

**NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, APRIL 3, 2008**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, April 3, 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, Joan Marchitto, Donald Cerrone-chairman and Mary Burgess-town planner.

Reorganization of Board;

Chairman;

Mr. Sweet, Nominate Joan Marchitto for chairman, seconded by Richard Thimot

All in favor 5 to 0.

Vice Chairman;

Mr. Thimot, Make motion we appoint Dick Houle as vice chair, seconded by Chris Sweet.

All in favor 5 to 0.

Secretary;

Mr. Houle, Make motion we elect Chris Sweet, seconded by Richard Thimot.

All in favor 5 to 0.

Representative for SRPEDD;

Mr. Sweet, Make motion Joan Marchitto continue as representative for SRPEDD, seconded by Richard Thimot.

All in favor 5 to 0.

Planning Board Business:

1) Approval of Minutes;

Mr. Sweet, Make motion we approve minutes of 3/20/08, seconded by Dick Houle.

All in favor 5 to 0.

2) Review Final Actions;

Amerada Hess Final Action due 4/7/08

Applicant requested to continue until 5/8/08

Applicant requested to extend date of final action to 5/12/08

Ms. Burgess, They were scheduled for tonight requested continuance and extension letters are in packet get letter requested from LSP.

Mr. Sweet, Make motion we continue extension until 5/12/08, seconded by Richard Thimot.

All in favor 5 to 0.

Mr. Sweet, Make motion we continue hearing until 5/8/08, seconded by Richard Thimot

All in favor 5 to 0.

3) Endorsement of Vouchers;

Mary Burgess \$67.31, mileage for January, February and March.

Requests for Bond Releases:

1) Request of John O'Neil to reduce the bond amount for Queen's Grant Subdivision;

Mrs. Marchitto, Received letter from John Lavin.

John O'Neil, Basically in general agreement we noticed he is still holding about \$22,000 for gravel and sidewalks. We did make a payment to the town 10/06 in lieu of sidewalks. His number was \$97,000 and sidewalks would be \$22, 000 just request that if you do reduce it take a look at sidewalk number. That item shows on all three streets.

Rick Bessette, We had sidewalk on whole subdivision per Don Johnson and Bob McGhee back in July, 03 it was \$36,498 for 2900 of sidewalk.

Ms. Burgess, It comes to \$22,500.

Mr. Bessette, Leo P. Sarazzin is \$10,725, Amy Lane is \$5925, and for Gerards Way is \$5850.

Ms. Burgess, It would be \$75,179.47.

Mr. Cerrone, There are some issues to be finished.

Mr. O'Neil, Weather permitting we'll be in there and make meeting with John.

Mr. Cerrone, Get copy from John 5/31/08 has lot of items he wants.

Mr. Bessette, I would think by end of May weather should be warm enough to do paving. I met with John yesterday regarding sub surface drains he told us he wants exactly what was done in Windchime. I sent e-mail to Len Bradley to ask him to draw up same cross section, same detail and give us plan exactly what he presented to board on behalf of Windchime. As soon as I get that back and board approves it that work can get done.

Mrs. Marchitto, Gerard Way locate and remove pipes in right of way?

Mr. Bessette, Meeting we had yesterday he grouped them 1 through 4 with DiPrete plans that they did on Windchime.

Mrs. Marchitto, We're in agreement these are going to be done? ( Yes). Going to shoot for end of May? ( Yes). We need letter one of things former chairman was requesting letter regarding the basins.

Mr. Bessette, Corrective work at I think it is basin #1 before we get letter saying it is correct we have to correct it.

Mrs. Marchitto, Also starting with residence on Amy and Allen Ave.?

Mr. Bessette, Yes they don't want us to take the fence down until we're ready to go in and do the work. We told them we would come in take fence down do work immediately put fence back up.

Mrs. Marchitto, Hump in Amy and Allen Ave.?

Mr. O'Neil, Might be different day different machines involved. Probably talk to John about maybe bringing small coplane machine in and reprofiling and walk through make sure he is happy.

Mrs. Marchitto, Water flow one of houses?

Mr. Bessette, I've taken pictures met with John it's obvious water is coming from the lot behind lot 20 house is actually on Allen Ave. He has it graded off in his backyard with pipe coming out.

Mr. O'Neil, Has flare end heading right to property line.

Mr. Bessette, We told John we would correct it take care of it with DiPrete detail. Water right now is going over the curb into the street it will go into same drainage where it's going now only underground so it is not icing on road.

Mr. O'Neil, It is going to go into drainage system detention/retention areas.

Mr. Houle, Have you spoken to DPW on that?

Mr. Bessette, Unless things have changed we were told it starts here first. We're proposing to get detail work from DiPrete Engineering submit it to the board for your approval if you say yes we do the work. We'll probably get it before next meeting.

Mr. Sweet, Make motion to reduce bond by \$132,282.29 retain amount of \$75,179.47 on three streets in Queen's Grant Definitive Subdivision Amy Lane, Gerard Way and Leo Sarrazin Way, seconded by Dick Houle.

All in favor 5 to 0.

2) Request of Tom Fitzgerald to reduce the bond amount for the Bally Heather Subdivision; Richard Thimot abstained at 6:45 P.M.

Ms. Burgess, Bond has been reduced by \$636,948.18 that included some of the work but not as much as you asked for because of that waring coat because it hasn't been regrinded yet.

There was also situation on original bond was added wrong our side. There is punch list going back to water services on Massand.

Tom Fitzgerald, We submitted all the easements from owners.

Mr. Cerrone, Letter says they've never been received by Planning Board water service located on property Massand Rd.

Ms. Burgess, We did this last season where he had to relocate all of the water services with meters it was Steve with Water Dept. He needed easements to go onto property to move water service. I think we might have one or two easements outstanding.

Mr. Cerrone, John hasn't seen any.

Ms. Burgess, I probably didn't forward them to him. I will check on it.

Mr. Houle, When do you think you will start regrinding road?

Mr. Fitzgerald, I signed contract with Murray Paving out of Framingham as soon as plant is open. Soon as he gets confirmation. Bounds are all put in.

Mrs. Marchitto, There was residence at end of Jonathan Rd. cul-de-sac on left side. She had stated that I don't know if it was town employees or if it was your staff.

Ms. Burgess, She said it was the town Water Dept.

Mr. Fitzgerald, Those easements are in for that side of street. I had some on Jonathan and some on Massand it was all three roads. I have the list we went around and did the easements.

Mr. Cerrone, Punch list was done 3/31/08.

Mrs. Marchitto, I would have thought by this time there would be more accomplished/completed on punch list.

Mr. Fitzgerald, I was under the impression the only thing I had left was the planing of the road. John has answered his own questions he said discussing with the board curbing at 4 to 6". I though most of these things were resolved.

Ms. Burgess, I think lot of these when John refers to things and recommend discussing with board whether board is going to grant waiver to have 3 ½ verses 4 ½.

Mr. Houle, Also on Jonathan Rd. he is saying it's only about 84% complete.

Mr. Fitzgerald, Jonathan Rd. as far as I know it was done other than redoing the road. Engineer told me all bounds are in.

Mrs. Marchitto, You have article prepared for town meeting?

Mr. Fitzgerald, It's already been submitted.

Mrs. Marchitto, You think you will be ready for town meeting?

Mr. Fitzgerald, Most of these are minor things there are no major things other than paving.

Mrs. Marchitto, We have an article in May for town acceptance I'm not sure you will be ready in May.

Mr. Fitzgerald, I should be.

Mr. Sweet, Make motion we reduce bond on Bally Heather Definitive Subdivision consisting of Massand Rd., Garrette Rd., Jonathan Rd. reduce bond by \$36,948.18 retain bond amount held by town \$171,362,74, seconded by Dick Houle.

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

Richard Thimot returned at 6:57 P.M.

3) Request of Attorney David Manoogian for final release of cash bond for the Windchime Subdivision;

Ms. Burgess, We didn't receive this information on time. What you're seeing are final two letters that needed to be submitted I did not receive this in time from our engineer. I notified John week before last week.

Mr. Cerrone, When he gets information I would like some kind of check off list when engineer gets information some kind of log when it goes to these departments.

David Manoogian-attorney, Representing developer. We're looking final \$5000 bond release. John Lavin asked for letter from engineer certifying all the drainage installed worked properly. There was letter submitted I think over year and half ago to that extent but John wanted some revisions. There is nothing substantial here but it is your discretion.

Mrs. Marchitto, I think as David was saying it is just confirmation letter that Windchime is completed.

Mr. Sweet, I'm willing to forgo our policy.

Mrs. Marchitto, I would like to discuss this further after we conduct Old Business.

Ms. Burgess, Only thing I would suggest in revolving account we have \$225 have not received the bill for final letter from John. Maybe release it pending final payment of bill.

Mr. Houle, We'd also have time to digest this we just got it.

Mrs. Marchitto, We also had bond where developer his engineering services weren't paid. I would like to get that resolved before releasing bond I know it is past history but not past history with Windchime.

Mr. Manoogian, Ask John to submit bill.

Take it up on 4/10/08.

Old Business:

1) Request of Intoccia Construction Co., Inc. to set bond amount for Christina Estates Subdivision;

Met with Glen Ofcarcik, Dale MacKinnon, Bob Shelmardine, John Lavin, Fred Bowen and Shannon Doyle regarding the materials submitted to satisfy request for information.

Applicant did not submit all requested items.

1) Tilton submitted a detail regarding capturing the ground water for Basin IE.

Ms. Burgess, March 26<sup>th</sup>. Tilton had submitted package with all information that was requested. Friday had meeting went over all these things. Came to several conclusions, which may have changed since 4/1/08 when I received another letter from John with review of soil data. Couple things we took away from meeting couple remaining questions. I did ask John if he received all the information we requested he said he did. However there are questions about things we received. Some of it was how ground water will be captured on Basin IE with high ground water at 4' and basin will be cut 15'. They're missing drywell detail and who will inspect it. Location and design of sub drain clean outs if they're going to be in grass strip or outside of right of way. Second soil report comments on several things that have to do with septic, test pits had several questions regarding soils. Since the meeting I have received a detail for cutting of detention basin from Tilton and also detail of clean out that Bill MacDowell had recommended. Glenn did submit detention basin I have copies of that sub drain came in. Bob Shelmardine- attorney, Glenn Ofcarcik and David Manoogian are present with me. We had workshop last Friday I left meeting with belief that we submitted all the information necessary. There are some additional questions that Mr. Lavin has raised we got copy of letter today it is dated 4/1/08. Reason we're here is to request back I think in August or September of 2007 there was bond amount that was set million ninety three. We've never posted that bond yet. We went out and did work another estimate prepared by Mr. Lavin that was dated 1/17/08. Which is recommendation by Mr. Lavin that bond amount of money million ninety be reduced so revised bond total estimate for Phase I should now be \$663,000. I asked Mr. Lavin this morning on phone is there anything in the letter dated 4/1/08 that would alter his opinion to any extent on whether or not bond estimate was correct, should be increased or decreased? He told me that there is nothing that he is suggesting that would alter any extent to bond estimate. There are things that we need to do to comply with certificate of approval we're still meeting with Planning Board and Mr. Lavin with our engineers he asking for some more information

have to submit more based on 4/1/08 letter based on his previous we submitted package of documents and plans and data supporting that. All we're asking the board tonight is to approve Mr. Lavin's estimated amount not asking you to issue covenant release. Once you issue new amount we will then be able to go to our bank and probably within two to three weeks come back with request for covenant release on lots in first phase. If there are any outstanding questions we haven't answered in next two to three weeks based on Mr. Lavin's 4/1/08 letter issues covenant release at that time. All we're trying to do right now is to get to bank, get them to make note arrangements so we can come back. We believe Glenn has reviewed questions on 4/1/08 letter it will take us a week to get new information we don't think there is real issue here there are some questions that we need to answer before covenant release. We're just asking board to act on request to reduce bond estimate pursuant to Mr. Lavin's suggestions.

Mrs. Marchitto, Do you understand why we're asking for this information and why we haven't answered this bond reduction?

Mr. Manoogian, When I first appeared and addressed this issue back couple months ago there were three things. One was it looked like cul-de-sac was being built MEAPA showed that we could build the subdivision if the other phases were denied because nothing going in the road. There are series of questions and I understand that the board said we want to make sure we have information that we asked for prior to reducing the bond.

Mrs. Marchitto, Information that were agreed to upon letter of approval on this subdivision. I understand last June when you had to go to the bank before June 30<sup>th</sup>. 2006 and had to have this board's approval and no more extensions.

Mr. Cerrone, It is two way street.

Mrs. Marchitto, Similar argument and you were under crunch time and we pulled together and got the information together and closed the hearing we did approval and we sat down with conditions. At that time we were at police station and went through conditions and agreed on it, some we rewrote your party agreed to that. Lot of this information was because you were under the gun and would like us to close hearing and make decisions and we did that condition based on that. Before endorsement we wanted Mr. Tilton to have everything on the plans. Mid August again you were going to your bank you needed those signed in short time. Have this information before the construction in roadway you agreed to it. This is why we were doing it now because now you want a bond reduction rightfully so this information hasn't been given to us as you're doing construction that is why we're still having this conversation.

Mr. Cerrone, Last time you said that Larry Tilton had it in his office.

Mr. Shelmardine, I'm not sure those are the facts. I think in any subdivision it is rolling process.

Mrs. Marchitto, We're making sure this is going to roll to get this information so we can continue on and you go and build your roads. We need this information it was agreed upon in the conditions that you would give it to us.

Mr. Shelmardine, I'm not sure we've failed on timely basis. I believe it is more along the lines of construction needs to have certain sequencing and you can't do one thing without doing several others. I think we're at point now we're providing the information. You've already set bond amount all we're doing is trying to recognize that we've done more work. We're just asking you to take cognizance of fact that we've done \$450,000 worth of site work since bond was set and we're continuing to submit information.

Mr. Houle, I'm having little trouble with we set the bond but you never obtained the bond correct?

Mr. Shelmardine, Right we never posted the bond.

Mr. Houle, Now you're here to reduce it.

Mr. Shelmardine, Because we've done \$450,000 worth of work.

Mr. Houle, You're asking us to reduce it and we don't have the information we need to make sure we're doing our job.

Mr. Manoogian, The way stature reads it is two-tare process I think we're trying to overlap the two. Stature set up we have to post covenant or bond we set original bond amount but we're proceeding on the covenant. We're also entitled at any time during the project to come back and say we want bond adjusted we want to give you additional security, which is what we've done. Posting of bond is to secure that all the work that is being done pursuant to your conditions of approval is going to be ultimately completed. Bond amount is set we would hope to make sure you as town body has enough money so that if conditions aren't followed you can come in complete the roadwork using bond. Your engineer has now said the work we want to have bonded is worth X amount of money that is \$660,000 figure that is value of all your contingencies in place to ensure that the work under condition of approval is completed. What we're saying is a project of this magnitude at any given time there is always going to be something that Mr. Lavin is going to have questions and need additional information. We're not saying we're not going to give you that information but I think to say that we're not going to take any action on bond request until we're sure we have all our questions answered is something I think you start taking this two parallel track and confusing them. One is not conditioned upon the other in my opinion.

Mrs. Marchitto, I think this board understands and agrees. Board is saying it was part of condition of approval letter. Reason we put it in approval letter.

Mr. Manoogian, What the conditions said before you start construction is do X, Y, Z.

Mr. Cerrone, Phase I, II and III suppose to have all this information.

Mr. Manoogian, That is independent of the bond.

Mrs. Marchitto, Why are we having this discussion tonight? We're this discussion now because you want reduction in bond so now we're saying we want the information.

Mr. Shelmardine, There is another ratchet here I'm not asking for covenant release I'm not asking for release of covenant to build houses. We answered Mr. Lavin's questions that he raised in November letter that we didn't get until end of January. Now we have another letter dated 4/1/08 and we'll answer those questions but we answered all the questions based on November letter. I presume there will be another letter after the 4/1 letter asking for more it is a rolling process.

Mrs. Marchitto, We just want the information before you go forward and put road in, houses in and then it is too late. That is why we put in conditions to have it observed by town engineer because there was information given at definitive time that wasn't observed by town.

Glenn Ofcarcik-Tilton & Associates, If you read that condition it says test pits along centerline of road must be observed by representative of Planning Board and they were. The other condition that soil test need to be done in area of detention basins they were. Those are not observed by Planning Board because they're done prior to definitive plan approval we have to do that to do our design and our design is based on that, which was reviewed by Judith Nitsch and approved. Some of the things they talked about sub drains we submitted plan showing sub drains. John said he wanted it someplace else but Bill MacDowall had another opinion. Talked to Bill hadn't talked to John this morning they've decided we're in process of revising those plans to do that. John said there is not test pits in basin IF that is in Phase II. Board required us to do centerline of road test pits we can't dig in Phase II because MEAPA and Native Americans and other people haven't allowed us to do that. We're going to clarify that in our response to John's 4/1/08 letter.

Mr. Shelmardine, We'll satisfy whatever questions Mr. Lavin has in his 4/1/08 letter before we come back and ask for covenant release.

Mr. Manoogian, We'd appreciate the vote to reduce the bond by amount of what John has recommended if you so desire but no lots actually released until the information requested by Mr. Lavin in such and such letter is provided. That is all we're looking for so we can tell the bank we've agreed to this figure we can start doing our financing so when we decide to ask for release of lots we can do that. We just want you to accept the bond amount.

Mr. Houle, Bond was never posted if this is done tonight are you going to post new bond amount?

Mr. Shelmardine, Yes within two to three weeks.

Mr. Manoogian, It is either posted by cash bond, letter of credit.

Mr. Shelmardine, We're making arrangements now but I can't go to bank until I get bond amount.

Mr. Houle, You could have gone to bank and posted original amount. This is why board is having little trouble with this I'm speaking for myself that is where I'm having trouble.

Mr. Manoogian, You set the bond but it is our discretion of whether we want to use covenant or give you cash. You have to use discretion reasonable if your own consultant is telling you it is only worth this you have to act within that reason.

Mr. Sweet, I have laundry list.

Mr. Shelmardine, I asked Mr. Lavin directly does anything in his laundry list of things that aren't done on 4/1/08 letter have any impact on his bond estimate of January and he said not at all.

Mr. Sweet, I'll ask town planner do we have that information from Mr. Lavin?

Mrs. Marchitto, John did call me on way here he did say he just got off phone with Bob. That is bond estimate and these are questions that have to be addressed in his 4/1/08 letter and he explained what you said covenant is no building of lots that are released. Discussion is that condition #19 and #20 these were outstanding issues that have to be addressed. It is important to have this conversation that you understand the board and why we wrote this conditions here.

Mr. Shelmardine, We're not objecting the conditions or this information.

Mr. Ofcarcik, The unique issue in this case is we have two different Planning Board agents on this project you had one through endorsement of drawings and after that the board selected different engineer.

Mrs. Marchitto, Board knew there would be another person doing inspections we had that discussion. The conditions were specifically written that way it was written as it was for a reason. I understand Judith Nitsch reviewed it during definitive what we wanted to know was real case scenario what happens today as you're bulldozing down that dirt and putting cores down. We want to know what it is today when you're out there I know earth doesn't change that much but you're in ledge in water and talking about 14ft./15ft. high seasonal groundwater above proposed basin.

Mr. Shelmardine, We've made lot of progress we still haven't started building any house yet. In your vote condition your approval on new bond estimate that we need to answer these questions.

Ms. Burgess, That design is what John submitted for Bill MacDowall.

Mrs. Marchitto, For sub drains to be on grass between sidewalk and road.

Mr. Ofcarcik, Our original plan showed sub drains under the curb plans that you got week ago in big package showed them 2ft. off property line and then John and Bill said move them in grass strips. We started moving those today we've added second clean up we fully intend to

have all those drawings updated and back to you with response on everything in 4/1/08 letter next week.

Mr. Shelmardine, We left Friday meeting believing that all the questions had been answered there are some additional questions that have come since that meeting.

Ms. Burgess, Glenn did give me copies of details for detention basin in question he gave those to me tonight.

Mr. Cerrone, Set bond amount at \$663,061 original bond was \$193,702,000. Recommend bond reduction of \$430,641,64 subject to receiving all information we need from letter 4/1/08 from John Lavin.

Mr. Shelmardine, No covenant releases pending that information.

Mr. Sweet, Second motion for discussion. What is trigger we get all information from John?

Mr. Cerrone, From letter 4/1/08 all information that he needs.

Mr. Sweet, Is that good enough for the bank?

Mr. Manoogian, It will because it establishes firm dollar amount.

Mrs. Marchitto, Then we have to release the lots they aren't released as of right now they would have to come back.

Mr. Houle, We've been burned before and hopefully we won't get burned this time however pending bond being posted otherwise we could very well get burned.

Mr. Shelmardine, We can't get any lot releases unless we post. You guys are the gate keeper on building permits and currently we haven't done what we needed to do to turn the key for your gate. We can't do anything until you say no matter what you say tonight we still have to come back, you still have complete control and discretion when to issue covenant release.

All in favor 5 to 0.

Mr. Manoogian, When do you want to put us back on.

Status update 4/17/08.

3) Completion of Subdivisions;

Ms. Burgess, Discuss them at end of meeting.

New Business:

1) Request of John Jacobi to discuss changes to the approved plans for expansion of the existing Wal-Mart store;

Present John Kokot, John Jacobi and John Broder.

Jack Jacobi-attorney, Represent NA Marketplace. There were couple minor changes we needed to make to plan we discussed it with Mary and she thought it best we come before you. John Broder has plan to show you. We discovered that garden center because it has roof counts for square footage of building. Therefore in order to keep square footage at same number they moved wall about 8 1/2ft. and made building little bit smaller. Square footage of building used to be 66,279sq.ft. reduction to 64,684sq.ft.

John Broder, Town bylaw and city bylaw anything that has roof even if it has open walls is considered building.

Mr. Jacobi, We still have same 66,279 and still pay you same dollar per sq.ft. That is one change that we made and we want to ask you for endorsement of that change this evening. Second change we discovered the parking spaces on Attleboro side of line were drawn in at 9 x 18 instead of 9 x 19 so John redrew the parking spaces on Attleboro side to be 9 x 19 and that caused slight increase in impervious area.

Mr. Broder, We have subcatchments and one of them changed by 937sq.ft. impervious area, which overall subcatchment area is .2% east went up 1,146sq.ft., which is .9%.

Mr. Thimot, Asking about open space.

Mr. Broder, Islands are larger.

Mr. Jacobi, Parking area in order to keep same 24ft. wide aisle parking area had to get little bit longer or wider to make it 9 x 19 instead of 9 x 18.

Mr. Broder, We ended up losing 5 spaces.

Mr. Jacobi, But we're over by 36 so we're still over by 31. That caused him to redo drainage calculations to make sure they stayed the same.

Mr. Broder, That is what we did we punched in the drainage calculation, redid the numbers there was slight upkick on 10 year storm wetland but we're still below what is going there today there was upkick of 25 year storm. Other than that it all remained the same.

Mr. Jacobi, There was really no change in open space, no change in drainage. The ConCom asked to do same thing for them next Tuesday because drainage two of the numbers changed by .1.

Mr. Broder, Another condition of approval was to submit the flashing light that was included in recent submission. Intersection had been modified on previous plans that you approved and we added the pole locations shown.

Mr. Jacobi, Last thing is we had shown you the elevations as part of our submittal before I'm not sure if they were part of your approval or not. Wal-Mart has changed their corporate address Jim Gallagher from PV Two is here to show you building will have some different colors that what was approved.

Mr. Gallagher, Form is little different on shape, signs are smaller/fewer and colors are different. They're similar to what you saw but not ones you approved.

Mr. Thimot, Asking about submitting to SRPEDD for review?

Mr. Jacobi, Not that I remember you asked us to file 25% plans to state highway of widening of Rte.1 and that is in process.

John Kokot, You mentioned SRPEDD I think it is routine that when for example the curb cuts that goes through SRPEDD. They are on the list of people to submit comments. There is no formal SRPEDD process they are on list of that all of state agencies contact for comments on the project. That is not something I do that is something the other state, ConCom or MEAPA or DET or Mass. Highway is considering something they send out the plans, which include SRPEDD for their review.

Vending machine will be inside.

Mr. Jacobi, It is minor modification. We would ask you take vote to approve revised plan.

Mr. Cerrone, Make motion approve revised plan dated 3/19/08, seconded by Chris Sweet. All in favor 5 to 0.

Mr. Kokot, Will submit new front page with signature block.

Mr. Cerrone, With revised tables letter saying new changes approved by board.

2) Form O: Abbott Run Valley Country Club ( W.T. Whalen Engineering Co.) Note: Final Action Due 6/9/08.

Ms. Burgess reading in application.

Rick Bessette, Snack bar had to come down in order to get in to do new pool. According to planner we have to come before Planning Board for change of use. We didn't change use of snack bar we just took down and will be putting it back up. Filter shed was a grass field so we have to construct something that wasn't there. Linda could not find any site plan at all from when it was built back in the 50's so we had whole site plan done. Basically we put in new pool it shows new pool no Planning Board sign off required for that because it wasn't change of use. Adding 16' x 24' filter house in back same square footage.

Mr. Cerrone, Should have them put parking put all information down, all open space, all that is there now. I would like to see it revised.

Ms. Burgess, Only thing I had question about is the lighting of the parking lot it shows poles are there lights on there? ( Yes.).

Mr. Bessette, So I have number of existing parking spaces, size of each parking space, lighting legend showing lighting parking lot, square footage of paved area and square footage of open space. If it would be okay I would like to come back in with that after the pool is complete, which is 5/24. Deck is similar to what was there before but you don't have an existing condition from before you have nothing from 1954 we're trying to give you everything and that is as it is today there is no deck but there will be decking going forward. Deck will be all around the pool and under the snack bar. If it is okay we'll make all the changes after everything is done have him go back out and pick up all stuff you're looking for.

Mr. Cerrone, Tell Whalen what you're doing he could put it right on the plan you can come back our next meeting and you will be all set.

Mr. Bessette, I know what his concern will be I'm stamping this suppose you do something different than what you're telling me he'd want to go out and see it. You can approve the filter shed subject.

Mrs. Marchitto, I think you should bring it in have it approved.

Mr. Bessette, So we come back in with parking spaces, size of parking, lighting and square foot of paved area as it exist now and then come back later and show the fence and pool decking and everything else? ( Yes.).

Will take up next week.

3) Form A: Estate of Charles P. Masterson, Sr. ( W.T. Whalen Engineering Co.) Note: Final Action Due 4/18/08;

Richard Thimot abstain at 8:06 P.M.

Ms. Burgess reading in application.

Elliot Brais-attorney, Mr. Masterson Sr. died in 2001 at time he died there was no will. On or about 2003 a will was found filed with probate around 2005 a second newer will was found. The particular lot we're talking about was Form A'd before this board I think in 04, 1.94 acres and 1.5 acres. When we found last will it specifically stated that this land was to be equally divided and given to two specific children. Judge has appointed me as co-administrative of the estate of new will. I talked to Masterson and said I can live with that old plan because it conflicts with equally divided. We asked Mr. Whalen to equally divide it we never recorded old plan I personally delivered it to Whalen's office two days ago I think I gave to Mark and he gave my original mylar. There is nothing on record that reflects this approval of 2004. I'm just trying to get this plan approved get it recorded and get those lots to the children that are named in the will.

Mr. Sweet, We're talking about approval of lots 36E and 36D? ( Correct). 36E northern bound doesn't go to the lake?

Mr. Brais, No I think it touches the Fournier bound.

Ms. Burgess, Stonewall traditionally is used as boundary.

Mr. Cerrone, It says 92ft. by the stonewall and then he has the water.

Mr. Brais, He has note I agree it is not super clear.

Mr. Cerrone, Stonewall is 92ft. long.

Ms. Burgess, 92 + 103.

Mr. Brais, To south of this start having residence that have been built to north has been built, Fournier has built and Loughlin is yet to be built.

Ms. Burgess, It's never been filed.

Mr. Cerrone, Make motion we approve Form A Estate of Charles Masterson Sr. lot 36E and 36D on Wild Acre Rd., seconded by Dick Houle.

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

Richard Thimot returned at 8:15 P.M.

Board taking 10-minute break.

Other Business:

3) Completion of Subdivisions;

Ms. Burgess, I'm looking for little guidance on how to proceed with subdivisions the ones we did site visit on.

Butterfly;

Ms. Burgess, I sent letter haven't heard back I'm under the assumption he will do those things. Original price was \$5110 and got updated price from DPW it went up to \$5183. We can request that amount and that will be put into DPW for repair of that cul-de-sac when need be.

Mr. Cerrone, They should use the money around the area maybe sight distance or whatever. The money will be lost somewhere else and we'll never see anything for that area. Have them use it for Mt. Hope St. major road.

Ms. Burgess, If it goes to granite curbing DPW will put it in their own fund it has nothing to do with us.

Mr. Cerrone, I don't mind them using it on that stretch I don't want them to use it on other side of town. Maybe we should have some articles saying we need for curbing, trees, etc. and when we get money we have articles already there. I have no problem giving it to Public Works but I want to make sure they use it in that area it's not fair to developer to use it somewhere else.

Ms. Burgess, With meeting I'm having with town administrator and town accountant on May 13<sup>th</sup>. I'll know better on how they want to proceed with mitigation. The thing that has changed now is that everything even Carpianto. Will ask if can change date so Chris Sweet can attend.

Dorey Estates;

Ms. Burgess, I haven't heard from Doug Cash left him several phone calls. There is \$3200 left in bond in cash. How would you like to proceed? Would you like to give bond to DPW to fix driveway?

Mr. Cerrone, Send him registered letter tell him that is what we're going to do if he doesn't answer within 30 days or whatever time board wants to put.

Mary will call Wrentham to find out procedure of taking bond.

Ms. Burgess, Give them two weeks to contact us for 5/8/08 meeting if we don't hear from him by then will start procedures to pull the bond.

Cliffs Village II/Wagon Wheel;

Ms. Burgess, There was DPW request cracks in roadway it was done in 2006 request was made. Fred's stance is DPW did it put all patches. I asked Jay Moynihan quote for lights on utility poles. I'll ask DPW how they want to proceed maybe get some price quotes.

Mr. Houle, I'm little confused DPW did the work and inspected it and now they're requesting it.

Mr. Cerrone, Mr. Bottomley said he's not paying anything I don't blame him because he already built the road once had it inspected and now you're not going to use his money to fix someone else's mistake. If I was Mr. Bottomley I would want my money back only thing he has to be concerned about is the lights he didn't create that problem.

Ms. Burgess, DPW is aware of it they refer to this letter.

Mrs. Marchitto, Fred had said couple years back to this board I'm trying to think when those cuts were made.

Mr. Bottomley, He didn't give them authority to fix it, it was his road had the bond nobody contacted him.

Mr. Cerrone, I think once lights are on as far as I'm concerned that is his money, I'm not going to hold his money.

Ms. Burgess, Jay brought up a point once lights are put in who is paying for it?

Mr. Cerrone, Town.

Ms. Burgess, Town has to take them over.

Mr. Cerrone, That has been our rules and regulations for over 20 years safety.

Ms. Burgess, Doesn't road have to be accepted first? Right now developer pays for the lights. My question is Fred has no intention of putting this up as article has not intention of putting any of his roads up for article. Who pays for the lights?

Mr. Cerrone, Fred does.

Ms. Burgess, It was approved in 1996.

Mr. Houle, If it was approved under old rules how can you enforce the new rules?

Mr. Cerrone, Find out how much to keep lights on monthly.

Ms. Burgess, Poles are there talking about lights. Got quotes little over \$10,000 for 9 lights. 5 lights for St. Lawrence and 4 for Hickory Woods. We're going to find out how much the lights will cost to install and how much to keep them running on monthly basis. Then maybe board will make determination to install the lights and then do 3 year escrow account for the lights to stay on something like that. The cuts had something to do with manhole covers not being flush.

Pastures;

Ms. Burgess, Going back to no headwall or wing wall at culvert on Pasture Brook Lane. It was in plan never put in it was inspected by DPW. Conservation didn't have an issue with it she gave me letter today for that he never got his final certificate of compliance for the subdivision and she is not sure if he reconstructed the wetlands. There was 2000sq.ft. of wetland he was supposed to reconstruct. Commission doesn't have any documentation that stormwater system was put in correctly.

Mr. Cerrone, Get Public Works to give you price from Bill MacDowall or Bob McGhee on two headwalls there clean up that area?

Ms. Burgess, Bob McGhee also suggested that headwall would be best but if we can't do that for \$15,000 that possibly guardrail.

Mr. Cerrone, Have him give you some quotes.

Ms. Burgess, In order for the DPW to go in there and fix all that it is before Conservation, DEP Stormwater Management I don't know if we're opening up huge can of worms but I'll get quotes for headwall and wing wall and how much it would cost to clean that area up and if so a guardrail if we can't afford it.

Mr. Cerrone, Have them give you a breakdown for cost.

Abbott Run Valley;

Mrs. Marchitto, It's mailbox, telephone poles in the sidewalks.

Ms. Burgess, I mentioned it to Bob McGhee and he said that was how it was done back then. I don't know if that means town can accept that because it's not ADA compliance I'm not sure if it would fall under any grandfather.

Mr. Cerrone, We change all these poles in town, we do an intersection they meet ADA. Intersection near Ocean Fresh have poles all over what is good for developer has to be good for the town too. If they have to replace poles have plan have a design don't just give developer a hard time.

Mrs. Marchitto, Question on old subdivisions is ADA grandfathered in?

Mr. Cerrone, One at CVS there is no button for people to cross. Mass Highway you have to tell them because they don't live around here they don't know what the problems are.

Raymond Tatro Lane;

Ms. Burgess, Curb damage is from the plow, driveway aprons were not installed flush so they're being pulled up by the plows and curb adjustment and pavement restoration at Rte. 1. That is all the issues DPW had. How would you like to proceed? It is up to developer to fix any damage plows do. All the aprons are cracked where the road and apron meet along gutter line.

Mr. Cerrone, That is another one of Fred's.

Mrs. Marchitto, Get estimate on curb damage.

Ms. Burgess, It doesn't have to be prevailing wage if DPW does it, but if we want someone to finish a road we have to do prevailing wage. They're up the 6" they weren't done same time topcoat was they're up 6" for ADA they just have a bump I think some of them may have been feathered back. Some aprons are fine and some of them are chipped away.

Mr. Cerrone, Have Public Works look at all these issues and give us cost.

Mr. Houle, We're going to send letter to DPW have them look at problem and give us cost.

Other Business:

Set date for public hearing for Town Meeting Articles;

Ms. Burgess, David Manoogian has two articles for rezoning one is restaurant on East Washington everything faces North Washington has been used as commercial.

Mr. Cerrone, It is all residential if you're going to do that do the whole area not spot zone.

Ms. Burgess, I'll look into it identify within the area how many are commercial and how many are residential.

Mr. Cerrone, It's all residential only thing commercial is Dunkin Donuts, Car Wash and after that all condos those existing units have been there for years it is all R15.

Mr. Houle, I don't think we should spot zone either do the whole thing or nothing.

Ms. Burgess, It is article #25. The other one is in Industrial Park behind Answer Is Fitness rezone that industrial it has no visibility for commercial use. They want to do wood pellets.

Mr. Cerrone, Mary do some research on that.

Mr. Houle, I'm not for or against it knowing that the town needs some money I'm looking at least it is another way for town to bring in some revenue.

Mr. Cerrone and Mr. Thimot, They still get same taxes for the building.

Mrs. Marchitto, I think looking for revenue we should really start looking at rezoning.

Ms. Burgess, Will do some research on these rezoning articles. Articles that we will need to take up we have meeting with FinCom on 4/14 at 7:00 at Police Station. For annual Article#20 appropriation of residential mitigation money post pone until fall town meeting because we can't certify the cash until fall if it still goes through after mitigation meeting I have with town accountant and town administrator. Article #24 Aquifer Protection District withdrew that even though I have withdrawn it I just rewrote it to way town meeting is used to having it written and that is in Special Town Meeting that is why there is two aquifer districts. EPA gave us bunch of things to update our zone 2 so it is in compliance with their regulations. I wrote an article for that and I did what I thought was normal way I just omitted and replaced with new language. Chris brought it to my attention that town meeting likes to see what was omitted and do the strike through so I did that and submitted that for Special Town Meeting. Article is same just strike through. Bally Heather Rd. acceptance, which we can't address not done and two Manoogian articles.

Schedule date for April 29 at 6:30 P.M.

Set date for Madonna Manor work shop;

Ms. Burgess, In your package you received correspondence from Tilton he would like to have workshop to present Madonna Manor at new location. I think they want to present it to see if it

is feasible before they start getting variances and special permits, etc. Is it something you would be interested in doing? We can possibly piggyback it with another board.

Mr. Cerrone, Location is perfect.

Mrs. Marchitto, Checking what is permitted rest home is not.

Ms. Burgess, They want to present their thing to the board they just taking old one and putting it somewhere else. If it is something you would like to do I would suggest sometime in May. We can have quorum my only concern is showing prejudice for the project. Joan is saying I like this design then Zoning Board is saying we don't like this design when it comes in front of them then they say the chair of Planning Board said she liked it.

Mrs. Marchitto, It has happen to this board many times.

Mr. Cerrone, When they make presentation you're just there to listen with no comments but when you start asking questions you're going to get yourself in trouble. Send memo to all the departments that we're going to have informational meeting and they are welcome to come. I don't want workshop.

Mrs. Marchitto, In past we've had workshops and they say Planning Board like this and that and Zoning is okay with it. There was one instance we said nothing and they felt that was a response of positive.

Ms. Burgess, When Glenn had talked to me about this I had said I had advised the board against these things because they became prejudice to it. He said he was going to send letter anyway and board can do as they see fit. If you want to hold off and wait for site plans that is acceptable.

Mr. Cerrone, Problem is if we had got the notice the board could have gone when they did it at St. Mary's Church downstairs on Park St. we could have gone and listened.

Ms. Burgess, They sent us a letter we didn't get it until two days after the hearing was done. Table it say no thank you?

Mr. Cerrone, Have them set up meeting somewhere and whoever wants to go can go.

Mrs. Marchitto, Orchestrate a neighborhood quorum.

Mr. Cerrone, Tell them to send memo to all departments and whoever wants to go can go this way I go as citizen not as member of Planning Board.

Discuss Budget Received Revision;

Ms. Burgess, Received revised budget today they gave us more money. What I would suggest with money we were given is to reinstate hours it's about \$4000 for Nancy's position. The difference is \$3,061 and I would recommend putting it back into salary anything else we can move around. Salary 3% change accept for Nancy, they cut our training seminars in half, they took out all employee tuition, they cut educational supplies in half, they increased travel expenses that was about it. They gave us \$3,000 boost this is how I understand it we've already arranged our budget so that we can survive on the \$8,000 that we put the money towards. Now we have \$3000 influx we took \$4500 out of clerk's salary I would suggest we put as much back into clerk's salary as we can. As far as employee tuition if I do take a class goes towards furthering my ability as planner they have to by contract come up with money reimbursement.

Mr. Sweet, Make motion \$3,061 put back into clerk's salary, seconded by Dick Houle.

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

Mr. Sweet, Make motion to accept budget as presented for FY09, seconded by Dick Houle.

All in favor 5 to 0.

Sign Sexual Harassment Forms due on April 10, 2008.

Ms. Burgess, Because we restructure I need everybody to sign saying that we still do majority signatures for vouchers this is for accounting office and that payroll can be signed by either Joan or Dick Houle.

Zoning Applications;

Mylod Sr: Variance for farmer's porch (front yard).

Rinaldi, Jr: Variance for attached garage (front yard).

Neolite Signs, LLC: Variance for pole sign (menu board).

Ms. Burgess, This is Dunkin Donut site at North Washington looking to put bigger menu board and pole menu is on our site plan but they're grandfathered for having pole sign on their property. Now they're going to make menu board itself larger it is pre-existing non-conforming but they're increasing non-conforming nature even though it is grandfathered so they have to go Zoning Board to get relief for menu board. If you look at sign there now picture two wings on it flush with it.

Mr. Houle, Will that obstruct any view?

Ms. Burgess, No it is drive thru it triggers violation by making it bigger. It will exceed what is there now that is why they're seeking relief from Zoning Board.

Mr. Sweet, I'm for it.

Mr. Thimot, I'm against it.

Mrs. Marchitto, It belongs in zoning let them decide.

Copies of Violations from Building Department;

114 Circular St. multi family I think it's existing it is in violation of intensity regulations for not having enough square footage for three family dwelling.

Ms. Burgess, They're going through all the multi families seeing which ones are in violation.

Mr. Cerrone, Some of the people are just struggling to keep their homes and all of sudden they're doing this to them. Most of these houses have been like for that 50/60/100 years especially these old neighborhoods. I can see if they were doing something on new subdivision that is only 30/40 years old. You think car dealers were a problem this is going to be bigger one. I think they have too much time on their hands not enough work for these people they have to create work.

Mr. Houle, I'm going to ask them.

Mr. Thimot, I go on record saying I'm against all the harassment.

Ms. Burgess, It was legally supposed to be two family.

Mr. Houle, Some of these people living paycheck to paycheck.

Ms. Burgess, It was just in the news that all these multi family in New Bedford are foreclosing because they can't get anyone in them because of high fees, etc. You lose one tenant and any of these three family's people can't pay their mortgage.

First Hyundai Violation;

Ms. Burgess, That is Able Glass.

Mr. Cerrone, One we've been after since 2006.

Ms. Burgess, I forwarded our letter two weeks ago regarding this. I'll follow up with that.

Mrs. Marchitto, Car dealership has been in violation for last three years and been sold.

Correspondence;

Ms. Burgess, We're all registered for Mass. Federation of Planning.

Community Access Workshop.

Professional Development college course.

Upcoming Meetings;

April 10 at 6:30 P.M. in Planning Board Office; SRPEDD zoning map meeting.

April 11 at 8:00 A.M. in Marlboro Town Hall;

Ms. Burgess, I signed up for the 40B update regulations workshop.

April 14 at 7:00 P.M. Fin Comm at police station.

April 17 at 7:00 P.M. New Storm water regs review: Wrentham public safety;

Ms. Burgess, It is workshop and DEP is coming down to do workshop and we have a meeting so I asked Shannon if she can get them to come and do a workshop with us.

April 22 and 24; Mary will be out.

April 23 Administrative Assistance Day I'm going to take Linda out to lunch that day office will be closed for about an hour.

May 1 at 5:15 P.M. Mass Federation Dinner everybody has already RSVP's for that.

May 13 at 11:00 A.M. in Lower Level: M. Fisher, L. Higgins re: Mitigation Money.

May 19 Annual and Special Town Meeting.

Engineering Services;

Mrs. Marchitto, We were talking earlier when Christina Estates came up and Windchimes engineering services. I think it may be good idea I was going to suggest it with Dick after reorganization if he and I, Mary and Linda would sit down one afternoon and talk about engineering services on policy and procedures and communication between Linda, John and yourself and this board in going forward. It sounds like some things came up this evening need to get little bit more professional. Does board wish to do it on separate evening or first proceed on a Friday afternoon with John, Linda, Dick and myself? John said he could do something later next week and I would like Linda to be part of this conversation.

Site Visits;

Mr. Cerrone, We did it two nights.

Mr. Houle, Make motion we adjourn at 10:03 P.M., seconded by Chris Sweet.

All in favor 5 to 0.

Respectfully Submitted,

Christopher Sweet  
Secretary