



City Of Attleboro, Massachusetts

PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET
ATTLEBORO, MASSACHUSETTS 02703
TEL 508.223.2222 FAX 508.222.3046

MINUTES

JANUARY 17, 2023

In accordance with the provisions of the Massachusetts General Laws Ch. 40A and Ch. 41, as amended, the Planning Board held public hearings on Tuesday, January 17, 2023 at 6:30 p.m. in the Annex Room on the first floor of City Hall, 77 Park Street, Attleboro, MA , relative to the following :

Planning Board Members Present: Chairwoman Shannon Bényay, Vice Chairwoman Heather Whitehead, Bill Beardwood, Tiffany Foster, Jim Lewis, and Fred Uriot

Planning Board Members Absent: None

The Board heard the application of Laurel Knoll Land Trust for the proposed two (2) lot residential definitive subdivision plan entitled “LAUREL KNOLL,” located on MacDonald Lane, more specifically Assessor’s plat #101, lot #9, located in the Single Residence-D zoning district, engineered by OHI Engineering, Inc., 44 Wood Avenue, Mansfield, MA 02048.

The Board reviewed the Form P2 - Request for an Extension of Time to February 28, 2023, submitted by attorney Edward Casey of Coogan Smith, LLP on behalf of Laurel Knoll Land Trust, relative to the definitive subdivision application for “LAUREL KNOLL”.

Jim Lewis made a motion to approve an extension of time to February 28, 2023. Bill Beardwood seconded the motion and all voted in favor.

Speaking in favor of the application was Bill Blais of OHI Engineering who stated that based on guidance from staff, they are proposing changes to the stormwater basin design. He stated that rather than moving it as originally suggested, they are proposing to make it an underground system, which will allow them to pull it back further from the abutting property line, where it can be vegetated with a wildflower mix to ameliorate aesthetics.

Mr. Ayrassian suggested that the new design seems to involve a similar amount of earthwork abutting the property line.

Mr. Blais agreed, but noted it is due to the need to continue the MacDonald Lane existing grade.

Mr. Ayrassian asked the likelihood of potential break out or weeping of such a system towards the abutter.

Mr. Blais stated that fill is proposed in the corner of the property to prevent that. He stated that the outlet is just above the existing grade at the property line.

Mr. Ayrassian asked why the outflow is directed easterly towards the abutter rather than westerly. He stated that this design is similar to the original in that respect.

Mr. Blais stated that this area is the lowest point of the property, so water will naturally flow there. He stated that the proposed changes address the visibility concerns of the abutter.

Mr. Ayrassian countered that the Board asked for the basin to be moved entirely, as historically, stormwater systems with basins abutting neighbors have led to issues.

Jim Lewis sought to confirm whether the proposed system is meant to recharge and whether the area has well-draining soils.

Mr. Blais answered yes, the system will be recharging water and that the area has very gravel-heavy, Grade B soils. He went on to explain that another alternative would be to install a drainage system in MacDonald Lane, where there is currently none. He stated that such a design would have to run down Clifton Street and tie into a MADOT 30-inch culvert. He stated that this option would eliminate the basin, but is complicated, as there are no guarantees that the state would allow the additional stormwater in their system and they cannot apply with MADOT until local permits are granted. He noted that there is also significant floodplain in the area, which curbs the ability to have the runoff flow elsewhere. He noted that they explored tying into an existing 10-inch pipe that runs through several lots across the street, but could find no easement on record. He stated that they also explored the possibility of creating a bioretention basin in the center of the cul de sac island to minimize the size of the basin abutting the property line. He stated that the issue they have found is that in order to allow large vehicles to traverse the cul-de-sac, they would need to seek a waiver for the size. He noted also that biofiltration cannot manage all of the run off, so there would still need to be an additional basin at the original location.

Tiffany Foster suggested that a change in the shape of the bioretention basin could allow for more treatment, suggesting a potential 'teardrop' shape versus a circle.

Mr. Blais agreed, but stated that this would require further cutting into the slope and installing more impervious. He wasn't certain the center island would be able to handle all of the water without an outflow to a secondary basin.

Senior Land Use Planner Stephanie Davies pointed out that ultimately, there will be more than two house lots being constructed. She acknowledged the presumed need for the cul de sac to serve as frontage for future development. She suggested that if further development is anticipated anyways, the features don't have to be tucked into such discrete locations.

Mr. Ayrassian advised that the design currently before the Board should be evaluated, as any further development that has not been applied for is merely speculation. He suggested an alternative be pursued that doesn't rely on approval from MADOT and that moves the basin elsewhere. He stated that he liked the idea of the biofiltration basin in the center of the cul-de-sac and that the goal is to avoid discharge at the southeast corner of the site towards the abutter's property.

Mr. Blais advised that anything designed will need to have a discharge and that it will have to point in that direction, as that is where the water naturally flows now.

Jim Lewis noted that the original proposal has the overflow discharging towards Route 295 and asked whether they have the right to do so.

Mr. Blais replied that the water is currently already traveling in that direction and that they simply cannot increase the rate of runoff. He stated that the subsurface design creates a larger footprint for increased recharge, which results in a decrease in the volume and rate of water leaving the site.

Jim Lewis questioned whether there is an increased cost to the City for the maintenance of an underground system.

Mr. Blais suggested it would be slightly more expensive, as it would require the use of a vacuum truck.

Jim Lewis noted that he didn't care for the aesthetics of the open ponds.

Mr. Ayrassian suggested a compromise of a biofiltration basin in the cul de sac, along with an underground system to handle the overflow.

Tiffany Foster questioned the slope at the property line with the abutter.

Mr. Blais stated that the slope is 3 to 1 as you approach the property line, but that they intend to make it 2:1 on their side after construction. He suggested that they could try to minimize the need for cuts in that location or install a wall to minimize erosion.

Mr. Ayrassian questioned the proposed material for stabilization and outflow for the eastern **façade** of the recharge basin.

Mr. Blais replied that the embankment is gravel and only has a 3 to 1 slope.

Mr. Ayrassian asked if there was grass along the abutter's property line.

Mr. Blais stated their intent to loam and seed the area and use a wildflower conservation seed mix. He suggested that blankets or jut netting could also be employed, as needed.

Mr. Ayrassian suggested such features may be good in the beginning, before vegetation grows in.

Mr. Blais stated that they have not yet responded to the stormwater peer reviewer's comments, as they wanted guidance from the Board on the approach for the design.

Heather Whitehead stated her opinion that the Board tends to prefer something be in the middle of the cul de sac and not just pavement, so a biofiltration basin would be a good idea.

Mr. Ayrassian suggested that once revised plans are submitted, Horsley Witten can be solicited for another peer review fee and the original contract can be refunded for the work session. He asked when such plans could be expected to be submitted.

Mr. Blais replied that he would not likely be ready for the first meeting in February. He requested a revised extension of time to March 31, 2023.

Jim Lewis made a motion to grant an extension of time to March 31, 2023. Heather Whitehead seconded the motion and all voted in favor.

Shannon Bénay questioned the status of water supply for the subdivision.

Mr. Blais explained that the existing terminus of the MacDonald Lane water main only has a 6-inch diameter. He stated that to get the necessary flow, they will need to replace it with 8" pipe the length of MacDonald Lane to Clifton Street, about 1,200-feet. He stated that the developer is obtaining estimates for the work to be performed. He stated that Water Superintendent Kourtney Allen suggested considering the option of tying into the North Attleboro water system. He stated that to do so, they would need to perform a fire flow test in North Attleboro to see if there is sufficient pressure, as well as explore the potential for an Intermunicipal agreement with both municipalities.

There being no one else to speak, the public hearing was continued.

The Board heard the application of W.B. Construction & Development, Inc. for Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, for the construction of three (3) 6,000 square foot commercial buildings and 47 parking spaces with associated grading, utilities, and stormwater management system; the subject premises being located on County Street, more specifically Assessor's plat #104, lot #27, located in the Industrial zoning district.

Speaking in favor of the application was Attorney Jack Jacobi of Coogan Smith, LLP who requested a continuance to February 27th and an extension of time to March 31st.

Heather Whitehead made a motion to grant an extension of time to March 31, 2023. Fred Uriot seconded the motion and all voted in favor.

There being no one else to speak, the public hearing was continued.

The Board heard the application of 42 County Street LLC for Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, for the construction of an eighty (80) unit, nine (9) story mixed use building with approximately 1,720 square feet of commercial space on the first floor and 31 parking stalls, associated grading, utilities, and stormwater management system; the subject premises being located at 42 County Street, more specifically Assessor's plat #31, lot #243, located in the Central Business zoning district.

Speaking in favor was attorney Jack Jacobi of Coogan Smith, LLP who requested a continuance to February 7, 2022. He stated that they are still working on producing the shadow studies, drone simulation of County Street, and traffic study, as requested. He stated that they just received the geotechnical report regarding the retaining wall by the river. He stated their intent to file with the Conservation Commission to appear on the February 1st meeting. He sought to withdraw his email request, received January 7, 2023, to Director of Planning and Development Gary Ayrassian, requesting a continuance to January 23, 2023, relative to the Major Site Plan Review application of 42 County Street, LLC for 42 County Street.

There being no one else to speak, the public hearing was continued.

The Board suspended the meeting to join the Municipal Council for a Joint Public Hearing in the Council Chambers.

City Clerk Kate Jackson read the first public hearing notice:

PUBLIC HEARING with the Planning Board for the proposed amendments to Section 17, Table of Use Regulations and Definitions as it pertains to Marijuana. Proposed amendments available at the Council office.

Speaking in favor was Attorney Peter D'Agostino of Tenax Strategies. Attorney D'Agostino spoke to the proposed change to the ordinance to allow retail marijuana establishments to enter more general business zones. He also suggested the proposed overlay was quite limited and expanding of the overlay should be considered.

Speaking in favor was Attorney Jack Jacobi of 144 Bank Street. He also agreed expanding the proposed overlay may avoid a legal challenge.

Speaking against was resident Joe Drazek of Westminster Avenue. He suggested the zoning change and the overlay was too vague and felt a specific proposal with paperwork would be better.

Speaking against was Duff White of Carnegie Way.

No one came to speak neither for nor against and the Planning Board Chair, Ms. Bénay and the Ordinance Chair DeSimone agreed to close the hearing.

The Board returned to the Annex and held a business meeting.

The Board reviewed the Form A submitted by Mariana Santos for 101 Coleman Avenue .

Jim Lewis pointed out that Coleman Avenue Extension connects to Wilmarth Street in a disjointed manner that was done through street extensions. He noted that Prospect Street is only there for a short distance and the rest is a paper street.

Ms. Davies pointed out that the lots do not meet the minimum lot width requirement and that she has spoken with the surveyor. She stated that the surveyor was advised of the need for variances.

Mr. Ayrassian advised that the plan meets the ANR standard, so could be voted by the Board. He suggested that the lot width issue would be caught by the Building Inspector at the time a permit is sought.

Fred Uriot made a motion to approve the Form A plan for 101 Coleman Avenue. Tiffany Foster seconded the motion and all voted in favor.

The Board reviewed the Municipal Council Vote #2 taken December 20, 2022, relative to the proposed loan order in the amount of four hundred seventy-five thousand (\$475,000.00) dollars for the cost of purchasing and equipping an ambulance.

Jim Lewis made a motion to recommend to the Municipal Council that the Loan Order, in the amount of FOUR HUNDRED SEVENTY-FIVE THOUSAND (\$475,000.00) DOLLARS, for the cost of purchasing and equipping an ambulance is consistent with Section VI.(I) Public Safety, Goal 15 Policy 1 and Section VI.(J) Municipal Facilities, Goal 16, of the City's COMPREHENSIVE PLAN. Fred Uriot seconded the motion and all voted in favor.

The Board reviewed the memorandum from Public Works Superintendent Michael Tyler, dated January 13, 2023, to the Planning Board, recommending a PARTIAL release of \$120,008.99 relative to the work completed to date at the "BRIGHAM HILL ESTATES, PHASE II" subdivision.

Fred Uriot made a motion to approve a PARTIAL release of \$120,008.99 for "BRIGHAM HILL ESTATES, PHASE II". Heather Whitehead seconded the motion and all voted in favor, save Jim Lewis, who abstained.

The Board reviewed the memorandum from Public Works Superintendent Michael Tyler, dated January 13, 2023, to the Planning Board, recommending a PARTIAL release of \$201,530.16 relative to the work completed to date at the "BRIGHAM HILL ESTATES, PHASE III" subdivision.

Fred Uriot made a motion to approve a PARTIAL release of \$201,530.16 for "BRIGHAM HILL ESTATES, PHASE III". Tiffany Foster seconded the motion and all voted in favor, save Jim Lewis, who abstained.

The Board reviewed the memorandum from Public Works Superintendent Michael Tyler, dated January 12, 2023, to the Planning Board, recommending an updated bond amount of \$225,822.09 relative to the work completed to date under covenant at the "BRIGHAM HILL ESTATES, PHASE IV" subdivision.

Heather Whitehead made a motion to approve an updated bond amount of \$225,822.09 for the "Brigham Hill Estates, Phase IV" subdivision. Fred Uriot seconded the motion and all voted in favor, save Jim Lewis, who abstained.

The Board reviewed all other correspondence.

The Board received an Ordinance Committee update from Chairman Jim Lewis.

Jim Lewis reviewed discussions at the new business study group regarding revisions to the subdivision rules and regulations for traffic calming mechanisms and tree preservation. He also stated his desire to discuss the practice of counting a lot line twice to achieve lot width.

Jim Lewis made a motion to approve the pending minutes of December 6, 2022 and December 19, 2022. Heather Whitehead seconded the motion and all voted in favor.

Tiffany Foster made a motion to move the Board's meeting scheduled for February 6, 2023 to February 7, 2023, to accommodate a joint public hearing with the Municipal Council. Fred Uriot seconded the motion and all voted in favor.

The meeting adjourned at 8:45 p.m.