

NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, JUNE 21, 2007

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, June 21, 2007 at 6:00 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Joan Marchitto, Richard Houle, Richard Thimot, Christopher Sweet and Mary Burgess-town planner. Donald Cerrone arrived at 7:20 P.M. Richard Thimot left table at 6:11 P.M.

Planning Board Business:

5) Update of work on Hickory Woods Subdivision;

Fred Bottomley, The gist of Tuesday night's DPW meeting was just reiteration of what Bob Norton had said there is no tie ins allowed. Possibly could be if somebody could prove to them meaning homeowners would have to prove that the systems could adequately handle the draining of sub-surface water and then conservation would have to approve it also. In my opinion put the onus on the homeowners to do it. They themselves cannot do it. I think the letter that I handed in before really has to stand that the connections be disconnected unless the planning board allows them to be connected.

Mrs. Marchitto, Mary sent e-mail to all the boards she has some e-mails come back and I had some questions and Mary followed up with individual departments.

Mr. Bottomley, We would really like to do all three roads. Still have the same concerns but I don't see those being over-ridden. I don't know if board of health is happy or not. One question was Mrs. Riel and they called it the other night an illegal water service connection. Even if Mr. & Mrs. Riel's builder connects to water line from the gate that is on John C. Barry we're still going to have to tap into that sand bank, which is carrying and intercepting sub-surface water. We will still have to connect that to drain in the street we'll do it when we dig up the road. What I would like to see is the road which DPW said they were going to handle it there own way but we don't want to pave that road with final coat if the actual service, which is tapped into the main has to be moved and plugged. Bob Norton had drawn that certuadous water line diagram not of that would effect the road or the sidewalks because the curb stops are edge of property line. If DPW wanted to enforce meter pits on individual homeowners that would be that call not planning board and certainly not us.

Ms. Burgess, Board of health initially I believe there was some confusion we were approving new application and I think Bob kind of speaks to that.

Mr. Bottomley, Everyone agreed that none of us should pursue laterally again. In reading just board of health is saying the same thing I said.

Ms. Burgess, When I spoke with attorney Ferris today he believed this was a warranted move and he had reiterated that each board deal with their own situation.

Mrs. Marchitto, Our objective is to continue the discussion and we need to go forward. I would like John to speak to drainage issues, etc. in October.

Mr. Bottomley, Carl Dorrance Excavating who is going to do the construction and Arthur is the lead person. I take offense to the one from Mike Stankovich that says and I'm quoting the developer's resistance to adhere to the planning board and board of public work recommendations stated in planning board letter. Categorically the letter is post acceptance of the planning board's modification process. We spoke about that Tuesday night. Two members wanted to see asbuilt my comments all long from inception have been there have been project engineers of planning board overseeing every aspect of construction. We are trying to get for

you we're told there is a disc that has all of the inspections on it from Earth Tech we don't have it yet but we are pursuing to get it for you.

Mrs. Marchitto, We as a board would like to have asbuilts and I know DPW would like them. I would like to do some type of compromise so that we can go forward. I would like to ensure elevations that Thorpe would be built on and John C. Barry.

Mr. Bottomley, Asbuilt is after it's done.

Mrs. Marchitto, DPW would like to know what is underneath the roads.

Mr. Bottomley, Asbuilts you have are road profiles. If you're looking for invert asbuilts that has never been asked we can supply that on an individual basis by station. We cannot supply complete water line asbuilts that has never been done anyway. Complete asbuilts of elevations of RCP has never been done it has always been the inverts from catch basins or drain manholes have been shot. We don't have problem supplying those I just don't see the purpose of supplying those because categorically we're not going to change them. They were inspected and approved and they're functional. As to road elevations your direction to us was to grind in place and make sure the water goes to the catch basins and that we have a crown and gutter that is consistent with the regulations. We know that the intersection of Barry and Bishop needs to be rebuilt it is still 8.5" to low we know that.

John Lavin, Just on the asbuilts you say whatever is variable on top but whatever is not going to be taken out the inverts should be given then you can figure out the RCP depth.

Mr. Bottomley, Board voted in October based on roadway modification plan for us to grade and place and allow differences. We know that if we're going to grade the material in place and add another 3.5" a 2" binder and 1.5". We know we're going to be higher than the definitive to begin with. The areas that we were most concerned about was the areas where we found 6.5" difference. We didn't care about 1.5" difference in vertical because water was all getting to catch basins, which is what has to happen. Where we found in 50ft. that we were 6.5" off that is very problematic one spot. After doing 28 corings 23 of the cores failed for either asphalt contents according to Mass. Highway standards or depth of asphalt. That is another problem we have to live with by eliminating it. Grind it up, regrade the road and we'll come in and we'll be working up a plan, which is what we're doing now. We have all of our quotes to do the work, schedule of performance the only thing that hasn't been done and engineering firm as of today has not been hired.

Mr. Lavin, Just verify you have proper depth on piping. I assume you're not going to take anything down further.

Mr. Bottomley, No because nothing was low.

Mr. Lavin, That wouldn't give you proper depth.

Mr. Bottomley, This road is going to end up higher than the definitive plan showed minimum of 3". The 6" area has to be blended out.

Mr. Lavin, Make sure you have proper depth of gravel burrow and dense grade. Everything was roughly between 1 to 2" off.

Mr. Bottomley, That would have been fine and no one would have had problem if the asphalt was good.

Mr. Lavin, They have to grind it, compact and then throw another 3.5". To answer question on average would probably 4" higher than what definitive shows.

Mr. Bottomley, Intersection of Barry and Bishop the grate is 8.5" low and modification to that intersection also then was to add two more catch basins, which we've done. On catch basins if there was throat stone there they shot that is inlet only. All of the tops whether they were cone or flat were all 24/27, which is what definitive plan showed. Handwriting is the comparative analysis between what it was suppose to be and asbuilt in the field after paving. We shot

center/gutter/gutter every 50ft. Going down Barry that crown has to be taken out where it's 6.5" and 5ft.

Mr. Houle, 4.5" being average would that effect anyone's driveway in anyway?

Mr. Bottomley, Most of the driveways are wrong to begin with a lot of them have to be done over and done correctly. You have 7ft. from gutter line to transition to 6" some of them make it okay. Problem comes about when the driveway is intersected by sidewalk. Sidewalk where it crosses has to meet ADA standards as well, which means 1" and 50" of pitch or 2% cannot exceed 2%. Builder knew what the regs. were of 6" enforcement doesn't come about from the building inspector's side in the occupancy permit so you have some driveways start at the gutter and go straight up with very sever horizontal cross section that becomes vertical. Mr. Achin knows his is going to be cut back 40ft. or so if it's not then there will be a like little speed bump entering going flat then going back up.

Mr. Lavin, Water issues on Barry set handhold obviously will have to be addressed.

Mr. Bottomley, I don't think there is correspondence from electric. One we put in the homeowners regraded their yards and water doesn't get to it.

Mrs. Marchitto, We're still holding on Bishop.

Mr. Lavin, Make sure drainage elevations have proper cover by regulations. If you do asbuilts the inverts will tell on the re-enforced concrete pipe from catch basin to manhole then coverage. As far as water pipe main it was verified in couple locations that I did.

Mrs. Marchitto, The invert asbuilts yes or no?

Mr. Bottomley, If you're looking for inverts we can supply those it won't be on a mylar they will be on a sheet. We'll take the invert, which is bottom of pipe they will be marked up on definitive plan showing the depth the elevation.

Mrs. Marchitto, John has had discussion this afternoon with Mike Stankovich.

Mr. Bottomley, I thought they were questioning pipe sizing also. Has request ever gone from the planning board to Earth Tech formal request for their inspection records?

Mrs. Marchitto, Former town planner did. There are questions about Lot 21 to 22 water coming down between those two lots.

Mr. Bottomley, One catch basin was added but it happens to be the landscaped valley so to speak of the two homes. The water is hitting utility boxes first and then you have concrete underground leading to the structures.

Mr. Lavin, When I was out there in April there was about 7" of water it is just coming down from the back.

Mr. Bottomley, From the Form A's of Fales Rd. We also found out which we gave to board of health there are some homes that have french drains around their homes that go out to pits in back of homes. The water is being recharged from foundation drains. One house has all gutter drains tied in dumping out into their front yard.

Mr. Lavin, As per design of definitive plan showed an infiltration basin for the gutters on corners. The way it was designed it wouldn't have worked even if they put gutters in.

Mr. Bottomley, Steve Cabral said something to me privately couple weeks ago and I said something Tuesday night. When these roads as designed as we found out that have tight material and then areas of loose materials so that they perk at different levels. When you cut into side of a hill horizontally such as Barry or vertically such as Bishop and you cut into water table that is what's happened at Hickory Woods. Cut it off it still wants to come up and vertically there was big cut in Harold Bishop we had 14ft. fill. Once you make that cut if water table was at 4ft. if you cut 8 or 9ft. cut and water was at 4 or 5ft. the road is actually built in water table. That is when Earth Tech in the review and maybe the design engineer should have

looked at side drains because it would have been fine. The drains are all in can we stop the 6 or 7" of water that collects?

Mrs. Marchitto, Is it being captured by yard drains?

Mr. Bottomley, No because it's coming from the people's yards higher up. Grading of those yards had formed a V and water is running down the valley. We can't grade on people's landscaped yards. How do we move these drains? It has to get on other side of structure/electrical.

Mr. Lavin, Septic system is only for sub-surface water not surface water as far as moving close to it you can move 15 to 20ft. reasonable.

Mr. Bottomley, I'm saying from where they are they need to be moved into people's yards.

Mr. Lavin, From right of way slope it backwards slightly bring it down so it's the low spot.

Mr. Bottomley, We homeowner's permission can be done after road.

Mr. Lavin, DPW was discussed before go into catch basins jet them out. It was proposed to put in stub for connection.

Mr. Bottomley, On top of electric bank you have not in concrete your secondaries and then Verizon and Cable those are just in sand. You're drain has to get above that you can't drop it straight down because you have that solid trench. It's designed that every one of these electrical structures are in the valley of yard grading.

Mr. Lavin, Or parallel to right of way. Would elevation be too low for yard drain going in underneath? I know there was concern of staying above the invert of catch basin. If it's going into catch basin you always want to make sure it's above elevation of pipe.

Mr. Bottomley, We don't mind extending yard drains with homeowner's permission and trying to get them into lowest point of their landscaped yards. We willing to do that I don't think electrical dept. has said that you can have drains going over their piping. I think the intent with previous board was not off track. The intent was if homeowners wanted to tie in their french drains to plugged areas we had on special catch basins the plastic ones that was the right idea at the time. We didn't know until three weeks ago where everybody's french drains were. The issues of these connections probably couldn't happen because of septic issues.

Mrs. Marchitto, We're in agreement letter from planning board to property's owner to see if the yard drains can go further?

Mr. Bottomley, That can be done after the road.

Mrs. Marchitto, Lots 22, 21 and 24 on John C. Barry.

Mr. Bottomley, What ever is in ground would stay in the ground. Only thing I told Mary three weeks ago what I haven't done elimination, there is one right in person's driveway. The thought was they would be able to tie house in, one house from corner is tied into catch basin.

Curtain drain got eliminated another one couldn't be put it was the one the board had wanted to continue the perforated pipe but it is all within septic field. There is house built 4ft. too low.

Mrs. Marchitto, Electric box is still bubbling water any progress with NA Electric?

Ms. Burgess, Just letter addressed to board 6/11/07 damage to electric facilities.

Mr. Bottomley, It went to Cedar Ridge Developers I've never seen it. I've never received legal council's letter either so maybe that went to Cedar Ridge. It says Cedar Ridge must post bond of \$55,000 to NA Electric. None of it pertains to us. Our letter to the electric dept. you have receipt copies of my meetings with them and that has never come up to me. Issue is really clear the conduits have to be raised above ground level it's that simple.

Mrs. Marchitto, It concerns me the name and address are two different people.

Ms. Burgess, Letter that Fred sent to electric dept. has the correct access.

Mr. Bottomley, Both letters they're making reference to went to Cedar Ridge and it's asking for Cedar Ridge who built the homes. Our letters postdate their letters. I informed board last week

we met with Gene Allen and he sent John McGuire out we popped every cover we gave specific measurements and we've copied you and electric dept. with those.

Mrs. Marchitto, You want them raised can that be done after or before road?

Mr. Bottomley, After it has nothing to do with the road.

John Lavin is in agreement if that is the problem. If there is any surrounding water if water pressure is coming from there besides the conduit the ground water. If they dug around if it is path of least resistance.

Mr. Bottomley, We supplied the board with their installation instructions and copied them with their own paperwork. It was inspected by the electric dept. they pulled the wires, they hook up the electric services. These conduits I think the deepest was 11 or so inches underground and box is full of water because it is flush.

Mr. Lavin, Only reason I ask because box was full of water when it's been dry, bubbling when it's dry. Is it coming from conduit I don't know or an area of groundwater maybe dug out material and put stone.

Mr. Bottomley, When we popped those boxes two weeks ago you can see the water flowing into conduits they aren't sealed. From pull box into pad mount and from pad mount into lower gradient pull box, which then surcharges one at Lewicki's. Water is coming from conduit. At each point it's adding more you have trickle and then saturate not create a head. As you drop 3.5 or so feet and it is all full with lot of water coming in you've created a head pressure that is bubbling out.

Mr. Lavin, It is also bubbling three days after it's stopped raining. There also appeared to be some organic material as far as sheet coming of into road.

Mrs. Marchitto, If we give you approval to finish John C. Barry will that road have to be dug up again because of water in electric?

Mr. Bottomley, I think that is electric dept. question I don't know the answer.

Mr. Houle, We're asking you you're the one who is going to do the road and we're responsible for making sure it gets done right.

Mr. Bottomley, I can't answer the question. The reason I believe it's the electric dept's venue is it is their design plan the installation is done according to their installation manual and inspected. If there is a problem we're willing to fix it. If they say the aesthetics of a pull box that per their regulations can exceed 4" above ground but right next to it you have Verizon stand that is 3ft. out of the ground. What difference does it matter if that pull box is at this elevation and get those conduits out of ground? If they're out of ground they won't get water. We already know it is groundwater.

Mr. Lavin, If you plug the pipes and conduit is stuffed and it still bubbles out what would happen?

Mr. Bottomley, I don't know but I'm fairly certain because I popped covers almost in every west side subdivision that there is water in every conduit in west side. They're all built underground and all of pull boxes have water. The only thing that is unique is the elevation change creating a head so we have constant influx of water in flow and it's pushing it out. The day we were out with Mr. McGuire the whole thing was under water there was 2" of water on top of pull box cover.

Mr. Sweet, Have you seen compressed gas cylinders attached to telephone pole with hose leading up? That is helium that they're using to bleed out the water in phone lines 30ft. up in air. So water gets into lines no matter what it is fact of life.

Mr. Bottomley, I am more than willing I've said it many time to sit down with system engineers, design people from NA Electric to come to a solution. We were asked to investigate to find out what the issue was we have done that and we've had no response. Unfortunately

since last year the mail has gone to Cedar Ridge who is builder of the homes and it has never come to our attention until this evening. I gave you cut sheet of product that is just from one supplier. NA Electric uses Graybar and they all sell the same product that is product that would be used and extension would be put on pull box to just raise it up so the conduit could be raised.

Mr. Houle, What is electric dept. objection to you doing that?

Mr. Bottomley, The only thing I ever heard was the aesthetics.

Mrs. Marchitto, I think they're sending correspondence to wrong address. I know at one point there was discussion of maybe trench going into detention pond to relieve the water.

Mr. Bottomley, Didn't happen, didn't get an easement. We did extend a drain all way around to backside of cul-de-sac but that is not helping that particular issue it is only picking up what bubbles out of the ground.

Mr. Lavin, Did you ask homeowner for easement?

Mr. Bottomley, We did not it goes up hill and the swale is on Mr. Lewicki's property not on other property. It goes off in very sever angle.

Mr. Sweet, Make motion that we permit the developer to proceed with William Thorpe Circle and John C. Barry Dr. to regrade and put final road in.

Mrs. Marchitto, According to modification.

Mr. Houle, I would like to second Chris's motion with discussion. I would also like to make sure that we get asbuilts for inverts.

Mr. Lavin, Just identification of water issues, hand hold and two other locations between Lot 20A and 21 and Lot 21 and 22 water is coming next to house.

Mr. Bottomley, I heard the board was going to write letters to the homeowners. It is not contingent or conditional upon us doing the road.

Mr. Lavin, Not but to address it. Asbuilt and just identification of these issues.

Ms. Burgess, The only thing that protects us from Fred coming back in six months you didn't say that I was suppose to deal with that right now. By making motion including these two water issues.

Mr. Bottomley, For the tape if town planning board gets permission for us to extend those drains onto private property we will extend it. As to the asbuilts we will supply the invert asbuilts of the catch basins of Barry, Thorpe and Harold Bishop even though you're not giving us approval to start work on Harold Bishop.

Mr. Lavin, And manholes.

Mrs. Marchitto, How do we handle electric?

Mr. Bottomley, More than willing to meet with electric dept.

Ms. Burgess, Electric dept. has said on occasion they're willing to look at your plans. Do you think you would be able to produce engineered plans illustrating what you plan to do? Even if it's just taking cut sheet from spec putting it on plan with elevations, etc.

Mr. Bottomley, I will write letter to them specifically asking elevation heights that they can and you can correlate to the letter that they and you already have. Saying at pull box station such and such we want to raise the conduit and pull box X number of inches, we want to put in extended pad mount base and raise conduit X number of inches.

Ms. Burgess, Can you put that on a plan they want to see it on plan in front of them?

Mr. Bottomley, Yes.

Mr. Lavin, Looking forward towards Harold Bishop as supplying inverts?

Mr. Bottomley, I said we would do that.

Mr. Lavin, Not necessarily Mr. Bottomley's problem but any pipes working with identification of any pipes coming out side on Barry.

Mr. Bottomley, Pipes coming from the houses?

Mr. Lavin, Yes it is kind of discussion.

Mr. Bottomley, Board of health has that we've supplied that to them from Cedar Ridge. It has nothing to do with us.

Mrs. Marchitto, All in favor 3 to 0. We'll work on Harold Bishop?

Mr. Bottomley, We will supply you with the inverts. I don't think there are any issues left on Harold Bishop is that water service on Mrs. Riel.

Don Achin, Is it possible she could get a variance to leave it the way it is?

Mr. Bottomley, I don't know that is up to DPW.

Mr. Achin, Her water supply comes in from Harold Bishop instead off of John Barry. There is hook up Fred was discussing earlier off John C. Barry and one off of Harold Bishop. They were going to make her disconnect the water hookup Harold Bishop and bring it onto John C. Barry. Fred had discussed that at last meeting. I guess in meantime she has found out that she can apply for a variance to leave it where it is and she was going to do that with DPW and she was waiting for response.

Richard Thimot, How can DPW give a variance they're there to take care of road when it's completed then it becomes their problem?

Mr. Bottomley, Either way Joan we would still need to tap that as I explained at last meeting. We still need to tap where gate valve is because there is sand trench that is 4ft. deep in the ground that is intercepting groundwater and that is bubbling out in the road. It is ground water there is no leak they've already tested board of health and water dept.

Mrs. Marchitto, Open public hearing for National Amusements at 7:30 P.M.

Mr. Sweet, Reading in application.

Mrs. Marchitto, Recess until 7:45 P.M. Let us talk to John as a board about Harold Bishop and get agreement with the other boards if we can what is outstanding. Need to correct his address with NA Electric. Mary is going to write a detail letter tomorrow to all the boards what transpired and vote we took.

Board taking 5-minute recess.

NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, JUNE 21, 2007

7:45 P.M.- Public hearing on the application of National Amusements, Inc. to modify Special Permit #112 (Showcase Cinemas);

Application read in at 7:30 and recessed until 7:45 P.M.

Stephen Clapp-attorney, Brian Ricker from Allen & Major engineer, John Perry also from Allen & Major, John Nattigrove project manager for National Amusements, Rick Davies district manager for National Amusements, Irv Shapiro architect, Jeff Aldrich vice president of operations and Bill LeClair concessions for National Amusements. I'd like to point out there was an error in my description in exhibit A I said we would be reducing number of screens from 12 to 10. We're not reducing number of screens there are presently 12 that were approved we are reducing seating as indicated in exhibit A. History of this project goes back to January 1996 the planning issued decision #112 giving us a planned business development approval. Reading decision. In 1997 the board issued decision #119, which combined this project with special permit that had been issued on the select sites property, which was to the north. There was to be a restaurant also and addition on National Amusements building. None of those things

happened time went by and those permits lapsed so we're back to #112 which is project that was built and plan filed. The principle aspect of original approval was re-signalization of Rte. 1 to help neighbors who lived across the street to make area safer it was approved and also changed at Draper Ave. Work is being done inside the building nothing is going to happen to footprint of the building. There will be some restriping in the rear of the building so loading and unloading can be accommodated. There will be new grease trap interceptor to sewer line. Those are the only physical changes to the site. For this project to be viable something needs to change.

Brian Ricker-Allen & Major Assoc., We are site engineers for the project. The main change to site going from 12 screens and 2400 seats it will still be 12 screens but it will be 1304 seats in new cinema grill. It will be stadium seating and it will allow us to cinema grill use, which means larger selection food service. We have restriped back of facility; right now it is two access road behind the facility we have changed it to one way to allow for loading area for new kitchen area. Other major change because of additional kitchen flow we have to install larger grease trap. We have 1500 gallon grease trap that exist today in front of building proposed one 15,000 gallon grease trap to rear of building in order to handle new flow from kitchen out through the back. Everything else within site stays same except for two-way traffic to one way traffic. Those are only changes to external of the site everything else stays the same we maintain our open space, which is 40% within C60 zone and 49% throughout the entire lot stays same. We have 791 parking spaces that are there today will remain when we're done. From utility standpoint we stay under our allowable sewer flow, which is 22,000 gallons a day, maintain our water use, which allows us to use up to 22,000 gallons a day. Our impervious cover stays the same so drainage system and everything that is there maintains the same uses going on now. Our traffic generation numbers actually go slightly down because we're going from 2400 seats to 1304 seats about 30% reduction flow from it.

Irv Shapiro-architect, Effectively we're removing every other row we creating much more luxurious and different kind of seating layout. Currently has entrance at both sides of lobby, we're closing off back half of lobby and building kitchen. The whole idea of conversion is dinner and movie. Seating will be stadium seating and dining tables at front of every row. Concession stand will come out and there will be bar. The actual layout of the theater does not change other than reduction of seating and ability to eat.

Mr. Cerrone, What are the hours?

Midnight during week and on weekends Friday and Saturday 11:00 A.M. to 1:30/2:00 A.M.

Hours would remain about the same.

Mr. Cerrone, I'm asking we've never had a complaint.

Mr. Thimot, Holding tank in back is that going to be safeguard so there is no contamination to river.

Mr. Ricker, Grease trap is going in rear of building but it will be completely tight tank it will be maintained on monthly bases. It needs to be cleaned on monthly bases and inspected annually internally to make sure there is no cracks or leakage.

Mr. Clapp, What I'm told is that this project isn't violable if it stays the way it is now if it can't change it will have to be different use at some point.

Jeff Aldrich, When Lincoln Mall opened up our business dropped drastically in last two years we've really taken a hit.

Mr. Clapp, National Amusements is putting in theater in Foxboro that will have stadium sitting. To keep North Attleboro viable we need to have something more than either Lincoln or Foxboro.

Mr. Cerrone, They've been good tenants never created any problems. Do you have to go to conservation to put tank in back?

Mr. Ricker, I spoke to them and the area we're proposing to put tank is outside their jurisdiction area. We're not proposing conventional loading dock area because it is mostly food service that is being brought in. By zoning we need three spaces which would be 12 x50 so we need about 150ft. we brought it 300 so we can actually stack six trucks if we had too. One lane would be open to travel so fire trucks, etc. can get around building all the time. Dumpster will still be adequate it is fenced on three sides.

Mr. Thimot, Back of site on Draper Ave. there are some cat nine tails you're not going to infringing on that area?

Mr. Clapp, No there will be no changes in physical layout of parking at all.

Mr. Cerrone, Close public hearing for National Amusements at 8:04 P.M.

Mrs. Marchitto, Make a motion to accept site plan for National Amusements modification for Special Permit #112, seconded by Chris Sweet.

Mr. Cerrone, Hearing no further discussion all in favor 5 to 0.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, JUNE 21, 2007

Requests Bond Releases/Reductions;

1) Request of Raymond Loughlin for bond reductions and completion of Sheldonville Preserve I, II and III;

Mr. Cerrone, He left I wouldn't take him before public hearing.

Other Business;

Carol Lewicki, Lewicki Plain St. Properties. We're here to amend our Special Permit # 145 that we have. We would like to have added is school.

Mike Ahearn, And possible retail.

Ms. Lewicki, It is gymnastic school that I interested in 9,000sq.ft.

Mr. Thimot, Schools are allowed in I60 zone retail is not.

Mr. Ahearn, Presently retail is not but we're going to look at possibly getting use variance.

Building inspector ruled that gymnastic academy is not a school.

Ms. Lewicki, There is one school already in I60 district it's Firearm School. I don't believe they got special permit because they were school they were allowed to be in I60.

Mr. Sweet, Reading letter from building inspector dated 6/21/07.

Mr. Thimot, I say exception to rule already exists at end of Alice Agnew Dr. Electric they will sell anybody walking in the door. The variance on retail does exist it is exception to the rule so he's caught in both directions.

Ms. Lewicki, There are instructors, students, they pay tuition it would be consider private school and they are allowed.

Mr. Cerrone, It's professional it's a business.

Ms. Burgess, Service is considered retail.

Mr. Cerrone, I think it has to go to ZBA. We have memo from Roger Ferris to building inspector.

Mr. Ahearn, We're planning on going 8/21 to ZBA so we would like to provide schedule our public hearing that we presently have that you will hopefully set tonight.

Ms. Lewicki, I would like to know board's opinion would gymnastic school be considered school and if so it is an allowed use in our district?

Mr. Houle, I personally think it would be considered a school more than retail.

Mr. Thimot, We can express our thoughts to town planner when she replies to ZBA.

Mr. Cerrone, I have to check on Firearms how they got in there I think they got in by special permit.

Mrs. Marchitto, I think under zoning there is allowance for school with intent as Roger Ferris states for education, academic purpose so that municipal or town can find land of large 15-acres. I think the area that you're in intent was industrial usage I don't believe North Attleboro has lot of industrial area for light manufacturing on contractor services as you first came to this board for. I think we have to protect it. When you first came in if I had know that you were thinking of gymnasium school I would have been thinking as site plan traffic of dropping off kids coming and going every half hour. I would have been more concerned with sidewalks, safety involving pedestrians. I thing gymnastic is a service it falls under service industry.

Ms. Lewicki, According to building inspector his opinion is that it is retail.

Mrs. Marchitto, I think it should stay industrial.

Mr. Sweet, Reading in Roger Ferris memo to Al Spaulding Building Inspector June 20,2007.

Mr. Cerrone, Board will discuss recommendation when application is filed I don't think we're going to make decision tonight I'm not.

Ms. Burgess, I think you have to write us a letter allow to extend 65 days or withdraw and reapply.

Mr. Ahearn, I will write a letter.

Schedule hearing for 9/13/07.

Christina Estates;

Ms. Burgess, Bob Shelmardine he set additional request release of covenant. He wanted board to sign it we still haven't received the check. This is to release lots I told him I wouldn't give it to him signed and I wouldn't notarize it until I got check in hand. Our next meeting isn't for two weeks he's hoping to have check in hand next week but he needs this to file with Registry of Deed to release the lots. I looked it over same lot number, same information on Form J. He just wants it signed so that when he does give me check for million dollars. He's releasing covenant it's majority.

Mrs. Marchitto, When he gives you the check you can call us and ask us to come in and sign it.

Donald Cerrone left table at 8:25 P.M.

Construction schedule for John C. Barry;

Ms. Burgess, Construction schedule for John C. Barry and copy of basin cleaning that he's done for both Barry and Sampson. We have original construction schedules for Hickory Woods. Sheldonville Preserve there was question on whether or not that was correction in road had been approved by the board for him to move forward and get his money back. We looked up all of the minutes we can't find a definite vote that said he could move forward. He seems to think he did everything. It alludes to it a completion in the minutes but there was never a vote. That is something to keep in mind for next time but we didn't find anything definite.

Hoppin Hill;

Ms. Burgess, With board's approval I would like to send letter bond expires 7/1/07. I left two messages and I would like to follow up with letter.

Joan Marchitto left table at 8:29 and Donald Cerrone returned at 8:29.

Board agrees to sending letter to ask for extension.

NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, JUNE 21, 2007

Joan Marchitto returned to table at 8:30 P.M. and Richard Thimot left table at 8:31 P.M.

8:30 P.M.- Continuation of the public hearing for the definitive subdivision to be entitled Corliss Landing (Note: Final Action due, 6/15/07);

Ms. Burgess, I have correspondence from NA Electric and one from DPW saying plans being dropped off last Friday did not leave them enough time to review them.

Daniel Campbell-Level Design, DPW sent me something earlier today said that a signed copy was going to board today.

Ms. Burgess, You're right it was they didn't want you to approve it because of paving on sewer trench on John Dietsch.

Mr. Sweet, Reading letter from Public Works dated 6/20/07 to Mary Burgess from Mike Stankovich.

Mr. Campbell, It hasn't been paved yet board of public works voted on the approval last Tuesday of patch repair. They asked us to place the catch basin at intersection that is part of subdivision road prior to paving even without subdivision road. We did not want to do that without vote from board of public works, which was granted last Tuesday. They have not had time to set up police detail since then and we'll be doing it as soon as possible. We would like to make it a condition of the approval wish of the board. From engineering standpoint, which is what the subdivision approval is. We have letter I was told would be sent over today we received in draft form because they also approved the entire subdivision at last Tuesday's meeting as well.

Ms. Burgess, As of 6:00 P.M. today I didn't get it.

Mr. Houle, As far as paving we could certainly make that an order of the condition.

Mr. Cerrone, I thought it was going to be done as soon as weather broke.

Mr. Campbell, Public works asked us couple of additional things on top of trench patch itself. They asked us to put in catch basin and we had to design that and to get approval of catch basin. They wanted us to recrown the road that is not currently crowned. They approved crown of road but they didn't approve the catch basin because it was going to manhole that they didn't know existed. There was manhole buried we located it two weeks prior to them finding it, it is buried under existing pavement they agree with us that it is in location we say it's in that they can tie to. That catch basin is on site now as soon as they gather together the paving crew, police detail to do all of this at night. I know the contractor that is here talked to Bob McGhee about cutting into that roadway and getting it done in next couple of weeks.

Mann Sinno-site manager, They have made significant changes in the grade the road in it's current state is flat causes icing in winter time water sheeting across they want to eliminate that. This road is integrated with entrance to Santoro Dr. building crown, ripping entire road. We wanted to do the patch but I'm going to rip it all out because I'm building that road almost foot high to create crown. Also redesign whole intersection we've been back and forth with DPW with engineer and Mike almost three or four weeks get this resolved and agree to a design a final design on John Dietsch section that is impacting the project. There is no sense doing patch and come back and rip it out to rebuild the road. They want to create a crown to crown water away not to sheet across street and get rid of icing in winter.

Mr. Campbell, What DPW board asked us to fix as you go down roadway now the crown drops off as you're heading down the hill it is bank curve. They asked us to eliminate bank curve all of this topo is before the work that happen on 344 John Dietsch. Coming out of bank curve it swaled to center of roadway then it flattened out and now it's swaling across the roadway. They've asked us to put in crown and what we've done we have blow up detail with additional grades. They asked us to create a high spot in middle of new intersection that swales water from central point of that intersection back to new catch basin tying into drain manhole that is buried, crowing roadway in all three directions adding that high point so we have positive drainage on all three of the roadways. It took us long time to work out the logistics with DPW they did vote on that last Tuesday. That catch basin and pipe are currently on site. Mr. Sinno talked to Bob McGhee they are scheduling the starting of work.

Mr. Cerrone, I want something from public works.

Ms. Burgess, I talked to Mike all day today and he didn't mention anything.

Mr. Cerrone, Reading in letter from NA Electric dated 6/18/07.

Mr. Campbell, As far as subdivision is concerned we would not mind that as a condition. I would like to point out in January and February NA Electric not only commented these are letters you have in record but approved the project. The electric design has not changed since then. The electric dept. regulations have changed since then we were under the impression that regulations in effect at time of subdivision submission definitive were regulations that were in effect for project. NA Electric has changed the regulations that we feel we should comply with new regulations to do that we're going to need to hire and electrical engineer we do mind that as condition of approval. However they've approved this before in exact same form as far as electric layout is concerns as it is today. Our compliance with NA Electric's rules and regulations if it's a condition we meet both board's necessities. Planning board requirements because we have letter of approval previously and we meet NA Electric's requirements that we do this new design that they're now requiring as of May 6th. I believe they passed these regulations.

John Lavin, Hydraulic report would have to be submitted. How will the plastic pipe stand into detention basin?

Mr. Campbell, Yes it will stay there forever. The discussion has to do with level spreader. The pipe itself is corrugated HTPPE pipe it has to be maintained level we need to compact soil underneath it to certain degree. We need to put in stone to spread out the flow and then we need to put pipe in. Stone has to be level the pipe a 3ft. level is moved along it and we're going to have to level out that pipe as we go along put stone under it, it is construction control.

Mr. Lavin, As opposed to concrete headwall?

Mr. Campbell, This board asked us during site plan approval not put in flare end section or headwall for dissipation on first building.

Mr. Lavin, That was because you were going to be discharging on someone else's property.

Mr. Campbell, We were 55ft. away from somebody else's property. In this particular case we're heading directly towards the wetlands so velocity dissipation is very important.

Mr. Cerrone, Who is going to maintain these ponds?

Mr. Campbell, The owner's of the subdivision have to maintain the pond the landowners of the five properties.

Mr. Cerrone, When you draft the agreement we have to run it by town council. Entrance is going to be on Santoro Dr.?

Mr. Campbell, Yes all proposed with curb cuts on Santoro Dr. there are no curb cuts proposed on Landry Ave.

Mr. Cerrone, I'm going to make condition there will be no curb cuts on Landry Ave.

Mr. Campbell, As far as subdivision goes it can't be a condition that there are no curb cuts on Landry Ave.

Mr. Cerrone, I'm going to make a condition because that changes all calculations of your traffic on Landry Ave.

Mr. Campbell, On site plan review we can get into that we will have to come for everyone of these buildings.

Mr. Cerrone, On subdivision control I know I can put conditions.

Mr. Campbell, On subdivision control as far as cul-de-sac roadway goes we have provided the traffic information for cul-de-sac roadway, which does not involve buildings at this point.

Mr. Lavin, It does because you include number per square foot number of traffic going out based on pervious surface.

Mr. Campbell, We include that traffic going out Santoro Dr. fully at this point. If you make condition that under site plan review we have to provide traffic information for each one of these lots. That is condition that subdivision approval can make. Subdivision approval saying that a lot that is created legally can't access a roadway that it has frontage on is different.

Mr. Cerrone, Where is your frontage on Lot 2?

Mr. Campbell, Lot 2 there are two frontages Santoro Dr. and Landry Ave. it has full width frontage on both roadways. These buildings are proposed to be on Santoro Dr. However under site plan review you can tell the applicant that they can't connect the two points as we've discussed before. But saying that a building that doesn't exist yet that has legally applied for anything is restricted from using the roadway that are next to it isn't under subdivision control it's under site plan review it is under your Form O. The existing building I have just within last couple of hours ANR signed application and check I'm waiting for abutters list.

Ms. Burgess, Why do you need abutters list for ANR?

Mr. Campbell, Because it was required last time we submitted one to this board. When we submitted ANR for Mr. Franklin we were asked at that time by former planner to have abutters list before we went to definitive subdivision.

Mr. Cerrone, I don't think you need an abutter's list.

Ms. Burgess, I wouldn't advise approving something when you have ANR pending.

Mr. Campbell, Approval can be contingent to it.

Ms. Burgess, The plans will change.

Mr. Cerrone, We've been going on this over six months simple five lots.

Mr. Campbell, We thought it was simple subdivision and we get into traffic issues over a mile from the site. ANR doesn't require public notice.

Mr. Cerrone, We have to approve it before we approve the subdivision.

Mr. Campbell, You can approve subdivision contingent to it.

Mr. Cerrone, I'm not going to take up the ANR now.

Ms. Burgess, All the plans will change because I'm assuming you're making that lot bigger.

Mr. Cerrone, I'm not going to approve anything.

Mrs. Marchitto, Not when I don't know what's going on and right now I don't know what you're doing.

Mr. Campbell, This board asked me to do one of two things, they asked me to get letter from Mr. Spaulding he said he can't prepare letter you asked us to get from zoning enforcement officer. Or provide something as ANR, which I provided a sketch of to this board at last public hearing.

Mr. Cerrone, You have to have plan that you're taking land or adding. He has lot that doesn't conform I can't approve plan that doesn't conform to zoning.

Mr. Campbell, Lot itself doesn't conform until the plans are signed.

Mrs. Marchitto, Subdivision control we cannot approve subdivision with non-conforming lot. Unless you come in and have your site plan if that is where you're going. Submit the ANR put it on meeting get lot to conform in the future and let's be done with this. For me to approve plan tonight knowing in preliminary plan that lot was not going to be conforming to this subdivision I feel like I have a liability on myself or at least I have responsibility.

Mr. Cerrone, You've known that for six months.

Mrs. Marchitto, We should know up front where we stand and you know where our issues are with this subdivision. I'm not sure we've ever known up front where you stand with this.

Mr. Campbell, I take offense to that. We came in with preliminary plan we asked for certain things. We ended up doing traffic over mile from the site and that is when we gave up on that particular scenario. I came in and gave every piece of information at every meeting that you've asked for. We've had our traffic engineer restudy intersections that aren't even effected by subdivision because the traffic doesn't even get to them but we've done that. When that was working we're told that we're putting in three turning lanes on roadway that was only going to be carrying a couple thousand cars we went with cul-de-sac roadway. I've provided every piece of information if you don't want to approve it tonight because ANR hasn't been signed that is fine. Don't make it personal attack on me.

Mrs. Marchitto, I'm not making personal attach that has been non-conforming from day one that lot is not personally.

Mr. Campbell, I gave you a letter last time with this plan on it, it is not first time you've seen this ANR plan it is first time you've officially seen it but it is not first time you've seen it. We would like to be on next public hearing. I will turn this in right now if you will stamp it in.

Ms. Burgess, Next meeting will be 7/12/07.

Mr. Cerrone, Open up public hearing for Marketplace at 9:00 P.M. and recess until 9:05 P.M.

Ms. Burgess, We need an extension.

Mr. Campbell, He will not let me extend it until 7/26 I'm asking for the 12th.

Mr. Sweet, Make motion we have ANR on the 12th. and public meeting on the 26th.

Mr. Houle, I would have no problem trying to get them both on the 12th. If we can't get it in we go to next available date?

Mr. Campbell, If you will allow me to extend it to the Monday after the 26th. but place us on the 12th. for public hearing we'll sign that tonight.

Mr. Cerrone, Public hearings I don't think we should go after 10:00 P.M. July 12th. at 9:30 P.M.

Mr. Campbell, If we may any correspondence that goes back and forth with electric dept. as we're not currently allowed to be involved with it. We'd appreciate to be copied on it electric dept. specifically said we're out of the loop. You read the letter they submitted after our last public hearing that planning board has to request any information from electric dept. we're not allowed to request information and we're not allowed to supply the plans.

Ms. Burgess, Extension until 7/30/07.

Mr. Sweet, Make motion continue public hearing until 7/12/07 at 9:30 P.M., seconded by Dick Houle.

All in favor 4 to 0.

Mr. Sweet, Make motion extension until 7/30/07, seconded by Dick Houle.

All in favor 4 to 0.

Ms. Burgess, I'll stamp ANR when I give it to town clerk.

Respectfully Submitted,

Richard Thimot returned at 9:06 P.M.

9:06 P.M. – Continuation of the public hearing on the application of North Attleboro Marketplace, LLC, for the proposed modification of Special Permit No. 111/WalMart; Mr. Cerrone, Reading application in.

John Jacobi-attorney, Represent applicant NA Marketplace LLC. John Kokot from Carpinato Properties which is beneficial owner, Giles Ham traffic, Jon Brodeur Doucette Engineering and Mickey Marcus wetland specialist.

Mr. Cerrone, John I would like to thank you for straightening out problems with the assessors. I think your company did good job of straightening out the tax thing I appreciate that.

Mr. Jacobi, Area behind WalMart in front of tree line that is area that is in Attleboro stockade fence at back of parking lot is pretty much on town line. Proposal to expand WalMart by adding 67,000sq.ft. about 49,000sq.ft. of new building in North Attleboro which will be sitting on area that is parking lot now and then about 18,000sq.ft. that will be in Attleboro. Expansion is not going to be cutting down any of the trees. Take area down about 20ft. put in retaining wall make it flat with existing WalMart parking lot. Hill elevation goes up to 250 and parking lot is down around elevation 130.

John Kokot, The Slinker's have written letter of support.

Mr. Jacobi, Attleboro voted on rezoning and passed unanimously no conditions.

Mr. Sweet, Parcel D not going to be utilized.

Mr. Jacobi, Yes the area which is not part of the plans is wet there is 5ft. of water in it. We withdrew it from rezoning the only reason we put it is they could tax it at higher rate and they said they didn't want it. Projected increase in taxes of about \$30,000 year and that is based on current assessments it is up to assessors to put actual number.

Mr. Sweet, Conservation has number of issues?

Mr. Jacobi, Yes and that has been reduced to two, they wanted to make sure the slope is properly stabilized when we're working on it they had problem in 94/95 soils were not as stable as they should have been. Second thing was the overall drainage in the area we have Tilton Associates working on that. It appears the detention ponds on site are letting water out to quickly and they need to hold it longer they're working on solutions for that. We have another workshop scheduled with Conservation end of July?

Mr. Kokot, Hope next week if not then July. We're going to be filing two NOI. One WalMart expansion and the other one for the flooding issue detention ponds. WalMart has agreed not to use same contractors and sub-contractors for expansion they used in construction of original store that resulted people wading around in hip boots. Also the sub-contractor blowing up of the gas line they will not be involved in this project.

Mr. Jacobi, They have laid out a schedule with us I believe is August 21 we would have hearing on NOI. Basically they told us at last meeting as long as everything is worked out in workshop they would expect to have short and clean hearing and issue NOI.

Mr. Kokot, I'm more than amenable to if you approve it make condition approval of ConCom.

Mr. Jacobi, We couldn't build it anyway without NOI.

Mr. Sweet, We were all in attendance at the presentation at Attleboro.

Mr. Thimot, All utilities are going to be serviced from North Attleboro is that correct?

Mr. Jacobi, Yes and that requires an Inter Municipal Sewer Agreement Extension I have just submitted that to City of Attleboro's Mayor to send down to the council and Mr. Kokot is going to be bringing that to your board of public works. It is just taking water and sewer and

connecting into what is there already. The sewerage that is generated on Attleboro side of the line will go to the same place it goes to in the current building.

Mr. Cerrone, I'd like to hear traffic I have few problems with that entrance. Those stop signs when you take right to WalMart or left to Lowe's is a disaster.

Giles Ham-Vaness Assoc., We've conducted detail traffic study. Existing center really have about 470,000 sq.ft. of retail today what I would call existing shopping center we're adding about 67,000sq.ft. We will require Mass. Highway curb cut permit for this project as well as we'll be filing with MEPA notice of project change we have to go through that process. Our main access is from Rte.1 and also have access through Allen Ave. through whole shopping center. We also study down to Cumberland Ave. Looked at amount of traffic that goes in shopping center today we have about 700 customers' in and out evening peak hour and about 1200 customers during Saturday. We'll add about 130 to 170 customers with new expansion during those peak hours. WalMart sees about 40% increase in their average ticket item per purchase so existing customers are buying a lot more items. We estimate 579 new customers but not significant increase when you look at it. We did traffic counts in March and April of 06. These type of numbers will probably go up 40 to 50% during Christmas.

Mr. Jacobi, This is basically taking a supermarket and putting it on back end of WalMart. I don't know if you would expect a great increase in food shopping there is some at Christmas time.

Mr. Cerrone, This is going to generate some traffic you have traffic problems there now traffic backs up even now.

Mr. Ham, I think there are some things that could be done to make things better. As those projects come online they're going to have to do what we're doing do traffic study, meet with the state.

Mr. Cerrone, Most of those projects are in Attleboro.

Mr. Ham, In terms of traffic operation I think weekday work fairly well there. Saturday you get more level of congestion there. On weekday you have about 35,000 cars a day on Rte.1 and Saturday probably 33 to 35,000. We've had discussions with Mass Highway about this project and what would be appropriate mitigation. I think they came to same conclusion we have it adds traffic but it's not significant. We did our study in March 06, Mayfair Center has opened since then as well as other development. They asked to go back out and update all the traffic count in the areas and look to optimizing the signal timing in coordination so they work better. I've spoken with Bob Gregory from Mass. Highway.

Mr. Cerrone, Ever thought about third lane from Cumberland Ave. to your plaza going in right?

Mr. Ham, I worked on some of the initial permitting here and I remember there was some significant issues with wetlands. Third lane would get you in wetlands and I think it would be difficult to do that. We talked about extending right turn lane back adding third lane it has to carry through but there are wetlands.

Mr. Thimot, Is there room to replicate?

Mr. Kokot, I think we replicated when we did the original WalMart I think we were allowed 5,000sq.ft. and I think we did 4,992sq.ft.

Mr. Ham, We can look at extending right turn lane I thought that May St. intersection operated pretty well.

Mr. Jacobi, Pumping station is where our property line starts.

Mr. Kokot, I think if we don't have to do a taking and if it's not wet we can widen extend right turn lane going back from Cumberland Ave. I know it won't work.

Mr. Ham, You can probably go back more than 500ft.

Mr. Thimot, We've had some discussions with the state too about widening that road.

Mr. Cerrone, Intersection is terrible maybe redesign your traffic flow.

Mr. Ham, We can take another look at that we can't close it.

Mr. Kokot, We will do our best efforts I would respectfully ask you to not put any condition here because I have leases and mortgages that are contingent.

Jon Brodeur-Doucette Associates, We are design engineers. There isn't whole lot as far as modifications to the area within North Attleboro with the exception of added building. We're proposing to extend parking area so there will be additional parking. Wall in back will get bumped out slightly to accommodate larger truck. Traffic will still flow same way as we've been discussing. Open space we reduced it I do know there is increase impervious area over the entire site of 4.3 acres. I can get number for open space.

Mr. Lavin, I believe it was like 30 some odd percent and it was below the 40 but in zoning regs. says if landscape architect does the plan you can reduce it to 30%.

Mr. Thimot, I have no problem with 30% in special permit.

Mr. Brodeur, We drop below the 40% but in order to do that we had licensed architect landscape architect. One thing that was brought up is the plan was not stamped that was an oversight and it will be stamped, signed and resubmitted. Drainage will be handled by two sub-surface as well as existing detention basins. There will be basin up front and another one in back area. Flows have been balanced to three different discharge points. There has been 9% reduction to front basin, which should help with any of the issues that currently we're trying to resolve on Rte. 1. There will be two new point source discharges that will be some of the work we have in buffer zone. Site lighting is proposed to full cut off lighting, which is highest rating you can get. Basically means no light spills above 90 degrees all the light is directed down and only 10% of the light is even allowed to spill above the 80-degree mark. There is no light spilling down on any of fixtures or up into sky. Not certified by dark sky but it meets every one of their requirements. Whole area will have to be reworked due to fact there is some new vestibules pumping out in order to make the ADA spaces work there will be regrading. We meet the parking requirements 4.3 overall parking. We will have 802 parking spaces. Your consultant has asked to take cart corrals out of parking space count.

Mr. Jacobi, One of the things your consultant mentioned was variance there is variance granted for this site back in 1994 by ZBA 9 x 18 and we're sticking with that.

Mr. Cerrone, How many employees work there?

Karen Coffey, There is 275 now. There is 75 to 80 on busiest shift they all vary.

Mr. Cerrone, You have about 100 cars just for employees.

Mr. Jacobi, We exceed the parking requirements in both communities. Raised a question about earth removal and that confused us little bit.

Mr. Lavin, There is regulation in town if you take X amount off.

Mr. Jacobi, Nothing from North Attleboro is going off but secondly the removal of topsoil section says that no approval is required where topsoil removal is necessarily incidental to or in connection with construction, alteration, excavating or grading for building or road or other facility involving a permanent change in use of land for which a plan has been submitted to and been approved by planning board. The way I read this is that earth removal is subsumed into special permit. Subsoil it just says the quarrying of stone, soil, etc. I don't think we're quarrying here.

Mr. Lavin, It's really removal.

Mr. Jacobi, I don't think that section applies. To me reading this it seems that this special permit takes into account the earth removal section.

Mr. Kokot, That has been the case in the past you never required separate earth removal permit.

Mr. Lavin-Earth Works, Memorandum to NA Planning Board members dated 4/26/07 site plan review WalMart(insert). They do meet setbacks. I counted 773 parking spaces and handicap parking.

Mr. Jacobi, Because of some of wetland considerations the store got slightly smaller from when we started work on it until the time we actually filed the 66,279 is correct. Number of these things are technical I know our engineers have been working on response to this. I would think that this would follow the procedure somewhat like subdivision they would respond to the engineer, revise the plans and hopefully get clean letter back.

Mr. Cerrone, Yes give it to town planner and she can forward it to our engineer.

Mr. Jacobi, At time he wrote this it was single residence now it is planned highway business. We are dealing with conservation commission on some things. We'll approach the fire dept. and will study the traffic issues.

Mr. Kokot, Workshop with conservation hopefully next week if not July.

Mrs. Marchitto, Just observations along building as it exists today. On north west side on garden side probably about 10 to 12 parking spaces are taken for storage/pallets tipping over look a little hazardous to me. My question is will this expansion be incorporating extra storage spaces for things that are being stored outside? On west side observation hazardous material storage area seems to be overflowing two pallets of batteries. Will hazardous area be expanded so that is contained not out in public view? Area for employees perhaps would be better in area that is planned in open space grass area verses in parking area. Maybe safety issues. On east side there is area for employees picnic tables wondering if maybe site plan could put safe area not in parking spaces. Corrals for carriages in traffic area, where is actual placement?

Mr. Brodeur, Typically on these super centers these large front vestibule bumps are. It should be eliminated that is an operations thing of store manager but if he has storage, which he should. The current regulations do not allow outside storage the zoning by-law schedule B accessory use #11 allows for accessory outside storage not within a portable manufactured steel container. Clearly necessary to the operation and conduct of permitted principle business use provided it is screened from outside view by enclosed solid fence or wall and gate at least 10ft. in height. That bale and pallet storage area is CMU blocked wall with gates along the front. We don't detail it; it will be on building submittal plan.

Mr. Kokot, Conservation commission had some serious problems with people who run WalMart store and in conjunction with our Con/Com issues and as result WalMart has made commitment to conservation commission and to us as landlord that the manager of the store has agreed to be more diligent in making sure that there is strict compliance with town's by-laws regarding storage and that kind of thing they got the message.

Mrs. Marchitto, They were used batteries.

Mr. Sweet, How is jurisdiction handled for fire inspection, police calls, etc.?

Mr. Jacobi, The front door address is what controls and we have spoken with public safety officials in both towns. My understanding it is state law that front door address controls the first responder. This would all be North Attleboro's jurisdiction as I understand it. Have to get building permit in both communities. I would imagine two building inspectors and their subsidiarions inspectors electric and plumbing, etc. they will probably talk to one another and defer to one another.

Mr. Houle, Maybe that should be gone over so that there is firm understanding I think that is what Chris was getting at.

Mr. Jacobi, I think they're going to have too I would respectfully suggest it is not special permit and this board's jurisdiction but I believe when engineers apply in both communities are going to raise this. I mean which builder inspector inspects which part of the building during

construction I would think they both would have control of that. It is incumbent on us to speak to them and suggest to them way to handle it but they both would have to issue occupancy permits.

Mr. Lavin, Control construction over X amount of square feet can be controlled by the engineer.

Mr. Jacobi, There is Inter Municipal Agreement for sewer there is already one in place that covers water. There has to be an amendment to the sewer agreement because it talks about hookups that each party provides the other. This would be amendment #3 to the Inter Municipal Sewer Agreement I drafted that already.

Mr. Cerrone, Pump station you have that was for WalMart your whole plaza?

Mr. Kokot, Further surrounding three state area. DPW in North Attleboro required much larger pump station to accommodate future growth. Some of gallonage we bought from New England Development and we bought permission from them to pass through Emerald Sq. station. We maintain our own pump station.

Mr. Cerrone, You're not going with sewer at all through Attleboro everything is going through North Attleboro?

Mr. Kokot, Correct.

Mr. Cerrone, Cobblestone can't tie into pump station same private line how come Christina is tying into it? Where carpet place used to be it's forced main from there down is gravity line that the town owns. Cinema has pump station they had to get it through Mall buy gallons.

Mr. Kokot, We own, operate, maintain we approve we bought gallonage and have permission from New England and we have allowed at one point Bernie's plaza to go through pump station. We bought gallonage rights from number of people over the years. North Attleboro dept. of public works has complete record of all the gallonage.

Mr. Cerrone, Trailers/containers we had problem with WalMart for long time trying to get containers out of there we finally got them out.

Mr. Kokot, I can't force WalMart to do something but the building inspector can go out there DPW can help enforce it and I would encourage them to do so.

Mr. Cerrone, Continue hearing until 8/16 at 8:00 P.M.

Mrs. Marchitto, So moved, seconded by Christopher Sweet.

All in favor 5 to 0.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, JUNE 21, 2007

Planning Board Business:

1) Endorsement of Vouchers;

Done advertising for Free Press and Sun Chronicle.

Line Item Transfer:

Ms. Burgess, I have asked for line item transfer to get my own GIS license it is half as much as getting shared license. If it is approved by accounting we will have our own GIS license in planning dept. so the map will actually gets done.

Christina Estates;

Mr. Cerrone, I have couple questions to the board. I came in on Wednesday and I was talking to Shannon Doyle. They don't have all the state permits for whole project they have first phase permit. They went in and cut all the trees all the roads because they have to do testing. Shannon said those roads won't be touched for at least two, three, four years or whatever. Why did they cut all the trees I didn't know anything about it. She got called out there because they have to do some testing for road layout. Did they have to cut all the trees?

Mr. Lavin, I talked to her briefly I didn't see where it said it they could have gone out there with an excavator it is only areas where it's cut and you can locate those areas because it's surveyed.

Mr. Cerrone, They don't have all permits on second and third phase they shouldn't have been cut.

Mr. Lavin, I've heard the engineer say the planning board said. He has to do whole road so they make their interpretation like we have to clear cut the whole area. Housing market you might not get that approved. The stability of the soils.

Mr. Cerrone, We only gave permission for Phase I. All the roadways are cut I only thought they were doing Phase I. I'm going out to look at it. They're telling conservation they had to clear cut because of the planning board.

2) Approval of Minutes;

Take them up next meeting.

3) Review Final Action Deadlines;

Joan Marchitto left table at 10:32 P.M.

Hoppin Hill Farms 7/1/07;

Ms. Burgess, Ask board if I should or could write letter to Bob Hall. We've called him twice.

Mr. Cerrone, Send him certified letter. CC the bank too.

Ms. Burgess, I can ask him to give me bond that extends it to our next meeting so the board can vote towards that.

Mr. Lavin, He has punch list items left.

Mr. Cerrone, Make motion subject to receipt of bond if we don't Mary can go and call town council and get the money.

Mr. Sweet, Make motion contingent upon receiving a bond that we extend it until 7/12/07, seconded by Dick Houle.

All in favor 4 to 0.

Joan Marchitto returned to the table.

Windchime 10/31/07;

Mr. Lavin, I met with Dick Burton yesterday catch basin covers, has some trees, get letter from the people, 6" petuminous concrete.

Bally Heather;

Mr. Cerrone, I was talking to Mr. King who lives on Massand I was talking to him about swale rock wall. He said what happen is they put some white rocks he wanted regular ones need some small rocks to fill in they haven't done that either and grass hasn't come up they haven't finished. I told him I would look at it.

Ms. Burgess, Peter Larson called me and I told him we still have problem with that dry stream what are you going to do about it. The homeowner has contacted me and they're not happy.

Mr. Cerrone, They haven't done anything over there since the night that we said we were going to take the bond and they said they were going to meet with John and get things done.

Mr. Lavin, We had workshop pretty much laid out what they had to do. As far as sub-drains water issue is the big thing and went over punch list that was giving before and just do it.

Mr. Cerrone, Do we have asbuilts stamped?

Mr. Lavin, No I went over it with engineer and showed him other examples of what is acceptable for asbuilts.

They're coming in on the 12th. bond is due 12/31/07.

Requests of Bond Releases/Reductions;

Mr. Cerrone, We have two requests no one is here McCormack and Ray Loughlin. Ray Loughlin left because he didn't want to wait.

Ms. Burgess, You've already released McCormack that was a type-0.

Mr. Cerrone, Ray Loughlin had question on guardrails.

Ms. Burgess, He wanted board to indicate what type of guardrail they would like to see in Sheldonville because it's not specified.

Mr. Cerrone, Same thing as Westwood Estates.

Mr. Lavin, He should be writing a letter for the record.

Mr. Cerrone, Public works approved Westwood Estates. He has to come in and tell us.

Old Business:

Mr. Cerrone, We're supposed to receive some letters for some of these streets from DPW make sure it was all completed.

Mr. Lavin, I saw Bob McGhee and he just mentioned that he was out inspected the work.

Ms. Burgess, I did receive e-mail a couple weeks ago that he was working on it.

Walcott Rd.;

Mr. Cerrone, They were supposed to fix those swales once DEP released superseding order of conditions. Mary check on that make sure they got the letter.

Other Business;

Mr. Houle, Two neighbors on High St. farmer sold his land. They want to know what is going to happen with High St. The subdivision that is in back North Attleboro Preserve. They have torn up the road are they going to repave it?

Mr. Cerrone, Have to go to public works I think they posted bond with public works check with them and see what status is.

Mr. Sweet, It is dangerous.

RFP Packets;

Ms. Burgess, For hearing on the 28th. We have received correspondence from Mr. Lavin saying that he will be in Chicago for that meeting. You will find copy of submittals each of them with scoring sheet on them for review and for you to write down questions that you make have for the applicants. You will also find copy of the proposed contract.

Mr. Sweet, Are we required to do this on annual bases?

Ms. Burgess, In contract it says we will be able to renew annually subject to review. I know town accountant isn't going to let us have three contract because I couldn't get three year maintenance contract for my GIS program it has to be year to year. In contract I proposed there is option to amend it any time, to renew annually subject to positive review by the board. We can terminate the contract any time with 14 days notice goes same way as the engineer can terminate but they have to give us 14 days notice.

Mr. Cerrone, Mary you said there was problem with past contract what was the problem?

Ms. Burgess, There wasn't part in it to amend it at any time so we couldn't say renew annually. We couldn't add that into existing contract. If there was clause in existing contract that said the planning board can amend this contract at any time with the consent of both parties involved. Also there wasn't the fire clause if we decided to terminate their position and there wasn't any protection if the consultant decided to quit. Bob Bliss wrote the one that I got from DPW that they use for their engineers. It has been sent to town council I told him we were reviewing on the 28th. and current contract expires on the 30th.

Reschedule John Lavin interview for 6/25/07 at 6:00 P.M.

Mr. Cerrone, I would like to have Mary give monthly report what goes on here. Anytime you want to purchase anything go through the board ask any board member.

Corliss Landing;

Mr. Thimot, How come it comes under subdivision control?

Mr. Cerrone, He's doing subdivision 3 lot with new road Santoro Dr.

Mr. Thimot, It's not housing.

Mr. Cerrone, No but he's still subdividing lot creating lots. Still has to go through the whole process.

Talking about planning board office being moved.

Mr. Cerrone, One member from zoning board call me last week or week before the letter you wrote for Mall on carnival was an excellent letter they appreciated the way you did it they hope to see more.

Mr. Sweet, Make motion we adjourn, seconded by Dick Houle.

All in favor 5 to 0 adjourn at 11:00 P.M.

Respectfully Submitted,

Attach Agenda to Minutes.