

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, MAY 24, 2007**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, May 24, 2007 at 6:30 in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Richard Houle, Joan Marchitto, Christopher Sweet, Donald Cerrone-chairman and Mary Burgess-town planner. Richard Thimot arrived at 6:35 P.M.

Planning Board Business:

1) Endorsement of Vouchers;

None.

2) Approval of minutes;

Mr. Houle, Make motion for minutes 5/19/05/, 7/25/05, 1/5/06, 1/9/07, 1/11/07, 3/6/07, 4/26/07 and 5/10/07 to take them up on 6/7/07, seconded by Chris Sweet.

All in favor 4 to 0.

3) Review Final Action Deadlines;

Corliss have hearing at 9:00 P.M. tonight, Krochmal hearing tonight at 7:00 P.M.

4) Review Bond Expiration Dates;

Edgewood Garden Extension 6/1/07 and Bally Heather 6/1/07.

Bally Heather;

Mr. Cerrone, Still haven't seen drawings on what he did on side drainage. I think we have letter in our package one of neighbors looks like a junkyard. Take the money.

Ms. Burgess, He was sent letter on 5/11/07 to appear tonight at 9:30 P.M.

Mr. Cerrone, He has \$109,854.48 plus \$75,325.27.

Mrs. Marchitto, I want to see asbuilts before we take bond. I'm not proponent of taking bonds, not a constructor or developer. We had discussion the other day that taking the bond is the last resort and there are some things on this plan I would like to see.

Ms. Burgess, We mentioned in letter that board shall begin proceedings to claim Letter of Credit and proceeds of cash bond being held on completion.

Mr. Cerrone, Tom Fitzgerald said Larry Tilton was working on asbuilts and we found out Larry isn't doing them anymore someone else is doing them. We asked for asbuilts last Fall before they even put finish coat down.

Mr. Thimot, Taking bond is not really a win/win situation. I'd like to hear his alibi is before we make judgment call.

Mr. Cerrone, Asking John Lavin if any work has been done at Bally Heather since our last meeting?

John Lavin, No I just received a call from an engineer asking what wanted for stormwater calcs. He hasn't produced and asbuilt because of bonding issues per regs.

Mrs. Marchitto, Did we send the letter to bonding company?

Ms. Burgess, Yes Mount Washington Bank.

Town Meeting last night;

Mr. Sweet, Planning board articles weren't addressed last night, I won't be available next town meeting Wednesday at 7:00 P.M. Need someone from board or RTM member on board to go up and overturn the IP then present affirmative action motion which is rereading that the town vote, etc. articles 34, 35 and 39. Last night was revolving account for board of health improperly written or not clearly written the other issue was electrical inspector clearing up

chain of command with reporting structure that was voted down. Electrical inspector underneath the building inspector.

Old Business:

1) Form O: National Elevator Industry (Hayward-Boynton & Williams, Inc.);

Peter Maynard-Hayward-Boynton & Williams, Site is on Larson Way one of issues was length of drainage all way down to existing trench drain. We're regrading the parking lot taking little bite of existing parking lot will be resurfaced. Putting trench drain that goes to trench drain catch basin then redirected into existed sort of inlet area that was major change. John had mentioned we need to verify in terms of open space.

Mr. Lavin, In I60 when you do open space calcs. by zoning reg. you're not supposed to use detention basin as part of open space.

Mr. Maynard, We're looking at area of about 70x20 14,000 sq.ft. entire site. We have proposed open space 37% with minimum allowable of 30%; we have 37% including detention basin if we take that 14,000sq.ft. out of 1.784 acres total site area. I don't know numbers I would assume we would make it.

Mr. Lavin, On plan put calculations I disagree with them I scaled it off that is why it's important to put charts on there. Footprint is okay I checked that. I came up with 22,400 roughly and I scaled it from areas. From what I scaled he doesn't have the open space. If you took out detention basin you'd probably have 20,000 and you need 23,260 for open space.

Mr. Cerrone, Make sure you have the 30%. Can you come back our next meeting have calculations and everything before we approve it?

NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, May 24, 2007

7:00 P.M.- Public hearing for the application of Walter Krochmal, for approval of a preliminary subdivision plan for 4 lots on property located on the southeasterly side of Cushman Road.

(Note: Final Action Due, 6/8/07);

Mrs. Marchitto, Reading in application.

Mark Whalen-W.T. Whalen Engineering, 4 lot subdivision will require septic systems, have public water in Cushman Rd. Existing fire hydrant in front of property on 243 that lot was cut out from main parcel back in January. Remaining parcel 3.75 acres. Proposed roadway of 375ft. ending at cul-de-sac. Given topography of site high point would be at intersection opposite Mashpee Dr. road will slope down into backside at back of lot we have two farmer ponds or small ponds existing in the rear. Have pair of catch basins at beginning of cul-de-sac water quality box and then it will discharge into existing water pond. The idea being we would expand on that. Wetlands delineated by Dr. ...(inaudible). Topography is such that in back you have large hill drops off rather steeply water comes down and is fed basically by the side of hill. We have couple existing water holes in back and we're going to use that part of our handling of stormwater management. We did perks beginning of this week water table we got down about 3 1/2ft. in back, in front it's about 10ft. there is lot of sand. There is layer of clay down about 10ft. as you get towards the back existing surface is dropping off. Some of test pits we couldn't get our 4ft. so will have to rearrange some of the lot lines. We're perked two, one we had trouble with and lot 4 able to perk. There is enough room to put septic and meet all the requirements. Lots elevated from existing probably average 4ft. we haven't work out all the

grades yet. These lots will require fill. Road elevations everything will pitch off to back down side of cul-de-sac. Look at existing contours on Cushman Rd. there is high spot, pair of catch basins are in Mashpee Dr. 12" also have another catch basin the road is elevated towards one catch basin. We'll match existing grade what will dictate the elevation of culvert is how the lots, the building we have to fit in.

Mr. Lavin, Top of roadway relative to existing grade at cul-de-sac?

Mr. Whalen, We have 5ft. drop off minimum is 1% grade. Width road is 40ft. layout with 26ft. pavement. We'd like not to have sidewalks for waiver we're not showing sidewalks.

Mr. Houle and Mr. Sweet, Want at least one sidewalks.

Mr. Cerrone, Design with both and then maybe the board might give you waiver for one.

Mr. Whalen, Diameter of sidewalk we have 45ft. of pavement radius on 52ft. right of way. If we could reduce 52ft. right of way down?

Mrs. Marchitto, I'm sticking to subdivision control regulations we're reviewing it to improve it to bring it in to twentieth century. We're trying to go forward not backwards, since I've been on the board it has been no waivers and I think you've been aware of that and sidewalks on both sides and curbing.

Mary Yankee-224 Cushman Rd., Square footage of house?

Mr. Whalen, Between 3 and 4 bedrooms expected.

Ms. Yankee, Asking when it will start and how long will it take?

Mr. Whalen, First we'd have to come to this board again and file definitive subdivision this is just an early round. We'd also have to go before conservation commission.

Ms. Yankee, When was property bought.

Walter Krochmal, Been in the family since 1951 or 1952. I inherited the property.

Nancy Gaumond-253 Cushman Rd., My understanding when we purchased the property that first pond was hand dug by Mr. Giroux he was fortunate to hit spring so that is spring fed. You have on plan man made ditch. The steep hill that I think Mark is referring is goat hill we're familiar with that in Christina Estates and that is run off, bales of hay, plastic webbing, etc. That wasn't man made dug that is an overflow from that pond, natural erosion into the soil from flow of that pond. It goes by my property and my neighbor next door and it drops off into a ditch. It no longer does that it backs up onto our properties because of another issue with Christina Estates. There is brook that is flowing from north to south it crosses our property and is suppose to cross what was a dirt road since Christina Estates they've dumped good size rock there. Since that has been blocked it doesn't allow the water to flow and fall into this creek that would then travel under the road and crosses road onto golf course. This is why I believe Glen built these on both sides of fairway of golf course.

Mr. Whalen, We've outlined the creek that she is referring it doesn't appear very natural you have long narrow creek on one side. On USGS map showing it as intermittent stream that is not the case. We have back in 1964 also 79 both those pond don't show up on USGS map. It does show stream or intermittent stream going along crossing under Cushman Rd. going towards the golf course. Traveling westward towards Cushman Rd. it does go under follows along and goes into culvert. There is couple of man made ponds.

Ms. Gaumond, When we've had a rainstorm there is neighbor within an hour his backyard is under water he has an embankment going up to his backyard close to his house and water is there it is underground you can't see the grass.

Mr. Whalen, There are wetlands we do have an isolated stockpile. With steep grading water comes off of that road and hits flat area and takes awhile to figure out which way to go that is why we're calling it at this time isolated wetlands.

Ms. Gaumont, I think they've allowed for it on the plan they realize there is water looking to have easements going into the back to maintain the two ponds. Pond is at it's fullest problem is water comes from Cushman and comes off of property and flows down and across and it falls into ditch, which allows it to continue and until the rock was there to flow through and dump into the other ditch. I want to my sure my property which does not have huge water problem right now will not.

Mr. Whalen, When you look at USGS map the actual drainage is relatively small just off site is the drainage divides. There is catch basin draining towards another basin the roadway because there isn't much of crown. We are going to capture all our water as much as we can maybe even below runoff of the site. Road is 275ft.

Mrs. Marchitto, What are you doing with non buildable lot?

Mr. Whalen, Regulations call for dry intersection normally you'd provide before the intersection a catch basin. Because of slope of road it may actually cross the roadway into first we may have to look at that one a little more. That is where all the good sand is we would do some recharge water quality box some type of underground system.

Mrs. Marchitto, Who would own that non buildable lot upon acceptance of the road?

Mr. Whalen, I don't know if at some point they would deed this with a drainage easement on it to Parcel A or if keep it with the roadway I'm not sure. I think they wouldn't mind gifted it over to the abutters or make it part of the layout.

Mr. Lavin, Everything is still shedding towards roadway on one side and you're going to cut into existing grades? You said groundwater is 3ft. below wouldn't you have to raise the road? Once you cut into existing and with water shedding that way you might expose groundwater so now you have surface water and groundwater.

Mr. Whalen, Roadway south would be elevated. There is no elevation now at least 10ft. as far as water table is concerned seems to be more in line with the pond out back might be going up slightly. We will provide soil test. They just provided new septic system to house I can provide the modeling information I know it's deeper than the 4ft. in the back. House lots will need fill especially lot 2 & 3.

Ms. Gaumont, Having those lots filled how is the runoff from those lots going to effect my lot which isn't built up to equal your lot?

Mr. Whalen, We'll have to provide for that just by simple grading make sure it's grade properly towards where we want it to go. If for some reason we're not able to do that we have to put catch basin out on lot line.

Ms. Gaumont, You're saying you're going to put water in that pond right now it flows south to north down that man made ditch. How are you going to stop that from happening if you use that ditch for the overflow of that pond?

Mr. Whalen, Conceptual the idea is to try and hold the water I really don't know at this point which way the water is flowing and what kind. Is it possible water is flowing out or in yes. I do know road is flat and water can go either way generally speaking.

Mr. Cerrone, You're going to come back to us with final plans with drainage calcs. etc.

Mr. Whalen, Next step would be go to conservation have the resource areas actually blocked down for resource delineation. My initial thought was to use existing treat it as if it were an unfinished detention basin and just finish it off enlarge capability of it.

Mr. Cerrone, Maybe conservation will tell you can't touch those.

Ms. Yankee, What is going to happen when Christina Estates starts blasting and changing all the water table in back of pond area?

Mr. Whalen, They can't work on other people's property we have some of the hills and we can't go too far as lowering it down. I'm sure they're going to have to do some earthwork there but not to the extent...(inaudible).

Ms. Yankee, My concerns are numerous with Cushman Rd. we have traffic it is bypass don't obey speed limits. I would say two homes is fine this side of town is swamped. We have problems now with our schools, etc.

Ms. Gaumont, It is getting dangerous.

Mr. Whalen, Intersection reason we put it where it is because required to make opposite as much as possible or if add offset it is supposed to be at least 125. Given design four homes we considered taking it southerly and maybe get a waiver on offset.

Mrs. Marchitto, I know it's conceptual in idea it is four lots 300ft. at this time I can't give you an answer. I don't feel as though I have enough information presented to me to even consider a waiver like that. Maybe it is something traffic engineer has to look at.

Bob Gaumont, My concern is traffic and condition of area it is overcrowded. We can't handle what we have now how can we go forward? I think four houses is too much.

Peter Brunelli-233 Cushman Rd., Minimum square footage to build a house?

Mr. Cerrone, Depends on zone you're in this is R20 20,000 sq.ft.

Mr. Brunelli, Why doesn't North Attleboro have larger lots?

Mr. Houle, There are some areas zoned 40,000sq.ft.

Mr. Cerrone, We have 10,000sq.ft. lots in town in R10, then you have R10S.

Mr. Brunelli, We don't have sewer so we should need more because we have septic systems to leach.

Mr. Cerrone, Get an article to town meeting that is way to go. It will be underground electric. This is just concept he has long way to go.

Mrs. Marchitto, Explaining permitting process for planning board preliminary and definitive. What occurs tonight you will be notified again on definitive plan.

Mr. Houle, Way road is now and it doesn't move do you have adequate sight?

Mr. Whalen, We'll have to look at that because it is higher we'll have to supply sight distance.

Mr. Houle, What are systems you're going to put in?

Mr. Whalen, At this time we're just calling stormwater there are various makes and models out there.

Mr. Houle, Have you thought of possible having only three lots and little more drainage?

Mr. Whalen, It was thought of but I don't think the applicant naturally everybody wants to get most out of their land. When we get into numbers and actually crunching of things maybe that is a possibility that we lose lot #3 but we'll look into that.

Ms. Gaumont, Mirrored Mashpee road going in however placement of lots and where house are going to sit do not mirror Mashpee. On left hand side heading down Mashpee, Jarvis Lane backs up to their backyards. On right hand side you have two homes and beyond those is private driveway to those two homes and third home on gulf course. Backyards are meeting one another. This plan doesn't work that way you're either on a side yard or in front yard it doesn't mirror where the houses are going to be, which is taking privacy and in my personal opinion taking value away from my property.

Mr. Cerrone, Have to meet all the guidelines to get a lot. Have to make vote on concept. 7:50 P.M. close public hearing on Walter Krochmal for preliminary subdivision.

Mr. Thimot, Make motion.

Mr. Cerrone, Approve concept, seconded by Dick Houle for discussion.

Mrs. Marchitto, Mark I think you have lot of homework to do have to address lot of issues that the residence are talking about traffic, drainage.

Mr. Cerrone, I think you should go to conservation next step before you do anymore drawings see what they're going to do with those ponds. Motion made and second on concept all in favor 5 to 0.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, MAY 24, 2007

Old Business;

2) Update of work on Hickory Woods Subdivision;

Mr. Cerrone, I'm going to be excused from table and Joan will take over.

Fred Bottomley, We're not on until 9:30 it says registered mail.

New Business:

Application of National Amusements, Inc. for the proposed modification to Special Permit No.112/Showcase Cinemas (Note: Set public hearing date);

Hearing date 6/21/07 at 7:30 P.M.

Tree Warden 6/21/07 at 7:00 P.M.

July meetings 7/26 and 7/12.

NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, MAY 24, 2007

8:00 P.M.- Public hearing for the request of Carol Lewicki to modify to Special Permit No.145; Ms. Burgess reading in notice.

Bruce Babcock- Tibbets Engineering, Here to modify special permit here with me is Carol Lewicki, Bill Lewicki, Mike Ahearn and Chris Janson attorney representing the Lewicki's. It's stated on special permit request on plan, which include all allowable uses within I60 zoning district assuming proposed use is not prohibited use under aquifer protection district overlay. The advertisement doesn't state exactly what modification we're looking for. We are here because of some conflict between the Lewicki's and building inspector with regard to interpretation.

Chris Janson-Janson Associates, About month back chairman had some questions for Mr. Ferris who is town council. Those questions were answered by Roger Ferris in his letter to Mr. Cerrone-chairman dated 4/19/07. He basically states that the expansion of permit no.145 would be appropriate under circumstances to allow uses in I60 zone assuming use is not prohibited in aquifer protection district. He also answered question regarding professional landscaping; it is not prohibited use in aquifer protection district as long as principle activity is not storage or manufacturing of pesticides, fertilizers. We have affidavit from Mr. Coleman who is owner of Greenscape Landscaping he doesn't store fertilizer, etc. It is not even manufacturing business so it's not prohibit usage. We would ask in light of concurrence of town council light the evidence seems to elay the concerns the board might have had or building inspector might have

had. We would ask that there be an expansion of the permit for all allowable uses within aquifer protection district. We have Mr. Babcock here who is a professional engineer and registered in Mass.

Mr. Sweet, It was my impression rather than make general modification to the entire special permit that we would treat case by case. Create an addendum to special permit for each use that is required.

Mr. Babcock, That was second alternative last meeting we had offered a general we gave you list of uses. At end of last meeting we had asked for interpretation of town council as to plan that was approved as special permit request stated right on it. At same time the application had slightly different that was what was requested in special permit decision by planning board. Second part of it was revise first part was general modification, which is what is stated on the plan and second part was we gave whole list of activities that are allowed by zoning not prohibited by aquifer protection.

Mr. Cerrone, Original approval was for warehouse, storage, contractor right?

Mr. Babcock, That is what the actual application to the planning board said it is not what the plan said.

Mr. Cerrone, That is what the board voted.

Mr. Babcock, It should have been stated differently. That is the discrepancy between the plan and application. Make amendment to approved special permit, which basically follows zoning but says anything is allowed that is not prohibited. Anything within the I60 is allowed in not prohibited.

Mr. Houle, Use by use

Ms. Lewicki, We have list of uses we're looking for so it's not just general.

Mr. Babcock, List that is allowed by zoning not prohibited under aquifer protection district.

Mr. Thimot, Research and development can cover lot of issues.

Mr. Babcock, However it can't deal with hazardous waste at all.

Mr. Thimot, I couldn't approve in good conscience research and development being arbitrarily allowable in aquifer protection.

Mr. Babcock, You could do research and development within I60 50ft. away from aquifer protection district. We're not looking to do research and development however those are the activities that are allowed.

Mr. Houle, What is facilities for essential services?

Ms. Lewicki, List came right from town of North Attleboro bylaw book.

Mr. Thimot, Let me remind you when you come in on special permit you're opening door to grant planning board a lot more responsibility. Special permit is different category besides what you're asking for.

Mr. Babcock, Essential services provided by public utility or governmental agencies to erect/construct alteration maintenance of gas/electric/steam or water transmission and distribution systems and collections. It continues on saying necessary provision of essential services include water/drain/sewer pipes it's maintenance contractor basically. Say public works needed storage they could approach Lewicki's and rent some space.

Mr. Sweet, I favor more cautious case by case approach.

Mr. Janson, Site what council said in answers he indicates specifically with regard to specific questions about case by case, etc. He clarifies in Lewicki case they applied for construction, contractor office and storage units. Permissible to allow all types of office and storage units so long as they are not prohibited without and additional special permit. Refers to landscaping as long as not storing and/or manufacturing of pesticide, fertilizer/weed killer. You have affidavit

from Mr. Coleman it is not his principle activity he doesn't even store pesticide, fertilizer or weed killers, etc. I think some of these issues were clarified by your council's letter.

Mr. Babcock, Building inspector strict interpretation.

Mr. Janson, He says SPGA has to give the permit. It needs to be clear directives to building inspector.

Ms. Burgess, If the board doesn't make a determination leaves the conditions as is. Are you going to appeal the decision of building inspector to zoning board? You can appeal the building inspector to not give you permit to zoning board because they hear the appeals.

Mr. Janson, We're just trying to expedite matters here because we were told that by SPGA. We have number of tenants trying to get into the building. They've complied with virtual every state board there are eight different boards at all different level. We simply ask for your consideration to grant this expansion of permit so as to allow them to gain tenancy to move forward. None of who have uses that violate the aquifer protection district prohibited use section.

Mr. Babcock, You heard a hearing last time we were here about putting air conditioner outside the building to require special permit. You will hear many of those that is why we ask for a general approval that follows zoning the way it's stated on plan all allowed uses unless prohibited. If board is not comfortable with that then there is a list of uses.

Mr. Thimot, While back someone wanted to burn hazardous waste. That is allowed under 160 you certainly wouldn't have that allowed under aquifer protection act.

Mr. Babcock, I'm water works engineer by profession I want to protect the aquifer, board wants too, etc. We have literal interpretation by building inspector I have client that is in limbo losing considerable amounts of money over considerable period time. We need some clarification.

Mr. Thimot, When you get into general use formula you leave yourself wide open where you have aquifer protection act to come back and bite you.

Mr. Babcock, As I stated earlier if board isn't comfortable with general approval lets go through the uses.

Mr. Houle, You put printing and publishing I know they use a lot of chemicals I have to be in printing so I know what I'm talking about.

Mr. Babcock, Manufacturer stores hazardous waste they're not allowed however printing and publishing is allowed by underlying district. That is general category but if they manufacture or store hazardous waste it is not allowed we can't do it. There are probably a lot of computer generator graphics and things like that don't use hazardous materials that would fall under that category.

Mike Ahearn, Two manufacturers one is medical devices and other one makes watchbands want to go in.

Ms. Lewicki, Auto Parts International have occupancy permit distributor we have another electric wholesale distributor that wants to get in there. It was different building inspector at the time. We understand we're in aquifer protection district we don't want any problems there.

Mr. Babcock, They have people in there and people that want to get in there. Would the board have any problem with granting special permit for everybody they know of now? When that gets further clarified only half the units will be filled at that point we'll come back and we're tell you what the other units are going to be used for.

Mr. Thimot, There is one catch there that will not be grandfathered use if they move out.

Mr. Cerrone, Similar use is okay but they can't change use.

Mr. Babcock, At this point we have Ralph Lauren, landscaper, and two manufactures.

Ms. Burgess, We don't need to know name of company need to know what they're going to be manufacturing.

Mr. Ahearn, Construction industry suppliers we have electric supplier, wholesale trade & distribution, commercial parking storage of a boat, etc. inside. Landscaping is all ready covered under existing permit.

Mr. Sweet, We can make an addendum to special permit.

Mr. Babcock, That would occupy about 60% of building we would expect to be back here in month or two.

Mr. Thimot, I would like to make some kind of note we don't have to let someone come in and sit all night for air conditioner.

Mr. Babcock, If you wanted to do that you could put statement in there that minor variations on site plan such as air conditioners are also allowed.

Mr. Sweet, Make motion we add addendum A special permit 145 that would include uses of warehousing, manufacturing, construction industry suppliers/services, wholesale trade and distribution and commercial parking inside, seconded by Dick Houle for discussion.

Mr. Houle, I'm little bit concerned on manufacturing is everything open on that?

Mr. Sweet, Should I also state at end of motion as long as it's permitted within aquifer protection district? Motion amended should read we create addendum A for special permit 145 permit use of warehousing, manufacturing, construction industry suppliers/services, wholesale trade and distribution and commercial parking provided it is not prohibited in aquifer protection.

Ms. Burgess, Just reference the above uses before you say as long as it's not prohibited.

Mr. Sweet, For above uses, seconded by Dick Houle.

Mr. Thimot, Are you going to put something referencing air conditions?

Mr. Cerrone, You can make separate motion for that. All in favor 5 to 0.

Mr. Thimot, Make motion we have allowable outside or inside attachment for people in there to be used.

Mr. Cerrone, Air condition pads.

Mr. Houle, Second motion.

All in favor 5 to 0.

Mr. Babcock, Is there a 21-day appeal period?

Mr. Cerrone, I would think so I'm not sure.

Mrs. Marchitto, Can we find out and give you a call tomorrow.

Mr. Cerrone, It's a public hearing we're going to close it now at 8:37 P.M. public hearing for Lewicki modify special permit 145.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, MAY 24, 2007

Mr. Sweet, We've asked for completion?

Mr. Cerrone, Do we have anything from public works on some of those streets that were supposed to be completed?

Ms. Burgess, No.

Mr. Cerrone, They're coming in for tree hearing maybe we can ask them then. A lot of developers are going to be here tonight.

Mrs. Marchitto, Grand View Estates waiting for DPW.
Mr. Cerrone, Letter from that Jackson St. extension there was about four of five of them.
Ms. Burgess, They're saying they don't know what is under the road.
Mr. Cerrone, They did inspections on those check with public works.
Richard Thimot left table at 8:58 P.M.

NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, May 24, 2007

9:00 P.M.- Continuation of the public hearing for the definitive subdivision to be entitled Corliss Landing (Note: Final Action Due 5/30/07);
Mr. Cerrone, Sent letter for extension.
Ms. Burgess, He asked for continuance and referenced two dates 6/14/07, which is not available that is when we're having rules and regulations. The other is the 21st we have tree at 7:00, 7:30 National Amusements.
Mrs. Marchitto, Make motion to accept the extending time for Corliss Landing until 6/25/07
Mr. Cerrone, Hearing will be 6/21/07 at 8:30 P.M. seconded by Dick Houle. All in favor 4 to 0.
Recess this until 21st. at 8:30 P.M.

NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, MAY 24, 2007

Old Business:

4) Completion of Bally Heather Subdivision;

Tom Fitzgerald, Owner of Bally Heather Subdivision. Submitted request for extension of bond until 12/8/07.

Mr. Cerrone, This has been going on too long we've asked for asbuilts last fall nothing came through.

Mr. Fitzgerald, Dropped off set of asbuilts last hearing Peter brought them in.

Ms. Burgess, They weren't stamped.

Mr. Fitzgerald, He submitted them for review if there was anything wanted changed before he stamped them. He did complete asbuilt on the whole site.

Mr. Cerrone, We asked for side curtain drain plans we haven't seen any. As far as I'm concerned I'm not going to extend it.

Mr. Fitzgerald, We still have problems with the road trying to get that repaired get something in there. Rest of stuff is pretty well done the bounds are all set to be set the road is my problem.

Mr. Sweet, We have complaint. Action Needed Report #07-35 from Mr. Massand 48 Garrett Rd.(insert).

Mr. Fitzgerald, He owns the lot I don't I never put any of that stuff there that was the other builders that were working with him he had sold the lots to them, then he took the lots back to

my knowledge. I've been out of there for years. We're out of there with the curbing once John inspected it we took all the material out.

Mr. Cerrone, John what is left out there and how long will it take?

Mr. Lavin, Sub-drains is probably the biggest thing. We'll have to review existing drain, water services on private property.

Mr. Fitzgerald, I can't do anything about that some people won't give me easements, eight gave me easements the others haven't sent easements back. Water dept. approved them, signed off on them and people are living there. Curb stop was laid out wrong; I never built any houses there.

Mr. Cerrone, Who hired Expressway?

Mr. Fitzgerald, I hired them.

Mr. Cerrone, So you're responsible. It is on private property I can't go back and rip up their property and change the water main.

Mr. Fitzgerald, Have easements to accept them for the channels so they stay there not to remove them. We sent easements to this board then they went to town lawyer passed all the wordage then we gave it to everyone in the site most of them are off about foot.

Mr. Lavin, Regulation states with the water dept. you need home run from curb stop.

Mr. Houle, How are we going to get street accepted?

Mr. Fitzgerald, I think you're making a mistake to pull bond because then it all falls on you I'm trying to resolve it. If this worked out tonight I'd get meeting with John to try and fine-tune what we can live with and what we can't. I don't think it's in best of interest of town to pull bond at this time but that is your call. The fellow who did the road will not come back because it will cost him more to fix than he was going to get to put it in originally.

Mr. Lavin, I shouldn't ask this but did you pay him?

Mr. Fitzgerald, No because he refused the road.

Mr. Lavin, To grind up road will probably cost about \$4000 and then you have to replace it.

Mr. Fitzgerald, I got one estimate from PA Landers he walked away yesterday he said it was too much work Aggregate is the other guy we're trying to get out there.

Mr. Lavin, Peter went out there puddles everywhere they tried to fix them and other sections of road has zero pitch. They did try to come back an infra red and when they did that they fried the asphalt.

Mr. Cerrone, You haven't even got any quotes yet done nothing so you're starting at square zero. As far as I'm concerned this road is not going to get finished even by extension of 12/8 it will be too late and you're not going to be able to do anything.

Mr. Fitzgerald, I'm hoping within the next 30 days to get most of this resolved if not pull the bond.

Mr. Cerrone, Maybe board should go 30 days at a time for this bond.

Mr. Sweet, I would like to see him back on more frequent basis.

Mr. Fitzgerald, I'll get asbuilts, little french drain you're looking for in those are the biggest items out there.

Mr. Lavin, Could you just respond to letter with dates and whatever you're going to do? You have slope issues out there.

Mr. Cerrone, How about swale for Mr. King?

Mr. Fitzgerald, Three times we did rock garden, we're going to have John do an inspection. I think there are some stones he wants us to add to it. We're not going to keep changing rocks for them.

Mr. Lavin, Then neighbor had issue on way out the lawn.

Mr. Fitzgerald, I'll address each item.

Mr. Cerrone, If you want to give him until 12th. that is fine. If we don't get report from John that he's been working on it we pull bond as far as I'm concerned.

Mr. Sweet, July 12, see where you are.

Mr. Fitzgerald, I'll send you 6-month bond and we'll meet every month. Bank can't do it month by month they give me 6 month and you guys can pull it anytime.

Mrs. Marchitto, We want to see you on July 12 and we want progress and when you meet with John I want you to have asbuilts, want drainage with completed activity to John.

Mr. Lavin, Have you submitted schedule?

Mr. Fitzgerald, I'll do that this week. Will get asbuilts signed by an engineer and copy by 12th.

Mr. Cerrone, Want progress report the 12th. or pull the bond then. If he does nothing from now until the 12th. of July.

Ms. Burgess, Asbuilts just need to be stamped can you get them to me?

Mrs. Marchitto, Motion that Mr. Fitzgerald reports back to board on July 12th. with progress report and schedule.

Mr. Cerrone, John if he doesn't have asbuilts to you by June 1st. and construction schedule.

Ms. Burgess, Asbuilts and construction schedule by June 1st.

Mr. Cerrone, If he doesn't have stuff by June 1st. what do we do?

Mr. Houle, If he doesn't do this I say we pull bond.

Chris Sweet, Agree.

Mr. Cerrone, Update report on July 12th.

Mr. Lavin, There are other things you can get going on.

Fred Bottomley, Point of order I think it would be wise at this time that the planner research selectmen office the actual procedure. The road I sense you're looking to go down right now maybe not be in accordance with state statue. You can recommend but it goes to selectmen for public hearing. You physically can not pull the bond you can recommend and it goes to the selectmen I think Mary should have opportunity to check that out.

Ms. Burgess, You can word it to begin proceedings to pull that bond that would encompass notifying the selectmen of situation.

Mrs. Marchitto, I had not finished my motion my motion had no intention of having bond extension or date on it. My motion was to come back Mr. Fitzgerald on July 12th. with progress report with June 1st. having all paperwork due for John through Mary seconded by Chris Sweet.

Mr. Lavin, Just get it to me I'll review it.

Mr. Cerrone, We'll make determination on bond on July 12th. Motion made and second all in favor 4 to 0.

Mrs. Marchitto, I will stand firm on my belief it is the developer should finish this road according to subdivision regulations for bond. He came here was permitted he wanted to build in North Attleboro and if people want to build in North Attleboro they should finish road completely. I'm not here to build a road or construct a road.

Mr. Houle, One thing I would like to add Don if we pull this bond and some ways I agree 100% with you say we finish it how are going to get it accepted? Maybe on this we should talk to town council?

Mr. Sweet, Make motion to accept extension until 12/8/07, seconded by Joan Marchitto for discussion. I'm under the impression that we can start proceedings against that bond anytime we want.

Ms. Burgess, If I call Mt. Washington tomorrow they will tell me you have extended it?

Mr. Fitzgerald, He's waiting for me to call him tomorrow morning.

Mr. Cerrone, All in favor 4 to 0 come back on July 12th. with progress report.

5) Completion of Queens Grant Subdivision;

Rick Bessette and John O'Neal present.

John O'Neal J.H. Lynch, Submitted schedule today based on John's partial punch list.

Richard Thimot returned at 9:27 P.M.

Mr. O'Neal, We got punch list from John with 22 items.

Mr. Lavin, We had a workshop 3/20 and we went over issues installing street signs, etc.

Probably what you should address right away is the water as far as integrity of the road coming off of Gerard Rd.

Mr. O'Neal, We put action on that to meet with you one more time.

Mr. Lavin, If it's going to wash out the core of road it will be an issue.

Mr. O'Neal, We think it's coming from Allen Ave.

Mr. Lavin, There are two places you have pipes that have to be addressed to DPW.

Mr. O'Neal, Few foundation drains and maybe some down spout drains. We could cut them off and plug them at right of way.

Mr. Lavin, It's coming from Allen Ave. because it was cut down 3ft. DPW allows connections.

Mrs. Marchitto, Have you submitted plans on the sub-drain?

Mr. O'Neal, No they're on the lots they run from daylight on the lots.

Mr. Lavin, Those are sub-drains and the foundations I don't know what you did with the gutters it can't come onto roadway into right of way. You have permit those individual 5 lots since they're sold you'd be doing it for the homeowner. Other issue is surface water.

Mr. Cerrone, It doesn't come from Allen Ave. it comes from where you cut grade in backyard.

Mr. Sweet, Soils that are there are not allowing the water to perk, not allowing it to drop through.

Mr. Cerrone, You have to capture water before it goes to roadway.

Mr. Lavin, Yard drains.

Mr. O'Neal, Approach the board would like us to take is yard drains into catch basin and I have to go to DPW get permission to tie into drains.

Mr. Cerrone, You have to get a plan there is also telephone pole in the way.

Mr. O'Neal, We can approach these people and hopefully they will let us in their yard.

Rick Bessette, I didn't build houses on Allen Ave. they were Form A's. If their driveways had positive pitch back to Allen Ave. they have gutter line maintain Allen Ave. and water would stay there.

Mr. Sweet, Do we need hydrology report on soils?

Mr. Lavin, You have to determine amount of water coming off and any underground so system that is already designed is sufficient. If you look at DEP standards really suppose to take into consideration water shed coming towards you when you design for stormwater. One area it seems like it's a spring and then it was cut down couple feet it's perched water but it's also springs.

Mr. Cerrone, You have trees in layout.

Mrs. Marchitto, There is also sprinkler heads right at the curbing.

Mr. O'Neal, Sprinkler heads we ripped them out when we put curbing in they came back and put them in there. He's going to take street trees out of right of way and put them within property line.

Mr. Bessett, Sprinkler issue is you have 7ft. there isn't a sidewalk and we're planting grass down to curb. If we don't keep that grass watered if we keep sprinkler heads 8ft. back from the curb the only way to water it is water street at same time.

Mr. Lavin, They have short heads.

Mr. Bessett, Every house there is mandatory has to have sprinklers that was our regulation from sales point of view.

Mrs. Marchitto, Corner house Amy Lane and Allen Ave. Last time I heard you put a retaining wall and put access, extra curbing because they have a handicapped child.

Mr. Bessett, I met with homeowner before we put final paving down.

Mr. O'Neal, There was construction easement shown on the plans in order to slope that back proper slope. What you see out there is basically legally what we can do now. There is no way to go onto that lot and slope it back. We approached homeowner couple times their house is elevated 5 or 6ft. they didn't want to lose backyard space.

Mr. Bessett, According to your regulations we cannot put a retaining wall in right of way. We can't go onto her property and put retaining wall unless she says it's okay. She had agreed to let us cut slope back and what she wanted in exchange was us to put another driveway cut so the bus would be able to come in.

Mr. O'Neal, There was permit needed for curb cut my understanding it was designed on plan. We brought Pavo in we told him straight through we'll deal with it later. Ray Payson was with this person too.

Mr. Bessett, He said if it's not on plan don't do it.

Mr. Cerrone, You can come in and make an amendment to that plan I don't think the board would have denied you to get that wall done.

Mr. O'Neal, When you call us back in we'll have a solution and we will talk to the woman and see what she wants and what she doesn't. When you tell them what 1 to 3 or 1 to 4 slope is go 8 or 9ft. into your backyard they want it sloped but they don't want to go back 20ft. One of the things we discussed with Ray was we might be able to go back get back to end of right of way and then do slope with riprap or something on the property so she doesn't lose as much in backyard. On schedule each one has date for completion. Signs have been ordered, no street lights the poles were back ordered last Fall I think I have three poles to put in there.

Mr. Lavin, Install hoods on catch basins.

Mr. Cerrone, Raise fire hydrant, concrete bounds all that stuff can be done. You should be do all this stuff in month.

Mr. O'Neal, Depends on items we put dates what we thing we can do it on. I can't touch detention ponds until I go to conservation.

Mr. Lavin, Only the ones within 100ft. buffer.

Mary Burgess with talk to conservation tomorrow.

Mr. Cerrone, Televising existing drain system.

Mr. O'Neal, Have an issue on that we paid Earth Tech for inspection as far as I know we've never seen anything, any letter that he was out there when we put drain line in that things weren't acceptable. We paid inspection fee once why do we have to pay another inspection fee and pay to televise it? We've jetted and cleaned every catch basin last Fall before we paved.

Mr. Lavin, I didn't see it but he told me he'd have to get receipt.

Mr. O'Neal, The things we have total control of we can do right away.

Mr. Houle, Can we plan on this thing being done by winter?

Mr. O'Neal, Absolutely if we can get cooperation with DPW on water issues. One house where big issue is we get it engineered, get a plan and get it to you.

Mr. Cerrone, We'll send it to DPW.

Mr. O'Neal, We're going to try and meet with John next week knock off immediate issues.

Mr. Cerrone, Give us report by July 12th.

Mr. O'Neal, Is there any evidence that it is getting under road, is any damage to pavement?

Mr. Lavin, You don't own the lots but you can't have water coming on public road so it is kind of catch 22.

Mr. Houle, You did own that lot and knew whole problem was existing then because water was coming out then. Why didn't you address it when you owned the lot?

Mr. Marchitto, They stockpiled dirt so water was probably getting somewhere else.

Mr. Cerrone, Give board report July 12th.

Mr. Lavin, Pre-construction meeting was 7/23/03.

Mr. Bessett, What do we do with sprinklers?

Mr. Lavin, It is still private property.

Don Cerrone and Richard Thimot left the table at 10:02 P.M.

3) Update of work on Hickory Woods Subdivision;

Fred Bottomley, I was made aware there is some type of letter coming to me and in response to your certified mailing I respectfully say that we could not comply with any anticipated construction schedule. I have to reference your thought process to you 10/12/06 letter. Planning board agent at the time confirmed that planning board at it's 10/5 meeting voted to modify the definitive subdivision plan entitled Hickory Woods Estates. By approving drainage revisions, etc. I think it was specifically put in that it would be subject to all future comments from conservation, DEP, DPW and electric dept. For the record as of 5/24/07 we have not received any communications from any of those boards that you subjected your approval too. I am aware that town has gone into having secret meetings. Our concern that we've expressed numerous times are where the project is going we want to finish it. I heard you say to Mr. Fitzgerald and others we bought it with understanding that we were going to do it. You all know the history but in preparation for tonight's meeting I went over this with John Lavin earlier dug out communications from town engineer at the time the job was completed satisfactorily reference Harold Bishop. As I shown John we were able to get as part of our discovery process against Earth Tech able to get some of their inter-office e-mails with their actual work progress sheets. When we did our freedom of information act with the planning board we served notice to them because the billings from Earth Tech through the whole process did not equal the work progress reports that you got. This particular one on their letterhead talks about the road it happens to be Barry and Thorpe that is why at last meeting I was here saying there has never been anything wrong with Thorpe can we at least get one road finished. Based on our last meeting we were wondering the status of the joint dept. meetings. We know that tonight Mr. Achin is in audience the chairman of board of health asked the selectmen to fund \$37,000 to investigate more homes contributing to the roadway drainage problem on Harold Bishop. Selectmen have taken that under advisement. In talking with selectmen Belham afterwards it seems they only want to do 20% of the homes and once again for the record we did not build any of homes, did not do any of the drainage of homes or septic systems or excavation or anything. It seems that there is still not a consensus by departments as to which way to go at Hickory Woods. The homes are still draining into gravel area. Their latest proposal seems to be very far fetched that they want to put drilling rigs beside the foundations of the homes and pump smoke down holes to see if it interacts with the foundation drains so that they can see how it then will react to roadways. I think this is the fourth meeting if nothing was wrong with William Thorpe and that the drains that were put in pursuant to the plan were certified and sent to the planning board as well as to conservation in our every two week update to conservation. William Thorpe Circle should be allowed to be completed and correspondingly Jon C. Barry should be allowed to be completed. There is even a question now because electric dept. hasn't ruled on certain things even question whether we could put up streetlights, which are now in we ordered them in November met with Gene Allen last week we would like to get streetlights out there. If this letter that I'm getting has anything to do with construction of Harold Bishop without a consensus of boards we would need to have some type of indemnification and hold

harmless. I had also asked the board in writing how they would be handling the bond reductions as work is completed. Board is aware that Allen and I have approximately \$315,000 sitting in cash passbooks for completion of roads at Hickory Woods. Work that is covered under bond William Thorpe for instance there is no granite once granite is laid and installed we would be coming in for bond reduction pursuant to bonding schedule that had been created so that we can pay the sub contractors. This has just gone on for too long and unfortunately I think other boards are taking to a much longer state, which will end up as I stated publicly to the detriment of the residences.

Mrs. Marchitto, We do have letter and board members wanted to see the draft of letter before it was given to you. We met with Mr. Ferris do board members feel comfortable with this letter?
Mr. Sweet, Yes.

Mrs. Marchitto, We want as a board to go forward.

Mr. Bottomley, You shouldn't be in construction business but you have to do it correctly. How did selectmen know about this letter? Is there June 18th. date on the letter? Does letter address things in stages like William Thorpe?

Mrs. Marchitto, I think we want to get to that I think that is doable process I think we want some information first.

Mr. Bottomley, Reading in letter dated 5/24/07 addressed to Fred Bottomley and Allen Riley dealing with Hickory Woods Estates (insert). I can comply with about 1% of it and 99% I can't, of 99%, 94% I won't. We did not build any of the homes; we've been over this issue many times. The residence that have been at every hearing when we were at police station were told by DPW specifically Bob Norton that each homeowner can go if they want to DPW make out individual applications. I think to shift the onus to us who had nothing to do with any of it and no nothing of their individual conditions is far a field of what the issue is. We are the ones that have brought to attention of all the boards the various issues. I've told this board on numerous occasions that you approved every house to have groundwater recharge. I've told this board that not one house was built with any groundwater recharge. I've had lengthy discussions with conservation that every house that was issued an order of conditions based on NOI that was supposed to have groundwater recharging. The prior conservation agent informed the commission that all the issues of compliance were done and subsequently conservation issued certificates of compliance to every one of the homes that were under their jurisdiction. Shannon is aware that none of the homes that were built have groundwater recharging, which is more important in buffer zones than to have direct unabated runoff. Reason once again for groundwater recharging was to comply with the 80% TSS removal rate. I have certainly tried and I go back to your 10/16 communications. I go through every sign off report of construction standards that were done during the whole process. We firmly believe that contributory surface runoff not total issue it's contributory planning board regulations do not have any control over sub-surface conditions in definitive stage. I think we can all sit here and adequately agree that when you break through these various stratters of soil. Whether the builder went too deep with the house, which Allen and I have proven in some instances where some homeowners have septic systems that are built too low to groundwater. Breaking through these different stratters you're all aware of how the master plan is put together when you find 4ft. of suitable gravel or perkable material it has to meet certain standards but it has to be 4ft. If they break through that layer they're going to change the whole drainage because your house is based on the water table and perk of the land as tested. If they change the locations of the houses and change locations of septic systems without doing additional as the case is they did not do additional percolation tests. That has already been proven board of health knows and you know. Septic systems were moved from proposed plan, houses elevations do not match up in

many instances with the plan submitted to board of health. We know that Mr. & Mrs. Burn's house is 3ft. off from where it was proposed in board of health plan. We know that Mrs. Riel who is sitting here she found out that her septic system her bottom is only 3ft. above groundwater where Title V says minimum of 4ft. Her whole system is in violation of Title V. Nicole Riel, I cannot prove that we have two test pits done. I have heard so many theories as to what is wrong with mine.

Mr. Bottomley, There is so many individual issues that effect this roadway that we don't know what way to turn. We certainly would go in immediately and do exactly what you approved in your modification on 10/5/06, which was to grind up the existing asphalt, regrade it in place, which is what your vote was and on top of that put new binder coarse. On Harold Bishop all granite curbing gets ripped up we all know that you get brand new base, granite curbing goes back down correctly inspected by John and new top gets put down. Same thing happens at Jon C. Barry that roadway we've already submitted you have the asbuilts here for almost year and half showing all the various elevation changes. Asbuilts even show the proposed and the existing we did what it should be and what it is and all of those streets were done. That is how we came and told you that in one area the catch basin was off 8 1/2" another area how they lost 6 1/2" in the crown on William C. and Barry and 50ft. We've supplied the bulk of this so many times and yet William Thorpe is fine. Jon C. Barry the whole thing gets ground up, which you've already approved and regrade in place a uniform crown throughout, granite curbing goes in, final coat of asphalt goes down. We're willing to do that and start immediately. We've asked you are you going to release the money. Is it going to be accepted at town meeting? I've said numerous times I think road acceptances have to change. Road acceptance should be something from the planning board. Our engineer says it's fine, we say it's fine, planning board is the one that should be standing up at town meeting and moving it forward. To have the lonely developer having to go to FinCom and take verbal abuse that they're handing out this past spring is absurd. I do not know where to go because the town has not come together on these projects. If we finish these roads and you still allow the drains to come into them like they are you're going to have a bad road I don't mean in 30 years pick a short number of years it will deteriorate. The alligating of asphalt is because the gravel underneath gets wet and yet because of more drains being added I go back to your own correspondence of 12/3. There is letter from your engineer that says except for three very small areas other than that your own project engineer says everything is satisfactory on Harold Bishop year was 02.

Mr. Lavin, What was it based on why was the letter written?

Mr. Bottomley, Obviously it came from either the town planner or somebody on the planning board looking for a progress report and everything was done. All I keep saying is the more infusion of water from these homes is an intrusion into roadway. Please vote and get it through town council to indemnify and hold us harmless, you'll get your roads I don't know how long they will last. I say this with all due respect the intent is great, we more than the residence want to get it taken care of. I don't see as of meeting I was at this morning I don't see the electric dept. on board, I don't see dept. of public works on board.

Mrs. Marchitto, I have letter from 5/15/07 to us from DPW trying to incorporate their concerns into this letter.

Mr. Bottomley, The asbuilt plans that this board has had for couple years obviously never went to DPW. We used to bring them to DPW when a certain director was there. We have serious concerns that in a direct one on one conversation the director said to me that they fully understand that the planning board controls subdivision control and that DPW has every right to stand up at town meeting floor and say do not accept these roads. Meeting before 5/15 there were other people there. I think you were all on right track couple months ago of having joint

meeting like we had last Fall at the electric dept. If personalities hadn't taken over that meeting I think there would have been and can be in the future resolution of all of the issues. We've supplied you in writing we have receipted copies of their installation regulations showing that everything up there is installed per their regulations. That their conduit is 8" underground in the pull boxes. Letter I get tonight asked me to fix something, which I've already asked them to either allow conduits/pull box to be above ground on port pad or something. Every piece of underground conduit has water if not from act of water coming in it has it from condensation. What we have there and we've shown you on the asbuilts showed you elevation change from station point to another station point. No one is saying that the electrical is built incorrectly, no one is saying the inspectors for the electric dept. screwed up.

Mr. Sweet, It only says that one electrical handhold with water bubbling up.

Mr. Bottomley, That is correct what do you do with it? We've already asked the question. We thought a reasonable solution was to raise the elevation of the handhold on down gradient side and put an extension on up gradient side. Their installation, which we supplied you copies of their installation regulations are very specific supposedly unwaiverable. Height of pull box cannot be shallower than 2" to the ground, no more than 4" above ground. Conduit ends up being minimum of 8" underground and pull boxes are bottomless boxes they're not sealed unit. Any water that gets into pull box automatically goes into the conduit there is no sealant for the conduit.

Mr. Lavin, In past three weeks there have been times it hasn't rained and the water is still bubbling up. As far as filling up into other handhold as you're going down street on left-hand side going to right hand side is where we're talking about. As far as I've seen elevation go up it's only been on the box but couple days after when there has been no rain the water is still bubbling consistently. Your saying it's coming from one side of road to other. When was last time you pulled the box?

Mr. Bottomley, Week ago last Tuesday there was water in the pipes to top of pipe and it was all iron stained at bottom of ground it wasn't bubbling on other side that day.

Mr. Lavin, Pipe has been full of water because it has gone up besides that I think there could be something else going on with other trenches that have possibly been dug there before.

Mr. Bottomley, No.

Mr. Lavin, That is your opinion I'm giving you mine.

Mr. Bottomley, I respect your opinion and I would tell you to see NA Electric on it.

Mr. Lavin, Not electrical trenches other trenches that were there before.

Mr. Bottomley, I'm talking electrical trenches there was no break through. We've supplied this board and you with all of those construction digital photos we did when we dug down before we put barriers in the ground, etc. If the water is coming out of the electrical conduit those conduits are all in poured concrete, they're inspected and signed off by electric dept. Is water going through the concrete that is a possibility, do I think so no.

Mr. Lavin, Is concrete poured within the handhold?

Mr. Bottomley, No but that was my recommendation to do that and they rejected that.

Mr. Lavin, Just another possibility instead of it going through could be coming up the pressure from below is bubbling up. The path of least resistance has been dug there before.

Mr. Bottomley, I pulled both gradients and I've seen it coming out of the pipe instead of coming from the ground. If the handhold is full of water and you have pressure coming out of the conduit then it's coming from the conduit. We tried to put a swale from that area a drain liner in the ground from there back to the catch basin at end and we did that on site with you back to catch basin. If you all remember Mr. Lewicki who lives on the corner would not grant easement to drain that manhole. That would be solution that would stop the bubbling up and

out but there would still be water in the conduit always. What we did find at Hickory Woods we didn't design this that the electrical should have been on down gradient side and we wouldn't have been damming the water on up gradient side. Any sub-surface water would flow hit our bedded material of our drain lines and our water lines, which then obviously run by gravity that would have wicked or seeped the water away to a lower point, which happens to be the catch basins and down end of cul-de-sac of William Thorpe. That particular subdivision electrically was designed by them to be on up gradient side. We've never had this experience on west side of town. I have popped boxes in every single west side subdivision without permission but I wanted to see if we were so different every conduit has water, every area has rust stain maybe that is reason that there should at least be options of having above ground in future. It doesn't help our situation now, bubbling situation there we said we can pour pad, raise the boxes out of ground do all sorts of things and those have been rejected. On that particular one item I don't have any control over NA Electric this is why I thought this consensus that you all were on track with I was in favor of it. If you can all sit down and say here is our problems how do we resolve it for the residence primarily, for developers secondary if they're going to do this and this we're going to support it right through town meeting it's all done. Maybe it's too simple a thought everybody just sit down and get it done. It is 8 or 9 months later on an issue that was first brought up last Fall about sitting down and I haven't been called to any meetings of what I can do and there is a lot we can do and want to do. Last Halloween Don's wife was worried about streetlights for the kids we went out and rented all high-hat towers and we lit the whole street up so the kids wouldn't be on dark streets. I applied for all my streetlights in November they didn't have any they would be in January they didn't come in. I submit two more letters in last three weeks to NA Electric they now have nine streetlights is what we needed. Now they tell us because of new policy we need to give them \$11,000 up front and we install them because they've changed their policy it is pay as you go. We're just beside ourselves every day we're doing something on Hickory Woods and none of boards or depts. are together. I don't know how to pull them together I don't have that power or authority. 1% I can give you additional copies of the asbuilts that had already been logged in here I can even give you copies of the receipts.

Mrs. Marchitto, Would those asbuilts have the work that was done in November when you buttoned up for the winter?

Mr. Bottomley, That would be on a separate plan, which would be the approved plan that you approved. We would show the field changes that were approved by John Lavin we changed locations of drain away. You must understand that John Lavin inspected all of work that was done on drain aways. Joan asked me what I can do. I'm not going to pay an engineer to go out there the engineer we had is not on this project anymore. I will recopy you with the asbuilts of the roadways showing all the deficiencies from what it should have been to what it is that is what you voted for us to change from in October. We will show the locations with two modifications of the plans that you already approved and that were inspected. You already had detail of existing drain away I know your engineer because I have the e-mail was even copied from Connecticut outfit through e-mail, which is your item #2.

Mr. Lavin, What he's referring to is an e-mail came they said they used it.

Mr. Bottomley, Of what the product was.

Mr. Lavin, But you need asbuilt in the field.

Mr. Bottomley, We don't have that we will mark it on the plan that you approved.

Mr. Lavin, It will be satisfactory to complete the drainage system too.

Mr. Bottomley, We're done with drainage system.

Mr. Lavin, It's not as approved plan.

Mr. Bottomley, We submitted letters saying what was going to be changed from that approved plan. We had a meeting here on it if you check the tapes you will see that those areas that we deleted were approved to be deleted. NA Electric at the meeting said that we could not cross their conduit I have never seen a communication that changed it otherwise. What was done in the field yard drains, which are not permitted to be tied in they were put between the curb line in NA Electric's easement. I'm not going to get into any legal issues unless I'm put. If NA Electric has problem with the planning board or vice versa you guys work it out. If they say I can't cross their easement I'm not going to cross it they've already threatened to sue us. As you remember we had to relinquish our council of twenty something years Redmond because they also represent NA Electric and they're a much bigger client than we are. Am I going to submit to you #3 plan on driveways no we already know they're wrong. Why would I engineer something that is wrong? I didn't put them in we know there wrong we told some of the homeowners they're wrong we told builder of homes they're wrong. Does building inspector when he issues an occupancy permit read or understand your order of conditions? I don't think he did.

Mr. Sweet, I think the term driveways are the cuts.

Mr. Bottomley, With that I would think that on Harold Bishop three or four homes do not meet town regulations as to side slopes, which isn't covered in this finished elevation issue within your layout we know that there is certain areas. I think there is only one house on Jon C. Barry that doesn't meet a 4 to 1 everything else does. Obviously we're not addressing Pinonnault or Beaupre, which there maybe many that do not meet the side slope requirements of planning board. I don't see on #4 how that can be done and I don't see why any PE would sign a statement as to that effect because the issues have not been resolved primarily and secondarily it would be crazy to sign the letter. As I said to construction schedule we can get right in gives us permission to start on William Thorpe, which had no roadway problems. We'll give you schedule for granite curbing installation we'll give you finished paving schedule, sidewalk schedule, etc. We can do the same I believe on Jon C. Barry.

Mrs. Marchitto, You think you can do Jon C. Barry with that electric?

Mr. Bottomley, I had previously stated you have to work out the electric dept. if everything is okay there and certainly those can be done. On evaluation of sub-drain and surface water collection systems we got into it before you approved it on 10/5 I believe. You knew that you were approving at the time something that DPW did not approve. I think what this letter in reading DPW I think you're trying to find a consensus and agreement between two boards. One board which was in writing against your approval way back if you remember conflicts in letter approval, date, time, etc. I have copies of everything if you would like that. I'm not going to get back in and redo the plans and basis of the plans of what you've already approved. We spent \$107,000 with contractor at the time just doing what you wanted. We spent \$120 something thousand as pay out to the engineering firm to do the plans that we were continually updating before the board. I completely agree with John Lavin as to #2 I can't dispute that at all. There are still issues of surface and groundwater some of which is a contributing factor from the homes of how they were built and I don't think the groundwater issues will ever be solved. This has blown up from couple homeowners with drains that are too close to septic systems and maybe the houses were built too low to stopping the completion of whole subdivision that is what's happen here.

Mr. Lavin, That was when board of health was called in when it really got blown out of proportion. It was going along pretty good.

Mr. Bottomley, I though it was going well John I don't sit on any of these boards. The chairman of previous planning board said that there was contributory water coming from these

homes and it had to be addressed that is in your minutes. Investigation said okay how were the homes built? Every driveway had the redrock from Cerrone's car dealership, water flows through there you can see water pouring out of people's driveways you and I have walked it. On Barry you see water blowing out of middle of a driveway once again it's because of how the house was built, how driveway was built.

Mr. Lavin, I think it was also because of cutting into existing grade. The road should have been raised up and there is streams coming from backyards.

Mr. Bottomley, I can agree everything as 20/20 as soon as they cut through these soil levels somebody said that there was a fabrication of the LSC and perk rates, etc. That is bunch of baloney but house locations were changed, septic systems were moved and you and I both know they didn't do new perk tests.

Mr. Lavin, I don't know that.

Mr. Bottomley, The board of health has confirmed that they didn't new perk test they did deep hole observations. I know what I saw because I was there and perked every lot. I have various licenses with this community. I know what was done because I've looked at the building records and I've looked at board of health records. As I said you have so many different soil layers and if you go through a heavy layer of beautiful gravel and you hit something that is less pervious that is the layer where the water runs at. You break through that layer, which may only be 10 or 12" deep as the case of what we dug out.

Mr. Lavin, If the roadway was above it that is the whole problem. The comment you said that the planning board doesn't have anything to do with groundwater they do because of the integrity of the road as far as DEP.

Mr. Bottomley, What I meant was you don't account for sub-surface water conditions under subdivision control. This planning board knows that there was a 14ft. fill coming up the hill.

Mr. Lavin, On one side but there was cut on other side.

Mr. Bottomley, The cut, which was very minimal goes through certain layers. When you put house in and you break through all of those layers then the water flows at different levels. Water will always find it's release point is point of least resistance that is where water comes out. In #2 I agree with John there is still water coming out of the hills, you can see heavy iron and rust staining that happens. But to make statement that the developer shall rectify these water issues immediately there is nothing I can do they're coming out on private property. We know that people have foundation drains that drain into other people's back yards, which then come around. We know house on corner of Jon C. Barry and William Thorpe his whole back yard was dug up and all filled in with crushed stone and his whole back yard is one big dry well, which then dumps out into the woods and heads back down towards Harold Bishop.

Mr. Lavin, That area is where there was trench dug before that is why it was path of least resistance before it was developed. Once you dig into it everything will just go to it that is from Mr. Lewicki's house hand hole right down into Harold Bishop. Other thing is in Mass. DEP aerials show on back of Barry Dr. left side toward cul-de-sac in the back yards I've been there several times probably five times in last month. There is just water flowing and it did show that it was contributory at that one time where it goes to farm most of it but there was contributory coming down. It's flowing it's two streams.

Mr. Bottomley, I brought to this board's attention on at least three separate occasions first one Pat Redding was sitting as chair those that were on board at that time or you can refresh yourself with the tapes. Catch basin that is on intersection of Mark Scanlon's property and Attleboro Farm & Garden we were asked by the planning board to run drainage up that sideline Mr. Scanlon gave us permission to do that and to tie it into catch basin. At that point in time we brought to the planning board's attention that Attleboro Farm & Gardens approved site plan

called for rear yard grading along the stonewall at the end of William Thorpe to be swaled down to a retention/detention basin in front of his property adjoining where Mr. Scanlon lives now. The board did an inspection of that confirmed that Attleboro Farm & Garden property was never graded the way it was supposed to be still sheds water back and his retention/detention basin was never built and water just dumps into the catch basin at the street. I will tell you there was no water streams or otherwise on that property it was thoroughly walked by conservation, hydra engineers, wetland delineators, etc. The photo that Don Johnson prepared for the board one time he had the locust of the subdivision switched over the property line onto Attleboro Farm & Gardens. There is substantial wetlands at back end of Attleboro Farm & Garden that heads back out to Rte. 120 and crosses under 120 and heads down Sheldonville roadway. I can only refer you to planning board approved plans of how Attleboro Farm & Gardens was supposed to be graded. Are we getting water coming that way working around the basin the answer is yes.

Mr. Lavin, It does come on there but that was not what I was referring too as far as garden. If you look at DEP maps before existing home it comes out and splits before that and then these two back yards of lot 28. DEP wetlands map show contributory splitting before that the majority of it going towards the farm and small tributary it could have been intermittent at the time. What is happening is back of two lots is just pooling up and obviously they've been pouring out into roadway and that is where the yard drains were supposed to go. There is one that was installed previously.

Mr. Bottomley, Yes under direction of Earth Tech. The water that comes from Fales Rd. which is the highest area in town of North Attleboro flows between three homes Mr. Potter the house next door set way back off the street and that water flows as it always does downhill. Two homes that John has visited with me it is pocketing in their back yards in the woods builder of the homes did not landscape more than 25 or 30ft. out and left depressions in back yard. I would think when that puddles up it is being forced back down if it can escape it's natural bank area because it's been blocked by landscape yards and houses out of the ground. In those cases an 8 or 9ft. fill and builder made no provisions to move the water around the homes to get to street drains. We are getting blowout as I've said through the driveways, etc.

Mr. Lavin, That's not what we're talking about we're talking about surface water from the back my opinion does not puddle once it reaches certain level it fills the cup everything just keeps coming in.

Mr. Bottomley, We have put drains out there.

Mr. Lavin, It's still pouring onto stairwell that is same situation we've talked about in other subdivisions to protect the road.

Mr. Bottomley, We have put all of those yard drains Mr. Payson correct me if I'm wrong wanted to correct potential of two issues one was surface and one was sub-surface. The surface issue the drains were put on property line in swale areas between the homes so that surface water could get to them. Sub-surface issue we had these ADS units made that have pop-outs so that if individual homeowners got permission from DPW as well as NA Electric because they would have to cross NA. Electric's easement with conduit into these drains and would then take it into the municipal system. As of right now I don't know of any homeowner that has petitioned or has hooked up to these surface drains that we installed. What we installed is what you approved back in October.

Mr. Lavin, Except for the locations.

Mr. Bottomley, We did not have access to anybody's private yards to attempt to regrade their yards nor would we because that is just an endless cycle. Not to speak against the builders because I've done business with them for 30 years but the grading of a yard is equally as

important as the landscaping that is at the foundation. If these lots don't get graded properly and they're creating the damming of surface water and not allowing the water to be released or alleviate to street drains. These lots are on private property that have been landscaped by the builder as well as the homeowners. We don't control people running their irrigation lines five out of seven days a week, there is so much water that is flowing surface even in non-rainy times. When you have water running down your gutter line of your street because of irrigation that tells me they're over watering.

Mr. Lavin, In cooperation trying to get this done have you contacted the builder to find out where the pipes are?

Mr. Bottomley, Yes we've asked many times. I understand the builder has delivered recently 20 some odd plans. What is frustrating about this whole thing is that downstairs they have the asbuilts of the septic systems. Upstairs across the hall they have asbuilts of the foundations. Who has to walk one flight of stairs to compare two sets of plans?

Nicole Riel, None of those drains are on the asbuilts.

Mr. Bottomley, No they're not that is the problem. What board of health asked the residence to do is the residence to supply where their drains are and/or contact their builder have their builder supply where the drains are.

Don Achin, I'm not agreeing or disagreeing on water. One section of my property that has large oak trees running along property between me. I'm on Harold Bishop I have hole in front yard I showed everybody where the drains were and I still have hole in my front yard. I was planting bushes last weekend talking about over watering my irrigation system wasn't turned on until Thursday of this week and my neighbor's wasn't turned on until Monday last week. I didn't get down 1ft. and I got water this is not disturbed property. I told board of health and I'm still sticking by it there is nobody coming back on my property. When they dug up my front yard to find the drains they promised me within 48 hours that problem would be corrected and that was 7 months ago and I still have hole in my front yard. Wonder why water is still running out in the street you have three pipes that are drains that are just laying on the ground. It doesn't even have to rain you can go there today and there is water running out of those pipes. When those drains were not around the foundations every basement in that project would have tons of water if those drains weren't put in.

Mr. Bottomley, I can't disagree with what Mr. Achin said I didn't witnessing him digging shrubs but I do know that is some of the perks that were done and Mr. Kearns has been before this board numerous times. When his lot was done water was found at 12" kept digging deeper hit beautiful gravel got less that 2 minutes rate and it perked. Septic system if it was 2-minute rate should have been 5ft. higher than the water table and his foundation his basement level minimal should have been 12" above that. That has not been the case in many of these homes that were done up there. I believe Don dug down and got water.

Mr. Lavin, If pipes were squared water and surface drains are squared away you're all set. Foundation drains are identified through board of health we know about water coming from backside just surface water and then you have water at the handhold. Those three issues other than that you're all set to go as far as sub-base there is no water coming from any place else as far as below the gravel burrow. We identified three areas drainage coming out the pipes, and at handhold.

Mr. Bottomley, I think there is going to be a sub-surface water situation up there in the subdivision in it's entirety as it effects the roadway. Do I think more drains could be added? I think any other location as you find out would put them in violation of Title V further up. There was no need to put them further up we proved what was wrong with Mr. Burn's house it was 3ft. too low that is why he gets water in his basement.

Mr. Lavin, He had water twice from what I understand. In sense it's big issue because it happen but it's not like he gets it everyday. There is also water shedding from backside.

Mr. Bottomley, From Fales Rd.

Mr. Lavin, Engineered plans were presented to planning board they approved the concept based on engineering that was submitted. Get rid of the drains they shouldn't be there, there is surface water and then some conduit you should be all set from there.

Mr. Bottomley, That is what I said I'm looking for permission to start at William Thorpe continue out to Barry and then if there is consensus amongst the boards. I want a consensus of the board and I want my money I have \$315,000 sitting there for years and I've just been jerked around.

Mr. Lavin, By who?

Mr. Bottomley, I guess boards that want to meet in secret I don't put the blame on planning board. How many meetings in secret in last two months? I've heard like six.

Mrs. Marchitto, I've gone to two executive sessions.

Mr. Bottomley, I thought executive session was to only discuss litigation issues. In this town they call executive session for anything. I can go back to conversation and ask if they're happy that they issued certificate of compliance because that is all they've done. Shannon can give us copies of them. I don't believe they were done correctly because plans of planning board were not followed.

Nicole Riel, I've listened to Mr. Bottomley at every meeting request the same thing accountability on the builder the builder is not here. I don't understand why the builder is not called on the carpet expose the drains let's get this show on the road. I need somebody to explain why this board cannot force them to tell us where the drains are and why has it taken this long to see it on paper. They don't know for certain where drains are it is just drawing a red marker I've seen it. Why was it never put on paper to begin with?

Mr. Houle, We have no control over that.

Mr. Bottomley, Yes you do that is where you're wrong. They have construction supervisor licenses, which they use to pull the building permit. They have licensed by town of North Attleboro they have septic install license the exact same licenses that I carry. Those two issues make the issue of accountability whether you have to go through board of health, which means the cooperative work that I've been talking about or through building inspector once again the cooperative work I've been talking about. That is the only thing that is going to bring them in is the accountability of their licenses.

Ms. Riel, In my opinion they are the contributing factor that has stalled this whole situation. I know there is foundation drain between two of those houses. Why can't they dig it up and tie it in? Two houses on Jon C. Barry and water gets into the conduit box there is foundation drain I think it is house #14. Peter Darble told me last week foundation drain goes under driveway and it is contributing to the water that accumulates in that electrical box, which then goes down the conduit I'm assuming into Lewicki's property. The owner has known this for over a year because Dave person who installed the foundation drain had told them that it was there the homeowner. I'm told Ray Payson walked the lots with the builder and as well as Mr. Cerrone. You guys have known where there foundation drains are. Why can't we just dig them up let's start connecting them or do whatever we have to do we just want the roads done. If this is what's holding it up and it is what he's asking for why can't we do it?

Mr. Achin, You're never going to stop water there is water bubbling up on Rte.120 near Fred's house.

Mr. Bottomley, I have french drains around my own house that drain onto my own property.

Mr. Achin, I'm talking further up the hill.

Mr. Bottomley, Yes blows out of side hill.

Ms. Riel, If foundations drains are contributing to the water that is pouring into the street I am under the assumption they need to be tied into catch basin. So if you know where they are fix the ones that you know are pouring into the streets so he can finish the road.

Mr. Bottomley, Asking Don Achin why he hasn't gone to DPW and requested to tie in?

Mr. Achin, I said the day everybody stood in my front yard and dug pipe up I said if that pipe needs to come out all somebody has to do is tell me. Nobody has told me that pipe has to come out but why has nobody hooked anything back up again? 48 hours I was promised that whole would be open 7 months ago and it is still open. Fred's construction people promised me.

Mr. Bottomley, I said it would be open until the town decided what to do.

Mr. Lavin, It is your land where they're discharging onto private property you can take some action as far as stopping the discharge.

Mr. Bottomley, I'm doing the action I'm the one that brought it to the front. I'm the one that told board of health, I supplied the plan, and I paid for the engineering to show how people's homes are in violation of Title V according to me. Board of health can decide whatever they want and they just haven't made decision.

Mr. Achin, Title V is different problem all together.

Mr. Bottomley, That is where the foundation drains they're contributing to water into sub-surface of the roadway. Do you agree?

Mr. Lavin, Yes but it has nothing to do with Title V it is water as far as we're concerned it is coming onto your property.

Mr. Bottomley, It does have something to do with Title V because it's in violation.

Mr. Lavin, But as far as stopping the water it is coming onto your property it is private property that you own.

Mrs. Marchitto, All foundation drains you're saying are in violation of Title V?

Mr. Bottomley, The ones that we brought to floor front. It has always been board of health hasn't it.

Mr. Lavin, Do we plug them up they went on your property?

Mrs. Marchitto, I guess as part of getting asbuilts and idea was to get evaluation to find out where we can go and if we have to go to board of health or DPW.

Mr. Bottomley, I wish someone would tell me what the impasse is between the depts. I thought that at last selectmen's meeting that everybody was going to get together residences, developers, public meetings I heard the whole thing. None of that has happen and it's been 7 or 8 months. What is the impasse, why do we have this log jam between depts.? We'll rip out his pipes if he doesn't have permission but he said that 7 or 8 months ago. We were invited to one meeting at the electric dept. that turned into character assassination not of us but of various town officials and nothing came out of that meeting. I've been to four public meetings since then and they keep talking about having joint inter-dept. meetings and everybody getting on same page.

Mr. Sweet, If you want to characterize it that way these are various depts. on same page. Have letters from DPW.

Mrs. Marchitto, We do not have letter from NA Electric but we did ask.

Mr. Sweet, We're doing what we can do within the law.

Mr. Bottomley, I think you can call a meeting of all the boards I don't think it has to come from the selectmen. How did authority get turned over to the selectmen? Not that they can't do the job but why should it leave the preview of planning board everybody understands control subdivision control. If you don't have cooperation of other depts. it has. You've asked for letters from NA Electric, you want drains connected. We've been told it's in writing that there is

potential litigation if there is crossing of their easement. How do you expect these drains to be connected? You folks collectively approve underground electric in North Attleboro.

Mrs. Marchitto, John, which ones have to cross electric?

Mr. Lavin, There is two out of two.

Mr. Bottomley, We're already in violation of crossing all the others with drain away in the streets.

Mr. Lavin, As far as going across it from what I understand was also because of the design the concrete was here you had only x amount of room above you couldn't get pipe across.

Mr. Bottomley, That is why we moved it on the inside so their pipe can be flexible come down, gravity is going to take it out. Who's responsibility is that?

Mr. Lavin, The clean out or yard drain isn't meant to be in right of way as far as yard drain that was an issue.

Mr. Bottomley, We didn't get easements from anybody to put yard drains in anybody's yards. I think we stated back in October that we would not work on any private property without the owner's permission.

Mr. Lavin, Plan you submitted showed it on private property.

Mr. Bottomley, Fine we screwed up.

Mrs. Marchitto, We're back to two pipes crossing two electric that is all someone needs from DPW and electric.

Mr. Bottomley, If they want to connect you can't force them to connect.

Mr. Lavin, Yard drain was going in then there was going to be stubs if they wanted to connect it to that.

Mrs. Marchitto, That may not even be an issue.

Mr. Bottomley, Our drainage is done I said just before Mr. Payson relinquished the chair we did per approved plan. If you want to open another modification and come up with a design.

Mr. Lavin, I'll review the plan and go over there are several areas that stubs aren't in on Harold Bishop and yard drains.

Mr. Bottomley, We want to finish it.

Mr. Houle, I keep hearing Fred wants to finish it and these people want it finished and here we are and nothing has happen. Bunch of people highly educated and nothing has happened.

Mr. Bottomley, This is fourth meeting in a row that we've asked the board to let us start finishing with William Thorpe first that had no roadway issues, the drain away was installed. To me that is a very simple request we also asked how are you going to release the bond money so that the roadwork can be paid for it another simple request. Usually bond gets released after work is approved that is all I've asked. I asked in writing if that is going to happen I've asked verbally four times if we put the granite curbing in William Thorpe as an example John signs off that he's approved it. Are you going to release the line item that is covered under that bond so we can pay for granite and work? That is purpose we did a cash bond if you're not going to do that then I'm going to substitute the cash bond with an insurance surety bond and you'll have no cash sitting there. That is at my election at anytime I want read your subdivision rules and regs. you can ask town council whatever you want.

Mr. Lavin, On asbuilt all retention basins are on there, swales in back, all swales 1 to 1 slope on Hickory Woods?

Mr. Bottomley, I don't know what's on there. The asbuilt that was submitted was only for the roadway. Asbuilt for Raymond Tatro is complete asbuilt and was accepted at that time. You may have different standards than previous board or previous engineer.

Mr. Lavin, I usually do what it says in the book.

Mr. Bottomley, Asbuilt that was supplied was for roadway surface not for drainage and inverts, etc.

Mr. Lavin, So we need full asbuilt.

Mr. Bottomley, At the appropriate time.

Mr. Lavin, Prior to bond being released if you read regulations.

Mr. Bottomley, Final bond yes.

Mr. Lavin, No.

Mr. Bottomley, If you're going to start making up separate things for Allen & Fred and treat us prejudicially and discriminately different that has always been then nothing is going to get done. We need the cash to do it or I'm going to take cash away and give you other surety because I need the money to do the work.

Mr. Lavin, I just clarify it when I started I read the book and followed the book. It says in the book an asbuilt shall be submitted before any bond money to be released. Once you set the bond you have underground, drainage, roadway profile.

Mr. Bottomley, I think what you should adopt is interim asbuilts.

Mr. Lavin, Could do it that way you just want to make sure roadway is built.

Mr. Bottomley, That is what we did and we found out that it wasn't we supplied that. We've been very open with the board catch basin that Earth Tech approved it is 8" low.

Mr. Lavin, They don't do elevations whoever laid it out.

Mr. Bottomley, I wasn't there for installation of a catch basin, frame and grate.

Mr. Lavin, Who shoots elevations for that?

Mr. Bottomley, Why did I pay a guy to sit in a car and read a newspaper?

Mr. Lavin, So what you're saying to me is I should bring my transit out and lay things out for you?

Mr. Bottomley, No but if you can see something that says cut 2ft.

Mr. Lavin, What if it was cut 2ft. and they installed it right but cut 2ft. was off? How do you check that?

Mr. Bottomley, How do you ever check it? Once that stake is you're an engineer you know they age old conflict is the engineer says his stake was right, the contractor says the stake was wrong.

Mr. Lavin, I'm saying how come Earth Tech is responsible for that for either one of those? You have inspections on the job.

Mr. Bottomley, We paid \$89,000 to inspect a job and we have all the approvals that it was done correctly.

Mr. Lavin, And you paid the contractor to put it in right too.

Mr. Bottomley, We have no recourse against Earth Tech because we're third party and their contract is with town of North Attleboro. That is something wrong also this planning board should be addressing if they're putting out to bid engineering services. There should be some accountability and there isn't.

Mr. Lavin, Where was the accountability as far as layout of this roadway? It's your roadway.

Mr. Bottomley, I haven't shirked that responsibility I paid to have a layout have good road built and I may not have gotten either one.

Mrs. Marchitto, I'm going to discuss with the board for William Thorpe and Jon C. Barry.

Mr. Sweet, Personal opinion if that is what it's represented to be in favor of allowing them to go forward.

Mr. Bottomley, That takes care of two out of three streets although you will have issue of electrical conduit but I think that is resolvable the bubbling effect. Now that Gene Allen is over there maybe you can sit down with him and ask how to resolve it. It looks like this was built

according to your installation guidelines you approved it you pulled the wires in it you're getting water. What would be a reasonable solution? If they say fill it all up with concrete seal it we'll do that. If they say use grate stuff and caulk it we'll do that whatever is reasonable we will do. I think the consensus has to be between the planning board agent and some agent from NA Electric and we'll just resolve it, get it done and move on to next issue.

Ms. Burgess, If it was that easy it would be done.

Mrs. Marchitto, We'll research it some more Fred can you come back in 6/7 and we'll have an update?

Mr. Bottomley, Yes I can't supply you anything by 5/24 or 5/31. Joan if you do vote for the completion of those two that night I can probably have the road contractor here and give you a schedule of how quick we can start. William Thorpe is just matter of ordering the granite and we can find out if it's going to be three week delivery because nothing has to be done to the roadway we get the granite in first and go from there.

Mr. Lavin, You might want to look at swale behind that pitching back towards cul-de-sac as opposed to swale at end of Thorpe there is swale that goes out to main swale.

Mr. Bottomley, It's supposed to be a holding area and then it's got the hump.

Mr. Lavin, If that is the way it's designed that is why I was looking for the asbuilt. As long as it's by design.

Mr. Bottomley, That was all before you came on board Joan was on the board. Whole swale issue had come up and all of that had been reworked and there was a plan. It had to have 2" added on berm the board voted to eliminate the 2" orifice in the ware and there were bunch of issues at retention basin where swale comes into. End of Thorpe goes straight out it is supposed to be micro pool.

Donald Cerrone returned to table at 11:52 P.M.

Albert St. Lawrence;

Mr. Bottomley, Can I have you consider one other thing that we talked about before? The board and I know I've written letters in last month or two. If you remember Albert St. Lawrence it is only roadway that hasn't moved for street acceptance. When JH Lynch paved it they lost the crown and they laid 8" of asphalt as finish coat. We had requested this board to reject it and when Earth Tech was the engineer we wanted it all coplained out back to Sheldonville Preserve. Board had voted at the time was to allow photos were sent to us on 12/7/05. What was approved at the time if you remember was for Lynch to cut that out and put a patch in and then a drain in swale was added. My letter of month or so ago asked if this was acceptable to you other than Earth Tech approving and that planning board approving it I know there is different planning board and different engineer now.

Mr. Lavin, That is where roadway was cut out because it was filled through a wet area it was popping out.

Mr. Bottomley, I've asked numerous times for the board to accept this roadway so that we can square up with JH Lynch. Board has never done that we have an outstanding issue of that roadway. If you put this issue out to DPW maybe you're waiting for a letter or whatever.

Mr. Lavin, I think that has been rectified it moved down to the corner water is coming out at the intersection Sheldonville Rd.

Mr. Bottomley, Water always came out there all along Sheldonville Rd. I've asked this board at least on six different occasions to accept Albert St. Lawrence's final coat as this repair was done. I respectfully ask again tonight as you know I followed it up with letter.

John O'Neal, I've been in front of this board on same issue we put final paving about 2 ½ to 3 years ago. One location it is approximately I'm going to guess 75ft. long like half the road wide. When they paved it they came up too high and lost the crown on slope granite edging at Earth

Tech's direction we went back saw cut, coplained small section out and repaved it. I've been at different board meetings asking whether this has been approved. I did what Earth Tech wanted and I did what the chairman Mr. Payson asked me to do at that point and it is about 3 years old. If its not approved why? If it is approved there is a financial issue between Lynch and Mr. Bottomley and it's based on approval.

Mr. Bottomley, Board itself has never addressed it and I said that our last meeting.

Mr. O'Neal, Letter that goes back 7/3/06 I talked to board on 7/20/06 about this same repair issue.

Mr. Bottomley, There were private meetings with the chair and Lynch representatives. I discussed this issue many times you have it as a pending issue in written form from me as recently as 4 or 5 weeks ago.

Mr. Lavin, I reviewed the file there was letter written by Don Johnson. You put in sub-drain he wrote you guys did it and didn't call for inspection or whatever. What did you put in there?

Mr. Bottomley, It was inspected by Dale MacKinnon from Earth Tech.

Mr. Lavin, Not there when you rectified or put sub-drain right next.

Mr. Bottomley, We put a surface drain and we created swale. He said it wasn't called in and it was called in and inspected. We put in a surface drain and we found in next rainstorm that the people's yards where the builder had graded the yards was not allowing a free flow of up gradient surface water to get to the drain and was in effect jumping the curbing. We went to abutter he gave us permission to go on their property and regrade through that woodchip and create a swale, which to this day still exists. I don't think we've had any problems since then. We would like to resolve the issue with Lynch the only thing remaining on that whole street and I think we're out of bond you may want to look and address at next meeting. You're still holding a substantial amount of cash money for it the only thing that needs to be done is two or three more road bounds put in, finish up asbuilt and streetlights just came in. At that point if the roadway is acceptable to you and DPW we would like to have you sponsor an article for special town meeting whatever for roadway acceptance and upon review of the asbuilts, release our money and we can take care of our obligations.

Mr. Cerrone, John maybe we should look there.

Mr. O'Neal, My issue Lynch did this work coming up on 3 years and this is some of my frustration we've been working the town there should be a check list is this surface acceptable yes or no. If no what has to be done? You're looking for things on other projects for me to do next week I've been literally waiting 3 years on this to try and straighten things out. I'm looking for one item.

Mr. Lavin, The saw cut you did water was just pouring out of there.

Mr. Bottomley, In defense of Lynch Earth Tech did not require them to put any rubber mat down on the seam cut when it was cut. There was cut made that went through the binder John I think you told me there was no sealant put in and no mat.

Mr. O'Neal, If you play tape of 7/20/06 meeting I believe I asked I went out and put this joint and the answer was no. Chairman at the time instructed me to write letter to board so they would approve the pavement at that time, which I did and it never happen.

Mr. Lavin, I personally haven't touched that road I don't know if board approved it.

Mr. Cerrone, We have to pull the records I thought maybe we approved it the only thing left was the drain.

Mr. O'Neal, I believe it was verbally approved on 7/20/06. At that point Mr. Payson asked me to write a letter.

Mr. Bottomley, Drain was put in before 7/06.
Board will address it at next meeting.

Mr. Houle, Make motion we adjourn at 12:00 A.M, seconded by Chris Sweet.
All in favor 4 to 0.

Respectfully Submitted,

Attach Agenda to Minutes.