



City of Attleboro, Massachusetts

PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET

ATTLEBORO, MASSACHUSETTS 02703

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2021 FEB 17 PM 3:35

AGENDA

FEBRUARY 22, 2021

6:30 P.M.

Meeting Zoom Access link:

<https://us02web.zoom.us/j/84726807317>

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- | | |
|---|-----------------|
| 1A. JOINT PUBLIC HEARINGS: NONE SCHEDULED | <u>DEADLINE</u> |
| 1B. JOINT PUBLIC HEARINGS HELD OPEN: NONE SCHEDULED | <u>DEADLINE</u> |
| 2A. PUBLIC HEARINGS: NONE SCHEDULED | <u>DEADLINE</u> |
| 2B. PUBLIC HEARINGS HELD OPEN: | <u>DEADLINE</u> |
| a. W.B. Construction & Development, Inc. – “BRIGHAM HILL ESTATES, PHASE IV”
Definitive Subdivision Plan LINK* | 4/8/21 |
| b. One Thirty One Pleasant St, LLC – “STONE FIELD ESTATES III” Definitive Subdivision Plan | 3/5/21 |
| c. Pike Avenue Acquisitions, LLC, Robert Heroux, & Erin Pilling – “PIKE ESTATES” LINK*
Definitive Subdivision Plan LINK* | 2/28/21 |
| 3A. SITE PLAN REVIEW PUBLIC HEARINGS: NONE SCHEDULED | <u>DEADLINE</u> |
| 3B. SITE PLAN REVIEW PUBLIC HEARINGS HELD OPEN: NONE SCHEDULED | <u>DEADLINE</u> |
| 4. PENDING APPLICATIONS/MATTERS: | <u>DEADLINE</u> |
| a. John J. & Mary F. Donovan – “RAMBLER ROAD” Street Extension Plan LINK* | 2/28/21 |
| b. Amendments to <u>§17-13.0 WATER RESOURCES PROTECTION DISTRICT</u> of the <u>ZONING ORDINANCE</u> LINK* | |
| 5. FORM A PLANS: | <u>DEADLINE</u> |
| a. Gregory J. Sampson – 185 Phillips Street LINK* | 3/2/21 |
| 6. APPOINTMENTS TO SPEAK: | |
| a. Mayor Paul Heroux | |
| b. Cindy Amara, City Solicitor (see Agenda item #16b) | |
| c. Bob Catenacci, One Thirty One Pleasant St, LLC – “STONE FIELD ESTATES II” | |
| 7. STAFF REPORT: REPORT TO BE EMAILED | |
| 8. CORRESPONDENCE: | |
| a. Email from Bob Catenacci of One Thirty One Pleasant St, LLC, received February 8, 2021, to Planning Board Clerk Lauren Stamatis, requesting a continuance relative to the proposed “STONE FIELD ESTATES III” subdivision. (See Agenda item #2Bb, request discussed at last meeting, but was too late for the printed addendum) LINK* | |
| b. Boulevard plans submitted by Dan Campbell of Level Design Group, LLC, received February 11, 2021, to the Planning Board, relative to the proposed “PIKE ESTATES” subdivision. (See Agenda item #2Bc) LINK* | |
| c. Email from attorney Edward Casey of Coogan Smith, LLP on behalf of Pike Avenue Acquisitions, LLC, received February 8, 2021, to Planning Board Clerk Lauren Stamatis, requesting a continuance relative to the proposed | |

"PIKE ESTATES" subdivision. (See Agenda item #2Bc, request discussed at last meeting, but was too late for the printed addendum) [LINK*](#)

- d. Emails from John Case, sent February 13, 2021 and February 17, 2021, in response to the notice of default letters for Bradford Estates, Hillcrest Extension I, Hillcrest Extension II, and Rhodes Street Extension. (See Agenda items #10f-10i, #16b) [LINK*](#)
- e. Email and letter from Jude Gauvin of Andrews Survey & Engineering, Inc., dated February 17, 2021, in response to the notice of default letter for Milosh Acres. [LINK*](#)

9. PERFORMANCE BOND CORRESPONDENCE:

- a. Letter from Steven J. Gietz of Lindsey Farms, LLC, dated February 8, 2021, to Planning Board Chairman Paul Danesi, requesting a FINAL release of funds for the "STONE HAVEN" subdivision. [LINK*](#)
- b. Letter from Planning Board Clerk Lauren Stamatis, dated February 10, 2021, to Public Works Superintendent Mike Tyler, soliciting a recommendation relative to a FINAL release of funds for the "STONE HAVEN" subdivision. [LINK*](#)
- c. Email from Public Works Assistant Superintendent Bobby Araujo, received February 16, 2021, to Planning Board Clerk Lauren Stamatis, informing the Board that a recommendation for a FINAL release of funds will be delayed until such time as the snow on the ground melts, likely in mid-March, relative to the "STONE HAVEN" subdivision. [LINK*](#)

10. MISCELLANEOUS PENDING CORRESPONDENCE:

- a. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated February 8, 2019, to Trustee Kathleen Lyons of CFDC Trust regarding the notice of default and demand to complete work at the "BURGESS ESTATES" subdivision.
 - Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated May 13, 2019, to City Clerk Stephen Withers, regarding the Board's decision to perform on the security for the "BURGESS ESTATES" subdivision.
 - Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, to Kathleen Lyons of CFDC Trust regarding the notice of default and demand to complete work at the "BURGESS ESTATES" subdivision.
- b. Notice of Default from Kevin Freytag of Murphy Hesse Toomey & Lehane, LLC (City Solicitor's Office), dated August 6, 2018, to Fred Bottomley relative to the "CAMERON WOODS" subdivision.
- c. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated February 8, 2019, to President Peter J. Deibel and Treasurer Kevin M. Joyce of Cedar Ridge Developers, Inc. regarding the notice of default and demand to complete work at the "HIGHLAND ESTATES" subdivision.
 - Letter from Kevin S. Freytag of Murphy Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated April 1, 2019, to Peter Deibel of Deibel Builders, Inc regarding the notice of default and demand to complete work at the "HIGHLAND ESTATES" subdivision (letter re-sent to updated address).
 - Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, to President Peter J. Deibel and Treasurer Kevin M. Joyce of Cedar Ridge Developers, Inc. regarding the notice of default and demand to complete work at the "HIGHLAND ESTATES" subdivision.
- d. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated February 8, 2019, to Trustee David M. Wetterhahn of Milosh Realty Trust regarding the notice of default and demand to complete work at the "MILOSH ACRES" subdivision.
 - Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, to Trustee David M. Wetterhahn of Milosh Realty Trust regarding the notice of default and demand to complete work at the "MILOSH ACRES" subdivision.

- e. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated February 8, 2019, to Kevin J. Murphy of KJM Construction, Inc. regarding the notice of default and demand to complete work at the "RIVER'S EDGE" subdivision.
 - Letter received from President Kevin J. Murphy of KJM Construction, Inc., dated February 19, 2019 (received February 25, 2019), to the Planning Board, responding to the demand letter regarding completion of the "RIVER'S EDGE" subdivision.
 - Letter from Kevin S. Freytag of Murphy Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated April 1, 2019, to President Kevin J. Murphy of KJM Construction, Inc. seeking an updated response relative to the construction status for the "RIVER'S EDGE" subdivision.
 - Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, to Kevin J. Murphy of KJM Construction, Inc. regarding the notice of default and demand to complete work at the "RIVER'S EDGE" subdivision.
- f. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, to John Case III of Case Development, LLC regarding the notice of default and demand to complete work at the "RHODES STREET EXTENSION" subdivision.
- g. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, to John Case III of Case Development, LLC regarding the notice of default and demand to complete work at the "HILLCREST AVENUE EXTENSION I" subdivision.
- h. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, to John Case III of Case Development, LLC regarding the notice of default and demand to complete work at the "HILLCREST AVENUE EXTENSION II" subdivision.
- i. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, to John Case III of Case Development, LLC regarding the notice of default and demand to complete work at the "BRADFORD ESTATES" subdivision.

11. PLANNING BOARD COMMITTEES:

11A. COMPREHENSIVE PLAN COMMITTEE:

11B. ORDINANCE COMMITTEE:

- a. Discuss mechanism for amending approved Site Plan Review decisions

11C. SITE PLAN REVIEW COMMITTEE:

11D. SUBDIVISION COMMITTEE:

- a. Discuss Sidewalk fund
- b. Discuss amendments to Subdivision Regulations (width of right-of-way, etc.)
- c. Discuss easements for subdivisions

12. PENDING MINUTES:

- a. January 5, 2021 (Joint Hearing) (previously distributed)
- b. February 8, 2021

13. SRPEDD DELEGATE'S REPORT:

14. PLANNING BOARD STUDY GROUP PROGRESS REPORT:

15. UPCOMING PUBLIC HEARING, BUSINESS MEETING AND COMMITTEE MEETING SCHEDULE:

- a. Meeting Date: March 8, 2021 via Zoom
- b. Meeting Date: March 22, 2021 via Zoom

16. RECENTLY FILED APPLICATIONS/OTHER:

- a. Discuss Act Enabling Partnerships for Growth -- new state zoning legislation [LINK*](#)
- b. Discussion to take action on performance guarantees relative to the following subdivisions in default:
 - River's Edge
 - Milosh Estates
 - Highland Estates
 - Rhodes Street Extension
 - Hillcrest Avenue Extension I
 - Hillcrest Avenue Extension II
 - Bradford Estates
 - Burgess Estates

*Digital access links are taken down the day after the meeting. For access after that time, please make a request by emailing planning@cityofattleboro.us or stopping by the Office of Planning and Development during normal business hours.