



City of Attleboro, Massachusetts

PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET

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2019 OCT 31 AM 11:06
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CITY OF ATTLEBORO
PLANNING BOARD

AGENDA

NOVEMBER 4, 2019

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: DEADLINE
 - a. Pike Avenue Acquisitions, LLC – “PIKE ESTATES” Definitive Subdivision Plan 11/30/19
- 3A. SITE PLAN REVIEW PUBLIC HEARINGS: DEADLINE
- 3B. SITE PLAN REVIEW PUBLIC HEARINGS HELD OPEN: DEADLINE
 - a. Abbott Action, Inc. – 3 Venus Way – Major Site Plan Review Deadline to Close Public Hearing → 11/4/19
 - b. SOWA, LLC – 1 Highland Avenue/5 Route 1A – Major Site Plan Review Deadline to Close Public Hearing → 11/4/19
- 4. PENDING APPLICATIONS/MATTERS: NONE SCHEDULED DEADLINE
- 5. FORM A PLANS: DEADLINE
 - a. Nodnem Development, LLC – 0 Mendon Road 11/30/19
 - b. James R. Friedman – Ashton Road & Rounds Place 11/4/19
 - c. 8 Lamb, LLC – 8 Lamb Street 11/19/19
 - d. Atlantic-Attleboro Route 1, LLC – 463 & 643 Washington Street, 0 Summit Street 11/20/19
- 6. APPOINTMENTS TO SPEAK: NONE SCHEDULED
- 7. STAFF REPORT: NO WRITTEN REPORT
- 8. CORRESPONDENCE:
 - a. Response comments and revised plan sheets submitted by Dan Campbell of Level Design Group on behalf of Pike Avenue Acquisitions, LLC, received via email October 29, 2019, to Senior Land Use Planner Stephanie Davies, regarding the definitive subdivision application for “PIKE ESTATES.” (previously distributed via email) (See Agenda item #2Ba)
 - b. Form P1 – Request to Continue a Public Hearing to December 2, 2019, submitted by attorney John Jacobi of Coogan Smith, LLP on behalf of SOWA, LLC, received October 31, 2019, relative to the Major Site Plan Review application for 1 Highland Avenue/5 Route 1A. (See Agenda #3Bb)
 - c. Notice from Planning Board Clerk Lauren Stamatis, dated September 30, 2019, to Bill Ward of W.B. Construction & Development, LLC, regarding the infrastructure deadline of October 3, 2019 relative to the “BRIGHAM HILL ESTATES, PHASE III” subdivision.

- d. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated October 22, 2019, to the Municipal Council, recommending that the Loan Order in the amount of seven hundred thirty-four thousand (\$734,000.00) dollars for the purpose of purchasing and equipping Public Works Departmental vehicles/equipment is consistent with the Comprehensive Plan.
- e. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated October 22, 2019, to the Municipal Council, recommending that the Loan Order in the amount of one million fifty-four thousand (\$1,054,000.00) dollars for the purpose of purchasing and equipping Fire Departmental vehicles/equipment is consistent with the Comprehensive Plan.
- f. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated October 22, 2019, to City Clerk Stephen Withers, regarding the extension of time granted to January 6, 2020 relative to infrastructure completion at the "COLMAN ESTATES" subdivision.

9. PERFORMANCE BOND CORRESPONDENCE:

- a. Letter from Planning Board Clerk Lauren Stamatis, dated October 17, 2019, to Public Works Superintendent Michael Tyler, requesting a recommendation relative to the **FINAL** release of funds request submitted by Shawn A. Jorde relative to the "WINDWOOD ESTATES" subdivision.
- b. Letter from Planning Board Clerk Lauren Stamatis, dated October 18, 2019, to Public Works Superintendent Michael Tyler, requesting a recommendation relative to the updated bond amount request submitted by Raymond C. Loughlin relative to the "EDWARD SR. ESTATES" 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.
 - Letter from Kevin S. Freytag of Murphy Hesse Toomey & Lehane, LLP (City Solicitor's Office), dated August 13, 2019, to Thomas Fitzgerald, relative to the agreement to release funds 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.
 - 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 Theodore Trowbridge, calling for the request for a **FINAL** release of funds to be submitted relative to the "HITCHCOCK LANE" subdivision.
- l. 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)

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.)
- d. Letter from Director of Planning and Development Gary G. Ayrassian, dated October 8, 2019, to Planning Board Chairman Paul Danesi and Zoning Board of Appeals Chairwoman Catherine Merkle, regarding proposed to changes to processes relative to public hearing legal advertisements.

11C. SITE PLAN REVIEW COMMITTEE:

- a. Subdivision bond release procedures

11D. SUBDIVISION COMMITTEE:

12. PENDING MINUTES:

- a. August 19, 2019
- b. October 7, 2019
- c. October 21, 2019

13. SRPEDD DELEGATE'S REPORT:

- a. Report/update from Scott Jones

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

- a. Subdivision Committee scheduled for Monday, November 4, 2019 at 6:00 p.m. in the Council Meeting Room
- b. Regular meeting scheduled for Monday, November 18, 2019 in the Council Chambers
- c. Regular meeting scheduled for Monday, December 2, 2019 in the Council Chambers

15. RECENTLY FILED APPLICATIONS/OTHER: NONE