Walcott Rd., I'm an abutter. I'm concerned about new plan that cul-de-sac probably in all practicality that two lots would front on Landry Ave. It shows two accesses laid out for those particular lots on the plan. My question is if these lots become not part of subdivision but Form A's then will be able to go from access from Landry out through driveway that is showing on plan now and cut through there.

Mr. Campbell, I'm not exactly positive of what he is eluding to. The subdivision is presented as it is today there is curb cut for each one of those lots. Lots obviously go all the way out to Landry Ave.

Mr. Cerrone, So if we put a condition that you have to go through the subdivision you can't use Landry Ave.

Mr. Campbell, As far as definitive subdivision approval you can't do that but when we come back for site plan approval you can absolutely go forward and discuss access at that point. Subdivision is the roadway itself and division of property. The property currently touches Landry Ave. there is no way to get around the fact however when we come back for site plan approval at that time as Mr. Payson is well aware of because he was at DPW meeting. The DPW board has made the same comment that they would like not to see access on both points access on one or the other preferable not on Landry. I said the same thing it is part of the site plan approval not part of definitive subdivision.

Mr. Lavin, If they went out that way they would have provide traffic review.

Mr. Payson, They could be Form A lots.

Mr. Cerrone, They could be Form A lots now so really building road for one building.

Mr. Payson, My question if it becomes, which it is part of the subdivision but if it was the other way you could have access to those lots from Landry and from the subdivision. Someone could come through there and go down Dietsch Blvd.

Mr. Campbell, What he's asking if they became Form A lots and is what we eluded to at DPW was that if we had to install over \$400,000 worth of sewer to service these lots it would most likely be determined that subdivision would not happen it would be Form A lots. In that case the Form A lots are approval not required and we have to come for site plan review just like you would with any other project again not directly but related to definitive subdivision approval.

Mr. Cerrone, Say if you're not going to do subdivision only do two lots then and say you come back with public works your numbers don't work in the cost to do sewer all that?

Mr. Campbell, There would be 4 lots rather than 5. We're saying that if they came back and it didn't work out there is availability of 4 lots with frontage on Landry and John Dietsch rather than 5. Two buildings would then have to have septic systems.

Mrs. Marchitto, Response from electric on e-mail it says any revision to the plan that impacts electric facility will require electric review and approval when plans are ready please submit revised layout plan which plan?

Mr. Campbell, I'm not positive because this was submitted to them at time and that actually what they wrote letter on. I think he was saying whether or not we revised it again.

Mr. Cerrone, I would like to have an update letter.

Mrs. Marchitto, I'm still not sure if the question has been answered.

Mr. Campbell, They have this set of plans.

Mrs. Marchitto, Have they approved it?

Mr. Campbell, From my understanding of them they don't really approve plans. It is their new policy that they have out written that the developer is responsible for creating the plan as we've done.

Mrs. Marchitto, That is since March 20<sup>th</sup> .?

Mr. Campbell, Yes.

Mrs. Marchitto, So now they don't need to review and approve?

Mr. Campbell, I don't believe they do they have had this set of plans that is the letter they generated based off this set of plans.

Mr. Cerrone, I would like to check on that.

Mr. Sweet, We need to get a clarification.

Mr. Cerrone, They want to see plans before we approve the design of electrical I think that is what they're saying. They changed rules I guess they want to see the plans drawn up how you're going to do your electrical they want us to approve after they approve their electrical.

Mr. Campbell, That is not what they said at the time.

Mr. Cerrone, They're not going to do your design anymore I guess they changed all the rules. You have to go there with your plan.

Mr. Campbell, They didn't do design first time on original building.

Mr. Cerrone, Original building was a site plan they just changed rules and regulations over there. I think you should get us a new letter.

Mr. Campbell, I'll ask again 90% chance it will be e-mail.

Mr. Cerrone, This is e-mail I would like to have it on letterhead.

Mr. Campbell, I will ask.

Mr. Houle, Even if they give us e-mail as long as we have something.

Mr. Cerrone, I think they're looking for design of electrical system for that subdivision.

Mr. Campbell, Which they do have it is in subdivision plans.

Mr. Cerrone, Have they approved it?

Mr. Campbell, Again we submitted this set of plans to them that has that in it that is letter they generated for us that e-mail. I will ask them to clarify.

Mr. Cerrone, We need something from them saying they approved plans on Corliss Landing.

Mr. Payson, On that particular subject the electric dept. rules is part of subdivision control law. I think it has to be approved by the planning board because it is part of subdivision control law.

Mr. Campbell, The electric rules are not part of subdivision control law the electric dept. in North Attleboro is semi...(inaudible) agency. They do not report directly to the planning board, which is why it is some time difficult to get letters from them. As I said we'll request a letter from Paul. It says that the North Attleboro electric shall be responsible for review but planning board is ultimately responsible.

Mr. Cerrone, Page 14, 4.5.

Mr. Campbell, As far as approval from other town boards shall provide before public hearing obtaining letters layout of the respective services from highway, water/sewer, and director of public works and electric dept. Where a bond is to be filed cost estimate of required work shall be approved by various town depts.

Mr. Cerrone, It says letters we'd like to have everything on file I didn't write the book.

Mr. Campbell, What else is the board looking for us to do?

Mr. Cerrone, Need letter from public works. The building inspector is the big thing the zoning resolve it with him.

Mr. Campbell, Besides three letters is there any thing else this board is looking for besides our final revised? We want to come back with the information.

Mr. Sweet, I just have a general concern that you're still up in the air as to whether or not you're going to go out to Landry with those two buildings or not.

Mr. Campbell, We're not, nobody has purchased the buildings yet. There is no being up in the air those lots do touch Landry Ave.

Mr. Sweet, Right but you designed a subdivision to have driveway cuts and road cuts for access onto the cul-de-sac. That would hopefully preclude access to Landry Ave.

Mr. Campbell, It would have to be sorted out at site plan approval if the purchaser wanted to front on Landry Ave. and not on the cul-de-sac.

Mr. Lavin, It would also be on the traffic you're in charge with public safety. If you're planning on going out the backside it should be noted and would have to look at traffic there too.

Mr. Cerrone, If it goes onto Landry Ave. that makes a difference too.

Mr. Campbell, I have the three letters you want and submitting the revised plans that have the revisions that I've already told you we would make.

Mrs. Marchitto, I'm just waiting for DPW seeing how that intersection lies out.

Mr. Campbell, Can I request a workshop with Mr. Lavin just to go over the plan changes to make sure we have everything sorted out?

Mr. Lavin, Get Mr. McDowall there too.

Mr. Cerrone, That's fine with me.

Mrs. Marchitto, I'd like to have the zoning issue.

Mr. Cerrone, That is the first thing they have to resolve, get us the zoning issue before have workshop that is a big issue that has to be resolved.

Mr. Campbell, I'm working with the building inspector to get it resolved.

Mr. Cerrone, I know we asked you a month ago on this and you said you would have it for us. We can't break zoning.

Mr. Campbell, As far as whether or not we can resolve the issue by other routes. The abutting property owner has agreed to sell 1700sq.ft. to solve the zoning problem. It would have to be an A&R.

Mr. Cerrone, You would have to come in with a plan before we do anything with this one.

Mr. Campbell, DPW is not going to hear us again until two weeks from this past Tuesday May 8<sup>th</sup>. You asked about the permits and observation of DPW for the water and sewer installation I'm submitting that. Steve Cardinelli was out there during the water inspections.

Mr. Houle, Make a motion to extend Corliss Landing to 5/30/07, seconded by Chris Sweet.

Mr. Cerrone, All in favor 4 to 0.

Continue hearing until 5/24/07 at 9:00 P.M.

NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, APRIL 26, 2007

Richard Thimot returned to the table.

Other Business:

3) Request of Bob Koehler ( Ralph Lauren) to address the Board for proposed work at 215 Plain St.;

Bob Koehler, I need to put a 5 x5 concrete pad on the outside of the building on which to set a permitted air conditioner condenser Unit 9.

Mr. Houle, Make a motion that we accept the petition for the air conditioner on 215 Plain St., seconded by Chris Sweet.

Mr. Cerrone, All in favor 5 to 0. We'll give letter to the building inspector.

4) Request of Tilton & Associates for clarification on conditions of approval for Boch Attleboro, LLC site plan;

Mr. Cerrone, I haven't had a chance to talk to Mr. Spaulding building inspector.

Larry Tilton, With the indulgence of the board could we present to the board some language that maybe we could resolve some of this issues. We took liberty of writing up some today I'd like to give you copy of it. We put your condition down and then one right under it that maybe we could entertain and resolve this issue tonight. It is just relative temporary time frame you'll have this situation in front of you. There were four conditions you placed on our site plan that three of them, which we were surprised to have. #1 subject property shall not be used for promotion of automobiles sales. AI is interpreting that if we wanted to change the sign he considers that is promotion so he won't issue the building permit. We recommend no sales of automobile may take place on the subject property unless until a site plan is approved. In other words we're coming in front of you with brand new site plan that demolished the building. The building and property that we're dealing with right now we agreed we wouldn't sell cars on that property. So if you could make the statement no sales of automobiles may take place on subject property the carpet center we're referring to unless and until a new site plan is approved. #2 subject property shall not be used to conduct business associated with the sales of automobiles. AI is interpreting that if we put sign up or anything that is associated with. If we change that to subject property may be used for incidental services associated with existing Boch Toyota South operation. If you recall we wanted to change windows out put overhead door in to put that rack in it is just associated with the operation.

Mr. Cerrone, That is where I think the problem comes in because you have to have all kinds of floor drains, codes come in.

Mr. Houle, We can always add to this too?

Mr. Tilton, You can add to it, it's just our suggestion. #3 subject property shall not be used for outside display of automobiles associated with the business. We'd like to change that or have you entertain change the existing paved areas as shown on modified site plan dated 2/22/07 maybe used for storage of automobiles associated with the business. As you know they put some vehicles down there and just stored them and that is all we're asking for we closed the gate. We closed the gate made a connection for the parking area change sign out to Attleboro Toyota and they want to be able to put big rack they need for aligning in that building temporarily. We're presently putting a site plan together to demolish everything and build new Toyota center in the complex. Right now they would like to be able to store some vehicles and change the sign take out two window sections and put overhead door in. We got it approved and then with the one condition #4 that is in front of you the existing building shall not be utilized as automobile showroom we agreed to that.

Mr. Thimot, When we rezoned that whole area to C30 was that area included?

Mr. Tilton, Yes it is allowed by right.

Glenn Ofcarcik, The back of the house lots on Old Post Rd. is the boundary line of zoning.

Mr. Tilton, We just ran into this snafu there are just three areas that we wish to alter on approved site plan.

Mike Clemmy, Larry is working on it and hopefully sometime in June we'll take the building down and come in front of the board and put new 100,000sq.ft. building up.

Mr. Tilton, We just need to get this language altered little bit. #3 subject property shall not be used for outside display or automobiles associated with the business. We'd like to entertain the

thought the existing paved area as shown on modified site plan dated 2/22/07 maybe used for storage of automobiles associated with the business.

Mr. Houle, What happens when the building comes down?

Mr. Tilton, We're in front of you with brand new site plan.

Mr. Cerrone, You're going to have people working in there?

Mr. Tilton, I think he stated that we're going to have it for that rack, files.

Mr. Clemmy, Very minimum because it's a disconnect from the building we don't want too much activity going on down there. We don't want any customers down there what so ever. I told the board last time we would not open that gate it would remain locked we'll keep all traffic through curb cuts we have currently right now. This is just temporary to use the building until Larry gets done with drainage, calcs. and everything. I want to say I came in six months ago with preliminary plan to show the new building what we're going to do with whole complete site.

Mr. Ofcarcik, In essence the building inspector is saying that in #2 means that Boch can not use this property at all.

Mr. Clemmy, What he said to me was subject property shall not be used to conduct business and the word associated with the sales of automobiles. Chris you interpret it one way I interpret it another way and he interprets it the same way I do is the person working in the office doing the filing. They're filing paperwork to do with sales of automobile. When car comes off the carrier from factory you have to put it through service to take paper off so that car really has to do with sales. Everything is around sales we make a livelihood on sales.

Mr. Ofcarcik, If you made condition #2 the exact same as condition #1 if you said no sales of automobiles may take place on the property unless and until a new site plan is approved and then #2 out totally.

Mr. Clemmy, We want to work with the town this is small compared to the big project that we have coming in front of the board.

Mr. Cerrone, We approved the site plan in 99.

Mr. Tilton, It's case if you could help us out and we can work with the language a little bit if you were inclined to vote in through tonight and change it through, if you would like to alter few words. Take these three conditions that we would like to have modified, modify them tonight so we can notify the building inspector put new set of conditions on our plan so we can go to building inspector and get building permit to change our glass to a door and put overhead sign up. That is all we're asking for.

Mr. Cerrone, I would like to check with building inspector. Did you get letter from him why he denied you?

Mr. Clemmy, I didn't ask him for a letter I did talk to him and he's saying the word associated with sales of automobiles that is service. I'm coming in front of board tonight ask for little trust work together.

Mr. Sweet, I'm ready to go with this.

Mr. Houle, I personally don't have a problem with this.

Mrs. Marchitto, I think the intent was there they're coming back with new site plan. That is what got us in trouble by adding things. They're definitely coming back with a site plan it's pretty obvious.

Mr. Houle, He may have reason we have nothing from building inspector.

Mr. Sweet, With all due respect to the board I don't see that the building inspector we don't need his input to make a decision.

Mr. Thimot, I have all the faith in the world what you're saying is the truth but.

Mr. Tilton, The fact that we haven't got a building permit and we're here we don't have our sign up is reason why we didn't get it.

Mrs. Marchitto, Maybe if I made a motion we could second it for discussion. Make motion to approve the verbiage on site plan of Boch Attleboro LLC plan modification.

Mr. Sweet, Second for discussion.

Mr. Cerrone, April 24, 2007 letter that Tilton & Associates presented to the board.

Mr. Thimot, I want to know why the building inspector? I'm hesitant to say yes or no.

Mr. Cerrone, That is what I was saying we don't have letter from building inspector.

Mr. Sweet, I'll speak for it as proponent for this. Quite frankly the language is fine but the building inspector interpreted it his way.

Mr. Cerrone, He's zoning enforcer.

Mr. Sweet, But that wasn't intent of the language.

Mr. Thimot, He's the building inspector he read it the way he saw the print.

Mr. Sweet, You're saying if we don't get his concurrence in any modification that he could around and say I interpret it still the original way and we're going to go back for third and fourth iteration?

Mr. Thimot, I don't see any problem with board trying to work with you but...(inaudible) gets in the way.

Mr. Tilton, You're correct that is why we're stuck in this circle. If we had our permits we wouldn't be here right now.

Mr. Clemmy, You approved this on March 2, 2007 we have a big investment there we bought a lot of property this is just temporary use. Want to put a time frame on it until we get the other approval or until I submit anyway I'd like to be here next week but Mr.Tilton said he won't be ready then.

Mr. Tilton, We made commitments to the abutters at neighborhood meetings that 50% plans we would meet with them. We made commitments to you in our workshops we'd be back to you with workshops before you see the final set of plans. This is a big layout that we're putting together.

Mr. Sweet, May I make suggestion that these applicants go to the building inspector and see what language he would like and then submit that.

Mr. Cerrone, I haven't talked to building inspector about this I think we should talk to him.

Mr. Ofcarcik, We can't ask him to clarify what we presented to you what you voted on. We presented the transcript the tape didn't tape that night he can't watch it and make his opinion. You people know what you approved we knew what you approved it didn't read the way we thought. I think all of us interpreted it the same way but we need you to explain it to AI.

Mrs. Marchitto, I think reworded is a little clearer it is the intent that we as a board had without a town planner at the time. We were trying to get everything in there and we did and more. This is more clarified it gives them the opportunity it was incidentals services. I think it is clearer and now it is up to the building inspector. Our intent was there we didn't quite make it clear we make it clear now it is really up to the building inspector to do the interpretation and then you have to come with real site plan.

Mr. Sweet, I'm going to vote motion down and then we will have someone speak to the building inspector.

Mrs. Marchitto, I feel we go with this motion because I think it is original intent of site plan with clearer verbiage.

Mr. Sweet, I second for discussion and now I'm hearing that we ought to run it pass someone.

Mr. Cerrone, There is five votes depends on how it goes. I'm going to call for vote.

Mr. Clemmy, We'd like to get these voted on modified and we'll bring this to the building inspector and we'll play our fate with him.

Mr. Tilton, We'll take the chances we're working on the site plan.

Mr. Cerrone, We wrote the conditions. Motion is on the floor I call for vote.

Mrs. Marchitto, In favor.

Mr. Sweet, In favor.

Mr. Thimot, I can't vote for it abstain.

Mr. Cerrone, I would have loved to see letter from building inspector I abstain.

All in favor 3 to 1 opposed Don Cerrone to 1 abstain Richard Thimot.

5) Request of Shaun McCormack to discuss street acceptance for Raymond Sampson Drive (Stonebrook Subdivision);

Shaun McCormack-Stonebrook, I wanted to touch basis with planning board on section 4.9.5 of planning board rules and regulations in obtaining concurrence from town agencies for Raymond Sampson street acceptance. I was going to go through Linda asking her to contact I believe it is board of health and electrical. I have submitted documents to both depts. and mainly the response I got back is it has to come from you're board from request. All I'm asking is that I can either work with Linda to obtain those letters or the board send letters to these depts. I am working closely with DPW I'm planning their revisions in the asbuilt with John Lavin and I'm setting up a walk through of those not next week but following week to solidify the asbuilts for that. I'm really concerned with board of health and electrical I haven't heard anything.

Mr. Sweet, Do we have same issue with Corliss?

Mr. Cerrone, No they have to approve the design this one is already done.

Mr. McCormack, I'm worried about 5/21/07 come to street acceptance and them standing up and saying...

Mr. Sweet, I'm just saying why do we have to submit requests to these depts. to get sign offs?

Mr. Houle, I don't understand that either.

Mr. McCormack, I'm just going by the book.

Allyson Huntingtor, The concern has been that when we tried to do it as you've said to us during meetings go ahead and do it. What we get back is it has to come from the board.

Mr. Cerrone, They want request from us so we can send request asking for letter from their dept.

Mr. McCormack, I've asked that of ConCom and Shannon is providing that.

Mr. Cerrone, We can ask so this way you can have article for town meeting. We ask for request from all depts.

Mr. Houle, Is there anything left on that road we should know about?

Mr. Lavin, I didn't do it final inspection they had inverts that were completed. They dressed up sides of roads, there is stone mentioned before riprap at that side probably should resolve that.

Mr. Cerrone, We'll need letter from you John.

Mr. Sweet, We have construction schedule.

Mr. McCormack, That is for the other road.

Mr. Cerrone, We need an updated letter from John on Raymond Sampson saying everything is complete according to plan.

Mr. McCormack, One question we do have I wanted to address riprap on side I think everyone has seen it.

Mr. Lavin, I'm just going by the specs. it is suppose to be grass I go by the book. It is really out near the entrance nowhere's land but somebody owns it.

Mr. McCormack, That was me working with the homeowner that is what he requested and I can get a letter from him if you want that. It was wooded area and he asked to dress it up at front and that was something I did for him.

Mr. Cerrone, Yes we should have letter from the homeowner.

Mr. Lavin, Just do the final and I was going to get with Mr. McDowall has been out there and DPW.

Mr. Cerrone, We'll send request to all the depts. we'd like to final.

Mr. McCormack, Do I work through Linda after you send that request to follow up?

Mr. Cerrone, Yes we'll have a new town planner on Monday too.

6) Request of Raymond Loughlin to discuss street acceptances for Henry Riordan Way, Charles Barth Drive and Leo Ringuette Circle;

Raymond Loughlin-Flair Homes, Have an updated asbuilt which I'll leave with John Lavin based on comments from DPW and John. Other thing that came up during our review with John was a waiver that was requested in original subdivision for a 2 to 1 slope on Charles Barth the crossing station 350 plus 550. They wanted to go to 2 to 1 because of conservation turns out the elevations in those areas are little different that what was actually topo'd initially. We were able to put that in keep it in with conservation commission's guidelines but we have better than 2 to 1 slope 3 to 1 to 4 to 1 along that area. Station 350 + 550 some of that is within people's driveways and things like that, which obviously are flat and not a 2 to 1 slope. We're proposing to do is to put a guardrail the only place that we less than 3 to 1 is right at the 24" pipes on each side of the road that is the only place we can see. We're asking to put it's only 20ft. of guardrail in the area where the pipes are and that is where we can't get better than 3 to 1 is right at the pipes and riprap.

Mr. Lavin, What it called for on the plan is if it didn't meet they're at 3 to 1 it is where pipe comes out and riprap flared ends. It is really concern for public safety. There are sidewalks on one side that side is 3 to 1 pretty much the whole way except for driveway there is one pipe on that side too.

Mr. Cerrone, Are you going to need all the letters for town meeting?

Mr. Loughlin, I've already done all that having trouble getting letters from board of health we have certificates of compliance on all lots we've built there. I've e-mailed and called several times board of health to get these letters and they're not coming through with them. The electric company told me they didn't have the proper easements so we had to get all the easements for them even though their electric utility I know of would ever put stuff in the ground without having an easement they had an easement all along. I keep requesting letter and they're not getting it to me. The only thing in your control law says that you guys are supposed to request these things and ask for input from them.

Mr. Cerrone, We'll request letters from all of these depts.

Mr. Loughlin, Board of health we have certificate of compliance on our septic system, which is the only part of the lot that they cover. We're going to start next month on Doolin, which is Sheldonville Preserve II there are no houses there. I'm going to go in and put paving and curbing and come back here and ask for acceptance well what is board of health going to say about that? I'm just not sure where this keeps coming in.

Mr. Cerrone, Our control is the lots the layout of the road.

Mr. Loughlin, We're doing them we're going to get held up on our acceptance because board of health won't write a letter?

Mr. Cerrone, All your trees are planted?

Mr. Lavin, Have you talked to neighbor about the trees?

Mr. Loughlin, We're working with the neighbor on type and specie of tree.

Mr. Cerrone, We'll help you out and see if we can get letters from all these boards.

Fred Bottomley, A few developers have asked me about the issue that is trying to be implemented about having the various depts. come in for the final acceptance. My standard answer has been I think it is ludicrous because they have not been involved in any of the inspection process. Some made comments through the permit process you had inspection process that reported to the planning board clearly it is planning board jurisdictional issue as you just restated. Two weeks ago I came before you and I said the procedure should be like some other towns the developer shouldn't even be involved at this stage of the game. If the streets have been built to your standards as approved by your engineer through the inspection process then the planning board is the one that should be pushing the articles at town meeting for road acceptance. As you know that is how the town gets more chapter 90 money, it has nothing to do with the developer. Yet the developer is now being burdened with trying to be the mediator so to speak between various town boards that may have concerns about how some subdivisions were built and yet they were built and inspected according to your standards. Every developer in town now is saying the same thing we've been saying for four years who is the boss here. I just heard John say down in Stonebrook that they have to bring the engineer from DPW to approve what was done. If you go back to Stonebrook Estates originally you didn't even accept all their recommendations when you did the approval so that three-member board can take the opinion gee they didn't listen to us then now they're asking for our acceptance. To me it is all bull you guys are responsible for subdivisions and it's let play house here and make all the different depts. happy I don't think it can be done if they weren't involved from the beginning. That is why I was always in favor I was just saying to Ray Payson the old way when you get a sign off it was one sheet with all depts. on it approve because they were doing the inspections. It would come to the planning board and it was that way for 30 something years. The last five years as far as I'm concerned has just been a disaster.

Mr. Loughlin, We have an issue with DPW too on that we have a stormceptor on Leo Ringuette, which was approved here. According to them at one of their meetings they crossed that off and wrote vortechnic on it, it was never anything I ever saw or ever got back to us before we did it. That is an issue they like the vortechnic units I could care less the vortechnic or stormceptors. How are they ever going to come to even though we're running around with Bill McDowell and we're doing the things he wants us to do and we're not going to get a letter from DPW that says it is okay.

Mr. Sweet, For discussion these gentlemen bring up some interesting points. At town meeting where these streets get accepted we have various boards getting up and saying no/no/no that is what we're up against. We can approve anything we want based upon pieces of paper that they've checked off and they can still get up at town meeting floor and say no. I'm just saying inspections, etc.

Mr. Cerrone, We have an engineer that does the inspections.

Mr. Payson, Construction standards what has to be done and according to that book you give the developer. It is not the first time public works has tried to get the developers to comply with their roadway construction standards. They keep changing those standards you don't know when they change them because I don't think they have a public hearing to change them. The problem is that they are trying to force their construction standards on the developer.

Mr. Cerrone, We can send them a letter if they don't want to make a comment that is up to them at least we gave them notice. We have a piece of paper saying we sent it to public works to review these projects.

Mr. Bottomley, Please understand what I said I'm not against that process I think as Raymond said that process according to the book says it comes from the planning board. Developer

should be left out if the developer has done what he's supposed to do he shouldn't have to listen to anybody else's crap about what is going on in town, etc.

Mr. Cerrone, I agree with you. Once our engineer says everything has been done.

Mr. Bottomley, Don't bring in another department's engineer because before you know it you're going to have seven different engineers and it is hard enough dealing with one

Mr. Cerrone, We'll send letters out to them.

Mrs. Marchitto, What roads are we talking about? Barth, Ringuette and Riordan.

Mr. Loughlin, From 0 + 50 to 12 + 50 on Riordan.

Mr. Cerrone, John will give us his recommendation that roads are done according to our rules and regulations of the subdivision, meets all the approval with conditions.

Mr. Lavin, I've been out there three times as far as punch list goes so he's been working to get it narrowed down.

Mr. Cerrone, If people don't want they don't get chapter 90 money as long as built according to plan and inspections and we have all the reports on file they can come and look at them.

Mr. Bottomley, The other thing that we've got to get back to having the board do is what they used to do as the developer's project is done your engineer whoever he maybe agrees that the project is done his bond should be released. He's complied with your regulations if you want to change the regulations for the next guy that is fine but when it is done, his asbuilts here, which he's handing in tonight. If John Lavin says he's done he should get his money.

Mr. Cerrone, I agree.

Mr. Lavin, We had discussion that wooden guardrails don't meet Mass. Highway specs. but in this case it is really for pedestrian because it's a straight road.

Wagon Wheel;

Mr. Cerrone, 11 patches who inspected that Fred?

Mr. Sweet and Mr. Houle, 13 patches.

Mr. Bottomley, If you remember I think this is the fourth time it's come up. You were given pictures original complaint came from Steve Cabral while he was chairman he happens to live on Wagon Wheel Rd. If you check your minutes and your file you'll find that photos were sent to you asking for repairs to be done to the road and you'll find correspondence from Don Johnson to me even though I wasn't the applicant of the subdivision. Road while it was being cut up in all those various locations representatives of DPW Peter Murray specifically came out and wanted additional things done. I think there are 11 patches up there.

Mr. Cerrone, On a brand new road?

Mr. Bottomley, Yes you're the ones that ordered it to be done. We've gone over this four or five times.

Mr. Cerrone, Who did the inspections?

Mr. Bottomley, DPW. If you check all of your files you'll find a letter from DPW that had photos with it that came to your town planner you authorized your town planner to give directive to have those areas of concern repaired with fill after they were all cut. We even brought the contractor before you one night, which was Barrow Contractor they went through the whole thing if you check your tapes of that night. They explained how when they were doing it told to do, etc. If you think any Riley relative wanted to spend \$32,000 something dollars repairing a new road that is just ludicrous.

7) Determination of street acceptance for Abbott Run Valley Ests. V;

Mr. Cerrone, I think public works did the inspection. Whatever we need from them on the sign offs get a letter.

Mr. Payson, I thought a letter went out to these five or six subdivisions.

Mr. Cerrone, Friday April 13<sup>th</sup>. letter for following subdivisions to be completed to DPW satisfaction Jackson St. Lyman, Dorey, Olde Towne Estates, Abbott Run Valley, Pastures, St. Lawrence Way, Sheldonville Preserve, Willowbe Glen Phase I and II. We haven't got anything yet we asked them. We should check on them see what the status is.

Mrs. Marchitto, Letter went out to all subdivisions to get schedule, we're talking about a letter that went out to DPW regarding approval getting ready to approve streets at town meeting article.

Mr. Cerrone, I'll call up and find out what the status is.

Mrs. Marchitto, We're trying to get subdivision streets that are completed accepted.

8) Status of construction of Beaupre Circle and Pinsonnault Lane;

Mr. Lavin, I met with Kevin and he was going to put something together of what he was going to propose to do as far as schedule and whatever he has to do to correct issues of his site. It was Thursday or Friday of last week. We went over all the issues pavement, etc.

9) Update of work on Hickory Woods Subdivision;

Mr. Cerrone, I asked legal council to give me an opinion if I could sit in on Hickory Woods and I can't sit in due to family member it's in your package.

Donald Cerrone left table at 10:04 P.M.

Mrs. Marchitto, At this time I haven't read the newspaper but I saw the headline. Two members of planning board of the five were not present last night. I guess before we have any discussion on Hickory Woods I would like to have the opportunity to discuss what occurred last evening that is all I'm saying.

Mr. Bottomley, Is that discussion going to be in executive session?

Mr. Houle, Yes it will.

Mrs. Marchitto, To get the two members up to speed. If you have questions I just wanted to lay the playing field at this time two members weren't there they need to come up to speed on it we're not going to discuss it.

Mr. Bottomley, We put in written request two weeks ago for your consideration too let us finish John C. Barry and to remove the asphalt on William Thorpe and reinstall it, relay it curbing, etc. We hadn't heard from the board and I didn't know that this meeting last night addressed that or addressed strictly Harold Bishop. According to the articles I've read over the last two years it seems that is primarily all off roadway layout issues. My request is still before you we want to get out there and work.

Mrs. Marchitto, I will say this we have your letter we will address it we are working on addressing the letter we will go forward and address it and you will be informed.

Mr. Bottomley, Will there ever be a public meeting to discuss the issues of Hickory Woods?

Mrs. Marchitto, I would believe there will be public meeting in this Fall because our public hearings are closed.

Don Achin, Basically everything now is in executive session?

Mrs. Marchitto, No what I'm saying two of five members were not present last night they need to be informed of what occurred. Once they are informed we are the planning board that oversees subdivision control.

Mr. Achin, There will be no discussion of it tonight until everybody is brought up to date and maybe next week it will be public?

Mrs. Marchitto, Correct.

Mr. Thimot, No it doesn't work that way.

Mrs. Marchitto, He said may.

Mr. Thimot, I know you sit on another board so you take care of your board and we'll take care of ours.

Mrs. Marchitto, At this time that is all I would like to say.

Mr. Payson, I think the consultant that the town had to evaluate the subdivision made some wild acquisitions about drainage in the street, about other things they only addressed off site problems. Their reports they chastised about the way the thing was built they have to put their mouth where the money is now. They've done their job of evaluating it now what are they going to do about finalizing what has to be done. Who is going to do that? All these wild scenes that they created who is going to address those and follow through that they are improved or solve the problem? That is what I want to know.

Mr. Bottomley, Today's rumors were that they were ripping out the drainage.

Mr. Payson, I think that this town is in real deep trouble with I'm going to say a windshield approach to a problem that we know all about. It took them all that time to figure out what we knew. Secondly what are they going to do about it? The two people work for DEP one works for DEP the other one is DEP employee. Are they going to demand that the problem they found going to be solved and how?

Mr. Sweet, I wanted to clarify one thing he said Mill River.

Mrs. Marchitto, Chris I prefer you don't please it would have been nice to have you there last night. We can listen.

Mr. Cerrone, You can listen but you can't make ...

Mr. Bottomley, On issue that you brought up about writing letter to DPW. I put another letter in as to Albert St. Lawrence I'm still waiting for response from board on that.

Donald Cerrone returned to table at 10:11 P.M.

Mr. Bottomley, Is there anything else?

Mr. Cerrone, I don't see anything for you Fred.

10) Update of work on Queens Grant Subdivision;

Mr. Lavin, Probably I suggest for the board if you just write cover letter to maybe just standard if you want me to write it I can and you can sign it so we can get them out to Queens Grant, Bally Heather and anyone else who isn't working.

Mr. Cerrone, People are living in those neighborhoods.

Mr. Lavin, I'm not sure what schedules came in that was two weeks ago certified letter went out. I'll write cover letter for the board you can sign it if you will.

Mr. Cerrone, I think we should send cover letter to bonding company or bank this way they know we're asking them to finish these places.

11) Update of work on Walcott Road;

Mr. Cerrone, Swales had to be filled with rock and they were waiting for the letter from DEP.

Mr. Payson, They've signed off.

Mr. Cerrone, I know they were waiting for the letter because I talked to John Walsh he was going in there as soon as they received the letter. I called Larry Tilton he said he hasn't received it yet.

Mrs. Marchitto, Do we need copy of that letter?

Mr. Cerrone, Yes we should have copy on file. I think conservation would have it release order of condition.

12) Update of work on Depot Estates Subdivision;

Mr. Cerrone, We took a tour on that I think some trees had to be planted.

Mr. Houle, Little water problem there too.

Mr. Cerrone, Maybe we can send him letter few issues there. Across the street when they gave easement for drainage it puddles up.

13) Update of work on Edgewood Gardens Extension Phases I and II;

Mr. Cerrone, Lyman and Jackson these are the ones DPW inspections

15) Update of work on Lyman Street Extension;

Mr. Cerrone, I had a neighbor filed a complaint wanted to know when the construction of road will be done? We approved it but we have driveway they're using driveway to get in subdivision approved the road hasn't been built yet. I will ride down there and take look at it.

Mr. Lavin, Shawn has submitted schedules and he is starting some work.

16) Update of work on Waterson Estates;

Mr. Lavin, Nothing has been done Linda told me today that he sent in schedules for his projects I assume they're all the projects

17) Completion of Dorey Estates Subdivision;

Mr. Cerrone, Need letter from public works.

18) Completion of Olde Towne Estates and Olde Towne Estates Extension Subdivision;

Mr. Cerrone, Need letter from public works.

19) Completion of Quail Creek II Subdivision;

Mr. Cerrone, Need letter from public works we need letters to get it off our agenda.

21) Completion of The Pasture Subdivision;

Mr. Cerrone, Need letter from public works.

20) Completion of Abbott Run Valley Estates Section V Subdivision;

Mr. Cerrone, Need letter from public works.

22) Completion of St. Lawrence Way within Sheldonville Preserve Subdivision;

Mr. Cerrone, Need letter from public works.

23) Completion of Willowbe Glen Estates subdivision Phases I and II;

Mr. Cerrone, Need letter from public works.

99 Restaurant;

Raymond Payson-54 Walcott Rd., In 1996 or 1997 when Wal-Mart was coming out and Club 99 what it is now. Planning board myself required all those developers to give land for third lane on Rte. 1 from Attleboro line up. The 99 changed and incorporated a lot of things happened with Club 99 but in the meantime nothing got done. I had talked to town planner sometime in 2002 or 2003 that we should close it up because it was a ten-year limitation on the agreement that they would give 10ft. Of land for town of North Attleboro for widening. At that time planning board engaged engineering firm of Tilton & Associates the amount of \$35,000 to complete that project. I got back on it then in 2003 and going through the town planner's data I found at that in 2003 that something did take place and went to Boston nothing has been done since 2003. I asked Larry to find out what was going on he sent everything up to Mass. Highway for an update, which he thought he had everything done. I got letter back on 4/2/07 that says the job wasn't done right and there is much more to be done I'll give you this whole package. Has to satisfy Mass. Highway on the layout I'll give you one paragraph; Plans have not been finalized by our layout dept. reflect year 2002 layout #7267 is not correct. New layout must be assigned from our layout dept. also possible some of takings are incorrect. I'm going to turn this over to Mr. Chairman to follow this through and find out if we're ever going to get 10ft. for the third lane on Rte. 1 northbound.

Mr. Payson, Might want to meet with Mr. Tilton, he told me there was no more money and he wasn't going to do anymore that was verbal.

Mr. Sweet, Do we know if there is any mitigation money to do this?

Mr. Cerrone, There is money for this but he got paid \$35,000 I want to make sure how much more money it's going to cost. There is mitigation money it was supposed to be done.

Mr. Thimot, John Case never agreed to any of that I went down there with Don Johnson.

Mr. Cerrone, We're talking about from 99 to Wal-Mart not above that.

Mr. Payson, From Fashion Crossing we're okay and okay with Wal-Mart.

Mr. Cerrone, I'll check on that.

Walcott Rd.;

Mr. Payson, It was brought to my attention the chain was cut by a contractor and sort of damaged the grass and the whole thing going up there. Question was who owns it? Who is responsible for it? If you could look into that I'd appreciate it.

Mr. Thimot, I don't think it was ever established.

Mr. Cerrone, We'll check on it and I'll ride over there and look at it too.

Mr. Payson, It's a mess I understand right now it's the responsibility of the developer because it hasn't been ...(inaudible). That brings up another question who is responsible for it or if it is broken and I'm sure that it's only easement over lot 1 I believe owns it. I think maybe it was not clarified as to some of these details. Before that job is closed out I think that should be investigated.

Letter from Steve and Cathy King;

Mr. Cerrone, She is one they were supposed to build swale I'm going to ride down there and take a look at it and meet with her. They've been very good they always keep us informed that was one of the agreements.

Mrs. Marchitto, It was part of Bally Heather they had water coming down so the agreement was that developer would make a stream.

Mr. Cerrone, She's down on Chippenstone on corner. He came in and said he couldn't build it I told him that was part of approval and I kept asking him for three years and now at 99<sup>th</sup>. hour you can't get in.

Mr. Payson, It's all done the rocks aren't quite placed for water to travel.

Annual Town Meeting;

Mr. Sweet, May 21<sup>st</sup>. and on the warrant we have article 34 through 39 for street acceptances. Article 34 is for Sparrow Circle and Blue Jay Drive and Cardinal Circle.

Mr. Cerrone, That is Cedar Hill.

Mr. Sweet, And Mockingbird Lane Article 35 we have Homeward Lane and Coach Rd. Christen Circle. These are all for Westwood Estates and Cedar Hill. Question is do we have concurrence with other boards? Specific issue maybe not right stormceptor.

Mr. Cerrone, We just talked about 5 minutes ago they change their rules and regulations depends on salesman that goes there. We can't do that we have book to follow.

Mr. Payson, I heard Ray Loughlin say he had a problem the same thing. That was done in the interim of what we were going to do for standards those downstream defenders were being used. No one had spec on it at all on vortech at that time it was just coming out.

Mr. Cerrone, They only want one company in whole town.

Mr. Payson, Vortech or equal. Once we decided to go with the vortech that was fine from that day on everything has been vortech. There was an interim where all of Westwood Estates became downstream defender. Now they're saying it's no good you have to tear it out and put a \$50,000 vortech in.

Mrs. Marchitto, It was before my time too Chris but what I've learned is that at that time the inspectors were DPW town inspectors who inspected Westwood.

Mr. Cerrone, That's right they were the ones who inspected it.

Mr. Sweet, We have meeting with finance committee and I know that they want to see us getting along with the other boards so they can recommend street acceptance. They don't want to look bad on town meeting floor by approving it.

Mr. Cerrone, They don't want to take them don't take them they don't get chapter 90 money.

Mr. Houle, How can we have either DPW or whoever it was that was inspected it now saying they're not going to accept it and they inspected it?

Mrs. Marchitto, Meeting at police station and I believe Steve Cabral was there and Dave Manoogian.

Mr. Cerrone, Yes Dave said he was going to get on town floor and fight it. My thing is you can't have one company in town.

Mr. Sweet, I anticipate we might have an issue on Monday night with finance committee.

Mr. Lavin, The only thing on stormwater quality is it has to meet standards it's 80% total suspended solid removal. The only difference they're talking about is clamshell but it meets DEP when it was approved.

Mr. Cerrone, Chris you said you bought the vacuum truck.

Mr. Houle, Is it true they're not the right vacuum trucks?

Mr. Sweet, Very delicate instruments.

Mr. Thimot, Think we should tell you why we changed inspections do you dare hear that? Because DPW was screwing up it is the truth.

Mr. Sweet, I hope you attend Monday nights meeting I won't be there.

Mr. Cerrone, I'm going to the meeting I want to see how many members are going to be there.

Executive Session;

Mr. Sweet, I would like to go into executive session to discuss last night.

Mrs. Marchitto, Make motion we go into executive session, seconded by Dick Houle.

Mr. Cerrone, It's 10:37 P.M. like a roll call for executive session.

Richard Houle- Yes.

Joan Marchitto- Yes.

Donald Cerrone- Yes.

Richard Thimot- Yes.

Christopher Sweet- Yes.

Board coming out of executive session at 11:02 P.M. Roll call.

Richard Houle- Yes.

Joan Marchitto- Yes.

Dick Thimot- Yes.

Chris Sweet- Yes.

Donald Cerrone- Yes.

Federation Meeting May 3<sup>rd</sup>.

Mr. Cerrone, I'll be late because I'm going to come in and open up the meeting for Cobblestone will be continued until May 10<sup>th</sup>.

Mrs. Marchitto, Make motion to adjourn, seconded.

Mr. Cerrone, All in favor 5 to 0.

Respectfully Submitted,

Attach Agenda to Minutes.