



# City Of Attleboro, Massachusetts

## PLANNING BOARD

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## MINUTES

FEBRUARY 22, 2021

**In accordance with the provisions of the Massachusetts General Laws Ch. 40A and Ch. 41, as amended, the Planning Board held public hearings on Monday, February 22, 2021 at 6:30 p.m. remotely via Zoom , relative to the following :**

Planning Board Members Present: Chairman Paul Danesi, Vice Chairman Jason Gittle, Shannon Bénay, Jim Lewis, Sean McNamara, Thom Morin, and Fred Uriot

Planning Board Members Absent: None

### **The Board heard the appointment to speak of Mayor Paul Heroux.**

Mayor Heroux noted that it has been about a year since he last appeared before the Board and that as one of the City's most consequential bodies, he requested a progress update relative to the City's goals of becoming cleaner and greener.

Chairman Danesi replied that they have been working on a number of initiatives to that end. He stated that efforts have been made to look at alternatives to the current approach of percolation tests that historically has required heavy machinery and the subsequent removal of trees and other vegetation. He noted that they haven't made much headway on that front. He stated that Board has been evaluating the tying of subdivision performance fund releases to the phasing of subdivisions to expedite construction and final landscaping. He explained that the standards for stormwater system designs is under review, with the hope to encourage the construction of multiple smaller stormwater basins and requiring that they be located away from property lines to limit issues with flooding impacting abutters. He stated that the state recently approved new zoning regulations that allow for accessory uses on single family properties and that the Board intends to collaborate with the Zoning Board and Municipal Council to see how that can be best leveraged. He suggested that it may pave the way for owners to be able to renovate or expand existing homes which will reduce the need for new construction. He stated that the Board is also currently revamping their subdivision regulations to accommodate modified roadway layouts, which can allow for more green space.

Jim Lewis noted that it's been difficult to conduct all of the work before the Board in terms of public hearings, while taking on new projects on top of that. He explained that due to open meeting law, no more than 3 to 4 members can meet outside of a posted meeting to discuss ideas and proposals. He stated that to address that, a three member "New Business Study Group" was appointed last month to begin tackling projects. He stated that the group has brainstormed about 20 issues for the Board to work on which vary from subdivision-related, green initiatives, to affordable housing. He stated that 5 issues are ready to be promoted to the full Planning Board for discussion. He stated that the Board considered options for limiting new subdivision construction or altering requirements for phasing, but those proposals would require changes to the state's legislation.

Mayor Heroux noted that such change is typically very slow to occur.

Jim Lewis stated that the Board has immediate control over the Rules and Regulations for the Subdivision of Land, but that if changes are counter to state legislation, they may not hold up to a challenge in court.

He stated that they have also had discussions about creating an overlay map to propose solar and wind power locations, as recent projects for greener energy have often been met with a great deal of controversy and community opposition.

Mayor Heroux agreed that it is counter-intuitive to cut down trees to install wind or solar energy generating facilities.

Jim Lewis noted that they have asked staff to look into holding a seminar relative to subdivision stormwater designs, so the Board can better understand how they work. He stated that discussions have been held about amending the Board's Site Plan Approval process, as there is some thought that there's not enough guidance on aesthetics and that a New England-style architecture with less flat roofs would be preferable. He stated that the new state zoning legislation is geared towards MBTA communities, which is a designation Attleboro holds. He stated that there may be room to make accessory living units by special permit or even by right, but that it will be ultimately up to the Municipal Council. He stated that the current subdivision regulations relative to trees dictate the need for the developer to install two trees of a particular height and caliper per lot, located 5-feet off the right-of-way. He stated that some members of the Board would like to see the number of new trees required on a lot to be increased and that can easily be addressed by amendments to the Rules and Regulations. He stated that staff have also suggested considering implementing a tree preservation plan requirement for new development to seek to maintain existing trees on lots with proposed development. He stated that the study group is reviewing a model tree ordinance for its applicability to Attleboro.

Director of Planning and Development Gary Ayrassian noted that some communities have regulations and other have ordinances addressing that topic, so both options are under review.

Chairman Danesi stated that the Board is leaning towards having both, as an Ordinance may be more all-encompassing, as it could address right-of-ways, Form-A plans, and City projects, while regulation amendments would impact just subdivision development. He noted that there have been very few site plan and commercial reviews before the Board of late. He stated that one subdivision under review, "Pike Estates" has been working with the Board in detail to discuss topography and tree preservation and that the remainder of subdivisions are additional phases of existing subdivisions, so the sites are already cleared.

Mr. Ayrassian noted that he had broached the topic of affordable housing about six months prior with the Mayor, suggesting a housing needs and implementation plan be developed. He stated that it will likely require the appointing of an ad hoc committee that includes members of the Planning and Zoning Boards. He stated his intent to apply for a \$35,000 grant this spring. He stated that discussions are currently being held by the Board to redesign roadway cross-sections to allow for narrower pavement, more grass strips, and low impact stormwater features like grass swales. He noted that this change has the potential to put more pressure on Public Works in terms of maintenance, so the long term consequences have to be considered. He stated that a variety of small changes have the potential to make a substantial impact.

Mayor Heroux asked about a timeline for implementation.

Mr. Ayrassian stated that at this point, the Planning Board could call for public hearings to solicit comment on specific proposals right away.

Chairman Danesi noted that the citywide tree ordinance proposal will require a cross-department study group that includes the tree warden, Public Works, and City Council. He stated that some changes also need to be encouraged at a community level to encourage citizens to get on board with protecting trees on their own properties. He noted that even with the changes under consideration, a private individual can currently purchase a home within a subdivision and opt to cut down all of the trees on the lot.

Mr. Ayrassian noted that recently a subdivision under construction had a number of residents who objected to the installation of the approved trees in the right-of-way, so the Board opted to have the developer donate them to the City for installation elsewhere.

Mayor Heroux thanked the Board for the update.

**The Board heard the application of W.B. Construction & Development, Inc. for the proposed eighteen (18) lot definitive subdivision plan entitled “BRIGHAM HILL ESTATES, PHASE IV,” located on a portion of Brigham Hill Road and Lewis Lane, more specifically Assessor’s plat #218, lot #6, and Assessor’s plat #219, lot #3, located in the Single Residence-D zoning district, engineered by James R. Borrebach, R.P.E. of OHI Engineering, Inc., 44 Wood Avenue, Mansfield, MA 02048.**

Jim Lewis recused himself from the discussion.

Senior Land Use Planner Stephanie Davies informed the Board that the applicant submitted a request to continue the public hearing to March 8<sup>th</sup>, as they are awaiting the second stormwater peer review report.

There being no one else to speak, the public hearing was continued.

**The Board heard the application of One Thirty One Pleasant St, LLC for the proposed twenty (20) lot definitive subdivision plan entitled “STONE FIELD ESTATES III,” located at 553 Oak Hill Avenue, more specifically Assessor’s plat #170, lot #1A, located in the Single Residence-D zoning district, engineered by John C. Spink, R.P.E. of Spink Design, 59 Clay Street, Middleborough, MA 02346.**

Speaking in favor of the application was Bob Catenacci who explained that both he and his engineer had been ill with COVID-19, so they haven’t had the chance to submit responses to the stormwater peer review. He noted that Mr. Ayrassian had reached out regarding some revisions last week, so those are being contemplated with the responses, as they have the potential to impact drainage calculations.

Mr. Ayrassian explained that two driveways were approved in the Phase II subdivision at the intersection of Saveena Drive and Windsor Drive. He stated that driveways were actually constructed on Windsor Drive, rather than on Saveena Drive and that they are incorrectly reflected in the Phase III plans. He stated that the actual driveway locations will be within 2-feet of one of the proposed cluster mailboxes on Windsor Drive, so has been requested to be moved to prevent a conflict. He stated that they have likewise asked that the location of the second cluster mailbox on York Drive be moved further up the road so there is no conflict with existing home that the current location abuts.

Chairman Danesi asked whether staff are still formulating regulations for keeping driveways clear of cluster mail boxes.

Mr. Ayrassian replied that there are already standards for that and that the conditions on the ground won’t meet those standards, despite the plans appearing to be in compliance due to the incongruent locations of the Phase II driveways. He noted that he has fielded complaints from several residents relative to grading in their backyards that is asserted to be associated with stormwater drainage of the Phase II subdivision. He also brought to Mr. Catenacci’s attention several issues with snow removal that he has promised to address.

Mr. Catenacci stated that he didn’t believe he was privy to all of those complaints, as he was only aware of two issues relative to drainage, those of Mr. Lemas and Mr. Garcias. He stated that it’s not necessarily uncommon to go back out and fine tune grading during subdivision construction and that he has done this for Lots 2 and 3. He noted that he plans to do additional grading for Lot 4 in the spring in conjunction with their plans to install a new lawn. He noted that none of these areas are contained within a drainage easement. He noted that there has been significant rainfall as of late compounding the residents’ issues and feels like most of the concerns he was aware of have been addressed.

Mr. Ayrassian asked that Mr. Catenacci put together a written response regarding the complaints and modifications made to address them. He noted that a request for a final release of funds for Phase II will need to be submitted after the existing issues raised by Public Works are addressed. He noted that stamped plans from a Professional Engineer are not required.

Mr. Catenacci agreed.

Mr. Ayrassian asked whether that information can be expected in advance of the next Planning Board meeting.

Mr. Catenacci agreed to submit the materials before the next meeting. He noted that there was an issue with the need for an extension for Stone Field Estates III.

Mr. Ayrassian suggested that an extension be requested until at least the end of March, as Public Works has raised some questions about the stormwater system located in Phase III that services Phase II.

Mr. Catenacci requested an extension of time to March 31, 2021.

Jim Lewis made a motion to grant an extension of time to March 31, 2021. Fred Uriot seconded the motion and all voted in favor via roll call.

Sean McNamara questioned the lapsed extension of time for Stone Field Estates II.

Ms. Davies stated that Mr. Catenacci has submitted the Street Acceptance plans, but revisions are needed and that accordingly, the Board issued only a partial release of funds rather than a full.

Mr. Catenacci stated that they requested a final release as they mistakenly thought all of the construction work and paving had been completed. He explained that the exception is a small portion of sidewalk at the end of Oak Hill Avenue pointed out by Public Works during the review for the release request.

Mr. Ayrassian questioned why a final release was submitted when all of the work was not completed.

Mr. Catenacci replied that it was submitted in error, as they had neglected to pave a small section that was added to the plans after the initial design. He noted it involved a portion of a sidewalk radius that was shown on only one page of the plan set, so it was overlooked. He stated that Public Works withheld \$20,000 for street paving, despite the work being done, and \$7,000 for sidewalks. He stated that the detention ponds and drainage system are done, but Public Works has been unable to confirm their functionality as they have been holding water due to recent rainfall. He stated that the changes have been updated on the as-built and street acceptance plans, they just need to be submitted. He stated that the additional paving work will likely need to wait another month or so until the asphalt plants reopen and the ground is no longer frozen.

Chairman Danesi summarized that Mr. Catenacci met the deadline for submitting his street acceptance plans and is just sorting out final adjustments with Public Works.

Mr. Ayrassian agreed that the remaining work is just mopping up of final details and doesn't require a further extension be granted. He stated that the security funds will be withheld until all of the work is completed.

There being no one else to speak, the public hearing was continued.

**The Board heard the application of Pike Avenue Acquisitions, LLC, Robert Heroux, and Erin Pilling for the proposed forty-nine (49) lot definitive subdivision plan entitled "PIKE ESTATES," located at 419 & 439 Pike Avenue, more specifically Assessor's plat #130, lot #81, and plat #123, lot #23, located in the Single Residence-D zoning district, engineered by Daniel R. Campbell, R.P.E. of Level Design Group, 249 South Street, Unit 1, Plainville, MA 02762.**

Speaking in favor of the application was attorney Ed Casey who stated his appreciation of the Chairman's inclusion of "Pike Estates" in the discussion with the Mayor about green initiatives, at it is one of the few truly open space residential subdivisions within the City. He stated that he felt real progress was made at

the last meeting, where the boulevard entry was presented and seemed to appeal to a majority of the Planning Board members. He stated his recollection that they are awaiting input from the Police Chief and comments from GPI. He noted that their traffic consultant has updated their report and speaks to the fact that no issue is anticipated relative to the level of service at the proposed intersection. He stated his remembrance that the Police Chief had taken issue with the newly proposed intersection of Azalea Way with Pike Avenue and not the intersection with Paisley Way, as it is far enough away from the bad curve in the Pike Avenue. He stated that his client is still open to financing improvements along the Pike Avenue curve, in addition to the boulevard design. He requested that the Board consider scheduling a subdivision committee meeting to discuss the details of the design. He stated that he didn't necessarily see the merit in sending out the updated traffic report to be reviewed again, but are willing to pay for such a review if the Board deems it necessary. He stated his understanding that if a review is done contemporaneously with further design work on the boulevard, then the applicant would be proceeding at their own risk.

Chairman Danesi reminded Mr. Casey that the applicant still needs to request a waiver for the boulevard design in lieu of providing two means of access to the subdivision. He noted that he felt there were several lots along the proposed boulevard that will likely necessitate crossovers to access their properties and that more detailed specifications need to be provided on the boulevard design.

Mr. Ayrassian noted that staff had only received the full design several days ago and it was sent out this afternoon to GPI to solicit a second peer review estimate. He stated that he did call out the lack of boulevard specifications, including the length and height of the proposed island, type of curbing, curve radii, and curvature for the second divider. He added that he also called out the lack of openings for homeowner access. He stated that the Board wants another traffic study peer review, but that he'll request a quick turnaround for the report. He noted that the current deadline for rendering a decision is February 28<sup>th</sup> and that clearly, the Board will need more time.

Mr. Casey requested an extension of time to March 31, 2021.

Fred Uriot made a motion to grant an extension of time to March 31, 2021. Sean McNamara seconded the motion and all voted in favor via roll call.

Jim Lewis stated that as Chairman of the Subdivision Committee, he would like to call for a meeting to discuss ameliorating any safety hazards associated with the intersection of Paisley Way and Pike Avenue. He suggested considering things like lights and chevron signs. He stated his preference to see a stop sign at that intersection. He stated that he understands it's not that simple and the Board is awaiting feedback from outside authorities, but felt the Board could at least begin contemplating mitigation methods based on their personal experience.

Sean McNamara agreed.

Mr. Ayrassian stated his intent to call the Police Chief again tomorrow to solicit the report regarding his opposition to the stop sign on Pike Avenue discussed at a prior meeting. He asserted his expectation that the Chief will write a report opposing the stop sign, which will be contrary to what the Board is looking for.

Chairman Danesi noted that the City's traffic consultant had agreed with the Police Chief that a stop sign was not appropriate in that location.

Sean McNamara suggested the Board hold a Subdivision Committee meeting to figure things out and let the applicant know what the Board wants to see.

Jim Lewis stated his recollection that the Police Chief had argued that people don't pay attention to signs. He stated that he couldn't imagine there being a safety hazard with installing a stop sign.

Mr. Ayrassian stated that he thought the Chief was concerned about the stop sign causing cars to queue further north towards Bishop Street.

Chairman Danesi pointed out that Pike Avenue sees significantly more traffic than the proposed subdivision intersection, so there will be an imbalance installing that sort of traffic control mechanism.

Jim Lewis pointed out that the Police Chief had expressed concern relative to a stop sign at Azalea Way, not Paisley Way. He stated that the result of that conversation was the elimination of the design containing Azalea Way. He stated that the stop sign he's proposing would be at the intersection of Paisley Way with Pike Avenue, which is after the bad curve. He stated that there still may be concerns, but it's a different location from where the original stop sign was proposed.

Mr. Ayrassian agreed that the new location would put the stop sign past the curve, which will allow a clearer view for the intersection with Paisley Way and creates greater capacity for the queuing.

Chairman Danesi stated that he felt a stop sign was not appropriate and would be akin to putting a stop sign at the intersection of Newport Avenue and May Street.

Mr. Ayrassian stated that the Board can discuss the matter ad nauseum, but need to consider the stance of the Police Chief. He noted that the Planning Board doesn't have jurisdiction to install a stop sign on Pike Avenue and that will require a petition before the Municipal Council, so it would be ideal to have the Police Chief's support.

Chairman Danesi suggested that further discussion could be had as to whether stop signs are necessary for both north and southbound traffic.

Mr. Ayrassian suggested that it may just be warranted for the northbound traffic, as the left hand turns are what has concerned the Board.

Jim Lewis brought up as an example on Slater Street headed into Rehoboth towards Route 118, there's only a stop sign going one way. He stated that his first thought was to have stop signs on both signs for Pike Avenue as he didn't see any harm in doing so. He stated that he would like to hold a Subdivision Committee meeting to discuss these matters further.

Fred Uriot stated that he would support the stops in both directions, as that curve's always been dangerous.

Mr. Ayrassian stated that he will confer with staff and get back to the Board with options for meeting.

Mr. Casey stated that he appreciated the Board's comments and sought clarification that previously in mentioning lights, Jim Lewis didn't mean a traffic light.

Jim Lewis stated that his initial request had been to install a blinking yellow light on Pike Avenue to warn about the curve, but the engineer Dan Campbell had made it clear it couldn't be done. He stated that his reference tonight was for improved, brighter street lighting.

Mr. Casey stated that he didn't think it was within the Board's power to condition approval of the subdivision based on proposed changes to the existing right-of-way. He stated, however, that the applicant is certainly willing to pay for the chevrons, mirrors, overhead lighting, etc.

There being no one else to speak, the public hearing was continued.

### **The Board held a business meeting.**

**The Board discussed the application of John J. & Mary F. Donovan to extend Rambler Road 2-5 feet, as shown on the street extension plan entitled "RAMBLER ROAD EXTENSION," engineered by Daniel R. Campbell, R.P.E. of Level Design Group, 249 South Street, Unit 1, Plainville, MA 02762, dated March 1, 2018, revised through October 28, 2019. The subject premises are located on Assessor's plat #123, Lot #8 in the Single Residence-D zoning district.**

Attorney Edward Casey requested an extension of time to March 31, 2021.

Jim Lewis made a motion to grant an extension of time to March 31, 2021. Fred Uriot seconded the motion and all voted in favor via roll call. The Board tabled the matter.

**The Board discussed the amendments to §17-13.0 WATER RESOURCES PROTECTION District of the ZONING ORDINANCE.**

Jim Lewis made a motion to approve the amendments as proposed. Shannon Benay seconded the motion and all voted in favor via roll call, save Sean McNamara and Thom Morin who abstained.

**The Board reviewed the Form A plan submitted by Gregory J. Sampson for 185 Phillips Street.**

Senior Land Use Planner Stephanie Davies stated the applicant is seeking to combine two lots to create one larger lot. She stated that both lots are owned by the same individual. She stated that one contains an existing building and that staff recommend approval of the plan.

Jim Lewis made a motion to approve the Form A plan for 185 Phillips Street. Sean McNamara seconded the motion and all voted in favor via roll call.

**The Board discussed the Subdivision Committee.**

Ms. Davies asked whether the Board wanted to vote to hold a public hearing to discuss the proposed amendments to roadway cross sections.

Jim Lewis noted that the Committee has talked about making some of the straight forward changes, like standards for sidewalks and berms, eliminating the need for fire alarm boxes, and changing the standard to underground utilities.

Mr. Ayrassian suggested that if the Subdivision Committee is comfortable with the list he had distributed to them, he can forward that same list to the full Board and then call for a meeting on March 8<sup>th</sup>.

**The Board tabled the letter from Planning Board Clerk Lauren Stamatis, dated February 10, 2021 to Public Works Superintendent Michael Tyler, soliciting a recommendation relative to the FINAL release of funds request for the "STONE HAVEN" subdivision, pending the submission of Public Works' recommendation.**

**The Board reviewed all other correspondence.**

**The Board approved the pending minutes of January 5, 2021 and February 8, 2021.**

**The Board received a report on the Planning Board Study Group.**

Shannon Benay explained that changes have been made ranking system design and that they've ranked about half of the full list of proposals.

Chairman Danesi asked whether the tree ordinance has been added to the list.

Shannon Benay answered yes and noted that several other ideas came out of that discussion relative to sustainable development and the need for members to learn more about those types of approaches. She encouraged members to submit any new ideas to her for adding to the list.

The meeting adjourned at 8:34.