

**NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, MAY 8, 2008**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, May 8, 2008 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Richard Houle, Richard Thimot, Donald Cerrone, Joan Marchitto-chairman and Mary Burgess-town planner. Christopher Sweet arrived at 7:00 P.M.

1) Approval of Minutes;

5/9/02- Cerrone and Thimot

10/09/02- Cerrone ( Tape was inaudible)

4/3/03- Cerrone

5/14/03- Cerrone

10/23/03- Cerrone & Thimot

Get councils advice on above minutes number of people present whether we need vote in necessity.

4/3/08;

Mr. Houle, Make motion to approve minutes 4/3/08, seconded by Donald Cerrone

All in favor 4 to 0.

4/17/08;

Mr. Houle, Make motion to approve minutes 4/17/08, seconded by Donald Cerrone

All in favor 4 to 0.

2) Review Final Actions;

Amerada Hess: May 12, 2008 (scheduled for May 8, 2008).

Abbott Run Valley Country Club: May 12, 2008 ( scheduled for May 8, 2008).

3) Review Bond Expirations List;

Balley Heather: June 1, 2008 ( Developer coming in on May 22, 2008)

Mrs. Marchitto, My concern is Balley Heather.

Ms. Burgess, Spoke with Mr. Fitzgerald he will be here at our next meeting with letter if the board decides to extend. John Lavin went out and met with paving guy.

Mr. Cerrone, What have they been doing for last 4 or 5 months? You don't wait until season starts to have construction schedule you line everything up for when weather breaks that is what they've been telling us they were waiting for the weather they haven't moved an inch.

Mr. Houle, He said he would be ready when the weather broke.

Mr. Cerrone, Lot of these guys said that now they want an extension.

Mrs. Marchitto, We do want it finished. Mary gave me call this week and suggested that May 22 that she bring in the developers that she brought in before to do 5 minute presentation and give us construction schedule if in agreement with it. I think our engineer also needs to have construction schedule so they can plan their inspections. You're right Donald no one is doing any work.

Mr. Cerrone, When did we have them in we had a punch list?

Ms. Burgess, February 21<sup>st</sup>.

Mr. Cerrone, From February 21<sup>st</sup>. to May 8 you're telling me they can't get a schedule? I'm not giving an extension that's it I'm tired of this how many years we've been going through this it is ridiculous.

Mrs. Marchitto, When are we going to have paving date for Balley heather?

Ms. Burgess, I'm not sure.

Mr. Cerrone, Balley Heather will be like this for another 10 years.

Mrs. Marchitto, Ask Mr. Fitzgerald.

Ms. Burgess, He has signed contract with Murray.

Mrs. Marchitto, I want copy of signed contract and date that Murray is going to do pavement.

Ms. Burgess, May 22 I said he would have to come and get an extension if the board is going to grant one.

Mr. Cerrone, State for Rte. 1 has been working.

Mr. Houle, Asphalt plants are open. We've been told right along I agree with Don that as soon as weather broke they were going to get going on some of these projects and we haven't seen anything yet.

Mr. Cerrone, Once we do couple of these guys take their bonds away I think they will all smarten up.

Mr. Thimot, Just make sure the bond amount is good amount.

Mr. Cerrone, Yes make sure we have plenty of money.

Endorse Vouchers:

Earthworks Engineering Inc. \$2,367.50 ( Mt. Hope & Balley Heather).

SRPEDD: \$175.00 ( Annual Meeting).

Free Press: \$486.00 ( Zoning Articles Ad).

Mr. Thimot, Selectmen are talking about following through on engineering dept.

Old Business:

2) Form O: Abbott Run Valley Country Club;

Final Action due May 12, 2008

John Mc.Coy member of board of directors present.

Mr. McCoy, Rick Bessette was here before and he asked me to step in for him tonight so I can answer any questions you might have.

Mrs. Marchitto, Board had asked to put dimensional and number of parking spaces, open space calculations ( existing/proposed).

Mr. McCoy, My understanding it has all been done.

Ms. Burgess, I looked at them they put on the dimensions and parking spots 9 x 18 and number of spots they have. They also put lot coverage and open space calculations they have lighting on utility poles.

Mr. Cerrone, Make motion we approve the site plan for Abbott Run Valley, seconded by Dick Houle

All in favor 4 to 0.

3) Form O: New England Gas Co. 39 Mt. Hope St.:

Final Action due May 16, 2008

Mrs. Marchitto, Board requested applicant provide parking spots, open space calculations and location of light poles.

Steve Adher-engineer present.

Ms. Burgess, They did put on parking spots with dimensions, put open space calculations and lights on parking spot. They went to Conservation and they closed with them on Tuesday.

Mr. Cerrone, That is what we asked them to do. Make motion we approve Form O for New England Gas Co., seconded by Dick Houle.

All in favor 4 to 0.

New Business:

2) Request by Tilton & Associates to set a public hearing for the PBD: Boch Toyota;

Glenn Ofcarcik- Tilton & Associates, Filed Planned Business Development application for Boch Toyota South last Friday. Board has certain number of days to open the hearing we're filing associated application with ZBA that we hope to have heard on June 17<sup>th</sup>. we think you're next scheduled meeting is June 19<sup>th</sup>., which would be in your statutory time frame it is a special permit application. Schedule either for the 19<sup>th</sup>. or next available date.

Mrs. Marchitto, Will not be here on the 19<sup>th</sup>.

Ms. Burgess, You have 65 days to hear it.

Mrs. Marchitto, 19<sup>th</sup>. and 26<sup>th</sup>. I have conflict.

Ms. Burgess, You submitted it on the 2<sup>nd</sup>. 30 days would bring you are we going to have meeting July 3<sup>rd</sup>.

No.

Ms. Burgess, July 10<sup>th</sup>. or June 5<sup>th</sup>. before you go to zoning.

Larry Tilton, Open on the 5<sup>th</sup>. and I assume there will be more than one hearing. As long as understand we will be at ZBA and Planning at same time.

Ms. Burgess, Have enough time to advertise.

Mr. Cerrone, We have to give comments to Zoning Board.

Mr. Tilton, Zoning Board is confirmation.

Mr. Cerrone, I'm just trying to figure out if we're going to be in conflict while we have public hearing and write a letter.

Ms. Burgess, Did you already submit to zoning?

Mrs. Marchitto, What does board do usually it can't be the first time that have public hearing going on and zoning?

Mr. Tilton, You can do both at same time this is more confirmation of items that were shown with condition that have valid variances and special permits in place. They're showing different plan than they presented before want everybody on same page.

Ms. Burgess, Problem is conditions of approval that state specific plan they are no longer using that same exact plan and so they want to go back because of the date. They want to make sure this plan is still okay to refer to those conditions Zoning Board.

Mr. Tilton, They were shown different plan.

Mrs. Marchitto, You're not looking for new zoning, variances?

Mr. Tilton, No.

Mr. Cerrone, You're looking for parking garage?

Mr. Ofcarcik, We don't need provision that is allowed by right. It is the parking spaces we got variance on size of spaces they approved new size but it also says as shown on the sketch plan that we attached. Our plan looks different so our attorney said for clarity we should have them reaffirm that same sizes, same amount just different sketch. If we could open on June 5<sup>th</sup>. even if we have to continue right away then it would have been legally advertised, etc.

Ms. Burgess, Haven't set date for July yet.

Mrs. Marchitto, We're going to look at schedule for everyone's vacation.

Schedule hearing date for 6/5/08 at 8:00 P.M.

NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING  
THURSDAY, MAY 8, 2008

7:00 P.M.- Public hearing for the application of Linda & George Weston for the Definitive Subdivision to be entitled Mount Hope Farm Estates. Note: Final Action Due 6.30/08; Ms. Burgess, Reading letter to continue hearing dated 5/5/08 ( insert).  
Linda Weston, Had very productive workshop.  
Mr. Sweet, Make motion we continue hearing until 6/5/08 at 7:00 P.M., seconded by Don Cerrone.  
All in favor 5 to 0.

Respectfully Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, MAY 8, 2008

Old Business:

1) Form O: Amerada Hess;

Final Action Due March 31, 2008

Phil Lombardo-attorney, Andy Loudibocher from Hess and Luke DiStefano from Bohler.

Mr. Lombardo, When we last left off we were looking for response from our licensed site professional with respect to some questions that had been raised. We submit by noon deadline on Friday the letter from LSP.

Ms. Burgess, I spoke with John he said that I should request the information that was referred to in the letter and I have it for our file. I also forwarded to Board of Health. Spoke with Conservation and they closed and following up with order of conditions and DPW got LSP letter. Everything we have requested they have supplied.

Mr. Sweet, Make motion we approve the site plan as submitted, seconded by Dick Houle.

All in favor 5 to 0.

New Business:

1) Request by Don Corliss to set bond and endorse plans for Corliss Landing Definitive Subdivision;

Richard Thimot left table at 7:08 P.M.

Nick Facendola-Level Design, We're here tonight to set bond for Definitive Subdivision Santoro Dr. I believe we met all the requirements outlined in subdivision approval.

Ms. Burgess, #14 prior to endorsement condition on the plan. First one prior to endorsement of this plan applicant must provide copy of ANR plan registered at Bristol County and deed at Registry of Deeds have it. # 3 covenant or security must be approved prior to commence construction prior to plan endorsement plans shall not be released from Planning Board office prior to plan endorsement. #4 any additional consultant fee resulting by engineer must be paid prior to endorsement they have no outstanding bills with and up to date on revolving account. #6 all easement deeds shall be labeled as municipal drainage easements. Plan shall not be released until accepted by Planning Board. Submitted easements town council has to review them. All easement areas shall be constructed to be able to support heavy equipment as specified.

Mrs. Marchitto, We were looking for it to say to allow for access and maintenance for utility equipment.

Ms. Burgess, Proposed easement for Santoro Dr. to Landry Ave. shall read 30ft. wide municipal drainage and utility easement. #9 original site plan entitled Corliss Landing approved 2/1/07 indicate changes made by the Definitive Plan entitled Corliss Landing not limited to the new calculations. #10 note 7 on plan C3 shall state for water and sewer dept. specifications. I spoke with Bill MacDowell we have letter. #11 plans shall be revised to show elevations of all lots. Plans shall include following notes approval for 5 lots only,

Mr. Facendola, It is on cover and sheet.

Ms. Burgess, All required modifications to plan shall be made prior to endorsement I didn't check that off yet. #17 all municipal water and sewer systems within subdivision shall be held according to Planning Board rules and regulations and all on site sewer. Dry sewer main shall be installed the entire length of the street if on site sewer is used. Municipal water and sewer systems located in public way outside the subdivision shall be built according to Board of Health prior to endorsement. I believe he finished all the off site improvements. This condition refers to everything he did off site he has all the permits prior.

Mr. Facendola, Intersection at Santoro and driveway then catch basin. Work wasn't required to be done the work is going to be done same time as construction of the road.

Mr. Cerrone, When we set bond we're setting bond for the road not for the lots.

Mrs. Marchitto, How do we handle if they have ownership?

Mr. Cerrone, You already did site plan and work.

Mrs. Marchitto, I thought that was what condition 5 was.

Mr. Facendola, Condition 5 was to permit.

Mr. Cerrone, Came in with modification on site for one lot that was only way you could do the subdivision.

Mr. Facendola, Basins are going to turn into buildable lots.

Mr. Cerrone, You're never going to come back to us for another site plan on that lot 5 because it already got approved. How do we know that is going to get done?

Mr. Facendola, We still have to close out with Conservation and complete the site.

Mrs. Marchitto, Does that force the drainage to actually be built?

Mr. Facendola, That was not a condition of approval condition of approval I'm not saying we're not going to build it but condition was to. It is private site so you can't bond work.

Mr. Cerrone, That is what I'm saying we're bonding road not the site.

Mr. Facendola, Construction standpoint easier to go in when they're doing the road we're doing everything else.

Mr. Cerrone, As board how can we force you to do that? Let's say something happens to him tomorrow someone buys it and he's going to say lot 5 I have nothing to do with it I got the subdivision the bond is on roadway. I'd rather tell you right now we have problem 6 months down the road I don't know how we handle it. Building was all done when you came back for revision on site plan it's not like building inspector can hold up occupancy permit if site plan is not done. All your occupancy permits have been issued?

Mr. Facendola, Yes.

Mr. Cerrone, All units are sold so if you don't do it what leverage.

Don Corliss, First of all I can't ever get road accepted by the town.

Mr. Cerrone, That lot you meet frontage, square footage on subdivision we can't tell you to go back and fix it.

Mr. Facendola, Under your original approval if you read #29 I guess that could hold us to it. It is under one of John's comments requires that all the lots be designed to maintain drainage individually not discharge to system for the road. That could blanket this issue. Drainage on lot 5 has to work before we do that condition.

Ms. Burgess, Isn't one of the conditions that you have to keep same amount so wetland doesn't dry up?

Mr. Facendola, Yes under that note under approval conditions on #29 it requires us to manage/mitigate all our on site stormwater to each individual lot as constructed.

Mr. Cerrone, Lot 5 you don't own the association owns it. You're going to own the roadway until town accepts it and those other 4 lots. I understand what you're saying.

Mr. Corliss, I'm still the trustee.

Mrs. Marchitto, When are you planning to do modifications on site on lot 5?

Mr. Corliss, When we come through with the roadway if I don't have something buildable there is no sense in doing the drainage until I come through with roadway I don't want to dig twice.

Mr. Houle, You could also flood your own property.

Mrs. Marchitto, If he does the drainage how can it flood his property?

Mr. Facendola, Line that goes to detention basin it is going under the road so we're going to cut that off, cap it, fill it with flowable fill.

Mr. Corliss, You required me to cut and cap the pipes once I do that as I'm doing the road I'm forced to do it anyway. Once I comply with the regulations I have to cut and cap pipes I now have drainage on that site.

Mr. Facendola, As developing the road his liable for that site to the drainage because he is cutting the pipe.

Mr. Cerrone, Not legally you get technical lot 5 he doesn't own anymore.

Ms. Burgess, I think also under Conservation he'd have to recharge certain amount of water back into the system if don't continue to do that you'll dry up that wetland.

Mr. Facendola, We're sending it back that is what whole thing with John was.

Ms. Burgess, If he doesn't redo the stormwater.

Mr. Facendola, I still have to close out with Conservation.

Mrs. Marchitto, There has been lot of questions raised last couple days. I know that you are willing to bond the drainage. My difficulty is with that, that year ago you came forward to bond the site you wanted Planning Board to bond that site to do occupancy it really wasn't legal to do we had to pull back that vote. Bonding site drainage is not an option.

Mr. Corliss, If I cut and cap that pipe I met requirements of subdivision.

Mrs. Marchitto, Are you saying for endorsement you're willing to cut and cap?

Mr. Corliss, I'm asking you what you're going to make me do. If I have to cut and cap that pipe to get endorsement I will I have to do something to get this moving.

Mrs. Marchitto, I don't think it's a force I think the site plan modification and drainage has to be done. It was asked before the approval of this plan. It was discussed during definitive that was one of the things. I thought #15 was for the modification I thought it made common sense to tell you the truth.

Mr. Cerrone, When we approved first site plan you were going to get building permit for approval of the site plan. Then you sold the units and came back with modification.

Mr. Corliss, I am trustee.

Mr. Cerrone, I would like legal council on this.

Mr. Corliss, Whether or not the site plan has to completed to get endorsement of site plan?

Mr. Cerrone, Yes because there is no drainage on that lot. Once you plug up that pipe there is no drainage on that lot that is sheet flow. There is no site plan for that building.

Mr. Corliss, I would be in violation of Conservation.

Mr. Cerrone, You're in violation of the town by our board because there is no site plan. If you didn't make any changes from original site plan amendment to do second one for the

subdivision. Original site plan you did all the work that we wanted you to do. Now you have to keep that on that site.

Mr. Facendola, Site plan #9 clearly states that the modification we applied for prior to endorsement it is in legal approval of the site. We're not saying we're not going to do it but there is no reason to hold up the sign off.

Mrs. Marchitto, What are the ramifications if that drainage is not done?

Mr. Facendola, They could turn around and sue Mr. Corliss he developed the site the association could sue. If that pipe is cut and capped in winter that place will be and ice skating ring because water has nowhere to go.

Mrs. Marchitto, I'm concerned with the stormwater legally people sue each other that is fine I'm looking at the ramification of that drainage if it is not completed. Where does that stormwater go, and how is that going to effect the right of way of the subdivision? That is my concern. Applicant 7/07 to have board approve it was essential for you to have it approved to the point we did something we never do put all letters on the table and say these are the conditions. Usually we close it, vote another night for the conditions. Now we're here on 5/8/08 for endorsement that is why we put that condition in there because you needed a vote and because we didn't do it right then as Planning Board we're here 5/8/08 how many more months. How do we do this right? We always get these challenges I'm trying to find out it was important for the board to have that drainage on what would be lot 5. Now we're at a point modification came in the site has been built, occupancy has been given, and association owns it. There is no enforcement to have that drainage done. I think we're all in agreement with that. My concern right now is we have drainage on other side of the lot and I really need to know if that drainage is not done. Private properties can sue each other but as board member I have to think how is that going ramify what we're going to bond? Where is that water going to go if it isn't done and what is the situation with the board what is our responsibility? If we set bond will we have enough to fix problem that we don't have jurisdiction over? I feel as though we do have little say in this because we're the ones who were forced to make vote and board chose to do it that way last summer. I think we have some questions to ask and we should take into consideration.

Ms. Burgess, Stormwater Management Plan?

Mr. Facendola, Violation of Conservation.

Mr. Cerrone, How many units do you have?

Mr. Facendola, 20 units.

Mr. Cerrone, You have 20 different owners on that lot. Say that isn't built you're going to have 20 different people coming in.

Mrs. Marchitto, If drainage was done I would have no problem but I have questions right now.

Mr. Cerrone, Before we endorse the plan you could start working on that subdivision it meets all the conditions.

Mrs. Marchitto, Without bond absolutely and the work hasn't been done that is my question.

Mr. Cerrone, I would like some legal council.

Mrs. Marchitto, Detention basin is on side and through modification it would all be on other side. People can do modifications doesn't mean they have to do it there is no enforcement to make sure it is done.

Mr. Facendola, If we don't go through with that at time of construction we would bring the road way in do it all at same time that is the plan. You can't bond private lot that is where we're at right now. We don't think you are accusing it of not doing it.

Mrs. Marchitto, No I'm trying to protect the town.

Mr. Cerrone, If he sells it tomorrow new owner we have no leverage.

Mrs. Marchitto, We already did the conditions.

Mr. Houle, Not as condition.

Mr. Facendola, We'll take note that says it must be completed.

Mrs. Marchitto, With date?

Mr. Corliss, I can't say date because it has taking 3 years to this point. Putting note on front of plan will ensure that it would have to be done.

Mr. Facendola, Maybe before the pipe is cut and capped the drainage has to be in. It has been approved. When you cut and cap the pipe the water is going to need somewhere to go from there so before he can proceed with the road.

Mr. Cerrone, I don't think we can do that on setting bond amount I agree with what you're saying.

Mr. Sweet, I agree legal council.

Mrs. Marchitto, I think we need legal on some questions.

Mr. Facendola, Say someone comes in with regular site industrial site they've been working on and it's off of say John Dietsch Blvd. and they decide they're going to redo the parking lot, modify it put building addition on. What is there to keep that person from doing site plan as approved?

Mr. Cerrone, Building inspector before he gives occupancy permit.

Mr. Facendola, I'm saying for the existing site maybe it's just new parking lot modification no structure. This is pretty much what we have here for this existing site we're not adding new structure we're just modifying existing drainage. There is no reason to modify the detention basin because it goes to basin and works perfectly fine as originally approved. Once we cut and cap the pipe that is when modification needs to kick in. Going back to my other examples you have site with a building.

Mr. Cerrone, You can do modification now has nothing to do with subdivision.

Mr. Facendola, I'm going back to ramification what is to keep that person from building that parking lot and doing drainage as approved just like we had our site plan approval? There is nothing that should be holding this definitive plan from being signed.

Mrs. Marchitto, Maybe we can pose that question to you what is preventing the applicant to do modifications on site?

Mr. Facendola, Nothing but there is no point in putting that money into the site if the road is not being built. Right now he can't build this because he doesn't have signed off plan. It is one big lot right now.

Mr. Cerrone, It's been approved and we took vote. This board has taken vote to approve this subdivision you have conditions you have to meet.

Mr. Facendola, We met the conditions as outlined in the actual conditions word for word in the letter that is where we stand right now. If board wants to get legal council.

Mr. Cerrone, We can send it to John for bond amount.

Mr. Corliss, You say the condition was to have site plan application approved by the board, which I did didn't say I had to have it done prior to endorsement.

Mrs. Marchitto, I take onus as one member that I misunderstood I thought it meant you would have had it done.

Mr. Facendola, Words constructed and completed are nowhere I don't see how you could assume that is going to happen. Modification approval is one thing just like anything that is approved any project completed doesn't mean it is going to get done next day.

Mr. Houle, Permits on this.

Ms. Burgess, I see a portion of the site to be independent. Once he starts building the road and recaps those pipes he has the chose to disperse. I think that chose would have to be in agreement with the board.

Mr. Cerrone, If he sells the subdivision?

Ms. Burgess, He can't sell the subdivision.

Mr. Cerrone, Why, once we set the bond? Someone else came and says I didn't make the money on lot 5 I don't have any responsibility with lot 5. They own the property it is one piece there are too many people it's a condo.

Mrs. Marchitto, It is subdivision like Christina Estates and we asked them many questions and had discussions before we set the bond amount. I think what we're doing here is very much what we do with every subdivision when we set bond and just make sure everything is plainly written out. I see no reason to go forward with it to get these questions that are being brought out tonight get answers to those. The last 24 hours I haven't received any thing on this I received lot of telephone calls regarding Corliss Landing different questions. I for myself would like clarity there is nothing we can do to protect the town regarding drainage then so be it we did our homework as a board. I'm going to make sure that Conservation has plan and what the violation is, get more information from John. Other thing is the electric dept. do we have construction plans for electric?

Mr. Cerrone, Are plans signed off?

Ms. Burgess, No.

Mr. Facendola, There would be no construction plans from electric because we're not logged in with electric co. These lots are not residential lots we have lights shown but as far as service each lot is going to be designed. We have all the conduit they approved it 6-6" conduit.

Mr. Houle, Do we have letter from them?

Ms. Burgess, I think it is in the conditions.

Mr. Cerrone, They accept the underground on roadway layout?

Mr. Corliss, There are two items on the list I can't do at this time I spoke with Jay and Gene today. One is guess what the usage is on lots and guess on where the transformer pad should be.

Mr. Houle, That is more function of site plan review that is not what we're talking about tonight.

Mrs. Marchitto, I'm talking about the subdivision and right of way of industrial park.

Mr. Corliss, It was in the conditions list so I didn't want it to be an issue. It was on general comments obviously you know when we come back for site plan review.

Mr. Facendola, There is comment about light poles but we rectified that light poles shown are the NA standards that was only issue with the street lighting.

Mrs. Marchitto, You're all set as far as the subdivision?

Mr. Facendola, Yes the conduit in the roadway and lighting.

Ms. Burgess, No letter from them saying you are all set with everything in the roadway.

Mr. Facendola, Has request been put in?

Ms. Burgess, I haven't put in a request I figured they would tell me when everything was all set.

Mr. Cerrone, You have to put request in.

Ms. Burgess, This is their bag I don't feel as it is part of mine.

Mr. Cerrone, Someone has to approve the letter and send it to you even in our subdivisions we get letters they approved layout on roadway, underground not houses same thing on the lots. You don't do that until the site plan is finished.

Mr. Facendola, We just need letter from them correct?

Ms. Burgess, I see lot of these things just like recommendations you should concern expect a Mass ...(inaudible) letter. That is in their letter, which is included in letter of conditions.

Mrs. Marchitto, Is that 7/11/06 letter? ( Yes.).

Mr. Houle, How is a person supposed to go forward if they have 3 or 4 lots and we don't have many cases like this? How does a person give them what the wattage is going to be over there he doesn't even know what is going in there yet?

Mr. Facendola, All we can do is provide adequate size conduit underground PVC pipe so they can snake the wires through no matter what they have 6" conduit is large size. They can snake anything through it adequately sized for any high road use.

Mrs. Marchitto, On 7/11 we have 6 points and then A, B and C. Have you met all these? ABC you have not met yet because that is for site plan that I understand.

Mr. Corliss, Even Jay had said that his regs. were designed for residential. He said when you come back for site plan review that is when you determine the usage.

Mr. Cerrone, You should be able to get letter from his saying underground for subdivision.

Mr. Houle, Will he give you letter just for the street?

Mr. Facendola, Yes.

Mr. Cerrone, And light poles that is all you need.

Mrs. Marchitto, #1 the conduit system is continuance from Landry and John Dietsch. Main line electric use are 4 or 6?

Mr. Facendola, 4- 6". #3 you can't show the location of the pad until we know where the building is going and things like that so #3 is site plan approval. Do you want us to have an outline what is to be done in letter during site plan approval reference this letter and say #3 will be accomplished during site plan approval?

Mr. Cerrone, Main concern is the roadway we need lighting and underground.

Mr. Corliss, They made general comments about everything that is on the plan.

Mr. Cerrone, Just get letter from them on road not on the lots.

Mrs. Marchitto, #4 they requested that you show the proposed electric conduit in relationship to other utilities.

Mr. Facendola, Conduit lines are shown running along the right of way.

Mrs. Marchitto, We're you able to show the size and number on the plans?

Mr. Facendola, Yes 4 - 6" there is main box and comes out. There is pretty much for empty pipes run next to each other.

Mrs. Marchitto, Wanted NA electric standard street lights?

Mr. Facendola, Yes we talked to them about that the fixtures were standard it was just miscommunication they had no problem with that.

Mrs. Marchitto, Do you mind sending letter from NA Electric?

Mr. Facendola, They have to send it to you. Everything goes through the board I thought.

Mr. Cerrone, You have to request the letter not us you're the applicant.

Mr. Facendola, Regarding this earlier in the process things weren't being sent all the correspondence should go through the board we had issue with this during approval process.

Mr. Cerrone, We're not going to request letter for you, you have to go and say I meant all your conditions here is the plan that is what I think. That is way it's been in the past the developer does it.

Mrs. Marchitto, You met everything you could on subdivision that is not site plan?

Mr. Facendola, Yes.

Mr. Cerrone, All you want is letter on roadway not on the lots.

Mrs. Marchitto, You met 1, 2, 3, 4, 5, 6 and that you're coming back for other one for site plan review.

Mr. Cerrone, If you have any problems call Mary they should give you a letter.

Mrs. Marchitto, We need letter from electric and we're going to have council review the easements okay.

Mr. Cerrone, We might just send it out to John to get bond amount for roadway if he comes back with all the stuff everything is ready for him.

Mrs. Marchitto, Mary there is enough money in revolving account? ( Yes.). I want these questions addressed. We're going forward to get these addressed, going forward to send...(inaudible) we're not making any promises at next meeting understood?

Mr. Facendola, Information required from us coordination with electric dept. that is all you guys are looking for from us? That we have to provide that is outstanding?

Mr. Cerrone, Yes you need letter.

Mr. Facendola, I'm saying as far as the applicant goes just the letter from electric.

Mr. Cerrone, Met all the other conditions right Mary? Have DPW letters, Board of Health?

Ms. Burgess, Yes.

Mr. Sweet, I would add that if there is something that comes from council then we might have to ask you to do something.

Mr. Facendola, Correct.

Mr. Cerrone, Subdivision we voted on it and approved it already.

Mrs. Marchitto, There were reasons why we didn't endorse it and I want to make sure that everything is in place because the applicant needed approval and I understand but there was reason we didn't endorse it at that time. I want to make sure everything is in place before endorsement.

Mr. Facendola, We're scheduled for next hearing?

Mrs. Marchitto, Put it on agenda and see where we are.

Continue until 5/22/08.

Ms. Burgess, Generally if I tell town council I need things before.

Old Business:

Fred Bottomley: Update on status St. Lawrence Way and Hickory Woods Subdivision;  
Donald Cerrone left table at 7:55 P.M. and also Richard Thimot is still abstained.

Ms. Burgess, In your packet you have letters from NA Electric Dept. stating how much lights would cost on St. Lawrence Way. Basically town council has been working on getting lights up at St. Lawrence Way do to several complaints from residents in that area. Through working with Mr. Bottomley's attorney they both agreed that taking money out of the bond would be pertinent thing to do. I've taking what we have up there for money in Phase I and II and there is 4 lights total there. So for Phase I cost of 2 lights would be \$2288.44 plus \$100 deposit for light, which is additional \$200. If we reduce that bond from \$6,745.41 to \$4,256.97.

Mr. Sweet, Clarify why we need deposit?

Ms. Burgess, That would be something you would have to ask electric dept.

Mr. Houle, I've never seen that.

Ms. Burgess, It is in letter he sent. I broke it down for each bond, each passbook for Jon C. Barry, Bishop and Thorpe as well. I see that developer has two options he doesn't really have an option for St. Lawrence Way but with Hickory Woods he can either pay for the lights and get full bond reduction back or not pay for the lights and have bond reduced by the amount for lights. I have inquired with town council if it is okay to reduce the bond if work has been completed i.e. binder coat, curbing and everything like that he said it was okay as long as retain enough money to finish. We're talking about Barry, Bishop and Thorpe. Fred had asked for bond reduction out there and we couldn't do it because of pending issues those issues have

since been resolved. I did check with council and he said it is okay to reduce the bonds to whatever amount in order to finish it. Did you get reduction for first?

Fred Bottomley, What is terrible...(inaudible) done. Eliminate institute policy and they've been asking existing development whether it be whoever to change the plans by having something that wasn't there in beginning. Philosophical point of view I'm not recommending for street lighting out of existing bond. I'm looking for release of my bond work completed and I will then go and put streetlights in, which is my obligation. I'm not looking for any favorite treatment or anything. If I've done the work and you have sign offs and signed inspection reports that work was done up there has been done satisfactory since then my request was very simple. I did the work release my money so that I can pay to do next step. I don't want to put in a position that set precedence and I don't want to be precedence setter I want my money it's that simple.

Then I will continue with the project I've already told Mary I agreed to put street lights in I told Roger Ferris I wanted to put street lights in I wanted to do the sidewalks. I want to finish paving understand your policy. I spoke to Mary week ago instead of November maybe we'll see fit for October to do so they're not running right up against ...(inaudible). I don't want any favors I don't need it and I don't want it. I've done the work I want my money it's simple issue. You have almost \$400,000 of my money I put a request in for \$95,000 release.

Mrs. Marchitto, If Roger says we can forward with bond reduction so we can send that information to John to get recommendation.

Mr. Bottomley, Mary told me she wants \$3300 and I said I would have that in by tomorrow. What I don't understand I'm not getting money except bond amount. If your inspectors have already said the work is done satisfactory and my request was only for that I'm not looking for partials your engineers have already approved it. Why do I have to have it go back to Lavin again? It is line item this whole thing is a farce to the community. You've been at it for 40 years you've never had a problem for bond release there was accountability. Only reason it changed is because some people (DPW) lied to Planning Board that is what changed the whole issue. Shame on the Planning Board for not having both people fired so what do we do we have whole new process and go to town council for this, there is no accountability to engineer because they are 3<sup>rd</sup>. party people. My account on this project alone is over \$100,000 in inspections that is what I've already paid. My recourse against your engineer is zero it is terrible way to do business. We paid the bills I don't have problem with that but there has to be accountability and there is no accountability and here we are we're doing it again. We've got signed reports that said I've done the work okay, they're checked off.

Mrs. Marchitto, I just want to make sure especially on Jon C. Barry on Hickory.

Mr. Bottomley, What is the issue? Have you accepted their reports? Or haven't you seen their reports.

Mrs. Marchitto, I have seen the report.

Mr. Bottomley, It says work is done satisfactory so why are we now going back out? If it's not satisfactory I should know first. I want to put lights up I also want a timely release.

Mrs. Marchitto, I want to release your bond but I was told that under certain situations that weren't our party.

Mr. Bottomley, Somebody sued the town of North Attleboro we have already put \$125,000 cash in escrow when we were told there was going to be a suit and money was held in Elliot Bray's account. We defended that suit we got town of North Attleboro was released Roger Ferris went with us to court we had a settlement with two parties Murray Paving and Baker. All council including Roger Ferris had asked for the inspection reports I'm told. I called Mary at one point I said were there inspection reports because we wanted to deliver them to the judge and

was it done satisfactory. That was what the whole issue about paying Murray and Baker.

Mrs. Marchitto, Did Mary deliver what you asked?

Ms. Burgess, He never asked for reports.

Mr. Bottomley, I asked if they were checked off and were they satisfactory and Mary said they were I trust Mary Burgess I think she is doing a good job I've said it many times. Here we are I put request in your inspectors approved the work they did daily sign off sheet saying that it was done satisfactory. Why won't I get my money why are we now going back to the same people again? They've already said it is done right why can't I get my money?

Mrs. Marchitto, You want me to do the math to reduce instead of John Lavin?

Mr. Bottomley, No I asked for a line item reduction.

Ms. Burgess, Yes and we have to add that up.

Mr. Bottomley, My request came in February 21<sup>st</sup>. and here it is May 8.

Ms. Burgess, We only got release from that thing April 29<sup>th</sup>.

Mrs. Marchitto, You want \$15,000 on Tatro.

Mr. Bottomley, There was no lawsuit when I put the request in I had asked if the work was done satisfactory. I put in for direct line item reduction plus the traditional 5% and 20% contingency.

Mrs. Marchitto, I'll tell you the board didn't at that time because one year ago it was all started and selectmen called meeting of all board members regarding Hickory Woods. Council pretty much said not to release any money until we talked to town council. Am I allowed to say that there comes a point what am I allowed to say?

Ms. Burgess, We were advised by town council to run everything through him it has not changed.

Mrs. Marchitto, The board ran everything through him other people probably did not but this board did. I continue to run things through town council.

Mr. Bottomley, I was not told that when I submitted that letter. I would have copied town council on the request if I knew that the Planning Board wasn't going to be determining their own destiny.

Mrs. Marchitto, Mary came back and said this situation with Murray you said it in public, which is good.

Mr. Bottomley, Murray sued the town and Baker sued the town they wanted to get paid.

Mrs. Marchitto, I was led to believe that we couldn't release the bond.

Ms. Burgess, You're making it sound like the lawsuit came last week we can't wave wand and everything is done when you ask for it.

Mr. Bottomley, I said the lawsuit came after my request.

Mrs. Marchitto, That's why those first line items. St. Lawrence Mary ran into situation with the lighting so she made the recommendation and she also went back and we wanted clarity. On Lawrence, Pasture wanted to make sure it was find, wanted to make sure Bob McGhee was find. You got response back that he is okay with it.

Ms. Burgess, Patch is good.

Mr. Bottomley, So when it fails fine.

Mrs. Marchitto, You built the road I'm glad you said that.

Mr. Bottomley, I asked this board not to approve it to force the contractor on Albert St. Lawrence if you remember when they screwed up the crown and screwed up the gutter I wanted the whole thing ripped out. Your engineer at the time said no this would be the patch I'm glad that Bob McGhee approved it.

Mrs. Marchitto, Now we're running into situation there are 3 members because of 2 roads and the other ones members can come back on. This is unfair because I'm going too far.

Ms. Burgess, I've already discussed with Fred the issues dealing with the Pastures, the Cliffs. Why don't we stick to with Hickory Woods while we can get that out of the way and then bring up the other ones? I was going to ask Fred to come in with all the other developers to discuss the other subdivisions.

Mrs. Marchitto, Hickory Woods I understand you have line items.

Mr. Bottomley, Line items your engineer said the work was done satisfactory. Lawsuit against town of North Attleboro was dropped because I put up the money to settle the case. I got judge to sign off on it.

Mrs. Marchitto, You want the board to make motion tonight on these numbers?

Mr. Bottomley, Those are the numbers. Once again I've already paid for the work to be done based on your engineer saying it was done satisfactory.

Ms. Burgess, I would like to double check the numbers myself.

Mrs. Marchitto, I know sidewalks aren't done.

Ms. Burgess, He has put in the bounds, granite curbing and binder.

Mr. Bottomley, You have sign offs on it. ( Yes).

Mrs. Marchitto, When we give you the money you're going to the lights on?

Mr. Bottomley, Have I ever gone back on my word? Probably in the future you're going to be bonding streetlights.

Ms. Burgess, What can we do about St. Lawrence Way we've gotten several complaints.

Mrs. Marchitto, St. Lawrence Way I think the other two members should return and talk.

Ms. Burgess, Hickory Woods I'm going to have to sit down and do the numbers.

Mrs. Marchitto, I would like to get Hickory Woods done so if it means that we release the money and Fred has money to put the lights up. I want you to check the numbers, bounds and I think we can do that quick and soon.

Ms. Burgess, I can definitely do it for next meeting.

Mrs. Marchitto, Do we want letter from council or are we all set? We have e-mail from council.

Ms. Burgess, I asked him if we could reduce the bond if the work has been done?

Mrs. Marchitto, Let's get the other board members in.

Mr. Bottomley, Categorically I don't want favoritism.

Mrs. Marchitto, I'm not trying to give you favoritism why do you thing I am?

Mr. Bottomley, On the street light issue I want to put them in I need some money to do it. I think you're setting precedent and I don't want you to.

Mrs. Marchitto, I do too, I appreciate that. I don't see it as being favoritism.

Mr. Bottomley, I think it is you never done it before. I hope you can get to the point after this unfortunate experience that the developer will know sooner rather than later that the work they contracted to have done is approved and accepted by the engineer and that the Planning Board reacts to that acceptance by their engineer.

Donald Cerrone and Richard Thimot returned at 8:20 P.M. to discuss St. Lawrence only.

Mrs. Marchitto, I know on St. Lawrence, Cliffs and Pastures we did field trip and we have documentation from DPW on them.

Ms. Burgess, Yes I wasn't going to bring up the Pastures or Cliffs tonight I was going to wait until next meeting when we have all the developers in. I don't have documentation in hand.

Mrs. Marchitto, We did take field trip there were some questions on the Pastures. My question was on grates why is this now coming up? Pasture Brook there was culvert.

Mr. Bottomley, I asked Mary why is it coming up now when we had all the sign offs from DPW back then including the director.

Mrs. Marchitto, Donald and I were looking at it the same way that was never our question.

Mr. Bottomley, I received nothing in writing I'm taking Mary's word I don't know why it's coming up there was complete sign offs on everything except for that lady with the wall. First lady going in we did the grass 4 times.

Mrs. Marchitto, We just wanted clean up.

Mr. Bottomley, That was the vote of the board they said the only thing we want we brought the homeowner in.

Mr. Cerrone, That is what I thought.

Ms. Burgess, Everything has already been signed off on what is only thing street acceptance.

Mr. Bottomley, We filed once and it got rejected. My opinion street acceptance should not come from the developers it is a community thing. Planning Board is one to sponsor if the projects are completed. Developer should not have to go to all these meetings and pray to various religions that the Finance Committee is going to give favorable recommendation. Town of North Attleboro gets chapter 90 money by acceptance of streets that is the procedure. Procedure should change in this community that it should come from the Planning Board they have to take control of subdivision destiny and by that I mean in it's entirety. Stop listening to all these other people.

Mr. Cerrone, New rules that is what it says we changed that.

Mr. Bottomley, I don't know I heard tonight you're asking electric dept. to have letter on Corliss's streets.

Mrs. Marchitto, That was condition.

Mr. Bottomley, Bad condition it is still subdivision it is under your control.

Mr. Cerrone, You still have to get letters from the other depts. What happens if they don't want to give them power? We approve subdivision with no power?

Mr. Bottomley, It is the electric dept. that has put you in that position they are the one who always supplied the plans and approval process.

Mr. Cerrone, They're changing rules over there that is the problem.

Mr. Bottomley, Changed in midstream the town got caught. We used to have a plan made for and prepared by the electric dept. Now they want Joe blow to be hired to design plan, which they will review instead of us submitting a plan to Planning Board, which has ultimate control.

Mr. Sweet, I beg to differ the Planning Board does not have ultimate control town meeting has ultimate control.

Mr. Bottomley, I'm talking on subdivision.

Mr. Sweet, When it comes to street acceptance RTM is the final vote.

Mr. Bottomley, That is why it should be sponsored by the Planning Board.

Mr. Sweet, Regardless who ever sponsors it you're still looking for approval from all the different town depts. If one town dept. wants to hold their nose up at it everybody else is screwed.

Mr. Bottomley, So who fights that? The people that should be fighting it is the one that has statutory legal right and control. If you guys want to sit back and let DPW dictate to you. I said if you want to if you're not going to contest your authority against them they can say whatever they want anytime they want and they do. Selectmen can do their thing too. But the law says it is your power it is not theirs not something that is shared. If street doesn't get accepted the town suffers because they're getting less Chapter 90 money. You're the ones in charge you set the rules and regulations and then if Joe Blow doesn't like it then he opens his mount and butts in.

Mr. Houle, This board has accepted some of the rules and regulations of some of these other boards and we kind of have to make sure that those are met.

Mr. Bottomley, Change your book make them part of your rules and regs. Process should be that when an applicant comes before the board it is the book that is in effect at that time. Make definitions have Planning Board rule and reg. book that is 5" thick if you want. Our books are terrible we have all been saying it.

Mrs. Marchitto, Your rules go under 2002.

Mr. Bottomley, They are lacking in definition and we just had court case on Reed Ave. we don't know how it is going to come about but what you've all heard Don was there Joan was there you heard the person that you were relying on in your letter on vote of rejection. You heard him say on witness stand that he never even read the definition of Planned Development. Yet he gave letter to you folks over 3 years ago on something here we're going to face the issue again. Who is going up against Catholic Church on Dr. Bott's property? They can file right now under assisted living that is same as housing for the elderly there is no definition, no density requirements it's permitted use in all districts it is same issue as housing for the elderly. What's come out of this committee doesn't end it all it adds probably little more confusion to it because we're still not backed up by definition in our regulatory doctrine, which is our zoning bylaw and our Planning Board rules and regs. Thank you for letting me vent. We're not moving for it poor Mary is bogged down in my opinion at least all this paperwork and going back and forth between boards instead of doing what an educated planner should be doing and that is planning. How do we have orderly growth in our community? I'm all for orderly growth and what the book should be it should be as exacting as you can make it. All we have now and the latest example is going to be Madonna Manor they already bought the land already made their announcement all the priest have met. Who is going to go against Diocese of Fall River it's R40? When you asked them to come before your committee I said the same thing I said it is going to happen. Now they're going to have cluster development, which is what it is and they've already announced that they want to do both sides of the street in time. One for care facility, which they are allowed by right with no definitions, no density requirements. It's only going to be little bigger than downtown and at some point in the future we want to be on the other side of the street with an assisted living facility.

Mr. Thimot, When we had meeting that was part of the discussion what was going to be up in west side of town it was going to be residential and other uses. This stuff for Diocese of Fall River is right in line with what we talked about then.

Mr. Bottomley, But it's not what is in line with the RTM bylaw study committee has come out in favor of for new policy. This just happens to be what I was speaking about has come true. These issues won't go away only thing can do as community is regulate by definition. Anything that each member can think of you should jot down and give it to Mary and say at some point in future we have to think about it. You've all read the book, when you became members you read the EOCD books on Form A, subdivision control, zoning, etc. Those books are there for you to learn. What is going to happen is you guys have the power to do what ever you want under subdivision control and Hickory Woods is prime example of everybody else coming in. Joan you were at the meeting at electric dept. that was a slugfest.

Mr. Cerrone, Can we go back on these other issues? Pastures I think we already told them it was done we have letters. As far as I was concerned it was grass and little wall on corner that was taking care of. Then we had Cliffs the first phase Wagon Wheel.

Mr. Bottomley, Take them one at a time are you going to release the Pastures?

Mr. Cerrone, As far as I'm concerned the Pastures we approved it that is my opinion.

Ms. Burgess, Pastures is \$15,000 plus interest.

Mr. Cerrone, #15,196.98 that was 12/31/07 last balance. Make motion to release the money, seconded by Richard Thimot plus interest.

Mr. Houle, Mary as far as you know everything has been completed?

Ms. Burgess, You guys are the experts.

Mr. Cerrone, Public Works did all the inspections if I recall only thing was they had to put water line down there.

All in favor 5 to 0.

Wagon Wheel Cliffs Section E;

Ms. Burgess, I talked to Jay Moynihan he said he would like to see two more lights there but he doesn't have any on his plans.

Mr. Houle, There is none going down that road.

Mr. Cerrone, No lights on the poles.

Mr. Bottomley, Correct if you remember what happen at that time when the Selectmen got involved about shutting off lights they weren't putting lights on poles. This isn't underground it is overhead.

Mr. Cerrone, There is no fixture there. There should be fixture I don't care if they want to shut it off.

Mr. Bottomley, We don't put them up.

Mr. Cerrone, I understand that the policy has changed.

Mr. Bottomley, No not on above ground it hasn't.

Mr. Cerrone, Let him put two fixtures up.

Mr. Bottomley, He can do whatever he wants and whether they go on or not is up to the selectmen the town has to pay.

Mr. Cerrone, Right but you're responsible to have the fixtures there it has always been like that.

Mr. Bottomley, Not on that one. Jay Moynihan's letter is there was not scheduled to be lights there. I don't mind lights going there.

Mr. Houle, You said it yourself Fred public safety is under subdivision control.

Mr. Bottomley, Correct and the electric dept. is the one that did it the developer never did it.

Mr. Cerrone, I understand that we never did it. You requested electric co. to put lights there before.

Mr. Bottomley, I did and they were never put up.

Mr. Cerrone, We want letter from them that they're not going to put them up because we need lights there. As far as we are concerned it's safety. If they don't want to put them on I want to see fixtures there.

Mr. Bottomley, I don't have problem with electric dept. putting up one on every pole. I will send tomorrow send it certified letter to NA Electric Dept. copying the Planning Board asking them to put up two lights at their discretion. Way it works in this town the residence petition for the lights to be on if there is over lighting then the selectmen authorize NA Electric to turn them off. We've had hearings on lights the lady who had the kid that couldn't sleep.

Mr. Cerrone, They had to put it on. Another one was Sauvageau they had to put lights on until the town accepted the road then it is up to town whatever they want to do.

Mr. Bottomley, I will send letter to electric dept. certified mail asking them to put lights adequate for public safety on Wagon Wheel Rd. Whether they do it or not.

Mr. Cerrone, Right you did your job.

Ms. Burgess, Problem DPW had with Wagon Wheel is they wanted to redo the whole thing.

Mr. Cerrone, No they should never have touched it because it was his road. How can you touch someone else's road?

Mr. Bottomley, They told their correspondence will show that they told Don Johnson to bring me in your minutes will show that I came to this meeting and then Peter Murray went hole by

hole fix this, etc. It started out at one because Steve Cabral and his chairman of DPW complained about a pothole. DPW did inspections there.

Ms. Burgess, That bond is \$9000 and change.

Mr. Cerrone, We'll release that too get that letter from electric dept.

Mr. Bottomley, I'm going to copy you guys on the correspondence.

Ms. Burgess, \$9159.99 in bond Cliffs Section E.

Mr. Bottomley, From Raymond Hall up to Old Wood what was Old Wood South was first phase of Section E. Then Mordini built the houses and then he bought the and bonded it.

Ms. Burgess, Wagon Wheel is part of Cliffs Section E.

Mr. Cerrone, Mordini had bond on one section and he had bond on other section.

Mr. Bottomley, But the Planning Board combined Cliffs Village and Section E into one bond. Mordini is separate.

Ms. Burgess, That is one for \$51,000.

Mr. Bottomley, I have no idea what Mordini's stuff is. For newer members the trade off on that was that we would put in sidewalks, all of the granite curbing and we did that.

Mr. Cerrone, Wagon Wheel have you got article ready for town meeting?

Mr. Bottomley, We did that long time ago it wasn't approved. Don Johnson and Gene had pointed out that the acceptance of Wagon Wheel prior to Section E does not encompass the whole road. Article was poorly drafted way back and what the Planning Board was going to take and make new article for street acceptance and encompass everything from Old Wood where Wagon Wheel meets it on the north end all way up to where Wagon Wheel meets Old Wood on south end. Because from Raymond Hall Dr. heading north it doesn't meet there is not enough footage in the accepted article and we pointed it out first to Gene Allen and then to Don J and it was going to be addressed by the Planning Board for the whole thing to be reissued so someone could explain that what town meeting originally approved was not correct. It is still hanging out there.

Mr. Houle, My other question is take Wagon Wheel where that road has got bunch of swiss cheese cuts in it. I understand you didn't do it and it was all done by DPW.

Mr. Bottomley, No we did it DPW directed and you have correspondence directed Don Johnson to have us fix three areas in a photograph and then while Barrow's Contracting was out there DPW then showed up and said do this one, this one, etc. That is why the whole thing was redone over and then they came back and they said they wanted the whole thing resurfaced.

Mr. Houle, How will you ever get it approved the way it looks now?

Mr. Bottomley, I don't care if it ever gets accepted I said that. I'm tired of people not dealing with the Planning Board's authority. Years ago if guy signed his name on inspection report he was essentially putting his credibility and his job on the line we lost that. People lied to the Planning Board in the past nothing happened to them.

Mr. Thimot, I can't ...(inaudible) according to that.

Mr. Bottomley, You were here and you instituted new policy that is fine.

Mr. Thimot, They haven't lied to us since.

Mrs. Marchitto, Cliffs Village we're going to wait for letter.

Mr. Cerrone, Yes he's going to send something to electric co. see what their response is.

Mrs. Marchitto, Albert St. Lawrence Phase I.

Mr. Cerrone, Lights aren't there yet?

Mr. Bottomley, They are not there and by the way you've released Mary is going to get letter out it is going to go to town treasurer that money you just released on Pastures. As soon as I get it I will pay for the lights in full I don't know what the deposit thing is but I will pay electric dept.

Mrs. Marchitto, Should we wait for the lights to be on to release those two?

Mr. Cerrone, Yes.

Mr. Burgess, No we don't have the balance on asphalt.

Mr. Bottomley, I'm not asking. What was I asking for on Albert St. Lawrence?

Mrs. Marchitto, \$6,745 and \$10,126 on St. Lawrence Phase II.

Mr. Bottomley, You would have highlighted because I supplied highlighted copy of your bond once again I'm only asking for work that had been approved.

Mr. Cerrone, When did we set the bond originally on this subdivision?

Mr. Bottomley, Is the highlighted copy still around?

Ms. Burgess, I don't have it right in front of me no.

Mr. Bottomley, I haven't asked for any release on Albert St. Lawrence.

Mr. Cerrone, You just want to release the money for lights?

Mr. Bottomley, No I'm going to put the lights in I'm not asking for any money at Albert St. Lawrence at all.

Mrs. Marchitto, You were requesting everything at the Pastures?

Mr. Bottomley, Correct and you voted that through. Raymond Tatro I asked for bond to be released \$15077.88 plus accumulated interest. It was signed off by your engineers.

Ms. Burgess, Only thing DPW find was trash at drain...(inaudible). Drain at intersection of 120 and Tatro.

Mr. Bottomley, I wasn't aware of that we have paid to have it cleaned out at one point so it may have been blocked too. As far as I know Raymond Tatro was completed, signed off.

Mr. Cerrone, Yes only thing was fire hydrant.

Mr. Bottomley, That got moved.

Mrs. Marchitto, Then there was detention pond in back.

Mr. Bottomley, That got done we supplied an asbuilt of that you've had the asbuilt.

Mr. Cerrone, Make motion we release the bond on Raymond Tatro \$15,077.88, seconded by Dick Houle plus accumulated interest.

All in favor 5 to 0.

Mr. Bottomley, #3 we're going to table I'll get the letter out and we'll see what NA Electric elects to do or not do.

Mr. Cerrone, I feel sorry for you and other developers I can understand if they say from now on any new plans will go by new rules but when other subdivision have been started.

Mr. Bottomley, If you look at your folders they way I did this up was way I always done it at #4 Jon C. Barry.

Mr. Cerrone, I can't discuss that.

Donald Cerrone abstained himself to discuss Hickory Woods at 8:55 P.M. and Richard Thimot left table also.

Mr. Bottomley, At Jon C. Barry the one Joan had was highlighted and these figures which is catch basin, frame and grates, this was Earth Tech's bond that you approved at the time. Drain manholders, frame and covers, vertical granite curbing, which is what lawsuit was about, slope granite curbing, stone bounds those plus 20% of those figures total \$39,264. I hope we can agree on the granite curbing. I asked you back three months ago to release it.

Ms. Burgess, Only problem I see is I just want to make sure we have enough. I don't know how much it cost to finish a road because all these prices have gone up terribly. We're really not prepared to do this tonight.

Mr. Bottomley, Why don't you review it?

Ms. Burgess, The contingency wouldn't cover it.

Mr. Bottomley, +5% per year there is another 20%.

Mr. Sweet, What right do we have to ask for more when the bond was set for that?

Ms. Burgess, We're not asking for more.

Mrs. Marchitto, Usually we go to our engineer and he makes recommendation based on what has accomplished what to release. That is all I want to verify and we can probably make motion next meeting.

Mr. Bottomley, I didn't do anything other than if our granite curbing is done it's been approved by your engineer all I'm asking for is my money. If you don't want to give me the 20% of that amount that is fine and I did the same thing to break it down for you. I only put specific things that had sign offs on Bishop there was binder coursed bonding, there was granite curbing same things that you already approved. I held through for Thorpe when we had to do over the drainage basin Dale wanted a separate \$10,000 the board said no we'll put the \$10,000 right in the road bond even though the basin was for the whole subdivision. I'll come back but if you can get letters on those two thankfully that have been released I will deliver check to electric dept. right away.

Ms. Burgess, You'll deliver check to us as well?

Mr. Bottomley, Yes.

Donald Cerrone and Richard Thimot returned at 9:00 P.M.

Mr. Cerrone, I'm glad Mary you stood your ground. I thought the last meeting we said no bond would be released until we had something from the engineer. If you recall there was not enough money to do this project at one time. Other projects are finished just cleaning up. Make sure you get letters from all the engineers because cost has gone way up.

Mr. Houle, He said he has 15% extra is that going to cover it?

Ms. Burgess, No.

Mrs. Marchitto, Those bonds were set in 2002.

Ms. Burgess, 20% isn't going to cover the cost of asphalt today. Right now we have more enough than enough to finish it and he can be reduced. Say he wants X amount of money but our engineer says we actually need X plus Y so you can only get Z back.

Zoning Applications for May 20<sup>th</sup>, 2008;

Ms. Burgess, The other ones are just special permit for three family and variance for porch, bulkhead, deck.

Fireside Nissan;

Ms. Burgess, They are appealing decision of building inspector because he believes that when he takes demo start building that he loses his open space. Currently he really has no open space there that is what he wants to keep he doesn't want to have provide the 30% of open space on that lot. Also they also going at same time if that doesn't go if they uphold the decision of building inspector then they're going for variance for open space. They have two applications on the same night. I was thinking that we could probably write letter.

Mrs. Marchitto, Probably should Donald and I at the time Dick you were on too when Metro was at Pineapple they didn't have the 40% open space.

Mr. Thimot, I shot them down.

Ms. Burgess, I looked at site plan they had approved for other lot next door they did provide the 30%.

Mr. Thimot, 30% is only allowed on Special Permit.

Ms. Burgess, There is something I have to look more into it I didn't get any plans from zoning because she wasn't here. I definitely thing that there is something may have been overlooked.

Mrs. Marchitto, Metro was going in where Pineapple Motel is they were going in for site plan review and open space between both of them was an issue so board was being consistent that both had to meet open space. Zoning gave Metro a variance and I think that Fireside on that

portion it was separate lot I think they met open space on site plan. Mandeville was coming in at same time.

Mr. Houle, So I understand if they demo that building this is what they want to do they're going to loose all their open space?

Mr. Cerrone, They have to start with new plan.

Mrs. Marchitto, Site plan that came in about 5 years ago was they bought lot next door. They bought the Main Motel they raised it they came in with site plan so they weren't changing the dimensions.

Mr. Cerrone, Just parking.

Ms. Burgess, From what I know is if they demo it doesn't stop the use it is still being used for same thing. The structure itself isn't non-conforming it is the lack of open space, which makes it non-conforming. There are two separate lots. From what I read they're going to keep that building functional while they build the other building but I don't know where they're building the other building. If it's to the side then they have to combine lots.

Mr. Thimot, Special Permit to put more than one building on one lot.

Mr. Houle, It's two lots now.

Ms. Burgess, I think they're going to have to combine the lots in that case then I agree with building inspector saying there is no open space. One plan that I did see where it was 29% open space it was actually very attractive lot more attractive than it is now with plantings all around, all paved lot and vegetated islands, etc., it was still at 29%. I you think about it you can either have the asphalt jungle or something like that. I want to look at the plans.

Mrs. Marchitto, We should write a letter.

Ms. Burgess, Zoning has plans I haven't looked at them.

Mrs. Marchitto, My suggestion is to have Mary look at plans, individuals can come in during next week and look at the plan. Mary you make recommendations in draft letter and get it out to us and we can add or delete what she writes. Make recommendations in letter what you think should be addressed, individual board members come in give her information what you would like to see she will write the letter.

Mr. Thimot, One thing you cannot give them is ...(inaudible) 30%.

Mr. Houle, More or less?

Mr. Thimot, When you reduce to 30% you're giving them more use of the land. It was all rezoned last 3 years to C30 from C60.

Upcoming Meetings:

May 14, 2008 at 11:00 A.M. in Lower Level: M. Fisher, L. Higgins re: Mitigation Money;

Mr. Cerrone, How come you didn't have this before?

Ms. Burgess, Mitigation is new one I rescheduled from 13<sup>th</sup> to 14<sup>th</sup>. so Chris could attend.

May 12, 2008 at 2:30 P.M.: Greg Guimond SRPEDD and Shannon Doyle;

Ms. Burgess, Greg is coming to speak to Shannon and I about priorities, preservation areas and priority development.

Mrs. Marchitto, You also got letter from Mark Fisher.

Ms. Burgess, Yes Southeastern they are connected. As part of SRPEDD due diligence for the Southeastern Rail they have to come and present first they're going to do it with Shannon and I then they're going to invite the boards.

Mrs. Marchitto, Even do it separate for east coast? ( Yes.). There is a task force south coast task force that has been meeting for like since September I thought you were going to sign up for it last year?

Ms. Burgess, I thought it was part of DPW thing I said I used to do the transportation.

Mrs. Marchitto, This wasn't joint transportation this was last summer when they started task force to look at it. There was never appointment from North Attleboro on task force.

May 14, 2008 at 7:00 P.M. in Lower Level: Permitting Meeting;

Ms. Burgess, Permitting committee Don C and Joan, Conservation and DPW appointed.

May 21, 2008: SRPEDD annual meeting;

Ms. Burgess, We signed you up.

May 22, 2008: GIS Kick off meeting;

Ms. Burgess, At lower level I got the invite from ...(inaudible).

Mr. Cerrone, What is going on with GIS I know we spent lot of money?

Ms. Burgess, Fantastic get on without problem. Anytime I need to look at zoning close up I can just pull it up on GIS. As many layers as town has I access their service with layers so I'm getting everything like that it is so much easier.

May 27, 2008: AICP exam:

May 29, 2008 at 6:30 P.M. Zoning Map workshop in PB office:

June 5-6, 2008: MAPD annual conference in Northampton;

Ms. Burgess, I wanted to go to this I put flyer in your package it has some good stuff how to run small planning office, environmental regulate some provisions to Stormwater Management. \$85 plus I would like to stay over.

Mr. Cerrone, Budget is tight.

Ms. Burgess, If I don't go to the conference it cost \$85 and if I drive both ways it is going to cost you more in my mileage than it would if I stayed.

Mr. Cerrone, I read that brochure as a professional I think if you don't know some of that stuff we have serious problem.

Ms. Burgess, It is more of a refresher of everything. I don't have to go.

Mr. Cerrone, With budgets being tight.

Ms. Burgess, We have plenty of money in our budget and that is the thing it is going to go back to general fund as of July 1<sup>st</sup>.

Mr. Thimot, Why don't you let her spend it while we have it?

Mr. Cerrone, I'm only one member you guys can do what you want I'm giving my opinion.

Mr. Houle, She wants to stay overnight too.

Mr. Thimot, Do we have the money?

Ms. Burgess, Yes. The hotel would be on U Mass campus where I got an alumni discount \$80 night and ride trip for me to drive would cost \$100. If you don't want me to go I'm talking about only staying one night.

Mr. Sweet, Make motion we let town planner go to conference.

Mrs. Marchitto, It goes to your certification?

Ms. Burgess, It does I'm taking test on 27<sup>th</sup>. It would go to my next two years of credits I have to have 32 credits per two-year period. I want to say this is 12 credits that is the thing because next year I won't have budget so I won't be able to keep up my certification.

Mrs. Marchitto, I know our budget is really tight next year but on yearly bases if you could give us maybe schedule of workshops you want to attend or what is available.

Ms. Burgess, That is the thing I did that with like Annual APA Conference, Smart Growth Conference, which I didn't go to because there was nothing interesting that I didn't already know. I did go to this one my first year here it was in December last year. These other workshops that pop up that are credited they don't give you any notice they're not planned out year in advance.

Mr. Thimot, Second motion.

All in favor 4 to 1 opposed Donald Cerrone one night.

Linda is out May 12, 13, 23, 20 & June 9-12, 23-26.

Mary is out May 15, 16, 28 & June 13, 27, 30.

Before fiscal year ends.

Mrs. Marchitto, Mary it is just terminology just put vacation for now on. I saw it on your journal too and there are people coming in and out it is clean.

Mr. Cerrone, How many days do you have left for this year?

Ms. Burgess, Six that's it I get 10 year, I believe get day and quarter every month for sick days I think it's like 12 hours every month. I get one personal day a year.

Mr. Houle, My understanding I dealt with unions and how they work. Can you tell me how you are doing your comp time so I'll understand? I'm not questioning it I'm just trying to get an understanding of how you do it. I saw 2 ½ hrs. comp time.

Ms. Burgess, Was it after meeting?

Mrs. Marchitto, 4/29/08.

Ms. Burgess, That was zoning map meeting with board.

Mr. Cerrone, That counts for comp time?

Ms. Burgess, Normal meetings are first and third.

Mrs. Marchitto, Anything beyond first and third meeting if we have more than two meetings month it's comp time? ( Yes).

Mr. Cerrone, Since when?

Ms. Burgess, That was understanding I had with you guys we talked about it.

Mr. Cerrone, I don't remember that.

Mrs. Marchitto, I thought it was for the board's scheduling that discussion actually was for the board that first and third would be regular and any other ones like workshops.

Mr. Cerrone, Comp time do site visits and all other stuff is this all comp time? This is news to me.

Ms. Burgess, I'm not really speaking that much time basically what I've generally do is after the meeting sometimes on Friday I come in at 10. Sometimes I don't use it because I have too much stuff to do so I'll use it some other time.

Mr. Cerrone, We have to know what is going on you have to keep tab.

Mrs. Marchitto, What if I have discussion with Mary and we'll come back and report to the board?

Mr. Cerrone, That is fine.

Correspondence:

Shaun McCormack;

Ms. Burgess, I did receive e-mail he is going to draft letter and get it to me.

Flair Homes trees;

Ms. Burgess, Nobody knows who found them Conservation didn't find them. I couldn't find anything,

Mrs. Marchitto, Dennis Connor did go out and talk to the resident and I did take ride by.

Ms. Burgess, Resident did come in and I had full discussion with him about what is happening and how things work.

Mr. Sweet, What is recourse for this? If they're cutting trees down.

Ms. Burgess, They're allowed to cut their trees down.

Mrs. Marchitto, It is private property. It is really in boundary if there is house foundation is being built.

Ms. Burgess, Clear lot put in foundation and this guy who abuts it his backyard he doesn't believe that the way subdivision was built this house is going to be higher. Because of water table, where septic has to be.

Mrs. Marchitto, All the houses on that side of town were raised 7 to 10ft.

Shawn Jorde;

Ms. Burgess, Brought in couple asbuilts.

Mr. Thimot, Inquire to Conservation as to what regulations are in telling this guy default of something or getting fined.

Ms. Burgess, He thought in default and person that spoke Conservation has no jurisdiction over those trees.

Mr. Thimot, Only ones I know that have jurisdiction is us and where it abuts the highway and the town forester and some cases the Board of Health.

Street Acceptance Article from NA Electric Dept.;

Mrs. Marchitto, For Mr. Fitzgerald kind of mute.

Ms. Burgess, I already gave him copy.

Warrant for authorization;

Ms. Burgess, There is piece of property that came out 61A 78 Depot St. 5 acre plot available for sale.

Don Bates has been assigned liaison to Planning Board from Board of Health.

Paul Belham and Roger Williamson were appointed today we got letter today in our box.

Kevin Joyce Letter;

Mrs. Marchitto, Dick I recommend that you abstain yourself.

Donald Cerrone abstain and Richard Thimot abstain at 9:28 P.M

Ms. Burgess, There was action needed report submitted for Beaupre and Pinsonnault for the condition of subdivision. Basically the person who is complaining about rusty stuff on that property and electrical box, granite curbing, sand piles. I went out there it is all there I wrote letter to Kevin Joyce and I haven't heard from him. I have filled the action needed report and sent it to selectmen.

Mr. Houle, I go by there I notice there were some kids playing on the granite that is stacked up. If anyone of those pieces of granite ever fell the kid would be hurt very badly. It does look like it's public safety issue.

Ms. Burgess, It's on the cul-de-sac and there is...(inaudible) on individual's lot. There is lot sand right behind the highway.

Mr. Sweet, Is that something we could ask DPW to address?

Ms. Burgess, No because if they move that granite curbing is private property that is probably \$10 to \$15,000 worth.

Mr. Houle, The kids were playing there.

Mr. Sweet, Selectmen can do it.

Ms. Burgess, Best they're going to do is put barrels and put caution tape around it.

Mrs. Marchitto, Call Kevin tomorrow. John met with Kevin Joyce he was supposed to be coming up with construction schedule call Kevin and find out when that is going to be done and ask him to move this.

Mr. Sweet, I also suggest we talk to the paper about it.

Mr. Houle, Last time we asked Kevin to come he didn't show up.

Ms. Burgess, He won't call me back.

Mr. Houle, If it is public safety hazard Joan maybe you can answer this. Does this board have the right? Maybe we should call the police and tell them it is public safety hazard.

Mr. Sweet, Obviously we don't have the authority to compel it to do it maybe public opinion can tell him to do it I don't know.

Ms. Burgess, I attached letter to action needed report to the selectmen.

Donald Cerrone and Richard Thimot returned to table at 9:33 P.M.

Habitat for Brooks St.;

Ms. Burgess, He came in and there is a letter and he also did do follow up letter. Came in to discuss everything that had to be done I said these were the conditions you have to fulfill this, put in road, etc. He said...(inaudible) and be done with it.

Mrs. Marchitto, One of my notes I had put full construction.

Ms. Burgess, It is construction of a way to where the other way meets.

Mrs. Marchitto, You made it sound like he was going to pave it.

Ms. Burgess, No utilities and everything.

Mrs. Marchitto, He had to build it according to subdivision rules and regulations. Person went through lengthy process with this board to have that done history is he had not finished road previously.

Mr. Cerrone, Another one of those projects I'll do it when I get my building permit my occupancy permit another one of those examples that never got done. Now all of sudden he wants another lot same guy he say's he'll do it when I do the other phase. We made him go through subdivision control and do the subdivision our rules and regulations. He wanted waiver on this and that I said how do we know you're going to do this?

Mrs. Marchitto, That road needs to be built because there are already two residence in there with dirt road without utilities. That clear lot at that time was definitely not buildable. The only enforcement to have that road built is to make that buildable when it goes to building inspector he cannot sign off until the road is being built.

Ms. Burgess, I also at that meeting I set Conservation on him too.

Budget Annual Town Meeting;

Ms. Burgess, There is folder here has all the information for upcoming town meeting.

Cobblestone;

Ms. Burgess, I got call from Andy Kushner today he went to Conservation and they want to know why the sidewalk is needed. Conservation didn't exactly pose it to Andy and say get letter from the Planning Board. He just needs to prove why it is safety issue. He called me and asked if I would write a letter saying why board wanted sidewalk to continue along wetlands.

Mr. Cerrone, Lot of people use that road for walking.

Ms. Burgess, Yes and it is safety issue. Is it okay if I write the letter?

Mr. Cerrone, No just have Joan check it before it goes out.

Article Town Meeting;

Mr. Sweet, Regarding property south of industrial park John Dietsch Answer is Fitness. If you read recommendation from Finance Committee they approved that at town meeting unless you want to defeat that. Are any of us going up and dispute it?

Mr. Thimot, I think we should play it by ear.

Mr. Houle, I think we should at least tell the residence why we voted the way we did.

Mr. Cerrone, You have to look at it this way that was 11-acre parcel it was up for sale and guy could not sell it because of zoning. When he leases the land he owned that property for years he tries to get tenant in and all of sudden we change zoning for every tenant he gets. Are we going to change every town zoning every tenant?

Mrs. Marchitto, I think we can get up individually I think it would be appropriate. More versions or views that an RTM has or public has and knows what happens in different boards in different meetings.

Mr. Thimot, That paper Dave brought us was insult to our intelligence.

Mr. Cerrone, Another thing when Don Johnson did his research at meeting we were forced to have that zoning for adult entertainment. We had to put in there because we knew this gentlemen would not sell the land and Don said that is the only place because our hands were

tired we had to do it. Attleboro was having a problem trying to get them all over the place at one time back I'm going to guess 10 years ago. You can't just put that in any commercial zone because it's allowed you have to meet all the other requirements. That was the only spot on all commercial zone to do that. If you eliminate that these guys are going to come in and go anywhere as long as they're so many feet away from school and churches they can go anywhere.

Mrs. Marchitto, We all voted the same way we all had our reasons. The more use that we all have the better educated.

Mr. Cerrone, They wanted to rechange that from industrial to commercial when they wanted K Mart to go over there and they backfired on them because they pulled out. Shaw's design facing the Fitness place.

Mr. Houle, Make motion we adjourn at 9:45 P.M., seconded by Richard Thimot  
All in favor 5 to 0.

Respectfully Submitted,

Attach Agenda to Minutes.