



# City of Attleboro, Massachusetts

## PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET

ATTLEBORO, MASSACHUSETTS 02703

TEL 508.223.2222 FAX 508.222.3046

2019 MAY 16 PM 3:07  
OFFICE OF THE  
CITY CLERK  
PC

### AGENDA MAY 21, 2019 6:30 P.M.

- |  |   |
|--|---|
| <b>1A. JOINT PUBLIC HEARINGS:</b>  | <u>DEADLINE</u>                         |
| a. Petition of Morin's Inc. to discontinue a portion of Frank Mossberg Drive as shown on the site plan entitled "Street Discontinuance Plan of Land in Attleboro, MA"  |   |
| <b>1B. JOINT PUBLIC HEARINGS HELD OPEN: NONE SCHEDULED</b>   | <u>DEADLINE</u>                         |
| <b>2A. PUBLIC HEARINGS:</b>  | <u>DEADLINE</u>                         |
| a. Ryan Sheehan – WRPD Special Permit – 52 Ashden Court  |   |
| <b>2B. PUBLIC HEARINGS HELD OPEN:</b>  | <u>DEADLINE</u>                         |
| a. Pike Avenue Acquisitions, LLC – "PIKE ESTATES" Definitive Subdivision Plan  | 6/18/19                                 |
| b. W.B. Construction & Development, Inc. – "BRIGHAM HILL ESTATES"<br>MGL Ch. 41 §81-W Definitive Subdivision Plan  | 5/22/19                                 |
| c. W.B. Construction & Development, Inc. – "BRIGHAM HILL ESTATES, PHASE II"<br>MGL Ch. 41 §81-W Definitive Subdivision Plan  | 5/22/19                                 |
| <b>3A. SITE PLAN REVIEW PUBLIC HEARINGS: NONE</b>  | <u>DEADLINE</u>                         |
| <b>3B. SITE PLAN REVIEW PUBLIC HEARINGS HELD OPEN:</b>   | <u>DEADLINE</u>                         |
| a. Major Site Plan Review application of the City of Attleboro, Berwick Road   |   |
|  | Deadline to Close Public Hearing 6/3/19 |
| <b>4. PENDING APPLICATIONS/MATTERS: NONE</b>   | <u>DEADLINE</u>                         |
| <b>5. FORM A PLANS: NONE</b>   | <u>DEADLINE</u>                         |
| <b>6. APPOINTMENTS TO SPEAK: NONE</b>  |   |
| <b>7. STAFF REPORT: REPORT TO BE E-MAILED</b>  |   |
| <b>8. CORRESPONDENCE:</b>  |   |
| a. Top soil storage and site restoration plans submitted by David McKinley of Kaestle Boos Associates, Inc., dated May 9, 2019 (received May 14, 2019) to the Planning Board, relative to the Major Site Plan Review application for Berwick Road. (previously distributed via email) (See Agenda item #3Ba) |   |
| b. Letter from Planning Board Clerk Lauren Stamatis, dated May 13, 2019, to Bob Catenacci of One Thirty One Pleasant Street, LLC, soliciting the peer review soil testing fee relative to the "STONE FIELD ESTATES" stormwater management system.  |   |
| c. Letter from Director of Planning and Development Gary Ayrassian, dated May 9, 2019, to attorney Michael P. Doherty of Doherty, Ciechanowski, Dugan & Cannon, P.C., relative to the donation of open space at the "AVALON ESTATES" subdivision. (See Agenda item #8d)                                      |   |

- d. Letter from attorney Michael P. Doherty on behalf of Maddi North Street Development, LLC, dated May 15, 2019, to City Solicitor Cynthia L. Amara, regarding the open space deed for the "AVALON ESTATES" subdivision. (See **Agenda item #8c**)
- e. Letter from Planning Board Chairman Paul Danesi, dated May 14, 2019, to Council President Mark Cooper, indicating support for the Planning Department's need for a plotter/scanner.
- f. Letter from Planning Board Chairman Paul Danesi, dated May 14, 2019, to Council President Mark Cooper, indicating support for the Public Works Department's need for a vector truck.
- g. Letter from attorney David C. Manoogian, dated May 8, 2019 to the Planning Board, providing notice of a community outreach meeting held by Cannaboro Farms, LLC relative to a proposed marijuana establishment to be located at 41 Summer Street.
- h. Community outreach public notice from Aspen Blue Cultures, Inc., received May 9, 2019, to the Planning Board, regarding a proposed marijuana establishment to be located at 40 Forest Street.
- i. Semi-annual report from Wastewater Superintendent Thomas Hayes, dated May 8, 2019 (received May 13, 2019) to the Planning Board Chairman, regarding the ground water well analysis for the City's sludge landfill Phase II and Phase III.

**9. PERFORMANCE BOND CORRESPONDENCE:**

- a. Memorandum from Public Works Superintendent Michael R. Tyler, dated May 6, 2019, to the Planning Board, providing a recommendation for a **FINAL** release of funds in the amount of **\$142,186.79 plus any associated interest**, relative to the "AVALON ESTATES" subdivision. (See **Agenda item #9b, 9c**)
- b. Memorandum from Planning Board Clerk Lauren Stamatis, dated May 9, 2019, to Public Works Superintendent Michael Tyler, requesting a corrected memo relative to the "AVALON ESTATES" subdivision's **FINAL** release of funds amount. (See **Agenda item #9a, 9c**)
- c. Revised memorandum from Public Works Superintendent Michael Tyler, dated May 21, 2019 (received May 14, 2019) to the Planning Board, providing a recommendation for a **FINAL** release of funds in the amount of **\$58,546.09 plus any associated interest**, relative to the "AVALON ESTATES" subdivision. (See **Agenda item #9a, 9b**)
- d. Letter from John E. Case III of County Street Realty Corp., dated May 14, 2019, to the Planning Board, requesting a **PARTIAL** release of funds relative to the work completed to date at the "SIMPSON AVENUE EXTENSION" street extension plan. (See **Agenda item #9e**)
- e. Letter from Planning Board Clerk Lauren Stamatis, dated May 15, 2019, to Public Works Superintendent Michael Tyler, soliciting a recommendation relative to the request for a **PARTIAL** release of funds for the "SIMPSON AVENUE EXTENSION" street extension plan. (See **Agenda item #9d**)
- f. Letter from Planning Board Clerk Lauren Stamatis, dated May 7, 2019, to Edward Casey of Viridian Development, LLC, approving an updated bond amount of \$239,684.99 relative to the "VIRIDIAN MEADOWS, PHASE II" subdivision.
- g. Letter from Planning Board Clerk Lauren Stamatis, dated May 9, 2019, to John G. Walsh III of Walsh Contracting Corp., approving a final release of funds in the amount of \$8,493.19 relative to the "TENANT CIRCLE" subdivision.

**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.
- 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.
  - Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated May 9, 2019, to City Clerk Stephen Withers, regarding the Board's decision to perform on the security for 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.

- Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated May 13, 2019, to City Clerk Stephen Withers, regarding the Board's decision to perform on the security for 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.
  - Letter from Kevin S. Freytag of Murphy Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated April 1, 2019, to Peter Deibel of Deibel Builders, Inc regarding the notice of default and demand to complete work at the "HIGHLAND ESTATES" subdivision (letter re-sent to updated address).
- 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 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.
  - Letter from Kevin S. Freytag of Murphy Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated April 1, 2019, to President Kevin J. Murphy of KJM Construction, Inc. seeking an updated response relative to the construction status for the "RIVER'S EDGE" subdivision.
- h. 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.
  - Email received from Shawn Jorde of Dezotell Excavating, received April 8, 2019, to Senior Land Use Planner Stephanie Davies, regarding completion status of the "WINDWOOD ESTATES" subdivision.
- i. Letter from Senior Land Use Planner Stephanie Davies, dated March 19, 2019, to Scott Brown, calling for the request for a **FINAL** release of funds to be submitted relative to the "SHARPE PLAT" subdivision.
- j. Letter from Senior Land Use Planner Stephanie Davies, dated March 19, 2019, to Scott Brown, calling for the request for a **FINAL** release of funds to be submitted relative to the "ST. DON (AKA HILLCREST) & WOODSIDE STREET EXTENSION" street extension.
- k. Letter from Senior Land Use Planner Stephanie Davies, dated March 19, 2019, to Theodore Trowbridge, calling for the request for a **FINAL** release of funds to be submitted relative to the "HITCHCOCK LANE" 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:**

- a. April 22, 2019
- b. May 6, 2019

**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 Monday, June 3, 2019 at 6:30 p.m. in the Council Chambers
- b. Regular meeting scheduled for Monday, June 17, 2019 at 6:30 p.m. in the Council Chambers

**15. RECENTLY FILED APPLICATIONS/OTHER:**

- a. Sign 81-Q Letters
- b. Donald Desvergnés – WRPD Special Permit – 63 Pasture Brook Road
- c. Desvergnés Supplemental Needs Trust – WRPD Special Permit – 45 Pasture Brook Road (**copies for distribution**)
- d. Desvergnés Supplemental Needs Trust – WRPD Special Permit – 51 Pasture Brook Road (**copies for distribution**)
- e. Desvergnés Supplemental Needs Trust – WRPD Special Permit – 168 Kennedy Drive (**copies for distribution**)