



# City of Attleboro, Massachusetts

## PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET

ATTLEBORO, MASSACHUSETTS 02703

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## AGENDA

JUNE 21, 2021

6:30 P.M.

- |  |                 |
|--|-----------------|
| 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:   | <u>DEADLINE</u> |
| a. One Thirty One Pleasant St, LLC – “STONE FIELD ESTATES III” Definitive Subdivision Plan   | 6/30/21         |
| b. Pike Avenue Acquisitions, LLC, Robert Heroux, & Erin Pilling – “PIKE ESTATES”<br>Definitive Subdivision Plan  | 6/30/21         |
| 3A. SITE PLAN REVIEW PUBLIC HEARINGS: NONE SCHEDULED   | <u>DEADLINE</u> |
| 3B. SITE PLAN REVIEW PUBLIC HEARINGS HELD OPEN: NONE SCHEDULED   | <u>DEADLINE</u> |
| 4. PENDING APPLICATIONS/MATTERS:   | <u>DEADLINE</u> |
| a. John J. & Mary F. Donovan – “RAMBLER ROAD” Street Extension Plan  | 6/30/21         |
| 5. FORM A PLANS:   | <u>DEADLINE</u> |
| a. East Side Plastering, LLC – north side of Falmouth Street   | 7/5/21          |
| 6. APPOINTMENTS TO SPEAK:  |                 |
| a. Steven Gietz – “STONE HAVEN”  |                 |
| 7. STAFF REPORT: NO WRITTEN REPORT   |                 |
| 8. CORRESPONDENCE:   |                 |
| a. Response comments and revised site plans submitted by Bob Catenacci of One Thirty One Pleasant St, LLC, received June 14, 2021, to the Planning Board, regarding the proposed “STONE FIELD ESTATES III” subdivision.                                      |                 |
| b. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated June 14, 2021, to City Clerk Stephen Withers, regarding the elimination of the requirement for a water main loop in the “RIVER’S EDGE” subdivision.                                  |                 |
| c. 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. |                 |
| d. 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.   |                 |
| e. Memorandum from Wastewater Superintendent Thomas Hayes, dated June 1, 2021, to Planning Board Clerk Lauren Stamatis, providing comment on the Major Site Plan Review application of Forty-One/9, LLC for 41 Summer Street.                                |                 |

- f. Memorandum from Public Works Superintendent Michael R Tyler, dated June 4, 2021, to Planning Board Clerk Lauren Stamatis, providing comment on the Major Site Plan Review application of Forty-One/9, LLC for 41 Summer Street.
- g. Memorandum from Water Department Superintendent Kourtney J. Wunschel, dated June 9, 2021, to the Planning Board, providing comments on the Major Site Plan Review application of Forty-One/9, LLC for 41 Summer Street.
- h. Email from Fire Prevention District Chief Thomas Joubert, received June 14, 2021, to Senior Land Use Planner Stephanie Davies, providing comment on the Major Site Plan Review application of Forty-One/9, LLC for 41 Summer Street.
- i. Form P2 – Request for an Extension of Time to July 12, 2021, submitted by attorney John F. D. Jacobi, III of Coogan Smith, LLP on behalf of Route 9 Realty, LLC, received June 3, 2021, relative to the Major Site Plan Review application for 41 Summer Street.
- j. Form P2 – Request for an Extension of Time to July 12, 2021, submitted by attorney John F. D. Jacobi, III of Coogan Smith, LLP on behalf of Route 9 Realty, LLC, received June 14, 2021, relative to the Major Site Plan Review application for 211 Pleasant Street.
- k. 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.
- l. 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.
- m. 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.
- n. 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.
- o. 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.
- p. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated June 14, 2021, to City Clerk Stephen Withers, regarding the elimination of the requirement for a fire alarm box in the “BRADFORD ESTATES” subdivision.
- q. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated June 14, 2021, to City Clerk Stephen Withers, regarding performing on the security for the “BRADFORD ESTATES” subdivision.
- r. 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.
- s. 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.
- t. 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.
- u. 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.

9. **PERFORMANCE BOND CORRESPONDENCE:**

- a. Letter from Planning Board Clerk Lauren Stamatis, dated April 26, 2021, to Public Works Superintendent Mike Tyler, requesting a recommendation regarding a **FINAL** release of funds relative to the “STONE FIELD ESTATES II” subdivision.

- b. Letter from Planning Board Clerk Lauren Stamatis, dated May 21, 2021, to Public Works Superintendent Michael Tyler, soliciting a recommendation relative to the **PARTIAL** release of funds request submitted for the "COOPER FARM" subdivision.
- c. Memorandum from Public Works Superintendent Michael R Tyler, dated June 8, 2021, to the Planning Board, recommending a **PARTIAL** release in the amount of \$387,903.29 relative to work completed at the "COOPER FARM" subdivision.
- d. Letter from Planning Board Clerk Lauren Stamatis, dated May 27, 2021, to Public Works Superintendent Michael Tyler, soliciting a recommendation relative to the **FINAL** release of funds request submitted for the "COLMAN ESTATES" subdivision.
- e. Letter from Planning Board Clerk Lauren Stamatis, dated June 4, 2021, to Public Works Superintendent Michael Tyler, soliciting a recommendation relative to the **PARTIAL** release request for the "EDWARD SR. ESTATES" subdivision.
- f. Memorandum from Public Works Superintendent Michael R Tyler, dated June 10, 2021, to the Planning Board, recommending a **PARTIAL** release in the amount of **\$21,475.48**, relative to the "EDWARD SR. 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.**
- 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.**
- 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.
- 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.
- 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.

**11. PLANNING BOARD COMMITTEES:**

**11A. COMPREHENSIVE PLAN COMMITTEE:**

- a. Executive Summary: Sustainable Growth RFI

**11B. ORDINANCE COMMITTEE:**

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

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

**11D. SUBDIVISION COMMITTEE:**

- a. Discuss Sidewalk fund

**12. PENDING MINUTES:**

- a. June 7, 2021

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

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

- a. Executive Summary: Stormwater Techniques - RFI

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

- a. Meeting Date: July 12, 2021 in the Council Chambers
- b. Meeting Date: August 17, 2021 in the Council Chambers

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

- a. Petition filed by Vela, Inc. to rezone 829 Newport Avenue from "Single Residence-A" to "General Business"
- b. Forty-One/9, LLC – 41 Summer Street – Major Site Plan Review
- c. Route 9 Realty, LLC – 211 Pleasant Street – Major Site Plan Review
- d. Fire Alarm Box Waiver Deposits