



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

MAY 10, 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, May 10, 2021 at 6:30 p.m. remotely via Zoom, relative to the following :

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

Planning Board Members Absent: Vice Chairman Jason Gittle

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 he didn't think the stormwater peer review report had been submitted yet.

Mr. Ayrassian agreed and stated that staff had ongoing questions about the proposed spot elevations and the layout of some of the lots surrounding the stormwater basins.

Mr. Catenacci asked whether a subdivision committee meeting could be scheduled.

Chairman Danesi replied that the Board needed to receive the consultant's peer review report first.

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 attorney Edward Casey who stated that he is requesting a continuance as they have a Subdivision Committee meeting scheduled for tomorrow evening.

Mr. Ayrassian noted that discussion with the City's consultant relative to the stormwater management system determined that a further stormwater review wasn't necessary. He explained that there may be a slight change in the calculations with water increasing to the proposed rain garden, but the change is minor enough that it doesn't warrant a review.

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.

The Board tabled the matter.

The Board reviewed the Form A plan submitted by Ronald Proulx for Revere Terrace and Commonwealth Avenue.

Ms. Davies stated that the plan appears to reconfigure the land to create one lot with frontage on Commonwealth Avenue and three lots off Revere Terrace.

Mr. Ayrassian asked whether all the property owners involved had signed off on the application. He noted that the application references only one new lot being created.

Speaking was Ron Proulx who explained that he owns all of the land on the plan, so he signed the application. He stated that he had previously obtained land from the abutting lot owned by the Withers’ and that the plans seeks to combine the excess land from that lot with the excess land from lots 2 and 4, to create an additional buildable lot.

Jim Lewis made a motion to approve the Form A submitted by Ronald Proulx for Revere Terrace and Commonwealth Avenue. Fred Uriot seconded the motion and all voted in favor via roll call.

The Board heard the appointment to speak of attorney Edward Casey relative to the “STONE HAVEN” subdivision.

Mr. Casey reviewed the deficiencies submitted by Public Works. He stated that all of the erosion controls have been removed from the site, a fact which has been confirmed by the Conservation Agent. He acknowledged the requirement to clean all of the drainage structures before turning them over to the City and his client’s intent to contact Public Works as to whether that is necessary. He stated that his client is seeking a waiver to eliminate the need to install a fire alarm box, while donating the cost for the materials to the City.

Mr. Ayrassian asked whether that request had been submitted in writing.

Mr. Casey noted the intent to do so. He added that he is hard pressed to understand why the developer should submit funds to the City if the Fire Department finds the features to have little utility.

Chairman Danesi countered that if the developer had applied for a waiver during the subdivision approval process, the Board would have required the submission of a fee, just like for a waived sidewalk.

Mr. Casey stated that he understands the Board’s position. He stated that the stop sign in question has been installed. He confirmed that a portion of the sidewalks don’t meet ADA regulations and the developer’s contractor is aware of his need to remedy the issue. He stated that there is an issue with a portion of concrete sidewalk that needs to be constructed, as the developer mistakenly thought that all of the sidewalks were waived for the subdivision, not just the bituminous ones. He asked whether the Board would consider waiving the construction of those sidewalks with the applicant paying the cost of materials to the City.

Mr. Ayrassian noted that those sidewalks along the curve radii are for the school kids to have somewhere to stand when waiting to get picked up by the bus. He stated that the Board always requires the curve radii to be paved on both corners for safety.

Mr. Casey stated that he understands. He stated that the areas requiring backfilling, loam, and seeding has been completed. He stated that the missing portions of split rail fencing have been installed and that the Conservation Agent had gone out and approved the work. He stated that another issue was relative to a guardrail that had been installed a little too close to the edge of the pavement. He stated that they are unable to move the guardrail further back due to the proximity to the wetlands. He stated that he was unsure whether it was truly necessary anyway, as the cul-de-sac in question that originally was slated to have a landscaped center island was given permission by the Board to pave over it. He stated that it is now essentially a large cul-de-sac, so there is plenty of space for the plow trucks to manage the area.

Mr. Ayrassian asked why the guardrail was installed if it doesn't appear on the approved subdivision plans.

Chairman Danesi stated that former Public Works Superintendent Lance Hill had suggested the feature due to the steep embankment it abuts.

Mr. Ayrassian sought to confirm that the argument to allow the guardrail to remain in its present location is that Public Works doesn't have to hug the curbing as there is no center island. He suggested that some heavy duty reflectors could be installed on the guard rail to remind Public Works not to get too close to the edge. He stated that he didn't want to see any of the pavement removed, but that alternatively the guardrail could be removed.

Ms. Davies suggested that it would likely be a safety issue for the guardrail to be moved.

Mr. Casey stated that it may make sense for the Board members to perform a site visit, but that he felt the reflector suggestion makes sense.

Mr. Ayrassian suggested that Public Works could be consulted about the reflectors and if those are deemed to be insufficient, their suggestions could be solicited. He stated that he would also reach out to the Conservation Agent for his feedback on the potential impacts to the wetlands of moving the guard rail.

Ms. Davies asked the number of feet worth of guardrail.

Mr. Ayrassian estimated 50 to 60-feet.

Ms. Davies suggested that granite curbing could be installed for that short distance, so that plows would hit that rather than the guard rail.

Jim Lewis questioned the radius of the cul-de-sac.

Mr. Ayrassian answered that it has a diameter of 102-feet.

Jim Lewis stated that he was in favor of consulting Public Works about installing reflectors and instructing the plow drivers to go easy in that area.

Mr. Ayrassian stated that he will report back to the Board on the 24th.

Mr. Casey stated that Public Works also noted the issue that some of the street trees appear to be planted in the City's right-of-way. He stated that in reviewing the Planning Board Rules and Regulations, it states that if street trees are within the right-of-way, they need to just meet certain requirements. He stated that

the subdivision is constrained by wetlands, so no further expansion is anticipated, so sidewalks are not likely to be installed in the future.

Mr. Ayrassian stated that he will review the plans to see if that is the approved placement. He stated that if a landscaper installed those without reviewing the plans, the matter will have to be discussed further.

Mr. Casey stated that Public Works had called out a 6-inch pipe that was never installed, but that the revised plans had removed the detention area completely in lieu of a house lot. He imagined that Public Works may have been reviewing an outdated plan.

Mr. Ayrassian agreed to review the matter and report back to the Board.

The Board tabled the letter from Scott Rolfe and James Borrebach of OHI Engineering, Inc., received April 30, 2021 via email, to Mr. Steven Gietz, providing a status update relative to the punch list items remaining in the construction of the "STONE HAVEN" subdivision.

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 April 6, 2021 and April 26, 2021 .

The Board received a progress report from the Planning Board Study Group.

Jim Lewis stated that he and drafted an executive summary relative to tree preservation in the City. He stated that his first proposal is to increase the number of trees required to be planted when new subdivisions are constructed. He asserted that trees add value to developments in both aesthetics and for the benefit of the environment. He suggested that more trees could also improve the marketability of subdivisions. He also proposed that the Board consider mechanisms to limit clear cutting of existing trees on development sites. He suggested that the Planning Board Rules and Regulations could be adjusted to prohibit the removal of trees from side yard setbacks. He noted that preserving such trees is not necessarily simple though, as the heavy equipment used for construction can often crush the roots and kill them.

Chairman Danesi suggested that the Board could also consider developers donating to a tree planting fund in lieu of including them in developments.

Mr. Ayrassian suggested that it may make more sense to have the developers physically donate the trees to be planted elsewhere in the City, but could be taken on a case by case basis.

Chairman Danesi noted that homeowners often have their own ideas of how they want their landscaping and that after purchasing a lot, nothing will prohibit them from cutting down the trees the City has just required to be installed.

Jim Lewis agreed and stated that one study he reviewed proposes the use of a covenant to essentially create a restriction that prevents the homeowner from removing the trees. He suggested the matter be referred to the Subdivision Committee for further discussion.

Ms. Davies noted that if the trees are required to be installed in the right-of-way, they would be protected.

Chairman Danesi stated that he still thinks the Board of Health's requirement to perform percolation tests on every single house lot results in a lot of the concerning tree removal from development sites. He suggested that with the new leadership in the Health Department, it may be a good time to approach them about alternatives.

Jim Lewis stated his understanding that the process was strictly a policy and had no force of law behind it.

Mr. Ayrassian stated that former Health Agent Mooney had explained to staff many years ago that his position conferred broad authority without Municipal Council oversight and that he can enact laws immediately, as long as they were approved in a properly advertised public hearing. He suggested that a letter could be drafted to send to the Health Agent for her input.

Ms. Davies stated that she recalled that the flip side to the Health Department policy was that many lots in subdivisions were being approved that didn't pass percolation tests, so developers were complaining about losing house lots. She stated that she supposed the onus was on the developer and that it was a buyer beware issue when they are purchasing land.

Chairman Danesi asked what could be done to implement tree preservation on Form A plans.

Mr. Ayrassian stated that a City Ordinance would be required to impose restrictions on Form A plans.

Jim Lewis suggested that a committee be put together, like with the Marijuana or Chicken Ordinances, to discuss ideas. He went on to discuss sustainable growth and explained that Jason Gittle had conversations with Mayor Heroux on what actually constitutes sustainable development. He stated that the New Study Group felt a training session to learn about the topic and techniques could be beneficial.

Mr. Ayrassian noted that he had previously suggested a consultant for that purpose. He noted that there will likely be separate commercial, residential, and industrial components. He stated that after some education, the Board could consider whether any of the practices make sense for the City's land development ordinances.

Chairman Danesi noted that if the typical resident was polled, they will insist that the City is allowing too many single family homes to be built and putting too much pressure on the school system and roadways. He stated that their concerns are about increasing taxes, traffic, and limiting of amenities.

Mr. Ayrassian replied that the key is ensuring development is performed at a sustainable pace as the surrounding infrastructure evolves. He stated that the goal is to recognize what you can absorb and only allow that much development. He stated that studies typically review 2 to 5 year horizons.

Chairman Danesi noted that some of the more abstract and "big picture" ideas of land development are difficult for the public to grasp.

Mr. Ayrassian suggested that the matter be referred to the Comprehensive Plan Committee, as it involves land use policy. He noted that the census data will be released soon, so the City will begin updating the Comprehensive Plan. He suggested this could potentially be included in the updates. He stated staff could reach out to the Mayor to solicit funds to support its implementation.

Jim Lewis stated that likewise, an educational workshop relative to stormwater management should be arranged to facilitate discussion of methods.

Chairman Danesi stated that there is a lot of interest in stormwater outside of just the Planning Board. He suggested that such a presentation could be open for anyone to attend.

Jim Lewis noted that they hadn't considered an audience broader than the Board itself. He asserted that the Board needs to understand how these systems operate, what they'll look like, and their costs for maintenance.

Sean McNamara agreed that such an education would be beneficial for the Board.

Jim Lewis stated that the goal is to avoid some of the recent mishaps with stormwater systems in approved subdivisions that have ended up impacting abutters as well as subdivision residents.

Mr. Ayrassian noted that the City has several contracts with outside stormwater peer reviewer, Horsley Witten Group. He stated those contracts are slated to be sent down to the City Council for renewal in several weeks. He stated that upon completion, he will reach out to the consultant to request they prepare an outline and scope of work to present to the Board.

The meeting adjourned at 8:30 p.m.