



# City Of Attleboro, Massachusetts

## PLANNING BOARD

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## MINUTES

JANUARY 16, 2018

**In accordance with the provisions of the Massachusetts General Laws Ch. 40A and Ch. 41, as amended, the Planning Board held public hearings on Tuesday, January 16, 2018 at 6:30 p.m. in the Mayor's Conference Room , City Hall, 77 Park Street, relative to the following :**

Planning Board Members Present: Chairman Paul Danesi, Vice Chairman Jason Gittle, Secretary Bert Buckley, Melinda Kwart, Scott Jones, Jim Lewis, and Jack Rogers

Planning Board Members Absent: Elizabeth Kenyon and Sheryl Guglielmo

**The Board heard the new public hearing for the application of Viridian Development, LLC for the proposed three (3) lot definitive subdivision plan entitled "VIRIDIAN MEADOWS PHASE II," located on Bolkum Lane, more specifically Assessor's plat #213, lots #2A and #3, located in the Single Residence-D zoning district, engineered by Thomas Cunningham, R.P.E. of Commonwealth Engineers & Consultants, Inc., 400 Smith Street, Providence, RI 02908.**

Speaking in favor of the application was engineer Tim Behan of Commonwealth Engineers who reviewed the scope of the plan, so that members of the public could better determine whether or not the proposed project will affect them. He noted the Attleboro/Norton city/town line, the first phase of the development, which is nearly complete, and the large swath of conservation land donated to the City that surrounds the subdivision sites. He stated that the project tonight is relative to extending the existing roadway approximately 538 feet to accommodate three additional house lots with septic systems. He offered to answer questions relative to the magnitude of the project.

Chairman Danesi invited the public to see the scope of the plan in case they didn't want to wait until after the Joint Hearing with the Council to participate in the rest of the hearing.

Speaking neither for nor against was Paul Meade of 35 Strawberry Lane who asked whether the conservation land abutting the property in question can be developed.

Speaking in favor of the application was manager Ed Casey of Viridian Development, LLC who stated that they are in the process of deeding that land over to the City, which should be accepted come the spring. He explained that at that time, the land will be owned and managed by the City of Attleboro.

Speaking neither for nor against was Maryellen Oulton of 11 Strawberry Lane who noted that there is already development in the pond area shown on the plan that abuts her home and asked whether there will be any other development in that vicinity. She stated that the open space looks a lot larger on the map than it does in real life.

Speaking in favor of the application was Timothy Behan of Commonwealth Engineers, who replied no.

Mr. Ayrassian stated that the only further development outside of what is shown on the plans will be for three more house lots over the border in Norton.

Ms. Oulton stated her very sincere concern for any alterations occurring in the conservation land.

Speaking neither for nor against was Adam Dalessio of 50 Strawberry Lane who asked whether the conservation land will be open to the public.

Mr. Ayrassian replied yes.

Mr. Dalessio asked whether parking will be provided for the open space.

Chairman Danesi stated that the Planning Board cannot speculate at how the Conservation Commission will manage the land, once it is deeded.

Mr. Dalessio expressed concerns with the impact of traffic to the conservation land on the neighborhood's quality of life.

Mr. Ayrassian stated that conceivably, there could be an impact once the right-of-way is open.

Mr. Dalessio questioned whether the fact that no sidewalks are proposed there is a safety issue.

Chairman Danesi asserted that the matter is not up for discussion this evening.

Ms. Oulton expressed concern with such people parking on her street.

Ms. Davies stated that the street is a public way and unless the Municipal Council deems otherwise, parking is allowed.

Speaking neither for nor against was Jennifer Denkle of Maple Street in Norton who expressed concerns with the high water table on the proposed house lots.

Speaking in favor was Mr. Behan who stated that there is a 4-foot separation to the water table in most of the area during the spring season when water is at its highest.

Ms. Denkle noted that her family used to pick cranberries back there, so the water is very high and is concerned that putting more houses in will raise the water level in the whole neighborhood.

Chairman Danesi stated that the City has a third party engineering company review the design to ensure that it will not have a negative impact.

Mr. Dalessio asked who performs that work.

Chairman Danesi replied Horsley Witten Group.

Speaking neither for nor against was Randy Nelson of 119 Maple Street in Norton who asked whether the existing 10-12" pipe dumping water on to the road and washing into the swamps is legal.

Mr. Behan replied that the drainage for the first phase of Viridian Meadows goes into a detention basin at the end of the road. He noted that some portions of it are still under construction.

Mr. Nelson expressed concern that water is already creating erosion on the road and that it is not currently reaching the basin.

Mr. Ayrassian replied that the subdivision hasn't been accepted by the City and is still under construction. He stated that he imagined the developer is waiting on the results of the second phase of the project before proceeding, as one will impact the other. He stated that the erosion issue will have to be resolved before the subdivision is accepted by the City. He stated that once roads are paved, stormwater management features are put in to protect the roads in the form of grass or excelsior matting. He stated that the City right-of-way extends seven feet on either side of the road and that there will be soil stabilization on both sides of the pavement, with or without sidewalks.

Mr. Nelson expressed concern with the stone wall that was installed in association with phase I that is already showing signs of erosion.

Mr. Ayrassian reiterated that the subdivision has not been accepted by the City, so any damage will have to be repaired by the developer before that will happen.

Mr. Nelson reiterated his concern with water running off into the swamp and the state of the pipe discharging water.

Mr. Ayrassian stated that to minimize loads of sand or dirt entering the wetlands during construction, the Conservation Agent can go out to the site and require additional temporary erosion control measures. He stated that this is beyond the scope of this meeting and that Mr. Nelson should call him to arrange a time to meet and discuss his concerns.

Mr. Dalessio sought to confirm that it was acceptable for people to be living in Phase I of Viridian Meadows prior to it being accepted by the City.

Mr. Ayrassian replied yes, and explained that the streets could technically remain private and never be accepted. He stated that street acceptance is not a requirement for the granting of occupancy permits. He stated that the City will eventually accept the street, at which time the City will manage the streets and stormwater management system.

Chairman Danesi noted that the ongoing construction is bonded, so the City is protected should the developer fail to complete the subdivision.

Speaking neither for nor against was Susan Marcelino of 3 Strawberry Lane who asked if there was someone residents can contact regarding disruptive construction occurring on Sundays and holidays.

Chairman Danesi advised her to consult the Building Inspections Department.

Mr. Casey stated that this is the first he has heard of construction occurring on Sundays or holidays. He stated that he is pursuing this development with a sense of goodwill towards the neighbors and does not appreciate the insinuations made that the developer is trying to get away with something. He stated that the lots in Phase I are being sold and developed by individual builders. He stated that he can contact the builders to let them know that neighbors are complaining, but that it can be policed more closely if reports are made to the Building Inspector. He stated that construction should not be occurring at 10 p.m., on Sundays, or holidays.

Ms. Oulton stated her sense that the City must have some kind of noise ordinance.

Ms. Davies replied in the affirmative, stating her understanding that construction could occur as late as 7 p.m. under the regulations.

Mr. Casey noted that he had just conversed with Kate Jackson, the area's City Councilor, and that residents are welcome to contact her on holidays and evenings for assistance.

Speaking in favor of the application was Mr. Behan who stated that there is a vernal pool in the Phase I project and that they are respecting the protected buffer for that feature. He stated that Phase II proposes to extend the roadway by 538-feet in order to construct three additional house lots on a terminal cul-de-sac. He noted that there will be a fourth, undevelopable lot that will contain stormwater features. He stated that the stormwater system consists of catch basins that are piped to an infiltration basin with a lawn finish that will look like a yard. He stated that the basin will only hold about 1-foot of water during the 100-year storm. He stated that the basin will have an overflow back into the wetlands. He stated that they are proposing street trees at 50-foot intervals along the roadway, with the exception of a portion that abuts a retaining wall. He stated that they are requesting a waiver for the length of the cul-de-sac, as it is proposed to be slightly over 1000-feet; a total of 1,180-feet. He noted that the cul-de-sac will be under the density maximum of 20, having only 15 houses. He stated that they are also seeking a waiver for the sidewalks, as none are proposed. He noted that this is proposed to match Phase I of the project, which only has sidewalks at the very entrance to the subdivision on the right-hand side. He stated that they are also seeking a waiver to install Cape Cod berm to match Phase I.

**The Board adjourned to meet the Council for a Joint Public Hearing in the Municipal Council Chambers.**

**JOINT PUBLIC HEARING** relative to the Joint Rezoning Petition from John P. and Marcia J. Brady and Vela Inc., to rezone property located at 829 Newport Avenue, said premises being Assessor's Plat #19, Lots #246 thru #252, #254 and 255 being approximately 22,233 square feet; and property located at 839 Newport Avenue, said premises being Assessor's Plat #19, Lots #253, #254A, 255A, #285, #286, #287, #288, #289 and #290, being approximately 28,889 square feet from Single Residence-A District to General Business District.

Speaking in favor was Don O'Malley of Newport Avenue and Eugene Tuntsevski of 12 Kinsley Road in North Attleboro, owner of Mr. Roof.

Speaking in opposition was Bill Smith of 43 Orr Street, Attleboro, MA.

Speaking in opposition was Jan Papineau 18 McKay Street, Attleboro, MA

Speaking in opposition was Thomas Dulac of 17 McKay Street, Attleboro, MA

Speaking in opposition was Rebecca Horn of Orr Street, Attleboro, MA

No one appeared to speak neither for nor against.

President Cooper asked Mr. Kobus if the Joint Public Hearing should be closed.

Mr. Kobus answered yes.

President Cooper asked Planning Board Chairperson Paul Danesi if the Joint Public Hearing should be closed.

Mr. Danesi answered yes.

President Cooper declared the joint public hearing closed at 7:22pm.

**The Board reconvened in the Mayor's Conference Room to resume the public hearing for "Viridian Meadows, Phase II."**

Chairman Danesi sought to confirm that the project is currently before the Conservation Commission.

Mr. Casey replied in the affirmative and stated that the public hearing was opened and the peer review process has commenced.

Planning Board Clerk Lauren Stamatis confirmed that the notice to proceed had just been issued to Horsley Witten Group.

Mr. Behan offered to submit a letter addressing all questions and concerns from the staff report.

Jason Gittle requested that item #13 of the staff report be explained.

Ms. Davies stated that the stations do not appear to pick up from the original plan. She confirmed that the waiver length for the road sought is correct, but that the stations are numbered differently between the Phases.

Mr. Behan confirmed that a different person is designing this phase resulting in the different approach, but that the waiver request is accurate.

Melinda Kwart queried how the Board came to the conclusion to not require sidewalks on Phase I.

Mr. Casey stated that during the original OSRD subdivision application, it was found to be of benefit to construct smaller lots to preserve more open space. He stated that the lack of sidewalks was an effort to protect the wetland resources and reduce impervious surface area for stormwater. He noted that it may have come up that in smaller subdivisions, people tend to walk in the right-of-way. He noted that they intend to still pay for the installation costs to the City for sidewalks to be constructed elsewhere. He stated

that as Phase I has already been approved without sidewalks, it doesn't seem useful now to have sidewalks on just the extended portion of the roadway.

Jason Gittle sought to confirm the number of lots being constructed in Norton.

Mr. Casey replied three.

Jason Gittle questioned the number of lots proposed on Bolkum Lane.

Mr. Behan replied 15, including those in Norton and from the first phase of development.

Jim Lewis requested discussion regarding item #20 on the staff report.

Mr. Behan replied that conservation resources surround the Phase I subdivision and that a temporary 10-foot wide path was approved to provide access to the open space. He stated that Phase II proposes to build a roadway through that area, which will provide full frontage for access. He stated their intent to move the monument down to line up with an existing historical pathway that will now be accessible with the road extension in place of the path in question.

Chairman Danesi sought to confirm that public access is not restricted, simply relocated.

Mr. Behan agreed.

Speaking in opposition was attorney John Skurchak on behalf of Mr. Ralph Nelson who raised concerns with clear cutting that has occurred to a width of 30-40 feet along the proposed roadway in advance of any permitting. He noted that there have also been changes made to the grade at the end of the roadway and he has concerns whether any wetland resources were filled. He stated that the existing conditions on the plan do not reflect the current conditions on the ground. He suggested the plans be updated and re-stamped by the engineer. He raised concerns with granting a waiver relative to the length of the cul-de-sac, as the City limits the distance for health and safety reasons, for instance a fire. He stated that he understands the houses in Norton are not part of the approval, but suggested that the additional traffic they produce should be considered in the review process.

Jim Lewis questioned why the cutting of trees would matter as the property is private and owners are allowed to clear trees.

Mr. Skurchak argued that the conditions of the Phase I approval required the trees not be cut leading to the open space access.

Ms. Davies replied that the access way to the open space is now within the right-of-way of the street extension layout.

Mr. Casey stated that he was aware that percolation testing had been done on the lots to ensure septic was possible. He stated that such testing was done in coordination with the Health Department and that he was not aware of any activity occurring outside of for that testing. He promised to look into things. He stated that he does not want to be associated with any submission where there is doubt regarding the

accuracy of the information submitted. He requested that the public hearing be continued so that he can look into the assertions made.

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 SR Land Improvement, LLC for the northerly side of County Street.**

Ms. Davies explained that the submission involves the same lot where the "STONE-E-LEA ESTATES" subdivision is proposed to be constructed. She stated that the intent is to reconfigure Lot 10, shifting the lot line further back.

Jim Lewis questioned whether this change will in any way affect the subdivision design.

Ms. Davies doubted it would, with the exception of potentially shifting easements for pipes to drainage. She suspected that the subdivision doesn't reach this far. She stated that staff recommends approval of the plan.

Jason Gittle made a motion to approve the Form A submitted by SR Land Improvement, LLC for the northerly side of County Street. Bert Buckley seconded the motion and all voted in favor.

**The Board reviewed the letter from Planning Board Clerk Lauren Stamatis, dated December 15, 2017, to Acting Public Works Superintendent Ron Dubuc, requesting that a bond amount be recommended for the "CALVIN STREET EXTENSION" street extension and the memorandum from Public Works Superintendent Mike Tyler, dated January 16, 2018, to the Planning Board recommending a bond amount of \$21,154.54 for the "CALVIN STREET EXTENSION" street extension.**

Bert Buckley made a motion to approve a bond in the amount of \$21,154.54 relative to the "CALVIN STREET EXTENSION" street extension. Jason Gittle seconded the motion and all voted in favor.

**The Board reviewed the letter from Planning Board Clerk Lauren Stamatis, dated December 13, 2017, to Acting Public Works Superintendent Ron Dubuc, requesting a recommendation regarding the forwarded request for a PARTIAL release of funds relative to the "NICHOL AVENUE EXTENSION" street extension and the memorandum from Public Works Superintendent Mike Tyler, dated January 16, 2018, to the Planning Board, recommending a PARTIAL bond release in the amount of \$30,747.07 for the "NICHOL AVENUE EXTENSION" street extension.**

Bert Buckley made a motion to approve a **PARTIAL** bond release in the amount of \$30,747.07 relative to the "NICHOL AVENUE EXTENSION" street extension. Jason Gittle seconded the motion and all voted in favor.

**The Board tabled the following letters from Planning Board Clerk Lauren Stamatis, (1) dated December 5, 2017, to Public Works Superintendent Lance Hill, requesting a recommendation regarding the forwarded request for a FINAL release of funds relative to the "AVALON ESTATES" subdivision, and (2) dated January 8, 2018, to Acting Public Works Superintendent Ron Dubuc, requesting that an updated bond amount be established for the "DALE COURT EXTENSION" OSRD subdivision, pending the submission of recommendations from the Department of Public Works.**

**The Board scheduled an Ordinance Committee meeting for February 5, 2018 at 5:30 p.m.**

Bert Buckley made a motion to approve the minutes from the January 8, 2018 meeting. Jason Gittle seconded the motion and all voted in favor.

The meeting was adjourned at 8:20 p.m.