

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, JANUARY 8, 2009**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, January 8, 2009 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, Richard Thimot, Christopher Sweet and Mary Burgess-town planner.

Mt. Hope Order of Conditions;

Present David Simmons and Linda Weston.

David Simmons, Went through it little while ago basically okay except for I suggested language on #27, which is now #26. Ed sent something around 3:30.

Ms. Burgess, I didn't have chance to work it into it I wanted John to be able to look at it before we get to final language.

Mr. Simmons, Other than that I think we're in pretty good shape of what we went through last night.

Ms. Burgess, I did add couple of things all the changes are in bold. Easement with hydrant and stuff that needed to get put in that had been pointed out by John. I passed out e-mail I received from Ed Casey regarding language for #26 was #27. I also enclosed changes John had wanted to make as well. I have not made any changes to #26 until I heard more from John and board.

Mrs. Marchitto, Are attorney Ed Casey's recommendations already in here?

Ms. Burgess, No they are not I forwarded them to John when I got them so he could review them and hopefully we could work out some verbiage tonight.

Mr. Simmons, We're asking for that first paragraph that was so vague to be taken out and replaced with one at end make it much more precise, paragraph on bottom of page of e-mail dated 1/8/09 from Ed Casey.

Ms. Burgess, John Lavin's comments have been incorporated. Majority of those with respect to ones we had already worked through as board that he wasn't here for such as NA Electric decision, he stated prior to approval we went to discussion last night regarding that. I believe all the other quantity/quality all the other things easement and hydrants and all those things. John Lavin-Earthworks, It's nothing substantial.

Ms. Burgess, Original draft everything I changes is in bold.

Mrs. Marchitto, Did John have opportunity to address what used to be condition 27?

Mr. Lavin, This is fine he's right this was from Christina Estates where not lot of was done. The biggest one in other one was retention/detention basin.

Mr. Houle, So we're eliminating top paragraph and then inserting second paragraph.

Mr. Lavin, Basically the project is fill the concern any concern is really the infiltration of stormwater so you want to make sure you're 2ft. above high seasonal groundwater, which in this case they did.

Mrs. Marchitto, We're omitting first paragraph.

Mr. Simmons, That has all been done already. It puts obligation on the developer when they start construction do that testing up centerline of roadway if they find any conditions that are different than what was reported on the plans. In our reports what you approved puts obligation on them to come back to you.

Mrs. Marchitto, Is this going to be fifth paragraph on it?

Mr. Simmons, Yes.

Mrs. Marchitto, We're taking one paragraph out and adding another one.

Mr. Lavin, There are two areas that are cut for the road really determine that it is 4ft. below another area.

Mr. Simmons, It's going to be solid rock in that particular spot.

Mr. Lavin, You'll have to blast below 2ft. and fracture it.

Mr. Simmons, You've already required that we have geotech full time so all of that is going to be addressed.

Mrs. Marchitto, For record Chris is abstaining from discussion.

Mr. Cerrone, John you looked at conditions of draft?

Mr. Lavin, Yesterday the original I gave comments.

Ms. Burgess, E-mail I passed out was received last night from John.

Mr. Lavin, Roadway grade was concern, we talked about monitoring of the pipes. It is really settlement the biggest issue just any place that is going to be cut we have to make sure 4ft. above because majority of it is fill. Long story short is it's almost any place that wasn't like say if its rock they just have to blast below and geologist will be there. To make sure those areas that they are 4ft. below the crown of the road.

Mrs. Marchitto, Does this wording ensure it?

Mr. Lavin, It says, " material different from information provided to the board". They did provide test pitting in the soils it does show high groundwater in soils they did it. Want to make sure if it is rock you're going to have to go not just 2ft. you have to fracture it if there is any groundwater.

Mr. Simmons, Is that requirement in the regs?

Mr. Lavin, No we've been putting it in. Just any area that hasn't been investigated because you've done lot of test pitting and stuff like that. They had to because of groundwater for stormwater. It is almost like any cut areas that haven't been investigated during review process.

Mr. Houle, John will that cover us in case of obviously Mrs. Weston is landowner. What if it doesn't get developed for 10 years how could it change?

Mr. Lavin, It's been there for million years or more. Only thing I could do it you want just throw in couple areas.

Mr. Simmons, Way we set this up is if you add that paragraph at end of that series. Right before the road gets built whenever it is I don't care if it is 2 or 20 years they are going to go out and do borings all down centerline of the road. If at that point they find anything different than what is on approved plans or we submit it that creates obligation on developer to come back to you and say found something different here is our solution. You will have your engineer review it and if it requires substantial change there will have to be public hearing. That is all embodied in that paragraph.

Mr. Lavin, Key work is different from what was submitted but what was submitted on certain areas as far as test pitting and soils? Lowest part is its going to be filled so it's really not the concern.

Mr. Simmons, If you want to include something just says "all road grades will have minimum 4ft. separation from high groundwater" leave that sentence in that is not problem for us.

Mrs. Marchitto, On #26 we're eliminating first paragraph?

Mr. Simmons, Everything except for.

Ms. Burgess, Road grades will have minimum 4ft. separation from high groundwater elevations. Adding new paragraph below that will be last paragraph.

Mrs. Marchitto, Opening public hearing at 7:00 P.M. for David Cannata (North One Development) recess for 10 minutes will open up at 7:10 P.M.

Ms. Burgess, I wanted board to take look at all the changes that I have made in bold to make sure you agree with me some have been incorporated from John's comments. #13 for example we added per John's request, 6" lift material placed and compacted at 50ft. intervals along roadway and other locations as specified by Planning Board representative" and also John recommended to put the name and address of source of all materials that are being brought in. Mr. Lavin, You said compaction right?

Ms. Burgess, Compacted at 50ft. "Developer shall provide geotech engineer be on site at all times when filling is taking place and recording compaction test results for each 6" lift of material placed and compacted at 50ft. intervals along roadway".

Mr. Lavin, It's compaction test instead of just saying compacting results. I would like test instead of result. Should be part of geotech report that is what they are out there for developer and should always generate.

Ms. Burgess, We discussed #18 regarding NPDES and SWPPP both be provided pre-construction meeting. John I know in your e-mail you had brought up about NOI as well.

Mr. Lavin, If you're not going to do it for awhile there are three things to a permit. There is NOI, permit and stormwater pollution. It's really all 3 get NOI is 3 pages and permit is 1 page and SWPPP is whatever pages.

Ms. Burgess, So by saying I need these by pre-construction meeting I'm okay?

Mr. Lavin, Yes.

Ms. Burgess, We changed #24 "applicant shall provide the NAED approved plan and accompanying documents to the Planning Board at the pre-construction meeting. Note to this affect shall be located on the Plan and Profile sheets of the plan".

Mr. Lavin, Only thing I guess at pre-construction would board want to look at it before it gets to pre-construction?

Mrs. Marchitto, Board members aren't present it is just staff.

Mr. Cerrone, If it is wrong location it is their problem, they don't have easements that is their problem. When I go out there to site that is when I look at it.

Mr. Lavin, Somebody should look at it pre-construction.

Mr. Cerrone, You have Mary and you and engineering.

Mr. Simmons, Your agent and engineer are at the meeting.

Ms. Burgess, #28 added " detail of the crushed stone apron shall be placed on the plan" at least 3ft. #31 "developer shall arrange a pre-construction meeting with the Planning Board office". #33/7 was changed from relocate drain manhole #10 minimum of 2ft. from I had put form. #33/9 with regards to fire hydrants, if easement is needed for the hydrants, one shall be created". We had talked about hydrant may need easement. I think that is it.

Mrs. Weston, David had question loam extended to the curb?

Ms. Burgess, I did fix the curb. I think for most part that was all that was needed.

Mrs. Marchitto, Only thing I had asked was something to make sure it stays at 1%.

Mr. Simmons, I brought you something like that specification of all specifications. This is from Mass. Highway it is their paving specs that they use you're welcome to incorporate it into your regulations I don't think it needs to be condition of approval.

Mrs. Marchitto, Should we put verbiage to make sure they stay at 1%?

Mr. Lavin, It's sub grade it has too.

Mrs. Marchitto, Onus still goes back on developer.

Mr. Lavin, With review of settlement of sewer/drainage that we talked about.

Ms. Burgess, I wasn't clear on that with regards to amount of fill.

Mr. Lavin, It was recommended through reviews myself and also DPW differential settlement in curb after you put utilities in they can settle. You just want to make sure that it didn't because you have sewer lines.

Mr. Simmons, Before final pavement coat is put down don't you or someone inspect it?

Mr. Lavin, I don't throw camera through it or anything like that. How can you tell if it's cracked not just at catch basin?

Mr. Simmons, I know what you're getting at it I don't know what language you want to include.

Mr. Lavin, You have sewer it has to stay pitched and if you get settlement you don't want valleys.

Mr. Simmons, Usually it gets inspected, you have geotech on site, all materials coming in manifested and vouched for, it is all going to be compacted, tested all has to be reported on top of that someone is going to inspect it several times at sub grade and after the binder and top coat is going to be put on and then some time is going to go by before it is accepted at town meeting. Where most towns do another inspection before it's accepted, once town accepts it.

Mr. Cerrone, Why don't we do before town acceptance have lines camera?

Mr. Lavin, That was done at couple other projects and town breaks lines.

Mr. Cerrone, This way we find out if nothing is wrong or before final coat goes on have it camera.

Mr. Simmons, I think John what you're doing when you go down that road is your adding requirements to the project that aren't in your rules and regs. I have real issue with that because it is kind of a surprise cost.

Mr. Cerrone, I have issue giving the town something that all of sudden we have problems 6 months down the road after the town takes over.

Mrs. Weston, This is inspected and built to your specifications.

Mr. Cerrone, Look at all the fill you're putting in.

Mr. Simmons, Look at what you're making us do to do it I don't think you're going to have a problem. You're talking about 6" lifts testing like you've never seen before. I don't see how you're going to have problem if it is done according to conditions you already have.

Mr. Lavin, Let me ask you this you do that now you fill it now you have to start digging for the utilities.

Mr. Simmons, When we do the trench they should be compacting that properly and testing it as well. You're going to have engineer there and applicant is going to have geotech engineer there to stamp or certify all this stuff I'm not going to be there.

Mr. Cerrone, When you get bill for these engineers being there for 8 hours we're not going to want those guys being there a week I've seen too many guys do that. As far as I'm concern you want to guarantee the town after it accepts it for 5 or 10 years.

Mr. Simmons, Is that in the regs?

Mrs. Weston, You asked us to add a geotech and we did.

Mr. Cerrone, It's not in the regs. You have project in front of us that the town is going to be responsible.

Mr. Simmons, Like every subdivision. I understand your concern but I don't think it is fair to add in as condition all the things you'd like to have as regulations. We've been amenable to every reasonable condition but there comes a point where it needs to be objective. What is it exactly you're trying to prevent and how do you want to do that?

Mr. Cerrone, I would like to see at least the lines camera before your final paving. If there is problem you can resolve it then or you want to do it after I don't care.

Mrs. Weston, That is not in your rules and regulations.

Mr. Cerrone, It is part of condition of approval.

Mr. Simmons, Is DPW going to inspect those lines?

Mr. Cerrone, No DPW has nothing to do with our rules of subdivisions. When we're ready to go town meeting we submit it you get letter from engineer who designed the project that says been built according to our standards.

Mr. Simmons, I think you can accept it but I don't think it's right. I think if you're going to do these kind of things in the future it is good thing to have in your regs.

Mr. Cerrone, How much fill are you putting in?

Mr. Simmons, A lot we're also not doing it unsupervised you've asked us to have a geotech on site all the time during the filling. It is not like it's going in uninspected.

Mrs. Weston, Just for that reason to protect the town and that is a big expense to us.

Mr. Cerrone, They're going to send kid still in school out there do the geotech. I worked at Middle School I know what they send out there.

Mr. Lavin, Only thing I would be concerned with is they do compact it but they compact it with plate compactor unless you can tell me different how it achieves the same compaction surrounding it and obviously with amount of materials you have to put same type of materials back.

Mr. Simmons, This isn't a new technology they've been filling trenches for thousands of years.

Mr. Lavin, Exactly and usually it's not on fill though.

Mr. Simmons, I keep hearing about the fill in this project the deepest fill is 8.5ft. it is not deep fill. Every utility you do every water line is at least 5ft.

Mr. Lavin, Did you figure the differential settlement?

Mr. Simmons, No because we don't know the fill material.

Ms. Burgess, Prior to topcoat of pavement being installed the developer shall camera.

Mr. Cerrone, John do you want drains too?

Mrs. Weston, We're here tonight to go over one thing and our lawyer isn't here now we're throwing in all kinds of things.

Mr. Cerrone, If drains are caved in they're not going to work.

Mrs. Weston, Why didn't you have all of these things for us to have ahead of time?

Ms. Burgess, John was unavailable last night and these are conditions of approval board can add whatever they want at any time prior to accepting it.

Mr. Cerrone, You don't have that many feet of sewer line about 1200ft. and 12/1300ft. of drain you're not talking 2 or 3 miles.

Ms. Burgess, Camera line throughout sewer line and drainage structures to ensure.

Mr. Cerrone, I think that would be good regulation to put in our book before acceptance we want disc/camera all the lines drain and sewers.

Mr. Simmons, If it was a regulation I would have no objection to it.

Mr. Cerrone, We can do it part of condition on any project this way every project does it.

Mr. Simmons, Starting with this one.

Mr. Houle, We've done this before.

Mrs. Weston, I have Dorey Estate's conditions they didn't do it there.

Mr. Simmons, We're going to agree to it. Does the town do this to their own lines they install?

Mr. Cerrone, I'm not public works so I don't know they do some of them.

Mr. Simmons, I can count on one hand in all these projects that we've had to go back and do that because there was problem. We can agree to it I understand your concerns.

Ms. Burgess, We're basically trying to make sure there aren't any cracks or breaks in the lines or settlement.

Mr. Houle, John as our engineer do you think that would be pertinent thing to do?

Mr. Lavin, Yes it is not necessarily this project you just want to make sure everything is squared away. In this case because of the fill it is 8ft. of fill it's not just 8ft. in a section there is lot of fill so they will have issues as I believe they've stated.

Mr. Cerrone, If you don't want sewer you don't have to do it.

Mr. Thimot, Make motion.

Mrs. Marchitto, With conditions as amended.

Mr. Houle, Second motion.

All in favor 4 to 0 to 1 abstain Chris Sweet.

NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, JANUARY 8, 2009

7:15 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;

David Cannata, You asked us owners and Ralph got them.

Ralph Malone-RIM Engineering, Plan shows ownership of Dave Cannata. What is before you tonight original application had Kai Lua and former Westcott building and we've removed them from proposed site. We're only talking about center portion now. Proposing two buildings on site the NA Sports Center basically large hockey building we have fast food restaurant. We have another sub surface detention just before it goes into the state. Question came up at Conservation by neighbors so I've colored up pre and post.

Mr. Cerrone, Where is zone line I want to make sure it is right? I know there has been problem all over the place.

Mr. Cannata, Zone line is where you told us it is 400ft. from centerline of Reservoir St.

Mr. Cerrone, It depends on who you talk to where zone line is I want to make sure you guys do it right.

Mr. Malone, Pre and post development plans for drainage. In order to do proper study we have to study what drainage flows through our site, adjacent to our site, etc. It all ends up in Rte. 1, which often floods. Along Reservoir it all flows down our site flows down this larger wetland overflows to smaller wetland when it fills up it outflows along the old Westcott building between Nails and Kai Lua flows out around bowling alley to Rte. 1 also. We're picking up all the drainage roughly all of roof water from building is being put into recharge unit and good portion of parking lot is being put into recharge units and rough numbers 65% of the on site impervious area being put in the recharge it is like leach field underground. In smaller storms like 1 or 2 year storm it won't overflow recharge when you get to bigger 25/50/100 year will be an overflow to recharge area. Our drainage going into portion of larger wetland. Yellow area is proposed retention area so we're flowing this overflows to retention making use of existing wetland there will be outflow down our roadway approximately. There will be sub surface detention area and final outflow Rte.1. Way it's designed it will stop the flooding that is coming from area having no effect on area above. Will stop the flooding going to Rte.1 from our site.

Mr. Houle, How big is that retention area below where fast food is?

Mr. Cannata, Underground storage.

Mr. Malone, Right now we have 30 x 80 something in that range.

Mr. Houle, How about for larger building?

Mrs. Marchitto, Where is the 30 x 80?

Mr. Thimot, How deep is it?

Mr. Malone, In range of 4 to 5ft.

Mrs. Marchitto, 30 x 80 in area by Washington St.

Mr. Cerrone, Where does residential area water go now? Is it going towards Reservoir?

Mr. Malone, Good portion of it.

Mr. Cerrone, Around that bend there is always water that is why I'm asking. Are you increasing some of that or you taking some of that water instead of going towards Reservoir?

Mr. Malone, There is portion that flows...(inaudible) out front. Wetland connected there are catch basins that are connected down street and another catch basin to another wetland.

Portion of residential flows to wetland and another portion flows through our neighbor and back to us.

Mr. Cannata, Structures asked how big they were?

Mr. Malone, We have details of these structures on other sheets. What is happening we're taking roof water out through recharge area, roof water recharge I've shaded in green. The ones I crosshatched in purple is portion of drainage goes through stormceptor recharge area.

Four basins go to manhole stormceptor to recharge area. Two basins going to recharge area and another two basins going to recharge area. We have number of recharge areas on site.

Place water in ground basically because of the current stormwater regulations through the state. Flows to larger wetland, portion flows to our retention area. Large wetland overflows to our retention area our retention area comes down through an outlet goes to end of ground

detention and eventually outlets...(inaudible).

Mr. Cerrone, Are you tying into state?

Mr. Malone, There is already a tie in already connection there.

Mr. Cerrone, But you're adding more right?

Mrs. Marchitto, Can it handle it?

Mr. Malone, We'll have to deal with state on that. We have talked to them.

Mr. Cannata, They didn't give us permission they said try to work all of into the site.

Mr. Malone, I haven't been back to them because I want to work out the details from consultant's report. I read the report but I haven't done anything with it I think it was Friday or Tuesday. If it is same report that went to Conservation.

Mr. Lavin, Yes you met yesterday pretty much the same.

Mr. Malone, By increasing the numbers in the wetlands I'm considering bringing outlets down to our wetland/detention that large wetland doesn't do much for us. There is so much of neighbor's water flowing there that they fill it up from their water it doesn't help us out. I'm thinking of increasing detention below. It's just something that when I read details of the report what's going on I'm trying to picture in my mind some changes. I believe your report has something.

Mr. Lavin, Scars velocity that is ConCom issue.

Mr. Malone, There is ConCom issue dumping into that wetland.

Mr. Lavin, It is separate from here pre and post but velocity is higher there is scouring.

Mr. Thimot, Is it going to impact the overflow of wetlands into Rte.1?

Mr. Cannata, What we tried to create that green is all uplands right now. We're proposing to add wetland area almost the size of giant one for that. Conservation and two neighbors saying about big one those 3 outlets we can drain them to our drain area and not dump them into big area.

Mr. Malone, Between certain items in his report Conservation and neighbor's issues if I change it and bypass then they have no claim that I'm backing although I don't believe I'm backing it

up on them they can't claim I'm backing up because I'm taking it away remembering a portion of our site is shedding that way anyway.

Mr. Thimot, Where is the ultimate drainage capturing all this drainage?

Mr. Malone, Falls Pond.

Mr. Cerrone, In front of Jolly Cholly's back in 70 it always flooded then the state redid that stretch from Howard Johnson all way to the pond and Lynch was the contractor.

Mr. Malone, There is no detentions in site where big bowling alley parking lot nothing.

Mr. Cannata, During these monsoon rains 50% of North Bowl area, probably 50 or 60% of Auto Zone area flows down goes across face of Auto Zone into my drain that is now dumping into Rte.1 so I don't know how I can call it my drain it is our drain. Water is coming on site from Reservoir St. flowing over filling up running across land the land is pitching downhill 15/18ft. from Reservoir St. to Rte.1 and it has just been flowing down that way for decades. It is going in drain right now when it comes out between Westcott building and Right Touch flows in front of Right Touch on their property 2 to 3ft. wide for day or so after these rains. Flows down through Jolly Cholly right next to Rte.1 behind the sidewalk and catch basin is down near the pole on Jolly Cholly had the back of it removed for years. All of this water flowed down there and did not go over the driveway curb until built up super high then went over that but until then it stayed in the back. I haven't been down there for over a year and I see someone has blocked the back of catch basin maybe the town and paved it there so now all water flows down there can't get in the back it has to dump out onto Rte.1 into drain that Ralph described as Falls Pond. You know where the pole at Jolly Cholly where Right Touch looks like they own the land that is where I speak of right through there. It flows all way down there and dumps out it has been doing this for decades. I'm here to try to stop it from going overland and the only way we can is with pipe into the drainage that has been there for half century. It is not like we're not trying to make a retention area if you look at green I don't know footage but that is valuable land. That is parking lot right now gravel that I'm forfeiting acres of land in that area are worth lot of money. We wanted to develop most of the piece we're forfeiting maybe 2 acres or 3 of uplands to go to Conservation land.

Mr. Sweet, Asking what aqua blue is?

Mr. Malone, This is plan that went through Conservation to determine wetlands. Lighter blues are non-jurisdictional isolated wetlands to be jurisdictional they have to hold ¼ acre foot of water. Light blue didn't so I distinguished between non jurisdictional and jurisdictional by little change in color.

Mr. Sweet, I'm not sure what that means but I know in order to get into main site you have to cross that.

Mr. Malone, We are filling that in.

Mr. Houle, Are you going to replicate that?

Mr. Malone, Yes.

Mrs. Marchitto, I think we're going into Conservation jurisdiction.

Mr. Malone, Detention area is going to be wetland/detention so we're more than replicating we're replicating like 4 to 1 or 5 to 1.

Ms. Burgess, B of Public Works letter dated 1/2/09 (insert).

Mr. Cerrone, On letter I see you have carbon copies who is utility manager for the town? I've been on this board 17 years I've never seen that is it a new position? I never met him.

Ms. Burgess, I think it has something to do with water utilities. Town Planner review dated 1/5/09 (insert).

John Lavin-Earthworks, As was previously stated we're also doing review for Conservation Commission. We basically took the letter it is pretty much same letter to be fair not to switch things on anyone so there are ConCom comments in here to.

Ms. Burgess, I did provide that review for your information as well.

Mr. Lavin, Review dated 1/5/09 (insert).

Mrs. Marchitto, 8:00 P.M. continuation public hearing Cushman Village recess for 20 minutes.

Mr. Lavin, Review dated 1/5/09 (insert). Area has been cleared of trees. I will say in general from the redesign I think design is much better from the original design.

Mr. Cerrone, Have letter 8/1/08 any of these comments been answered? Study areas, existing traffic volume, traffic safety, no build up of traffic all of that. What are we doing this one?

Mr. Lavin, We received traffic report afterwards then when they cam forward they had new traffic person at last meeting.

Mr. Cannata, I switched companies.

Mr. Lavin, New traffic person was here and I submitted traffic review and new traffic person wasn't aware that it was new.

Mr. Cerrone, We have nothing on this?

Mr. Lavin, Right it hasn't been addressed yet.

Mr. Cerrone, Still lot of answers out there.

Mr. Lavin, On traffic and those are two issues I'm looking at.

Mr. Cerrone, How about lighting on site? Anybody reviewed that?

Mr. Lavin, No I'm doing the stormwater and traffic.

Mr. Cerrone, Who reviews it is it us? I don't see anything here nothing in writing.

Mr. Malone, We have lighting plan. We do have traffic man on site done lot of work recently serious health problem in the family.

Mr. Cannata, Work has been done.

Mr. Malone, He says he's finished his work he hasn't finished his report.

Mr. Cerrone, I understand I didn't see anything that is why I'm asking.

Mr. Cannata, I'm sorry you didn't have it on time we tried to get them all last week he wouldn't return our calls.

Mrs. Marchitto, We have outstanding issues do we need to have them lifted?

Ms. Burgess, What I had discussed with Mr. Malone earlier during the day was because of situation Mr. Thimot leaving tomorrow and not coming back until March that in the interim we could possibly have workshop. Work through some of these other issues hopefully get a traffic report and other things reviewed in the interim. I don't know if that is something the board would be amenable to. It is workshop with me and John and anyone usually DPW.

Mr. Malone, It would be better managed if I had meeting with consultant first and get meeting with public works. In other words straighten out ...(inaudible).

Mr. Cerrone, John how is site drainage working have you reviewed that?

Mr. Lavin, Yes that is what the review is. We asked for in that letter for the flows and pipes. We got stormwater calculations pre and post.

Mr. Cannata, On the buffer comment we had buffer on residential side. I've been looking in the book and I don't see where it says buffer has to be on commercial side.

Ms. Burgess, Buffer is meant to buffer the more intensive use from less intensive use so commercial needs to be buffered from residential use.

Mr. Cannata, When I own both sides of the zone line does that 35ft. really represent anything?

Ms. Burgess, No you'd have to move the property line it needs to be 35ft. from that property line it has to be 35ft. from residential property line.

Mr. Malone, If we move the property line 35ft. onto residential land can we put buffer on residential or buffer must go on the industrial land?

Ms. Burgess, It has to be on more intensive use.

Mr. Cannata, I saw Mr. Boch had his buffer on residential.

Mr. Cerrone, He went to zoning you can go to zoning.

Mr. Cannata, I tried to find it in the book it says open space requirement needs to met on that side of zone line I didn't see where it said the buffer must be on this side of commercial or residential. If it's there its fine I'm just asking the question. We have 35ft. buffer but we have it on residential side.

Mrs. Marchitto, Residents don't need buffer for you, you need buffer for residents.

Mr. Cannata, But I own both sides.

Mrs. Marchitto, So you're protecting yourself.

Mr. Cannata, I'm protecting Reservoir St.

Mr. Cerrone, In case you sell the other piece.

Mr. Cannata, As far as being on that land I was going to put recorded deeded easement for that 35ft. belongs as buffer to commercial side.

Ms. Burgess, It has to be on commercial side can't be on residential land you can't use residential land buffer commercial.

Mr. Cerrone, Go to zoning they might give it to you.

Mr. Cannata, Just for that no I won't go to zoning.

Mr. Lavin, It says, " screening and buffers shall be required in any industrial business district".

Mr. Cannata, It's not industrial.

Mrs. Marchitto, Where IC district abuts an R.

Ms. Burgess, I can point it out to you.

Mrs. Marchitto, We have lot of work to do I don't think we're going to accomplish it this evening. Your question is you want workshop I addressed the board haven't heard anything.

Mr. Cerrone, I haven't seen some of the comments yet on some of this other stuff before workshop.

Mrs. Marchitto, You want more information.

Mr. Cerrone, Yes I haven't seen lighting plan haven't see lot of stuff. I think we have some residents from Reservoir St. here they might have some questions.

Mr. Houle, I think the prior letter needs to be answered too.

Ms. Burgess, It is different project now.

Mr. Lavin, Is parking the same or did you reduce it from last report or you're doing a whole new report traffic or modifying traffic report? Points that have to be analyzed will still have to be analyzed.

Mr. Cannata, We know we have to go for full review.

Mr. Lavin, Yes you'll have to go MEAPA.

Mr. Cannata, Yes over 300 spaces so many trips and over 5 acres of impervious we met it all.

Mr. Lavin, As far as traffic report that is being submitted did you reduce quantities of parking space.

Mr. Cannata, I had two traffic engineers first one I hired had never done a rink.

Mrs. Marchitto, We just need the answer we have 20 minutes. Are you going to answer the review?

Mr. Malone, Between first one we submitted and this David has different building.

Mr. Lavin, Less building more parking.

Mrs. Marchitto, We need information on traffic, need review on lighting.

Mr. Cerrone, Parking make sure the signs all that drainage on the site, runoff. We're here and still have lot of issues.

Mrs. Marchitto, You need to answer all his 1/2005 Earthwork Engineering, need to address August traffic John's review back to you.

Mr. Cerrone, I have folder I'm looking back and I don't see anything dated today 1/5 letters none of that stuff is in there.

Mr. Houle, They never answered any of that right John?

Mr. Lavin, Yes.

Mrs. Marchitto, We need those answers before you come back. We need to narrow this down before we have workshop.

Mr. Cerrone, Yes I can see if it is two or three issue.

Ms. Burgess, Way I had approached this was that it was an entirely new plan I think John may have approached it the same way that's why none of the other previous questions because we don't have retail factor any longer, property is being divided up differentially. I treated it as brand new project all together we still didn't get the traffic.

Mrs. Marchitto, If we're treating it as new plan should we request new traffic?

Ms. Burgess, We have requested new traffic.

Mr. Lavin, I think parking spaces have increased with new plan so they have to address that.

Mrs. Marchitto, You have new plan answer John's questions, get traffic review into us, get it to John so we can have it addressed. Look at the lighting. If it's new plan tonight we should have all this information tonight. Why are we stalling? Are you dead at Conservation?

Mr. Cannata, No we went there last night it is same questions. Person representing John said that these were all doable things.

Mrs. Marchitto, Will you be prepared to get this narrowed down so we can make decision on March?

Mr. Cannata, Yes.

Mr. Sweet, There are no dumpster, no light poles.

Mr. Cerrone, Letter for August 11th.

Mrs. Marchitto, John you did the review. I make the assumption lot of these comments that you made in August are still going to be needed to be addressed. Driveway hasn't changed, traffic on Rte.1 going north and south hasn't changed either.

Mr. Lavin, Then study with increasing parking.

Mrs. Marchitto, We still have site distance, traffic may change because you're only doing two buildings. Still have traffic issues, traffic safety, traffic volumes would change it still has to be addressed. Site access where we are just doing one curb cut. I think lot of those issues are still current need to be addressed.

Mary Clark-200 Reservoir St., Mr. Cannata's engineered specified that there would be water going into the recharge from the roof. There is 35% of the impervious area that is not going to be going into recharge. Recharge going into green area but anything that isn't recharged goes into blue area and blue area we share with them. According to something Conservation told me few months ago our blue area cannot be increased with water by their blue area.

Mr. Lavin, I think if you're using area for storage and it is on two different properties you have to make sure if they fill it in all of sudden your storage is decreased because it's on their property and they can do pretty much what they want with it. You have to make sure whatever your storage stays the same and if it's not on your property I think you have to look at it.

Mrs. Marchitto, ConCom looks at it?

Mr. Lavin, You almost need like easement to make sure it doesn't because if you design the project to use that the volume has to be there.

Mrs. Clark, The engineer mentioned that perhaps they would redesign the extra overflow and it wouldn't go into blue area but would go into green area he said that tonight. So he's thinking about something I guess. Both blue areas are pretty wet right now and green one is the salvation because that is something he's creating and if everything can go into that and into the state that would be good. He says water runs both directions there but just the same if he puts something new into his blue area you're putting it into ours too. Not suppose to change someone else's wetlands but I maybe wrong.

Mr. Cannata, That's why detention at that meeting...(inaudible) my detention area so if we could those three outlets into drain area and not into blue area. Those three outlets go into big one ...(inaudible).

Mr. Malone, First of all when I said 65% recharge area different stories than the way water flows currently large portion of our site flows ...(inaudible). What I've done is studied the existing outlets providing better outlet to make sure it never floods up and actually below these levels of detention just by couple inches to be on safe side. It flows downhill you can see all the contours our new detention is going to be much lower than that. I can't drain it Conservation didn't want me to drain it but I do have much lower proposed we will fill...(inaudible) that will be our basic storage.

Mrs. Marchitto, When you're saying you will build that John we don't have plans for that yet right?

Mr. Lavin, Yes it's the areas are there, volume is there.

Debra Verpaelst-171 Reservoir St., I don't understand.

Mr. Malone, Pre and post. All the land sheds to that wetland. We're not doing anything with that.

Mrs. Verpaelst, It currently goes to that wetland that goes down to curve into goes out to Falls Pond.

Mr. Malone, The only thing we're doing we're taking little bit of that land that currently sheds to that pond. We're having no effect ...(inaudible) our detention is 18ft. lower than Reservoir St.

Mrs. Marchitto, We need date to continue this.

Mr. Houle, Make motion that we continue North One Development Cannata until 3/19/09 at 7:00 P.M., seconded by Chris Sweet.

All in favor 5 to 0.

Respectfully

Submitted,

Board is taking 10 minute break.

8:40 P.M.- Continuation of the public hearing on the Definitive Subdivision to be entitled Cushman Village. Note: Final Action Due 3/31/09;

Ms. Burgess, Richard Thimot needs to abstain no conflict of interest he's just missed too many meetings.

Present Dale MacKinnon, Glen Ofcarcik and Larry Tilton from Tilton & Associates also Stephen Clapp-attorney.

Glen Ofcarcik-Tilton & Associates, Plans have been before you for over year pending stumbling block that Planning Board has been B. of Health approval, which we thought we had in November. Board reissued or issued the approval letter this Tuesday night for subdivision, which we now feel completes the B. of Health issues related with subdivision. To bring board up to speed we also have valid Order of Conditions from Conservation. Two orders actually for the project, one for the subdivision itself and second one for drainage work, which is to subdivision

located on Chemawa Gulf Coarse. We've also applied for federal NPDES Stormwater Pollution Prevention Plan permit for the site. We are bag here tonight to pick up where we had left off previously. As you recall in February and April we had meetings with the Planning Board, had workshop with planning staff and with John Lavin from Earthworks. Back in February we provided supplemental information over the summer, we had Planning Board submittal in September in response to letter from Earthworks. We've included in November and December the plans we have before you tonight, which were submitted to the Planning Board. Kind of briefly walk through the modifications what we've done we feel we've addressed all of Earthworks comments that we have received. We had done lot of sketch plans and submitted those, which is our procedure until the board determines it validity or whether that is what they like in the subdivision. I would like to walk through one set of plans it includes some sheets that have been replaced there are some edits we have made based on recommendations from the board and from John. After Planning Board approval in between approval and endorsement we then update the mylars include all the comments. Updated plans, which were submitted previously to Planning Board include all revisions and modifications, which were requested as part of Conservation Commission approval. DPW comments and considerations and items we had worked out with B. of Health. They are all included in this final set of documents that was submitted several weeks ago to Planning Board. Subdivision is on Cushman Rd. immediately opposite Chemawa Gulf Course, just under 6 acre parcel of land. Proposal is for 8 lot residential subdivision with about 550ft. of road. Set of plans include in this case new sheet 2 existing condition plan shows all of the soil test pits, B. of Health reviews engineer has requested some more information on test pit soil logs, test pit numbering, etc. Same topography we had before but additional test pit locations and information are shown on new sheet 2. Sheet 3 there are several edits that are keyed to the plan 3-1 includes site line easement, which was required as part of traffic impact study and some drainage easements on lot B in that section. There was also some notes and details coordinated with that are included in 3-1. 3-2 is at end of cul-de-sac if you recall there was comment I think in DPW letter about either providing extension for water service to the property to north and/or road. What we've done is included in the package there are two, one is 20ft. wide easement, which would be for extension of the water main into the Wnuk property if that is what Planning Board chooses to endorse. There is also 40ft. wide easement where the roadway could be extended. There was original question about whether that extension could be done with 300ft. centerline radius we showed that it couldn't previously. Included in your packet were copies of this plan showing that the street could be extended but there would have to be bit of jarg those are included as updates to sheet 3. Sheet 4 based on our comments and negotiations with Dept. of Public Works. Had originally proposed the stormwater treatment unit underneath the sidewalk right near existing home on Lot B. DPW had requested that vortech unit be moved out into road right of way so it would be easier accessible for maintenance. They had some other comments about drainage piping in Cushman Rd. and going into Chemawa Gulf Coarse. They had asked that cross culvert in Cushman Rd. be replaced. We worked with DPW on drainage improvements that would have to be done within the layout existing layout of Cushman Rd. off locust of the subdivision. Their comments and suggestions have been included in updated plans. Item 2 had to do with some notes and details on drawing. Traffic engineer had requested some signage 300ft. up and down either side of intersection. Also included stop sign and stop line at intersection of Fairway Lane and Cushman Rd. Update 3 had to do with realignment of water main so that it could be extended up to Wnuk property on north those are included. Update 4 had to deal with the issue of groundwater separation. If you recall one of the planning board's conditions of approval of preliminary subdivision for this plan was that roadway be constructed 4ft. above high groundwater

elevation. If that couldn't be met Earthwork Engineering had recommended sub drain be installed. What we did because groundwater is very shallow within Cushman Rd. similar to how we come and ask for waiver of drainage pipe has only 2ft. of cover rather than 3ft. of cover. We came into site with roadway ramped up quickly to get 4ft. above groundwater but in the short transition section of Cushman Rd. about 180ft. back we can't just start 4ft. up in the air at intersection we're going to be close to it. Issue of sub drains comes up with regard to Title V, which has separation requirements from septic systems, etc. What we did as part of our negotiations and discussions with DPW with regard to drainage we came up with another detail, which is 4-4 on section. Which accomplishes the same thing as pipe sub drain would do. Would alleviate the separation requirements from Title V. Basically it is stone bedding under that section of the road, which DPW had submitted letter to you separately saying that it would be appropriate in this case to do that. That would not be tied into storm drain piping system and therefore would be allowable under Title V and would meet criteria for separation and protection of the road if Planning Board would approve that.

Larry Tilton-Tilton & Association, Explanation of how DPW suggested the design with their system.

Mr. Ofcarcik, Basically what it is we start from top and go down we have two layers of pavement that construct the road and then we have process gravel on sub grade underneath that. Instead of bank gravel, which is normally there this section there would be about 5ft. of crushed stone. The stone would be completely surrounded by two different types of filter fabric. A woven textile on bottom, which is basically like fabric wider opening and would allow water to either come up from underneath or drain down. The sides and top would be covered with non woven style, which is very tight prevents fines from getting into the stone. The water main, which would set right near the bottom of that particular section would be insulated and constructed separately around all the other pipes would go through that. We talked with DPW about how to install it, how to maintain it. At their request is if Planning Board does approve this they would like to be involved in the inspection of it because it is different way than what has been built. They feel it would be much better for the long term suitability of the road for that construction in that section. Once we get beyond station 1+85 road is 4ft. above the model from high water elevation.

Mr. Tilton, One of the issues that brought this to light is Bill MacDowell and us worked together. His issue is he doesn't want to have sub drains in the road they did not want sub drains being built. They were looking for method that maybe could be utilized in future connections where this issue is going to come up. After number of weeks working back and forth of a typical cross section they maybe able to use in sections we were able to generate this. Took it before the board with their input into it we took it to DPW. This is DPW B. of Public Works recommended cross sections, sections of road that are inside.

Mr. Cerrone, They're going to sign these plans?

Mr. Tilton, No this is a recommendation for cross section of a road. Now it is in front of this board. I pre-empted it.

Mr. Cerrone, Are we the Planning Board who signs the plans?

Mrs. Marchitto, No not now. Don I hope you are Planning Board member that signs the plans.

Mr. Tilton, This is recommendation we made. If I had made it before Planning Board first I figure first thing was DPW looked at it and approved it. I pre-empted it because I had time I went to DPW and got it recommended. It is still in front of Planning Board to accept. We're recommending it to do it in that section of 180ft. of road.

Mr. Cerrone, I know they have rules I don't know which rules they are going by that is why I want to know.

Mr. Sweet, It is specifications.

Ms. Burgess, We did read in letter from them detailing basically what Larry stated.

Mr. Cerrone, You think it goes from there to here or is it other way around?

Mr. Ofcarcik, This is an option for the Planning Board to consider for that first 185ft. of road. In response to one of the comments that Earthwork had made about protecting the integrity of section of road where roadway is within 4ft. of groundwater table.

Mrs. Marchitto, Mr. Thimot has great question he wants to know if it works?

Mr. Tilton, Absolutely.

Mr. Cerrone, Then the blame will be on us.

Mr. Tilton, No blame will be on people in the title block it absolutely works.

Mr. Lavin, Where does the water go?

Mr. Tilton, Idea of it is water that we did boring on the wells that are out there that we monitored this water table water is intended to go up into stone and then go back down. Just come up and work down to protect entire integrity of the road surface. It's not to go anywhere because they don't want to be draining the groundwater somewhere.

Mr. Lavin, Which way does groundwater flow?

Mr. Tilton, Groundwater is flowing by natural causes it comes down to wetlands.

Mr. Lavin, So it has to go through it to keep on going.

Mr. Tilton, It is quite interesting side of Cushman Rd. gravel and sands section tills in hard pack then gravels/sands so groundwater goes two ways and then ridge right through middle of it.

Mr. Ofcarcik, We have boring and monitor wells there are three of them one in parking lot of Chemawa, one in shoulder on west side of Cushman Rd. and another one up at end of Lot B. We took groundwater readings monitored that.

Mr. Lavin, Relative to any other monitoring wells USGS puts in?

Mr. Tilton, I don't know of a well in that GS is in.

Mr. Ofcarcik, We have all the groundwater observations from all these test pits as well. Design that we proposed has no connections to the storm drain system and we're going to come up with some other issues that B. of Health had about storm drains.

Mr. Houle, John have you ever seen plan submitting anything that looked like this/ This is for my edification I'm trying to figure this out.

Mr. Lavin, No usually not that deep I just got these today.

Mr. Thimot, You're claiming that this is a hybrid?

Mr. Tilton, No actually it is quite common way of dealing with water under road that has been used for number of years it is mainly in other sections of the country. Northern New Hampshire, northern Maine and Vermont. The add on is the filter fabric wrap and it's like coarser fabric on the bottom where all the water come up and recede back in will closer hit one on top the migration of the fines on the bottom. Then whole issue is water just comes up goes back.

Mr. Houle, Larry that won't at some point in time 5/10 years down the road undermine that road?

Mr. Tilton, No it will stay right there.

Mr. Lavin, What about water entering it groundwater flow? It is going to get in right through filter fabric and discharge outside.

Mr. Tilton, It will keep to its own level and keep right on going. Will be just big stone filter there is no outlet.

Mr. Ofcarcik, But it's not sealed on either end. It is not poly it's morafy.

Mr. Lavin, You have poly membrane on there.

Mr. Tilton, No you're dealing with the 40 mil poly is a barrier that is proposed on outside edge between septic systems and edge of roadway that is vertical. It is flowing other way.

Mr. Lavin, I'll have to look at it. With DEP obviously you're going to present that to B. of Health.

Mr. Houle, Larry what utilities are going through that part of it?

Mr. Tilton, Water insulated, have drain line in it section of drainage.

Mr. Cerrone, Something breaks in middle of night guy that goes with backhoe going to realize what is there.

Mr. Tilton, Exactly the question Mr. Norton put before us at DPW. That is why DPW wanted to have hands on section when they constructed this and we are to detail it in the asbuilt plans so when they pull up file they'll see wrap is there. Whole idea was that they would bring boxes with them and work inside the boxes.

Mr. Cerrone, That's good 10 years down the road when nobody is there that has seen this plan that is the problem.

Mr. Tilton, No it really isn't a problem because that is where GIS system set up in town. So when this issue happens they click on these issues come up. That is why we established and paid ¾ million dollars so far in mapping system in this town. That is exactly the reason we did it 8/10 years ago. It was for this because the boards change, people change and this isn't getting carried on. By then we'll have laptops in place and click on things will come up we have special section of road.

Mr. Houle, Dept. staff will monitor installation including utility elements during water structures and pipes in road surface in the area during the construction of all this and they're going to do all that.

Mr. Tilton, They would like that permission in this section of road. We'll end up with two inspections in that section of road.

Mr. Houle, Does that mean our inspector will not be part of it?

Mr. Tilton, No your inspector will be there DPW would like to have their inspector.

Mr. Cerrone, Taxpayers money will pay for it.

Mrs. Marchitto, I can imagine in 5 years town meeting.

Mr. Cerrone, Yes to get this road accepted.

Mr. Houle, Larry I have to say publicly by going to them and kind of bypassing us first I would just like to say this is what happens. These are the ramifications we can all sit here and smile at each other we all know what I'm saying and honestly this is what happens.

Mr. Tilton, This is a recommendation of us and DPW to deal with this type of section in a road. It is still up to yourselves to approve it. We can go standard gravel standard form and work with your gravel but if you're really concerned about integrity of the road about this 4ft. issue, which isn't an issue. But if you are this is way of dealing with that and relieve the concern. I've dealt with the board long enough the next segment out of the board would be has this been looked at and reviewed by DPW.

Mr. Cerrone, At least you would have come to us first we sign the plans.

Mr. Tilton, I realize but I had time on my hands and I said I know you're going to ask the question.

Mr. Cerrone, You've been in front of us.

Mrs. Marchitto, Asked for continuations and we granted them.

Mr. Cerrone, 2007 it took year and half and then you just skip us and you want our signature as far as I'm concerned you don't need my signature.

Mr. Ofcarcik, Sheet 5 is blow up detail showing drainage, placement of vortechnic unit includes the culvert. It includes drainage update within Cushman Rd. that DPW had requested updated

details also new headwall on easterly side of Cushman Rd. where culvert replacement will take place. Sheet 6 is replacement sheet additional test pits were located on there. Based on discussions with B. of Health regarding placement and sizing of septic systems. Foundation and cellar elevations, septic system and septic bottom elevations and grading associated with those. Sheet 7 is replacement sheet detail of where drainage ends up out on gulf coarse has water hazard on 18th. tee. It is based on comments and requirements from Conservation from Order of Conditions. Sheet 8 includes additional erosion control, which will be required as a headwall. Mr. Houle, I don't have sheet 8.

Mr. Ofcarcik, Sheet 9 was special detail for roadway cross section. Sheet 10 is another unique drainage issue.

Mr. Houle, Why don't we have any of these papers that you're talking about right now?

Mr. Ofcarcik, You may not have gotten 11 x 17 but they were all submitted.

Ms. Burgess, I have all plans submitted to me I don't know what is what anymore I'm little confused.

Mr. Ofcarcik, Updated set of plans with these last set of revisions were stamped in at the office 12/30. At the beginning of the month the plans were submitted without DPW cross section that was last edit that came in. #10 B. of Health review engineer had some questions on potential cross contamination of stormwater leach with groundwater and leach from septic systems, etc. One of their requirements was that storm drain system will have O ring seals on it to prevent groundwater infiltration into the stormwater system. That detail #10 is included on the detail sheet showing specifications basically it is rubber gasket that has to go on concrete pipe to make sure that none of groundwater will enter storm drain system. There were no changes on sheet 11 and sheet 12 has been reserved for the conditions of approval. That is basically summary as I mentioned we have B. of Health approval two days ago, we have Order of Condition from Conservation were issued in October.

Mr. Sweet, Mailboxes.

Mr. Ofcarcik, We had proposed individual mailboxes at end of driveway but if the board wish we could put cluster box at end of cul-de-sac. Been no determination back from postmaster.

Mrs. Marchitto, Was original submitted after or before Sept. 07.

Mr. Ofcarcik, Original definitive plans were October 2007.

Mrs. Marchitto, They will have grass strip so you could put post mailbox in grass strips.

Mr. Ofcarcik, Mailbox is shown in grass strip turned sideways as you had us do on other subdivision. Opening of mailbox is into driveway not into street. There is space available for cluster at end of cul-de-sac if board wishes where the future street extension would be. We requested waiver of sidewalk on cul-de-sac it would be in 7ft. grass strip at end of the cul-de-sac.

Mr. Houle, Lighting?

Mr. Ofcarcik, Plan was submitted last summer hasn't changed been submitted to NA Electric Dept. it has been approved with conditions subject to your approval.

Mr. Houle, What is actual radius of the cul-de-sac?

Mr. Ofcarcik, Property line radius is 55. We included all the information we believe that was requested.

Ms. Burgess, I have updated letter from John, Bill MacDowall. John's basically just states the issues that still haven't been responded to and like I said before B of Public Works is regarding that intersection and we also have letter from B. of Health reversing their decision. Dated 1/7/09 B. of Health letter (insert). I had one question about this what plan did they approve they don't reference the plan?

Mr. Tilton, It was this set.

Ms. Burgess, They have full set they have all piece meal?

Mr. Tilton, That final set will be when we put the mylars together and review them with John. Once they are all signed we will submit set to you and we'll distribute them.

Mr. Lavin, What is date of letter? There is roadway issue too.

Ms. Burgess, That is what I was saying I don't know what they approved.

Mr. Lavin, Last revised plan.

Mr. Ofcarcik, December 16th. 9 refers to sheet 9 detail 1 those aren't dates.

Mr. Lavin, Bottom date is 12/16 that is when it was approved?

Mr. Ofcarcik, December 16th. was when all the edits that we feel all the boards recommended were put on plan they are not all on one set of drawings until Planning Board makes decision. Which is any or all of those are included. Final set of drawings is updated 12/16/08. Two things that were added after 11/13 are the roadway cross section and possible 40ft. extension to land to the north earlier set just have water main.

Mr. Houle, When will the questions that John asked I think it was meeting before last when will those be answered?

Mr. Lavin, Maybe I could go over them.

Mrs. Marchitto, I just wanted Mary to read DPW and then I was going back to engineering services. I wanted to make sure they got read into record.

Ms. Burgess, Dated 12/11/08 B. of Public Works (insert).

Mr. Lavin, Traffic had Abend Associates come in and they said several things had to be done. Second review provided by Abend sight distance, several trees to be removed south side along site frontage, then stop sign put in. Recommend sight distance be put on plan, which meet federal whatever guidelines. You put easement is that land owned currently by applicant?

Mr. Tilton, Yes we own the land we've added the tree removal.

Mr. Houle, Public shade trees?

Mr. Tilton, Yes will require hearing. Stop signs have been added, intersection ahead signs have been added. Line of sight isn't on it I skipped that I guess. Mr. Abend had mentioned on the gulf coarse side where the stop gate fence is one of the issues interfering will that line of sight where arbovitae that were planted in past year they have all been taken down and moved.

Mr. Lavin, As far as where easement is was that ...(inaudible) by Abend.

Mr. Tilton, That is where he asked to have it put.

Mr. Lavin, It was in his report?

Mr. Tilton, Yes line of sight easement needed to be moved back and we had tree interfering.

Mr. Lavin, Did he review that line?

Mr. Tilton, I should send it to him.

Mr. Lavin, Second one is just 4ft. above high seasonal groundwater the sub trench but obviously you have new plan, which I just got. What was groundwater elevation high seasonal groundwater in the actual location of where you're going to put sump?

Mr. Tilton, We monitored it.

Dale MacKinnon-Tilton & Associates, Based on model it is 2ft.

Mr. Tilton, Based on actual readings we put in the pipe 37/35 there are three of them. We didn't bring that report but we can give that to you. We monitored the elevations in the wells. We had test pit information we had the model were being done for septic systems when we went in front of the board they asked what was actual take.

Mr. Lavin, Yes it's actual table at that time.

Mr. Tilton, So we put them in and we've been monitoring it. Those wells are still are out there they have gate valve caps on top of them one is in parking lot, one in side and one has tube sticking up.

Mr. Lavin, I really didn't change anything from before it is really for board too. Applicant showed proposed plans sidewalks to be placed on both sides of roadway station 0 start at cul-de-sac. It didn't show sidewalks all the way around just going by regulations as required by subdivision regs. Wheel chair ramps are on Cushman Rd. leaving handicap pedestrians in the roadway are they still on the radius?

Mr. Tilton, 4-1 right at PC and there is one on Cushman Rd.

Mr. Lavin, There is nothing across the street right?

Mr. Tilton, No.

Mr. Lavin, As far as sidewalks going around back of cul-de-sac you're asking for waiver.

Mr. Tilton, We're asking for waiver if it's not granted we'll put it on the plans on final set.

Mr. Lavin, Drainage did mention that Conservation gave you Order of Conditions just had current design in case stormwater was discharged close up on the golf course across the way board should consider if this is best interest of the town. Applicant provide hydrology pipe direction per subdivisions regulations. As far as pipe calculations for the rational I don't remember seeing it.

Mr. Tilton, No you didn't see it we picked up that day and today from SCS and we did 100 year storm Dale might be able to speak to that.

Mr. Lavin, The vortech unit it went from sidewalk out in the road too out in Cushman now its back in.

Mr. Tilton, It's gone everywhere it's right there now that is where DPW wants it. We set it out and had it sized so that is the unit it's called for. That's for Fairway they wanted entirely outside Cushman road layout inside the proposed layout just off centerline. It is going to be in the layout just off center of road. Catch basins will be moved up.

Mr. Lavin, I'm looking at transition from existing road because that is kind of close to the intersection.

Mr. Tilton, It is deep enough well below Cushman Rd. grades.

Mr. Lavin, Just transitions from structures of road the gutter line that has to go straight across.

Mr. Tilton, In profile you can see how deep it is grade will be able to carried through finished grade.

Mr. Lavin, Butterfly valve is stone too.

Mr. Tilton, Yes that's been placed in on set of plans and detailed. I believe Mill River wanted detail of the gate box put on so we did that.

Mr. Lavin, It is per DPW specifications on gate box. Drainage has been close as far as calculations. Just recommendation if it is going across the street you still have easement issue.

Mr. Tilton, That has been reviewed by town council already and approved but it needs to be finalized as documented. Easement plans have been done and everything will need to be recorded at same time.

Mrs. Marchitto, Do we have final easement plans?

Ms. Burgess, Which ones?

Mr. Tilton, They haven't changed the original set.

Mr. Ofarcik, Only change in the easement was response date from 30 to 15 or 10days or whatever. It is same plan that was submitted I think in February.

Mr. Sweet, Lot 3 if you continue the road into Wnuk property through cul-de-sac does lot 3 have enough frontage?

Mr. Ofarcik, Yes it would have 120ft. it is 122.18ft.

Mr. Tilton, They will lose some frontage on the cul-de-sac and then pick up the frontage on new road extension.

Mr. Cerrone, What are you going to do with existing cul-de-sac when they extend it?

Mr. Tilton, In that event I would probably ask to abandon section of it if that wasn't possible just leave it place and connect new road on it put radius in place. It would kind of up to the board's wishes whether you want to have it abandoned and removed similar to what we've done in other subdivisions or whether you leave it in place.

Mr. Cerrone, I'm trying to think we have couple of them one of them I think we did the land goes to the lots.

Mr. Tilton, We had reversion plan prepared so in event it was abandon.

Mr. Cerrone, I would like to see that because what happens is they continue everything.

Mr. Tilton, I've done it both ways.

Mr. Cerrone, Whatever lots this way people of easements they own the land.

Mr. Tilton, We just had a prepared reversion plan on record.

Mr. Cerrone, Is lot 4 going to have enough frontage if you abandon the cul-de-sac?

Mr. Ofcarcik, Yes there is 125ft. now.

Mr. Tilton, There 120ft. of frontage proposed roadway so that won't change.

Mr. Cerrone, You're carrying that line around.

Mr. Ofcarcik, Brings line up around so frontage for lot would increase lot 3 would get its new frontage.

Mr. Houle, If you're going to take it how is it going?

Mr. Cerrone, I'm talking about lot 4.

Mr. Tilton, You would go perpendicular right to there and call it radial you'd pick up that. We'd have to calc that and make sure they stayed with 120 you'd have to run that calc whether you were going to cut on the angle or swing it. If we are thinking of doing something like that reversion plan should be prepared so it's in filing at least. If lot 4 needs to be reconfigured we should prepare for it.

Mr. Cerrone, Yes because you never know it could be 5 years down road and someone wants to continue the road. Scouts Lane same thing happen we had to go to town meeting because it was accepted town meeting when I first got on the board. It was pain in the neck it was so much paperwork if you don't do it now.

Mr. Tilton, That is good point.

Mr. Cerrone, This way land goes to those 2 lots.

Mrs. Marchitto, Who would own property in future right of way?

Mr. Tilton, It would become the towns we would have to put for future extension of road on. The owner of that lot in the deed if event road is extended their lot is reconfigured. If that actually becomes recommendation I'd probably reshape the driveway little bit going up into lots so it lies in proposed right of way so it would just cut it off and put new set of radius.

Mr. Houle, Until that new road gets built are you going to build a house on lot 3?

Mr. Ofcarcik, Yes it is way up in the back.

Mr. Tilton, There is plan showing house location.

Mrs. Marchitto, You would put driveway in along the easement.

Mr. Houle, That has 120ft.?

Mr. Tilton, It will have more than 120ft. that is what Don mentioned we may have to look at line bring it over. We have more than area enough.

Mr. Cerrone, I think you have plenty of room.

Mr. Tilton, If that becomes wishes board then we probably should look at that very issue.

Mr. Lavin, Deal with NA Electric talked about they won't do it until you get approved plan to the board. Do it before endorsement or just do it way you talked about before? Chris mentioned mailboxes have to know where those are want them on the approved plan. Larry you

mentioned about submitting information did you submit to DPW for stone basin? Did you submit any information to them or did you submit plans?

Mr. Tilton, They have all data.

Mr. Lavin, Just to be fair we should probably get the same information.

Mr. Ofcarcik, Theory was if they said no it wasn't option.

Mr. Houle, Our job is to go along with it basically Larry?

Mr. Tilton, No you can say no we'll have to go back and design new one.

Mr. Ofcarcik, What predicated this in John's letter he recommended reduce something to address potential damage to the road in approximate of 4ft. groundwater table. We looked at options and alternatives there was one it's not in blue book but if DPW wouldn't approve it you wouldn't approve it either. The question was is it something that was doable would it accomplish the same end had we brought here you would have asked us to do that. What we were trying to do is if they were going to say no then it wasn't option.

Mr. Houle, Now on the other hand if we say no you wasted your time.

Mr. Clapp, We wasted lot of time but it's okay. We thought that it was worthwhile to spend the money in advance and if you say no then we've wasted the time that is okay.

Ms. Burgess, Do you want to provide us with same information so John can review it?

Mr. Tilton, Yes we'll submit it. It is table and it shows how water table was functioning and elevations.

Mr. Cerrone, I think you go to guy that signs the plans first and then if they want to go there you go there.

Mrs. Marchitto, I think everything cycles around. I kind of recall one time being resident and Pat Redding asking why was Planning Board last one to see it. It just comes around it's cycled.

Mr. Cerrone, Just go to them first get them to approve it then come to us let them do your design first.

Mr. Tilton, B. Of Health reviewed everything you're reviewing right now.

Mrs. Marchitto, Then we should be all closed here and done.

Mr. Tilton, Same thing you're reviewing we paid them to review.

Mr. Lavin, So they gave you waiver for the 50ft.?

Mr. Tilton, No they can't issue waivers but they reviewed this set of plans. Mill River has reviewed and with all their surveyors, all their engineers, all their environmental people, all their sanitarians have gone through this entire set of plans and back and forth and edited it. Then they gave you permission to work it out.

Mr. Cerrone, What are we doing here then?

Mr. Clapp, You told us you wouldn't approve it unless B. of Health approved it so we had to go and new subdivision procedure.

Mr. Houle, B. of Health doesn't approve subdivisions.

Mrs. Marchitto, They denied it we can't approve it with denial. We have to have another date John has to review this. You've been to DPW to B. of Health you're all set with them of coarse you didn't realize that you still have outstanding issues with Planning Board I would have thought same thing too.

Mr. Tilton, You got same information.

Mr. Houle, We just got it tonight I'm talking about some of the changes.

Mr. Ofcarcik, September 4th. we filed first package.

Mr. Houle, That is not what I'm talking about I'm talking about you've already gone to them.

Mr. Ofcarcik, These were filed beginning of December and last two things were added at end of December.

Mr. Thimot, Dick don't worry about it Larry said it would work.

Mrs. Marchitto, We just need another date.

Ms. Burgess, February 19th?

Mr. Thimot will be in Florida?

Mr. Cerrone, Yes he won't be back until March.

Ms. Burgess, But he's not voting on this he missed to many meetings. We could do 26th. of February. I'm assuming school vacation is President's Day that week. Okay 26th. at 7:00 P.M.

Mr. Cerrone, Make sure we just have that.

Mr. MacKinnon, Any chance we can talk to the engineer between now and then to try and address issues he might have so on 26th. we'd be done? Your engineer.

Mr. Tilton, We're down to one engineer now.

Dan DelVecchio, This is all being directed to Larry but we represent Mr. Burke in this issue. There is no intent on our part to circumvent your board to try to get any favorable from another board.

Mr. Cerrone, We know that.

Mr. DelVecchio, Do you really?

Mrs. Marchitto, We do.

Mr. Cerrone, We do but maybe it's something else I don't know what it is because I never saw something like this usually it comes to us and then we say okay let's have public works. Seems like they are reinventing wheel here.

Mr. Clapp, There was time when review was done by Planning Board but now it seems like the review is being spread among all the boards.

Mr. Sweet and Mr. Cerrone, Not on our part.

Mr. Clapp, But it is our burden to meet the review that is done by the B. of Health, we have to satisfy DPW have to satisfy Conservation. We end up with lot of duplication but we're trying to deal with the process.

Mr. Houle, I agree it is very costly but I'm going to say something tonight. What you just said is 100% correct however what I said before is 100% correct. Everything you did here tonight went to another board you gave them all this pertinent information. It would have been very pertinent to this board to have it in advance and we didn't have it.

Mr. Tilton, Stand corrected you've had it since November.

Mr. Houle, Not this new stuff.

Mr. Tilton, I'm sorry you have look at date stamps on your application. You're absolutely incorrect we have filed it in plenty time in more than enough time and then we are getting handed the review tonight. We could have been prepared for this if we had been given this review I'm sorry but enough is enough.

Mr. DelVecchio, In all fairness perhaps I'm talking out of line as it relates to Steve and I as colleagues in this case. I'm bit emotionally involved because I don't want any discouragement against Mr. Burke who has been totally faithful in our approach in handling this. Let me tell you in trying to respond to all the boards and all the engineers and I can make this statement because he has giving me permission we've spent over half million dollars for 8 lots and we're still at it. It has been long road I have figures with me I'll make them available to you.

Mr. Cerrone, I look at this when we started and I'm saying to myself from first date in 2007 I'm saying to myself 7 lot subdivision and then to make change like that go to them first and they've been with us for year and half.

Mr. DelVecchio, I think that he answered it favorable Mr. Cerrone. He told you because of the uniqueness of the plan itself.

Mr. Houle, It is unique in way you designed it.

Mr. DelVechhio, No the presentation yes was unique.

Mr. Sweet, There are lot of special things in this plan crossing of streets, piping out to gulf courses lot of special things.

No residents in audience want to make comments.

Mr. MacKinnon, I asked question.

Mrs. Marchitto, Did board wish to have Tilton Engineering meet with John?

Mr. Houle, If they would like to I don't have problem.

Mr. DeVecchio, I think question is would it expedite it that is what we're trying to do?

Mr. Lavin, Let me just go through it. Lot of issues are for the board if you're going across street, have all these waivers sidewalk on one side, 10ft. temporary deeded easement for slope granite, trees planting, slope granite curbing in place of vertical granite, overhead electric things I've asked on this plan. This review was same review all I did was put open or close on bottom I didn't add anything. Traffic line of site, 4ft. above, which is just submitted, sidewalks around the cul-de-sac, wheelchair ramps I didn't see them, drainage going across the street, hydrogeology has been handled.

Mrs. Marchitto, What side are sidewalks going to be on?

Mr. MacKinnon, It is on both sides right now except we haven't put it around cul-de-sac.

Mr. Tilton, We drew according per the plans at time we didn't go around cul-de-sac because last subdivision we had done we were told not to go around cul-de-sac so we left that piece of it out I believe it was Reed St.

Mrs. Marchitto, My notation was check Reed St.

Mr. Lavin, Line of site it was again sub drains, sidewalks that is it. Street lighting and mailboxes. I just put quotes on lot of these things and easements.

Mr. Tilton, I think it would be beneficial if we could speak directly to John to deal with couple things.

Mr. MacKinnon, We would like to have letter from John that is closed on all of the issues. That is what we would like to strive for if we could meet with him we could at least try and do that. There are going to be items that you are still going to have to decide and that is type of letter that we would hope.

Mr. Cerrone, I have no problem so next meeting we would have everything resolved.

Mr. Clapp, Except for ones you have to decide.

Mr. Cerrone, Yes just whatever board has to vote on.

Mr. Houle, Which are some big issues.

Mr. Tilton, It is only big issue if you the plans are done according to your subdivision regs. so it wouldn't be much of an issue.

Mrs. Marchitto, Do we need extension Mary?

Ms. Burgess, No we don't.

Mr. Houle, Make motion we continue Cushman Village definitive subdivision until February 26th. at 7:00 P.M., seconded by Chris Sweet.

All in favor 4 to 0.

Mr. Cerrone, You want them to set up date with John over at this office.

Mr. Lavin, If you could get something from Postmaster.

Mr. Tilton, We can try that is all we can do it is not as easier where do you want these mailboxes. It is around with them.

Mrs. Marchitto, You know what my experience is 5 years on the board get clusters then residents are coming back and want individual boxes. There are 2 subdivisions that have clusters that are now individually on their property and clusters are not being utilized.

Mr. Tilton, What works the best is turn mailbox sideways when they come up driveway that works.

Mr. Cerrone, That's right.
Mr. Lavin, I agree with you but postmaster said he wouldn't deliver mail.
Mr. Tilton, Yes because he gets paid for drop.
Mr. Sweet, Procedurally they have to go through you and Linda to schedule with John?
Ms. Burgess, I will give them call.
Mr. Lavin, If you could just submit information before.
Mr. Tilton, Traffic and then site the rational those three we picked those up today. Roger called Mary.
Mr. Cerrone, Set it up as soon as possible this gives you plenty of time you don't wait until last minute if there are any other issues between you guys.
Mr. Tilton, Certainly be on top of it next week we'll try for meeting next week.

Respectfully

Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, JANUARY 8, 2009

Richard Thimot left table at 9:58 P.M.

Mrs. Marchitto, I'm going to still discuss business.

New Business:

- 1) Form A: Maple Leaf Realty of N.A. Corp., Paine Road. Note: Final Action Due 1/14/09;
Combining existing two lots to create two new lots:
Parcel A: 41,510.5 sq.ft., 166.49' frontage on Paine Road. Meets ANR requirements.
Parcel B: 752,444 sq.ft., 329.56' frontage on Paine Road. Meets ANR requirements.
Existing structure meets zoning setbacks.

Ms. Burgess reading in application.

Richard Thimot returned at 10:01 P.M.

Curt Nunes-Commonwealth Land Surveyor, Attleboro, We have two existing lots 32 and 32A created lot lines dividing them what we're proposing to do is to extinguish lot line and create new lot line. Creating 41,510 sq.ft. lot, which meets current zoning which is R40 and then remainder lot which I'm calling Parcel B would be a 17.27 acre lot. Lot line that exist won't be there anymore if this gets approved it will be one big lot.

Mrs. Marchitto, You come down 295 coming south?

Mr. Nunes, This is right before bend in Paine Rd.

Mrs. Marchitto, Before or after Roosevelt Ave.? Didn't we do subdivision on changing land couple years ago?

Mr. Nunes, Paine comes down Cumberland Ave., Paine comes down takes sharp bend.

Mrs. Marchitto, This is yellow raised ranch that is what I wanted to know.

Mr. Cerrone, Make motion we approve Form A Maple Leaf Realty NA Corp., seconded by Dick Houle.

All in favor 5 to 0.

- 2) Form O: Dena Paolino;
Structure is pre existing non conforming and therefore doesn't need zoning relief for dimensions. It is located in a C75 district.

Existing building was partially demolished allowing for 15 parking spaces and landscaping. Site plan illustrates the open space is being increased from 10% to 16.1%.

- 2a. New site plan will allow for buffer between lot line and neighboring property.
- b. Applicant will be providing 15 parking spaces where none were before.
- c. Dumpster is located in rear of the property.
- d. Applicant is providing a parking area where one didn't exist before which will allow deliveries in this area verses on Church St.
- e. Site plan illustrates 4 lights on front of building and street lighting is provided.
- f. There is no adjacent undeveloped property therefore future access is not needed.
- g. There is no screen between properties.
- h. There is no natural growth, existing site is almost entirely paved.
- i. Site plan illustrates a 10' landscaped buffer between parking lot and Church St.

The ZBA applied following conditions;

1. Total of 15 spaces be provided on property. Fourteen spaces to be 9 x 18 and 1 space to conform to the "handicap" parking specifications.

There shall be minimum aisle width of 24ft.

2. Project be reviewed and receive no objection from the Planning Board and Fire Dept.

Ms. Burgess reading in application.

Stephen Clapp-attorney, Represent applicant and also abutter. This is H & H Products building renovation. The front part of building has been demolished, foundation remains. Dotted line on plan shows where foundation is this was slab on grade building pretty much covered the whole lot. Tore front half of building down and there will be remainder one story building. Parking went to ZBA they have authority under zoning bylaw to waive parking in the commercial district in downtown area. Zoning board granted waiver as long as 14 9 x 18 parking spaces were provided and 1 handicap space with no less than 24ft. between parking rows that is shown on the plan. Density table shows that existing open space is 10% and we're increasing it by 6.1% equaling 16.1%. This is pre existing non conforming property built before zoning and we are actually increasing open space.

Ms. Burgess, I went through the check list of site plan review I didn't find anything that I felt would not comply with our site plan review. However part of zoning conditions is that they receive no objections from Fire Dept. and I was curious if you had letter regarding that.

Ms. Paolino. We have the stamped plan is that same thing?

Ms. Burgess, Project to be reviewed and receive no objection from Planning Board and Fire Dept. I would just like letter stating that there is no objection.

Mr. Clapp, Architect plans were submitted to building inspector.

Mr. Cerrone, Apparatus in case of fire they can get around they will know.

Mrs. Marchitto, I'm sure if you give them your zoning letter from ZBA they can write letter from that.

Mr. Cerrone, How many parking spaces are there supposed to be? There is parking across street so you have plenty of parking that town owns.

Mr. Clapp, If building was maxed out it would possibly require 20 spaces. Will Fire Dept. letter hold up the site plan approval because this is something that has been hanging for months and months. They can't get building permit they're held up and it is really critical that they be allowed to move ahead. 21 day appeal has gone by.

Mrs. Marchitto, ZBA was 2/18 where they stated no objection Planning Board and Fire Dept. Why didn't you go at that point to get letter from Fire Dept.?

Mr. Clapp, That is good question can we leave that to building inspector because he has to operate under that decision as well and he won't issue permit until we get that. We will supply him with that letter.

Wayne Patterson-692 Old Post Rd., Vice chair ZBA I thought that was one of the conditions of approval.

Mr. Clapp, It is a condition.

Mr. Patterson, So you should have had it.

Mrs. Marchitto, I think what Steve is asking building inspector receive that fire dept. letter.

Mr. Clapp, I don't think that holds up site plan but we are certainly going to do that.

Mr. Houle, I was going to say put it in the conditions.

Ms. Burgess, We can add it to the conditions.

Mrs. Marchitto, I would just want to make sure that zoning inspector sees that if we're not going to accept it I want to make sure they get the letter.

Ms. Paolino, I will call up tomorrow. They've been involved and they saw the plans and other things.

Mr. Clapp, Before access to this building by fire equipment was terrible now the access is 100% better.

Mrs. Marchitto, Wayne is there reason why ZBA required that from fire dept.?

Mr. Patterson, We usually do.

Mrs. Marchitto, So it's one of your normal conditions. All lighting is in front of building on the building?

Mr. Clapp, Yes.

Mr. Cerrone, You're not doing any drainage?

Mr. Clapp, There is catch basin in back drainage all went that way so it is going to continue to go that way. There is lighting across the street.

Ms. Burgess, If they changed drainage pattern it would end up flooding something.

Mr. Cerrone, Where is drain tied in?

Mr. Clapp, I think just a leaching catch basin of ancient origin. I think you asked about increase of runoff have aerial photograph of H & H Building. There will be some parking instead of some roof so building has been cut back foundation is there.

Mr. Houle, Make motion we accept the Form O for Dena Paolino 215 Ellis Rd. N. Attleboro, second by Don Cerrone.

All in favor 5 to 0.

Mr. Cerrone, Subject to getting letter from fire dept.

Mr. Houle, Have to get it to the inspector.

Ms. Burgess, We will sign plans tomorrow I will give you a call.

Mrs. Marchitto, Mary comment for future when we do Form O's or ANR, site plan reviews. I know you have nicely in the agendas we should have it separate on your letter head so that we can actually put it in the file. I've been meaning to bring that to your attention. That way if file ever comes up with building inspector they open up and see all the ZBA regulations and that it meets our zoning.

Other Business:

Hickory Woods;

Mrs. Marchitto, I haven't had chance to look at it.

Ms. Burgess, No one could make it here tonight.

Zoning Applications for January 20, 2009;

James & Susan Harvey, 43 Kenneth Kostka Drive, Variance (front yard).

Ms. Burgess, Nothing spectacular they are putting on second floor above they're already pre existing non conforming. They are non conforming and by putting second floor on they are making themselves more non conforming so they need front yard variance.

EJB Trust Attleboro, LLC, 620 South Washington, Appeal of the Decision of the Building Inspector.

Ms. Burgess, That is Boch Toyota.

Mr. Cerrone, Who is going to that?

Mr. Houle, How about vice chair and chair go?

Mrs. Marchitto, That is doable.

Mr. Cerrone, Someone should be there from this board.

Ms. Burgess, Writing letter I think they start at 6:30.

Planning Board Business;

2) Approval of Minutes;

12/18/08 All present.

Mr. Houle, Make motion we approve the minutes of 12/18/08, seconded by Richard Thimot. All in favor 5 to 0.

1) Review Final Actions;

Cushman Village: March 31, 2009 (Next hearing 1/8/09)

Mount Hope Farm Estates: January 31, 2009

18 Church St. Paolino: January 23, 2009

Paine Street ANR: January 14, 2009

3) Vouchers;

No vouchers you signed it all yesterday.

Zone line determination for Boch Toyota;

Mr. Patterson, I thought you people were going to review the zoning line.

Mr. Cerrone, I don't see it on my agenda just before Christmas we did I know that.

Mr. Patterson, I was given a call and told that it was to be tonight.

Mrs. Marchitto, We had site visit yesterday so what would board like to do.

Mr. Thimot, We can make decision vote right as too site plan determination it does not have to wait for petition. We had more than quorum that went out there yesterday. I'm saying we can make determination right now. I will make motion that we follow the recommendation that was presented to us by our town planner. I concur with her observations and judgment.

Mr. Sweet, Second for discussion.

Mr. Houle, For clarification you're talking Dick line B?

Mr. Thimot, I'm not talking line A or B I'm talking about judgment call by town planner period.

Mr. Houle, That is line B?

Ms. Burgess, Yes.

Mr. Patterson, Could I ask what that judgment was?

Mr. Sweet, I second for discussion.

Mrs. Marchitto, Yes but he didn't give opportunity for anybody in the audience.

Mr. Patterson, I can't speak to something I don't know anything about I haven't heard Mary's judgment.

Mr. Sweet, Withdraw my second.

Mr. Cerrone, Time out guys. We set office policy year ago did anybody read it? What are we doing changing rules? We're telling people they have to submit stuff in front of us week ahead of time and now it's on the agenda. Somebody should have put it on agenda two weeks ago We talked about it before Christmas we spent year and half on this.

Mr. Sweet, What are you suggesting?

Mr. Cerrone, It's up to you guys it was brought up last meeting.

Mr. Thimot, It was my impression we went out there standing around in miserable weather to make judgment it was site plan visit.

Mr. Sweet, You weren't at the visit.

Mr. Cerrone, I told you last meeting I wasn't going.

Mr. Sweet, We had determined at the visit that perhaps would make decision tonight.

Mrs. Marchitto, If you make a decision I think you should have clearer motion. We have one motion.

Mr. Sweet, I would like to withdraw my second.

Mrs. Marchitto, I think this board you make it very difficult. We had motion couple weeks ago on the board that wasn't second now we have motion and it's not on agenda. We have motion it has to have clarity to it.

Mr. Sweet, Understood so I withdraw my second.

Mr. Patterson, That isn't the issue right now.

Mrs. Marchitto, We still have motion on the table we have second that has been withdrawn.

Mr. Thimot, I'm not going to withdraw my motion I want response on this tonight we went out there in lousy weather stomped around and everything else.

Mrs. Marchitto, Could you make motion clearer?

Mr. Thimot, I make motion that we follow the line that was developed by town planner.

Ms. Burgess, I think there is description in front of you.

Mr. Thimot, You want me to read this I can't read it you read it for me.

Mrs. Marchitto, Chairman isn't supposed to make any motions. Now I'm starting to get very uncomfortable about this proceeding. I think we should have clear motion.

Mr. Thimot, I had motion I want to follow one that was suggested. Planning Board has the right under the law as it sits right now to make zone line determination. We went out there and looked it over and we looked at what we wanted to see. Is there some fair of retaliation because somebody is going to do something?

Mrs. Marchitto, No.

Mr. Sweet, No I think effort was made to agree with what you're saying but in more detailed language.

Ms. Burgess, It is just so it's easier when we go to court it's clearer.

Mr. Thimot, We're going to court on this?

Mr. Sweet, We already are.

Mr. Houle, We've been all served.

Mr. Cerrone, That is why I made motion two weeks ago to get it resolved where zone line was.

Mrs. Marchitto, I'm going to let it go if no one is going to second it. I was patient two weeks ago.

Mr. Sweet, If he withdraws his motion I will make motion.

Mr. Patterson, Mrs. Chairman I would propose that we do this at another time. Reason is I haven't had chance to review this and understand it.

Mr. Thimot, I'm leaving town tomorrow for two months. This is only opportunity I will have to participate on this particular action.

Mr. Patterson, I don't know if I'm for or against it and I can't speak to something I know nothing about.

Mr. Thimot, I will withdraw my motion.

Mr. Sweet, I would like to make motion on matter of zone line determination said motion is.

Mr. Patterson, I would like to say I just received this I haven't had chance to review it and I can't speak to it without reviewing it and understanding it.

Mr. Sweet, With due respect I don't think we have to have necessarily that input but I appreciated it.

Mr. Clapp, We objected from the beginning but Mr. Patterson filed letter it has been going on for months.

Michael Clemmey, He had plenty of time to review it.

Mr. Sweet, I would like to continue with my motion. Would like to make motion that Planning Board determines the location of the zone line in relation to Map 23 Lots 63, 91, 64 in accordance with Section II. B, #5 and at the request of the Building Department to be described as follows: Beginning at a point on the westerly side of Old Post Road, which point is 320ft., more or less, southerly from the intersection of Old Post Road and South Washington Street along Old Post Road as depicted on the " Prepared September 1969" map, at such point the zone line runs parallel, more or less, to South Washington Street approximately 520 feet bisecting Lots 63, 91 and 64 of Map 23 to the boundary shared by Lot 64 and 139 of Map 23. That is my motion, seconded by Richard Thimot.

Mr. Clapp, Let the record reflect that he was reading from the document could it be marked as motion?

Larry Tilton, Mark it date.

Mr. Sweet, It has been made and second.

Mrs. Marchitto, Any further discussion.

Mr. Cerrone, We're going by 69 map right motion was?

Ms. Burgess, Yes.

Mrs. Marchitto, It says prepared September 69 map. All in favor 4 to 0 to 1 abstain Joan Marchitto.

Mr. Clemmey, Can I ask question?

Mrs. Marchitto, Vote was taken.

Mr. Clemmey, Vote was on orange line where zone line is?

Mr. Cerrone, Is that the 69 map?

Mr. Clapp, That is description you just read.

Mr. Clemmey, Mary was that the very first line? I'm the landlord I would like to know where zone line is on my property. I think I'm entitled to ask couple questions.

Mr. Thimot, There is one thing about this land zone line can go through two different designations land meaning commercial and residential and still be factual. Property where Ocean Fresh used to be that traffic is bisected by commercial and residential. What happens in a sense as far as that land under regulations for commercial, which I think it is C30/IC30 I'm not sure. Your property has same impact.

Ms. Burgess, Submitting description and your attorney can interpret however way. I'm not going to point to anything on any of your maps right now. It is deterred from prepared 1969 map so your attorney can interpret it.

Mr. Clemmey, I'm taxpayer of this town.

Ms. Burgess, I understand that I'm not being adversary or anything like that. I'm just saying that your attorney can interpret the motion however he sees fit and we can move on with this project now.

Mr. Clemmey, I'm not saying you have to say yes or no but if Tilton was correct of what you wrote up tonight what board just voted on and Larry can correct me if I'm wrong. He took the 320 and the line you had said and so we're all saying this evening this portion is residential everything east of this orange line is residential and that is what we just voted on. Dunkin Donuts is residential, etc. What you wrote I'm not asking if this is written as the orange line am I correct in saying this would be residential and Dunkin Donuts.

Ms. Burgess, I do know and I'm leaving it to your attorney. That is not prepared 1969 map.
Mr. Cerrone, That says December 31, 2008 map.
Ms. Burgess, It has been drawn up by someone else.
Mr. Cerrone, Not the town. Make motion we adjourn, seconded by Richard Thimot.
Adjourned at 10:32 P.M. All in favor 5 to 0.

Respectfully

Submitted,
Attach Agenda to Minutes.