



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

FEBRUARY 24, 2020

In accordance with the provisions of the Massachusetts General Laws Ch. 40A and Ch. 41, as amended, the Planning Board held public hearings on Monday, February 24, 2020 at 6:30 p.m. in the Council Chambers, City Hall, 77 Park Street, relative to the following :

Planning Board Members Present: Chairman Paul Danesi, Vice Chairman Jason Gittle, Scott Jones, Melinda Kwart, Jim Lewis, and Fred Uriot

Planning Board Members Absent: Secretary Sheryl Guglielmo, Bert Buckley, and Sean McNamara

The Board heard the application of Tian Ann Jih Der Sheng Daw Yuan Temple for a Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, to accommodate the construction of a temple facility consisting of three buildings, paved access drive with sidewalks, a parking lot consisting of 34 off-street parking stalls, landscaped walking paths, and associated grading and stormwater management systems; the subject premises being located at 61 Thurber Avenue, more specifically Assessor's plat #34, lots #5 & 7, located in the Single Residence-B zoning district.

Speaking in favor of the application was Master Tsai of the Tian Ann Temple in Braintree and through a translator stated that they want to preserve the character of the land and plant landscaping that will be appealing year round. She stated that the 47.2 acre site was previously wildlife habitat and that they plan to preserve the undeveloped portion of the land for the same purpose. She stated that there is a residence on the property that is over 200 years old that they intend to preserve. She stated her hope to construct the temple this year and encouraged people to visit their existing Temple in Braintree to understand what they are proposing.

Jim Lewis asked for the wetland in the center of the site to be characterized.

Speaking in favor was Margaret Bacon of Civil Site Engineering who stated that they worked with the Conservation Commission and it was previously identified as isolated land subject to flooding (ILSF). She noted that the existing wetlands were full of invasive species and fill when they purchased the property. She stated that under the oversight of the Conservation Commission, they have since restored the wetlands and they have expanded to be larger than several years prior.

Director of Planning and Development Ayrassian asked whether the paths shown on the plan are existing or proposed.

Speaking in favor of the application was architect Gary Chen who stated that some are new and other as existing. He stated that the site also contains rain gardens as part of its stormwater management system. He stated that they are proposing a parking lot with 34 parking stalls.

Mr. Ayrassian noted that usually parking is installed closer to the building and asked why it is proposed so far away.

Mr. Chen replied that they are constrained by the features of the site, including the railroad tracks and wetlands.

Speaking in favor of the application was Steve Kohm of Prime Engineering who stated that with such a largely undeveloped site, this layout allows all of the infrastructure to be positioned in land that is already cleared. He stated that they are also before the Conservation Commission for Notice of Intent and Stormwater Management filings relative to a slight proposed infringement of a riparian buffer. He stated that only about six acres of the 47 acre site are slated for development. He stated that the land is zoned SR-B on which religious facilities are allowed by-right. He stated that they propose to access the site off of Thurber Avenue using an existing curb cut.

Mr. Chen noted that they have upgraded the existing house and finished the exterior. He stated that it will be utilized in the event that visitors need to spend the night.

Senior Land Use Planner Stephanie Davies sought to confirm that the use will be accessory to the Temple and that they do not intent to rent it out separately.

Mr. Chen confirmed.

Mr. Kohm stated that their plan does not disturb any wetland and that their test pits determined the soil to be sandy. He stated that their NOI filing is due to work within the 200-foot riparian zone due to the proximity of an unnamed stream. He stated that this feature creates a nice natural buffer to the residences to the west of the site. He stated that the project consists of a main temple, a tablet hall, and a columbarium. He stated that a 22-foot wide paved access drive with Cape Cod berm is proposed, leading to a 34-space parking lot bordered by concrete sidewalks. He stated that the driveway will be gated. He noted that there is a crosswalk proposed to aid access to the walking paths on site. He noted that there are two ADA spaces proposed off of the roundabout in front of the main temple.

Mr. Ayrassian asked whether the center island of the roundabout will be landscaped.

Mr. Kohm replied yes, with the addition of a statue. He stated that a walkway has also been proposed to allow ADA access to the temple. He stated that the temple is pointed north on the highest point on the site, which holds religious significance. He stated that there is a maximum occupancy of 96 seats in the temple building and they need a minimum of 24 spaces. He noted that some fill will be installed at the entrance of the site to improve safety. He stated that there are several basins for stormwater and that rain gardens will treat the roof water. He explained that due to aesthetics, the roofs have no gutters, so the water will run off to stone drainage trenches with perforated pipe and then be routed to the three rain gardens.

Mr. Ayrassian noted that the Board's maximum grade on a subdivision road is 8%, he asked why a 9% grade is being provided on the drive.

Mr. Kohm replied that it is due to the need for the temple building to be the highest building on the site.

Mr. Chen added that they are seeking to work with the existing contours, as well.

Mr. Kohm stated that they will be routing public water from Thurber Avenue and utilizing a private septic system. He noted that the site would be served by underground electricity. He noted that they are holding off on submitting the septic system design to the Health Department until feedback is obtained from the Boards.

Chairman Danesi questioned whether there are kitchen facilities on site.

Mr. Kohm replied that there is a small kitchen in the main temple, but no cafeteria. He went on to describe the site's lighting, which includes six lights in the parking area, bollard lights for the statues, and street lights along the driveway.

Mr. Chen added that the main temple will have lighting on the roof that is directed down and there will be wall scones next to the entry points.

Mr. Ayrassian questioned the proposed height of the light poles along the driveway.

Mr. Chen replied approximately 25-feet high.

Mr. Ayrassian asked whether the lights are dark sky compliant.

Mr. Chen explained that they haven't finalized their lighting selection but the models under consideration are capped on top and all of the light is directed down.

Mr. Kohm reviewed the proposed erosion control measures, which include silt fences and straw waddles in addition to sediment traps.

Mr. Ayrassian asked whether the stormwater management system utilizes groundwater recharge or if stormwater is discharged to a basin.

Mr. Kohm replied both, that there are three basins on site and that infiltration was modeled in several of them, in addition to the rain gardens provided.

Ms. Bacon added that they sought to mimic existing conditions while slowing the water down, cooling and cleaning it. She stated that the system includes infiltration basins, water quality swales, and rain gardens. She stated that the three existing watersheds are being maintained post-construction.

Jason Gittle questioned how garbage will be handled.

Mr. Kohm replied that they are proposing sidewalk around the main temple building and that roll-away dumpsters will be provided in the rear. He stated that a private trash removal service will come up the driveway to the roundabout to collect them.

Ms. Davies noted that she had received a memo from the Fire Department expressing concern with the proposed 9% grade of the driveway and sought documentation to verify that the City's fire trucks will be able to turn around on site.

Mr. Kohm replied that the roundabout was based on the City's design specifications, but that they are happy to coordinate with the Fire Department to ensure it is workable.

Mr. Chen showed a cross-section of the site and explained the direct line of site from Thurber Avenue will just be the top pergola on the main temple, which is 34.6-feet high. He stated that the building will be only one story, but will have the merely decorative pergola to give the building precedence. He stated that a covered porch is proposed at the front of the building. He stated that the building contains various halls and administrative space, as well as a residential kitchen for boiling tea or providing pastries.

Mr. Ayrassian questioned the dimensions for the building's footprint.

Mr. Chen replied approximately 5,000 square feet. He reviewed the elevations.

Chairman Danesi questioned whether the building will be on slab and if the HVAC units will be located on the roof.

Mr. Chen answered yes to both questions.

Ms. Davies questioned how the complex will be used and whether regular services are held.

Speaking in favor of the application was Tiann Ann Temple President Edward Lau who stated that the facility will be run much like the one in Braintree. He stated that services are primarily held on Saturday

and Sunday. He stated that additional events are held in correspondence with the lunar memorial days, for which there may some evening events. He stated that primarily, the operations will be confined to daytime and weekends.

Jim Lewis questioned whether the site has been properly sized in terms of parking and capacity to accommodate the anticipated practitioners in the area.

Mr. Lau replied that the capacity in Braintree is 299 and they typically have that many people attending the temple regularly and that they conduct a number of classes, as well as Sunday School, but the class sizes are planned in advance. He stated that most people attend either Saturday or Sunday service and not both, so they have a clear idea of how many practitioners to expect and when.

Ms. Davies questioned the number of parking spaces provided at the Braintree temple.

Mr. Lau replied 72.

Mr. Chen described how the tablet hall and columbarium face circular walkways and have similar architecture to the main temple. He stated that both buildings also have matching pergolas to provide more natural sunlight in the spaces. He stated that the tablet building consists of shelves displaying ancestors names scribed on to tablets and there will be a statue in the center of the building. He stated that likewise, the columbarium will have a statue in the middle and that the perimeter of the building will hold shelves with the urns and remains.

Chairman Danesi sought to confirm that the columbarium will have sufficient capacity. He sought to confirm the applicant will not need to expand in five years.

Mr. Chen replied no.

Mr. Ayrassian questioned any proposed signage.

Mr. Chen replied that there will be a sign on the main temple's porch for visitors as they enter. He stated that they are also proposing an approach gate similar to the one in Braintree that will sit back from the street on the driveway.

Speaking in favor was Donald Doucette of 219 Phillips Street who explained that he lived on the former farm. He argued that he was of the opinion that the pool in the middle of the site is a vernal pool. He stated that he does not object to the Buddhist Temple being constructed, as it will be a peaceful place and that he would much rather see that than a large subdivision go in. He stated that he is seeking to advocate for that wetland feature and that he would like to see it preserved.

Speaking in favor was Amy Keegan of 11 Pentecostal Way who stated that she wants to welcome the Temple and thinks it will be a wonderful use of the land. She asked whether there is an estimate for the start and end date for construction.

Mr. Chen replied that they are still undergoing the permitting process, so a timeline has not been finalized. He stated that they will make every effort to minimize impacts on the neighbors and that the process is likely to take several years.

Mr. Lau stated his hope that the project could be completed as early as October of next year, if all goes well.

Speaking in favor of the application was Suzan McNamee of 882 South Main Street who inquired where her home is located in relation to the proposed temple.

Chairman Danesi replied that she is very far away.

Speaking in opposition was Eric Jette of 792 South Main Street who explained that back in 2013, a trail was cut into the site that terminates at his backyard and he got a lot of foot traffic trespassing on his property. He stated that the temple will be visible from his backyard and that he is also concerned about light pollution at night.

Mr. Chen noted that the lighting is just meant to light the building directly and is aimed from the eaves down onto the building.

Mr. Ayrassian questioned the anticipated hours for the lighting.

Mr. Lau stated that in Braintree, they have an agreement with the City to turn the lights off after 11 p.m. He suggested that the same could be done here. He noted that for public safety, he suggested that lighting be maintained on the driveway to accommodate emergency personnel.

Mr. Ayrassian suggested that the softer lights on the building may not be an issue, but that the parking lot lights should probably be turned off at 11 p.m.

Mr. Lau agreed that would be possible and that they are willing to work with the City on the matter.

Jim Lewis asked Mr. Jette what he would like done about the trespassing.

Mr. Jette replied that he would like to see some sort of privacy screening or other deterrent to prevent walkers from having access to his yard. He stated his preference for a fence to be installed.

Mr. Kohm promised to follow-up with Mr. Jette directly.

Speaking in opposition was Donald Doucette of 219 Phillips Street who stated that he is concerned about the angle of access for the entrance on Thurber Avenue and suspected that a left-hand turn off of Thurber into the site will be a problem.

Chairman Danesi noted that the project was sent to the Police Department for review.

Mr. Ayrassian asked whether the 9% grade of the driveway plateaus at all before reaching Thurber Avenue.

Mr. Kohm replied that it plateaus to a 2% grade for approximately 25-feet.

Ms. Davies questioned whether studies were done on the site distance for the entrance to the site.

Mr. Kohm promised to report back on that matter.

Speaking neither for nor against was Brian Keegan of 11 Pentecostal Lane who also expressed concerned with the limited visibility from the site making a left on to Thurber Avenue.

Speaking neither for nor against was Donna Horan of 5 Pentecostal Way who questioned whether there is the potential for more than 34 cars to be on site at one time.

Ms. Davies stated that the standard in the Zoning Ordinance is to provide one car for every four seats and the applicant is providing more than that minimum.

Ms. Horan stated her concern with the potential for overflow parking during special events.

Mr. Ayrassian questioned the grade of the lawn abutting the driveway and whether congregants could drive over the curb and park on the lawn.

Mr. Kohms replied that there is a small shoulder proposed to discourage that sort of use. He stated that the driveway is 22-feet wide and that cars could park on it, if necessary, and still have room to pass.

Jim Lewis asked whether there has been an official designation of the standing water on the plan. He noted that if it is a vernal pool, it would severely impact the entire plan. He encouraged the applicant to get confirmation.

Ms. Bacon replied that a peer review was performed by the Conservation Commission back in 2015 and that feature was defined as isolated land subject to flooding (ILSF).

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

The Board heard the application of John J. & Mary F. Donovan to extend Rambler Road 2-5 feet, as shown on the street extension plan entitled “RAMBLER ROAD EXTENSION,” engineered by Daniel R. Campbell, R.P.E. of Level Design Group, 249 South Street, Unit 1, Plainville, MA 02762, dated March 1, 2018, revised through October 28, 2019. The subject premises are located on Assessor’s plat #123, Lot #8 in the Single Residence-D zoning district.

Speaking in favor of the application was attorney Edward Casey, who requested that the hearing be closed and a decision rendered by the end of March.

Speaking in opposition was Frank Hannafin of 37 Rambler Road who stated that he felt that he and his neighbors were being bulldozed. He questioned why the applicant’s attorney was meeting with the Board in advance of this public hearing. He expressed frustration that nobody associated with the project has come to knock on his or his neighbors’ doors to hear their concerns and discuss mitigation. He stated that approval of this project will affect their quality of life and property values.

Mr. Ayrassian explained that a subdivision committee meeting was held prior to this meeting. He noted that the committee meeting was posted and open to the public for anyone to attend.

Mr. Hannafin stated that that was not made clear at the last meeting. He expressed concern with members of the Board rolling their eyes when he stated that the road will become a cut-through. He stated that no financial compensation for the destruction of their quiet neighborhood is being offered. He stated that this is an over \$30 million project and the neighbors deserve compensation.

Chairman Danesi reminded everyone that whether the “Pike Estates” subdivision gets approved is a separate discussion from the roadway extension.

Mr. Ayrassian added that the responsibilities of the Planning Board are laid out in state law. He stated that abutters with concerns need to present a cogent argument in favor of their opinions, for instance, a number of appraisals to support the assertion that home values will suffer.

Mr. Hannafin argued that he knows that he paid more for his house being on a dead-end street. He stated that he and his neighbors are ready to obtain legal representation.

Ms. Davies informed the public that a member of the Board has determined that review of the “Pike Estates” subdivision cannot proceed until the Rambler Road Street Extension is both constructed and accepted. She stated that as there is no further information pending, the attorney is requesting that a decision be rendered.

Speaking in opposition was Bob Sweeney of 74 Deljo Drive in Seekonk stated that they will put forth a legal argument that the abutters on both sides of the paper street have rights to the center line and that both would need to sign off on the application before the Planning Board.

Chairman Danesi stated that Mr. Sweeney is free to pursue such action. He stated that at this time, the Board deemed that it is not an effective use of the City’s resources to have the Solicitor develop a written decision to support her recommendation.

Speaking in opposition was Ray Harrison of 447 Pike Avenue called into question the precise location of the property line between the applicant's property and the O'Brien's property.

Jim Lewis explained that Mr. Harrison is calling into question the survey work done for the project. He informed Mr. Harrison that the plans are produced by registered engineers and the Board does not double-check that work. He stated that if Mr. Harrison thinks that there is an error, he needs to provide an alternative survey produced by a professional. He suggested that he could review the deed language and compare that to this plan, as well as the Assessor's maps. He stated that the Board will gladly entertain his views if there is evidence to support an error.

Speaking in opposition was Susan Sweeney of 74 Deljo Drive in Seekonk, who stated that she respectfully disagrees with the Solicitor's decision regarding the application. She asserted that the applicant was paid off to sign the paperwork and that the extended roadway will merely abut his garage. She stated that the street extension will impact the front of her mother-in-law's house, so she will be most impacted. She asserted that trees will be lost, despite what the engineer stated. She stated that all of the neighbors want Rambler Road to remain a dead-end street. She asked why one person has the right to force everyone else to deal with this development.

Chairman Danesi replied because the City Solicitor's opinion supports that action.

Mrs. Sweeney stated that she was disappointed that a written legal opinion was not obtained.

Mr. Ayrassian replied that the Board did not request one.

Mrs. Sweeney argued that she uncovered case law from appellate court documents that contradicts that opinion. She stated that regardless, the Board could still deny the extension based on the diminution of property values for the neighborhood. She submitted a letter from a real estate agent suggesting that the property value would be negatively impacted by the street extension.

Mr. Ayrassian requested that a signed letter be provided with the person's qualifications to support the statement.

Mrs. Sweeney agreed to obtain her signature. She cited a law against cutting down public shade trees in a right-of-way. She expressed concern about the water table, as all of the houses in the neighborhood already have sump pumps and issues with water. She stated that there is no reason that sidewalks should be installed on her mother's side, as it will destroy her property and landscaping.

Chairman Danesi countered that the sidewalks are not being proposed as part of the street extension plan.

Mrs. Sweeney argued that the neighbors do not want the sidewalks.

Jim Lewis stated that when a public way has been accepted, the City reserves the right to install sidewalks. He suggested that the neighbors consult their councilors to rally against the installation of sidewalks, as they do not necessarily have to be installed.

Mr. Ayrassian responded that they will determine in approximately one week what the Planning Board prefers.

Speaking in opposition was Shannon Hannafin of 37 Rambler Road who stated that she and her neighbors all have sump pumps and water issues. She asked how this extension could possibly improve conditions in the area, as you will be removing dirt and trees that absorb the water. She insisted that it will make matters worse.

Mr. Ayrassian countered that these projects require the development of professionally engineered stormwater management systems to control the surface run off. He stated that the City has a third party engineer review the design to ensure it won't have an adverse impact.

Jim Lewis stated that he lives nearby on Harvey Road and that he suspects the reason that they all have water in their basements is as a result of the poor draining soil. He stated that sometimes, when you install a sewer main, you can better the water flow as around the pipe will be packed with gravel and sand, which allows water to drain more easily. He noted that the water from this development will be moving away from the neighborhood anyway. He made a motion to close the public hearing.

Jason Gittle seconded the motion and all voted in favor.

The Board heard the application of Pike Avenue Acquisitions, LLC for the proposed forty-nine (49) lot definitive subdivision plan entitled “PIKE ESTATES,” located at 419 Pike Avenue, more specifically Assessor’s plat #130, lot #81, located in the Single Residence-D zoning district, engineered by Daniel R. Campbell, R.P.E. of Level Design Group, 249 South Street, Unit 1, Plainville, MA 02762.

Speaking in favor of the application was attorney Edward Casey who stated that the legal issue brought up by Jim Lewis regarding the end of Rambler Road is a significant one. He stated that his understanding of the Planning Board’s stance is that until the strip of land at the end of Rambler Road is approved, constructed, and accepted by the Municipal Council as a public way, there is no right to use it to access the proposed “Pike Estates” subdivision. He stated that this would mean that Rambler Road could not be considered as a second means of egress for the subdivision, requiring the Board to grant a waiver for the maximum number of houses on a dead-end way or deny the application. He asked that the Board continue the public hearing so that the legal issue can be further researched. He stated that at the next meeting he may ask to withdraw, amend, or have a decision rendered on the application.

Mr. Ayrassian noted that the Board needs to render a decision relative to Rambler Road for the applicant to make a decision on how to proceed with Pike Estates. He stated that he didn’t understand the public’s sentiment that the decision has already been made, but that the Board does need to move forward. He stated that five members will need to vote in favor and it is possible the Board will deny the application. He assured the public that the Board has heard them.

Mr. Casey request an extension of time to April 15th.

Chairman Danesi made a motion to grant an extension of time to April 15th. Jason Gittle seconded the motion and all voted in favor.

There being no one else to speak, the public hearing was continued to March 23rd.

The Board heard the application of SOWA, LLC for an amendment to the approved Major Project Site Plan Review decision dated July 17, 2018 for “Shops on Washington” to reconfigure the proposed bank, restaurant, and retail buildings; and create new curb-cuts providing right-in only access to the site from Newport Avenue and Route 1A, the subject premises being located at 1 Highland Avenue and 5 Route 1A, more specifically Assessor’s plat #64, lots #1A and #1B, located in the General Business zoning district.

Ms. Davies reminded the Board that the applicant had already continued the hearing to the second meeting in March.

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

The Board held a business meeting.

The Board reviewed the memorandum from Public Works Superintendent Michael R. Tyler, dated February 24, 2020, to the Planning Board recommending a PARTIAL release of funds in the amount of \$89,938.80 relative to the “EDWARD SR. ESTATES” subdivision.

Jim Lewis made a motion to approve a partial release of funds in the amount of \$89,938.80. Melinda Kwart seconded the motion and all voted in favor.

The Board reviewed all other correspondence.

The Board approved the draft minutes of January 27, 2020. The Board tabled the pending minutes of February 10, 2020.

The Board scheduled a Subdivision Committee meeting for 5:45 p.m. on March 23, 2020. They also scheduled a joint Ordinance and Subdivision Committee meeting for 5:30 p.m. on March 2, 2020 to discuss updates to the Planning Board Rules and Regulations.

The meeting adjourned at 9:00 p.m.