

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, March 3, 2011
6:30 p.m.**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, March 3, 2011 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members present were Chairman Richard Houle, Richard McCarthy, Mary Signoriello and Thomas Welch. Mr. Peterson was not in attendance. Also in attendance was Mary E. Burgess, Town Planner. Chairman Houle called the meeting to order at 6:30 p.m.

Vouchers were signed by the Board

Approval of Minutes

There were no minutes for approval.

New Business

Review Scope of Services for Site Plan Review By-Law Update

Mary Burgess reviewed the scope of services from Beals and Thomas to update the site plan review, which would include, but not be limited to, storm water and traffic, thresholds and other trigger points. With Mary Burges working with Beals and Thomas in the review process, the cost will be \$4,000. The site plan will be updated prior to July 1. The Board signed the Scope of Services as presented.

Mary Burgess Medical Leave

Mary Burgess informed the Board that she will be out on medical leave for six weeks beginning March 31st. She can work from home, and will return to the Office the second week of May.

Articles for 2011 Annual Town Meeting

Chairman Houle signed the Articles for Town Meeting; language includes changes as requested at the last meeting.

**NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, March 3, 2011
6:45 P.M.
(CHRISTINA ESTATES)**

The Public Hearing regarding modifications to the Christina Estates Definitive Subdivision Plan is a continuation from the January 6, 2011 meeting.

Board members present were Chairman Richard Houle, Mary Signoriello and Thomas Welch. Richard McCarthy recused himself from the meeting at 6:45 p.m. Also in attendance was Mary E. Burgess, Town Planner.

Chairman Richard Houle opened the public hearing at 6:45 p.m.

Houle: Mary, anything to read in?

Burgess: I think they should probably bring you up to speed.

Houle: Before we start, you guys do know that we don't have a full Board here tonight, right?

Burgess: We only have three members tonight. We just found out today. Michael knew, I spoke with him earlier.

Houle: And that's okay with you guys?

(Unknown): How does that affect this?

Burgess: well, if you wanted to close tonight, you'd have to get all of them to vote yes.

(Unknown): I don't think that's the case.

(Unknown): Does this mean that if we extend it and came to a hearing whenever from this date, only you three members will be able to vote, or will the other missing members be able to review the file and

Burgess: We have the (inaudible) in place, so they'd have to read the minutes, do the affidavit, and everything like that.

(Unknown): Okay, we don't have a problem.

Houle: So you want to go on tonight?

(Unknown): Yeah, okay. Because technically we need to request an extension anyway.

Houle: So Mary, there's nothing to read in before?

Burgess: I think the stuff we are going to read in, we should probably wait until they give you an update, because it'll make more sense.

Houle: State your name for the record, please.

Kelly Kileen: Kelly Kileen, Coler and Colantonio. Here with me this evening is Ken Caputo and Jim Colantonio. Since we were here last there has been a series of back and forth with your consultant in the Town. We had a workshop last Friday, productive workshop, we had a meeting yesterday with DPW mainly to discuss issues that were raised in the peer consultant's memos. I think when we started there were 45-46 issues, we believe that through our latest submittal on this past Tuesday, Wednesday, that we've address the majority of the issues, in excess of 40 of the issues. There's still an outstanding issue related to our storm water management system that we proposed on the existing lot, that previously was not part of the subdivision, which is now part of the subdivision. Part of the discussion last Friday and

yesterday was drainage within Cumberland and how we discharge from our existing, or proposed basin into this existing line. We discussed it at length with Mr. Kane and Mr. McDowell of the DPW, and we think that we have the alternative to our original design, similar basin, similar size basin, which will encompass this lot in its entirety, however the discharge from that will be routed in a different configuration so as to not affect the existing Cumberland system, which was much desired by the DPW. We do not have that fully designed, since we only met yesterday afternoon, and we anticipate having that design in next week for your peer consultant's review. So that is going to lead us into the request for an extension, I know that there are some dates floating out there (inaudible) upcoming meetings scheduled. But we believe that we've addressed, or by the end of next week, we will have addressed everything, but we've addressed the majority of the issues at this point and essentially, I know that in our workshop we discussed potentially coordinating this with Conservation Commission as well, I'm not sure of the Board's opinion with that. We have kind of been of the opinion that we would like to close one Board and go to the other even if we need to come back to this Board again, we would like to close up Planning Board so that we can proceed with the Commission, Conservation Commission. We leave that up to the Board for discussion.

Ken Caputo: Ken Caputo, with Coler and Colantonio. I would like to add to that, I just want to thank Jeff and extend a thank you through the Board to Bill McDowell. Our meeting yesterday, we were able to put our heads together and really think about things that things that would help this solution at the end of Lizotte and like Kelly said, he'll be back with a submittal and response to that final comment in terms of how we manage the outlet from our detention basin. A lot of work got done this week, I know that Jeff went out of his way to do things, to review material that was coming in very quickly, so the cooperation and the energy that was put into this to get to this point tonight that we can come in and tell you that we're down to one series of comments that all relate to the same topic, we feel pretty good about. The Board should feel confident that by the time we come back again, whenever that is, that we will have a completed design that everybody's comfortable with.

Houle: What is it that you're asking the Board to do tonight? I'm not exactly sure. Was it to explain a little bit or are you here to ask us something?

Caputo: There was an indication that this is stretch for some time, and that the Board wanted to close this matter no later than March 31st. We understand that there's other things happening the rest of this month, I'm not sure you're having another hearing this month, which would mean we wouldn't be able to get back to you until the beginning of April, which would go beyond that date. There was some concern raised that, can we close tonight, and if we didn't close tonight, is a de facto there won't be any more discussion on this, and I guess we're just really saying, we'd like to hear from the Board what your will is regarding the original kind of drop dead date that was floated out there, and what your feelings are about what's left to do in terms of what this Board might want to do, either tonight or by way of extension.

Houle: Well, by way of what you just said, storm water has not been met, correct? Jeff, correct?

Jeff Kane: Correct.

Houle: How about the piping, is that adequate to accept what needs to be done?

Kane: No, the real issue, was the capacity of the existing line within Cumberland, the design that we were presented just a short while ago. The existing infrastructure wouldn't take any additional flow, it's actually over capacity right now, so the design that we were presented, in essence, wouldn't work. So what Ken is talking about is back and forth as far as what could potentially happen to make this work, make this design viable. The applicants believe they have a concept that will work now, I would hold judgment on it, I haven't seen anything as far as calculations or anything like that, but they believe they have a design that they can make this alignment, this new alignment, this new connection to Cumberland Ave., they believe they can make it work now. But they're going to need more time to get that design finalized and obviously have it reviewed and probably go back to Conservation as well.

Houle: Okay, any comments from DPW on the meeting?

Burgess: Yes, I have a letter dated March 2nd from Bill McDowell, Board of Public Works. (Letter read into the meeting; see copy attached).

Burgess: One other thing, I spoke with Mark Hollowell and Bill also today, and they are only concerned with this one matter. Any other outstanding matters, they're not saying to give them an extension of time so they can try to do other things, just to make sure that this design works in the roadway. That was the, they didn't want to say give them more time to.... they wanted me to reiterate the point that they don't, they're not trying to say that you guys...

Houle: Okay. Jeff, do you have any additional comments that you want to make? I didn't mean to cut you short.

Kane: No, that's fine. The meeting wasn't really a brainstorming as far as DPW, us and the applicant trying to come up with an idea, it was more of hey, the design doesn't work right now and the applicant came up with some kind of on the fly ideas that they think may take care of the issues. So really, it's a matter of withholding judgment on our end until we see the design and calculations. I can't tell you really if it will work or if it won't until we see the numbers.

Houle: Certainly, we're not going to close the Public Hearing, I can tell you that, because we don't have anything to close it on, and I would certainly not do that to the Town of North Attleboro. Board, what's your feelings?

Welch: I just had a question. DPW doesn't want the pipe increased in size, but we're having all this additional runoff.

Burgess: Well, they're saying that they're going to keep it on site instead of putting it into the pipe, correct?

Kileen: Let me just put a little of this into perspective. What we're proposing here through this whole modification, we're introducing at this point here up to here, about 640' of pavement, this was previously approved with the cul de sac in this vicinity. The area that we're actually increasing, as far as impervious area, is this small segment here. If we just put this, and I'm

not trying to impress upon anyone calculations or anything like that at this point, but to put it in perspective, volume wise and what we're achieving through this, what we believe the successful redesign of this area, is if we put 7" of water here, which is about your 100-year storm, we can store that in a footprint which is about 8,000 square feet here, we can pull that whole 100-year storm, which is a concern, in this detention basin. Now, from that we believe we can outlet through the road, under the road, and back through the channel that currently drains to this 21" to be upsized to 24" line, and what we'd be removing is this direct connection to this line, achieving Bill's goals of no impact to his infrastructure. So, we're talking about, if we hold that whole storm, if I go back up to here, and hold the whole store for all of this pavement, it's about 10,000 cubic feet, which is, we're designing this basin well in excess of that. That's a fairly good sized basin for the new pavement that's not crediting back this 175 feet that we're taking out. But anyway, just to put a little bit in perspective.

Houle: But, on the other design, which way was the water flowing?

Kileen: This is all coming back down the same way.

Caputo: The real problem is that connection point at Cumberland Ave. Bill pointed out to us some things downstream on I guess it's the east side of Cumberland Ave., that that channel only goes so far, and then it's unmaintained, the property owners on that side don't want it maintained, have stopped mosquito control before from going in and opening up the channel for better channel flow. So as such, he's very hesitant about increasing the capacity of his system, which would be a solution, possibly, but he doesn't want to go there. So, that little connection point is really the hurdle we need to redesign and change, and that's why we've got the ability from an elevation standpoint to channelize it back onto our property so that we don't, we can relocate the connection point, not exacerbate the capacity or impact the existing Cumberland Ave. system, and that's where Kelly needs some time to draw it up, show calculations, and work with Jeff to see that this alternative that we're thinking about is going to be feasible. It's a needle in a haystack, but we found it and now we have to deal with it.

Welch: Is there a house on there now?

Caputo: Yes, there is a house and it's coming down. One of the things, one of the comments that Jeff had was we had not performed test pits, and what was underneath the house, and what was in the infiltration area, depth of ground water. Kelly and Michael's team went out there on Tuesday, performed I think six test pits plus an excavation next to the foundation, found reasonable soils were found, high ground water, and that basin as originally submitted to you was an infiltration basin. Now it's going to be designed and calculated as a detention basin, so that's where Kelly was getting at with all the storage volume and not taking any credit for infiltration. These things have to come together in a nice tight package to address this one...

Welch: But the material was acceptable for drainage?

Caputo: Oh, yeah.

Kileen: Exclusive of the existing septic system.

Houle: Well, obviously we have a great deal of respect for Jeff, Jeff's opinion, our PE, and also the opinion of DPW, and I thank Bill and the people over there for giving to us. Is the Board's flavor to extend this, that's number one?

Burgess: I just have one thing. So, where you're alternative is going to go under the road, and it's going to go back into the wetland, my concern would be to, if that's how you're going to deal with this, then maybe you should go to Conservation because it might change the whole design of the project again. So that's my concern, maybe if we do extend it, we give them a couple of extra months to go through Conservation,

Houle: And get through Conservation.

Burgess: Yes, because if there's going to be any plan changes, Conservation is looking at the same storm water, but they're also looking at wetlands. So if we can make them meet storm water on our side, that's great, but what if it doesn't meet storm water and wetlands on that side, then they'd have to come back again. I think it would just be easier to have one plan, make sure both Boards are on the same page, because this is a big wetland there, and over here too, as well. So, and you have residents that are already living there that live with the flooding and everything like that, I just think that that might be a better way to go with regards to closing this project and actually having a modification that can be approved as is instead of with more conditions.

Houle: I personally agree 100% with that.

Welch: I think they should be looking at the same plan, obviously.

Houle: I also think that, even if we were to give you guys the okay, the go-ahead, you could get stopped right there, so I personally would like to see, since you are doing it and they way it's going to be done here, I personally would like to see you guys go through Conservation first. Let them tell you what needs to be done, you guys bring it to them, let them tell us that's totally acceptable, then come to us.

Michael Intoccia: Michael from Intoccia Construction. So you would have to file in front of ConCom to go to get this approved?

Caputo: We would have to file a request for an amended order of conditions, which we have to file anyway.

Intoccia: So if we're gonna file that now, so we'll file that now and get that through, and get back here.

Caputo: It's the same filing, and it will put this design right on the table. We would in that path of direction, we would still like to be able to, if Kelly's going to have the design and calculations done in a week, we'd still like to be able to submit them to Mary and have Jeff review them, so we know from a purely engineering storm water point of view, we've got something that at least Jeff and Bill McDowell, Mary are comfortable technically works, and then

that way we'll be working with ConCom from the aspect of the combination of, as you just said Mr. Chairman, storm water and wetlands. But we'd like to know that we've got time now, we'd like to know that we have a solution from just an engineering standpoint is acceptable to your agents and professionals. You'd still have to see us again and receive testimony once we get through ConCom, but at least we know we're going through ConCom with an engineering solution that's...

Houle: But we're not going to approve it, that I'm telling you right now, until ConCom gives us some sort of definite yea or nay.

Caputo: You'd like to see ConCom issue their decision, we'd like to see ConCom issue their decision as well, knowing that the professionals and your consultants also agree with that decision.

Burgess: Well, he'll be the consultant for ConCom, too, so you'll have your storm water majority will be, notwithstanding the new stuff. And then you'll have your wetlands person.

Houle: Mary, do you have any problem with Jeff with him submitting this, and then maybe you giving him some, what do you guys want to do, have a workshop with him or something?

Caputo: Just get comments back, if the calculations....

Houle: We don't design your stuff for you guys, you have the rules and regulations, this is a very old subdivision, and it's going and going and going, and our patience quite honestly is really dwindled at this point, I'm just letting you guys know. Whatever you come up with ConCom, make it work, it's as simple as that. This is not rocket science.

Intoccia: What he's trying to say is if they design it, they can give it to him to review to get his comments back.

Burgess: Yes.

Intoccia: Because like we just did, now, we did design, we had some good comments, we came back today and, it'll just be saving time.

Houle: How many times have we done this, though?

Intoccia: I know, that's why we just want to get it so when we come back in front of you, we've got all his comments and we've got everything answered.

Houle: That okay, Mary, you feel all right with that?

Burgess: Yes.

Kane: If you want to go to ConCom with an unofficial filing and present the concept to them and get kind of a straw poll idea if they would be okay with it.

Houle: From them first?

Kane: Yes, as opposed to doing an official filing and then waiting for us (multiple conversations, inaudible)

Houle: Just out of curiosity, why would that be a waste of time? Because you have to go before them anyway.

Caputo: We've gone informally to them to present this concept.

Kileen: We've already been under an enforcement order, so they're aware of it. This was presented informally to them previously.

Houle: This plan?

Kileen: There's substantial issues related to the crossing here, which brings us to this whole redesign, so they are aware of the project.

Kane: But the change now to drain out to the wetlands as opposed to going to Cumberland, that's a big change

Caputo: That has to be presented.

Houle: So that hasn't been presented.

Kane: You might want to go conceptually and show them first before doing an official filing, it's just an idea.

Burgess: Because they have their 24, 25 foot buffer that they like to keep from direct (inaudible) and all that stuff, you might want to, so then if you to modify the design again, you can do it before.

Kileen: (inaudible) for total impact here as well, we're taking close to 4,500 square feet of impact away from the previously approved project, so the 1200 square feet that we may impact by going up behind the (multiple conversations, inaudible)

Kane: (inaudible) in the concept level, just talking with them without an official filing. It's an idea, it may speed it up just because now you're not going to have to continually be waiting to hear on one thing or the other thing and you can present them with something they've seen before.

Houle: They're right here in the office, too, it's not like we're not going to know what you presented and what they thought.

Intoccia: What about a staff level meeting as opposed to meeting with the Commission itself?

Kane: I would meet with the Commission, without filing, just present it to them as a concept and get some feedback from them before you say here's the final designed plan. Just present it to them, maybe get them onboard with what they would like to see, and you can do it through mitigation, and then go back and when we're done with the calculations with you and you know the design is going to work, then you can submit your concept or your actual filing.

Jim Colantonio: Jim Colantonio here, for the record. For the review, Jeff, the review you're going to do, I mean if ConCom is going to consider it, they're going to want you to review it too, right?

Kane: Right.

Colantonio: So isn't it, what we're submitting to you is only the hydraulic piece, do you review it beyond that?

Kane: Yes, we'll review it as far as the wetlands and things of that nature. As far as what the members themselves may feel is necessary or requested for mitigation, or anything of that nature, and the concept itself, that's why I'm saying you should submit to them just the concept to get feedback.

Colantonio: I understand. What I'm trying to understand is if we're putting together a package for you to review, why not cover the whole deal with ConCom, you're going to get it anyway, you're going to review it only once, it's the same review.

Houle: Yes, but we're two separate boards, you have to go through your steps with them, and go through your steps with us, so let's not even go there.

Caputo: Well, we'll take, I mean Jeff's given us some advice, in terms of

Kane: It's an idea, again, it's whatever you feel

Kileen: I think that's a good idea

Houle: It might expedite this thing a little bit for you, too. You might not be looking it right, it might just expedite this thing, or not, you may find out, I'm not going to speak for ConCom, but that's the way I would like to see it, personally. I think Jeff, that's a good idea, that way we kind of, we're going to know where we're all going, we know what DPW feels. Mary, anything else?

Burgess: Eight weeks? Conservation, file with Conservation, that's going to take you 2-3 weeks, right? In the meantime you can have a workshop with them. Probably 8 weeks, I'm just thinking of extension of final action and then a date for them to come back to us.

Intoccia: I'd like to try and come back sometime by the end of April.

Burgess: I'm just saying final action, so how about final action May 31st?

Intoccia: Can you put us on at the end of April?

Burgess: Our second meeting in April would be the 21st, I believe that's the week of school vacation with Patriot's Day? So I don't know if you guys want to

Houle: Go to the next week, Mary.

Burgess: The 28th? Okay we'll go to the 28th of April for that.

Intoccia: That way by that time we'll have everything (inaudible)

Caputo: We'll be able to update you anyhow.

Houle: Do we need a motion, Mary?

Burgess: Yes.

Welch: I make a motion to continue the hearing on Christina Estates to April 28th, 6:45 p.m., and final action to May 31st.

Houle: Second?

Signoriello: I second.

Houle: All in favor?

Houle, Welch, Signoriello: Aye.

Houle: Motion passes 3 – 0

Public Hearing closed at 7:15 p.m. Mr. McCarthy returned to the Open Meeting.

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING (Continued)
THURSDAY, March 3, 2011**

New Business (continued)

Harris Farms Request for Bond Release

The item will be continued to the next meeting at the request of the applicant. It will be on the March 22nd meeting agenda.

Other Business

Target Renovations

Mary Burgess reported that Target will be renovating the interior of the store and as a result there will be 30-40 temporary storage units in the parking lot during the duration of the renovation. Jerome Rego from Target was in attendance to outline the project, which will last

three months (April to June). Board members expressed concern over safety issues in the area around the storage containers, and requested barriers, fencing around the storage containers and signage. Following the presentation and brief discussion, the Board directed Mary Burgess to write a letter to the Building Inspector and Chief of Police informing them of the temporary barriers, fencing and signage during the renovation period.

Correspondence

The Board reviewed correspondence on the following:

- **Emerald Square Modifications** Mary Burgess received replies to the Planning Board's inquiries from the Building Inspector and Chief of Police; she is still awaiting replies from other Town Departments. Attorney David Manoogian, representing Simon Co. asked that he get copies of the responses received to date. He also requested a workshop to further discuss a possible by-law change with the Board. The matter will be placed on the March 22nd agenda.
- **Zoning Map** Mary Burgess reported that she received correspondence from the Selectmen that there are no plans for the LeStage property or the property off of Cliff Road. Don Cerrone requested that his property remain the same. Following brief discussion, it was the consensus of the Board to leave the property as is.

Attorney David Manoogian was in attendance to represent David Walsh who is requesting that his property remain the same or change it to R15. Following brief discussion, it was the consensus of the Board to leave the property as is.

Zoning Applications

The Board reviewed the following Zoning Applications:

- Kieltyka, 120 Commonwealth Ave., Special Permit, mixed use
- Dooley, 76-78 Oakhurst, Variance, frontage
- Kinsley (North Bowl), 71 East Washington Street, Variance, open space and setbacks. Following brief discussion, the Board directed Mary Burgess to write a letter stating the open space and setbacks do not meet regulations.

Adjournment

Ms. Signoriello made a motion to adjourn the meeting. Seconded by Mr. Welch. Motion carried 4 – 0. The meeting adjourned at 8:40 p.m.

Respectfully Submitted,

Mary Signoriello
Secretary