



# City Of Attleboro, Massachusetts

## PLANNING BOARD

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## MINUTES

FEBRUARY 5, 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 Monday, February 5, 2018 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, Secretary Bert Buckley, Melinda Kwart, Scott Jones, Jim Lewis, and Sheryl Guglielmo

Planning Board Members Absent: Vice Chairman Jason Gittle, Elizabeth Kenyon, and Jack Rogers

**The Board heard the new public hearing for the application of One Thirty One Pleasant Street, LLC for the proposed twenty three (23) lot definitive subdivision plan entitled "STONE FIELD ESTATES II," located on Oak Hill Avenue, more specifically Assessor's plat #170, lot #1A, located in the Single Residence-D zoning district, engineered by John C. Spink, R.P.E. of Spink Design, 59 Clay Street, Middleborough, MA 02346.**

Speaking in favor of the application was Bob Catenacci of One Thirty One Pleasant Street, LLC who explained that he is proposing the construction of a 23-lot subdivision, extending off of Phase I of the Stone Field Estates subdivision. He stated that the project includes the extension of the existing Saveena Drive and the addition of a small cul-de-sac, Mary Rocha Way, off of that. He reviewed the waivers being requested, which included (1) the pavement width for Saveena Drive down to 26-feet of asphalt with a 45-foot right-of-way, (2) to have sidewalks on just one side of the street for the entire subdivision, which will provide a 5-foot sidewalk, 3.5-foot grass strip, and 1-foot berm, and (3) substitute Cape Cod berm.

Chairman Danesi sought to confirm that the waiver requests serve to match existing conditions in the first phase of the subdivision.

Mr. Catenacci agreed, stating that the goal is to have the sidewalks and street widths congruent with those installed in Phase I. He noted a fourth waiver, requesting underground utilities, also to match Phase I.

Bert Buckley questioned where the sidewalks are in conjunction with those on Oak Hill Avenue.

Mr. Catenacci replied on the opposite, or northerly side of Oak Hill Avenue.

Melinda Kwart questioned the total number of lots between the two phases of the subdivision.

Mr. Catenacci replied 40 and speculated that Phase 3 is likely to contain an additional 22 or 23 lots.

Director of Planning and Development Gary Ayrassian questioned the remaining undeveloped property owned by the applicant.

Senior Land Use Planner Stephanie Davies replied 21.4 acres, according to the plan.

Mr. Ayrassian expressed concern with the ability to determine optimal curb cut locations for the third phase of development when no plans are being presented in conjunction with this application. He requested that a preliminary build-out for Phase 3 be submitted for this review process.

Mr. Catenacci agreed to submit a tentative build-out, as one has already been developed.

Melinda Kwart stated that she felt that the extension of Saveena Drive should have sidewalks on both sides, as it is a collector road and that people are likely to drive faster on it.

Bert Buckley noted that Meadowsweet Farms is a nearby comparable subdivision and questioned whether there are sidewalks on both sides of the street there.

Mr. Catenacci replied that there are sidewalks on only one side of the street. He stated that he believes there are some reports that say it can sometimes be less safe for children when there are sidewalks on both sides of the road, as it leads them to cross back and forth more frequently. He noted that some subdivisions in the town have no sidewalks at all.

Mr. Ayrassian suggested that the Meadowsweet plan be pulled to see how the proposed project links up with the surrounding area.

Bert Buckley stated that if the surrounding subdivisions only have sidewalks on one side, he felt it would make sense for this subdivision to have a similar design.

Scott Jones asked whether there were any thoughts for installing crosswalks to access the sidewalk on the other side of Oak Hill Avenue, given the close proximity of the school down the road. He expressed concern with the sharp turn a short ways down the road and the speeds of traffic there.

Mr. Ayrassian suggested that a compromise could be reached where sidewalk construction within the subdivision could be waived with the agreement that additional sidewalks be installed on Oak Hill Avenue to improve safety.

Mr. Catenacci stated that such an approach could be considered. He stated that his concern is the idea of installing sidewalks on a short stretch, which then forces people to cross to access further sidewalks, creating a more dangerous situation.

Mr. Ayrassian suggested that number of feet be determined for what would be waived within the subdivision and that Mr. Catenacci sit down with the Department of Public Works and the school Department to discuss how to optimize the location of sidewalks.

Melinda Kwart questioned whether the City has plans to install sidewalks in that area.

Mr. Ayrassian answered yes, such plans are included in the Capital Improvement Plan, but that he was unsure of the timeline or priority for installation.

Mr. Catenacci noted that a very preliminary concept has been designed for Phase 3 which will have a direct pedestrian access path to Poncin-Hewitt field, which will help keep children moving internally while avoiding busy, main streets. He stated his intent to add the specifics to the plan as requested in the Department's staff report. He stated that he is waiting until after the peer review sit down to submit written responses, so that things can be addressed all at one time.

Mr. Ayrassian stated that a number of the staff comments are completely independent of stormwater, he questioned whether such points could be addressed in advance of that.

Chairman Danesi noted that the Wastewater Superintendent had requested additional information on the proposed grinder pumps and lifts.

Mr. Catenacci replied that he had spoken with Mr. Kennedy and that they had scheduled a meeting with his engineer to go over the details of the sewer system. He stated that Mr. Kennedy seemed confident that the capacity is fine, but that the actual design of the system requires review.

Mr. Ayrassian requested to be in attendance at said meeting. He questioned whether any portion of the system is gravity fed.

Mr. Catenacci stated that the system was designed by Liberty pump engineers and that most of the line consists of a 2-inch force main that leads to a manhole. He explained that from there, it gravity feeds into the lift at the end of Locust Street.

Mr. Ayrassian questioned whether the manhole will be on private property or in the right-of-way.

Mr. Catenacci replied that he has a sewer easement, so it could be arranged either way.

Mr. Ayrassian questioned whether the sewer easement is currently held or being negotiated.

Mr. Catenacci replied that he holds the easement and will submit a copy at the next meeting.

Speaking neither for nor against the application was Christine Smith of 15 Nicholas Drive, who stated that she was hoping that the entirety of the retention pond and sidewalks would be installed in Phase I, prior to commencing Phase II. She explained that she lives in Phase I and is very happy there and that it is a beautiful subdivision.

Mr. Catenacci replied that the Phase I subdivision's infrastructure will be completed by mid-summer in accordance with the Board's completion deadline.

There being no one else to speak, the public hearing was continued to March 8, 2018.

**The Board heard the new public hearing for the application of County Street Realty Corp. to extend Simpson Avenue 101.71 feet, as shown on the street extension plan entitled "DEFINITIVE SUBDIVISION PLAN - SIMPSON AVENUE EXTENSION," engineered by Daniel R. Campbell, R.P.E. of Level Design Group,**

**249 South Street, Unit 1, Plainville, MA 02762, dated July 24, 2017, revised through September 28, 2017. The subject premises are located on Assessor's plat #72, Lots #450, 451, 540, and 541 in the Single Residence-B zoning district.**

Jim Lewis recused himself from the hearing due to a conflict of interest.

Speaking in favor of the application was John Case of 32 Newport Avenue in Attleboro, MA who explained that his engineer had a conflict and could not attend tonight's hearing. He stated that the application aims to extend Simpson Avenue 50-feet beyond the corner of the property line to provide sufficient access to install a single family home. He stated that the plan is to install a turn-around into the property and a retention pond at the end of the roadway. He stated that they will tie into the existing sewer main, but hadn't provided details as the connection is through the back of the property and not in association with the roadway. He stated that the sewer plan is include with the Conservation filing, but not on this plan. He stated that they plan to tap into the existing water service on Lockwood Avenue, so no new water service will be installed.

Chairman Danesi questioned the length of the pipe to tie into the water line.

Mr. Case replied about 300-feet.

Mr. Ayrassian questioned whether installing a new service on Simpson Avenue had been considered.

Mr. Case replied yes, but explained that Lockwood doesn't connect to Simpson to facilitate such an installation.

Mr. Ayrassian sought to confirm that there is no service on Simpson Avenue and that all of the other houses in the area utilize services by tapping into the line off of Lockwood Avenue.

Mr. Case replied that he was unsure.

Mr. Ayrassian questioned his waiver request to alleviate the need to install monuments.

Mr. Case replied that there are existing monuments already in place.

Mr. Ayrassian noted a waiver for a modified "T" shaped turnaround.

Mr. Case replied that the proposed design will allow for fire trucks and emergency personal to access the lot. He noted that the Conservation Commission preferred the feature to be angular, rather than "T" shaped.

Scott Jones questioned whether the Fire Department would approve such a design.

Mr. Ayrassian noted that it would be brought to their attention for comment. He noted the waiver request for no curbing.

Mr. Case replied that there is no curbing currently on Simpson Avenue.

Mr. Ayrassian noted waivers for eliminating both sidewalks and street trees.

Mr. Case replied that Simpson Avenue does not have existing sidewalks, so installing them will lead to nowhere. He stated that there are a number of trees already on the lot that he intends to preserve between the two properties.

Mr. Ayrassian called attention to the general waiver requested for eliminating street lights, the road profile, fire hydrants, and structural drainage. He stated that specific sections of the Ordinance have not been cited for these requests.

Mr. Case argued that he is seeking the extension for just one house lot, adding only 90-feet of pavement. He stated that his engineer did not feel the project warranted the development of stormwater calculations since the water from Simpson Avenue already goes down to the nearby river. He stated that they are simply trapping it in a retention area to prevent flooding.

Mr. Ayrassian countered that the Board has had several recent street extensions to access one house lot and that both of those filings provided all of the required information. He noted that the Senior Planner's concern with the proposed rain garden blocking access to nearby open space.

Mr. Case replied that he has a lot of people to please, so feels torn in a number of directions.

Mr. Ayrassian suggested that this project should be compared to the other recent similar filings to ensure that all are being held to the same standards. He suggested that the matter be referred to the Subdivision Committee to discuss and give the applicant direction.

The Board scheduled a Subdivision Committee meeting for February 26<sup>th</sup> at 6 p.m.

Ms. Davies called attention to the fact that the applicant has a number of subdivisions from over the years that remain incomplete. She suggested that Mr. Case should be working towards addressing the deficiencies with those subdivisions.

Mr. Case replied that he didn't feel that was relevant, but noted that he had already talked to Gary about Bradford Estates and has a plan in place to mediate things come the spring.

Mr. Ayrassian noted that they had only discussed the one subdivision and that there are a number of others still outstanding.

Speaking in opposition to the application was Kristof Trond of 99 Simpson Avenue who stated that he had questions regarding the property's zoning and that he was under the impression that 100-feet of frontage was required in that area.

Mr. Ayrassian replied that 50-feet of frontage is required with 100-feet of lot width.

Mr. Trond replied that the property only has a lot width of 65-feet, so is insufficient.

Mr. Ayrassian replied that the matter before the Planning Board is relative to the construction of the road. He stated that the development of the lot itself will occur at a separate time and will need to be addressed before a building permit will be issued.

Speaking in opposition to the application was Marie Blanchard of 81 Simpson Avenue who expressed her dissent with the plan for this project's drainage to block off the River Avenue paper street. She stated that she has land on that paper street that she will be unable to access if he blocks off the end of Simpson Avenue. She stated that Mr. Case had attempted a similar proposal before and that the City Council had told him he is not able to block the end of the right-of-way.

Mr. Ayrassian stated that the proposal is to create roadway, not remove it.

Ms. Davies explained that the drainage for the project is proposed within the right of way.

Mr. Case contended that Ms. Blanchard has access from Zoar Avenue and elsewhere.

Ms. Davies noted that there is conservation land on the other side of River Avenue owned by the City and that this project has the potential to provide access to the land if the end of the street is not blocked with a bioretention system.

Mr. Case offered to redesign the system to have underground drainage to relieve the conflict.

Mr. Ayrassian questioned whether the Conservation Commission has issued an Order of Conditions.

Ms. Davies replied that they are waiting for the Planning Board's decision regarding stormwater.

Mr. Ayrassian suggested that the applicant sit down with the Planning staff and Conservation Agent to move forward with both sets of plans in conjunction.

Mr. Case stated that he would prefer to complete the process with the Planning Board and review their design regarding Conservation at that time.

Mr. Ayrassian asked whether revised plans will be submitted.

Mr. Case replied that he will coordinate with his engineer and try to submit things this week.

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

**The Board heard the continued 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 Ed Casey of Viridian Development, LLC who stated that he had received the stormwater peer review report this morning, but that his engineer was unavailable to attend this evening. He asked that the Board continue the hearing to February 26<sup>th</sup>. He stated that this engineer

is in the process of responding to Attorney Skruchark's accusations, but that he has nothing to offer the residents this evening.

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

**The Board held a business meeting.**

**The Board heard the appointment to speak of Scott Rolfe of Andrews Survey & Engineering, Inc. relative to the "BRIGHAM HILL ESTATES" subdivision.**

The Board reviewed the letter from Scott Rolfe of Andrews Survey & Engineering, Inc., dated January 30, 2018, to Planning Board Chairman Paul Danesi, requesting an appointment to speak on final phases of "Brigham Hill Estates."

Speaking was Bill Ward of W.B. Construction & Development who explained that he had installed a French drain around Ms. Cooke's paddock at the edge of his subdivision's detention pond to try to keep the peace. He maintained that the problems occurring there are the result of water table issues and not the direct result of his construction. He stated that he had received no complaints from her since installing the drain. He stated that after that issue, he asked his engineering firm to review all the phases of the subdivision, including the two potential future phases to address drainage issues in the area. He asserted that some work still needs to be completed on the detention pond in Brigham Hills, but that they have delayed that work, knowing that they would be coming in for additional work to the basin with the next Phase of development. He noted that Phase 2 is likely to be paved in the fall and that some of the issues occur there. He stated that the ponds were designed to handle the future capacity for Phase 4, in addition to the current phase. He stated that in the future, another phase will propose connecting Jennifer Leigh Drive with Teaberry Lane.

Speaking was Bill Blais of Andrews Survey and Engineering who explained that his firm took a comprehensive look at the whole project. He stated that a different engineering firm had been contracted to develop Phase I, so it was not reviewed by his company. He stated that once they were commissioned with preliminary development of Phase 5, it became necessary to see how it will integrate with Phase I. He found that Phase I's stormwater calculations do not meet the state design specifications. He stated that they are appearing before the Board for advice on how to proceed, seeing as they are trying to prepare the as-built plans for Phase I, but recognize that modifications need to be made to accommodate future development.

Mr. Ward affirmed that Merrill Engineering designed Phase I and that the basin is not large enough under today's standards.

Mr. Blais explained that modifications will need to be made to the basins. He stated that testing of the water table need to be performed, but they are optimistic that greater volume could be created by digging the basins deeper. He stated the preliminary results show the water table 4-feet down and that they can be as close as 2-feet. He stated that they also would like to modify the outlet structure for flow from Basin 1 to Basin 2 and install a secondary outlet to discharge to the wetland and basin at the same time. He stated that they are looking to minimize disturbance to already functioning systems and requested the Board's recommendation on how to proceed.

Ms. Davies suggested that an 81-W filing would be required for Brigham Hill Estates to alter the stormwater.

Mr. Blais stated that they are asking permission to modify Phase I using today's drainage calculations so that it will function correctly. He explained that the priority is to complete and stabilize Phase I. He stated that they could do that immediately, but that in four years, additional modifications will be required to accommodate the fifth phase of the project. He stated that they would rather do a stormwater design that takes into account the whole development.

Bert Buckley sought to confirm that they are asking the Board to approve a stormwater design for a phase that has not even been designed or proposed yet.

Mr. Ward answered yes, and stated that he would be at risk, should the rules or requirements change three years from now.

Mr. Ayrassian asked what Horsley Witten Group would be reviewing. He questioned whether theoretical surface area and flows based on volumes anticipated in 4 or 5 years would be presented.

Mr. Ward replied that the shapes of the ponds would not differ, just their depth.

Mr. Ayrassian stated that he doesn't think it's prudent for the Planning Board to tie its hands on a project that has yet to be designed. He suggested that they approach the modifications to Phase I as an over-design of the stormwater management system. He stated his opinion that the modifications would not meet the threshold to require an 81-W application, as the changes will not affect any functioning aspects of the subdivision, like slopes of embankments, right-of-ways, lot lines, outflow pipes, etc. He stated his assumption that the interior slopes would just be made steeper and deeper. He noted that if an 81-W was required, all of the homeowners would have to sign approving the modification.

Ms. Davies asked under what process Horsley Witten Group would perform a peer review.

Mr. Ayrassian suggested that the calculations would be submitted for review by Horsley Witten Group. He stated that he didn't feel the changes would directly affect the neighbors.

Chairman Danesi noted that there may be parents concerned with the depth of the detention ponds.

Mr. Ayrassian questioned the anticipated depth of the ponds.

Mr. Ward replied 5-feet, which is a 2-foot increase.

Mr. Ayrassian expressed concern that they will be a significant depth. He suggested that more serious safety concepts be designed for the ponds. He sought to confirm Mr. Ward understands that the system will still need to undergo another review once Phase 5 is proposed. He requested that an explanation be submitted by the engineer, verifying that the topography of the ponds at the surface level will match the existing conditions of Phase I.

Mr. Blais agreed that they will hold the shape of the outside edge and have an identical dike. He stated that work will only occur within the basins.

The Board agreed that an 81-W is not required assuming the safety issues related to the depth of the ponds is addressed. They agreed that a third party review, however, is in order.

Mr. Ayrassian questioned when Phase I was supposed to be finished.

Mr. Ward replied that the deadline was last summer.

Mr. Ayrassian requested that a new timeline and an extension of time request be submitted to the Board.

Mr. Ward anticipated completion by August 2018.

Mr. Ayrassian questioned the states of Phases 2 and 3.

Mr. Ward replied that that stormwater for Phases 2 and 3 have been built and are functioning, but need minor tweaks.

Mr. Ayrassian asked where those Phases stand in regards to their infrastructure deadlines.

Mr. Ward replied that he thought that they are both past deadline.

Mr. Ayrassian requested that extensions of time be submitted for all of the overdue construction.

Mr. Ward stated his intent to be done with all three phases by September of 2018.

Chairman Danesi noted that the Board may require a recalculation of the bond amount in order to perform the stormwater peer review for Phase I.

**The Board discussed the petition of John P. & Marcia J. Brady and Vela, Inc. to rezone property located at 829 and 839 Newport Avenue from "Single Residence-A" to "General Business."**

Ordinance Committee Chairperson Kwart explained the consensus of the Committee that there was a lack of support for the rezoning of the property along McKay Street, as the area is all residential. She stated that although Newport Avenue is likely to cater entirely to business eventually, they didn't feel there was a pressing need to rezone the property now, given that the property owners can continue operating their businesses under their current status. She stated that no one was strongly in favor of supporting the change in zoning.

Scott Jones questioned whether the Board would have been more amenable if the applicant had indicated his intent to make the property more marketable for sale, rather than continued operations.

Melinda Kwart answered no.

Ms. Davies noted that the business started as a home occupation and has gradually expanded from there.

Bert Buckley stated that as nothing has really changed and the business is operating without issue, he saw no reason to recommend the rezoning.

Sheryl Guglielmo questioned the motivation to rezone in the first place.

Scott Jones suspected that it will make it more marketable to sell it if zoned for business.

Mr. Ayrassian noted that a future property owner could still go from one existing use to another under a Zoning Board special permit.

Ms. Davies countered that the ability to do so may be disputed, as the current business originated as a home occupation.

Mr. Ayrassian agreed that the status is not pre-existing in nature.

Melinda Kwart made a motion to recommend the Municipal Council rezone property located at 829 and 839 Newport Avenue, more specifically, Assessor's lots #246-252, 254, 255, 253, 288-290, 254A, 255A, 285-287, containing a land area of approximately 1.17 ± acres, on plat #19, from "Single Residence-A" to "General Business." Bert Buckley seconded the motion and all voted unanimously in opposition.

**The Board reviewed the memorandum from Public Works Superintendent Mike Tyler, dated February 5, 2018, to the Planning Board, recommending an updated amount of \$162,186.88 for the "DALE COURT EXTENSION" subdivision.**

Bert Buckley made a motion to approve an updated bond amount of \$162,186.88 for the "DALE COURT EXTENSION" subdivision. Melinda Kwart seconded the motion and all voted in favor.

Ms. Davies noted that the binder course was already installed, but that a frost occurred since then, which is considered a questionable installation by the Department of Public Works.

**The Board reviewed the memorandum from Public Works Superintendent Mike Tyler, dated February 5, 2018, to the Planning Board, recommending a FINAL bond release be DENIED relative to the "AVALON ESTATES" subdivision.**

Ms. Davies noted that there are a number of deficiencies, including of the sidewalks and driveways, which don't meet ADA requirements. She stated that neither the stormwater nor fire alarm box are functioning. She stated that the road was proposed to be super elevated to support the stormwater system, but it appears to presently have a crown.

Melinda Kwart made a motion to approve a final release of funds for the "AVALON ESTATES" subdivision. Bert Buckley seconded the motion and all voted in opposition, due to the deficiencies described in the memorandum submitted by Public Works.

**The Board reviewed the letter from Senior Vice President Geoffrey A. Homoliski of Middlesex Savings Bank, dated January 224, 2018, to Senior Land Use Planner Stephanie Davies, regarding the lender's agreement for the "CAMERON WOODS" subdivision.**

Mr. Ayrassian stated his desire to obtain approval from the City Solicitor for Mr. Homoliski's proposal to submit a cash security in place of the lender's agreement before proceeding.

Ms. Davies noted that she referred the bank to the applicant to sort things out on that end.

Mr. Ayrassian noted that if there are outstanding taxes owed or there are outstanding issues with the subdivision, it can be collected from the cash submitted by the bank. He stated that he had contacted attorney Manoogian to inquire as to the applicant's stance.

The Board tabled the matter pending a response from attorney Manoogian.

The Board tabled the minutes from January 16, 2018.

The meeting was adjourned at 8:36 p.m.