

**NORTH ATTLEBOROUGH PLANNING BOARD  
REGULAR MONTHLY MEETING  
THURSDAY, FEBRUARY 25, 2010**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, February 25, 2010 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Richard Peterson, Richard Thimot, Richard Houle-chairman and Mary Burgess-town planner.

Planning Board Business:

Approval of Minutes;

12/15/09: All present

2/4/10: All present

Mr. Peterson, I read one of them I did not read the other one. Master Plan one is the one I read

Ms. Burgess, That is the 12/15/09.

Mr. Peterson, I did have couple questions on 12/15/09. Pge 1 3<sup>rd</sup>. line from the bottom I think the should be they. Pge 2. About 2/3rds. way down put word notes I think it is nodes.

Ms. Burgess, I would say its probably like TOD Nodes.

Mr. Houle, Because there are two people missing tonight why don't we put this off until next meeting.

Vouchers;

Earthworks \$545.00 review asbuilts for Queen's Grant.

Earthworks one for Boch/Arns Park and one for Woodridge Estates.

Mr. Houle, Do these all look in order Mary?

Ms. Burgess, Yes.

Chris Charette;

Ms. Burgess, After both of Earthworks reviews they find nothing wrong with the asbuilts. He has completed his contract with us for \$12,900. There is one for each one of his invoices, which he gave us one for first portion, which was Amy and Gerard and then second portion, which was Sarrazin and detention basin. Also bill for W.B. Mason.

Mr. Peterson, Just so some people might be wondering these vouchers are for services provided to review work submitted by applicant and is paid for by applicant it is not coming out of town funds.

Ms. Burgess, Correct except for one we were just talking about Charette that is private account from bond taking.

Mr. Houle, That is end of this now Mary?

Ms. Burgess, Yes Chris Charette has finished his contract.

Old Business:

Site Plan: Boch Attleboro, LLC, 553 South Washingtons Street Note: Final Action Due 2/28/10;

Revised Plans and Stormwater Report was submitted on Tuesday, February 16, at 3:55 P.M.

Notified EEI of new plans. They picked up on Wednesday. Friday deadline for review will not be met.

Dropped plans off at DPW on Wednesday. Friday deadline for review will not be met.

Ms. Burgess, Mr. Clapp came in and filled out the extension of final action due to we were not able to get review done in time for this meeting. They requested to extend final action until 3/31/10 I would need a motion for that.

Mr. Houle, Anything else to read in? Have you gotten any letters from anybody else?

Ms. Burgess, No I have not.

Stephen Clapp-attorney, Representing applicant. At last meeting we were sort of taking chance as to whether or not we could get the reviews done by this meeting and it turned out we couldn't. We're asking to go over to next meeting, which I believe is the 18<sup>th</sup>. and extending time for making decision until the end of the month.

Mr. Houle, What do we have for the 18<sup>th</sup>. right now?

Ms. Burgess, Currently we are open.

Mr. Houle, You want to continue this until the 18<sup>th</sup>?

Ms. Burgess, Yes also with permission of the board because the review will be coming in between I would like permission to forward John Lavin's review to the applicant so we can possibly have workshop in the interim to get some more work done.

Mr. Houle, That is fine. It will actually help expedite things I think little bit.

Ms. Burgess, If board so wishes I just need motion to extend until 3/31/10.

Mr. Peterson, Make motion to extend final action until 3/31/10, seconded by Richard Thimot. All in favor 3 to 0.

Mr. Peterson, Can we ask any questions or discuss any of this, this evening?

Mr. Houle, We should have done it before we just did that but yes.

Ms. Burgess, I would just like to caution you because of the number of members that we have present.

Mr. Peterson, Never mind it is fine.

Ms. Burgess, Does Scott vote on this?

Mr. Houle, I believe he does.

Ms. Burgess, I'd caution just so you need majority vote you need 3 to 0.

Mr. Houle, So we'll see you on the 18<sup>th</sup>.

Ms. Burgess, I've asked John Lavin to have review done by March 3<sup>rd</sup>. so you will have it March 4<sup>th</sup>.

Mr. Houle, Do you need letter from them?

Ms. Burgess, They've already filled out the work.

Site Plan: T-Mobile Northeast, LLC, 346 Allen Ave. Note: Final Action Due 3/3/10;

Site visit held on Saturday February 6 at 10:30 A.M. (DH, SW, RP present)

Mr. Houle, Anything to read in?

Ms. Burgess, Nothing after our discussion and after our site visit I did compile some possible recommendations that the board might want to think about if they desire to approve this site plan. First one was to basically the entire disturbed area outside chain link fence shall be landscaped and maintained by person leasing the area. #2 trees shall be planted along the entire fence with minimum height of top of bob wire on the fence.

Mr. Thimot, Which one is this?

Ms. Burgess, This is the one out 346 Allen Ave. Trees shall be replaced if they die within one year of granting the site plan. #3 green slats shall be installed with in the chain link fence. #4 Note on the plan shall state the following and be located with in the signature block: The Planning Board does not agree with nor have they approved the location, height, or any other dimensional details of the original installation of this mono pole. The original site plan and variance were handled by the North Attleborough Selectmen and Town Counsel through a settlement agreement which allowed the applicant to bypass all other applicable Boards. I know it was concern of the board for people looking over this site plan in the future basically asking why did this get here, how did this get here. I think by including this on the site plan that it would clearly direct how it got here and that it was not approved by the Planning Board.

Mr. Houle, I have one comment I think we all know how we got here I don't think that is worth dredging up. We are where we are the pole is up and we have applicant before us who wants to for lack of better term do a second wave there. I don't know what the board's feelings are on this my personal feeling on this is it is here. I think by Mary putting this in and she told me about it I think it is very good statement we did not approve the initial pole going in. We did not approve anything about it we didn't even see the site plan. However we do have site plan before us now. Pole is in and I don't think looking back way I'm looking at this looking back at this I don't see what we're going to do. We're not going to change anything as to what has happen in the past. I do think we can make it little bit better going forward and that is my thought on it.

Mr. Peterson, I agree with the comment it gives base line to work from now on.

Mr. Houle, I would like to caution you not you but anyone else that might be listening we did not see original site plan we are looking at your site plan. This does not indicate that we approve of how it was done to begin with.

Josh Delman-T-Mobile, Understood.

Mr. Houle, As long as we understand that Mary is there anything else that you think?

Ms. Burgess, Did you want to ask about adding more branches?

Mr. Delman, I think there were 3 items we discussed at site walk. The branches, site completion schedule and Conservation approval. Regarding the branches the pole does come pre fabricated with those extensions. The pole actual steel comes pre fabricated with those attachment mechanisms sticking out of the pole. To have that refabricated really at this point wouldn't be possible. Manufacturer only thing that I could recommend is that something could be banded to the pole itself and often times it doesn't have the same feature that the prefabrication branches have.

Mr. Peterson, You have to tie the branches onto tree and kind of loose some of it.

Mr. Houle, I think I would be little worried about something falling.

Mr. Delman, There are concerns that open up to that in addition to fact that fabricated bark on that pole itself was concern of the manufacturer of pole. They didn't recommend it but if something were to be done that is how it would be done.

Mr. Houle, Basically you're telling me it can't be done.

Mr. Delman, It can be done but they do not recommend that it is done.

Ms. Burgess, And not in the fashion that we were hoping to have it done.

Mr. Delman, They said it wouldn't improve the looks it could actually degrade the appearance of the pole. The construction completion just waiting for power at this point. They feel the power would be delivered in 2 weeks and then have week worth of site work remaining. It is really just ground work. Anticipated time frame is 3 weeks to completion 2 weeks for power to be delivered and week to backfill everything and bring site up to conditions as it is. If site is approved and you impose those conditions on either T-Mobile or SBA that would take little more time maybe week or two.

Mr. Houle, Do we have any letters from anyone else that had any concerns or anything?

Ms. Burgess, Concerns with the co location no.

Mr. Delman, Regarding Conservation per the judgement it approved the site. Conservation did sign off on building permit application I understand. I'm not sure that is deemed an approval but between judgement and sign off on application SBA felt they had gone through proper channels to receive that approval.

Ms. Burgess, Generally what happens when Shannon signs off permit is she pulls up the site and looks to see if there is any wetlands in the area any wetlands that maybe effected by this construction. I know the chair of Conservation is here so he can probably agree with me.

Cliff Bessette, That is what happens.

Ms. Burgess, She looks over the site and then she only signs off on it at that time if she deems appropriate if she needs to go out she goes out.

Mr. Houle, Is that a fair comment?

Mr. Bessette, Yes it is there is no wetlands in that area at all and nowhere near 100ft. or 200ft. buffer zone. Shannon has the authority to do that.

Mr. Houle, Board knows my feelings I don't know if board wants to say anything else. I'll entertain a motion.

Mr. Thimot, We don't make any motion on something we did not approve.

Mr. Houle, We're not approving the original thing we're approving the second if we approve it we're approving the second tier of this thing that came before us. I think it is important to know also that whether we approve this tonight or not I think by approving it we're making it little bit a hate to use word less wrong but we're making it maybe little bit more right if you will.

Mr. Delman, I would suggest tonight that we perhaps continue the hearing I have two concerns. Perhaps would like to have it with full board and secondly I'd like to discuss some of the recommendations from Planning Board with SBA if I could. I think those are burdens that would fall on their plate rather than T-Mobile.

Mr. Houle, I thought you had already discussed this with them.

Mr. Delman, I had discussed them it was their understanding they really wanted to see what conditions would be first before they would accept it. There is probably some discussion to be had there to be quite honest.

Mr. Thimot, I don't know if this is germane to what we're talking about but when we approved site on Rte.1 East Washington St. some years ago we approved it. Last one we approved was with understanding that anymore additions to that tree or mono pole has to be with the approval and recommendation of the Planning Board because we wanted to know that everything was structural sound. I was chairman of board at the time that was one of conditions for approval. To my recollection it has never been followed through and nobody has ever done it.

Ms. Burgess, We have actually received letter from structural engineer for this this project for Boro and for Westcott project. Since you brought that up I've required every applicant since then to provide structural engineers signing off on that.

Mr. Thimot, Good work fine I like that.

Mr. Houle, You would like to continue this?

Mr. Delman, I would be more comfortable continuing it.

Mr. Peterson, You made them aware?

Mr. Delman, From our site visit I made them aware of privacy slats as recommendation, plantings on all sides.

Ms. Burgess, I know back side might be difficult.

Mr. Delman, Yes and the disturbed area landscaping that in some fashion I would certainly want to discuss with them. Then again I would be more comfortable with full board as well.

Ms. Burgess, We can put them on the 18<sup>th</sup>. but we need extension of final action. Then I can e-mail these conditions. Might as well make extension until 3/31/10.

Mr. Houle, Continue until the 18<sup>th</sup>.

Ms. Burgess, Will probably be after Boch.

Mr. Peterson, Make motion extend final action Form O T-Mobile Northeast LLC until 3/31/10, seconded by Richard Thimot.

All in favor 3 to 0.

Site Plan: Case Materials Corporation, 1320 South Washington Street Note: Final Action Due 3/5/10;

Ms. Burgess, They had sent letter withdrawing their application without prejudice or requesting to withdraw their application without prejudice. Planning Board just needs to make motion to accept the withdrawal.

Mr. Peterson, Make motion we accept without prejudicial withdraw the application Form O Case Materials Corp. 320 So. Washington St., seconded by Richard Thimot.

All in favor 3 to 0.

Other Business:

Work Session for Christina Estates Subdivision;

Ms. Burgess, To bring everybody up to speed from Planning Board point of view no plans or documentation has been submitted since last meeting. Conservation did issue the enforcement order requiring revised plans and documentation by February 17<sup>th</sup>. for the February 23 meeting that deadline was also missed. I have copy of memorandum from B. of Public Works from Bill McDowall dated 2/24/10 (insert). Memo from Conservation Shannon Doyle dated 2/24/10 (insert). Basically in a nut shell nothing has changed.

George Hession, Where do we stand?

Ms. Burgess, I've spoken to these people earlier about 2 weeks ago and they had just put down payment on one of the lots there.

Mr. Hession, Nothing has been done on the lot there are 2 houses sitting there that I felt should have been occupied. I didn't know because nobody from Intoccia told us or his lawyer or anybody about what was going on. We came down here and found out on our own. No one contacted us on what was going on.

Mr. Peterson, You put down payment on a lot?

Mr. Hession, \$31,000.

Mr. Houle, It is refundable if anything goes wrong?

Mr. Hession, According to Michael Intoccia it is not contingent on the sale. My mother in law is here it has taking 2 of our homes in Sharon to buy this house. It is going to have in law apartment, which we found out is not legal unless you get variance.

Mr. Houle, Your builder should have told you that.

Mr. Hession, They're telling us nothing and we're getting worried now.

Priscilla Loke, I don't want to sell my house if I haven't got a place to go yet I don't want to lose our deposit we put quite a sum of money down.

Mr. Peterson, Do you know which lot it is?

Ms. Burgess, It is the 3<sup>rd</sup>. one on the left.

Mr. Houle, I don't want to seem hard on this but some of this is not a Planning Board issue. I only have to say that just to state that it really is not our issue to tell you or to tell them. We don't have right to tell them what to tell you. I'm assuming you're going through real estate agent.

Mr. Hession, I had Anna Federeako who works for Intoccia but I've since changed to Caldwell Banker.

Mr. Houle, I would have assumed somebody would have told you this. I'm not in real estate don't get me wrong but I would think that disclosure has to come forward. If in fact you need variance somebody should have said well maybe it won't be a problem but we will have to go before certain boards to get variance for you.

Ms. Burgess, Also the thought is I thought you couldn't sell lot with enforcement order on it.

Mr. Houle, When was the enforcement order put on?

Ms. Burgess, January 28<sup>th</sup>. was the enforcement order.

Mr. Hession, Back in August I believe I purchased it. I bought lot 21.

Mr. Houle, I'm very sensitive to what you guys just said to me. Mary correct me if I'm wrong some of this actually lot of it is not Planning Board issue. We don't even have any jurisdiction over that part of it.

Mr. Hession, What I was here for is when I talked to Mary she said it might be wise for you to sit in on this meeting and listen to what Mr. Intoccia had to say I see he hasn't arrived yet.

Ms. Burgess, They did call.

Mr. Houle, We also have the chairman of ConCom here and BOH which is B. of Health here hearing this and we have Bob also their dept. head. I think there are lot of pertinent people that are hearing this tonight.

Ms. Burgess, Intoccia called this office today asking what time?

Linda Frizzell, His office called.

Ms. Burgess, We said 6:30 P.M.

Mr. Hession, There are 2 other people on that lot I don't know you had said they had walked away because no utilities were in.

Ms. Burgess, Yes I believe their PNS they were able.

Mr. Hession, Her boker who works for Intoccia said that is not true.

Mr. Houle, Cliff if I could put you on the spot just for minute. They did that when and the sale went when? How did this all transpire?

Ms. Burgess, If they did PNS in August that was prior to enforcement order. We just had to start the ball rolling in October is when it started to really go south.

Mr. Houle, Enforcement order happened when?

Ms. Burgess, They did cease and desist first.

Cliff Bessette-Conservation, The enforcement went January 28<sup>th</sup>. and enforcement order goes to March 9<sup>th</sup>. if I'm not mistaken. That is their deadline to gave that basin completed.

Mr. Peterson, You did come to an agreement with them about getting stilling basin?

Mr. Bessette, Yes the night we had our meeting we came to that agreement we gave them until February 16<sup>th</sup>. to get new plans to us with stilling basin. They never came back to us with any information.

Ms. Burgess, They were also suppose to submit to the Planning Board to do that as well.

Mr. Bessette, They were Tuesday with us and order came in and we told them the only way we're going to lift this order is to get thing done by March 9<sup>th</sup>. so he's suppose to be getting it to Shannon.

Mr. Houle, I know that is maybe not answer to your question but you're hearing it from all the boards applicable boards.

Mr. Bessette, Once the stilling basin is in we can lift the enforcement order that means he can commence with any of his other activities. Until that point can't get anything done on that subdivision until that happens. The only way we could get him to do anything was to put the enforcement order.

Mr. Peterson, Are there any other issues?

Ms. Burgess, Yes there is no utilities out there.

Mr. Houle, You people do know that there are no utilities out there at this point right? Water, electricity.

Mr. Hession, They have big propane tanks out there.

Ms. Burgess, It is suppose to be gas.

Don Bates-BOH, We have couple wells that is about it.

Mr. Peterson, What was your original time schedule for having house completed and hopefully to move in?

Mr. Hession, He said it would be completed April 13<sup>th</sup>.

Mr. Houle, He's not even going to get back to ConCom until March 9<sup>th</sup>.

Ms. Burgess, Can't get water until April 1<sup>st</sup>.

Mr. Hession, Then when I heard there was cease and desist and he is in lot of wet water here I said we have to find out what is going on here. I have lawyer in Sharon Eugene Flynn looking into it for me.

Mr. Peterson, Is he a real estate lawyer?

Mr. Hession, I'm not sure I think he does handle real estate.

Mr. Houle, I'm just going to caution the board I don't think we should tell them what to do legally.

Mr. Peterson, Absolutely not.

Ms. Burgess, No.

Mr. Houle, We have no right doing that. I do feel very bad for you and I'm sure you were looking forward to moving in.

Ms. Loke, To be honest with you we've had so many problems if we could get our money back I'd drop it.

Mr. Hession, I would too.

Ms. Loke, I'm to old to go through with it.

Mr. Bates-BOH, Just to sum it up as far as we know please correct me if we're wrong. There is at this point no water, no electicity at this point and for any foreseeable future there will be no sewer that is for sure. I think that just about covers the utilities.

Ms. Burgess, And the road needs to come up.

Mr. Peterson, If they can't get the bridge they may have to reconfigure the end of the road with cul-de-sac, which may effect the lots.

Ms. Burgess, And the drainage.

Mr. Hession, We went up there the other day and you just sink in mud there. I was down here earlier to find out if that was wetlands and they said Lot 21 wasn't wetland.

Ms. Burgess, It is out of jurisdiction it is on other side.

Mr. Hession, It is pretty wet up there you sink down to your ankles in the mud. I've been watching this land even in the summer time when we get rain and I come back week later and it is still sitting on top it is not sinking into the ground. I don't know if there is clay there or what.

Ms. Burgess, It is high groundwater.

Mr. Bates, As far as sewer obviously it has to be septic systems. We've done couple perk test and they were okay but we've not had any plans submitted for systems.

Mr. Houle, He actually has no systems approved?

Mr. Bate, No.

Ms. Loke, We were told that sewerage was coming in.

Mr. Hession, They said when they run sewer line down Cumberland Ave. we will hook you up.

Ms. Loke, We are on septic we come from Sharon I don't particularly care to have that.

Mr. Hession, He didn't know exactly when but he would do it even if it took him a year or two later he'd come in and hook us up to sewerage.

Mr. Bate, DPW because of various things is not hooking any additional systems.

Ms. Burgess, Also that is the Carpinato that intersection so that is actually private. He would have to strike deal with Carpinato in order to get the sewer and then he'd have to sewer all of Cumberland Ave. before he gets to your house.

Todd Taylor-208 Cumberland Ave., I'm left of the entrance Christina Estates. Just quick on sewer thing the story I had heard was probably 5 years and it has to go back up Rte.1. In any

case the water my septic system in my back yard is starting to slow down with this rain. Normal circumstances normal weather granted right now there is still little bit frost in the ground so water is going right by. I've cleaned the storm drains in front of my house couple of times in last couple days so my driveway is not flooded. 4 days of rain that we've had I don't see anything any better or any worse than I have in last 2 years it is always like this. Might not be seen as wetlands but it is wet always wet. Utilities we haven't heard from them they actually contacted us prior to last meeting we attended for easement. They originally wanted to put pole in our yard so they could run the power overhead across the street so they could tie the primary voltage into transformer next to pole. It has turned into couple of meetings and promises potential promises and no return phone calls. I'm not sure what date was sometime in January so its been awhile in the works it has gone from pole in our property into moving our property line gifting us land and there has been all sorts of things said nothing has come through. It pains me to come here and say this because I come from family of developers I always try and understand both sides. When I bought my house we weren't told that there was development going in and it just happen to be it was at right moment in time we couldn't receive letter from the town because we didn't own the house. I guess back when this was happening there was suppose to be letters going out to land abutters we didn't receive one because we didn't own the house. Legally the people who owned the property that sold it to us didn't have to disclose it unless they were asked. Where we didn't know about it we couldn't ask about it 6 months later my neighbor said he just sold his house for a song they're going to tear it down and put road in put 110 homes in your back yard. I'll be corner lot houses out back are 50% more in value than mine things will be good what is it 3 years later I still have pond at end of my driveway with still have half finished road and lot of pipes.

Cliff Bessette-Conservation, We do have mosquito control going out there next week on opposite side of Cumberland Ave. to clean the ditch up. That will alleviate some of the water problems and once DPW ties off the culverts will alleviate some of it.

Mr. Taylor, I'm not trying to say there is problem with DPW or anything like that it is tough area.

Mr. Houle, We understand what you're saying. I think you can see we're all little frustrated to be honest with you. I wish I had something else I could offer you folks obviously it is not our jurisdiction it would really be not wise of me to tell you what I think you should do. I'm not lawyer I'm not in real estate as far as maybe getting your money back you just voiced that maybe you do want to get your money back.

Ms. Loke and Mr. Hession, That is what we'd like to do if we can get it back.

Mr. Houle, I think that is between you, your real estate broker and maybe your lawyer I'm not sure but that is certainly not Planning Board issue.

Ms. Loke, Is it possible that we can get our money back?

Mr. Houle, That is not our jurisdiction our jurisdiction is just town road the layout.

Mr. Loke, You see no building going up there by mid summer do you think this could all be under control?

Mr. Houle, I'm going to answer that only way I can. He has until January 28<sup>th</sup>./March 9<sup>th</sup>. He hasn't even gotten by ConCom yet and that is a big hurdle.

Mr. Bessette, Agreement with us as of Tuesday night to be completed with that basin by the 9<sup>th</sup>. or legal action will be taken.

Mr. Houle, As far as your money that you gave him and as far as being promised any type of sewerage going up there I don't think I'm off base by saying I don't think that is going to happen anytime soon. Mary is that fair enough statement?

Ms. Burgess, Yes.

Ms. Loke, Are gas lines going in there?

Ms. Burgess, I wouldn't know that either.

Mr. Houle, I don't know not at this point. This is the problem we're all little frustrated you have chairs of other boards here we're all frustrated almost as frustrated as you are only we don't have the investment you have in it.

Ms. Burgess, However I think that moving forward I think if this board decides to rescind the subdivision and if Conservation decides to revoke their orders I think it would be easier moving forward for both developer and people who have either put PNS down. I mean as far as having something by mid summer if he gets big influx of money he has to have underground utilities so he has to dig up everything. He has to dig up that road and put it back in he has to come to us with new design for the road and stormwater system and everything else he has to do septic, electric.

Mr. Houle, He has nothing yet so I think it is fair statement to say by March is anything going to happen by then?

Mr. Hession, First building he put in he put lawn and everything then I found out there is no utilities or anything else. Needless to say from rain and everything that lawn is washed out.

Mr. Houle, Out of curiosity did your real estate agent tell you there were no utilities and everything else that you're putting deposit down.

Mr. Hession, Not until we wanted to know what the hold up was.

Mr. Loke, We came here we saw lot of problems. I have the girl that works for him is my real estate and I asked her. She said everything is going to be fine. I told her how come those people with 2 houses how come they haven't moved in? She said they were going to we're having bit of problem putting gas in and water.

Mr. Houle, There is no utilities they can't.

Mr. Hession, Certificate of Occupancy.

Mr. Houle, They can't get one until utilities are there.

Mr. Thimot, Some people lie.

Mr. Hession, This thing could go on for awhile we have to take our houses off the market because we'll be in the street.

Ms. Burgess, I would suggest just because they have March 9<sup>th</sup>. deadline with Conservation to continue this to March 18<sup>th</sup>. I'll do some hard research on rescinding the subdivision and then March 18<sup>th</sup>. take hard look at this. You may have to make hard decision on this and it is going to be unfortunate but I think moving forward we need to prevent this type of subdivision from being built.

Mr. Houle, I'm hoping that more of these people don't come before us that give \$30/\$40,000 on a lot to hold it. I can only hope for you guys. I have to say just so we can all be clear it is not from boards not trying to push this thing forward. We have had work shops, we have had BOH, ConCom the Planning Board all on the same nights trying to get these people to move. It is not a town problem it is not board problem it is their problem in not getting us the information we need. I don't know any other way I can put that.

Ms. Loke, We love the town. I work in town hall in selectmens office so I know what this board goes through and I know everything that happens. That is on work program of course.

Mr. Houle, Why don't we continue this and you folks put this date down and you're all welcome to come.

Ms. Burgess, We can do March 18<sup>th</sup>. I'd also like to follow up with letter to developer and the attorney.

Mr. Houle, Absolutely.

Ms. Burgess, Letting him know what the intention of board is.

Ms. Loke, If nothing is taken up and he hasn't done anything by March 18<sup>th</sup>. I think we're going to get an attorney to try and get our money back or something.

Mr. Houle, Again that is a legal question and we're not here to do that. I feel real bad for you I have to tell you but it is really not Planning Board matter.

Ms. Loke, Yes I know that.

Mr. Hession, He's leveled in Sharon and it has been sitting there suppose to put Sharon Commons in nothing being done there either.

Mr. Houle, We're going to continue it until March 18<sup>th</sup>.

Mr. Hession, I wish that I had brought my lawyer other night.

Mr. Houle, I don't know how you wrote this up I would be surprised if it was not refundable.

Mr. Hession, It was if we didn't sell our homes and we couldn't come up with the money. It is not based upon contingent of sale of our homes.

Mr. Thimot, Was money given to real estate agent?

Mr. Hession, It was given to Intoccia right down on Rte.1.

Mr. Thimot, That is real estate agent right?

Ms. Burgess, He has a realtor company.

Mr. Hession, We had Fredericko I think is related to him somehow she put my house on the market.

Mr. Thimot, Real estate agent has to put money in escrow.

Mr. Houle, Has to go in escrow account that is what I thought.

Mr. Thimot, It does.

Mr. Houle, How long has it been there?

Mr. Hession, Since August.

Mr. Thimot, Still has to be escrow account.

Ms. Burgess, You can have your attorney call me I can explain everything that is going on.

Mr. Hession, I will I gave him all the paperwork that I copied here.

Mr. Houle, He still has 3 major things that have to happen. He hasn't gone through any of the boards yet and he has long way to go yet. If you guys were told you're going to be in your houses by April.

Ms. Loke, Even August I don't think we would be in.

Mr. Hession, They offered extension.

Ms. Loke, I could have sold my house three times but I refused I have no place to go.

Mrs. Taylor, Electrical is there a date the he'll be able to go underground and not have to go on properties?

Ms. Burgess, There are two issues right now the vault is suppose to be on opposite side of the road and they're suppose to bring utilities down from that pole. What they were trying to do was feel you out to see if they could get pole on your property and then go to the electric dept. and say can we do it this way and then come to Planning Board and say they're going to be above ground to here. He hasn't done any of that he doesn't have an approved electrical plan period.

Mrs. Taylor, We said no I just wonder us saying no is there ever going to be electrical.

Mr. Houle, You said no to him already?

Mrs. Taylor, I told him no the first time he came to me and offered me like \$500 to do it.

Mr. Taylor, I've been involved in this buy ins I actually work for power company. It is usually larger sum of money it is not bribe it is usually we're going to compensate you to let us put a pole there and they put it on 5 x5 square. I didn't even realize until I came to last meeting that one of the plans was put vault on other side of the road and run secondary voltage across the street. He had to wait until whatever it is April 1<sup>st</sup>. to open road up to do that. Once I found

that out I realized that things had to be little bit different that is when their tune changed little now we want to put pole bring primary voltage over put vault on this side of road. Can't do it because the vault is suppose to be on other side of road. They have lot of leg work to do just for electrical never mind anything else. Can't have house without electricity but can't have house without pleasing.

Mr. Houle, So you guys know he can't get occupancy permits without it either.

Ms. Burgess, He can't get building permit.

Rod Palmer-building inspector, From last work shop that the board had I've had no contact with Intoccia or his attorney. If there has been any progress on those two houses I'm unaware of it I'm not sure if anything has been done. Nobody has contacted me from Intoccia relative to two houses. To share with you I've had absolutely no contact with them I'm almost out of the loop I feel.

Ms. Burgess, So are we.

Mr. Houle, We hear your frustration I think you can now hear ours obviously we have some decisions to make in near future. Going to continue until March 18<sup>th</sup>. all welcome to come back and hopefully they will be here and we can hear maybe the other side.

Mr. Bessette, If they're interested March 9<sup>th</sup>. we have meeting in this room with Conservation.

Mr. Hession, Yes I want to be at all of them.

Mr. Bessette, They are on for 6:45.

Mr. Houle, I'm sorry we couldn't give you better answer but I'm sure you understand it is not our jurisdiction.

Mr. Hession, He isn't even here so I see he doesn't care.

Ms. Loke, I told him we were coming I told Anna.

Mr. Houle, I would certainly have your lawyer look at doing whatever you want to do other than that I don't know what to tell you.

Mr. Peterson, You're going to look into what we have to do to rescind it what ramifications might be.

Work Session for Assisted Living Bylaw;

- Minimum lot requirement is 15 acres

- Maximum of 80 units per building

- R20= 20 units per acre; R40= 30 units per acre

- Lot size-Bugger/R20 or R40= number of units allowed

- According to 780CMR(Building Code)

- Institutional Areas require:

  - Inpatient treatment areas: 240 gross sq. ft.

  - Outpatient treatment areas: 100 gross sq.ft.

  - Sleeping Area: 120 gross sq.ft.

- Buildable upland definition

Discuss % for Nursing Homes

Parking

Ms. Burgess, I received memo that was addressed to Larry Tilton. He said he was going to inquire with his friend who does this. Memo we did get it on Tuesday so it wasn't in your package. I did go over their recommendations and lot of them are real good recommendations and to my surprise they are really minor ones at that. They did suggest adding some language, changing several to multiple and purpose just changing to make it move little smoother and then add aging senior after active adult.

Mr. Houle, What is the purpose of that?

Ms. Burgess, It is to encourage.

Mr. Peterson, Give you more of a feel that over time.

Ms. Burgess, Yes.

Mr. Houle, Do other towns do that out of curiosity?

Ms. Burgess, Do districts like this yes. Most of them do it more with building permit and less with bylaw kind of like if you're going to build a subdivision type deal not so much with bylaw.

Mr. Thimot, Lot of this stuff we're talking about time going down severally over the years what has been going on here this town is way ahead of most of the towns in SRPEDD district way ahead on all of this stuff.

Ms. Burgess, On copy I gave you in your package I highlighted everything I changed per our last meeting. Minimum lot size is 15 acres. Next page multi unit structure shall not contain more than 80 dwellings and also mentioned in the review that Larry's friend had done he also said it is not economical to have less than 60 units and most of them are in the 80 unit rage. Scott was correct in that one.

Mr. Houle, There was lot of talk about density. How did this change obviously we're just seeing this. How did this change from what we discussed that night? We were talking about different density schedules and things like that.

Ms. Burgess, If you look at your copy of it the actual bylaw. I was just going in order if you go to page 3 that is the permitted density and everything that is highlighted. We came to the equation, which was lot size minus the buffer and then divided either if it is 20 for R20 district or 30 for R40 district equals the maximum number of dwelling units. Then what I also discovered is the maximum floor area ratio per occupant for nursing home or for institutional area is 120 sq.ft. So you need 120sq. ft. per building code per bed.

Mr. Houle, Is that sleeping area?

Ms. Burgess, Yes that is per bed. Inpatient treatment/outpatient treatment is more for hospitals but this is straight out of building code but sleeping area is what we'd be more concerned with. When I talked to couple different planners they also said 120 sq.ft. I would recommend that we make that higher because that is the minimum you can have.

Mr. Houle, You'd like to go higher than 120?

Ms. Burgess, Yes I don't want pack them in there like sardines. This is for the nursing home portion. With our percentages I didn't put percentages from our original. He did say the percentage for nursing home the equation we had from our original was right on was reasonable. After we do lot size minus buffer building could be 40% of the number. There wasn't any change in drainage. There was change in buffer yes I did realize that I put 35 in last sentence it is supposed to be 50.

Mr. Houle, Special regulations?

Ms. Burgess, No special regulations in C and I met to put this in we did discuss this. That you can apply for extension I forgot to put that in and he picked up on that. You have to commence construction within 2 years I was going to add a sentence saying that you can seek extension from Planning Board. I forgot to add that in there so it will be added in there. That was about it.

Mr. Houle, When can you incorporate these so we can take another look at it?

Ms. Burgess, Do you want it for annual town meeting that is due March 1<sup>st</sup>? You know they'll have special during the annual. I think it needs little more.

Mr. Peterson, I think so.

Mr. Houle, I'm not sure we're there yet.

Ms. Burgess, I agree.

Mr. Peterson, And Don isn't here either this is something he's been very interested in pursuing.

Mr. Houle, Scott although he's not going to be on board after that I think he would like to have some ideas too.

Mr. Peterson, I would like to pursue it later.

Mr. Houle, Why don't we at next meeting.

Ms. Burgess, Then I'll have all the changes in.

Mr. Houle, I'm sure Don will have some things.

Ms. Burgess, They did answer he did have good recommendation because I was having hard time with parking. Parking was per peak shift, which I couldn't seem to get to that it is in like every bylaw ever written. It is on page 3 D spaces per employee for the peak shift.

Review Draft of Memorandum of Understanding for RFP;

Mr. Houle, Mary could you read this in for the meeting?

Ms. Burgess, Reading in Memorandum of Understanding for request for proposal for using engineering services with 3 boards (insert).

Mr. Houle, As we were putting this forth probably month and half ago we were waiting to see what was going to happen. B of Health had decided this if fine with them. Cliff has signed the agreement has he not?

Ms. Burgess, Yes.

Mr. Houle, And agreed that this is fine with him also and we were waiting to hear from ConCom. We had already talked about it ourselves and thought this would be fine going forward. I don't want to rehash everything that we've already discussed at last meeting. At next meeting what I would like to do is take vote on it and get it done. If board so chooses to do that.

Mr. Peterson, Yes fine with me.

Don Bates-BOH, Assuming you folks do vote for it as I was telling Cliff probably want to get together discuss mechanic layouts time frames, etc. I know you have some concerns then I would take that information all boards three of us whatever and just inform the selectmen of what is happening. What we're going to do and how we're going to do it.

Ms. Burgess, In all realisticness I would like to have this out in April and be reviewing by May and be done by June.

Mr. Houle, We have to have it out by then.

Ms. Burgess, Just because we're up.

Mr. Bates, I don't see any reason why it can't be done within I don't know 3 weeks.

Mr. Houle, When is our next meeting?

Ms. Burgess, The 18<sup>th</sup>.

Mr. Houle, We'll put this on for the 18<sup>th</sup>. and we'll take vote on it that night. We're two members down tonight and they have right to at least understand what we're doing here.

Mr. Bates, Yes or call special meeting.

Mr. Houle, We'll see what we can do.

Mr. Bates, I know you have the time frame and I'm just concerned.

Ms. Burgess, Luckily we already have the RFP majority of it done so we don't have to redo that. If we had to sit down and do RFP I'd be more concerned.

Mr. Houle, His words are well taken and hope you hear us we're not going to dilly-dally on this in anyway because we have to get going with this.

Mr. Thimot, I would like to make recommendation I have no hidden motive on this. You have 5 member board and in another couple of weeks you're going to have 3 member board with 2 new people have no commitment for this new program. My recommendation is board right now is to hold off until you get new board.

Mr. Houle, Only problem with that our agreement with our current engineering firm is up in July. That won't give us enough time to put RFP out and get everything done. I agree with you in essence of what you're saying.

Mr. Thimot, I'm not trying to stop it I'll go along with you whatever you want to do.

Mr. Houle, What I'm trying to point out to you is whether they went with us or not we had to put this out because our contract with our current engineering firm is up. So what I'm saying is if we wait until then although it sounds good probably would be good thing to do I don't think it is going to give us enough time to get RFP out and get everything done.

Ms. Burgess, We'd have to bring them up to speed too new members.

Mr. Peterson, I think it has to be voted on by our current sitting board not for just scheduling purposes of fact that we've spent lot of time pulling this all together to make it work and to have to start with new people and trying to explain why then they might disagree and all that sort of stuff. I think we've all worked very hard on it and I think we've come to good agreement I think sitting board should vote on it.

Mr. Bates, Absolutely.

Mr. Houle, This sitting board is the ones that put this forward.

Mr. Peterson, I think we should be the ones.

Mr. Houle, March 18<sup>th</sup>.

Ms. Burgess, Also to let you guys know we got reserve fund transfer to advertising and everything like that. We've been thinking ahead and everything like that.

Mr. Houle, If we can Cliff since you're here and Don if we can pull some sort of meeting together before then maybe get this done we'll see what we can do.

Other Business:

Hickory Woods II;

Ms. Burgess, I had workshop with Jeff Kane and Bill McDowell regarding Hickory Woods II and getting that started. Very good workshop I think we got good base line to start running with. One thing I would like to get permission from board what was suggested as first step was to have the road pinned two existing roads pinned. In your package is the layout where we would need to have nails put in and where we were going to have stakes put in. This will accomplish we will know where the road is from where it was designed to be.

Mr. Peterson, You mean it is not the same?

Mr. Houle, This ensures that it should be.

Ms. Burgess, Nobody ever told us it was in right place. In your package you have two layouts in which you can see N's where nails would go and X's are where the post will be staked as well. Moving forward I contacted Yarworth Engineering Co. I did so because I knew he did asbuilts for the other side so he already has information in his computer so we'd be able to get it at less expensive rate because he wouldn't have to add it all into CAD again. He has given quote for \$1,020 to do this surveying work just nails and staking. I'd like to move forward with this while we don't have any snow. What will happen after we get all this information down DPW has offered to go and shoot existing grades for us.

Mr. Houle, Any cost to that?

Ms. Burgess, No. What all this information will be able to do is allow the person who is going to redo these roads to establish base line and that is one of the things we didn't have last time. I think moving forward is more prudent now that we're not as stretched for time. Now that we don't have to wait for more money or anything.

Mr. Peterson, This will establish the limits of the work that they have to replace?

Ms. Burgess, Correct. There are some decisions that Planning Board needs to make because obviously the curbing is going to be an issue because curbing is \$65,000 and we only have

\$175,000 to complete the road. DPW has recommended and will always recommend cape cod berm just because they like the way it is maintained it holds up better and there is no popping out curbs and ruining the road, etc. There will be granite curbing at the catch basins and transitions. Other thing too in order to put the sidewalk in on west side of Pinsonnault Rd. I know you guys are familiar how it just drops off in order to put that sidewalk in we would have to pardon lack of better words grade crap out of people's yards. You're going to have to build it up and then feather it back obviously it is going to be more expensive to do it that way. Because right now that sidewalk would be literally going nowhere it would actually end at end of road at temporary cul-de-sac. I know it was mentioned before because it is temporary cul-de-sac and it will be connected into future development possibly making the future development because they will be using this as access road put sidewalk in at future date that is a possibility.

Mr. Peterson, No matter who puts it in whether we put it in now we put it in now it is going to cost more money. Even if we required next developer come and do it is not going to be good situation to put sidewalk in.

Ms. Burgess, It is not going to be easy for them no. There might be walls that they need to build that side of the road is not conducive to having sidewalk.

Mr. Peterson, If you have to do all kinds of regrade someone's front yard or starting to build retaining walls to get sidewalk how aesthetically appropriate is it for what you're ending up with.

Ms. Burgess, I'd rather see the money that is using the sidewalk to nicely landscape loam and landscape the areas. Lot of it is going to be dug up anyway it might be nice just to be able to put down some nice grass and just move forward with that. I think being able to get good quality road even if it is with cape cod berm I think end product is much better than what is there now.

Mr. Houle, Obviously the bigger issue Rich that goes right to your point. We've only got so much money to work with and biggest thing is we have to get road done. There maybe some improvements that have to be done to drainage over there and few other things before we're done. Here again the board inherited this and we have to bring it to its finalization one way or another. Do I think we're probably going to take some heat on some of this it could very well be but one way or another we have this much to work with and it has to go forward. I agree with you Mary we are going to have to make some decisions.

Ms. Burgess, But for now only decision I'm asking you to make is if I can hire Yarworth to pin the road?

Mr. Houle, Does board have any comments on this?

Mr. Peterson, It seems to make sense if he already has supporting information to do it.

Ms. Burgess, Yes I had Bill look at the price as well and he said that is extremely reasonable.

Mr. Houle, \$1000 to have anybody go out there any engineering firm.

Mr. Peterson, It will save lot of problem down line when you go out for bid and then people start playing with how much work is it going to need what limits are going to be.

Ms. Burgess, Also the good thing is down the line when we need to have asbuilts done as well he'd be able to do asbuilts too.

Mr. Thimot, My comment is wipe it out as fast as you can and cheap as you can.

Mr. Houle, That is what we're trying to do here. We have quorum does somebody want to make motion?

Mr. Thimot, For what?

Ms. Burgess, To hire Mr. Yarworth.

Mr. Thimot, I'll make motion.

Mr. Houle, To hire.

Mr. Peterson, Yarworth Engineering to establish location of the road as existing condition.

Ms. Burgess, As the design condition.

Mr. Peterson, Design condition for repaving section of Hickory Woods.

Mr. Houle, For \$1020 as stated do I hear second.

Mr. Peterson, Second.

Ms. Burgess, Well Dick made the motion and Rich second elaborated.

All in favor 3 to 0.

Mr. Peterson, It is what you meant to say?

Mr. Thimot, Yes I made the motion.

Final Cleanups for Butterfly and Dorey;

Ms. Burgess, That involves having 17 catch basins cleaned and I got quote for \$2125. That includes Butterfly, Magnolia and Pond View so Butterfly and Dorey. Shannon has used this company before she says they are very good and extremely reasonable. TrueX never got back to me so I couldn't get another quote but because it is under \$5000 I don't have to I made an effort.

Mr. Houle, What is total bill?

Ms. Burgess, \$2125 that is going to be for Dorey and Butterfly.

Mr. Thimot, Do we have the cash available?

Mr. Houle, It doesn't say here what he's doing though.

Mr. Peterson, Pump out catch basins.

Ms. Burgess, Yes pump out catch basins the quantity is 17 cost is \$125 per catch basin.

Mr. Thimot, Do we have the money?

Ms. Burgess, We do we have \$10,000 now we have \$8,000 in Butterfly and we still have \$1600 in Dorey.

Mr. Houle, What else needs to be done out there?

Ms. Burgess, That's it so this is final cleanup for road acceptance.

Mr. Thimot, Make motion we do it, seconded by Rich Peterson.

All in favor 3 to 0.

Queen's Grant;

Ms. Burgess, Two review of the asbuilts and those were good.

452 John Dietsch Blvd. Needletech;

Ms. Burgess, They had to push back their retaining wall about foot and half because of the neighbor. That guy didn't want any of his property disturbed he didn't want them anywhere near it so they had to push back retaining wall to 3.1" off the property line instead of they had it 2.5. They kept parking spaces same and turn radius same they just had to push back the sidewalk.

Mr. Houle, Is this a change or?

Ms. Burgess, I'm looking at it as minor modification. If you want them to come back in front of us and represent.

Mr. Houle, Show me exactly what they're moving.

Mr. Peterson, Curve section above.

Ms. Burgess, Remember retaining wall they had to put in they're moving it back 2ft. From property line they're moving it an additional 2ft.

Mr. Peterson, Back into their own property.

Ms. Burgess, Right.

Mr. Houle, What does that do to parking that we've already okayed and everything else?

Ms. Bugess, It doesn't change anything.

Mr. Houle, Do you see any problem with it?

Ms. Burgess, No the parking spaces are still going to be 10 x 20 they're still going to everything else is going to be they had to move sidewalk back a foot. If anything they had stone path and they just had to move that back it didn't change their open space or anything.

Mr. Houle, Doesn't change lighting doesn't change anything like that?

Ms. Burgess, No.

Mr. Houle, How about drainage?

Ms. Burgess, No everything stays the same.

Mr. Houle, You need motion for this to do what?

Ms. Burgess, I don't need motion I just wanted to let him know whether or not you guys agree that it was minor modification and they didn't need to come back in front of the board.

Mr. Houle, I don't think they need to come before the board to be quite honest with you.

Mr. Peterson, I would say no also.

Mr. Thimot, See what they can do to make it nice.

Ms. Burgess, I agree it is going to look really nice over there.

Mr. Houle, You all set on that Mary?

Ms. Burgess, Yes if you want to make motion that is fine it can only reaffirm it.

Mr. Peterson, Make motion that we accept the changes for Needletech as minor modification the moving of the retaining wall, seconded by Richard Thimot.

All in favor 3 to 0.

Petition for Annual Town Meeting;

Ms. Burgess, For us to accept the interest from Hickory Woods.

Mr. Houle, Have you heard anything back on that at all?

Ms. Burgess, No we're all set as far as I know for accepting.

Road Acceptance;

Ms. Burgess, Road acceptance project that I've been working with DPW this is final list of roads that I would like to put up. Roads that have bonds left on them Historical, Alexandra, those two roads are Shawn Jorde and he's going to put the articles up. Lincolnshire Dr., Maybells Dr. Kings and Camelot the developer is deceased so I figured we should just put the roads up and if we need to take the bond to pay for anything I guess we can do that too.

Mr. Houle, How much is in the bond?

Ms. Burgess, \$10,000. James Foley Dr. and Colonial Rd. are also Shawn Jorde and he's putting those up as well as one from Quail Creek II.

Mr. Houle, What about Magnolia?

Ms. Burgess, We're putting Magnolia up.

Mr. Peterson, Shawn Jorde is submitting those for acceptance?

Ms. Burgess, Yes so we're not going to do articles for that one. All the other ones that we don't have bonds on obviously we don't have to do anything to hold developer to put the roads up so I would just like to suggest that Planning Board put them up and just be done with it. It comes out to 5 ½ miles of roadway that hasn't been accepted that is like 34 roads.

Mr. Houle, Are they still giving lot Chapter 90 money?

Ms. Burgess, Infrastructure improvement is huge right now.

Mr. Houle, That is fine Mary.

Ms. Burgess, Okay everybody okay with me submitting these articles for the annual?

Mr. Peterson, Yes.

Zoning Applications for March 16, 2010;

Allen, 65 West Street, Variance side yard setback (addition)

Hindle, 237 E. Washington Street, Special Permit, auto service and repair

Ms. Burgess, One is residential. Hindle I wrote letter about. If you recall they went to town meeting and had their property rezoned. That strip over there was all rezoned C30 so they need special permit to run their auto service out of there. They've been doing this I guess for decades upon decades.

Mr. Thimot, Who says they need special permit?

Ms. Burgess, The C30 zoning district.

Mr. Houle, Rod Palmer.

Ms. Burgess, They have until 2010 to come into compliance 12/31/2010 to come into compliance. They're actually trying to bring their property into compliance, which I said is admirable for owner to attempt to bring it in March.

Mr. Houle, In all fairness he was told that he wasn't in compliance, which he didn't even realize.

Ms. Burgess, Yes he was grandfathered technically.

Mr. Thimot, Have you seen what he has over there?

Ms. Burgess, Yes that is what I said I have concerns about parking have concerns you know he doesn't meet lot of the zoning but it has been there since 1962 or something and before then it was shack of some sorts that he fixed lawnmowers out of.

Mr. Houle, You're just stating lack of space to store vehicles?

Ms. Burgess, We don't have problem with this yes. I was suggesting because of the service on the plan that he submitted he had 14 spaces for display because he also has Class II license to sell used vehicles.

Mr. Peterson, One stop shop.

Ms. Burgess, It is and it's only like 20,000sq.ft. I'd suggested that he switch some of the display area over for some of those cars that are going to be needed to be repaired and replaced and picked up, etc.

Mr. Houle, If I would just stick to one thing on this letter so that maybe it is little less encumbersome on the applicant. Just put other than that the Planning Board doesn't see any particular problems if that is okay with you guys.

Mr. Thimot, I don't have problem.

Mr. Peterson, I have no problem the thing is for kind of use it is do we have to say anything about making sure that they're not storing parts cars there. Parts like you have car in back they go and take tire off or distributor you know what I'm saying?

Ms. Burgess, That is interesting. If they're going to use their display area.

Mr. Peterson, I wouldn't want to see.

Ms. Burgess, Dumpy car out back.

Mr. Peterson, Yes.

Ms. Burgess, Okay we can put something.

Mr. Houle, I'm not sure I know what you want to put there Rich.

Mr. Thimot, I don't know how you can enforce what you're talking about because that piece they take things apart and put them together again.

Mr. Houle, That is what they do back there.

Mr. Peterson, I wouldn't want to see them putting something and cannibalize and leaving it out in back of the shop.

Ms. Burgess, Parts and pieces.

Mr. Houle, What point is that not a Planning Board issue? Rich I don't think that is Planning Board issue.

Mr. Peterson, All right that is what I was asking.

Mr. Houle, If you would add that Mary other than those things stated that Planning Board has no problem with it.

Mr. Thimot, I think you're right it's not a Planning Board issue.

Mr. Houle, It's not I don't think it is.

Annual Town Meeting closes March 1<sup>st</sup>.

Ms. Houle, Do you need to get anything else in besides what we talked about?

Ms. Burgess, Just road acceptance articles and they will be done tomorrow and either I can drop them off at your house and you can return them on Monday.

Mr. Houle, I'll come in and sign them.

Special Town Meeting closes February 22<sup>nd</sup>. Monday.

Mr. Thimot, When is special town meeting?

Ms. Burgess, March 29<sup>th</sup>.

Floor Drain Regulations.

Ms. Burgess, Floor drain bylaw this is draft that BOH is proposing.

Mr. Houle, Did you see any problem with it?

Ms. Burgess, I mean besides the fact that there isn't section.

Mr. Houle, Who is the enforcement?

Ms. Burgess, It should be building inspector and building dept. The one thing under new facilities they didn't give any regulations really towards the installation and reviewing of the new floor drains. As you know the Bob Davis is very quick to say that they don't have any money to enforce any of this. This is an unmandated whatever enforcement.

Mr. Houle, When he goes out there for his inspections he can look at it then right?

Ms. Burgess, I'm not sure.

Mr. Houle, What are they looking for from the board?

Ms. Burgess, They wanted to see if we had any feedback for this. This basically doesn't concern us this is something that if you recall DPW Mark Hollowell, myself were trying to get BOH to do as part of our Aquifer Protection District. That is mainly what this is for this will reinforce our Aquifer Protection District.

Mr. Thimot, What is story about Zoning Board granting variance?

Ms. Burgess, I haven't heard anything since they haven't put application in front of us but she said she would today.

Mr. Houle, Lets finish this are we all set with this?

Mr. Peterson, This is just for our review.

Mr. Houle, Do you have anything you'd like to see that they add or do you disagree with any of it?

Mr. Peterson, Where will this regulation go this will be in BOH regulations?

Ms. Burgess, Yes.

Mr. Peterson, I thought some of the wording was little excessive but fine with me. It is going to be kind of tough to enforce some of those things I would think.

Ms. Burgess, Yes.

Mr. Houle, That was what my first question was who is going to enforce this.

Mr. Peterson, Who is going to go in and make existing someone who owns building go through all it?

Ms. Burgess, Can't even get new buildings to put floor drains in.

Mr. Thimot, As far as I know we have last word on enforcing anything.

Mr. Houle, Do you guys have any problems with this? Would you like to carry this over to next meeting and get some comments.

Mr. Peterson, This is something that has to do with state law correct?

Ms. Burgess, It has to do with our zone 2 and our NIFTY's permit so I've been asking them to do it for year now.

Mr. Peterson, Didn't state kind of throw it back at us the community?

Ms. Burgess, Yes that we had to.

Mr. Peterson, Come up with some sort of regulation.

Ms. Burgess, Apparently it doesn't matter if we enforce it we just have to have it on the books. One of those good bylaws.

Mr. Houle, What if we have one like I think we have here where there is Aquifer Protection area and I see they have petroleum, toxic hazards, materials, waste storage. How is that going to work there?

Ms. Burgess, Obviously they won't be storing hazard waste, petroleum products in Aquifer Protection District moving forward.

Mr. Houle, It all depends on whose comments you want to hear at that meeting.

Ms. Burgess, I don't know I'm just going to ask Mr. Rhino if there is anything else I need to be aware of.

Mr. Thimot, They can't over ride us on that can he?

Ms. Burgess, No.

Mr. Houle, I don't have any problems with this first of all it is BOH they're just asking our input.

Mr. Peterson, It seems like it covers my own thoughts might be difficult to enforce it. I think we had this before.

Human Resources.

NA Electric;

Ms. Burgess, Regarding Christina Estates this is the letter that they didn't know they wanted to have meeting. Christina Estates wanted to have meeting with electric dept. and electric dept. was like what do you want to have meeting about. They still haven't provided X, Y and Z and they never replied to that as well.

Plan Wireless;

Ms. Burgess, This is just review of quote unquote shot clock for cell towers. Have to approve within 60 days of application being filed, 90 days if it requires something/something.

Mr. Houle, Where was this from?

Ms. Burgess, This is new federal law that just came down this is just overview of it.

Sexual Harassment Agreements;

Ms. Burgess, I need you guys to sign the agreement. I have to sign one too.

Mr. Houle, I'm going to read mine I'll bring mine in and sign it here.

Ms. Burgess, That is fine.

Assisted living bylaw:

Larry Tilton and Glen Ofcarcik just arrived.

Ms. Burgess, We're going to continue it. I took the review that your friend did.

Larry Tilton, The architect?

Ms. Burgess, Yes actually we're pretty spot on lot of things. Some of the wording just sugar coating active adults and aging seniors, etc. The per bed is per building code that is 120 sq.ft.

Mr. Tilton, Two beds per room.

Mr. Houle, We are going to talk about it again March 18<sup>th</sup>.

Mr. Tilton, Per shift that was good catch.

Ms. Burgess, Yes and I've been asking about that. I do not know how to do parking for this for all different things but yes I caught that and that was good.

Mr. Tilton, This is all they do.

Ms. Burgess, Overall if that is all they do I'm very happy that those were their only comments.

Mr. Tilton, You can call them anytime. I've opened the door for you I just gave him your name.

Mr. Peterson, That was very helpful.

Mr. Tilton, If you need something just call him.

Christina Estates;

Mr. Houle, You guys are little late.

Ms. Burgess, We're adjourning.

Michael Intoccia, I thought it was 8:00.

Ms. Burgess, No we told you 6:30 when your office called today.

Mr. Intoccia, They told us 8.

Mr. Houle, There were some people here we talked about it and it will be continued until March 18<sup>th</sup>.

Ms. Burgess, You'll get letter informing you of everything that happen.

Mr. Houle, You can watch the meeting on TV.

Mr. Intoccia, Did you want to see the plans?

Ms. Burgess, No.

Mr. Houle, No the people have already left and I think it is only fair that anybody that wants to be here should be here.

Ms. Burgess, If you want to submit them tomorrow and put cover letter on it.

Mr. Intoccia, Yes that way you guys have time to look at it because what we did was just draw a sketch to get your opinion and then do any modifications to it and go from there.

Ms. Burgess, Did you modify the original plans already?

Mr. Intoccia, Yes.

Ms. Burgess, Those are the modifications?

Mr. Tilton, No it is sketch.

Mr. Intoccia, Sketch of it on how it would look and any other modifications.

Mr. Peterson, How what would look?

Mr. Intoccia, Cul-de-sac doing temporary or full cul-de-sac and we didn't do bridge doing another access.

Ms. Burgess, Weren't you suppose to submit a plan that addressed Earthworks?

Mr. Tilton, This is just a sketch.

Ms. Burgess, Okay so you still need to do that.

Mr. Intoccia, Earthwork yes that is next week. That is with ConCom you wanted it too?

Ms. Burgess, Yes.

Mr. Houle, You were supposed to have that all done.

Mr. Intoccia, Right we're doing that we met with ConCom we told them they'd have it by end of next week then we have our crews on standby and that we'd go over the weekend or Monday and go build what they will approve. They already voted on once they get the plan in end of next week give it to their consultant if their consultant says everything is done way it was then we can go start working on right away we don't have to wait for another meeting.

Ms. Burgess, They're expecting it on Tuesday this Tuesday that is what they just said at our meeting. Plan is to be in on Tuesday and you're suppose to have it built by the 9<sup>th</sup>.

Mr. Intoccia, Right built by the 9<sup>th</sup>.

Ms. Burgess, Plan has to be reviewed before their meeting.

Mr. Intoccia, Do best you can Larry.

Ms. Burgess, Apparently you needed 40 hours so Wednesday, Thursday, Friday, Monday, Tuesday.

Mr. Tilton, Sound just like my employees when I say 40 hours you go from 24 hour clock.

Ms. Burgess, No that is 5 working days right?

Mr. Intoccia, We'll get that hopefully by the 9<sup>th</sup>. that will be done, built they will be happy with that.

Mr. Houle, I want to stop this right here. Only reason I'm going to do that is because other people who were here that maybe wanted to say something. You came in late and I think in all fairness to them I'm not going any further.

Mr. Intoccia, I agree.

Ms. Burgess, Just to give heads up it is the Planning Board's consulting engineer that is reviewing that so we need copy as soon as you get it done.

Mr. Intoccia, You want it to you and to ConCom?

Ms. Burgess, Correct you give it to both boards. We're reviewing it for compliance and they're going to review for compliance. If everybody gets the okay if you did it just way Earthworks asked you to do you should not have a problem.

Mr. Tilton, You're talking about Conservation temporary pond?

Ms. Burgess, Correct and what you were supposed to have to us today was your permanent solution.

Mr. Houle, What happen to that guys why are we here?

Mr. Tilton, Horses are going in opposite directions.

Mr. Intoccia, So we know what we have to do then?

Mr. Tilton, Sure.

Mr. Houle, I thought we knew what we were doing before.

Mr. Thimot, I can make suggestion to you watch television and the meeting.

Mr. Intoccia, While we're doing temporary what we're doing for temporary you want full time measure to that?

Ms. Burgess, If you're proposing to make that a cul-de-sac and drainage is to be on that side then you need to get us permanent solution that meaning we have to go through 81W process we have to do public hearing.

Mr. Intoccia, I agree with that I'm just trying to get first the temporary resolved with ConCom so that is done. Then do the permanent right after that.

Ms. Burgess, Okay because permanent was due like today. That is why we gave you from 4<sup>th</sup>. to 25<sup>th</sup>.

Mr. Tilton, That is what we're dealing with right now temporary solution for Conservation.

Ms. Burgess, If you recall I said I wanted it on February 4<sup>th</sup>. you said no I can't get it done by then so we gave you until February 25<sup>th</sup>. and low and behold you didn't get it done for then either.

Mr. Intoccia, Okay you're going to do Conservation then permanent measure.

Ms. Burgess, You should be working on everything. March 18<sup>th</sup>. we continued to si I would like to have permanent solution and like board always says we don't design it for you so either you make the decision file 81W and lets move forward.

Mr. Houle, I would highly recommend you watch the meeting to because there are some people I think that spoke here tonight that were very concerned. It has nothing to do with Planning Board so I would suggest you listen to the meeting.

Mr. Intoccia, Concerned on what? Neighbors or what?

Mr. Peterson, You look at it.

Mr. Houle, Look at it and lets just go from there they are people that gave you a deposit and they had some concerns tonight okay.

Mr. Peterson, And go back and review what we discussed at last meeting make sure you get all your samples right.

Mr. Thimot, Make motion we adjourn, seconded by Rich Peterson.

Adjourned at 8:17 P.M. all in favor 3 to 0.

Respectfully Submitted,