

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
Thursday, June 2, 2011
6:30 p.m.**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, June 2, 2011 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members present were Chairman Richard McCarthy, Vice Chairman Richard Peterson, Richard Houle, Mary Signoriello and Thomas Welch. Also in attendance was Town Planner Mary Burgess. Chairman McCarthy called the meeting to order at 6:30 p.m.

Vouchers were reviewed and signed.

There were no minutes for approval.

Other Business:

Mary Burgess reported that there will be a year-end surplus of \$2,500 in general expenses. She is requesting approval from the Board to purchase a laptop for the Planning Board Office, estimating the expense to be \$700, along with supplies for the office. She will present a list of supplies and costs at the next meeting.

Mary Burgess attended a pre-submission meeting with Boch Toyota regarding new drainage; plans to be submitted to the Board at the next meeting.

**NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, JUNE 2, 2011
6:45 P.M.
(ZONING MAP ARTICLES)**

Chairman Richard McCarthy opened the public hearing at 6:45 p.m. The Public Hearing regarding Zoning Map Articles is a continuation from the May 5, 2011 meeting.

Board members present were Chairman Richard McCarthy, Vice Chairman Richard Peterson, Richard Houle, Mary Signoriello and Thomas Welch. Also in attendance was Town Planner Mary Burgess, who read the legal notice into the record. (Mary Signoriello recused herself from the Public Hearing at 6:47)

McCarthy: Since it is a zoning petition, if you wouldn't mind making a presentation to the Board of what the purpose and intent of the amendment is.

Burgess: Mary Signoriello will abstain, will leave the table at 6:47. I'm sorry, will recuse herself. I have provided in your package this little transparency there so that you can see how the zoning is now. So you know where you are, there's the Dunkin Donuts on the corner, and then the two lots are joined and those have the dots on them, so you have the IC-30 across the street, C-7.5 and then R-15 across the street, and the existing properties are in R-10. So if you wouldn't mind stating your name and address for the record.

Steve Copoulos: My name is Steve Copoulos, 602 Hickory Road in North Attleboro. I'm the owner of Lot 28 that we're talking about here. It's had a variance since 1970 to be used as a drive-through and service bay for parking. That's over 40 years now that it's had this variance, and it's been used continuously for that. It's in a mixed-zone area, it's an empty parking lot right now, it doesn't conform to any of the R-10, it's too small, it's got a lot of drawbacks right now. Rezoning it to commercial 7.5, it

would fit in with all the requirements. It's being used with a variance for that purpose right now, and I'm pretty sure it was, one little portion of it was a dual-zoned before the map was changed, or it's right on the edge there. It's my intent to offer it to Dunkin Donuts actually to help alleviate some of their internal congestion in their parking lot. If there's other businesses in the area that are mixed use, it's in a mixed-use area, the lot beside it is being used as a glass place and whatnot. It's not inconsistent with the surrounding area, it's right on Route 1A and right beside Route 1. I think it would be, it wouldn't be detrimental to anybody involved, we'd have to get special permits if we tried to do anything with it as a residential 10,000. I don't what else I could probably tell you, other than I have, there should be an attachment of the variance that was taken out in 1970.

Burgess: It's actually in your Annual Town Meeting, the last thing in your packets. All the information was submitted with the Annual Town Meeting, and it's Article 34. So all the variances are, he is correct, they are in order, and they have been in effect since the 70's.

McCarthy: We are talking about the two parcels with the black dots, here?

Burgess: Well, actually I thought that you were asking for both of them, so that was my fault.

Houle: I'm a little confused on what you're asking for, to be honest with you.

Copoulos: Alright,

Burgess: I thought it was for both, and I think they're joined

Copoulos: They are separated, I purchased, they were, it was called a trailing lot and I purchased the Lot B, is what it's called, the one closest to Dunkin Donuts. The other lot is being used as a glass place right now.

McCarthy: If you wouldn't mind, if you could just come up and point

Houle: If I may, this is B, and this is the glass place?

Copoulos: This is B, this is an empty parking lot, this is the glass place, it's got a Laundromat, glass place. I'm looking for this lot right here.

Peterson: The one just behind Dunkin Donuts

Copoulos: Just behind Dunkin Donuts

McCarthy: Okay, alright.

Copoulos: It's just an empty parking lot right, there's nothing that can be done with it because of the way it is, it's just starting to overgrow and whatnot.

McCarthy: So, it wraps around the glass place, is that right?

Burgess: Yeah, it used to be a (inaudible), that's why I thought they were, I thought they were joined

(Multiple conversations, inaudible)

Copoulos: This is part of the variance, I think it was attached (inaudible), this is this lot right here.

Welch: It's got a tail on it.

Houle: And there's a Laundromat here, isn't there?

Copoulos: Yes, there's a Laundromat and a glass place, this one here, this is "A"

Welch: What's that right there? A house or something?

Copoulos: That's an apartment house

Burgess: It's an apartment

Peterson: But those pieces of property are not, they have nothing to do with what we're talking about.

Copoulos: No

Peterson: You just want the variance, you just want the zoning change for this lot here.

Copoulos: That's correct.

Peterson: And right now it's being

Houle: So we're just going to take that one lot

McCarthy: and extend the boundary up to C7.5

Welch: I don't have a problem with it

Burgess: The only thing that would be a problem with, there would need, if, our zoning map is coming before his rezoning, so there would need to be a motion made on the floor, if our new zoning map get approved, there will have to be a motion made on the floor to amend your article so we can still use the map. So it will change from, the wording will change a little if the Board votes in favor of this article I will give you the language that will be needed, and you will need somebody from the RTM to overturn, well the IP will need to be overturned anyway, because we've already voted on it. So,

McCarthy: Yeah, because we didn't have time to make a recommendation

Burgess: Right

Peterson: And you're asking for a zoning change based on the map from 1969, so if they do approve our map of 2011, you've got to come back and

Copoulos: ask for one?

McCarthy: No, you can do it that night, you've just got to make an amendment to the motion

Peterson: No you don't have to go back do the whole thing over, you have to

Burgess: A motion has to be made on the floor because right now your article says

Copoulos: I can do the motion?

Peterson: Yes, of course

McCarthy: No, RTM Member. Are you a Representative Town Meeting member?

Copoulos: No.

Houle: Then you can't make the motion.

Peterson: Of course you can't, I'm sorry

Burgess: An RTM member will need to, but we can actually, well I can help you with the language, but the IP needs to be overturned, but when we overturn,

McCarthy: There'll be two motions, right?

Burgess: Well, could we overturn the IP with the new language, incorporate it in?

Houle: I believe, I don't think we can

Burgess: Two separate motions?

McCarthy: I think you've got to take care of the IP and then make the

Burgess: Okay, so it gets a little complicated

Copoulos: Alright. That's on Monday?

Burgess: Yes

Copoulos: So, tomorrow I should come down here and

Burgess: Find somebody on RTM,

Copoulos: RTM? And talk with them?

Burgess: Yeah. And if you need help with the language I can help you with the language.

Copoulos: I appreciate that.

Burgess: No problem.

Houle: That should be prepared for the meeting, so that

Burgess: It needs to be in writing,

Houle: Because you have to submit that to the Moderator, and it goes from there. We could do it the way you said, but I think it would be really convoluted at that point

Burgess: Yeah, I think it would be confusing

McCarthy: Two separate motions, I think. You know what we'll do, we're going to be talking later tonight about an article on Town Meeting that we have, so at that time we'll figure out the language, discuss the language, just in general terms, and then we'll let you know tomorrow. I'm sure we can find an RTM member to make a motion.

Houle: I don't have a problem with this.

McCarthy: But we have to make a recommendation first

Copoulos: Okay, I'm lost here, but I kind of understand what's going on

McCarthy: I'll tell you what, if you want to just, you can stand over there for a second, and we're going to clear it up for you, and I think you'll be all set. Is there any other questions any of the Board members have?

Peterson: Just quickly, so there are running variances now,

Burgess: There are

Peterson: And that's how the, the variances are for the use of the lot, what the lot is being used for now

Burgess: It was for back then, when it was to be a drive through parking lot

Peterson: Right, so basically it was going to be used as a commercial

Burgess: Yeah, to go along with the other. So where it is, actually bordering the Dunkin Donuts, and, I know that he does, you own the Dunkin Donuts as well.

Copoulos: Yes, we own the Dunkin Donuts

Burgess: So, I think it would be an asset to Dunkin Donuts to hopefully alleviate some of the

Welch: Yeah, there are parking issues there

(Multiple conversations)

Peterson: I have a quick question, if it's already been used for similar purposes with the variance, what's the importance of changing the zone?

Burgess: Well, if he went to sell the property,

Peterson: And you can't use it for the R-10 without variances now?

Burgess: Right, it's only 8,000, I think it's 8,000 square feet, 8700 square feet

Copoulos: 89, 9

McCarthy: So it probably gives you more room, to, less buffer I would imagine

Burgess: I think also this is, this would also help assist in our, I think that this would be part of the area that we would look for rezoning as well, because right now it's all being used as commercial use.

Peterson: We're not, it's a continuation of something adjacent to it, so

Burgess: Exactly

McCarthy: This here would probably speak to, over the necessity of a Master Plan

Burgess: Generally, rezoning, when a petitioner asks for a rezoning, they tell you to refer to the Master Plan to see if it follows the Master Plan. Well, the Master Plan's from 1991, so it doesn't follow the Master Plan from 1991.

Houle: The Planning Board has clearly stated our case for a Master Plan.

McCarthy: So, if there aren't any further questions, shall we, someone like to make a motion?

Peterson: I will make a motion that we approve the change of

Burgess: Recommend that the change

Peterson: Recommended change of zone from R-10 to C-7.5 for property located at 179 Park Street, North Attleboro, Assessor's Plat 8, Lot 28.

McCarthy: Second?

Welch/Houle: Second.

McCarthy: All in favor? It's unanimous, 4 to 0

McCarthy: Actually we have one abstention, 4-0-1

McCarthy: Actually she recused herself, so 4-0. We will, Mary will work on some language, that way we can, it's just more technicality. As you were here the last time, we're actually moving our zoning map from 1969 to 2011, and that's the map we have to make the amendment on. Hopefully they'll pass it at Town Meeting. Planning Board will recommend in favor and I know the Finance Committee had recommended favorably, so we presume the RTM will follow along with that recommendation. And so then we'll just have, we'll have a motion to change your article, that's all.

Copoulos: I know the Finance Committee IP'd it, so they have to

McCarthy: Someone from RTM will have to make a motion to overturn the IP. In this case we didn't have enough time for us to make that, if you recall,

Copoulos: I understand, I do. The only question I have, sorry to be ignorant here, RTM?

McCarthy: Representative Town Meeting.

Copoulos: Okay

McCarthy: Some towns are open, ours is representative, they're elected

Houle: They're like the legislative body

McCarthy: Now the one thing we don't know, because we IP'd it, Finance Committee at Town Meeting, maybe on the floor, may decide to take

Burgess: What we usually do is we give a letter to the Moderator, and they read it in, before FinCom recommend the IP.

Peterson: The Finance Committee, if they have the opportunity, sometimes they meet before the meeting

Burgess: They have the caucus, right?

Peterson: They could overturn their own IP

Burgess: I'll ask Michelle on that in the morning

Copoulos: I know when I went in front of the Finance Committee, they said they would take any recommendation that the Planning Board has

Peterson: Right, so what they might say at Town Meeting is, we have received a recommendation from the Planning Board in the affirmative, and we change our IP to the affirmative, they might do that.

McCarthy: We'll check on the procedural issues, we'll make sure that we have no procedural defects, to make sure it gets done properly.

Copoulos: And I'll try to do my best to do whatever I'm supposed to do. Thank you very much.

McCarthy: The thing you'll need to ask is, you'll need to ask the Moderator to speak.

Burgess: Yes, and I have to ask to speak as well.

(Multiple conversations)

McCarthy: Do I have a motion to close the Public Hearing?

Peterson: I make a motion to close the Public Hearing.

Houle: Second.

McCarthy: All those in favor? Motion passes 4 to 0.

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING (Continued at 7:00)
THURSDAY, June 2, 2011**

Mary Signoriello returned to the Open Session at 7:00 p.m.

Old Business:

Site Plan: Orne Street, Grace Door

Applicants Robert Dorr and Grace Dorr were in attendance to present the revised site plans which incorporated changes previously requested by the Board. Mary Burgess gave an overview of her site plan review report. Significant issues include the lack of sufficient set back, addressing the Zoning Board conditions of approval on submitted plans since the plans will change, and waiving the 1:40 scale. Mary

Burgess read her report into the record which included additional recommended changes and conditions of approval pending Board acceptance. Discussion ensued regarding the closing the access to Orne Street (Landry Avenue side) and fence vs. vegetative buffer. It was the consensus of the Board to review revised plans prior to approval. Mary Burgess suggested the applicant submit revised plans to the Zoning Board for an updated special permit to the new plan prior to returning to the Planning Board.

Mr. Houle made a motion to continue the site plan review to July 21, 2011. Seconded by Mrs. Signoriello. Motion passed 5 to 0.

Mr. Houle made a motion to extend Final Action to July 29, 2011. Seconded by Mr. Welch seconded. Motion passed 5 to 0.

Completion of Waterson Estates Subdivision

Mary Burgess reported that the last punch list created was June 18, 2008 (distributed to the Board), and there is a Surety Bond in the amount of \$280,797.66. Applicant Shawn Jorde was in attendance to review work that has been completed. Following brief discussion, it was decided that Board members will visit the site prior to the Board meeting on June 16. Mr. Jorde will work on the Bounds and As-builts, as well as an updated punch list. Based on the recommendation of Mary Burgess, it was the consensus of the Board to table discussion on the bond forfeiture to the August meeting.

Proposed Modifications to Distron Site Plan: 87 John Dietsch Square

John Grenier, J.M. Grenier Associates, presented modifications on behalf of the applicant, Distron Corp. The modifications will reduce impervious area by removing an entrance walk. Following brief discussion, Mr. Houle made a motion to approve the minor modification as presented. Seconded by Mr. Peterson. Motion passed 4 to 0 to 1 (Welch abstained). Mary Burgess will write a letter indicating the Board's vote, and requested a copy of the modification, to be attached to the original plans.

New Business:

Site Plan: 6 Robert Toner Blvd.

Mary Burgess read the application for a site plan review into the record. John Risser of Risser Engineering was in attendance to present on behalf of the applicant, Gregg Daniels, also in attendance. Plans included grading and paving of four parking spots, installation of a sign and construction of a handicapped ramp. Following brief discussion, Mr. Peterson made a motion to approve the site plan for 6 Robert Toner Blvd., with the conditions of approval set forth in Mary Burgess' site plan review, as well as the following additions: one-way driveway signage on sign posts, designated as not for residential use, and an option to revisit outside lighting. Seconded by Mr. Houle. Motion passed 5 to 0.

The Board took a brief recess at 8:20 p.m. The meeting reconvened at 8:25 p.m.

Old Business (Continued):

Completion of Hickory Woods Phase I

Mary Burgess reported that the last punch list is dated October 5, 2010 (distributed to the Board), and the Cash Bond amount is \$82,958.86. Applicant Fred Bottomley was in attendance to review updates on the punch list, stating 98% completion. Mr. Bottomley would like to surrender the bond amount to the Board in order for the work to be completed under the jurisdiction of the Planning Board. Following discussion, Mary Burgess recommended that the Board allow Mr. Bottomley to surrender the bond, schedule a site walk-through, update the punch list, and put the remaining work out to bid. Mr. Bottomley will put his request in writing and will get an updated punch list, including a waiver list.

New Business (Continued):

Site Plan: 136 May Street

Mary Burgess read the application for a site plan review into the record. John Risser of Risser Engineering was in attendance to present on behalf of the applicant, Eric Packer, also in attendance. Plans included razing an existing garage and replacing with a larger structure. Discussion ensued. It was determined that the property is over an aquifer protection zone, therefore will require a special permit from the Planning Board for the use of the property. It was also recommended that the new building be designated as a storage shed rather than a garage. The Board will hear the application for a special permit at the same time as the site review at the July meeting. Mr. Peterson made a motion to extend Final Action for 136 May Street to July 29, 2011. Mr. Houle seconded. Motion passed 5 to 0.

Other Business:

Master Plan

Chairman McCarthy reported he met this week with the Town Accountant regarding the Master Plan. It was his recommendation to not move to override the Finance Committee's IP of the Master Plan at the upcoming Town Meeting, and to submit an article for the Special Town Meeting in the Fall. It was the consensus of the Board to open discussion the Master Plan on the floor of Town Meeting, in an effort to increase awareness and promotion of the Master Plan.

US Army Reserve Report:

Mary Burgess is in the process of preparing a report on behalf of the Planning Board for the US Army Reserves regarding their possible purchase of the Westcott building and surrounding property (27 acres) for a training facility. It was the consensus of the Board that the report reflect the Board's opposition, indicating the proposed use is not consistent with the economic development and housing sections of the Master Plan.

Adjournment:

Mrs. Signoriello made a motion to adjourn the meeting, seconded by Mr. Peterson. Motion carried 5 to 0. The meeting adjourned at 10:00 p.m.

Respectfully Submitted,

Mary Signoriello
Secretary