

**NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, APRIL 23, 2009**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, April 23, 2009 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Richard Peterson, Richard Thimot, Richard Houle-chairman and Mary Burgess-town planner. Donald Cerrone arrived at 7:12 P.M.

Planning Board Business:

1) Endorsement of Vouchers;

MAPD Conference, Mile reimbursement Middleboro Workshop for Community Planning. Transfer of funds out of mileage and travel into accommodations.

New Business:

1) Form A: Linda & George Weston, Mt. Hope Street. Note: Final Action Due 5/7/09

Parcel A: 26,166.7 sq.ft. 120' frontage on Mt. Hope Street

Parcel B: 14.82 acres 327.38' frontage on Mt. Hope Street

Parcel C: 5' x 120' strip to be donated to the Town for the Mt. Hope St. layout

Meets ANR requirements

Does not affect the approved subdivision

Ms. Burgess reading in application.

Linda Weston, We are selling lot not in subdivision on northerly side of Mt. Hope St. have purchase and sales agreement subject to it being Form A lot and it is going to be perked tomorrow morning. It meets requirements it is 120' 15,000sq.ft. area and 26,166 it is very deep lot. It is back 5ft. that we had agreed to donate to town rest of it will be donated when subdivision is done and we gave 7ft. of land on other side that is 12ft. donated to town.

Ms. Burgess, It has over 26,000sq.ft. of land mass and exactly 120' of frontage and it is on public way Mt. Hope St. so three tiers are met.

Mr. Peterson, Make motion to accept lot as shown Parcel A for Linda and George Weston for Form A, seconded by Richard Thimot.

All in favor 3 to 0.

Other Business:

Electric Dept. Meeting;

Ms. Burgess, Met with Jay Moynihan and Gene Allen regarding establishing bonds for electrical work within subdivisions. Trying to figure out what they are going to bond and what we bond. We did discuss for couple hours of how to approach it. Considering that they haven't had any subdivisions built under their new regulations they are not sure what they are going to be bonding. We really have only 5 subdivisions that it will apply to concerning regulations for number of covenants it is kind of mute point. Chauncey Village, Cobblestone, Christina, Mt. Hope and Bill Murray those are really the only ones that it will effect. I asked John Lavin for break down.

Glen Ofcarcik-Tilton & Associates, Board is going to be discussing subdivision regulations is there something. I don't think they fully understood at meeting how Planning Board regulations.

Mr. Houle, I'm not sure it is going that far Mary is it? I think it is going to be more how they're going to decide how they're going to cover themselves. Is it going to be through our bond or something they're going to do? Anything that is under subdivision control will be under subdivision control it is not like we're relinquishing anything.

Mr. Ofcarcik, Under your new regulations all that infrastructure has to be in and operational before Planning Board even sets the bond.

Ms. Burgess, That was one of the things we discussed we only have 5 outstanding subdivisions those are really the only ones we have to deal with. After that the electric company can do whatever they need to do to guarantee their stuff because we're keeping it under covenant it is already going to be done it is going to be mute point.

Mr. Houle, Keep in mind they're still talking at that meeting we offered workshop if they wanted to work together. I'm not sure where that is going to go.

Ms. Burgess, We met to draft out hammer out few points because they don't know what they are bonding and I want to know exactly how we're arriving at our numbers. I did say at no uncertain time that we're not going to guarantee the infrastructure because that is under subdivision control. They can bond what they like to bond.

Mr. Houle, How many bonds are you going to have on piece of private property it is still being talked about?

NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING  
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6:45 P.M.- Public hearing on ATM article for proposed amendment to the North Attleborough Zoning Map;

Rezoning on East Washington and Jefferson.

Ms. Burgess reading in application

Peter Murphy-attorney, It is at intersection of Jefferson and Rte.1. We're looking to get zoning changed for parcels because of practical matter that is way its been for long time. Hindle's Auto Repair has been operating for years. City Spirits at one time was blind sales then lighting. All of these have been in commercial use for 50 years or more. Zoning is R10 doesn't reflect the uses.

Mr. Hindle is one of the long time owners has been recommended to go down by building inspector and even by zoning board because what has been happening to all the properties in the area last two building inspectors have been very literal in their enforcing of zoning. You have non-conforming uses in R10 zone so every time anyone of these person has change of tenant they have to go to zoning board and ask for zoning relief. What has been very difficult is zoning board has felt constrained and has basically only approved those change of uses two years at a time and then request owners to come back. That interferes with the operation of businesses. Building inspector recommended that we consider doing this because it would simply be almost extension of commercial use along the street and is in character with Rte.1. Respectful of all residential use it is not going to result any change the kind of character of what is there. You have City Spirit Liquor have Ride Away Restoration Pizza Place and Wally Auto Sales and Hindle's operation and Shine Auto Motives and Honey Dew. Want to change that all to C30 there is no physical change sort. Will still probably have some non-conforming character to these lots in terms of structures. Building inspector I think was more concerned with aiming and addressing kind of uses we have there. Obviously you're not probably ever going to find again any uses consistent with R10 use. It will go to RTM and also to Finance Committee.

Mr. Houle, Do you have any letters from zoning on this?

Richard Hindle, They wouldn't give me anything they just informed me to go this route.

Ms. Burgess, When I was researching the project I did come up for Mr. Hindle's acceptance through Zoning Board and it doesn't expire 12/31/10. That being said they have become a conformed use the only way they can become conformed use is to rezone property. All of these lots will still be basically non-conforming for minimum lot requirement, etc. uses will be conformed. I guess we're not making situation any worse.

Mr. Houle, Are you looking for letter of approval from us?

Ms. Burgess, Basically when they submit petition article Planning Board has to have public hearing make recommendation either for or against it and our recommendation goes to FinCom and moderator. It is not making bad situation worse lots are still undersized and don't meet zoning. Only thing that will meet zoning is the uses and I guess that is one step closer. I would however like to see more of it rezoned you only have 5 parcels how many other parcels do we have fronting that area. I'd like to see the whole area rezoned to be more appropriate. We've been talking about this piece meal rezoning for while now.

Mr. Murphy, It is little hard to go in that direction because these are residential uses plus we wanted to be respectful of the fact that they still were. There are single family homes, multi family we tried to be conservative about it because we didn't want to frighten people that we were trying to do that trying to expand too much so they were fearful that they would end up with commercial uses infringing on their space.

Ms. Burgess, But in zoning perspective anything that abuts Rte. 1.

Mr. Murphy, Always going to find that but as practical matter you do have that with on exception of little spot.

Ms. Burgess, Zoning has no say in this it is Planning Board issue.

Mr. Houle, Is that dual zoned now?

Mr. Murphy, No it is all R10, C30 and C60. It is reflection of old zoning map obviously.

Mr. Thimot, I don't see problem.

Mr. Peterson, It is zoned residential it could again be residential. I've seen situations where they've torn down gas stations and built duplexes.

Mr. Murphy, Practical matter it hasn't been that way for 50 years.

Mr. Peterson, I'm just saying it is residential and it could be again.

Mr. Murphy, I think you would still be able to come to zoning and ask for zoning relief to do that if that is what you wanted to do.

Ms. Burgess, You're here asking for the same thing.

Mr. Murphy, I don't believe you will ever see that I kind of believe what I see what has been there forever.

Mr. Peterson, One of my questions if we rezone it now we have all these parcels that don't meet the minimum size requirement. As owner as use of that property are they going to be really restricted if they want to develop those lots as commercial? Are those lots so tight that it would make it difficult to develop them individually? If it does it could mean good chance that all those lots would be sold off and developed as one commercial.

Ms. Burgess, Basically what is going to happen and what is happening right now they're non-conforming as residential lots they're going to be non-conforming commercial lots. Only difference is use variance is supposed to be harder to get than dimensional variance. Most of these lots if not all of them are under 30,000sq.ft.

Mr. Peterson, Parking, drainage, etc.

Ms. Burgess, All of that will have to come back to us.

Mr. Peterson, I'm just wondering changing that zone would it accomplish these things and make it easier down the line?

Mr. Houle, This is basically going to help them with current building inspector I think more than anything else.

Ms. Burgess, It is going to help only 1 person right now but nobody else is trying to expand or trying to get a license.

Mr. Peterson, I don't want to see anyone have hard time using their property I'm just wondering if we do this is this creating situation that would find different kind of development?

Ms. Burgess, I don't think it is encouraging anything worse than what is there. We can vote for this and RTM can say no or vice versa.

Mr. Peterson, It is kind of touching C30 but it is not really contiguous with it now it's kind of piece meal situation.

Mr. Houle, I'm going to open 7:00 hearing.

7:00 P.M. – Continuation of the public hearing on the Special Permit application of David Cannata (North One Development) for a Planned Business Development on property located on East Washington Street;

Board is still waiting for updated plans and a traffic report.

Applicant has continued the public hearing since January 8, 2009.

Have advised applicant to withdraw without prejudice because of the lack of votes

Required for a special permit.

Ms. Burgess, I haven't received any contact from North One Development I did talk to the engineer yesterday he was going to get back to me if never did. I would suggest that we continue public hearing until 6/11/09.

Mr. Peterson, Make motion we continue North One Development until 6/11/09 at 7:00 P.M., seconded by Richard Thimot.

All in favor 3 to 0.

Respectfully

Submitted,

7:01 P.M. Public hearing on ATM article for proposed amendment to the North Attleborough Zoning Map;

Mr. Houle, What ramifications can happen? You opened up something here Rich but I think we have responsibility to try and help these people that have problem now. Is there another way we can do this?

Ms. Burgess, No the Zoning Board wouldn't give them use variance that is why they got quote unquote acceptance. They're not an allowed use and if they gave one to one of the car dealership they would have to give them to all of them. Most of car dealerships are either most of them are prohibited or was required by special permit. Those that were prohibited are what they are calling acceptance and they have to have it rezoned for use. Instead of waiting for end of 2 years they came here.

Mr. Thimot, Who is petitioning to do this?

Ms. Burgess, It is Peter Murphy on behalf of Hindle.

Mr. Houle, Do we have letters from other owners?

Ms. Burgess, No we don't.

Mr. Hindle, Have signed petition.

Mr. Thimot, There was no objection from any of the neighbors?

Mr. Hindle, No.

Mr. Houle, How about residential neighbors did you contact any of them?

Mr. Hindle, We contacted quite few of them they had no problem.  
Ms. Burgess, Our recommendation only goes so far it is RTM that has final say.  
Mr. Thimot, It's right way to do it through RTM.  
Mr. Houle, If we don't act on this tonight they can just take it to RTM?  
Ms. Burgess, Because we're having a public hearing I'd like to have a recommendation for FinCom.  
Mr. Thimot, Make motion we recommend acceptance at town meeting, seconded by Rich Peterson.  
All in favor 3 to 0.

Respectfully

Submitted,

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Attleboro Enterprises;

Ms. Burgess, There is something on Agenda that was submitted last minute due to open fashion of our agenda it has been allowed on tonight. We have to wait for Don it.

Old Business:

1) Form A: Kieltyka Investment Trust, Carlgate Rd/John F. Mason Rd. Note: Final Action Due 4/24/09;

Applicant has an approved subdivision plan for this land however due to surveyor's error they cannot register it without going back to Land Court and changing the dimensions.

Plans are off 1.75' for existing Lots 33 and 34.

Lot 33: 12,386 sq.ft. and 120' frontage on Mason Rd.

Lot 34: 1.199 acres and 251.37 on Carlgate Rd.

Although lot 33 doesn't meet ANR requirements it is also not considered subdivision therefore the Board cannot deny it.

Lot will be conforming within the subdivision once created.

This is Land Court therefore the new lot lines must be created before the subdivision plan can be recorded.

Ms. Burgess reading in application.

SueAnn Santos-Hayward Boynton & Williams, I have some history make it little clearer. Plan before you is a Land Court Plan. We were before couple years ago for subdivision Jill Marie Estates and Jill Marie Way is John F. Mason Rd. When we did survey it became to light that there was error in the Land Court calculations. First sheet was done in May 1965 John F. Mason Rd. was intended to be 50ft. wide and three distances that I've highlighted in yellow are the original houses Land Court Plan was tied down. Next sheet in 1982 error came to be John F. Mason Rd. 50ft. wide there are two distances there is 51.92ft. for road width and 98.55 on lot 18. Lot 18 is original lot of 33 it has been in Land Court every time there is plan change you have to change lot number previous numbers are ones circled. 51.92 is wrong it should be 50.15ft. that was error we came across. In order to rectify this error you have to create new plan for Land Court. In their eyes the 50ft. wide is correct and 51.92ft. is correct. It is up to us on how to proceed to change that. We came up with Land Courts help is to prepare Form A

plan John F. Mason always 50ft. wide. The dash line below is part that we're applying for Form A for it is 638sq.ft. in total it takes that distance of 1.76 and gives it back to the property that originally came out of. In this 1982 plan what it essentially does is takes that property out and puts it in with the roadway. Everything calculates out correctly we have 50ft. wide 51.91, which is error now becomes 50.15 and everything else works out correctly. For Land Court what we had to do was locate every monument that is out there just to prove exactly what went wrong out there. Number with R after it is recorded numbers, number with T after it is proposed. In order to have 50ft. layout as proposed we need to take 1.76ft. from street layout and put into lot.

Ms. Burgess, Have Jill Marie Estates created and registered they need to match out, so road on Jill Marie subdivision is 50ft. per Land Court what was supposed to be 50ft. They need to take away foot and  $\frac{3}{4}$  or something and give it to those 2 lots on side in order to create 50ft. right of way. They have to register this before they can register anything else.

Explaining to Mr. Cerrone who just arrived at 7:12 P.M.

Ms. Burgess, It is very difficult way to go through this but subdivision plans actually match this so once they get this done they can move forward with subdivision. They had to change one plan this is one they changed.

Mr. Cerrone, If they changed subdivision they would have to go through public hearing. Make motion we approve Form A for Kieltyka Investment Trust, seconded by Richard Thimot.

Board signed mylar and 1 copy tonight.

All in favor 4 to 0.

David Cannata Jr. arrived.

Ms. Burgess, We already continued it up to board whether they want to reopen public hearing for Cannata.

Mr. Thimot, Make motion we reopen, seconded by Don Cerrone.

All in favor 4 to 0.

NORTH ATTLEBOROUGH PLANNING BOARD  
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7:20 P.M.- Reopen public hearing for Special Permit application of David Cannata (North One Development) for a Planned Business Development on property located on East Washington Street;

David Cannat Jr., I'm going to ask that we withdraw without prejudice due to two members of the five leaving and we don't have sufficient members to properly vote.

Ms. Burgess, Need something in writing.

Mr. Thimot, Make motion to close hearing at 7:22 P.M., seconded by Rich Peterson.

All in favor 4 to 0.

Mr. Cerrone, Make motion for request of withdrawal of North One property located Parcel 23, 99, 102, 100 and 279 name of applicant David Cannata.

Mr. Houle, Without prejudice.

Mr. Thimot, Second motion.

All in favor 4 to 0.

Mr. Cannata Jr., Is it possible for me now to reopen it with new members of board?

Mr. Houle, I'm not going to allow that right now.

Ms. Burgess, You still owe me lot of stuff.

Respectfully

Submitted,

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Planning Board Business:

Approval of Minutes ( 3/26/09);

Mr. Peterson, There was comment about Lestage property National Register. My understanding National Register denote whatever has some historical significance and that it does not prevent people from doing what they want to the property.

Ms. Burgess, No within certain perimeters.

Mr. Cerrone, Make motion to postpone minutes until next meeting, seconded by Richard Thimot.

All in favor 4 to 0.

Zoning Article Meeting;

Hearing scheduled for 5/19/09 at 6:30 P.M.

Other Business:

Attleboro Enterprises;

Richard Peterson left table at 7:28 P.M.

Ms. Burgess reading in application.

Glen Ofcarcik-Tilton & Associates, In December 2008 Planning Board approved site plan for third phase expansion. One item we'd like to discuss tonight is retaining wall because retaining wall is more than 4ft. high it requires separate building permit. Plans that were approved called for a vircelock or approved equal retaining wall. Based on engineer's redesign applicant and contractor have collected new block wall, which is larger concrete block wall than the vircelock wall. We submitted plans to Planning Dept. to Building Dept. for building permit and because of required separate building permit Planning Board needs to sign off on Conservation/B of Health. We've made one amendment to site plan, which was previously approved showing new concrete block wall in the back. It is set back little further from edge of pavement to allow tie back, which is detailed on other sheet. We've also added fence on back of guardrail as protection against the wall. By using bigger blocks it is just going to be easier build. All we're asking is Planning Board accept as modification this specific wall design, which is now included. I have updated sets of drawings that include this plan. Everything else stays the same impervious areas, drainage calculations, open space everything else is the same.

Mr. Cerrone, Make motion we approve change for site plan for Attleboro Enterprises, seconded by Richard Thimot.

All in favor 3 to 0.

Richard Peterson returned at 7:32 P.M.

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7:32 P.M.- Public hearing on the application of Maple Leaf Realty of N.A. Corporation, for a Preliminary Subdivision to be entitled Woodridge Estates. Note: Final Action Due 4/30/09;

At last meeting the Planning Board requested letter from BOH agent.

Agent stated that they are waiting for the applicant to reply to Mill River review and the concerns within the report before they will offer any opinion.

Silt fence was installed to protect the Aquifer District from any problem that may arise from the storage fill on the lot per the Board's request.

No further information was requested.

Ms. Burgess, We were waiting for letter from BOH agent they have informed me that considering the applicant has not responded to Mill River report they have nothing to comment on so they will not be supplying us with letter.

Mr. Cerrone, This is only preliminary plan did you explain to them?

Ms. Burgess, I did explain to them I did state that we'll leave Mill River as representing BOH. I was informed that Mill River is not the representative for BOH. There are about 10 e-mails going back and forth short of it is we're not getting letter from health agent.

Mr. Cerrone, Our rules and regulations say in our subdivision control law all departments have to give us letters. What is sense of having our rules and regulations? It is not fair to the applicant he has his engineer here his lawyers everybody here and we can't even get letter from them. You want to talk about communication.

Mr. Houle, Did they have any reason?

Ms. Burgess, They were waiting for applicant to respond to Mill River report.

Mr. Cerrone, Applicant has plenty of time to respond to Mill River report.

Ms. Burgess, I did point out that we don't ask the applicant to respond to any of our reports. It is basically there to help them kind of pier review level.

Mr. Cerrone, It is not fair to applicant we wasted a week we told them on 9<sup>th</sup>. to come back so we could have letter from BOH. We have Mill River report no letterhead from BOH saying that they hired Mill River. We should at least have letterhead we didn't hire Mill River.

Mr. Houle, To applicant is there reason why you didn't answer Mill River report?

Anthony Wiarniski, I'm reading it report it is telling me that the applicant is advised to consider the following in definitive design. What am I responding to? I need full design to respond.

Mr. Houle, Did you ask that question to them?

Mr. Wiarniski, No I didn't because when I read the package it was advise and items we should be considering as we develop the project. Report was dated 3/6 I don't know if I have transmittal with me I think it came in few days after that.

Ms. Burgess, We received it 3/17.

Mr. Cerrone, We're trying to generate all the letters so they can go back and do final drawing with all changes, etc.

Ms. Burgess, We did get letters from Conservation, Dept. of Public Works, etc.

Mr. Cerrone, That is why we have these meetings.

Ms. Burgess, It is just interesting because I was doing peer review draft are they going to participate in those?

Stephen Clapp-attorney, I missed first part of exchange so I'm not sure what it is that e-mail said from BOH. Is it possible those e-mails have adopted the Mill River report as their response?

Ms. Burgess, I asked them and they said in no uncertain terms does Mill River represent BOH.

Mr. Clapp, BOH is saying they're not going to respond.

Ms. Burgess, Correct they are not going to write us a letter because they don't feel there is anything to write a letter on until you respond to Mill River report.

Mr. Clapp, Isn't that a sufficient response?

Ms. Burgess, It is sufficient to me saying that they are not going to give us letter. It is more just at this point why do we bother asking other people to give us letters it is more of an inconvenience for us and frustration for you.

Mr. Clapp, We certainly are going to consider what Mill River said in their report in doing our design as we will with other reports. Does that stop this process from going forward?

Ms. Burgess, I don't think there is anywhere else for this to go we were waiting for letter that is not going to come. It ties our hands so we just move forward I would think.

Mr. Houle, I don't know about that. I think on anything we do we look for these letters and your communication with health dept. he has not answered something that they've asked for.

Dan DeVecchio-attorney, They did not specifically ask for a reply. What we're concluding at least I'm concluding is my implication they're not against this particular endeavor. That is why they're answering it by way of that negative statement.

Mr. Houle, We have no way of knowing that.

Mr. DeVecchio, I think your board could take the position that is their report to you what they replied.

Mr. Wiarniski, We were chasing information from them Mill River and BOH and one of my staff engineers did contact Mill River and had some telephone discussion with them on 3/3. Basically indicating that we wanted to get their comments and move forward. Cover letter to us, which came from Mill River I have packet here. States enclosed please find copy of analysis report that Dan Offenheimer spoke with you about yesterday with respect to Woodridge Estates. If you have any questions please feel free to call me. That was total amount of how we got our report is copy from Mill River with no request.

Mr. Cerrone, I want letter saying BOH hired Mill River in our file. I don't want somebody coming back to us asking who hired Mill River did Planning Board?

Mr. Peterson, Is there any documentation that this Mill River letter came from BOH?

Mr. Cerrone, I want something from BOH.

Mr. Clapp, Applicant had to deliver a check to BOH for Mill River.

Ms. Burgess, It does state in our rules and regulations in subdivision control that it is up to applicant if they so desire to submit to BOH. It is optional on preliminary even fact that you did go to them.

Mr. Peterson, BOH is not commenting until project is completely designed?

Ms. Burgess, That is what it sounds like to me.

Mr. Clapp, Our experience with BOH has been that they have greatly expanded their jurisdiction over subdivision. It is never ending process when we do it if we go and start responding we will be doing this for a year.

Mr. Cerrone, You would be doing it for two or three boards.

Mr. Clapp, During the Definitive Plan process that is to be expected but at preliminary stage we don't expect to do that.

Mr. Cerrone, I agree.

Ms. Burgess, I will put copies of e-mails back and forth in preliminary file for our records so that it is indicated I did try and get letter.

Mr. Houle, Might have been helpful if we had it in our package tonight.

Ms. Burgess, That was only remaining issue.

Mr. Cerrone, Main thing is site distance.

Mr. Wiarniski, I did look at it quickly coming out of proposed roadway looking right towards 90 degree corner on Paine Rd. we had about 295' and looking left I had distance of about 360' and that is as far as my plan went. I took pictures out there you can see further than that I can see under 295 in the approaching traffic over to left and to right I can only see as far as 90 degree corner. Referring to pictures. We would be removing large trees that are in front of roadway and on other side I'm going to be recommending that our plans have landscape easement. Small trees that are there I would recommend we cut back a property owner doesn't keep it put site line restriction on it to not let heavy vegetation grow in. Our roadway turns at 90 degree Rosanna Dr. is opposite on side intersection. 295' actually I measured it 3ft. right of centerline where vehicle operator would be and I scaled on drawings 295' to center of that roadway.

Mr. Cerrone, On Aquifer lot you're going to have deed restrictions?

Mr. Wiarniski, We will whatever deed restrictions required indicating that they are in Aquifer restriction on number of bedrooms, there is restriction in the regulations prohibiting garbage anything like that. We would include those in deed restriction on the property.

Mr. Houle, Silt fence has been put up?

Mr. Bourque, Yes next day.

Mr. Wiarniski, Also had brief discussion about how much traffic would be generated. I copied out of ITE trip generation this is single family homes 2008 edition. On average day single family homes generates 9.5/9.6 trips there is big range this is based upon 351 studies nationwide. My small subdivision 10 is good average to use for quick number.

Mr. Houle, We also have to try to account for what might happen next too.

Mr. Wiarniski, I understand that like I say each home generally generates 10 as average even when you run it through the formula it is large formula it comes out same way.

Brian Kenny-306 Paine Rd., I know final design on retention pond but I wanted to know when it is completed will it include maintenance plan who is responsible for that and would town require bond?

Mr. Wiarniski, Does town want Homeowners Association or does town want to maintain it? If town wants to maintain it would be town if you want Homeowners Association I'm sure client and attorneys will develop appropriate Homeowners document putting maintenance and responsibility on 10 lot owners of subdivision. Plan does have to include a whole maintenance schedule, etc. Inspection schedule to meet DEP regulations and normal good design practice.

Mr. Houle, Running in perpetuity with the lot. Does that answer your question?

Mr. Kenny, Would town require bond to ensure that?

Ms. Burgess, Something we can do it is one of those things it's not forever put like 2 year maintenance bond that is just in case the sides come down or something drastic happens to it. It is not to clean it out or anything it is not forever. I haven't seen board require one since I've been on the board but there has also been questions about maintenance of detention areas, etc.

Mr. Kenny, Is town going to require development impact statement?

Ms. Burgess, Usually only require one when it is 50 lots or more.

Mr. Kenny, You said you were going to schedule a walk through.

Site visit scheduled for 4/30 on site at 6:30 P.M.

Mr. Cerrone, Make motion we approve concept for Preliminary Subdivision Plan Woodridge Estates, seconded by Richard Thimot.

All in favor 4 to 0.

Respectfully

Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD  
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Planning Board Business:

SRPEDD Appointment;

Mr. Cerrone, Make motion we elect former member of board chairman of Planning Board Joan Marchitto she is treasurer over there.

Ms. Burgess, She is assistant treasurer and on appointing committee.

Mr. Cerrone, For SRPEDD for 1 year.

Ms. Burgess, As a delegate?

Mr. Cerrone, Yes representing Planning Board.

Mr. Houle, I think she deserves it she's done very good job over there.

Mr. Peterson, Second motion.

All in favor 3.

Mr. Thimot, No comment.

Ms. Burgess, I'll put abstain.

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

Other Business:

Zoning: May 18<sup>th</sup>: Applications to follow.

STM Article Public Hearing scheduled for May 19<sup>th</sup>. at DPW.

Anyone wants to address the Board;

Chris Sweet-B of Selectmen, Wanted to let Planning Board know that I've been appointed primary liaison for Planning Board.

Mr. Cerrone, Can you do us favor and see what is going on with BOH.

Mr. Houle, You heard it.

Mr. Cerrone, We're going around in circles they want to talk about communication.

Mr. Sweet, I heard the whole thing I will see what I can facilitate.

Ms. Burgess, On that same note memo being sent down tomorrow saying that we accepted Chris's resignation and that we need to have joint meeting with Selectmen to appoint new member. They will be in touch with us and add in the paper, etc.

Mr. Sweet, This evening we did approve an add to go in the paper along with School Committee vacancy as well.

Mr. Cerrone, Which paper are you putting it in?

Mr. Sweet, I don't know but I would assume the Free Press. I am primary liaison secondary liaison is Mr. Williamson.

Other Business:

Discuss upcoming site plan for Nissan;

Ms. Burgess, They're putting new building and I was proactive and asked John Lavin for a proposal for his review because we will need stormwater. They are putting whole new stormwater system, increasing open space, whole new parking lot and building they are redoing

whole site and doing it under Site Plan Review. That whole building is coming down and building whole new building. I did request proposal from John Lavin it does need to be reviewed I need to speak with John because there are couple outstanding issues with it. Does board have any problem with me doing that? It is not scheduled until May 21 trying to get all reports ahead of time and I have been in touch with applicant regarding it.

Mr. Houle, No problem it needs to be done anyway.

Mr. Cerrone, I think we should hear first and then send it out.

Ms. Burgess, That is what I suggested so that when we get proposal formal proposal they can say okay then our first meeting is May 21.

Mr. Cerrone, That is fine get what it's going to cost to review it.

Reed Street Elderly Housing project: May 7<sup>th</sup>?

Ms. Burgess, Have received reviews for that. I was thinking we could take it up on May 7<sup>th</sup>. at our developer's meeting once I hear from Roger Ferris on how we're suppose to proceed with this.

Mr. Cerrone, Did John have any problems?

Ms. Burgess, There are some issues with drainage mostly John's recommendations of what is going to happen. Yes they are making site smaller less impervious surface but how are they going to deal with water that is there. They are sending it all down to that one catch basin that was a problem beforehand it was a limited review because that is what we agreed upon through legal. I didn't see anything earth shattering but Board may want to talk about and will be discussed in executive session. I figured Fred is last one on our developers list for that night so might as well take it up then and then can move forward. Already have ANR that is set this is just last step and then we should be done with the court.

Draft of RFP for Engineering Services for multi boards;

Ms. Burgess, I finished that.

Mr. Cerrone, Do we have copy?

Ms. Burgess, I'm putting it in your package just letting you know I finished it. It will be in your package for May 7<sup>th</sup>. These are drafts so Mark Fisher is going to get copy of it I don't know if he is going to give it to his board or just meet with me one on one to go through it.

Mr. Cerrone, How many cooks are we going to have in the soup?

Ms. Burgess, Selectmen had asked I was volunteered to do peer review and I was volunteered to do RFP.

Mr. Cerrone, I agree on that.

Ms. Burgess, I was volunteered to the Selectmen to do these things.

Mr. Cerrone, I think before it goes down there this board should review it.

Mr. Houle, I think before anything goes down there this board should review it.

Ms. Burgess, One thing though you guys are reviewing it and Conservation and BOH are not reviewing I'm not giving it to them. This is draft form this is supposed to be between Mark and I.

Mr. Cerrone, Let me ask you this question who do you work for?

Ms. Burgess, I work for Town of North Attleborough.

Mr. Cerrone, Which board hired you?

Ms. Burgess, Planning Board.

Mr. Cerrone, This board should see anything before it goes down there.

Ms. Burgess, Explaining to new member Rich Peterson.

Mr. Cerrone, We're the ones who have to sign names on those plans.

Mr. Peterson, I understand your sentiment but if we are the ones in charge of this you going to talk to anybody else Mary. This is just courtesy right?

Ms. Burgess, Yes.

Mr. Houle, I think your missing point the point is we would like to have some input in the draft. I would like to have some say if it is draft it is going to Mark or anybody I want to know what draft says.

Mr. Cerrone, I want to know before we go down there with our proposal we want to know what is in the proposal.

Draft peer review application and procedure:

Ms. Burgess, I was asked to put that together kind of like preliminary subdivision plan but it's commercial development. I already told them peer review doesn't work for subdivision pre-preliminary there is no point to have peer review for subdivisions. If they want peer review they have preliminary plan. With commercial development I've put together an application as well as procedure to follow on how we'll go through having peer review. Peer review is just all technical support no boards. When they do finally come in front of the boards they have all the input.

Draft outline of Economic Development profile section;

Ms. Burgess, Of the master plan they have submitted profile section meaning SRPEDD. They have submitted that to me. It looks good is basic economic profiling from start to finish for Town of North Attleborough. Talks about button factories, etc. that will be in your package also.

Mr. Houle, It is just so we can have second to review it before it goes down that was only objection I had not what you were doing.

Mr. Peterson, I didn't take it that way either I just thought maybe you were concerned about B. of Selectmen having some sort of input.

Mr. Houle, That board has nothing to do with subdivision control.

Mr. Thimot, One of things I think I mentioned last time we were together we're all equal all elected boards consequently sometimes a particular board will try to assume jurisdiction over someone else.

Ms. Burgess, Selectmen kind of started this ball rolling so they kind of consider it their baby. It has been ongoing. Reason why reports weren't in your package you told me last Thursday and we sent packages out on Friday and I was at Mass Planning Directors luncheon so I didn't get a chance to do it for your packages. Generally packages go out on Monday it was holiday from this point on it will be in your packages.

Other Business:

Letter to town council regarding Cushman Village easements;

Ms. Burgess, Basically I went through them with Roger explain purpose and what we want easements to achieve and things I noticed that needed to be put in easement to protect Planning Board. He has agreed to these and forwarded them to Stephen Clapp so were getting one step closer to have easements done.

Procedure for submitting items to be placed on B. of Selectmen's agenda.

Securing outside consultants;

Ms. Burgess, I think I actually preferred this when speaking with town accountant about using our revolving funds for site plan review fees.

Boch;

Mr. Cerrone, Were you notified they were meeting in court on case by Roger Ferris town council?

Ms. Burgess, No I don't receive any dates with anything. They schedule them on their own.

Mr. Cerrone, Our former town council always used to take Don Johnson when a case was in court and he used to notify the board. He always gave us a date.

Ms. Burgess, I didn't have to be at court.

Mr. Cerrone, We didn't know what was going on.

Ms. Burgess, I'll ask him to let us know.

Mr. Cerrone, I didn't even know they went to court.

Ms. Burgess, I didn't know until it was mentioned after the fact.

Mr. Cerrone, It would be nice for board to know what is going on especially you the town planner.

Ms. Burgess, I completely agree.

Mr. Thimot, Make motion to adjourn, seconded by Don Cerrone.

All in favor 4 to 0 adjourned at 8:10 P.M.

Respectfully

Submitted,  
Attach Agenda to Minutes.