

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, JANUARY 3, 2008**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, January 3, 2008 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Christopher Sweet, Joan Marchitto, Richard Houle, Donald Cerrone-chairman and Mary Burgess-town planner.

Planning Board Business:

1) Approval of Minutes;

Mrs. Marchitto, Minutes dated 12/6/07 page 25 more than 900ft. has not been granted.

Mr. Sweet, Make motion to approve minutes 11/15/07, seconded by Joan Marchitto.

All in favor 4 to 0.

Mr. Sweet, Make motion to approve minutes of 12/6/07 with correction 900ft. has not been granted, seconded by Richard Houle.

All in favor 3 to 0 to 1 abstain Donald Cerrone.

2) Review Final Actions;

Cobblestone- Final Action due 2/10/08;

Hearing tonight. Electric never responded have other letters from DPW, Conservation and Board of Health.

Mount Hope Farm Estates- Final Action due 2/29/08;

Hearing scheduled 1/17/08. Dave Simmons and Mrs. Weston discussed new plan will submit Monday with 900ft. road and smaller cul-de-sac.

Form O: Amerada Hess Corporation- Final Action due 1/15/08;

Scheduled review on 1/3/08.

Requesting continuance to 1/17/08;

Mrs. Marchitto, Make motion to continue until 1/17/08, seconded by Chris Sweet.

All in favor 4 to 0.

Requesting final extension to 1/22/08;

Mr. Sweet, Make motion to extend until 1/22/08, seconded by Richard Houle.

All in favor 4 to 0.

Cushman Village-Final Action 1/16/08;

Hearing tonight.

Lighttower, Nextel and Metro PCS: Site plan review;

Submitted a site plan has not been reviewed here going to zoning on 15th asked to be heard after the 15th. Schedule hearing 1/17/08.

Requesting final extension to 2/1/08;

Mr. Sweet, Make motion for final extension until 2/1/08, seconded by Richard Houle.

All in favor 4 to 0.

3) Bond Expirations: Nothing expiring until June.

Bally Heather- Jonathan and Garrett expires 1/1/08;

Tom Fitzgerald, Completed all roadwork and everything all specs I've received only thing left is grinding road. Asbuilt we submitted one plan to John and now we added work we did to that asbuilt.

Mr. Cerrone, You're going to give us letter on retention pond shows it holds about of volume it was designed for. Next month I will be able to come in with package complete for you. Lights,

signs, mailboxes everything has been done. Trees are all planted. Sub drain was done and approved by John Lavin.

Ms. Burgess, Just waiting until spring to pave. I don't know if you want to get article for town meeting.

Mrs. Marchitto, Will all be done before bond expires on 6/1/08?

Mr. Fitzgerald, Yes.

4) Endorsement of Vouchers:

Earthworks Engineers Inc.; \$23,423.05 for several different subdivisions.

Mr. Cerrone, Can we keep these accounts separate break it down at end of year I would like to know what we're spending for reviews and inspections? That will tell you how market is doing what kind of work is out there. Everyone says we need town engineer have to justify it. It's not paid by town people it is paid by the applicant.

Earthworks Engineers Inc.: \$2,597.00

Staples: \$322.59.

5) Review draft of Planning Board's Office Policies and Procedures;

Ms. Burgess, We have what is going to be administrative policy and procedures as part of conditions of approval they have to sign that they have read these and understand them. Procedures are for construction, consulting engineer, meeting, etc. We have another draft coming we didn't finish it for review process.

Mr. Cerrone, I would like to have some office policies would like board members names on it. When new member comes in he receives one of these and if he wants to change anything it is up to members sitting at table.

Mr. Sweet, #1 second item copies of associated working plan don't have to specify quantity. 48 business hours clarity at least two full business days and next paragraph one full business day.

Ms. Burgess, We added if you don't cancel within 24 hours you are going to be charged for 2 hours. I don't think we have anything in the book for canceling.

Mrs. Marchitto, 7.1.3 says notice within 24 hours requesting inspections. Since I've been on board for 4 years we have been requesting 48 hours notice. We can just change with public hearings.

Mr. Cerrone, 7.1.3 you have to change.

Ms. Burgess, We have no cancellation policy.

Board agrees to change to 48 hours two full business days.

Mr. Burgess, Add whole section 7 in.

Mr. Cerrone, I don't think this should be under office policy it should be part of rules and regulations.

Mr. Sweet, Page 2 inspection report endorsement from inspector and project manager for clarification I would prefer to see "signature" rather than "endorsement" it implies something else to me.

Mr. Cerrone, Inspector fills out the form puts hours he's been there he has to sign off if you don't sign off you don't agree with the inspector.

Mr. Sweet, Page 2 second bullet from bottom insert word "signed" inspection reports.

Mr. Cerrone, Policy for minutes?

Ms. Burgess, We wanted to create new policy transcribed minutes should be turned in at time hours are turned in. When the minutes are done and put hours in we have minutes or whatever work product if you have half done we only see half so if people come in we have minutes on file for hours that have been put in. When the minutes get endorsed we're going to have file copy here so Dick can sign it.

Mr. Cerrone, How are we doing on minutes?
Ms. Burgess, Linda is doing another list we've made great headway.
Nancy Proal, I brought one in for 03 tonight and I have 5/14/03 finished up at home.
Mr. Cerrone, We have public hearing we'll go back to this after I have some stuff for office.

NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, JANUARY 3, 2008

7:00 P.M.- Public Hearing for the application of Cushman Development Corporation, for the Definitive Subdivision to be entitled Cushman Village (Tilton & Associates, Inc.). Note: Final Action Due 1/16/08;

Present Larry Tilton, Glenn Ofcarcik and Dan DelVecchio.

Larry Tilton, We'd like to do extension and hearing change first. We would like 10 minutes to respond to comments that came back from Board of Health.

Extension request final action until 5/31/08;

Mrs. Marchitto, Make motion to extend for final action until 5/31/08, seconded by Chris Sweet. All in favor 4 to 0.

Request to continue hearing to 2/7/08;

Mrs. Marchitto, Make motion to continue hearing until 2/7/08, seconded by Richard Houle. All in favor 4 to 0.

Mr. Tilton, You have letter from Board of Health we've done chronology layout of regulations and criteria. We're trying to look for direction from Planning Board.

Mrs. Marchitto, If we're continuing hearing can we discuss it now?

Ms. Burgess, Public hearing hasn't been closed yet.

Glenn Ofcarcik-Tilton & Associates, Question we have before the board tonight is letter that was submitted by Board of Health one to our client and we're just found out another one was sent to the Planning Board. Basically says Board of Health denies the subdivision. If you go through letter we handed tonight question basically we have for you is summarized in the report. If I can go back in accordance with subdivision regulations Mass General Law when we submit plan to Planning Board we're required to give one to Board of Health I personally did that. I have letter saying they received our plans and check. They're informing me under Mass General Laws Chapter 44 Section 53G Board of Health policy is to send plans for engineer review of Title V requirements and let me know cost of that review. Included in your packet are several copies first Planning Board rules and regulations says I have to file with Board of Health, which I did and second one says that if Board of Health disapproves a plan it shall not may make specific findings as to any lots on the plan can not be used for building site without injury to the public health, finding for reason in report and where possible make recommendations for adjustments. Planning Board thinks the lots unsuitable they have to say which specific lots why they don't conform and what can be done to bring them to conformity. Next one is state regulation which basically says exactly the same thing your subdivision regulations state exact same language on site regulations. We get letter from Board of Health that says under Mass General Laws Chapter 44 Section 53G they can send this out for review Title V requirements.

Mass General Laws Chapter 44 Section 53G says municipal boards have that right submit consultants name to us we approve it or we have conflict of interest and find they don't qualify. We deposit money with the board like we did with the Planning Board and that board conducts review. We didn't get any notification from Board of Health at all. Report that was submitted to us from Mill River letterhead, which says they are sub-surface site consultants not signed, not stamped, not certified has 22 bullet points listed 7 of which regard Board of Health Title V requirements and 15, which are related to other factors stormwater, public water supply and wetland resource areas. Nothing in state regulations or municipal regulations says that is under jurisdiction of Board of Health. State regulations under Title V says purpose of Title V is to provide protection of public health safety and welfare and the environment by requiring proper site construction and upgrade and maintenance of sewerage disposal septic systems and means for transport and disposal of septic nothing about drainage, water supply and wetlands. Last thing we got was bill for \$1200 from Mill River Consultant on their report, which we did not authorize and had no knowledge. I did give Board of Health \$132. We paid \$2500 deposit to Planning Board for John Lavin's review, which he did he reviewed the storm drainage and other things and we had meetings one with Planning Board and DPW to resolve that. Now have another drainage review for \$1200 and client is basically saying why am I paying two different boards to review the same thing.

Dan DelVecchio-attorney, We believe we are right just play by the rules I think it is crystal clear that we should receive notices.

Mr. Cerrone, You never got notice or anything? (No.).

Mr. DelVecchio, We're not here to complain about the Board of Health they're trying to do their job but I think we have to have some clarification. I look at the Planning Board as the home base. I understand various phases of trying to develop land. We're just looking for an even playing field.

Mr. Ofcarcik, Under state regulations required to give them one and Planning Board two. We fully intend to respond. Our response has always been to the Planning Board with the comments for the other board. We're going to respond to Board of Health related issues to Planning Board and DPW issues to the Planning Board.

Mr. Cerrone, That is the way it's been in past Board of Health would send us letters with their concerns maybe they changed policy I have no idea.

Mr. Ofcarcik, Subdivision Control Law requires municipal boards to report to Planning Board.

Mr. DelVecchio, I think the jurisdiction is within Title V and you people deal with the other issues they've raised. We have a total denial before that board. How would you people handle it would you have to deny it because of their position? We haven't been fully advised, we have no input, nothing. I don't mean to say this in threatening way but the only recourse we have is go to court and we certainly don't want to do that, my client doesn't want it. We're trying to get clarification.

Mr. Cerrone, I'm not a lawyer but I don't think they can deny a subdivision. I can understand they deny the lots if it doesn't perk.

Mr. Tilton, If they have some issue with a particular soil tests they have that authority but there is no formal filing of a septic system in front of their board it is premature to file proposed location, proposed siting is there. Two of the lots are too low we bumped those up.

Mr. Ofcarcik, Comments from Mill River I think it is on bottom of first page few locations of test pits there is probably 40 test pits on that site it doesn't say every lot doesn't perk.

Mr. Cerrone, I have problem with no stamp on this report who did it. We won't except report from developer without someone signing it.

Ms. Burgess, Unfortunately we can't disregard this because it is written.

Mr. Tilton, Back paragraph of our letter we're asking Planning Board to send request back to Board of Health asking them respond to Planning Board's requirements of which lots, which sites Title V issues.

Mr. Ofcarcik, Page 13 of your regulations says if the board disapproves the plan they have to do these three things to the Planning Board.

Mr. Houle, Did you go back to Board of Health to ask them?

Mr. Ofcarcik, Our charge is to you we file with the Planning Board.

Mr. Tilton, No we have not, reason is we scheduled it for the 3rd. tonight. We bumped time frame out well in advance to give us time to deal with these issues because we still have other departments we're dealing with also. It is the denial issue I can see coming in having meeting with us we have few questions but an out and outright denial.

Ms. Burgess, It's not like the majority of your lots failed.

Mr. Tilton, No, all the lots passed.

Mr. Ofcarcik, They could say 8 lots failed septic system you could still approve the subdivision because you're approving road and infrastructure.

Mr. Cerrone, We're approving the lot lines that is all we're approving and the road. It's been done in past Carl Johnson on Carlgate Rd. he had the road in all the lots some didn't perk some did. They were there for years those lots and there are still some empty ones there now.

Ms. Burgess, I've never seen and outright denial of a subdivisions.

Mr. Tilton, If they're sanitarians they're outside their preview.

Ms. Burgess, That is the other thing I wouldn't expect all this stormwater analysis.

Mr. Cerrone, I think we should ask Board of Health send them memo. Anyone want to speak on these letters?

Don Bates-chairman of Board of Health, We're here to listen to comments you're addressing One thing I would say should you have had any questions prior to now we have 45-day period I guess I would have expected them.

Mr. Cerrone, You're the one reviewing the plan you have to tell us what the problem is we follow our rules and regulations.

Mr. Bates, I think you're misunderstanding I should you have any questions or problems sent to us prior tonight.

Mrs. Marchitto, I understand you're comment I think it is comment many boards have towards the Planning Board. My response back would be we're having a public hearing on Cushman Village, It opened in November.

Ms. Burgess, We haven't had another public hearing since.

Mrs. Marchitto, Yes we gave it so they could work with John. Tonight is continuation during public hearings when we take testimony. During public hearing of particular subdivision actually what happens is they file definitive plan because they did preliminary we have 90 days to respond to it with a vote. If all the testimony is not done in 90 days they give us an extension so we can have more public testimony. Letters and testimony is to be heard and discussed within public hearing not outside. Your letter is coming in between continuation of public hearings we had one this is the second. Comments or anything written if we wanted too would go back to you because we haven't had any discussion on it because this is first public hearing we've had since receipt of this. I think there is lot of mis-information last year or two between boards what the policy and procedure of subdivision control I'm not even going to say North Attleboro it is subdivision control it is Mass. Law. I've been to many seminars and the lawyers are very clear public hearings are not to be discussed outside.

Mr. Bates, You're talking about elected boards but there is nothing that prevents hired professionals to discuss an item.

Mr. DelVecchio, I think with emphasis on jurisdiction they're raising an issue of jurisdiction here tonight. We're saying that perhaps the board went beyond the jurisdiction because they're limited to Title V issues they went beyond that and we're paying your consultant \$2500 to do what they allegedly would like to do. This is why we would like clarification we're not being unreasonable. We had no contractual relationship with that individual, which I think the purpose of the law requires meeting of the minds as to what you're going to pay to put money in escrow account. We didn't have that opportunity.

Mr. Bates, What our authority is the petitioner made process is used to first notify potential developer as to...(inaudible).

Ms. Burgess, As far as comment about staff reviewing commenting on other staff I like to review it when the board reviews it. Obviously I reviewed ahead of time but I also look to the board on how they would like to handle the situation plus this hasn't been read into public record yet. For me to contact another staff member without consulting with my board on how they would like to proceed I think would be premature to what happens in public hearing.

Mr. Cerrone, They want to know who is on first and second. I know in past we used to get letters from Board of Health with comments of what they want. Asking town planner if got any e-mails or anything from Board of Health.

Ms. Burgess, I just received this one document.

Mr. Bates, I darn well knew this was going to happen...(inaudible).

Mr. Cerrone, Very simple solution of Board of Health would have sent letter saying we were looking for certain things. We would have told the client the Board of Health is looking for these issues what do you want to do? I think that is how it should have been handled.

Mr. Bates, I appreciate your opinion problem is we can't do that because we couldn't then within 45 days statute period. If we don't say do this then we have no authority.

Mr. Cerrone, You're saying you need more than 45 days?

Mr. Bates, Not necessarily saying we need more but process.

Mr. Cerrone, I'm saying if Board of Health sent letter we would have said to client these are issues with Board of Health you better resolve them before we approve it that is how it's been for past 20 years everybody is making it so complicated.

Mr. Bates, It's state law.

Mr. Cerrone, 45 days I agree with you plain and simple sheet of paper Board of Health these are our concerns we'd find out what they want to do about these concerns.

Mr. Bates, That is exactly what we did.

Mr. Cerrone, No I see report I don't see issues you're asking about.

Mr. Houle, You mean before it was denied. Don't I think we're saying before the denial if you would have given us your concerns then maybe we could have identified some of these.

Mr. Bates, There goes my point 45-day period would have lapsed. 45 days is amount of time we're allowed to comment after that period is gone.

Mrs. Marchitto, Question I would have there was point in time that 45 days was adequate to get information from Board of Health. What has happen last couple of years that you don't have the staffing to reply within 45 days?

Mr. Bates, Definitive subdivision came to Board of Health say we're able to review it on day 7 our comments we distribute widely. We send it up to Planning Board there is no guarantee that 45 day period can be adhered too it is certainly possible.

Mr. Cerrone, If you ask questions and send them to us we have time we say you have to resolve these issues with Board of Health it's there before your 45 days.

Mr. Bates, That is not a comment it is question. I don't know what else to tell you we've gone back and forth. Are you resisting fact to getting board's together is that what I'm hearing?

Mr. Cerrone and Mrs. Marchitto, We're trying to understand why we're having problem now.
Mrs. Marchitto, My concern is four years on the board why are we having problem now? What is going on?

Mr. Cerrone, You know how many subdivisions I've done since I've been here almost 20 years we never had problem like we've had last two or three years you know why inexperienced people nobody does their research that is the problem.

Mr. Ofcarcik, Statue and Planning Board Regulations Board of Health has to give you three comments within 45 days; which of the lots cannot be used for building sites, specific reasons why and what could they do to fix it. In 45 days they have report with 22 comments, 15 of which don't have anything to do with this and there is no answer to those three things.

Mr. DelVecchio, There is no specificity.

Mr. Houle, I understand the 45 days however if you were to do this and not deny it in 45 days does that clock keep going? If you hadn't denied it and given us all your concerns why does the clock stop why couldn't we have continued this work together and got trough this is what I'm saying.

Mr. Bates, Do that and guarantee that it can be done within 45 days.

Mr. Tilton, They have 45 days to respond some sort of response if they don't then they lose but a review back is the response and response could be we need additional time, we have couple concerns about test pits that is fine they responded within 45 days. Your board says Larry you need to deal with test pits. It doesn't say it has to be denied it says a response within 45 days and it has to be under Title V criteria. The other items in Mill River's report are items we employ John for. If they need additional time I don't think any applicant I've ever represented has refused to give additional time.

Mr. Bates, I've heard some good suggestion what I would like you to send those suggestions and issues positive or negative to us in writing.

Mr. Tilton, We would like to review their review engineer it is two way street we may have conflict with whatever engineer is hired.

Mr. Cerrone, We're going to continue this to 2/7/08 at 7:00 P.M.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD
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Mr. Cerrone, Asking about all updated for Cobblestone?

Ms. Burgess, Yes we do most recent is in your package dated 12/31/07 and we received it on January 2nd. Basically it is reiteration of one they said for last public hearing. We did receive new set of plans on 11/30/07 John was to review the changes.

Other Business:

Zoning Board;

Ms. Burgess, Have light-tower we haven't sent any letters to ones coming up. Light tower, Metro they're going to place a tower in residential zone so they're going for use variance as an accessory use send letter to that. They had submitted it before this they had withdrawn. Then we have side yard variance, special permit for auto sales and then another auto sales use variance. Lydon is applying for special permit for auto sales it is allowed by special permit.

Other one is First Stop Auto Sales to continue using the property for purpose of motor vehicles. There hasn't been any licenses issued. Two years they've had license.

NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, JANUARY 3, 2008

8:00 P.M.- Public Hearing for the application of Spinnaker Group, Inc. for the Definitive Subdivision to be entitled Cobblestone Note: Final Action Due 2/10/08;

Christopher Sweet left table at 8:00 P.M.

David Manoogian, Representing Spinnaker Group. With me tonight is Andy Kushner and Len Bradley from DiPrete Engineering. Since last time we met we had I think productive meeting with DPW.

Andy Kushner, Last we met we spent majority of evening reviewing the plans. I believe it was board's consensus that the plans John had reviewed we update them with some changes. Issue at time was we had been to DPW prior to coming to meet with you. They recommended that we entrance coming from Draper with cul-de-sac. We came in and presented two plans one with street running from Draper all way to Quinn and one with cul-de-sac, which was one DPW wanted. This board basically said they wanted us to come back with some sort of recommendation from DPW. We went back to them there was active discussion on cul-de-sac and Quinn St. Outcome at end of the meeting I think number of members of other boards felt that through street was better plan. DPW board essentially said while they would prefer some sort of cul-de-sac, limit access permanent easement to Hemlock. They would not propose anything they would not stop it. They recommended some traffic calming measure as well as potential for adding frontage to go to Hemlock should there be some traffic issue at some point in future there would be way to connect another street. They also made some specific technical recommendations regarding water we agreed too.

Ms. Burgess, Reading in letter from DPW dated 1/3/08 (insert).

Mr. Manoogian, This board whether Dept. of Public Works likes it or not has control of all activities within subdivision. Improvements on Draper Ave. I will let Andy speak to that it is my understanding that what was presented was acceptable as applicant proposed.

Len Bradley-DiPrete Engineering, Put additional detail on plans regarding Quinn St. Regards to Draper we presented design to them design criteria in regards to ASHTO and sight distance, site planning. They would have liked to seen wider. Draper is designed for 35MPH speed issues DPW had was make sure sufficient lighting for headlights ASHTO lanes traveled. Specific design criteria be met what ASHTO recommends is that road be lit. We've addressed all the technical issues.

John Lavin, Traffic engineer report recommended sidewalks in front of project, they recommend striping.

Mr. Bradley, Their recommendations were discussed sidewalk in front of site we talked to board about and length. There was concern of having area for children when they get off school bus to step onto sidewalk. David talked to school committee and they agreed buses would drop children off inside the subdivision so sidewalk in front of site didn't make sense it basically sidewalk to nowhere. Regards to striping looking for DPW to comment on that. I know my experience in the past make those recommendations they've gone out and done it and the developer has gone out to do striping and DPW went back and striped. Defer to DPW about

striping road recommend road be posted 20 or 25MPH. If they want we will stripe it once final pavement has gone down at time of construction.

Mrs. Marchitto, What would be length of final pavement? What area are you looking to improve?

Mr. Bradley, On Quinn it is basically our property line all the way out to Rte.1. We're putting new 12" waterline taking out the hump just west of Penfield and connecting all the services. We're going to have to basically overlay that whole road whole width from our property line. With regards to Draper we basically overlay approximately 50ft. west of our property line down to entrance.

Mrs. Marchitto, At Allen Ave. and Draper Intersection?

Mr. Bradley, No it is about 50ft. west of our property line down to entrance of medical facility. That would basically be the limit of our work. What is depicted in our profile that portion of the road that we would be cutting, grading.

Mrs. Marchitto, How much land from that 50ft. beyond your property and then to Allen Ave. how much length do you think that would be?

Mr. Bradley, Just over 500ft. from Allen Ave.

Mrs. Marchitto, I just want to state that I did attend the ending of that meeting and heard comments. Lot of questions were raised that this board has answered. I'm just disappointed that would be in best interest of this town to do the improvement from medical center all way to Allen Ave. what we're looking at is 500ft. To improve Draper Rd., which I believe clearly states DPW letter that they feel as though there should be improvement but they're not going to enter into improvements at this time. Town has an opportunity to improve that road they're going to improve in front of their property and we're talking about another 500ft. that the town is not interested in improving to Allen Ave. It doesn't make sense to me we're in tight budget constraints.

Mr. Cerrone, We're don't get any letters saying what they want to do for improvements.

Mrs. Marchitto, They wanted the improvements and the calming to occur inside the subdivision on Draper Rd. I think DPW agree that the Planning Board through subdivision regulations has the authority for improvement in front of the property but not beyond any mitigation. We just have an opportunity for impact mitigation to improve Draper Rd. just like we did with Christina Estates just like we did with Lowe's, Marketplace II.

Mr. Cerrone, It's not fair to the developer because he's caught in catch 22 and he's going back and forth and no one is given him direction what they want to do.

Mr. Houle, What happens with that 500ft.? You're going to have an improved road to that 500ft. what happens there? It's going to be smaller and they're not going to be prepared.

Mr. Manoogian, It's designed for 35MPH but speed can be posted for less than that.

Mr. Bradley, I would recommend road be posted for 20 to 25MPH. Design in this case is being dictated by vertical profile. Once you get to where west of property line road grade you can see basically from this point more or less to Allen Ave. The only real issue there becomes pavement width and two cars are passing they have to slow down to make sure one doesn't have to leave the travel lane.

Mr. Houle, For 500ft. it seems we're creating what could be.

Mr. Cerrone, I came out of Norton Rd. had to take right lucky I didn't kill somebody with my plow. 8ft. plow and car coming can't make it and you're telling me Public Works doesn't look at that.

Mr. Bradley, There is going to be significant improvement right now I said it is only 18ft. we're going to 25ft. cutting hill down for sight line distance. I understand your point is well taken I've driven that many of times.

Mr. Houle, There is still a hill the pull of inertia is going to pull you little further soon as you hit smaller street they're not prepared for it I think we have a problem there.

Mr. Manoogian, We're right back to where we were chasing our tails I understand your concerns but the sad fact of matter is unless the town takes enough land to expand that right of way to allow us to improve that area into what you want it's not going to happen. In fact DPW had the same design we wanted to do. DPW planned their own initiative back two or three years ago to improve Pride Ford to Allen Ave. improve Draper Ave. from Rte. 1 to Pride. They had some informational sessions with the neighbors almost unanimous descended the project they did not want character of roadway changed so based on that DPW halted those plans. Now they come back and say to us later on if you're going to do this you're going to improve from Draper Ave. from Pride to Allen Ave. We went through the façade here of doing the letters to the neighbors and see if they want to consent to takings it simply cannot happen because the lay road isn't wide enough and my client can't take the land on his own. It is not going to negotiate separate sales for I don't how many homes to get those rights. We're constrained whether everyone likes it or not I think reality has to set in we can only do so much here. What we presented is what we think is reasonable plan on our property we control dedicated some land and what DPW has brought into to make the road safe for our subdivision. These are exactly what everyone wants isn't what we wanted to do if we had the ability no we can't do that. I hear this and I sympathize with you you're probably all right make that road to be up to date and modern; A- We can't because we don't have legal right to do and with all due respect as I told this board and Dept. of Public Works you can't give as a condition you don't have legal right to do so. Other thing that you have to have it says even though you think it is right thing to do we have neighbors saying we want don't want that road increased. As we go on and on after 18 months to two years on this we're coming back to the same issues. Would we do it if we had the authority and condition was imposed certainly we can't do it this is about as reasonable as we can get. I think DPW's letter finally shows they understand what is going on. Town Council has been at all DPW meetings and I've talked with Roger several times I think there is an understanding that board has jurisdiction subdivision outside street. DPW has jurisdiction Quinn and rest of Allen Ave. and Draper they can't obligate us to do more than what we have legal authority to do. I hear you and I know your right but to go back and say we'll talk to someone again we've gone around and around.

Mrs. Marchitto, I agree with Board of Health's letter in fifth paragraph. I believe as a resident/taxpayer of town of North Attleboro we have an opportunity here to sit on this board, DPW has an opportunity, the developer has an opportunity to resolve the issues raised in forth and fifth paragraph. Those don't have to be concerned if this town truly wants to work together that is all I'm really saying we have to go forward. We asked you to go back there to Board of Public Works to work out a solution that is in best interest for town, residents, for west side to Rte. 1, for the developer for all those people involved and we and we can't do it as a town we can't work together.

Mr. Manoogian, I think this board has bent over backwards to accommodate my client thank you for that. Only thing I can envision that I do not include what may be in best interest of town for ultimate opportunity it may not be in harmony for lot of those neighbors domain taking on that road because it drastically changes a lot of lot layouts in terms of some of those homes are close to the street. What the town may want in terms of what is going on Draper Ave. may not be what is going on with the neighbors sure they would like the traffic situation to be improved but what it comes down to properties having sidewalks there. I'm so sure from what I've heard support you can see the result it is not going to happen.

Mr. Cerrone, You have lot of people that walk that section of town all over the place you have lot of subdivisions that end of town lot of people walk in summertime.

Mrs. Marchitto, You and I have this discussion many times on these subdivisions on west side. I disagree with you that area on west side great pedestrians, bicycles, and joggers. I even spoke many times regarding west side before being on the Planning Board and finally Selectmen with Len Bradley and he agreed four or five years ago and he said running and bicycling.

Mr. Kushner, I hear your concern and I think there is definitely some people that walk there. What we tried to do was create pedestrian corridor from Rte. 1 because there will be sidewalks coming up in subdivision, when you get out to Draper the road will now be wider and when you get past this section shoulders are flat and there are guardrails.

Mr. Houle, You're going to make that road what width?

Mr. Bradley, In front of the subdivision is going to be 25ft.

Mr. Houle, 500ft. is going to be what? Couldn't you make that little wider?

Mr. Bradley, We're trying to match it yes we could make it little wider I can go little further south but we're trying to taper it to go from 25 to 22. You don't want to go from 25 right down that is more of an abrupt change basically you have about 150 to 200ft. of tapering travel lane down so driver can adjust.

Raymond Payson, There are couple issues board has right to provide adequate access to the subdivision I think they've done that I think they've satisfied that part of the law. I don't know where the mitigation goes beyond that there has to be some more mitigation. It just came out here I think you have to embarrass the town of North Attleboro into using hundreds of thousands of dollars for that purpose and complete the rest of Allen Ave. If you could do little bit mitigation at the end of that 500ft. would help until someone realizes. They allowed 500 houses on Hoppin Hill and there is not good road out of there and I think the town has acknowledged that and do something positive to allow safe way from Rte. 1 to Allen Ave. I think the developer has done all he can do as far as that goes I think the town has bad piece of road corrected.

Kurt Chretien- 171 Draper Ave., I just want to defend residents on Draper Ave. it was stated Board of Public Works approached everybody when Pride came to town I was never approached by anybody.

Mr. Manoogian, That is what DPW represented to us.

Mr. Chretien, I don't disagree I would like to see some documentation of this that it transpired. It was probably not more than year ago Planning Board had meeting came out to Draper Ave. and I can't speak about all other neighbors and their land but I did make the comment that I was willing to work with what needed to be done but I wanted certain things done to protect my property. I know letter went out and stated needed 40ft. for temporary easement to put machines on to make improvements. They just did sewer project on the road and closed road for two days so it can be done from road it is just matter of closing the street. As far as defending my position as a resident I'm not saying I'm not willing to work with road improvements but it is not going to carte blanche grade back 40ft. take my trees take everything I own it's not going to happen.

Mr. Cerrone, Mary do you have letters from electric dept.?

Mr. Lavin, In front of his house just brought to mind water was seeping out of the roadway and that is where you're proposing to cut that was in March. So when you cut there obviously there is water issues right now so that should be addressed. Just for record traffic reports first traffic report showing coming out of Draper then you revised traffic report it didn't show it going out of Draper I should get one that is going to reflect final plan.

Mr. Bradley, There was third reflecting it going out to Draper. First traffic report we did was for entertaining cluster development.

Mr. Lavin, I don't have that one that was part of the preliminary, definitive I have two 3/5 was last one and December.

Mr. Bradley, Definitive would have been with access to Hemlock and no access to Draper and then we revised it.

Mr. Lavin, I have second one 11/05, latest one 1/06 shows it with cul-de-sac at end.

Mr. Chretien, November meeting sewer issue was brought up as far as is it town line or private one you were supposed to get letter from town council.

Ms. Burgess, At this point it is considered private.

Mr. Chretien, I would like to submit some documentation as far as line goes. From very first meeting the concern I raised was 12ft. mounds we already have water issues. My statement was I don't think this should be allowed unless it goes on sewer. As far as I'm concerned we have the opportunity to put it on sewer before they make improvements on Draper Ave. We have letter from Steven Cavalieri as far as Oak Knoll pumping station he wanted to give it to the town would have given them opportunity to go on sewer. I believe Board of Public Works answer to that was not enough...(inaudible) so they didn't accept it. As far as sewer project out on Draper since we started this throughout this it's been private line you have to go by what they tell you. I have agreement between Board of Public Works and Mr. Caranci 147 Draper Ave. he was one paid to have sewer line extended 358ft. from end of Cobblestone property.

Mrs. Marchitto, We've been asking for this.

Mr. Chretien, Doesn't state it's an agreement between private party it states it's an agreement between Dept. of Public Works and Mr. Caranci go to next paragraph it says for the purpose of this agreement is for Caranci's to undertake expansion of portion of municipal sewer system not private. So somewhere along the line either Board of Public Works gave them permission to tie into private line that they do not own. I have pictures of the sewer work being done pictures were taking 8/13. My first question to contractor are you tying into private line he said no it is town line. Board of Public Works showed up to do the inspections I believe his name was McDowall I asked him are you inspecting to tie into private line his comment to me was no this is town line my concern is they are 358ft. from sewer and his response was I don't know how they can do this development without going on sewer. I get answers that it is private line that it is town line town council gave his opinion that is his opinion I need definitive answer.

Mrs. Marchitto, That is question I keep asking.

Mr. Houle, That is question we've been asking we've sent several letters and have gotten the same response.

Mrs. Marchitto, At DPW meeting it was discussed and they said it was private.

Mr. Chretien, I wish we had a representative here because I don't know how you can allow private party to tie into private line.

Mrs. Marchitto, They had stated that Cavalieri's pumping station too old to take over.

Mr. Manoogian, In response to Mr. Chretien's question DPW told us that Mr. Caranci had drastic failure of septic system DPW has in master agreement with original Mall that they have some independent gallonage to be used for emergency purposes. It's considered municipal line in reference when they hook up and fact that it is private. Caranci hooked up using the gallonage allotted by Mall through town for such emergency purposes. They characterize it municipal in that agreement they can if they want to but we don't have right to tie in unless we purchase gallonage and that sewer isn't there. Mr. Caranci from what we were told had drastic failure of his septic system and had no other alternative he didn't have the land to build anything so they let him use town gallonage to hook into, which is municipal line it all goes into

municipal sewerage treatment plant but that portion of line is controlled by private entity. I think that is why Roger said it's private line.

Mr. Cerrone, Mary I would like you to send copy of agreement with Mr. Caranci to town council and Public Works.

Mr. Chretien, In past meetings we were told the line at Norton Rd. belonged to Tubby Myer's estate. I would think they would have to have an agreement with Tubby Myer's estate runs to Norton Rd. and one to Mall there are two separate lines.

Mr. Manoogian, Right Norton Rd. subdivision next to Mall sewer line by way of sewer easement by new Pride Dodge we were trying to hook up Pride facility through Mall line we could not hook up to same Norton Rd. subdivision because Myer's estate would not grant us permission. The Mall line would have to be taken over by town and this subdivision would have to tie in via Rte. 1 to that line. That line is still not accessible to us.

Mr. Chretien, Does Board of Public Works have right to let anyone tie into someone's private line?

Mr. Manoogian, Under their master agreement with the Mall they have gallonage allocated to them the board, which they can use for certain circumstances they see fit.

Mr. Chretien, They let him tie into Tubby Myer's line I'm not talking the Mall. Tubby Myer's estate owns the line.

Mr. Manoogian, That is something you would have to address to DPW. Manhole in front of Witchi's they are using and now the clients are upset because they feel they are using what they pay for and it was gifted to the town. Mr. Witchi hooked up.

Mr. Houle, What was the emergency there?

Mr. Manoogian, He made his own independent contacts I know he was allowed to hook up. Mr. Witchi was originally hooked up to Pride's temporary sewer easement over Pride's property. At time work was done with Mr. Caranci I understand Mr. Witchi tied in too.

Jo-Ann Cavaco- 10 Quinn St., Originally when the Mall came in we all agreed that the Mall was going to be good for us and the town. At that time we were promised we were going to be allowed to hook into a sewer line along the way and they were allowing so much gallonage for the residents. Every time we bring up the fact that we need sewer on road we get told you're not on master plan you can't have it. Talk about an area being totally neglected everything else gets advantages. We're not fighting development but at same time we're going to be under water after everything is done and still no access to a sewer line. This has been our major concern along with the water all along.

Mr. Cerrone, This was brought up first meeting.

Mr. Manoogian, You have to convince DPW board to accept the Mall line.

Manny Cavaco- 10 Quinn St., Doesn't this go back to the fact if the RTM votes to take over? How many years since 1997 the line was private and after certain amount of years the RTM voted the town could go in and take over that line it would become a public line I think that is a fact. I've tried personal four or five times to get RTM to vote. My question to the board is while you're deciding these developments and road improvements whether it is Quinn/Draper, sewer/septic wouldn't you as a board have some influence with the RTM if you brought it up as board saying we're trying to decide on issues. West side of town every one knows the history of it why don't you as a town and RTM members get together and recognize that. It just seems almost impossible all of the years have gone by and town of North Attleboro has power within it to say we're taking over the line it is going to become a public line. The agreement says public not private I don't know if that is a type-o or not. I think the gentlemen and rest of residence need a definitive answer from town council to review that letter and write something specific. Until the town puts up it's hands and there are enough hands to say we're taking it over and

come up with plan for people to tie in. You as Planning Board do you have some sway of some sort to go forward to RTM and put this forward? Let's say someone has a drastic failure this resident is further away from the line and you go to DPW are they going to let me tie in all way down to pumping station by the Cinemas. Are they going to let them tie in because of distance I'm confused about the whole thing and I think that is what is frustrating? There is always confusion there is never anything definitive every time these things are brought up. I'm not against development it is just frustrating because there are never any definitive answers.

Mr. Chretien, We had opportunity to accept Mr. Cavalieri's line, accept Mall lines with 100% betterment on sewer system. Pumping station needed little bit of work so they didn't want to accept it 100% betterment it is not costing the town anything. They were able to run sewer from Lake Como farthest point south in town down yet we're in town and we can get 52 house lots on sewer there has to be an answer why.

Mr. Cerrone, Lake Como is probably in Attleboro and have an agreement with them.

Mr. Manoogian, We understand the frustrations but we can't do anything about it and we have Board of Health approval and we have to move this process along we understand the frustrations.

Mr. Chretien, I'm adamant about this going on sewer.

Mr. Cerrone, That is why I asked to send letter to town council and review this they haven't seen this letter.

Mr. Chretien, Like I said earlier I don't have problem taking this to court.

Ray Payson, I raised the issue when Cobblestone came in many years ago is that it is a private line and will stay private line gifted to the town. The gallonage is \$60 a gallon I feel as a taxpayer having Public Works give away gallonage for zero and not charging for that gallonage. Cobblestone had to buy gallonage just to be able to get to the line. There is huge misunderstanding some dept. as to what is private and what is not. This letter has to be substantiated by town council.

Mr. Cerrone, Problem is our rules and regulations of subdivision law say if there is sewer within 1200ft. you have to tie in then you get something like this.

Mr. Houle, We need an official word we have subdivisions being held up. I wonder if there was an agreement like this for both people that tied in we see this one I wonder if there is another one out there.

Mr. Chretien, I understand what Mr. Payson says about giving away free gallonage. Where does Cavalieri line go does it tie into Mall line has that free gallonage been given away?

Mr. Cerrone, I'm not sure.

Mr. Chretien, I have copy of his letter that's stating he wants to give that line to the town your answer was it's not on master plan.

Mr. Manoogian, It's not part of the Mall.

Mr. Cerrone, Make copy and send that to town council too.

Mr. Houle, This has to be answered.

Mr. Cerrone, It's tough on this gentlemen we've been asking he's in catch 22 he gets different answers.

Mr. Kushner, We've been interested into getting sewer into the subdivision from day one three years ago. We've asked departments and we've gotten the same answer from every dept. I don't doubt validity of this document it doesn't prove anything we've been at this for years. Your staff is telling us it's private, town council is telling us it's private, DPW is telling us it's private my council is telling us it's private. If there is some way we can pull rabbit out hat and make it public before our extension expires we'll go with sewer. Unless that happens we have septic approval we want to move forward.

Ms. Burgess, What about dry sewer line?

Mr. Cerrone, They have to make decision either way. I don't know what the plans are for public works whether they plan on taking over the line.

Mr. Manoogian, I know the Mall has offered it several times to town and DPW won't support taking it over and that is why it fails at town meeting.

Mr. Kushner, If between the time it gets approved and construction starts on the road for subdivision and town takes over sewer it would be to our advantage to try and connect to sewer. During the course of time we've been going through this approval process, which has been quite awhile nothing has happened to change playing field to make it public sewer so we have to go septic that is only alternative.

Mr. Houle, Why couldn't you put the dry pipe in?

Mr. Kushner, It is big cost thing it would be waste of time and giant waste of money.

Mr. Manoogian, Christina Estates was considerable more homes and still prospect we might be able to do something with Attleboro we don't have that prospect here we can't tie into another municipality.

Mr. Bradley, Right now there are no sewer extension permitted by MASS DEP right now even if we had sewer and we wanted to state wouldn't allow us.

Ms Burgess, DPW said it is forthcoming.

Mr. Cerrone, This letter DEP approved the extension.

Mr. Manoogian, House by house they call those little in fill projects they won't do anything like this. They're getting ready to file their EIR but we don't know how long what states comments will be to ease up on that moratorium it is still in effect.

Mr. Cerrone, We have letter from electric co.?

Ms. Burgess, From 5/24/07 they submit details they request the right once plans are submitted to show detail construction needed to relocate location of manholes, easement information, crossing the easement. They have not granted any approvals.

Mr. Manoogian, As far as easement we submitted information I think they concluded they have no rights in that easement has been abandon will come off plan. We have documentation previous electric commission signed off and relinquished their rights to that easement. It wasn't the one associated with Cedar Hill. The old sub station behind Pride at that time there was a taking and they had that easement established since then board relinquished their rights I spoke with Gene Allen I will get you that documentation. Way electric co. is doing things now just accept condition that before construction starts we have to get all of our plans and specifications approved by electric co. outside consultant because we have to pick consultant design and show it back to them.

Mr. Lavin, That is after approved plan before endorsement. I think they require approved plan.

Mr. Cerrone, Our rules say you have to have all the letters approval.

Mr. Manoogian, What they're requiring us to do is design everything after come back. What happen was they changed their rules and regulations in middle of this and we're not grandfathered in because we didn't have a decision.

Mr. Cerrone, Everything should be designed when we approve the plan we don't make changes after that is how we get in trouble.

Mr. Manoogian, If you want to say before endorsement we'll do it nothing is going to change on the plans.

Mr. Lavin, I think their concern is do it before approval and then things move.

Mr. Bradley, We do show plans we sent up to John November I believe we did show conceptual electrical underground, telephone cable, and sidewalks. Once this board approves the plan we'll send it to an electrical engineer.

Mr. Cerrone, What happens if it changes are you going to come back to us?

Mrs. Marchitto, That's why it's approval before endorsement and with changes on plans at one time.

Mr. Bradley, It is utility the lot lines aren't going to change it is transformer, telephone.

Mr. Lavin, Easements will be on the plan utility easements if you go outside those easements it changes.

Mr. Manoogian, Then it will have to be an amendment but until then we've locked in plan, locked in easement locations everything will be within those easements.

Mr. Bradley, They will have to be on right of way we don't typically put them on the properties unless they're built wrong to begin with.

Mr. Lavin, Transformers and handholds go back off the road.

Mr. Cerrone, Need easement for the transformers.

Mr. Lavin, You have duckdeline and then transformer sits on other side.

Mr. Bradley, We've never gone back and done meets and bounds.

Mr. Manoogian, Lot lines aren't going to change it is just going to be easement locations with subdivision approval. We'll grant it to town and show you where they are it doesn't effect the configuration of the lots.

Mr. Cerrone, Will effect the square footage.

Mr. Lavin, It is still square footage you just can't use that put structure on easement.

Mr. Manoogian, What happens typically with your approval one of conditions the actual easement agreements have to go by me and town council and record them before you endorse the plan.

Mrs. Marchitto, We would get it back from Bliss before we endorsed the plan.

Mr. Manoogian, Easements are going to be on plan that is ultimately approved by you beyond the final mylars that you have.

Mr. Cerrone, Any changes you have to come back to us.

Mr. Manoogian, Yes.

Mr. Lavin, Utility is going within 40ft. layout but it's easement.

Mr. Manoogian, No any easement going to town whether it is DPW or electric I write up give it to Mary and she gives it to Roger get comments back I amend them. I have them executed and recorded and give evidence of that to Mary before you endorse the plans.

Mr. Lavin, That is detail I'll talk to Len about call them municipal easements.

Ms. Burgess, Board of Health letter.

Mr. Manoogian, The original Board of Health letter is there was question as to lot 34. They approved all but one lot because of the perk we submitted the supplemental information. I'm almost positive Board voted approval of that but never sent us a letter because it was in between the old heath agent and new agent. We sent letter to them today asking for confirmation. I would say if you approve it you can't do anything on lot 34 no construction at all until you receive confirmation of that approval from Board of Health.

Mr. Lavin, Len who witnessed the perks?

Mr. Manoogian, December 7th. DiPrete Engineering submitted to Board of Health. Perk tests were waived by Board of Health.

Mr. Bradley, Rob was the agent he waived the witnessing.

Mr. Manoogian, We submitted report.

Mr. Bradley, We had them all scheduled with the board they couldn't make it out.

Mr. Lavin, They had an issue with the soils and they waived it?

Mr. Bradley, Not the soils the perk.

Mr. Manoogian, That was submitted in 2006.

Mr. Bradley, We're licensed soil evaluators they waived to witness it.

Mr. Manoogian, Perks were done and test pits certified that was given 12/2006 my recollection was they approved it but never sent written approval we just asked for that.

Ms. Burgess, October 11, 2006 vote 3-0 motion reconsidered it's denial of lot 34 upon demonstration compliance of Title V. Is that the one you asked for?

Mr. Manoogian, Yes we never got that.

Mr. Cerrone, Do they have any issues beside that?

Ms. Burgess, It says approval is followed with conditions erosion control measures proposed for during construction phase of common ways and common utilities have to be built and maintained with oversight provided by Planning Board and/or Board of Health. Stormwater collection treatment and disbursement are to be constructed by owner with oversight by Planning Board and/or Board of Health. Homeowners association is to be decreed association is to be responsible for drainage maintenance, repairs including road sweeping, etc. Association supersedes language on the plan and document, which indicates by private parties or town of North Attleboro perform these services. Planning Board encourage to review proposed stormwater basins with considerable scrutiny concerns about long term ability to reduce water tables below basins are prevalent. If basins do not function as designed is possible mosquito breeding habitat. Prior to release of any parcels Planning Board adequate test pits are provided ensure compliance with Title V. Soil erosion and sediment control measures, sequence staging of land disturbing activity. Document most recently revised 7/20 is recorded on each parcel deed prior to release of each parcel by Planning Board. Project is traversed by a tributary, which leads to public water supply reservoir servicing town of Attleboro. Concerns of comments from Attleboro Planning Board health and water dept. should be sort prior to approval. Board will reconsider its denial of lot 34 and then the vote is 3 to 0. This letter was dated 10/11.

Mr. Manoogian, Did they approve lot 34?

Ms. Burgess, It said board would reconsider its denial.

Mr. Manoogian, So you still don't have letter saying they approved lot 34.

Mr. Lavin, You would have received it in last couple of weeks you asked for it at last meeting.

Mr. Manoogian, Yes and we sent them letter today asking for it Davis had no knowledge of it but that doesn't surprise me because he is new. That was the original letter.

Mr. Lavin, Are you going to be phasing the project?

Mr. Kushner, Probably yes.

Mr. Lavin, DEP, Board of Health stuff you can put 2ft. testing of retention ponds. 50 acres are you hitting MEPA? (No.) Mailbox, ConCom within 100ft. buffer you all squared away with that?

Mr. Bradley, ConCom we have an order of conditions.

Mr. Lavin, There are some details I'll ask you after this. They're asking for waivers sidewalk on one side and pipe cover.

Mr. Bradley, Waivers are listed on cover sheet first waiver is request to have less than 3ft. of cover over drainage pipes request waiver for 2ft. At entrance to the subdivision from Quinn St. we have catch basins basically placed just west of easterly property line we're trying to catch as much water on Quinn St. In order to do that we have less than 3ft. of cover to push catch basins down gradient. Same design was used at Draper catch basins located down gradient to catch as much water as possible so those two areas we'd like to have no less than 2ft. of cover. We'll utilize class V pipe that is made to withstand foot of cover. Next waiver request is for sidewalks on one side plan shows sidewalks on two sides throughout the subdivision we request to do one side on Quinn St. and four cul-de-sac roads as well. Sidewalk on Quinn St. from easterly side of our property line all way down to Rte.1.

Mr. Cerrone, What are we doing on Draper for sidewalks?

Mr. Bradley, No sidewalks it had been discussed doing few hundred feet in front of our property but it didn't seem to make sense having sidewalk that goes nowhere.

Mr. Manoogian, It's at your discretion.

Mr. Houle, David you were going to get back to us about buses.

Mr. Manoogian, I was told by Dr. Rice coordinator they can't make any definitive decision until it is built but because the road connects from Quinn up. If it was dead end street they don't go to dead end because it is tough for bus to turn around. Since it is going through there probably will be drop off site within subdivision to drop off the children if there is any kind of safety concern they will not let kids off.

Ms. Burgess, Deadline is 2/10/08.

Mr. Manoogian, I would respectfully ask that you close the hearing and we can meet at later date to go over decision.

Mr. Bradley, There are two locations on plan for mailboxes there are group of mailboxes in two locations.

Mrs. Marchitto, John you had some questions about wetlands?

Mr. Lavin, No roadway up top is within 100ft. buffer.

Mrs. Marchitto, Easements going through property lines.

Mr. Lavin, Easement for utility North Attleboro lot 34 it was right in dead center.

Mr. Manoogian, That is not going to be on the plan that is going away.

Mr. Bradley, We show light post locations.

Mr. Cerrone, I know Roger will need sometime on the sewer.

Mr. Houle, Maybe we should keep the hearing open until then.

Mr. Cerrone, Yes and that night we'll vote on it one issue that letter.

Ms. Burgess, I would like to have meeting where we could discuss the conditions make decision and approval.

Mr. Cerrone, I want conditions discussed in hearing because it is part of the record when we vote on it that night. You draft them and we'll go over them and you can go back and forth after we close public hearing and make changes.

Mr. Manoogian, Typically what you've done before is you close the public hearing and then the board is free to discuss with Mary and make what conditions you want that is your domain.

Mr. Cerrone, We can do it that way too. I'm not closing public hearing until I get Roger's letter. We'll meet 2/7 on this vote that night.

Mr. Manoogian, If you're meeting on the 17th. continue until then and see if you get Roger's letter you can close it then and you have ample time to write a decision because we wouldn't be meeting until 2/7/08.

Ms. Burgess, Problem Roger had stated was that he doesn't have any information and no information has been given to him this letter here is not signed by Board of Public Works. He's going to say I can draw up any letter because it's not signed by anyone.

Mr. Cerrone, Someone has to have signed copy.

Mr. Chretien, If you read that it says it's on record at Board of Public Works and also Registry of Deeds.

Ms. Burgess, Will DPW give me a copy?

Mr. Cerrone, Go to Taunton and pick up a copy.

Mr. Manoogian, We understand what you're going through but we want to be up front with you in all likelihood we will not give any further extensions unless you need it to draft.

Mrs. Marchitto, It's administrative we're discussing now.

Mr. Manoogian, You're not making a decision on whether to approve subdivision or not you're simply giving her time to draft decision and you meet whenever you next meet to discuss what

those conditions are and then you make final vote as to approval or denial. I think that is appropriate way to do it you close public hearing, you don't want to close public hearing and same night vote on it and try and cram everything in.

Mr. Cerrone, She can write 90% of it now.

Mr. Manoogian, She needs to put it on paper.

Mr. Cerrone, From now until 17th. she has plenty of time to write it. Big issue is this letter we're going to try and resolve.

Mr. Manoogian, All we're saying if that letter becomes an issue because you haven't heard from town council we're not disposed to give you an extension beyond 2/10 for that purpose.

Mrs. Marchitto, I heard that and I think the chair heard it too.

Ms. Burgess, I'll shoot for 17th. with town council as much as I possible can and with DPW. Then if he request more time we can push it to the 7th. deal with it then.

Continue hearing until 6:45 P.M. on 1/17/08.

Mr. Cerrone, Even if we don't finish the conditions we'll give you what she drafted out and set up another date to go over conditions. It is 9:25 P.M.

Mrs. Marchitto, I agree with Don we want template of conditions.

Mr. Houle, Make motion we continue Cobblestone until 1/17/08 at 6:45 P.M., seconded by Joan Marchitto.

All in favor 3 to 0.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY JANUARY 3, 2008

Christopher Sweet returned to table at 9:27 P.M.

New Business:

Form O: North Atlantic Networks
16 Mason Ave.

Final Action Due: January 14, 2008
Zone: C 7.5 & R 10S

Existing: 8,334 sq.ft. (Old Police Dept.).

Proposed: Interior demo (4 offices)

Location is on split lot with the building in the C 7.5 and parking in the R 10S

Variance given to allow 13 parking spaces and to allow parking on a residential portion (Oct 2, 2007 #2451)

According to Schedule B: Retail and Service #13, this is an allowed use.

Exterior alterations include a handicap ramp on the west side of the building, a generator pad on the north side and a new pylon free standing sign on the south side.

Handicap ramp is exempt from zoning see letter from Zoning Enforcement officer.

Present Glenn Ofcarcik and Larry Tilton-Tilton and Associates and Burke Anderson.

Network service provider.

Ms. Burgess reading in application.

Two variances received reduction in number of parking spaces to 13, other variance to be allowed to use current former police parking lot it is in residential zone. Bulk of work internal.

No change to drainage catch basin in parking lot and comes to street eventually to Ten Mile River, restripe parking, show lighting on plan and get trash pick up.

Tower still is on roof. Garage will be closed up. About 25 to 30 people in North Atlantic Networks use public transportation. Discussion about parking one company would be fine but if renting out to other people. Zoning gave variance for parking Planning Board can't do anything out that.

Mr. Sweet, Make motion seconded by Dick Houle for discussion.

Garages are part of rental space your adding square footage. Whole square footage is included 30 x 60. Like to see area for dumpster and removal of snow of 3" or more or identify snow area. Generator to be screened propane.

Mr. Sweet, Modify my motion as per discussion, seconded by Dick Houle.

All in favor 4 to 0 four conditions.

Other Business:

Walcott Rd.;

David Manoogian, Bond was established at \$10,000 was for wall for Elmo Finocchi. He wanted more elaborate wall \$10,000 was going towards. I understand about trenches part of DEP. I can't give advice to my client to fill in trenches. I can authorize my client to give bond to Elmo or to it over to the town and you do what you want. Purpose of bond was just for wall my recollection. We have certificate of compliance on DEP it has been released.

Mr. Lavin, Put pipe on bottom.

Ms. Burgess, They would have to go back to DEP to fill in those trenches.

Mr. Lavin, Put pipe on bottom.

Mr. Manoogian, If you want to use portion of bond for trench that is fine. I can get signed document to turn bond over to you.

Raymond Payson, Abutter we wanted to close out that project and I suggest put bond for remaining work that would coincide with DEP was released and put stone in trenches. \$10,000 was purely for Elmo's wall.

Get something from Shannon on release of DEP superseding order of conditions.

Old Business:

Donald Cerrone left table at 10:07 P.M.

Hickory Woods;

Spoke with Fred Bottomley on December 28, 2007

In litigation regarding contract with Amaral and asbestos asked to send letter of what is happening opening catch basins will be forthcoming.

Assured that the road will not be undermined by water because it still flows to inlets.

Hickory Woods II;

Received complaint regarding icing on both roads 6" of ice riveted and in very bad condition.

Kevin Joyce had his men go up same day and break up ice and put down salt and sand.

Second complaint at intersection of Bishop and Pinsonnault had iced up and were potholes in the ice Kevin Joyce went down and broke that up

Roads were cleared of all debris

Requesting attendance on January 3, 2008 via letter and two voice mails nothing. Have cash bond of \$162,000.

Other Business:

Wrentham had public hearing regarding take bond on a property required work was not finished within 45 days and board will take vote on taking fund.

Raymond Payson giving his opinion on what to do.

Donald Cerrone returned at 10:15 P.M.

Depot Estates;

Mr. Lavin, Shawn called me wants to go over all his sites.

Discussions about subdivision not completed and having bonds.
Dorey Estates have \$3000. Mary will send out letter for anyone who wants to get article for street acceptance for May town meeting.
Ms. Burgess, Have sent letters to everyone on list and asked them to call the office on where they stand.
Have all developers come in for updates on 2/21/08
Stonebrook Estates:
E-mail to Linda from Shaun McCormack 12/26/07.
Letter goes along with it.
Mr. Lavin, My suggestion ask him to come in with his contractor and statement.
Ms. Burgess, Wants to go over it with John and invite them in to discuss it. Last two invoices that are due are accurate when mileage changed we should have notified them. If there are mistakes I would suggest we correct them with John amount is \$1300.
Gold Rush Estates: Cumberland RI;
60 lot subdivision utilizing Town of NA roads
Have received letters from NA residents regarding impacts
Continued to January 30th
Mary and DPW have sent letter still waiting for traffic report
Zoning Map and Zoning Changes;
Received draft zoning map
Propose zoning changes for ATM 2/8 is submittals for warrant applications for May town meeting. Discussing display area and off street parking for auto dealership does not have to be striped, paved or 10 x 20. Not addressed in by-law. Cars on Rte.1 being parked on state property.
Route 1 Car Wash;
Paved back portion of lot went in front of Conservation because in river front
Open space is at maximum requirement currently
New pavement violates open space building inspector sent letter need to come in and discuss paving
Conservation approved new paving it is in buffer. Mary was going to write letter because was CC on this letter
New State Law for Trenches
Affective January 1, 2009
Includes provisions for securing trenches, etc.
Add to Subdivision Regs
Having meeting on 1/17/08
Special Town Meeting: January 28, 2008
Article 11: Establishment of mitigation Committee
Do we have any comment for FinCom regarding this article? Board of Selectmen have proposed the article.
Finance Committee to discuss at January 9 @ 6:45 P.M.
Mrs. Marchitto, Was good way it was put together. Is the selectmen's article for all the money?
Ms. Burgess, They said it was to take Carpianto.
Don Cerrone and Joan Marchitto will attend
Mitigation Fund

Ms. Burgess, Don had asked to speak to DPW they're ready to go to talk about Allen Ave. I was thinking of sitting down with Bill McDowell get all the information together how much, what it is going to be used for, etc. and then present it to you and then do a joint article.

Mr. Cerrone, I would like to have member maybe Joan to be in the meeting there is lot of history we have lot of green people that have no history of that project. That was a residential piece of land where Target is. That is why this money accumulated because of square footage of the buildings. 90% of that has to be used in that area. I don't mind working with Public Works that would be great to have both boards do something in that area.

Ms. Burgess, Bill didn't see any problem with getting joint article.

Mr. Cerrone, Get articles for main town meeting.

Mrs. Marchitto, Article being set up for January was already done and that is what I don't understand.

Schedule meeting next week to discuss what can be done jointly

Prepare report for January 17 meeting

Mr. Sweet, Had question on two items on planner's book. Says December 21st. with Greg Guimond who is that?

Ms. Burgess, SRPEDD for draft of zoning map. What I proposed to hopefully do for May town meeting all properties in gray are split zones.

Mr. Cerrone, We have to straighten out these zone lines halfway on lots make it easy clean cut for the developer, people and the boards when they do something.

Ms. Burgess, Greg and I proposed to contact all owners on side in gray and ask what zone they want to be in and be done with it. Line has been determined we would have to go to town meeting to rezone all these split parcels. It wouldn't be spot zoning because they are on the outskirts and they're split zone. Where zone line is isn't problem where they would like to be is the problem. I'm going to send out certified letters next week to all the property owners Planning Board would like to update boundaries and would like clean zone line.

Mr. Sweet, Other question December 28th. you had meeting with Shannon Doyle, Mark Fisher and Bib Davis regarding document to streamline permitting.

Ms. Burgess, They had pamphlet made up before that had a check list you go to this and do this they basically want to move that forward. Going to do scenario building workshop where someone wants to come in and build 8-house subdivision where do they go first, what do they do first? It's supposed to be for average person who is coming to town hall to use it. They would like to take portion from out book, Board of Health's book, Zoning's book, Conservation's book, building and electrical's book

Christina Estates;

Requested setting bond.

Discussion about mitigation funds and other checks.

Seminar two or three day;

Ms. Burgess, Was only planner there it was about mediating land use disputes and different ways to satisfy disputes between neighbors, developers and town boards.

Planning Board's Office Policies and Procedures;

Mr. Cerrone, Office always open at 8:00 A.M with someone attending this place town planner or secretary whatever town hall hours are someone should be here to answer phone and request by taxpayers.

Asked for log when town planner goes out for site visit in and out.

Ms. Burgess, It's right at Linda's desk.

Mr. Cerrone,

Mr. Cerrone, When town planner takes time off vacation, sick days give us in our package when you want to take vacation. When you're sick or want to take day off should notify chairman or vice chair. Right now no one knows when you take time off. First monthly report you did when you first came on board it was good report I haven't seen one of those in long time. The one you did was perfect this board wants to know when you're talking to people and what you did. All correspondence and e-mails I want on letterhead. These boards change and there is no references of paper trail from e-mail.

Mr. Houle, If it is going on planning board letterhead I think board should know what is going out.

Ms. Burgess, Anything I send out on letterhead you all have copies of. For me to put all my e-mails on letterhead and request other boards.

Mr. Cerrone, What will happen is we never got the e-mail you will have copy on letterhead.

Ms. Burgess, For letterhead is when I'm requesting official documents, making request for the board when I'm asking questions for the board, requesting work sessions pre-construction meetings. I send out 20 to 25 e-mails a day you want copies of everything Linda will be drenched in filing. I don't send letters e-mail because I don't have acrobat and I can't save them so I send anything regular mail for letters and important things. Day to day correspondence I don't put on letterhead.

Mr. Cerrone, Give us copy saying things you did keep something on file.

Ms. Burgess, This is going to be huge you're talking about tracking every conversation I have via e-mail Linda will be spending whole day filing. Minute we get new plan in Linda sends e-mail out to all the departments saying we've received plan for this they are on file at office please feel free to come look at them. We're not required to distribute to anything more than we're distributing to. We also send out agenda's by e-mail everyone uses e-mail. I don't delete any of my e-mails because it is all public record I have them if I have to produce them.

Mr. Cerrone, Important stuff.

Ms. Burgess, My criteria is what is important for the subdivision at this time. If someone is asking date for hearing on subdivision to me that is something that is not pertinent or I got plans thank.

Mr. Houle, Why don't we table that until next time we meet?

Mr. Cerrone, Monthly report put down what you have vacation, sick time, and traveling keep an update for us this way board knows. Want comp time on you and Linda.

Ms. Burgess, I haven't been keeping track of it generally I take two hours Friday morning after a meeting I don't take time for anything else.

Discussion about Linda and time she spends at office and not wanting her to burn out.

Mrs. Marchitto, Never gave clear guidelines when we got town planner. He's talking about moving whatever file cabinets we don't need down stairs.

Mr. Cerrone, You don't have the time and there is too much paperwork here.

Action Needed Report;

Mr. Cerrone, Haven't seen one in long time.

Ms. Burgess, Only one I ever saw was for St. Lawrence Way and light poles. Complaint I received was verbal. People call the selectmen I don't know if it's and action needed report it has been brought to my attention by some selectmen there have been complaints but I never hear about them.

Master Plan;

Mr. Houle, Are we ever going to get to that?

Mr. Cerrone, Maybe Mary can give us some goals.

Ms. Burgess, Give me until second week in February because my goals right now to get everything for zoning articles for February.

Land Use Attorney;

Everyone has written and sent their letters to selectmen I'm just waiting to hear from town administrator on when he wants us to go in front of selectmen and discuss this issue. Zoning, Conservation and myself have sent one.

Mr. Cerrone, We need one.

Ms. Burgess, I put in our budget \$21,000 for land use attorney that is what I asked for I will keep asking them for it.

Mrs. Marchitto, Make motion to adjourn at 11:07 P.M., seconded by Dick Houle
All in favor 4 to 0.

Respectfully Submitted,

Attach Agenda to Minutes.