

**NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, JULY 16, 2009**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, July 16, 2009 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Scott Weymouth, Donald Cerrone, Richard Houle-chairman, Richard Thimot, Richard Peterson and Mary Burgess-town planner.

Planning Board Business;

Vouchers;

Reimbursement for revolving fund for Don Corliss in amount of \$125.00

Approval of Minutes:

5/7/09: All present (Changes need to be made per DC and RP;

Mr. Cerrone, Was that one with changes?

Ms. Burgess, Yes there was number incorrect. I went through and changed 20 to 200,000 I didn't know if there was another one.

Mr. Cerrone, I think that was the one it was a number.

Mr. Peterson, It is correct number at this time?

Ms. Burgess, Yes.

Mr. Thimot, Make motion to accept minutes for 5/7/09, seconded by Rich Peterson.

All in favor 4 to 0 to 1 abstain Scott Weymouth.

5/21/09: Houle, Cerrone, Thimot and Peterson;

Mr. Thimot, Make motion to approve minutes, seconded by Rich Peterson.

All in favor 3 to 0 to 2 abstain Donald Cerrone and Scott Weymouth.

6/18/09: All present.

Mr. Thimot, Make motion to approve minutes, seconded by Rich Peterson.

All in favor 5 to 0.

Old Business:

Form O-SRD Realty, LLC;

Last meeting board requested that applicant get approval to tie into town drainage system from B of Public Works.

Applicant attended the June 9, 2009 BPW meeting

Bill McDowell has provided comments and Whalen submitted changed plans

Plans reviewed and are missing three items that could be incorporated as conditions to be fulfilled prior to the issuance of a building permit.

Conditions:

Sump elevation at the loading dock shall be 181.00

Trash grate for the detention basin should be smaller than 3" x 6"

Add pre cast to drain manhole with gas/oil separator detail

Present Mark and Bill Whalen-Whalen Engineering.

Ms. Burgess, Mr. Sharples owes me a check.

Mr. Cerrone, Did we get everything we asked for last time? (Yes). Everything is all set? (Yes).

All issues outstanding? (Yes).

Ms. Burgess, Since the staff report plans have been brought in and they did address the 3 conditions and I double checked plans and they are on plans. Current plans we have are correct. Conservation closed on Tuesday I have letter from them saying they are all set with stormwater. Public works letter saying they could tie in if they did X,Y and Z and they did it. It

needed to be 4ft. sump pre cast, sump with tee for trench drain, pre cast drain manhole, trash grate had to be smaller than 3" x 6" and sump elevation at loading dock had to be 181.

Mark Whalen, Sump was changed 181.

Ms. Burgess, Reading in DPW letter(Insert).

Mr. Whalen, We had to put trench drain there was enough to get oil separator in there it goes off to side that is why there is another manhole to get 4ft. sump.

Mr. Houle, Is DPW okay with that?

Ms. Burgess, Yes all the changes have been made. Have update e-mail from Bill McDowell (Insert). I have no other questions it appears all changes per DPW have been made.

Mr. Cerrone, Make motion we approve Form O for SRD Realty LLC for 211 John Dietsch Sq. with conditions of Public Works to tie into town drains and before we release plans a check for Earthworks, seconded by Rich Peterson.

All in favor 4 to 0 to 1 abstain Scott Weymouth.

**NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING (Bally Heather)  
THURSDAY, JULY 16, 2009**

6:45 P.M.- Public hearing to determine if Thomas Fitzgerald should be declared in default of carrying out his obligations to complete the Bally Heather Subdivision, including Garrett Road, Jonathan Drive and Massand Road;

Cash Bond: \$62,900.67

Motion: Make a motion to find Tom Fitzgerald of the Bally Heather subdivision in default of completing said subdivision in accordance to the Planning Board's Rules and Regulations and therefore move to take the \$62,900.67 cash bond in accordance to MGL chapter 41 section 81U and 81Y,

Richard Thimot moved away from table.

Ms. Burgess reading in notice.

Tom Fitzgerald, I had A1 come in and look at road gave me price signed contract he said he can go in next week and following week do it prep it that was on Massand Dr., which is major problem. There is low point on Jonathan Dr. in cul-de-sac he is waiting for one more rain storm to mark it out and repair it. Everything else on punch list was done last year.

Mr. Cerrone, Do we have punch list inspection? Anybody do inspections? When did you start this project?

Mr. Fitzgerald, Long time ago.

Mr. Cerrone, That is what bothers me it seems like we're going in circles last 2 or 3 years we're not getting anywhere. Everytime you come in we get an excuse.

Mr. Fitzgerald, No excuses I have contract to finish the road.

Mr. Houle, Do you have signed contract with you? (Yes). Could we see it.

Linda Perez-20 Jonathan Dr., I have dip in my driveway it is not just driveway it is sidewalk too. I'm wondering how they are going to just fix dip without making it look like crap. I already have my driveway pieced together, my sidewalk pieced together and part of my street will be pieced together. My mailbox is tilting I'm just wondering what it will look like if they don't repave.

Mr. Fitzgerald, They are repaving all of Massand Dr.

Ms. Perez, My kids play in puddle every time it rains. My biggest issue with puddle is amount of sandbags. I am lot 16 I have brook in back of my house. The driveway there is dip on right hand side if you are facing away from house it is end of driveway.

Mr. Cerrone, I think we went out there couple years ago and we saw all that. We've been out there so many times.

Mr. Fitzgerald, A1 is going to do all of Massand Dr. completely cap the whole thing and Jonathan Dr. cul-de-sac.

Mr. Houle, This is a proposal is it signed contract? When could they start?

Mr. Fitzgerald, He said next week. I've been chasing those other clowns we were dealing with for year and I talked to Mary about 2 weeks and she said A1 is doing lot of work in the town.

Mr. Houle, I realize that but keep in mind 3 years ago when I got on this board we were having this very same conversation. Lot of other people have gone through same economic climate that we're in now many of them got their roads done.

Mr. Cerrone, Lots are gone money is already there so roads haven't been finished.

Mr. Fitzgerald, He is ready to go in and do it.

Mr. Cerrone, Know what bothers me with that. You got notified in May 19<sup>th</sup>. you respond to us.

Ms. Burgess, I spoke with him last week.

Mr. Cerrone, That proposal is 13<sup>th</sup> of this month week ago. You knew you had to do this stuff you should have been ready in spring.

Mr. Fitzgerald, I didn't get first notice I did get second notice and I called as soon as I got it I called Mary.

Ms. Burgess, Just for the record I didn't recommend A1 I just stated that his estimates were outrageous and he should shop around.

Mr. Fitzgerald, I didn't mean it that way.

Mr. Houle, It will be subject to our inspections anyway. When you sign contract with somebody is that basically what it is a proposal?

Mr. Fitzgerald, We signed it he called me back and said fine when do you want to schedule it I told him I would be at board Thursday night.

Mr. Peterson, Can we put any contingencies on based on that proposal if the work hasn't been done? Started and completed in certain amount of time or he is in default?

Ms. Burgess, I think best thing would be to leave public hearing open until next meeting and if it is not done then we will already have contracts lined up.

Mr. Cerrone, This only mentions Massand Rd.

Mr. Fitzgerald, He said Jonathan too the cul-de-sac.

John Lavin- Earthwork, It is going to be more than cul-de-sac you really have to come back. You have 15 structures you would have to give him waiver on curb reveal obviously he won't have 6" just by meeting the regs. Handicap ramp at sidewalk there is low spot.

Ms. Perez, Not on my street. In front of that curb there is big dip and I can spray paint circle around it there is big water spot there.

Mr. Cerrone, You can tell by the sand.

Ms. Perez, You can see big water stain the dirt is sticking to it. When my sprinkler system goes on it pools there every morning every other day. It is in front of the curb that is the dip. They did have to repair curb because it was pooling there also. It is in front of my driveway and the curb that the dip is. They fixed the curb to best of their ability. I don't know if that is correct either but it is patched there a good 3ft. then they went up my driveway about 3 or 4ft. patched there.

Mr. Cerrone, Mary we have log when last inspections were called in could you get that for me.

Tom Detorie-Massand Rd., I built house there about 4 years ago. When I built the house I had original plans of how street was to look. We were supposed to have curb sidewalk on one side up around cul-de-sac and back. It was presented in way that in no way, shape or form at all is what is represented out there today. I think while the road needs to be repaired if you're going to do this correct in right way and as we as homeowners were expected as we were told on what street was going to look like road, sidewalk all that stuff. If it is going to be done as we were told it was done and the look that we were sold on cul-de-sac with nice lantern, sidewalk going around not a street paved sidewalk do it the right way. What is out there today is not what we were told was going to be there 4 or 5 years ago.

Mr. Cerrone, Asking for plan board signed.

Ms. Perez, Stone entryway never got put in either and I know our water mains are in wrong place. I don't know who is responsible for that.

Mr. Cerrone, You have easements for that?

Ms. Perez, That is not true mine is in middle of my lawn 3ft. down in flower bed and back hoe set up one day looking for my water main left big holes all over my yard. I came home from work and my kids were bouncing on board covering 4ft. hole in my yard.

Mr. Houle, The holes they dug you filled in?

Ms. Perez, They filled it in to best of their ability it showed repressed area after they were done and I had to get dirt. They put hole on one side of my driveway and another one looking for it by time I got home they were still digging around my yard looking for water main. Wasn't even on right side of driveway.

Mr. Lavin, Asking for approval letter.

Mr. Cerrone, Looking to see if there were any waivers. They were supposed to put one side of sidewalks that is it.

Mr. Houle, Recess this hearing and open public hearing for Queen's Grant scheduled at 7:00 P.M. and recess it until 7:15. Reopening Bally Heather.

Ms. Burgess, I apologize for putting these so close but no one contacted me in over year.

Mr. Cerrone, Only thing they have for waivers was one side for sidewalks.

Mr. Houle, What was sidewalk supposed to be made of?

Mr. Detorie, Asphalt sidewalk.

Mr. Lavin, That is the regulations.

Mr. Detorie, Not plans I have.

Mr. Cerrone, Do you have signed plans?

Mr. Detorie, Signed because I own another lot across the street. Original plans do not have asphalt sidewalks that I can guarantee.

Mr. Cerrone, These are original plans. Do you have signature blocks signed by the board?

Mr. Lavin, It would be shown on cross section.

Mr. Detorie, Plans I have are 01 and it showed like a cobblestone or some sort of paver type not asphalt.

Mr. Cerrone, That is not what board approved that is why I wanted the original plans that we signed. I don't know what plans you have. She was giving me asbuilts I wanted plans that were approved by the board in June 01 with conditions.

Mr. Houle, After the hearing was closed these are the plans that were approved by sitting members.

Mr. Detorie, I understand the reason why I'm concerned is asphalt sidewalk is just as bad as asphalt street.

Mr. Lavin, He is right there are several areas it is also because of construction after it was done too they have to be addressed too.

Mr. Houle, Will that be addressed?

Mr. Fitzgerald, Yes.

Ms. Perez, I was there when they paved my development and they waited as far as builder to have final coat of paving done until they were done with constructions of the homes. No back hoes or anything went over that road later.

Mr. Lavin, She is right that area that is in cul-de-sac near the throat and there is a dip it is 1% going to a catch basin.

Mr. Houle, Was there dip at other cul-de-sac? There wasn't dip where some water was gathering.

Mr. Lavin, Not in cul-de-sac at Massand they tried to fix it and didn't work and then at base if you come around base they tried to fix that it didn't work. The road is flat as far as with the paving company they hired it is flat there is not ¼". Coming down Massand the water came down the hill and went straight across the road as opposed to following the curb. It is zero flat.

Mr. Peterson, If flat it is usually out of level.

Ms. Perez, Are you trying to suggest settling in front of my house? (No).

Mr. Cerrone, John latest punch list of 08 have you been out there since 08.

Mr. Lavin, I went out there yesterday to see what was going on.

Mr. Cerrone, I thought you said everything was done.

Mr. Fitzgerald, We've gone through all those 2 years ago.

Mr. Cerrone, March 31, 2008 is date on punch list. Have you approved anything since then John? Mary you said you haven't had any calls for inspections.

Ms. Burgess, Last inspection was 10/6/08.

Mr. Lavin, Those dates were from meetings it is not construction I do a report but it is also for meetings too.

Mr. Cerrone, Nothing has been done.

Mr. Fitzgerald, Not in last year.

Mr. Cerrone, March 31, 2008 have punch list then you meet 10/08 5 months later nothing has been done.

Mr. Fitzgerald, We've done work in between then.

Mr. Cerrone, Where is the inspection reports?

Ms. Burgess, Some of the punch list doesn't require inspections.

Mr. Lavin, Once you finish them they have to be called to make sure they're done.

Mr. Fitzgerald, Everything has been inspected that we did.

Mr. Houle, Let's get back to original proposal you showed us. In this proposal he is going to fix Garrett and Jonathan am I correct?

Mr. Fitzgerald, Massand Rd. we had no problems with Garrett Rd. It was Massand Rd. and further up on the cul-de-sac on Jonathan.

Mr. Lavin, I think Garrett is little flat too.

Ms. Burgess, On Garrett cul-de-sac was flat, driveway apron on Lot 15 and Lot 14, hydrant, and level spreaders on 10 & 11.

Mr. Fitzgerald, Level spreaders was eliminated behind houses no one knew what they were there for or why.

Mr. Lavin, I just go to condition of approval and it shows level spreaders behind just as soon as you go into Garrett on left behind the houses. You read in minutes people were concerned that water was going to go on their property.

Mr. Cerrone, One's on Chippenstone right? When we had hearing those people came out they were concerned the Kings were concerned too.

Mr. Fitzgerald, I redid their rock garden.

Mr. Lavin, It was level spreaders just stone capture water and it was in letter of approval because lot of things are hidden if you will like sidewalks and things like that. Not hidden but just their waivers we give them or additional work is required.

Mr. Weymouth, Do we not know what has been done since original inspection in March?

Mr. Cerrone, No it seems like nothing has been done they never called in.

Mr. Weymouth, Even if it had been done you have no proof of it being done.

Mr. Cerrone, That's right that is why I said get the log to see if anybody had called in to Mary. Usually they have to call in and Linda writes it in what inspection is for.

Mr. Lavin, Just going back give you reference 10/6 met with Mr. Fitzgerald before was May we met Murray Paving.

Mr. Houle, Open up hearing for Queen's Grant and recess until 7:40 P.M. Open up Bally Heather again.

Mr. Peterson, I would think we should have some record of what has been done on the punch list.

Mr. Cerrone, That is why they're suppose to call in.

Mr. Peterson, I don't see anything wrong with accepting proposal but that is not very descriptive proposal what work is going to be. Doesn't mention Jonathan Rd. nothing about sidewalks.

Mr. Houle, Are you going to add that to this is that your intent?

Mr. Fitzgerald, Yes. Sidewalks some of it was filled in after I did the road they drove equipment over it not us but it comes under me.

Hugo Satello-Massand, 4 driveways dug up.

Mr. Fitzgerald, We had to run drain it is on right hand side we dug it all up. It is all part of the road.

Mr. Satello, They also dug up my lawn 3 times I corrected it they came in again and water by mailbox.

Mr. Lavin, Last time I was really out there for construction inspection was 12/07 when they put those in they put grates in.

Mr. Cerrone, When do you plan on getting it done how soon?

Mr. Fitzgerald, I'll go next week the guy is ready to go.

Mr. Houle, Can this road be done within 30 days?

Mr. Fitzgerald, Yes.

Mr. Peterson, All the work.

Mr. Fitzgerald, I'm talking about road only neighbor's yards and lawns and all that stuff I'm not doing that right now.

Mr. Peterson, That is part of the question isn't it. You're suppose to do work on Jonathan, Massand repair sidewalks. The proposal should say that.

Mr. Houle, Has this proposal been approved by A1?

Mr. Fitzgerald, Yes.

Mr. Houle, It has been accepted by them and you're going to add to it?

Mr. Fitzgerald, I already talked to him about it he said he wanted to get out there during the rain on Jonathan. Do it all next week and following week it will be done.

Mr. Lavin, Memorandum 12/18/06 that I wrote about the road.

Mr. Houle, You were never called out after that?

Mr. Lavin, Not after when they put front drains in 12/07.

Mr. Cerrone, They don't have equipment to do the road A1 it is not qualified road builder I can tell you that. I don't think he has rollers and spread box 16ft. wide.

Mr. Fitzgerald, I didn't know that to my knowledge he is doing lot of work for the town of No. Attleboro.

Mr. Cerrone, I don't think so I'm all over town and I don't see A1 doing any work for the town. Only ones who do work for town is either Lynch or Aggregate, Narragansett and Larousau years ago not guys like that those guys are driveway guys.

Ms. Perez, Can they notify us before they do it because there are lot children in neighborhood on Jonathan?

Mr. Cerrone, Leave your information. I give him 2 weeks that is it.

Mr. Fitzgerald, If I can't do it pull the bond I didn't know that if he is not capable I say pull bond now and don't waste our time this is the only guy I have working on.

Mr. Houle, You're not convinced that this guy can do it either?

Mr. Fitzgerald, I'm convinced he can do it when I said he worked in the town I meant subdivisions I didn't mean the road work on state highways.

Mr. Lavin, He hasn't worked in the 4-4 1/2yrs in any subdivisions in town that I know of.

Mr. Cerrone, I never saw him in a subdivision.

Raymond Payson, Quite familiar with that road. I think what happen was driveway contractor who did the job in the subdivision. Now you're going to do another one I think you're buying into another problem. That is going to be very delicate.

Mr. Cerrone, They have to know how to do paving have guys that is all they do. Guys that do 495, 95, Rte.1 those are the guys when they laser they know what they are doing they do grades.

Mr. Houle, It is either we take bond and do away with this issue or we give A1 paving 2 or 3 weeks.

Mr. Fitzgerald, I'll be back here tomorrow with information.

Mr. Cerrone, Have to raise all the structures.

Mr. Fitzgerald, He did include raising all the structures that was included.

Mr. Lavin, He didn't put water gates there so that will be more. He included the structure but whole thing is what station is he going to. Some of the stuff on Garrett is flat in beginning too the fixed the intersection there was bump there. You're talking from cul-de-sac on Garrett how far back is question I have. Previous contractor Bevilaque went out there and tried to infra red and they burnt the asphalt plus we have thickness issues. It is how far back are they going to go.

Mr. Houle, That should have been answered today we've been waiting here these people have been waiting. They have all waited very patiently and you know what I don't think it is very fair that this keeps going way it is going. Tom we've been here we talked about this 3 years ago.

Mr. Cerrone, I said 3 years ago take the bond all board said no.

Mr. Houle, It's not right.

Mr. Fitzgerald, Take the bond I've been trying to get road finished.

Mr. Houle, You have responsibility to be a good human being to this town. Don't look me in the eye like we did something bad to you.

Mr. Fitzgerald, I'm trying to satisfy the town and finish this. There is enough money in bond to complete it. I'm trying to save the town the grief. If it is easier for town to pull the bond fine pull the bond.

Mr. Houle, Would board rather give it 30 days and see how it goes or would you rather pull the bond?

Mr. Peterson, I wouldn't approve it based on that proposal.

Mr. Weymouth, Either would I.

Mr. Peterson, If someone presented proposal included everything that we need to have done with firm price we haven't gotten that.

Ms. Burgess, Just mention we don't have enough money to finish it not to the standard the he may be able to do an overlay of all these roads.

Mr. Cerrone, I thought we had money before.

Ms. Burgess, We did and I let a bond expire.

Mr. Houle, We know that. Tom can you get a proposal done by tomorrow and get in back to Planning Board?

Mr. Fitzgerald, I'll call the guy tonight and try and get another proposal I'm talking about the road the asphalt.

Mr. Houle, And asphalt was breaking on sidewalk.

Mr. Cerrone, Get us references for the company.

Mr. Fitzgerald, If this guy can't do it we're wasting our time in my honest opinion. I didn't know he wasn't capable I don't think he does state highways but from my understanding he does more than driveways he is not a driveway contractor. I'll find out on references.

Mr. Houle, We're either going to pull bond or give him some time to get this back in the way it is suppose to be and go from there.

Ms. Burgess, I would suggest attaching punch list for A1.

Board is agreeable.

Continue public hearing until 8/13/09.

Mr. Detorie, Tell A1 in order to get good estimate on what has to be done he should at least get out of his truck. All he did was drive down cul-de-sac turn around and come back.

Mr. Cerrone, That is why I brought out the issue that I have never seen him pave road yet.

Mr. Detorie, I can get Lynch in here to do it no problem.

Mr. Houle, Let's see what comes up.

Mr. Fitzgerald, Lynch wouldn't do because of Bevilaque.

Mr. Houle, I understand but seriously this is going to be last time.

Mr. Fitzgerald, I won't come to next meeting there will be no issue this is my last meeting if I cant' get it resolved.

Mr. Cerrone, Make motion to continue hearing until 8/13/09 at 7:00 P.M., seconded by Rich Peterson.

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

Respectfully Submitted,

**NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING (Butterfly Estates)  
THURSDAY, JULY 16, 2009**

7:25 P.M.- Public hearing to determine if Scott Brown should be declared in default of carrying out his obligations to complete the Butterfly Estates Subdivisions, including Butterfly Way:

Cash Bond: \$10,941.20

Motion: Make a motion to find Scott Brown, as the developer of the Butterfly Estates subdivision in default of completing said subdivision in accordance to the Planning Board's Rules and Regulations and therefore move to take the \$10,941.20 cash bond in accordance to MGL chapter 41 section 81U and 81Y;

Ms. Burgess reading in notice. He was notified he did pick up his mail.

Mr. Cerrone, Big issue was the pole light right?  
Ms. Burgess, Pole and couple inlets were cracked.  
Mr. Cerrone, Did you get any quotes?  
Ms. Burgess, Pole is \$2200 from NAED.  
Mr. Cerrone, Did you get any quotes to fix cracks?  
Ms. Burgess, Not yet. I did inquire with DPW and he said it wouldn't be expensive.  
Mr. Cerrone, Then it was \$5000 for difference in curb that has to come out to so the money is there. Can you have town council prepare article for street acceptance have the money come out of the bond to pay town council instead of taxpayers. Make motion to take bond for Butterfly Estates \$10,941.20.  
Ms. Burgess, In accordance with chapter 41 section 81U and 81Y so we are all legal.  
Mr. Houle, As stated.  
Mr. Thimot, Second motion  
All in favor 5 to 0.  
Mr. Cerrone, Make motion to notify NAED on same project to install light on cul-de-sac and money to come out of the bond, seconded by Richard Thimot.  
All in favor 5 to 0.  
Mr. Cerrone, Make motion to have Mary get some quotes on whatever odds and ends have to be repaired cracked, seconded by Richard Thimot.  
All in favor 5 to 0.  
Subdivision started in 03 and only 4 lots.

Respectfully Submitted,

**NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING (Dorey Estates)  
THURSDAY, JULY 16, 2009**

7:30 P.M.- Public hearing to determine if Doug Cash of Tru-Site Development Corporation should be declared in default of carrying out his obligations to complete the Dorey Estates Subdivision, including Pond View Way and Magnolia Drive;

Cash Bond: \$2,877.50

Motion: Make a motion to find Doug Cash, as the developer of the Dorey Estates subdivision in default of completing said subdivision in accordance to the Planning Board's Rules and Regulations and therefore move to take the \$2,877.50 cash bond in accordance to MGL chapter 41 section 81U and 81Y;

Ms. Burgess reading in notice. There is only driveway apron left to be done driveway apron is Lot 11 on Magnolia on cul-de-sac.

Michael Edmonds, I was wondering where lot 11 is whether or not it is mine.

Ms. Burgess, Cul-de-sac on Magnolia Dr. one closest to detention basin.

Mr. Edmonds, This morning I was in deposition with attorney's representing Doug Cash regarding ongoing problems since 2002 when I moved into the house related to asbuilt plans related to driveway settlement. There are number of things going on there is retention area or drainage area that is situated on my property. He has been effectively not responsive at one point he defaulted case should have been closed and settled judge granted him more time and again I met with his attorney from Boston for deposition they just wanted to know what was

going on from my perspective. I don't really know if it is relevant to this. I wanted you folks to understand there are several issues with my particular lot that Doug is responsible for that has prevented me from getting certificate of compliance. I don't have that I have been in this house for 7 years I bought it brand new. There are drainage issues, flooding issues on my lot that are directly in my opinion attributed to the way he installed his property in terms of grading.

Mr. Cerrone, We're talking about layout of road not his lot. We're not involved with lots we don't have control over the lots. We can't go on your lot.

Mr. Houle, Have you talked to building inspector?

Mr. Edmonds, Yes they have been notified I hired both Riser and Mill Engineering Mr. Cash wouldn't allow them onto his property to do surveys to find out whether or not his house was constructed properly.

Mr. Cerrone, Main thing is the road.

Mr. Edmonds, What I can say related to the road there is substantial flooding as result of how he developed his property on the road. He pitched his driveway in manner that causes runoff to saturate the end of the street. I am lot 12 my driveway is adjacent to his they split off. What he's done is elevated his driveway higher than mine so what happens is all runoff goes onto mine and onto the street.

Mr. Cerrone, That is what we're trying to fix.

Ms. Burgess, We're going to cut out the apron, cut out bump.

Mr. Edmonds, You know what is going to happen when you do that now you're going to have it higher than the road and now water is going to be trapped on mine. Right now what is happening the water runs off his because he pitched it up and away so water runs down it floods mine. Now you're going to create additional problem for me because it is going to be trapped even further and have no place to go. Where the driveway starts it is probably less than 16" wide. I can tell you right now that will create a problem by putting that apron over his driveway.

Mr. Weymouth, How close is nearest drainage structure?

Ms. Burgess, Problem being right now it is settling.

Mr. Cerrone, Our Rules and Regulations says your apron has to be 6" above the road so that is what we have to do. Who built your house?

Mr. Edmonds, Cavalo.

Mr. Cerrone, You have to go back to him our rules and regulations say it right in the book.

Mr. Edmond, Problem is Cavalo sub contracted with Doug Cash.

Mr. Cerrone, It is between Cavalo and Doug Cash it is not between us ours is to make sure that road layout is where it is supposed to be. I know you're in a catch 22.

Mr. Houle, We hear you please understand that this board has no right to do anything there on private lots.

Mr. Edmond, But this board does have responsibility to make sure that Mr. Cash does his job effectively and in my opinion is not the case. This man has been nothing but problems for many residents in my neighborhood in terms of how he conducted himself professionally. I was here couple years ago because sidewalk and street was not completed after 2 year period time after we moved in. This has just been ongoing situation and I know Doug is long time resident of No. Attleboro I appreciate that but he has a job to do. He seems to find way to work the system.

Mr. Houle, Tonight we're not issuing any bonds back to him we're here to take it.

Mr. Cerrone, We're trying to get it done.

Mr. Edmonds, He no longer lives there he has moved on he's an interesting character I apologize for taking up your time.

Mr. Cerrone, No we're glad you came out.

Mr. Peterson, I'm sorry we can't help you.

Mr. Houle, What year did this start?

Mr. Cerrone, It was approved in 97.

Mr. Edmond, I moved in 2002 it has been long time. I didn't even know anything about certificate of compliance until I started pushing him to resolve my driveway at one point it was saturated under 12" of water. I decided to fix it myself, which was going to cost me almost \$12,000. I came into town hall to find out what permits and approvals I needed that is when I found out my house did not have certificate of compliance I bought house brand new I didn't know. It wasn't in my purchase and sales.

Mr. Cerrone, Conservation.

Mr. Houle, One of the conditions.

Mr. Edmond, There is so many little tangibles here that it just made this thing complicated but he has taking no responsibility. He has altered his design verses what was approved for in asbuilt plan in terms of driveway construction.

Mr. Houle, On private lot.

Mr. Edmond, I don't know the fact is that the apron existing apron is the street and that was elevated so I don't know if it is already at 6" that you refer to.

Mr. Houle, We're going to fix it.

Mr. Edmond, If they have to fix it on top of driveway it is not compliance because it is not meeting asbuilt plans then how is it being fixed? In other words when you fix it do you send a surveyor out there to say how high it should be or do you just put 6" on top of original structure? Do you actually do inspection or survey?

Mr. Houle, Inspection throughout property for street yes.

Mr. Peterson, We're not adding to it.

Ms. Burgess, It is going to be cut out.

Mr. Houle, So water runs the way it is supposed to. It may help I'm not sure it is going to do anything for you I don't know. Is water coming from property line not so much the street but property itself?

Mr. Edmond, From property line. My driveway was done first then he put he fill. The way our driveways were supposed to be constructed they were suppose to be at same elevation level for at least 20 or 30ft. then they would pitch off in different directions, different elevations and what have you. What he did mine was already down and then he put lot of grading material down to build his up so at very beginning it is at same elevation level but with foot starts to increase then he pitched his away. Benefit to him is the water pitches off into wetlands into Conservation land on his property but any water that hits that side comes onto my driveway. I think what was suppose to happen is both driveways are supposed to be pitched.

Mr. Houle, It is all relevant there is just nothing we can do about private lots.

Mr. Lavin, I haven't seen it goes up quick.

Ms. Burgess, Bump then it's flat.

Mr. Edmond, My driveway is flat his goes up.

Mr. Cerrone, Doug's driveway is high.

Mr. Houle, Is it in right of way? Mary maybe some of this if it is in right of way that might be part of what we're going to fix. If it is in right of way it may be part of what is going to get fixed I can't say yes or no I don't know because I'm not out there.

Mr. Lavin, I haven't seen it but I'm thinking if it goes up quick and you're going to roll it.

Mr. Cerrone, Have to put 6" reveal like rest of them so water doesn't go onto both driveways. Both driveways are even with road right now.

Mr. Houle, Before we end this I'm sorry it is out of our jurisdiction but thank you for coming.

Mr. Cerrone, Make motion we take Dorey Estates Tru-Site Development Corporation bond, seconded by Richard Thimot.  
All in favor 5 to 0.

Respectfully

Submitted,

Ms. Burgess, We also have Savers at 7:45 P.M.

Mr. Houle, Open public hearing for Savers and recess until 8:15 P.M.

**NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING (Queen's Grant)  
THURSDAY, JULY 16, 2009**

7:40 P.M.- Public hearing to determine if Richard Bessette, on behalf of Girard Family Trust, should be declared in default of carrying out his obligations to complete the Queen's Grant Subdivision, including Amy Lane, Girards Way and Leo P. Sarrizin Road;

Cash bond: \$75,179.47

Motion: Make a motion to find Richard Bessette, on behalf of the Girard Family Trust, and as the developer of the Queen's Grant subdivision in default of completing said subdivision in accordance to the Planning Board's Rules and Regulations and therefore move to take the \$75,179.47 cash bond in accordance to MGL chapter 41 section 81U and 81Y;

Ms. Burgess reading in notice. E-mail from resident Mark DaCosta-Leo P. Sarrizin Rd. dated 7/14/09(Insert). Letter from Richard Bessette dated 7/6/09 received 7/13/09 (Insert). Memo prepared by town planner in regards to Mary and John's site visit yesterday dated 7/16/09 (Insert). Took couple photos while I was out there.

Richard Bessette, This is first I've seen this updated punch list I had addresses previous punch list in your letter that Mary just read into the record. From listening to the first person who was here for Bally Heather it appears you want contracts showing completion dates with contract amount.

Mr. Cerrone, Let me go back little further I got called in the spring to fix pole near fire hydrant settlement by Linda in this office. They were trying to get hold of you they couldn't get hold of you can never get hold of you when there is a problem. There was a water gate cover broken through the winter plowing and somebody stuffed a rag in there. I'm on volunteer time on this board and I have to go out and inspect your job for what you can't control your job when somebody calls from this office and respond.

Mr. Houle, At least in a timely manner.

Mr. Cerrone, I don't like that I lose time out of work to make sure neighbors are satisfied that should be your responsibility. When the town calls you there is problem out there. We had to hire landscaper to go and fix it in case kids fall in hole or fireman gets hurt safety. We called water dept. to try and get cover.

Ms. Burgess, Unfortunately the gate was completely broken and cover wouldn't stay in.

Mr. Cerrone, They told me they couldn't get hold of Rick Bessette nobody can get hold of you.

Mr. Houle, Have you gotten any response Mary from that to this day?

Ms. Burgess, No response from when I called about the hydrant and water main broke.

Mr. Cerrone, It isn't first time.

Mr. Bessette, I've spoken to you.

Ms. Burgess, I called you lot about it but you never talked to me. I would have remembered if you told me you were going to fix and didn't fix it because I would have told the board.

Mr. Cerrone, Somebody said to me what do you want us to do? I said get someone to get it fixed.

Mr. Houle, We have debris growing out of detention area. It may seem funny but it's not funny especially to the people who live there.

David Ahearn-51 Girard Way, Right on cul-de-sac detention pond is right at back of my yard and my yard is really not graded...(inaudible). If it rains lot water collects in the cul-de-sac I apologize I just had a brain tumor removed. When water collects in cul-de-sac...(inaudible) it puddles. It doesn't go in my driveway because my driveway is uphill but whole area is 6" of water. Back of my lot there is big sink hole it has to be 16ft. sink hole about 20ft. wide.

Mr. Houle, In back of your lot and I ask what lot you have?

Mr. Bessette, It is lot 6. Holes are going to have to be corrected but I don't know why the catch basin is not taking the water.

Mr. Houle, Richard in order for it to get fixed you'd have to answer her call correct? I'm not trying to sit here and point the finger at you but you know what in this particular case. I've been on this board 3 years before I was just elected again I have to tell you, you have been here those prior 3 years. When did this subdivision start?

Mr. Cerrone, When was first inspection called in?

Mr. Bessette, 04.

Mr. Houle, This is now 09. Can you see why we're frustrated and why they are frustrated?

Mr. Bessette, It got dumped in my lap why Lynch left.

Mr. Houle, Then you don't even return a call.

Mr. Ahearn, Something about road are they in compliance I know one thing from Allen Ave. You have low car we have two trucks you can't come in without almost falling over. I don't think they are right but I'm not an engineer.

Mr. Bessette, It was different before we were asked to change it to what it is now.

Mr. Houle, I've been through there I'm not saying it's not true I'm just saying I didn't notice that.

Mr. Bessette, Amy Lane is the one we were at it was different and we were asked to put more pronounced gutter line or less pronounced gutter line in there. Lynch went back and he made sure he had somebody while he was there inspect it. He went back after one of our previous...(inaudible) that we had and redid whole entry at Amy Lane. If it needs to be changed again then it needs to be changed again it is not on list but it can certainly be looked at. My understanding is that is exactly what somebody wanted.

Mr. Cerrone, Have called any of those things on punch list that you've done?

Mr. Bessette, Everything that has been done there is nothing that is below grade we regraded the slope.

Mr. Cerrone, Have you called for inspection on that stuff so you can get released on punch list?

Mr. Bessette, No I wanted to finish the whole thing and call in at once. Idea is to be out of here we have to be out to get in front of town.

Mr. Cerrone, I've been looking for this for last 2 or 3 years I don't know what year you're going in front of town.

Mr. Bessette, Lynch left it in my lap when they left in July whenever they signed off on everything and gave it to me in July of 08.

Mr. Cerrone, That's good they're not here to be able to answer so you can blame Lynch they can't defend themselves now.

Mr. Bessette, Lynch was the contractor doing the road.

Mr. Cerrone, You hired them so you're responsible.

Mr. Houle, Who is responsible for clearing the detention area?

Mr. Bessette, We have to regrade the place.

Mr. Houle, Does it look like you've been doing it?

Ms. Burgess, We found the manhole only because they were raised higher but I couldn't find any inlet and there were snakes and rodents and other things living there.

Mr. Houle, Crack in the road there is another one.

Mr. Lavin, I think Lynch should come back and address those things.

Mr. Bessette, This was first I was notified.

Mr. Lavin, We walked it.

Mr. Bessette, He has to come back and address the crack in front of Lot 19.

Mr. Houle, What about the drain?

Mr. Bessette, My guess is that he's going to tell me I'm on my own and I'll have to fire someone else to take care of it.

Mr. Houle, Wait a minute how many years ago did we start this and how many years ago did I sit in another room I think at police dept. and I asked why is this taking so long? I was just rookie on the board and I was still learning and here we are it is now 2009 and we are having the same conversation.

Mr. Bessette, Not quite same conversation.

Mr. Houle, I would say it is exact same conversation you didn't do what you were supposed to do simple as that.

Mr. Cerrone, Keeps passing the buck.

Mr. Houle, It has to stop whether you blame Lynch all these people you're blaming are people you hired. We didn't hire them we're just trying to help these people to have a place they can live in so there is no public safety hazard there. I start looking at things that are open the water gate that is not there you didn't even return a call. You didn't even show up at the meeting.

Manny-31 Amy Lane, To reaffirm what he said about entrance of Amy Lane like to comment on Amy Lane at angle when you come in very careful your car will bottom out if it is low car you will bottom out no matter how you try. If you come in at any speed ...(inaudible). At entrance of my driveway in winter time it is icy way drainage goes I have about foot and half to 2ft. wide of ice buildup that goes between. If you come in with your car front wheel drive you will just slip on the ice. When I spoke with Brian who works for him about this he told me that was town's problem they would take care of it. He told me this before the curb stone went up he told me this after ...(inaudible) went up. I have water in my basement they put sump pump in. Reason I'm here I thought it was going to be addressed with punch list of things he hasn't completed. He won't return phone calls, hand deliver things. Right now he'll promise about anything and you'll leave here with all the assurance that he's good with his word it was last about as long as you turn the corner. He told me 3 months ago that he was going to have guys come back to work to finish the punch list on my house. He will not even take my phone calls that is my part of my frustration. I have water in my basement they put sump pump they assured me it was sump pump with batter backup. They took some sump pump put it in there and plugged it in and left and that has been about a year. He told me the cracks were going to be sealed nobody has shown up. My backyard unless I mow my lawn at highest setting every place it rains on my lawn was white because way water comes from Allen Ave. drains onto my lot it goes right through ...(inaudible). He told me there was going to be perimeter drain that was going to be installed that was 2 years ago it was going to resolve my problem nothing happen put the sump pump still have water in basement. No phone calls I sent him registered

letters several times and he signed for them because I have return receipts on them. I've sent e-mails they didn't come back as not delivered he got them. I delivered letters to him I sat in his office in Lincoln for hours on end because he told me he was going to be there in 15 minutes and he didn't show up. I delivered letters to his wife somebody who works there I'm assuming his secretary I delivered letters to Brian to Lance to Dave just about anybody I can to try and get him to finish the work. Since this is for outside my issue is drainage I have water in my basement. My backyard if I mow lawn about 3" or 4 you're going to see that I don't have topsoil. He told me he was going to do landscaping that was going to diffuse the water coming through so that way it won't be going down same. I put mulch there it washes right away. I don't know what landscaping was done because whatever was done is dying other than trees on the perimeter my wife planted them everything else died.

Mr. Houle, Did anybody have to replace trees on the front?

Manny, Ones by street no we didn't those are the only ones I can tell you were there when some sort of landscaping was done nothing else. Back portion where water coming from Allen Ave. he assured me was going to be taken care of by changing the landscaping and planting some trees to create roots and stuff that will diffuse the water has not happen.

Mr. Houle, Do you have any of that in writing that you can show?

Manny, It wouldn't be board meeting for you to go through everything I've written to him.

Mr. Houle, I just have to remind you again unfortunately I feel bad for you absolutely. Planning Board has no jurisdiction on individual lots even if we wanted to say something and do something we have no jurisdiction there.

Mr. Cerrone, Wanted house number of Mr. & Mrs. Ahearn 51 Girard Way. I'm going to go and look at it.

Manny is 31 Amy Lane., If you look at entrance of my driveway it is raining at all you'll see that there is water that runs right into where my driveway meets the road and when it gets cold it freezes. There is patch there about 18 to 24" that freezes at first frost so when you come in driveway if you come in head first you just spin. Brian told me that was going to be taken care of when they put the curbs up when they put curbs up still have problem it hasn't gone away if anything it has gotten worse. One of the guys told me put some drainage underneath so there is water coming from north side goes under and over if it is supposed to I don't know I'm not an engineer. All I know is at end of my driveway if I brake I slide if I'm going out coming in unless I come in at angle I spin trying to get in my driveway.

Andy – 14 Girard Way, I can actually vouch for him. I'm lot 19 and I have similar problem to in terms of there is water that collects in front of my driveway. I've actually sent Mary some e-mails and letters and things like that it is an icing problem. After heavy rain there is always a persistent stream of water that crosses my driveway. If you're looking at my driveway from the street from right to left there is persistent stream of water from probably 15 to 20ft. there is catch basin in front of my property that basically most of the water runs into. That is basically what happens on regular spring and fall whenever it rains. In summertime whenever we get rain it does have opportunity to dry out so problem goes away but where the problem get exasperated in winter time particular this winter the water tends to freeze and continually builds up like ice dam. This particular winter was horrific I've been in there now for 3 years ice dam literally went across the street and onto the other side of road.

Mr. Cerrone, There should be no water going in the road.

Mr. Lavin, If you remember pictures way back that is his house.

Mr. Houle, I asked few minutes ago and you didn't have chance to answer what about the drains?

Mr. Bessette, Sidewalk drains they have to be put in this year.

Mr. Houle, You told me that 3 years ago or 2 years ago.

Mr. Bessette, I didn't.

Mr. Lavin, May 19, 2008 year ago.

Andy, At one point last fall in September I did see someone out there marking out property and I inquired what it was about and I guess they were marking out lines for cable and telephone for sidewalks being put in this was last year last fall.

Mr. Houle, Problem is in trying to call him to get them fixed we're not getting any answers. Recess and open up Savers and recess until 8:30 P.M. Richard the people are here and you've heard what they have to say I'll give you chance to say your peace.

Mr. Bessette, It needs to get done I have no objections for any of the things on the list.

Mr. Cerrone, What are you looking for time?

Mr. Bessette, I'll have contracts with definitive dates by next meeting.

Mr. Cerrone, No what are you looking for time to get everything I don't care. You had plenty of time to get contracts you had since last year we are in 2009 I don't want to screw up all summer waiting for you. You will be somewhere in New Hampshire, down to Narragansett and these people still have the issues and summer will be gone.

Mr. Houle, I'm going to be honest with you I'm not even convinced you'll return our calls you haven't returned the call now. What do I have to go on that you're even going to do that? I can only go by history.

Mr. Bessette, \$76,000.

Mr. Weymouth, Do we have estimate of the work that needs to be completed?

Mr. Houle, With drains John even proximate?

Mr. Lavin, No I didn't really look at that but I could pretty quick.

Mr. Houle, Certainly there is enough money in the bond.

Manny, Can I ask about sidewalks what they would look like and where would they go? We don't have sidewalks.

Mr. Lavin, Sub drains 3 to 4ft. pass the curb into right of way.

Mr. Cerrone, Layout of the road.

Manny, It essentially is like catch basin but in middle of it.

Mr. Lavin, It is grate then it would bring water to the catch basin so it wouldn't go onto the road because road is public safety issues.

Andy, I have other water issues in terms of runoff.

Mr. Lavin, They regraded in back of your house right?

Andy, They did regrade significantly it has improved but I still have drainage issues. For example as of Tuesday when it rained.

Mr. Lavin, It used to go to left hand side of your house.

Andy, I get it on both sides. On one side it is actually on my property. If you're looking at the house from the street on left hand side is on my property on right hand side is actually on neighbors' property it kind of comes down both sides. Grading has improved it.

Mr. Ahearn, If they put in the drains that they are talking about would that go from opposite side of where I live.

Mr. Bessette, Will go from Andy's house to Manny's house that whole side of the street not your side.

Mr. Peterson, Work that is listed here is that going to address the issues these folks are having?

Mr. Houle, Most of it but the issues where they have with their lot.

Mr. Peterson, Right if their drainage on their lot is creating some other problems that is not our pervue.

Mr. Bessette, Andy who was just speaking for Lot 19 had significant amount of runoff that was coming from Allen Ave. through his yard and washing out into the street. We regrade the backyard to try and diffuse it to both sides and evidently it has gotten some better but not.

Mr. Houle, Allen Ave. or was it coming up from backyard of the home? It seems to me it might have been coming up from backyard.

Mr. Bessette, Not backyard of his house backyard of house behind him.

Mr. Cerrone, When you cut the grade water table of that land before you start construction was foot there was water right on top of ground cars use to get stuck in that field in winter time they used to slide right off before those houses in front got built. Water was foot down so when you cut that grade in back of those houses all that groundwater still coming in your lots that is what it happening it is not from Allen Ave. not all of it.

Mr. Houle, We were out there about 1 ½ years ago as matter of fact it was Chris Sweet and myself Chris happened to be member of the board at the time. We actually took pictures, which we do have in the records. We did not notice it was heavy rain storm that day did not notice any incoming off of except for maybe regular you would normally see off of Allen Ave. It seems to be percolating out of the ground and coming right off.

Chris Sweet- B. of Selectmen, Water was all over the property.

Mr. Houle, At one point I want to say 5ft. little stream of water maybe 8ft. stream.

Mr. Bessette, That has been corrected property directly behind his driveway they live on Allen Ave. Andy if you go in your backyard and go to back right hand corner and you look it is almost like mini holding pond there of water that is just coming out. We've bermed around it.

Ms. Burgess, Did we see that pond there was water coming out of it?

Mr. Lavin, It is cut it is high groundwater and it is cut and it actually happen on Amy too from gentlemen talking on Amy. It was cut like 3ft. on the design and Bessette did go in and put a berm with stone in there and they're like check dams trying to push it to for lack of better thing right hand side of his house. It did push it to right hand side but obviously it is still going from the left because probably of groundwater coming out. There is a spring in his backyard from what I've understood from talking to someone who owned property way back when.

Mr. Houle, Stone was buried that let the water flow?

Mr. Lavin, No it's berm then there was stone there to try and redirect.

Mr. Houle, It's not surface water we know it's groundwater.

Mr. Thimot, Before there was any buildings there Planning Board took trip out there all behind Girards' house all way down there was solid sheet water on top.

Mr. Bessette, The sidewalk drain will stop that water from getting into the street. There is still work to be done I don't know what final outcome is going to be to get rid of that water all together but it will go into sidewalk drain. Sidewalk drains are not on the plans it was not part of the original design it is supplemental when problems became evident and got on the punch list.

Mr. Houle, So as of tonight's meeting you don't even have anything to offer as to date, don't have anybody lined up you don't have anything.

Mr. Bessette, I have people lined up I was told to come in and discuss it. There is gentlemen from Cumberland who is excavating contractor.

Mr. Peterson, I think the whole thing I understood we had public hearing for work to be done by certain date and take bond if it wasn't done. It wasn't for month later to discuss what you were going to do.

Ms. Burgess, I think letter says complete and/or comply.

Mr. Cerrone, We had construction schedule when Mary?

Ms. Burgess, We called for construction schedules in May we called in all the developers.

Mr. Cerrone, That was the time you were supposed to tell us what you were doing.

Mr. Houle, Did you show up for that meeting?

Mr. Bessette, I was not here in May I couldn't make it.

Mr. Peterson, Somebody should have.

Ms. Burgess, You could have called.

Mr. Cerrone, Or sent letter saying this is my construction schedule I can't be at the meeting. The fax machine doesn't work right?

Ms. Burgess, I actually I bought new one.

Mr. Ahearn, Does the board give them a date to reply or something?

Mr. Houle, This is what we've already done we're here tonight either obviously give him little more time based on what he says or take the bond and get it done ourselves.

Mr. Ahearn, Is there enough money in the bond?

Mr. Houle, That is question only our engineer can tell us.

Peter Santos- 68 Leo P. Sarrizin, Mary mentioned detention pond is overgrown is detention pond built properly. My understanding from one of his employees was that it needed to be cut down like 3ft. or something like that.

Mr. Lavin, I wasn't there when it was built but I know there were got laid out and there was cut and fills on it and they define the shape of what it was designed to do.

Mr. Bessette, Eastern most wall was higher than it needed to be all inverts and elevations. Bottom is fine and elevations and wares and all that were fine.

Mr. Lavin, He's right you basically have erosion going in there from backyard you can't have that.

Mr. Peterson, How do we get to part when you talk about cutting down detention pond at this point that should have been done already. This is ridiculous we're sitting here wasting our time talking about this stuff over and over again. I think we should just take the bond.

Manny, Going to give him extension again and go through same thing again I've been waiting for some sort of drain in my backyard that hasn't happen. He gave me assurance in writing that he was going to start work I met with him 3 months ago that someone was going to finish the work he hasn't done anything.

Mr. Bessette, John is unsure about bond amount verses amount of work to be done. September 10<sup>th</sup>. or whatever you pick date when we have period of dry weather most of the stuff is drainage and we need to have it dry. It hasn't been dry for last 6 weeks.

Mr. Lavin, It is dry now.

Mr. Bessette, My point is there is \$76,000 in bond if it cost more than \$76,000 the town has...(inaudible). Whatever work gets done between now and whatever date you give me is always to the town's benefit not to town's detriment. That point if it is not all done you're going to bond to finish rest. I don't know what value is of work that has to be done but if it is done whatever date you give me and whatever is not done then there is no point to be continued.

Mr. Houle, With all due respect you should have been doing this a year ago, year and half ago. You should have been answering phone calls, answering e-mails, should have been answering the people who you sold the houses to.

Ms. Burgess, At least May 19<sup>th</sup>. letter ...(inaudible).

Mr. Lavin, There is \$76,000 as far as money one thing I would say if he wants time until end of summer, which is August. You need time to do the work you can't go beyond August. You need to finish the work in September, October and November if you're going to take it over.

Mr. Houle, If we wait until that time and we have to take it over we're basically out of time.

Mr. Lavin, Yes end of August is it.

Mr. Cerrone, August 13 we're having meeting that is it if he doesn't have it done by then forget it don't even bother we're taking it.

Mr. Houle, Richard at that point I don't even want to hear it.

Mr. Cerrone, Don't come here with excuse we're going to start getting quotes. I'm going to have Mary tomorrow start getting on the phone because once 13<sup>th</sup>. comes we're going to start having people lined up. We're already have couple projects already have people she has quotes before tonight we're not screwing around anymore.

Mr. Houle, John let me ask you if we give until that time will we have enough time to secure people and get it done this year?

Mr. Lavin, Yes I think so with what is going on right now.

Ms. Burgess, He's going to have it done by 13<sup>th</sup>. of August.

Mr. Bessette, If it is going to take town 90 days to do it can't be done in 4 weeks.

Mr. Lavin, Start getting contracts have to start getting everything lined up so it is going to take while to get whole thing moving just like any other project.

Mr. Weymouth, You can go beyond end of August? His work will go beyond end of August.

Mr. Lavin, Yes if he substantially completed lot of work you just keep on going.

Mr. Houle, I'm not sure I know what you're saying. You're saying he has this time or.

Mr. Lavin, If you gave him until 13<sup>th</sup>. until next meeting substantially completed lot of the issues if he is still going you let him finish but if nothing is really done by 13<sup>th</sup>.

Mr. Houle, By that time all proper inspections need to be done. Is there any money owed does he have any money?

Ms. Burgess, No I will need money in order to get inspections.

Mr. Lavin, It would be fair to him because if he started to show good faith if not.

Mr. Cerrone, If he doesn't start doesn't do anything doesn't have contractor lined up, guys coming in say August 27<sup>th</sup>. to start this but already started other stuff but if he doesn't do anything by 13<sup>th</sup>. he's not going to do nothing. Continue this until 13<sup>th</sup>. public hearing and if not done we take it that night.

Mr. Peterson, I want to take the bond.

Mr. Thimot, Wants to take bond. Make motion we take bond, seconded by Rich Peterson.

Mr. Houle, For discussion any other discussion all in favor 5 to 0.

Mr. Houle, We're taking bond and hire someone to get it done.

Mr. Bessette, Lynch if they go back and correct that stuff they shouldn't be charging the town for that correct?

Mr. Lavin, That would be first call I'd recommend. Work was completed year ago or so.

Mr. Weymouth, Did you get better than one year warranty from Lynch?

Mr. Bessette, Crack has been there crack didn't just show up yesterday. Issue of gentlemen in front with depression in front of his driveway on lot 19 has been there.

Mr. Weymouth, If issues weren't disclosed within warranty period Lynch is free and clear.

Mr. Houle, We're going to take the bond. I'm sorry there is nothing we can do on private lots but it is not within our jurisdiction. I would recommend you stay in touch with building inspector and go through those channels.

Progress on street and things like that is it something that will happen within 30 days, 60 days or 90 days?

Ms. Burgess, I'm going to set up contracts and get bids so as of Monday.

Going forward now Mary would be main contact?

Mr. Cerrone, Yes call this office or leave number so they can contact someone in the neighborhood.

Mr. Houle, Everything on punch list and what you see here needs to be done.

Mr. Cerrone, Road layout and punch list that is it.  
Mr. Bessette, Whatever was originally approved.  
Ms. Burgess, With sub drains also.  
Mr. Cerrone, Sub drains and that driveway and people with driveway you agreed to cut it out.  
Mr. Lavin, They did that.  
Mr. Houle, Drains have to be put in.  
Mr. Lavin, It is part of the plan because you approved it.  
Mr. Cerrone, That was amendment when you came in.

Respectfully Submitted,

**NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING (Saver's)  
THURSDAY, JULY 16, 2009**

8:30 P.M.- Public hearing for the application of Fern Realty Co. LLC, Iantosca, ET AL, to Modify Special Permit No.124 ( former CompUSA). Final Action Due: 90 days after the close of public hearing.

Applicant proposing to alter sidewalk and add new building entrance.

Applicant has provided letter from Fire Dept.

Planning Board may want to get letter from the Building Department for ADA compliance of sidewalk alterations.

Ms. Burgess reading in notice and secondary notice.

Mr. Weymouth, Applicant is represented by Mr. David Manoogian and I want board members to know that in past Mr. Manoogian has represented me on project in this town. It is not current it hasn't been for couple years.

Mr. Manoogian, At least that.

Mr. Houle, Mary correct me if I'm wrong but I think there is form you can fill out to give to the clerk I believe stating that.

Ms. Burgess, You can just write me letter we don't actually have a form. If there is no objection from the audience that Mr. Weymouth sit on this hearing or no objection from board members.

Mr. Houle, You don't have anything going through now currently?

Mr. Weymouth, Correct.

Mr. Manoogian, I'm not actively representing Mr. Weymouth.

Mr. Houle, I personally don't have problem with it rest of board?

Mr. Peterson, No.

Mr. Thimot, Thinking it over.

Mr. Manoogian, For record I disclosed that to my client and he does not have ...(inaudible) leave it up to Mr. Weymouth and the board.

Ms. Burgess, I did do a review for Planning Board town planner review dated 6/15/09 ( Insert). Also have letter from Deputy Chief Brousseau Fire Dept. (Insert).

David Manoogian, Attorney in Attleboro representing the applicant. With me tonight from Savers is Mr. Mark Dwyer district manager, from Jacob Engineering is Phil Bonneau who will

walk you through changes momentarily from DA Property Management we have Julio Letayo one of construction folks also Paul Borque and David Iantosca and ...(inaudible) Iantosca also here. Mary did read letter in from Fire Dept. but I would like to turn it over to Phil to walk you through changes.

Phil Bonneau-Jacob Engineering, I am also architect for this project originally development under Sumner Shane...(inaudible). Improvements for the Savers store was formerly CompUSA is new canopy entrance way in front of building as well as a cut out of sidewalk area, which will be protected with ballards Where those improvements are located ...(inaudible) where Comp USA currently was once formerly area for Savers location of where sidewalk would be modified so that provide stacking for 2 cars in event that use of new entranceway. I'll show you enlarge area plan of area as well as rear area where there is going to be new scissor lift proposed. Enlarged area plan for sidewalk modification where remove existing concrete sidewalks in area extend area asphalt, which currently covers drive aisle in that vicinity, concrete steel ballards to be placed about 4ft. on center. Area of entranceway for drop off area. Enlarged area plan for where the scissor lift is being installed existing loading dock area and some of that grade couple protective ballards there in existence to that on wall there are some utility meters one new ballard there so that vehicles that will be accessing this area from any damage. That is overall concludes presentation.

Mr. Houle, Are you going to change anything in terms of lighting in this plaza at all or on the building?

No.

Mr. Cerrone, Drop off what is reason for doing that?

Mark Dwyer, Drop off area intent is that our customers can pull up to the curb and what we call on site donations come out and unload their donations from the car and bring it into building make it little more convenient. Charities, non-profit in the area and also the foundations from Mass.

Mr. Cerrone, Was there any reason you couldn't do it in the back?

Mr. Dwyer, We are open until 9 P.M. and people drive around back that late at night.

Mr. Cerrone, With holidays and traffic on that route you're going to have someone cut in and out of those places.

Mr. Manoogian, One of the issues we looked at is that it is important to note that no people will be getting out of their cars to unload things there is in house attendance all time they will unload the cars. I think we have specifics of average.

Mr. Dwyer, I do we in year one would expect if we're lucky that we get 20 donations through that door per day average donation time would be less than 30 seconds.

Mr. Houle, There will be attendant taking it out for the people?

Mr. Dwyer, We have attendant inside the doorway at all times and on Saturday or Sunday we would have two.

Mr. Cerrone, What is reason you couldn't go in back if you're going to have attendant? What safety is that? You're going to have somebody there.

Mr. Manoogian, It is convenient for larger items that will have to be donated in the back but for convenience for the public the stores protocol it is much easier to have them come up front they are out of line of traffic here it is very short stop and they move on. I think realistically to say that it is going to cause any traffic backup or cause any unusual commotion is just that it is unrealistic. Particularly if there is attendant there because you're not going to have people getting out of their cars going into the store taking 4 or 5 minutes at a time signage will be there. If you want to make it condition of special permit amendment that there has to be attendant there so they can off load that would acceptable because the protocol not getting out

of their cars that is not what we want we want them to drop off to make it easier. Other thing too is what they are dropping off they are not big ticket items it doesn't make sense to have someone go in back to drop off bag full of used clothing. These are for bigger ticket items that they may have that will require more help. The store layout is not designed to have everyone drive in back and bring bag of clothes in many people will park in parking lot and bring bag in themselves.

Mr. Dwyer, Overwhelming majority of our customers drop off their donations so they will bring them in themselves drop them inside the store however this is more of convenience for our older customers, which is probably about 50% to 60% of our business or somebody just dropping by to drop it off and not come in. Average donation is one bag of clothing approximately.

Mr. Houle, I can see some people might get little intimidated going in back for bag of clothes too.

Mr. Weymouth, How do you control traffic cars and now they are facing direction of travel the other vehicles? You direct them down drive aisle?

Mr. Bonneau, We don't direct them down drive aisle that is not our intention arrow for that.

Mr. Houle, I think it would help if that is your intent.

Mr. Weymouth, There is speed bump that is in drive aisle can you point it out where it is currently located?

Mr. Bonneau, I think it is in front of the entrance.

Mr. Houle, Just past the opening I think.

Mr. Weymouth, There are couple of them.

I can't tell you where they are.

Mr. Weymouth, I think that is important to know relative to where this is located.

Mr. Cerrone, How many stores do you have 4 altogether?

There are 4.

Mr. Cerrone, What else is in that plaza?

TGI Friday's, Furniture store, Michael's and Pet Smart and old Comp USA.

Mr. Weymouth, If this were free standing strip center that just had the 4 stores and just drive aisle for those 4 stores it is one thing but this is drive aisle.

Mr. Cerrone, For whole plaza Target, etc.

Mr. Weymouth, Down to Best Buy it is not just handling traffic of strip center.

Mr. Cerrone, You're going to create problem there.

Mr. Peterson, I think it is presenting dangerous precedent.

Mr. Cerrone, All these other guys are going to do same thing.

Mr. Peterson, First of all you normally assume I think the way I think about it is that is where pedestrians are heading from parking lot and park cars. Now they're going to have to pay closer attention to what is going on because there is possibility

cars pulling out where they are trying to walk. Second of all I think it sets dangerous precedent because why won't Best Buy want to do it so people can drive up and pick up their televisions, etc. You go down to Stop and Shop where we have no parking zone for fire lane and people get out of their cars they have people sitting waiting for them disrupts the traffic. One other thing too I notice I believe in the original approval for this development the Planning Board required fire lane no parking zone signs shall be added to access road in or around complex as well as front entrance going to on site building. We're kind of contradicting what the original approval was. I understand what you're trying to do but I can see other people using it as excuse.

Mr. Cerrone, That is why I asked if they could do it in back.

Mr. Manoogian, With all due respect this store is lot different in nature basically consignment/donations. Most stores go right to loading dock people go they enter they're not carrying anything in and even Best Buy they're parking in fire lane now picking up TV's.

Mr. Peterson, They're not supposed to we're not giving them permission to do it.

Mr. Manoogian, But it's not permission we're trying to create safe haven for them to do it here they're not picking up anything they're just dropping off to attendant. We tried to allow them to pull in and pull out without jeopardizing lane of travel and given the ...(inaudible) the fact that there is staff of people to help I think you're kind of painting this operating like all the others. It is different operation and it has different type of clientele. Other thing to is this is store I think given the economy would be good for this we've already lost what 1 store is vacant in there now. I think you're going to have to look at not that it pertains this but way ...(inaudible) Mall is going to be dramatically different and future malls. I understand your concern but I think given nature of the store I believe it could work. I think if it was Best Buy or normal retailer I would agree you're asking for trouble but I think in this case you control people that work there they know their clientele they seem to be older it helps to drop off they have attendants I think it is very minor type it is not going to interfere with traffic there. Quite frankly these places aren't that big even at Christmas time the biggest there would be Best Buy and not stores that are there currently. I think it is perfect store at perfect place at right time.

Mr. Cerrone, How many square feet is the store?

28,000sq.ft.

Mr. Houle, What store is to right of you?

Petsmart.

Mr. Houle, I think Don you have very valid point especially during holiday season there is lot of traffic and David with all due respect there is lot of traffic there. I'm not against the idea it could present a little bit of problem. Even though you have attendant there, which I think is great idea t could present little bit of problem.

Mr. Weymouth, What is width not taking into consideration the tapers what is width of traffic flow? Not including the tapers because those tapers are from point of tangency to point of tangency.

About 28ft.

Mr. Weymouth, From start to finish.

From ...(inaudible) more or less.

Mr. Manoogian, Other thing to if that isn't there people aren't going to drive to back store is open and it starts getting dark. What you're creating now is people are going to go to their cars get bag they're going to be walking lot of them don't know there is attendants there because there is no pull in. You're going to have lot of people you're going to increase the pedestrian traffic in what you think is busy stretch because they are going to be out of their cars they're going to have bags of clothing whatever you have and then if they can't get out of their cars they're going to have to go in get the attendant and attendant will have to come out. You're creating bigger problem for the store because the store is based upon donations in taking things in. What Mr. Dwyer is trying to tell us is they've opened many stores in the state.

Mr. Weymouth, Where is your closest store to this one that is open?

Mr. Dwyer, Woonsocket, RI.

Mr. Weymouth, How does that one get access?

Mr. Dwyer, They are the corner building and they have similar drive up but it is on end of building. We've actually found that we have to have attendants stand at corner of building make sure people coming ...(inaudible). We have one in Plymouth with curb cut exactly like this one on Rte.44.

Mr. Houle, Asking Mary if has any comments.

Ms. Burgess, Because I don't go in there during Christmas time I wouldn't have knowledge you guys have. I wouldn't think that Michael's and Petsmart are big crowds during Christmas time. I thought it would be asset because of times.

Mr. Thimot, I don't like idea of blocking off fire lane it is pretty much everywhere.

Mr. Manoogian, That is why we had Fire Dept. take close look at it and they said they had no problem.

Mr. Peterson, It just seems like nothing changed in 10 or whatever years this building was approved first time and now we're going back and changing way. I know we have to change way we think about things but if fire lanes were there 10 years ago it should be still there now.

Mr. Cerrone, That is right.

Mr. Manoogian, Even though the building hasn't changed we're proposing new tenant with different type of tenant than you've seen. Type of tenant or type of use the retail use is different because people are carrying things into the store. We're trying to make it safe for pedestrians and customers that have to carry things into the store. I agree nothings changed way we look at it because it is same building but the nature of the use has changed even though it is allowed use it is something different that would never have envisioned 20 or 30 years ago because retail is retail. You come in buy stuff take it home Lechmere or Best Buy you drive up to side and they load it into car for you. You're going to have problems here if people have to go to parking lot and take things in because now instead of one or two trips in pedestrian way you have to multiply everything by factor of 2 or 3 plus you're going to have help coming out to get them. You're going to have elderly people carrying things in when they don't need to it is drop off that is all we're saying is. I think it is reasonable concession don't think it is going to be problem for fire I think it is time we have to start thinking outside the box. It is not going to be traditional use we're trying to accommodate.

Mr. Houle, I do agree with you to certain extent these are different times and this is different type of business. You are retail it is allowed there and I do think as a board we have to look at each one individually and I think we have to help some of these people to come into our town. I think it maybe a little more friendly it doesn't mean you want to create a public safety problem either.

Mr. Manoogian, Certainly if you would like to take look at an ongoing location for any fears you may have but I would certainly hope that you take good honest look at it instead of just dismissing it because we have way of doing things and everything has to be the same because it is way we've always done it. I think more and more we're going to be faced with different types of retail that may need a different approach than what we're typically used to as planners and advocates for businesses and what not.

Mr. Cerrone, You said you had one in Woonsocket right? What is address?

Mr. Dwyer, It is on Walnut Hill Plaza.

Ms. Burgess, You said Plymouth store is identical to this?

Mr. Dwyer, It is much more almost identical to that yes it is on Rte. 44.

Mr. Houle, You have front turn around there?

Mr. Manoogian, It is not turn around.

Mr. Peterson, I didn't mean to imply that we shouldn't look outside the box but my point is that if we've established things that we feel are important for safety and that is what building was originally approved on. There is nothing we're doing here yes you're changing your retail program or model somewhat but safety issue is still there why we did this in first place. This is contrary to that. I don't necessarily see why just because you're different on your retail model should make any difference.

Mr. Manoogian, Safety concern I think maybe it is conjecture on your part because we know it is not safety concern from fire because we have letter from Fire Dept. I would assume those are the professionals we have to rely on. Mr. Peterson what I seem to be hearing from you is you think it is going to create traffic problem.

Mr. Peterson, That is one of the things yes.

Mr. Manoogian, Respectfully on what do you base that on?

Mr. Peterson, Just going to retail place like Stop and Shop and having someone stop out in front of Stop and Shop leaving their car idled or being parked while someone rushes in to do business. It is not recessed into sidewalk but you still have to watch out more carefully at pedestrian to what these vehicles are doing. They are not only violating the fire lane but they're also impeding people coming in and out of the building. I can see people walking across travel aisle which you have to be careful in the first place of walking across now you have to walk out from another direction a car might be coming from pulling out from that drop off zone.

Mr. Manoogian, Now you'd be creating more of pedestrian safety hazard because there is not going to be that alcove there for people to come in safely there is going to be more foot traffic going over what you already said was a busy place. We can all differ but this is key to this store going in there without this you can't have people going in because quite frankly Mr. Dwyer correct me if I'm wrong it is just not conducive to people dropping off things. It becomes a constriction to them and they won't come in it depends on drop off easier for patrons to access to it.

Mr. Peterson, What percentage of your patrons actually drop off?

Mr. Dwyer, I couldn't tell you in terms of patrons dropping off but I can tell you that our sole on site donations as we refer to them are about 32%.

Mr. Weymouth, Your existing stores and operations how many have drop off in front verses in the rear?

Mr. Dwyer, 29 of the new style this would be the 29<sup>th</sup>. like this all over the country and there are several that are on the side and some have no drop off at all it comes in front door which creates huge problem. There are one or two that actually have drops off in the back. I'd like to point out that drop off center is not entrance to the building, entrance to building is over to the left that would only be used to take donations in and out by our people. People would be crossing the street probably all over just to get to the sidewalk but in that area people wouldn't be heading straight to that area.

Mr. Peterson, That is another good point you're going to be expecting people to come around from right make left pull in there and then pull out right in front of where your main entrance is.

Mr. Manoogian, They can do that now but there is some place to pull into now.

Mr. Peterson, I think the store is neat idea.

Raymond Payson, This is part of a ring road that comes down into that area and it was done purposely for ring road for traffic to go through there. You're going to have traffic coming in or out that interrupts that alleyway. It is not just a building standing by itself you have plaza there with ring road and I don't know how you're going to control that traffic pedestrian traffic they speed down there. I think you have to take that into consideration.

Mr. Houle, One thing you said Ray and I wasn't thinking about that there is pretty steep incline coming down to bottom.

Mr. Manoogian, There is stop sign controls traffic.

Mr. Houle, I believe there is speed bump.

Mr. Weymouth, I really would like to know where those speed bumps are on this plan.

Mr. Manoogian, We can locate those for you.

Mr. Houle, I would like to make suggestion to the board I think we should go out there and take look at this and maybe take look at one Woonsocket and see how it is working.

Mr. Manoogian, One in Woonsocket is not going to be same style.

Mr. Peterson, Do you have any alternatives like for tee off type of thing you could have in parking lot?

Mr. Dwyer, We tried that in I think in 1 or 2 locations in mid west but honestly the first one was run down by pick up truck accidentally and other one has to be removed because we couldn't maintain it. Landlord actually suggested this is how we got idea for curb cut.

Mr. Houle, From front of your building where yellow stripe is how far in does that curb cut go?

Mr. Bonneau, 7 1/2ft. from face to curb

Mr. Houle, From where it is coming in out to where front of building is that is where the cars are going to be.

Mr. Weymouth, You have 5ft. 10 from front.

Mr. Cerrone, Layout you don't have enough depth.

Mr. Bonneau, You can see that is why we restriped fire lane is provide the 7 1/2ft. clear.

Mr. Weymouth, They bumped out the fire lane.

Mr. Cerrone, Where is original site plan when we approved back with special permit that is what I want to see.

Mr. Weymouth, 10ft. travel verses 14ft. that is what's going to happen.

Mr. Houle, We're losing 4ft. there correct?

Mr. Cerrone, More than 4ft. because people aren't going to park right against sidewalk they're going to be 2ft. away from sidewalk half the cars will be sticking out in other lane.

Mr. Bonneau, You're not losing 4ft. just shift fire lane is bumping out. I can't speak for lease for that.

Mr. Cerrone, This is major ring road. I think you're going to be sticking right out there with traffic.

Mr. Houle, Certainly going to make it lot tighter no doubt about that. You're certainly going to slow down traffic even if there is only 1 or 2 cars.

Mr. Cerrone, Might have few fender benders to.

Mr. Manoogian, They stop at bottom of hill there is really not going to get much of steam up between that stop sign to where this is proposed is less than 100ft.

Mr. Houle, Make suggestion why don't we all just go out there for quick view of the area take look observe everything and Mary if you could make it your ideas on it. I think we'll get better idea not only of where speed bumps are but we'll get visually can this work.

Mr. Weymouth, You've tried remote as well in the past?

Mr. Dwyer, Yes we have.

Mr. Cerrone, You have to remember one thing Wal-mart is opening up you're going to get more traffic in plaza.

Mr. Weymouth, Remotes haven't worked?

Mr. Dwyer, As I said one of them got knocked over by pick up truck and other one has to come down because maintain it.

Mr. Manoogian, We want to have our people there at site visit in case you have any questions and if we have to we can mark it off.

Mr. Cerrone, I want to see traffic on Saturday about 11:00.

Mr. Manoogian, It doesn't have to be Saturday for us.

Mr. Cerrone, I know what traffic is there this road is being used lot. We're going to open up can of worms.

Discussion of when to have site visit.

Mr. Weymouth, What is alternative doing it in parking lot and walking across drive aisle?

Mr. Manoogian, I'll have to speak to Mr. Dwyer see what Savers wants to do back would create safety problem because if you do have emergency you will have people stacking there. We don't have stacking capability in the back. Only alternative they don't build it keep it way it is it looks like every other facility we have and then they take stuff out of the car and go back and forth. Most of them aren't going to know there are attendance in there and they will just make several trips. If they have more than 1 bag 2 or 3 bags and they are there by themselves you have to make several trips. I think this design we can work around any fears you may have.

Site visit Monday 7/20/09 at 5:15 P.M.

Mr. Manoogian, Would it be helpful if we mark off sidewalks and everything else you would like to see? We can mark off the sidewalks. Obviously we're very flexible on signage one of suggestions was moveable sign you can bring it out during business hours could be posted tell people this is where you have to go to drop off. We know this is ring road have portable sign that can direct traffic.

Ms. Burgess, You put DO NOT ENTER sign at end and then arrows and bump out going one way.

Mr. Weymouth, That DO NOT ENTER sign will be confusing having traffic coming from Best Buy that would be really confusing.

Mr. Houle, Other than drop off in parking lot the only other change is in back.

Mr. Manoogian, If you look at loading dock in the back.

Mr. Cerrone, I'm looking at drawings there is plenty of space plenty of road back there.

Mr. Bonneau, There are trucks that come in and out of there all day long.

Mr. Manoogian, We don't want pedestrians dropping off start interfering with commercial unloading of trucks.

Mr. Houle, We're going to meet Monday 5:15 P.M.

Mr. Payson, Asking about lease.

Mr. Manoogian, I don't think it is that dremain.

Mr. Cerrone, It is decision we have to make.

Mr. Manoogian, I'll leave it up to the client to divulge that but that is private between Savers and landlord.

Mr. Payson, I'm leading into something else. If it is short lease condition that has to be removed.

Mr. Cerrone, Yes if it is there someone else is going to say I can use it.

Mr. Manoogian, That we have no problem with because we're representing to you that use if normal retail or Comp USA goes back there. If another retailer went in the condition would be that would have to be altered or stay with permit of Planning Board. If you just want to say remove it if that use is not there anymore that is acceptable too.

Mr. Weymouth, How does board feel about relook after the fact? Come back and review this in 3, 6months, 9 months, year.

Mr. Houle, I'm not sure I like that idea.

Mr. Manoogian, It doesn't work for us either because no one wants to make that time commitment of energy because what will happen is if store is working well for us and you determine there is safety issue then we have store that you could basically put out of business. I don't think that is fair for you or us we can discuss it but my instinct is that it is not going to work. It's not like you're in home occupation permit to see if hairdresser in home is going to create stress in neighborhood. I think you're on right track if you take look at another location and certainly we would welcome that condition that if this store is not there then has to go back

to way it was before at developers expense. You have pedestrian traffic going into Petsmart people take their dogs in there but you have people going in every store. My concern is you're going to create 2 to 4 times volume of pedestrian trips in and out of each store if you get rid of that drop off.

Continue this hearing until 7:30 P.M. August 13, 2009.

Mr. Manoogian, Just so we can narrow the issues do you have any concerns with renovations of rear loading dock?

Mr. Cerrone, We didn't even talk about that what are you doing in back?

Mr. Manoogian, That is why I want to do it now because I don't want to go through all this and then come 13<sup>th</sup>. have concerns about back.

Ms. Burgess, Asking what scissor lift is.

Mr. Manoogian, We're modifying existing loading dock. If you have any questions of what we're doing back there we would like to know now so we can address them at site visit. We'll mark off changes we're going to do in back too.

Mr. Bonneau, Explaining scissor lift steel platform.

Ms. Burgess, We're continuing to July 20<sup>th</sup>. at 5:15 P.M. for site visit and then to August 13<sup>th</sup>. 1t 7:30 for actual hearing.

Mr. Peterson, Make motion we continue Savers request for drop off area and lift in rear until 7/20/09 for site visit at 5:15 P.M., then 8/13/09 at 7:30 P.M. hearing.

Ms. Burgess, Site visit will be on site meeting at the site.

Mr. Thimot, Second motion.

All in favor 5 to 0.

Respectfully Submitted,

**NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING (Continued)  
THURSDAY, JULY 16, 2009**

Form O: W. H. Riley & Sons;

Conservation Agent has provided letter for the Planning Board with regards to the Commission's review of the project. Applicant will be closing the hearing at the Cons Comm's July 14 meeting. Agent will provide update for the PB's July 16 meeting.

Applicant has indicated to the building inspector the he will be requesting a variance from installing the floor drains in the storage garage.

A not on PB decision should indicate that the floor of the garage will be concrete and not gravel.

Donald Cerrone left table at 9:30 P.M.

Mark Allen present.

Ms. Burgess, I have correspondence from Conservation Commission dated 6/22/09 however I do have one from 7/16 just stipulate to 6/22/09 first one in our minutes just because it is all resolved in 7/16/09 ( Insert) to Mary Burgess from Shannon Doyle Conservation Agent. I don't think board knows what you're doing with floor and drains.

Mr. Allen, Question comes up about floor drains. They're telling me even if I have roof. I said could I put shed and he said even if you I guess kind of different stories even if you did carport under plumbing code not building. Even if you have carport you have to have drain. They're telling first thing to do because they don't agree with it either is that I go for variance go to Boston to plumbing. I have nothing from them in writing.

John Lavin, What you should do first is go to BOH get letter recommendation from them.

Mr. Houle, It won't make any difference if you have roof whether it is 2 or 3 sided?

Mr. Allen, What they're telling me is that originally if you have 3 sides it's considered garage. I said fine I'll leave side off now it's if you have roof over it still considered garage because where you're parking vehicles under something that is still considered a garage. I can make sidewalls half the size.

Mr. Lavin, It should be in the code go to definitions it tells you more than anything.

Ms. Burgess, Building code did say the carport and the garage that is what we've been hashing out here.

Mr. Allen, If it says in building then in plumbing code it specifically says if it is building where you park vehicles. That is what they recommend I do go for variance explain what I'm doing.

Mr. Houle, It looks like our hands are little bit tied thank you for being frank.

Mr. Weymouth, You have drain issue and what was other one Mary there were two things you mentioned that we didn't know about.

Mr. Allen, They want me to get through Conservation for you people the building itself. I can go to building dept. but then plumbing inspector has to sign off. I talked to him he said if you have roof over it you park vehicles under it you have to have drain tied into sewer.

Mr. Lavin, You can get local waiver.

Mr. Allen, I think with other issues in town they are trending very lightly on this.

Mr. Lavin, It happen on Plain St.

Mr. Allen, That was enclosed too.

Mr. Houle, Lewicki building.

Mr. Allen, Where my trucks are parked now that is where I'm going to put the garage. If I don't do this at all trucks won't have roof over them.

Mr. Lavin, Only issue you have to put floor drains and verify with DEP.

Mr. Houle, I would at least try Quincy plumbing.

Mr. Allen, That is what I'm doing they gave me the paperwork to fill out. I have the same thing in our Taunton location now gravel floor building doesn't go all way to ground it is roof 2 sides. I'm going to show them what I have where my trucks are parked. Actually parked in place where there was roof but because those walls don't meet current code I can't put another roof on those walls.

Ms. Burgess, Going to have concrete floor he has to because building code won't let you have garage now carport without concrete floor. Building inspector alerted me to this and gave me the check list. Carport needed floor drain we didn't know about that it is something new.

Mr. Houle, You can basically have rock floor and still have drain how is that going to work?

Mr. Allen, I have drains in my yard now that are in ground that go into oil/water separators.

Mr. Houle, Can you tie into those?

Mr. Lavin, No it's industrial water you can't have discharging into ground unless you can hook it to sewer.

Mr. Allen, Sewer is in very back of property I would have to run it across the yard around the building, etc. I just want to protect the trucks I'm not going to spend lot of money.

Ms. Burgess, If he doesn't get it he says he's not going to do it anyway.

Mr. Weymouth, What do we have to vote on?

Ms. Burgess, Site plan actual garage. We can condition it on concrete floor and building permit is condition upon the floor drains waiver or installation of floor drains.

Mr. Allen, If I get waiver I don't have to put floor drains.

Ms. Burgess, I'm saying it is contingent upon you getting waiver or if you decide put floor drains in.

Mr. Lavin, I told him not worth it because people pump them out at night because it will cost you grand to dispose of the water.

Mr. Houle, Mary we could approve this based on that?

Ms. Burgess, Yes that was only hold up from last time and we got letter from Conservation.

Mr. Houle, I was hoping we would get something from plumbing.

Mr. Allen, I talked to Paul Deschenes and this is what he recommended.

Mr. Lavin, Local building/plumbing inspector usually give the waiver. It has to be defined in building code.

Mr. Allen, I told building inspector what if I leave side off or 6ft. space on every wall is that still considered wall it doesn't go all way to ground he kind of rolled his eyes at me.

Mr. Weymouth, Where did they ask you to do drainage swale?

Ms. Burgess, Right behind it.

Mr. Houle, Where is current drainage that you were talking about? John do you have anything else to say?

Mr. Lavin, I didn't even look at it I've just dealt with floor drains and industrial water, etc.

Mr. Houle, Subject to letter from plumbing board do we need any other letter?

Ms. Burgess, No what I would suggest for conditions being that floor must be concrete and second one prior to issuance of building permit floor drains must be installed or waiver/variance shall be granted by plumbing.

Mr. Houle, You're going to put concrete floor in?

Ms. Burgess, I thought that is what you were trying to do that is why you were going to floor drains. You're not going to put concrete floor?

Mr. Peterson, Maybe we shouldn't worry about concrete because that is building dept. requirement.

Mr. Allen, They have to tell me exactly what I have to do.

Mr. Houle, We can do this but if it is not going to fly with concrete floor.

Mr. Allen, There are two parts to the project building is up to building inspector what I put. I understand what you're saying but building dept. dictates to me what I can put up what kind of floor.

Mr. Cerrone, What are you guys reviewing site plan? What do PB reviews drainage, parking spaces, not inside a building.

Mr. Houle, We always get letters from people and that is why we asked.

Mr. Cerrone, That is building dept. inside the building.

Ms. Burgess, If it didn't say gravel floor I don't think we would have problem.

Mr. Cerrone, If he wants to put horse in there does he have to have permit?

Mr. Houle, I'm trying to figure out way to help you no matter which way we go we're stuck.

Mr. Allen, What I need to do with the building would be up to building dept.

Ms. Burgess, Forget about conditions approve it as is.

Mr. Weymouth, Then the decision is out of our hands if he can get waivers he gets waivers or variances whatever they are.

Mr. Peterson, If building needs drainage and it is inside building that is out of our perview isn't it. ( Yes.).

Mr. Cerrone, That is what I said we're doing inside design now.

Ms. Burgess, Considering it is not closed structure I would think that would be something that we'd look into walls don't come all way down to floor. You don't think drainage is going to come over that. You guys do whatever you want.

Mr. Houle, What conditions would you suggest if he wait to gravel floor?

Ms. Burgess, He's not going to get gravel floor so why bother. Won't get building permit with gravel floor that is what building inspector told me.

Mr. Cerrone, Let building inspector put it in writing that he's not going to give him permit. You approve site plan according to what is there.

Mr. Houle, I'm trying to help him so that when he goes over there maybe it would be little bit easier. I don't know if there is way to do that.

Mr. Allen, When I go over there they ask if I've been to Conservation and Planning Board. I'm going through that now.

Mr. Houle, If we give you okay now and we vote on this you're going to go over there and they say no what have you got?

Mr. Allen, Main project is the plan this is just add on it is very small part of thing. That building would cost me except for cement floor and drainage it is probably tenth of whole project. Biggest project is upgrading to conform to new rules that will still prevent it that is main focus. The government requires me to do this and guidelines are dictated by government.

Mr. Thimot, We can not design it for him that is not our job.

Mr. Allen, I need your approval and Conservation to do this building was nothing to them they don't care all they want to do is the swale. Under the new laws I have to try to improve runoff if I can even though I'm not changing grades not changing any drainage not changing anything. Because I'm pouring pad inside dike area it puts me in another category so now I have to prove I can or can't improve runoff from the property that is what the swale was for.

Ms. Burgess, Approve it as is and if he asks for floor drains he says he's not going to do it.

Mr. Houle, That is up to them to do that I'm not going to worry about that.

Mr. Allen, If I don't do this building at all I still need to do this and that is main focus of it that is why Conservation looked at it they don't care about the building that is not their problem.

Mr. Thimot, Make motion to approve site plan as presented.

Mr. Houle, For W.H. Riley & Son as presented dated 3/13/09.

Mr. Peterson, Second motion.

All in favor 4 to 0.

Board is taking break until 10:15 P.M.

Donald Cerrone returned to table.

Form O: Nissan;

Applicant is requesting continuance to the August meeting to reply with John Lavin's stormwater and traffic comments.

Applicant would like to request workshop to discuss comments.

Ms. Burgess, Next meeting in August would be August 13<sup>th</sup>. I do have e-mail it was in your package.

Mr. Peterson, I like there site plan in general. I have no problem with the continuation.

Other Business;

Metalor; 8800 sq.ft. building on top of existing foundation pad. Existing foundation pad already exists on our site plan has been there since building was originally built. After discussing with everybody and also building inspector it was agreed they don't have to come back for site plan review because footprint is already there but I did ask him to give us letter for file. They're construction building to handle their wastewater on site.

Typically street layout plan;

Ms. Burgess, We wanted to update rules and regulations so I asked John to prepare some new figures this is just draft. I expect we're going to have rules and regulations meeting sometime in September. What we hoped to accomplish was to avoid all the questions we usually get how long is cul-de-sac, where it started from, where sidewalks go, radius of cul-de-sac, mailboxes, curbing, etc. Then also standard details that we always use and that are needed. Location of fire hydrants because nobody seems to get those correct, 6" reveal and how road is supposed to look and how granite curbing should be installed. Driveway section how driveways are supposed to be built. Sidewalk details how sidewalks are supposed to be built with compacted sub grade, etc. We're adjusting the gate boxes, manholes and catch basins to grade. Typical overlay what it should look like.

Mr. Weymouth, When subdivision roads are being built we are inspected them the construction? Do you have somebody there full time?

Ms. Burgess, They call in for inspections when they are putting down sub grade, binders, etc.

Mr. Weymouth, Nobody is doing soil test, compaction?

Ms. Burgess, That is all done.

Mr. Weymouth, Why are we having so many problems?

Mr. Cerrone, Because they don't like to call in they have to pay for him every time he goes out.

Mr. Weymouth, They also have to pay for it to be done right, which you can tell none of them have been doing it right.

Mr. Cerrone, They don't hire right contractors number one I know A1 hasn't done paving job on road.

Mr. Weymouth, As long as spec book is good you have to follow specs.

Letter from Mark Fisher regarding FEMA;

Ms. Burgess, Letter from FEMA telling us which lots have been challenged to be in a zone and which have been taken out of a zone. This is for map changes and people who have challenged the map and their status have changed.

Zoning Applications: July 21, 2009;

Sciarini, 266 Chestnut Street, Variance ( rear yard set back).

Taylor, 195 Chestnut Street, Special Permit ( Mixed use): Variance ( Sign Code).

Ms. Burgess, Would like to have accountant office as well as residential he needs sign code variance.

Lanci, 135 Holmes Road, Variance ( Rear yard set back).

Bottomley, 228 Hoppin Hill, Variances ( Rear and Side setback, Lot area and depth).

Ms. Burgess, If you saw the property it is like narrow and pie shape there is house existing there but he had to tear it down because I guess the person kept goats in his basement. Building dept. still makes them get variances even if they're building same footprint.

Wal-mart, 1470 S. Washington, Variance ( sign code: additional placard).

Freitas, 365 E. Washington, Variance ( Sign code: additional sign on wall).

Ms. Burgess, If board wants me to write letters regarding any of the commercial the mixed use on Chestnut St. Wal-mart sign placard and the sign code.

Mr. Houle, We write these letters and they get read in do they every get listened to?

Mr. Thimot, Yes they do. I was on ZBA as standby for 2 years.

Ms. Burgess, I can draft up some letters regarding the sign code. I don't know if you have problem with additional sign at Wal-mart going on placard board. It is on same board where all other signs are.

Mr. Houle, How big? He can have wall sign by right of 2,454ft.?

Ms. Burgess, It is square footage look at size of Wal-mart sign to begin with it is huge.

Mr. Peterson, 24 x 10 is 240 it would be 24x100.

Mr. Houle, How big is actual sign they are proposing?

Ms. Burgess, 3 x39 and 3 subsidiaries so new subsidiary is 1'6" x 11'2".

Mr. Peterson, They're proposing 398sq.ft. and 4 subsidiaries at 204.

Ms. Burgess, If I recall when I spoke to John Kokot about this. You know how Wal-mart Plaza has 3 signs he wants to put placard on each of those and then new wall plaque. He has 3 existing signs placards are going in same size as existing placard.

Mr. Houle, He's proposing 5 signs.

Mr. Peterson, 4 subsidiaries and 1 Wal-mart.

Ms. Burgess, 502 is total of all signs combined.

Mr. Weymouth, Right biggest one is 300sq.ft, which is 5ft. says Wal-mart.

Mr. Houle, Mary are you going to draft up some letters?

Ms. Burgess, If you'd like me to. What are we for or against them?

Mr. Cerrone, It would have been good if letters were in our package.

Ms. Burgess, Generally sometimes how I feel on a project and how you feel on a project differ so I like to get your flavor before I write them.

Mr. Cerrone, No you're the town planner I want to see what your flavor is as a professional my flavor might be different.

Ms. Burgess, All right.

Mr. Houle, Draft some letters then we'll go from there.

ZBA Decision

E-mail Mt. Hope Farm Estates;

Ms. Burgess, This is regarding letter I gave you that they were all set pretty much beside the easements and covenants haven't been registered. They fixed the hydrant gave me set of plans. I had said to them they are more than welcome to come in and discuss the easements and covenants with the PB because they don't believe me when I say that this is how PB does it. They don't want to register the covenant and easement prior to endorsement of the plans.

Mr. Cerrone, We're not going to do it other way. If they put the house where easement goes what are we going to do after? We'll look like fools.

Mr. Houle, Since when do they tell us how that is going to happen?

Ms. Burgess, She had sent e-mail and asked me if all my correspondence with Ed Casey would be given to the board so here they are. Basically I just stand by the procedures and policies that PB has stated and if they had any issues they were welcome to come in.

MUNIS Budget;

Ms. Burgess, Apparently the way that it is going to go is 1.58% that we cut from our budget last round is going to be put back into our budget because of Linda and I taking furlough.

Mr. Houle, This office is going to be closed from when to when?

Ms. Burgess, Office is closed at 2 on Friday to the public that is to accommodate the clerks union. Dept. heads however can take their furlough time as they see fit they can leave at 2 with everybody else or they can stay until 4.

Mr. Cerrone, How are you doing yours?

Ms. Burgess, I'm keeping a log. I expect for the rest of summer I will leave 2 but it depends because now I'm going to be doing all the bidding and all that stuff so I might be here until 4 but I will keep log of my time. I would like to use some of time because I don't get lot of vacation time 53 is the total.

Mr. Cerrone, For year so you're working how many hours now?

Ms. Burgess, I'm still working 40.

Mr. Cerrone, I mean with way they set it up how many hours?

Ms. Burgess, 39 hours.

Mr. Cerrone, On Friday you leave at 2.

Mr. Houle, Just Friday?

Ms. Burgess, Yes if I choose to leave at 2 because building is only closed to the public. Just like on holidays Christmas Eve they close building to the public however we have to take a vacation day if we want to take that day off. Linda will be leaving at 2 and she doesn't take lunch. In order for me to leave at 2 I also have to not take lunch.

Mr. Cerrone, You're saying you're going to stay here or you're not sure?

Ms. Burgess, Probably in summer months I may leave but like last Friday I took vacation day so there was no hours used. First Friday in July I did go home at 2 so I have going spreadsheet so I can keep it in your packages.

Mr. Cerrone, I think it should be marked on calendar here in the office.

Mr. Houle, Just so we're aware.

Mr. Cerrone, Have some kind of log here. That is why I asked for log book that is why everything went through Linda when they used to call for inspections. Linda used to write time, day and what they were calling for inspection. Did you find log book?

Ms. Burgess, She doesn't have book it is calendar.

Mr. Cerrone, She had book she wrote it down in book.

Ms. Burgess, It is no longer in book it is on calendar.

Mr. Cerrone, What happen to last years calendar?

Ms. Burgess, I think she put it in closet I'm not sure where she put it.

Mr. Cerrone, I know last time I looked it was in a book. I'll check with her. I know she had book she could tell me each project.

Ms. Burgess, Yes she has that for inspection reports.

Mr. Cerrone, No when they call in what day, time, etc. When they called on phone there used to be a book here. That is what I'm talking about.

Ms. Burgess, No longer in a book it's on a calendar.

Mr. Cerrone, What happens if that calendar gets lost? You don't have log from 2 years ago when somebody called and they said I called in on such a date. How are you going to check?

Ms. Burgess, I'll ask Linda.

Mr. Houle, Or maybe she could get herself log book.

Ms. Burgess, She said reason she does the calendar is because it is easiest way to do it.

Mr. Peterson, As long as they're in record someplace.

Mr. Cerrone, First time I heard of calendar.

Ms. Burgess, All the inspection reports go on my calendar and my outlook.

Dept. Head Meeting;

Ms. Burgess, The budget this was before unions agreed.

Christina Estates;

Ms. Burgess, Bobby Hearn requested road opening permit from DPW. Bill sent me e-mail asking me what is going on? Apparently wetland crossing was denied by Army Corp. of Engineers so Delphis Monast has to be cul-de-sac and now they have to find new way into subdivision. Bill is denying road opening permit because road technically doesn't exist as is so he has do 81W and go through the whole thing again. I don't know where else he's going to come in he has wetlands everywhere. All the plans were contingent upon getting the crossing.

Mr. Cerrone, Delphis Monast they can put cul-de-sac anytime they can do it now.

Ms. Burgess, Yes but they have to come back and show us cul-de-sac.

Mr. Cerrone, Yes that's what we told them. They're going to come back with cul-de-sac it is already drawn.

Mr. Houle, How are they going to get in?

Mr. Cerrone, They have other ways to get in they already talked about it. We told them from day one when we started public hearing they should have gone that way they didn't want to listen now it's coming back. They're the ones who chose that road we didn't tell them now they have to start over. I made it clear to them one night I said if you're going to make any changes we're going to have public hearing again.

Flood Plain;

Ms. Burgess, Have couple letters from the state asking us if we're complying. They understand we still have to wait for attorney general to approve it but they're keeping us in compliance. It always has to go to ADA to improve it in 60 days.

Mr. Houle, I thought that was done.

Ms. Burgess, No 60 days after close and because we didn't close until June 17<sup>th</sup>. it lagged back.

Mr. Houle, Is there letter needed on this?

Ms. Burgess, I've already written all the letters already attached all paperwork that was requested and needed. All the letters go to selectmen regarding flood plain none of them came to me. When I replied I cc to selectmen.

Union Information;

Ms. Burgess, Lays out what is going to happen and how the pay changes and everything.

SRPEDD Annual Report.

Town Planner Journal;

Mr. Houle, On your planner journal you met with Mark Fisher on bid process. What was that for?

Ms. Burgess, Last year he had initiated some policies as chief ...(inaudible) office so I just wanted to refresh my memory on how he wants it done in order to sign off on contracts.

Mr. Houle, Contracts such as what?

Ms. Burgess, We have to contract paver, contract general maintenance, contract somebody to do granite curbing and sidewalks and depending on price range. Anything over \$5000 needs contract and 3 bids.

Mr. Cerrone, I thought that was raised to 10 it was \$5000 10 years ago when we did Middle School.

Ms. Burgess, \$5000 we can do whatever we want we don't need to get bids.

Mr. Cerrone, I thought that was raised to like \$8500. I remember one time it got raised and after that you have to have contract. I know it went up one time because when we did Middle School it was \$5000 then after that.

Ms. Burgess, From \$5000 to \$25000 you need 3 bids and contract anything above \$25000 you need to...(inaudible). It is raised by the state.

Mr. Cerrone, State guidelines you have to follow that and town accountant won't sign off anyway.

Mr. Houle, Have you gotten anywhere with left messages with Grimaldi, Lynch, Aggregate, etc.?

Ms. Burgess, Grimaldi came in and looked at the plans he said he would give us quote. Lynch has come back with quote I'm still waiting on Aggregate.

Mr. Houle, You're not going to Narragansett?

Ms. Burgess, John was supposed to get me the actual name it is not in phone book. Lynch is high \$70,000 for Pinnsonault \$50,000 for Beaupre.

Mr. Cerrone, GIS request what was that?

Ms. Burgess, People come in and ask for GIS request. They wanted to see aerial, topo, building structures and roadway names.

Mr. Cerrone, Who sets the fee?

Ms. Burgess, Apparently you guys set it before I came here because Linda goes on what Don Johnson used to charge.

Mr. Cerrone, I know we did set it one time.

Mr. Houle, We make 28 x 40 for \$15.

Mr. Weymouth, 34 x 24 for \$25.

Mr. Cerrone, I can't remember setting these fees that is the problem.

Ms. Burgess, I didn't that was in place when I got here.

Mr. Houle, Maybe at future meeting we can take look at these. Mary could you do little research on towns to see what they charge?

Mr. Cerrone, It is new lot of towns don't have it.

Ms. Burgess, Unless they have GIS Dept. most people don't do it. They get information off of Mass GIS.

Mr. Cerrone, This is first time I've seen it.

Mr. Houle, In 18 years?

Mr. Cerrone, Yes that is why it is tough for me to believe that we set rates for Don Johnson. If I look back at all the minutes all the times we talked to all the boards. I know we talked about it and one time Pat Redding said we're not giving it to public because town pays for it. Lot of engineers wanted to come in and get it.

Ms. Burgess, I don't give the information I can't give layers away that is what engineers wanted they wanted the layer.

Mr. Cerrone, They want copies.

Ms. Burgess, They want copies of the layer everybody knows these GIS maps and layers aren't accurate to foot. Drawings are different absolutely do not give out flyover layers to engineers or anybody like that because they have to fly them.

Mr. Cerrone, When we started this GIS it was Public Works, Planning Board, Conservation and Selectmen I'm missing someone. When original group started GIS we met at Public Works Office on Smith St. Don Johnson was our representative, Conservation I think was Marie because they didn't have agent, selectmen had representative, DPW had representative and that was the committee. Committee was under board's jurisdiction it wasn't staff they wanted had to report to the board. All of sudden Mike Stanovich came in and he wanted to take over the whole thing himself and we buckled that.

Mr. Thimot, We had the thing in place before.

Ms. Burgess, I probably maybe 4 a month. It is time consuming they don't reflect my salary.

Town Planner Evaluation;  
Monday at 6:00 P.M.  
Boch;

Ms. Burgess, Nothing is going on.

Mr. Cerrone, So zone line they did was what we had was same?

Ms. Burgess, Right I haven't heard anything. I guess they're going forward with court case. Court will decide with us especially after that lady blew it up evidence is clear. I think Mr. Clapp hired her.

Mr. Peterson, Make motion to adjourn, seconded by Richard Thimot.

Adjourned at 10:50 P.M. all in favor 5 to 0.

Respectfully Submitted,