

**NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, MARCH 6, 2008**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, March 6, 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, Joan Marchitto, Donald Cerrone-chairman and Mary Burgess-town planner.

Planning Board Business:

Approval of Minutes;

2/7/08;

Mrs. Marchitto, Make motion to accept 2/07/08, seconded by Don Cerrone

All in favor 2 to 0.

2/13/08;

Mr. Sweet, Make motion to accept minutes for 2/13/08, seconded by Joan Marchitto.

All in favor 3 to 0.

New Business:

2) Form O: V.H. Blackinton & Co.

Ms. Burgess reading in application.

Present Vic LaPerche-Saccoccio & Assoc. and Wallace Fabian- A.Autello Construction.

Applicant wishes to extend the driveway at the rear of the building, at the bend to facilitate truck turning. Presently there is grass and trees there will be some fill required. Square feet roughly 340sq.ft.

Applicant has 23 acres and therefore complies with the open space requirement.

Mrs. Marchitto, Make motion to accept Form O for V.H. Blackinton & Co., seconded by Richard Thimot.

All in favor 4 to 0.

1) Form O: Lighttower, Nextel and Metro PCS:

Ms. Burgess, Have letter to withdraw application without prejudice read into minutes.

Mrs. Marchitto, Make motion to accept the withdrawal without prejudice for application Lighttower, Nextel and Metro PCS, seconded by Richard Thimot.

All in favor 4 to 0.

Old Business:

1) Form O: Amerada Hess;

Asked for continuance to March 20, 2008.

Mrs. Marchitto, Make motion to continue Form O Amerada Hess to March 20, 2008, seconded by Chris Sweet.

All in favor 3 to 0 to 1 abstain Richard Thimot.

2) Request for Intoccia Construction Co., Inc. to set bond for Christina Estates;

Do not have requested information.

Ms. Burgess, They assured me it would be ready for April 3<sup>rd</sup>. meeting.

3) Completion of Queen's Grant;

Requesting approval for a 15ft. curb cut on Amy Lane 75ft. from the intersection of Allen Ave and Amy Lane.

Applicant supplied letter from Rivera's to add curb cut at their home located at 604 Allen Avenue.

Requested bond reduction, which will be taken up at April 3<sup>rd</sup>. meeting.

There is nothing in the Zoning Bylaw or rules and regs governing curb cuts for driveways. Rick Bessette, Curb cut will be started when Lynch goes out to do rest of work. We asked them for easement that was never recorded and they gave it to us one of conditions of approval was for us to give them additional curb cut so they could have circular driveway for their handicapped child. Main thing that has to be done is two entrances I guess someone is not happy with drop off coming into subdivision so they need to ease that little bit. It needs to dry up because they have to do some regrading around holding pond. We did not ask them for formal recorded easement didn't think it was necessary because it is nothing that will be passed onto the town once it's graded it's done. We just asked for permission to go and do specific amount of work. They put shed in after they bought property and it is on grading easement at highest point right at crown so we're going to move the shed, take fence down regrade everything to town specs. Put fence back up and put shed at place of their choosing.

Mr. Sweet, There is no expiration date on agreement.

Ms. Burgess, I would suggest to protect yourself have date filled in and have it notarized and signed.

Mr. Cerrone, Get it done.

Ms. Burgess, Back on April 3<sup>rd</sup>. for bond.

Mr. Bessette, Can we meet with John out there I have some water issues?

Mr. Cerrone, Just call up and tell them you want to set up meeting with John.

Mr. Bessette, We want to find out where water is coming from.

Mr. Cerrone, Get ready to start article for town meeting all paperwork.

Mr. Bessette, We're giving them curb cut and do first 5 or 6ft. of driveway so don't have to come back onto town property to do anything. We're looking at that as our responsibility to get first 6ft.

Mr. Cerrone, You're doing to layout and that's it. Get it done.

Mr. Bessette, Nothing scheduled to be done before the April meeting we might be doing cleaning up around holding pond there won't be any paving being done with side slopes until after April meeting.

#### 4) Completion of Windchime:

Haven't received letter from DiPrete certifying detention basin.

Ms. Burgess, Request that at our last meeting and also haven't had chance to go out there. He asked to go on April 3<sup>rd</sup>. meeting.

Mr. Cerrone, We should do site visit on couple Saturdays.

Ms. Burgess, I had talked to Allen Riley came in today to discuss bonds for Tatro, Cliffs and Pastures.

Schedule dates for Site Visits;

3/18/08 at 5:30 P.M. meet at Butterfly Estates, Dorey Estates and Cliffs II.

3/25/08 at 5:30 P.M. meet at Windchime, Abbott Run Valley Estates section V, Pasture and Raymond Tatro.

Mr. Thimot, For the record I'm not going to be able to do site visits.

Waiting for asbuilts for remaining subdivisions;

Edgewood Gardens Ext.

Olde Towne Estates Ext.

Quail Creek II.

Queen's Grant.

St. Lawrence Way.

Waterson Estates.

Mrs. Marchitto, Where are we on Edgewood, Olde Towne and Quail Creek?

Ms. Burgess, Shawn Jorde said he is waiting for asbuilt completion on most of them. Waterson he needs some Conservation relief on two lots before he can do final grading on Red Oak. I sent him letter to have all asbuilts for our May 3<sup>rd</sup>. meeting.

Other Business:

Zoning Board Applications March 18, 2008;

Ms. Burgess, There are two applications one Williams-75 Wendy Dr. is to create 2 bedroom and bath above garage that is existing. They're seeking variance zone is R15 I got them on Monday after packages were done.

Mr. Cerrone, Need side yard variance on Williams.

Checkered Flag Auto: 830 East Washington St. Variance ( use not allowed).

Mr. Cerrone, That has been there for years at one time I think they used to fix cars there too.

Residential Mitigation Funds;

Carpenter's Landing: \$2000;

To be used for maintenance of the detention basin on Lot 6.

Conservation is looking into possibly using the money for plantings around the detention basin.

Hemlock Grove: \$12,543;

To be used for sidewalks along Smith Street southerly to Grant Street.

Lochmont & Stonefield Subdivisions: \$5,963;

To be used for upgrades on Lindsay Street.

Pine Bough Estates: \$14,269;

To be used for roadwork within the vicinity of Pine Bough Estates. Pine Bough Estates is within the vicinity of Lindsay Street so money could be used in correlation with Lochmont money for total of \$20,232 for Lindsay Street improvements.

Woodland Park: \$25,000;

To be used for sidewalks on John Rezza Drive.

Queen's Grant and Windchime's money will be postponed until the October Special Town Meeting;

Ms. Burgess, When I met with town account and town administrator to discuss our situation with mitigation funds basically we have one of two choices. One is roll everything into general fund and take it back out or to give it back to the developers. They're still waiting to hear back on legal about legality if RTM votes down our article take it back out. The money outside of Carpianto properties the residential money. Carpianto is under it's own contract looking into legality of it. It turns out contract that was with the town may or may not be legit.

Mr. Cerrone, Who's questioning this?

Mrs. Marchitto, You met with Mark Fisher and Lisa last week and you're discussing residential fund. Why don't you tell us what occurred.

Ms. Burgess, When I went through all accounts to find out how much money we had because we had money that came in that we need to deposit and I've been told it is going directly into general fund because we can no longer hold it in an account. Town council said we could no longer do it. I asked them to keep me informed and see what happens. It all started with Winchime and Queen's Grant money. And we wrote article for that. We have to turn it over into general fund certify it's free cash and then we have to take it back out through town meeting. Town meeting article we have says that we're taking it out, which was given to us for sidewalks in Allen Ave. we're going to take it back out. Basically we're giving money to DPW for sidewalks. That was okay still we're not sure whether or not as far as she's concerned all of the funds we have are getting rolled over into general fund as of June 30<sup>th</sup>., so that is why we have to figure out what we want to do with money if we can do anything or just give it back. Some of these are very little amounts and can't really do anything in what they were set aside for.

Mr. Cerrone, When did the law change? The accountant is saying we can't do it when did this change?

Ms. Burgess, I believe it changed 5 years ago.

Mr. Sweet, It is not so much the change it is different interpretation of existing law.

Ms. Burgess, We don't have existing law.

Mr. Thimot, Talking about Einis on Smith St.

Mrs. Marchitto, Some of these mitigation funds negotiated few years back of \$12,000 could have done sidewalk on Smith St. Now 10 or 15 years have gone by and town hasn't utilized the money.

Ms. Burgess, That is why I went through all of these to find out if any of them kind of overlap that we could combine. It turns out that Reference B and C overlap Lochmont & Stonefield and Pine Bough Estates. Pine Bough was set aside for vicinity of Pine Bough Estates, which happens to be Lindsay St. too. We could combine them for \$20,000 for improvements for Lindsay St. It is kind of premature because we can't even find out if it is legal yet I contacted town administrator and he is working on with it town council to find remedy. I wanted to see first with you if this is something want to do. Sidewalks on John Rezza they know we have the money but they don't plan on putting sidewalks there.

Mr. Cerrone, At one time there was big push to put sidewalks there by Selectmen that is why we got \$25,000 from the developer. Developer didn't want to do sidewalks inside subdivision so developer said he would give \$25,000 towards putting sidewalks on John Rezza Dr.

Mrs. Marchitto, Intent was a good intent problem is the money just sits there and nobody builds the sidewalks.

Ms. Burgess, Whether or not you wanted me to go further and talk to DPW about possibly repairing Lindsay St.

Mr. Cerrone, Get list from DPW on what can be done on Lindsay St. Talking about John Rezza Dr. and money came from Angelina Dr. Thomas Circle \$25,000 came from 8 lots and Virginia Ave. Everybody was using Clifton St. and John Rezza Dr. as cut through and they wanted to put sidewalks there.

Mr. Thimot, Go into general fund before you get it back out.

Mr. Cerrone, That is problem general fund will be spent for salaries and everything else. I'd rather see you get breakdown from DPW they might have some improvements they want to do. You're better off having DPW do it because we would have to go out to bid to use other people.

Ms. Burgess, Even if we take \$25,000 and do engineering.

Mr. Cerrone, No it shouldn't cost that much to do it everything is on the plan the layout is there I can't see wasting \$25,000 for engineering. I'd rather see something done with \$25,000 for neighbors.

Ms. Burgess, We have to find out legalities.

Mr. Cerrone, Carpenter's Landing that was about retention basin.

Ms. Burgess, Shannon is looking into that to see if possibly the Commission wants to do planting along edge to stabilize it. We could just give it to them to maintain detention basin.

Mr. Cerrone, Hermlock Grove sidewalks along Smith St. They might have something they can do in that area even repairing some of sidewalks in the area that are bad. I notice there are few handicap people put ramps in or something have to use it in that area. Give DPW list and ask for report on what they want to do in those areas.

Ms. Burgess, Windchime and Queen's Grant we're not set for anything it still has to be turned over to general fund that is going to October Special Town Meeting.

Mr. Cerrone, That is joint article with Public Works.

Ms. Burgess, Yes we had to IP'd it until October.

Mr. Cerrone, Can we get article to set up mitigation money on town floor?

Ms. Burgess, Lot of communities do sidewalk funds. When you create that type of fund you have to make sure all of the donations are gifts they can't have strings attached. I know they're trying to do some new legislation to make it so that impacts are being done. We don't have problems that some people have because developer you can say you have to give us X amount but they can say that is extra tax you can't do that and that is where the problem is. None of these developers have fought anything.

Mrs. Marchitto, They didn't want to do something within subdivision.

Mr. Cerrone, That will bring up another thing no waivers so whenever plan comes in they have to follow book. Before we used to give waivers.

Mrs. Marchitto, I was stunned as resident when Windchime and Queen's Grant was before Planning Board. Discussion no sidewalks on subdivision but sidewalks on Allen Avenue I naively as resident believed they were going to build sidewalks. At closing of Windchime came to realization somebody on board that it goes into escrow until town decided to build sidewalks.

Mr. Cerrone, That is why when somebody gets waiver you have to compromise somehow for that waiver right now there is no compromise.

Ms. Burgess, There could be something for now because there is no compromise to be the open space. We don't have open space there is 50 home subdivision and make them take one of lots. If they can't have sidewalks to walk to the park.

Mr. Cerrone, I think best thing to do is let them follow the book and that is it. What is status for mitigation on Rte. 1 on Carpianto?

Ms. Burgess, They're looking into legality of the agreement. The agreement that was made for X amount of money.

Mr. Cerrone, There was zoning issue and attorney general when he looked at it if there was problem then there should have been red flag then.

Ms. Burgess, Dept. of Revenue is looking into all of our stuff. We have to have some plans for how we want to use this money by June 30<sup>th</sup>. If there are to be mitigation money we should think about changing our fee schedule \$50 lot, etc.

Mr. Cerrone, I thought we went by footage.

Ms. Burgess, We can still do that also \$2.00 a linear foot. I would recommend per lot you have initial fee and then do per lot. Money goes into general fund but at least it goes back to town somehow instead of nothing going back to the town. We won't get to say where the money goes. Right now in our subdivision all get is the taxes and stuff like that.

Mr. Cerrone, I agree about revenue but this revenue is being spent for payroll.

Mrs. Marchitto, I think we should put it in our subdivision control have regulation for instance open space. Maybe in subdivision control we should more restrictive and say shall be if there 25 lots a playground, 50 lots trails and playgrounds, ball fields.

Mr. Cerrone, These guys are complaining about all the money they are paying for these projects now you want more.

Mr. Thimot, You can only charge so much the only thing that keeps going up is salaries.

Mr. Cerrone, What does it cost for them to do a plan? They were complaining when Board of Health was here because all these people are reviewing plans and then you're going to charge another \$50 a lot.

Ms. Burgess, Christina Estates you got \$1800 per lot.

Mr. Cerrone, That is because we wanted to do ball field at that end of town they need it.

Mrs. Marchitto, He had stated he would not build it but he put the money up that is why that happen.

Ms. Burgess, If park dept. got the money they could use money to build ball field they can accept gifts. We can accept gifts they just can't be for anything specific.

Mr. Cerrone, Developers are paying for reviews, inspections they're paying for everything then say another \$50 to submit plan depends on how money lots you have. We charge by the linear foot of the road.

Ms. Burgess, They can go to another town and pay three/four times as much and they will pay it.

Correspondence:

Jill Marie;

Ms. Burgess, Trying to work out easements going back and forth between councils for about 2 months.

Mr. Cerrone, Stuff like this that is where they should be paying town council to review easements. Taxpayers are paying for this it should be developer's responsibility.

Bond releases for Westwood Estates;

Ms. Burgess, Asked for last meeting and we wanted them to check to make sure all lots are accounted for.

Mr. Sweet, Reading letter from Walsh Realty dated 2/21/08 ( Insert). KF5377 Homeward Lane, Christin Circle, Coach Rd, Oriole Dr. SV0170 Coach Rd. Constance Way and TD1952 Jeffrey Dr. these roads were accepted at May 2007 town meeting. Bond 104555752 Ronald Myer Dr. this road is still under construction and bond will be renewed for 9/1/08.

Mrs. Marchitto, Make motion to release above noted roads, seconded by Chris Sweet.

All in favor 4 to 0.

Mr. Cerrone, We have to renew Bond 104555752 Ronald Myer Rd. until 9/1/08.

Mrs. Marchitto, Make motion, seconded by Chris Sweet.

All in favor 4 to 0.

Car Wash Frank Lombardi sent letter to Building Inspector.

Ms. Burgess, He thinks by paving that extra 1200ft. in back it doesn't require site plan review. They're going to create an updated site plan for us to look over.

Letter sent to Bob Davis, Shannon Doyle, Bill MacDowall, Bob McGhee and Jay Moynihan on all bond release projects;

Ms. Burgess, Yes for final releases no response yet.

Letter sent to Shawn Jorde.

Letter dated 2/15/08 from Earthworks on Stonebrook;

Ms. Burgess, It was attached to letter 2/21/08 he has not replied to us giving him 2 weeks to reply and then I'm sending it to town council.

Letter sent to 188 Commonwealth that was approved the frontage variance for 4ft.

Draft of Conditions for Cobblestone;

Mr. Cerrone, On off site improvements it doesn't say anyway prior to construction has to be done before inside subdivision. Where does it say that?

Ms. Burgess, #42

Mr. Cerrone, Somebody is going to pick this apart that has to be done before anything else.

Ms. Burgess, It is very specific they can only work from sta. 32 to sta.29.

Mrs. Marchitto, Prior to construction within subdivision first verses last.

Mr. Cerrone, Prior to subdivision.

Ms. Burgess, It specifically lays out they can work within the subdivision, which we agreed too 32 to 40, specific stations they can work together with work set forth in Condition #40 prior to any construction within subdivision. This whole condition has to do with all off site

improvements anyway. It says in here twice prior to construction. We added one condition I have to go back and recheck numbers Condition #37.

Mr. Cerrone, #37 says applicant shall provide plans for off site improvements to Dept. of Public Works for approval prior to construction.

Mrs. Marchitto, You want subdivision construction?

Mr. Cerrone, Yes.

Ms. Burgess, Applicant shall provide all plans for off site improvements to Dept. of Public Works for approval prior to construction. It doesn't say that they have to do construction first. This is saying they have to go and get approval. Prior to any construction. I'll polish this up change the numbers and put in that "any".

Mr. Cerrone, It has to go on front of plan when we sign it.

Ms. Burgess, I'll have all these corrections made if you see any other give me call.

Summary change 40B;

Ms. Burgess, Nothing they didn't really accomplish too much. There isn't anything major that says we can deny 40B.

Public Works Workshop 3/25/08 at 7:00 P.M.;

Mr. Cerrone, We can post the meeting and anybody can go.

Subdivision Annual Report 2000 to 2007;

Mr. Cerrone, I asked Mary to do this for meeting on 10<sup>th</sup>. with the Selectmen.

Mr. Sweet, I would like to add to this house lot permits.

Mr. Cerrone, We should have copy of building permits from Building Inspector. I think you're better off going by amount of building permits we've had for multi units, condos, etc.

Ms. Burgess, We could go by the money. Look at how much we've paid out over last 7 years to engineer outside firm it ranges from \$2000 roughly \$7800 in 2003 was \$125,000 and in 2006 was \$57,000, 2207 back up to \$115,000.

Mr. Cerrone, This year will be very low.

Ms. Burgess, This is one of my big points in 2005 how many subdivision had inspections how are you going to have one person do these inspections?

Mr. Cerrone, 2005 developers have paid \$113,000 for inspections, These are under constructions not reviews?

Ms. Burgess, Everything.

Mr. Cerrone, These are plus reviews these numbers aren't true it could be less for inspections.

Ms. Burgess, Town engineer is supposed to review the plans and doing inspections. You need an engineering dept. you need more than one person. On second page have everything for special permits that is commercial growth over the last 7 years in this town.

Mr. Cerrone, They should be looking at how to generate revenue for this town. In 7 years paid \$612,000 for engineering developer has paid not town. Divide that by 7 you get about \$85,000 year how are you going to have engineering dept. for that? I think you should get printout from Building Dept. house lot permits.

Upcoming Meetings;

March 13, 2008 at 6:30 P.M. SRPEDD at N.A. Electric Dept.

Ms. Burgess, That is workshop for zoning maps.

March 21, 2008 at 12:30 P>M. MAPD luncheon meeting: Foxboro;

Ms. Burgess, That is for me Mass Association Plan Directors they're going over development of Patriot Place.

Mr. Cerrone, What are you going to learn about that?

Ms. Burgess, How to bring money into the town hopefully. Interesting to learn how they are coping with small budget.

Space Need Committee;

Ms. Burgess, They met today I did not go because it was at time Linda likes to go on her breaks and Shannon went. Basically the renovations are proposed for 7/09 and we're staying here not they're renovating our office. They're going to take Assessor's meeting room it will become my office, they're going to build Shannon an office, push meeting room into back. Tammy and Linda will be up front they're going to make half wall as you walk in. That was their first proposal there wasn't any plans yet.

Stormwater Bylaw;

Ms. Burgess, Accept for that one meeting Mike Stankovich is head of that. From what I could tell he hadn't implemented anything from the low impact development. The problem we're going to run into is in stormwater regs are geared for low impact development we're going to have to do something with low impact development. There is grant from EPA technical assistant grant they will basically do the work for you for what we have to do. I was thinking of having them look at creating low impact development preferably the Cumberland Farms area. They will have their own specific rules and regulations. Low impact development less pavement more impervious pavers, etc. more of water goes back into and recharge there is sheeting off lots, etc. More swales less detention basins. They had great success with putting the low impact over existing commercial development where they get bonus of some sort if they come in site plan modification and they change front of property for some part of their stormwater. They would give us technical support they do the studies, etc.

Mrs. Marchitto, Talking about senior bylaw.

Mr. Cerrone, I think we should be looking at cluster since I've been on board 16 years I haven't seen cluster development come in front of us.

Mr. Thimot, Harris Farm.

Mr. Cerrone, That was before my time that was in court.

Mrs. Marchitto, Pioneer was in court.

Mr. Cerrone, Harris was too at one time.

Ms. Burgess, Linda and I are going to be doing some cleaning I will keep an eye out.

Mr. Cerrone, Cluster development nobody has done it water and sewer stays private in subdivision so homeowner association has to maintain it they don't know what to do if something happens. That is one of things we could change in our cluster meet with public works keep roads private. I think right now they have to have 15 acres I think you might want to cut that down little. You have to look in all directions I think biggest problem is utilities stays private. I think it should be public check with public works make sure they will take it you can keep streets private. Something happens in middle of night public works is over there to fix it and charge the association. Laurelwood is cluster it is all private from entrance down Oak Knoll is all private. Open space they maintain and pay the taxes.

Ms. Burgess, I can't remember if it is 43 or 53 it is new designate area has to be used for multi use, commercial and residential. It is basically 3 months permitting process you can get all permits within 180days if you do the application. State will help you do those sites. Most of our sites need 21E. They want to dig out all contaminated soil and put it into cement box on the property.

Mr. Thimot, Make motion to adjourn at 8:13 P.M., seconded by Joan Marchitto.

All in favor 4 to 0.

Respectfully Submitted,

Attach Agenda to Minutes.