



# City of Attleboro, Massachusetts

## PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET

ATTLEBORO, MASSACHUSETTS 02703

TEL 508.223.2222 FAX 508.222.3046

## AGENDA

MARCH 18, 2019

6:30 P.M.

2019 MAR 14 AM 11:53  
CITY OF ATTLEBORO  
CLERK  
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- |   |                 |
|---|-----------------|
| 1A. JOINT PUBLIC HEARINGS: NONE SCHEDULED   | <u>DEADLINE</u> |
| 1B. JOINT PUBLIC HEARINGS HELD OPEN: NONE SCHEDULED   | <u>DEADLINE</u> |
| 2A. PUBLIC HEARINGS: NONE SCHEDULED   | <u>DEADLINE</u> |
| 2B. PUBLIC HEARINGS HELD OPEN:  | <u>DEADLINE</u> |
| a. W.B. Construction & Development, Inc. – “BRIGHAM HILL ESTATES”<br>MGL Ch. 41 §81–W Definitive Subdivision Plan   | 5/22/19         |
| b. W.B. Construction & Development, Inc. – “BRIGHAM HILL ESTATES, PHASE II”<br>MGL Ch. 41 §81–W Definitive Subdivision Plan   | 5/22/19         |
| 3A. SITE PLAN REVIEW PUBLIC HEARINGS: NONE SCHEDULED  | <u>DEADLINE</u> |
| 3B. SITE PLAN REVIEW PUBLIC HEARINGS HELD OPEN:   | <u>DEADLINE</u> |
| a. Major Site Plan Review application of UHS of Fuller, Inc., 200 May Street<br>Deadline to Close Public Hearing  | 3/18/19         |
| b. Major Site Plan Review application of City of Attleboro, 100 Rathbun Willard Drive<br>Deadline to Close Public Hearing   | 3/4/19          |
| 4. PENDING APPLICATIONS/MATTERS: NONE SCHEDULED   | <u>DEADLINE</u> |
| 5. FORM A PLANS:  | <u>DEADLINE</u> |
| a. Thomas & Clara Castro – 96 Thacher Street  | 3/27/19         |
| 6. APPOINTMENTS TO SPEAK:   |                 |
| a. Sean McNamara – “STONE FIELD ESTATES”  |                 |
| 7. STAFF REPORT: NO WRITTEN REPORT  |                 |
| 8. CORRESPONDENCE:  |                 |
| a. Letter submitted by attorney Louis J. Caccavaro, Jr. of Caccavaro Fitzpatrick & Seifart, received via email March 1, 2019, to the Planning Board, relative to the proposed 81-W amendments to the “BRIGHAM HILL ESTATES” subdivision. (previously distributed via email) (See Agenda item #2Ba, 2Bb) |                 |
| b. Letter & pictures from Michael & Sheila Orecchio of 369 Slater Street, dated February 26, 2019 (received March 6, 2019), to the Planning Board, regarding concerns with phases of the “BRIGHAM HILL ESTATES” subdivision. (previously distributed via email) (See Agenda item #2Ba, 2Bb)             |                 |

- c. Form P1 – Request to continue a public hearing to April 15, 2019, submitted by Daniel R. DeCesaris of Joe Casali Engineering, Inc. on behalf of UHS of Fuller, Inc., received March 6, 2019, relative to the Major Site Plan Review application for 200 May Street. (See **Agenda item #3Ba**)
  - d. Form P1 – Request to continue a public hearing to March 18, 2019, submitted by Jack Jacobi on behalf of the City of Attleboro, relative to the Major Site Plan Review application for 100 Rathbun Willard Drive. (See **Agenda item #3Bb**)
  - e. Letter from Senior Project Manager Steve Johnson of Consigli, dated March 6, 2019, to the Planning Board, regarding the proposed construction trucking routes for the Major Site Plan Review application for 100 Rathbun Willard Drive. (previously distributed via email) (See **Agenda item #3Bb**)
  - f. Letter from Mark Rioux of Marette & Sons, Inc., dated February 1, 2019, requesting an extension of time for Water Resource Protection District special permits for: 3 Colonial Way (Lot 29), 162 Kennedy Drive (Lot 48), 6 Colonial Way (Lot 92), 13 Colonial Way (Lot 104), and 7 Colonial Way (Lot 105). (previously distributed via email) (See **Agenda #8g**)
  - g. Letter and foundation permits from Mark Rioux of Marette & Sons, Inc., dated March 5, 2019, to the Planning Board, requesting to withdraw his requests for extensions of time for the Water Resource Protection District special permits associated with 3 Colonial Way and 162 Kennedy Drive. (previously distributed via email)
  - h. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated February 26, 2019, to City Clerk Stephen Withers, regarding approval of a plan revision for the Orr’s Pond Water Resource Protection District special permit for 0 South Avenue.
  - i. Memorandum from Director of Planning and Development Gary G. Ayrassian, dated February 28, 2019, to Mayor Paul Heroux, regarding the departmental overtime account.
9. **PERFORMANCE BOND CORRESPONDENCE:**
- a. Letter from Ashley Glode on behalf of John E. Case, III of County Street Realty, dated February 26, 2019, to the Planning Board, requesting a **FINAL** release of funds relative to the “PARK STREET ESTATES” subdivision. (See **Agenda item #9b**)
  - b. Letter from Planning Board Clerk Lauren Stamatis, dated February 27, 2019, to Public Works Superintendent Michael Tyler, forwarding the request for a **FINAL** release of funds from John E. Case, III of County Street Realty, Corp. for the “PARK STREET ESTATES” subdivision. (See **Agenda item #9c**)
  - c. Memorandum from Public Works Superintendent Michael R. Tyler, dated March 18, 2019, to the Planning Board, recommending a **FINAL** release of funds in the amount of **\$47,539.37 plus interest** relative to the “PARK STREET ESTATES” subdivision. (previously distributed via email)
  - d. Letter from attorney Timothy J. McGahan of Coogan Smith, LLP, dated March 1, 2019, to the Planning Board, requesting a **FINAL** release of funds relative to the “MY LADY’S LANDING” subdivision. (See **Agenda item #9e**)
  - e. Letter from Planning Board Clerk Lauren Stamatis, dated March 1, 2019, to Public Works Superintendent Michael Tyler, forwarding the request for a **FINAL** release of funds from attorney Timothy McGahan on behalf of Thomas P. Walsh and Walsh Contracting corp. for the “MY LADY’S LANDING” subdivision. (See **Agenda item #9f**)
  - f. Memorandum from Public Works Superintendent Michael R. Tyler, dated March 18, 2019 (received March 13, 2019), to the Planning Board, recommending a **FINAL** release of funds in the amount of **\$119,051.77 plus interest**, relative to the “MY LADY’S LANDING” subdivision. (previously distributed via email)
  - g. Letter from attorney Christopher B. Sherwood, dated March 11, 2019, to the City of Attleboro, requesting an updated bond amount based on the work completed for the “DALE COURT EXTENSION” subdivision. (See **Agenda item #9h**)
  - h. Letter from Planning Board Clerk Lauren Stamatis, dated March 11, 2019, to Public Works Superintendent Michael Tyler, forwarding the request from attorney Christopher B. Sherwood for an updated bond amount based on the work completed at the “DALE COURT EXTENSION” subdivision. (See **Agenda item #9i**)
  - i. Memorandum from Public Works Superintendent Michael R. Tyler, dated March 18, 2018 (received March 14, 2019), to the Planning Board, recommending an updated bond amount of **\$115,864.92** relative to the work completed at the “DALE COURT EXTENSION” subdivision. (previously distributed via email)

**10. MISCELLANEOUS PENDING CORRESPONDENCE:**

- a. Email from Public Works Superintendent Michael Tyler, dated January 28, 2019, to Planning Board Chairman Paul Danesi addressing questions from the Board relative to bond releases in lieu of his presence at the meeting. **(previously distributed via email)**
- b. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated February 8, 2019, to Thomas Fitzgerald regarding the notice of default and demand to complete work at the "BEECH TREE ESTATES" subdivision.
- c. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated February 8, 2019, to Trustee Kathleen Lyons of CFDC Trust regarding the notice of default and demand to complete work at the "BURGESS ESTATES" subdivision.
- d. Notice of Default from Kevin Freytag of Murphy Hesse Toomey & Lehane, LLC (City Solicitor's Office), dated August 6, 2018, to Fred Bottomley relative to the "CAMERON WOODS" subdivision.
- e. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated February 8, 2019, to President Peter J. Deibel and Treasurer Kevin M. Joyce of Cedar Ridge Developers, Inc. regarding the notice of default and demand to complete work at the "HIGHLAND ESTATES" subdivision.
- f. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated February 8, 2019, to Trustee David M. Wetterhahn of Milosh Realty Trust regarding the notice of default and demand to complete work at the "MILOSH ACRES" subdivision.
- g. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated February 8, 2019, to John G. Walsh, III of Walsh Contracting Corp. regarding the notice of default and demand to complete work at the "MY LADY'S LANDING" subdivision.
  - Letter from attorney Timothy McGahan, dated February 20, 2019, to attorney Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office) regarding the City's notice of default and demand to complete work issued to John G. Walsh, III of Walsh Contracting Corp. relative to the "MY LADY'S LANDING" subdivision.
- h. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated February 8, 2019, to Kevin J. Murphy of KJM Construction, Inc. regarding the notice of default and demand to complete work at the "RIVER'S EDGE" subdivision.
  - Letter received from President Kevin J Murphy of KJM Construction, Inc., dated February 19, 2019 (received February 25, 2019), to the Planning Board, responding to the demand letter regarding completion of the "RIVER'S EDGE" subdivision.
- i. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated February 8, 2019, to Shawn A. Jorde, regarding the notice of default and demand to complete work at the "WINDWOOD ESTATES" subdivision.
  - Email received from Shawn Jorde of Dezotell Excavating, received February 16, 2019, to Senior Land Use Planner Stephanie Davies, responding to the demand letter regarding completion of the "WINDWOOD ESTATES" subdivision.

**11. PLANNING BOARD COMMITTEES:**

**11A. COMPREHENSIVE PLAN COMMITTEE:**

**11B. ORDINANCE COMMITTEE:**

- a. §17-13.0 WATER RESOURCES PROTECTION DISTRICT
- b. Discuss mechanism for amending approved Site Plan Review decisions
- c. Discuss amendments to Subdivision Regulations (width of right-of-way, etc.)

11C. SITE PLAN REVIEW COMMITTEE:

11D. SUBDIVISION COMMITTEE:

12. PENDING MINUTES:

a. February 25, 2019 (previously distributed)

13. SRPEDD DELEGATE'S REPORT:

a. Report/update from Scott Jones

14. UPCOMING PUBLIC HEARING, BUSINESS MEETING AND COMMITTEE MEETING SCHEDULE:

a. Regular meeting scheduled for Tuesday, April 2, 2019 at 6:30 p.m. in the Annex Room

b. Regular meeting scheduled for Monday, April 22, 2019 at 6:30 p.m. in the Council Meeting Room

15. RECENTLY FILED APPLICATIONS/OTHER:

a. Vote to hold Joint Public Hearing on April 2, 2019 relative to reassigning the role of permitting body in regards to marijuana businesses