



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

MARCH 18, 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, March 18, 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, Jim Lewis, and Sean McNamara

Planning Board Members Absent: Secretary Bert Buckley, Sheryl Guglielmo, and Melinda Kwart

The Board heard the continued public hearing for the application of UHS of Fuller, Inc. for a Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, for realignment and expansion of two existing parking lots, adding a total of 75 new off-street parking stalls; including associated landscaping, lighting, grading and stormwater management systems; the subject premises being located at 200 May Street, more specifically Assessor's plat #14, lot #75, located in the Single Residence-B zoning district.

The Board reviewed the Form P1 - Request for a Continuance to April 15, 2019, submitted by Daniel DeCesaris of Joe Casali Engineering, Inc. on behalf of UHS of Fuller, Inc. relative to the Major Site Plan Review filing for 200 May Street. Jason Gittle made a motion to continue the public hearing to April 15, 2019. Scott Jones seconded the motion and all voted in favor.

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

The Board heard the continued public hearing for the application of the City of Attleboro for a Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, for the demolition of the existing high school building and construction of a new high school building consisting of 476,425 square feet and associated sports fields and courts; 687 off-street parking stalls; and associated landscaping, utilities, grading and stormwater management systems; the subject premises being located at 100 Rathbun Willard Drive, more specifically Assessor's plat #44, lot #42, located in the Single Residence-B and Single Residence-D zoning districts.

Jack Jacobi, 15 Prince Street, of the Attleboro Building Commission, presented the application. He explained the revised trucking routes. He noted that this will split the routes 50-50, so the burden of the traffic is shared, except for the residents of Rome Boulevard, which provides the only way into the site.

Chairman Danesi asked if the trucks would be coming from the south. He noted that they might not like driving the extra three miles north on 95. Mr. Jacobi stated he was not worried. He noted that not all the

bids were out, but the local Walsh Contracting was awarded a contract, so it would not be an issue for them. He also noted that this routing will be a requirement of any bids.

Chairman Danesi asked if they really could not use Rathbun Willard for access. Mr. Jacobi stated the school department did not want them to. Mr. Steve Johnson of Consigli stated that once the sewer pump station and the corner of the building were in place, access would be impossible and would impact materials storage and stockpiling on the site.

Mr. Jacobi explained that they continued the public hearing with the Zoning Board and anticipated a decision from the Conservation Commission on March 20th because all issues were resolved.

Mr. Jacobi submitted a Form P1 - Request to Continue a Public Hearing to April 22, 2019, relative to the Major Site Plan Review application for 100 Rathbun Willard Drive. Jason Gittle made a motion to continue the public hearing through April 22, 2019. Scott Jones seconded the motion and all voted in favor.

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

The Board heard Michael Orecchio, 369 Slater Street, with an appointment to speak. Mr. Orecchio explained that his property has been flooded for some time since the Brigham Hills subdivision was under construction. He noted that he used to have a pig roast every year since 1986 and that his yard is too muddy to hold it now. Mr. Orecchio explained that his house was built on an island, which slopes down on 3 sides. He said that he brought in fill so he wouldn't have standing water. Mr. Orecchio noted that there used to be a pipe that ran behind his property and out to Slater Street. Mr. Orecchio stated that once he filled in his yard and regraded it, he never had any water. He noted that he has 2 sump pumps and the water table is high in the area. He stated that before all the land was cleared for the subdivision, he never had any water problems. Mr. Orecchio said he did not believe that any water is coming in off of Slater Street. He said he believed that the water was coming from the retention pond. He said he was told that the water should not last more than 72 hours and that it lasts much longer than that. He said that the road is pitched towards his property. He said that his driveways has been compromised and although he has to trust Mr. Ward to correct the situation, he also wants his complaints to be on the record with the Planning Board.

Mr. Constant Poholek, representing the applicant, stated that Mr. Ward created a public health hazard for Mr. Orecchio. He asked that an engineering review of the stormwater calculations be conducted.

Ms. Davies explained that the peer review work session with Horsley Witten Group was held on March 14, 2019. She explained that Mr. Ward has agreed to clean out the basins at the bottom of the street and if the infiltration basin does not infiltrate within 72 hours that he will consider converting it to a detention basin. Ms. Davies stated that Mr. Ward also agreed to grade Mr. Orecchio's property, complete the improvements on Slater Street, and plant the required trees around the basins up the hill.

The Board heard the continued public hearing for the application of W.B. Construction & Development, Inc. for the proposed amended forty-three (43) lot definitive subdivision entitled Brigham Hill Estates, as shown on the plan entitled "Phase II - 'Brigham Hill Estates' Definitive Residential Subdivision Modifications" filed pursuant to MGL Ch. 41 §81W, said premises being located off Smith Street and 29 Brigham Hill Road, more specifically Assessor's plat #218, lots #7 and 7B, surveyed by Byron J. Andrews, R.L.S. and engineered by Richard M. Mainville, R.P.E. of Andrews Survey & Engineering, Inc., 500 East Washington Street, North Attleboro, MA 02760, dated May 2, 2014 and revised through October 15, 2018. The subject premises are located in the Single Residence -D zoning district.

The Board heard the continued public hearing for the application of W.B. Construction & Development, Inc. for the proposed amended twenty (20) lot definitive subdivision entitled Brigham Hill Estates, Phase II, as shown on the plan entitled "Phase II - 'Brigham Hill Estates' Definitive Residential

Subdivision Modifications ” filed pursuant to MGL Ch. 41 §81W, said premises being located off Ingall Lane, more specifically Assessor’s plat #218, lot #7A, surveyed by Byron J. Andrews, R.L.S. and engineered by Richard M. Mainville, R.P.E. of Andrews Survey & Engineering, Inc., 500 East Washington Street, North Attleboro, MA 02760, dated May 2, 2014 and revised through October 15, 2018. The subject premises are located in the Single Residence -D zoning district.

Bill Ward presented the application. He stated that he was asked to attend the meeting to give an update. He stated that he has installed the curbing on Pass Farm Road from Slater Street up the hill. He stated that Mr. Orecchio has had a problem with water ever since the subdivision was put in. He stated that Mr. Orecchio has a turnaround driveway and water comes off of Slater Street into his driveway. Mr. Ward stated that the infiltration basin creates a dam that prevents water from moving across the land. To correct this problem, Mr. Ward said he would fill Mr. Orecchio’s property and regrade it so that it would pitch towards the infiltration basin. He noted that he was also working with the Public Works Department to lower a pipe on the other side of Pass Farm Road to lessen the flooding at the vernal pool and connect that pipe to the catch basin across Slater Street.

Mr. Ayrassian asked if the infiltration basin has the capacity to accommodate the driveway runoff. Mr. Ward said it does because this runoff was supposed to be accounted for in the calculations. Mr. Ward said his timeline to complete the improvements in Slater Street is May.

Mr. Lou Caccavaro stated that he represents Scott and Joann May, the owners of the property at 93 Smith Street where the existing drain pipe discharges. Mr. Caccavaro stated that his clients have some concerns that he wants the board to take into consideration. He stated that the first concern is that there is no recorded easement. He stated that he needs to research the history of the pipe, whether it was part of the original construction, and so forth. He stated the second question is whether rights have been acquired by prescriptive easement and how long the pipe has been there.

Chairman Danesi asked if the pipe is in yard or on the property line. Scott May, 93 Smith Street, answered that the pipe is approximately 15 feet from the edge of his foundation. He stated that there are two pipes that drain into his backyard. He noted that his septic system is in his backyard as well.

Mr. Caccavaro said that one question he is looking into is whether the expansion of the use of that easement is allowable by law. He said he understands that approximately 200,000 cubic yards of new stormwater flows will go through the pipes and asked if that could amount to an overburdening of the easement. Mr. Caccavaro said they are concerned that the wetlands will grow and encroach further into their property or that the viability of their septic system will be impacted.

Mr. Ward explained the history of the subdivision and why he is looking at all of the existing and future phases of the subdivision in conjunction with the modification plans. He stated that all of the water in the existing subdivisions already goes to the pipe at 93 Smith Street. He noted that Phases III and IV are on the other side and do not contribute. Mr. Ward said that the plans are still in a state of flux, since they are making some changes based on the Horsley Witten Group peer review.

Mr. Caccavaro said he would be more than happy to work with Mr. Ward and schedule a meeting to review the concerns.

There being no one else to speak, the public hearings were continued.

The Board held a business meeting.

The Board heard Bob Catenacci of 131 Pleasant Street, LLC, with an appointment to speak. He requested the Mr. McNamara recuse himself from any matters to do with Stone Field Estates.

Mr. Catenacci read from a letter he distributed describing the remaining work to be completed. He stated that these items should be done by the end of April. He said he tried to scrape out the material from the bottom of the basins, but they had to stop because the ground was too soft.

Mr. Ayrassian noted that some items in the letter were not new and that Mr. Catenacci was misrepresenting the amount of work that had been done since he last appeared before the Planning Board. The Board discussed the outstanding items and all agreed that the remaining items to be completed include: cleaning out the forebay, completion of the bioretention basin, the gas main, approximately 25 feet of sidewalk, the final portion of Saveena Drive, and the as-built/street acceptance plans and paperwork.

Mr. Lewis stated that he felt Mr. Catenacci was hedging and recommended that the Planning Board set a final deadline. Mr. Catenacci stated that he would be comfortable with the end of May and he would commit to that.

Chairman Danesi made a motion to grant an extension of time to May 31, 2019 for completion of the Stone Field Estates subdivision and all associated paperwork, with the understanding that the City would perform on the subdivision if all work was not completed. Scott Jones seconded the motion. All voted in favor.

The Board discussed the extension request letter from Mark Rioux of Marette & Sons relative to 3 Colonial Way, 162 Kennedy Drive, 6 Colonial Way, 13 Colonial Way, and 7 Colonial Way. Mr. Gittle made a motion to grant a one year extension of time for 6 Colonial Way, 13 Colonial Way, and 7 Colonial Way. Mr. Jones seconded the motion. All voted in favor. Mr. Gittle made a motion to dismiss the extension request for 3 Colonial Way and 162 Kennedy Drive, as the petitioner submitted foundation permits to document performance on the special permit. Mr. Jones seconded the motion and all voted in favor.

Mr. Gittle made a motion to approve the final release of funds for Park Street Estates based on the recommendation by Public Works Superintendent Mike Tyler in the amount of \$47,539.37 plus interest. Mr. Jones seconded the motion. All voted in favor.

Mr. Gittle made a motion to approve the final release of funds for My Lady's Landing based on the recommendation by Public Works Superintendent Mike Tyler in the amount of \$119,051.77 plus interest. Mr. Jones seconded the motion. All voted in favor.

Mr. Gittle made a motion to approve the updated bond amount for Dale Court Extension based on the recommendation by Public Works Superintendent Mike Tyler in the amount of \$115,864.92. Mr. Jones seconded the motion. All voted in favor.

The Board reviewed all remaining correspondence.

The Board approved the minutes of February 25, 2019.

The meeting was adjourned at 8:30 p.m.