

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, APRIL 29, 2008**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, April 29, 2008 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Christopher Sweet, Richard Thimot, Richard Houle, Donald Cerrone, Joan Marchitto-chairman and Mary Burgess-town planner.

Mrs. Marchitto, Go into executive session reason is to discuss litigation ...(inaudible) with Roger Ferris attorney.

Mr. Thimot, Second motion.

Roll Call;

Donald Cerrone- Yes

Dick Houle- Yes

Joan Marchitto- Yes

Dick Thiimot- Yes

Mrs. Marchitto, 6:32 P.M. coming out of executive session Chris Sweet did join us at 6:15 P.M.

Roll Call;

Donald Cerrone- Yes

Dick Houle- Yes

Joan Marchitto- Yes

Dick Timot- Yes

Chris Sweet- Yes

**NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, APRIL 29, 2008**

6:35 P.M. Articles proposed for May 19, 2008 Annual Town Meeting and May 2008 Special Town Meeting.

Ms. Burgess, Reading in notice.

Article #24 Aquifer Protection District;

Ms. Burgess, Annual Town Meeting warrant article #24 is to alter the aquifer protection district. We received letter from Dept. of Environmental Protection laying out their new standards and what needed to be changed in our existing bylaw in order to comply with the zone 2. The strike out is what needed to be amended as well as what needed to be added to last section. This has been previously approved by the EPA.

Mr. Thimot, Are we making this more stringent or less?

Ms. Burgess, More

Mr. Thimot, As I understand it much more restrictive on liquids, etc. in that area correct? (Yes).

Christine Canning-78 Lindsey St., I had similar question regarding the correction it is hard to interpret what the context of the strikeouts are. When they strike out herbicides are they saying that he can store them in that district?

Ms. Burgess, If you to the second one it covers where we did strike out herbicides it was being repetitive it is also stated in I the first one wood preservers, dry cleaning, pesticides, fertilizers,

manufactured herbicides. Little bit clean up and also little bit stricter regarding storage and control. Whether the board wants to endorse.

Mr. Thimot, Make motion we accept this as is.

Ms. Burgess, Fin Com voted to endorse this.

Mr. Sweet, Is it for special or annual?

Ms. Burgess, Special.

Mr. Sweet, We submitted it and it didn't show the strike throughs, etc.? For annual then resubmit it with special with all the strike throughs, etc. From form standpoint we recommended it go to IP for annual but in favor for special.

Ms. Burgess, The annual town meeting article #24 was withdrawn and it is article #23 in special. I sent letter to moderator, Finance Committee and Selectmen with article #24 in annual this is for article #23 in the special. We don't have to make any recommendation for article #24

Mrs. Marchitto, We're talking about special town meeting article #23. We could ask the person who made the motion withdraw it.

Mr. Thimot, Is it all right if I amend the motion?

Mrs. Marchitto, You can withdraw motion and make new one.

Mr. Thimot, Withdraw that motion and make motion we accept article #23 for special town meeting, second Chris Sweet.

All in favor 5 to 0 recommend article #23.

Article #25;

David Manoogian, Representing Barry and Patricia Miles 437 N. Washington St. With me tonight is Barry Miles, Patty had business commitment she wasn't able to be here. Property exist as duplex house north on Rte. 1 after Dairy Queen and right after Auto Part Store there is house on right side it is called the Looking Glass Salon got zoning relief for hair salon. Patty had small coffee/breakfast shop located in Uxbridge, Mass. About 6 months there was big mill fire it was totally destroyed fortunately Patty was one of the few businesses that had insurance. She did insurance money, which was less than .50 on the dollar. They invited her back to the location when they rebuilt however the rent is too high. They have this property in North Attleboro we acknowledge it is in middle of R15 zone. If you look at zoning map it has 51,200sq.ft. area we would like to tear that down and towards back portion of the property put up small restaurant serving breakfast and lunch. I know it is in middle beginning of R15 zone but 100ft. maybe even less there is commercial establishments starting at intersection Dunkin Donuts almost across the street, auto parts store, florist, Dairy Queen is there. We don't think it is really spot zoning because there are other businesses in that area. Other reason we're seeking town meeting approval is because before applying for use variance we have two alternatives use variance and zoning change. Zoning Board traditionally asks question did you pursue zoning change before coming to us? We think this would be reasonable use. We do have residents across the street.

Mr. Thimot, All I'm hearing is petitioners for zoning change as opposed to use variance.

Mr. Manoogian, Either one would fit their needs they're not trying to market the property with zoning change. They could use all the uses that are available under C30 as matter of right. They just want it for their restaurant purposes.

Mr. Thimot, I tend to go along with ZBA go for zoning change as opposed to use variance.

Mr. Manoogian, Patty and Barry could live with either one typically if you go before Zoning Board for use variance they ask the question have you pursued town meeting approval? They understand it is not the easiest call for this board in making recommendation to town's people I think it is appropriate use for that area.

Mr. Thimot, If you go for use variance I will go along I'm not opposed to town meeting. If you go for town meeting approval I will not oppose.

Raymond Payson, Spot zoning is it going to be fair for the neighbors that they can't get a restaurant, etc. Maybe it should be taking into study going up the hill with other lots. Other thing I think the access to restaurant is dangerous. I think we have to look at not spot zoning I think you have to look at zoning in that area. Do you want to expand commercial zone up the hill?

Mr. Manoogian, Barry did canvass his immediate neighbors and they had no objection to seeking zoning change. In fact asked some of the neighbors I think if they wanted to include their properties in it they said for time being they were content with the way it was. We did do informal survey we were trying to get some of the neighbors to go in on petition. We're not planning large establishment in near future it would be very small I think there is about 140ft. frontage. If it does pass town meeting Barry understands you have to come before this board for site plan approval. Right now it is residential and there is some traffic. Other problem is that building has seen better days another thing one of the tenants committed suicide about year or two ago.

Barry Miles, 4 years ago.

Mr. Manoogian, If they try to sell it that creates a stigma but structure itself is wood frame seen better days to continue to use it for two family use would require much more renovation.

Mr. Sweet, Not in favor of spot zoning. Have you approached ZBA?

Mr. Manoogian, No because first question they will ask is have you tried to rezone. With all due respect it is not spot zoning, spot zoning is if you took in middle of Cliffs and middle of lot allow retail use. I don't think this is spot zoning because of other character of the neighborhood that is open for interpretation. I'm suggesting that I think the days of that staying residential are probably coming to end.

Mr. Thimot, In my opinion argued this vigorously with you few times town meeting use variance.

Mr. Manoogian, There are two ways to do it in this town and fortunately this town has use variance allowed.

Mrs. Marchitto, I think in year 2004 Planning Board did site visit at Summer St. there were lot of residents that came out for division of property line. When I went to end I was surprised the amount of the neighbors had come out to find out why the Planning Board was there and what was the intent of property owner. At that time nothing was done with large piece of property made decision to keep it as is. Elmwood all way to Mt. Hope those neighbors came and they were concerned. I do have concern about the neighbors input it is residential 15. Yes there is Dairy Queen, florist, auto supply but then it is all residential on both sides of the road going up to Plainville. We are doing workshop on zone map couple weeks ago and we might be ripe right now to submit as Planning Board maybe in the fall a committee to review zoning and to see areas where need to be rezoned. I think it is better picture to look at it large scope until we look at these areas in visionary sense to see where it make sense to do complete rezone. What are the consequences of rezoned areas? Right now it's zoned 15 and R10 that is all that is there right now.

Mr. Houle, I agree with what you said.

Mr. Thimot, I have no problem with that. Before we make motion opportunity to have discussion.

Mr. Sweet, I have to agree with Mr. Payson's point about high volume of traffic passing that area it is dangerous spot.

Mr. Houle, I think people aren't use to stopping or slowing down at that area.

Mr. Sweet, I think we need to look at this holistically like Joan said and think of broader scope rather than just this one parcel. I still feel it is spot zoning it is shame that we can't just do this because it will set a precedent. I think if we allow this to happen or sanction this it might encourage others that have property rather than sticking to zoning.

Mr. Thimot, Any time you want to change zoning you opening up I understand that it happens all the time.

Mr. Sweet, I really hate to see business go away from town too.

Mr. Thimot, Allow it to go to town meeting and let town have say in it as opposed to spot zoning use variance.

Mr. Sweet, Recommendation would be to proceed to town meeting and let them decide?

Mr. Thimot, Let town meeting decide.

Mr. Sweet, They look to us for some expertise certainly, guidance and recommendation. Recommendation from this board has some standing.

Mr. Thimot, Give town people opportunity to say whether they want it or not.

Mr. Sweet, We're not preventing this from going to town meeting.

Mrs. Marchitto, I think also we have petitioner in front of us who is looking for particular purpose they want to change it to C30. Once this is rezoned to C30 anything acceptable under C30 can also go in there. This is sometimes my concern I appreciate Attorney Manoogian you come in and present for a client and sitting on a board I have to recognize that when he is presenting for client for one specific purposes that this property can be sold down the line. If it is rezoned to C30 we should be looking at all the uses for this parcel of land that can go in there. Our job is to look at big picture not a specific. Church, education, private school, day nursery, club membership, any state or federal office buildings, garage, cemetery, historical solution use, resting/nursing convalescence home by special permit, power plant, parking lot, hotel/motel all these things can go in there.

Mr. Thimot, Certainly developer would not put \$4/\$5 and \$600,000 homes there.

Mr. Cerrone, Could rezone to R10 multi unit what is the difference?

Mr. Houle, I think this is why we should look at much bigger piece that is only way to plan for future of town.

Mr. Thimot, I have no objection to that either.

Mr. Manoogian, I understand your concern with the rezone much broader range of potential use if we build restaurant it is no longer there it could be used for some uses maybe don't feel are appropriate. If you decide to make negative recommendation I would request that you say that for applicants intended use that appropriate avenue for relief would be to seek zoning use variance that could restrict the use to particular use so that it wouldn't be open to a number of varied uses. That wouldn't be endorsing but would at least tell the Zoning Board foresee in future you're looking to rezone just one lot. If your concern is that you feel a zoning change opens potential for more uses that may not be compatible with the area I'm asking you to state the logical extension to that if the applicant desires to put specific use there they should seek zoning use variance so that a condition could be imposed by Zoning Board that would limit the use to property just for that use. It would just be tighter control of the use that is all.

Mrs. Marchitto, I think the appropriate time to do that is maybe when the applicant submits an application to zoning and we get notification of what application is. If board makes decision to write letter recommendation or not in recommendation it is usually the time this board makes a response to zoning.

Mr. Sweet, Make motion not in favor of this article, seconded by Don Cerrone.

All in favor 4 to 1 opposed Richard Thimot.

Article #24 Zoning Map Change.

David Manoogian, Representing applicant CLC North Attleboro LLC with me tonight is one of the managers of CLC North Attleboro Paul Stanzler. I have letter from NAIPA other is letter from Board of Selectmen that was addressed to Chairman Cerrone 3/28/08 indicating BOS support for this I also am submitting copy of petition. This is parcel that is at 15 John Dietsch Blvd. as you come off Toner Blvd. take right and come in off 95. Plot currently exist as one large property parcel little over 11 acres has two buildings on it. Front part is Answer is Fitness rear portion is unoccupied industrial building. Both of these parcels are C60. I believe it was industrial at one time there was zoning change where it all was zoned C60 to accommodate CVS came into area use the property for their administrative headquarters but in order to do that it had to be in C60 zone that is how it currently exist. Exhibit B see an excerpt of plan of land where there is Form A plan signed by this board back in 8/69, which showed the two buildings. Originally had it as two separate lots in that same parcel. Highlight parcel is the area we seek to have rezoned. At some point in time in 69 it was anticipated to be two buildings on property that is how those buildings got built. Another point in time it was changed to C60 to accommodate CVS in those two buildings. CVS pulled out several years ago and took all their activities with them it left two buildings for CLC to rent. They've had some success of renting front part in C60 zone use, which allows the health center and other commercial enterprises. However they've been trying to rent the back portion for number of years but as C60 retail use there is no visibility if you spend money for C60 retail use you want visibility right off the highway and there is no visibility for this site tucked in the way it is so it is impossible to rent. Present petition to change that back part back to I60 there is wood pellet manufacturer desires to rent the building, which is an industrial use and that is not allowed as matter of right in C60 zone. We feel that it would be better to allow an industrial use back there whether it is pellet manufacturer or pellet manufacturer decides to move on in future years it still will be used as industrial building I think the access off the highway and tucked back that is what most manufacturers want. Paul is here to say that if zoning changes the pellet manufacturer is only going to have small number of employees it takes up lot of space but it's not high employee type of use. This bylaw change would be harmonious with the change in the neighborhood and it would better serve that parcel in back building. I have contacted the NAIPA and gave me letter dated 4/21/08 (Insert) to both Finance Committee and you folks they are in favor of the change. Typically anything that is likely to effect Industrial Park boys in town like to have letter from them. I attached to the petition meets and bounds description of the property that is taken from that 69 plan. My client understands he would have to come back with Form A plan eventually if this was changed at town meeting to reestablish those boundary lines.

Mr. Thimot, Asking where the Form A is.

Mr. Manoogian, It is conforming lot it was Form A it's attached to exhibit A. It would have to be Form A'd to get two separate lots if that is the way you want to go if not it could stay the way it was and just change the zoning line it's your choice. It is one lot with two buildings.

Mr. Cerrone, It has plenty of frontage and plenty of stuff to cut it up in two.

Mr. Manoogian, 1969 did Form A it. As an attorney my problem is this Paul comes to me and says he would like to try and get that land rezoned. I have to have some zoning lines to show within the lot where it starts to be C60 and then it becomes I60. I researched it at Registry of Deeds we were lucky enough to come up with the old Form A plan of record showing that once it did have two separate lots with definitive meets and bounds. We just used the 1969 plan to say that if town meeting acts it is going to be rezoned the old 69 lot where that building was on just I60 zone. As Don Cerrone pointed out it has frontage on a public way so you could have two lots and that is the easiest way to handle it.

Mr. Sweet, Why was this turned down before? It came to town meeting before and it was turned down.

Mr. Manoogian, I did research what came up before town meeting.

Mr. Sweet, You presented it.

Mr. Manoogian, No that is the second person that has asked me.

Mr. Cerrone, I don't think so.

Mr. Manoogian, You're getting confused with Day Surgery Center that I tried to put in Hoetuss Contracting Plant, which is way back in the industrial park. You're the second person that has asked me that question it came up at Finance Committee and only thing I remember of last couple years rezoning that had anything to do with industrial park Hoetuss and Larry Tilton's building.

Mrs. Marchitto, I think at Finance Committee there was discussion and this property was brought up.

Mr. Thimot, Univas used to be there and Balfour was in back building.

Mr. Manoogian, I think when CVS came in that was when zoning was changed to C60 because CVS could not go in there without zoning change offices and that was I60 parcel. To answer your question no I have not been involved with this lot until now.

Mr. Sweet, My other question is if we are in favor of this or go forward with this it would be split zoning?

Mr. Manoogian, I would come before you so that we would have two definite lots with Form A so that now you have one lot that is zoned I60 and other lot.

Mr. Sweet, This is cart before the horse we don't have that.

Mr. Manoogian, Even if we never saw the Form A plan there are numerous lots around town that have split zone.

Mr. Sweet, That is the problem we're trying to fix that.

Mr. Manoogian, If boundary lines are unclear this board has the authority under current bylaw to determine where boundary line falls. I gave you meets and bounds description so that you would have definite boundary and it coincides with lot that meets your current bylaw.

Mr. Sweet, I'm little hand strung by process. I'm totally in favor of getting the use in there.

Mr. Manoogian, This is the way to do that I think with bylaw change because you would be putting it back on industrial. Only other alternative I have is seek use variance from Zoning Board.

Mr. Sweet, Do we end up kicking out Answer Is Fitness and the church because it is now different zone?

Mr. Manoogian, No it's not that zone is going to stay the way it is I'm not touching front parcel. Petition I gave you if you look at second page I have meets and bounds description so that very carefully it carves out within the lot with two different zones. It is attached as exhibit A.

Mr. Sweet, It's issue we had when I was on Finance Committee we weren't getting the attachments.

Mr. Manoogian, I gave same handout to Finance Committee.

Mr. Cerrone, There are no other buildings in industrial park he can go in?

Mr. Manoogian, You don't understand we own this property now CLC owns the property. We're not looking to tell this wood pellet manufacture to go elsewhere I don't even know if they could because you have some relatively open industrial space. I don't know what is available in the industrial park but I'm not going to tell my client to tell them to go somewhere else.

Mr. Cerrone, He owns property is owner of record?

Paul Stanzler, Yes it's a corporation CLC owns the property.

Mr. Manoogian, They're looking to lease it to wood pellet manufacturer.

Mr. Sweet, I'm in favor I just don't know how to get there.

Mr. Houle, We have to be careful every time we do something like this we open up Pandora's box so we're looking for best vehicle to use here. I'm not against it either.

Mr. Cerrone, When we rezoned that commercial K Mart was where the plaza is where Shaws was they we're trying to get K Mart right across the street. This was before Balfour I had just got on the board I've been on board 17 years. K Mart wanted to go to South Attleboro they were trying to keep K Mart in North Attleboro near 95 they rezoned that commercial if I recall. Then K Mart they didn't come there Almac's was there and Shaw's came in and that is why they changed the frontage of Shaw's is facing the Fitness Place. They were both going to be there with the light because if they had redone that intersection that was going to be main entrance industrial park for both plazas.

Mr. Manoogian, I think there was obviously good reason I to rezone in commercial.

Mr. Cerrone, The exposure is there you can see that from 95 those buildings as you come off ramp you can see it.

Mr. Manoogian, I don't think you would get say Linen and Things or any retail use to go there because you only see it if you come off the highway you're not going to see anything that directs you to it, it is tucked away. You'd have to have huge sign on 95 to get any type of visibility.

Mr. Cerrone, If you cleaned the back of the building where the state highway fence is where his property is you can see that building.

Mr. Stanzler, It has been vacant for couple years.

Mr. Cerrone, Maybe there is another reason maybe building is not what people are looking for cost too much to renovate.

Mr. Stanzler, It is not really for retail purposes. It was originally built for I60 zone.

Mr. Manoogian, Then CVS took it over that used it for storage part of their warehouse facility and they left. You'd have to either knock it down and start from scratch I think industrial in back lot is way to go.

Ms. Burgess, I just think that is going to be the reason why we'll never get the zoning map done. Every time if we get done David will have some more articles on for next town meeting, etc. we're never going to get zoning map done and this is why because of all the previous articles. I feel that it is going unused but looking back to bigger picture it is zoned C60 so what happens when someone else wants another use that is not allowed. What happens when if the movie theater area they want to put residential neighborhood there are we going to accommodate everyone? I think there are other avenues besides town meeting that they can explore that is my opinion.

Mr. Manoogian, You tell us to go and pursue another avenue there is only one other avenue use variance and most towns don't have it. Threshold to get use variance is extraordinary you have to show judging by shape, topography, soil conditions they don't have any structures on it. If there is hardship that is exclusive to that it's particular cost property that is not found elsewhere in the zoning that is very difficult standing to achieve and Zoning Board doesn't give those out like they're on trees. Then this board tell us to pursue that but yet you make recommendations to the Zoning Board for all those use variance applications and, which is at your discretion and they take your recommendations very seriously so if you say you don't want to see it that way we're probably not going to get it. I'm saying the only practical avenue I have for relief is the zoning change and if you're just telling me it makes getting our zoning map up to date for sake of making more lines zoning maps are made to evolve. I think the real question is from taxpayer's standpoint is this a good use for land? Are we're going to say we will turn this

into a revenue producing thing giving some more jobs verses it's going to bring our zoning map up to date? I think when you way those you have to take in favor of getting productive uses in there rather than saying an aesthetic thing zoning map that is just my opinion.

Ms. Burgess, The evolving of the zoning map this is why it is taking forever because of all these applications and in all fairness it maybe rezoning this area is something to look into but I don't think that doing it with one lot at a time is the appropriate way to do it.

Mr. Cerrone, You're C60 right now in the book I know for a fact wanted to put motel in that area what we can do because it's right off 95? If we go IC60 you need special permit now they're allowed there. There are companies that would take that if you marketed it right. I don't think we should change every time someone comes in for a business changing it. I think you have to look at the whole industrial park if you're going to do that.

Christine Canning, I am a taxpayer there are couple things about this article that jump out at me. Two thoughts crossed my mind one you already addressed, which is are you going to change the zoning every time someone has a specific use for the land? Is that what North Attleboro does they let everybody do whatever they want with land they can find in this town? That is my observation as someone who has not lived here for a very long time but long enough to notice that things change rapidly with the land use and that concerns me. The nature of the town needs to have some ... (inaudible) here, which I can see that is what you folks are trying to do. Second thought that came to my mind was manufacturing and industrial use they are different things that is one of the reasons why they are zoned differently. Is there ever considering what would be the impact of putting manufacturing operation behind the other business that is not zoned for that? How will that impact the people there and what are the environmental impacts of that? Are there environmental impact statements that are requested to put forward when they're saying we just want to change the numbers and ladders on piece of paper that is all we're asking you to do? It is not that simple there is I think a lot of impacts that might get sort of put to the side but then 10 years later people say we didn't know these guys were going to putting this in the air or in soil, or water. I think they are fair questions to ask. I agree you have to change zoning and planning every month you will never catch up.

Mrs. Marchitto, It is good observation.

Mr. Stanzler, Lady has entirely appropriate concerns I want to say this lot is stuck way back this is low visibility.

Mr. Cerrone, I don't agree with that.

Mr. Stanzler, It is stuck behind the present use, which is the church and gym farther north. It has it's own sort of access road. When I went there tonight one cannot see it until you take right onto John Dietsch Blvd. and comes down little bit it is tucked back out of the way.

Mr. Cerrone, 11 acre parcel I think lot of companies some times they look for big parcels problem is you have fitness center in the front someone comes in they will take the whole thing. There is lot of opportunities out there.

Mr. Manoogian, You say there is lot of opportunities I beg to differ they've been trying to lease it. And to answer lady's concern we own the whole property we're not trying to encroach the zoning on our property and to detriment of our neighbor in front because we own the whole piece. Answer Is Fitness and the church are tenants of Paul's company we're the owners of the property we control. There has to be some way to address does this town I've been hearing for years we could address something. I haven't seen too many instances where this Planning Board I'm saying this Planning Board is an institution not the board currently has taking large tracks of land and tried to do some intelligent zoning. Last one the board tried to do was what led to Westwood Estates when we had that Landry Ave. and had hotel zone and most of that land went into subdivision to connect zoning freeze and you never had it. In fact after

Westwood Estates was built you had to rezone it all back to residential. The use I think is harmonious because industrial park we have letter from Tenants Association saying they welcome it, it is not going to impact them. Right now you're not going to have to many uses in there zoning for commercial. These people are in business to make money obviously and they had good attempts to try to use the buildings on the property there are two buildings there they have to use them. Back building as constructed is not good for retail purposes way the building is laid out and it's location. Paul is here to tell you that they haven't been able to lease it not for C60 use.

Mr. Sweet. Let's say we recommend this to go forward and RTM votes in favor of this what is the next step?

Mrs. Marchitto, It's rezoned.

Ms. Burgess, The lines it won't be like a Form A they would have to come.

Mr. Manoogian, If we want Form A we would have to come in and ask for it, you would have to reenact the old Form A. It's split zone with definite meets and bounds for zoning purposes I gave you specific meets and bounds so that it wouldn't be desk work you know exactly where it starts and stops.

Mr. Houle, Are there any environmental concerns with this type of manufacturing? Has anybody looked into that any type of discharge with special water uses, etc.?

Mr. Manoogian, It is like carpenter's operation it is wood pellets basically like lumberyard they would be sawing, planing, taking raw stock in and making pellets. It is all contained in the building there is no outside use.

Mr. Houle, Any special permits required?

Mr. Manoogian, Not from EPA standpoint that I know of.

Mrs. Marchitto, Rezone that is good question Chris would they have to come back for site plan.

Mr. Manoogian, It all depends if there is change of use and that is up to Building Inspector I haven't looked at that.

Mrs. Marchitto, Commercial to manufacturing would be change of use?

Mr. Manoogian, All depends on what last use was in that building but that is up to Building Inspector.

Raymond Payson-54 Walcott Rd., I zoned the first part of that I was on Planning Board. I think that what is happen here David said very nicely about concern but we really haven't taking advantage of 195 we tried to that in zoning it C60. Just want to go back to economics the commercial will need return probably double the revenue from commercial to industrial. That is 48 acres at the Mall and 48 acres in the industrial park just try the numbers it's double. Other thing is it one parcel or is two separate parcels now? (One parcel). That is good because I'm watching 495 come down and I'm watching what Milford has done I go over to Lincoln, RI I see what they have done in commercial we need the larger lots for commercial. It really doesn't make sense to put industrial/commercial you're going to have Leach & Garner gone. I think you also need this commercial to service industrial park there is another 26 acres on Landry Ave. things are going on and they're going to go on well beyond somebody trying to make wood pellets. That is there for service when we did that zoning way back that was ...(inaudible) rest of it was zoned industrial to service the commercial. I think that trying to do that is not in the best interest of the town. I went to Easton new plant beautiful building going up it's coming this way and to throw away our C60 commercial zone because we're going to need it to balance out the economics of zoning. We took away 60 acres down on Old Post Rd. to let WalMart get in. Where are you going to replace commercial? It's no brainer as far as I'm concerned you change

small lot 11 acres is not small lot but you have one owner for the whole thing, which is very lucky.

Mr. Thimot, I have no problem with manufacturing going in here that is what it's supposed to be.

Mrs. Marchitto, I have master plan draft based on 199. It states C60 commercial square footage percentage of land in C60 there is 3.7% versus I60 industrial 50,000 is 4.5%. We are going to get commercial land for economic development and I know perception of vision you see the Mall, Rte. 1 south. Town has more bills that have to be paid and I do also drive around and you do see the interstate with the ramps are being encroached where commercial is coming in. I don't think the sole reason is the zoning map that Mary brought up that we're looking. We're having discussion however looking at zoning map we're starting to have workshops on it that it's bringing to attention to this board that have been elected within last 5 years of what has occurred. It is giving us history of what has occurred over 20 years and hopefully maybe this board will take onus in good stewardship that Christine said to look at it and to have the vision to make some changes going forward. I think absolutely it needs to be changes there was really good studies in community input that was presented in 3/03 conducted by the Planning Board and conducted by Selectmen. As a resident in attending these the ball has been dropped and maybe it's time for the Planning Board to pick it up and assist all the other boards to go forward. Maybe now is the time to pull together go to fall meeting with committee to review the zoning where we're having our difficulties and where we should start looking at economic development and add more commercial base and add more to out industrial base. I understand because of Mass. statue up at the state that anytime we enact zoning the zoning freeze in situation like this where it occurs. There are not many large parcels of 60,000sq.ft. and this is larger 60.000 that is in North Attleboro for commercial development. We do tend to do our planning by isolating zoning if you don't want to call it spot zoning.

Mr. Cerrone, Every town has to have adult entertaining special and that is where the zone is in that area.

Mrs. Marchitto, Near C60.

Mr. Cerrone, Every town had to have a zone when we redid zoning because state mandated it if you don't they can go anywhere in town.

Mr. Manoogian, State didn't mandate it since that type is protected speech under first amendment including just zone it out right and say prohibited it has right to exist. You could control it by indicating in zoning bylaw what zone you want to see it in and that is what North Attleboro did like lot of surrounding towns. I don't know where you're going with this if that is why you zoned it we're asking to be put in I60 it has no chance of being adult entertaining.

Mr. Cerrone, Where are you going to rezone it? As a board you have to be concerned because someone walks in and says I want to put R15 or R20 area how are you going to deny it? We're having that problem in Attleboro that is why when we did it back in those days.

Mr. Manoogian, I just don't understand the relevance of that.

Mr. Cerrone, That is only place you can have it because you have to be so many feet away from churches, schools and we looked at whole map when we did this.

Mr. Stanzler, It is back in the woods.

Ms. Burgess, I think what he's trying to say is we always keep rid of C60 where is it going to go it could go anywhere.

Mrs. Marchitto, If you don't designate a spot for it then it's not restricted.

Barry Miles- 437 N. Washington St., This was already zoned two different ways and it was switched to one zone, which in effect made the back building vacant.

Mrs. Marchitto, It is all one parcel.

Mr. Miles, According to 69 it was two parcels?

Mr. Manoogian, It was still all one zone for those two parcels.

Mrs. Marchitto, Look at rezone there shouldn't we rezone the land across street next to Shaw/s? If we rezone one area shouldn't we rezone the other one across street or like Chris was saying ...(inaudible).

Mr. Sweet, I think the use is good I'm glad we have somebody interested but how do we get there from here?

Mr. Houle, That is where I am too.

Mr. Payson, I think the board has to really get into the industrial zone way we have over there because Zoning Board is being pressured to allow non-industrial use into industrial park. You've got right next door to this industrial zone have three companies you have couple other things that has nothing to do with manufacturing. I don't understand what is wrong with the industrial park having zone change or having another ...(inaudible) that could go in there.

Mr. Cerrone, He doesn't own anything in the industrial park he owns right there.

Mr. Thimot, Being in the industrial park doesn't necessarily mean you have to have manufacturing either.

Mr. Payson, I understand it was designed for jobs.

Mr. Thimot, I have no problem clean up boundary line little bit.

Mr. Houle, It seems crazy that any town or any board looking at possible source of taxation to turn down anything in any place let's face it there is so many different businesses leaving this country and going everywhere else. I'm kind of with you Chris on this I don't know how to get there from here. You want to be progressive you want to welcome new businesses to the town how do you get there?

Mr. Manoogian, View of the bylaw is that there is process you can go through and change it, it's not meant to be stay not meant to be cast in stone. If the owners of site where the cinema was across street...(inaudible) said GM wants to put small warehouse plant there zoned C60 you're going to say sorry we don't want you at C60 you wouldn't change it to industrial for something like that? I just point that out as an example the bylaw is drafted so it can be changed state gave us method to change it to go town meeting board that is the process. You can chip in and weigh in which is what you have to do by law for recommendation I don't know how this is going to turn out at town meeting floor. You just have to make recommendation town meeting can follow it, disregard it or drop portions of it do whatever they want.

Mr. Thimot, David clean up boundary lines.

Mr. Manoogian, It was formed to accommodate the boundary lines 1969 were drawn that way to accommodate the two buildings that were on the lot. So you could get one building on each lot and conforming lot based on zone so boundary lines have to be that way. I didn't want to create straight line say this is where my zoning line is because now if you wanted to create two lots I have a true lot with two different zones. This way if this owner or future owner wants to Form A it the zoning lines would match a conforming lot so we wouldn't have situation where one lot has two different zones in it.

Mr. Sweet, I think you look to back of the property north side is not in agreement in how it looks today.

Mr. Manoogian, That is from the assessor's map theirs isn't legal description.

Ms. Burgess, It appears they have lost the land if you go straight across.

Mr. Manoogian, Town took that, I think the assessor's map doesn't necessarily coincide with title conveyance. Land they own is based upon the recorded plans at Registry. Exhibit B is the assessor's map. Exhibit B referred to 1969 plan it referred to it as one parcel it says shown as parcels 5 & 4 on the plan revision of lots. Deed description matches the 69 plan as two parcels

it was described as one parcel but it consisted of lots 4 & 5 that is how it was conveyed to us those two separate lots. There are two lots on it now based on deed they have. Has there been a Form A on this parcel since 69?

Ms. Burgess, Not that I'm aware of.

Mr. Miles, Two separate lots commonly owned.

Mr. Manoogian, Deed of conveyance into this entity back in 2005 refers to 69 plan as two lots it is recorded at the registry. I didn't see another Form A plan after this to get rid of those lot lines so it could be that is what you have now is two lots.

Mr. Houle, I understood that this was one lot at beginning of this meeting and now we're saying it is two lots?

Mr. Manoogian, I thought for the two buildings I thought there was another Form A plan based on assessor's map that combined that to one lot. Assessor's plat is evidently wrong and this is another Form A lot.

Mr. Thimot, My lot doesn't line up to there.

Mr. Manoogian, Based on their deed in the conveyance that is what they own that is what you go by instead of the assessor's record.

Ms. Burgess, How is this going to fly at town meeting describe it as one lot?

Mr. Manoogian, No I described it as I want to rezone a portion as know as map 35A/34A lot 565. I have to describe it for advertising purposes assessor's parcel has it as one lot.

Mr. Cerrone, Was stamped in 69 by the Planning Board.

Mr. Sweet, There is enough doubt in my mind.

Ms. Burgess, It still doesn't change the principal of the article the intent of the article still doesn't change whether it is one lot or two lots.

Mr. Manoogian, I'm just asking to rezone that is why I did the rezoning based upon the boundary line in 69 I looked at that deed the assessor's map had it as one parcel instead of two. Maybe for tax purposes since it was a common owner that is what they did.

Mr. Cerrone, That is probably what it is.

Mr. Manoogian, It still is legally existing as two lots in common ownership each of which meets zoning. I'm asking you now to rezone the back lot.

Mr. Cerrone, You go by the one the Planning Board signed.

Mr. Manoogian, Assessor's maps aren't used for conveyance.

Mr. Thimot, I have too many questions to vote on it.

Mr. Houle, I think there are some questions I'm still not 100% sure.

Mr. Manoogian, What information would you like us to get to clear up any questions you may have?

Mr. Thimot, I use to own the gun place property for 20 years.

Mr. Manoogian, All I know is what I have at the deed.

Mr. Thimot, I sold that property in 97/98 you're confusing me. I'm not going to make motion or vote on it there is something wrong property line is 1969.

Mr. Manoogian, Property was conveyed to CLC North Attleboro as two separate lots in common ownership. Deed of conveyance refers to those two plans the assessor's probably taxing it as one lot because it is common ownership. Mary is correct it doesn't change the principal that I'm asking to rezone that one back lot 5 back to I60 that is what I'm asking to make recommendation.

Mr. Thimot, I'm not going to vote on it until I'm satisfied why are we going by 1969 plan when I sold my property in 97.

Mr. Manoogian, Your property doesn't even involve this.

Mr. Cerrone, In 69 town of North Attleboro owned it there was little cul-de-sac. When was the first phase of industrial park built?

Mr. Thimot, First building in the park was Bud Cobb's building.

Mr. Manoogian, That is why Dick is probably confused because his building was in the industrial park these lots weren't part of the park.

Mr. Thimot, This property abutted me it ran straight line I own that land it went right up to Leach & Garner's place.

Mr. Manoogian, That maybe but these people don't own it. I'm sure the people that own whatever complex is next to us those folks own that land I'm sure if you looked at their deed their boundary would match up with this. Meets and bounds were taking right from 69 plan.

Mr. Thimot, I'll vote against it until it gets straighten out.

Mr. Manoogian, You can vote any way you want what would you suggest I straighten out?

Mrs. Marchitto, The assessor's map to look like 1969 map.

Mr. Manoogian, We have no control of what the assessor does.

Mrs. Marchitto, I'm just saying what he wants.

Mr. Cerrone, All he's asking for lot 5 it is up to this board to decide do you want lot 5 to go back to I60 or keep it commercial.

Mr. Thimot, I have no objection to rezoning or recommendation for rezoning I want to know what I'm rezoning.

Mr. Manoogian, Highlighted part is what I'm asking you to rezone or asking for your recommendation on.

Mr. Thimot, Not based on 1969 plan.

Mr. Manoogian, That is what is at the registry I can't change title of land.

Mrs. Marchitto, If he doesn't have another site what would you like him to bring?

Mr. Thimot, Something that is more up to date.

Mr. Manoogian, That is it two parcels one person owns it I can't make anything more up to date this is what is on record at the registry.

Mr. Cerrone, It hasn't changed ownership since then.

Mr. Stanzler, If you look at the plan it says land of Cohen that was principal owner.

Mr. Sweet, Make motion we approve it as presented, second for discussion by Dick Houle.

Mr. Sweet, This is not clean there are too many doubts in my mind I want to support the use I want to support getting the town new business I just don't like how it is in front of me because it's not clean. There is enough doubt in my mind to go ahead and approve this is not going to be there.

Mr. Houle, What happens if we approve this tonight change the zoning I understand it goes to town meeting and then it gets approved at town meeting what if this wood guy all of sudden leaves what happens then?

Mr. Stanzler, It's still zoned for it's use stuck with that use until we come back here.

Mr. Houle, We've lost if for commercial.

Mrs. Marchitto, Yes then we go back to industrial and then back to commercial, etc.

Mr. Thimot, I say leave it along until deed is proper I don't care what you say David I'm not a lawyer but I know what is right and this is dated 1969. I bought the land in 78 and I sold it in 97.

Mr. Manoogian, Your chain of title has nothing to do with this parcel.

Mr. Thimot, The property I owned does not conform.

Mrs. Marchitto, Motion is?

Nancy Proal, To approve as presented.

Mrs. Marchitto, All in favor 5 to 0 not support it. I will entertain motion to close the hearing.

Mr. Sweet, So moved, seconded by Richard Thimot.
All in favor 5 to 0.

Respectfully Submitted,

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING (Continued)
TUESDAY, APRIL 29, 2008**

Vouchers:

April mileage for Mary and payroll voucher.

Mr. Sweet, Make motion to adjourn at 8:25 P.M., seconded by Don Cerrone.
All in favor 5 to 0.

Respectfully Submitted,

Christopher Sweet
Secretary