



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

SEPTEMBER 14, 2020

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, September 14, 2020 at 6:30 p.m. remotely via Zoom , relative to the following :

Planning Board Members Present: Chairman Paul Danesi, Vice Chairman Jason Gittle, Secretary Sheryl Guglielmo, Shannon Benay, Mike Davis, Jim Lewis, Sean McNamara, and Fred Uriot

Planning Board Members Absent: Bert Buckley

The application of One Thirty One Pleasant St, LLC for the proposed twenty (20) lot definitive subdivision plan entitled "STONE FIELD ESTATES III," located at 553 Oak Hill Avenue, more specifically Assessor's plat #170, lot #1A, located in the Single Residence-D zoning district, engineered by John C. Spink, R.P.E. of Spink Design, 59 Clay Street, Middleborough, MA 02346.

Director of Planning and Development Gary Ayrassian noted that the applicant had submitted revised plans this afternoon. He asked the applicant the difference between those and the original plans and which set he intended to present to the Board this evening.

Speaking in favor of the application was Bob Catenacci of One Thirty One Pleasant St, LLC who explained that the revised pages are in response to the staff report. He suggested that he could present the plan submitted and just highlight any of the revisions, which were primarily technical in nature. He stated that the subdivision consists of two new roadways, 'Windsor Drive' and 'York Drive', coming off of the western side of the Phase II roadway, 'Saveena Drive'. He stated that they are proposing 19 buildable house lots. He stated that each roadway is designed with a 45-foot right-of-way and 26-feet of pavement. He noted that the staff comments called out the need for 31-feet of pavement, but that this is due to a discordance in the definition for 'minor' versus 'sub-collector' streets. He stated that they had deemed these roadways to be minor and therefore thought that 26-feet of pavement would be satisfactory. He stated that they are willing to submit a waiver requesting the width reduction, if the Board deemed that necessary. He stated that the roadway width is consistent with the roadways in both Phases I and II. He stated that they are requesting waivers for the sidewalk width and location, as they are proposing to construct sidewalk on only one side of each roadway and are asking for a width of 9.5-feet rather than the 7-feet. He explained that this would amount to 5-feet of sidewalk, 1-foot of berm, and a 3.5-foot grass strip. He noted that they will also be asking for a waiver to allow for the installation of Cape Cod berm.

Chairman Danesi questioned the sidewalk design at each of the cul-de-sacs.

Mr. Catenacci replied that the design is similar to Phase II, in that the sidewalk fades into the grass strip before the cul-de-sac sections.

Chairman Danesi sought to confirm that five house lots are proposed on each cul-de-sac.

Mr. Catenacci responded in the affirmative.

Mr. Ayrassian noted that staff would review the sidewalk design and provide a recommendation to the Board.

Mr. Catenacci noted that the only change made to the original waivers, was to add a request to eliminate the need for a fire alarm box. He noted that there is no such feature in the Phase II subdivision and that in an age where everyone owns cell phones, such features are archaic and aesthetically unappealing.

Jason Gittle questioned where this Phase is located compared to Phases I and II.

Mr. Ayrassian stated that it is located to the west.

Chairman Danesi questioned whether this Phase is on City sewer.

Mr. Catenacci replied in the affirmative. He stated that Phase II has a force sewer main, which drains by gravity to Locust Street. He stated that it has been designed to handle the volume from these lots, as well.

Mr. Ayrassian asked whether the design has been submitted for review to the Wastewater Department.

Mr. Catenacci stated no, that the design was approved back when Phase II was under review.

Mr. Ayrassian noted that he didn't want to rely on previous correspondence relative to Phase II. He pointed out correspondence from the Wastewater Department stating that they have no comment on the project. He stated his intent to follow-up with them, as he'll want their discrete sign-off on the sewer design.

Chairman Danesi asked whether sidewalk is proposed to cover the curve radii for where each new street meets Saveena Drive.

Mr. Ayrassian stated that typically, the Board has only required such to accommodate bus stops. He stated that this would be true of the intersection of Saveena Drive and Oak Hill Avenue, but wouldn't necessarily be called for at either of the new roadways. He asked the purpose of the void of land shown on the plans south of the Windsor Drive house lots.

Mr. Catenacci replied that the land in question reaches over to Phase I and that it is slated for future development.

Mr. Ayrassian noted that the land has no frontage on either Windsor or York Drives.

Mr. Catenacci explained that the land is the result of a previously corrected error regarding the location of the boundary line between the municipalities of Attleboro and Rehoboth. He stated that Phase I of Stone Field Estates was originally designed right up against the Rehoboth lot line. He stated that since that time, the lines have been corrected, so there is now a 135-foot gap, creating an additional lot. He stated that they are planning to propose extending Nicholas Drive to obtain two additional house lots in that area.

Jim Lewis argued that he didn't feel that the land mass in question should be labeled as lots or included on this subdivision plan, as they do not have frontage on either of the newly proposed rights-of-way. He suggested that they be removed from the plan, accordingly.

Mr. Ayrassian agreed and stated that if they were to be left on, they should be labeled as parcels A and B, rather than as house lots. He noted that the terminus of Nicholas Drive is not considered frontage.

Mr. Catenacci stated that the future lots are not part of this subdivision submission.

Mr. Ayrassian stated that it should not be included as part of the land mass of the subdivision then, either. He stated that at first review, he thought the land was slated to be offered as open space. He then asked whether the house lots are proposed to have individual grinder pumps or if flow via gravity is proposed to reach the sewer in Phase II.

Mr. Catenacci replied that each house will have its own grinder pump. He noted that they addressed the comments in the staff report relative to indicating the pavement width on all sheets and have added the missing material stockpile and construction entrance pads.

Mr. Ayrassian questioned the topographic feature shown on the plans to the northwest of the Windsor Drive turn around.

Mr. Catenacci replied that it is a detention pond.

Jim Lewis asked whether that feature is serving Phase II or Phase III.

Mr. Catenacci replied that between the two cul-de-sacs, there are two detention ponds. He stated that the one to the southeast serves Phase II and the one to the northwest serves Phase III.

Jim Lewis noted that the pond proposed for Phase III is encumbered by a drainage easement, but questioned on whose land the feature from Phase II occupies.

Mr. Catenacci replied that it is also in an easement.

Mr. Ayrassian offered to pull out the Phase II plans and compare them with these to determine how the feature is encumbered. He stated his recollection that he felt the feature was just arbitrarily placed on Phase III real estate. He stated that it appears to be located on at least three separate lots, a portion of which are associated with Phase II.

Jim Lewis stated that in reviewing the plans, he found it very difficult to determine which features belonged to which phases. He stated that he had surmised that the Phase II pond would be removed entirely and replaced with a new feature serving both Phases II and III.

Chairman Danesi sought to confirm that each phase of construction has its own stormwater management system.

Mr. Catenacci replied in the affirmative.

Mr. Ayrassian pointed out that such an approach is not uncommon, but that staff will have to look at how they interact with one another. He stated that things could be complicated since the basin for Phase II is being absorbed into Phase III real estate. He asked whether the Phase II pond has been completely constructed.

Mr. Catenacci answered in the affirmative.

Mr. Ayrassian stated that it could complicate things relative to bond calculation purposes, as the feature is located in Phase III, but is included with the bond for Phase II. He asked whether the basin proposed to serve Phase III is a detention pond.

Mr. Catenacci answered yes.

Mr. Ayrassian questioned the location of the outfall.

Jim Lewis stated that he thought the feature was a retention basin, as it only appears to have pipes going into it, but questioned the purpose of the dotted lines shown heading out towards Lot 22.

Mr. Catenacci replied that the dotted lines represent an emergency overflow. He stated that the basin is designed to drain completely into the soils there.

Mr. Ayrassian corrected that it is a retention basin then.

Mr. Catenacci agreed.

Mr. Ayrassian questioned whether the feature contains a sediment forebay.

Mr. Catenacci answered yes.

Mr. Ayrassian explained that typically, all the stormwater collects in the forebay to settle out particulate matter, before it tops over into the larger basin to infiltrate. He stated that if that's the case, then the water is flowing north. He stated that this is incongruent with an overflow traveling south. He stated that staff will review the feature in greater detail and report back to the Board.

Mr. Catenacci stated that the plans have been revised to reflect the permanent benchmarks and to reflect the appropriate drainage easement widths. He stated that they had overlooked having a fire flow test performed, so have now scheduled the test with the Fire Department. He noted that the water pressure in the area is great, so he doesn't anticipate any issues. He stated that the missing curve table called out by the staff has been updated in the revised plan sheets.

Mr. Ayrassian questioned the vegetative cover on the site.

Mr. Catenacci explained that the site is formerly a farm, so it is a fairly sprawling, flat piece of land that is primarily composed of fields. He stated that there are a few trees, but nothing substantial.

Jim Lewis stated that he was not in favor of a 45-foot right-of-way, despite that it is required in the regulations. He stated that the roadways in question will not be through streets, so he'd rather see a 40-foot wide right-of-way with 26-feet of pavement or even 24-feet of pavement. He stated that having such a large grass strip will cause people to think the land is part of their lawn, which could result in issues.

Mr. Catenacci countered that they felt the wider grass strip makes sense from both a drainage and an aesthetic aspect.

Chairman Danesi questioned whether swales are being proposed in the grass strip.

Mr. Catenacci answered no, but that they are treating the grass strips as pervious area in their stormwater drainage calculations.

Mr. Ayrassian pointed out an area of the cul-de-sacs that is too flat to allow for flow and expressed concern with water pooling in those areas.

Mr. Catenacci stated that they would review the design.

Mr. Ayrassian stated that staff have not yet received comments from the third party stormwater management system peer reviewer and that he estimated that staff would have a comprehensive report back to the Board for the October 5th meeting.

Jim Lewis sought to confirm that sheets 11 and 12 are meant to serve as a conveyance plan for the subdivision.

Mr. Catenacci agreed.

Jim Lewis stated the easement areas have been superimposed on these sheets, but have not been defined on the ground, as there are no dimensions or angles. He stated that this plan will be recorded for buyers and sellers to review and that further definition is required on the easements to ensure that deeds for each house lot are accurate.

Mr. Catenacci stated that he would ensure that the metes and bounds are added to the plan.

Jim Lewis stated that when Phase II was reviewed, there had been some discussion about leaving an open space access strip for residents to reach Poncin Hewitt from inside the subdivision, but that this plan doesn't appear to show subdivision land abutting the park.

Mr. Ayrassian agreed stating that the entire intent for the open space along the Rehoboth municipal line was to create that access.

Mr. Catenacci agreed and explained that years ago when the first phases were being designed, the Assessor's maps showed the subdivision land abutting Poncin Hewitt. He stated that the plans have been corrected since then showing a property owner with land in between. He noted that he hadn't researched the deeds involved, but stated that clearly he cannot provide access through someone else's land.

Mike Davis asked whether the adjacent property owner could be engaged in a conversation to see if they would be willing to have a path installed via land donation or some other mechanism.

Mr. Ayrassian stated that the request could be made, but that staff will have to research the layout and ownership facts first. He noted that such a plan would be independent of Phase III of Stone Field Estates and that a separate agreement would need to be reached with the land owner.

Chairman Danesi agreed that he felt it would be more appropriate for the City to make such a request than the developer.

Mr. Ayrassian agreed, but added that it would require coordination with Mr. Catenacci's subdivision.

Mr. Catenacci offered that he was willing to work with the City on such an endeavor.

Mike Davis asked whether it would be possible for him to be shown around the land to be developed by Mr. Catenacci so he has a better understanding of how the site plan fits into the property.

Shannon Benay stated that she was similarly interested.

A site visit was scheduled for September 18th at 11 a.m.

Chairman Danesi stated that as long as there wasn't a quorum of members present, it would be possible.

Mr. Ayrassian noted that staff will need the engineer, Mr. Spink, in attendance at the stormwater management peer review work session.

Mr. Catenacci agreed.

The Board reviewed the letters from Water Superintendent Kourtney J. Wunschel, received August 10, 2020, Wastewater Superintendent Thomas Hayes, received August 11, 2020, and Conservation Agent Nick Wyllie, dated September 11, 2020, all providing comments on the "STONE FIELD ESTATES III" subdivision plan.

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

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.

The Board discussed the application of John J. & Mary F. Donovan to extend Rambler Road 2-5 feet, as shown on the street extension plan entitled "RAMBLER ROAD EXTENSION," engineered by Daniel R. Campbell, R.P.E. of Level Design Group, 249 South Street, Unit 1, Plainville, MA 02762, dated March

1, 2018, revised through October 28, 2019. The subject premises are located on Assessor's plat #123, Lot #8 in the Single Residence-D zoning district.

Speaking in favor of the applications was attorney Edward Casey who stated that the engineer, Dan Campbell of Level Design Group, had sent an email to Gary late in the afternoon asking to continue the public hearing for Pike Estates. He stated that Mr. Campbell had obtained the signature from the property owner whose land was going to be incorporated into the subdivision to create the second access point on Pike Avenue and that they are awaiting an updated abutter's list. He stated that he anticipated that the plans would be submitted tomorrow.

Mr. Ayrassian noted that once the updated plans and application materials are filed, staff will be soliciting two peer reviews, for stormwater management and for a traffic impact analysis.

Chairman Danesi questioned Councilwoman Kate Jackson's offer regarding a stop sign in that area.

Mr. Ayrassian stated that he would prefer to see what the traffic engineers have to report on the project before considering such offers.

Mr. Casey stated that as progress is being made for the revised "Pike Estates" plans, he asked that the Board continue to table the "Rambler Road Extension" matter.

Chairman Danesi questioned whether there is an answer yet as to whether the roadway has to be accepted by the City before utilities can cross Rambler Road.

Mr. Ayrassian answered no, but assumed that once a revised plan for "Pike Estates" is submitted, things will be clear.

There being no one else to speak, the Board continued the application for "Pike Estates" and tabled the application for "Rambler Road Extension".

The Board heard the application of Tian Ann Jih Der Sheng Daw Yuan Temple for a Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, to accommodate the construction of a temple facility consisting of three buildings, paved access drive with sidewalks, a parking lot consisting of 34 off-street parking stalls, landscaped walking paths, and associated grading and stormwater management systems; the subject premises being located at 61 Thurber Avenue, more specifically Assessor's plat #34, lots #5 & 7, located in the Single Residence-B zoning district.

The Board reviewed the Form P1 - Request to continue a public hearing to November 2, 2020 from Steven Kohm of Prime Engineering, received September 10, 2020.

Mr. Ayrassian noted that upon discussing the project with Conservation Agent Nick Wyllie, he was informed that although the project is slated to be heard before the Commission at Wednesday night's meeting, a decision is not imminent. He explained his understanding that the engineer is reflagging wetlands on a portion of the site and they are still addressing some of the peer review stormwater comments.

There being no one else to speak, the public hearing was continued to November 2, 2020.

The Board held a business meeting.

The Board discussed the Form A plan submitted by North Development, LLC for the westerly side of Lathrop Road .

Speaking in favor of the application was John Risser of Risser Engineering who stated that they are proposing to subdivide the lot into two separate lots. He stated that both have sufficient frontage, meet the

Single Residence-B zoning requirements, and have passed percolation testing through the Health Department.

Chairman Danesi sought to confirm that there are no easements from the adjacent Shell gas station encumbering the lots in question.

Mr. Risser answered no, stating that the drainage for that site goes out to Route 123.

Mr. Ayrassian stated that the Assessor's system denotes the property as being owned by a Teresa Smith, not North Development, LLC.

Mr. Risser replied that his client closed on the property back on August 13, 2020, so he suspected that the Assessor's records have not yet been updated.

Mr. Ayrassian recommended approval of the Form A plan.

Jim Lewis made a motion to approve the Form A plan submitted by North Development, LLC for the westerly side of Lathrop Road. Jason Gittle seconded the motion and all voted in favor via roll call.

The Board discussed the email from Robert W. Catenacci of Stone Field Realty, received June 10, 2020, to Planning Board Clerk Lauren Stamatis, requesting to donate to the City \$8,500.00 in lieu of installing the fire alarm box in the "STONE FIELD ESTATES" subdivision.

Sean McNamara stated his understanding was that the neighbors of the subdivision are in favor of eliminating the fire alarm box, but asked whether the money could be earmarked for something that benefits their community directly.

Jim Lewis suggested it could be used to install more trees or landscaping.

Mr. Ayrassian answered no, that the funds for sidewalk improvement do not go into a discretionary fund and can only be used for sidewalks. He stated that the only discretion is in where the sidewalks are installed. He stated that if the Board wanted to pursue setting up an alternative expenditure account, he could pursue that with the Auditor.

Chairman Danesi stated his recollection of a previous discussion with the City Solicitor that found communities were abusing impact fees obtained from developers.

Mr. Ayrassian agreed that there is no enabling legislation for impact fees or exactions in the Commonwealth of Massachusetts. He stated that the City cannot spend such funds at will.

Jim Lewis stated his concern with detention basin and forebay designs, as the longer they go, the more overgrown they get. He stated that in reviewing the maintenance plan for Stone Field Estates III, developers expect the City to clean such systems out when they've accumulated 3- to 6-feet of sediment on a quarterly basis, which he asserted is not happening with existing systems. He stated maybe the Board needs to reconsider the idea of landscaping or fencing around the features.

Chairman Danesi agreed that in driving past Phase I of Stone Field Estates, the weeds are close to 6-feet high.

Mr. Ayrassian noted that the Operations and Maintenance plans submitted by developers need to be so detailed to conform to the NPDES federal permits.

Chairman Danesi asserted that the City should not accept Phase I until the stormwater management system is cleaned out.

Mr. Ayrassian agreed that is standard at the time of a final release for street acceptance. He stated that he was getting Jim Lewis's sense that the concern is with 10 to 20 years down the road, once they are being administered by the City.

Jim Lewis agreed that they are just not being maintained sufficiently, whether before or after acceptance.

Sean McNamara questioned the timeline for accepting Phase I.

Mr. Ayrassian stated that he will look into it and email the Board. He stated that he thought the street acceptance has been held up because the City has not yet accepted the open space associated with it.

Jason Gittle questioned who oversees the sidewalk fund.

Mr. Ayrassian replied that it is overseen by the Auditor and that Public Works and the Mayor decide where the sidewalks should be installed.

The Board tabled the email.

The Board tabled the letter from Planning Board Clerk Lauren Stamatis, dated July 21, 2020, to Kelly Coates of SOWA, LLC, regarding the unsightly state of the "Shops on Washington" commercial plaza and the email from Director of Planning and Development Gary Ayrassian, dated August 18, 2020, to attorney Jack Jacobi of Coogan Smith, LLP, following up on the Board's request regarding clean-up of the "Shops on Washington" plaza.

Mr. Ayrassian stated that he had spoken with Attorney Jacobi earlier in the week and been informed that a company has been contracted to put together a plan to clean-up the site. He stated that the work was slated to start last Friday and be completed within a week and a half. He stated that he had requested an update from the attorney and had nothing further to report.

Chairman Danesi noted that the Board had no bond on the project to address things.

Mr. Ayrassian agreed, as the project was approved under Site Plan Review. He stated that staff could request SOWA, LLC to appear at the Board's meeting on the 28th if the clean-up hasn't been completed by that time.

Chairman Danesi agreed and pointed out that just installing chain link fence will not solve the problem and that he'd like to see something aesthetically pleasing installed.

The Board tabled the matter.

The Board tabled the letter from Water Superintendent Kourtney J. Wunschel, received September 10, 2020, to the Planning Board, providing comment on the Major Site Plan Review application of Attleboro Park Street Realty Trust for 0 Park Street.

The Board reviewed all other correspondence.

The Board approved the pending minutes of August 17, 2020.

The meeting adjourned at 8:06 p.m.