



City Of Attleboro, Massachusetts

PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET

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MINUTES

AUGUST 14, 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, August 14, 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: Vice Chairwoman Heather Whitehead, Bill Beardwood, John Davis, Peter Fellini, Tiffany Foster, Melinda Kwart, and Fred Uriot

Planning Board Members Absent: Chairwoman Shannon Bénay, and Jim Lewis

The Board heard the application of Peter Lavoie of D&L Design Group, Inc. to extend Buffington Street a distance of 10± feet, as shown on the definitive street extension plan entitled "BUFFINGTON STREET EXTENSION, MAP 19, LOT 365-369, 0 BUFFINGTON STREET IN ATTLEBORO, MASSACHUSETTS" to construct a one-family detached dwelling, drawn and engineered by Michael Dean, R.P.E. of D&L Design Group, Inc., 115 Water Street, Milford, MA 01757, dated March 28, 2023. The subject premises are located on Assessor's plat #19, along lots #365-369 in the Single Residence -A zoning district.

Speaking in favor was Peter Lavoie of D&L Design Group who stated that he had submitted a corrected application indicating the owner as the applicant and added the public right-of-way labels to the plan.

Mr. Ayrassian stated that Public Works had indicated that there are no special regulations for a developer to work within the public right-of-way and that they simply need to give Public Works notice. He stated that he has approached the Mayor and Public Works director about the peripheral stormwater issues in the neighborhood and is awaiting a response. He recommended the public hearing be closed.

Mr. Lavoie requested an extension of time to September 12, 2023. Tiffany Foster seconded the motion and all voted in favor.

Speaking in opposition was Irene Kozdrowski of 30 Carleton Street who asked whether the drainage plan has been accepted for the site.

Mr. Ayrassian pointed out that the Board has not yet voted on the application.

Ms. Kozdrowski asked who would be maintaining the drainage.

Mr. Ayrassian replied that it has yet to be decided.

Ms. Kozdrowski expressed concern with a future lack of maintenance, once the developer is out of the picture. She stated that she does not want to have to suffer the consequences of additional stormwater, should her future neighbor not maintain the stormwater system.

Mr. Ayrassian stated that the design proposes to contain and manage the stormwater on the property and release it gradually over time. He stated that the run off from the site would be equal to or lesser than its present rate. He stated that if the design meets those criteria, staff would recommend approval.

Ms. Kozdrowski stated that she wrote a letter to the Mayor on July 19th regarding the stormwater issues and has not heard anything back.

Fred Uriot made a motion to close the public hearing. Bill Beardwood seconded the motion and all voted in favor.

The Board tabled the matter pending a Subdivision Committee meeting.

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.**

Speaking in favor of the application was Josh White of JD Civil who stated that revised plans, stormwater calculations, and response comments had been submitted. He stated that as the result of further soil testing, they have expanded the three leeching catch basin design. He explained that he has added cascade grates due to the slope and a subsurface stormwater management system that includes 8-inch pipes under the shoulder of the roadway to gradually infiltrate the water that accumulates in the catch basins.

Mr. Ayrassian sought to confirm that the system is proposed within the right of way.

Mr. White answered yes, that it will be partially under the pavement and partially under the grass.

Mr. Ayrassian asked how the water would traverse from the catch basins to the subsurface basin.

Mr. White replied via gravity. He stated that the invert is at 113-feet and the curve of the road is at 115-feet.

Senior Land Use Planner Stephanie Davies asked the height of the ground water in that location.

Mr. White replied it was 3-feet down in one test pit and 2-feet down in another.

Mr. Ayrassian questioned the depth of the structures below the surface in relation to the ground water table.

Mr. White replied that the bottom of the stone is at the ground water level at that location.

Mr. Ayrassian asked whether the ground water was measured in spring.

Mr. White replied that tests pits were originally dug in January and that more were performed in May.

Mr. Ayrassian asked whether any mottling was observed above the highest level.

Mr. White stated that he was unsure and would need to check.

Mr. Ayrassian reminded the Board that the original application requested a number of waivers for stormwater and that the revised version of the plans now presents a stormwater management system. He sought the Board’s permission to seek a third party peer review.

The Board consented.

Mr. White stated that they could not install a leveling pipe at 8-feet deep with the height of the ground water. He stated that they created capacity as best they could and have kept the drainage for the house and the roadway separate.

Mr. Ayrassian noted that the peer review would only be for the roadway.

Mr. White stated that all of the existing trees are now shown on the plans. He stated that very little is being cut until the boulder/snow removal area. He stated that 15 or so trees are proposed to be saved on the eastern-most property line. He stated that they are proposing four street trees, so have retracted that waiver.

Mr. White requested an extension of time to October 2, 2023

Fred Uriot made a motion to grant an extension of time to October 2, 2023. Melinda Kwart seconded the motion and all voted in favor.

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

The Board heard the application of Sturdy Memorial Hospital, Inc. for Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, to accommodate the modernization and expansion of the existing hospital campus, consisting of the construction of a 63,600 sf three-story medical office building with 120 associated parking stalls and a 122,068 sf three-story addition to the Emergency Department with 62 garage parking stalls; also included to support this expansion is the demolition of a building to create a parking lot with 143 stalls on Gardner Street; demolition of a building to create a parking lot with 248 stalls on Pearl Street, as well as associated grading, utilities, and stormwater management systems; the subject premises being located at 211 Park Street, 59 Gardner Street, and 0 Pearl Street, more specifically Assessor's plat #42, lots #138, 138A, 139, 160-163, 179-204, 350, 350A-C (Park Street); Assessor's Plat 42, lots # 222-228, 236-242 (Gardner Street), and Assessor's plat #42, lots 150-152, 158-159, 164-178 (Pearl Street), located in the General Residence-A and Industrial zoning districts.

Speaking in favor of the application was William Murray of Places Associates who stated that they would need an extension of time until September to address the outstanding items with the project. He stated that they just received their stormwater management peer review report from the Conservation Commission. He stated that response comments had been filed with both the Planning and Zoning Boards. He stated that the only design feature in question is the proposed refuge island in the middle of O'Neil Boulevard.

Mr. Ayrassian noted that the Police Department is indifferent regarding the feature and that the Fire Department had no concerns. He stated that Public Works had been in opposition and suggested he could invite the Superintendent to attend the next meeting to explain his viewpoint.

John Davis asked whether the exclusion of the islands in any way would affect the functionality of the plan or change anything else.

Mr. Murray replied no, nothing else would change. He stated that there would simply be a standard crosswalk bridging a very wide road.

Ms. Davies noted that she had requested to be provided with dimensions for the travel lanes and that she speculated the roadways is over 40-feet wide from curb to curb.

Mr. Ayrassian stated that the standard roadway has 24- or 26-feet of pavement, so 40-feet is a very far distance for seniors or handicapped folks to cross.

John Davis asked if there were any transportation standards for such features.

Mr. Murray replied that it is simply a judgement call.

Mr. Ayrassian pointed out that there is no traffic signal in the vicinity, so no other means to manage pedestrian and traffic flows.

Peter Fellini questioned the size of the proposed refuge island.

Mr. Murray replied 6.5-feet long and 4- to 5-feet wide. He stated that the design is a blunted arrowhead shape in both directions.

Peter Fellini asked whether the crosswalk is a pass through or requires a step up.

Mr. Murray replied that the crosswalk is flush with the road for crossing and just the surrounding curbs for the island are raised.

Peter Fellini queried whether bollards are proposed.

Mr. Murray answered no.

Mr. Ayrassian questioned the status of the construction schedule the Board requested.

Mr. Murray stated that they are still working on that. He requested an extension of time to October 2, 2023.

Tiffany Foster made a motion to grant an extension of time to October 2, 2023. Fred Uriot seconded the motion and all voted in favor.

Mr. Murray noted that the hospital has hired a sign consultant and they will still need to go before the Municipal Council to apply for the heliport, which will likely occur late this year or early next year. He stated that the revisions submitted contained details on their snow storage plan and driveway dimensions.

Mr. Ayrassian asked whether they anticipate the need for snow to be hauled off site post-construction.

Mr. Murray replied no. He stated that the only location on site that may have snow storage issues is the ambulance bay with its retaining wall. He stated that for that area, a snow melting system is being explored in lieu of snow removal.

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.

The Board reviewed the Form P1 - request to continue a public hearing to September 2023, submitted by attorney Jack Jacobi of Coogan Smith, LLP on behalf of 42 County Street, LLC, relative to the Major Site Plan Review application for 42 County Street.

Speaking in favor was attorney Edward Casey of Coogan Smith, LLP, who also requested an extension of time to October 2, 2023.

Tiffany Foster made a motion to grant an extension of time to October 2, 2023. Fred Uriot seconded the motion and all voted in favor.

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

The Board held a business meeting.

The Board discussed the preliminary subdivision application of Kings and Castle Group, LLC for "KINGS AND CASTLE ESTATES".

Mr. Ayrassian explained that the applicant's filing fee check had bounced, so their application is on hold before the Board until such time as payment is rendered.

There being no one else to speak, the matter was tabled.

The Board reviewed the Major Site Plan Review Pre-Application Meeting relative to Starbucks Coffee Company for 1250 Newport Avenue.

Mr. Ayrassian explained that it had been determined that a minor site plan review is required for the project, rather than a major site plan review. He stated that they anticipate the applicant refiling soon. He requested the Board dismiss the application, as there is no standing before the Board.

Melinda Kwart made a motion to dismiss the pre-application meeting petition. Fred Uriot seconded the motion and all voted in favor.

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

Mr. Ayrassian informed the Board that he would be meeting with the City Solicitor later that week to discuss the matter, so that he can draft an opinion.

Attorney Edward Casey requested an extension of time to October 2, 2023.

Fred Uriot made a motion to grant an extension of time to October 2, 2023. Melinda Kwart seconded the motion and all voted in favor.

The Board tabled the matter.

The Board reviewed the Form A submitted by Pioneer Investments, LLC , for 125 West Street .

Speaking was Mark Mariano of Oakhill Engineering who stated that the property is zoned Single Residence-B and is just under 40,000 square feet in area. He stated that the plan proposes to create three lots, one of which will contain the existing house. He pointed out that there are notes on the plan indicating several sidewalk easements.

Ms. Davies pointed out that the lots do comply with the zoning requirements, as the minimum lot area is 12,000 square feet.

Melinda Kwart asked how sidewalks ended up on private property.

Mr. Ayrassian stated that is the case with many older properties in the City.

Fred Uriot made a motion to approve the Form A for 125 West Street. Tiffany Foster seconded the motion and all voted in favor.

The Board reviewed the Form A submitted by Sanrose Realty Associates for the property off Curtis Avenue .

Speaking was attorney Edward Casey who stated that a number of lots and parcels were slated for creation.

Ms. Davies stated that the overall piece of land owned by Cardi's is over 30 acres and stretches out to Newport Avenue. She stated that the plan proposes to carve out six lots and a parcel. She expressed concern with Rex Avenue pavement ending before the end of the layout and whether proposed Lot 3 has sufficient frontage.

Mr. Ayrassian noted that the streets should have solid versus dashed lines. He asked whether Parcel A would be combined with anything.

Attorney Casey stated his understanding that the intent is to offer it to the abutters, Mr. and Mrs. Peterson. He stated that a variance was granted for their property, but then their addition was constructed right to the property line, as they were not anticipating any future development adjacent it.

Mr. Ayrassian asked that a note be added relative to the intended conveyance.

Attorney Casey affirmed that it is the intent as long as conditions with the private party are met.

Mr. Ayrassian asked the purpose of the easement area on proposed Lot 5.

Attorney Casey indicated that he was unsure, but he would find out.

Mr. Ayrassian pointed out the triangular piece of land and asked whether it was being conveyed to MassDOT and emphasized that it needed to be identified.

Melinda Kwart questioned the zoning in the area.

Attorney Casey replied it is General Residence to the north of Curtis Avenue and Planned Highway Business to the south. He stated that they would likely need to pursue a rezoning to develop the lots as residential. He requested an extension of time to October 2, 2023.

Fred Uriot made a motion to grant an extension of time to October 2, 2023. Melinda Kwart seconded the motion and all voted in favor.

The Board tabled the Form A plan.

The Board reviewed the Form A plan submitted by Bradford S. Germain for Carl Jordan Drive.

Ms. Davies stated that the plan proposes to carve out a piece of land with 55-feet of frontage on Carl Jordan Drive. She noted that a section of the Ordinance permits lots on a cul-de-sac to show a 120-foot-by-120-foot square within 200-feet of the frontage to be buildable.

Speaking was Brad Germain who stated that the intent is just to shift the property line.

Ms. Davies agreed that he is eliminating one line and creating another.

Mr. Ayrassian noted that the dotted line at the throat of lot 22A needs to be eliminated, along with the Assessor's references. He suggested the Board could approve the plan subject to the revisions.

Fred Uriot made a motion to approve the Form A pending the requested revisions. Tiffany Foster seconded the motion and all voted in favor.

The Board reviewed the Form A plan submitted by Richard F. Payne, Esq. of Ligris & Associates, P.C. for 19 and 25 Quintin Avenue.

Ms. Davies stated that the plan proposes to combine Parcel 3, with 19 Quintin Avenue. She pointed out the note indicating that the structure at 25 Quintin Avenue is slated to be demolished.

Mr. Ayrassian suggested that the plan be approved subject to revising Parcel 3 to be identified by the assessor's lot designation and indicating whether each road is private or public.

Fred Uriot made a motion to approve the Form A pending the requested revisions. Melinda Kwart seconded the motion and all voted in favor.

The Board heard the appointment to speak of Edward Casey of Coogan Smith, LLP on behalf of Pike Avenue Land Investments, LLC regarding the "PIKE ESTATES" subdivision.

Mr. Ayrassian noted that Mr. Casey had left for the evening, but explained that in mid-July, he had been contacted by the developer wanting to pull a building permit to construct a display home. He stated that he advised the applicant he could not do so while the subdivision was under covenant alone. He stated that the developer has to convey all of the easements to the City before a third party owner enters the picture. He stated those easements would include those guaranteeing left hand turn access through the boulevard island, to ensure the driveway locations on those homes are not altered. He stated that the developer was instructed to request a revised bond amount, submit a bond or cash, and then submit a covenant release request to the Planning Board.

The Board heard the appointment to speak of Bob Catenacci of One Thirty One Pleasant Street, LLC relative to the "STONE FIELD ESTATES III" subdivision.

Mr. Ayrassian noted that the deadline in the demand letter from the City Solicitor has passed, so staff visited the site this afternoon to assess whether the requested actions had been taken by the developer.

Mr. Catenacci stated that all of the requested repairs have been completed as of August 10th at which time an email detailing the work was submitted. He asserted that he feels the subdivision is now in compliance. He stated that in regards to York Drive, silt fences rather than silt socks were installed around the two stockpiles.

Mr. Ayrassian stated that silt fence was acceptable.

Mr. Catenacci stated that they installed silt sock all the way around the roadway on both sides at the very back of the berm.

Mr. Ayrassian confirmed completion of that task.

Mr. Catenacci stated that all of the sediment had been scraped and removed or swept from the roadway.

Mr. Ayrassian agreed that there is evidence that the mud has been removed. He pointed out, however, that more is likely to accumulate until work ceases on the subdivision, so it will need to be kept up. He stated that for now, that point is satisfied.

Mr. Catenacci stated that they have been sweeping on a bi-daily basis when working on the site to keep the streets clean and eliminate dust. He stated that the streets are not perfect, but they are in serviceable condition.

Mr. Ayrassian agreed.

Mr. Catenacci stated that they have lowered the catch basins to the binder and installed a silt sock between the berm and the catch basin. He noted that the basin inserts are being cleaned on a weekly basis.

Mr. Ayrassian pointed out that there was a catch basin at the end of the roadway that is still raised and that the requested second row of silt socks between the berm and the catch basin were absent.

Mr. Catenacci confessed to have misunderstood what was being asked of him regarding the silt socks.

Heather Whitehead noted that Chairwoman Shannon Bényay had visited the site and noted that some of the silt socks were missing and that the insert was nearly full in one of the catch basins on Windsor Drive.

Ms. Davies pointed out the importance of the second round of silt socks and that even with sweeping, there is a lot of dirt from the roadway being swept into the catch basins.

Mr. Catenacci professed that he was unsure whether there was sufficient space behind the catch basin to install two rows of silt socks.

Heather Whitehead explained that there should be one on each side of the berm.

Mr. Ayrassian admonished Mr. Catenacci for not calling the office if he was confused about what was being required.

Mr. Catenacci promised to add the additional silt socks.

Mr. Ayrassian pointed out that he noticed at least one catch basin that was three or four-inches above grade.

Mr. Catenacci admitted that they could not lower the frames for the two catch basins at the end of the cul-de-sac due to limitations of the concrete structure. He stated that Public Works had recommended the only option was replacing the existing frames with 4-inch frames to lower them.

Mr. Ayrassian stated they had observed some pooling there because of the basins not being level.

Mr. Catenacci argued that even Public Works agreed it was not possible to lower the basins any further.

John Davis asked how that could be if the cement structure had been properly built to design.

Mr. Ayrassian stated that it is not for the Planning Board to say. He stated that the fact remains that not all of the silt socks have been installed or the catch basins lowered to the binder course, as required.

Mr. Catenacci stated that the binder course had been failing at the neck of the cul-de-sac, so those sections were saw-cut out, compacted, and new binder installed under the supervision of Public Works.

Ms. Davies agreed the areas did appear to be patched.

Mr. Catenacci stated that three lights had been installed on York Drive and two on Windsor Drive. He noted that National Grid did not arrive to do their work until Saturday, but that all five are now operational. He stated that the cluster mailboxes have been installed and the keys delivered to the postmaster. He stated that the junk trailer would be moved to one of the lots he owns further back. He stated that the construction equipment would gradually be moved off the site, as the houses are completed. He went on to discuss the remediation measures on Windsor Drive. He stated that the silt sock has been installed around the whole street.

Mr. Ayrassian stated that when staff visited, the silt sock was not on the right side, all the way down Windsor.

Mr. Catenacci argued that he had installed it, so someone else must have moved it. He speculated the other contractor building houses in the subdivision.

Mr. Ayrassian stated that it does not look like finished grass has been installed in those areas and appeared very unkempt and shoddy.

Mr. Catenacci stated that the lots in question belong to the other developer and that the lawns are stabilized.

Mr. Ayrassian countered that the lawns do not appear to be final or stable.

Heather Whitehead pointed out that there are already homeowners in those homes, and one of them may have moved the silt socks, as they are unappealing.

Mr. Ayrassian stated that staff would speak with the other contractor about the silt socks on his lots.

Mr. Catenacci stated that the roadway had been scraped down and swept. He stated that they perform weekly maintenance as they are working on the site.

Mr. Ayrassian agreed the roadway had been cleaned.

Ms. Davies pointed out that there was a portion of berm that was missing on the Windsor Drive turn around.

Mr. Catenacci speculated that was where a large section of binder was replaced for the installation of water laterals. He stated that the berm would be installed with the final course. He asserted that the berm is not required at the binder course.

Mr. Ayrassian disagreed and stated that he has always seen a berm installed with the binder course.

Mr. Catenacci argued that Public Works indicated that it was not required. He stated that the final course would be installed in a matter of weeks. He noted that he does not own the houses at that end of the cul-de-sac and that the other contractor may have been excavating.

Mr. Ayrassian disagreed and stated that Mr. Catenacci is responsible for the water connections and roadway.

Mr. Catenacci stated that he did not remove the berm.

Mr. Ayrassian asked how else Mr. Catenacci would have installed the water connections. He stated that this concern has not been addressed.

Mr. Catenacci admitted that there is no double row of silt socks around the catch basins, akin to the deficiency on York Drive.

Heather Whitehead stated that the silt socks need to be installed. She stated that all of the catch basins need to be cleaned again, as well, since they are nearly full.

Ms. Davies noted the urgency as significant rainfall is expected imminently.

Mr. Catenacci stated that the berm would be installed when the final coat of pavement is laid. He stated that they were directed to file with the Conservation Commission regarding the stormwater basins, but an emergency overflow swale has been sculpted where it needs to be and it is functioning. He stated that the 4-inch perforated pipe and gravel still need to be installed.

Mr. Ayrassian asked why Mr. Catenacci has not filed with the Conservation Commission yet.

Mr. Catenacci stated that the Agent indicated that the work is not within the 100-foot buffer zone. He stated that the silt fence abutting the Phase 2 stormwater basin was installed by a customer who was working in his backyard, and that it has since been removed. He stated that he has not observed any sump pumps to or from the basins. He stated that rumors have abounded of residents pumping their sump pumps into the

ponds, but he has not observed that phenomenon himself. He stated that there was an issue with the silt socks clogging up the catch basins, so they have been removed to drain the current water.

Ms. Davies countered that now all of the roadway silt is going into the stormwater basins.

Mr. Catenacci countered that the silt is going into the catch basins and that they are designed with deep sumps to catch all the sediment.

Ms. Davies stated that the catch basins need to be cleaned out, then.

Mr. Catenacci indicated his intent to clean out the basins for Phase 1 and 2.

Ms. Davies stated her understanding that there is currently a pump between the Phase 1 and 2 basins that a resident installed to try to dry out the Phase 2 forebay. She stated that the pond needs to be scraped for sediment removal and that it has algae growing in it and is very unattractive.

Mr. Catenacci stated that he had a conversation with the resident and that the ponds will need to be pumped out since they are all clogged. He stated that they would perform that work at the very end when no more construction debris is anticipated to make its way into the system.

Mr. Ayrassian stated that the second row of silt socks needs to be installed and the staff will reach out to the Public Works regarding the discrepancy in the catch basin heights. He asked about the location of the trailer.

Mr. Catenacci stated that both of the trailers are being used to store construction tools.

Ms. Davies disagreed and stated that the equipment is clearly not in use, as evidenced by the grass growing all around it.

Heather Whitehead agreed and stated that the dump truck needs to be removed, as it is leaking oil all over the ground.

Ms. Davies stated that leaving the equipment there is a violation of the Zoning Ordinance and tantamount to storing commercial vehicles in a residential zoning district.

Mr. Catenacci offered to move the equipment by Wednesday.

Mr. Ayrassian expressed distaste for the rusty-out dump trailer being stored behind someone's house. He argued that two trailers are not necessary on the site.

Ms. Davies agreed that it needed to be removed from the neighborhood.

Mr. Catenacci stated that he would combine the supplies from both trailers into one and remove the other from the site.

Mr. Ayrassian countered that that should already have been done, as the deadline for the demand letter was August 11th. He argued that Mr. Catenacci is making a mockery of the City's requests. He pointed out that Mr. Catenacci has also submitted a request for an extension of time to complete the subdivision.

Heather Whitehead asked why Mr. Catenacci needs an extension.

Mr. Catenacci stated that there is a possibility they will complete all the work by the September 20th deadline, but that Mr. Ayrassian had advised him not to wait until the last minute when requesting an extension. He

stated that the paving is scheduled to be done at the end of October, so he is only proposing a 5-week extension of time.

Mr. Ayrassian stated his concern that Mr. Catenacci will be unable to meet that deadline, as well. He stated that it should not be difficult for him to complete everything, as he has control over it all. He asked why the final paving was not lined up for before the deadline.

Mr. Catenacci stated that they are currently performing the final grading for the sidewalk and are compacting the soil before the paving is done.

Mr. Ayrassian stated that he did not recommend approved the request for an extension of time.

Mr. Catenacci argued that there were record rain events in June and July, which can hold up his crews for 3 or 4 days at a time.

Ms. Davies argued that Mr. Catenacci has not been observed working on the site until he received the threatening letter from the City Solicitor.

Peter Fellini pointed out that the majority of the bad rain events have been on weekends so would not impede weekday work.

Mr. Ayrassian stated that no other developer is citing these impediments to subdivision completion.

Mr. Catenacci asked what will happen if the Board does not vote for an extension of time.

Ms. Davies stated that the deadline would remain September 20th.

Mr. Catenacci asked what will happen if he does not meet the deadline.

Mr. Ayrassian stated that the Board would take action accordingly.

Mr. Catenacci argued that he did not feel a month or month and a half long extension is an outrageous ask for a subdivision with a two-year completion deadline.

Mr. Ayrassian countered that Mr. Catenacci had two whole years to construct two short roadways.

Tiffany Foster pointed out that the developers of the Pike Estates subdivision managed to pave in June and July. She stated that there are always delays with projects like these, so you have to build that anticipated delay into your plan to meet your deadlines. She stated that time and the work need to be managed appropriately.

Mr. Catenacci stated his understanding that Public Works is of the opinion that the final coat of pavement should not be installed when there are still 10 to 15 houses to be built.

Mr. Ayrassian stated Public Works opinion on that is irrelevant. He stated that homeowners should not have to wait four or five years for subdivision infrastructure due to a contractor's housing construction timeline. He stated that if the road is torn-up during housing construction, the developer is bound to repair it.

Ms. Davies stated that if there were any signs that the subdivision was moving in the right direction, the Board might have been more open to an extension request. She explained that construction of the subdivision has come to a complete stand still with the exception of housing construction.

Mr. Catenacci stated that they had gotten a lot accomplished in the past six weeks.

Mr. Ayrassian countered that the work only occurred after a threat from the City Solicitor.

The Board read the letter from Bob Catenacci of One Thirty-One Pleasant Street, LLC, dated August 14, 2023, to the Planning Board, requesting a 3-month extension (from September 20, 2023 to December 20, 2023) of the deadline to complete construction at the "Stone Field Estates III" definitive subdivision. Melinda Kwart seconded the motion and all voted in opposition.

Mr. Catenacci sought to confirm whether the Board would currently consider him in compliance.

Heather Whitehead stated not until the deficiencies identified tonight are resolved: installation of the missing silt socks, removal of the construction vehicles, installing the missing berm, as well as lowering and cleaning of the catch basins.

The Board reviewed the letter from Bill Ward of W.B. Construction and Development, dated August 9, 2023, to Senior Land Use Planner Stephanie Davies, requesting the Planning Board waive the requirement for a fire alarm box to be installed in the "BRIGHAM HILL ESTATES, PHASE II" subdivision and submitting a check for the value.

Ms. Davies stated that she recommends approval of the waiver, as it is an older subdivision for which all other work has been completed.

Fred Uriot made a motion to approve waiving the fire alarm box in the "Brigham Hill Estates, Phase II" subdivision, subject to the submission of the \$8,500.00 bond amount assigned to the feature. Tiffany Foster seconded the motion and all voted in favor.

The Board reviewed all other correspondence.

The Board reviewed the pending minutes.

Fred Uriot made a motion to approve the pending minutes of June 26, 2023. Bill Beardwood seconded the motion and all voted in favor.

The Board tabled the pending minutes of July 17, 2023.

The Board discussed the Planning Board Study Group progress on Trees.

Mr. Ayrassian suggested the matter be advertised for the second meeting in September, as staff needs to time to meet with developers and other stakeholders to get feedback.

The meeting adjourned at 9:30 p.m.