

NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, OCTOBER 18, 2007

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, October 18, 2007 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Richard Houle, Richard Thimot, Christopher Sweet, Donald Cerrone-chairman. Joan Marchitto arrived at 6:35 P.M. and Mary Burgess-town planner.

Planning Board Business:

4) Endorsement of Vouchers;

One for \$67.00 and Free Press advertisement for tree hearing.

2) Review Final Action Deadlines;

Action Automation Control, Inc. action due 10/31/06.

Mr. Cerrone, We'll take those up later.

3) Review Bond Expiration Dates;

Windchime;

David Manoogian, Representing Meridian the developers. Letter of Credit falls due at end of the month it is currently \$25,000. I have letter before you release of the bond but I understand that the asbuilts were just recently dropped off to you and dept. of public works. I know they have to be reviewed all of the works has been done there is punch list that we got from John Lavin few days ago. Lot 5 on LeBlanc there was a conduit dropped by cable co. we took care of that. Installation of under drain line on 6 & 7 on LeBlanc was done, clean up of the box culverts was done. There was an unused cable conduit on Lot 5 on Lecour Dr. that was taken care of. Lot 6 & 7 under drains to the road were done according to the asbuilts. We dropped asbuilts off to DPW and we have copies. We requested sign off from NA Electric they signed off on first phase however we were informed that the planning board should request in writing from electric co. to sign off so we would request you do that. There was detention pond clean up in the roadway was asked to be swept and we've done that. My suggestion if you could reduce Letter of Credit to \$5000 to ensure there is no problem with the asbuilts. We would either file new Letter of Credit or cash bond by 31st.

Mr. Cerrone, I would like to have letter from your engineer that retention pond that was approved.

Mr. Manoogian, It's in the asbuilts you have them and it is exactly what is out there they haven't been reviewed by Mr. Lavin yet.

Mr. Cerrone, Water it was designed for if it is off let us know what it is. Our engineer is not going to review the calculations and all that.

Mr. Manoogian, We'll get you a letter saying that it is performing based on design criteria.

Mr. Cerrone, Letter from John Lavin Rodney Lecour Dr., Lorden Dr. and Joseph LeBlanc Lane. Current bond is \$25,000 reduction bond \$20,000 recommended bond amount retained by town \$5,000.

Mr. Manoogian, If you would vote that with either Letter of Credit or cash bond so I could have an alternative it would be in amount of \$5,000.

Mr. Houle, What about water issue between those houses?

Mr. Manoogian, That was the under drain between Lot 6 & 7 that was done. Will be ready for spring time for articles.

Mrs. Marchitto, Make motion to reduce the bond retain amount of \$5,000 for Windchime Subdivision Rodney Lecour Dr., Lorden Dr., and Joseph LeBlanc Lane, seconded by Dick Houle. All in favor 4 to 0 to 1 abstain Richard Thimot.

Walcott Rd.;

Mr. Manoogian, There was other matter board is holding \$10,000 cash bond for construction of wall at Elmo Finocchi's property I've spoken to Mr. Finocchi and my client. Mr. Finocchi wants to build much more elaborate wall. My client is willing to do is subject to approval of this board take that money and give it to Mr. Finocchi and let him build whatever wall he wants.

Mr. Cerrone, Get letter from Mr. Finocchi. Walcott what is status on DEP did they release all the conditions?

Mr. Manoogian, I think they're all released if town wants to fill those trenches they can.

Mr. Cerrone, I think Mr. Sauvageau and Mr. Walsh were going to fill them in. Check on that before winter.

Mr. Manoogian, Subdivision was signed off and accepted by town.

Hoppin Hill expiration 11/1/07;

Joan Marchitto left table at 6:40 P.M.

Ms. Burgess, We're holding \$32,546.58. We have letter from his engineer on retention pond from Charette Land Surveyor. Also have recommendation John provided he recommends to reduce it to \$5,000 release everything but \$5,000 hold it until road acceptance.

Mr. Cerrone, I have problem releasing this money developers made money sold the lots all these subdivisions. Now town is going to take over these roads something happens who is going to fix them. Why should taxpayers pay to fix these roads if something happens when they still have lots to build? I think we should hold more than \$5,000.

Mr. Burgess, What has been recommended and I have seen in the past is when the builder comes in to get building permit that he has to retain up to \$5,000 bond for any damage that occurs to the road while constructing.

Mr. Cerrone, I don't think building inspector has the rights to hold the permit I think you should check with town council.

Mr. Thimot, It has nothing to do with him.

Mr. Cerrone, You still have two lots that haven't been touched somebody goes there after we release the bond and marks the road public works is going to come after us. This is first time we've had empty lots on road that was finished. If the road gets damaged who is responsible?

Ms. Burgess, I'm not sure in our subdivision rules and regulations we can retain a bond on finished road. As soon as it gets accepted at town meeting I don't think on subdivision rules and regulations you can retain for future building. Between now and 11/14 when we expect roads to be accepted John says retain \$5,000 so if anything in the time period happens it can be addressed. However as of 11/14 I don't think we can according to subdivision rules and regulations.

Mr. Cerrone, Fine then you guys can answer any problems.

Mr. Thimot, Seems to me there was no special recommendation when Jackson St. was being completed. There were lots built on after the road was completed.

Ms. Burgess, Public works didn't seem to find that was going to be a situation. There are two lots to be built whether they get build today or year or two from now. I don't think we legally can hold it for future buildings. If road has been completed according to subdivision rules and regulations we cannot retain any money on that road.

Fred Bottomley, You set bond limit by your engineer based on completion of the road it has nothing to do with roadway acceptance or anything. If roadway meets planning board acceptance has nothing to do with town meeting if it meets your standards then the developer's

funds should be released. The purpose of the bond is to satisfy your criteria not some arbitrary or capricious town meeting vote. Historically we've had subdivisions that are ongoing in this community for 40 and 50 years that still have vacant lots on them. Town takes over maintains the road once final coat is down. To hold any developer to the whim of any board at all who is maintaining the roads if they damage it you still going to hold developer responsible? The issue is not who is going to fix it if you want to put new regulations in place whether Conservation, building inspector or planning board to have some type of bonding mechanism it is not something you have in place now. You can't keep changing mid-stream. Process started, procedure was set in place every developer in this community has followed your procedures to the letter. Once you get a sign off for your roadway with the planning board you yourself has said it has nothing to do with DPW, noting to do with any other board. If you accept it then release the developer's money that is what statute calls for, that is what your own regulations call for. Anything other than that would be a travesty of your board.

Mr. Sweet, I have no problem with going to \$5,000.

Raymond Loughlin-Flair Homes, One of reasons in our particular subdivision, which has couple more lots we wouldn't have even finished our roads if we weren't forced by you guys to do that. I would much rather have let that based course sit there during the entire development of those lots but this board consistently insisted that they may pull our approval, they may do other things and we finished the roads on your direction not to something I would want to do. I agree with you there is risk to a builder but they could damage any town road that is already accepted and that is issue that has to be dealt with at that time. We finished these roads on your request and now to even hold \$5,000 I think is wrong because we've gone through every one of the hoops that you've put there. They're all legitimate things but we've done them, we're done and I think it should be released both Bob's, mine and Stonebrook.

Mr. Sweet, I still agree that \$5,000 should be retained.

Mr. Houle, Agreement with \$5,000 also.

Mr. Thimot, Motion on floor never got described I'll back away from starting my motion.

Mr. Houle, Make motion reduce bond from \$32, 546.58 reduce by \$27,546.58 to retain bond in amount of \$5,000 for Hoppin Hill, seconded by Christopher Sweet.

All in favor 4 to 0.

Bob Hall, When are you going to release the \$5,000?

Mr. Cerrone, Depends on what town meeting does on the 14th.

Mr. Loughlin, We know what they're going to do they're not going to pass it. I've been petitioning DPW to get letters for these things they can't even get me on the agenda for 11/30 to talk about it so we know they're not going to get letters out and they're not going to get approvals.

Mr. Cerrone, Our engineer recommended \$5,000.

Mr. Hall, I've been through this system now followed all your regulations I didn't everything to a point where it was up for town acceptance just short of having DPW letter it got torpedoed. My understanding talking to DPW I am all set I've been completed to their specifications so there are no issues right now and I don't know what reason you're holding this money. What is the \$5,000 being held for?

John Lavin, Because they weren't accepted and also was going to review retention pond. Letter on retention pond I've seen. We talked about retention pond last time I looked at we should take quick look at impervious area that was calculated I think it would be fine.

Mr. Cerrone, After town meeting if they don't do anything we'll release the money at next meeting.

Shaun McCormack-Stonebrook, I'm only talking because I'm anticipating same issue. I believe John has requested \$5,000 be held for John C. Porter Way. The question I would have it was questioned at last meeting do we have everything we need for this road and that includes whatever is listed on the bond. I believe everything on the bond has been completed and to hold back \$5,000 because of a town meeting and acceptance I don't believe is warranted or I guess what I'd ask is the board look at streets independently of what is happening at town meeting. We all know there is a rift between DPW board members and what Mr. Hall has talked about with respect to the employees. We have been communicating with the employees of DPW and received confirmation that our streets are fine. From a functional stand point you guys have all been out to those streets I don't believe \$5,000 being held back will be used for anything substantial on the road. I believe Mr. Lavin held back \$5,000 only because it wasn't accepted, which I believe is not applicable to setting a bond. We have line items in the bond everything has been completed and board voted that everything had been completed at last meeting I would request that they vote to release the full bond. I have sent an e-mail to Mr. Stankovich with chronological of events with respect to my road and I'm hoping he will get that letter by 11/14. Nothing on his previous letters from his engineers stating anything from a standpoint of the bond.

Mr. Sweet, Do we have any recommendation from Mr. Lavin on this particular situation?

Mr. Cerrone, No we're talking about Hoppin Hill right now.

Mr. Lavin, I didn't see the letters but put in punch list letters from other depts. that is part of subdivision control regs. that you get letters from other depts.

Mr. McCormack, Regs actually say you have to get the letters but we have helped that. I believe I've asked on several times if we had everything and received from your board yes we have.

Mr. Thimot, I don't recall it every being done before. Why are we doing?

Mr. Cerrone, Because our rules say we have letters from all other depts. that should have been taking out of there when we went to independent inspections.

Mr. Bottomley, As you're reviewing your rule changes, regulation changes please take into consideration this example being presented tonight. Listen to what I've said in the past it should not be the developer's responsibility to go to FinCom, town meeting to plead their case. You control the subdivision control laws if it's acceptable to you the acceptance of roadway should be a planning board issue directly to town meeting. As Joan has said it is a chairman to chairman or planning board agent to somebody else's agent. It should be sponsored from you you're the birth of it. The developer shouldn't have to be pleading any case at all he's complied with your regulations and he has the sign offs. If you're going to have this new system that has been in place for 5 years verses the old system where DPW would do their own sign offs and report back to the planning board. You guys are the ones that have to choose you accept them forget about town meeting you sponsor the articles for roadway acceptance that is how it should be.

Mr. Cerrone, Opening public hearing at 7:00 for George and Linda Weston recess it until 7:05. We're going to leave that \$5,000 until after town meeting then we'll release it. We're need another extension give us 30 days that's all.

Ms. Burgess, November 15th. is our meeting.

Mr. Houle, I think one way or other he should have an answer on the 15th.

Mr. Hall, I don't know why we're doing it.

Mr. Cerrone, Our engineer explained it he's the one that made the recommendation of \$5,000 I have to follow him.

Mr. Sweet, Make motion we extend bond of \$5,000 until 11/15/07, seconded by Dick Houle.

All in favor 5 to 0.

Joan Marchitto returned and Richard Thimot left at 7:03 P.M.

Bally Heather;

Ms. Burgess, He expires on 12/31, he's here for another reason he has a drain.

Richard Thimot returned at 7:04 P.M.

Scott Rolffe, I'll be presenting the public hearing I can't get my abutters in here for the hearing. If you can do some others and empty the room that is fine.

Mr. Cerrone, Recess hearing until 7:30 P.M.

New Business:

1) Request of Shaun McCormack to release bond for John C. Porter Way (Stonebrook Subdivision);

Mr. Cerrone, You have \$93,965 reduction of bond is \$88,965 recommend bond amount retained \$5,000.

Shaun McCormack, I believe I requested a bond release I would ask that board would look to last planning board meeting see that we all agreed that everything had been completed, which is everything on the bond. I was not able to speak with John Lavin about this his letter just came tonight. I would ask that the \$5,000, which is being retained just because not be retained and bond be released and board vote to release the bond.

John Lavin, I talked with Mary today this one is as far as lots that weren't being built as far as potential damage and as far as road being accepted.

Mr. McCormack, One has a foundation we did accept the roadway without any issues for Raymond Sampson. If I owned the lots I'd have no problem right now lots are not in my control you hold back against me for lots not in my control you will end up using by bond money for another builder's mistake.

Mr. Lavin, I guess you would have to get building inspector involved as far as the drive out onto the road, which happens a lot.

Mr. Houle, You bring up a good point the lots are not your responsibility the subdivision is our responsibility and we have a responsibility to the town. I think we should give him date that the \$5,000 should be given back.

Mr. McCormack, Please define for me what that \$5,000 is being held for. From what I heard from John Lavin I don't believe that is valid. No one is going to build from now until the date you give me I assume. If you're saying it is for building on the lots say these are built in the spring am I going to have to hold that \$5,000 until spring.

Mr. Thimot, Why is building inspector involved?

Mr. Lavin, It's a Form A.

Allyson Huntington, Those three lots have been sold so to retain \$5,000 in the unlikely event or possibility that you may want to use some of that bond money for clean up or repairs. Once the road is accepted as a public way then the town of North Attleboro will have standing to recoup or seek indemnification from those builders for any cost involved. To hold Mr. McCormack's money at this time for that purpose seems to be an arbitrary and capricious conduct to keep it because the sole reason it was not voted at last town meeting. This board has already voted in acceptance of the road as a public way and indicating during last board meeting that all work on the road has been completed to satisfaction of this board.

Mr. McCormack, Through this whole process I've left that money there I've never asked for bond reductions and I wanted to do everything that was needed on the road to bring it up to your specifications as well as DPW. I've been in constant contact and I will be forwarding an e-mail that I sent over to DPW to Mary showing the chronological order of communication to DPW and their subsequent acceptance of whatever I've done. From DPW standpoint I believe I have

covered the bases and I just need to get to individual that spoke at town meeting. I will go by what board decides but I don't understand it.

Mr. Sweet, I do see the validity of your argument I can understand your point of view and position.

Mr. Lavin, After you approve and before it's accepted by town who is responsible for the road?

Mr. McCormack, I still am I just don't feel that \$5,000 a number that John Lavin came up with, which I believe is arbitrary is the number.

Mr. Cerrone, I think we should leave \$5,000 like we did with other ones and on the 15th. of November make a decision then.

Ms. Burgess, It is a cash bond.

Mr. McCormack, The unknown and between DPW and planning board this \$5,000 I think it should not be coming from bond money that was allocated for line items to be done when we've accepted that they have been done. I don't see in the letter where the \$5,000 is delineated I just don't see the need to hold back money when the board has approved that they would overturn the acceptance.

Ms. Burgess, I had recommended \$5,000 when speaking with John this afternoon just to get off the ground with some of these bonds. I knew that all of them were coming in tonight asking for bond releases and I recommended the \$5,000 considering we don't have the DPW letters yet and I don't know what they may find wrong. It has nothing to do with John and his line items it was my recommendation.

Mr. Cerrone, My feeling after town meeting closes the warrant whether they take the roads or not we'll release the money as far as I'm concerned.

Mrs. Marchitto, Make motion for bond reduction of Stonebrook Subdivision John C, Porter Way current bond is \$93,965 reduction of bond \$88,965 recommended bond amount retained by town \$5,000, seconded by Dick Houle.

Mr. Sweet, I'm telling you ahead of time I'm going to vote in negative because I see his point I don't want to say that I'm in total disagreement with the board with this vote.

All in favor 3 to 2 oppose Richard Thimot and Chris Sweet.

Mr. Thimot, My reason was I think the guy had valid point he doesn't own the land.

Mrs. Marchitto, I thought Hoppin Hill had two lots to be built.

Mr. Thimot, I reluctantly voted for Hoppin Hill. I'm not going to vote for anything that has \$5,000. I'm going to take position for now on if it's approved by the planning board standard that is the way it goes from here on in that is going to be my position for now on. I would have been in favor if you had released all of it.

3) Request of Raymond Loughlin to release bonds for Sheldonville Preserve Phases I, II and III;

Mr. Cerrone, Doolin Circle, Riordan Extension, Charles Barth, Leo Ringuette and Henry Riordan. Charles Barth have \$20,000 bond reduction \$20,000 balance 0. Doolin Circle \$14,101.56 reduction \$9,101.56 recommend bond amount retained by town \$5,000. Henry Br. Riordan Way Extension current \$14,197.92 reduction \$9,197.92 bond amount retained by town \$5,000. Total bond reduction for all roadways \$38,299.48.

Mr. Sweet, Attending board of public works meeting there were several issues raised by Mr. Norton with regards to street in terms of ADA compliance and also placement of mailboxes there were number of issues he brought to light. I think leaving these amounts is wise thing to do. There were mailboxes in the sidewalk.

Raymond Loughlin, Those issues sound like another subdivision there was list of 6 or 7 items some of them were just gate valves paved over and some other things. ADA issues have never been brought that went over extensively with John Lavin. Mailboxes are on opposite side of

sidewalk not on the sidewalk side. We went to a cluster mailbox system with two's and three's instead of a one central one.

Ms. Burgess, There are mailboxes located close to roadway that will be problem during plowing operations.

Mr. Loughlin, This is the first time I ever heard that. It's like every time we come to this board or DPW there is just another booby trap that gets thrown out.

Ms. Burgess, There was nothing about ADA mentioned by DPW the only thing was stop signs.

Mr. Loughlin, We did put stop sign at Charles Barth and Sheldonville Rd., which is not required. It seems I'm getting tagged with \$10,000 where everybody else is getting \$5,000 can I ask that it be reduced to \$5,000 for all of the roads?

Mr. Cerrone, It's up to the board I agree.

Mr. Loughlin, Doolin has one house foundation is already in and three others, Riordan has three on extension.

Mr. Sweet, I would agree with the \$5,000 for all streets.

Ms. Burgess, Only outstanding issue I know of is guardrail has not been inspected yet by John and DPW had some issues with it. I don't think asking for \$5,000 is unacceptable.

Mr. Sweet, Make motion we reduce the bond on Charles W. Barth, Leo Ringuette, Henry B. Riordan Way, Doolin Circle and Henry B. Riordan Way Extension reduce amount by \$43, 299.48 retain \$5,000, seconded by Dick Houle.

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

Mr. Cerrone, After town meeting come back and we'll vote.

4) Form A: Raymond C. Loughlin (Bay Colony Group) Note: Final Action Due 11/1/07;

Mr. Cerrone, Location 10 Diamond St., 12 Wild Acres Rd. Plot 23, Lot 293, 292, zoned R20 requirement size 20,000 sq.ft. frontage 120ft.

Raymond Loughlin, Property that we had got Form A done before 309 Reservoir St. we had broken it up into lots. As I sold off the lots some of the people had requested that I give them pieces of land to make their lots bigger. I've agree to that I have old plan you signed it before for describing the existing conditions. I'm adding lot 6C to back of Michael and Sandra's lot and deeding it to them coming out of lot 6. Also out of lot 6 is 6B to be deeded to Parks, lot 6A to Fravalero.

Mr. Cerrone, You're really straightening out lot lines.

Mr. Loughlin, Straightening them out it gets reduced somewhat still within zoning it's R20 we'll still have 60,000sq.ft. Lot in order to sell it as an inducement I added approximately 5,000 sq.ft. to it.

Ms. Burgess, It meets all the requirements for ANR.

Mr. Loughlin, Landowners my abutters requested that I sell them small piece of land to square off their back lot lines. Lot 5A as an inducement to get him to buy it he wanted lot a little bigger so I agreed to make it bigger with Mike Martin to make his bigger also. 120ft. along Diamond St. I'm under deed restriction not to extend Diamond St.

Mr. Sweet, Make motion we accept Form A for Raymond Loughlin between Wild Acre and Diamond St. on Reservoir as described in plan submitted, seconded by Dick Houle.

All in favor 5 to 0.

Public hearing recess until 7: 45 P.M.

5) Form B-1: Definitive Subdivision to be entitled Cushman Village (Tilton & Associates)

Action: Set Hearing Date;

Tilton Associates submitting required data and formal filing. We made request earlier for town clerk to be present that we have town clerk date stamped we did board of health. Two original applications those dates stamped, Original/Mylar Plan and 8 prints, Windows compatible 3.5"

floppy disk or CD in DXF format, Drainage Report, Certified Abutter list, \$150 Standard Application Fee, \$2500 initial Deposit for Consulting Engineer's Review, \$1056.04 NA Planning Board Roadway Fees(\$2.00 per linear foot of roadway), \$132.01 Board of Health Fee Receipt Attached, \$88.57 Certified Mailings associated with the application= \$5.21 x 17 (16 Abutters + Owner), \$2.46 First Class Notification (5 area towns & SIRPED+ \$0.41 x 6) stamping copies of checks. Submitting set of plans that has been stamped in by municipal depts. You will have plans stamped by other departments tomorrow. Complete identical package for town clerk includes Max needs to certify that he's received this and send us a letter.

Hearing date 11/15/07 at 7:00 P.M.

Old Business:

1) Form O: Action Automation & Controls, Inc. (Tilton & Associates, Inc.) Note: Final Action Due 10/31/07;

Mr. Cerrone, I think the only thing was the drainage.

Glenn Ofcarcik-Tilton & Associates, Last hearing our proposal is for Phase II expansion about two years ago planning board approved Form O expansion to rear of existing facility off of Larson Way. Our proposal was approved in June of 04 Don Cerrone, Connie Poholek and Joan Marchitto. Proposed expansion basically takes north end of the building and extends it northerly out towards Villancourt Dr. Purpose of expansion is for manufacturing and component facility only there is no new sanitary facilities, no new restrooms it is basically warehousing and internal circulation within the building. We're asking for 17,400 sq.ft. expansion out to existing building to accommodate proposed expansion we've proposed adding requisite number of parking spaces. Existing drainage system, which was constructed as part of Phase I expansion serviced and additional parking area and we've been discussing with the owner possibility of doing some other work with some minor modification the existing drainage system will handle all drainage flow from new addition. Part of construction in order to construct this and keep Action Automation System separate currently operating proposal is to construct gravel drive from Villancourt into east side. We'll do all construction from Villancourt talking it over with Dept. Chief Brousseau fire dept. requested that when construction is done we leave gravel drive as secondary means of fire access we'll just gate it off it won't be access for the facilities it is in case of an emergency. I haven't received anything from him I called him this week several times. I can state that I have talked to him about it and this was his request. Site is basically wooded and buffered from the adjoining uses will remain that way. The existing open space will be reduce from 73% to 62% there is large wetland and wetlands to the rear. Most of the work is involving the building construction and new parking lot to the south. This exact filing has been submitted to Conservation we have NOI hearing on 10/30 don't have our order of conditions yet.

John Lavin, Stormwater calcs. they meet. Only question I have is in the flood plain what is elevation?

Mr. Ofcarcik, Flood plain is 500-year flood plain elevation in section 5 it doesn't have an associated number but it well at toe of slope outside. All Stormwater Management Calculations are included in the hydro report they have been submitted to Conservation. Your standard condition says any changed in plan we have to come back.

Mr. Thimot, Make motion we approve Action Automated, seconded by Christopher Sweet. All in favor 4 to 0 to 1 Joan Marchitto is abstaining wasn't here 9/27 and haven't read the minutes.

NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, OCTOBER 18, 2007

7:45 P.M.- Public Hearing for the application of George and Linda Weston for the Definitive Subdivision to be entitled Mount Hope Farm Estates 7:00 P.M.>

Ms. Burgess reading in application.

Christopher Sweet left table at 7:47 P.M. has conflict.

Edward Casey-attorney, Represent George and Linda Weston who have proposed a 19 lot residential subdivision. They retained service of Scott Rolffe of Angle Tree Consulting to prepare definitive plan before you. Carl Boardman also of Angle Tree is here tonight to speak on drainage calculations.

Mr. Cerrone, Scott do you have all letters from other depts. yet?

Mr. Rolffe, I've received no comments.

Ms. Burgess, I have them.

Mr. Rolffe, I've given you revised set of plans that have had some minor changes to them from what we originally submitted. Since we filed with you we've met with Conservation in a workshop and have incorporated some of their concerns into plans. Have another workshop scheduled with Conservation on 30th. of this month and we hope to satisfy them on that night we will file NOI subsequently after that last workshop.

Mr. Casey, It was about 18 months ago that we were here on preliminary subdivision plan after consideration planning board voted to approve that plan. Because of some of health problems that Mr. Weston had and other reasons the Weston's did not act on that preliminary plan within statutory period. Plan has been revised from what was approved 18 months ago. Weston's with Scott met with some of the neighbors and to see if their concerns could be addressed. I would like to make part of the record statement of petition that has been signed by 13 property owners or residence within proximity to proposed subdivision.

Ms. Burgess, Reading in statement (insert).

Mr. Casey, I'm not representing that it is a list of all of the abutters. My purpose in offering that to you to indicate that there had been an effort by Weston's with Scott Rolffe to discuss the issues with other neighbors, abutters and that at least after reviewing the information a fair number of individuals indicated that they were not opposed to the subdivision.

Ms. Burgess, 194 Mt. Hope, 195 Mt. Hope, 197 Mt. Hope, etc.

Mr. Cerrone, They're across the street.

Scott Rolffe, Proposing 19-lot subdivision very similar to what we had approved in preliminary stage. I will say the difference between preliminary and the definitive we have here is primarily in the area of road entrance. On preliminary plan we submitted a boulevard type entrance with cul-de-sac just few hundred feet back from Mt. Hope St. What we have in definitive plans here is a typically road with entrance have a bulge within the roadway layout. Reason we kept that was because meeting we had with postmaster in North Attleboro one of the concerns was where the mailboxes were going to be. Postmaster told us that shortly before he met with us one of their carriers was severely bitten by a dog he said there would be no more home delivery to any new subdivisions in North Attleboro. They told me they wanted a centralized area for mail there will be 19 mailboxes lumped together. We incorporated the bulge in plan and bulge is also reflected in the pavement, curbing and walkway. When people come home to get mail they can pull off main road not impede traffic flow in or out. Also happens to be a good spot for children to wait for school bus it is 10ft. removed from main travel way. As far as

difference between the two that is primarily it rest of lot configurations, road configurations are virtually identical. We are asking for two waivers they are same ones we brought up in the preliminary form. Waiver from maximum street length 900ft. to 1071.91ft. that distance is taken from sideline of Mt. Hope St. at center of our road coming up to the intersection coming up to tip of cul-de-sac. Second waiver request allowance for reduction of lot frontage from 120ft. to 90ft. I refer to the by-laws section 4 lot frontage where the 120ft. may be reduced to 90ft. subject to planning board approval. It is limited to three lots on a cul-de-sac we have taken advantage of that option on both cul-de-sacs that have 90ft. of frontage. Have had meetings with board of public works regarding sewer. Sewer is available at intersection of Mt. Hope St. and John Rezza Dr. it is about 150ft. into John Rezza about 1450ft. realm from that manhole up Mt. Hope St. to center of our roadway. Don Johnson had written a letter back when we submitted the preliminary asking that because of his awareness of some easements that occurred on back of our property over toward Angelina Dr. that we would explore another route to bring sewer out. We did present that to public works they were initially interested they considered bringing as part of master plan a large main down Mt. Hope St. They were looking to save some footage from that use our development to come through and then come out to Angelina Dr. They took long time to evaluate whether or not that would work for them and what they finally determined was because of the invert elevations of the sewer in Woodland Park was there target goal that it would not work for them. There would have to be too much work done within Woodland Park to reinstall too much sewer to make it worth their while. They directed us to bring sewer from John Rezza Dr. up Mt. Hope St. at a slope of .004 to our development and that brings us to intersection of our new road G. Don Weston Dr. and Mt. Hope St. This project is going to be sewerd I think we're little further away than we have to be to tie in but we do have ledge and groundwater issues.

Mr. Cerrone, When was last time you sat down with public works because right now nobody is tying in.

Mr. Rolffe, We understand that is an issue we know situation exists. I understand the town has hired a consultant to work with DEP to get that resolved but I don't know where it stands. We have called DPW numerous times, Mrs. Weston has called and they won't return the call. We understand approval of this subdivision would be contingent upon sewer being available before it could start. Existing horse farm house, pool house, pool, garage and two barns on property right now. We are bordered to north by residence of Young Ave. and Lakewood Dr. and obviously off edge of Angelina. We have some single home ownerships to our east, Rte. 295 to the south and Mt. Hope St. Two existing ponds on the property, have existing wetlands on the property associated with those two ponds and we also have third area of wetlands in back. One lot would require conversion of barn to a house or barn would be raised for new house. We believe all 19 lots conform to current zoning regulations, created easements on these lots for drainage areas, also have an easement above coming around back of that bulge that would be used for grading. We have grading easements on either side of entrance. In creation of this subdivision Weston property has been cut up such that they still live in existing farm and have another piece of land little over 31,000sq.ft. on Mt. Hope St. that is not part of this subdivision has almost 330ft. of frontage on road. Right now this would be just considered right now remaining land and could perhaps Form A at later date it is not necessary to be in the subdivision. Very typical drainage system roadways pick up drainage we have high point in road pitches down toward Mt. Hope St. we have catch basins. All water from Donald Weston Dr. is captured into a manhole through water quality structure into detention basin. We've made them smaller in size than what we originally submitted but we've steepened the side slopes to get more capacity. Have another drainage basin on back of lots 8 & 9 and that primarily picks up

portion of Richard Steven Dr. all of cul-de-sac area it all comes back to manhole through water quality structure into basin and then let out by means of level spreader toward the wetlands. Third area on southern type of the property there is portion of Richard Stevens Dr. where all water is picked up in catch basins, catch basin to the cul-de-sac run out through manholes, water quality structure into basin and out through water quality structure and then that water is discharged through grass swale towards wetlands where they exist on southern portion of the site. We have not had benefit of seeing any comments from Mr. Lavin as of yet I would like to take time to review those and respond in writing back to this board. I also understand that John has reviewed set of plans that aren't exactly the same as what we have right now.

Mr. Lavin, I didn't do the stormwater calcs. because there are so many questions.

Mr. Cerrone, Do you want him to read his letter?

Mr. Rolffe, No I don't we'll address it there are too many people here waiting to go I already got the word. Typical roadway cross sections join the proposed sewer, storm drainage of water lines. Sheet 9 is cross section of three drainage areas including water quality structures, manholes, systems themselves and outlet control structures. Green area with flags around the edge flags depict the limits of bordering vegetated wetland. Wetland continues off site and along side line of Rte. 295.

Carl Boardman, Registered profession engineer with Angle Tree Consulting. Analyzing the drainage system we divided property into four drainage areas. Drainage area 1 is area directly tributary to pond in northern area, drainage area 4 is tributary to that drainage area and is part of northern drainage area. Drainage area 2 flows toward the east side of property we refer to that as northeast drainage area. Drainage area 3 flows to the pond in southern portion of the site. Analyzing the proposed conditions we have divided up into basically the same three drainage areas. Northern drainage areas, which encompass drainage area 4 and mostly includes drainage area 1. Drainage area 2, which flows to the northeast and wetland area and also southern drainage, which flows to pond in south side of the site. We've designed series detention ponds there are three ponds. We've mitigated the 2 through 100-year storms so there is no increase in rate of runoff in any of these drainage areas. Superimposed the proposed the roadway system on the existing drainage areas you can see we're diverting portion of the drainage area 1 go to southern drainage area and portion of drainage area 3 comes this way and portion of drainage area 1 goes other way, which will account for some of the difference in flows as well as difference in area. Reading chart of existing rates and proposed rates in different storms Drainage area 1 we've also achieved net reduction in runoff to the pond itself we're not utilizing the pond as any portion other than conveyance system that is where discharge winds up now. We're discharging to that pond and we've received similar reductions to the pond from what goes to pond at present time. Each of these outlets is proceeded by stormceptor water quality device, which will reduce 90% of suspended solids and provide a trap oil/grease prior to discharge to detention pond. Roadway system Donald Weston Dr. flows to pond there is also some overland flow from house lots goes directly to the pond. Dr. In southern portion we've included the roof tops in the drainage system they will be piped directly into drainage system will control rates accordingly.

Mr. Rolffe, We have situation where we have neighbors to north of us that have experienced over the areas sever water problems water coming out of the pond predevelopment condition. I understand that public works has installed catch basins in Lakewood Dr. and Young Ave. They put them there to try to capture some of water that comes overland across some of these abutters to that area. When we came here in preliminary form there was lot of concern from abutters that they would receive additional flooding towards their homes. We told them we

cannot eliminate their problem necessarily, we can't make it any worse but if we could make it better we would make it better and we have made it better.

Mr. Boardman, We have reduced the flow in all storms to both the existing pond and from that pond to the drainage ditch that flows out to the north. We did an extensive survey of the outlet from that pond so we included that in our calculations. We took water service as it exists today as a base and everything was analyzed. We've achieved reduction discharge rates from 1/4CFS to 4 ¼ CFS from 2 to 100 year storm we will not increase rate of runoff to this pond from pond and surrounding. Percentage varies from about 50% reduction in 2-year storm to 25% reduction in 100-year storm. 30% reduction in 25-year storm and about 40% reduction in 10 year storm.

Mr. Lavin, When was northerly pond created? It doesn't show it on USGS maps in 1942 it shows all wetlands around that.

Linda Weston, It completely dries up in the summer.

George Weston, 1956. I considered having it drenched out at that time but since then it has silted up and practically non-existing.

Mr. Lavin, What is elevations at bottom of the pond?

Mr. Boardman, We don't have any data on bottom base line elevation is driven by the groundwater.

Mr. Lavin, More saturated groundwater comes more flooding you're going to get.

Mr. Boardman, We did some test holes.

Mr. Rolffe, Directly adjacent to the pond.

Mr. Lavin, I saw that there was 6 to 18" below high seasonal ground. Was that a modeling? I think it was seeping.

Mr. Boardman, Probably seepage it was based on seepage test pits 1, 2 off side on 3. There were some based on seepage and some on oxides. #1 is the closest one to the pond seepage is on 12" on that one.

Mr. Lavin, I would just address that it will be one of the questions relative to that pond being fed through groundwater and stormwater too. The more saturated the ground the higher it comes too and then you're going to be putting 15ft. fill on top in that area in cul-de-sac.

Mr. Rolffe, No about 9ft.

Mr. Lavin, Looking at the aerial views potentially there was water going there. Referring to pond further up it discharges into the back yards this is Young and Lakewood that is where you're getting the water. If you could mitigate something along?

Mrs. Weston, That is not our land.

Mr. Lavin, If you got an easement would you consider mitigating?

Mrs. Weston, It's the Lund's land.

Mr. Lavin, Also with Mr. Johnson's letter to further state the easement there are other things in the letter we talked about as far as preliminary subdivision. As far as the drainage goes the calcs. hit it is really groundwater that is issue. That is why I asked the elevation in the pond is it fed from the bottom?

Mr. Rolffe, Yes the materials that we dug up adjacent to the pond it is the cleanest pore sand water flows right through there are multiple ledge.

Mr. Boardman, Problem is that channel does not leave the property it kind of just terminates and finds its way overland through the property Lakewood. Probably from looking at USGS map that show prior to the development of Rezza Dr. area it seems to indicate at one time that area was tributary to the pond system that runs now to the Ten Mile River. When they developed those subdivisions they didn't allow for discharge from that area so it was just terminated.

Mr. Lavin, There is a wetland system that is there 1942 but on actually site itself back ones how it feeds down to 295 or goes up to Falls Pond.

Mr. Boardman, That was disrupted when they built those three subdivisions.

Mr. Lavin, It's just looking at practicality. It is high groundwater then it is the discharge from here that will compound it.

Mr. Boardman, It is a high groundwater situation with the pond the problem comes in when we have rainfall event that causes that pond to overflow and then channel.

Mr. Lavin, Also you have septic systems with 6". As preliminary to look and see if there are any easements as far as sewer, etc. I went through all the minutes of the meetings two meetings you had.

Mr. Boardman, We did extensive studies some place we have preliminary profiles done on sewer system it would have required extensive rock excavation and blasting to make it work and would have required an easement.

Mr. Rolffe, We submitted drawing to DPW showing three routes for sewer one down Mt. Hope St. one between lots 11 & 12 and then down diagonal line running right to Angelina one that went to cul-de-sac. We don't have easements for that. Another route to talk to abutters to bring an easement out to Lakewood. There is an easement at end of Lakewood going to Angelina we submitted those to public works as alternatives. Their problem was existing infrastructure sewer in Woodland Park it did not work for them. They didn't want to take that route because they said the amount of work they had to do to Woodland Park was too significant.

Mr. Cerrone, Was that for your project or the master plan?

Mr. Rolffe, It was considering both.

Mr. Cerrone, For your project would it work?

Mr. Rolffe, We would have to seek easements from the abutters I believe by gravity it would work. We couldn't talk to them about our project without talking about the master plan. They were concerned about large sewer main coming down Mt. Hope St. for another project I believe on other side of Rte.1. They were talking about bringing numbers I might be off 2" a 16" force main, which sounds preposterous that is what DPW said was going down Mt. Hope St. They talked about possibility of bringing it to our street and then coming through our subdivision by gravity asking us to put a 24" gravity line. They also looked at potential of taking that 16" forced main terminating at our entrance and then bringing 24" gravity down Mt. Hope into Woodland Park. What they talked about doing was building a new 24" sewer through Woodland Park to their target goal and then eliminating existing 8" that is at Woodland Park now. In other words the 8" would stay in place while they're constructing the new 24" this is all based on master plan. They finally told us they want us to come from manhole in John Rezza Dr. at end come up Mt. Hope and do .004% slope to our site and that is what we did.

Mr. Cerrone, How about taking care of the neighbors in the neighborhood?

Mr. Rolffe, It appeals to more people it goes by more neighbors running down Mt. Hope St. than it does cutting through. If we cut through into Lakewood I don't believe it would benefit the neighbors up toward Mt. Hope St. Gravity would solve the problem.

Michael Weir- 19 Young Ave., There is already easement there for an 8" main to come through Young Ave. and Lakewood to tie in. You guys are diverting it by going down Mt. Hope St. come around and tie in all these 19 house lots leaving us hanging out. If we have to tie in we're going to have to upgrade John Rezza to whatever size pipe is that master plan is.

Mr. Rolffe, We tried to go through it is actually shorter run for us to cut through back of property into Woodland Park they told us they didn't want us going that way. Easement that exist there is labeled on plan as utility easement not specifically for sewer or anything else it only runs from edge of Lakewood to Angelina we don't even have an easement to get there.

Mr. Boardman, I understand they have a problem with their sanitary sewers but the construction of sanitary sewer along that easement route is not going to do anything to alleviate the stormwater.

Mr. Lavin, It was both I was talking about discharge going there is really adding to the flooding. Only reason talk about septic is if you have 9" below but I'm sure you have to replace the system.

Mr. Cerrone, To meet Title V if you have a high groundwater table.

Mr. Lavin, You have to be 4ft. above high seasonal groundwater if it's 9" below you'll have 4ft. mound.

Sandra Copley, Daughter of Bill and Rita who live to north of pond #1. In event they want to sell their property if they have to comply with Title V and raise their septic system they have to raise their backyard at least probably 4ft. They are the ones who have the water that goes down side of their property. If this is groundwater feeding that pond to some extent land gets saturated and pond water goes up. Wouldn't it make it worse, wouldn't change the flow of water again?

Mr. Lavin, What happens if one raises it will shed off to a neighbor.

Mr. Boardman, That is because there is no real outlet for this pond. DPW has fooled around with it but they have not taken a pipe out to the swale or ditch that runs down.

Mr. Lavin, You have to capture it and put some place you're not going to stop water.

Mr. Boardman, We have had survey crews out there and they can't find an outlet.

Ms. Copley, If the Copley's gave you an easement could you create something through there and tie into catch basins in Lakewood Dr.?

Mr. Rolffe, Problem exists today whether we go subdivision or not how much are we responsible? We're responsible to reduce the flow off our property and not contribute to the problem. I don't think it's appropriate to ask my client to make all your problems go away.

Mr. Lavin, Whose property is it coming from onto where it's going?

Ms. Copley, You may make it worse you can't guarantee that all your calculations, you don't know what the depth of bottom of pond is so you don't know if it's groundwater that is feeding it or not.

Mr. Rolffe, We do know that the pond fills up to certain elevation and we did our calculations from that elevation up. We didn't assume there was going to be any storage capacity within the pond below the highest water. Because we're powered by regulations to design the drainage system that meets the town standards under subdivision control law and Conservation regulations as well as far as much out put we have. We cannot increase the flows to your property.

Ms. Copley, My question was if you built through their property some kind of drainage ditch that created outlet that gentleman is saying is not there. Do you see that alleviating some of the flooding problem is it possible?

Mr. Rolffe, Yes it is possible but why is it a burden on us?

Ms. Copley, Because you're asking the town to approve this subdivision, they live in the town, they pay taxes they have a right to get something for the risk that is being put on them. Yes it may fall on your client but you're asking this board to give you something you want and you may have to give something in return.

Mr. Cerrone, We'll determine it.

Charlie Legg-309 Mt. Hope St., If they should decide to put in Title V you would have water running right to the neighbor's back door now it runs within 10 to 12ft. of back door now every spring and it's 6" deep. They didn't make arrangements when they did Young Ave. there is trench where easement is and it's supposed to go across John Rezza Dr. and into Joe Rezza's

conservation area. I've never seen that conservation area with much water in it. If they could get some kind arrangement at end of Young Ave. to ease that pressure and block up the hole that is cut in wall of the pond then you might eliminate the runoff that comes through the Copley's yard.

Mr. Cerrone, Board will go out and look at it.

Jim MacDonnell- 59 Lakewood Dr., I'm next to the Copley's. I know Dept. of Public Works on 10/10 sent you a letter with our concerns and I understand that Shannon from Conservation.

Mr. Cerrone, We have all the letters he hasn't seen the letters yet.

Ms. Burgess, 10/10/07 letter through Mike Stankovich-Director from Bill McDowall PE Project Manager to Mary Burgess-Town Planner (insert).

Mr. Cerrone, Next meeting we'll get John's letter you can review them and we'll address them.

Ms. Burgess, Town Planner letter dated 10/18/07 (insert). Shannon Doyle-Conservation Agent dated 10/17/07 (insert).

Continue hearing until 12/6 at 7:00 P.M.

Ms. Burgess, We do need an extension.

Mrs. Marchitto, Make motion to continue Mount Hope Farm Estates hearing until 12/6/07 at 7:00 P.M., seconded by Dick Houle.

All in favor 4 to 0.

Mrs. Marchitto, Make motion to extend time for Mount Hope Farm Estates to 12/15/07, seconded Dick Houle.

All in favor 4 to 0.

Board taking 10 minute break.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, OCTOBER 18, 2007

Old Business:

2) Form O: Amerada Hess Corporation (Bohler Engineering, P.C.) Note: Final Action Due 11/1/07;

Present Phil Lombardo, Joshua Swerling (Bohler Engineering) and Andy Lautenbacher-Manager
Ms. Burgess, Letter dated 10/16/07 through Mike Stankovich-Director from Bill McDowall PE Project Manager Public Works to Mary Burgess-Town Planner (insert). Letter from Shannon Doyle- Conservation Agent dated 10/17/07 in form of e-mail (insert).

John Lavin, I did review everything and the maximal extent for stormwater they went over and above in sense of what they could do as far as putting detention basin in, put stormceptor in. I discussed briefly ConCom was putting impervious barrier. As far as stormwater calculations in the basin they said steep or shallow in a sense the area they had they really didn't have to do that. Stormwater calculations are fine put storm pre-treatment system in and discharge into the river and it's really clean the way it is designed.

Mr. Cerrone, We just received the letter today from public works. You might want to go back and do some research on that stuff.

Phil Lombardo, We realize there are some technical issues I haven't detected anybody's objection to the design, concept or what have you. It seems we just have issues to work out the diameter of pipe, etc., which are beyond what we were prepared to talk about tonight. We'll have to work this out with DPW.

Joshua Swerling-Bohler Engineering, Water connection comments just technical in nature something that is easily work through-able.

Mr. Cerrone, You can call us if you need an extension.

Ms. Burgess, Do you have landscape plan? I never got it.

Mr. Cerrone, We also need an extension from you.

Mr. Thimot, How much open space?

Open space 40.5% minimum is 40%.

Mr. Swerling, One thing you asked last time did we account for the landscaping this being proposed out on right of way, which isn't included in that. It is pretty much a net wash in terms of pre and post development landscaped areas. Provided that MHD approves the improvements that we're proposing on right of way about 3,000sq.ft. lost for putting in car wash, additional pavement and out in the street about 3500sq.ft. of additional landscaping that is not there today.

Mrs. Marchitto, Make motion to extend Amerada Hess Corp. until 12/2/07, seconded by Richard Thimot.

All in favor 5 to 0.

Mrs. Marchitto, Make motion to continue hearing until 11/15/07, seconded by Chris Sweet.

All in favor 5 to 0.

4) Completion of Bally Heather Subdivision;

Richard Thimot left table at 9:30 P.M.

Tom Fitzgerald-owner, I submitted preliminary plan for the sub drain system, I have asphalt guy lined up hoping to have him in this week for new surface. Other things are mostly letters back and forth between neighbors and different depts.

Mr. Cerrone, How are we doing with Mr. King?

Mr. Fitzgerald, Mr. King had gotten a price of \$5,000 I told her to go ahead. I spoke with contractor and told him hopefully within next two weeks I'd like to get that done.

Mr. Cerrone, We can't vote on something that we just got John has to have some time to review it.

Mr. Lavin, If he can hit review letter I gave him last year. He has to find the septic, drain pipes and if run solid pipe has to be 6" below impervious as far as stone. Any pipes coming out of side of hill you have to look at them.

Mr. Fitzgerald, Letter was dated 8/10/06.

Mrs. Marchitto, My issue was stonewall on right of way.

Mr. Fitzgerald, We're getting letter from owner saying that they were responsible for any problems with that wall.

Mr. Lavin, Asbuilts, you need cross sections.

Mr. Fitzgerald, They're all in the asbuilts I think only thing left is for you to review the asbuilts and engineer to finalize it.

Mr. Lavin, Only thing you can do is conditionally approve it based on my acceptance. You're planning on grinding the road?

Mr. Fitzgerald, Yes all three of them Edwards is going to do it. We have shut off easements on water gates on everybody. Biggest thing is the sub drain.

Mr. Cerrone, One of neighbors some tire marks.

Mr. Fitzgerald, That is on my list.

Ms. Burgess, Mr. Barlik called today and I ensured him you were going to fix it.

Mr. Fitzgerald, I have to pay the guy for Mr. King.

Mr. Lavin, Show asbuilt locations for existing septic systems, elevations of roadway, direction of flow sub drain/surface where is high point and which way you're going. Proposed location of

sub drains and surface drain and take into consideration septic systems. Show scale cross section of roadway relative of where it's going to the curb and road push it against the right of way. Trench would go in right of way and drains are off right of way. Indicate which basins it's going into detail following connections surface drain in catch basin. All you have you to do for the record mortar it and shrink grout. Cement manufactures for surface drain.

Mr. Cerrone, The drains go into town system you better get easements or something if public works has to get on property.

Mr. Lavin, Size of stone, pipe it's really detail. The level spreader?

Mr. Fitzgerald, Dr. Massand's land it's on he will not let us on his property the builder who comes in is going to have to do that. We have to put it in the building dept. somewhere in the records that the builder has to complete that as part of the subdivision. I never even owned that lot he kept it, he's sold everything he's moved out.

Mrs. Marchitto, Make motion to accept the proposed drainage improvements on Massand Rd. prepared by Neponsit Valley Survey Association condition on John Lavin's review, comments and acceptance of plan and address letter dated 8/10/06, seconded by Dick Houle for discussion.

All in favor 4 to 0.

5) Completion of Queen's Grant Subdivision;

Richard Thimot returned at 9:50 P.M.

Ms. Burgess, I did receive a complaint Frank Rivera-604 Allen Ave. regarding circular driveway and retaining wall installation that was promised.

Mr. Cerrone, That is where the slope they couldn't get easement.

Mrs. Marchitto, We brought that up with Rick Bessette and John O'Neal last time they were here.

Mr. Cerrone, They were going to do that so they could give them a slope easement they were going to work out some kind of detail.

Ms. Burgess, Amy Lane when they made the cut they didn't stabilize.

Mr. Cerrone, Call John O'Neal and ask him status of neighbor maybe they can work it out. We haven't gotten anywhere with Mr. Bessette.

Mr. Lavin, Lynch went out did something couple months ago all catch basins and that was end of that. They built like a stone retention or berm in back corner trying to control the water really they were diverting water to right it used to go to left. Even if divert it to right it is still going to street and you have to do something at the street to capture it.

Mr. Cerrone, Maybe John O'Neal will come in our next meeting.

Mr. Lavin, Pole is still there, they don't have street signs, they didn't have poles for lights.

Mr. Sweet, I was there week ago swale running down back they were planting trees and bushes, etc. all the way down the length.

Mr. Lavin, There are still several pipes coming out.

Mr. Houle, Have they done anything to identify water problem between those two houses?

Mr. Cerrone, I think they cut down the grade that is water table was 6" to the ground that is why water keeps coming that is not from Allen Ave.

6) Update on progress of Hickory Woods Subdivision;

Donald Cerrone and Richard Thimot left table at 9:53 P.M.

Fred Bottomley, Two weeks ago you gave us permission to rip up Harold Bishop we went in immediately and ripped up all three roads. We dug up 400ft. of roadway and are regrading, filled it in. We were out there today with Fred Bowan we did nuclear density testing on all of Jon C. Barry, William Thorpe and Harold Bishop. Lowest reading was 95.7 at intersection of Pinsonnault and Harold Bishop we're above the 95%. We're graded to within reasonable

tolerance of the original subdivision approval. We're paving tomorrow immediately then go onto curbing, sidewalks and streetlights. All the bounds are already in and then we'll be back in the spring time to get permission from you to put final coat. I'm going to keep same paving company, which is Murray out of Framingham.

Mr. Lavin, No paving in the rain.

Mr. Bottomley, Allen and I did meet with electric dept. there is still not a resolution to that. I also reported at last meeting about the zurn trench systems. Homeowner that lives on lot 20A, which is first house going down on Jon C. Barry hired a contractor. We had told you they had done work in their backyard before to help alleviate their drainage problems themselves. They have since regraded the whole right hand side of their driveway. They eliminated the channel in the flow areas, which was fairly wide at time that is area where we had proposed an 8ft. zurn system going in. I think at best because of regrading homeowner as done we will be back at putting sub surface drain or some type of sump. Pull box there will be left front of it because that looks where the new water course will be. We think that a stone trench is probably going to be one of the better conduits of the water coming out of the invert of the sump pit, which would be a conventional ADS PVC type of structure in the ground cast iron surface for structure purposes. We hope that will alleviate the problem it is a field change that a homeowner did to an existing condition their yard looks beautiful they've eliminated all of that scrubby brush type area. They haven't seeded or hydro seeded yet I think we'll know by Tuesday or Wednesday at the latest we'll see what the water is. Drain that I was attempting to prove to be a relief for the pull box down after Mr. Cerrone's house I was chastised by the electric dept. they have since removed it and have billed me and I'll pay the electric dept.

Mr. Lavin, Sump are you just going to above it pipes on top?

Mr. Bottomley, Yes deep sump.

Mrs. Marchitto, At end of Thorpe the swale is that going to be cleaned up?

Mr. Bottomley, Yes right now there is load of surplus dirt there if you remember we had to move the hydrant all of the catch basin frame and grates are in that area also. After we put the binder down we will then cut out all structure locations, set all of our structures to binder grade so that our drainage is fully operational again. Curb has already been ordered for Barry and Thorpe and we're reusing the curb that was on Harold Bishop. We're going to keep going as much as we can until cold weather precludes us from doing anything more.

Mr. Lavin, It really is the binder, curb and sidewalk then it is doing the other fix the drainage. When we looked at sub base it was variable I asked him to take out 2ft. he took it out from station 0 to 400.

Mr. Bottomley, DPW has been in and out I know other day electric dept. stopped in, water dept. stopped in. I said I was going to do something and I did it.

Donald Cerrone returned to the table.

7) Update on status of other on-going subdivisions;

Christina Estates;

Ms. Burgess, They're installing sewer and water in Phase I they're blasting.

Mr. Lavin, Started out with the soils concerned about the water they took out 4ft. of material and brought in 4ft. of ordinary burrow. They put 4ft. in right across after they put sewer in they filled that all in up to wetland the crossing still haven't got permission. Putting drainage in now probably have about 1/5th. of it done on other side of the wetland, which is still Phase I they're blasting. They're trying to pave now.

Ms. Burgess, They did get denied their water permit.

Mr. Cerrone, Everything was on the plans water, etc.

Mr. Lavin, Yes they negotiated with the town.

Mr. Cerrone, They had some question of thrush block how to do detailing.

Ms. Burgess, It was different systems.

Mr. Cerrone, In public works letter said plans didn't have certain things. Letter was dated 10/12. We had Judith Nitsch review the plans for us. DPW has their details on a disc.

Mr. Lavin, It says details are available at dept. of public works.

Mr. Cerrone, I asked for detail work it never came back to us. They gave a stack to Mary of all the details there were few questions I had.

Mr. Sweet, I know Bob Norton received it he was looking through it at public meeting I was at.

Mr. Cerrone, They're going to make new ones now they're going to change.

Mr. Lavin, Then they just go by the old ones.

Mr. Cerrone, I wanted to put them in our rules and regulations they never sent them to us.

Ms. Burgess, They said they wanted to make changes on the specs. No showed up at our public hearing but first time around Bill McDowall did supply a letter including the specs and why we should do it, etc. The stuff you dropped off at Mike Stankovich we just heard they were changing the specs. Dropped it off in July didn't get a reply until September.

Mr. Lavin, It wasn't denied it was just submit their specs. to them.

Other Business:

Circuit City Display Car on 11/4/07 to 12/3/07;

Ms. Burgess, They want to park a car on the sidewalk as part of a promotion.

Mr. Cerrone, We just told Mall no tell them no.

Work Session with David Cannata;

Ms. Burgess, Regarding sports complex I don't know the history on it. Technically he can't have a work session with the board biases you towards the project. You've already seen it before a public hearing has been opened. I'd advise against it. He's proposing a sport complex if you were to participate in work session you would be bias towards the project because you've already seen it.

Mrs. Marchitto, When he presents it as a site plan for public hearing.

Mr. Lavin, Like workshop you use to do all depts. sit around and have no quorum.

Mrs. Marchitto, When I first came on board we had stopped doing the work session because it's what you said, etc. They want this informal work session and I think informal work session should be with town planner in town office.

Mr. Sweet, I concur with that.

Ms. Burgess, I didn't know if there was a history that is why I'm asking.

Mr. Cerrone, No he just came in one time wanted to propose it then he changed his mind.

Ms. Burgess, I'll review it and set up work session and let you know when it will be it is just me at this time.

David Cannata is present.

Richard Thimot returned to table at 10:20 P.M.

Cobblestone;

Memo from Mike Stankovich to Mary Bugess 10/30 DPW is having meeting and extending invitation to us.

Mr. Cerrone, I think one of them should be here when we have our public hearings I'm not going over there.

Ms. Burgess, Andy Kushner had called me and asked if I would be willing to sit in work session with Mike Stankovich and try and figure out what is going on. Their biggest issue is off street improvements that board wants and DPW does not want them. I talked to Mike Stankovich and

he declined a meeting and that is when I got this e-mail inviting us to their meeting to discuss it. It was in response to letter we sent saying 11/1 was it.

Mrs. Marchitto, Last time they were here it did appear that we were in an impasse and Andy had stated they were going back to DPW.

Mr. Cerrone, They did go back to DPW and said they were going to show us new plan they had worked something out they were going to cul-de-sac we haven't seen anything.

Ms. Burgess, I don't have a problem going to DPW meeting just to hear how they plan on approaching it maybe some good will come out of it.

Mr. Cerrone, We told them we wanted improvements on Draper Ave. that is what we've been saying from day one. They didn't want to do it they're cutting trees there now you will have another Sheldonville Rd. when they put water lines all those trees are going to die anyway. That road needs improvement that has been planned for years when they were doing that subdivision that is a cut through for that half of town.

Mrs. Marchitto, They were looking at crest of hill to come down.

Mr. Cerrone, About 2 or 3ft. We had it staked out you can fit a road there.

Ms. Burgess, I have all the dates for the minutes I will copy those for you.

Mr. Cerrone, I think stake to stake was like 24ft.

Ms. Burgess, I think we wanted more and DPW didn't want more. I believe that the impasse was DPW didn't want any off site improvements.

Mr. Cerrone, I think it was 24 and 26ft. you can swing that road plus sewer has been extended. I'd like to know if that sewer is private or public? Right now our regulations say if you're within 900ft. you have to tie in.

Mr. Houle, What happen to letter you sent asking that question?

Ms. Burgess, I got a lot of we'll get back to you they never answer the question.

Mr. Cerrone, All these e-mails should be on letterheads after so everybody sees it this way we can say we have it on file.

Mrs. Marchitto, I would like to know what was discussed on Draper Rd. Resident next to subdivision wanted a wall.

Mr. Cerrone, Chretien and he's willing to give them an easement. These raised systems he's going to get more water that water table is high and you have sewer within less than 900ft. I want to know if that is public or private before I make a decision.

Ms. Burgess, He sent me a forty-two page e-mail follow up.

Mr. Lavin, There was just couple minor things we had three work sessions with them.

Mrs. Marchitto, We should do a site visit on Mount Hope Farms.

Site visit for Mount Hope Farms 11/3/07 at 9:00 A.M. Call the owner and notify them.

Planning Board Business:

1) Approval of Minutes;

1/8/04- present Cerrone and Thimot. Mr. Thimot make motion, second by Don Cerrone all in favor 2 to 0.

7/8/04- present Cerrone and Joan Marchitto. Mrs. Marchitto make motion to accept minutes, seconded by Don Cerrone. All in favor 2 to 0.

8/19/04- present Cerrone, Joan Marchitto and Richard Thimot. Mrs. Marchitto make motion to accept minutes, seconded by Richard Thimot. All in favor 3 to 0.

9/20/04- present Cerrone, Joan Marchitto and Richard Thimot. Mrs. Marchitto make motion to accept minutes, seconded by Richard Thimot. All in favor 3 to 0.

9/23/04- present Cerrone, Joan Marchitto and Richard Thimot. Mrs. Marchitto make motion to accept minutes, seconded by Richard Thimot. All in favor 3 to 0.

9/13/07- all present. Mrs. Marchitto make motion to accept minutes all present to amend to add Houle to attendance, seconded by Richard Houle. All in favor 5 to 0.

9/27/07- Cerrone, Thimot, Houle and Sweet. Mr. Houle make motion to accept minutes, seconded by Richard Thimot. All in favor 4 to 0 to 1 abstain Joan Marchitto wasn't present.

10/11/07- Mr. Houle make motion to accept minutes Marchitto, Thimot, Houle, and Sweet, seconded by Joan Marchitto. All in favor 5 to 0.

Mrs. Marchitto, Would like to make motion to go into executive session to discuss legal. Executive Session 10:33 P.M. Roll Call;

Dick Houle- yes.

Joan Marchitto-yes.

Donald Cerrone- yes.

Dick Thimot- yes.

Chris Sweet- yes.

10:55 P.M. Board coming out of executive session roll call;

Dick Houle- yes.

Joan Marchitto- yes.

Donald Cerrone- yes.

Dick Thimot- yes.

Chris Sweet- yes.

Mr. Sweet, Make motion to adjourn, seconded by Joan Marchitto.

All in favor 5 to 0.

Respectfully Submitted,

Attach Agenda to Minutes.

