



# City of Attleboro, Massachusetts

## PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET

ATTLEBORO, MASSACHUSETTS 02703

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2021 OCT 12 PM 2:26

## AGENDA

OCTOBER 18, 2021

6:30 P.M.

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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: NONE SCHEDULED  | <u>DEADLINE</u>             |
| 3A. SITE PLAN REVIEW PUBLIC HEARINGS: NONE SCHEDULED   | <u>DEADLINE</u>             |
| 3B. SITE PLAN REVIEW PUBLIC HEARINGS HELD OPEN:  | <u>DEADLINE</u>             |
| a. Route 9 Realty, LLC – 211 Pleasant Street – Major Site Plan Review  | Deadline to close → 10/4/21 |
| 4. PENDING APPLICATIONS/MATTERS:   | <u>DEADLINE</u>             |
| a. Forty-One/9, LLC – 41 Summer Street – Major Site Plan Review  | 10/12/21                    |
| 5. FORM A PLANS:   | <u>DEADLINE</u>             |
| a. Sanrose Realty Associates, LLP – 999 Newport Avenue   | 10/27/21                    |
| 6. APPOINTMENTS TO SPEAK: NONE SCHEDULED   |                             |
| 7. STAFF REPORT: NO WRITTEN REPORT   |                             |
| 8. CORRESPONDENCE:   |                             |
| a. Form P1 – Request to Continue a Public Hearing to October 18, 2021, submitted by attorney Jack Jacobi of Coogan Smith, LLP, received September 29, 2021, relative to the Major Site Plan Review application of Route 9 Realty, LLC for 211 Pleasant Street. (see Agenda item #3Ba)  |                             |
| b. Revised site plans submitted by Diane Pantemoller of GPI, received September 30, 2021, to Planning Board Clerk Lauren Stamatis, relative to the Major Site Plan Review application of Route 9 Realty, LLC for 211 Pleasant Street. (see Agenda item #3Ba)   |                             |
| c. Letter from Deputy Chief Timothy Cook of the Attleboro Police Department, dated October 7, 2021, to Planning Board Chairman Jason Gittle and Zoning Board Chairwoman Cathy Merkle, providing comment on the proposed Pleasant Street curb cut relative to the Major Site Plan Review application of Route 9 Realty, LLC for 211 Pleasant Street. (see Agenda item #3Ba) |                             |
| d. Form P2 – Request for an Extension of Time to November 1, 2021, submitted by attorney Jack Jacobi of Coogan Smith, LLP, received September 29, 2021, relative to the Major Site Plan Review application of Forty-One/9, LLC for 41 Summer Street. (see Agenda item #4a)   |                             |
| e. Letter and Covenant Release Form from attorney Patricia L. Nagle, received October 6, 2021, to Planning Administrator Lauren Stamatis, requesting that the Planning Board revoke the partial covenant release for builder's lots 15, 16, 17-20 (inclusive), and 24 from the "SUN VALLEY ESTATES" subdivision.   |                             |

- f. Municipal Council Certificate of Vote taken October 5, 2021, relative to the proposed loan order in the amount of six hundred seventy five thousand (\$675,000.00) dollars for purchasing and equipping a fire engine.
- g. 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.
- h. Letter from Tim Marks of 49 Pheasant Hill Road, dated October 2, 2021 (received October 6, 2021), to Director of Planning and Development Gary Ayrassian, relative to the public hearing to accept Pheasant Hill Road as a public way.
- i. 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.
- j. 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.
- k. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated September 28, 2021, to City Clerk Stephen Withers, approving the elimination of the fire alarm box at the "STONE HAVEN" subdivision.
- l. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated September 28, 2021, to City Clerk Stephen Withers, regarding the proposed plan modifications to "VIRIDIAN MEADOWS" and "VIRIDIAN MEADOWS, PHASE II".

**9. PERFORMANCE BOND CORRESPONDENCE:**

- a. 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.

**10. MISCELLANEOUS PENDING CORRESPONDENCE:**

- 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.
- Letter from Kevin S. Freytag Esq. of Murphy Hesse Toomey & Lehane, LLP, dated October 5, 2021, to Hartford Casualty Insurance Company, regarding performing on the subdivision bond to complete the outstanding work at 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.
- Letter from Kevin S. Freytag Esq. of Murphy Hesse Toomey & Lehane, LLP, dated October 5, 2021, to Hartford Casualty Insurance Company, regarding performing on the subdivision bond to complete the outstanding work at the "HILLCREST AVENUE EXTENSION I" subdivision.
- 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.
- Letter from Kevin S. Freytag Esq. of Murphy Hesse Toomey & Lehane, LLP, dated October 5, 2021, to Endurance American Insurance Company, regarding performing on the subdivision bond to complete the outstanding work at the "HILLCREST AVENUE EXTENSION II" subdivision.
- 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.
- Letter from Kevin S. Freytag Esq. of Murphy Hesse Toomey & Lehane, LLP, dated October 5, 2021, to Platte River Insurance Company, regarding performing on the subdivision bond to complete the outstanding work at the "RHODES STREET EXTENSION" subdivision.

**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. July 12, 2021 (previously distributed)
- b. August 17, 2021
- c. September 13, 2021
- d. September 27, 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
- c. Mobile Home Park Zoning
- d. Commercial Vehicles Definition

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

- a. Meeting Date: October 18, 2021 at 6:30 p.m. in the Council Chambers
- b. Meeting Date: November 1, 2021 at 6:30 p.m. in the Council Chambers

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