



# City Of Attleboro, Massachusetts

## PLANNING BOARD

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## MINUTES

APRIL 3, 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 Monday, April 3, 2023 at 6:30 p.m. in the Council Chambers on the first floor of City Hall, 77 Park Street, Attleboro, MA , relative to the following :

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

Planning Board Members Absent: None

The Board heard the application of Ad Meliora, LLC for the proposed forty-three (43) lot open space residential definitive subdivision plan entitled "NEWBERRY WOODS" located at 80 Ridgewood Road, more specifically, Assessor's plat #105, lots #1A, 1B1, 1B2, 1B3, and 1C and Assessor's plat #84, lot #86B in the Single Residence-C zoning district, engineered by Todd P. Morey, R.P.E., of Beals Associates, Inc., 2 Park Plaza, Suite 200, Boston, MA 02116.

The Board reviewed the letter from attorney John F.D. Jacobi, III of Coogan Smith, LLP, dated March 31, 2023, to the Planning Board, requesting to withdraw without prejudice the definitive subdivision application of Ad Meliora, LLC for "NEWBERRY WOODS".

Speaking in favor was attorney Jack Jacobi who explained that the plan was filed prematurely and that they intend to refile, once deficiencies in the plan are addressed.

Heather Whitehead directed the applicant to take under advisement the matters that were discussed during the subdivision committee meeting during the preliminary plan process.

Jim Lewis made a motion to grant leave to withdraw without prejudice the definitive subdivision application for "NEWBERRY WOODS". Fred Uriot seconded the motion and all voted in favor.

Bill Beardwood arrived at 6:35 p.m.

The Board heard the application of Kings and Castle Group, Inc. to extend Middle Street a distance of 140± feet, as shown on the definitive street extension plan entitled "GRADING, UTILITY & SEDIMENTATION CONTROL PLAN, ROADWAY EXTENSION OF MIDDLE STREET" to construct a one-family detached dwelling, drawn and engineered by Gregory W. Driscoll, R.P.E. of JDE Civil, 50 Oliver Street, North Easton, MA 02356, dated February 6, 2023. The subject premises are located on Assessor's plat #97, along lots #138 -#142 in the Single Residence -C zoning district.

Senior Land Use Planner Stephanie Davies stated her understanding that the engineer was working on revised plans, but she hasn't received anything to date.

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

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 email from attorney Edward Casey of Coogan Smith, LLP, dated March 31, 2023, to Planning Board Clerk Lauren Stamatis, requesting to continue to April 24, 2023 the definitive subdivision application of Laurel Knoll Land Trust for "LAUREL KNOLL".

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

**The application of SOWA, LLC for an amendment to the approved Major Project Site Plan Review decision dated June 20, 2017 for "Chick-Fil-A" to reconfigure the existing restaurant drive through and parking, 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.**

Speaking in favor of the application was attorney Jack Jacobi of Coogan Smith, LLP who stated that the Chick-fil-A restaurant was constructed six years prior and that currently, they are proposing to change the approved drive through and associated parking. He noted that they will also be appearing before the Zoning Board to amend their special permit and notifying Conservation Commission of the changes, as a full amendment to the stormwater management permit is not warranted. He explained that that upon opening, the restaurant was so popular, traffic was backing up into the parking lot and on to the surrounding streets. He stated that matters have gotten significantly better since that time. He stated that Chick-fil-A's corporate team has determined that there is a better way to deliver the food than with a traditional drive through window, so they are proposing a three lane configuration that reduces to two lanes behind the building and finally one lane to exit. He stated that the proposed changes would result in the loss of 12 parking spaces. He stated that those losses would be more than made up for by the additional drive through stacking space that will be provided in the third lane. He stated that there are various options for patrons to procure their food, including sit-down dining after ordering in person, walking in and picking up a pre-order, ordering from the drive through menu board and picking up at the window, or ordering online using the app and picking up either at the drive through window or in the restaurant. He stated that the redesign of the drive through is slated to increase efficiency by 30%. He pointed out that the number of customers is not expected to increase, the goal is simply to get people's food to them quicker and to modernize the food delivery system.

Mr. Ayrassian questioned the basis for efficiency. He asked time-wise how this would improve output.

Mr. Jacobi replied that the information is proprietary and Chick-fil-A keeps such information confidential.

Speaking in favor was franchisee operator Chris Apple of 252 Washington Street, Attleboro, MA who explained that as technology has advanced, it's allowed for greater efficiency and necessitated the need to change operational models.

Ms. Davies pointed out that the technology has allowed for greater capacity, but the design still physically maintains the same distance to the order pick-up window. She expressed concern with a pinch point being created that will still cause traffic to back-up.

Mr. Jacobi explained that the drive-up window will not be utilized and instead they will be installing a door in that location so that multiple food orders can be walked out by staff to waiting customers.

Bill Beardwood asked whether Chick-fil-A can manufacture the food 30% quicker to go along with the efficiency of food ordering and dispensing. He stated that he found this design just creates another line for vehicles.

Mr. Ayrassian agreed that traffic is still going to back-up if production can't keep up with the number of cars coming through the site. He pointed out that although he can acknowledge the value in a business increasing their internal efficiency, from a planning perspective, the staff and Board are concerned with the traffic impacts on the surrounding roads and how this design will result in traffic not spilling over from the site.

Mr. Jacobi stated that they are proposing to double the number of cars that can fit in the queuing line with the addition of the third lane.

Ms. Davies pointed out that it would be helpful to have the number of cars that can queue shown on the plan.

Heather Whitehead asked what percentage of the business currently orders using the mobile app.

Mr. Apple replied 20%.

Heather Whitehead pointed out that the third lane only benefits that 20% of patrons and asked what is being done to ease the traffic congestion for the remaining 80% of business attempting to access the site.

Mr. Jacobi pointed out that many third party food runners like Door Dash and Grub Hub have drivers park in a live parking area while they pick-up the food, so not all of the patrons are using the drive through.

Heather Whitehead stated that on a Saturday afternoon, the drive through parking wraps around the parking lot, blocking in those who park and walk into the store for their food. She asked how moving along that small portion of the business will benefit those people.

Mr. Jacobi asserted that they are increasing the drive through capacity with the additional lane.

Heather Whitehead maintained that only 20% of the business is utilizing the third online order lane and that she felt there will continue to be a stacking issue. She expressed concern with the current practice of coning off the direct access to the drive through, forcing patrons to queue through the entire parking lot to access the drive through. She asserted that this impacts all of the patrons, those that want drive through and those that park.

Ms. Davies pointed out that the cones strive to keep the drive through queue from blocking off the parking spaces that line that section and to increase the distance for queuing before reaching the entrance to Angeline Street.

Bill Beardwood agreed that delivery drivers who park are frequently waiting 15 to 20 minutes to get out of a parking space, as they are blocked in by drive through patrons.

Mr. Jacobi asserted they are trying to address that with this design change and the plan is for those cones to no longer be necessary. He pointed out that the store has been in existence for six years and the drive through is permitted as is and they are simply attempting to improve the current situation.

Heather Whitehead maintained that she felt the overall parking lot and the triangular piece in the center had to be redesigned. She pointed out that cones are also used towards the top of the site to keep patrons from circling through the upper parking lot. She argued that the Board cannot approve the plan if it is not actually going to improve the situation.

Jim Lewis stated that the original design for the site had one lane for the drive through and Chick-fil-A corporate made the argument to the Board that such a design was sufficient for the restaurant's needs. He

stated that ultimately, the site ended up with a two lane driveway. He stated that several of the Board members frequent the site and that the existing traffic issues are a big problem. He stated that the choke point where the lanes go from three to two forcing merges is going to back traffic up.

Mr. Ayrassian questioned the cross-hatched section off to the side after the pick-up area.

Mr. Jacobi explained that if a large order isn't ready, the patron will be asked to pull over and wait in that area, where staff will run the food out to them.

Mr. Ayrassian pointed out that the need for such a design points out that the restaurant is serving over capacity and that staffing may be an issue. He stated that when he met with the applicant, discussion was held regarding the bullnose turn into the site and that he had requested that the existing conditions be addressed.

Speaking in favor was Joey Fonseca of Bohler Engineering who stated that they pulled the radius of the bullnose further into the site to make a smoother turn. He explained that the outside lane will be for mobile order pick-ups, which gets those customers beyond the traditional menu order boards in the other two lanes, which then merges with those lanes at the food pick-up point. He stated that presently, mobile orders are waiting in line with all the other patrons.

Mr. Ayrassian argued that mobile patrons will still be waiting in line to pick-up their food with the other people who are ordering.

Mr. Fonseca explained that meals are delivered to anywhere from two to four patrons at a time by the staff that bring food out to the cars. He stated that the pull off is strictly for especially large orders that take more time.

Mr. Ayrassian stated that if the system fails, patrons won't visit the site, which will be on corporate from a business standpoint. He stated that when a site requires review by the Planning or Zoning Boards, however, they want to see designs that can work of their own volition, without relying on the human component of staff delivering the food.

Heather Whitehouse pointed out that Chick-fil-A has been using a model where staff walk the food out this entire time.

Mr. Ayrassian contended that it is a new variable that complicates evaluation of the system.

Mr. Jacobi countered that this is the existing system with people taking orders with Ipads and running the orders out to cars.

Mr. Ayrassian countered that this was not the original business model.

Mr. Jacobi replied that systems have changed since 2017. He stated that the building is existing and there is not sufficient space behind the building for a full third lane.

Tiffany Foster stated that she could see the benefit in adding a third lane to handle the mobile orders. She noted that the restaurant does a good job with signage and imagined that would continue with this design change. She stated that addressing just the drive through, given the way that people circle around the lot, will be insufficient to address the current traffic woes.

Heather Whitehead asserted that there are cars everywhere on a Saturday afternoon, let alone if there is a special event. She stated that she visited the site at 3 p.m. that day and there were 15 cars in line.

Mr. Jacobi stated that there is currently a single entrance to the drive through that expands to two lanes. He stated that the new plan essentially expands the length of the drive through, by eliminating the parking that proceeds it and creating a longer drive.

Jim Lewis asked whether traffic backs up to Angeline Street.

Tiffany Foster answered yes, regularly. She contended it backs up enough that it blocks access to the other shopping center.

Jim Lewis asked how patrons exit the site.

Heather Whitehead replied they have to go out on to Angeline Street the same way they came in, through all the traffic.

Jim Lewis asserted that there is a big credibility problem here. He encouraged the applicant to attempt to address the situation, but he didn't have much faith that the proposed design will work.

Attorney Jacobi countered that the alternative is to leave things as they are.

Heather Whitehead disagreed and stated that the alternative is to look at the whole bottom of the site holistically and address all of the parking areas.

Bill Beardwood agreed that adding a third lane is going in the right direction, but it will not be significant enough of a change to better the situation.

Tiffany Foster suggested that entering drivers need to be shifted more towards Denny's to accommodate more stacking.

Mr. Jacobi requested that the hearing be continued and that their engineers will look at alternative designs for the parking area.

Speaking neither for nor against was Ron Prout of 628 Newport Avenue, Attleboro, MA. He stated that his neighborhood has been dealing with the repercussions of commercial development in this area for 20 years and that it has been an ongoing disaster. He asserted that Angeline Street is backed up with traffic in both directions, regardless of the time of day. He expressed concern with the fact that not even all of the approved businesses have opened at this site, so traffic is likely to increase further. He stated that he didn't think the property was large enough to support all of the businesses proposed there.

Jim Lewis asked whether it would be beneficial for Angeline Street to be a one-way from Newport Avenue out to Route 1.

Mr. Prout answered no, as he felt there were just too many businesses and the area was too congested.

Mr. Ayrassian pointed out that such an approach would require working with MA DOT, as it would force more traffic on to the state highways and they may have to adjust signal timing and other factors.

Mr. Prout stated that opening up the end of Angeline Street to two-way traffic at Newport Ave has been the worst decision. He suggested that going back to the restricted access would resolve the traffic issues at Chick-fil-A.

Mr. Ayrassian countered that the geometry only was changed and that it used to be a right turn, only.

Mr. Jacobi pointed out that in the initial phases of planning this commercial site, the Fire Chief had been very adamantly opposed to making Angeline Street or May Street one-way.

Speaking neither for nor against was attorney David Sullivan of Darrow Everett, 10 North Main Street, Fall River, MA. He emphasized that as bad as the situation is, it is permitted and has been operating since 2017. He stated that the site has reached its saturation, as the novelty has worn off. He stated that the traffic flow will be the same as it is now, but with a third lane to better accommodate it. He noted that the site's layout is constricted by the location of the building.

Mr. Ayrassian suggested that things could be adjusted to the south.

Mr. Sullivan pointed out that it isn't within the Board's purview to change the operations of the business.

Mr. Ayrassian countered that is not the intent. He stated that he disagreed about the assertion that the site has reached its saturation rate. He stated that he surmised the online ordering to be a marketing tool that is aimed at driving more business to the site. He stated forensics would need to be provided to support Mr. Sullivan's assertion.

Heather Whitehead agreed and stated that she often will keep driving if she sees an excessive number of cars in the drive through lane, but will stop if it is less busy. She stated that the drive through lane being less congested is likely to attract more patrons. She asked the size of the pull-off area.

Mr. Fonseca replied that it is about 30-feet long and 13-feet across, so sufficient to hold one car.

Jim Lewis cautioned that the site could be approached akin to the Taco Bell on Pleasant Street, requiring the installation of a gate if traffic is spilling over on to surrounding roadways. He suggested that alternate designs be pursued so that can be avoided.

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 of the application was attorney Jack Jacobi who stated that staff had recommended they develop a final proposal for the aesthetics and building materials to be presented at a joint meeting between the Planning and Zoning Boards. He stated that they are in the midst of preparing that proposal. He requested a continuance to April 24, 2023.

Jim Lewis requested that the team direct the Board to some existing buildings that showcase the proposed materials, so that they can be viewed in real life.

Attorney Jacobi agreed to inquire.

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

**The Board held a business meeting.**

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

Jim Lewis pointed out that this is an example of the issue created by the City's lot width requirement. He stated that there is plenty of space for two houses, but the applicant has to jog the lines to create the necessary lot width.

Ms. Davies noted that the applicant had originally requested a variance, but were denied by the Zoning Board due to neighborhood opposition.

Speaking was attorney Edward Casey who stated he represents the applicant. He noted that it appeared that one of the jogs was unnecessary. He offered to speak with the engineer and have a revised plan submitted. He requested an extension of time to April 30, 2023.

Heather Whitehead made a motion to grant an extension of time to April 30, 2023. Tiffany Foster seconded the motion and all voted in favor.

The Board tabled the Form A plan pending the submission of revised plans.

**The Board tabled the Form A submitted by Weber Lyncee for 59 Allen Avenue and Cross Street pending a legal opinion from the City Solicitor .**

**The Board reviewed the Form A plan submitted by Capital Real Estate Investments III, LLC for 210-214 Pine Street .**

Ms. Davies explained that there is a section of the Zoning Ordinance that allows two houses constructed prior to 1942 on the same lot to be subdivided without complying with the zoning dimensional requirements. She noted that she had requested field cards validating the date of construction of both houses, but there is only a statement on the plan.

Jim Lewis made a motion to approve the Form A plan for 210-214 Pine Street. Fred Uriot seconded the motion and all voted in favor.

**The Board reviewed the email thread between Jason Aufiero and Director of Planning and Development Gary Ayrassian, dated March 20-March 21, 2023, regarding the stormwater easement encumbering 8 Windsor Drive in the "STONE FIELD ESTATES III" subdivision.**

Mr. Ayrassian stated that Condition #44 of the subdivision decision compels the developer to keep things tidy. He suggested the Board could write a letter to Mr. Catenacci and copy the City Solicitor, giving him a stringent timeline to remediate the issue of cleanliness of the roads and lots.

Heather Whitehead stated that she drove by this afternoon and it is worse that it was at the last meeting. She pointed out that the Board has pulled Mr. Catenacci before them numerous times and he has yet to live up to his promises.

Ms. Davies opined that the letter should come from the City Solicitor directly.

Jim Lewis questioned the potential to revoke the subdivision approval.

Mr. Ayrassian stated that the Board could threaten that action, but that he was unsure what the repercussions could be.

Ms. Davies pointed out that all of the lots have already been sold to private parties and she believed they were all under construction. She stated that there are already residents living in Phase 2 of the subdivision. She asked where that would leave them should the plan be rescinded.

Jim Lewis expressed concern that Mr. Catenacci sold all of these lots without retaining construction easements to preserve his rights to do work on the stormwater basins.

Heather Whitehead stated that the Board only has jurisdiction over the roadways and not the house lots.

Mr. Ayrassian mused that the Health Department could be tapped to address the issues with trash on the lots.

Tiffany Foster expressed concern that the construction dumpster is not even being emptied and that both Mr. Catenacci and Mr. Siwach are at fault.

The Board agreed to obtain direction from the City Solicitor on the tools available to the Board to remediate the situation.

**The Board reviewed all other correspondence.**

**The Board scheduled elections for April 24, 2023.**

**The Board reviewed the pending minutes.**

Jim Lewis made a motion to approve the pending minutes of March 6, 2023 and March 20, 2023. Heather Whitehead seconded the motion and all voted in favor.

**The meeting adjourned at 8:30 p.m.**