



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

SEPTEMBER 25, 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, September 25, 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 Benay, Vice Chairwoman Heather Whitehead, Bill Beardwood, John Davis, Peter Fellini, Tiffany Foster, and Jim Lewis

Planning Board Members Absent: Melinda Kwart, and Fred Uriot

Heather Whitehead made a motion to enter into Executive Session pursuant to MGL Chapter 30A, §21(a)(1) to discuss three Open Meeting Law complaints against the Attleboro Planning Board and responses thereto. Jim Lewis seconded the motion. All voted to enter into Executive Session. The Chairwoman noted that the Board would convene its regular meeting following the Executive Session. Board went into Executive Session at 6:34 p.m.

Roll Call Vote to enter Executive Session.

Shannon Bénay	Yes
Bill Beardwood	Yes
John Davis	Yes
Peter Fellini	Yes
Tiffany Foster	Yes
Jim Lewis	Yes
Heather Whitehead	Yes

Board returned from Executive Session at 6:45 p.m. and convened its regularly scheduled meeting.

The Board heard the public hearing relative to proposed amendments to Planning Board's Rules and Regulations Governing the Subdivision of Land, as amend, specifically §2.0 Definitions, §4.4 Plan Requirements, §5.4 Requirements for Definitive Plans, §6.1 Street Location and Alignment, §7.2 Clearing, and §7.8 Trees.

Speaking in favor was Senior Land Use Planner Stephanie Davies who gave an overview of the proposed changes, mainly an effort to identify and protect more trees. Changes include a narrowing of street curve radii, identifying trees over 10" DBH, preserving trees over 20" DBH, incorporating existing trees into subdivision plans, guidelines for planting of trees, a preference for Green Storm Infrastructure (GSI), and a temporary construction easement for planting of street trees after individual lots sell.

Director of Planning and Development Gary Ayrassian advised to amend the petition and insert the definitive of "Green Stormwater Infrastructure" in §2.0 Definitions.

The Board agreed.

Mr. Ayrassian stated that staff will resume work on roadway cross-sections for inclusion into the Rules and Regulations Governing the Subdivision of Land.

The Board agreed.

There being no one else to speak, the board closed the Public Hearing.

The Board heard the continued public hearing relative to 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 lot #138 -#142 in the Single Residence -C zoning district .

Speaking in favor of the application were the project engineers Josh White and Greg Driscoll of JDE Civil. They stated that they have received the stormwater peer review and are now considering a new stormwater design. They mentioned the difficulty of the site's characteristics, the width of pavement, creating a stormwater system where none exists to tie into, and the cost considering only one house is proposed. They stated that they are considering requesting new waivers for the project, to reduce the street pavement width and to remove curbing, to allow for a swale.

Mr. Ayrassian asked for clarification on the existing width of the proposed pavement and inquired about what the changes might be forthcoming.

Mr. Driscoll responded that the change in design would to remove the curbing and lessen the width of the road to allow for the creation of an open stormwater system.

Jim Lewis asked what the likelihood of the remaining land being developed further is.

Mr. Driscoll said that it is conceivable the land would be further developed.

Ms. Davies mentioned that in the current plan for stormwater management, groundwater would be at the invert of the infiltration structure, which will hinder any infiltration.

Heather Whitehead asked if the granting waivers would change the stormwater plan from the existing closed system to an open system.

Mr. Driscoll replied yes and connecting into existing roads that are not up to standards is presenting challenges. He stated that as it stands now, the system will not work and cannot work without waivers. He stated that either stormwater plan will need waivers.

Mr. White requested an extension of time to December 1, 2023

Heather Whitehead made a motion to grant an extension of time to December 1, 2023. Bill Beardwood seconded the motion. All voted in favor to grant an extension of time to December 1, 2023.

Speaking in favor of the application was Jude Jacobs. He stated that given the constraints of the project, it is unusual to treat it as a subdivision. He stated that the rules and regulations make it difficult to develop and that he supports stepping back a bit on the ordinance to try and make the project work. He mentioned speaking with

the DPW as Middle Street is set to be repaved and he was seeking information on the easement and drainage system planned for the project. He stated that there is no new drainage planned for Middle Street as it is grandfathered. He would like to work together with the city to resolve the stormwater situation in a holistic way that would solve existing problems on the street.

Jim Lewis asked that he submit his requests in writing to the Board.

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

The Board heard the continued public hearing relative to 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± square foot three-story medical office building with 120 associated off-street parking stalls, a 122,068± square foot three-story addition to the Emergency Department with 62 associated off-street parking stalls, installation of a 6,000-gallon liquid oxygen storage tank and 1,500-gallon reserve liquid oxygen storage tank, the construction of a parking lot on Gardner Street containing 143 off-street parking stalls, the construction of a parking lot on Pearl Street containing 248 off-street parking stalls, as well as associated grading, utilities, landscaping, site lighting, and stormwater management systems, the subject premises being located at 211 Park Street more specifically Assessor's plat #42, lot #138, #138A, #139, #160-#163, #179-#204, #350, #350A-C, 59 Gardner Street more specifically Assessor's Plat #42, lot #222-#228, #236-#242, and 0 Pearl Street more specifically Assessor's plat #42, lot #150-#152, #158-#159, #164-#178, located in the General Residence -A zoning district and Industrial zoning district .

Speaking in favor of the application was William Murray of Places Associates who stated that he had brought a copy of the logistics plan for the construction of the medical building from the General Contractor. He stated that the logistics plan does not include the expansion of the new ER building, as the contract has not gone out and will not until close to the end of the construction of the medical building in 2025. He stated that he would understand if the Board imposed a condition in the decision to see the plan for the ER extension before building commences. He stated that construction will begin with the Gardner Street parking lot so that the contractor can maintain 750 parking spaces for the duration of the medical building construction. He stated that the binder coat will be installed before excavation of the medical building site begins. He stated that they are hoping to begin excavation in early January of 2024. He stated that the Conservation Commission closed its public hearing but that the Zoning Board of Appeals continued the public hearings.

The Board read the Form P2 - Request for an Extension of Time to October 31, 2023, submitted by William E. Murray of Places Associates on behalf of Sturdy Memorial Hospital, Inc., received September 14, 2023, relative to the Major Site Plan Review application for property located at 211 Park Street, 59 Gardner Street, & 0 Pearl Street.

Heather Whitehead made a motion to grant an extension of time to October 31, 2023. Peter Fellini seconded the motion. All voted in favor to grant an extension of time to October 31, 2023.

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

The Board heard the continued public hearing relative to 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 a six (6) story mixed-use building consisting of sixty(60) unit residential development and 1,720± square feet of commercial space on the first floor, 31 off-street 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 Tom Morin who provided the Board with a project update. He stated that the site's location along the Ten Mile River has led to needed changes to the site plan. The building was originally too close to the river and, which also resulted in very costly stormwater peer reviews. He requested a couple more weeks for 42 County Street LLC to finalize their next step. He stated that the Board would be again updated at its October 16, 2023 meeting.

The Board read the Form P1 - Request to Continue a Public Hearing, submitted by attorney John F. D. Jacobi, III of Coogan Smith, LLP on behalf of 42 County Street, LLC, received September 18, 2023, relative to the Major Site Plan Review application for property located at 42 County Street.

Tiffany Foster made a motion to continue the public hearing to December 31, 2023. Jim Lewis seconded the motion. All voted in favor to continue the public hearing.

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

The Board held a business meeting.

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

Speaking in favor was the applicant, Mr. Jude Jacobs of Kings and Castle Group who stated that he had submitted a waiver from the stormwater peer review requirement.

Jim Lewis sought to clarify his understanding from the last meeting and stated that the Board would just give comments on the roads and lots and not on stormwater management. He advised that not performing a stormwater peer review at this could cost a lot in the long run if in the final plan there are many problems with the proposed stormwater system.

Mr. Jacobs stated that he is looking to move forward with minimal upfront costs.

Ms. Davies recommended that any and all stormwater management elements be removed from the plans if the peer review waiver is granted.

Mr. Ayrassian recommended the Board should make a decision on the waiver request.

Mr. Lewis agreed.

Mr. Jacobs responded in favor of getting a decision now and submitting stormwater management plan as part of the definitive plan filing.

The Board discussed holding a Subdivision Committee meeting to discuss this matter.

The application was tabled.

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

Mr. Ayrassian reminded the Board that Attorney Edward Casey was unable to attend this meeting and would be available at the October 2, 2023 meeting.

The Board tabled the matter.

The Board reviewed the Form A application filed by North Farms, LLC for 494 Lindsey Street.

Tyler La Freniere of Risser Engineering presented the plan to the Board.

Ms. Davies recommended to the Board to approve the plan.

Jim Lewis made a motion to approve the Form A application filed by North Farms, LLC for 494 Lindsey Street. Heather Whitehead seconded the motion. All voted in favor to approve the Form A application.

The Board reviewed the Form A application filed Shawn A. Jorde for 27 Merigold Circle.

Tyler La Freniere of Risser Engineering presented the plan to the Board.

Mr. Ayrassian noted that there is some confusion over the label on the existing lot and the labeling of the proposed lot. He recommended revising the label on the proposed lot to "Proposed Lot 1." He recommended approval of the Form A plan with this revision.

Jim Lewis agreed.

Jim Lewis made a motion to approve the Form A application filed Shawn A. Jorde for 27 Merigold Circle subject to the revision recommended by Planning Director. Heather Whitehead seconded the motion. All voted in favor to approve the Form A application.

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.

Appearing before the Board was Bob Catenacci who stated that gave an update on the progress of the subdivision. He stated that they are in the process of preparing for final pavement of the streets. He stated that the catchbasins have been raised and as such with the recent rain there is some water puddling but that he is hopeful that it will dry out and allow for final pavement to be laid soon.

Ms. Davies stated that the paving was to be done this week.

Mr. Catenacci stated that they should be able to sweep and clear the water from the streets to get final pavement down.

Mr. Ayrassian stated that in reference to the deadline to complete the subdivision, Mr. Catenacci does indeed have until December 29, 2023. He reminded the Board that they amended the rules related to Section 7.1 and modified the language in August of 2021. He stated that Mr. Catenacci is still within the timeline to finish the subdivision without an extension of time.

The Board took up the Covenant Release Form for 24 lots within Phase 1 of the "Pike Estates" subdivision, specifically for lot #1 -#3, #12-#22, #23A, #24 -#28, and #44 -#48.

Ms. Davies noted that the developer secured an insurance bond with the city.

Jim Lewis made a motion to approve the Covenant Release of lot #1-#3, #12-#22, #23A, #24-#28, and #44-#48 within Phase 1 of the "Pike Estates" subdivision. Heather Whitehead seconded the motion. All voted in favor to approve the Covenant Release of lot #1-#3, #12-#22, #23A, #24-#28, and #44-#48 within Phase 1 of the "Pike Estates" subdivision.

The Board read "Municipal Council Vote 1," dated September 5, 2023, referred to the Board regarding compliance with the Comprehensive Plan of a proposed Loan Order for the design, permitting, and bidding

of the permanent PFAS treatment facility to be located at the Wading River Plant, located at 250 Balcom Street, Mansfield.

Mr. Ayrassian stated that previously the Board had reviewed a loan order for the temporary PFAS treatment facility and that this loan order was for the permanent facility. He also stated that the Loan Order for the capital project is in line with the Comprehensive Plan.

Jim Lewis made a motion to recommend to the Council that the \$1.58MM Loan Order for the design, permitting, bidding, construction and construction oversight costs associated with the permanent PFAS treatment facility located at the Wading River Treatment Plant is consistent with Section VI.(J) Municipal Facilities, Goal 16, Policy 2, of the city's COMPREHENSIVE PLAN. Heather Whitehead seconded to motion. All voted in favor.

The Board reviewed the letter from Project Manager Jenna Shea of DiPrete Engineering, dated May 17, 2023, to the Planning Board, providing an update on the status of the “Milosh Acres” subdivision.

Jim Lewis stated that he is satisfied with the report from “Milosh Acres.”

Chairwoman Shannon **Bénay** noted that Gary submitted a two-page analysis to her and that she found his explanation to be acceptable.

Jim Lewis made a motion to approve the final release of funds plus interest from the Tri-Partite Agreement. Heather Whitehead seconded the motion. All voted in favor to approve the final release of funds plus interest.

Heather Whitehead called for a Site Plan Committee meeting on Monday, October 2, 2023 at 5:45 p.m. at City Hall.

The Board reviewed all other correspondence.

The Board approved the pending minutes of August 14, 2023.

The Board tabled the pending minutes of September 11, 2023.

The meeting adjourned at 8:50 p.m.