



# City of Attleboro, Massachusetts

## PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET

ATTLEBORO, MASSACHUSETTS 02703

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## AGENDA

SEPTEMBER 13, 2021

6:30 P.M.

- 1A. JOINT PUBLIC HEARINGS: NONE SCHEDULED DEADLINE
- 1B. JOINT PUBLIC HEARINGS HELD OPEN: NONE SCHEDULED DEADLINE
- 2A. PUBLIC HEARINGS: NONE SCHEDULED DEADLINE
- 2B. PUBLIC HEARINGS HELD OPEN: NONE SCHEDULED DEADLINE
- 3A. SITE PLAN REVIEW PUBLIC HEARINGS: NONE SCHEDULED DEADLINE
- 3B. SITE PLAN REVIEW PUBLIC HEARINGS HELD OPEN: [LINK\\*](#) DEADLINE
  - a. Forty-One/9, LLC – 41 Summer Street – Major Site Plan Review Deadline to close → 9/30/21
  - b. Route 9 Realty, LLC – 211 Pleasant Street – Major Site Plan Review Deadline to close → 9/30/21
4. PENDING APPLICATIONS/MATTERS: [LINK\\*](#) DEADLINE
  - a. Petition of Vela, Inc. to rezone property located at 829 Newport Avenue from “Single Residence-A” to “General Business”
5. FORM A PLANS: NONE SCHEDULED DEADLINE
6. APPOINTMENTS TO SPEAK: NONE SCHEDULED
7. STAFF REPORT: REPORT TO BE EMAILED
8. CORRESPONDENCE: [LINK\\*](#)
  - a. Response comments & revised plans submitted by William Buckley of Bay Colony Group, Inc., dated August 17, 2021 (received August 30, 2021), to Planning Board Chairman Paul Danesi, relative to the Major Site Plan Review application of Forty-One/9, LLC for 41 Summer Street. (see Agenda item #3Ba) (copies for distribution)
  - b. Email from Steve Scarpetti of 14 Cardinal Way, received September 2, 2021, to Director of Planning and Development Gary Ayrassian, regarding sidewalk issues in the “COOPER FARM” subdivision.
  - c. Email from Timothy Hamlin of 19 Cardinal Way, received September 3, 2021, to Director of Planning and Development Gary Ayrassian, regarding sidewalk issues in the “Cooper Farm” subdivision.
  - d. Cover letter, traffic memo, and plans submitted by attorney Edward Casey, dated August 2, 2021, to Director of Planning and Development Gary Ayrassian, regarding the Major Site Plan Review decision issued to A. Cerrone Limited Partnership for 68 Washington Street.
  - e. Letter from Scott Rolfe and James Borrebach of OHI Engineering, Inc., received April 30, 2021 via e-mail, to Mr. Steven Gietz, providing a status update relative to the punch list items remaining in the construction of the “STONE HAVEN” subdivision.
  - f. Email from Steven J. Gietz of Gietz Management, Inc., received June 3, 2021, to Planning Board Clerk Lauren Stamatis, requesting the Planning Board waive the fire alarm box for the “STONE HAVEN” subdivision.

- g. Memorandum from Director of Planning and Development Gary G. Ayrassian, dated August 18, 2021, to Mayor Paul Heroux, requesting a public hearing be called to accept Colonial Way and Pheasant Hill Road.
- h. Memorandum from Director of Planning and Development Gary G. Ayrassian, dated August 27, 2021, to Mayor Paul Heroux, requesting a public hearing be called to accept Cardinal Way, Chickadee Way, and Sparrow Lane.
- i. Memorandum from Director of Planning and Development Gary G. Ayrassian, dated August 31, 2021, to Mayor Paul Heroux, requesting a public hearing be called to accept Ledgewood Circle and Preservation Way.
- j. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated August 23, 2021, to City Clerk Stephen Withers, approving the request to withdraw without prejudice the "RAMBLER ROAD" street extension plan.
- k. Memorandum from Planning Board Clerk Lauren Stamatis, dated August 23, 2021, to Public Works Superintendent Michael Tyler, requesting that a sidewalk fee be calculated relative to the "PIKE ESTATES" subdivision.
- l. Memorandum from Planning Board Clerk Lauren Stamatis, dated September 3, 2021, to Public Works Superintendent Michael Tyler, requesting that a sidewalk fee be calculated relative to the "STONE FIELD ESTATES III" subdivision.
- m. Notice from Planning Board Clerk Lauren Stamatis, dated August 30, 2021, to Bill Ward of W.B. Construction & Development, Inc., regarding the first lapsed deadline (July 4, 2021) for the "BRIGHAM HILL ESTATES, PHASE II" subdivision.
- n. Notice from Planning Board Clerk Lauren Stamatis, dated August 30, 2021, to Raymond Loughlin of SR Land Improvement, LLC, regarding the second lapsed deadline (June 30, 2021) for the "EDWARD SR. ESTATES" subdivision.
- o. Notice from Planning Board Clerk Lauren Stamatis, dated August 30, 2021, to Edward Casey of Viridian Development, LLC, regarding the fourth lapsed deadline (June 15, 2021) for the "VIRIDIAN MEADOWS" subdivision.
- p. Notice from Planning Board Clerk Lauren Stamatis, dated August 30, 2021, to Edward Casey of Viridian Development, LLC, regarding the second lapsed deadline (June 15, 2021) for the "VIRIDIAN MEADOWS, PHASE II" subdivision.
- q. Municipal Council Certificate of Vote taken August 31, 2021, relative to the proposed loan order in the amount of six million two hundred thousand (\$6,200,000.00) dollars for energy efficiency improvements to City school buildings.

9. **PERFORMANCE BOND CORRESPONDENCE:** [LINK\\*](#)

- a. Letter from Brian Cave of Cave Corporation, dated August 2, 2021 (received September 2, 2021), to the Planning Board, requesting a **FINAL** release of funds relative to completion of the "DALE COURT EXTENSION" subdivision.
- b. Letter from Planning Board Clerk Lauren Stamatis, dated September 2, 2021, to Public Works Superintendent Michael Tyler, soliciting a recommendation relative to the **FINAL** release of funds request for work completed at the "DALE COURT EXTENSION" subdivision.
- c. Letter from Planning Board Clerk Lauren Stamatis, dated August 17, 2021, to Public Works Superintendent Michael Tyler, soliciting a recommendation relative to the **PARTIAL** release of funds request for work completed at the "BRIGHAM HILL ESTATES" subdivision.
- d. Memorandum from Public Work Superintendent Michael R. Tyler, dated August 19, 2021, to the Planning Board, recommending a **PARTIAL** release of funds in the amount of \$35,453.05, relative to the work completed at the "BRIGHAM HILL ESTATES" subdivision.
- e. Letter from Planning Board Clerk Lauren Stamatis, dated August 17, 2021, to Public Works Superintendent Michael Tyler, soliciting a recommendation relative to the **PARTIAL** release of funds request for work completed at the "BRIGHAM HILL ESTATES, PHASE II" subdivision.
- f. Memorandum from Public Works Superintendent Michael Tyler, dated August 27, 2021, to the Planning Board, recommending a **PARTIAL** release of funds in the amount of \$82,987.26, relative to the work completed at the "BRIGHAM HILL ESTATES, PHASE II" subdivision.
- g. Letter from Planning Board Clerk Lauren Stamatis, dated August 23, 2021, to Public Works Superintendent Michael Tyler, requesting that a bond amount be established for the "PIKE ESTATES" subdivision.
- h. Letter from Planning Board Clerk Lauren Stamatis, dated September 3, 2021, to Public Works Superintendent Michael Tyler, requesting that a bond amount be established for the "STONE FIELD ESTATES III" subdivision.

- i. Letter from Planning Board Clerk Lauren Stamatis, dated August 23, 2021, to Timothy Caponigro of Woodlark Development Corp., regarding the **FINAL** release of funds in the amount of \$349,187.79 plus interest from the lender's agreement relative to the "COOPER FARM" subdivision.
- j. Letter from Planning Board Clerk Lauren Stamatis, dated August 23, 2021, to John J. Cloud of Attleboro Realty Development, regarding the **FINAL** release of funds in the amount of \$100,119.79 plus interest from the tripartite agreement relative to the "COLMAN ESTATES" subdivision.
- k. Letter from Planning Board Clerk Lauren Stamatis, dated August 23, 2021, to Bob Catenacci of One Thirty One Pleasant St, LLC, regarding the **PARTIAL** release of funds in the amount of \$84,088.29 from the cash bond relative to the "STONE FIELD ESTATES, II" subdivision.

10. MISCELLANEOUS PENDING CORRESPONDENCE: [LINK\\*](#)

- a. 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.
  - Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, to 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 March 19, 2021, to City Clerk Stephen Withers, regarding the Board's action to perform on the subdivision security held by the City for the "BURGESS ESTATES" subdivision.
  - **Letter from Kevin S. Freytag, Esq. of Murphy Hesse Toomey & Lehane, LLP, dated June 9, 2021, to the Atlas Mortgage Corporation, regarding performing on the lender's agreement to complete the outstanding work at the "BURGESS ESTATES" subdivision.**
- b. 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.
- c. 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).
  - Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, 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.
  - Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated March 19, 2021, to City Clerk Stephen Withers, regarding the Board's action to perform on the subdivision security held by the City for the "HIGHLAND ESTATES" subdivision.
  - Letter from Kevin S. Freytag, Esq. of Murphy Hesse Toomey & Lehane, LLP, dated June 9, 2021, to Susan Farley of Bristol County Savings Bank, regarding performing on the lender's agreement to complete the outstanding work at the "HIGHLAND ESTATES" subdivision.
  - **Letter from Kevin S. Freytag Esq. of Murphy Hesse Toomey & Lehane, LLP, dated August 6, 2021 (received August 26, 2021), to attorney Hollie Lussier of Bristol County Savings Bank, relative to their request for further information about the City's action to perform on the lender's agreement to complete the outstanding work at the "HIGHLAND ESTATES" subdivision.**

- d. 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.
- Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, to Trustee David M. Wetterhahn of Milosh Realty Trust regarding the notice of default and demand to complete work at the "MILOSH ACRES" subdivision.
  - Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated March 19, 2021, to City Clerk Stephen Withers, regarding the Board's action to perform on the subdivision security held by the City for the "MILOSH ACRES" subdivision.
  - Email from Assistant Vice President Anthony C. Brown of Dedham Savings Bank, dated June 7, 2021, to Director of Planning and Development Gary Ayrassian, relative to completion of the "MILOSH ACRES" subdivision.
  - **Letter from Kevin S. Freytag, Esq. of Murphy Hesse Toomey & Lehane, LLP, dated June 9, 2021, to Executive Vice President of Commercial Lending Douglas Shaw of the Dedham Institution for Savings, regarding performing on the tripartite agreement to complete the outstanding work at the "MILOSH ACRES" subdivision.**
- e. 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.
  - Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, to Kevin J. Murphy of KJM Construction, Inc. regarding the notice of default and demand to complete work at the "RIVER'S EDGE" subdivision.
  - Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated March 19, 2021, to City Clerk Stephen Withers, regarding the Board's action to perform on the subdivision security held by the City for the "RIVER'S EDGE" subdivision.
  - Letter from attorney James M. Cassidy on behalf of Kevin Murphy of KJM Construction, Inc., dated May 12, 2021 (received May 17, 2021), to the Planning Board, regarding the water main loop at the "RIVER'S EDGE" subdivision.
  - Letter from Senior Land Use Planner Stephanie Davies, dated May 25, 2021, to attorney James M. Cassidy, relative to the completion status of the "RIVER'S EDGE" subdivision.
  - Letter from Kevin S. Freytag, Esq. of Murphy Hesse Toomey & Lehane, LLP, dated June 9, 2021, to the Worcester Insurance Company, regarding performing on the bond to complete the outstanding work at the "RIVER'S EDGE" subdivision.
  - **Letter from attorney James M. Cassidy on behalf of Kevin Murphy, dated July 1, 2021 (received July 8, 2021), to the Planning Board, providing an update relative to completion of the "RIVER'S EDGE" subdivision.**
- f. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated March 5, 2021, to City Clerk Stephen Withers, regarding the vote to perform on the subdivision security for the "DALE COURT EXTENSION" subdivision.
- Letter from Kevin S. Freytag Esq. of Murphy Hesse Toomey & Lehane, LLP, dated June 9, 2021, to the Lexon Insurance Company, regarding performing on the subdivision bond to complete the outstanding work at the "DALE COURT EXTENSION" subdivision.
  - **Letter from Kevin S. Freytag Esq. of Murphy Hesse Toomey & Lehane, LLP, dated July 23, 2021 (received August 26, 2021), to Vicki Batson of SOMPO International Insurance, relative to their**

request for further information about the City's action to perform on the subdivision bond to complete the outstanding work at the "DALE COURT EXTENSION" subdivision.

- g. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated June 14, 2021, to City Clerk Stephen Withers, regarding the Board's decision to perform on the security for the "Bradford Estates" subdivision.
- h. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated June 14, 2021, to City Clerk Stephen Withers, regarding the Board's decision to perform on the security for the "Hillcrest Avenue Extension I" street extension.
- i. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated June 14, 2021, to City Clerk Stephen Withers, regarding the Board's decision to perform on the security for the "Hillcrest Avenue Extension II" street extension.
- j. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated June 14, 2021, to City Clerk Stephen Withers, regarding the Board's decision to perform on the security for the "Rhodes Street Extension" street extension.

**11. PLANNING BOARD COMMITTEES:**

**11A. COMPREHENSIVE PLAN COMMITTEE:**

- a. Executive Summary: Sustainable Growth (Request for Primer)

**11B. ORDINANCE COMMITTEE:**

- a. Discuss mechanism for amending approved Site Plan Review decisions
- b. Discuss Act Enabling Partnerships for Growth – new state zoning enabling legislation
- c. Executive Summary: Trees

**11C. SITE PLAN REVIEW COMMITTEE:**

**11D. SUBDIVISION COMMITTEE:**

**12. PENDING MINUTES:**

- a. June 21, 2021 (previously distributed)
- b. July 12, 2021
- c. August 17, 2021

**13. SRPEDD DELEGATE'S REPORT:**

**14. PLANNING BOARD STUDY GROUP PROGRESS REPORT:**

- a. Executive Summary: Stormwater Techniques (Request for Primer)
- b. Executive Summary: Community Preservation Act

**15. UPCOMING PUBLIC HEARING, BUSINESS MEETING AND COMMITTEE MEETING SCHEDULE:**

- a. Meeting Date: September 27, 2021 at 6:30 p.m. in the Council Chambers
- b. Meeting Date: October 4, 2021 at 6:30 p.m. in the Council Chambers

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

\*Digital access links are taken down as soon as the day after the meeting. For access after that time, please make a request by emailing [planning@cityofattleboro.us](mailto:planning@cityofattleboro.us) or stopping by the Office of Planning and Development during normal business hours.