



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

FEBRUARY 7, 2022

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 7, 2022 at 6:30 p.m. in the Council Chambers on the first floor of City Hall, 77 Park Street, Attleboro, MA , relative to the following :

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

Planning Board Members Absent: None

The Board heard the application of One Thirty One Pleasant St, LLC to extend Nicholas Drive for a distance of 120 feet, as shown on the street extension plan entitled "NICHOLAS DRIVE EXTENSION," engineered by John C. Spink, R.P.E. of Spink Design, 59 Clay Street, Middleboro, MA 02346, dated December 29, 2021. The subject premises are located on Assessor's plat #170, Lot #1A in the Single Residence-D zoning district.

Sean McNamara recused himself from the hearing and exited the Council Chambers.

Speaking in favor of the application was Bob Catenacci of One Thirty One Pleasant St, LLC who explained this street extension is proposed at the southernmost portion of Nicholas Drive, off of the first phase of the "Stone Field Estates" subdivision. He noted that when that subdivision was designed, they were proposing the right-of-way all the way to the Attleboro city-line. He explained that after Phase I was approved, a controversy emerged about the location of the property line between the city of Attleboro and the town of Rehoboth. He stated that due to the change in the location of the line as a result, he is proposing this street extension to bring the roadway to the Attleboro line, as was the original intent. He stated that the extension will create two buildable lots in Attleboro. He stated that at present, the roadway is a dead-end, without even a turnaround.

Jim Lewis sought to confirm whether the Planning Board approved a dead end without a cul-de-sac or hammerhead at the terminus.

Mr. Catenacci replied yes.

Jim Lewis sought to confirm that the original intent was to create access to land in Rehoboth.

Mr. Catenacci answered yes. He stated that he attempted to obtain relief from the town of Rehoboth regarding the frontage to gain access to the lot from within Rehoboth, but his application was denied. He stated that this extension will provide the 200-feet of frontage required to build on the portion of land that is in Rehoboth.

Jim Lewis questioned using the roadway for frontage before it has been accepted by the City.

Speaking in favor of the application was attorney Jack Jacobi of Coogan Smith, LLP who stated that he represents the Rocha Trust, an entity that owns the land in Rehoboth and has entered an agreement with

Mr. Catenacci to convey the property to One Thirty One Pleasant St, LLC. He explained that this will allow Mr. Catenacci to build the extension and a house for the Rochas, and then convey that back to the trust.

Jim Lewis asked whether Mr. Catenacci would object if the Planning Board only permitted the single house to be constructed in Rehoboth. He noted that there are two non-buildable parcels being reserved to create the 200-feet of frontage.

Mr. Catenacci stated that the land is divided into five parcels. He stated that in Attleboro, he is proposing two house lots and one street parcel and that the other two lots are non-buildable. He noted that the 200-feet of frontage for the Rehoboth lot will be created along the radius of the roadway. He stated that all of the stormwater facilities for the road are proposed in Attleboro.

Jim Lewis asked whether a metes and bounds description had been submitted.

Mr. Catenacci replied no.

Jim Lewis stated that one needs to be drafted so that eventually easements can be granted to the City. He asked whether the full length of the Nicholas Drive roadway has been accepted by the City.

Senior Land Use Planner Stephanie Davies replied that she would check.

Jim Lewis noted that it is likely only accepted to where the asphalt ends, hence the need for the extension.

Shannon Benay questioned why a waiver is being sought on sidewalks.

Mr. Catenacci replied that in Phase I of the subdivision, there is only sidewalk on one side of the street along most of Nicholas Drive. He stated similar to Oakhill Meadows Way, the dual sidewalk ends 50-75 feet from the terminus.

Jason Gittle asked again the purpose of the waiver.

Mr. Catenacci replied that it doesn't make sense to have sidewalk with no other sidewalk with which to link. He stated that he finds sidewalk on both sides of the street can be more dangerous, as it encourages children to change sides back and forth, rather than confining them to one side.

Heather Whitehead asked to be shown where the sidewalk ends on the cul-de-sac.

Mr. Catenacci showed her on the plan. He reiterated that granting the waiver will make the extension more consistent with the surrounding neighborhood.

Ms. Davies expressed confusion when reviewing the project, as the application references a waiver for street width while only the waiver for sidewalks is noted on the plans. She stated that she identified in her staff report a number of other waivers that will be needed regarding trees and other requirements that still need to be requested.

Mr. Catenacci stated that he thought the width had been reduced from the standard to meet the existing road width, as he is looking to match it.

Jim Lewis questioned why such a large cul-de-sac is necessary to provide access to the single house in the rear.

Mr. Catenacci stated that he is proposing a 45-foot paved right-of-way and a 45-foot radius, which he believes is the City's standard to accommodate emergency vehicles. He stated that from a drainage perspective, it would be of benefit to consider a smaller roadway.

Thom Morin asked whether any designs were considered that would allow stormwater to run off to the center island.

Mr. Catenacci stated that the first design involved a forebay and drainage in the center island, but he felt the Board would not be in favor, as neighbors frequently complain about the lack of maintenance of such features.

Jim Lewis suggested Mr. Catenacci consider the cul-de-sac approved in the Pike Estates subdivision, which provides for stormwater treatment but also contains aesthetically pleasing plants.

Ms. Davies noted her recollection that a day lily rain garden was approved in that subdivision.

Mr. Catenacci expressed concerns with a feature being so close to the travel area, which may result in a greater buildup of sediment and salt, which could compromise the survival of plants.

Speaking in opposition to the project was Kelly Sullivan of 11 Nicholas Drive. She stated that she and other neighbors are concerned with the proposal for a barn to house thirty cows being proposed in conjunction with the single family home in Rehoboth. She stated her sense that the road is proposed at such a large width to accommodate farm equipment. She stated that the road was originally supposed to go out to Oak Hill Avenue, which is why there were no sidewalks. She stated that in less than 24-hours, she has obtained over 100 signatures in opposition to this street extension. She read her opposition letter into the record. She asserted that the City would be responsible for a roadway that is singularly serving a property in Rehoboth. She stated that the farm will cause negative aesthetics and there are safety concerns about the proximity of such a use to the surrounding neighborhood. She stated that she lives abutting the Rocha's property and that it contains an abandoned school bus, trailers, and junk everywhere. She is concerned about the smell and waste. She explained that she had been told that the existing barn would be removed by the time she moved into her home on Nicholas Drive, but that has not been the case. She stated that there are dozens of children living on Nicholas Drive that ride their bikes on the roadway and that it is not a street that was meant to accommodate farm traffic. She noted that she has already observed a pack of coyotes living on the property and feels like this proposal will only make that property worse. She noted that this developer had already been denied by the town of Rehoboth when seeking relief to build on this lot. She stated that the property is not kept clean now and doesn't expect it to be in the future, either. She noted that Mr. Catenacci had also told her that he would put up fencing around the detention ponds for safety in the existing subdivision and that she was never informed about the additional pond on her property line. She asserted that she was told that the land behind her is non-buildable and that she wouldn't have purchased her home if she had known that it was. She stated that she feels Mr. Catenacci has been highly deceitful in the past and is not being upfront with his intentions for this street extension.

Jason Gittle sought to confirm that her concerns about safety revolve around children playing in the street.

Ms. Sullivan stated that she is also concerned about the wild animals that are likely to be attracted by the farm animals.

Jim Lewis noted that Mr. Catenacci had requested a waiver from the requirement for sidewalks. He asked whether Ms. Sullivan would prefer the extension have sidewalks, if approved.

Ms. Sullivan answered yes.

Speaking in opposition was Kerry Montgomery of 76 Richie Road who stated that she does not have children, but that she does frequently walk her dog in the neighborhood. She stated that amazon delivery trucks and construction vehicles come down the street at high speeds and she feels extending the roadway will exacerbate this issue. The Board read into the record her letter of opposition.

Speaking in opposition was Peter Beerman of 16 Red Fox Road in Rehoboth who stated that he was told that the land behind his home would never be built. He stated that he has tried to unsuccessfully contact Mr. Catenacci over the years with concerns of increased flooding since the construction of his subdivision. He stated that he has concerns about his property's value diminishing as a result of the farm being nearby. The Board read into the record his letter of opposition.

Speaking in opposition was Brent LeBlanc of 20 Red Fox Road in Rehoboth who stated that he built the Red Fox Road subdivision 20 years ago with three lots in Rehoboth and two in Attleboro. He stated that denying this street extension would be a benefit to the neighborhood. He stated that aesthetically, things look great with the exception of the existing run down farm which has been there for 40 years and has only become less kept over the years. He stated that when something breaks down on the farm, it just stays there.

Jason Gittle sought to confirm that the existing owner of the property will be the future owner of the proposed house in Rehoboth.

Mr. LeBlanc answered yes, to his understanding.

Ms. Davies noted that initially there was a barn owned by the Rocha family up on Oak Hill Avenue that was demolished when the land was sold to Mr. Catenacci to construct the subdivision.

Mr. LeBlanc asserted that the street extension is not in line with the surrounding neighborhood and will not benefit Attleboro residents in any way.

Ms. Davies sought to confirm that Mr. LeBlanc and Mr. Beerman are aware of the extensive wetlands that surround the Red Fox Road subdivision.

Mr. LeBlanc answered yes and noted that Mr. Beerman's backyard is frequently under water. He asserted that he felt that condition could only get worse with additional construction.

Speaking in rebuttal was Mr. Catenacci who stated that he had submitted a letter in rebuttal to the assertions in Mr. Beerman's letter. He noted that he had received several other letters of opposition from the staff this afternoon, but has not yet had time to respond to them. The Board read his letter of rebuttal to Peter Beerman into the record.

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

Sean McNamara returned to the Council Chambers.

The Board heard the application of Morin Realty, LLC for Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, for the construction of two single-story additions, 2,980 s.f. and 1,331 s.f., respectively, widening and restructuring of an existing truck loading dock, and reconfiguring an existing parking lot, with associated grading, and redevelopment of the stormwater management system; the subject premises being located at 95 Frank Mossberg Drive, more specifically Assessor's plat #146, lot #6B, located in the Industrial zoning district.

Thom Morin and Jim Lewis recused themselves from the hearing and exited the Council Chambers.

Speaking in favor of the application was Jacob Lemieux of Allen & Major Associates who explained that the abutting cul-de-sac to this site had been abandoned by the City and combined with this property. He noted that they are also before the Conservation Commission for wetland and stormwater management permitting.

Jason Gittle questioned where the runoff on site currently goes.

Mr. Lemieux stated that there are presently no drains on the site with the exception of a trench drain in front of the storage building and that all surface run off goes down Frank Mossberg Drive or Howard Ireland Drive. He stated that they are proposing to capture the run off on both sides and tie into the sewer system.

Shannon Benay sought to confirm that it looks like they are proposing to expand the existing truck stop.

Mr. Lemieux answered yes, that his client is seeking to improve maneuverability.

Shannon Benay asked how the trucks will access the site.

Mr. Lemieux showed her using the plan. He noted that they have requested relief from the Zoning Board to accommodate maintaining the current use of those spaces, which are in the front yard setback.

Shannon Benay sought to confirm that they don't anticipate any traffic that will impede the trucks backing out of the site.

Mr. Lemieux answered no, as this is the only business on the end of the roadway, and traffic is limited. He stated his understanding that there have been no complaints about the existing state of trucks backing out on to the road.

Sean McNamara questioned whether there are typically multiple trucks using the spaces or just one at a time.

Speaking in favor of the application was RJ Morin of 38 Russell Tenant Drive who stated that the truck traffic tends to be confined to the weekends and that sometimes there are several on site at one time.

Sean McNamara sought to confirm that the trucks are docked when they are being loaded or unloaded.

Mr. Morin confirmed.

Ms. Davies noted that this site contains an existing non-conforming building and that the site is very tight, so much of the relief sought from the Zoning Board is just meant to formalize what is existing. She noted that the site is also heavily constrained by wetlands in the rear. She suggested that the hearing be kept open until the Conservation Commission and Zoning Board render their decisions.

Mr. Lemieux stated that they had received their third party peer review relative to the stormwater permit application and are in the process of revising the plan and submitting response comments. He requested a continuance to February 28, 2022.

Shannon Benay made a motion to grant continuance to February 28, 2022. Sean McNamara seconded the motion and all voted in favor.

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

Thom Morin and Jim Lewis returned to the Council Chambers.

The Board heard the application of JS Fuller TIC LLC & Etal for Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, for the construction of a 20,000 s.f. warehouse with associated grading, electrical connection, and stormwater management system; the subject premises being located at 50 Fuller Avenue, more specifically Assessor's plat #21, lots #272 and 273, and Assessor's plat #24, lots #43A and 44A, located in the Industrial zoning district.

The Board reviewed the Form P1 - Request to continue a public hearing to March 7, 2022, submitted by Jacqueline Bart of Allen & Major Associates, Inc. on behalf of JS Fuller TIC & Etal. Jim Lewis made a motion to grant a continuance to March 7, 2022. Sean McNamara seconded the motion and all voted in favor.

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

The Board heard the application of NeighborWorks Housing Solutions for a Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, to construct a 4,680± sf building to accommodate an emergency shelter and supportive housing, 20 off-street parking stalls, and associated landscaping, utilities, grading and stormwater management system; the subject premises being located at 150 Pleasant Street, more specifically Assessor's plat #52, lot #52, located in the General Business zoning district.

Speaking in favor of the application was attorney Jack Jacobi who stated that they had just received their stormwater peer review from Horsley Witten and would like to wrap things up before the Conservation Commission before reappearing before the Board. He requested a continuance to March 7, 2022.

Jim Lewis suggested that a committee meeting be scheduled to discuss the details of this proposal.

The Board agreed to schedule a Major Site Plan Review Committee meeting for February 28, 2022 at 6 p.m.

Shannon Benay made a motion to grant a continuance to March 7, 2022. Thom Morin seconded the motion and all voted in favor.

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

The Board heard the application of Anthony Properties for a Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, to construct two new retail/restaurant buildings, ±5,100 sf and ±3,000 sf, respectively, retain the existing ±7,300 sf commercial building, build a new ±10,000 sf daycare facility, and construct 135 parking spaces, as well as associated driveways, landscaping, utilities, grading and stormwater management system; the subject premises being located at 754 Newport Avenue, more specifically Assessor's plat #69, lot #26B, located in the General Business and General Residence-A zoning districts.

Speaking in favor of the application was attorney Jack Jacobi of Coogan Smith, LLP who stated that revisions had been made to the plan to address the comments from the staff report. He stated that the project is undergoing four peer reviews for wetlands, stormwater, design, and traffic; of which, only the first stormwater peer review has been received. He explained that a site walk was being scheduled for the wetland peer review, once the snow melts. He invited the Board to attend that walk, should they be so inclined.

Jim Lewis asserted that only the commercial aspect of the project is before the Board, so he didn't feel a full site walk would be necessary.

Mr. Jacobi countered that he felt it was hard to understand the commercial piece without considering the residential and overall development of the entire site. He stated that they will be submitting the fee for the traffic peer review shortly and that the design peer reviewer has been chosen. He stated that they will likely need to continue to March 7th, to allow time for the peer review reports to be submitted.

Speaking in favor of the application was Renee Codega of VHB who stated that they have added snow storage locations to the plan and that her client is committing to hauling the snow off site, if needed. She noted that bike racks had been added, along with four charging stations for electric vehicles. She stated that in terms of signage, four locations are proposed along the frontage. She stated that there are two proposed pylon signs, an existing pylon sign, and a monument sign for the residential area.

Mr. Jacobi noted that it is their intent to subdivide this property into four separate lots for financing and leasing purposes, but it was recommended by staff to hold off on filing a Form A to ensure no changes arise from the review process. He stated that following that subdivision, the signage will be conforming.

Jim Lewis questioned the height of the signs.

Ms. Codega stated that the pylon signs are constructed on a single 20-foot high post. She stated that the monument is for the residential area and is 15-feet high. She stated that they intend to submit revised daycare elevations to incorporate greater architectural interest, like a pitched roof and more varied materials. She stated that they also intend to add windows to at least three sides to minimize blank walls.

Mr. Jacobi noted that they are working on elevations for all of the buildings, but as leases have not been finalized, they don't know what the tenants will need.

Jason Gittle expressed concern as to what the back of the commercial area will look like from the front of the residential area.

Mr. Jacobi noted they are taking that into consideration as they start their next round of revisions.

Jason Gittle noted that the Board had recently attended a class on understanding stormwater design and he asked whether those calculations take credit for vegetated areas.

Ms. Codega pointed out their subsurface infiltration system. She pointed out the rain garden with a sand filter, which can be vegetated on the surface. She pointed out the infiltration basin that will be grassed, as well as a subsurface detention system. She stated that a replicated wetland area is also proposed to be vegetated. She noted that every ground cover is taken into account in the calculations.

Jason Gittle stated that he will be interested to see feedback from the peer reviewer as to the sizes of the basins.

Shannon Benay asked whether any electronic vehicle parking spaces are proposed in the commercial area.

Ms. Codega replied no, as the visit duration for commercial shoppers tends to be much shorter. She stated such spaces have to be ADA compliant, so adding them has the potential to reduce the number of spaces in the commercial lots.

Mr. Jacobi noted that the parking requirement for the daycare is two parking spaces per classroom. He stated that the client asked that the lot be oversized and spaces be provided for parents to do quick drop-offs and pick-ups.

Jim Lewis noted the four proposed charging stations and asked what is involved in adding them. He noted that ten years from now, a significantly larger number may be needed.

Ms. Codega replied that it depends on the type of charging station to be installed. She stated that a pedestal has to be installed and electricity run to it.

Jim Lewis questioned whether they are the same size as a typical parking space.

Ms. Codega answered yes.

Mr. Jacobi noted that a significant number of garages are proposed on the site and that such stations will be easier to install there.

Jason Gittle expressed concern with the traffic as it relates to the proposed daycare center.

Speaking in favor of the application was Pat Dunford of VHB who stated that the main site driveway with the traffic light will have full access in and out. He stated that a driveway is proposed at the south end of the plaza for right-in only movements.

Sean McNamara questioned whether signage is proposed to let people know that they need to use the main entrance to access the daycare when traveling south on Newport Avenue.

Mr. Dunford answered no, that currently they just have signage disallowing a left-hand turn at the southern drive. He noted that MA DOT is typically not in favor of having private signage on their roads, but he suggested that something could be proposed on site. He noted that it is likely the same parents dropping their kids off each day, so they will quickly learn how to consistently navigate the site.

Thom Morin questioned the snow storage proposed in the middle of the thoroughfare.

Ms. Codega replied that the snow will be plowed into the grassy area provided.

Jim Lewis questioned the capacity of the daycare.

Mr. Jacobi replied 165 students.

Jim Lewis stated that there didn't appear to be very much parking provided for the daycare. He noted that typically parents are likely to be arriving between 6:30 and 8:30 a.m. and he noted that the daycare that his office abuts is very chaotic at drop-off time. He expressed concern with creating a traffic choke point, as people struggle to get back on to Newport Avenue from the main driveway.

Mr. Dunford used the plan to show the proposed traffic circulation and parking along the frontage of the buildings on both sides. He noted that the restaurant abutting the daycare will have a business model that focuses on lunch, so parking could always spill over into that adjacent parking.

Jason Gittle questioned how many cars will be necessary for 165 students.

Mr. Jacobi stated that 25 parking spaces are recommended in association with the parents and staff involved to house 165 students at the daycare, but they are providing 30.

Jason Gittle expressed concern about parking being limited as parents take time to walk their children into the facility.

Jim Lewis noted that many daycares and day schools have events where the parents come in to participate with their children, so the parking needs could be greater at such times. He suggested the deviation could be as much as 15 minutes normally to 2 hours for an event.

Mr. Jacobi noted that events will not be during pick-up or drop-off times.

Jason Gittle countered that events could be at night to allow working parents to attend, so there is the possibility of overlap.

Jim Lewis observed that the train station is unlikely to be as busy as it has in the past since so many people are working from home, but that parents will still need to drop off their kids to daycare.

Ms. Codega noted that staggered drop off times are proposed for the daycare.

Jim Lewis questioned the location of daycare staff parking.

Ms. Codega showed him via the plan the staff parking, located furthest from the door. She stated that they have designated 30 parking spaces to the daycare center.

Heather Whitehead speculated that a significantly greater number of staff will be needed to manage that many children.

Ms. Davies noted that the state dictates the minimum ratios of adults to students. She stated that 1 adult per 6 students is needed for older children and 1 adult per 4 students for younger children.

Tiffany Foster asked whether there are any concerns with people taking a right turn in to access the restaurant and then disrupting the daycare traffic flows. She suggested that more space should be provided to better define the two uses.

Mr. Dunford expressed his concern that doing so would create a four way intersection, which creates more decision making and raises the probability of traffic incidents.

Ms. Davies pointed out that the travel lane in front of the daycare is two-way. She stated that drivers could be moving south and their only way to go will be to take a left around the building, impacted by the choke point. She asserted that there seems to be a lot of potential for conflict and suggested that a one-way lane be considered.

Mr. Dunford stated that they would discuss the possibility with the peer reviewer. He stated that he is comfortable with what is shown given other daycares that he has worked with.

Heather Whitehead agreed that making the lane one way could limit the potential for conflicts.

Ms. Davies noted that she would be less concerned if there weren't also competing uses in such a small area.

There being no one else to speak, the public hearing was continued to March 7, 2022.

The Board held a business meeting.

The Board reviewed the Form P2 - Request for an Extension of Time to open the public hearing to February 28, 2022, submitted by Jeffrey Squire on behalf of Bishop Feehan High School, relative to the Major Site Plan Review application for 70 Holcott Drive.

Shannon Benay made a motion to approve an extension of time to to February 28, 2022 to open the public hearing for the Major Site Plan Review application for 70 Holcott Drive. Thom Morin seconded the motion and all voted in favor.

The Board the memorandum from Public Works Superintendent Michael Tyler, dated January 26, 2022, to the Planning Board, recommending a bond amount of \$1,635,102.66 relative to the "PIKE ESTATES" subdivision.

Ms. Davies stated that the bond still needs to be broken down into the varied phases of development. She stated that she imagines the developer wants to post cash for Phase 1 and cover the rest with a covenant. She stated that staff are concerned with the funds not having the same value five years from now, if submitted as a lump sum. She stated that staff still don't have a complete phasing plan at the necessary level of detail to break down the bond. She stated that Public Works will be contacted to revise their recommendation once a phasing plan can be provided to them for reference.

The Board reviewed all other correspondence.

The Board approved the pending minutes of November 1, 2021, November 15, 2021, and December 6, 2021. The Board tabled the pending minutes of December 16, 2021, January 3, 2022, and January 24, 2022.

The meeting adjourned at 8:45 p.m.