



City Of Attleboro, Massachusetts

PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET
ATTLEBORO, MASSACHUSETTS 02703
TEL 508.223.2222 FAX 508.222.3046

MINUTES

NOVEMBER 4, 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, November 4, 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, Scott Jones, Melinda Kwart, Jim Lewis, Sean McNamara, and Fred Uriot

Planning Board Members Absent: Secretary Sheryl Guglielmo and 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.

The Board reviewed the email from Janet Bernardo of Horsley Witten Group, received October 31, 2019, relative to the stormwater management peer review and the response comments and revised plan sheets submitted by Dan Campbell of Level Design Group on behalf of Pike Avenue Acquisitions, LLC, received via email October 29, 2019, both to Senior Land Use Planner Stephanie Davies, regarding the definitive subdivision application for "PIKE ESTATES."

Speaking in favor of the application was attorney Edward Casey who requested an extension of time to December 31, 2019. He explained that the applicant needs time to finish preparing a Street Extension application to resolve the issue of access from Rambler Road. He stated that arrangements have been made to have one of the residents at the end of Rambler Road sign off as owner on the application.

Jason Gittle made a motion to grant an extension of time to December 31, 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 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 November 18, 2019, submitted by Matthew Yanuskiewicz of RA Cataldo & Associates, Inc. on behalf of Abbott Action, Inc., received November 1, 2019, relative to the Major Site Plan Review application for 3 Venus Way.

Senior Land Use Planner Stephanie Davies stated her understanding that the Conservation Commission will be closing the hearing and rendering a decision at their meeting this week.

Jason Gittle made a motion to grant a continuance to November 18, 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 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 December 2, 2019, submitted by attorney John Jacobi of Coogan Smith, LLP on behalf of SOWA, LLC, received October 31, 2019, relative to the Major Site Plan Review application for 1 Highland Avenue/5 Route 1A.

Jason Gittle made a motion to grant a continuance to December 2, 2019. Jim Lewis seconded the motion. A discussion followed as to whether the Board was willing to grant a continuance as the project was first opened back in July. It was decided that the applicant would be notified that this is the last extension that will be granted. All voted in favor.

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.

Attorney Edward Casey requested an extension of time to December 2, 2019.

Jason Gittle made a motion to grant an extension of time to December 2, 2019. Melinda Kwart seconded the motion and all voted in favor.

The Board tabled the matter.

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

Speaking was attorney Edward Casey who distributed an updated plan. He stated that the plan shows 40-feet of frontage on the top of Rounds Place and 10-feet on the side. He stated that this mirrors a plan that was endorsed by the Board back in 2004 and recorded at the Registry of Deeds. He stated that whatever reservations the Board has about the proposed frontage, the Board is bound by the prior decision.

Chairman Danesi argued that if the Planning Board made a decision in error, he felt they had the right to fix it.

Mr. Casey disagreed, as the plan is already recorded. He stated that the recorded plan does not mean that the proposed plan conforms to zoning.

Mr. Ayrassian argued that if the lot does not satisfy the frontage requirement, the Board is obligated to list it as “not a buildable lot.”

Jim Lewis asked whether Mr. Casey has any case law to support his argument.

Mr. Casey stated that he did not have evidence this evening, but his understanding is that the law is conclusive. He explained that the intent is to protect bona fide purchases.

Jim Lewis countered that the plan is now changing since it is altering the lot width and it is not the same as the one that was previously approved.

Mr. Casey argued that he felt the frontage from the previously approved plan should still apply.

Mr. Ayrassian provided the Board with the citation from the Massachusetts Streets and Ways that references frontage as being "along" streets, which means it can only be counted on the side. He requested that a meeting be held in advance of the 18th to discuss the information and supply the Board with a legal position on the matter.

Jim Lewis stated that if attorney Casey can supply the law to support his case, the Board is entitled to waive the frontage requirement.

Mr. Ayrassian stated that the Board granting a waiver under 81-R suggests that the Zoning Board has granted a variance. He stated that a variance could be granted, but an application would have to be submitted.

Jason Gittle made a motion to grant an extension of time to November 18, 2019. Melinda Kwart seconded the motion and all voted in favor.

The Board tabled the matter.

The Board reviewed the Form A plan submitted by 8 Lamb, LLC for 8 Lamb Street.

Mr. Ayrassian explained that Attleboro Kitchen and Bath received a block grant so are expanding their operation to Lamb Street.

Ms. Davies stated that the Zoning Board granted relief to allow the commercial building and the single family dwelling to be separated out from one another. She stated that the lots have the required 50-feet of frontage, so she recommends approval.

Jason Gittle made a motion to approve the Form A plan for 8 Lamb Street. Melinda Kwart seconded the motion and all voted in favor.

The Board reviewed the Form A plan submitted by Atlantic-Attleboro Route 1, LLC for 463 and 643 Washington Street and 0 Summit Street.

Ms. Davies stated that the plan seeks to carve out some land on the site of a proposed BJ's gas station. She noted that the site is bisected by the Single Residence-D zoning district. She noted that Lot A and Lot B do not have frontage on a developed way and suggested that the applicant should label them with the term "not a buildable lot."

The Board agreed to notify the applicant of the deficiency to allow the plan to be amended.

There being no one else to speak, the matter was tabled.

The Board discussed traffic concerns relative to the "PIKE ESTATES" definitive subdivision plan.

Jim Lewis suggested that it would be sufficient to install stop signs at the end of every street intersection and that he feels that the Planning Board has the authority to do so. He stated that he did not want to see speed tables installed in association with the subdivision.

Chairman Danesi stated that the residents on Rambler Road will still have concerns with motorists speeding.

Jim Lewis countered that the Board doesn't have jurisdiction over Rambler Road.

Mr. Ayrassian suggested that a bump-out at the intersection could narrow things and force slower speeds. He stated that he did not believe that the Planning Board has the authority to mandate stop signs, as that is the jurisdiction of the Municipal Council.

Jim Lewis disagreed and stated that he feels the Board does have jurisdiction as it relates to private property.

Ms. Davies suggested that if the Board feels they are critical to the safety of the residents, it could be justified.

Scott Jones stated that he felt the Board was laboring under a pretty big assumption that speeding will occur should this subdivision be constructed. He stated that he didn't think it would be used as a cut through the way that abutters have suggested.

Mr. Ayrassian stated that if the Board wants to include a condition, staff will oblige, but will also flag the City Council and Public Works to petition for authorization of the traffic control implementation.

Chairman Danesi suggested that the Board petition the Municipal Council to allow the installation of speed tables in association with new developments.

Melinda Kwart stated that she does have concerns with the subdivision becoming a cut-through and that traffic speeds on Pike Avenue are already excessive.

Mr. Ayrassian stated that he did not agree that the subdivision will become a cut through.

Chairman Danesi stated that the Board is attempting to be accommodating to the residents.

Scott Jones stated that he didn't see the purpose in solving a problem that doesn't and may not exist. He suggested that the Municipal Council could address the problem if it develops.

Mr. Ayrassian suggested that a round-about within the subdivision could resolve things.

Ms. Davies countered that the concern is more so with people exiting on to Rambler Road than within the subdivision. She added that the applicant's stormwater has just been cleared, so she didn't imagine they would be interested in making wholesale changes to the design at this stage of review.

The Board reviewed the letter from Mark Rioux of Marette & Sons, Inc., dated October 31, 2019, to the Planning Board, requesting an extension of tie for infrastructure construction to December 2020 relative to the "DEER RUN ESTATES" subdivision.

Sean McNamara suggested that the Board require he provide more information before granting him a 13-month extension.

Chairman Danesi explained that "DEER RUN ESTATES" was the result of a court case and that the decision stated that to add 30 houses to nearby "ROLLING HILL ESTATES VI," a second means of egress to Lindsey Street had to be bonded. He stated that the decision did not require that the road be constructed - just approved and bonded.

Ms. Davies noted that the "DEER RUN ESTATES" subdivision does not contain any houses, so there is no one to be disturbed by the lack of development.

Chairman Danesi stated that he felt like the Board has little leverage. He stated that the developer may never build that development.

Jason Gittle suggested that a shorter extension be granted to force the developer in to provide an update.

Jim Lewis made a motion to grant an extension of time to May 31, 2020. Scott Jones seconded the motion and all voted in favor.

The Board reviewed the memorandum from Public Works Superintendent Michael Tyler, dated November 4, 2019, to the Planning Board, recommending a FINAL release of funds in the amount of \$124,683.73 relative to the "WINDWOOD ESTATES" subdivision.

Jim Lewis made a motion to grant a FINAL release of funds in the amount of \$124,683.73 relative to the "WINDWOOD ESTATES" subdivision. Melinda Kwart seconded the motion and all voted in favor.

The Board reviewed the memorandum from Public Works Superintendent Michael Tyler, dated November 4, 2019, to the Planning Board, recommending an updated bond amount of \$386,327.92 relative to the "EDWARD SR. ESTATES" subdivision.

Scott Jones made a motion to accept the updated bond amount of \$386,327.92 relative to the "EDWARD SR. ESTATES" subdivision. Melinda Kwart seconded the motion and all voted in favor.

The Board tabled the notice from Planning Board Clerk Lauren Stamatis, dated September 30, 2019, to Bill Ward of W.B. Construction & Development, LLC, regarding the infrastructure deadline of October 3, 2019 relative to the "Brigham Hill Estates, Phase III " subdivision.

The Board scheduled another Subdivision Committee meeting for November 18, 2019 at 6 p.m.

The Board reviewed all other correspondence.

The Board approved the pending minutes of October 7, 2019 and October 21, 2019. The Board tabled the pending minutes of August 19, 2019.

The meeting adjourned at 7:54 p.m.