



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

AUGUST 19, 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 Monday, August 19, 2019 at 6:30 p.m. in the Council Chambers , City Hall, 77 Park Street, relative to the following :

Planning Board Members Present: Chairman Paul Danesi, Vice Chairman Jason Gittle, Secretary Sheryl Guglielmo, Scott Jones, Melinda Kwart, Jim Lewis, Sean McNamara, and Fred Uriot

Planning Board Members Absent: Bert Buckley

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.

Attorney Ed Casey with an office at 8 North Main Street in Attleboro spoke in favor of the application. He discussed the street acceptance for Rambler Road, which was done in 1994. He noted that the information given to the Municipal Council at that time was imprecise, as 286 streets were submitted for acceptance en masse. He stated that the engineer agreed to measure from the end of the pavement to Bishop Street and he came up with 739 feet, which is more than the 720 feet that were accepted. Mr. Casey said that the last 10-15 feet are paved and appear to be the original pavement. He noted that when the street was paved in the past 20 years, the payment did not go all the way to the end of the layout. He said that as a result of this question about the length of the accepted portion of the layout, Mr. Lewis has stated that the owner, Picerne, will need to persuade one of the abutters to join in the petition or they will not be able to extend the roadway to service the subdivision. Mr. Casey noted that the Planning Board approved the preliminary plan at which time this issue was not raised. He said that his client moved forward on that basis and purchased the property after the preliminary approval. Mr. Casey stated that he has never encountered this issue and is asking for clarification and more time to pursue it.

The Board discussed whether the pavement of the Council vote was the overriding factor in determining the length of the acceptance. Mr. Ayrassian stated that it was the Council vote that mattered. Mr. Lewis agreed.

Mr. Lewis stated that with most street extensions, there is a developer that owns property on one side of the street. Mr. Lewis stated that that developer has the right to come in and request to extend the road. He stated that in the case of Pike Estates a neighbor on Rambler Road can join the application. Mr. Casey said he did not think that the ability to do a street extension was limited to the abutters. Mr. Lewis stated that there was a lot of case law on this matter. Mr. Casey stated that he would like to get the City Solicitor's opinion on the matter. He stated that he would like to know if only the owners at the end of

Rambler Road were eligible to apply, or if another homeowner farther down the street and/or the original developer and his heirs could apply.

Mr. Ayrassian stated that Mr. Casey should submit his position in writing and he would pose the question to Cindy Amara, the City Solicitor.

Mr. Lewis noted that he brought this access issue up at the preliminary state. He stated that there are other issues for the subdivision committee to discuss, but did not see a reason to meet until the applicant could prove that he has access. Mr. Ayrassian noted that there was also a question about the design of the speed table.

Mr. Casey requested an extension of time to September 30, 2019.

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) .

Mr. Lewis recused himself from this matter.

Bill Blais of Andrews Surveying presented the application. Mr. Blais stated that they added dimensions to the detail sheet and all other items have been addressed. He stated that there was a question about whether the wetlands that the stormwater basins discharge to would have adequate capacity to handle the additional 200,000+ cubic feet of stormwater. Mr. Blais noted that the wetlands would increase by approximately 2". He noted that the wetlands "bowl" is tilted with a 10' grade elevation change between Smith Street down towards Wilmarth Street. He stated that the wetlands are 29 acres, but they are connected to a much larger wetland body that is more than 100 acres in area.

Ms. Guglielmo asked when the work would be completed. Bill Ward of WB Construction stated that he hoped to do the work associated with the pipes in the fall. He said he would try to do the work inside the ponds as well.

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

The Board heard the application of New England Power Company d/b/a National Grid for a Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, for the construction of substation improvements, including a new driveway and associated grading, landscaping, and stormwater management system; the subject premises being located on Robinson Avenue, more specifically Assessor's plat #10, lots #5, and 5A located in the Single Residence-C zoning district.

Joshua Lee Smith of Bowdith & Dewey presented the application. He stated that there is an existing unmanned electric substation at the corner of Robinson and Highland Avenues. He stated that the project involves the expansion of the site to accommodate replacement equipment. He noted that a new control house and driveway would also be constructed. Mr. Smith stated that the applicant is also seeking approvals from the Zoning Board of Appeals and the Conservation Commission, which was just recently obtained. Mr. Smith stated that the project has been thoroughly vetted by staff, the Mayor, City Councilors,

and neighboring residents. He stated that the substation is in a residential neighborhood and National Grid is sensitive to that. He said that a landscape buffer was enhanced because it was important to the residents.

Mr. Danesi asked if the landscaping was on the outside of the fence. Mr. Smith said it was.

Ms. Kwart asked if the wattage was increasing. Mr. Smith stated that they are upgrading the circuit breakers and switches.

Mr. Gittle asked what the purpose of the relocated transmission line was. Mr. Smith explained that they were relocating lines because of a double circuit. Mr. Robert Fougere, National Grid substation engineer, explained that it is needed to enhance the safety of the system. Mr. Smith noted that all of the work is within the existing easement right-of-way.

Mr. Lewis asked if there will be any increase in noise or odors. Mr. Fougere said no. He said the substation is 60 years old and the work will involve upgrades. He stated that there is a diesel generator for emergencies only, which is soundproofed.

Mr. Gittle asked if they would be extending the gravel base out to the new fence line. Richard Lewis of Center Mount, Raynham, MA, stated that the crushed stone will extend 3 feet beyond the fence so that staff can walk around the facility. He stated that this is a critical safety feature to keep the current away from the workers.

Speaking in opposition was Bradford Bottomley, 372 Highland Avenue. He stated that the proposed project will have a negative visual impact on the neighborhood. He stated that no one from National Grid had contacted him. He said his only notification about the project and public hearing was from the Boards. Mr. Bottomley stated that much of the existing vegetation will be removed and asked if National Grid would consider constructing a 15-20 foot tall wall with landscaping in front.

Mr. Smith showed the landscaping plan and renderings of the views.

Mr. Lewis stated that he thought there were a fair amount of deciduous trees in the existing situation so that in the winter you can see everything and in the summer it fills back in.

Ms. Karen Haines and Mr. Jim Haines spoke in opposition to the application. Ms. Haines stated that the wires will go right over their property and they have a safety concern. She stated that they recently acquired the property in 2018 and was unaware of the easement and restrictions. She stated that they wanted to install a swimming pool on the property and they can't do that or install a shed or fencing. Mr. Haines said that they have 4 kids and the wires will go right over the corner of their deck.

Mr. Fougere stated that the lines do need to stay on that side of the easement. He explained the double circuit and the need to upgrade and split the line because in the case of a hurricane or other emergency event, relying on a double circuit could take out the whole station.

Ms. Guglielmo suggested that perhaps the easement existed and the realtor did not disclose it.

Mr. Lewis asked if the relocated line was even part of the Site Plan Review. The Board reviewed the location and agreed that it was outside of the disturbance associated with the site plan. Mr. Lewis asked who gives National Grid permission to move the lines. Mr. Fougere stated that it was the DPU.

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

The Board heard the application of Sturdy Memorial Foundation, Inc. for a 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 ±28,400 sq. ft. medical office building and 124 new off-street parking stalls, as well as associated grading and stormwater management system; the subject premises being located on O'Neil Boulevard, more specifically Assessor's plat #42, lots #301, and 302, located in the Industrial zoning district.

Mr. Joel Kahn of Equity Alliance, LLC spoke in favor of the application. He described the property and noted that it consists of a partially paved lot. He stated that the plan calls for 124 parking stalls, which is based on their experience with medical office buildings and parking needs. Mr. Kahn stated that they anticipate 45 employees for the upstairs tenant alone. He said that there may be an orthopedic office, with people moving a little slower in and out of the building, so the additional parking spaces will be helpful. He noted that they also often work with an elderly population. Mr. Kahn stated that in his experience 5 parking spaces per 1,000 square feet of area works best.

Mr. Bill Murray of Places Associates spoke in favor of the application. He described the site and required permitting. Mr. Murray explained that the stormwater management system consists of rain gardens, planted with perennials and low growing shrubs, which will ultimately discharge into the O'Neil Boulevard and East Street drainage system. He stated that the site has poor soils, so they can't infiltrate, but the stormwater quality standards are being met. Mr. Murray stated that they have tried to design the site with the most pragmatic circulation pattern, using East Street for the driveway entrance because it is controlled with the stop sign, so it is more defined, rather than O'Neil Boulevard. Mr. Murray stated that all aisle widths are 24'. He showed the dumpster to the rear of the site, which will be screened by a chain link fence with slats.

Mr. Kahn presented the building elevations to the Board. He explained that the proposed building will bring better medical services to the community.

Mr. Ayrassian asked about the status of the sidewalks surrounding the site. Mr. Murray explained that they are proposing some sidewalk repair in the vicinity of the site. Mr. Kahn explained that Sturdy is a non-profit and when they go off-campus, the property is taxable. He stated that they were willing to repair the sidewalk, but not replace all of it.

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

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

The Board reviewed the Form P1 - Request to continue a public hearing to September 9, 2019, submitted by attorney Jack Jacobi on behalf of SOWA, LLC, received August 9, 2019, relative to the Major Site Plan Review for 1 Highland Avenue/5 Route 1A. Melinda Kwart made a motion to approve the request. The motion was seconded by Scott Jones and all voted in favor.

The Board held a business meeting.

The Board discussed the petition of Sterry Street Auto to rezone property at 495 Collin Street from "Single Residence-B" and "Industrial" to "General Business."

Jim Lewis made a motion to recommend that the Municipal Council approve the petition to rezone property at 495 Collin Street from "Single Residence-B" and "Industrial" to "General Business". Melinda Kwart seconded the motion and all voted in favor.

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

The Board considered the request by Attorney Ed Casey to continue discussion of the Form A plan to September 9, 2019. Mr. Lewis made a motion to continue the matter to the September 9, 2019 meeting. The motion was seconded by Ms. Kwart and all voted in favor.

The Board discussed the Form A plan submitted by John DesVergnes for Tiffany Street.

The Board considered the request by Ken McKenzie, land surveyor, to continue discussion of the Form A plan to September 9, 2019. Mr. Lewis made a motion to continue the matter to the September 9, 2019 meeting. The motion was seconded by Ms. Kwart and all voted in favor.

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

Mr. Gittle made a motion to approve the plan. Ms. Guglielmo seconded the motion and all voted in favor.

The Board discussed the Form A plan submitted by Olde Town, LLC for the northerly side of Old West Street.

The Board considered the Form P2 - Request for an Extension of Time, submitted by Risser Engineering Company, to extend the deadline to August 19, 2019. Mr. Lewis made a motion to grant the extension of time to August 19, 2019. Mr. Jones seconded the motion and all voted in favor. Mr. Gittle made a motion to approve the plan. Ms. Guglielmo seconded the motion and all voted in favor.

The Board discussed the Form A plan submitted by David A. Reposa 48 Carleton Street.

Mr. Lewis made a motion to approve the plan. Mr. Jones seconded the motion and all voted in favor.

The Board reviewed the letter from Chris Sherwood, Esq. on behalf of Cave Corporation, received July 10, 2019, requesting an extension of time to December 31, 2019 relative to the completion of the Dale Court Extension definitive subdivision plan.

Mr. Lewis made a motion to grant the extension of time. Ms. Kwart seconded the motion and all voted in favor.

The Board reviewed the letter from Steven J. Gietz of Lindsey Farms, LLC, dated July 23, 2019 requesting an extension of time to December 31, 2010 relative to the completion of the Stone Haven definitive subdivision plan.

The Board tabled the matter and asked that the applicant attend the meeting.

The Board reviewed the letter received July 15, 2019, requesting a one year extension of time relative to the completion of the Calvin Street Extension definitive subdivision plan.

The Board tabled the matter and asked that the applicant attend the meeting.

The Board reviewed the July 18, 2019 Municipal Council vote relative to the loan order in the amount of \$500,000.00 for the permitting, bidding, construction oversight, and construction costs associated with the repair of a water main leak off of Roy Avenue.

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

The Board reviewed the July 22, 2019 Municipal Council vote relative to the loan order in the amount of \$1,700,000.00 for the permitting, bidding, construction oversight, and construction costs associated with the replacement of approximately 5,200 linear feet of water mains, including the road restoration, on Steere Street.

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

The Board reviewed the memorandum from Public Works Superintendent Michael R. Tyler, dated August 19, 2019 to the Planning Board, recommending an updated bond in the amount of \$15,214.53 relative to the Calvin Street Extension plan.

Mr. Jones made a motion to approve the updated bond in the amount of \$15,214.53. Mr. Jones seconded the motion and all voted in favor.

The Board discussed the application of New England Power Company d/b/a National Grid for a Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, for the construction of substation improvements, including a new driveway and associated grading, landscaping, and stormwater management system; the subject premises being located on Robinson Avenue, more specifically Assessor's plat #10, lots #5, and 5A located in the Single Residence-C zoning district.

Melinda Kwart made a motion to **APPROVE WITH CONDTIONS** the Major Project Site Plan application pursuant to the provisions of §17-15.0 SITE PLAN REVIEW under §17-15.0(k) SITE PLAN REVIEW CRITERIA allowing New England Power Co. d/b/a National Grid to perform building and site improvements to the existing substation located at the corner of Robinson Avenue and Highland Avenue, including but not limited to a new driveway, associated grading, landscaping, and stormwater management system, as shown on the site plan entitled "ROBINSON AVENUE SUBSTATION EXPANSION PROJECT, ROBINSON AVENUE, ATTLEBORO, MASSACHUSETTS", drawn and engineered by John Culver Spink, P.E., of Center Mount Land Development, LLC, 33 Commercial Street, Raynham, MA 02767, dated May 21, 2019, revised through July 15, 2019. Jim Lewis seconded the motion and a discussion followed. All voted in favor and the Board attached conditions.

The Board reviewed all remaining correspondence.

Ms. Guglielmo made a motion to approved the drafted minutes of May 6, 2019, May 21, 2019, and June 3, 2019. Mr. Jones seconded the motion and all voted in favor.

The Board tabled the minutes of June 17, 2019, July 1, 2019, and July 16, 2019.

The meeting adjourned at 8:00 p.m.