



# City Of Attleboro, Massachusetts

## PLANNING BOARD

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## MINUTES

FEBRUARY 27, 2023

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 27, 2023 at 6:30 p.m. in the Annex Room on the first floor of City Hall, 77 Park Street, Attleboro, MA , relative to the following :

Planning Board Members Present: Chairwoman Shannon Bényay, Vice Chairwoman Heather Whitehead, Bill Beardwood, Tiffany Foster, Jim Lewis, and Fred Uriot

Planning Board Members Absent: None

The application of Kings and Castle Group, Inc. to extend Middle Street a distance of 140± feet, as shown on the definitive street extension plan entitled "**GRADING, UTILITY & SEDIMENTATION CONTROL PLAN, ROADWAY EXTENSION OF MIDDLE STREET**" to construct a one-family detached dwelling, drawn and engineered by Gregory W. Driscoll, R.P.E. of JDE Civil, 50 Oliver Street, North Easton, MA 02356, dated February 6, 2023. The subject premises are located on Assessor's plat #97, along lots #138 -#142 in the Single Residence -C zoning district.

Speaking in favor was Josh White of JDE Civil Engineering who stated that the application proposes a 140-foot extension of Middle Street to create a buildable house lot. He stated that they are proposing a new 8-inch sewer main extension, as well as a water main extension. He stated that they are asking for a waiver for the curve radii, for the turn-around, stormwater management system, mailboxes, granite curbing and inlets, sidewalks, and trees. He stated that the extension is under the 150-foot requirement for a turn around and that emergency vehicles can back up into either side of the existing Harper Lane roadway, if necessary. He stated that two leeching catch basins are proposed at the intersection of Harper Lane with Middle Street, but that there is no existing drainage out there with which to connect. He noted that Middle Street has no curbing and Harper Lane has Cape Cod berm on only one side, so they are proposing Cape Cod berm on both sides. He explained there are no existing sidewalks in the area with which to link.

Jim Lewis stated that he didn't take issue with the proposed curve radius. He stated that he also was not concerned with the waiver for the turn-around. He questioned how the stormwater will be maintained on the house lot. He stated that it would be preferable to see proposed contours on the lot.

Mr. White stated that they have not yet designed the house lot.

Jim Lewis stated that there is a significant 15- to 25-foot elevation change in that area, so at the minimum, some kind of recharge will likely be necessary on the house lot. He agreed with the waiver for the cluster mailbox and he didn't have an issue with the proposed cape cod berm. He explained that if a sidewalk waiver is granted, the developer is expected to donate the cost of the materials that would have been incurred had the sidewalks been constructed to a fund for sidewalks to be built elsewhere in the City. He stated that he was staunchly opposed to granting a waiver to eliminate the requirement for planting trees. He recommended the engineer locate the existing trees on the site that can be maintained in lieu of planting new ones on the lot. He noted that Public Works had expressed issue with the proposal to create

only 50-feet of frontage for the house lot and that their preference was to see it paved to the end of the property.

Senior Land Use Planner Stephanie Davies stated her understanding that public works are often concerned that if the road doesn't reach past the house's driveway, they will end up plowing snow into it.

Jim Lewis pointed out that the owner of the property needs to sign the application before the Board will move forward.

Mr. White noted that his client has a signed purchase and sales agreement.

Jim Lewis replied that was insufficient and the owner needed to sign off on the street extension application.

Director of Planning and Development Gary Ayrassian pointed out that an alternate company was listed on the plan and asked their relationship with the Mr. White's client.

Mr. White replied that prior surveying was performed by RIM Engineering. He noted that the plans are stamped by both surveyor and engineer.

Mr. Ayrassian asked whether a 37-foot curb radius will be shown.

Mr. White stated that he will look to add it to the plan.

Heather Whitehead stated that she would prefer to see the hammerhead turnaround and that she was in favor of sidewalks on at least one side of the street. She stated that the City has been putting in a lot of sidewalks and any that can be put in creates less work later for the City.

Jim Lewis asked whether it would be better for the material funds to go into the sidewalk fund so they City can install sidewalks somewhere that they will be more utilized. He pointed out that the property is pretty remote.

Heather Whitehead pointed out that all new sidewalks have been installed up Read Street.

Mr. Ayrassian noted that the application hasn't been sent out for stormwater peer review, as the applicant has requested a waiver, but it is up to the Board whether that will be pursued.

Ms. Davies pointed out that structural practices may not be feasible due to the lack of features in the existing streets, but LID features like swales may be beneficial.

Jim Lewis stated that it wasn't practical for the applicant to spend the money for a peer review when there is nothing to review.

Mr. Ayrassian suggested the subject could be reevaluated once the engineer submits revised plans showing the proposed contours for developing the house lot.

Ms. Davies stated her understanding that there is a low point in front of the existing house on Harper Lane where water already ponds, so she would like to ensure that the slopes of this project will not exacerbate that situation.

Mr. White agreed to revise the plans to show a full build-out that ties into the grades for the roadway and a hammerhead turnaround design, as well as responses to the staff and departmental comments. He asked if there was a certain diameter tree that the Board deemed significant for maintaining.

Jim Lewis suggested 5-inch caliper.

Mr. White noted that staff comments called out a discrepancy between the right-of-way width in these plans versus the Assessor's records.

Ms. Davies stated that the right-of-way width on the Assessor's plan is only 25-feet wide, but there's a jog at that portion of Middle Street. She stated that she wants to ensure how those will line up with the extension.

Mr. White stated that the right-of-way is shown as 40-feet wide on the subdivision plans for 1918 where Middle Street was originally first documented.

Ms. Davies asked that a copy of that plan be submitted for review.

Mr. Ayrassian noted that the Assessor's records are for tax records only, so he was unsure how accurate they would be.

Ms. Davies suggested that the tapering of the street be considered at further review.

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

**The Board heard the public hearing pursuant to the Act providing for the laying out and acceptance of certain ways by the City of Attleboro, passed and enacted by the House and by the Senate on September 22, 2022 and signed by the Governor on September 28, 2022, the residents of the City of Attleboro and the general public are welcomed to attend a public hearing on Monday, February 27, 2023 at 6:30 p.m. in the Municipal Council Chambers to offer comments, insight, and feedback to the Planning Board relative to the list of ways proposed to be accepted. A copy of the Act and the list of ways proposed to be accepted are available for review at the Department of Planning and Development located in City Hall at 77 Park Street from 8:30 a.m. to 4:30 p.m., Mondays through Fridays except on any holidays.**

Speaking in favor was Director of Planning and Development Gary Ayrassian who distributed handouts to the Board. He stated that the Planning and Public Works Departments developed a list of unaccepted streets to be considered by the Municipal Council for acceptance by the City. He stated that this was also done once before, back in 1994 when approximately 285 streets were accepted, totaling 47 miles. He explained that the legislation spearheaded by Senator Hawkins provides a process to accept the roadways that is less cumbersome and less expensive. He stated that the proposed streets will be accepted en masse, without all of the normal documentation required with a street acceptance, such as the street profiles, takings, etc. He stated that the Board is being asked to review and recommend the roadways for acceptance to the Municipal Council. He stated that the list consists of 66 streets totaling 8.01 miles in length. He stated that once the recommendation is rendered, the Municipal Council will hold a public hearing with standard notice and have the option to adopt, amend, or reject the proposal. He suggested closing the matter and tabling it to be considered for a vote at the March 6<sup>th</sup> Planning Board meeting.

Jim Lewis stated his assumption that Public Works went out and inspected all of the roadways for suitability. He asked whether any were considered but ultimately rejected due to unsatisfactory roadway conditions.

Mr. Ayrassian noted that several streets were rejected from consideration for various reasons, including roadway conditions, discrepancy with the name, or the location.

Heather Whitehead asked how comprehensive this list is and whether there were others that may have been overlooked.

Ms. Davies stated that the Planning and Public Works Departments came up with lists independently to compare and contrast and then discussed the lists. She explained that this list is the culmination of the subsequent research on any questionable roadways.

Mr. Ayrassian also noted that Police, Fire, and Inspections had been consulted for their input, as well.

Speaking in favor was Jack Jacobi of 15 Prince Street, Attleboro, MA who stated that he felt the approach was a good idea. He asked whether the acceptance distances run to the measured end of the pavement or the entire right-of-way.

Mr. Ayrassian replied to the edge of pavement only.

Jim Lewis made a motion to close the public hearing. Heather Whitehead seconded the motion and all voted in favor.

The Board tabled the matter.

**The Board heard the application of Laurel Knoll Land Trust for the proposed two (2) lot residential definitive subdivision plan entitled "LAUREL KNOLL," located on MacDonald Lane, more specifically Assessor's plat #101, lot #9, located in the Single Residence-D zoning district, engineered by OHI Engineering, Inc., 44 Wood Avenue, Mansfield, MA 02048.**

Ms. Davies stated that she had received an email from the engineer too late to be put on the addendum, requesting a continuance to March 6<sup>th</sup>.

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

**The Board heard the application of 42 County Street 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 an eighty (80) unit, nine (9) story mixed use building with approximately 1,720 square feet of commercial space on the first floor and 31 parking stalls, associated grading, utilities, and stormwater management system; the subject premises being located at 42 County Street, more specifically Assessor's plat #31, lot #243, located in the Central Business zoning district.**

Speaking in favor was attorney Jack Jacobi of Coogan Smith, LLP who distributed hardcopies of the presentation. He explained that at this stage, they have been focusing on the building aesthetics and materials, but they have also brought in their traffic engineer. He stated that they have adjusted the color palette to include more earth tones, like brown and red. He stated that they are proposing the addition of banners and up-lighting. He stated that revisions have been made to the entrance on County Street to improve the look. He stated that samples of the building materials have been brought in for the Board's review. He noted that all exterior materials need to be non-flammable, so they are propose brick veneer and panels that resemble wood, and warm metallics at street level. He explained that the sparse landscaping proposed between Advance Auto is due to the fact that they only own a small strip of land on that side.

Speaking in favor was architect Artem Batuyev of JTA who reviewed the thin brick sample materials, which can be produced in a wide variety of colors. He provided samples of potential matte metallic materials in both black and silver.

Heather Whitehead thanked the team for providing the requested materials. She stated that she wasn't opposed to the general gray color proposed for the body of the building, but noted that there were some discrepancies between the colors shown on different pages of the presentation.

Mr. Batuyev admitted that there are limitations with the software, preventing consistent representation of the materials. He stated that the physical examples he is presenting are most accurate.

Heather Whitehead pointed out on the wrap-around portion, it appears to be metal on one page and a textured wall on another. She asked which was an accurate representation of what is proposed.

Mr. Batuyev stated that it will appear black metallic and have vertical lines, which he feels improves vertical movements. He noted that the color and texture of the brick will be chosen to match the existing neighborhood colors, which they are still determining.

Tiffany Foster asked whether the material made to look like wood holds-up well over time.

Mr. Batuyev stated that it is guaranteed by the manufacturer for 20 to 25 years.

Mr. Ayrassian asked whether the color is likely to fade or change with weathering.

Mr. Baruyev stated that certain paints and treatments can be employed to prevent that, but that the materials are warranted. He stated that after that period, the treatments could be reapplied to preserve the look.

Mr. Ayrassian explained that he is looking to ensure the long term aesthetics of the building. He noted that there are yellow, brown, and red brick all in that neighborhood.

Mr. Baruyev pointed out the more ruddy brick that is their tentative choice.

Tiffany Foster stated that she felt the brick shouldn't look too aged or weathered.

Shannon Bénay asked if there was any difference in the durability between the textured and non-textured brick.

Mr. Baruyev replied no, and stated that as a veneer, it has the same properties. He stated that they are flexible on the color, but that his preference would be for a textured look, to better represent the historic area.

Mr. Ayrassian stated that it was an interesting concept to try to blend the building materials in with the more historic buildings in the area. He stated that matching the existing buildings makes sense for the those that are being repurposed and redeveloped. He recommended that for completely new builds, the Board should consider how they want to blend the history with newer architectural features. He suggested that there may be a difference in how the Board evaluates designs for redevelopment versus new builds, like this one.

Tiffany Foster asked for a brick that has a more mid-range weathering.

Heather Whitehead stated that she would like to see options in a few other shades of red. She stated that she appreciated the proposed lighting.

Mr. Ayrassian asked about a canopy.

Mr. Jacobi stated that there is an awning proposed over the front entrance.

**Shannon Bénay sought to confirm that the vegetated wall is still proposed.**

Mr. Jacobi answered yes.

Mr. Baruyev stated that he had attempted to obtain samples of vegetation for the wall, but that there is a wide variety of types and colors that can be considered. He stated that they tend to be various types of moss that can survive the changing seasons.

Ms. Davies expressed concern regarding the very large banners proposed. She asked how they are intended to be utilized and was concerned they will be unwieldy and vulnerable to damage during inclement weather, noting the extreme height and inaccessibility of the feature. She expressed concern that another building for which that was a similar feature eventually came down and was never replaced.

Mr. Baruyev replied that such features are typically taken down in bad weather and in the winter. He stated that lighting has been specifically designed to highlight the banners.

Jim Lewis stated his appreciation for the vertical metal cladding with defined lines and wanted that detailed incorporated.

Mr. Baruyev stated yes, that it will be but with joints to create a faux wood look.

Speaking in favor of the application was Daniel Dumais of MDM Transportation Consultants, Inc. who stated that he prepared the traffic statement. He noted that it was a highly walkable area with access to public transit. He stated that traffic counts were performed on County Street and peak traffic was found to be 900 vehicles in the morning and 1,100 vehicles in the evening. He stated that estimates find that 35% of people in the area are likely to utilize public transportation or work from home. He stated that the site anticipates peak traffic of 20 vehicles in the morning, and 26 vehicles in the evening. He noted that the site was previously used for auto sales and service, so the amount of traffic will be an insignificant increase of 5 peak vehicle trips from that prior use, which is less than half of a percent increase, with 50% going north and 50% going south. He stated that they reviewed the crash history for County Street and found the rate to be average. He stated that the posted speed limit is 25 miles per hour and cars typically travel around that speed. He stated that the proposed driveways will have adequate sight distance. He stated that in terms of concern for the pedestrians crossing the exit driveway, they recommend constructing flush sidewalks to force cars to slow down. He stated that they also suggest a light-up pedestrian warning panel on the side of the building that will be activated by cars approaching the crosswalk.

Heather Whitehead stated that she was in favor of the warning panel.

Mr. Ayrassian asked whether a speed table had been contemplated.

Mr. Dumais stated that they felt that this design makes more sense, since it will keep the sidewalk level to meet ADA standards. He stated that the driveway will grade down about 7%, forcing a speed limit of 5 to 10 miles per hour.

Mr. Ayrassian requested that a cross section be submitted.

Jim Lewis expressed concerns regarding the intersection of County Street with Riverbank Road and questioned how this development was likely to affect that traffic.

Mr. Dumais stated that while observing the area during peak hours, he didn't observe significant issues at the intersection. He stated that the volume of cars doesn't warrant a traffic light.

Mr. Jacobi stated that they anticipate this building will appeal most to those utilizing public transit or working from home.

Mr. Ayrassian asked whether the glass proposed on the building facing the intersection of Riverbank Road with County Street will be clear or tinted.

Mr. Baruyev replied that it will be recessed and clear.

Jim Lewis asked the status of obtaining off street parking.

Mr. Jacobi stated that they have a letter of intent in with a local land owner and are awaiting a response.

Heather Whitehead asked whether any affordable housing is proposed to be provided.

Mr. Jacobi stated that they haven't taken up the matter, but will be prepared to answer at the next meeting. He requested a continuance to March 20<sup>th</sup> to obtain the additional materials.

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

**The Board held a business meeting.**

The Board discussed the confusion over what was being voted regarding the Marijuana Overlay district recommendation to the Council. They agreed the recommendations for each marijuana amendment vote, November 2022 and February 2023 stand independently. A majority of the Board was in favor of allowing retail marijuana in the GB and PHB and unanimously in opposition to the overlay district, as proposed.

**The Board discussed the application of W.B. Construction & Development, Inc. 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 three (3) 6,000 square foot commercial buildings and 47 parking spaces with associated grading, utilities, and stormwater management system; the subject premises being located on County Street, more specifically Assessor's plat #104, lot #27, located in the Industrial zoning district.**

Heather Whitehead made a motion to **APPROVE WITH CONDITONS** the Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, for the construction of three (3) 6,000 square foot commercial buildings and 47 parking spaces with associated grading, utilities, and stormwater management system; the subject premises being located on County Street, more specifically Assessor's plat #104, lot #27, located in the Industrial zoning district, as shown on the site plan, entitled "COMMERCIAL DEVELOPMENT 0 COUNTY STREET ATTLEBORO, MA", engineered by James R. Borrebach, R.P.E. of OHI Engineering, 44 Wood Avenue, Mansfield, MA 02048, dated September 6, 2022 and revised through December 20, 2022. Tiffany Foster seconded the motion. A discussion followed and all voted in favor. The Board attached conditions.

The Board reviewed the Form P2 - Request for an extension of time to March 13, 2023, submitted by attorney Edward Casey of Coogan Smith, LLP on behalf of W.B. Construction and Development, Inc. relative to the Major Site Plan Review application for 0 County Street. Heather Whitehead made a motion to grant an extension of time to March 13, 2023. Fred Uriot seconded the motion and all voted in favor.

**The Board tabled the petition of the Municipal Council to amend sections of the ZONING ORDINANCE relative to accessory dwelling units.**

**The Board reviewed the Form A submitted by Weber Lyncee for 59 Allen Avenue and Cross Street.**

Mr. Ayrassian stated that he was meeting with the City Solicitor the next day and hoped to have an opinion for March 20<sup>th</sup>.

**The Board reviewed the Form A plan submitted by Edwin Liston for 15 Sargent Circle and 410 Lindsey Street.**

The Board reviewed the Form P2 - Request for an extension of time to February 28, 2023, submitted by Edwin Liston, received February 8, 2023, relative to the Form A application for 410 Lindsey Street and 15

Sargent Circle. Tiffany Foster made a motion to approve an extension of time to February 28, 2023. Bill Beardwood seconded the motion and all voted in favor.

Jim Lewis made a motion to approve the Form A for 15 Sargent Circle and 410 Lindsey Street. Tiffany Foster seconded the motion and all voted in favor.

**The Board reviewed the Form A plan submitted by W.B. Construction & Development, Inc. for Teaberry Lane.**

Ms. Davies stated that staff recommend approval.

Jim Lewis made a motion to approve the Form A for Teaberry Lane. Fred Uriot seconded the motion and all voted in favor.

**The Board reviewed the Form A plan submitted by the Estate of Robert B. O'Donnell Sr., care of Justin Meier for 150 Bishop Street.**

Jim Lewis made a motion to approve the Form A plan for 150 Bishop Street. Heather Whitehead seconded the motion and all voted in favor.

**The Board discussed the letter from attorney Eliot T. Brais, dated February 7, 2023, to Senior Land Use Planner Stephanie Davies, requesting waivers for the fire alarm box and planting of trees relative to the "CAMERON WOODS" subdivision.**

Heather Whitehead asked why the trees cannot be planted.

Ms. Davies explained that it was an extremely old subdivision and the lots have long since been sold. She stated that the developer did not maintain tree planting easements on the properties. She stated that the attorney is looking to work with the Board to get the subdivision completed.

Heather Whitehead expressed frustrating with developers not being held accountable.

Mr. Ayrassian advised that in the future, the only option available to the Board is to deny extension requests and perform on subdivision security. He noted that at one time, there were 50+ overdue subdivisions and that staff have worked with individual developers to reduce that to a handful.

Ms. Davies stated that the attorney is looking to work with the Board to get the subdivision completed, which simplifies the process. She reminded the Board that they had previously voted to perform on this subdivision, but half of the bonds were too old to be useful. She explained that of late, it has been a building boom, with lots of development. She pointed out that many of these overdue subdivisions, however, date back to a serious housing recession which incapacitated developers. She asserted that the past Board members were responsive to those challenges and granted extensions. She explained that it was so difficult, the state enacted the Permit Extension Act that gave blanket automatic extensions to all projects occurring during the tolling period.

Jim Lewis stated that the Board recognizes it is impossible for large subdivisions to be completed within the prescribed two year period and so have shifted to setting phasing schedules, like was done with Pike Estates. He noted that as soon as the binder coat is installed, it begins to erode, so he suggested that if the DPW is in favor of acceptance based on the condition of the road, that the City accept the roadways.

Senior Land Use Planner Stephanie Davies recommended approval of the requests.



Jim Lewis made a motion **APPROVE** the requests to eliminate the installation of the fire alarm box and street trees in the approved "CAMERON WOODS" definitive subdivision. Heather Whitehead seconded the motion and all voted in favor.

**The Board reviewed all other correspondence.**

**Jim Lewis made a motion to approve the pending minutes of February 7, 2023. Heather Whitehead seconded the motion and all voted in favor.**

**The Board canceled the Site Plan Review Committee meeting for March 2, 2023 and rescheduled the Ordinance Committee meeting to 6:15 p.m. that day.**

**The meeting adjourned at 9:15 p.m.**