



# City Of Attleboro, Massachusetts

## PLANNING BOARD

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## MINUTES

MARCH 6, 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, March 6, 2023 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: Chairwoman Shannon Bényay, Vice Chairwoman Heather Whitehead, Bill Beardwood, Jim Lewis, and Fred Uriot

Planning Board Members Absent: Tiffany Foster

The Board heard 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.

Senior Land Use Planner Stephanie Davies reminded the Board that a continuance had previously been granted to March 20, 2023.

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

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.

Speaking in favor of the application was Bill Blais of OHI Engineering who stated that they are now proposing a hybrid stormwater system. He stated that subsurface system has been designed with precast concrete which will have greater depth and volume than what was previously proposed.

Director of Planning and Development Gary Ayrassian sought to confirm that the concrete will be stronger than the previously proposed plastic.

Mr. Blais answered yes. He stated that it will also have better access for maintenance via a manhole on the top, making inspections easier. He stated that they are still providing a 20-foot buffer off the property line of the eastern abutter. He stated that they are also proposing to supplement the tree line with evergreens that will grow from 7 to 10-feet wide and 40-feet high, while maintaining the existing trees.

Mr. Ayrassian questioned the slope on that side of the property.

Mr. Blais replied that the slope will remain the same as existing and that the site already dips down in grade behind the neighbor’s house.

Mr. Ayrassian questioned the volume of stormwater the system will accommodate.

Mr. Blais replied that the system is sized for a 100-year storm and will only discharge overflow in a storm of that size. He stated that discharge will flow to the culvert under Clifton Street. He stated that the outlets are proposed at a 90-degree angle with stone to help the water dissipate into the existing natural swale.

Jim Lewis sought to confirm that that the system is designed for only the two house lots.

Mr. Blais answered yes.

Mr. Ayrassian asked where the division is between what stormwater will be treated by the underground system and which will not.

Mr. Blais replied that they installed catch basins as far down the throat of the road as possible, so that the cul-de-sac and slopes lead to the underground system. He stated that a very small portion will travel down MacDonald Lane and pool in the low portion in the side of the road abutting neighbors' properties.

Mr. Ayrassian sought to confirm that no controls are proposed for that segment.

Mr. Blais answered no, as it is in the existing roadway.

Mr. Ayrassian asked what portion of the stormwater from the new construction won't be captured by the new system.

Mr. Blais explained that all of the site's stormwater used to flow down to the culvert by the highway. He stated that a portion will be treated using their system, while a portion continues to flow to the culvert. He stated that they are reducing the rate and volume of stormwater discharged off the site post-development. He stated that they considered a bioretention system in the center of the cul-de-sac, but felt it was not a tenable design, as it would require significant maintenance. He explained that once the soil media reaches nutrient saturation, the entirety of the substrate will have to be removed and replaced, which could be as often as every five years. He suggested that such systems are better for commercial developments where there is a property manager to ensure continued maintenance.

Mr. Ayrassian suggested that the cul-de-sac doesn't need to serve a biofiltration purpose, but that some sort of landscaping in the center of the cul de sac for aesthetics would be appealing.

Mr. Blais agreed. He stated that a truck apron is being provided around the cul de sac to ensure trash trucks and other large vehicles can make it around without disturbing the landscaping.

Jim Lewis stated the Board's preference to see trees and suggested those be included in the cul de sac, rather than just low bushes. He stated that they provide aesthetics, carbon dioxide treatment and storage, and are also likely easier to care for than bushes.

Mr. Blais noted that no utilities are proposed under the cul de sac, so trees could be accommodated.

Jim Lewis noted that the Board will want to know the exact types of trees proposed for the street.

Mr. Ayrassian pointed out that temporary planting easements should be added to the plans to accommodate those.

Jim Lewis suggested the temporary easements be 10-feet wide and in place until the roadway is accepted by the City.

Mr. Blais agreed.

Ms. Davies noted that both house lots have proposed wells on their properties. She sought to confirm whether the developer has given up pursuing a water main extension.

Mr. Blais answered no, and explained that it is not feasible to run 1,200-feet of water main for only two house lots. He stated that when the remainder of the development is pursued, an 8-inch main from the end of the layout to the cul de sac will be proposed with two connection points.

Mr. Ayrassian pointed out that the subdivision regulations require a water main extension that is pressure-tested and chlorinated. He asked how that will be addressed.

Mr. Blais stated that it needs to be discussed with the Water Department. He pointed out that the regulations allow alternatives if the standards cannot be met.

Ms. Davies questioned the potential impact of this approach on fire safety. She asked whether the Fire Department has opined on the plan changes.

Mr. Blais stated that they have reached out.

Mr. Ayrassian noted that he can't recall a subdivision for which water wasn't provided, so he will need to review the regulations.

Jim Lewis stated that from a legal perspective, a City cannot deny a subdivision because the City services are insufficient. He noted that wells may be an acceptable solution for the houses, but was unsure how the fire prevention needs would be met.

Mr. Ayrassian stated his recollection that a cistern was approved at Wright Circle by Chief Churchill, but that the following Fire Chief LaChance was not in favor of such features. He explained that the cisterns are frequently unmonitored and end up drying up, so cannot be relied upon.

Speaking was attorney Jack Jacobi who requested an extension of time to April 30, 2023. Jim Lewis made a motion to grant an extension of time to April 30, 2023. Fred Uriot 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 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.**

Ms. Davies reminded the Board that the case had been continued to March 20, 2023.

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

**The Board held a business meeting.**

**The Board discussed 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.**

Heather Whitehead made a motion to recommend that the Municipal Council accept the provided list of 66 streets as public ways – a combined length of 42,290.61± feet, 8.01± miles. Fred Uriot seconded the motion and all voted in favor.

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

Jim Lewis made a motion to recommend to the Municipal Council to adopt the proposed amendments to the ZONING ORDINANCE, specifically §17-3.5 TABLE OF ACCESSORY USE REGULATIONS, §17-4.5 ACCESSORY STRUCTURES, and §17-11.2 DEFINITIONS of the ZONING ORDINANCE, as edited by the Board. Heather Whitehead seconded the motion and all voted in favor.

**The Board tabled the Form A submitted by Weber Lyncee for 59 Allen Avenue and Cross Street pending a legal opinion from the City Solicitor .**

**The Board reviewed the Form A plan submitted by 80 Ridgewood Road, LLC & Newberry Wood, LLC for 80 Ridgewood Road.**

Speaking was attorney Jack Jacobi who stated that this Form A corrects several errors made on the last plan meant to subdivide the house lot from the “Newberry Woods” subdivision land. He stated that it will involve trading small pieces of land between the lots.

Jim Lewis made a motion to approve the Form A for 80 Ridgewood Road, pending a revised plan that removes Condition #7. Fred Uriot seconded the motion and all voted in favor.

**The Board heard the appointment to speak of Bob Catenacci regarding “STONE FIELD ESTATES II” and “STONE FIELD ESTATES III”.**

Shannon Bénay sought an update on the flooding in the area.

Mr. Catenacci confirmed that he received an email from staff regarding overflowing of the stormwater basins after substantial rain. He stated that they have performed preliminary excavations and roughed-out the emergency overflow swale.

Mr. Ayrassian sought to confirm that this is the emergency overflow swale in Phase III that runs from the southern end of the basin to the Rehoboth town line.

Mr. Catenacci confirmed. He stated that this action relieved the pressure and the water drained in a matter of hours. He stated that a 4-inch perforated overflow pipe with stone remains to be installed, but things have been too wet for them to do the work. He stated that they will need a stretch of drier, warmer weather to install the overflow. He noted that the first round of work was performed within several days of the complaint.

Ms. Davies sought to confirm that the catch basins have been exposed.

Mr. Catenacci confirmed that they raised the catch basins on Windsor Drive and York Drive, as water had been pooling at the low points of the roadway before that. He noted that they had been using the pooled water as a wheel wash until it got too deep to drive through. He stated that he is not aware of any problems with flooding on the roadways since the catch basins have been brought online.

Jim Lewis stated his recollection that developers are obligated to complete stormwater features in a timely manner to avoid issues of this nature.

Mr. Ayrassian agreed that it is laid out in the decision. He stated that staff visited the site and found that the partially-constructed status of Phase III has corrupted the completed Phase II basin. He stated that the subdivision is appalling in the amount of dirt and debris on the roads and that it needs to be cleaned up. He pointed out that all of the dirt and debris is now ending up in the stormwater systems and will clog them. He stated that there needs to be some method to prevent continued debris from entering the system during construction.

Mr. Catenacci stated that they have sleeves installed to catch the sediment and that they are cleaning those out once a week.

Ms. Davies agreed that the new roads are full of mud and dust and expressed concern that the mess will be tracked by construction vehicle into other streets.

Mr. Ayrassian agreed that a street sweeper needs to be employed.

Mr. Catenacci noted that he has sold some of the house lots to another contractor, who is contributing to the mess.

Mr. Ayrassian countered that the subdivision roadways are Mr. Catenacci's obligation and that he must clean up the mess.

Mr. Catenacci agreed.

Mr. Ayrassian asked when the Board can expect a street sweeper to clean things up. He emphasized that the developer is responsible for keeping the roadways clean and functional as a condition of the subdivision decision and that the staff and Board shouldn't have to keep calling him in to address things.

Mr. Catenacci stated that they just installed the gas lines to Phase III. He explained that after that, someone stole four buckets from his excavators, which he is attempting to replace. He stated that they are now in the process of installing the electrical lines and that he proposed backfilling both the trenches for the gas and electric at one time.

Mr. Ayrassian stated that approach was unacceptable.

Mr. Catenacci stated that they anticipate the electrical lines to be installed within the next week or two. He stated that they can do some intermediary clean-up in the interim, and then get the streets swept in several weeks.

Mr. Ayrassian emphasized that Mr. Catenacci needs to clean up the roadways in a week and stay on top of keeping things neat and orderly on an ongoing basis.

Mr. Catenacci agreed.

Jim Lewis asked whether Mr. Catenacci has sold any of the house lots in Phase III.

Mr. Catenacci answered yes, and stated that about ten lots were sold to another builder.

Jim Lewis asked whether Mr. Catenacci maintained rights to go on to those lands for the digging of trenches and installing of utilities.

Mr. Catenacci answered yes, as the trenches are in the right-of-way.

Jim Lewis asked whether he has the right to be installing the emergency swale.

Mr. Catenacci stated that an easement for stormwater maintenance to the City of Attleboro was recorded.

Jim Lewis stated that Mr. Catenacci didn't maintain an easement for himself to do the work after selling the land. He expressed his dubiousness over the legality of the work being performed on other people's properties.

Mr. Catenacci stated that the easements are shown on the approved plan.

Jim Lewis countered that the plan just shows the location of a proposed easement, but that underlying documentation needs to be recorded with details on the owner and permitted uses.

Ms. Davies noted that easements were recorded, but that she needs to review who the owners are and noted that they have not yet gone through the taking process.

Mr. Ayrassian reaffirmed that Mr. Catenacci needs to clean up the subdivision and start construction of the swale and piping when weather permits.

Mr. Catenacci agreed and stated that he would keep staff apprised of the schedule. He noted that neighbors had also expressed concern about the broken down school bus on the site and stated that it has been removed.

**The Board reviewed all other correspondence.**

**The Board received an update on the NPDES General Permit.**

Mr. Ayrassian explained that since April of 2019, the City has been operating under a NPDES II permit and that since adopting, a whole new set of standards apply to addressing illicit discharge. He stated that the City's consultant, Horsley Witten Group, has been making progress yearly to meet those standards. He stated that this year, the next step is to update the Stormwater Management Ordinance, with some minor changes to the language. He stated that staff will make a presentation to the Municipal Council on March 21<sup>st</sup>. He stated that future work will include working on the regulations, which will go before both the Planning Board and Conservation Commission for the subdivision and stormwater regulations, respectively, before going to the Municipal Council for adoption. He noted that Horsley Witten also did an audit of the existing subdivision regulations and the Zoning Ordinance and have some recommendations regarding climate change and resiliency. He noted that a good draft tree regulation will be a good step to add to those.

**The meeting adjourned at 8:14 p.m.**