

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
Thursday, June 16, 2011
6:30 p.m.**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, June 16, 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 McCarthy, Vice Chairman Richard Peterson, Richard Houle and Thomas Welch. Board member Mary Signoriello was not in attendance. Also in attendance was Town Planner Mary Burgess. Chairman McCarthy called the meeting to order at 6:30 p.m.

Vouchers were reviewed and signed.

Minutes:

Mr. Houle made a motion to approve the minutes of April 28, 2011. Seconded by Mr. Peterson. Motion carried 3-0-1 (McCarthy abstained).

Mr. Houle made a motion to approve the minutes of May 19, 2011. Seconded by Mr. Peterson. Motion carried 4 to 0.

Mr. Houle made a motion to approve the minutes of May 24, 2011. Seconded by Mr. Peterson. Motion carried 4 to 0.

Renewal of Consulting Engineers' Service Contracts:

Mary Burgess stated that the service contracts for Beals & Thomas and Earthworks Engineering, are up for renewal; both contracts are renewable yearly for up to three years. Gerry Preble was present to answer any questions from the Board regarding the work provided by Beals & Thomas. It was requested that, in the written reports, B & T refers to specific policy numbers, and what the policy pertains to. Following brief discussion, Mr. Houle made a motion to extend the contract date for Beals & Thomas to July 15, 2012. Seconded by Mr. Peterson. Motion carried 4 to 0.

Jeff Kane was in attendance to represent Earthworks Engineering, Inc. The Board reviewed the past year's projects, and suggested future reports include an executive summary at the end.

**NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, JUNE 16, 2011
6:45 P.M.
(Christina Estates)**

Vice Chairman Peterson opened the public hearing at 6:50 p.m. The Public Hearing regarding Christina Estates is a continuation from the April 28, 2011 meeting. Board members present were Vice Chairman Richard Peterson, Richard Houle and Thomas Welch. Chairman Richard McCarthy recused himself from the Public Hearing at 6:50 p.m. Mary Signoriello was not in attendance. Also in attendance was Town Planner Mary Burgess.

Peterson: The Planning Board opens the Public Hearing for Christina Estates Modifications, date of Final Action is August 31, 2011. Is there anybody to speak on behalf of Christina Estates?

Houle: Mary, I would just like to make a note that this is not the first time that this happened, and quite frankly, I'm sick and tired of it. As elected officials we're all here to do a job and our time is very valuable. We all work during the day, and I don't think that this is right.

Peterson: Absolutely.

Houle: I just wanted to say that.

Burgess: I'll follow up with a letter saying that August 18th is it, or withdraw your modification.

Welch: We need to

Burgess: I think after our conversation today, Tom, you're right, we should just pull the plug on it.

Welch: I just don't know how long we can keep doing this, it just goes on and on, and like Dick said, they don't show up for meetings, they're using the Board's time, and we need to

Houle: I agree with you, listen, how long is this going to go on for? Mary, by the way, just for the record, how old is this, this is six years old?

Burgess: '05, '06. Five years old. It went on for two years before that

Houle: Mary, and just as an update, are they any further with the Town as far as taxes?

Burgess: I know nothing about the taxes, I haven't heard anything about that. All I know is Conservation, they're supposed to be on for Tuesday, and they just got, I think you just got the review?

Jeff Kane: Yeah, that would be extended because they're going to look at the wetland line again, so

Burgess: Yeah, so they didn't get the review in time, so she's looking to put them on for July.

Houle: How about DPW?

Burgess: We haven't really discussed anything with DPW yet, Conservation only

Peterson: But the last time they were in here, the whole premise of this was that they were going to go to Conservation first, and get their orders

Kane: They did file

Burgess: They did file, but

Peterson: But they didn't get the information until

Burgess: They haven't been forthcoming with the information that's needed in a timely fashion to be reviewed in order for the meeting.

Welch: And we didn't get a call today from the engineer or from Intoccia, whether they would be here or not?

Burgess: No. And I used to call and remind, but I'm no longer doing that.

Welch: You can't chase them, that's ridiculous.

Houle: They did ask to be placed on this meeting?

Burgess: We extended them to it. My recommendation would be to continue this to August 18th at 6:45.

Peterson: And if they don't show up with pertinent information, that we've already discussed that we want,

Burgess: I think that a letter should go out saying that, if you're not completed with Conservation by this time and you cannot close, then either withdraw or risk a denial, something to that effect.

Houle: I agree Mary.

Peterson: I'd be willing to do it right now.

Houle: Do you need a motion for that?

Peterson: This has really gone on way to much.

Houle: It really has. Mary, do you need a motion?

Burgess: I do, a motion to continue the Public Hearing to August 18th at 6:45.

Welch: I make a motion to continue the Public Hearing for proposed modifications to Christina Estates definitive subdivision to August 18th at 6:45.

Houle: I'll second that.

Peterson: All in favor?

(Motion carried 3 to 0)

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING (Continued at 6:54)
THURSDAY, June 16, 2011**

Richard McCarthy returned to the Open Session at 6:54 p.m.

Renewal of Consulting Engineers' Service Contracts (Continued):

Mr. Houle made a motion to extend the contract date for Earthworks Engineering, Inc. to July 15, 2012. Seconded by Mr. Peterson. Motion carried 4 to 0.

**NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, JUNE 16, 2011
7:00 P.M.
(Cushman Estates)**

Chairman Richard McCarthy opened the public hearing at 7:00 p.m. The Public Hearing regarding Cushman Estates preliminary subdivision plans is a continuation from the May 19, 2011 meeting. Board members present were Chairman Richard McCarthy, Vice Chairman Richard Peterson, Richard Houle and Thomas Welch. Mary Signoriello was not in attendance. Also in attendance was Town Planner Mary Burgess.

Stephen Clapp: Mr. Chairman, members of the Board, good evening. My name is Stephen Clapp, I represent the applicants, I'm an attorney with offices in North Attleboro. I'm here to request another postponement, if you would indulge us, to the next convenient hearing date.

McCarthy: Alright,

Clapp: We would like to extend the time for making a decision to facilitate that.

McCarthy: Could you maybe just give us an indication what you need to address for another continuance?

Clapp: The engineers were to prepare a schedule of the changes from the first preliminary to the second and submit it prior to this meeting, and that hasn't been accomplished yet, and we needed more time to do that.

Burgess: We're pretty full on the 21st. August 18th?

Clapp: That's fine.

Burgess: Okay. I will need an extension of final action, as well.

McCarthy: We decided to take a couple of meetings off in the summer, so

Clapp: I can understand why.

Burgess: Do you want to extend to the end of August, which is the 31st?

Houle: What are the dates, Mary?

Burgess: First extend the preliminary subdivision hearing to August 18th,

McCarthy: Just for the record, I did sign the **Mullin** form so I can participate in this, because I did miss the previous hearing on the 28th of April.

Houle: And the Final Action, Mary, would be

Burgess: August 31st.

McCarthy: Is that good enough, or do we need more time?

Burgess: Well, it's up to the applicant, if you think

Clapp: I think that we should be able to wrap it up on the 18th.

Burgess: Okay

Clapp: We'd be certainly happy to extend that time if more time is needed.

Houle: I'll make a motion that we extend Cushman Estates to August 10th

Burgess: August 18th

Houle: Excuse me, August 18th.

McCarthy: Do I have a second?

Peterson: Second.

Burgess: And that will be at 7:15.

McCarthy: All those in favor?

(Motion carried 4 to 0)

Houle: I make a motion that we extend the date of Final Action to August 31st for Cushman.

Peterson: Second.

McCarthy: All those in favor?

(Motion carried 4 to 0)

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING (Continued at 7:03)
THURSDAY, June 16, 2011**

New Business:

Boch Toyota – Public Hearing Date Request

Based on the recommendation of the Town Planner, Mr. Houle made a motion that a Public Hearing for Boch Attleboro, LLC be set for July 21, 2011 at 8:00 p.m. Seconded by Mr. Welch. Motion carried 4 to 0. Chairman McCarthy requested that Jeff Kane from Earthworks Engineering be in attendance for that meeting.

Work Session:

Transit Oriented Development

The Board reviewed the final draft as presented by Town Planner Burgess, and the timeline for the next steps. Once approved, the draft will be forwarded to all departments for comments; feedback will be reviewed at the July 21st meeting. Stakeholders will be invited (via certified mail) to the August 18th meeting, and the Board will pursue placing the T.O.D. By-Law on the Semi-Annual or Special Town Meeting in the fall.

Following brief discussion, Mr. Houle made a motion to approve the final draft of the T.O.D. By-Law, dated May 25, 2011, as amended. Mr. Peterson seconded. Motion carried 4 to 0.

Emerald Square Mall:

Mary Burgess distributed to the Board and read into the record a copy of an email response received from Town Counsel Roger Ferris, regarding the legality of a by-law proposed by Attorney David Manoogian on behalf of Emerald Square Mall. The proposed by-law would give granting rights for exhibition space to the Board of Selectmen.

In attendance to present on behalf of Emerald Square Mall were Attorney David Manoogian and General Manager Tom Smith. Lengthy discussion ensued, during which Board members expressed opposition to the proposal, citing public safety issues and a lack of performance standards, and the fact that the Planning Board is the Special Permit Granting Authority. Board members also reiterated their desire to support the mall in with their endeavors to increase revenues. Chairman McCarthy requested he be provided with contact names of town officials (i.e. Braintree and Burlington) who handle other malls' exhibit space licensing. He will also forward to Mary Burgess a special permit that includes criteria and performance standards, which may expedite the time to have requests approved.

The Board took a brief recess 8:10 to 8:17 p.m.

Single Family Residential Homestead By-Law

Larry Tilton of Tilton & Associates was in attendance to present on behalf of the applicants, Ray and Judy Aubin, and reviewed draft #3 with the Board. Review and discussion resulted in several suggested changes. Mary Burgess will reformat the next draft in order to maintain consistency with current by-laws. She will forward the draft to the appropriate town departments for comments and feedback, to be reviewed at the July 21st meeting. It is the intent of the applicants to petition for the October Town Meeting. It was the recommendation of the Town Planner to place this on the agenda for approval at the August 18th meeting, and to move the public forum for the T.O.D. by-law to a different night.

Other Business:

FY2011 Year-End Budget Closeout

As requested by the Board at the last meeting, Mary Burgess presented a list of supplies to be purchased with the year-end budget surplus, including a desk for the Town Planner and a laptop computer for the Planning Board Office. Board members felt that the price quoted for the laptop was high and asked Mary to get a breakdown of the costs in order to lower the overall price. It was the consensus of the Board to approve the expenditures, providing that Mary work on getting the price for the laptop computer lowered to \$900-950.

Executive Session:

Mr. Welch made a motion to adjourn to Executive Session for the purpose of litigation. Mr. Houle seconded. Roll call vote as follows: Welch, yes; Houle, yes; McCarthy, yes; Peterson, yes. The Board adjourned to Executive Session at 9:46 p.m.

The Board returned to Open Session at 10:12 p.m.

Adjournment:

Mr. Houle made a motion to adjourn the meeting, seconded by Mr. Peterson. Motion carried 4 to 0. The meeting adjourned at 10:13 p.m.

Respectfully Submitted,

Mary Signoriello
Secretary