



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

JULY 16, 2019

In accordance with the provisions of the Massachusetts General Laws Ch. 40A and Ch. 41, as amended, the Planning Board held public hearings on Tuesday, July 16, 2019 at 6:30 p.m. in the Council Chambers , City Hall, 77 Park Street, relative to the following :

Planning Board Members Present: Vice Chairman Jason Gittle, Bert Buckley, Melinda Kwart, Scott Jones, Jim Lewis, and Fred Uriot

Planning Board Members Absent: Chairman Paul Danesi, Secretary Sheryl Guglielmo, and Sean McNamara

The Board heard the application of Hansen Associates, Inc. for a special permit pursuant to §17-9.0 SPECIAL PERMITS and §17-13.0 WATER RESOURCE PROTECTION DISTRICT to construct a single family dwelling with associated driveway, septic system, and grading within the Bungay River Water Resource Protection District, said premises being located at 430 Lindsey Street, more specifically Assessor's plat #94A, lot #6 (Builder 's Lot #2), located in the Single Residence -D zoning district.

Speaking in favor of the application was Steven Hansen of Hansen Associates who stated that the impervious coverage is 5.3% and the site is 1,500 feet away from the Bungay River. He stated that he didn't feel one single family house would result in traffic problems. He stated that they are proposing on-site septic and a gas heating system. He stated that the prohibitions are listed on the plan and his engineer submitted a statement stating that the project will not have an adverse impact on the WRPD.

There being no one else to speak, Jim Lewis made a motion to close the public hearing. Bert Buckley seconded the motion and all voted in favor.

The Board heard the application of Timothy A. Infante, Sr. for a special permit pursuant to §17-9.0 SPECIAL PERMITS and §17-13.0 WATER RESOURCE PROTECTION DISTRICT to construct a single family dwelling with associated driveway, utilities, septic system, and grading within the Bungay River Water Resource Protection District, said premises being located at 102 Lindsey Street, more specifically Assessor's plat #94-1, lot #10E and #17, located in the Single Residence -D zoning district.

Speaking in favor was Mark Whalen of W.T. Whalen Engineering who explained that the lot was recently rezoned from industrial to residential. He stated that the site had historically been used as a family camp ground and that the existing driveway will be extended to the proposed single family house. He stated that the septic system will be in the front of the house and that all work will be outside of the 'no touch' Wetland Protection Zone. He stated that a statement will be added to the plan regarding the prohibited uses on the site. He stated that the lot coverage is approximately less than 1%.

Ms. Davies asked how the house will be heated.

Mr. Whalen replied natural gas.

Speaking neither for nor against Jeffrey Roach of 120 Lindsey Street who stated that he suspects that there is contamination on the site from Texas Instruments and individual dumping. He asked whether that contamination is likely to be disturbed during this construction. He noted that his property also contains a City drainage easement and he wants to confirm that this development will not impede that feature and cause flooding. He stated that the prior owner of the property was crossing the wetlands with heavy machinery. He asked whether this development will require crossing of the wetlands.

Mr. Whalen replied that no subsoil contamination tests have been performed, but that they will be accessing the site via an existing upland path. He stated that there should not be any heavy machinery in the wetlands and encouraged the neighbors to call the Conservation Commission if they see anything amiss.

Jim Lewis stated that the Board's jurisdiction is very limited to protecting the Bungay River as a drinking water source and does not cover drainage or wetlands.

Ms. Davies replied that the applicant is not proposing any work impacting the easement. She stated that the applicant is proposing to stay out of the wetlands and will be subject to violations if they trespass.

Speaking in favor of the application was Tim Infante who stated that they worked extensively with Mr. Blais of 116 Lindsey Street and assured him there would be no negative water impacts on his property.

Mr. Whalen stated that there are existing water problems in the area, including a high water table. He stated that this project will not make those issues any worse.

There being no one else to speak, Melinda Kwart made a motion to close the public hearing. Bert Buckley seconded the motion and all voted in favor.

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 attorney Edward Casey on behalf of Picerne a.k.a. Pike Avenue Acquisitions, LLC, who stated that he is not yet ready to address the Board. He stated that he needs more time to perform research on where the Rambler Road right-of-way ends versus where the Picerne property begins. He noted that there is also an Ordinance before the Municipal Council relative to traffic calming.

Jim Lewis questioned how such an Ordinance would apply as this is relative to a private property.

Mr. Casey replied that a portion of the proposed measures are in the Rambler Road right-of-way. He stated that his client is concerned that if such a feature is a required condition of approval and installed, the City Council could refuse to accept the roadway containing the speed hump if it is not in conformity with the impending Ordinance. He requested an extension of time to August 20, 2019.

Bert Buckley made a motion to grant an extension of time to August 20, 2019. Melinda Kwart 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 W.B. Construction & Development, Inc. for the proposed amended forty-three (43) lot definitive subdivision entitled Brigham Hill Estates, as shown on the plan entitled "Phase II - 'Brigham Hill Estates' Definitive Residential Subdivision Modifications" filed pursuant to MGL Ch. 41 §81W, said premises being located off Smith Street and 29 Brigham Hill Road, more specifically Assessor's plat #218, lots #7 and 7B, surveyed by Byron J. Andrews, R.L.S. and engineered by Richard M. Mainville, R.P.E. of Andrews Survey & Engineering, Inc., 500 East Washington Street, North Attleboro, MA 02760, dated May 2, 2014 and revised through October 15, 2018. The subject premises are located in the Single Residence-D zoning district due to a lack of quorum (Jim Lewis recused himself) .

Ms. Davies informed the Board that staff had received the amended peer review for the project.

The Board reviewed the Form P2 - Request for an extension of time to August 19, 2019, submitted by W.B. Construction & Development, received July 11, 2019, relative to the "Brigham Hill Estates" 81-W plan modifications.

Bert Buckley made a motion to grant an extension of time to August 19th. Melinda Kwart seconded the motion and all voted in favor.

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

At 7:30 p.m. the Board joined the Municipal Council in the Council Chambers for a Joint Public Hearing.

JOINT PUBLIC HEARING with the Planning Board relative to the Rezoning Petition from Sterry Street Auto Sales, Inc., 495 Collins Street, Attleboro, MA, from Single Residence-B and Industrial zoning to General Business zoning, said premises being Assessor's Plat 20, Assessor's Lot Number 399, being approximately one acre.

The Planning Board members in attendance were:
Jim Lewis, Burt Buckley, Scott Jones, Fred Uriot, Jason Gittle and Melinda Kwart.

Speaking in favor was Attorney Edward Casey.

Speaking in favor was property owner Jamie Turmel.

No one else came forward to speak in favor.

No one came forward to speak against.

Speaking neither for nor against was Harry White of 474 Collins Street.

The Council and Planning Board closed the public hearing.

The Board reconvened their meeting in the Annex Room at 8:00 p.m.

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.

Speaking in favor of the application was attorney Jack Jacobi who stated that nothing is proposed to change with the portions of the site containing the Denny's or Chick-fil-A restaurants. He stated that his client is under agreement to purchase the Robert's Formals property and plans to remove the building to create additional green space. He stated that the changes involve adding a proposed Chase bank with a drive-through window. He stated that the approved Retail B building has been eliminated and they have expanded Retail Building A. He stated that the Retail Building A will have the same condo-style look as previously approved. He stated that the formerly approved restaurant that was slated to become a Red Lobster will instead likely host one smaller restaurant and two retail spaces. He explained that the mixed use space would not be constructed until tenants are acquired, although the footprint would remain the same and just internal alterations could occur. He stated that a new driveway into the site is proposed off of Route 1A so that people can more easily access the bank. He stated that they are also proposing a right-in entrance on Newport Avenue with a deceleration lane, which will allow traffic to stack. He acknowledged that the Police Chief had written a memo expressing concern relative to the two new entrances that are being proposed. He noted that the dumpster proposed on site is pointed towards Angeline Street, where it can be properly screened by landscaping. He stated that Ms. Davies had requested that the bank consider a more "New England" look and that he has been given a commitment by the bank to discuss altering the elevations.

Speaking in favor of the application was David Taglinetti of Carpionato Group who noted that the site has been under construction for quite some time. He explained that the Denny's restaurant has been delayed due to a gas connection issue, but that they hope to have the building open within the next 2 to 3 months.

Speaking in favor of the application was Renee Codega of VHB Engineering who stated that buffers have been proposed along all three street lines. He stated that the previously approved buffer along Angeline Street has been maintained and that along Newport Ave adjacent the proposed bank, it has been increased with a stone wall, arborvitae, low shrubs, and deciduous trees. She stated that fencing has been proposed around all of the dumpsters to provide screening.

Scott Jones questioned the height of the proposed plantings along Angeline Street.

Ms. Codega replied that the plan calls for a heavy mix of screening with vegetation of multiple heights.

Mr. Jacobi stated that a walkway that was requested by abutter Steve Andreoni has been maintained, which will allow his clients to easily park on the property and walk to his office.

Ms. Codega stated that minimal changes are proposed to the lighting plan, with 25-foot high poles proposed to match what has already be constructed on site. She stated that there will be minimal spill over onto Newport Avenue, with spillage ending at the sidewalks. She stated that there will be no spillover along any of the other property lines. She stated that the lights will be dark sky compliant and have house shields.

Ms. Davies stated that she was concerned by the proposed light spillage on to Newport Avenue and how that could negatively impact the residents living across the street.

Ms. Codega offered to return to the lighting consultant to get more specifics on that matter.

Bert Buckley sought to confirm that the Roberts Formal property will just be maintained as green space.

Mr. Taglinetti replied that it will be landscaped but contain no structures.

Jason Gittle questioned whether the proposed signage will remain the same.

Mr. Taglinetti answered in the affirmative.

Ms. Davies pointed out concerns with the landscaping plan, where references didn't match the table.

Mr. Jacobi offered to address that concern at the next hearing.

Jim Lewis sought to confirm that this plan for approval is being submitted without the applicant owning Robert's Formals. He questioned whether the plan will be amended to include what is proposed on that lot.

Mr. Taglinetti replied in the affirmative and stated that they will return with a landscaping plan.

Jim Lewis stated that he is tired of seeing flat roofs and corporate standards for buildings. He stated his desire to see something more "New England-style" and unique.

Fred Uriot agreed that he doesn't like the flat roofs.

Scott Jones added that he'd prefer to see gabled roofs and sloping.

Jason Gittle noted that the building layout is not changing dramatically from what was previously proposed and questioned the reason behind proposing two additional entrances to the site.

Mr. Taglinetti replied that they are on the verge of signing a lease with Chase Bank after a year of negotiations and the additional entrances are a condition of the agreement. He explained that Chase wants their customers to have convenient access to the bank and that we feel that it creates a better design with less internal conflicts, as currently the only entrance and exit is on Angeline Street. He stated that staff went over the conceptual layout and although there was some initial push-back, concessions were made, including the right turning lane from Newport Avenue and internal adjustments. He stated that he felt they had the support of the staff for the design. He noted that they will also be eliminating two more dangerous full-access points associated with Roberts Formals, which are closer to the intersection.

Ms. Davies stated that staff did meet with the applicant, but did not explicitly endorse the plan. She stated that staff maintain concerns about the proposed entrance on Newport Avenue, as the original plan involved extensive improvements to Angeline Street that were specifically meant to alleviate the need for an entrance on Newport Avenue. She stated that staff also have other concerns with potential traffic conflicts on-site. She noted that Police Chief Heagney has expressed concern with people taking an illegal left hand turn into the right-only entrances.

Speaking in favor of the application was traffic engineer Pat Dunford of VHB who stated that the right-in entrance off of Newport Avenue is proposed to have a short deceleration lane, which isn't meant for stacking, but provides insurance in case it is needed. He stated that they did not want to add any existing traffic on to Newport Avenue as there is a traffic signal on Angeline where it will be safer to exit. He stated that they are proposing graphic "No Left-Hand Turn" signs. He suggested that additional measures to prohibit illegal turns could be considered, like 5 to 10 flexible delineators that could be installed along centerline. He stated that a similar feature is employed on Route 10 in Plainville. He stated that he didn't feel such an action was warranted, but it is a possibility if it allays the Board's concerns. He noted that bank traffic could technically enter down by Chick-Fil-A, but this will add to traffic queuing at the light where Route 1A meets Route 1. He noted that traffic commonly backs up beyond that light already. He stated his understanding that the State's project to upgrade the "triangle" in that area is still in progress. He stated that the area is too narrow for the installation of an island, but that MA DOT was generally in favor of what had been shown to them without yet having submitted a formal application.

Mr. Jacobi noted that no MEPA filing will be required, but a direct access permit is needed from MADOT.

Bert Buckley questioned staff's concerns with the new entrances.

Ms. Davies replied that efforts are being made to protect the residential neighborhood on Newport Avenue and not allow commercial development to encroach any further than it already has. She stated that the Board had been in favor of the two large retail buildings along Newport Avenue as it provided a solid

screen and had a buffering effect. She stated that even if it is just a driveway in, it is still expanding this development onto Newport Avenue. She stated that traffic on Newport Avenue sometimes backs up to Angeline Street and she felt this additional entrance could exacerbate that situation.

Bert Buckley stated his sense that this entrance would take traffic off of Angeline Street.

Ms. Davies agreed that it potentially could, but countered that the whole premise behind the upgrades on Angeline Street was to accommodate the development of this entire site. She stated that staff also have concerns about the many points of on-site conflict created by the entrances. She stated that pedestrians, particularly, will be at risk as crosswalks will have to pass through the entrances. She stated that multiple stop signs are proposed on site to control the traffic, as the flow has been complicated by this design. She stated that she didn't know if the increases in traffic and additional curb cuts could be justified to add just one bank. She reiterated that the Board's prior approvals attempted to halt encroachment on to Newport Avenue to protect the neighborhood there.

Jim Lewis questioned whether there is a berm on the Newport Avenue side abutting the bank.

Ms. Davies replied a 2 foot six inch wall is proposed.

Ms. Codega added that a heavily planted screen is also proposed.

Jim Lewis stated that he tended to agree with Mr. Buckley and that if he were looking to access Denny's or the bank, he would not want to go down Angeline Street. He stated that he didn't see any issues with the entrance on Route 1.

Bert Buckley stated that he didn't have a problem with the design as a whole.

Speaking in favor of the application was Steve Andreoni of 9 Angeline Street who stated that he likes the design and thinks the new entrances are common sense and that it will be an improvement for everyone.

Speaking in opposition to the proposal was Keith Briggs of 636 Newport Avenue who stated that his house is directly across the street from the proposed entrance on Newport Avenue. He stated that they have been dealing with the commercial development of this site changing multiple times over the past twenty years. He stated that he appreciated how in the last approval, the retail buildings shielded the commercial plaza from the homes on Newport Avenue. He argued that what is proposed now is based entirely on appeasing a bank and questioned why taxpaying residents should have to suffer as a result. He asked where the over-development of the site will stop if this is approved and what will prevent additional relief from being requested once the driveways go in that will further negatively impact the area, like removing Retail Building A, which is a buffer for the neighborhood. He stated that he has spoken to Kelly Coates about how his driveway backs out onto Newport Avenue and that he will not be able to get out if bollards are placed down the median.

Chairman Danesi responded that the delineators would be just along the edge of the right-hand turning lane.

Mr. Jacobi noted that a building could only be removed from the site if the Board approves it. He stated that they anticipate Retail Building A being built in the spring.

Speaking in opposition to the application was Gerry Turcotte of 542 Newport Avenue who stated that one of the promises made by Kelly Coates to the neighbors was that the development would not have an access point on Newport Avenue. He stated that the whole approved design was meant to prevent future commercial encroachment of their established residential neighborhood. He stated that he understands the commercial nature of Route 1, but argued that the section of Route 123 in question is primarily residential. He beseeched the Board to not allow this historic corner of South Attleboro to be completely commercialized. He asserted that if approved, this area will become like Pawtucket, squeezing out the residential areas in favor of business. He stated that the entrance on Newport Avenue is directly adjacent

to Roy Avenue and Robert-Hills Elementary School and that this will endanger families and kids that walk to school. He stated that he had no objection to the additional entrance on Route 1, as that area is already commercial, but that the entrance on Newport Avenue is to the neighbors' detriment. He stated that all of the improvements made to Angeline Street were to allow that roadway to accommodate the commercial plaza's traffic. He argued that how things are designed internally on the site could be adjusted to provide better access to the bank from Angeline Street.

Jim Lewis stated that he was unsure how having an entrance-only into the site from Newport Avenue creates a negative impact for the neighborhood. He stated that as traffic backs up from the traffic light at Route 1A, that entrance would allow some of the traffic to drain off, which could potentially have a positive impact for neighbors.

Mr. Turcotte stated that another full lane was already added when they widened Angeline Street and that traffic should be directed there.

Speaking in opposition to the application was Ron Prout of 628 Newport Avenue who stated that he and his neighbors are not against the original project. He stated that the entrance on Newport Avenue will have a negative impact in terms of both noise and pollution. He stated that by removing Retail Building A, the site is opened up and has a more commercial than residential feel. He stated that this commercial site is incrementally encroaching on their residential neighborhood and that it needs to stop somewhere.

Jim Lewis stated that he would personally rather look at a bank with a "New England" look, as long as it avoids flat roofed buildings.

Mr. Prout countered that he feels the request to put an entrance on Newport Avenue is a breach of faith with the neighbors as promises were made that the applicant would not request one and here they are, one year later, renege on that promise.

Jason Gittle stated that he appreciates the neighbors' frustration and that the Board will continue to evaluate the plan.

Ms. Davies noted that however frustrating it may be, the land owner is trying to lease these spaces and is forced to alter the plan based on their ability to do so. She stated that it is within their rights to return as often as they wish with modifications.

Speaking neither for nor against was Peter Krawchuk of 610 Newport Avenue who asked whether anything is being done about the flooding in the area, which still occurs on Newport Avenue, Angeline Street, and Fairfield Avenue.

Speaking in favor was Steve Andreoni who noted that there are a lot of trees dropping their leaves near his building which clogs up the stormwater grates.

Jim Lewis noted that on the prior approval, the drain runs down Roy Avenue and it was supposed to be cleaned out in association with that approval.

Mr. Jacobi recalled having a camera inserted in the line and discussing maintenance with Public Works.

Mr. Taglinetti agreed that they had met with Public Works a number of times and that the City sent out crews to clean out the catch basins and unblock some of the drain lines. He stated that this is the first he has heard of continued issues with flooding in the area.

Jason Gittle noted that this work would have been well over a year ago and asked whether it could be reevaluated.

Mr. Jacobi stated that they would reach out to Superintendent Tyler and report back to the Board.

Mr. Andreoni suggested that the City either make the drains bigger or cut down the trees.

Mr. Krawchuk pointed out that there are no storm drains at all on his side of Newport Avenue and that all the water has to flow down to Fairfield Avenue.

Jason Gittle stated that he was unsure whether there was a direct nexus between flooding and the proposed amendments to this development.

Mr. Jacobi agreed that they had looked at the flooding previously in conjunction with the widening of Angeline Street, but that they are willing to bring up the matter with Public Works.

Speaking in opposition was Scott Winkler of 532 Newport Avenue who stated that the two retail buildings creating a screen were crucial to his support of the last iteration of the project, as they block both light and noise. He stated this plan proposed to take away half of those protections and put cars directly through that buffer. He stated that he was not opposed to an additional entrance on Route 1A. He stated that he didn't care what the bank looks like, he doesn't want to look at a sea of parking and that a 2.5 foot tall wall and trees are not a sufficient buffer. He pointed out one place in the internal traffic flow that requires a 120 or 150 degree turn. He stated that if measures like that are required to shoe horn the bank into the site, then there are bigger problems. He stated that he also doesn't want to hear people doing their transactions at the bank drive through.

Mr. Taglinetti agreed, but argued that they are only removing a fraction of the buffer, as Building A has been elongated to compensate.

Mr. Winkler questioned the length of building that was lost.

Mr. Taglinetti replied 100-feet long.

Mr. Winkler stated that the residents have lost 100-feet of buffer and now will be fighting with cars attempting to enter the site from Newport Avenue.

Mr. Taglinetti replied that he understands that the residents are sensitive to that issue, but noted that there is no buffer there today. He stated that if Chase bank refuses to lease, Retail Building A will not be constructed.

Mr. Winkler sought to confirm that the applicant is under no obligation to construct the project as approved.

Ms. Davies replied no. She stated that there is no requirement for them to complete construction of the approved plan.

Mr. Jacobi noted that the construction of Retail Building A is not tenant dependent and is slated to start in the fall and be completed in the spring.

Mr. Turcotte stated that as nice as it is having green space along the highway, it would make more sense to bring the bank closer to the intersection to try to alleviate some of the "pinball" aspect of the internal traffic flow. He stated that people who go to the bank will be repeat customers and stated that it will simplify their route if there is a straight shot from Angeline Street to the bank. He stated that this approach would bring the commercial further from the residential area and create better visibility for the bank.

Speaking in opposition was Irene Briggs of 597 Newport Avenue who affirmed that people do walk their children to school and that there is a lot of school traffic on Roy Avenue. She stated that there have been three separate times where they were turning into their driveway and people nearly hit them, thinking that they were turning on to Angeline Street.

Jason Gittle clarified that Ms. Briggs was stating that existing conditions would be worsened by a right turn into the property as it will add more confusion.

Mr. Jacobi asserted that conflicts with the school are unlikely, as students are dropped off from 7:30 a.m. to 8:45 a.m. and no one is anticipated to be in the plaza at that time.

Ms. Briggs countered that Denny's and Chick-fil-A are open for breakfast and the ATM at the bank will be open.

Speaking in opposition was Sally Junkins of 6 Graham Circle who stated that her son attended Hill Roberts and stated her observation as a result of standing at the bus stop with him twice a day. She stated that adding the deceleration lane will create more confusion. She stated that people will likely think that they are turning on to Route 1. She stated that she didn't want to see another parking lot become a cut-through to the highway. She asked that the Board come down and observe the traffic from the residents' front yards at 5 p.m. She insisted that traffic congestion is already bad outside of peak hours and that police and ambulances often have trouble getting through.

Mr. Jacobi requested a continuance to the August meeting.

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

Bert Buckley left the meeting at 9:25 p.m.

The Board held a business meeting.

The Board reviewed the Form A plan submitted by Nodnem Development, LLC for 0 Mendon Road.

Ms. Davies distributed the revised plans to the Board.

Jim Lewis argued that dotted lines cannot be used to denote a public way on a Form A plan. He stated that he disagrees with Director Ayrassian and the City Solicitor's analysis and thinks that the Board should approve the Form A once the layout of Mendon Road is revised.

The Board reviewed the Form P2- Request for an extension of time to August 31, 2019, submitted by attorney Edward Casey on behalf of Nodnem Development, LLC, received July 16, 2019, relative to the Form A application for Mendon Road.

Jim Lewis made a motion to grant an extension of time to August 31, 2019. Bert Buckley seconded the motion and all voted in favor. The Board tabled the matter.

The Board reviewed the Form A plan submitted by John DesVergnes for Tiffany Street, Guild Street, Perez Street, and Totten Road.

Ms. Davies stated that all of the proposed lots have 50-feet of frontage on a public way, however not all of the lots meet the required lot width. She explained that lots have to maintain the 50-foot frontage all the way along the 30-foot front yard setback, so several of the lots do not comply. She suggested that the applicant be approached to allow the opportunity to revise the plans.

The Board reviewed the Form P2- Request for an extension of time to July 16, 2019, submitted by John DesVergnes, received June 19, 2019, relative to the Form A application for Tiffany Street, Guild Street, Perez Street, and Totten Road.

The Board reviewed the Form P2 - Request for an extension of time to July 16, 2019, submitted by John DesVergnes, received June 19, 2019, relative to the Form A application for Tiffany Street, Guild Street, Perez Street, and Totten Road.

Jim Lewis made a motion to grant an extension to time to July 16, 2019. Melinda Kwart seconded the motion and all voted in favor.

Jim Lewis made a motion to grant an extension of time to August 19th. Bert Buckley seconded the motion and all voted in favor. The Board tabled the matter.

The Board reviewed the Form A plan submitted by Stone E. Lea Golf Course, Inc. for 1411 County Street.

Ms. Davies stated that all the requirements are met by the plan and staff recommend approval.

Bert Buckley made a motion to approve the Form A plan for 1411 County Street. Melinda Kwart seconded the motion and all voted in favor, save Jim Lewis, who abstained.

The Board reviewed the Form A plan submitted be Ron J. Proulx Construction Corp. for 34 Como Drive.

Ms. Davies informed the Board that Lot 1 was approved for a variance by the Zoning Board. She explained that it was discovered upon survey that there was driveway and landscaping encroachment by the abutter at 9 Loomis Street on Parcel A. He stated that this plan is proposed to convey that property to her. She stated that the staff recommends approval.

Scott Jones made a motion to approve the Form A plan for 34 Como Drive. Bert Buckley seconded the motion and all voted in favor.

The Board reviewed the Form A plan submitted by 1 Union Street Realty, LLC, et. al. for 0, 15, 37, 49 Union Street, and Bailey Street.

Speaking in favor of the plan was attorney Jack Jacobi who explained the need to re-divide the property into three lots. He stated that each lot will create sufficient parking for the associated building proposed.

Melinda Kwart questioned whether this project is being pursued in partnership with the City.

Mr. Jacobi replied that the City's Community Development Department is committing \$290,000 to the project, which will create workforce housing; 51% of units will be subsidized. He stated that this involves the granting of long-term, low interest loans.

Melinda Kwart questioned the number of units.

Mr. Jacobi replied that Phase I will have 59 units and that the building will have 5 stories. He stated that Phase II will have 62 units.

Jim Lewis questioned whether any portion of this land is registered.

Mr. Jacobi replied yes. He stated that there is a note on the plan and it cannot be recorded or conveyed until approved by the Land Court.

Ms. Davies recommended approval of the plan.

Bert Buckley made a motion to approve the Form A plan for 0, 15, 37, 49 Union Street, and Bailey Street. Jim Lewis seconded the motion and all voted in favor.

The Board reviewed the Form A plan submitted by W.B. Construction & Development for 212 Highland Avenue.

Speaking in favor of the plan was Scott Rolfe of Andrews Survey and Engineering.

Ms. Davies stated that similar to the Form A for Tiffany Street, et. al., this plan fails to provide the 50-foot frontage back for a minimum of 30-feet into the depth of the lot. She also noted that the hatched portions of the plan are exclusive-use easements that will be in place to provide access to the lots. She stated that this is the applicant's solution for the Zoning Board denying them a lot width variance.

Mr. Rolfe requested an extension of time to August 20th.

Bert Buckley made a motion to grant an extension of time to August 20th. Scott Jones seconded the motion and all voted in favor, save Jim Lewis, who abstained. The Board tabled the matter.

The Board heard the appointment to speak of Timothy J. Caponigro of Woodlark Development Corp. relative to bond releases at the "COOPER FARM" subdivision.

Mr. Caponigro stated his understanding that Planning Board rules and regulations allow for holding back only 5% of security when work is completed at a subdivision and a release is requested. He stated that Public Works has been holding back more than 50% of the binder plus another 15% for inflation. He stated that they are also holding back 25% of the drainage. He questioned the difference between drainage manholes and the system itself and why one would be released completely and not the other. He stated that he also has concerns about the 15% inflation bond as when materials are purchased and on the site, the price is not going to inflate, so he doesn't understand why those funds cannot be released. He stated that Public Works Superintendent Mike Tyler claims that the City has never released inflation until the end of the project, but he knows for a fact that it has been recalculated and portions released in prior subdivisions. He stated that Mr. Tyler gave him a form that he had never seen before setting standards for releases.

Ms. Davies explained that the form in question was drafted by former Public Works Superintendent Lance Hill. She stated that the Planning Department staff had met with Lance a couple of times to discuss revisions. She stated that to her knowledge, the form was not yet in circulation or use.

Jim Lewis questioned what the Board can do if they do not agree with what Public Works is doing.

Ms. Davies replied that the releases from Public Works are strictly recommendations. She stated that the Board could disagree and pull the Superintendent in to discuss things. She stated that she knows the Board has discussed not releasing all of the binder course, as it deteriorates over time, and she feels that there is merit to that. She stated that some subdivisions go for a long time without the final course being installed.

Mr. Caponigro agreed as the policy applies to binder. He argued that builders should be aware of the policies before committing to development projects.

Ms. Davies replied that the policy change was never completed. She stated that staff had discussed having the standards attached to decisions, but that the policy change first needed to be brought through the proper channels, including the Planning Board.

Jason Gittle requested that Superintendent Mike Tyler come before the Board to explain the policies.

Mr. Caponigro agreed and stated that he is willing to play by the rules, but that he needs to know what they are before he starts the game.

The Board discussed the application of Hansen Associates, Inc. for a special permit pursuant to §17-9.0 SPECIAL PERMITS and §17-13.0 WATER RESOURCE PROTECTION DISTRICT to construct a single family dwelling with associated driveway, septic system, and grading within the Bungay River Water Resource Protection District, said premises being located at 430 Lindsey Street, more specifically Assessor's plat #94A, lot #6 (Builder 's Lot #2), located in the Single Residence -D zoning district.

Jim Lewis made a motion to **GRANT** a special permit pursuant to §17-9.0 SPECIAL PERMITS for the construction of a single-family detached dwelling with associated driveway, septic system, and grading within the Bungay River Water Resource Protection District, said premises being located at 430 Lindsey Street, more specifically Assessor's plat #94A, lot #6 (Builder's Lot #2), located in the Single Residence-D zoning district, as shown on the site plan entitled "SEWAGE DISPOSAL PLAN FOR LOT 2 LINDSEY STREET IN ATTLEBORO, MA", engineered by Ralph I Maloon, R.P.E. of RIM Engineering Co., Inc., P.O. Box 32, Mansfield, MA 02048, dated May 6, 2019 and revised through June 3, 2019. Bert Buckley seconded the motion and a discussion followed. On roll call, all voted in favor and the Board attached conditions.

Jim Lewis made a motion to **GRANT** a special permit pursuant to §17-13.0 WATER RESOURCE PROTECTION DISTRICT for the construction of a single-family detached dwelling with associated driveway, septic system, and grading within the Bungay River Water Resource Protection District, said premises being located at 430 Lindsey Street, more specifically Assessor's plat #94A, lot #6 (Builder's Lot #2), located in the Single Residence-D zoning district, as shown on the site plan entitled "SEWAGE DISPOSAL PLAN FOR LOT 2 LINDSEY STREET IN ATTLEBORO, MA", engineered by Ralph I Maloon, R.P.E. of RIM Engineering Co., Inc., P.O. Box 32, Mansfield, MA 02048, dated May 6, 2019 and revised through June 3, 2019. Bert Buckley seconded the motion and a discussion followed. On roll call, all voted in favor and the Board attached conditions.

The Board discussed the application of Timothy A. Infante, Sr. for a special permit pursuant to §17-9.0 SPECIAL PERMITS and §17-13.0 WATER RESOURCE PROTECTION DISTRICT to construct a single family dwelling with associated driveway, utilities, septic system, and grading within the Bungay River Water Resource Protection District, said premises being located at 102 Lindsey Street, more specifically Assessor's plat #94-1, lot #10E and #17, located in the Single Residence -D zoning district.

Jim Lewis made a motion to **GRANT** a special permit pursuant to §17-9.0 SPECIAL PERMITS for the construction of a single-family detached dwelling with associated driveway, utilities, septic system, and grading within the Bungay River Water Resource Protection District, said premises being located at 102 Lindsey Street, more specifically Assessor's plat #94-1, lot #10E and #17, located in the Single Residence-D zoning district, as shown on the site plan entitled "NOTICE OF INTENT PLAN OF LAND IN ATTLEBORO, MA FOR TIMOTHY INFANTE SR", engineered by Luis F. Oliveira, R.P.E. of W.T. Whalen Engineering Co., 481 Mount Hope Street, North Attleborough, MA 02760, dated May 6, 2019. Bert Buckley seconded the motion and a discussion followed. On roll call, all voted in favor and the Board attached conditions.

Jim Lewis made a motion to **GRANT** a special permit pursuant to §17-13.0 WATER RESOURCE PROTECTION DISTRICT for the construction of a single-family detached dwelling with associated driveway, utilities, septic system, and grading within the Bungay River Water Resource Protection District, said premises being located at 102 Lindsey Street, more specifically Assessor's plat #94-1, lot #10E and #17, located in the Single Residence-D zoning district, as shown on the site plan entitled "NOTICE OF INTENT PLAN OF LAND IN ATTLEBORO, MA FOR TIMOTHY INFANTE SR", engineered by Luis F. Oliveira, R.P.E. of W.T. Whalen Engineering Co., 481 Mount Hope Street, North Attleborough, MA 02760, dated May 6, 2019. Bert Buckley seconded the motion and a discussion followed. On roll call, all voted in favor and the Board attached conditions.

The Board reviewed the letter and timeline from Mark Rioux of Marette & Sons, Inc., dated June 28, 2019, to the Planning Board, requesting an extension of time to May 31, 2020, relative to the "DEER RUN ESTATES" 81-W subdivision.

Jim Lewis stated that he felt the Board should have a policy. He stated that he found Mr. Rioux's letter quite devoid of content and that the Board really needs to know what has been completed and a concrete schedule for what remains.

Ms. Davies noted that she is less concerned with Deer Run versus Rolling Hills, as there is no one living in the former.

Jim Lewis argued that all developers should be held to the same standard.

Jason Gittle questioned on what merits the Board could consider granting an extension of a whole year.

Ms. Davies reiterated that there is no real harm as the binder is not down and no active construction is occurring.

Jim Lewis agreed that Mr. Rioux is in a bind, as to move forward with Rolling Hills VI, he had to get Deer Run approved.

Melinda Kwart stated that should would like him to elaborate on his construction schedule.

Fred Uriot agreed.

Jason Gittle requested that he appear before the Board.

The Board tabled his letter.

The Board reviewed the letter received July 15, 2019, to the Planning Board, requesting a one year extension of time relative to the "CALVIN STREET EXTENSION" Street Extension plan.

Ms. Davies noted that the developer had just sold the lot. She reminded the Board that it took 20 months just to get the plan signed, as the developer didn't understand the process. She stated that with an experienced developer like Ray Loughlin involved now, she anticipated things moving ahead without issue.

Jim Lewis requested that the developer come in and present the construction schedule to the Board.

The Board tabled the letter.

The Board reviewed the covenant release form submitted by Woodlark Development Corp, received July 15, 2019, relative to Lots numbered 1 through 40 for the "COOPER FARM" subdivision.

Scott Jones made a motion to approve the covenant release for "COOPER FARM". Melinda Kwart seconded the motion and all voted in favor.

The Board approved the minutes of April 22, 2019. The Board tabled the pending minutes of May 6, 2019, May 21, 2019, June 3, 2019, June 17, 2019, and July 1, 2019.

The meeting adjourned at 9:55 p.m.