



City Of Attleboro, Massachusetts

PLANNING BOARD

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

MINUTES

FEBRUARY 7, 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, February 7, 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, and Jim Lewis

Planning Board Members Absent: Fred Uriot

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.

Speaking in favor of the application was attorney Edward Casey of Coogan Smith, LLP who noted that the hearing had been previously continued to February 27th and that revised plans will be submitted shortly, showing the new detention basin design discussed at the last meeting.

Jim Lewis asked whether the developer has determined how they will be bringing sufficient water pressure to the site.

Attorney Casey replied no, but suggested a decision could be rendered contingent on satisfying the Water Department and Public Works.

Mr. Ayrassian disagreed, and stated that a conditional approval is not an approval.

Attorney Casey stated that a significant amount of work will be necessary to develop the new water line, including cutting into Clifton Street to enlarge the existing pipes. He stated that he felt that was outside of the Board's purview.

Mr. Ayrassian reiterated his stance and advised the Board that they not consider such an approach.

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 Edward Casey of Coogan Smith, LLP who informed the Board that the Conservation Commission had granted the project a stormwater management permit. He stated that they will appear before the Zoning Board on Thursday to seek a decision for their earth removal permit. He requested that the hearing before the Planning Board be closed and considered for a vote.

Jim Lewis disclosed that he has a longstanding attorney-client relationship with Bill Ward and his various companies. He explained that he retired from practicing law back in December of 2021 and that he no longer has a financial interest in any business of Mr. Ward's. He stated that he has sat on these hearings and will continue to do so, to ensure there is not a lack of quorum with the Board having so many vacancies. He noted that the Board would not have had a quorum to hold a meeting at all, if he had not been present this evening. He asserted that there is no conflict of interest, but he is making the disclosure to avoiding any appearance of impropriety.

Tiffany Foster made a motion to close the public hearing. Heather Whitehead seconded the motion and all voted in favor. There being no one else to speak, the public hearing was closed.

The Board discussed the petition of the Municipal Council to amend sections of the ZONING ORDINANCE relative to marijuana businesses.

Jim Lewis asserted he felt the proposal was akin to spot zoning and he didn't see the benefit for the City in it.

Heather Whitehead agreed that general feeling of the Board is opposition. She made a motion to recommend approval of the proposed amendments to the ZONING ORDINANCE relative to marijuana businesses. Jim Lewis seconded the motion. All voted in opposition.

The Board discussed the Form A plan of Pike Ave Land Investments, LLC for 419 & 439 Pike Avenue.

Speaking was Dan Campbell of Level Design Group who explained that the Form A involves minor modifications to lots within the Pike Estates subdivision. He stated a utility easement is also being added to accommodate sewer access. He confirmed that all lots will meet the minimum zoning criteria.

Mr. Ayrassian questioned why a Section 810 had not been filed to make the changes. He stated that such an approach would allow Mr. Campbell to record the plan in question to modify the lots without the Planning Board's approval. He suggested that the plan could then just be submitted to the Planning Board for informational purposes afterwards. He noted that the Board doesn't have jurisdiction relative to the easement and it is not a matter addressed via the Form A process.

Mr. Campbell admitted that the approach presented by Mr. Ayrassian was an option, but that his client decided for transparency's sake to bring the plan before the Board for approval. He stated that he can pursue a Section 810 instead, if that is the Board's preference.

Jim Lewis stated that he was OK with the plan as presented and that they will just be approving the 50-foot of frontage and not the easement. He stated that it makes sense economical for both plans to be recorded at the same time.

The Board suspended the meeting to join the Municipal Council for a Joint Public Hearing in the Council Chambers at 7 p.m.

City Clerk Kate Jackson read the first public hearing notice:

PUBLIC HEARING (A joint public hearing with the Planning Board) to discuss amending the Zoning Ordinance 17, Zoning, to allow for Accessory Dwelling Units on qualifying residential properties.

Speaking in favor was Joe Caponigro of 903 Pike Avenue. He spoke about what they should be called in the Ordinance and suggested common areas being part of the requirement.

No one came to speak against and no one spoke neither for nor against. Acting President Kobus asked both Planning Board Chair Bénay and Chair Dolan of public works if it were to be closed. Both agreed to close the public hearing.

The Board resumed the meeting at 7:15 p.m. They resumed discussing the Form A plan of Pike Ave Land Investments, LLC for 419 & 439 Pike Avenue.

Jim Lewis sought to confirm that all of the land is owned by the same entity.

Mr. Campbell answered yes.

Jim Lewis stated that the Board frequently sees utility easements on subdivision plans and that separate deeds will still have to be drawn up and recorded defining the easement.

Mr. Ayrassian asked what would occur if that document isn't recorded, so the plan shows an easement but the legal documents don't support the existence of the easement.

Jim Lewis suggested that such a scenario is beyond the purview of the Planning Board and would be up to a title examiner to catch.

Heather Whitehead expressed confusion regarding the dotted lines on the plan.

Mr. Campbell explained that there are still currently two separate deeds for the properties and that as no homes have been constructed yet, nothing has been conveyed.

Jim Lewis noted that including those lines makes the history of the property clearer for title examiners. He made a motion to approve the Form A for 419 and 439 Pike Avenue. Heather Whitehead seconded the motion and all voted in favor.

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 stated that the developer has determined that with the high cost of steel, the current design would cost upwards of 25 million dollars, which will complicate financing. He stated that, as a result, he is asking to amend the application to reflect a design with a 6-story building in lieu of a 9 story building. He stated that the first floor would be constructed of steel and the five above it would be made of wood, which will dramatically decrease costs. He stated that there will be a total of 60 residential units; 10 one-bedroom and 2 two-bedroom units per floor. He noted that making this change will also eliminate the need for the extra fire protection measures required for high rise buildings. He stated that with the new design, they are no longer requesting a height or side yard variance. He stated that the anticipated taxes to be generated by the site are 425,000 dollars per year. He noted that their filing before the Conservation Commission has been delayed, but they hope to appear on the agenda for the March 1st meeting.

Mr. Ayrassian asked whether anything on the ground floor will change, as a result of the amendments.

Attorney Jacobi answered no.

Mr. Ayrassian stated that a previous memo had been submitted relaying the optics of the project. He asked whether that has also been revised and resubmitted.

Attorney Jacobi stated that his new memo only addresses the square footage for the units and the number and type on each floor. He stated that he did not have sufficient time to address all of the previously provided calculations, like the water and sewer needs.

Mr. Ayrassian stated that a new memo needs to be submitted that updates all of the original data and calculations.

Jim Lewis noted that as you come over the hill towards this portion of County Street, all the buildings consist of red brick. He asked whether the architect had considered blending the structure better with the surrounding buildings by incorporating more brick.

Speaking in favor of the application was architect Chris Brown of JtA who stated that it was considered.

Jim Lewis suggested that just the façade facing west could have more brick to better match the area.

Mr. Brown replied that a lot of the metrics are tied to expense. He stated that brick material requires reveal masonry and additional support as the elevation increases, as well as very deep walls with added insulation. He noted that they are proposing masonry up to the window sill heights of the second floor.

Jim Lewis sought to confirm that when approaching from the center of downtown, the entire narrow elevation will appear brick.

Mr. Brown answered yes, that masonry is proposed to be wrapped around the corner and on the adjacent side.

Attorney Jacobi stated that with the revised building, they will now only need 36 off-site parking spaces and that they have begun negotiations with a nearby landowner.

Jim Lewis asked whether the double stacked spaces are recognized by the Zoning Ordinance.

Mr. Ayrassian answered no. he stated that the spaces are allowed, but cannot count towards the required minimum number of off-street parking spaces.

Attorney Jacobi stated that they understand and intend to rent the double stacked spaces to units with two cars.

Mr. Ayrassian stated that he would like to see a shadow study performed at street level and the submission of architectural elevations, rather than just renderings.

Attorney Jacobi stated that more information will be submitted in preparation for the February 27th meeting.

Mr. Ayrassian asked where the floodway versus the floodplain is on the site plan.

Speaking in favor of the application was Joey Fonseca of Bohler Engineering, who pointed out the floodway.

Mr. Ayrassian stated that plan being presented is inaccurate and misleading. He stated that the quality of the plans appear to have regressed and it is difficult for the staff to keep up with the continual changes. He asserted that revised plans should be submitted well in advance to give staff time for review, rather than the afternoon of the meeting.

Jim Lewis called out the property line shown at the far edge of the river and whether it was accurate.

Mr. Fonseca stated that the plan in question is an older survey.

Mr. Ayrassian asked why the Board is looking at an older version of the plan.

Mr. Fonseca stated simply to show the resource areas.

Attorney Jacobi stated that the updated plans show the appropriate property line at the middle of the river.

Jim Lewis emphasized the importance of that detail.

Attorney Jacobi went on to explain that they haven't changed the location of the building or the first floor elevation, but that they have identified the parking spaces that have been designated for retail use, which include four standard spaces and one handicapped space.

Bill Beardwood asked where retail employees will park.

Attorney Jacobi noted that the Zoning Ordinance doesn't differentiate between patron versus employee use and simply requires that specific number of parking stalls be provided based on the square footage of the commercial space.

Mr. Ayrassian noted that the bike room seemed quite large and asked whether one of that size is commonplace.

Mr. Brown answered yes, it is typical. He stated that space is provided for both storing the bikes and for tools and equipment to service them. He noted that wiring will also be provided for e-bikes to charge.

Shannon **Bénay** sought to confirm that there is sufficient space for a garbage truck to drive around and access the dumpsters.

Mr. Brown answered yes, but noted that the two dumpsters will have to be rolled out from under the building for emptying.

Attorney Jacobi reminded the Board that internal trash chutes are proposed in the building.

Shannon Bénay asked whether they were likely to be picked-up first thing in the morning.

Attorney Jacobi stated that pick-ups would be scheduled so that they do not conflict with rush hour or disturb residents' sleep. He speculated that 10 or 11 a.m. was likely to be an appropriate time.

Mr. Ayrassian sought to confirm that none of the new plans have been submitted to the Fire Department for review.

Attorney Jacobi confirmed.

Jim Lewis stated that he appreciated the work the developer is putting into the project, but took issue with the rush to submit materials to the Board before the staff is able to review things. He noted that the Board cannot accomplish much when things are approached in that manner.

Attorney Jacobi agreed that what is being presented is simply a progress report. He went on to describe the updated floorplan.

Jim Lewis sought to confirm that the principle market at present is for one bedroom units.

Attorney Jacobi agreed that yes, those units are easier to rent.

Mr. Brown stated that they have maintained the proposed roof deck. He noted that there are errors in the materials still referencing the height variances.

Mr. Ayrassian pointed out that he will not be forwarding the materials out to other departments for review until all of the corrections are made.

Attorney Jacobi reviewed the relative heights of buildings in the area with visuals.

Mr. Ayrassian pointed out that 29 South Main Street is at a different elevation, despite being a similar height to 42 County Street. He stated it would be most helpful to see the four views with the surrounding buildings at their actual elevations. He anticipated that 29 South Main Street would likely be upwards of 20-feet higher than the proposed building.

Mr. Brown showed the Board a video showing a simulated drone flight and shadow study.

Mr. Ayrassian sought to confirm that the **façade** facing Riverbank Road does not have a southern exposure.

Mr. Brown answered no, as it is facing due east.

Mr. Ayrassian asked if any ideas had been considered for the expansive blank walls on the building.

Mr. Brown answered no, but would appreciate any suggestions the staff or Board can offer.

Mr. Ayrassian suggested trees could be placed in those locations or vegetation that climbs up the wall.

Tiffany Foster suggested espalier trees which can be trained to grow in specific directions and up against walls.

Heather Whitehead suggested that the sidewalk may need to be cut into to provide space for trees.

Mr. Ayrassian stated that it must be considered, as a tree ordinance is in development.

Bill Beardwood stated that he was concerned with the impacts of such vegetation on pedestrians.

Mr. Ayrassian stated that they will need to be designed so as not to be disruptive.

Shannon Bénay agreed that the idea is to find the right type of tree or vegetation to provide visual intrigue.

Jim Lewis stated that he didn't find the proposed white metal to be aesthetically pleasing.

Heather Whitehead agreed that she prefers the portions of the building proposed with wood or brick. She stated that she didn't like either metal, but that she preferred the black to the white.

Tiffany Foster agreed that she preferred the black to the white metal. She noted that the black may better tie in to the Renaissance buildings.

Mr. Brown noted that the balconies are all recessed to respect the setbacks with the exception of the river side, where the balconies project outward and have more wood-type finishes to match the pergola on the roof. He emphasized that every unit still has outdoor space.

Mr. Ayrassian suggested that real wood be considered, like a black locust, in lieu of artificial wood materials. **He asked whether any types of banners, flags, or upright lightings are proposed on the façade.**

Mr. Brown noted Mr. Ayrassian's previous request for such features, but explained that they haven't gotten to that level of detail in their design yet.

Shannon **Bénay** suggested more robust bushes could be proposed on the parking lot side adjacent Advance Auto Parts.

Mr. Brown stated that they were asked to do grasses.

Mr. Ayrassian countered that staff had advised that drought-resistant plants be considered.

Shannon B  nay stated that she would like to see something that better blocks the wall of the garage.

Mr. Fonseca noted that the property line is very close at that point, so they will have to explore what is possible.

Shannon B  nay reminded the applicant that the Board had requested that some of the proposed materials be brought in for closer inspection.

Heather Whitehead stated her appreciation that the green wall had been added, as requested.

Mr. Brown stated that it was a challenge to find a place on the building with the proper lighting to host such a feature.

Tiffany Foster suggested green walls could be included in more than one location.

Jim Lewis expressed concern with the building owner not maintaining such landscaping. He reminded the Board about the landscaping die-off at Renaissance Station.

Mr. Ayrassian noted that the building owner replanted the vegetation at his request. He stated that since then, staff have been advising that irrigation systems be provided for landscaping on commercial projects.

Tiffany Foster pointed out that green walls tend to be more low maintenance and self-sufficient and can be maintained with automatic irrigation systems. She agreed that the green wall is only appealing if the plants are alive.

Heather Whitehead stated that she likes the green wall as proposed and felt one should be added to the **faade facing Advance Auto Parts**.

Mr. Ayrassian pointed out that Bill Beardwood had previously expressed concern with drivers existing the proposed driveway on a blind curve and asked whether any traffic calming measures have been proposed.

Mr. Fonseca stated that their traffic engineers had found the driveway to meet the standards for sight distance.

Mr. Ayrassian argued that not everyone will respect the stop line and that the Board wants to see something that will compel drivers to slow down.

Tiffany Foster added that she was concerned about pedestrians and suggested a pedestrian warning signal could be placed near the driveway.

Attorney Jacobi suggested that a speed table in front of the mailbox and crosswalk may be appropriate.

Shannon B  nay suggested a mirror be considered to allow drivers to see pedestrians coming around the blind corner.

Mr. Ayrassian noted that care should be taken to ensure the mirror provides no objectionable reflections. He expressed his desire that **the faade facing County Street be made more inviting**.

Tiffany Foster stated that she liked the idea of adding some wood materials to the front of the building.

Mr. Brown noted that staff had also suggested the inclusion of a canopy, which he will make more pronounced.

Mr. Ayrassian pointed out that the **faade** is fairly flat and that there needs to be some visual variation and interest added.

Jim Lewis questioned whether parking is being sought for purchase or for lease.

Attorney Jacobi replied that they are proposing five year leases with 5 year options over the course of 25 years.

Jim Lewis expressed apprehension with the potential for the building owner to not renew the leases and provide the necessary parking.

Attorney Jacobi requested a continuance to February 27th.

Speaking in favor of the application was former Mayor Kevin Dumas who stated that great strides have been made in Attleboro regarding urban renewal and that he would like to see the continued development of the downtown. He stated that he has been excited to see the multifamily and mixed use developments on Union/Dunham Street, South Main Street, and with this site on County Street. He suggested that developments like this can fuel the City's budget and ties into the master plan, while also meeting the needs of the community with the housing shortfall. He stated legislation has been enacted statewide to encourage meeting the demand for workforce housing. He suggested it would be great to have departmental review of large projects like this in advance, so all the comments can be consolidated.

Mr. Ayrassian pointed out that a Department Head meeting was held prior to filing of the application.

Mr. Dumas reiterated his desire to see these improvements in the riverfront district.

Jim Lewis stated that the concerns he repeatedly hears raised regarding such development is the lack of parking.

Mr. Dumas stated that a lot of the development in the downtown will be utilized by those commuting on the rail. He stated that bikes and ridesharing are also being extensively promoted. He suggested that there are opportunities for shared and flex parking to be explored, for lots that are used during the day but underutilized at night. He stated that he thought the tandem parking for two bedroom units is a good idea. He pointed out that the City provides a significant number of on street parking spaces, with 62 alone on Riverfront Drive and another 13 new spaces along Wall Street. He stated that he felt that there is the continued potential for partnerships with private businesses to provide the necessary parking. He suggested that there is also the potential to expand the parking garages.

Tiffany Foster suggested that a lot of people need to come to terms with the fact that they can't necessarily park in front of the businesses they frequent and that they will need to walk.

Mr. Brown suggested that people walking also generates commerce, as they decide to stop at businesses they pass.

Mr. Ayrassian stated that a parking study had been performed by the City in December of 2022 that has yet to be made public. He explained that the take-away was that there is sufficient parking in the City, it's just not in the locations where people want to be. He stated that the study found an excess of 1,000 off street parking spaces during peak use. He stated that the Mayor will be pursuing a feasibility study to address the parking problem. He noted that they have already doubled the number of parking spaces on Railroad Avenue and that by angling the parking on Mill Street, it has been increased by 100%. He stated that they are also looking into adding a deck to the North Main Street parking lot.

Heather Whitehead asked whether any affordable housing is proposed at 42 County Street.

Attorney Jacobi stated that with all the necessary changes to the project, they have deferred that question, but will look into it.

Mr. Ayrassian suggested that if the project still needs a density variance from the Zoning Board, they are likely to insist on some affordable units being provided.

Tiffany Foster suggested that bike parking be provided for non-residents.

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

The Board reviewed the Form A submitted by Weber Lyncee for 59 Allen Avenue and Cross Street.

Speaking was attorney Edward Casey who distributed handouts to the Board. He stated that staff pointed out some technical failures in the application, as the Treasurer and Collector did not sign off on the second property owner's signature. He went over a subdivision plan from 1897 which is the original plan showing Allen Avenue and Cross Street. He stated that the property owners have entered an agreement to divide the paper street between their two properties that abut Cross Street. He stated that Parcel B, which is 2,520 square feet would be combined with Lyncee's property and Parcel A, which is 1,680 square feet would be combined with Rollins' property. He stated that he provided the Board with the language from Mass General Laws Chapter 183, describing the general rule that applies when dealing with a way created before Subdivision Control Law, which is that the abutters on either side own to the center line, subject to the right of the other abutters on the street to pass. He argued that as the only other plan harkens back to 1897, it would be appropriate for the Planning Board to endorse this plan consistent with the agreement between the two property owners. He noted that staff raised questions as to whether the dividing line should be down the center of the paper street and whether a Form A approval before the Planning Board is the proper mechanism for eliminating the paper street. He stated his opinion that it is necessary for the plan to come before the Planning Board, as it will create the basis for the legal agreement between the two parties and allow for the writing of the new deeds. He noted that staff may argue that the other abutters that front on Adamsdale also have an interest.

Mr. Ayrassian agreed and stated that all four abutters have an interest to pass along the entire spectrum of the paper street.

Attorney Casey agreed that those land owners have the right to pass and repass along the length of the paper street and that whatever Rollins and Weber do with that land is subject to those rights. He stated that he didn't see a substantial risk, but acknowledged the legal right will persist. He asserted that those residents will not be harmed by the action as they have frontage and access to their homes via Adamsdale Avenue. He stated that the paper street area is overgrown with trees and is not presently in use.

Jim Lewis stated that he was in favor of approving the plan and felt the property owners could divvy up their interest in the way as they see fit. He suggested that all that is being discussed here is fee simple and that it will not alter the ability of people to access Cross Street. He stated that the important part is to update the property lines with the Assessor, regardless of what the split may be.

Mr. Ayrassian stated that he didn't have a problem with the property boundary difference. He stated that his concern is that there are two other property owners who should be aware of what is occurring. He stated that assumedly, some sort of action or development of that land will follow the Form A.

Jim Lewis argued that it is the responsibility of title examiners to recognize such matters.

Mr. Ayrassian questioned the use of a solid line closing off the paper street on the plan.

Jim Lewis suggested it may denote the street that is constructed (Adamsdale Avenue) versus unconstructed (Cross Street).

Heather Whitehead pointed out that the lines are open on the 1897 plan.

Mr. Ayrassian reiterated that he didn't think a Form A plan was the appropriate mechanism to accomplish what the applicant intends.

Heather Whitehead agreed that if all of the abutters have the right to travers up and down the paper street, they should be aware of the proposed change.

Jim Lewis argued that there is nowhere in the statute that indicates that Form A plans require legal notification.

Mr. Ayrassian maintained that the process is defective and pointed out that there is no plat and lot number assigned to Cross Street, so cannot be divided as proposed. He explained that former City Solicitor Bob Mangiaratti advised the City to stop overseeing the abandonment process, as it is a private matter between the land owners abutting the paper street. He stated that all of the abutters need to sign off relinquishing their rights to pass on the way before it can be eliminated. He stated that a Form A does not achieve that goal.

Bill Beardwood agreed.

Mr. Ayrassian suggested an opinion be obtained from the City Solicitor.

Attorney Casey argued that he felt the Form A process was appropriate for the goal.

Jim Lewis suggested that the owners could construct in the right-of-way at their own peril. He stated that anything constructed could be forced to be taken down. He stated that he has seen the Form A process used to eliminate a paper streets in other municipalities.

Tiffany Foster argued that it doesn't make it right.

Attorney Casey requested an 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.

The Board tabled the Form A plan.

The Board reviewed the Form A plan submitted by Edwin Liston for 15 Sargent Circle and 410 Lindsey Street.

Jim Lewis stated that the presentation is confusing, but it appears that it meets the requirement of 50-feet of frontage on a public way.

Mr. Ayrassian suggested that he could review the Assessor's records to see the existing lot configuration. He suggested that the other side of Lindsey Street should also be included on the plan.

Jim Lewis and Heather Whitehead agreed.

Heather Whitehead noted that the land is referred to with a lot number in one place and as a parcel in another, so it is very confusing.

Mr. Ayrassian advised that the engineer be asked to attend the meeting on February 27th.

The Board agreed and tabled the Form A.

The Board discussed the emails from Bob Catenacci of One Thirty One Pleasant St, LLC, dated January 24, 2023 and January 27, 2023, to Senior Land Use Planner Stephanie Davies, regarding the flooding issues at the “STONE FIELD ESTATES II” and “STONE FIELD ESTATES III” subdivisions.

Mr. Ayrassian explained that the developer has not completed construction of Phase III, which has led to the corruption of the Phase II basin. He stated that there is a swale that needs to be installed out towards Rehoboth.

Jim Lewis stated that he visited the site during the recent flooding and the situation was deplorable. He stated that he visited again over the weekend and that most of the water was gone. He stated that Mr. Catenacci’s email references roughing out a swale, but he didn’t see any evidence of digging.

Mr. Ayrassian suggested Mr. Catenacci’s presence be requested at the Board’s meeting on February 27, 2022.

The Board agreed.

Heather Whitehead stated that she visited the site right after the complaints and the basin was full of water. She stated that she did observe that digging had occurred, but didn’t look like a traditional swale. She stated that without stabilization, the feature is just going to keep eroding. She agreed that the ground looks better this week than last week, but that there are likely to continue being problems until the subdivision is complete.

The Board reviewed the memorandum from Public Works Superintendent Michael Tyler, dated January 18, 2023, to the Planning Board, recommending an initial bond amount of \$44,275.00 relative to the “BRISTOL PLACE” subdivision.

Heather Whitehead made a motion to approve an initial bond amount of \$44,275.00 for “BRISTOL PLACE”. Tiffany Foster seconded the motion and all voted in favor.

The Board reviewed all other correspondence.

Heather Whitehead made a motion to approve the pending minutes of January 17, 2023. Jim Lewis seconded the motion and all voted in favor.

The Board discussed the En Masse Street Acceptance Guidelines.

Mr. Ayrassian explained that the Board needs to hold a public hearing within six months of the Act that was approved in September 2022. He stated that he will send out the list of streets to be accepted in advance of the meeting.

The Board agreed to hold the hearing at their February 27, 2023 meeting.

The meeting adjourned at 9:30 p.m.