

**NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, NOVEMBER 12, 2009**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, November 12, 2009 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Richard Thimot, Donald Cerrone, Richard Houle-chairman and Mary Burgess-town planner. Richard Peterson arrived at 6:34 P.M.

Planning Board Business:

Endorsement of Vouchers;

Free Press: \$907.20

Earthworks: \$9,397.00

Bally Heather: \$1431.00

Jill Marie: \$623.00

NeedleTech: \$2368.50

Queens Grant: \$2043.00

Mr. Cerrone, Have question for the board in this change order. On those plates \$3600 for two road plates. Why so much?

Ms. Burgess, There were four plates and it was \$600 a day \$150 a plate.

Mr. Cerrone, He wasn't prepared to do the work?

Ms. Burgess, No.

Mr. Cerrone, Were going to leave hole like that?

Ms. Burgess, No the hole wasn't supposed to be there.

Mr. Cerrone, How come it took six days?

Ms. Burgess, Because I couldn't get anyone to call me back so I could authorize it. Dick's phone was on the whack and I called you twice on Friday.

Mr. Cerrone, You have \$3600 for rental plates. He gave authority to start digging there that day? Was there a pre-construction meeting?

Ms. Burgess, I believe it was in your bid package.

Mr. Cerrone, Did you have pre-construction meeting? Did you have work schedule of when it was going to be done?

Ms. Burgess, Yes he verbalized it.

Mr. Cerrone, Do we have anything in writing for the board? I thought we asked that when we opened the bids that night we wanted a schedule.

Mr. Houle, That was a change order.

Mr. Cerrone, I understand the change order but at least we know when he's doing the job. \$3600 for road plates is kind of ridiculous that is my opinion. That is safety it should be his responsibility not us leaving the hole open.

Mr. Houle, Its coming out of the bond money.

Mr. Cerrone, I don't care if it is coming out of the bond that is not the point.

Ms. Burgess, The hole was 2ft. big when we bid out the project.

Mr. Cerrone, I know that.

Ms. Burgess, Then when everything came out. Why would you need road plates for hole that is 2ft. big?

Mr. Houle, I think what she is saying they didn't know it was going to be that big.

Mr. Cerrone, What I'm saying if you don't know somebody should have been prepared.

Ms. Burgess, How can you be prepared when nobody knew?

Mr. Cerrone, You should have filled the hole that day.

Ms. Burgess, How could I fill the hole without you guys telling me to?

Mr. Cerrone, I'm not going to sign that I didn't approve it.

Mr. Houle, She couldn't fill it that way we wanted to get exact fill that should have gone in there. They were going to put flowable fill at first.

Mr. Cerrone, If you guys had a schedule of when he was going to do that everything would have been set up. If you knew day he was going to do that he'd say okay we're going to dig that hole we don't know what we're going to hit. The board would have been prepared. Did you get schedule when he was going to do this work?

Mr. Houle, No I was just in communication with Mary.

Mr. Cerrone, Did we get schedule of when they were going to start digging there? Did we have a pre-construction meeting? These are my questions. This is what I thought we talked about Planning Board Administration Policy and Procedure approved January 3<sup>rd</sup>. it is right in our book.

Ms. Burgess, Maybe Don you should have given me little bit more leadership and told me what to do.

Mr. Cerrone, No.

Ms. Burgess, Have I done this before no I haven't.

Mr. Cerrone, Where is John Lavin he's the one who should be running the job?

Ms. Burgess, Why should John Lavin be running the job?

Mr. Houle, John Lavin is the one that told her what fill to use everything when through John.

Mr. Cerrone, I'm going to ask John when he comes in.

Mr. Houle, John approved the fill that was going in there.

Mr. Cerrone, I don't care what fill went in. I'm saying \$3600 for plates.

Mr. Houle, That is a change order it is what it is.

Ms. Burgess, Don I left you two messages on Friday you didn't call me back Dick's phone is on the fritz. What would you like me to do say go ahead? Then I'd have this argument with you all over again.

Mr. Cerrone, If we had schedule when they were going to do the work everybody would have been prepared. Say tomorrow we're going to be digging this might be some problems there.

Ms. Burgess, We're going to fill 2ft. big hole on Friday does anyone have problem with that?

No. I did have construction schedule it was in letter they sent the board when they accepted the bid.

Mr. Cerrone, I didn't get it.

Ms. Burgess, I'm sure you did everything goes in your packages.

Mr. Houle, I think the hole got bigger. What happen here change order was made.

Mr. Cerrone, I have no problem with the change order.

Ms. Burgess, You obviously do \$3600.

Mr. Cerrone, \$3600 for plates yes.

Ms. Burgess, Nobody called me back what would you like me to do Don?

Mr. Houle, Obviously Don we couldn't leave the hole granting everything fell in but you couldn't leave it open like that. I think we all agreed on that.

Ms. Burgess, Next time do you want me to authorize this so you can yell at me for authorizing it?

Mr. Cerrone, No. I'm asking the question \$3600 for road plates that is lot of money.

Mr. Peterson, Why was the hole larger than originally?

Ms. Burgess, Because when he hit one the whole sinkhole came in and there was about full dumpster worth of railroad tires.

Mr. Cerrone, Farmer that had land first obviously buried some stuff.

Mr. Peterson, No one was able to be contacted and it is safety issue it had to be covered.

Mr. Houle, It did.

Mr. Cerrone, They had snow fence around it. I went out there when you called me that morning and I went out there at lunch time. I'm the one who told to put some plates because that was unsafe the way they left it.

Ms. Burgess, They were waiting for plates to come.

Mr. Cerrone, No they weren't waiting for plates.

Ms. Burgess, That is what they told me.

Mr. Cerrone, No they weren't waiting because Jeff Kane I went to get him at Massand where they were paving. I asked Jeff to look at this hole. It was snow fence anybody could have gone through could have knocked it down. He said are they going to leave it like this all night? I said to Jeff yes that is way they're going to leave it I said no you not.

Ms. Burgess, There was no intention of leaving it they were waiting to hear back from us. I was there to 7 at night waiting for those road plates.

Mr. Cerrone, I know you were.

Mr. Houle, Okay so the plates were put on and it took little bit longer than what was estimated. If you think Don the price of the plates is little bit over that is what the kid got charged that is what we're being charged. It is change order.

Mr. Cerrone, Go ahead.

Mr. Peterson, I'm kind of confused. What is your concern? If we knew that it had to be enclosed and it was something that needed immediate attention? How do we go about finding out how we get the plates on it with price? We're kind of stuck in terms of the price of the cover.

Mr. Houle, Change order came through it was either that or leave it open. The cost Don to him to us is what it is. Mary do you think he'd be willing to look at his cost for the plates?

Ms. Burgess, No it is flat rate I already got negotiated down to \$3000.

Mr. Cerrone, I hope guy who has the bond doesn't ask for all the invoices.

Ms. Burgess, He can we can do whatever he'd like because I have all the invoices I can account for everything. I'll ask him where he got all those railroad tires that he buried in back yard.

Approval of Minutes ( 10/1/09, 10/15/09);

Ms. Burgess, October 1 we previously got those.

10/1/09;

Mr. Peterson, I assume we got some corrections weren't there some minor corrections?

Ms. Burgess, Yes.

Mr. Peterson, Make motion we approve minutes of 10/1/09 previously distributed, seconded by Richard Thimot.

All in favor 4 to 0.

10/15/09;

Mr. Cerrone, Couple of questions to the board. On page 6 Scott Weymouth has to be sworn in again because he was inactive. Then I asked question to get in writing from Roger Ferris. Did we get anything yet?

Ms. Burgess, I sent out the letter again he said it was going to have to wait. I forwarded him these minutes saying that board has requested it and I put it in writing and I put in e-mail and I still haven't heard from him. He said it was going to take little while because he has other things to do.

Mr. Cerrone, What is the board's flavor?

Mr. Houle, As far as what Don?

Mr. Cerrone, I would like to have answer before I approve the minutes.

Mr. Peterson, I don't see what that has to do with it Don. Minutes are record of what we discussed that night.

Mr. Cerrone, Because the minutes when we end up in court these are very important the minutes.

Mr. Peterson, That is true but the minutes are record of what we discussed that night not necessarily action takes place based on discussion I think.

Mr. Cerrone, We still haven't resolved the issue on this.

Mr. Peterson, Yes and I think you're right to ask for something written but I don't think that has to do with the minutes. We're only approving that we discussed this and this is what we discussed.

Mr. Cerrone, I'm asking the board what we're doing with it? Are we going to keep waiting? I know we were supposed to get it 7 to 10 days.

Ms. Burgess, Well we'll be getting it little quicker now that our legal issues have been resolved. That was the main problem.

Mr. Cerrone, What do you mean legal issue?

Ms. Burgess, We have court case coming up 11/23 and he is preparing for court so it was taking longer.

Mr. Houle, Okay putting that aside do you think maybe some things could turn, do you think maybe he might get this little quicker maybe by our next meeting?

Ms. Burgess, I can ask him again.

Mr. Cerrone, I have better idea why don't we call Don Schmidt and see what he says? What do you think of that Mary?

Ms. Burgess, Don Schmidt is not a lawyer.

Mr. Cerrone, He is land use planner he might know the answer.

Mr. Houle, I think we should stay with town council. He gave us a rendering I would like to hear why he gave it.

Mr. Thimot, I'd trust Don Schmidt before I'd trust this town council.

Mr. Cerrone, That's right I'd like to have their answer on this.

Ms. Burgess, It is not going to make any difference now because it is already acted on with town council's approval.

Mr. Cerrone, How can you act on it when it says here in the minutes, " Scott Weymouth has to be sworn in again"?

Mr. Houle, He was.

Mr. Cerrone, Sworn it when?

Mr. Houle, I don't know the exact date.

Ms. Burgess, That meeting I believe.

Mr. Houle, Before the meeting?

Ms. Burgess, No he got here too late I think.

Mr. Houle, I think he was sworn in but he got here to late for letter to get to clerk Don. I think that is why he couldn't sit.

Mr. Cerrone, Okay so the public hearing was closed on 20<sup>th</sup>. am I right Special Permit? So if he was sworn in how can his vote count? That is the big question I'm trying to figure out.

Mr. Houle, Don I think we went over this last meeting. Town council gave his opinion.

Mr. Cerrone, Never gave his opinion on this.

Mr. Houle, He did give it to Mary.

Ms. Burgess, In e-mail and e-mails are legal opinion.

Mr. Cerrone, Did e-mail say in his legal opinion the voted counted?

Ms. Burgess, He said that it didn't matter because appeal period had passed.

Mr. Cerrone, Appeal period is for the applicant not for the board.

Ms. Burgess, It is administrative relief that has passed for the board. We cannot open that up on our own.

Mr. Houle, Let me ask you Don what is your problem with it?

Mr. Cerrone, My problem is there was no legal vote since when do we do this for a board?

Mr. Houle, I'm not so sure it was an illegal vote that is why I don't want to get another lawyer I think involved in it.

Mr. Cerrone, No that is why I want somebody like Dick said Schmidt to look at it because the way minutes said he got re-appointed. How can you get re-appointed when you vote on something? I'm bringing the question up.

Mr. Peterson, I thought my understanding of what town council said was that the period where after it was voted on.

Mr. Cerrone, For the applicant.

Mr. Peterson, It doesn't matter if we don't take action with that within that particular period of time. Isn't there period of time where if the board does not take action against an application?

Ms. Burgess, 20 day appeal period.

Mr. Peterson, Then it's considered passed. That is my understanding.

Mr. Cerrone, That means he can sign the plan?

Ms. Burgess, Yes and he did.

Mr. Houle, Keep in mind when he took the vote and he signed the plan Don we didn't know this was happening.

Mr. Cerrone, That's right I agree on that.

Mr. Houle, So what town council is telling us and that is how I'm understanding it because the time had lapsed for appeal period that it doesn't matter. That is what he gave us in his e-mail so I don't see what the problem is.

Mr. Cerrone, But he wasn't a registered voter to be able to vote on it.

Mr. Houle, Yes he was that is not true. He was a registered voter but he was put on inactive list because of the census. I don't know how much longer we can talk about this.

Mr. Cerrone, I would like to talk about it to get it resolved because as far as I'm concerned it is only 3 votes on Special Permit by the minutes.

Mr. Houle, But what you're saying isn't true Don. He was an inactive voter not a non-registered voter.

Mr. Cerrone, What is inactive voter?

Mr. Houle, You tell me I'm not a lawyer.

Joan Marchitto, What does bylaw say?

Ms. Burgess, I'll ask Roger for that again.

Mrs. Marchitto-503 Hoppin Hill Ave., Just curious what town bylaw says.

Mr. Cerrone, You have to be registered voter.

Mr. Houle, He is registered voter he was put on inactive list because he didn't send in his census.

Mrs. Marchitto, Why would he have to be re-appointed by selectmen?

Mr. Houle, I don't know I'm not a lawyer.

Mrs. Marchitto, If there is policy and procedure to be followed.

Mr. Houle, I'm going to end this conversation right here okay. This is not open for debate.

Mrs. Marchitto, I'm not debating I know there is Zoning Act.

Mr. Houle, We have something from town council that said go ahead. I'm not going to question him or act like I know more than him. At this point lets go forward get letter from him and let's go from here Mary. If there is anything in question we will revisit it.

Ray Payson, Can I ask question?

Mr. Houle, Not regarding this I'm not going to keep opening this up to debate.

Mr. Payson, I don't know but you were only one I guess that was at B. of Selectmen when they re-appointed him I read that in the newspaper. You were there I don't want to get into it but he must ineligible sitting on the board he didn't have right to sit on the board. Why did they reappoint him?

Mr. Houle, You'd have to ask town council I don't know.

Mr. Payson, You were there because I was interested when I first heard about and there was no chance the re-appointing I never heard of re-appointing. If he was ineligible then it had to go through the process where Selectmen would notify the Planning Board that there was vacancy here.

Mr. Peterson, This all very well maybe true but I don't believe it is our perview.

Mr. Houle, I'm not questioning anything that either one of them are saying. What I'm saying is lets get the letter from Roger then we'll have little more to go by and then if we have to reopen this we will.

Mr. Payson, You were there I didn't know how they did this.

Mr. Houle, They just re-appointed him.

Mr. Payson, If Selectmen did not follow the process then there is a problem.

Mr. Houle, I don't want to speak for them and I don't want to speak for Roger I don't know what else to tell you. I'm certainly not going to sit here and question town council he told us what he thought. He gave it to us in e-mail not we can interpret that anyway we want however lets get something little more definitive from him Mary and we'll go from there.

Ms. Burgess, Back to approving the minutes.

Mr. Cerrone, Did you get copy of breakdowns on the building permits?

Ms. Burgess, They are in correspondence I believe. I didn't get the more specific one no. Computer doesn't go more specific she would have to do it by hand. I'll send letter to Rod and if instructs Beth to do this I can ask again.

Mr. Houle, Does anybody want to make motion for the minutes on 10/15/09?

Mr. Peterson, Make motion we approve the minutes of 10/15/09, seconded by Richard Thimot. All in favor 3 to 0 to 1 abstain Donald Cerrone.

Work Session:

6:30 P.M. – Economic Development portion of the Master Plan with SRPEDD;

Ms. Burgess, Nothing to read in.

Donald R. Sullivan-SRPEDD

Mr. Houle, Last time we were here I think it was Gregg got in car accident?

Mr. Sullivan, It was me I was stuck out there for 2 hours in the rain cell phone was in the car so I couldn't call earlier. When I get in the car I was 2 hours late calling.

Mr. Houle, I'll tell you Joan did very professional and I thought very informative preview of everything not to put you on the spot that night I thought you did very good job.

Mr. Sullivan, I put this together tell me if you think it might go or whatever.

Ms. Burgess, We went through lot of these when you came down it was last week or week before I can't remember.

Mr. Sullivan, Maybe week before no it was last week.

Ms. Burgess, We went over lot of these things added some things, crossed out some things with regards to redevelopment, secondary, primary, etc. I think the board has already pretty

much done the economic profile we went through lot of that.

Mr. Sullivan, I probably stop the profile little bit more if you had chance to look at it. Put in educational attainment numbers, I put in some numbers. Unemployment numbers were 08 those are annual numbers. What I did not to make it look like things are rosy I threw in the 3<sup>rd</sup> quarter of 08 verses 09. If you look at numbers 08 numbers town did pretty well they were 4.7 state was 5. 0. You were better than all the communities I think relative to unemployment number you were low. In 08 if you look at chart on page 2 it shows 3<sup>rd</sup> quarter of 08 verses 3<sup>rd</sup> quarter of 09 and you are at 10.7. It is not great but relative to the other communities you're pushing 3<sup>rd</sup>. so you're the 3<sup>rd</sup>. lowest. Attleboro is 11.5, Plainville at 10.8 you're 10.7. I suspect largely that is due to commercial environment that has happen on retail/commercial sector.

Mr. Thimot, What is that percentage?

Mr. Sullivan, Right percentage of unemployment.

Mr. Thimot, You think that is good?

Mr. Sullivan, Well verse the other communities that we looked at. It is not great if you look at Mass. it is 9.1 you're higher than the state overall but relative to communities you're in 3<sup>rd</sup> position, which isn't too bad.

Mr. Peterson, What is considered full employment? Unemployment there is always going to be so many people unemployed.

Mr. Sullivan, Full employment would be your entire work forces.

Mr. Peterson, I thought there was like percentage of people always unemployed.

Mr. Houle, We're 3<sup>rd</sup>, which I guess is not worse place obviously to be. How many of the other neighboring communities that little bit better than us have an active Industrial Park and good commercial base in their town?

Mr. Sullivan, Mansfield is the only one. If you look at Norton they have the Commerce Center, which is really like garden style Industrial Park. It is more like mixed-use structures where there is lot of different activity in series of buildings. It is adjacent to Myles Standish they're losing their biggest GM, which SRPEDD worked with VHP they got million-dollar grant to fix the road and bring that infrastructure into that site. They maybe heading to RI they have tax system and finance package for that facility, which they're going to lose out on that because they had 10 year TIP I don't know specifics of the deal. That was only in there for short period of time that is 40 million dollar there was only like 75 jobs there. It is just about built out there isn't much there.

Mr. Houle, When they first talked about it wasn't it scheduled for 200 jobs at one time?

Mr. Sullivan, I think they said 150, which has gone down I believe it was 75 to 80 jobs. It was warehouse for parts that is it. Beautiful building but just warehouse for parts, not lot of jobs, 40 million dollar building they got TIF I don't know specific of packages was but they were hungry to get something and they offered them a TIF. Mansfield Cabot Park that is competition. Attleboro they have North Park the older park but they're trying to get the IP new one on line and that is going to take awhile. City has taken it over they have somebody they have Seafood Co. out of Warwick, RI it looks like it is 3 million dollar project. They're looking for money to build the infrastructure to support those new projects they have something else on pipeline but it is going to be awhile for that park.

Mr. Houle, That is processing plant right?

Mr. Sullivan, It is industrial but it is fish processing, cleaning and packaging.

Mr. Houle, I can't understand how it is going to work in Attleboro.

Mr. Peterson, I think this is really great to have information like this.

Mr. Thimot, We used to always get that kind of information.

Mr. Peterson, I know but it is always great to have updated information I've seen it before I don't think lot of members of the community even know we have this access to it. Where do we go with this information? When you look at tax rate, value of our property we're in the market of all our surrounding communities I think we have lot of plusses. What do we have to do to sell ourselves?

Mr. Sullivan, Look down on bullets on memo I put together. Quick snapshot of some of the highlights and take away at least in this particular section. You've have some opportunities merging in health care, professional and technical sectors that seems to have some job growth over 8 year period from 2000 to 2008. In addition manufacturing there maybe some opportunities, electronics, medical devices, machine automation and fabricated industries. Cluster up in the park that has some of these things going on. Health Care you've had some growth in that, had some growth in tech. Good thing for 08 you gained some industrial jobs manufacturing not whole lot but little. Those key areas are kind of areas where you'd like to focus with maybe some development. Mix used may include some kind of commercial it may include some health related industries, service maybe fabricated industries for the park. There are some vacant buildings there they may push and market that type of activities. Not just in the park but we have some sites on 1A, which is Handy & Harmon site. There are some sites further down on 1A that maybe able to lend itself to that or maybe lend itself to mixed use development, which is combination of commercial with residential. Lot of sites are privately own sites I think if you could agree that maybe an option that you'd probably want to facilitate discussion with the property owners to determine what is it they're going to do with their property. Or maybe willing to look at adjacent properties they could do some kind of consolidation of parcels because there is some of that in lot of cases. To look at that and least get your idea out there is what you'd want to see when you have your Master Plan together or this document to point where you have approved it. You can say we have idea of what we want. What is it that you think you might want to do with the property or don't want to do anything with it? Talk to your neighbor maybe we could put together consolidation of parcels for bigger parcel to do more. In lot of cases the first step would be we have this information here we have document have some options for development or redevelopment. It is mostly redevelopment on all these sites. We have game plan here it is what do you think you'd like to do with the property to facilitate that meeting. Maybe its this board maybe its you a chairman or town administrator to sit with someone to say we have some kind of game plan in mind and we'd like to know what you're thinking about doing with your property. Then if you could throw out these are various options that we're looking at to see if there is any interest from the owners to do something. If they don't want to do anything with their property that they maybe put together with adjacent property owner might want to do something or developer. Real Estate Co. that has spoken for Industrial Park somebody that is know in the community that maybe able to further discussion you want to do something with it, you don't want to do something with it. Somebody is interested in buying it you hook them up. As long as you have game plan it kind of keeps you in front of it instead of trying to catch up with it. If someone is coming in with proposal you can say we've looked at we do have game plan this is what we'd like to do and you can be ahead of it rather than someone coming in and all of sudden you're trying to figure out: what do you think you want to do, what is the best use, what does town want to go with it? There is 27 sites I think I looked at on different sections, mostly on corridors 1, 1A, 152 there are some properties in Industrial Park. Recent developments in the park as you are well aware NeedleTech and there is another one under negotiation now Leach & Garner. When I initial went up there probably 2 or 3 months ago road around I couldn't believe those properties sitting there. You have park next door in Attleboro they're trying to build it. You guys

have this great space and no one is marketing it. We were looking at those sites 43D, which is steam line permitting, which if you designate certain sites and I have bunch of sites that I thought that you should consider at 43D site. You have to go through all the zoning make sure you can get permitting passed for project on these locations within 180 days providing they give you everything that you're supposed to have. Once it is clean package ready to go 180 days. What it does is put developers and people that want to locate in the community it knows there is time table and they're going to know that they're going to get permit turn around of 180 days. Provided they provide all the information necessary complete package. If they have things they left out, things not done properly, plans aren't to right spec or right size, clock kicks back again and you start all over. 180 days once it is completed package. There are two pieces to that there is state can help with marketing of the site they do it to Mass Economic Development web site. Someone can go on and see all these sites that are designated in the town.

Mrs. Marchitto, State has it on line so as commercial developers are looking for areas 43D are right there so they know they can go in. I hear from this board being business friendly those communities are business friendly.

Mr. Sullivan, It stimulates investment because it allows people to know there is time frame. Part of the problem in Attleboro Park was that they couldn't put the infrastructure in they ran out of money and they couldn't get infrastructure in. They couple P&S and they let them go, let them run out goodbye we're going somewhere else. One of them I think went to Taunton.

Mr. Thimot, Who is looking at Leach & Garner?

Mr. Sullivan, I don't know it is in negotiation. There maybe information that the town may know but not public.

Ms. Burgess, They're negotiating TIF right now. All I know is that it is one of Warren Buffet's company.

Mr. Houle, Obviously zoning is important here. Have you seen any negatives to doing anything like this?

Mr. Sullivan, 43D no. I don't deal with the program there is specific planner that is responsible for that program solely. We can bring her in she can give you presentation on what it is we're doing it right now in Myles Standish Phase 1V and V. We're also doing it on Phase III 80 acre site, which is Phase III in Liberty Union in Taunton. New Bedford has 4 or 5 sites mainly in Industrial Park, Carver has some 43D. Wentworth property, which is 228 acre site right at 58 and 44. Other communities are going through the process but they haven't been finished yet. SRPEDD will do the applications if there is money to do 60,000 to do it. Our person Danny Connelly would work with Mary on going through the zoning see where needs to be sped up so it can meet the time frame. Someone can come in with plan and be able to go through the various permitting and approval processes within 180 days. I think it is win/win.

Mr. Houle, If they don't get all the information to all prospective boards it starts over another 180?

Mr. Sullivan, It is 180-day clock from my understanding of it is that it starts once there is completed package. I believe when we did the PPA thing with the rail that some suggestions/recommendations are in there on some of those sites too. I don't know if you're familiar with the Priority Development Protection work that SRPEDD did under rail project.

Ms. Burgess, We did it last spring you got it in your package. It is Priority Development Area and Priority Protection Areas you worked with Shannon.

Mr. Sullivan, In that document which is sited in here we also make recommendation on those specific sites where we might think 43D would work. It generally works in Industrial Parks commercial own industrial properties. Vacant properties on utilized buildings, vacant buildings

things like that. Vacant sites but on industrial zone something like maybe TriBoro Theater adjacent to the IP that site.

Mr. Peterson, Process of setting up then lot of homework has to be done about the sites so we realize we don't get into say brown field situation where it is going to be difficult if not impossible to do it in 180 days. It has to be clearly specified.

Mr. Sullivan, There are couple brown field sites that are sited for 43D it is tailored for that too.

Mr. Houle, I'm going to close this hearing and open 7:15 hearing reopen SRPEDD at 7:25 P.M.

NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING  
THURSDAY, NOVEMBER 12, 2009

7:15 P.M.- Continuation of public hearing to determine if Thomas Fitzgerald should be declared in default of carrying out his obligations to complete the Bally Heather Subdivision, including Garrett Road, Jonathan Drive and Massand Road;

Requesting bond reduction.

Paving complete and inspected.

Need updated asbuilts.

Need final punch list ( March 31, 2008).

Ms. Burgess, In your package there was bond reduction request made by Tom Fitzgerald. I spoke to Jeff today briefly about this and we were going over last punch list that we had March 31, 2008. I don't know if you want to go through that now. I know lot of these things have been done, redone but ultimately it is Jeff who do the inspections and everything out there. Jeff Kane-Earthworks, The inspection was focused on the paving. We have punch list in 2008 that has lot of items that frankly have not been checked out to see if they have been addressed or not. I think the idea was we could go through these 1 by 1 tonight we can look at these and try to get them done for next meeting or you can look at these and decide that maybe lot of them aren't even that important anymore. We can speak on the paving we know paving was done we think it was done to specifications. We believe there should still be some hold back just based on waiting for rainfall make sure there are no puddling areas things of that nature. We can go out there and put levels on most of the areas but we can't get the whole road. We suggest having some hold back until that is done. There are couple minor items that need to address and two I believe that have been addressed. Is that correct I'm not sure if you heard that? One on Massand.

Ms. Burgess, The driveways yes he was going back to do those.

Mr. Kane, We haven't actually verified that they have been corrected so I think there should still be at least some hold back. On open items I would leave it to the board it was kind of before my time we did not get chance to go back and inspect these.

Mr. Cerrone, Has work been done?

Mr. Kane, That is what I'm saying we haven't looked at these punch list items.

Mr. Houle, What needed to be done on those driveways?

Ms. Burgess, There were couple of them that need to be fixed but there is also that lip. We were going to talk about whether or not it is where they had plank of wood.

Mr. Kane, There was 3/4" vertical lip at edge of driveway between driveway and roads. It is Mass Highway standard for doing things as far as leaving driveways but not necessarily town of

NA standard. There is also little bit of hand work that needs to be done on these lips instead of vertical base you would actually have small rounding on top of these things that wasn't done. What you have right now is about  $\frac{3}{4}$ " vertical lip at end of driveway. Contractor volunteered to come back in and keep these areas up and re-roll and try to get them flattened down at least get radius in or we can...(inaudible) that was issue that board needs to really decide on. We recommend that at least the contractor come back keep area up and re-roll to try and flatten those down little bit.

Mr. Houle, That usually corrects that?

Mr. Kane, Yes and we'd look at it afterwards it should correct it is minor problem and it should take care of it so we suggest doing that.

Mr. Cerrone, Did you guys have pre-construction meeting to go over everything before starting?

Mr. Kane, No we didn't.

Mr. Cerrone, Did you get schedule?

Mr. Kane, We were told to go out and inspect the base so they could pave. As far schedule for work and we were told obviously to go out days of paving and inspect.

Tom Fitzgerald, I believe we did have pre-construction with John.

Mr. Kane, You had walk through I don't know if you actually had pre-construction.

Mr. Fitzgerald, I thought it was pre-construction wall through with Mary and John.

Mr. Kane, I don't think it was pre-construction I'm not sure though.

Mr. Houle, What was that meeting?

Mr. Fitzgerald, John and Mary we walked through everything they wanted to done had Lenny come up drop the contracts we submitted everything back and scheduled construction.

Ms. Houle, I wouldn't consider it not we went out and pointed out. John walked the site pointed out the problems and everything and then ...(inaudible) went out and all the structures were raised and then went out and inspected them and then it was just paving after that.

Mr. Kane, Was A-1 involved with that?

Ms. Burgess, Yes.

Mr. Fitzgerald, They did everything.

Mr. Kane, Did they talk about those driveways?

Mr. Fitzgerald, They were going to do what you asked come and heat, level and grind them but they said they were waiting for the board to direct them. I think that is how Lenny left it. He wanted answer from someone, which way to leave it with  $\frac{3}{4}$  or flatten out.

Mr. Houle, That is basically the only thing left out there?

Mr. Kane, That is really it there was driveway that needed reverse slope small area that was going to be repaired they were aware of that. So driveways and that one area that was really the open items.

Mr. Houle, I think it should be heated up.

Mr. Cerrone, Board should go out there and look at it. I want to see John before I release any money.

Mr. Houle, I'm talking about is that what you want to do or do you want go out there?

Mr. Cerrone, What does our rules and regulations say as far as driveways how they have to be done?

Mr. Kane, They don't spell it out specifically in there they refer to Mass Highway.

Mr. Cerrone, How have we done rest of subdivision? Queens Grant and Massand that was done couple years ago everyone went there. Narragansett Improvement did the job am I correct?

That was done exactly way it was supposed to be done. Some one goes and look at that subdivision that is way it all should be done as far as I'm concerned. Board can change their

mind they can do anything they want as far as I'm concerned it is supposed to be done like that.

Mr. Houle, I'm going to agree with Don. It needs to be done Jeff.

Ms. Burgess, I think we need to update our rules and regulations to specifically spell that out.

Mr. Cerrone, General rule is you have to have 6".

Mr. Kane, That is little different they refer to Mass Highway with strip left in place you can meet Mass Highway as long as you have curb on top, which it doesn't right now. Mass Highway does allow for that vertical but heating that up and re-rolling should take care of that either way.

Mr. Houle, Make problem go away.

Mr. Cerrone, I'm asking maybe we should get rid of the book. It is right in book what it says that is what I'm asking the board. That is way we've been doing it since I've been on the board now we're changing.

Mr. Kane, I think only thing in book mentioned 6" above binder grade in back of sidewalk.

Mr. Cerrone, Binder grade that is finished road now?

Mr. Kane, To top the driveways difference with vertical lip it doesn't really spell that out it just refers back to Mass Highway for the standards. I agree regulations should be updated.

Ms. Burgess, We did come up with standard detail it doesn't address 3/4" lip but 6" it does. I think lip is more of who does the project because 6" is still met it is just 3/4" lip whether you want it down or not. I guess the plows can hit it or something is that the problem?

Mr. Cerrone, There was rule 6" used to be because when town had to go overlay that road they could go back to layout and feather in that was 6" rule. That was reason it was put in there in our rules and regulations that was way before I got on the board. Whoever was director of Public Works knew what he was doing. So town layout could go back to property line and he had 6" that he could repave it.

Mr. Kane, If you went up 1" for overlay you're not going to cover up whole driveway. Gutter line is going to shift back slightly but that is same thing that 3/4" is supposed to address as well. You have lip if you come back with 1 1/2" overlay even 1" overlay.

Mr. Cerrone, If board wants to do that now fine as far as I'm concerned we never did it that way.

Mr. Kane, Only other choice is to pull apron out and repave it.

Mr. Houle, Pull apron out meaning the curb?

Mr. Kane, The driveway.

Mr. Cerrone, People should go out and look at it. Look at both subdivisions and you tell me what you like. I'm just telling you what we've done in the past.

Mr. Kane, Again I would imagine this I don't know if it was discussed I wasn't there at that meeting.

Mr. Cerrone, That is why I'm saying at pre-construction meeting you go over this stuff of how we're going to do things. That is why I asked if you had pre-construction meeting.

Mr. Kane, That I guess is why I really wouldn't classify it as pre-construction. If the board didn't want that in the contract.

Mr. Cerrone, That could have been brought up and could have asked board what to do if it was brought up. Now it's too late it's done already or you have to do it over. It is up to these 3 members as far as I'm concerned.

Mr. Thimot, It is not up to me.

Mr. Kane, I don't think the issue is unsolvable lets put it that way.

Mr. Thimot, I have to abstain on Bally Heather.

Mr. Houle, If it gets reheated basically the problem goes away?

Mr. Kane, It should it is definitely worth a try contractor is confident that he can get it done.  
Mr. Cerrone, I want to see it first before I release any money.  
Mr. Houle, You want to go out there before they reheat it or what?  
Mr. Cerrone, I want to see the finished product what they're going to give us how it is going to be done. Why don't you guys look at the other subdivisions that we did? I just mentioned the one we had the same issues and they resolved it before they paved. They knew exactly what they were doing it came out perfect.  
Mr. Houle, Does the board want to have it reheated?  
Mr. Peterson, I say reheat it.  
Mr. Houle, And see where we are?  
Mr. Peterson, Yes. I agree with Don we don't release any money if we're not pleased with end result.  
Mr. Houle, Is that okay with you Don?  
Mr. Cerrone, Whatever you guys want to do.  
Mr. Houle, That is how I feel to. I think reheat it see where we are and then we'll take look at what should be released or shouldn't. How quickly can that happen?  
Mr. Fitzgerald, As soon as we file and he was all set to do it 2 weeks ago. I don't know if it was Jeff or John who spoke to him again it met the state highway code but like you said to heat it just redo it is no problem. A-1 said no problem at all to do, whichever method they want to use.  
Mr. Houle, My thing to you is you came before us to get bond reduction. How quickly can you get this done? I'm just doing this for your benefit.  
Mr. Fitzgerald, I will be calling him tonight he will probably go in and do it tomorrow or Saturday.  
Ms. Burgess, Do you want to schedule site walk?  
Schedule site walk for Tuesday at 4:30 P.M. Want Jeff Kane there at site walk.  
Mr. Peterson, Make motion to continue Bally Heather until 11/19/09 at 7:00 P.M., seconded by Donald Cerrone.  
All in favor 3 to 0 to 1 abstain Richard Thimot.  
7:30 P.M.- Stahoo Properties;  
Open and recess it until 7:45 P.M.

NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, NOVEMBER 12, 2009

SRPEDD: Economic Development portion of the Master Plan;  
Don Sullivan, Other things we looked at were TOD sites, which are transit, orientated development locations. Mary was looking for two locations we identified those two; one off of 152 area and one in downtown. It would be just transit just busses. What I kind of suggested for consideration again is that two potential locations for passenger stations for bus. It would be queuing busses there isn't enough frequency of busses so Mary was looking at two possible locations where it might work. Generally they work in downtown. You have bus route now would basically have more trips and if there was place where busses could queue 2 or 3 busses I think I referenced 3 to 4. There are locations in the downtown they are identified that could possibly work and also location on 152. There is rather large area on 152 that if it was to be redeveloped as mixed use location you could put component in that design that you could have

like little bus shelter type thing too. Stack some busses they pick up people for connections that kind of thing, destination to a location or somewhere they can get bus to go somewhere that kind of thing. It would be run off extension off of 106 right now bus stops there that nice development area up at 106 your 152 is in other town. We're suggesting we could do that possibly as location for consideration in your community. There are two locations they are in the documents. I was looking at the Country Farms site then there is adjacent where old Sun Chronicle site and then there are bunch of parking lots in back that are asphalt. Maybe something could be worked out with the old Balfour site, which I don't know where that is but if that thing goes anywhere it could be incorporated there. During design of that facility whatever it might be we suggest in the document that it would be great mixed-use site. One time I think the proposal was commerce center mixed use with condo apartments.

Mr. Cerrone, They were going to do that long time ago he changed his plans.

Mr. Sullivan, Still feasible you're close to the rail Mansfield, Attleboro these are just considerations for you to look at and it makes sense or it doesn't. Then there are some sites up at 152 rather large site there could potentially be mixed-use site as well.

Mr. Thimot, We had that thing with John Mullen went over the assets the town had in relation to everybody else. He pointed out to us we had best location anywhere we're at center of everything.

Mr. Sullivan, Location hasn't changed.

Mr. Houle, Other than 152 are there any other spots?

Mr. Sullivan, Those two locations downtown is no brainer especially this downtown has all the hallmarks of a downtown very good downtown for lot of activity. Mary was looking for some redevelopment strategies for downtown. I came up with 15 strategies that I think would be major components for downtown redevelopment plan. There are number of sites I have identified for redevelopment particularly on southern end of bookend, which is Balfour site and all those other properties. There is Jewel Cross property that is potential for something. What we suggested is get better activities between end of town kind of expand it little more. Continue what was done under DANA and the strategies that they used. Look at trying to fill in some of the gaps between people that didn't take advantage of facade; improvements look at linkages from southern end to neighborhoods little better. Maybe little better signing for walkability that kind of thing. There are a bunch different things that I recommended. Put little concept plan together that is in document. I noticed when I was walking around downtown for about 4 hours taking notes and looking at things. You go into the neighborhoods particularly on East St. down this are to me it looked like lot of rental properties now, maybe at one time they were single family homes. Lot of them look like they need some work there are lot of code violations that kind of thing. It is kind of scattered throughout around the downtown that town could take advantage of housing rehab program as a component. Continue facade and improvements along the main street. There are several sites outside of downtown there old Webster building it could play into mixed-use development or just residential development. Some improved pedestrian linkages with that location. You have Jewel Cross proposal whatever that is that could be good component for the downtown. Then you have Balfour site and then un-utilized properties that are over there, which I would in my experience to me, they look like under utilized properties. They're asphalt not paying any taxes. Building where old Sun Chronicle was there is some office there but day I was there it didn't look like there was anything there. That is opportunity to do something with that maybe you could put those two together and make something happen there. Also the convenience store it needs little help but it is option to look at it there is nothing at this end of downtown that has service like that.

Mr. Houle, Could you possibly leave that map with us for couple days?

Mr. Sullivan, Yes. There is other one that shows all the sites. We're going to put some inserts in identifying these locations so you can see the sites. I think there is like 27 sites.

Mr. Cerrone, Downtown how about parking?

Mr. Sullivan, I realize it is an issue big issue. It was one of the things that we suggest looking at see how we can approach that.

Mr. Houle, Especially with busses maybe doing something in busses and transit you'd have to have parking somewhere.

Mr. Sullivan, Yes this would be connections for people that are already in the community go to location and take bus no parking.

Mr. Peterson, I think that is good point if you had place where people could park so they could get on the bus and park and ride.

Mrs. Marchitto, Someone is already working on that one the 95 corridor.

Mr. Peterson, Why can't we have place to park where someone could take bus up to Mall and it might inspire them to do shopping downtown?

Mr. Cerrone, They did that when they first opened Mall they bussed people.

Mr. Sullivan, That is an issue. I make some recommendations what should happen initially there has to be support, consensus and there has to be some kind of idea of what people want to see happen there.

Mr. Houle, Great grant from SRPEDD.

Mr. Sullivan, It is always in the works if that were to happen then parking would be intricate part of redevelopment strategy, which would piggy back on top of what was done back when DANA did it. If you look at downtown it has all hallmarks of being great downtown I'm not saying it isn't now but it needs work.

Mr. Peterson, It needs focal points.

Mr. Sullivan, It has to people are going to want something they're going to want more if that is going to be housing location.

Mr. Cerrone, Did you look at old Police Station and how nice it looks?

Mr. Sullivan, I walked by.

Mr. Cerrone, It looks real good now all redone it is empty. We sold it we could have kept it and done that work and move one of the departments.

Mr. Sullivan, You could have made parking lot out of it.

Ms. Burgess, We had site plan there are offices in there.

Mr. Cerrone, But no one has moved in.

Mrs. Marchitto, At this time do you have document deletions and additions, comments for Don to bring back. Other thing we had discussed last time is to have public hearing so you could have input from DANA business on off night so Selectmen also who are tied into this grant. It was joint effort between Planning Board and Selectmen so that we can have working document by end of year.

Mr. Peterson, If you could touch on some of things I was thinking of for one thing in terms like this map if you really punch out where these sites are people might start to see a pattern or maybe way of creating a pattern to tie and link some of these things together particularly when it comes to transportation aspect of it.

Mr. Sullivan, We will we're going to highlight these and to identify the locations and if you look at your document you'll see. It will be similar map but it will be inserts it will show all those sites. Document you can go through it I have metric showing all the locations and little more information on zoning so you can go through that. There are some suggestions on options to zoning revisions to allow for the type of things you might want to see.

Mr. Houle, As far as our Industrial Park you talked about lot of different spaces some of the ideas that you identified in there. That was some of the ideas that I wanted to see and hear and you did pretty good job there.

Set date for Public Hearing 12/15/09 it will be at Police Station at 7:00 P.M.

Ms. Burgess, I will have to finalize all this to make sure room is available. I'll prepare the memo for all the boards and everything like that.

Mr. Peterson, You probably can't answer this question is there any sort of way to kind of quantify what all this might do for the community. If you have industrial site approved with buildings and industry on it can help bring in so much kind of revenue?

Mr. Sullivan, You can some hypothetical based on development, you can tie some jobs in. You can do but 27 sites.

Mr. Cerrone, Let me know when you come back here before the 15<sup>th</sup>. If you're ever in town let me know I'll meet with you on couple things.

NORTH ATTLEBOROUGH PLANNING BOARD  
PUBLIC HEARING  
THURSDAY, NOVEMBER 12, 2009

7:52 P.M.- Public hearing on the application of Stahoo Properties, LLC (d/b/a Ride-Away), for a Special Permit within the Aquifer Protection District, for property located at 57 George Leven Drive.

Relocating business from East Washington St.

Infrastructure upgrade; no change to structure.

Ms. Burgess reading in application. I wasn't able to get my review into your packages but I would like chance to read into record if you don't mind. Town Planner review (Insert).

Mark Lore, Let me ask question on A list hazard materials that will be present, their estimated quantities expert evidence alternative less hazards materials have been evaluated and not practical. Is that standard?

Ms. Burgess, For Aquifer Protection District.

Mr. Houle, For that district it is.

Mr. Lore, We don't have hazard materials per say we might use Windex. Is that considered hazards?

Ms. Burgess, It is more where practical you guys use oils and hydraulic stuff and I know quantities aren't major but I have to be doing my due diligence if I didn't put it on there.

Mr. Lore, Do you know some experts that might be able to give me some alternatives to this?

Ms. Burgess, I don't know more green methods I don't know.

Mr. Houle, Planning Board doesn't design things or do that either. That is up to you to present to us then we go from there.

Mr. Thimot, How much quantity do you use?

Mr. Lore, Very little, we're kind of like hybrid car dealership where we sell vehicles.

Mr. Thimot, I know who you are I know where you are. What I'm saying is how much quantity you say Windex do you have 100 gallons, 500 gallons or what?

Charles Robillard, Spray cans probably have ½ dozens bottle of glass cleaner.

Mr. Thimot, Don't worry about it then.

Mr. Robillard, In terms of oil we don't change oil per say at the dealership but we do maintenance to people's vehicles we check their oil and if it is low we'll add oil to their car for them. Right now I probably have 10 qts. of oil on the shelf that I bought at Auto Zone.

Mr. Thimot, I don't see any problem there.

Mr. Houle, He is Aquifer Protection.

Mr. Thimot, I know that but you have to be using your head too.

Mr. Robillard, We don't have any sort of bulk chemicals other than normal off the shelf.

Ms. Burgess, I mentioned that just because I did go out to the site with Rod and we did walk through and we saw all the storage and stuff but it is more for the board to make decision. If the quantities are so minimal that they don't warrant restriction or so forth.

Mr. Thimot, Are you...(inaudible) RoJack property too?

Mr. Robillard, This facility is down the street from there directly across the street is ambulance co. that modifies ambulances. There is also across the street to left is Sullivan Tire and Auto Center and realistically we'd probably using them more so to do mechanical work for us that is where the hazard type of chemicals would probably be there.

Mr. Peterson, What kind of work do you do where you need to have underground tank?

Mr. Lore, We wash a vehicle.

Mr. Robillard, It was more requirement from zoning to have oil/water/gas separator just in case something happen.

Mr. Houle, Are you proposing to have drains in your floor?

Mr. Lore, If we did add drains it would only be to run the water through oil/water separator and because we wash vehicles. There would be no other reason to have the drains.

Mr. Robillard, Garage area there is floor drains coming out to that gas separator.

Mr. Lore, If we were to wash the floor or wash vehicle.

Rod Palmer-building inspector, I know we're on subject of floor drains because of their using in fact that they bring vehicles inside to work on them. We've been out to their site where they are now and they said they do bolt on everything is bolt on. I don't know how much hydraulic fluid in anything they bolt on for example. It is all self contained, bolt on type mechanical devices. There is still need for floor drains. In Mass if you have a garage that is commercial use and you bring vehicles inside you must have floor drains. If you don't have sewerage available your options are can't tie into septic system anymore you have to have tight tank. I don't think there is sewerage down there so their only option would be tight tank or they could apply for variance through State Board of Plumbers and Examiners. It could be variance, which is not a painful hurdle.

Mr. Cerrone, I think one guy has been going through that 6 or 9 months he's been trying to get one.

Mr. Palmer, They are relatively quick. Application is 50 or \$75 and usually you're heard within 30 or 40 days.

Mr. Houle, What has been your experience do they normally give something like this?

Mr. Palmer, Well recently there was a motorcycle shop that moved in down on Rte.1 ShovelHead and we required that they have floor drains because they're motorcycles they're a vehicle. They were not able to tie into sewerage because I think it was on other side of the highway or something. They went to State Board of Plumbers and Examiners and they were granted variance. They did have motorcycle shop cut hole in the floor and put small little 30 gallon type tank in event that motorcycle fell over or something. Probably will never have any oils into it. That is similar to I think his I can't see that there would ever be a major spill in there. I think worse thing that might happen is that gas tank might spring a leak or something like that. That might be better option to go to Board for variance if not he will have to put a

tight tank, external pipe. They are very expensive they're couple 100 gallons, vented, vented through the building it is internal trough drain that does to a tight tank outside the building. I don't know if there is one there now or not.

Mr. Lore, There isn't. With all due respect I bought this building about 2 ½ years ago. I went through all this and when we went to start making modifications I was then told and this isn't your fault. I was told it was in Aquifer Protection District and nobody could seem to tell me exactly what I had to do to start pounding a nail. Then the recession hit and bank stopped lending money and I ended up sitting on this. Now I'm back again giving it one last shot and quite frankly I told Charlie that if this doesn't go smooth we'll just sell the building and we're going to move out of NA. I understand you have regulations but everybody here probably has a garage. I've been doing this 25 years I haven't had an accident or spill we don't use hazard materials anymore than basic cleaners. We're not even a car dealer we sell 10 vehicles a month it is so small. As you said Rod 90% of what we do is bolt on new stuff onto new cars. The cost has become prohibitive to continue playing with this building. I apologize that it has taken so long and certainly recession is not your fault but is there a simple way to meet your standards and not go through these expensive or long 6-month operations to get another variance.

Ms. Burgess, Floor drains aren't us it is building code.

Mr. Lore, We were going to put floor drains in.

Mr. Robillard, I have drawing for floor plans inside the building.

Mr. Lore, We have drains in there going into oil/water separator I thought we were all set then.

Mr. Robillard, I think they were asking about alternative to that instead of putting that in.

Mr. Lore, I think at this point it is hard to know what to do to just get in the building and start operating. Where we are we've outgrown and parking is problem. We're looking to of course meet code I've never not met code I've never been a problem. We have 11 stores I've been doing this for almost 25 years. Is there an inexpensive practical way to get permit so that we can start doing modifications and get into the building? I'm not even sure last time it was about 2 ½ years ago when we came down for building permit I thought we were all set. I sent down contractor and they said no you can't get building permit because you're in Aquifer Protection District, which kind of threw up red flag

Mr. Houle, Rightfully so when you're there.

Mr. Lore, Sure but our volume I understand if you're doing substantial business in modifying the way that these geography is going to be. I don't think we're going to make huge difference.

Mr. Thimot, I personally have no problem with what you want to do whatever the book says is what you have to do.

Mr. Lore, It is 18,000sq.ft. building if I sell that building I'd assume probably other people are probably going to want to do more substantial thing than we are and let their lawyers handle it. I think you guys even stumped my lawyer I don't mean you guys I mean the whole process.

Mr. Houle, I don't know who you hired but it really shouldn't have stumped him.

Mr. Lore, Peter Murphy he was local guy. When I called him and said they won't give me building permit he was stumped.

Mr. Houle, I'm little shocked at that Peter does do work in this town and I'm little shocked that he wouldn't know that there are some regulations in Aquifer Protection Zone I think that is kind of 101.

Mr. Robillard, I think what Mark is saying at this point we've studied and meet all the requirements and in terms of water fall off the building putting gutters on, in terms of we have architectural drawings with floor drains and if that is required. If we can get away with cheaper system and that meets code then we'd like to try and do that. Right now we have it designed with floor drains.

Mr. Lore, But if that is going to take 90 days or 6 months variance and then there is no guarantee I wouldn't even fool with it.

Mr. Robillard, Just leave it that way. Water pitch in front goes to town drainage system pitches in back to dry well in terms of any water disbursement off the building is going to be no different than it is now with few modification upgrades to it.

Mr. Lore, Isn't there water coming off the building now? Am I just the lucky owner of water now?

Mr. Houle, If you own the building I guess you are.

Mr. Robillard, If we disrupted that area then we would just re-seed over that.

Mr. Houle, Jeff out of curiosity I know you haven't looked at this do you have anything you want to say?

Jeff Kane-Earthworks, He doesn't want to hear what I have to say.

Mr. Lore, Go ahead say it doesn't matter.

Mr. Kane, There is DEP standard for industrial discharge into...(inaudible) I would say if he can meet those lot of the stuff you guys are trying to regulate kind of trying to regulate on your own just going through like NIFTY Industrial Discharge Permits if he meets those criteria.

Mr. Lore, When you say industrial discharge what are we discharging?

Mr. Kane, EPA has whole list of what you do on industrial site or manufacturing site and if you qualify for meeting one of these permits if necessary.

Mr. Lore, I don't think we discharge any of this.

Mr. Kane, That is what I would say. I would say look through those things to see if you meet that because if you do this idea of floor drains and oil/water separation that is all in there. These are all things that need to be regulated if you meet that criteria.

Mr. Lore, I don't think we discharge anything I've been involved in many other states.

Mr. Kane, Usually it is once you get floor drains in then there is the issue. Have them look at that and if they don't meet that criteria then maybe you are kind knit picking little bit. If they do then they have to meet those regulations under multi sector permit.

Mr. Lore, It is DEP regulate they will have list if we discharge some of that then we fall under.

Mr. Kane, Based on what your site is, what should be there for work it is under EPA National Pollution Discharge.

Ms. Burgess, We both spoke with DEP about this and they're okay.

Mr. Kane, As far as spill plan anything like that?

Ms. Burgess, With regards to Aquifer Protection District Special Permit we don't have anything over that. That is not in our rules and regulations for that. Because it is local jurisdiction that prevails and with regards to floor drains that is building inspector.

Mr. Kane, That is typically what is controlled by EPA with discharge floor drain system again spill plan. If you have anything in there that you could have potential like you're saying gasoline spill or something like that floor drains that is spill plan. That is something put together by applicant held on site nothing that really has to go through review process per say but fact that they have spill plan in place. I would not ask Planning Board to look into it as much as they try to make sure they meet the criteria for permits. As far as discharge in the back obviously any discharge off roof into infiltration area has to have pre-treatment prior to infiltration that is just my thoughts.

Mr. Palmer, Mark I'm not sure if you understand it but Charlie has been coming in for few months now trying to navigate through this process. You do have plans for the floor drain and separator you have these plans. Only reason that I mention them is that this oil/water separator that you have to install it could be an expense up to \$20,000 I don't know what it cost.

Mr. Robillard, It is.

Mr. Palmer, Reason I mentioned the variance was that is something you might explore instead of having to put in floor drain. Your business being business where you're not in there repairing engine motors and doing oil changes you might be prime candidate for variance. State Board of Plumbers and Examiners it is not very time consuming process I just mentioned it as an option to explore to save yourself \$20,000.

Mr. Lore, I think I did misunderstand.

Mr. Palmer, It is not Planning Board's jurisdiction this floor drain type it is not even mine as building inspector it is under the State Board of Plumbers and Examiners. People file for variances all the time in last month I've had two. I had one Riley they filed for variance and got it.

Mr. Cerrone, They haven't got it yet state just sent application back today. I talked to guy and asked him if he was ready to break ground? He said it's taken me 9 months I don't know maybe by next year I will.

Mr. Palmer, I'm sure they will get it because in Taunton they did same thing they had letters from myself, BOH I don't think they will have problem getting their variance.

Mr. Lore, With that variance you're saying that would eliminate the necessity for the drains, etc.?

Mr. Palmer, That is right it might not be bad option to explore. It might take month or so you save \$20,000 in meantime you can still begin your alterations to your building. It would just be plan B and that plan will result in a savings.

Mr. Lore, Sure I think that is the issue all this is holding us up even the beginning.

Mr. Palmer, Right you've come this far you're almost at the end you've been to ZBA, etc.

Mr. Cerrone, Best thing is to file with the state with state plumbing code and go from there. Or maybe do that and then come back to us you might want to do that.

Mr. Houle, If you get it come back to us as soon as you can.

Mr. Lore, I'd like to move ahead if I don't get it I will put the floor drains in I don't really have a choice. I'm not adverse to floor drains and the separators because we do wash vehicles. I have separators and floor drains in lot of the buildings we have now and I think it makes sense to be honest with you. If we can eliminate it great but what I'd like to be able to do is start modifying to move in at some point because that will take awhile too. I guess what do we need to do to be able to pound a nail based on all the plans and everything that we have here?

Mr. Houle, Do you want to describe to us what you have on these plans?

Mr. Robillard, I have other plans here but basically this is existing building.

Mr. Houle, We have another hearing scheduled for 8:15 P.M. open and recess Woodridge until 8:30 P.M.

Mr. Robillard, Existing building at 57 George Leven asphalt driveway already in place with parking facilities. There is septic tank, which is grass there is dirt road that goes to building behind us. I have other plans that have gas separator I think on pge. 2. Existing tenants now former owner of the building, we're just going to occupy part of building. Floor drains will come into tight tank; floor drains are on building permit.

Mr. Houle, Why aren't they on these plans?

Mr. Robillard, Because they're not from you I believe. I believe they are required from building dept. Existing building currently now with offices in front basically warehouse in the back but floor drains where the vans would be parked would be in garage area going out to the tank that shows it on engineering design.

Mr. Houle, How big of tank would that be?

Mr. Robillard, Tank is outside the building under the ground.

Mr. Houle, It should be on this plan then.

Mr. Peterson, Plans for details is there separate plumbing plan?

Mr. Houle, We were talking about plans they submitted to us.

Mr. Cerrone, It would be on site plan.

Mr. Robillard, Plumbing plan some engineering with tank size of tank.

Mr. Lore, It is big tank.

Mr. Houle, We need little more description than that.

Mr. Lore, It says buried 2500-gallon double wall fiberglass tank.

Mr. Cerrone, It should be on the plan.

Mr. Houle, Yes if it is going underground.

Mr. Lore, Well that is 2500 gallons bigger than 30 gallon tank you were talking about. It is supposed to be on ...(inaudible).

Mr. Robillard, My question and I could just be ignorant here? Is that required to be on your plan if it is not part of your approval?

Mr. Houle, It is not part of our approval but it has to be on site plan that we're looking at.

Ms. Burgess, It is underground. I thought there was detail sheet.

Mr. Lore, That is everything you have. I think you have same thing I do.

Mr. Robillard, Reinforced concrete underground storage tank manufactures contract instructions.

Mr. Lore, Is that acceptable?

Ms. Burgess, I asked DEP regarding that tank and those tanks they e-mailed me saying it was fine.

Mr. Houle, Rod did you see this?

Mr. Palmer, I did I haven't looked at them for few weeks.

Mr. Houle, What is your thought on how this tank is going to work?

Mr. Palmer, I don't think I've seen location of tank on outside.

Mr. Lore, This is back left corner.

Mr. Palmer, Where the trough drains in relation to that inside the building? It is sort of standard system there is nothing elaborate about it.

Mr. Peterson, Because it is in Aquifer District do we have anything to say about it?

Ms. Burgess, If it was storing hazard waste yes, but apparently gas.

Mr. Lore, We'll use bio- degradable green we're a very green company we try to recycle.

Mr. Peterson, I'm just trying to get feel for it.

Ms. Burgess, If it is hazard waste it has to go above ground.

Mr. Lore, I would put that in writing as to materials we're using.

Mr. Peterson, DEP it considers this sort of storage not reaching that level where it needs to be above ground?

Ms. Burgess, Correct they also stipulate to it is the town that oversees it. If our bylaws specifically prohibit tight tank then you wouldn't be able to have it but our bylaw doesn't prohibit tight tanks.

Mr. Houle, However you did hear from Rod his suggestion maybe to apply for variance.

Mr. Lore, Yes and it makes some sense. I guess what I would like to do is go ahead and start moving forward on this and either way if they deny the variance or it doesn't come in time I will drop the tank in. If I get the variance we'll come back I guess I've already kind of resigned myself to fact that I would have a tank.

Mr. Peterson, This is worse condition right?

Mr. Lore, Correct.

Mr. Peterson, So if you were to come back you'd be able to less the situation.

Mr. Lore, Yes if you said go ahead with the tank if I get variance I'll bring it back.

Mr. Kane, I have nothing else really to say. If they don't meet anything as far as EPA requirements to have multi sector permit for spill plan on site I'd refer to them. Being in Aquifer Protection District think would be spill plan.

Mr. Lore, I think we have spill plans in our safety I would have to go back and look. I think we need them anyway.

Mr. Kane, That would take care of lot of things we talked about what is there, berms in place around areas where chemicals are stored so these things don't spill over.

Mr. Lore, I would be happy to provide with the spill plan it is something we should have anyway I know we have one for some of the stores. I can produce that for you.

Mr. Robillard, I think that would be part of occupancy permit in order to move into the building.

Mr. Peterson, Do you think we should make that a condition of approval having spill plan?

Mr. Robillard, That goes with occupancy.

Mr. Lore, We're going to do it anyway. I'd make it condition if you guys feel better because I have to do one. If he spills something I want him to clean it up anyway.

Ms. Burgess, We need major majority if you're going to vote.

Mr. Houle, That is what I mean he's not here. Do we need letter from Shannon or BOH?

Mr. Lore, Now I have to go and convince my bank it is good idea again.

Ms. Burgess, Now you go with all your permits in hand.

Mr. Lore, It makes big difference.

Donald Cerrone left table at 8:20 and returned at 8:27 P.M.

Mr. Houle, Don they're asking us to take look at plan with them doing worse case scenario and putting the tanks in.

Mr. Cerrone, Show all the tanks on plan?

Mr. Lore, Yes it is on site plan 2500 gallon .

Mr. Cerrone, You're not changing any parking or any of that stuff?

Mr. Lore, No if we do we're just going to fix it not change it.

Mr. Robillard, Repaint lines.

Ms. Burgess, There are no lines on it now and because you're going to have more handicap up front.

Mr. Cerrone, How many tenants just you?

Mr. Lore, There is guy in there now that I bought the building from he has two employees 1 ½ so he is smaller than me.

Mr. Houle, Are you planning on changing any of the lighting?

Mr. Lore, Probably we haven't gotten that far but my feeling is I just put bunch the most green lighting I could get from Richmond. I just did lighting in my warehouse in Richmond and they were round bulbs that came down I don't know if they were LED. We'll put lighting on the outside.

Ms. Burgess, There is one at the road and one on the building.

Mr. Lore, We'll put more lighting out there for sure.

Mr. Cerrone, Are you going to leave vehicles outside or are they going to be inside?

Mr. Lore, Some will be outside.

Mr. Cerrone, They going to be fenced in?

Mr. Lore, Probably not until they start stealing.

Mr. Robillard, There is fence going up half of it.

Mr. Cerrone, I'm just asking.

Mr. Lore, I hear you I had one store in Maryland in 3 years I had 13 vans stolen. I moved rather than fence it in. It was southeast DC area broad daylight guys would just drive out I

would say who is driving van nobody knew. We're probably not going to fence the vehicles in we usually have not had issues with that. There is not going to be lot of vehicles maximum I'd say maybe 20 that is employees and everything not lot of vehicles.

Mr. Cerrone, How many parking spaces do you have?

Mr. Robillard, There will be 29 out of 29 we'll probably have double the amount of handicap spaces than most companies.

Mr. Cerrone, Having showroom there?

Mr. Lore, For customers because they are sensitive to heat and cold we'll probably have 3 or 4 vehicles inside so they can get inside of them there. We don't let them drive them inside.

Mr. Houle, It is going to be ADA accessibility?

Mr. Lore, Yes.

Mr. Cerrone, Do you guys cut the tops put roofs on do that too?

Mr. Lore, We do that up in New Hampshire. I used to do that everywhere but now we only have one facility that does it. This is more of satellite sales and service only.

Mr. Cerrone, So you just put chairs, put on lifts and that stuff?

Mr. Lore, Exactly bolt the tie downs and hand controls.

Mr. Cerrone, That is all you do here so you don't do any of that? Cutting roofs, putting new tops on, getting stripped van and get it all chopped up?

Mr. Lore, No the vans go through New Hampshire.

Mr. Houle, You're not taking apart engines, etc.?

Mr. Lore, No.

Mr. Cerrone, It is already for them just to put mechanic stuff inside.

Mr. Lore, If a client wants us to work on chassis itself we'll sub contract to a local mechanic.

Mr. Peterson and Mr. Thimot, No problem.

Mr. Cerrone, Make motion we approve Stahoo Properties LLC, seconded by Richard Peterson.

Ms. Burgess, Can I just make one suggestion A, B, and C it just says you will protect against toxic and no construction that will be detrimental to those three here because the other ones really don't apply.

Mr. Houle, Do you agree to that?

Mr. Lore, Yes. I think it is A,B and 3 in the letter.

All in favor 4 to 0.

Respectfully

Submitted,

8:33 P.M.- Continuation of public hearing on the application of Maple Leaf Realty, LLC, for a definitive subdivision to be entitled Woodridge Estates. Note: Final Action Due 11/19/09;

Received BOH ok.

Received responses to EEI and DPW reviews

EEI and DPW supplied 2<sup>nd</sup>. reviews.

Ms. Burgess, There are lot of things I think maybe you guys want to stipulate because it's like ¼" thick. We did receive 2<sup>nd</sup>. review from John and 2<sup>nd</sup>. review from DPW. Submitting copies of John and Jeff's 2<sup>nd</sup>. review and DPW 2<sup>nd</sup>. review. Also in your package were the responses to John's 1<sup>st</sup>. review. You have responses to John's 1<sup>st</sup>. review and then John's 2<sup>nd</sup>. review, which was responses to the 1<sup>st</sup>. review new plan.

Mr. Cerrone, Really you don't have that many issues outstanding.

Ms. Burgess, No there wasn't lot of issues at all.

Mr. Cerrone, They got quite a bit resolved pre-construction meeting with them went well. What is the problem how come the system doesn't work for the board?

Mr. Peterson, It did work.

Mr. Cerrone, I look at this they did hell of a job resolving lot of the issues.

Ms. Burgess, Once we sat down with Bill McDowell and he said those infiltration systems were no go they just went back and basically that resolved lot of issues.

Mr. Cerrone, Some of these are in Aquifer Protection.

Jeff Kane-Earthworks, Our issues to resolve now it just is matter board may decided distances...(inaudible) that is really it. Couple minor calculations.

Mr. Houle, Just as matter or procedure for the record what does the board want to have read in.

Ms. Burgess, You can stipulate and attach the minutes.

Mr. Cerrone, Why don't we go with issues outstanding lot of these issues this could be part of the minutes. How many issues all together 45 or 46 and we have 2 or 3 left. I have counted them have 7 left last time we had 46.

Mr. Houle, Mary why don't you read remaining issues that are still open.

Ms. Burgess, Earthworks Engineering remaining items that are left to be addressed besides the waivers because those are Planning Boards' decision. Definitive plan 4.2.2B NA Veterans Administration.

Glen Bourque, From beginning of this project I had an idea but I wanted to meet my wife's cousin who was retired admiral in the Army. I didn't want to call him on the phone I wanted to wait until he came out and asked him in person and show him the site. He was honored and thought it was very nice idea and I also talked to Veteran Administration and explained to them. It is kind of nice thing for my wife.

Mr. Houle, You have no problem with that.

Mr. Cerrone, That is resolved.

Ms. Burgess, Do you have full name?

Mr. Bourque, I think he legally goes by John.

Mr. Cerrone, Give us the name.

Ms. Burgess, I just wanted to put it in the minutes. 5.1 Street 5.1.1.A provide detail of grading plans of proposed intersection of Paine Rd. includes provisions to maintain existing stormwater flow pattern from Paine Rd. to adjacent private properties and delineate proposed work. Response an enlargement grading plan from intersection will be provided by attending addition field survey. EEI revised drawing received 10/29/09. Catch basin should be located upgradient of northern accessible ramp to intercept gutter drainage from Paine Rd. You sent me the intersection plan later and then I forwarded it to him that is his comment on that one. Just catch basin needs to be relocated. Provide stop sign at intersection with Paine Rd. sign should be located based on most current version of manual on uniform traffic control devices standard. Response stops sign has been provided as well as notation requires performance with current ...(inaudible) and town standards. EEI comment applicant should locate the sign on plans based on section 3d16 of METCD review implementation of the METCD should be not left to contractor.

Joshua Rosin-Comm. Engineers and Consultants, The catch basin is certainly not problem we can relocate catch basin or add it. Are you saying to add a second?

Mr. Kane, Yes coming around the corner.

Mr. Rosin, Have no problem doing that and absolutely with stop sign location we can relocate that as it is referenced in the manual on uniform traffic control devices no problem there.

Ms. Burgess, Applicant should provide field data for actual vehicles along Paine Rd. Traffic design should incorporate the actual 86 percentile speed for the site based off calculations. Response vehicle speed study was performed and data has been presented within traffic import review. EEI; applicant should revise stopping sight distances plan to ensure the point of reference is taken into consideration of vehicles back and behind assessable ramp and carport area.

Mr. Rosin, No problem. Before we made the modification to intersection we sent in the report in the first package we resubmitted. We do have to revise it again based on new information that we have.

Ms. Burgess, 5 lots applicant should rotate wheelchair ramps at intersection with Paine Rd. to allow for accessible pass of proposed roadway. Wheelchair ramps have been relocated as suggested. EEI comment; applicant should specify the correct Mass Highway ramp details to incorporate at intersection. Applicant should coordinate ramp and stop sign location.

Mr. Rosin, No problem.

Ms. Burgess, Drainage #21 stormwater management plan standard #2...(inaudible) shows contributing area of 12.31 acres post development subcatchment link 3C west shows contributing area of 11.8 acres. Applicant should describe that .51 acres to contributing area total if any proposed flows are to leave the site through any drainage patterns off site flooding should be investigated. Response; Post development 11.8 acres does not include runoff on 9 proposed lots. Has been designed to include individual roof infiltration and sized for 100-year storm event. EEI comment; Calculations have not been provided showing roof infiltration will pass for 100 year design storm volume. Calculations should be provided.

Mr. Rosin, Unless something happen in the printing I believe we inserted the 100 year roof volume.

Mr. Kane, I didn't see that I saw the required treatment volume but I didn't see 100 year on roof drains.

Mr. Rosin, We use 280 units and that section only routes the 100 year storm because that is the critical design storm. We use the maximum roof area that was shown on the plans it discards the ...(inaudible) entire volume during that storm.

Mr. Kane, Make sure just include this separately I can copy that with other submittal to make sure. I saw this when you had the required recharge volume based on the soils.

Mr. Houle, Jeff as long as he does that there shouldn't be a problem?

Mr. Kane, Yes look it over very quickly.

Ms. Burgess, #27 stormwater management plan. Response; provided applicant should submit ...(inaudible) that includes schedule maintenance plan for each structure...(inaudible) outline volume see chapter 2 DEP Stormwater Management Policy. Applicant should coordinate schedule with responsible parties in charge.

Mr. Rosin, Jeff our overall inspection and maintenance for the DMP's in general is in the long-term prevention I think control plan. If we were to incorporate the specific infiltration basins detention basin and also treatment unit that we have on the plans into document. Is that what you're looking for?

Mr. Kane, Yes if you look volume chapter 2 that is the outline looking for. You want kind of just concise sheet of paper that someone can have on site someplace.

Mr. Rosin, Summary sure.

Mr. Kane, Or even if the town is going to be responsible for it they can hold it and if you have 8 1/2 x 11 where big area items are has sheet with maintenance issues on it. You mentioned that you're not sure who is going to be final accepting most likely going to be town of NA if you

don't want to put too much on them. You may want to contact them to tell them what you're going to do for the plan is it okay with you something like that.

Mr. Rosin, I think on that one we have a lot of information laid out within the plan set and in the report. We'll just like Jeff said merge it together for more or less user friendly document for whoever is responsible for it. We'll take care of that not a problem.

Ms. Burgess, #10 stormwater management standard #4 applicant proposed to ... (inaudible) detention pond stormwater attenuation for Mass DEP. DEDT should not be used for discharge to critical areas onto protection area due to low ... (inaudible). Applicant should modify design to allow the prescribed pollutant within the proposed DMP. Response; Infiltration basin design has replaced the extended detention pond. EEI comment; applicant should per volume stormwater policy design the infiltration basin with overflow so constructed into existing ground not embankment ensure emergency drains are accessible during emergency situations to stabilize bottom and side slopes recommended by ... (inaudible). Applicant should also make reference to keep heavy equipment trucks off the area during construction to prevent compaction of infiltration area and subsequent loss of infiltration.

Mr. Rosin, Separate from the under drain?

Mr. Kane, Yes I can show you had it on your section I think. You had clean outs and little shut off valve. If pond was flooded you couldn't get to it so matter of either putting the embankment bring riser up so you can get to it if it was flooded. Embankment if you move it should be all set and then make reference to how you want to stabilize the bottom with seed or loam and seed.

Mr. Rosin, No problem.

Ms. Burgess, #46 applicant should identify ensure the required number of trees on proposed lots. Response; the proposed of each lot has been depicted as well as proposed Conservation easement along rear boundary of each lot. EEI comment; Due to proposed amount of clearing grading on Lot 5, 7 and 8 applicant should still verify and identify locate on plans the required number of trees specified by Aquifer Zoning District 12ft. per lot.

Mr. Rosin, Unless Glen has an objection we can send someone out there and locate those trees. They want 3 of the lots the trees we would be preserving that would count toward 12 trees per lot credit. Identify them to be safe those are lots that have most disturbance area proposed. If there is no problem with Glen.

Mr. Kane, That is something you could live with just flag the trees you don't have to go out there with survey anything like that.

Mr. Rosin, I think there is enough out there between the test holes and work that has been done.

Mr. Cerrone, Are we looping the water?

Mr. Rosin, No.

Mr. Houle, Have a dead end?

Mr. Rosin, Yes.

Mr. Cerrone, What do you have for water line on Roseanna?

Mr. Bourque, 8" not looping because you have to go across the creek.

Mr. Cerrone, Okay so there is wetlands there.

Ms. Burgess, DPW dated 10/30/09 (Insert). BOH dated 9/30/09 (Insert). They denied garbage disposals.

Mr. Rosin, Which is fine we'll have to put restriction on the lots.

Mr. Cerrone, You can't do that on septic anyway.

Mr. Houle, Anything from ConCom?

Ms. Burgess, No.

Mr. Rosin, There is hearing on the 17<sup>th</sup>. of this month, which they received the updated plans as well. I believe beside the comments that we got from Earthworks that were also addressed they had landscaping request in buffer area it was taken care of in the revisions. I'm not necessarily foreseeing any outstanding comments with them.

Mr. Cerrone, Do you want to continue this until after the 17<sup>th</sup>. so you can go to Conservation and if there is anything else they have any other questions?

Mr. Houle, See what ConCom has.

Mr. Cerrone, Before we close this then if there is anything else. Mary can draft up the conditions for next meeting so we can approve with conditions and project if everything goes well. This way if something happens and you have to make a change we don't have to reopen public hearing. I think it would be quicker if you wait couple weeks or even month. You're there now you're 99.9 there are only couple things that Jeff has to look at.

Mr. Rosin, Is there any discussion or thoughts on two requested waivers that we have? We had sidewalk for one side and have few areas less than 3ft. of cover on RCP pipe that we're requesting be allowed with stipulation that it be class 4 pipe.

Mr. Cerrone, We've done that on a few other projects.

Mr. Kane, We did talk about this as long as Mass Highway specs class 4.

Mr. Cerrone, We just did it on Massand.

Mr. Rosin, How about aspect of the HTP material did we say we'd have to do a waiver for approved equal?

Mr. Kane, Yes I think we talked about it. If we can get one from manufacture specifications for low cover situations that would take care of that. Depends on how board feels. Issue was either class 4 RCP or equivalent equal HTPE that is classified for shallow cover situations.

Mr. Houle, What do you suggest Jeff?

Mr. Kane, Either one to tell you the truth. I always liked RCP better just for durability but as long as HTPE...(inaudible). Longevity and things of that nature RCP differential settlement issues something like that. I would leave it up to board personally I like RCP better.

Mr. Rosin, We're requesting that the sidewalks be allowed for one side of street only at this point.

Mr. Bourque, Reason for that is excess runoff.

Mr. Peterson, Is there any problem with having it on one side?

Mr. Houle, Other than our regulations you mean?

Mr. Peterson, Yes.

Mr. Houle, You're suggesting it is going to be on one side how about the cul-de-sac itself?

Mr. Rosin, We'd probably go beyond last driveway in cul-de-sac showing it on plan.

Mr. Houle, Why end it there?

Mr. Rosin, Just because it is transition from sidewalk to pavement rather than sidewalk to nowhere.

Mr. Peterson, Has to be on certain side of street?

Stephen Clapp-attorney, I don't think people on side will be walking that way.

Mr. Bourque, This side is 295 where it crosses over there is small section of sidewalk when you get down you have to turn it is all dirt and that is where old former railroad tracks are. There are no sidewalks or anything from here all way up the road.

Mr. Rosin, There is no real advantage in my opinion to having sidewalk that leads to Paine Rd. in this fashion because of situation with roadway how it is configured to the south. There is no pedestrian benefit to having it in that location if anything like Glen said it would be to the north.

Mr. Peterson, Our requirements say it has to be on certain side of the street can't remember which one it is. We'd have to make reference to that it is on side of street.

Mr. Rosin, This is north side that you're suggesting.

Mr. Houle, Refresh my memory Hickory Woods first phase we went around cul-de-sac didn't we?

Ms. Burgess, No I think we stopped at the bulb.

Mr. Peterson, If it does have to be on northerly side then you're going to stop it at access road to detention pond is that what you're saying?

Mr. Rosin, Yes.

Mr. Peterson, That kind of makes sense.

Mr. Rosin, We could take it out to the road it is not big deal but from practicality standpoint the person comes down their driveway ends on the sidewalk. Whether you bring the sidewalk to back or not this person is not going to walk in this fashion. We usually look for the cul-de-sac lot and where driveway is in every situation pretty much end it there when they're on one side.

Mr. Houle, Will that be ADA accessible?

Mr. Rosin, Yes at end we would put ramp. We could use driveway transition that is what I was talking about into driveway is the ramp.

Mr. Peterson, Anybody that lives in middle of that subdivision in a wheelchair rolls himself out to the sidewalk are they going to be able to roll up the hill?

Mr. Rosin, They might be able to end up in the wetlands but if they want to come back up I don't know.

Mr. Cerrone, You know what my flavor is.

Mr. Houle, I want to hear it though. You want sidewalks on both sides?

Mr. Cerrone, Take it out of the book.

Mr. Houle, That is what I said originally.

Mr. Peterson, What does that do to our drainage?

Mr. Rosin, There is small benefit because of zone 2 you're reducing little bit of impervious surface.

Mr. Cerrone, If you're going to have sidewalks on one side don't have it in the book. We made Mrs. Weston do it all over. If you want to keep same flavors for everybody you keep rules for everybody.

Stephen Clapp-attorney, We do have the Aquifer Protection District here.

Mr. Cerrone, I understand that.

Mr. Peterson, I thought it was option in the bylaws.

Mr. Cerrone, No it says you have sidewalks on both sides read the book.

Mr. Peterson, Why does it say in there about if you only have it on one side that it has to be on particular side of the street?

Mr. Cerrone, The board wants to give waiver.

Mr. Peterson, That is what I'm asking. What I'm saying is it isn't cut and dry that you can only have?

Mr. Cerrone, He might be doing other improvements in the area that was in there for that reason. If he is doing other improvements on Paine Rd. or doing something up there fine I don't mind giving him sidewalks on one side.

Mr. Peterson, We making basically policy that everyone is doing it.

Ms. Burgess, I think it has been Planning Boards' policy in future to have it on both sides going forth. However it wouldn't be precedent because it is actually the Aquifer Protection District and less impervious you have the better it is for water quality and fact that wetlands are there. The river is there and all that is right there that wouldn't be precedent but just because of the location of this is in such an environmental sensitive area. I know Don I'm just saying.

Mr. Cerrone, I didn't tell you to develop the place. Well put sidewalks on Paine Rd. around the corner then if you don't want to do other side. Safety for the people who walk up in that area.

Ms. Burgess, You mean put them on front of their property?

Mr. Cerrone, Yes. What do you want me to do?

Mr. Houle, Asking Mr. Thimot how he feels.

Mr. Thimot, One side is enough.

Mr. Peterson, Because it is in the Aquifer I think it would be helpful to the owner one side. Otherwise I would agree put them on both sides. This is massive reworking topography of the site to protect the Aquifer. Seems like we have opportunity to help with impervious material would be benefit to the project.

Mr. Houle, I understand that but I have to tell you Don I think you're right. You just don't throw away the rules.

Mr. Cerrone, I can understand they say we're going to do something in that area fine I don't mind given them break. What do you have 900ft. of sidewalk? What is the cost of that in today's market?

Mr. Rosin, Actually it has to be 1800.

Mr. Cerrone, No figure 900ft. forget about other side that has to go in anyway.

Mr. Houle, So about 900ft.

Mr. Cerrone, What I'm saying is if you were doing something on Paine Rd. it works both ways it's two way street.

Mr. Peterson, How does it effect the drainage calcs.?

Mr. Cerrone, Drainage calcs. should have been figured with double sidewalks.

Mr. Rosin, It is it would obviously stay that way.

Mr. Peterson, Never mind then if it has already been figured and it works.

Mr. Kane, It is really not an engineering issue.

Mr. Rosin, From practical standpoint as well this is kind of unique situation I think in terms of what useful benefit for the community to have sidewalk that ends. With situation with culvert and 90 degree turn is it really useful?

Mr. Cerrone, Let me give you little history. The Mall we had about \$5 or \$600,000 to put sidewalks in whole area they wanted to come down right there. I was on committee there was lady that lived on Paine Rd. she worked for the town Landry. They wanted sidewalks coming down because lot of people walk. They were going to go Allen Ave. come down Paine right to railroad tracks around there tie into 295. There was money that Mall donated that whole area to do that until mitigation went to general fund.

Ms. Burgess, We got most of it back.

Mr. Houle, Lets not get down that road.

Mr. Rosin, If you end up putting it in you're right in the wetlands. I understand why the board would feel that way.

Mr. Houle, Other thing is every time we do this we open up pandora's box for everybody else.

Mr. Cerrone, I think it would look better with sidewalks on both sides because you have mailbox you have grass strip.

Mr. Peterson, It has been designed for two and it works.

Mr. Cerrone, I think subdivision would look good with two sidewalks at the end you're going to say I'm glad we did it. It is going to be beautiful subdivision with two sidewalks.

Mr. Rosin, All right you'll install the south side sidewalk then?

Mr. Cerrone, Not me.

Mr. Houle, I think it should be two sidewalks too I have to be honest. I understand the water issue and how it would help. All the calcs. are figured for two sidewalks right?

Mr. Rosin, Yes.

Mr. Cerrone, I think we did the other subdivision we approved Cushman that has two sidewalks I think.

Ms. Burgess, Right around cul-de-sac.

Mr. Cerrone, Let me ask you question how can we go against your father? He would be having us in court.

Mr. Bourque, Biggest thing is concern with water protection section. Right now we definitely have to have one sidewalk but on other side you still reduce amount of water going down that is the issue. As you go up it doesn't go anywhere. The section where the water comes in near Roseanna you have that concrete headwall they just put in. You can't put sidewalk on that side because you have concrete headwall right there.

Mr. Houle, They can put sidewalk on other side.

Mr. Bourque, But then you have to cross where the road makes sharp bend and since I get my mail there I can tell you it is pretty sharp bend standing on the corner. You can't put sidewalk where the headwall is from practical standpoint. It is not finance of it is the practicality of it.

Mr. Houle, Where would you end sidewalk then just before it?

Mr. Rosin, On Paine Rd. if it was going to be part of development you would end it in back at end of radius. In the future there would be no opportunity to go any further than this point here.

Mr. Houle, It might give the kids place to stand for the bus, busses tend not to come down these cul-de-sacs anymore.

Mr. Bourque, Right now the bus comes up picking up kids isn't it better to have them standing on this side of road than other side of road.

Mr. Houle, Well the yards are right there too.

Mr. Peterson, Sidewalk isn't just for benefit of making into some other site it is also for neighborhood you're building in there.

Mr. Houle, When bus comes I don't know which way it comes but it would also stop they would walk across street and get in. I'm one member of the board I just think that is what rules and regulations state I think there should be sidewalks on both sides.

Mr. Peterson, I'm okay with that.

Ms. Burgess, Okay you got flavor of the board.

Mr. Cerrone, It is something to think about we're not going to vote on it tonight anyway. You have to come back.

Ms. Burgess, Conditions of approval.

Mr. Cerrone, We'll make the vote that night do it with conditions and then maybe you have better idea by that night you might think of something. At least you know where the board stands.

Mr. Rosin, That is all we wanted.

Ms. Burgess, Want to continue it to 17<sup>th</sup>. at 7:00 P.M.? We're going to need extension of final action. Want to do it until 12/31/09 if we get all conditions done.

Mr. Cerrone, Or just draft them and then if there are any changes. You might want to send them copy before they come in so they can read it. Then when they come in if they have any question we'll go through it quick. On draft for conditions send you guys copy when she does it. This way when you come in you know what we're talking about. If you have any questions it give you some time to think about.

Ms. Burgess, As soon as you get revised plans to me the sooner I can work with it with Jeff and John on making sure everything is in there so we can have conditions.

Mr. Cerrone, Once that night we approve it everybody is on same page, draw them up that is it.

Ms. Burgess, We need continuation to 12/17/09 at 7:00 P.M.

Mr. Cerrone, Make motion we continue Woodridge Estates 12/17/09 at 7:00 P.M., seconded by Rich Peterson.

All in favor 4 to 0.

Ms. Burgess, Date of final action extension until 12/31/09?

Mr. Cerrone, Date of final action for same project 12/31/09, seconded by Richard Thimot.

All in favor 4 to 0.

Mr. Cerrone, How many times did you guys meet with the engineer? First time we had all those issues and you guys met once.

Ms. Burgess, And they met with DPW twice.

Mr. Cerrone, My question is why are we going through that process for RFP? System works.

Mr. Kane, You get the right people.

Mr. Cerrone, Your engineering firm first time I think dealt with us I don't think he's ever done anything with us.

Mr. Houle, I will say this Don clearly this worked.

Mr. Cerrone, Yes why because everybody worked together.

Ms. Burgess, It is not hard with notifying everybody it is what we've been doing the whole time.

Mr. Rosin, Mary was very helpful all we did was call and tell her when we could do it and she set everything up.

Mr. Kane, We don't make these regulations up they are there to look at.

Mr. Clapp, There was some pretty good focus on the comments on those two units so when he was able to eliminate them.

Mr. Cerrone, First night it shocked him I could see him that is why I asked how many times you guys met. Once is really good I have to give you guys credit that is real good from both parties. You came down to minor issues.

Mr. Kane, Most of the ones we do lot more adversary lot worse.

Mr. Cerrone, Everybody keeps complaining you guys are too tough everything was there your engineering firm did good job.

Mr. Rosin, You sit down and meet with consultant if you're sitting across the table it is lot different than trying to call him on the phone or not talk at all.

Mr. Cerrone, Or e-mail back and forth. I'm glad everything went well.

Mr. Houle, ConCom meeting is 17<sup>th</sup>?

Ms. Burgess, Yes and I will be at that meeting. I don't think we need Jeff for anything else.

Mr. Houle, Only thing left is other business.

Respectfully

Submitted,

NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, NOVEMBER 12, 2009

Ms. Burgess, Do you want to do other business before we go into executive session?

Mr. Cerrone, Executive session I'm not involved in that. Lets do other business.

Other Business:

Queen's Grant;

Ms. Burgess, I don't have Queen's Grant I have memorandum of understanding.

Mr. Houle, Date on Queen's Grant is 11/9/09.

Ms. Burgess, This is just for the meeting that we have with Conservation on Tuesday. Earthworks just did for RDA for drainage swale.

Memorandum of Understanding;

Mr. Houle, I read it.

Ms. Burgess, I think I basically got everything in that board wanted and that was discussed this meeting.

Mr. Peterson, That was my question do we have to make note of date of meeting that this was all generated from?

Ms. Burgess, I didn't note it but I could.

Mr. Houle, I have another question too. I thought it was 3, 3 and 2 am I wrong on that?

Ms. Burgess, It is 2 representatives and the staff so it becomes 3 you can't have majority of any of the boards. It is 2 representatives and the staff so it ends up coming out to be 3 except BOH, which is 1 representative.

Mr. Houle, This is for sub-committee?

Ms. Burgess, Correct then technical staff/staff.

Mr. Houle, Don you're in the business so I'll ask you not to put you on spot. How many people we could get lot more response to this than we think do you agree with that?

Mr. Cerrone, I think you're going to find this thing the cost you won't believe what it is going to be. Every time Mary picks up phone to ask question they're going to put time clock on that phone. Now Mary can pick up the phone talk to John for 5 minutes and we haven't seen bill from John Lavin or even Jeff. You're going to find we're going to have same problem we had with Earth Tech.

Ms. Burgess, Never going to get hold of anybody.

Mr. Cerrone, That is what happen with Earth Tech. They were too big of a company you were just a number and when they get bills of rate they're going to being paying you want to see screaming. This example tonight worked okay there is nothing wrong with the process.

Mr. Houle, It was very well.

Ms. Burgess, I heard they requested Bob Casper to do review for BOH.

Mr. Cerrone, Bob Casper can do the job he is qualified and is soil engineer. He does the perks nothing wrong with Bob Casper he is great guy he knows his stuff.

Ms. Burgess, Yes I don't know why they don't use him.

Mr. Cerrone, I don't know what Bob Davis's titles are I have no idea.

Ms. Burgess, He is director and agent.

Mr. Cerrone, What I'm saying is the system works it has been working all these years and some people want to break the system they have an agenda that is how you have to look at it. This was great example this engineering firm I don't know when last time he was in front of us.

Mr. Peterson, Maybe that is what we have to show as an example because I've mentioned this before. I'm not necessarily sure it wouldn't be good idea but no one has proven to me shown me example of how something like this could save time and money.

Mr. Cerrone, That is right where are the checks and balances?

Mr. Houle, I asked that question at the meeting at Police Station and obviously no one wanted to step up.

Mr. Peterson, Whole philosophy and this happens lot in town and happens lot every place in the world today. Every one things I think this might be good idea well it may very well a good idea but how about some facts or some example of how this has worked.

Ms. Burgess, It is not going to be easier for me.

Mr. Cerrone, It is going to be worse. You're going to have more problems once that goes than you had now. Now every dept. gives it to you.

Mr. Houle, We may have problem right from get go anyway. I think what they're going to say is they like sub-committee whole sub-committee idea. However I think the other boards well not so much the other boards maybe ConCom is going to request to us that they're on final stage too. I think that is going to be major issue. I don't know that for a fact but I just have a feeling that is going to be major issue. I'm not knocking ConCom I'm just saying.

Mr. Cerrone, I think you're going to have more problems that is my opinion.

Mr. Peterson, Other thing too is I've been looking on occasion at our own bylaws zoning bylaws. There are lot of things that need to be cleaned up, there are lot of things in our zoning laws that need to be cleaned up. I can imagine what other things and BOH procedure. I would like to see us if we're going to keep spending time discuss stuff like this. Maybe we should be spending time to improve our own bylaws.

Ms. Burgess, We're almost done with those rules and regulations last time we were doing updates.

Mr. Peterson, Clean our own house up first and see if that even helps rather than going out and starting a whole new procedure.

Mr. Cerrone, They don't want that they want to be just give them store away that is all they want that is what happening. So if they don't want to follow the rules get rid of the books.

Ms. Burgess, Thing is they don't have rules like us they go by state rules and we go by our own rules.

Mr. Houle, Which works.

Ms. Burgess, Conservation just goes by Wetland Protection Act they could have local bylaw as well but they don't because it wouldn't pass. But with us having our local regulations.

Mr. Cerrone, These are town bylaws we have to have public hearings we have to have that or you go to zoning you have to go to town floor. I have few questions you did good job Mary I have to give you that. Except for #6 I'd like the word different. "Planning Board should review the 3 final candidates submitted by the sub-committee" that is how I would like to word it. And the board under that " will vote to hire engineering firm". So 3 final candidates the board will review. They're not going to tell us which ones we have to hire we're going to review them.

Ms. Burgess, No we're going to give you 3 candidates.

Mr. Cerrone, They're going to say we ranked them for you I don't want that. The whole board reviews them we interview all 3 of them.

Mr. Houle, I think when they give us 3 candidates they shouldn't rank. We're going to be on the sub-committee too if we rank them. I agree with you Don we should come up with 3 candidates and go from there. But I think all 3 boards BOH, ConCom and us should agree that anyone of those final 3 candidates or 2 whatever it is going to be is more than capable of doing this. I'm going to go back to what you were just saying. I haven't seen anything about what it

is going to cost yet and we're sitting here putting all this together and not one person has given me one iota of evidence as to what it will cost.

Mr. Cerrone, Mary how much have they spent so far this project?

Ms. Burgess, \$3000.

Mr. Houle, So if it was in process like this.

Mr. Peterson, How are you going to do it for less than \$3000.

Ms. Burgess, This is the other thing too Conservation used our review.

Mr. Cerrone, That is fine.

Ms. Burgess, I know so it cost less on that end too and BOH didn't hire out.

Mr. Cerrone, Even if \$10,000 because it is 10 lot subdivision \$1000 a lot nothing. We're going through this whole process what is wrong with this picture?

Ms. Burgess, You're going to get into 4-hour minimums, 1-hour conversation.

Mr. Cerrone, Problem you're going to get they're going to say traveling.

Mr. Houle, You're going to have problem with keeping up with it. How are you going to track it? This could be nightmare.

Mr. Peterson, Maybe that is something we should be writing up our concerns about doing something like this.

Ms. Burgess, Who is going to keep track of all the reports, reviews?

Mr. Cerrone, Who is going to review them all?

Ms. Burgess, It can't be me I won't have time to do anything else. Who is going to keep track of all this? I would love to have responsibility but I'd never get anything else done.

Mr. Houle, Well then we have some very real concerns not just rewriting. Maybe we should put another paragraph in here I don't want to state concerns here but.

Mr. Peterson, No it shouldn't be in there.

Mr. Houle, No but this needs to be discussed maybe we need another meeting between all the boards.

Mr. Peterson, Lets go back to procedure. Want to have 3 final candidates no less than 3.

Ms. Burgess, We don't want 2.

Mr. Peterson, There are two problems first of all we want 3 candidates.

Mr. Cerrone, We want 3 candidates.

Mr. Peterson, So sub-committee should choose 3 candidates that is what it should say. But if we don't have 3 candidates what do you do? You just say RFP has to go out again?

Mr. Cerrone, Then it is up to sub-committee to report to everybody to get together. They will know right away.

Mr. Peterson, So then you have to kind of reassess your people to give to the applicants.

Mr. Cerrone, Yes maybe the RFP wasn't written right.

Mr. Peterson, Okay but I would think you would say just 3 candidates not less than 3.

Mr. Houle, Take out no less than.

Mr. Peterson, Maybe if we write down our concerns.

Ms. Burgess, I will write down all my concerns.

Mr. Cerrone, #6 like I said it should be " Planning Board will vote to hire engineering firm" under that first paragraph.

Ms. Burgess, We don't want to award the contract do you want to vote?

Mr. Houle, We have to review "shall review 3 final candidates from sub-committee".

Ms. Burgess, And by majority award the engineering contract to candidate.

Mr. Cerrone, Yes the Planning Board will vote to hire the engineer.

Mr. Houle, That is good wording right there Mary.

Mr. Cerrone, I don't want sub-committee to say this is our number 1, 2 and 3 then they say we told them which one we want.

Ms. Burgess, I'll just put 3 candidates in no specific order that keeps it out of 1,2, 3.

Mr. Houle, #2 here I'm not sure I understand that. Once proposals have been submitted to Town Planner, Conservation Agent and Health Agent shall review proposals for compliance and disregard all proposals that do not meet minimum requirements as specified.

Mr. Peterson, That is if some company comes in and they don't have someone that can handle storm drainage.

Ms. Burgess, So you don't have to look through the unqualified people.

Mr. Houle, This is opening it up for another sub-committee. You get all the proposals in; this is saying "that Town Planner, Conservation Agent and Health Agent will review all the proposals for compliance and disregard". If that is the case that is another sub-committee that is what we're doing.

Ms. Burgess, Don't recommend things like that. This is just time saving effort. Sit down go through them you can tell right off the bat. Minimum requirements are right there if you don't have them you don't have them you disregard them.

Mr. Peterson, What are you going to do give ½ dozen to this dept., ½ dozen to other dept., and say go through them and pick them?

Ms. Burgess, We can all sit down at the table it is not big deal. If you guys want to make more sub-committees.

Mr. Houle, No what I'm saying is it's almost like we have two sub-committee processes to go through.

Ms. Burgess, We're not reading them we're seeing if they comply.

Mr. Cerrone, I think the committee should open them all and then which ones that is what you usually do.

Ms. Burgess, I'm just going worse case scenario you have this huge sub-committee.

Mr. Cerrone, What I'm saying when you have sub-committee lets say you get 20 engineering firms. Night you meet you have 9 people each take 2 look at them that is 18. That is how we did it with Middle School. What we did with Middle School when we interviewed all the architect we had like 6 or 8 of them. Committee took all 6 proposals and we all ranked them. When we went back we knew what I want I didn't know what he wanted and we all voted.

Mr. Peterson, I think that is what Mr. Fisher was getting at with the evaluation.

Mr. Houle, What do we feel about #2? I don't have problem with it per say it just seems like we created two sub-committees because that is kind of way it is worded. Should we word it differently then? Once all proposals have been submitted Town Planner.

Mr. Cerrone, Sub-committee will get together.

Ms. Burgess, If you want to do that it is fine I was trying to save time.

Mr. Peterson, If you say "sub-committee shall be established to review the proposals" then you say "they will review the proposals for compliance and disregard all proposals that don't meet requirements".

Ms. Burgess, Okay I'll just combine those two.

Mr. Peterson, Then you say " sub-committee shall perform all interviews to ensure" and then "shall recommend no less than 3 candidates". So you're kind of combining 2 & 3 together.

Mr. Houle, There is one thing on #5 Don. In the sub-committee I guess if you put the two together like you said it may do the same thing. But it sounds like you left the dept. heads out of it unless I'm reading it wrong.

Ms. Burgess, No it just says " technical staff will also participate in review process" so I didn't have to write out. It sounded weird saying two representatives from Planning Board and Town Planner and two representatives from Conservation and Conservation Agent you know.

Mr. Houle, Okay.

Ms. Burgess, We're not voting we're just assisting you guys.

Mr. Houle, We're going to put 2 and 6 together. Anybody have anything else?

Mr. Peterson, I guess the sub-committee is going to determine procedure and how they're going to choose the candidates.

Mr. Houle, They're going to bring candidates down to 3.

Mr. Peterson, I know but like Don said when they picked the architect.

Ms. Burgess, That is going to be something else this is just how to get there. How sub-committee breaks it down.

Mr. Cerrone, RFP is going to be biggest problem.

Ms. Burgess, Whole thing is going to be nightmare.

Mr. Cerrone, BOH's RFP doesn't say anything I couldn't make heads or tails out of that. I don't know what they're looking for. They don't do perks they said they were going to do perks it didn't say it in RFP.

Mr. Thimot, Who does the perks?

Mr. Cerrone, I have no idea. They sub it out.

Mr. Peterson, I got the impression he said they don't sub all of them out.

Mr. Cerrone, I don't think Mr. Davis does it.

Mr. Peterson, I didn't think he could.

Ms. Burgess, I don't think we can either.

Mr. Peterson, I'm just asking I don't know.

Mr. Houle, Don't you have to be certified to do that?

Ms. Burgess, You have to have MS don't you.

Mr. Houle, Do you want to add anything else or take away anything else?

Mr. Peterson, No.

Mr. Cerrone, No.

Mr. Houle, It is unfortunate Scott isn't here he missed his plane because he got held over.  
2<sup>nd</sup> Review for NeedleTech;

Ms. Burgess, I just wanted you to review it because I wanted to give it to NeedleTech and if you look there are only 3 outstanding items. I was hoping they could take care before next meeting.

Mr. Cerrone, That is fine better off doing that fax it to them and see if they can resolve it.

Mr. Houle, That should save lot of time if you do that so fine send it to them.

Jill Marie Estates;

Ms. Burgess, There were 4 conditions that I couldn't review for them that John needed to review. He reviewed them and they all passed 3/3. Then second page is post office approved their unit. I have question the plan that was approved that I have on file is for 9 lots. The plan they have given me is for 10 lots. They said the board approved 10 lots that night.

Mr. Cerrone, What was the application how many lots?

Ms. Burgess, It said 8 new building lots and 2 revised houses but it references plan with only 9 and there is nothing to it that says another lot.

Mr. Cerrone, Can you get plan out maybe I'll look at it was long time ago it was 4 years Payson was on.

Ms. Burgess, This is plan they gave me but I can show where the mistake is. This is final plan they gave me. Everything is the same except on plan that I have it is just lot 1 is one big lot.

Mr. Cerrone, That exists it was there.

Ms. Burgess, So the plan they gave me it didn't exist.

Mr. Houle, Weren't they going to combine them?

Mr. Cerrone, No he was going to sell the house and keep lot that was always there.

Ms. Burgess, It shows up as 2 lots but it assesses 1.

Mr. Cerrone, Might assess it as 1 but it is 2 lots. That lot has been there this was first phase of Mr. Johnson's subdivision way back in 70's.

Mr. Peterson, Assessed at 1 lot because at one time it was 1 lot?

Mr. Cerrone, Maybe but that lot has been there. Look under Carl Johnson subdivision in 70's you will find that lot.

Ms. Burgess, How do I deal with the problem that conditions don't reference right plans?

Mr. Cerrone, This is existing road this is subdivision that is why they have 9 lots and then 10<sup>th</sup>.

Ms. Burgess, My problem being is conditions speak to this as lots 6 & 7 specifically because the detention ponds, easements and everything. So condition of approval aren't right. Easements will say lot 7 & 8 but conditions will say lot 6 & 7.

Mr. Houle, Do you have plan we approved that night?

Ms. Burgess, This is it.

Mr. Cerrone, You have to go to preliminary plan.

Ms. Burgess, This is plan you approved.

Mr. Cerrone, Who was on the board then?

Mr. Houle, I think it was Joan, you and me I think Ray.

Mr. Cerrone, I think you weren't on for this one. This is more than 4 years.

Ms. Burgess, 05 it started.

Mr. Houle, I came on in 05.

Ms. Burgess, Conditions of approval reference lots 6 and 7 because of detention area.

Mr. Cerrone, You have to get the minutes.

Ms. Burgess, Conditions are wrong that is the problem.

Mr. Cerrone, You have to get the minutes that is long time ago because we went on site visit quite few times over there.

Mr. Houle, We walked through the whole thing.

Mr. Thimot, Is it off of Reservoir?

Mr. Cerrone, Yes.

Mr. Peterson, It doesn't reference this set it references other set?

Ms. Burgess, Right so I have problem trying to make sure this is done.

Mr. Houle, What is the bank saying?

Ms. Burgess, Nothing.

Mr. Houle, He has real bigger problem.

Ms. Burgess, No nothing because it is not approved yet it is not filed.

Mr. Cerrone, It is not recorded hasn't been signed. Get the minutes that is why I said the minutes every time you have to go back to the minutes.

Mr. Houle, We'll take this up at next meeting.

Ms. Burgess, I won't have this for next Thursday. Probably have it at following meeting.

Mr. Cerrone, You have to do some research it is going to take some time.

Mr. Houle, Talk about it and we'll put it on agenda.

Butterfly Estates;

Ms. Burgess, That is just the light it will be put in within next 2 weeks.

Christina Estates;

Ms. Burgess, We met with Mike Iatocchia regarding the generators you were right he wants to put generates out there to get electricity. I don't think he is going to let that go.

Mr. Peterson, How did they get to this point?

Ms. Burgess, They just didn't do anything they just stopped working.

Mr. Houle, How is that our problem?

Ms. Burgess, It's not I just made sure that he knew that I had problems and he needs to address all of them.

Mr. Cerrone, How did they get this far?

Mr. Peterson, They have house there.

Mr. Houle, Do they have occupancies out there?

Ms. Burgess, No.

Mr. Houle, How many houses is he planning on doing that for?

Ms. Burgess, Just two he said just for 30-days so Rod like well I'm going to hold out on the permits for 30-days and wait until real electricity out there.

Mr. Houle, Know what is going to happen 30-days is going to turn into 60 turn into 90-days.

Mr. Peterson, It is not occupied.

Mr. Houle, First time I've seen somebody request that. What do we need to do here?

Ms. Burgess, Nothing we were just CC we're keeping everybody in the loop because it was funny we had five different stories because Iatocchia was telling each person different story. Then we were all at the table we have five different stories what is going on here. He did admit he didn't get wetland crossing.

Mr. Houle, What does Rod say about this?

Ms. Burgess, Rod had on there was stipulation on building permit that no CO was going to be issued until water was there. I guess that's what he thought was saving grace.

Mr. Houle, Basically he was going to just bring in these generators without water?

Ms. Burgess, Right but Rod is not going to let that happen as far as I can see.

Mr. Peterson, If he doesn't have the permission to go over wetlands that messes up plan for subdivision.

Ms. Burgess, Yes. He bought the house on other side to make another entrance.

Mr. Cerrone, Public hearing is going back to scratch.

Ms. Burgess, He has to go to public hearing but he doesn't have to back.

Mr. Cerrone, He has to go to today's standards.

Ms. Burgess, Not if he files and 81W.

Mr. Cerrone, We'll find out.

Nissan Fireside;

Ms. Burgess, Tent has been removed.

Mr. Cerrone, That was good business decision that brought lot of money into town.

Ms. Burgess, They're going to be on next meeting to discuss putting tent back up. They want to continue the business.

Mr. Cerrone, That was lot of revenue the tent.

Ms. Burgess, He does all the detailing I'm sure he makes lot of revenue.

Mr. Cerrone, But tax revenue for town what do we get? Tent city and some guy has to pay rent.

Mr. Houle, In all honesty we gave him a year to get this rectified. How long is this going to go on for?

Ms. Burgess, It was funny because he said he is having hard time getting this through the board. I said it is not the board's fault.

Mr. Cerrone, That is what I told you last meeting when I didn't want to give him extension he blames the board for everything.

Mr. Peterson, What are the regulations for using tent?

Mr. Cerrone, It is not allowed.

Ms. Burgess, We just gave it to him they were supposed to have new building done by now but he's saying it is town's problem.

Letter from Neighbors for Mini Fenway;

Ms. Burgess, I haven't heard anything else on that.

Mr. Houle, What neighbors are these?

Ms. Burgess, Plainville.

Mr. Cerrone, That is really going to generate some serious money. That is going to create lot of good jobs.

Building Permits;

Mr. Cerrone, This doesn't tell you anything. We used to get it.

Mr. Peterson, Mary has told you why.

Ms. Burgess, Did they used to have another system?

Mr. Cerrone, No.

Ms. Burgess, It used to be by hand.

Mr. Cerrone, This is Bodinski one who sold house she died and Boch bought the house. She used to work for the building dept. she used to give it to you in writing every year whenever we asked. So many duplex, so many single family.

Ms. Burgess, I'll ask Sue maybe I misinterpreted it.

Mr. Peterson, I think it would be easier with computer.

Mr. Cerrone, Should be lot quicker you should be able to punch out.

Ms. Burgess, I don't know if they enter them like that.

Human Resource Dept.;

Ms. Burgess, Personnel that is public hearing for Conservation that I'm going to next Tuesday my RDA.

Zoning Applications;

Ms. Burgess, Auctioneer has been there for 3 years so I don't know what to write. It is special permit we don't really have anything in our zoning bylaw for auctioneer quote on quote.

Mr. Cerrone, Is it inside?

Ms. Burgess, Yes it is in Franco American Club. We don't have parking regulations for an auction and they have like 40 something parking spaces. It has been there for 3 years and I didn't even know it. Now they have to get special permit. I wasn't going to write letter because I don't know what to write about it.

Mr. Houle, They're going to hold auctions there publicly right?

Ms. Burgess, They already do for 3 years. Obviously the building is non-conforming we don't even have site plan it was built in 1901. There is really nothing they can do about anything.

Other one of concern I didn't think sign at 51 Robinson was big deal because it is located underneath all big pines there. They just took down half building they're actually coming to us because they took down half building and they're changing parking lot. They're moving the Karate School in there.

Mr. Cerrone, That is across street from residential area.

Ms. Burgess, Yes but they're having an exterior lit sign 3 x 12.

Mr. Cerrone, That's the problem you're in residential area that is R15 so you have to be careful on that.

Mr. Peterson, They had sign and took it down.

Mr. Cerrone, There was sign there with no lights.

Ms. Burgess, Problem being they have their classes at night.

Mr. Cerrone, If you're in R15 zone you're not allowed. This is what I said before when they first went to Zoning Board. If I recall I asked question what zone was it that building? Somebody said it was commercial and I said no. Zone line should have gone to zoning had it allowed now he could have sign. Now you're going to put a sign on R15 area. He can have sign but no lights.

Mr. Peterson, He has to have certain amount of sight lighting to get in and out of his building doesn't he?

Mr. Cerrone, Yes. That is problem he has residential right across the street you have to protect the neighbors.

Mr. Houle, You can't have sign shining up especially if it is going to light up the whole street.

Ms. Burgess, It is behind the pines I don't know what use is being there anyway.

Mr. Cerrone, What happens if somebody cuts the pines?

Ms. Burgess, I don't think anyone is going to cut those pines.

Mr. Houle, What is use of sign behind there anyway?

Ms. Burgess, I don't know.

Mr. Cerrone, We'll put sign behind there then we'll cut the pines. What are you going to do then? I'm glad the building is being used but it should have gone the right way. Zone it commercial so all people get the input.

Ms. Burgess, They already got their relief from zoning.

T-Mobile;

Ms. Burgess, I spoke with Roger today he goes no way are they going to be co-locate the Zoning Board is totally shoot them down. Special Permit to co-locate at 346 Allen Ave. cell tower.

Mr. Peterson, We're just going to repeat what happen before?

Mr. Houle, Is this new cell tower?

Mr. Peterson, This is one that just came before us.

Mr. Houle, It's not even up yet people aren't even aware of it and yet it is changing already.

Mr. Cerrone, They're adding more people.

Ms. Burgess, They're adding more carriers.

Mr. Peterson, They said they were going too. They just got permission to put tower not they're going to put antennas on.

Ms. Burgess, No they already have permission to put some of the antennas on. Now people are co-locating so you have to get Special Permit from Zoning Board.

Mr. Houle, Is that by right that we can't stop them?

Ms. Burgess, When it comes to co-location I have no clue. There is nothing I can really say about it.

Mr. Cerrone, Here is what you want to do. Send them letter saying Planning Board never approved site plan.

Mr. Houle, They never gave us site they never submitted site plan. How can we do anything?

Ms. Burgess, They did submit plan.

Mr. Houle, The night they came before us and then told us I really don't need your okay on this.

Mr. Peterson, I know this is going to be problem. Pursuant to FCC Mandate enhance emergency E911 services required to be nation wide stands for wireless tower communications. Comply with this federal standard the applicant will install 1-E911 global positioning system GPS, etc.

Mr. Cerrone, He's on the towers they can go on.

Mr. Houle, How are we going to say anything now on something that we have no say on in first place?

Ms. Burgess, That is the thing. Remember when I said if we turn it down they're going to have to come back for site plan anyway? They know they have to come back for site plan with us.

Mr. Cerrone, As far as I'm concerned I'm never going to vote on that site. They can do whatever they want like I said there are plenty of towers. We have 7 towers in town.

Town Meeting;

Mr. Cerrone, How did it go?

Mr. Houle, It wasn't bad it wasn't good.

Mr. Cerrone, I have to say one thing somebody asked me a question. They said to me anybody from Planning Board could get up and give gentlemen the answer when public hearing was done.

Mr. Peterson, I was confused by that question in first place.

Mr. Cerrone, He wanted to know what date we had public hearing on the sign.

Mr. Houle, No I think he wanted to know if there was difference between the date that is way I took it. I had no idea what he was asking.

Mr. Peterson, After there was silence I'm sorry I'm not quickest thinker. I raised my hand three times because I went back in my mind to date we had the meeting and date letter was signed and the coincided. I was quite sure what he was getting at and that is what I wanted to make point.

Mr. Cerrone, He might have been able to help you guys if he knew the dates that is what I couldn't understand.

Mr. Peterson, I think it would have made us look heck of lot better but I'm not sure it would helped get it passed.

Mr. Houle, I agree I don't think it was going to get passed either.

Mr. Cerrone, I told you night we had public hearing.

Ms. Burgess, We need to go into executive session to get this done.

Mr. Cerrone, Mary did you redraft that thing?

Ms. Burgess, I haven't had a chance sorry I've been bogged down.

Mr. Cerrone, I'm leaving I'm done I'm not involved in it I won't sit in.

Donald Cerrone left at 10:05 P.M.

Executive Session for legal matters;

Mr. Peterson, Make motion to go into executive session, seconded by Richard Thimot.

All in favor 3 to 0.

Roll Call;

Richard Peterson- Yes.

Richard Thimot- Yes.

Dick Houle- Yes.

Respectfully Submitted,