

**NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, OCTOBER 2, 2008**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, October 2, 2008 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Donald Cerrone, Richard Houle, Joan Marchitto-chairman, Christopher Sweet and Mary Burgess-town planner. Richard Thimot arrived at 6:45 P.M.

**Planning Board Business:**

**1) Approval of Minutes;**

9/4/08 Minutes.- Mr. Houle made motion to accept minutes, seconded by Donald Cerrone.

All in favor 3 to 0 to 1 abstain Christopher Sweet.

9/18/08 Minutes.- Mr. Houle made motion to accept minutes, seconded by Chris Sweet.

All in favor 4 to 0.

**2) Review Final Actions;**

Cushman Village: October 31, 2008 ( Next hearing Oct. 16)

Mount Hope Farm Estates: December 1, 2008 ( Next hearing Nov. 6)

Mt. Hope Terrace Extension: October 10, 2008 ( Hearing tonight).

Ms. Burgess, I spoke to Mr. Manoogian regarding Preliminary Plan and he said if we close tonight he'd give extension to do the decision.

**3) Endorsement of vouchers;**

Earthworks Engineering

Mileage

**Other Business:**

Mrs. Marchitto, I had asked Mary as board we had asked to do update of what board has done since January to submit letter to the selectmen. There is draft in our package. I did ask Mary to state was on subdivisions and site reviews and planned development to name them and place on them the continuation date of public hearings. So those who wish on the board to attend the continued public hearing and testimony can attend our meetings.

Old Post Rd.;

Mrs. Marchitto, I had asked Mary to draft second letter verses the residential lot on Old Post Rd. the dealership is parking cars on. I wanted board's input if it should be sent to building inspector.

Mr. Sweet, I reviewed it fine to me.

Mr. Houle, Also fine.

Mr. Cerrone, Yes send letter to selectmen too.

Ms. Burgess, Also Zoning Board.

Trash Containers;

Mrs. Marchitto, I asked Mary she sees no problems in our office.

Ms. Burgess, E-mail regarding some town employees have been using the trash containers.

Budget;

Letter regarding it will be very tight next year.

Mrs. Marchitto, I think we have two letters, one e-mail and one letterhead letter.  
Sheldonville Preserve;  
Mrs. Marchitto, History of subdivision it doesn't appear to be planning board issue  
a lot issue.  
Acknowledge Susan Shaw's letter to Dick Houle.  
Briggs Nursery;  
Potential wetland violation Conservation jurisdiction.  
66 Stanley Street;  
Have decision from zoning it was denied.  
DPW Workshop;  
Has requested inter-board workshop on October 14<sup>th</sup>. at 7:00 P.M. Workshop will be  
only thing on Agenda. Discuss the wastewater management plan and how it will  
effect future subdivisions and such.  
Mrs. Marchitto, Is there anything they would like from us for that meeting?  
Ms. Burgess, I think it's more informational they want to present plan again and  
more directed towards how it is going to effect subdivisions. For example; if certain  
subdivision may not get sewer because it's not in the plan for that time.  
Mr. Cerrone, Is B. of Health going to be there?  
Ms. Burgess, They are meeting with each board individually. That is how they  
requested to do it they found that it was easier to have night for each board.  
Memo regarding FOY 09 budget.  
Request from Joann Cathcart;  
Will be addressing that through letter.

**NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING  
THURSDAY, OCTOBER 2, 2008**

6:45 P.M.- Public hearing on the application of Mario Geminiani & John McIntyre  
(Boulevard Liquors), for a Special Permit within the Aquifer Protection District, for  
property located at 565 Kelley Boulevard;

John McIntyre present.

Ms. Burgess reading in application.

David Simmons-attorney Angle Tree, Seen this plan before applicant John McIntyre  
had filed for site plan approval some time ago and this board had granted it site plan  
remains unchanged. Every member of this board I believe was at the hearing.

Mr. Cerrone, How can you approve site plan when we didn't do aquifer?

Mr. Simmons, You did because some of us have the opinion that this special permit  
is not necessary I still hold that opinion. However in time frame between then and  
now building inspector as zoning enforcement officer has given his verbal opinion  
he thinks that this should be applied for so we've done that. Application is before  
you and however it happen here we are. Site is 584 Kelley Blvd. these buildings are  
numbered 560 to 570, 585 is the one at end. Building is owned by Mario Geminiani.  
It is single story concrete block building with flat roof, parking spaces it hasn't  
changed from 2005 now out of date Mass. GIS photos. It sits in front of the Airport  
Gulf facility Plainville town line runs down side of property line. Virtually the entire

site is paved or hard pack gravel. We have indicated on site plan with little bit of vegetation as it exists on site but it is virtually nil. Vegetation is mostly in area that was deeded to town in 90's. While there is open space and green space it is not really on the lot. Gravel in back is very hard packed from 30 or 40 yrs. of being driven on. Original building I think was built in 71 or thereabouts. For all that time it's been used as parking lot when it rains it just sits on the surface and puddles so the runoff there is not much different than it is on pavement. The building sits in your aquifer protection district, which I think if memory serves me right is 10 or 15yrs. old much newer than the building. When building was built it didn't have to comply with any of those requirements because they didn't exist. Question now is what do we have to do? Bylaw is really simple if you boil it down it doesn't want us to reduce amount of recharge into aquifer or contaminate it in any way. This proposal won't do that. What John is proposing to do is add small addition in the back about 500sq.ft. and 140sq.ft. addition on side of building. This particular addition is underneath existing roof there is canopy on side of building so basically infill it is going out over pavement that is there. Virtually everywhere we're building is pavement or concrete. By virtue of that we're not adding any impervious area to the site certainly not going to reduce the recharge in any way, not proposing to increase either and use of the building isn't changing so it is not going to change the character, nature, use or any of that. We don't believe it is any worse for the environment than it was the way it is today. It is pretty small addition, small proposal there is not lot of technical detail we haven't proposed any changes to drainage anything like that.

Ms. Burgess, Basically everything David has stated I also stated.

Mr. Thimot, I don't see any problem. Make motion to approve it, second by Chris Sweet.

All in favor 5 to 0.

Respectfully Submitted,

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**Other Business;**

**Article on standard operated procedures.**

**Applied Geographics;**

Ms. Burgess, In 2004/2005 I believe applied geographics came to town and did similar package for the town each dept. said what they needed GIS for and they were suppose to come up with proposal to facilitate it. In 2004 draft was done and I believe the only thing that was completed was the updated layer of the parcel data for GIS. Second time came around I was asked to do another needs assessment so instead of recreating the wheel I used Don Johnson's with couple of editing and basically fine tuned it with anything that we may have needed in addition and anything that I thought might have been helpful. This was draft they've taken what I've given them and created whole booklet with all depts., etc. Then they will have

final proposal. I did have meeting with GIS Committee or what have you. The IT Dept. gathered all the GIS users and we had meeting to discuss what this package would need it comes out to be about \$88,000 yearly to maintain this GIS package. The top priority and number one on the list is to update parcel layer. It is for whole town more updating specific dept. needs, specific layers. Shannon would need wetland layer so they have to map where all the wetlands are create that layer so any time she turns on that layer all the wetlands pop up on GIS Map in North Attleboro. Once they create the layer we can all download the layer onto server and that is how we all access it with our different licenses. It is very expensive and time consuming. Right now all we're looking like it's going to come out to be is just the updated parcel layer for everybody. Assessor has their own thing that they get. This would help this dept. and Conservation and anyone else who needs to know parcel data, police, and fire. You can type address and it pops up where it is.

Mr. Thimot, Are developers going to bring their discs for every application?

Ms. Burgess, They still do that and we have closet full of discs they help apply geographics when they create the layer but they're not only thing they use. It is part of our application process.

Mr. Cerrone, Where are those discs.

Ms. Burgess, In closet they give it to us they go to applied geographics last time went there was 2006 or 2005. I believe they were trying to do it every year to avoid backup but I believe it got cut from the budget.

Mr. Thimot, They are still our property?

Ms. Burgess, Yes but we don't have software to open those files.

Mr. Houle, Where are they planning to get money to do all this?

Ms. Burgess, They're not this is just another exercise of things to do during workday.

Mrs. Marchitto, We require in our subdivision for the autocat?

Ms. Burgess, It is called DXF(Digital Exchange File) which can be converted. Basically you can save your autocat in as DXF so they can open it and put it on GIS layer.

Mrs. Marchitto, When subdivision when it is submitted at end we require it does it at that time go to applied geographic?

Ms. Burgess, Theoretically the best way would be for them to have ongoing data base update but because we don't have ongoing contract.

Mrs. Marchitto, It goes in the file cabinet. We require it then we put it in file cabinet and we have it sit there.

Ms. Burgess, I guess the registry used to give us a grant to have money but they stopped doing that.

Mrs. Marchitto, I made another assumption that when it was submitted to us it was in your hands it went into the parcel because it is already requirement of DPW. I made assumption as elected official it went to DPW and it went on the assessor's map. We could have subdivision in there.

Mr. Cerrone, Never been recorded.

Ms. Burgess, We do we have couple of them.

Mr. Cerrone, We have spent on GIS lot of money we haven't got anything out of it this planning board.

**NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING  
THURSDAY, OCTOBER 2, 2008**

7:00 P.M.- Continuation of the public hearing on the Special Permit application of David Cannata ( North One Development) for a Planned Business Development on property located on East Washington Street;

Applicant has requested a continuance to November 20, 2008 at 7:00 P.M.  
Ms. Burgess, Letter dated 9/25/08 from RIM Engineering for continuance of hearing.

Mr. Sweet, Make motion we continue hearing until November 20 at 7:00 P.M., seconded by Dick Houle.

All in favor 5 to 0.

Mrs. Marchitto, Speaking to two residence in audience. You can call in morning and leave telephone number so we can contact you.

Ms. Burgess, Or you can check the day of meeting. You wouldn't get notified again bet generally word of mouth gets around. If you call day meeting is scheduled we know whether it is going to be continued or not. Workshop has been set up through Conservation with DPW, Planning and Earthworks for October 8 at 2:00 P.M. Earthworks is going as Conservation's engineer obviously he wears two hats.

Respectfully Submitted,

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Other Business:

Applied Geographics;

Mr. Cerrone, We spent lot of money on that. How do we set when somebody comes in and wants prints how do we figure a price on GIS?

Ms. Burgess, If you want GIS map? ( Yes). We have set price schedule I'm assuming Don Johnson set the price because it was inherited.

Mr. Cerrone, As far as I know the board never gave authority to set up price.

Mr. Houle, Do we get many requests?

Ms. Burgess, Probably two or three a month.

Mrs. Marchitto, Donald would you like Mary to review that to look at price?

Mr. Cerrone, Yes I don't even know what it is the board should know. I don't know who came up with that number.

Mr. Thimot, There was price set few years back but it wasn't very wise for it because there wasn't much call for it.

Ms. Burgess, I'll include that cost scale in next package.

Mrs. Marchitto, Look at the price and perhaps call around call SRPEDD and find out the competitive price that towns are charging for GIS maps.

Mr. Sweet, GIS has the asbuilts all the layers sewer, electric, etc.

Ms. Burgess, We have sewer layer, building layer, which gives the building outline, we have sidewalk layer, just about every kind of layer there is. When developers submit their discs we just get the layout of subdivision as you see it on the plan.

Mr. Sweet, It would be up to us to convert the asbuilts to all certain layers or up to DPW?

Ms. Burgess, It is up to applied geographics I don't think anybody in town has the ability to create the layers.

Mrs. Marchitto, They go in the file when we do submit them to applied geographics whose budget does it come out of?

Ms. Burgess, That is the thing I guess in the past it was taken from assessors because they got grant for it and IT had some input on it. If we could give money especially with all the budget cuts this is probably one of those things that is going to cut. Now IT Dept. is go to dept. for GIS.

Mrs. Marchitto, Could we go to IT Dept. to see if we can have what subdivisions are not on file submitted or not submitted yet? How do we get this updated and can we get it updated before the end of the year?

Ms. Burgess, Probably not I believe the quote was \$10,000 to update the parcel layer. I think their grant used to be \$5000 from registry of deeds in order to facilitate but they don't get that anymore.

Mrs. Marchitto, It is requirement of our subdivision control we can ask Mary how many subdivisions do we have that are approved/completed have not been submitted to applied geographics. Perhaps we should write letter to IT or selectmen I'm not quite sure saying we have X, Y, Z subdivisions that should be submitted for our parcels for the town's best interest. It is one of the things that DPW is always asking us for we have information that DPW should have that hasn't been submitted to applied geographics because of budget cuts.

Ms. Burgess, One thing I was bouncing around was we could require at time application fee for subdivision and additional fee. Whatever number we think is reasonable in order to facilitate upgrading this. A digital format fee something to that extent where instead of us going through IT to get to applied geographics. That way when it is approved here is check for X amount of money.

Mr. Cerrone, We have spent almost  $\frac{3}{4}$  of million dollars on GIS what do we have that is the biggest question? What do we have for  $\frac{3}{4}$  of million dollllars?

Ms. Burgess, We do have pretty advanced GIS system.

Mr. Cerrone, Now you're going to ask these developers they have to pay for it.

Mr. Thimot, I think they are paying for it engineering fees.

Mrs. Marchitto, Let me propose another solution is probably about 9 months Mary did fee structure of subdivisions. You brought it to the board's attention you did survey of other towns and we were well within limits we were well down in there. Perhaps this board takes credence of that information that Mary gave to us at beginning of the year and look at that. Perhaps the fees in competitive towns are making adjustments for areas like this to have autocat.

Ms. Burgess, Lot of towns have GIS if not part-time.

Mr. Houle, How many of them have instituted this?

Ms. Burgess, I just heard about it at a workshop probably 6 months ago that some towns have started doing that I don't know off top of my head how many towns

have been doing it. Generally it's the smaller towns that do have smaller budgets and don't have GIS person. Technically GIS person if you hire one they can do this. Mrs. Marchitto, What is occurring with the smaller towns is they're getting more into regional, which I don't foresee this area of town to get into regionalization. Mary do little research on this get back to the board. It is 7:10 I think it is very appropriate before next public hearing is that I'm going to ask for motion to go into executive session so that we can discuss strategy with respect to litigation. Mr. Houle, Motion to go into executive session to discuss strategy with respect to litigation if an open town meeting may have determination effective on the litigation position of the governmental body to conduct strategy session in preparation of negotiations with non union personnel. To conduct collective bargaining session or negotiations with non union personnel seconded by Chris Sweet.

Roll Call for Executive Session;  
Donald Cerrone- Yes.  
Dick Houle- Yes.  
Joan Marchitto- Yes.  
Dick Thimot- Yes.  
Chris Sweet- Yes.  
Probably come out of session at 7:40 P.M. latest.

**NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING  
THURSDAY, OCTOBER 2, 2008**

7:45 P.M.- Continuation of public hearing on the application of The North Attleborough Real Estate, LLC, for a 34-lot preliminary subdivision plan for property located on Mt. Hope Terrace and Mt. Hope Street. Note: Final Action Due 10/10/08; Ms. Burgess, I believe from our last meeting we were waiting for letter from DPW, which we have received. Reading letter from DPW dated 9/22/08 from William E. McDowell ( Insert).

Mrs. Marchitto, I want to state this is preliminary plan, which is conceptual for public input before they come forward with definitive plan. We asked B. of Public Works is little beyond preliminary plan. We've asked them to come forward with some ideas so the applicant has framework to go back to definitive that they will be asked to look at when they come forward with definitive.

Donald Lowe- 103 Mt. Hope St., I think the view is very well written and really describes what I see in the area as far as water concern and drainage and alterations that are going to have to occur on this land. I'm more concerned about the habitation and traffic flow 34 homes with 65/75 people how many cars it is all going to have big impact on that side of town. We try to keep traffic away from Old Post Rd. because of the Mall and here we have project that is really going to impact us very heavily density of housing. We have no sewer in the area except for septic field. Why don't we have town plan to try and develop sewerage system for the area? Why don't we have town plan to put in sidewalks so the people can walk more

outside their homes? I think the town has to look into all these other services before they go ahead and give blank check to this development.

Mrs. Marchitto, I can address couple issues. There are articles regarding mitigation money from subdivision developers that has been in escrow for the Planning Board at town meeting will be presented as an article for sidewalks. One is sidewalks in your neighborhood Old Post Rd. it is not Mt. Hope but it is in vicinity. Second thing right now my understanding the Planning Board is going to meet with DPW regarding inter-workshop stormwater management comprehensive plan. They are working on one right now they have been working on one and it is taking some time that is municipality time it does take time. Sidewalk articles on Old Post Rd. is coming to town meeting in October and DPW is working on a plan at this time and that question time frame goes to DPW. We will be asking for adequate access, will be asking for traffic engineer study from this applicant at the time of the definitive for adequate access. We will have review of the inspection services of Planning Board when the definitive plan comes in. Those issues that you are addressing this evening impact statement. How many houses are there? ( 34 houses).

Mr. Cerrone, They own land on other side.

Mrs. Marchitto, There will be impact study, which it gets more involved they have to do calculations of how it will impact school and neighborhood.

Lyle Rasciot-32 Fitzys Way, Do impact studies include items more specifically I mentioned this at last meeting? There is no detail design of the detention basin I have on my property. That drains down through the entire project and if that gets lost someplace along the line. I guess it involves the federal highway or state because it also drains 295 as well as Fitzys Way. That is not on any of these drawings I have one that will show exactly where it is and I would like to present to the board.

Mrs. Marchitto, Absolutely but if you would like to hold onto it for definitive I think the appropriate time to submit that. We would be more than happy to have that come tonight as testimony it maybe more appropriate if you would like to hold it in safe hands is submit that at definitive to us when they submit their calculations and detention ponds and locust area.

Mr. Rasciot, I would like to have it submitted tonight so it doesn't get lost.

Mrs. Marchitto, You can present it right here this evening.

David Manoogian, Representing the applicant. We'll take copy of that plan from town planner as we go along when we start designing our drainage we will also look at some of those existing basins. Sir we will take note of that and make reference when we do our overall drainage design.

Mr. Rasciot, I appreciate that but I also want it as matter of record of what I presented at this time. 295 it shows drainage areas into it circles around into back development area.

Mr. Sweet, Noticing on a topographical map there is stream running through middle of this development proposed development.

Mrs. Marchitto, I know this is your personal I do want to except it but we have copy in our records. Could you make notation of this so this gentlemen can keep it this is his personal file.

Mr. Rasciot, I have the original. As long as we have record of it.

Mr. Manoogian, Madame chair if we could have that copy then we could make sure we take notice of it.

Mr. Cerrone, Mary we have GIS where we spent million dollars in the town I don't know how much money the taxpayers have been paying. How come we don't have any pictures here so we can see whole area? We should have it.

Ms. Burgess, I can definitely blow those up and print them out I can do that.

Jennifer Winslow-38 Mt. Hope Terrace, What is this development going to do to that stream?

Mr. Manoogian, With me tonight is also John Cohen applicant and Gus Raposa from our engineering firm VHB. Answer this lady's question with all due respect we just don't know this is preliminary plan. We haven't done the detailed engineering to answer those type of questions. Madame chair has said purpose of this is to identify issues like you just brought up so that when we do our final design phases we can have all those issues properly addressed.

Mrs. Marchitto, This is preliminary plan it is allowed under Mass. Statue it is not mandated. The applicant may submit preliminary plan to Planning Board so we can hold public hearing to get input from the public to hear concerns like yourself.

Within 7 months of the preliminary usually they will submit definitive plan it is definitive plan that all your questions that are asked that their engineers should have answers at that time. I agree with Attorney Manoogian just said but I'm sure this gentleman is an engineer here has good idea about that stream right now. I'm sure he's not in the blue and just put this as drawing as cartoon that he has pretty much idea of what calculations are. In preliminary plan it is not required to have in definitive he has to have calculations on drainage/stormwater and show to us that they meet state stormwater regulations. Our engineer service is going to hold them to the gun that they meet those regulations. At time of our preliminary plan they will be meeting with DPW they could be meeting with DPW if they wish before the definitive but that is their prerogative. At definitive plan public hearing first one we expect to have letters from DPW similar to the one that William McDowell has done. Conservation will have meeting but they meet different time they can meet during the definitive plan, after the definitive plan, before the definitive plan. Conservation has their own state timing. It is very crucial for them when they go to Conservation they have different clock statewide that they have to meet and they have to make decision within certain amount of time. We have 120 days lot of times I have to admit that with this board and with these applicants and with public here we have to go beyond 120 days. They very graciously give us extensions and we graciously give them extensions because it is very important for us that we get the best subdivision for this town. Regardless if we want growth or not we want the best one it is private property. We can deny it if we have reason but we can't deny it just because it is growth we end up in court and we're not going to do that. When they come with definitive they're going to rock and roll and they're going to have all oriented when you come here you're going to hold them to the gun.

Gus Raposa, Your answer was better than mine. We have to do it by law, we have flagged the wetlands they need to be verified whether it is stream or what.

Mrs. Marchitto, They did not have to come for preliminary plan but they have lot of work to do before definitive.

Jim Rasciot-32 Fitzys Way, From last meeting it was my understanding that drainage off of that piece of property drains across Mt. Hope and down into reservoir.

Mr. Raposa, From studies probably indicate that he's not here.

**Mrs. Marchitto, We will get into great detail about that.**

**Jim Rasciot, My question is the impact of 34 septic systems on that drinking water reservoir for Attleboro.**

**Kristin Watson-48 Mt. Hope Terrace, If I'm understanding the letter that was read correctly it seems like there may be some significant challenges to putting the septic systems oriented in way that is conducive to ledge and stuff that is there. Is that all going to be fully understood at the definitive?**

**Mrs. Marchitto, That letter was letter from engineer at DPW we did request it. Some of the areas in that letter as I read it he does cross borders. Septic systems come under B. of Health. When they submit definitive plan this board has 120 days to make final decision. I'm pretty sure and I feel very comfortable we will go beyond 120 days. When they submit definitive plan state statue the day the submit definitive plan they also are submitting that to all other boards. We under statue have 120 days to make decision. That day it is also submitted to B. of Health they have 45 days by state statue to make decision they will look at it.**

**Ms. Watson, B. of Health would be the ones to determine if the septic placement are correct?**

**Mrs. Marchitto, That is their jurisdiction their authority and that is where that discussion will be held.**

**Frank Wonslow-38 Mt. Hope Terrace, Who assumes responsibility if after due diligence somebody makes mistake similar to mistakes that were made at Big Dig? Supposedly somebody makes mistake with septic systems and the fecal matter leaks into groundwater. Who assumes the responsibility?**

**Mrs. Marchitto, I'm going to defer that again to definitive plan when that clock starts ticking to B. of Health I'm not going over my jurisdiction.**

**Ms. Watson, With the economic situation I don't know if it is part of Planning Board's responsibility but who is overseeing this so that they don't get into it and then we have 34 empty lots because nobody can get mortgages.**

**Mrs. Marchitto, NA subdivision regulations past last year in September 2007 that all roadways, utilities, sidewalks, curbing has to be up before they start building. Second thing even before that subdivision control Mass Statue and then our subdivision control requires them to set up some type of bond, Letter of Credit or surety so that they can build. There is backing of money if it fails.**

**Mr. Manoogian, You stated it very well. I though her question maybe going to financial viability of the applicant. Law doesn't require us to disclose it and that is not subject of it and quite frankly it isn't anyone's business.**

**Ms. Watson, If it is finished and nobody can get mortgages.**

**Mr. Manoogian, All due respect to Planning Board their bond is required by statue only gives the board and municipality a guarantee that if developer walks away or roadway is not built according to plan they have avenue to complete roadway. Nothing in the statue guarantees that property will be sold if it's developed. If my client puts in the roadway they get their bond released everything is according what you will have is road with no houses on it. Planning Board can't get into by law whether or not properties can be sold. Only thing they can get into is if it is constructed in accordance with their rules and regulations we have bonds to ensure that.**

**Mrs. Marchitto, You may not realize it driving down side roads that there is actually buildable lots not built that is owned by someone or by subdivision just never built.**

Ed Vandette-46 Mt. Hope St., There is ledge they're going to have to do significant amount of blasting I would think. What is going to protect us from cracked foundations, water seepage? There is tremendous amount of water there now you can listing to water running there is couple catch basins and it will run for days with no rain nothing in site. What is in this to protect us?

Mr. Manoogian, At last meeting I said any blasting is controlled through the fire dept. before blasting contractor can work they have to put up an insurance policy. If they feel it will impact specific homes they will come in and do survey with video camera of your home and then they have insurance if anything happens you're notified of insurance carrier and you can submit a claim. Blasting is done all the time in this town also there is a vehicle that is there to address it. This board usually doesn't get involved because quite frankly it's not in their domain they don't have way to enforce it usually it is through fire dept.

Michelle Raymond-62 Old Post Rd., Is part of the impact of the water and there is river underground that if there is going to be blasting that would be taken into account in the engineering what might happen as result of the blasting to the underground water or any of those type of things?

Mr. Manoogian, The answer is yes just by necessity because when we do borings and determine the level of water table all that is taken into account. The land will have to be altered to accommodate the drainage for the subdivision so that there is zero runoff into neighboring land and we don't effect anything. We're also going to have to account for some of the conditions in the neighboring properties that adversely effect. All that is taken into account for design phase. What exactly that is going to be we just don't know we haven't been out there.

Mr. Lowe, As far as wastewater there is concern I believe that the town has sewerage drainage up to Mohawk Dr. or there about as far as I've heard. This project is perhaps 1/2 mile beyond that. Is there anyway the town planner's can foresee this development and put in town sewerage to alleviate all these other issues that we're talking about? It seems like this is only going to be one project on Mt. Hope St. because other side of street there is another 100-acres.

Mr. Manoogian, We would love to have sewer that we could connect too it benefits our project and benefit everyone else. Background on that currently town of North Attleboro is under sewer extension moratorium that has been imposed by DEP and folks Mass. Dept. of Policy Act because our DPW has not filed necessary reports they are called environmental impact reports required by the state and certain improvements to wastewater facility. I don't know if they've been dragging their feet on that but there is still a moratorium so that even if we wanted too we could not extend it. This board's regulations mandate that if there is public sewer within 1200ft. that we would have to extend that line and tie in. Unfortunately the nearest sewer is way more than 1200ft. away. One of our discussions with DPW the last paragraph of that letter that DPW had was I think rather see proposed applicant and people in the vicinity, which said they want to sit down with Planning Board and discuss their wastewater sewer basically wastewater plan for the whole town. That plan...(inaudible) I've seen DPW change that plan several times depending on who is on the board. This board has worked long and hard with that but unfortunately sewer is outside this board's province. There have been many subdivisions I've permitted for clients that this board has wrestled with that they would love to have sewer. This board has worked very hard to try and make that happen as in my client

but we couldn't effect it is totally out of our control. Hopefully the DPW maybe getting their act together so that some of this sewer can take place. However this town has never undertaken a sewer project that the taxpayers have gone for they want all the private developers to do it and those cost are so extraordinary it will never get done. For example in this town instead of saying your road is going to have sewer we're going to assess everyone like they do in most municipalities this town doesn't do that. They say we're not going to make you do it unless all the neighbors in road want sewer then there will be 100% assessment. That is backwards every other town I've ever seen and city says putting sewer in here is your assessment.

Kristin Watson, Wondering what timing is that we would expect to hear next phase of things?

Mrs. Marchitto, Tonight this is preliminary plan they've gone beyond the call of duty they've done all the requirements of preliminary plan. What will happen is we'll come to a closure we'll close the hearing this evening we will come to a vote. They can come in 7 months or greater it is all in their hands.

Ms. Burgess, Basically when you submit preliminary plan you knock off the 45 days of original 135 day per definitive subdivision. That only stands though for 7 months from date of this decision if they don't come in within 7 months date of decision it goes back to 135 days for date of final action. They can come in tomorrow with definitive plan where there is really no constraint on either way.

Mrs. Marchitto, They can come back in a year but how it effects you is when they do come back with definitive all the abutters to this property will received certified mail that they are presenting a definitive plan to Planning Board. We have public hearing have it advertised in newspaper because it is public hearing and that is how you will be notified.

Recess hearing for 5 minutes.

Open hearing scheduled for 8:15 P.M. Car Max and recess until 8:25 P.M.

Mr. Sweet, Make motion we close the public hearing, second by Dick Houle.

All in favor 5 to 0 close public hearing at 8:16 P.M.

Mr. Sweet, Make motion we accept the preliminary plan, seconded by Dick Houle for discussion.

Mrs. Marchitto, I think you have lot of work to do ahead of you. I think you have some departments DPW to contact, have to flag the wetlands. I think you have lot of input from the residence that you have to look into. When you come back our engineer is going to hold you to the gun on lot of this stormwater and I think getting good project going up front if you address all the issues up front.

Mr. Cerrone, Are they going to do some improvements on old existing street?

Mrs. Marchitto, I think you're going to have to look at adequate access on both of them you're going to have to look at traffic study and impact.

Mr. Cerrone, Impact of whole area.

Mr. Manoogian, In your decision if you could define the areas you want us to look at other than whole area.

Mrs. Marchitto, You have the impact study.

Mr. Manoogian, I understand but if town planner can define the impact study in terms of geographic area.

Mr. Sweet, What I'm hearing is the traffic on Old Post Rd., Mt. Hope that whole lower half.

Mr. Cerrone, Have Lindsey St. intersection.

Mrs. Marchitto, Impact study involves the school impact on utilities.

Ms. Burgess, If I can make a suggestion to hold off on making the decision until I can draft decision including everything that has come up in these meetings input from the board. So by closing the public hearing postpone the vote until next date and we have draft decision and then we can make sure we include everything and nothing gets missed.

Mr. Sweet, I withdraw my motion.

Mr. Manoogian, If town planner needs additional time let us know.

Ms. Burgess, Our next meeting is the 16<sup>th</sup>. so if we discuss everything the draft and everything make our decision I can probably have the final if you just want to give until 10/20/08

Mr. Manoogian, If you could consider that verbal request to extend time by which the board has to take final action to October 20, 2008 and I will send letter confirming that.

Mr. Houle, Make motion to extend final action until 10/20/08, seconded by Chris Sweet.

All in favor 5 to 0.

Mrs. Marchitto, We have closed public hearing we are not taking anymore testimony from the public it is all discussion amongst board members right here. What we decided to do is when we submit preliminary plan and do vote we have to submit the clerk our vote and our decision why we decided. Instead of doing verbally we're going to have Mary look at the minutes write up a decision and on October 16<sup>th</sup>. meeting we are going to make a vote. Mary the town planner's decision is going to have all the discussion we've had this evening and then we'll make vote submit to town clerk. We are going to do vote October 16<sup>th</sup>. we are not having any public input at that time though.

Unknown woman, We don't have anymore chance to voice our opinion?

Mrs. Marchitto, Correct until the definitive but I tried to make that clear at the beginning. When definitive comes back we will have public hearing and you will be able to voice it.

Mr. Lowe, In absence of our public input can the public sit in?

Mrs. Marchitto, Absolutely that is why I'm letting you know October 16<sup>th</sup>. the board will make vote.

Ms. Burgess, It will probably be towards end of night because we have other public hearings that night.

Jim Rasciot, Letter Mary is going to draft up will include discussion from tonight I would assume that would be from last meeting also.

Mrs. Marchitto, She will highlight the main issues of preliminary hearing that we want him to address for the definitive.

Mr. Rasciot, Would we have access to that?

Mr. Cerrone, Yes you can have copy.

Mrs. Marchitto, You can have draft that night but it will go to town clerk and once it goes there it is public information all this is public information. Anytime you want information you can come up to this office and ask either Linda or town planner Mary for that information so we'll get you copies of it. Everything is public.

Respectfully Submitted,

8:25 P.M.- Public hearing on the application of Car Max Auto Superstores, Inc. for proposed amendments to Special Permit #128 for property located on South Washington Street and Draper Avenue;

Ms. Burgess reading in notice.

Jack Jacobi-attorney in Attleboro, Represent Car Max John McNamara is here from Car Max, Shawn Smith from engineering firm we also have some people from architectural firm and also have traffic engineer here. As notice said this board issued a special permit back on 12/15/99 to develop the Pride Ford site. That site was constructed and was in existence then I guess there was some business reversal and Car Max has now leased that site from the Draper Avenue Realty Trust. In addition they have also leased from the same party what was the Kia Dealership little bit further down the street and the abutting property. Intention is to operate them as one property. We applied for modification of the existing special permit in that we are adding land into it and demolishing the Kia building and putting the Car Max into the Pride Ford building with some minor modifications. John is going to tell you little bit about Car Max and take you around the site as to how we propose to redevelop this site into being a Car Max dealership rather than Ford and Kia dealership.

John McNamara- Real Estate representative for Car Max, Out of Richmond, Virginia. Like to take couple minutes and talk to you little bit about who we are and what we do and then walk you through our site plan. Car Max was created back in 1993 we began from Circuit City they were looking for outlet for their retail expertise and something beside consumer electronics and they created Car Max. Concept was born after doing surveys of customers across the country and understanding what they like and disliked about the buying car shopping experience. Since 1993 we've gone from one store in Richmond, Virginia and we've grown to about 99 stores and 46 markets across the US. This will be our first venture into the greater Providence/Boston area. We currently have couple stores in Hartford and New Haven. Car Max is a fortune 500 company we're very proud to have been rated one of the top 100 companies to work for by Fortune magazine 4 years running now. We've also number of other accolades that I can share with you if you care to see them. Car Max concept is very different in the way we do business. We built it around what customers like and disliked about shopping experience for vehicles. We have 5 key equities that we'd like to share with people to help them understand how we work. First one is we have no hassle price and it is same price you will find on line, in the store and on the vehicle. Customers really appreciate that it takes the whole high pressure sales pitch out of the experience. We have much wider selection than average auto dealership in that we have the numbers as well as all makes and models. If you're looking for SUV you don't know specifically what you need you can come to Car Max and fine everything from Explorer to Land Rover, 4 runner anything need PathFinder. We're not selling as many SUV's as we used to but you can still find them. We buy your car whether you buy ours or not. If you bring your vehicle into Car Max and you just want to sell it you want to go up street and buy car at Toyota that is fine we will give you cash offer right on the spot and you can be on your way. We stand by quality of our vehicles every vehicle goes through 125-point inspection and reconditioning process. Part of that is also I should say it's all backed by 5 day money back guarantee you can bring car back for whatever reason in 5 days and 30 day warranty that goes with every car. In addition

to that we sell extended warranties similar to what you could buy on big screen TV. You get 3 year extended warranty on your vehicle for specific price. Finally Car Max. com all 25,000 of our vehicles across country are listed on Car Max. com. They can be transferred anywhere in the country so you can purchase any vehicle you see on line right here at store in North Attleboro. Couple other points that customers usually appreciate is that when they come into the store the sales person that they're working with is paid the same no matter what vehicle they buy. Whether they buy \$50,000 Mercedes or \$15,000 car the associate makes the same amount money so it take that whole pressure and haggling out of whole process. I would like to walk you through our proposed development. You have Rte.1 on ramp to 295, Draper Ave. and the existing Kia building. We'd like to remove existing Kia dealership building and use the whole yellow area as our sales lot. We're not utilizing area because there are number of utilities and lines that run through. Purple is customer and employee parking area, brown is existing building, yellow showroom area there is existing showroom now but what we'd like to do is demolish that and build showroom that looks more like our brand on front of existing main building. Portion of existing main building is what we call our presentation lane. Lighter green section is staging area for vehicles that have been brought in for service or have just been dropped off and will soon be going on to sales lot. Before I talk about flow of sales process one thing I always like to mention is specifically what town, cities and municipalities like about way that we do business. Used car dealership sometimes has some negative connotations and as I've said we've taken the whole sales experience and tried to change that for the customer for better. We also changed lot about way our operations are and facilities are. We keep very clean facilities, they are air-conditioned service bays. We do no loud speakers outside, any gorillas, no balloons, no open hoods, no signs or anything like that. We think of ourselves as a retailer think of ourselves as similar to like target of used vehicles. As customers come in they will enter onto Draper Ave. and come in customer/employee access drive and park in lot. They make their way up here to building and blue box represents our brands peak at the building they will be greeted at door by a sales associate. Sales associate will explain to them in detail exactly what Car Max is and way we do business. Then they will take them over to number of kiosk with computers in showroom and do an inventory search. Inventory search will consist of vehicle we have here as well as vehicles that we have at other stores in region and across the country. Most likely they will find either specific vehicle or type of vehicle or number of specific vehicles that they want to see out in sales lot. They will be escorted out entrance onto sales lot they will shop if they decide to take test drive the associated will drive to main gate, which is for test drives only go out take right turn and go on to test drive either on Rte.1 or wherever else we decide is acceptable. When they come back they will come back through gate and I should mention at that point the sales associate and customers switch places. Only Car Max employees drive the vehicle in certain area come back put car back in its place if they decide to keep shopping or bring it up to front if they decide to purchase it. Customer will go in through the showroom and that is where we will have financing process, etc. If they complete the sale the vehicle goes back for quick run through the car wash and then it is presented to the customer at presentation lane and they drive away. We can usually do this in matter of hours and when the customer drives away they drive away with a vehicle that is

taxed, it's titled it's register and the whole process is done. If they choose too they've already traded in their existing vehicle and put price of that towards the new car. That is how site flows from retail prospective. Couple of other notes to make about the site plan sales lot in yellow and staging area in light green is all highly secured. What is there now are some type of pipe ballads and we would replace those with guardrail. It is embassy style gate we called it that because it is actually tested by the Dept. of Defense is the same gate that US Embassy uses. We have two gates and then either guardrail or guardrail with fence behind it to restrict the building. Only people that drive in sales lot area are associates. Our staging area is screened from the road and from visibility. Our car carriers will enter and unload in CE lot usually in lower sales operating hours. Our proposed elevation and existing Ford dealership and then glass area will be new showroom and along with that is our signage package. We have couple different signs main entrance signs and then there is directional service sign.

Mrs. Marchitto, Do you have repairs in the building or building is just inventory storage?

Mr. McNamara, There is showroom area and major part of it is actual business office/sales cubes, etc. Other part is service area as it exist now will renovate the inside of it but lot of it will stay. We will do repairs on the vehicles that we sell. We don't turn away people if they came in with their vehicle and they didn't buy it from Car Max. We would give them an oil change we'd service their vehicle but we do not advertise services not our core business our core business is sales.

Mrs. Marchitto, You will still have that use in there you just don't advertise? ( Yes.).

Mr. Cerrone, What are your working hours?

Mr. McNamara, Our general sales hours are 10 to 10 except for Sunday then that really depends on the market/ blue laws and things like that. Service hours are 7 to 6 no weekends. 6 days week 10 to 10 Sunday is usually limited hours 10 to 8 or something like that. It varies with the market and blue laws. Service is generally 7 to 6 5 days a week.

Mr. Houle, What type of lighting are you proposing?

Mr. McNamara, We have number of photometric plans we can show exactly the light levels during and after operating hours and Sara could tell you little bit more about the technical aspects of the shoe box.

Mr. Jacobi, If you could hold that until Shawn gets up we anticipated that question. Roland Moulin-51 Norton Rd., Guardrails are they the highway type?

Mr. McNamara, They are highway guardrails around the front and what we generally do it have landscaping in front of those all the way around. Our security is pretty important to us we have not only the highway guardrails and the gates as part of our security but the corners of the buildings have small surveillance cameras that live feeds back to our corporate headquarters that are monitored 24/7. The majority of our assets are sitting out in the open and we're publicly traded company so security is big piece of our business that we have to worry about and also major insurance risk for us.

Mrs. Marchitto, I'm going to have applicant continue the presentation to entirety and then I will open it up for questions.

Shawn Smith-Kimley-Horn & Associates, Engineer for Car Max 450 Hancock St., Quincy Mass. Currently there is large screening area along with wooden fence and

chain link fence along side property line of residential property. Trees are all existing around the perimeter and as John mentioned this does help screen highway guardrail little bit. As part of our design in this project we sort to increase the open space especially in CE lot area right now I believe it is asphalt. We are proposing to bring new trees and several more trees and parking islands internal of parking area as well as few additional trees and islands in public parking area. The open space as it exist now is 25% there was variance existing with the original planned business development stated 24.4% would be lower limit. We are proposing to increase that by 3% or out to 28%. Layout of lighting there are after hours and operating hours. Operating hours you can see the neighboring residential properties primarily we focus the higher intensity lighting along Rte.1 corridor and we do have housing shields along the lights along actual roadways to help avoid lot of spillage. Higher intensity levels are further away from residential properties. During after hours these lights dim down to level that is consistent with as John mentioned there are security cameras are triggered by the lighting so they need too this lighting level needs to remain for security of the property. There is view after hours from neighboring residential parcel these are rendering photos. There is view of normal operating hours and you can see the housing shields do very good job of angling the lights to where it's supposed to be.

Mrs. Marchitto, What time would this picture be at after 10?

Mr. Smith, Yes hour after closing is 11. Picture would be at 10 when they close then it will slowly dim to level I showed you.

Mrs. Marchitto, Do you have comparison of what it looked like 2 months ago?

Mr. Smith, No unfortunately we didn't have enough information to file that.

Mrs. Marchitto, Do we have what intensity of light would be for each pole what number it would be?

Mr. Smith, Yes we have metric plan with numerics on it.

Mrs. Marchitto, Has our engineer looked at it?

Mr. Smith, It was included in the engineering package.

John Lavin-Earthworks Engineering, Only question I have is compared to existing because right now you have existing conditions. Are you adding more poles and what is the intensity right now?

Mrs. Marchitto, Are you taking away or adding poles?

Mr. Smith, I believe the total will be more because of the intensity of area.

Mr. Lavin, You're adding heads two heads instead of one?

Mr. Smith, In some cases yes.

Mr. Lavin, Question is what you have now and is there more intensity?

Mrs. Marchitto, I would like to know that is why I asked the question 2 months ago. Coming off the highway pretty bright.

Mr. McNamara, Do we have that information and can we gather it?

Mr. Smith, I can attempt to gather that information I will let the board know.

Mrs. Marchitto, Lets do the over view. I wanted to make sure that you had the information and that our engineer services had seen them.

Mr. Cerrone, How come this didn't say planned business development when you advertised it?

Ms. Burgess, Modification to special permit.

Mr. Cerrone, It should have said planned business development.

Ms. Burgess, It is under section 6...(inaudible).

Mr. Smith, There is 8" main that does flow back and feed lot of residential parcels. There is existing pump station private that our Car Max will feed into using and 8" PVC gravity main, which is existing we're not going to modify that. Existing water service for fire is 8" main industry that will feed not only the sprinkler system internal to the building but also four separate hydrants surrounding the building, which should be more than sufficient for fire capability. We did meet the deputy fire chief on site to discuss possible problems. These are existing hydrants one is being relocated. There is existing sanitary force main that does run off site and carries sewerage flows for both the residential properties and our Car Max site. There are two utility easements that will be preserved we're not proposing to disturb any of the existing utilities they should be sufficient to supply the needs of Car Max. I understand based on conversation with Dept. of Public Works we will add new meter assembly at the street because as existing the connection in the street is more than 100ft. from connection to the building. That is the only modification to utility we will be making. Stormwater we did do a study to check the regulations to ensure that the existing site had capacity to handle modifications. We are decreasing the amount of impervious cover, which generally translates to a decrease in amount of runoff flow and amount of quality treatment that you need to provide. Existing conditions currently have two oil/water separators and underground detention to serve the needs of the parcel. The system outflows to point, which then crosses the street and through culvert and headwall and then flows to site. Existing Kia parcel has very large pipes underground that serve as detention pre treated by deep sump catch basin to help filter out lot of the oil and other things. Then discharges to existing system in South Washington St. and these are all existing systems we are not proposing modifications to stormwater management.

Mr. Sweet, Would you go back to landscape plan? Brown perimeter is that sidewalk?

Mr. Smith, Yes it is existing sidewalk on perimeter and there is new sidewalk internal to the site.

Mr. Houle, In front of building where you said you have railing where is that exactly going to go all along the front?

Mr. Smith, Highway guardrail is primarily to protect the sales lot area and secure that area. It will not extend along the frontage along Draper Ave.

Mr. Houle, It will be in corner though?

Mr. Smith, Yes it will be in area and surrounding the entire security where we do have a wall and another wall.

Pat Murphy-71 Norton Rd., Could you show guardrail from say South Washington St.?

Mr. Smith, Basically it is all along perimeter South Washington St. surrounding sale lot and then it comes back and basically surrounds entire sales lot area then secures area also.

Mrs. Marchitto, What is height of guardrail?

Mr. Smith, I think it is 3ft. standard 4" concrete filled ballads are currently there.

Mr. Cerrone, There used to be fence there before Pride. There was 6ft. fence I think from corner Adams St. all way to 295.

Mr. Sweet, Question about traffic. People coming in and out of that lot there is storage problems perhaps that might have multiple people stacking up because you are transferring drivers at that point. Where does transfer take place?

Mr. McNamara, Generally it takes place in stacking area you can see light gray line is actually the arm of the gate. You have room between the street and that gate to pull off of the road and switch the driver. I'm not sure of the exact measurement.

Mr. Sweet, I'm just concerned other drivers with three people coming in are they going to have to sit in the street while exchange takes place. You could have some additional traffic backing up on Draper.

Mrs. Marchitto, Do they come in from Draper into your parking lot the switch? Or switch before the gate?

Mr. McNamara, They will come in on our property in front of gate they will pull off street when they switch. They will have switched positions before they enter sales lot that is only test drives.

Mrs. Marchitto, Is your traffic study going to address the internal traffic inside or just outside?

Mr. Smith, As we have it right now it just addresses traffic outside.

Mrs. Marchitto, I just didn't know if it is appropriate time to have presentation on traffic because we're talking internally.

Mr. Cerrone, Are you going to close off entrance to Adams St.?

Mr. Smith, Yes what we're proposing to do we're going to leave entrance there but we are going to put guardrail across it so it will not be used.

Mr. Cerrone, Right now that is very dangerous even when Pride had it. I think it should be eliminated.

Mr. Smith, We can look at that I will tell you it will not be used.

Mr. Cerrone, In morning stacking lanes ends up where you're going to have your entrance to switch drivers about 7/8 in morning cars all way back.

Mr. Smith, That entrance essentially unusable because of that guardrail. We didn't cut it off because that is still independent piece of land and we didn't want to eliminate the entrance totally because it is separate parcel. It will not be used at all.

Mr. Cerrone, How many entrances allowed on planned business development Mary?

Ms. Burgess, One by right.

Mr. Jacobi, There is only one customer entrances there is way to get the cars out there, which is gated entrance/exit that is only used when someone takes test drive.

Mrs. Marchitto, I love how people marketing terms understood we'll go for traffic.

Mr. Jacobi, You raised one other point from your 99-decision laundry list of conditions that were put on the decision. I want to make it clear that we are not proposing to change those things. Except we have one issue that we would like to raise. I think it was #25 required closed gate at customer entrance and we puzzled over that one couldn't quite figure out what you were getting at.

Mr. Smith, Swing gate that condition 25 says it has to be I believe closed and locked I guess after operating hours.

Mr. Murphy, That was to stop delivery of cars between hours late at night when people are trying to sleep at 10 at night we wanted that gate closed so they couldn't get delivery of cars at midnight, 1,2, 3 or 4 in the morning that would wake up Mr. Dufault across the street.

Mr. Jacobi, You do have condition however that says there will be no deliveries after 9 P.M. if I remember conditions right.

Mr. Murphy, The neighborhood didn't want anything going in there and making noise after 10 P.M. whatever hours of operation were.

Mr. McNamara, Hours of operation those are operation sales hours. Actual customers coming in ceases at 10 we won't sell cars anymore. There are number of closing down procedures and tying out the books and closing cash registers, etc. that can happen up until 11:30.midnight sometimes. It is just employees but reason we bring up the gate and it is operational concern of ours is that first off the deliveries are already restricted for 9 P.M., which we're okay with. We can work with our delivery companies and third party vendors to make sure that we abide by that requirement. If gate is there with intent of limiting those deliveries I don't know if it would achieve that because we would have to leave it open so that our employees could get in and out beyond 9. I also felt I didn't know if it was security issue and that was reason that it was raised. I can address those security features we have as well.

Mr. Houle, Have you guys looked at any other alternative fencing other than guardrails?

Mr. McNamara, What we've done before besides guardrail most of our stores have guardrail but what we've done before when asked. Reason it's not our first choice is because it is significantly more expensive we've done bent type ballads they are generally painted black very low profile and they are ballads that come out of ground in two points and meet in center. We haven't looked at that.

Mr. Houle, It just seems to me and I'm only one member on this board that is awful lot of guardrail those people who live over there will have to look at.

Mr. McNamara, We can color it do rust color do lot of different things. It really is only frontage and this part then it cuts in all green space. There is 6ft. decorative fence that is on resident's side with that guardrail and it does run all around to help screen that portion of it.

Mr. Houle, I'm more worried about outer perimeter and these people live there and they have to live there all time that is concern I have.

Mr. McNamara, Other thing we've done in the past is lot of low ground cover landscaping and since guardrail only sits about 3ft. high we can cover significant portion of it with ground covering landscaping, small shrubs and things.

Mr. Cerrone, How about wooden guardrail?

Mr. McNamara, They don't meet our loss prevention guidelines because they can be rammed with cars.

Mr. Jacobi, I guess we would like some feedback from the board on this if the guardrail was covered perhaps wooden fence in front of it or something that you couldn't actually see it so that it serves the purpose of security but yet it was not visible. Would that make a difference?

Mr. Houle, Aesthetically I personally think it would. Lot of those trees you mentioned they are already existing I guess you're going to be putting in lot of shrubs.

Mr. Jacobi, I think if this is issue for the board and I'm hearing it is I'm sure we will be back here on another night. We would suggest is that we understand what your concerns are and that we do little more designing whether it be shrubs whether it

be wooden fence or something that hides the guardrail. Come back to you with a proposal on that would that be fair way of handling that?

Mr. Houle, I think so.

Mr. Lavin, Only thing I'll point out in zoning decision it says suitable landscaping be placed around entire perimeter of property appropriate shrubs, grass or mulch. Other thing could you put berm in front of guardrail I know you'd probably need a barrier berm wouldn't be sufficient for security.

Mr. McNamara, Unfortunately the berm isn't sufficient whatever you can drive over with SUV or truck. The balance we try to strike is that we have secured lot municipality if okay with how it looks and lastly that we are able to display our product. Reason we obviously bought this site is because it has great traffic up or down Rte.1 and we laid our sales lot out right here on road so everybody can see the vehicles that we have for sale. What we try to do is minimize blocking that line of sight.

Mrs. Marchitto, What is currently there right now is it posts?

Mr. McNamara, They are wide and silver steel colored and full of concrete. I don't know if they specifically meet it but the bent pipe ballads would establish same thing they would sit lower look better than what is there now. They are black very low profile.

Mr. Lavin, I understand you need the visibility from Rte.1 that is huge thing. Hide the whatever blocks or something like that precast.

Mr. McNamara, We could come back and propose couple of different things you could look at with renderings and you could let us know what you think.

Mr. Houle, I think for the aesthetic value for people living there I think that would help lot.

Mr. Jacobi, We've heard your concerns and I think we can go back and spend next couple weeks looking at what we can do to make it aesthetically pleasing while meeting the security needs. Whether that is changing to bent pipe ballads or whether hiding the guardrail we will work on that we hear you. The other thing we wanted your feedback on was whether the gate that would be locked at some point in the evening was it particular importance or not.

Mrs. Marchitto, Can I hear traffic and then can we come back to specific issues? Once we hear traffic I think we can knock this off and get to specifics.

Eric Eebie-Greenman & Peterson traffic engineer, We've done trip generation traffic study for this project also were the ones who did original traffic study for Pride Auto. We did some traffic counts at existing dealership and it was generating much traffic at time we did the counts. Projecting traffic that Car Max dealership will generate is reduction in traffic from the Pride Ford in full operation. Reason for reduction is we're going from two dealerships down to one. Less traffic in original proposal was here for Pride Ford when they originally had two buildings proposed and permitted through MEAPA process and Mass. Highway only had one building built and another one that was never built. When you look at total build out that we did all our original traffic impact study for this proposal is only half traffic that was originally permitted for on the site. Driveway was right out only at time of Pride Ford it will be closed off entirely only be gated except for sales drive. Keeping with restrictions that were on previous site no sales/test drives will be going out Draper Ave. up Norton Rd. into residential area. Salesmen will be instructed to keep the test drives out to Rte.1. Driveway was designed also to restrict left turns out make it

undesirable to make right turn and left turns out. Signage across the way to reinforce that right turn only restriction. Reduction in car dealership size not building out full two dealerships that were previously proposed. This project will be reduction in traffic from what was originally proposed on the site.

Mrs. Marchitto, Kia parking lot were those two entrances open one way?

Mr. Eebie, They were open and one was right turn out only driveway. Before it was built it was main entrance into dealership then it became major way after Pride Ford build out.

Mr. Lavin, Was this permitted as one going back in 99 instead of two separate approvals.

Mr. Jacobi, Kia was under 5 acres so it was alone.

Mr. Cerrone, Then they came back with other one under planned business development.

Mr. Lavin, Conditions possibly from Planning Board on Kia property?

Mr. Cerrone, Yes there should be conditions.

Mr. Jacobi, There is very extensive list of conditions that is in your special permit that applies to the site and number is close to 30 if I remember right.

Mr. Lavin, All I was going to do they probably overlap but if it was conditional.

Ms. Burgess, I believe there is order of variances on one side and not variances on the other and open space goes on one side and not on other. Kind of hectic with all conditions.

Mrs. Marchitto, Your traffic study is indicating that there will be less traffic? ( Yes.) How many cars are you anticipating to have in inventory to sell?

Mr. McNamara, On any given time roughly 300 cars.

Mrs. Marchitto, How does that compare to Kia and Ford dealership?

Mr. McNamara, I'm not sure it is basically same amount of sales area with the exception we have additional sales area where the Kia building was. It is roughly the same space they were using. Spaces will be 9 x 17.

Mrs. Marchitto, Did you do any further traffic for the intersection how cars queuing up at entrances?

Mr. Eebie, No we looked at the volume on Draper Ave. from our previous studies about 300 cars an hour out there. It is not enough traffic to warrant left turn lane volume coming in and out of the dealership driveways to traffic on Draper Ave. to warrant turning lanes or any additional improvements like that. It will operate very much like the Pride Ford was when it was in full operation.

Ms. Burgess, I don't think the traffic report was submitted with your application there is an overview of the traffic we didn't get actual copy of traffic report.

Mr. Eebie, I can develop copy for you.

Mrs. Marchitto, John Lavin is the inspectional engineer for Planning Board.

Mr. Lavin, Did you take into consideration on say Saturday test-drives in and out?

Mr. Eebie, We looked at both Saturday peak hour midday and as well as PM on weekday.

Mr. Lavin, Car in/car out it is four trips per one car in or one customer. Did you take that into consideration?

Mr. Eebie, Those numbers are in here.

Mr. Lavin, Reading in his review dated 9/26/08 ( insert).

Ms. Burgess, Reading in part of John Lavin's review.

Mr. Lavin, Reading traffic, on site lighting, car wash wasn't necessarily shown on the plan but I was told there was one. Other questions will come up I just reviewed the zoning past and then the planning board. Zoning Board decision 2/13/96. Proposed maintenance schedule to planning board for parking lot should also include hours of sweeping. System to be installed to reasonably minimize the impact of heavy metals, nitrates and gasoline runoff from entering 7 Mile River of drinking water supply. Chemicals must be monitored on monthly basis by environmental engineering co. and results recorded to US EPA. Recommend board inquire and perform task and discuss future requirements stormwater testing and appropriate agency to submit the analytical data to whom it should be submitted. Use of sodium salt from melting snow or ice not be permitted on site. Part of applicant's operation and maintenance plan recommend applicant address proposed snow storage area and if what materials/chemicals if any that they will be utilizing for snow and ice melt. That was for the zoning board there are several items from NA Planning Board. Curb cuts and this is reason I asked if these were permitted separately it says a curb cut. Curb cut Norton Rd. access will be off Draper Ave. which one curb cut being provided centrally between two buildings located easterly as far as possible from Norton Rd. There shall be signage indicate no left turn when exiting the facility. Existing conditions and plans submitted indicate there are three curb cuts. Pride does have one curb cut and Kia has two curb cuts existing. Proposed plans indicate there will be two curb cuts along Draper Ave. Recommend board discuss existing and proposed number of curb cuts and requirement in which planning board previously indicated in their final decision/approval letter. Existing three exits all have signage which indicates no left turn and also stop sign located at each. Car inventory deliveries trucks bringing inventory will enter through the curb cut referred to above in planning board final decision. All deliveries will remain on site no overnight running of trucks/motors will be permitted on site. Recommend board inquire if applicant previously planning board conditions. No deliveries of automobiles on Draper Ave. or Rte.1 all deliveries shall be on site and no deliveries take place between hours of 9 P.M. and 7 A.M. Hours of operation in planning board decision operation of service facility will not be any earlier than 7 A.M. and shall not extend to any later than 9 P.M. On the car wash if you could go over it is recycled, blowers how it is connected to sewer system. Plans didn't show any piping.

Mr. Smith, It is existing car wash it is there today we're not installing a new one.

Mr. McNamara, Only thing we're doing to car wash only thing that will change is the internal mechanism, which are older will be replaced with newer systems but I believe the plumbing stays the same.

Mr. Smith, I will revise my plans to show car wash.

Mr. Lavin, On lighting it was from existing single head now you're putting double heads on. You're just dimming lots not shutting them off?

Mr. McNamara, To clarify as part of dimming process some of the heads there is 3 head pole part of dimming process one of those bulbs will go out entirely the others will dim.

Mrs. Marchitto, Do we have lighting plan submitted to us?

Mr. Lavin, We have the foot candles overall view and dimmer number.

Mr. McNamara, Referring to after hour photo sales lot stays little bit brighter but everything overall dims. Reason we have to keep it lit is basic security to begin with

and then secondly all our motion sensor cameras require at least foot-candle two to operate.

Mr. Houle, They will dim but not shut off?

Mr. McNamara, No they maintain dim level from hour after operating hours through the morning when they are no longer necessary. Color of light is white.

Sara Yates, They are metal.

Mr. McNamara, Actual housing does not contribute to sky glow they are directed directly down. Which is little different from what is there some of the light poles that run along Rte. 1 I believe two head and they face in all of ours will face down in show box.

Ms. Yates, There is cutoff that shows within the housing and there also will be cutoff shields on all the fixtures around field.

Mr. Lavin, What will height of light from existing to proposed is there any difference?

Ms. Yates, 2ft. base with 24ft. pole.

Mr. McNamara, Existing varies I would say 30ft.

Mr. Lavin, It's 29 or 28ft. the average is it going to be higher than that are they going to be 35ft.?

Mr. McNamara, We can see what they are currently at.

Mrs. Marchitto, I think we're looking at we don't want anything increased.

Mr. Lavin, Height as far as what you're going to construct does it meet zoning?

Mr. Jacobi, We ran that by building inspector and we have letter from him says that height meets the requirements.

Ms. Burgess, I don't have the letter.

Mr. Lavin, What is height of peak that you are doing?

Mr. McNamara, Height of peak is 35ft. at point but as they mentioned we've gone through with the building inspector and number of calculations to be sure that the way peak is calculated according to line, etc. we meet the code and we have that signed off.

Mr. Lavin, How about signs as far as height? Are they all going to be attached on the building?

Mr. McNamara, Not all of them we do have one free standing pylon, which is in place of one that is there now. It is 6ft.1ft. in height and 16ft. in width. I'm not sure exactly how far off the ground it is.

Mr. Lavin, That is fine it is not 50ft.

Mr. Eebie, Sign was in package submitted to the planning board and it will actually replace existing pylon that is there today.

Mr. Jacobi, It is one for one swap.

Mr. Houle, How big will the stand-alone sign be?

Mr. McNamara, It is 200sq.ft., which is roughly I believe the size of Ford sign.

Mr. Lavin, Did you talk to building inspector about that the sign?

Mr. McNamara, I believe it came up in one of our meetings and building inspector did indicate that the sign itself could not be taller than...(inaudible) this sign should comply with that.

Mr. Eebie, To clarify the sign package pylon would be where it exist today and then monument sign at entrance peak each have Car Max sign and then there will be directional service sign above service bay. Most of rest of these sign on car wash " please lower antennae's and direction equipment, etc."

Mr. Lavin, How high is sign at entrance and is it illuminated?  
Mr. Eebie, It is 12ft. and is internally illuminated.  
Mr. Lavin, It's illuminated from Norton Rd. and it is illuminated at that?  
Mr. McNamara, Car Max recognizes the entrance to our property.  
Mr. Cerrone, Cobblestone will be able to see it.  
Mrs. Marchitto, What is existing right now?  
Car Max, There is no sign.  
Mrs. Marchitto, Is it necessary to have something at that point?  
Mr. McNamara, It is part of our general package that we put together for our stores it serves as sign once they pull onto Draper so they know where our main entrance is.  
Mr. Cerrone, I don't think Mr. Dufault's roof is 4ft. from ground the sign will be higher than his roof he has ranch.  
Mrs. Marchitto, Is it illuminated too?  
Mr. McNamara, As proposed yes it is.  
Mrs. Marchitto, I think you have to think about that one.  
Mr. Lavin, Can it dim?  
Mr. McNamara, I think we can have it dimmed. I absolutely think we can work with you.  
Mrs. Marchitto, You do have residential homes across the street.  
Mr. Lavin, Most people who would take Norton Rd. know you are there.  
Mrs. Marchitto, I can understand Rte.1 I can understand gas station I cannot understand as you're going to residential area and beyond you is truly residential it is not changing.  
Mr. McNamara, If we propose to do away with internal illumination maybe have lights on during operating hours small spot lights and then everything shuts off? Something of that nature.  
Mrs. Marchitto, I'm going to do field trip and take look at the building. I drive by area everyday and I think it is out of character to have 12ft. illuminated right there. You're on Rte. 1 understand your neighbors are going to be another 50 subdivision on right side.  
Mr. McNamara, Let us take that back and some of the other points and we'll put something together that maybe more acceptable to the neighborhood.  
Mrs. Marchitto, And character of the neighborhood.  
Mr. Jacobi, Were you going to schedule formal site visit?  
Mrs. Marchitto, Seems like board doesn't seem to attend those quite frequent.  
Mr. Cerrone, There is usually only two members that go.  
Mrs. Marchitto, I drive by there everyday.  
Mr. Cerrone, We should do site visit and Mr. Houle agrees and Mr. Sweet agrees. Take look at whole site.  
Mr. Lavin, Understand what I'm saying stormwater as far as it's referring to the 99? (Yes). It's changed also as far as underground I know how much you looked at it but it recommends some of the stuff before that there was manhole placed above the detention area for inspections. So you can see that they are not always full because if they are always full nothing is being retained.  
Mr. Eebie, We are not going to change what is there now so if there is manhole there and I believe there are two of them.

Mr. Lavin, That plan I had to go back to drilling plan that was short scaled and it just showed the underground it did show piping.

Mr. Eebie, I have an extra copy.

Mr. Lavin, Then if you show time of concentration as far as where you took from, etc. for height of analysis.

Mr. Eebie, Generally on site like this we do the bare minimum time of concentration, which is generally accepted, is 5 minutes. I'll go back and make sure I don't have anything above that and if I do...(inaudible).

Mr. Lavin, As far as the overflow did you look at that? Is riprap gone?

Mr. Eebie, I did look the riprap is still in place there is few cattails growing it is not blocking anything.

Mr. Lavin, You based it on what is before and what is now I recommend that retaining be clean prior to starting out. You have catch basin no oil/water separator on the lot.

Mr. Eebie, It's just deep sump catch basin.

Mr. Lavin, You should think for your own sake it is going to 7-Mile River and Attleboro drinking water is fine. If there was fill on that site the water is always going to be at invert pipe take solids but it won't the oil. Probably recommend putting oil/water separator you have one at the other end.

Mr. Eebie, We have two of them.

Mr. Lavin, On the Pride side but on other side you don't have any protection recommend doing that because it is drinking water supply.

Car Max, Will look at it.

Mr. Lavin, In sense it is like redoing gearing it towards...(inaudible). Showing above ground storage tank? Is there existing one there now?

Car Max, I don't believe so.

Mr. Lavin, You're going to be using gasoline?

Car Max, There is refueling for the cars for sale.

Mr. Lavin, You will need license from selectmen permit from fire dept. permit to store it.

Mr. Houle, How many gallon tank would that be?

Car Max, Fuel tank this is satellite store so it is smaller tank 2400gallons.

Ms. Burgess, Within the screened area.

Mr. McNamara, It is actually 6ft. block wall and then all along is chain link with slats inside that we have highway guardrail hidden for security. It is aesthetics so it's not chain link fence facing neighbor it is not chain link we use CMU block along the interstate or the on ramp is chain link to slats.

Ms. Burgess, Reading in town planner's review dated 9/25/08 (insert). Dated 9/29/08 B. of Public Works William E. McDowell (insert). There are no other letters at this time.

Pat Murphy-71 Norton Rd., I have quite few questions how long is Car Max leasing property for?

Car Max, I believe our base term is 20 years and we have I think two 10 year term extensions I would have to double check our contract.

Mr. Murphy, Why hours of operation have been extended to 10 P.M.? First property were permitted to work from 7 A.M. until 9 P.M. What is need for extra hour? You were talking about locking up the gate make sure employees get out maybe if you end it at 9, which is reasonable hour. Some people get up early in morning and have

to go to work it would give your employees 1-hour to get out before gate is locked at 10. As far as landscaping is concerned I was wondering if you were going to put in any kind of watering system so that it would stay green. At present time there is no watering system there and in summer months it does tend to burn up and doesn't look very nice. As far as guardrail is concerned I don't understand what the guardrail would do as ballad that are presently there. Can't drive car through the ballads putting guardrail there what is purposed of that? I'd like to ask traffic engineer what is level of service at the light? Presently as you go down Draper Ave. get to light on Rte. 1 many times the traffic is backed up all way around the corner almost to 2<sup>nd</sup>. entrance. Would like to know level of service there presently. Light has been changed so that use to be when you go down to that light it would change automatically. Now the cars stack up and light doesn't change automatically. I know you don't have any control of that light but I would like to know what level of service is. I would like to point out that last Saturday as I was going out it was raining very hard there was lot of water leaving the parking lot across from Exxon Station and just running out that driveway that they say they aren't going to use anymore. There was at least 6 or 8" of rain water puddle at that light and people had hard time getting through there to get onto Rte. 1. I think if that exit, which they say they are not going to use if that could be blocked off and raised so water doesn't flow out there from parking lot. They could retain the water on their own property. I am adamantly opposed to the sign at entrance 12ft. illuminated sign it goes to residential area. I'm very concerned about them having gasoline tank on property there is gas station right across the street. I know Attleboro Toyota comes down and fills up at the Gulf Station, I know Nissan fills up there. There is Shell Station across the street have plenty of retailers selling gasoline here in North Attleboro. There won't be any need for having 2400-gallon gasoline storage facility I just think it is hazard. Those are some of my questions and concerns.

Mr. McNamara- Hours of operation that is currently restricted to 9 P.M. is that sales and service or is that only service? ( Both). 10 is our normally operating hours across the country we established those hours because there is desire for purchase cars up until that time. When you sell cars during weekdays customers usually can only come in after 6. Purchasing a car can several hours find one, test drive and complete the process. We do operate until 10 because it meets customer needs if there wasn't anybody buying cars at that hour we wouldn't stay open that late.

Mr. Murphy, Watering landscaping?

Car Max, We did include in the landscape sheet and I believe in construction document we do include sleeves for irrigation systems. On situation like this we generally will leave contractor in charge of finding the manufacturer who will design the system and install that system. That will take care of all green space.

Roland Moulin-51 Norton Rd., Hours of operation is your policy that is not flexible?

Mr. Cerrone, This is special permit.

Mr. Murphy, Planning board gets to set the hours of operation.

Mr. Cerrone, This is planned business with special permit.

Ms. Burgess, Part of the original conditions of approval you would need relief from your original conditions of approval.

Mr. Jacobi, I guess that should be one of the things on our list to review and get back to you.

Mr. Murphy, Level of service at the light.

Car Max, We didn't analyze it last traffic study we did was level service C.

Mr. Murphy, I would like that analyzed again because I think as years have gone on and more development has occurred on Allen Ave. more people find Draper Ave. as cut through to avoid Rte. 1 that level of service has decreased since 99 was last survey that was done.

Car Max, Regardless of what traffic has changed out there our project will not be adding to that.

Mr. Moulin, When did you do your study Draper Ave. traffic?

Car Max, We did counts at existing site this past July.

Mr. Murphy, When the dealerships were closed three dealerships closed.

Car Max, Yes but we have projected have our previous counts my previous studies for the site.

Mr. Moulin, School in session at that time?

Car Max, We didn't do any counts on the street itself we did counts in parking lot. Our main thrust of our traffic study, which compares this project to what was previously proposed and permitted on the site. Comparing the proposed project to what was previously proposed is reduction in traffic.

Mr. Murphy, I understand that but I don't think there is reduction in traffic.

Car Max, From this site there is reduction in traffic.

Mrs. Marchitto, I'm going to bring it through the chair. To traffic engineer I allowed the presentation to keep going. I'm going to make statement right now. You have two entrances and that is why I was asking Mary and I was trying to recollect how Pride Ford Kia was using those two entrances. I will tell you that the entrance across from the gas station that you are going to close so you're not going to have issue with that it is an issue right now. Next entrance coming up that you're going to have gate and as Mr. Sweet had asked how are you going to have this traffic flow of customers going in and out? I understand it I look at it, it is novel idea of what you're doing keeping the internal traffic with cars to be sold in one area in and out from large picture I see where you are coming from. Coming down to area of neighborhood I have concern with it. I think it is novel idea of what you're doing but I have real concern with it. Our concern from local level not from national from local level who travel that road in fight often is that Mr. Murphy is very correct and Mr. Cerrone is very correct. That area from 1999 or that area now in 2008 it queues up to that gated entrance it queues up to the central customer area. We have almost 150 new homes buildable lots in that area of new homes that come through that area since 1999. Even though you believe that their applicant is not going to increase those customers I haven't really heard any proof of that it is true statement. I understand that you're not going to advertise repair service area so I think to myself you don't advertise it so you can come back to me and say we're not going to have the traffic that Pride dealership had or Kia had. Do we know that for fact even though you don't advertise it if you're stating that you're national retailer people know that locally we don't but they will catch on real soon and that is good thing for you. For that neighborhood again they are correct on west side it is all new development and there will be more new development and that is going to be real concern for your traffic of getting in and out. I don't like the gate I like novelty and idea of it. You're going to have to come back and prove to me that exit of cars going to be sold and that entrance of cars that haven't been sold stopping/getting in and out is safe. I want to see that it is safe at all times of night 7A.M whether you're

open or not to 9 P.M. You have issue there if you have cars coming in and out with people test driving it is bad corner. You come down from Draper from Allen Ave. people don't go slow on that road they don't go 30. When they come around corner from traffic light they are still not going 30 that is a fact. You're going to have to look at it whether Mr. Murphy or this neighbor are asking I'm asking as chair you're going to look at that. You have to prove to this board prove to me that is safe. I agree with him too you're not going to have sign there.

Mr. Moulin, Sale process where do you guys get in the car together where do you exchange spots?

Mr. McNamara, When leaving the sales lot take vehicle from anywhere in yellow sales area sales associate will drive it right to edge of gate. They will switch positions customer will get in gate will open go out test drive.

Mrs. Marchitto, Does it automatically open or are you physically getting out and open it?

Mr. McNamara, Sales associate has key car and they stick it out the window.

Mrs. Marchitto, Is that car going to be nosed out into traffic? You're really going to have to come back and give me diagram.

Mr. McNamara, We can give you measurement of whole area exactly what fits and what doesn't and how that works. Transition happens in open space in both exchanges.

Mr. Houle, From the road? ( Yes).

Mrs. Marchitto, You still have to take turn in that area.

Mr. Jacobi, It is not on road where exchange takes place it is inside the lot.

Mr. McNamara, It is inside our property but on outside of gate.

Mr. Murphy, Does gate open when they come back same key card open the gate to let them back in? ( Yes).

Ms. Burgess, Can you show pedestrian flow to how they walk over there and wait to get picked up?

Mr. McNamara, Pedestrian flow would be customers parking come in the building and go out on sales lot with sales associate. All of our vehicles have essentially miniature lock box on window very small box it holds keys to the vehicle. There is master key that sales associates have. They will open that box on vehicle take keys out and take car for test drive so there is no need to go back in and have people picking anybody up. When the sales associate and customer are out there they will choose the car come to the gate come out go on test drive and then the turn. When they return the customer makes decision do I want to purchase this vehicle in which case the sales associate will bring it in and it will go through car wash and present it to them. If they don't buy it goes back in its place and they continue to shop.

Mr. Cerrone, How many sales people are you going to have all time?

Mr. McNamara, I don't have the breakdown for sales associates specifically the facility is estimated to employee 70 to 90 people.

Mr. Cerrone, You're not going to have enough room on Draper you will be stacking up to the gas station with your sales people coming back from people taking test drives on a Saturday. Look at Boch how many people they have working there.

Mr. McNamara, Total associates that is sales people, administrative, etc.

Mr. Moulin, If you start to have couple people come back from test drive onto Rte. 1 onto Draper coming around corner one guy key cards in and two or three stacked up. You have people coming around that corner pretty tough corner. If you come

over Rte.1 onto Draper start to take the corner and there are three cars stopped that is tough place. Reverse that people come around corner pretty quickly as well. You're putting that in real bad spot.

McNamara, I'm not trying to defend it what we've done is used the existing entrance. As question in order to propose something maybe satisfy you more. Entrance is critical to operations but the placement isn't as critical we're using the existing curb cut. Shawn knows what is underground but if we were to move it further and get it away from corner.

Mrs. Marchitto, You must have national average of test drives per day I would assume.

Mr. McNamara, I can try to find the number I don't have it right now I can pull that information for you.

Mr. Cerrone, On a Saturday they will have 20/30 people on staff every hour is probably 10 cars out there running all the time 4/5 salesmen out there all time.

Mr. McNamara, I can present that information.

Ms. Burgess, You were saying have to switch cars and not have anyone driving in the sales area. I think the biggest problem being is fact that you have gate go down, have stop there, people queuing if you could make the traffic come in possibly bring it further in. I think gate is biggest problem with queuing of traffic if you can come in straight flow.

Mr. Moulin, Saturdays is going to be tough area.

Mr. Cerrone, Especially during the holidays.

Mr. McNamara, I think I totally understand your concern.

Mrs. Marchitto, It's taking now two or three cycles if you're parked there if you are queued up in that position it is taking now two to three light cycles to get onto Rte. 1. I'm thinking you have the through traffic and you have your test cars coming in and out through traffic is going to go through two more cycles it will be up to five cycles. That is question you can present to your traffic engineer and come back.

Mr. McNamara, Let us do some homework.

Mr. Lavin, Is it better to have two entrances or one?

Car Max, Two entrances disperse the traffic depends on what type of use it is how intensive traffic is street traffic is.

Mr. Lavin, In general it is better to have one so you can control it people going up and down Norton only have to worry about one. You always try to get one if you can you might want to look at that. Also where purple area where it is moved in it is kind of queuing area where you could probably get two cars or maybe three and address the concerns we're talking about.

Mrs. Marchitto, It gets them well off the road well off Draper.

Mr. Lavin, Still have gated and main entrance on other side.

Mr. McNamara, Let us take look at it I think we could come up with something that you would find acceptable.

Mr. Moulin, People have to go right can't go left that is all residential get bigger opening you can turn right and see way up the road on your left and then you have time to go around the corner and then merge into traffic and go across Rte.1. It is much better place to get out or try to get in and out of other one you're setting yourself up for ruing.

Mr. Sweet, I don't want to solve your problem for you but look at rental car returns how it works.

Mr. Houle, On traffic when you did traffic study I understand it was in June (Yes) and I understand the buildings were empty. Did you take into account that they were empty and there is Mall down the street with traffic during the holidays it backs up horribly?

Car Max, We did counts at site at driveway in June we counted traffic that goes on Draper and traffic coming in and out of site. It was done as comparison to what we will be seeing with the proposed project so we know how much of increase in traffic on Draper all the conditions in June.

Mr. Houle, Did you take into account the added traffic and flow on Rte. 1 at that time? Rte. 1 itself.

Mr. McNamara, He's talking about dumping of Draper onto Rte.1 and coming off.

Car Max, We didn't look at anything on Rte.1 our study specifically how site operates, how much traffic it generates today compared to what it will with this proposed project.

Mr. Houle, You didn't take into account Rte.1 at all?

Car Max, No this is not traffic study of Rte. 1 because we were looking at how much this site would generate compared to what previously proposed site generated. Simple comparison of traffic this proposed project will generate less traffic than previously proposed Pride dealership.

Mr. Lavin, I would recommend take look at it if you just did the 99. I don't know if you talked to town planner of what is being developed. You have Cobblestone, other ones, have Cumberland Farms, Mall was there at the time. You're looking at build no build you haven't looked at any of that from 99 to now?

Car Max, We're looking at reduction in traffic so this would not need to go do full study when we're reducing traffic over previously proposed.

Mr. Lavin, How much are you reducing traffic by?

Car Max, About 50% of what original approval.

Mrs. Marchitto, How are you proving that?

Car Max, That is based on the energy standards of generating traffic for new car dealership. Based on size of dealership building because originally it was proposed almost 60,000sq.ft. of dealership this one is just over 30,000sq.ft.

Mrs. Marchitto, The inventory of cars to be sold will be what?

Mr. McNamara, About 300 or more have 334 spaces.

Mrs. Marchitto, Previous automobile dealership combined had how many cars in inventory to be sold?

Car Max, I couldn't answer that.

Mrs. Marchitto, How many parking spaces for cars to be sold have you I'm assuming 300?

Ms. Burgess, 334 spaces.

Mr. McNamara, At any given time not every spot is filled.

Mrs. Marchitto, With this site plan you know that you made modifications, you're making changes so you know how many parking spaces out there for vehicles to be sold today. How many are there without the modification how many is in that parking lot today?

Car Max, As it is right now it's shut down now there are no vehicles there now. It's not striped so it is difficult to tell how many would have been there prior. Only think maybe I could help you out with that on we do have copy of the original construction documents for the Pride Ford.

Mrs. Marchitto, This is totally marketing thing you can go buy 6,000sq.ft. of building 3500 I can talk to you about how many cars are in inventory. Which one are we going with? Why is building smaller or larger going to sell more or less?

Mr. Jacobi, You did ask the question about what current inventory would have been there. Attorney Manoogian is here he represented the Pride people he has that information if you would like to hear him speak.

Mrs. Marchitto, I could go either way I could say.

David Manoogian-attorney, I represent the owners so I have right to speak that is why I'm here.

Mrs. Marchitto, I did ask earlier if the public would like to speak.

Mr. Manoogian, I'm just here monitoring but if there is specific question I would be happy to address it. I represent Draper Avenue Realty Trust. First of all the initial Pride location both Kia and Ford store just showed display areas of where those cars would be displayed. There were never individual parking spaces.

Mrs. Marchitto, Okay David let's just get to the chase it is 10:10 P.M. how many inventory of those two people were there?

Mr. Manoogian, There was at least 300 cars there on both dealerships at any given time.

Mrs. Marchitto, Thank you. You're going to talk about building spaces I'm going to talk about apples to apples. 300 cars Pride and Kia 300 with you prove to me the decrease in traffic before you come in bottom line prove it.

Mr. Manoogian, Can I just ask one question from the chair? When you say prove it.

Mrs. Marchitto, Don't go there next.

Mr. Manoogian, I think I have right to ask what is the standard of proof you're looking for.

Mrs. Marchitto, He's stating that there is going to be decrease in traffic.

Mr. Manoogian, They usually use the standard scientific method, which are the trip generation manuals. If you're looking for more than that I think my client has right to know and these gentlemen have right to know and these ladies. If you're going to more than what the industry standard is I think we have right to know what that industry standard is that you're looking for what super standard is. When you say prove it these gentlemen are engineer and these ladies are engineers and John is an engineer and there is accepted way of proving things. If John has different method that he would like us to employ we are just asking what that method you want us to employee? You're almost asking us to prove negative we can't prove that we only have acceptable scientific means that are excepted. I don't mean to be difficult but I think that is reasonable question.

Mrs. Marchitto, You represent the other client at subdivision there you know perfectly well what this board is looking for.

Mr. Manoogian, I think you can find out that. I think you're absolutely on point.

Mrs. Marchitto, So why shouldn't we have that information? Why shouldn't we have the applicant take look at that for best interest of town?

Mr. Manoogian, I'm not saying anymore.

Mr. Jacobi, We will review the traffic study we hear what you had to say we just need appropriate period of time to review traffic study. We understand you want us to look at level of service at traffic light at Rte.1. You want us to look at queuing that is backing up on Draper. We understand that and I think you also want us to look at whether that entrance should be relocated or not used at all.

Mr. Sweet, Key word here is safe.

Mr. Jacobi, One of the things that I was wondering about as I was listening to you. Is problem cars leaving site through the gated entrance or when coming back?

Mr. Cerrone, Coming back yes what is going to happen you two or three sales.

Mr. Jacobi, One of things we can study is whether curb cut should stay where it is but be exit only for test drive but when they return perhaps they should return to different area.

Mr. Cerrone, That is something you could consider.

Mr. McNamara, We're going to work with traffic engineer and our design people and see what we can come up with that will remedy this.

Mr. Cerrone, You might want to use it as just right out that is.

Mrs. Marchitto, Mr. Murphy still had some questions to be answered can we run through them quickly.

Mr. Murphy, Why do we need guardrail? You say it is security purposed they have those poles that are presently there why is that not safe nobody can drive through those?

Mr. Jacobi, What we had said earlier was that we want to relook at that issue entirely. We need to revisit that issue. I think one of the other things he raised about rain puddling up at particular area and whether we could put berm there we will look at that also to determine what is happening out there. Whether there is something we could do that might make difference. He also said he was opposed to 12ft. sign, opposed to gasoline tank on the property. Those were the additional things that he had not gone through second time that I wrote down we heard that.

Mr. Murphy, At present time there is berm across from Norton Rd there are trees and evergreens, stockade fence to protect the neighborhood. Recently one of the oak trees big limb fell down it was part of permitting process. Owner is supposed to take care of that fence and repair it also many of the evergreens that are there arborvitae's died should be replaced. Any of 6ft. trees 6ft. on center that were put up there are presently dying should be taken care of especially the fence where big limb fell off tree.

Mr. Lavin, On traffic I wasn't here 99 this is commercial property why is entrance on residential street?

Car Max, I can answer that because of proximity to 295 ramp Mass. Highway has no access line all way up.

Mr. Cerrone, There was fence there they had to go through the state I think to take fence down. If I recall they had to leave fence up for so long.

Mr. Manoogian, We negotiated the state required the fence because of proximity of 295. We wanted to come in off Rte. 1 but state wouldn't let us it is federal restricted highway.

Mr. Moulin, I think you made good point in character of neighborhood that is all we ask signage could you keep it to minimum in character of neighborhood is good way of saying it. I know we kill the guardrails enough but again in character of the neighborhood I don't want to drive around for approximately 300yds. or so just pure guardrail something aesthetically more pleasing that meets your criteria for security would be great. Make us happy we want good neighbor that is all we want.

Mr. Houle, That was very fair statement. Is there question also about size of your spaces 9 x 17 verses 9 x 18?

Mr. Jacobi, Display spaces are not parking spaces and building inspector has confirmed that. There is no requirements of the size of display space because it's not a place for the public to park. Parking space is the public can park are limited.

Mr. Cerrone, Display where they put cars can be any size.

Mr. McNamara, Those are 9 x 20.

Mr. Jacobi, One thing we started talking about and we wanted little bit of feedback for our redesign process was the gate at main entrance. Does that remain important to this board or is that something that because there is enforceable restriction on delivery that would not be an issue? We're talking about gate on main entrance, which was required in previous decision and we would like some feedback from the board as to whether that is still important or not. If it isn't we would like to request that there not be gate on main entrance.

Mr. Houle, What would you have there?

Mr. McNamara, Nothing.

Mr. Moulin, My only concern is I know you guys do best interest to make sure that people deliver during the set period. I guarantee at some point ...(inaudible) and there is house right there. I know you guys would do your best interest say 7 to 9 only time you could drop off but at same time there have been trucks in middle of the night parked there. That is all I'm saying I know you set schedule time for delivery I guarantee someone gets there little early tries to drop off at 2 or 3 in the morning and gentleman lives right there the gate would not allow that.

Mr. Jacobi, I have suggestion rather than the gate has to shut at the time that business operations shut. Would it perhaps be acceptable last man out lower the gate and first man in raised it? He's not going to open it at 2 A.M.

Mr. Murphy, I think what was originally set up it was set up to close one hour after the close of business hours. Business hours end at 9 P.M. then the last man out should be one hour later at 10 P.M. and it should be locked up. What we were afraid of is deliveries all hours of the night. If truck driver calls up and says he's running late I'm not going to get there until 1 in the morning could we have somebody stay at the place to accept the delivery at 1 in the morning. That is going to wake up the neighborhood.

Mr. Jacobi, That is not going to happen.

Mr. Moulin, You can't tell me it's not going to happen you can't definitely without doubt tell me it's not going to happen. We saw trucks out there at 1-2-3 in the morning and only reason they didn't go on the property is because the gate was shut. If you want to dispute we can we live in the area we drive it everyday.

Mr. McNamara, I wouldn't dispute that only thing I would say is we're absolutely different entity and we run our business I can't speak for the way it's happen in the past.

Mr. Moulin, I can respect that.

Mr. McNamara, In terms of operating not quite sure how we would figure out how to do that I don't have answer.

Mr. Lavin, Do you have your own car carriers?

Mr. McNamara, We have our own car carriers but we also use third party vendors. We have web site and you could access it if you wanted too it list every single store we have across the country all 99 of them. It list what operating hours are allowed for that store and lot of them are due to restrictions placed on by local municipality. Those are the operating hours or delivery hours that we expect our employees and

our third party vendors to abide by. When or if they don't we punish them accordingly and we will remove their right to do business with us. We absolutely accept restriction as it stands and ramification if anything were to happen that come with that. Gate is just difficult thing in terms of operating to figure out how to logistically do it with number of employees that will be at the store.

Mr. Lavin, You can have automatic gate that stays open closes at certain time and use key cards to get out.

Mr. Houle, It would actually help with your security. You will have all security going around the perimeter and have just open front?

Mr. McNamara, Yes everything is secure on entire site plan except for purple lot. Everything else is inaccessible by vehicle. All of it is lit enough to keep motion sensor cameras operating. I just worry if we start putting gates in that open and close we want to do same issue over it is very difficult for us to figure out how to operate closing that gate and we still have employees there.

Mr. Houle, Hopefully with plan where last person out like you said closes it or at certain time somebody goes out there and does it.

Mr. McNamara, We can figure something out I think the last person out problem I can't guarantee that is 9 P.M. Sales will stop at 9 or 10 depending on what board decides last person out. As I said may not be until midnight when doors are closed cash is put away and everything is done for the evening. If the gate would close at midnight then we close at midnight.

Mr. Sweet, I don't want to make your solution for you but have gate go down at 10 or whatever and then anyone that drives up to it from inside would trip through whatever electrical mechanical method would trip it and open up and let person out.

Mr. McNamara, Let us do our homework.

Mr. Jacobi, We'll put that on our list and come back.

Mr. Cerrone, You guys can figure it out you have enough people.

Mrs. Marchitto, Did planning board want to have field trip to site? ( Yes). Mary do you want to set date?

Mr. Jacobi, Do you want to do that before or after we do our redesign?

Mr. Cerrone, We'll go there before so we can see.

Mr. Jacobi, Then we can listen to your concerns out on the site and incorporate those into our redesign.

Mr. Murphy, Is the public invited.

Mrs. Marchitto, Yes.

Mr. Jacobi, It is open public meeting.

Mr. McNamara, Is that something where you would want representative from Car Max?

Mrs. Marchitto, It's up to you perhaps behoove you but I'm sure your going to have your attorney there.

Mr. Cerrone, We should have old plan just in case there are any questions the old Pride Ford.

Mr. Sweet, Saturday mornings work for me.

Mr. Houle, Saturday would also work for me.

Mr. Cerrone, 8:30 in the morning.

Mr. Sweet, 9:30 is fine.

Ms. Burgess, I can't do this Saturday.

Mr. Jacobi, What about Saturday the 18<sup>th</sup>?

Fine with the board.

Mr. Houle, How about 9 A.M. compromise?

Ms. Burgess, 18<sup>th</sup>. at 9 A.M meet at the site rain or shine.

Mr. Jacobi, In terms then of next date for us to appear here.

Ms. Burgess, 12/4 and you have to have all of your material into me no later than 11/14 in order to have it all reviewed for 12/4. 7 P.M. would be time of hearing.

Mr. Jacobi, As our engineer design is it acceptable for them to talk to John and get feedback on technical engineering level?

Mr. Cerrone, Yes go through Mary fine this way you can keep going. If there are any big questions in engineering design.

Mr. Jacobi, For example if there were certain things he wanted on drainage if we could get them to him in advance and he can give us the feedback.

Ms. Burgess, Submit them to me.

Mrs. Marchitto, So that we know everything and she has record here as well.

Mr. Houle, Make motion to continue public hearing until 9 A.M Saturday 10/18 at the site, seconded by Chris Sweet.

All in favor 5 to 0.

Mr. Houle, Make motion to continue from 10/18 at 9 A.M. until 12/4/08, seconded by Chris Sweet.

All in favor 5 to 0.

Respectfully Submitted,

**NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, OCTOBER 2, 2008**

Site Plan Review;

Ms. Burgess, Gentleman approached me yesterday he is putting on handicap ramps on outside of A & J over on Rte. 152 it is restaurant. He is making building handicap accessible he is putting on an overhang over the handicap accessible ramp. He is building actual cover to it and it does trigger building permit. Do we want them to come in for site plan review and aquifer protection special permit? It is just putting on handicap ramp outside the building to make it accessible. Ramp is front of building and also on side. He didn't have any engineer plans or anything building dept. sent him over to me to see if he needed site plan review. I said technically do trigger building permit but because you are making the building handicap accessible I will check with the board and see how they feel about it.

Mr. Sweet, I think we need to see plan.

Mr. Lavin, He will have to get plan for the building inspector to get permit.

Mr. Cerrone, We just made the liquor store.

Mr. Houle, Maybe he should come before us.

Mr. Sweet, To see scope of it.

Mrs. Marchitto, Yes. Building inspector doesn't have plan they just have sketch?

Ms. Burgess, That is right.

Mr. Sweet, I'm little upset that we get some signs in this town that slip through the cracks.

Ms. Burgess, Not under my watch. Are we all in agreement sending him for site plan review and intern aquifer protection permit? It is in aquifer protection district it triggers building permit it is construction under same rationale that the building inspector sent the last guy. He doesn't have to build the overhang that is the additional.

Mr. Houle, You know what he'll say is I'll get rid of the overhang and not build it.

Mr. Thimot, Don't tell anybody what to do that is not your function. Your function is to review the project they present to you and you take it from there. If project is acceptable you accept it if it isn't then you tell them no. Don't tell them what to do.

Ms. Burgess, I'm not telling him what to do.

Mr. Thimot, I'm telling everybody in the room.

Ms. Burgess, I'm asking what to do in order to give this guy the best advice.

Mr. Sweet, If this is what he wants to do then he has to come before us if he takes another option he doesn't have to come before us.

Ms. Burgess, I know on other site plans building of handicap ramp was not looked at it was looked as necessity. It is restaurant and they can't get handicap accessible because it doesn't have any visibility. I will let him know he has to come for site plan review and aquifer protection unless he decides to go differently.

Upcoming Meetings;

October 3, 2008 @ 10.30 A.M.: Wal Mart pre construction meeting.

Ms. Burgess, It was just scheduled today. It is actually pre pre construction because apparently before they can put up the erosion control for Conservation they have to have pre construction meeting. Building dept., DPW. myself, Conservation and representatives from Wal Mart will be attending. Big pre construction meeting is going to involve Attleboro, North Attleboro the whole shebang that hasn't been scheduled yet. This is just preliminary in order to put up erosion control measures.

Mr. Cerrone, Who is going to oversee the erosion control Conservation? (Yes).

Mr. Lavin, I think they're making them do some extra work for septic..(inaudible).

Mr. Cerrone, I have no problem with that if they need Conservation for that why is everyone else going? That tells me there is too much time available.

Mr. Thimot, Reason everybody is going is they don't have that much work to do.

Ms. Burgess, Reason why everybody is going is because everybody was invited and they don't want to miss on anything when someone finds out that there is pre construction meeting and that person didn't attend.

Mary's Journal;

Mrs. Marchitto, I had called her this morning about meeting regarding easements. What I saw was the dept. heads that were at this meeting. I believed that finally we were going to attack the overall policy of town of what to do with easements. When I further asked her what they were I asked Mary about the meeting. She had said meeting was initiated because there was a resident who had concerns over easement at Cushman Village, which is under subdivision control we have continuations of public hearings right now. I asked Mary if resident had concerns about ongoing on subdivision that has continued hearings and decision has been made. Why was meeting held it wasn't workshop for Cushman? I'm saying this very delicately.

Mr. Cerrone, Who set up the meeting?

Mrs. Marchitto, Mark Fisher. Mary do you want to fill in so I don't step on my toes. Ms. Burgess, I received request as well as Shannon, Bob Davis, Bill McDowell, Mark Hallowell and attorney Ferris and Mark Fisher to attend a meeting regarding easements. It was kind of set up on the fly and when I asked more specific no more specific information was given. When we got to this meeting it did start out as what is procedure for easements. It got more specific to say the procedure for easements over public land who signs off on those. Selectmen sign off on easements over public land if you're private landowner you need to cross public land the selectmen are supposed to sign off on that. That was one aspect of it. I just got into aspects of subdivision control and easements and that the easements that we have for drainage and utilities, etc. become town's responsibility when the roads are accepted. Then it got directed towards Cushman Village and there was statement made at B. of Health meeting saying that if Roger Ferris approved the easement for Cushman Village. We all know that he only approved it for contents. When I further to Mark I talked to Mark after I talked to you later on in the afternoon.

Mrs. Marchitto, When I jumped in I did say this morning when I understood. I said Mary since this is Cushman and we're supposed to be talking in public hearing I don't want to go down too much talking about this because there is continuations. I said could you please e-mail or call Mark Fisher to find out who this resident who initiated this meeting and invite them to our public hearing because it is ongoing. It's testimony to specific findings of an ongoing subdivision. She did find me the information who the resident was.

Ms. Burgess, It was chairman of B. of Health. I believe Mark honestly just took this opportunity to inform himself on how easements actually work that is how he explained it to me today. The Planning Board was not brought up in conversation with easements it was more out of concern of easement has been approved over public land and nobody has seen it. I went in and explained the process to him and everything like that he said it wasn't specific to the Planning Board it was more about the approval of easements over public land. At that meeting I did say Cushman is a very unique situation nothing has been approved public hearing is still open.

Mr. Houle, This meeting shouldn't have taken place.

Mr. Cerrone, Maybe the language.

Ms. Burgess, That is what Roger said because once that was brought out that somebody had said Roger Ferris approved the easement he said no I did not. I did not sign off on easement I did not approve an easement Mary sent me the language that is where it is.

Mr. Cerrone, Town council is reviewing the language.

Ms. Burgess, Exactly and we didn't get into specifics of Cushman Village to the point where it would have violated any sort of public hearing. Initially it did appear that way but when Mark explained it to me this afternoon it was little bit more clear that they were just getting edification on public land, easements, etc.

Mr. Sweet, He has clear understanding now?

Mr. Cerrone, It was chairman of B. of Health?

Ms. Burgess, That raised the concern yes. I'm not sure if chairman is Bates or Donahue.

Mr. Houle, I feel compelled to ask the question I don't even know if you can answer it. Why didn't they just come here?

Ms. Burgess, That was question I asked. Shannon and I came back up here and said does anybody pick up the phone.

Mr. Cerrone, What does Mr. Davis do there?

Mr. Houle, We're suppose to be talking to each other and working well together.

Mrs. Marchitto, My question was that if resident and now we know who resident was has an issue or concern we're suppose to have communication. Where is the policy procedure, where is the action needed report that would go through the dept. to sign off?

Mr. Thimot, Do you know what this is all about?

Mrs. Marchitto, I think I do.

Mr. Thimot, Part of this is part of ongoing get rid of boards and appoint the boards no more elected boards. We'll have mayor who will decide who mayor is right now.

Mrs. Marchitto, Everybody that was in this meeting we left that continuation if B. of Health had met and if they had revoted. Mary and our engineer services ready to go for workshop with all these people who were at that meeting.

Ms. Burgess, My concern I don't consider the Wal Mart a waste of time I consider these meetings that take 1hr.15min. to discuss something that could have taken me 10 minutes to clear up the whole situation.

Mrs. Marchitto, On the phone.

Ms. Burgess, These are the meetings that I feel are legitimately a waste of our time.

Mrs. Marchitto, On a project that hasn't even been approved.

Ms. Burgess, If somebody had just picked up a phone I could have explained it.

Mrs. Marchitto, I just wanted the board I'm not quite sure what to do with it.

Mr. Sweet, So noted.

Mr. Lavin, Whoever was at the meeting was it the proponent that said it was approved?

Ms. Burgess, That came up too because we believe everything that Larry Tilton says.

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

All in favor 5 to 0 adjourn at 10:40 P.M.

Respectfully Submitted,

Attach Agenda to Minutes.