



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

OCTOBER 7, 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, October 7, 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, Bert Buckley, Jim Lewis and Fred Uriot

Planning Board Members Absent: Secretary Sheryl Guglielmo, Scott Jones, Melinda Kwart, and Sean McNamara

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 requested that the hearing be granted an extension of time to November 30, 2019.

Bert Buckley made a motion to grant an extension of time to November 30, 2019. Jason Gittle 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 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.

The Board reviewed the Form P1 - request to continue a public hearing to October 21, 2019, submitted by Matthew Yanuskiewicz of RA Cataldo & Associates, Inc. on behalf of Abbott Action, Inc., relative to the Major Site Plan Review application for 3 Venus Way.

Bert Buckley made a motion to grant a continuance to October 21, 2019. Jason Gittle 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 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.

Speaking in favor of the application was attorney David Manoogian who informed the Board that they have been granted all necessary permits from the Zoning Board and Conservation Commission.

Ms. Davies stated that only minor amendments have been made to the plans and so she recommends closing the public hearing.

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

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.

Ms. Davies noted that the applicant had been granted a continuance to October 21, 2019 at the last meeting.

The Board held a business meeting.

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

Speaking in favor was attorney Edward Casey who requested an extension of time to November 30, 2019.

Jason Gittle made a motion to grant an extension of time to November 30, 2019. Bert Buckley 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 was Ken McKenzie of Dunn McKenzie who reminded the Board that he had revised the roadway to read "way easement relinquishment" rather than "discontinued" as requested.

There was some confusion as the site plan on the easel before the Board was not the same plan that had been submitted.

Speaking was John DesVergnes who explained that the plan on the easel was an alternative for if the relinquishment of rights could not be obtained.

Jim Lewis asked Mr. DesVergnes to point out the lots and their frontages.

Mr. DesVergnes complied.

Jim Lewis stated that he was comfortable approving the plan. He noted that the property owner will run into issues with the titles for the properties if they don't complete the rest of the relinquishment process.

Senior Land Use Planner Stephanie Davies noted staff's preference for the relinquishment to be performed in advance of the Form A being filed, much like staff prefers a Zoning Board decision be rendered prior to

signing off on a Form A for lots that don't meet the zoning criteria. She stated that title issues can be avoided with such an approach.

Jim Lewis argued that it is the Board's job to confirm 50-feet of frontage on a public way and not to be concerned about titles.

Mr. Ayrassian argued that the Form A is creating house lots that maybe ought not be created. He asked what the staff's recourse is if they feel the lots shouldn't be created.

Jim Lewis argued that the applicant will not be able to obtain a construction mortgage on these lots until the issues with the deed are resolved. He stated that the applicant will have to address that from a legal standpoint. He noted that the case is a bit unique, as there is one owner for all of the surrounding land, so he was unsure how it would be put on record.

Jim Lewis made a motion to approve the Form A plan submitted by John DesVergnes for Tiffany Street, Guild Street, Perez Street, and Totten Road. Jason Gittle seconded the motion and all voted in favor.

The Board heard the appointment to speak of Stasia Sweeney regarding the "PIKE ESTATES" subdivision.

Speaking was Bob Sweeny of 74 Del Jo Drive, Seekonk, MA 02771 who spoke on behalf of his mother. He distributed to the Board a letter received from attorney Edward Casey on behalf of RRSP Acquisitions. He argued that as a direct abutter to the undeveloped portion of the road, his mother has certain rights and she is not willing to relinquish them. He stated the applicant offered her and the other abutter \$2,500.00 to relinquish their rights. He stated that she has lived in her house for the past 59 years.

Chairman Danesi stated that the concern then is whether one or both abutters need to agree to extend the roadway.

Mr. Sweeney agreed. He stated that he is also concerned with the likely drop in property value for homes in the area should this subdivision be constructed. He stated that buyers place a premium on living on a dead end road and removing that will cause irreparable harm to his mother's home value. He stated that he is also concerned with the existing water issues in the area. He stated that he is concerned that the water table will be affected by all of the construction, resulting in damage to abutting house foundations.

Mr. Ayrassian asked whether his statement relative to a drop in property values is his opinion or that of a professional.

Mr. Sweeney stated that it is his own, but that his mother claims she met with a real estate agent who suggested that the value would drop.

Speaking was Susan Sweeney of 74 Del Jo Drive, Seekonk, MA 02771 who read a letter from one of Mrs. Sweeney's neighbors who was unable to be in attendance. Her concerns involved increases in traffic, and its impact on pedestrian safety. She suggested that development within the City should be more measured and that she would like to see the buildable lot size increased and to discourage clear cutting acreage. She argued that the new tax revenue from these homes will not necessarily cover all for the services provided by the City and can result in negative impacts, like increased class sizes in the schools. Susan Sweeney submitted the letter to the Board. She stated her own objections with this subdivision ruining a quiet, safe neighborhood. She questioned the validity of the third party stormwater review and disagreed with Mr. Casey's assertion that the road will not become a cut through. She stated that this development could result in upwards of 50 to 100 cars passing her mother-in-laws house twice a day. She expressed concern with the neighbors losing vegetation and mailboxes should the sidewalks be installed. She stated that her mother-in-law put in underground sprinklers this year that could be disturbed. She stated that Mrs. Sweeney is 88 years old and cannot maintain a sidewalk in the winter. She stated that a sidewalk isn't necessary if Rambler Road isn't the primary entrance to the subdivision. She stated that Mrs. Sweeney has the most to lose with this subdivision and that the proposed traffic calming measure is

right at her property line. She expressed concern with the construction work potentially damaging her in-ground pool. She suggested eliminating the Rambler Road entrance and that a 20 house dead-end development would be lovely there.

Chairman Danesi stated that the Board will not be rendering any decision on the matter this evening. He stated that it will be ongoing as the legal quandary is addressed.

The Board reviewed the Form A plan submitted by James R. Friedman for Ashton Road and Rounds Place.

Ms. Davies explained that there is a small parcel of land off of Rounds Place that is being conveyed from one lot to the other.

Chairman Danesi noted that the notations on the plan reference Assessor's Map 48 rather than 49.

Mr. Ayrassian stated that a variance had to have been obtained for this property. He asked what the purpose of the conveyance could be.

Ms. Davies speculated that the goal was to make Lot 94A buildable, but that what is proposed does not satisfy the criteria for 50-feet of frontage.

Mr. Casey stated that there was an earlier Form A plan endorsed by the Planning Board where such a design - with forty feet of frontage and ten from the road stub were considered 50-feet of frontage along the right angle.

Ms. Davies questioned why this Form A is required if it has already been approved. She argued that it has been the standard in her ten years with the City that the head of a road cannot be used for frontage. She stated that if the plan is not to create frontage, she was unsure of its purpose as it will create an oddly shaped lot.

Mr. Casey agreed that he felt the plan attempts to create a buildable lot for 94A, providing access off Ashton.

Mr. Ayrassian noted that access and frontage are two separate matters.

Ms. Davies stated that she suspected it may be to avoid obtaining a variance for lot width.

Mr. Casey agreed.

Ms. Davies disputed that the necessary frontage is provided.

Mr. Ayrassian agreed that he can't imagine how such a plan was every previously approved by the Board. He stated that just because a prior Board made an error in how they applied Section 81-P does not obligate the current Board to perpetuate that error.

Mr. Casey requested that the matter be tabled.

Jim Lewis stated that he would like to have someone explain how you can have legal frontage when it is split as proposed under the City's Zoning Ordinance.

Mr. Casey replied that he couldn't say and that he is simply relying on the previously endorsed Form A.

The matter was tabled.

The Board heard the appointment to speak of Edward Casey regarding the "VIRIDIAN MEADOWS" subdivision.

Mr. Casey explained that he is appearing in response to the Board's letter regarding the subdivision deadline for Phase I. He stated that the subdivision's top coat should be down by the end of October and that the granite curbing has already been installed. He stated that they will also be installing the base coat for the second phase of the subdivision this fall. He requested an extension of time to November 30, 2019.

Mr. Ayrassian sought to confirm that if there are any defects with the top coat of Phase I while constructing Phase II, the developer will be responsible.

Ms. Davies explained that once accepted by the City, the City would go after the contractor's insurance in the event of road damage.

Mr. Casey stated that his preference is to complete and get Phase I accepted. He stated that if the Board would rather wait for the entire subdivision to be completed, he is amenable, but will need a much longer extension of time to complete the project.

Bert Buckley made a motion to grant an extension of time to November 30, 2019. Bert Buckley seconded the motion and all voted in favor.

The Board discussed 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 $\pm 28,400$ 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.

Jason Gittle made a motion to **APPROVE WITH CONDITONS** the Major Project Site Plan Review application pursuant to the provisions of §17-15.0 SITE PLAN REVIEW under §17-15.0(k) SITE PLAN REVIEW CRITERIA for the construction of a $28,400\pm$ square foot, two-story, medical office building with an associated parking lot, stormwater management system, and site lighting, grading, and landscaping, as shown on the site plan entitled "STURDY MEMORIAL HOSPITAL SITE PLAN O'NEIL BOULEVARD - ATTLEBORO, MASSACHUSETTS", engineered by Susan E. Carter, R.P.E., of Place Associates, Inc., 256 Great Road, Suite 4, Littleton, MA 01460, dated May 2019, revised through September 17, 2019. Jim Lewis seconded the motion and a discussion followed. All voted in favor and the Board attached conditions.

The Board tabled 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, and the notices from Planning Board Clerk Lauren Stamatis, dated September 30, 2019, to Bill Ward of W.B. Construction & Development regarding the infrastructure deadline for "BRIGHAM HILL ESTATES, PHASE III" and to Dan Grinnell of Attleboro Realty, LLC, regarding the infrastructure deadline for "COLMAN ESTATES."

The Board reviewed the Municipal Council Votes dated October 3, 2019, relative to the approved Ordinance for Permanent Traffic Calming Devices.

Ms. Davies explained that the way the Ordinance is written, it really is only permits such devices in association with municipal facilities. She stated that that portion of the Pike Estates subdivision plan will have to be redesigned since they will not be permitted.

The Board scheduled another Subdivision Committee meeting for October 21, 2019 at 6 p.m.

The Board reviewed all other correspondence.

The Board tabled the pending minutes of July 16, 2019, August 19, 2019, September 9, 2019, and September 23, 2019 .

The meeting adjourned at 7:53 p.m.