



City Of Attleboro, Massachusetts

PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET

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MINUTES

APRIL 26, 2021

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 26, 2021 at 6:30 p.m. remotely via Zoom, relative to the following :

Planning Board Members Present: Chairman Paul Danesi, Vice Chairman Jason Gittle, Shannon Bénay, Jim Lewis, Sean McNamara, Thom Morin, and Fred Uriot

Planning Board Members Absent: None

The Board heard the application of One Thirty One Pleasant St, LLC for the proposed twenty (20) lot definitive subdivision plan entitled "STONE FIELD ESTATES III," located at 553 Oak Hill Avenue, more specifically Assessor's plat #170, lot #1A, located in the Single Residence-D zoning district, engineered by John C. Spink, R.P.E. of Spink Design, 59 Clay Street, Middleborough, MA 02346.

Speaking in favor of the application was Bob Catenacci of One Thirty One Pleasant St, LLC who stated that they revised the plan to reflect removing the walk-out basements from house lots 5, 6, 7, 11, 12, to further protect them from any emergency flow from the stormwater system. He stated that they have adjusted the counters to create more distance from the homes, creating a more pronounced swale from both ponds to funnel water away. He stated that spot elevations have been added along that swale to show the one foot drop in elevation. He stated that he and his engineer are confident that this is a better design with more security. He noted that they also are rotating the Phase III overflow 90-degrees counter clockwise, so it is located further from the homes. He noted that the Phase II overflow is proposed to be similarly rotated.

Mr. Ayrassian asked whether the elevation of the overflow, 161.9-feet is the top of the slope.

Mr. Catenacci replied that it represents the top of the overflow weir.

Mr. Ayrassian noted that directly below that is a spot elevation of 161.7-feet. He stated if water comes out of the emergency spill way, it would likely flood the neighboring basin.

Mr. Catenacci countered that the basin to the right is higher than that, at 162-feet, but the spot elevations are not shown. He noted that the edge of the pond for Phase II will be at a height between 162 and 161.9-feet.

Mr. Ayrassian stated that the elevations for the Phase II pond need to be shown on the plans.

Jim Lewis countered that there is barely a change proposed in the elevation and the land will be essentially flat. He stated that the proposed change results in only about 1.5-inches worth of change. He stated that such fine grade changes are likely to be difficult to create in the field using heavy machinery and it will likely be prone to failure.

Mr. Catenacci stated that he appreciated Mr. Lewis's comment, but that they perform their own excavation and have become masters at such intricate grading, as the other phases of the subdivision have been similarly flat so they've had to work with very minor grade changes.

Ms. Davies suggested that Windsor Drive could be curved a little in the other direction to pull the house lots further away from the basin. She stated her sense that it will be much safer to shift everything further away from the stormwater system. She noted that the current plan proposes extensive, specific grading on Lot 6, nearly up to the corner of their house. She expected that the future homeowners are liable to want to grade their lawn, which will disrupt the system and cause it to fail.

Mr. Catenacci asserted that experience dictates that water will flow with slight elevation changes of mere inches. He noted that neither of the overflows will be releasing water in the 100-year storm. He stated that he supposed multiple storms could happen in quick succession, resulting in overflow, but that there is positive slope that will move the water away. He noted that some of the houses could likely be shifted 15-20 feet closer to the roadway while still meeting the zoning setbacks, which may be beneficial. He noted that Lot 3 is only about 20-feet or so away from the wetland no-disturb zone, so there is not much flexibility to adjust the location of the roadway.

Ms. Davies countered that this plan proposes building houses immediately adjacent to the stormwater basin and overflow, which seems risky.

Mr. Ayrassian agreed with Mr. Lewis' concern and stated that he didn't know how such specific grading would be accomplished. He also agreed with Ms. Davies' concern that the future residents of Lot 6 are liable to fill in the yard to create a lawn and asked how that action would be prevented.

Mr. Catenacci replied that both the ponds and their accompanying drainage swale will be contained in an easement and turned over to the City. He stated that they had the issue in Phase II that the swale was not encumbered by an easement which resulted in issues.

Mr. Ayrassian stated that part of the purpose of the review is to ensure that a design that works on paper won't result in problems when actually constructed. He suggested that with the delicate grading proposed, minor obstructions like a pile of leaves will divert the flow of the water. He stated that he maintains his skepticism that this design will work practically.

Mr. Catenacci countered that he didn't feel that a design necessarily is burdened with planning for the possibility of a swale being clogged. He stated that regardless of the slope, a system will be derailed by dumping.

Mr. Ayrassian suggested that another option would be to not construct a house on Lot 6.

Jim Lewis asked whether a design with a grate that pipes the water where it needs to go was considered.

Mr. Catenacci replied that it is in option, but that in his experiences, pipes can clog or become compromised and can be difficult to maintain. He stated that the pipe would daylight at 161-feet towards the wetlands and wasn't sure whether that would increase assurances against potential flooding. He suggested a pipe and a swale could be provided for double protection.

Mr. Ayrassian stated that it doesn't make sense to have both features.

Mr. Catenacci stated that he has seen more defined or concrete swales where the slope is more permanent. He stated, however, that the swale will still need to be maintained to prevent clogging.

Mr. Ayrassian sought to confirm he is suggested that the side slopes of the swale would be embedded with rip rap.

Mr. Catenacci disagreed, suggesting that in decades past, concrete swales were common.

Chairman Danesi suggested it would be like a cement trough that ferries the water.

Ms. Davies asserted that this feature is going down the middle of a resident's backyard and they're going to want to cover up something that's aesthetically displeasing. She supposed that the buyer would have to beware.

Mr. Catenacci asserted that they sit down with all potential buyers so that they know exactly what they are getting into.

Chairman Danesi suggested that homeowners may prefer that over their house being flooded.

Ms. Davies noted that the Board doesn't have to allow a house lot in that location. She suggested that it may be creating more problems by having a situation where an easement encompasses nearly the entire yard.

Jim Lewis stated that the success of this system relies on the assumption that the City will maintain the swale on the preordained schedule. He stated that Public Works struggles to keep up with the systems already throughout the City, so that has the potential to complicate things.

Mr. Catenacci stated that they are providing easements from both York Drive and Saveena Drive to access either basin. He noted that the only disturbance to the abutting homeowner will be if the City needs to utilize the easement to perform work.

Mr. Ayrassian stated that work will be inevitable at some point, including routine maintenance.

Jim Lewis asked whether a portion of the pond is located on Lot 6 in addition to the swale.

Mr. Catenacci replied that the pond and the easement are located on Lot 6, but those areas are typically grassed for stabilization.

Jim Lewis asked whether the easement document will dictate whether the homeowner or the City will be obligated to mow those areas.

Mr. Catenacci stated that typically homeowners are willing to mow things. He stated that they still own the property, but with the easement there isn't an obligation to maintain it, but they often choose to.

Jim Lewis suggested that the Board will be looking at that closely when reviewing the draft easements. He noted that the homeowner will also need to maintain the elevations.

Mr. Catenacci stated that he felt it was good idea to put the onus for lawn maintenance on the homeowner.

Mr. Ayrassian noted that the next stormwater peer review has yet to be submitted.

Jim Lewis suggested the next step would likely be a subdivision committee meeting to discuss working through the issues raised, after the peer review has been received.

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

The Board heard the application of Pike Avenue Acquisitions, LLC, Robert Heroux, and Erin Pilling for the proposed forty-nine (49) lot definitive subdivision plan entitled "PIKE ESTATES," located at 419 & 439 Pike Avenue, more specifically Assessor's plat #130, lot #81, and plat #123, lot #23, 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 Dan Campbell of Level Design Group who stated that he had submitted revised plans about a week prior, which incorporated the Board's most recent comments. He

stated that the plan includes a page that clearly shows the open space and all of the easements. He stated that the plans include the modified boulevard entrance, which pushed the lot property lines to the south, to allow for the widening of the roadway. He pointed out that Lots 47 and 48 can access their driveway through gaps in the center island, which have been reduced to a 15-foot width. He stated that the plan provides for a mailbox easement, but through further discussions, the idea of a homeowner's association to maintain the mailboxes may make more sense.

Jim Lewis agreed that a homeowner's association would make sense as the mulched boulevard will also require maintenance.

Speaking in favor was attorney Edward Casey who agreed and stated that they would be the holder of the mailbox easement unless the Board prefers otherwise.

Jim Lewis noted that the easement dictates the right of the various homeowners to go on to somebody else's property. He asked whether that is relevant if the mailboxes are entirely in the right-of-way.

Mr. Campbell noted that the majority of the mailbox pull-off is in the right of way, but a small portion is outside of it on the abutting lots.

Mr. Ayrassian suggested that the entirety of the pull-off and mailboxes be in the right-of-way. He sought to confirm that maintenance of the boulevard island would be handled by the homeowner's association.

Mr. Casey replied in the affirmative.

Jim Lewis suggested that such a big project with 49 separate ownerships, he feels that a homeowner's association would be a good solution to maintain the shared features like the boulevard.

Mr. Campbell went on to describe the addition of the two parking spaces at the end of Cherry Tree Lane in association with the open space, which are proposed to be gravel and a detail will be forthcoming. He noted that an easement is provided on Lot 3 for access to the basin located on Parcel 5. He noted that there is an additional easement that crosses three parcels to access the utilities at the dead end of Rambler Road. He stated that McMann has reviewed the traffic and looked specifically at the sight lines. He stated that a question was raised about the existing stone wall abutting the entrance to Paisley Way, but in order to incorporate the sidewalks staff requested along the roadway curve radii, they'll have remove a portion of the stone wall, which will improve the sight line. He stated that other note recommended removal of a single tree, which was slated to occur anyway to install the proposed small detention basin beside the road.

Chairman Danesi sought to confirm that the tree in question is located on the applicant's property.

Mr. Campbell answered yes. He went on to state that McMann had provided turning movements throughout and onto the property and that based on the equipment utilized by the City, emergency vehicles will be able to access and move about the site freely.

Jim Lewis noted his recollection that there was disagreement about the waiver for the boulevard and that he maintained that relief was required from the regulations relative to allowing no more than 20 house lots on a dead-end street.

Mr. Casey stated that he had submitted a second letter requesting that relief.

Mr. Campbell noted that the lanes of the boulevard are 20-feet each, so wide enough for motorists to pass a stopped vehicle, if needed.

Jim Lewis asked about the sheets requested to aid in the drafting of deeds.

Mr. Campbell replied that Sheet C01 contains all of the individual metes and bounds.

Jim Lewis suggested that one more Subdivision Committee meeting is warranted to clean up any remaining questions. He noted that the staff report called out a deficiency relative to the easements.

Mr. Casey stated that they are working to resolve that.

Ms. Davies sought to make the Board aware that a stormwater peer review was not performed on the boulevard configuration, as the last review still involved the now defunct Azalea Way. She stated that she didn't necessarily feel another peer review was necessary, but wanted the Board to be aware that the last review was performed back in December and that there were several comments that still needed to be addressed.

Mr. Ayrassian asked whether the removal of Azalea Way resulted in a net decrease in the amount of impervious on the site.

Mr. Campbell pointed out that Horsley Witten Group had been in support of the design back when they were using Rambler Road for access, so the entire cul-de-sac was reviewed. He stated that the originally proposed roadway had 36-feet of pavement with sidewalks on both sides. He stated that the boulevard proposed 40-feet of pavement and sidewalk on one side, so there is a minimal reduction of impervious.

Mr. Ayrassian noted that this is only part of the equation, as it needs to be determined that the configuration for the management of stormwater is appropriate. He asked whether the design is sufficient to manage the water in compliance with the Stormwater Ordinance regulations.

Mr. Campbell replied that they are putting the same or less water to each of the holding areas as compared to the design review by Horsley Witten Group.

Mr. Ayrassian stated his opinion that another stormwater management peer review was not necessary. He suggested that simply a Zoom session with them to verify that the amount of impervious is being reduced and the management continues to be sufficient in line with their prior approval.

The Board agreed.

Mr. Casey stated that he felt it was a good approach, but asked that the project's engineer be permitted to participate.

Mr. Ayrassian agreed.

Mr. Casey requested an extension of time to May 31, 2021.

Jason Gittle made a motion to grant an extension of time to May 31, 2021. Fred Uriot seconded the motion and all voted in favor via roll call.

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

The Board held a business meeting.

The Board discussed 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.

Mr. Casey requested an extension of time to May 31, 2021.

Jim Lewis made a motion to grant an extension of time to May 31, 2021. Thom Morin seconded the motion and all voted in favor via roll call.

The Board tabled the matter.

The Board reviewed the Form A plan submitted by Ted Charron for Morse Avenue.

Jim Lewis noted that it appeared one existing lot was being subdivided into a total of five lots.

Ms. Davies noted that there was also one parcel that was labeled “not buildable”.

Mr. Ayrassian stated his understanding that the applicant intends to convey that land to the Attleboro Land Trust, but that it should be assigned a lot number.

Jim Lewis pointed out a 25-foot wide strip between Lots 2 and 3 and asked whether that is intended as an access point for the Land Trust. He stated he felt it was likely, as wetlands encumber the rest of the lot’s frontage. He asserted that would be the only upland access.

Ms. Davies stated that all of the proposed lots have sufficient frontage and that staff recommend approval.

Jim Lewis made a motion to approve the Form A for Morse Avenue. Jason Gittle seconded the motion and all voted in favor via roll call.

The Board discussed the petition to discontinue a portion of Rathbun Willard Drive as shown on the plan entitled “STREET DISCONTINUANCE & EASEMENT PLAN OF LAND”.

Jason Gittle made a motion to recommend that the Municipal Council approve the petition to discontinue a portion of Rathbun Willard Drive (Parcel A-1, ±714 square feet; Parcel A-2, ±1,515 square feet; Parcel B-1, ±2,749 square feet; and Parcel B-2, ±348 square feet) as shown on the plan entitled “STREET DISCONTINUANCE & EASEMENT PLAN OF LAND,” prepared by Daniel F. Fleming., P.L.S., of Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated January 15, 2021. Shannon Bénay seconded the motion and all voted in favor via roll call.

The Board heard the appointment to speak of Jennifer Cooke of 128 Smith Street.

Ms. Cooke explained that her property backs up to the “BRIGHAM HILL ESTATES” subdivision and that she had been before the Board several years ago to address an issue with excessive water on her property. She stated that since that time, the builder and the Board worked to modify the stormwater system and resolve the issue. She stated that she has since suffered periods of heavy rains without any flooding issues. She thanked the Board and the builder, Bill Ward, for working together to address things.

The Board heard the appointment to speak of John Case relative to “HILLCREST AVENUE EXTENSION I”, “HILLCREST AVENUE EXTENSION II”, “RHODES STREET EXTENSION”, and “BRADFORD ESTATES”.

Mr. Case stated that he is finishing up the remaining work for each of these developments, but there are a few issues he wanted to discuss with the Board. He stated that for the street extension plans, a number of the approved locations for granite bounds are in locations that haven’t been cleared, are in wetlands buffers, or would require the disturbance of already constructed features like retaining walls and guard rails. He stated that he is proposing the installation of a metal spike with an orange cap in lieu of the full granite bounds.

Mr. Ayrassian stated that he had spoken with Mr. Case about this issue, but that he is not in a position to approve the developer to deviate from the approved plans. He stated that only the Board has the ability to authorize changes, so Mr. Case was directed to install the bounds as shown on the plan. He reminded the Board that they granted Mr. Case an extension of time to May 31st to complete the developments in lieu of seizing his bond.

Mr. Case stated that he can't move forward with any other work until he has the Board's decision on these issues. He stated that there is also a problem with the guard rail with reflectors proposed in "HILLCREST AVENUE EXTENSION I". He stated that the supplies dictated in the plans, consisting of 8"x8" posts and the 4"x10" guardrail are on back order for at least eight weeks. He stated that he has access to 8"x6" post and 4"x10" guardrail, which could be installed immediately.

Mr. Ayrassian stated that he had recommended Mr. Case confer with Public Works to ensure the change in the building materials wouldn't impact the structural integrity of the guard rail.

Mr. Case stated he spoke with Public Works and they didn't see any issue with substituting the materials.

Mr. Ayrassian recommended to the Board that he felt it was reasonable to install spikes in lieu of granite bounds and that the change in materials be approved for the guardrail with the approval Public Works.

Thom Morin made a motion to allow the installation of steel rods in lieu of the granite bounds in the "HILLCREST AVENUE EXTENSION I" street extension plan. Fred Uriot seconded the motion and all voted in favor via roll call, save Jim Lewis, who abstained.

Thom Morin made a motion to allow the construction of the guardrail with 8"x6" pressure treated posts in lieu of the approved 8"x8" pressure treated posts specified in the "HILLCREST AVENUE EXTENSION I" street extension plan. Fred Uriot seconded the motion and all voted in favor via roll call, save Jim Lewis, who abstained.

Thom Morin made a motion to allow the installation of a 4"x8" pressure treated guardrail with reflectors in lieu of the approved 4"x10" guardrail with reflectors specified in the "HILLCREST AVENUE EXTENSION I" street extension plan. Fred Uriot seconded the motion and all voted in favor via roll call, save Jim Lewis, who abstained.

Thom Morin made a motion to allow the installation of steel rods in lieu of granite bounds in the approved "HILLCREST AVENUE EXTENSION II" street extension plan. Fred Uriot seconded the motion and all voted in favor via roll call, save Jim Lewis, who abstained.

Mr. Case explained he was making the same request regarding the steel rods in lieu of granite bounds for "RHODES STREET EXTENSION". He stated that the bound locations are encumbered by the 100-foot wetland buffer and that a tree may have to be removed for one, which is slated to be located on someone else's property. He stated that the spikes would also make more sense for the bounds that need to be located in the turnaround, which is essentially someone's driveway.

Mr. Ayrassian noted that he was concerned that the rod would protrude and would cause issues for the resident's tires or plowing efforts.

Mr. Case stated that they could be installed subsurface.

Chairman Danesi noted that he has seen this done before and they use metal detectors to locate them in the future.

Shannon **Bénay** made a motion to allow the installation of steel rods in lieu of granite bounds in the approved "RHODES STREET EXTENSION" street extension plan, with the stipulation that the bounds located in the resident's driveway be installed flush or just below the surface, to avoid damage to vehicles. Fred Uriot seconded the motion and all voted in favor via roll call, save Jim Lewis, who abstained.

Mr. Case stated that lastly, he would like to request the Board waive the fire alarm box shown on the plans for the "BRADFORD ESTATES" subdivision. He stated that his intent to donate the materials cost towards sidewalks in lieu of installation.

Ms. Davies stated that she will check the value of the feature according to the bond calculation performed by Public Works. She noted that a letter would need to be formally submitted requesting that the requirement be waived.

Jason Gittle made a motion to eliminate the requirement to install a fire alarm box in the approved "BRADFORD ESTATES" definitive subdivision, in lieu of donating the costs for construction to the City. Fred Uriot seconded the motion and all voted in favor via roll call, save Jim Lewis, who abstained.

The Board reviewed the Form P2 - Requests for an Extension of Time to April 21, 2021 and April 26, 2021, respectively, from W.B. Construction & Development, Inc., received April 21, 2021, relative to the "BRIGHAM HILL ESTATES, PHASE IV" subdivision.

Thom Morin made a motion to grant an extension of time to April 21, 2021 relative to the "BRIGHAM HILL ESTATES, PHASE IV" subdivision. Jason Gittle seconded the motion and all voted in favor via roll call, save Jim Lewis, who abstained.

Thom Morin made a motion to grant an extension of time to April 26, 2021 relative to the "BRIGHAM HILL ESTATES, PHASE IV" subdivision. Jason Gittle seconded the motion and all voted in favor via roll call, save Jim Lewis, who abstained.

The Board reviewed the memorandum from Public Works Superintendent Michael R Tyler, dated April 23, 2021, to the Planning Board, providing a sidewalk estimate in the amount of \$5,150.00 relative to the sidewalks waived in the "BRIGHAM HILL ESTATES, PHASE IV" subdivision.

Jason Gittle made a motion to accept the recommended sidewalk value of \$5,150.00 relative to "BRIGHAM HILL ESTATES, PHASE IV". Fred Uriot seconded the motion and all voted in favor via roll call, save Jim Lewis, who abstained.

The Board reviewed the memorandum submitted by Public Works Superintendent Michael R. Tyler, received April 23, 2021, to the Planning Board, providing a bond calculation in the amount of \$407,431.15, relative to the "BRIGHAM HILL ESTATES IV" subdivision.

Jason Gittle made a motion to accept the recommended bond amount of \$407,431.15 relative to the "Brigham Hill Estates, Phase IV" subdivision. Thom Morin seconded the motion and all voted in favor via roll call, save Jim Lewis who abstained.

The Board tabled the letter from Planning Board Clerk Lauren Stamatis, dated April 26, 2021, to Public Works Superintendent Mike Tyler, requesting a recommendation regarding a FINAL release of funds relative to the "STONE FIELD ESTATES II" subdivision.

The Board reviewed all other correspondence.

The Board approved the pending minutes of March 22, 2021. The Board tabled the pending minutes of April 6, 2021.

The Board held elections.

Jason Gittle nominated Paul Danesi to serve as Chairman. Jim Lewis seconded the motion.

Jason Gittle made a motion to elect Paul Danesi to serve as Chairman. Jim Lewis seconded the motion and all voted in favor via roll call.

Paul Danesi nominated Jason Gittle to serve as Vice Chairman. Fred Uriot seconded the motion. Paul Danesi made a motion to elect Jason Gittle to serve as Vice Chairman. Fred Uriot seconded the motion and all voted in favor via roll call.

Paul Danesi nominated Thom Morin to serve as Secretary. Shannon Bénay seconded the motion. Paul Danesi made a motion to elect Thom Morin to serve as Secretary. Shannon Bénay seconded the motion and all voted in favor via roll call.

Paul Danesi nominated Lauren Stamatis to serve as Clerk. Jason Gittle seconded the motion. Paul Danesi made a motion to elect Lauren Stamatis to serve as Clerk. Jason Gittle seconded the motion and all voted in favor via roll call.

Paul Danesi nominated Fred Uriot to serve as SRPEDD delegate. Sean McNamara seconded. Paul Danesi made a motion to elect Fred Uriot to serve as SRPEDD delegate. Sean McNamara seconded the motion and all voted in favor via roll call.

The Board assigned members to committees.

The meeting adjourned at 9:00 p.m.