



# City of Attleboro, Massachusetts

## PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET

ATTLEBORO, MASSACHUSETTS 02703

TEL 508.223.2222 FAX 508.222.3046

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## AGENDA

JULY 16, 2019

6:30 P.M.

- 
- 1A. **JOINT PUBLIC HEARINGS:** DEADLINE
    - a. Petition of Sterry Street Auto to rezone 495 Collins Street from "Single Residence-B" and "Industrial" to "General Business" (See Agenda item #8a)
  
  - 1B. **JOINT PUBLIC HEARINGS HELD OPEN:** NONE SCHEDULED DEADLINE
  
  - 2A. **PUBLIC HEARINGS:** DEADLINE
    - a. Hansen Associates, Inc. – WRPD Special Permit – 430 Lindsey Street
    - b. Timothy A. Infante, Sr. – WRPD Special Permit – 102 Lindsey Street
  
  - 2B. **PUBLIC HEARINGS HELD OPEN:** DEADLINE
    - a. Pike Avenue Acquisitions, LLC – "PIKE ESTATES" Definitive Subdivision Plan 7/17/19
    - b. W.B. Construction & Development, Inc. – "BRIGHAM HILL ESTATES" 6/30/19  
MGL Ch. 41 §81-W Definitive Subdivision Plan
  
  - 3A. **SITE PLAN REVIEW PUBLIC HEARINGS:** DEADLINE
    - a. SOWA, LLC – 1 Highland Avenue/5 Route 1A – Major Site Plan Review
  
  - 3B. **SITE PLAN REVIEW PUBLIC HEARINGS HELD OPEN:** NONE DEADLINE
  
  4. **PENDING APPLICATIONS/MATTERS:** NONE DEADLINE
  
  5. **FORM A PLANS:** DEADLINE
    - a. Nodnem Development, LLC – 0 Mendon Road 7/16/19
    - b. John DesVergnes – Tiffany Street, Guild Street, Perez Street, Totten Road 7/10/19  
(see Agenda item #8a)
  
  6. **APPOINTMENTS TO SPEAK:**
    - a. Timothy J. Caponigro, Woodlark Development Corp. – "COOPER FARM"
  
  7. **STAFF REPORT:** REPORT TO BE E-MAILED
  
  8. **CORRESPONDENCE:**
    - a. Letter from Richard C. Allen of the Red Oak Mobile Village, LLC, dated June 11, 2019, to the Municipal Council, voicing opposition to rezoning petition for 495 Collins Street. (previously distributed via email) (See Agenda item #1Aa)
    - b. Memorandum from Wastewater Superintendent Thomas Hayes, dated July 3, 2019, to Planning Board Clerk Lauren Stamatis, providing comment on the Major Site Plan Review Amendment for SOWA, LLC for 1 Highland Avenue/5 Route 1A. (previously distributed via email) (See Agenda item #3Aa)

- c. Memorandum from Water Superintendent Kourtney J. Wunschel, dated July 1, 2019, to the Planning Board, providing comment on the Major Site Plan Review Amendment for SOWA, LLC for 1 Highland Avenue/5 Route 1A. **(previously distributed via email) (See Agenda item #3Aa)**
  - d. Form P2 – Request for an Extension of Time to July 16, 2019, submitted by John DesVergenes, received June 19, 2019, relative to the Form A application for Tiffany Street, Guild Street, Perez Street, and Totten Road. **(See Agenda item #5b)**
  - e. Notice from Planning Board Clerk Lauren Stamatis dated June 20, 2019, to Mark Rioux of Marette & Sons, Inc., regarding the upcoming infrastructure completion deadline for the “DEER RUN ESTATES” 81-W subdivision on June 30, 2019. **(See Agenda #8d)**
  - f. Letter and timeline from Mark Rioux of Marette & Sons, Inc., dated June 28, 2019, to the Planning Board, requesting an extension of time to May 31, 2020, relative to the “DEER RUN ESTATES” 81-W subdivision. **(previously distributed via email)**
  - g. Notice from Planning Board Clerk Lauren Stamatis, dated June 20, 2019, to Brian Cave of Cave Corporation, regarding the upcoming infrastructure completion deadline for the “DALE COURT EXTENSION” subdivision on August 30, 2019.
  - h. Notice from Planning Board Clerk Lauren Stamatis, dated June 20, 2019, to Betty Hebert, regarding the upcoming infrastructure completion deadline for the “CALVIN STREET EXTENSION” Street Extension on August 13, 2019.
  - i. Notice from Planning Board Clerk Lauren Stamatis, dated June 20, 2019, to Steven Gietz of Lindsey Farms, LLC, regarding the upcoming infrastructure completion deadline for the “STONE HAVEN” subdivision on August 31, 2019.
  - j. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated June 18, 2019, to City Clerk Stephen Withers, approving an extension of time to October 31, 2019, relative to completion of the infrastructure construction at the “ROLLING HILLS, PHASE VI” subdivision.
  - k. Letter from Tim Marks, dated July 5, 2019, to Paul Danesi, Chairman, relative to WRPD special permits issued to Desvergnés Supplemental Needs Trust.
9. **PERFORMANCE BOND CORRESPONDENCE:**
- a. Letter from Planning Board Clerk Lauren Stamatis, dated June 19, 2019, to Robert Catenacci of One Thirty One Pleasant St., LLC, approving a **PARTIAL** release of funds in the amount of \$134,843.03 for the “STONE FIELD ESTATES” subdivision.
  - b. Letter from Planning Board Clerk Lauren Stamatis, dated June 19, 2019, to Timothy Caponigro of Woodlark Development Corp., providing the approved, updated bond amount of \$737,091.09 for the “COOPER FARM” 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 attorney Edward J. Casey of Casey Law Offices, P.C. on behalf of the Walsh Perry Partnership, dated June 3, 2019, to Planning Board Chairman Paul Danesi, regarding the status of completing the "HARDT ESTATES" subdivision.
- f. 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).
- g. 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.
- 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.
  - 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.
- 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.
  - 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.
- 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 "SHARPE PLAT" subdivision.
- k. 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.
- l. 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:**

**12. PENDING MINUTES:**

- a. April 22, 2019
- b. May 6, 2019
- c. May 21, 2019
- d. June 3, 2019
- e. June 17, 2019
- f. July 1, 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, August 19, 2019 at 6:30 p.m. in the Council Chambers
- b. Regular meeting scheduled for Monday, September 9, 2019 at 6:30 p.m. in the Council Chambers

**15. RECENTLY FILED APPLICATIONS/OTHER: NONE**