



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

SEPTEMBER 23, 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, September 23, 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, Bert Buckley, Melinda Kwart, Scott Jones, and Sean McNamara

Planning Board Members Absent: Jim Lewis and Fred Uriot

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 who noted that he had filed for an extension of time to October. He stated that back in 1994, the Municipal Council had voted to accept 720-feet of Rambler Road, but not the full layout. He stated that his client has no legal basis for accessing Rambler Road until the issue is addressed. He stated that he proposed several unpersuasive arguments to the City Solicitor on who could sign an application to extend the roadway, including the applicant, someone within the neighborhood, but not directly abutting the roadway, or the original subdivision developer, Roger Desvergnés. He stated that the only approach that seemed to hold merit with the City Solicitor would be for one of the abutters on either side of that unconstructed portion of Rambler Road to sign as the owner. He stated that they will need to negotiate with the abutters to see if either are willing to sign. Mr. Casey stated his understanding of staff's expectation that he would submit a letter detailing his legal position, for review by the Solicitor, but he felt if he could get one of the abutters on board, things could keep moving. He stated that since speaking with staff, he will prepare a letter to request a definitive decision from the Solicitor on how to proceed.

Director of Planning and Development Gary Ayrassian agreed that his take away from the meeting with the Solicitor was that Mr. Casey would submit something in writing justifying his position. He stated that they are meeting with the Solicitor again the following day and will hopefully will agree upon an approach by the next Planning Board meeting.

Mr. Casey agreed to have a letter to staff in advance of the meeting.

The Board reviewed the Form P2 - Request for an extension of time to October 31, 2019, submitted by attorney Edward Casey on behalf of Pike Avenue Acquisitions, LLC, received September 23, 2019, relative to the "Pike Estates" definitive subdivision application.

Melinda Kwart made a motion to approve an extension of time to October 31, 2019. Bert Buckley seconded the motion and all voted in favor save for Sheryl Guglielmo, who abstained.

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

The Board heard the application of Abbott Action, Inc. for a Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, for reconfiguring an existing driveway, constructing a new secondary driveway, construction of a parking lot consisting of 21 off-street trailer stalls, and repaving and restriping a portion of an existing parking lot creating a total of 134 off-street parking stalls, including associated grading and stormwater management systems; the subject premises being located at 3 Venus Way, more specifically Assessor's plat #26, lot #272B, located in the Industrial zoning district.

Speaking in favor of the application was Matt Yanuskiewicz of RA Cataldo and Associates who stated the applicant's intent to reconfigure their existing parking lot. He stated that there is presently one, poorly defined entrance that they are seeking to split into two entrances, dedicated to truck traffic versus car traffic. He stated that they are also looking to repave some areas, add some handicapped and visitor spaces, as well as create a dedicated parking area for trailers. He stated that the site is entirely paved and that presently, there is no stormwater management, with run off sheet-flowing into the wetland that is only about 500-feet away. He stated that they are also before the Conservation Commission and are awaiting a third party peer review. He stated that they are proposing to add some drainage to the areas that they are proposing to repave, which constitutes about 7,500 square feet of pavement. He noted that they are also before the Zoning Board for the width of both proposed driveways. He stated that the primary purpose of this project is to create more storage for truck trailers and to improve safety by separating truck and car traffic.

Mr. Ayrassian stated that it seemed counter-intuitive to not create a truck parking area where the vehicles can just pull in, rather than having to back into angles spaces.

Mr. Yanuskiewicz stated that the site is restricted by a large National Grid easement that limits design criteria. He stated that the stalls are proposed to be 12-foot wide. He stated that they are also looking to create some greenspace via landscaping at the front of the site to break up the "sea of asphalt." He noted that those spaces are primarily meant for standing trailers that store materials that rarely leave the site, but are rather just transferred back and forth between the loading docks and the parking area.

Speaking in favor of the application was Glen Gardiner of Abbott Action who reiterated that the trailers are stored in the spaces until they need to be pulled to the building for activities.

Sheryl Guglielmo sought to confirm that the drive aisle is large enough to accommodate trucks of that size.

Mr. Gardiner answered yes, that they are proposing a 35-foot wide driveway.

Jason Gittle sought to confirm that signage will make clear the different uses for the different entrances.

Mr. Yanuskiewicz replied in the affirmative.

Senior Land Use Planner Stephanie Davies pointed out some significant landscaping and aesthetics improvements on the site.

Chairman Danesi questioned whether changes are proposed to the lighting plan.

Mr. Yanuskiewicz replied no, that they are not proposing to extend any of the lighting.

Mr. Gardiner noted that they are looking to provide improved signage, as they've had difficulty with emergency vehicles finding the site.

Ms. Davies explained that they are proposing two very attractive monument signs with curved stone. She stated that by the Sign Ordinance standards, they would only be allowed one unless they shift the address

onto one of the sign faces. She stated that otherwise, additional relief will have to be sought from the Zoning Board. She stated that in this case, she feels the two stone monuments will be helpful for identifying where traffic should be going, as well. She stated that the landscaping clearly highlights the driveways.

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

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.

The Board reviewed the Form P1 - request to continue a public hearing to October 7, 2019, submitted by attorney David Manoogian on behalf of Sturdy Memorial Foundation, Inc., received September 20, 2019, relative to the Major Site Plan Review application for 0 O'Neil Boulevard.

Melinda Kwart made a motion to approve a continuance to October 7th. Bert Buckley 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 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 October 21, 2019, submitted by attorney Jack Jacobi of Coogan Smith on behalf of SOWA, LLC, received September 19, 2019, relative to the Major Site Plan Review application for 1 Highland Avenue/Route 1A.

Bert Buckley made a motion to grant a continuance to October 21st. Melinda Kwart seconded the motion and all voted in favor, save Sheryl Guglielmo who abstained.

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

The Board held a business meeting.

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

Mr. Ayrassian informed the Board that he is still working with the City Solicitor on how to handle this case.

The Board reviewed the Form P2 - request for an extension of time to October 31, 2019, submitted by attorney Edward Casey on behalf of Nodnem Development, relative to the Form A plan filed for Mendon Road.

Bert Buckley made a motion to grant an extension of time to October 31, 2019. Melinda Kwart seconded the motion and all voted in favor. The matter was tabled.

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

Speaking in favor of the plan was Ken McKenzie who informed the Board that he had relabeled the roadway with the term “way easement relinquishment” in lieu of “discontinuance” per staff’s request.

Mr. Ayrassian explained that the original plan referenced a street discontinuance, but that since it is only a paper street, it cannot be discontinued. He stated that he will bring this matter up with the City Solicitor at tomorrow’s meeting as well. He argued that the Planning Board doesn’t handle relinquishing of land.

Mr. McKenzie requested an extension of time to October 7, 2019.

Bert Buckley made a motion to grant an extension of time to October 7th. Melinda Kwart seconded the motion and all voted in favor. The Board tabled the matter.

The Board heard the appointment to speak of Steven Gietz regarding the “STONE HAVEN” subdivision.

The Board reviewed the letter from Steven. J. Gietz of Lindsey Farms, LLC, dated July 23, 2019, to the Planning Board, requesting an extension of time to December 31, 2020, relative to infrastructure construction at the “Stone Haven” subdivision.

Mr. Gietz explained that his subdivision has been under construction for about four years and he is appearing to answer any of the Board’s questions regarding his extension request. He noted that he was granted one prior extension back in 2018 and that he had asked to extend to the same date as now, December 31, 2020, so his construction timeline has not really changed. He stated that all of the lots have been sold save one.

Mr. Ayrassian requested that he discuss the public improvements, which have an independent timeline from housing construction.

Mr. Gietz replied that the primary outstanding item is to install the top coat. He stated that he has been holding off to try to get most of the homes constructed prior to installation so that heavy equipment doesn’t damage the road. He noted that they have also been working with the Conservation Commission regarding a few hundred plantings and fencing that he intends to have installed before the end of this year. He stated that he also still needs to install the roadway bounds.

Speaking in favor was Scott Rolfe of Andrews Engineering who explained that the delay is due to a change in the location of the 100-year flood plain. He stated that they held an Order of Conditions through the Conservation Commission for the affected lot, but that they had to file a completely new NOI to reflect the updated location of the line. He noted that a large portion of the work towards completing the as-built plan has already been done. He stated that the outstanding features are roadway topcoat and sidewalks. He stated that they have also held off on a few street trees as driveways have yet to be designed and they need to install 300 plantings for the Conservation Commission. He stated that the agent will dictate their location on site.

Mr. Ayrassian questioned where those plantings are relative to the roadway.

Mr. Rolfe replied that they are outside of the roadway limits. He stated that all of the curbing is in and handicapped ramps are in. He stated that the stormwater management system is complete and has been maintained. He stated that they need to install bounds, the top coat, and submit the as-built and street acceptance plans.

Mr. Gietz noted that only about 10% of the trees are remaining to be installed.

Mr. Rolfe noted that to their knowledge, no one has complained about things being incomplete.

Mr. Ayrassian reiterated that the timeline for housing construction is mutually exclusive from the timeline for public infrastructure. He asked why an entire year is required to install a few trees, top coat, and bounds.

Mr. Gietz stated that he had just closed on Lot 2 and that the owners are just now going through all the necessary permits and applications. He stated that Lot 5 just started construction and Lot 7 is 80% built. He stated that all of the remaining construction is from third party builders and that his own builds are all done save one. He stated that he is holding off on installing the top coat so that the construction equipment used on the unfinished homes does not ruin it.

Mr. Ayrassian questioned why he could not be done by the spring.

Mr. Gietz stated that he did not want to have to return to the Board for another extension, as some of the remaining timelines are out of his control as he will be relying on contractors. He stated that he hopes to have everything done by the summer. He stated that he lives in the subdivision and wants to see it completed as much if not more than the Board. He added that his is not a developer by trade either, and works another job by day.

Mr. Ayrassian stated that all that remains is uncomplicated surface work. He recommended not granting an extension past August. He asked what has been accomplished since the last extension had been granted.

Mr. Gietz stated that he wasn't prepared with a specific list, but a lot of housing construction occurred.

Bert Buckley made a motion to grant an extension to September 30, 2020. Scott Jones seconded the motion and all voted in favor save Sheryl Guglielmo, who abstained.

Jason Gittle requested that moving forward, construction schedules be submitted by developers when requesting second or third extension of time requests.

The Board scheduled a Subdivision Committee Meeting for October 7, 2019 at 6 p.m.

The Board tabled the letter and timeline from Mark Rioux of Murette & 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.

The Board reviewed all other correspondence.

The Board tabled the pending minutes of July 16, 2019, August 19, 2019, and September 9, 2019.

The meeting adjourned at 7:45 p.m.