



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

JANUARY 27, 2020

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, January 27, 2020 at 6:30 p.m. in the Council Chambers , City Hall, 77 Park Street, relative to the following :

Planning Board Members Present: Chairman Paul Danesi, Vice Chairman Jason Gittle, Bert Buckley, Scott Jones, Melinda Kwart, and Sean McNamara

Planning Board Members Absent: Secretary Sheryl Guglielmo, Jim Lewis, and Fred Uriot

The Board heard 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.

Speaking in favor of the application was Dan Campbell of Level Design Group who reminded the Board that they are merely seeking a 2.5-foot street extension.

Director of Planning and Development Gary Ayrassian asked whether the turning radius was proposed to be reduced.

Mr. Campbell replied no, just the internal curb radius.

Speaking in opposition was Susan Sweeney on behalf of Stacia Sweeney who lives at 41 Rambler Road. She stated that her concerns relate to the decrease of her mother-in-law's property value, the increase in traffic, and a decrease in the enjoyment of her property. She asked what the street width of Rambler Road will be if extended.

Senior Land Use Planner Stephanie Davies stated that the road currently tapers down to 21-feet and it will gradually increase to 28-feet within the Pike Estates subdivision. She stated that all of the proposed work is within the right-of-way layout.

Ms. Sweeney expressed concern with the potential loss of a large tree on her mother-in-law's property that is 7-feet from where the property ends. She stated that she would like the tree to be maintained. She stated that the neighbors do not want to see Rambler Road extended and want it to stay closed to through traffic.

Chairman Danesi asked staff about the written legal opinion relative to how many abutters need to sign the Street Extension decision.

Mr. Ayrassian replied that staff is working with the City Solicitor to obtain that opinion, but have not received it yet.

Mr. Campbell replied that the area maintained as lawn within the right-of-way will be disturbed for the street extension. He stated that the trees Ms. Sweeney referenced are along the existing stone wall and are entirely on her property so will not be affected. He stated that they are proposing for there to be 14-feet of roadway on either side of the center line and an additional 5-foot sidewalk on the side abutting Ms. Sweeney's property. He stated that internally to the subdivision, it makes sense to have the sidewalk on that side to lead out to Bishop Street. He noted that all of the electrical poles are on the opposite side of the street, which would complicate sidewalk installation.

Ms. Sweeney asked whether Mr. Donovan's fence will be moved.

Mr. Campbell replied a portion of it will be relocated.

Ms. Sweeney stated that she still couldn't imagine that the 41 Rambler Road property won't be impacted. She stated that her mother-in-law has railroad ties and landscaping. She showed the Board pictures.

Speaking in opposition was Frank Hanifin who stated that he and his neighbors do not want another road going through. He stated that they have not heard anything from the developers directly since the last meeting. He asked why the development cannot be reduced.

Mr. Ayrassian asked what Mr. Hanifin would consider reasonable.

Mr. Hanifin replied whatever keeps Rambler Road from becoming a main thoroughfare. He asserted that people will be cutting through to get to La Salette. He suggested that the subdivision be reduced to 20 houses so that it could safely be on a dead end. He stated that the applicants for this Street Extension originally signed the petition in opposition of the Pike Estates subdivision. He stated that they were paid off to get compliance.

Mr. Ayrassian stated that the Planning Board cannot change the applicant's plan. He explained that the Board's role is to evaluate what the applicant proposes and determine whether it meets the subdivision control law regulations. He stated that he couldn't speculate at the motive behind the Donovan's signing on the application, but that it was irrelevant and they must have changed their minds.

Mr. Hanifin stated that he previously lived on Long Avenue, which is also a dead end and that he bought his house on Rambler Road for the same reason.

Mr. Ayrassian recalled that the Board had previously been concerned that the applicant for Pike Estates had not appeared before the Board and relied entirely on their engineer for representation.

Ms. Davies stated that Mr. Donovan had attended the last meeting. She also stated that the engineer had provided copies of the original letter that was sent to the abutters when the subdivision review began and the developer held a community meeting.

Mr. Hanifin argued that he heard that his neighbors didn't receive the notice until the night of the meeting. He asserted that this subdivision will change his quality of life and property value.

Sean McNamara asked whether Mr. Hanifin would be against the development if it was constructed without the connection to Rambler Road.

Mr. Hanifin replied no. He suggested that the connection be gated so only the City has access for emergencies. He stated that he would be in favor of such a plan.

Melinda Kwart stated that Mr. Hanifin is suggesting that the applicant reduce the development from 49 to 20 houses, which is a substantial reduction. She stated that financially, the project may not be feasible with that few houses. She suggested that signage could be installed to discourage through traffic.

Mr. Hanifin argued that signage will not stop people.

Speaking in opposition was David Gibbs of 73 Nash Lane who stated that he is against the Street Extension as he doesn't want additional traffic traveling through his neighborhood.

Chairman Danesi noted that there is the potential for extra traffic, but that no studies have been performed that show traffic increasing greatly as a result of the subdivision.

Mr. Gibbs replied that people are liable to exist the subdivision the easiest way and it will be a very difficult turn out onto Pike Avenue. He stated that he also has concerns about the high water table in the area.

Speaking in opposition was Ms. Nevins of 4 Rambler Road who stated that she had only purchased her property on the corner of Bishop Street several years ago. She stated that signs and speed tables are nice gestures, but they don't deter drivers. She stated that this will open up 40 more acres of woods to be torn down. She stated that if the Street Extension is approved, the subdivision in turn will move forward.

Ms. Davies stated that the entire lot is 40 acres, but the applicant is proposing to preserve half of it in its natural state. She stated that they could have proposed a plan with more house lots without the open space allocation.

Ms. Nevins stated that the neighborhood is not against new homes being put up. She asked that the developer consider eliminating the access to Rambler Road.

Speaking in opposition was Councilwoman Laura Desimone of 8 Northfield Drive who stated that she is here to support her neighbors and attest to the traffic that builds up leading to LaSalette. She stated that during the holiday season, traffic can be backed up past Bearcroft swim club and that she agrees that people will cut through this neighborhood if given the chance.

Bert Buckley stated that he grew up on Pike Avenue so is familiar with the traffic in the area and hears the neighbors. He noted that part of the problem is with the onset of technology, people are easily able to navigate shortcuts that bring them through less trafficked neighborhoods.

Speaking in rebuttal was attorney Edward Casey who stated that he grew up on Rambler Road and that he respects the tightly knit community that thrives there. He stated that the suggestion that his client develop 20 acres somewhere else is not a possibility. He stated that his client made efforts to be a responsible developer by preserving 20 acres of land in an open state. He noted that early into this process there had been discussion of gating off Rambler Road as described but that the design had been dismissed. He stated that he believed the developer would support such an approach and would not object to forcing cars out to Pike Avenue.

Mr. Ayrassian noted that installing a gate defeats the purpose of the dead-end regulation. He stated that the purpose of the gate is to preclude traffic so it is functionally still creating a dead end.

Mr. Casey disagreed and stated that if the road is developed, it would eventually be accepted as a public way.

Mr. Ayrassian countered that it would be blocked to public traffic.

Mr. Casey requested that due to the unique location and nature of the property that the Board consider this option, which may have previously been overlooked.

Mr. Ayrassian asked whether the applicant would be willing to request a waiver for not more than 20 lots on a dead-end street.

Mr. Casey answered in the affirmative, assuming controlled access could be provided for emergency personnel.

Mr. Ayrassian suggested that if such were the case, the Rambler Road Street Extension is not warranted. He stated that Police and Fire will travel however is necessary in an emergency and do not need to utilize accepted streets.

Ms. Davies agreed. She noted that the dead-end regulation is not simply about public safety, but it is also meant to optimize circulation for subdivisions. She stated that city plows and school buses can have more streamlined routes, amongst other things with multiple points of access.

Mr. Ayrassian noted that if the Board were to consider the waiver, the internal on-site circulation would have to be reviewed.

Chairman Danesi suggested that this will be a precedent setting decision. He stated that the dead-end regulation is meant to remove traffic off existing throughways and to give multiple means of access.

Mr. Ayrassian asserted that the Board is not bound by precedent. He stated that from a planning perspective, it would make most sense for it to be a throughway, but that the Board can consider this alternate proposal.

The hearing was held open.

The Board heard the application of Pike Avenue Acquisitions, LLC for the proposed forty-nine (49) lot definitive subdivision plan entitled "PIKE ESTATES," located at 419 Pike Avenue, more specifically Assessor's plat #130, lot #81, 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 Dan Campbell of Level Design Group who stated that during the preliminary subdivision process, they had considered a design with a cul-de-sac by Rambler Road and gated access. He stated that the design was dismissed due to Fire and Police Department concerns regarding pedestrian access. He stated that they have suggested an island as a traffic calming measure, but that the Board has concerns with the impact observed with other subdivisions relating to access for school buses and plows. He stated that they have offered to put in more speed tables, but that the Municipal Council may not allow that approach. He stated that his client is not opposed to a design with a gate, but that it was initially dismissed by the Board back in 2018.

Mr. Ayrassian stated that he feels the Board needs to have further discussion on the matter.

Mr. Campbell cautioned that once the roadway is accepted, there is no guarantee that it will stay closed or be maintained. He stated that it would be up to the Fire and Police Departments, as well as the Municipal Council.

Chairman Danesi noted that a similar issue arose with Bishop Feehan School and the access way from the parking lot.

Mr. Campbell asked once the subdivision is accepted, who will be the keeper of the gate.

Mr. Ayrassian stated that if the Board is amenable, staff can poll other departments for feedback on a gate.

Mr. Campbell stated that he had submitted a mailbox plan, as requested, in the event the post office requires a central mailbox. He stated that it is proposed entirely within the right-of-way, adjacent to the easement for the detention basin piping. He stated that the design goal is to get people off of Pike Avenue and showed how they can circle to keep traffic from piling up. He stated that as requested, he had also submitted a colored overlay plan showing the stone walls on site.

Speaking in opposition was Carol Connolly of 27 Rambler Road who stated that she has concerns with the likely increase in traffic traveling right by her house. She stated that she is against the development as currently proposed, but could potentially support it if the only access was from Pike Avenue. She noted

that the Cooper Farm subdivision is being constructed right across the road on Pike Avenue, which will also be creating significant traffic in the neighborhood. She asked whether a traffic study has been performed to look at the overall traffic situation in Ward 4.

Mr. Ayrassian answered no.

Ms. Connolly asked whether the Planning Board would consider commissioning such a study. She stated that she is not anti-development, but that she feels that it needs to be done in an intelligent manner. She stated that new standards should be considered to support sustainable development and limit overcrowding and traffic issues. She suggested a traffic study including all the development in the past several years could help guide that process.

Chairman Danesi stated that the Board will take her suggestion under advisement, but that it is not entirely up to the Board. He stated that a Master Plan for the City is under development, but it is difficult to determine limits for study areas.

Ms. Connolly asked who else would be involved.

Mr. Ayrassian suggested the Municipal Council's traffic commission. He stated that the Board could draft a letter asking them for the study.

Chairman Danesi stated that it is a fairly monumental process as a model must be developed to determine when to increase capacity of the roads and where the funding will come from for that work.

Mr. Ayrassian stated that a traffic study for a subdivision is meant to show the impact on the area of the new development. He stated that she is asking for the reverse, to study the carrying capacity of the roadway and whether it can support the subdivision. He stated that this would have to be taken up by the Traffic Commission or some other Ad Hoc committee. He stated that these are big picture decisions that are not within the Board's purview.

Chairman Danesi stated that Route 1 is a great example. He stated that after ten years of analysis, the City and State are just addressing the Highland Avenue intersection, which has been on the priority list for seven years. He stated that in that time, everything in the area has changed, so redesigns are often necessary to compensate and try to realign with reality.

Ms. Davies stated that the developer did submit a traffic report on this subdivision's impact on Rambler Road and Pike Avenue, but that it does not include Cooper Farm or other nearby subdivisions. She noted that it does include a build-out growth percentage. She stated that the study could be updated to include those other developments, but that she doubted it would significantly impact the numbers.

Ms. Connolly argued that you can assume two cars per house lot and that that is a significant amount of traffic that wouldn't otherwise be in her neighborhood.

Mr. Ayrassian countered that she is describing the volume of traffic, but the bigger question is the carrying capacity of the roadway network.

Chairman Danesi stated that he doesn't have an answer for her, as there is not a master plan for every major street in Attleboro.

Speaking in opposition was Cathleen DeSimone of 8 Northfield Avenue who stated that she is concerned with the proposed street that will be connecting to Pike Avenue, right at a dangerous turn. She doubted a driver's ability to have proper sight distances when exiting on to Pike Avenue. She stated that as someone who has children and bikes and walks on that road, it is very narrow and dangerous.

Chairman Danesi stated that the Board was also concerned about sightlines and it is documented that brush was cleared to create a sufficient view for drivers.

Speaking in opposition was Shannon Hanifin of 37 Rambler Road who stated that for reference, there is a similar gate that is utilized only by emergency vehicles in the town of North Attleboro on Allen Avenue by the shopping center containing Lognhorn and Panera. She stated that the gate is operated by the emergency Opticom beacon which gives emergency vehicles access.

Speaking in rebuttal was attorney Edward Casey who stated he understands the risk of setting a precedent for the Board, but that he didn't feel considering a waiver for the number of houses on a dead-end street would do that in this case. He stated that the situation is particular and warrants the waiving of the technical requirement.

Chairman Danesi agreed that the matter would be referred to the Planning Board Subdivision Committee for further exploration. There being no one else to speak, the public hearing was continued.

The Board heard the application of SOWA, LLC for an amendment to the approved Major Project Site Plan Review decision dated July 17, 2018 for "Shops on Washington" to reconfigure the proposed bank, restaurant, and retail buildings; and create new curb-cuts providing right-in only access to the site from Newport Avenue and Route 1A, the subject premises being located at 1 Highland Avenue and 5 Route 1A, more specifically Assessor's plat #64, lots #1A and #1B, located in the General Business zoning district.

Ms. Davies reminded the Board that the matter had already been continued to February 10th.

The Board held a business meeting.

The Board heard the Form A application submitted by Eamon McIntyre for 250 County Street .

Ms. Davies explained that there is an existing house located at 250 County Street and the plan strives to create a second house lot. She stated that both lots meet the required frontage, area, and lot width requirements. She stated that staff recommend approval of the plan.

Scott Jones made a motion to approve the Form A plan for 250 County Street. Sean McNamara seconded the motion and all voted in favor.

The Board reviewed the January 7, 2020 Municipal Council vote relative to the loan order in the amount of three million nine hundred thousand (\$3,900,000.00) dollars for the permitting, bidding, construction oversight and construction costs associated with the remodeling, reconstructing, and making of extraordinary repairs to the roofs and interior of both the Brennan Middle School and the Wamsutta Middle School.

Mr. Ayrassian described the relevant sections of the Comprehensive Plan. Chairman Danesi made a motion that the Planning Board find the load order to be in compliance with the City's Comprehensive Plan. Melinda Kwart seconded the motion and all voted in favor.

The Board reviewed the January 7, 2020 Municipal Council vote relative to the loan order in the amount of six million nine hundred thousand (\$6,900,000.00) dollars for the design, permitting, bidding, construction oversight, and construction costs associated with the roof, HVAC, window, and exterior repairs to the Attleboro Public Library Building.

Mr. Ayrassian described the relevant sections of the Comprehensive Plan. Melinda Kwart made a motion that the Planning Board find the load order to be in compliance with the City's Comprehensive Plan. Scott Jones seconded the motion and all voted in favor.

The Board tabled the letter from Robert J. Sweeney, dated January 9, 2020, to Planning Board Chairman Paul Danesi, requesting the case law provided by the City Solicitor to support the opinion that only one abutter signature is required on the Rambler Road Street Extension application.

The Board reviewed all other correspondence.

The Board approved the draft minutes of January 6, 2020.

The Board scheduled a Subdivision Committee meeting for 5:45 p.m. on February 10, 2020.

The meeting adjourned at 8:30 p.m.