



# City Of Attleboro, Massachusetts

## PLANNING BOARD

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## MINUTES

MAY 6, 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, May 6, 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, Melinda Kwart, Jim Lewis, and Sean McNamara

Planning Board Members Absent: Secretary Bert Buckley, Scott Jones, and Sheryl Guglielmo

Due to a lack of quorum, the Board was unable to hear the application of Donald Desvergnés for a special permit pursuant to §17-9.0 SPECIAL PERMITS and §17-13.0 WATER RESOURCE PROTECTION DISTRICT to construct a single family dwelling with associated driveway, utilities, septic system, and grading within the Bungay River Water Resource Protection District, said premises being located at 63 Pasture Brook Road, more specifically Assessor's plat #188, lot #4A-40 (Builder's Lot #78), located in the Single Residence -D zoning district.

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.

Melinda Kwart stated her preference that the stone walls be retained wherever possible.

Jim Lewis questioned whether Rambler Road is being extended or if a different name will be used.

Speaking in favor of the application was Dan Campbell of Level Design Group who stated that it is being extended.

Jim Lewis inquired as to what water the initial basin at the first intersection will be collecting.

Mr. Campbell replied that it will collect runoff from the intersection at Rambler Road and Nash Lane into the subdivision to where the basin is located.

Jim Lewis sought to confirm that the largest stormwater basin will be collecting the water from the length of the road and cul-de-sac.

Mr. Campbell confirmed and stated that it will also contain the water from the two connector roads.

Jim Lewis questioned the purpose for a portion of the basin.

Mr. Campbell explained that it is a sediment forebay, through which all the water flows to allow the settling of sediment before it enters the basin, after which it is finally released into the wetlands behind the property lines.

Jim Lewis asked why the basin would be located there rather than on the opposite side of the street.

Mr. Campbell replied that it was due to their goal for lot configuration to allow access from every house lot to the open space. He noted that the grading on the lots Mr. Lewis had referenced also slopes downwards, so it was an effort to avoid having to fill them.

Jim Lewis noted his appreciation for the forested nature of the property and that he would like to see the developer make every possible effort to save the old trees and stone walls wherever possible. He stated his preference to see a plan sketched out showing how this will be accomplished, as he is not in favor of clearcutting the site.

Mr. Campbell stated that they have no intention of clearcutting the site. He stated that the page in the site plan for erosion control shows the tree cutting plan, which will only be for the building envelope. He noted that there's not a lot that can be done about the frontage of the lots, as there is grading required off the road at the front property lines, so trees will have to be removed there.

Chairman Danesi reiterated the Board's desire to see adherence to the open space design standards, which strive for the landscape to be preserved in its natural state as much as possible. He advised the applicant to take advantage of the natural features where he can.

Mr. Campbell stated that the setbacks for the houses will be a bit further than 10-feet back, but could intrude more for houses that elect to construct farmer's porches, or other features. He agreed that the open space regulations grant the applicant a lot of flexibility to achieve those goals and that they will do their best to preserve or recreate natural features, as possible. He noted that a large portion of the forested area will end up in the open space, but that he will have to review what's happening along the boulevard on the edge of the road as you turn on to Paisley Way.

Melinda Kwart noted that if a deeded lot contains a historic stone wall, there is no way to prevent the homeowner from removing the wall unless some sort of deed restriction was applied.

Jim Lewis agreed. He stated that the Board can direct the developer to preserve those trees and walls, but the buyer of the home could end up removing them all once he owns the property.

Ms. Davies stated that the applicant had been approached about placing an easement on areas to remain undisturbed, but they were reluctant to do so as it will restrict the private homeowner. She noted that the Board did impose a "no-cut" buffer in the "Stone Forest" subdivision on some of the lots that abutted the Downing Drive neighborhood, but she noted that the lots in question are much smaller than those lots.

Melinda Kwart pointed out that the stone walls have a historical significance and that the trees can grow back, while the walls cannot.

Mr. Campbell reassured the Board that no portion of the open space will be touched. He noted that there is a junction of two existing stone walls in the location of the proposed larger basin that will have to be removed, but they are hoping to use the stones to recreate a similar wall elsewhere. He suggested that the rear of the properties that are adjacent to the basin outlet have signs installed that prohibit cutting past that point, to make clear where their property ends and where the open space begins.

Ms. Davies suggested that two signs per lot could be installed.

Chairman Danesi noted that it was dusk during the recent site visit and the Board observed traffic to be both fast and inattentive on Pike Avenue.

Mr. Campbell suggested that the installation of a roadway will force people to slow down as they will see people trying to pull out. He stated that they are providing an easement with a 300-foot sight line to the left down Pike Avenue, so motorists can see vehicles approaching.

Ms. Davies questioned whether this sight line easement is on the subdivision's property.

Mr. Campbell replied in the affirmative. He stated that they designed the road as proposed to allow for maintenance of the sight line easement, as well as of the adjacent stormwater basin.

Chairman Danesi questioned whether the proposed road intersecting with Pike Avenue could be widened to improve visibility.

Mr. Campbell noted that the road is 43-feet across already, which he felt would be sufficient. He stated that he feels that the sight lines issues are directly related to the vegetation.

Jim Lewis suggested that the applicant cut the radius in now so the Board can develop a better idea of the sight lines. He stated that the way things currently stand, sight lines are definitely a problem.

Mr. Campbell agreed to do that by the beginning of the following week.

Jim Lewis questioned any measures being taken for sight lines on the opposite side of the street.

Mr. Campbell stated that it is possible to see up the hill all the way to corner, so no sight line easement has been provided on that side.

Chairman Danesi noted that the culvert there is very overgrown and queried whether the Conservation Commission would consider allowing it to be cleared up.

Mr. Campbell replied that the culvert itself is not really holding back any water and that it appears to be functioning.

Jim Lewis sought to confirm that the applicant is proposing a 0 net increase in volume for the outflow of water.

Mr. Campbell agreed. He stated that the neighbors on the other side will not see any more water than they do presently and that his design decreases the total volume, as well as the speed.

Jim Lewis questioned whether water conditions could be improved as a result of development.

Mr. Campbell stated that it would be possible. He noted that the existing culvert does not function in a 100-year storm and that the road already floods. He stated that they will not be exacerbating what currently exists.

Chairman Danesi questioned whether Rambler Road needs to be widened.

Mr. Campbell replied no.

Chairman Danesi noted a fence that was installed right up to the existing road which may be a conflict should widening be necessary.

Mr. Campbell replied that the design would not impact the fence, despite it being in the right-of-way.

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

**The Board tabled 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 due to a lack of quorum (Jim Lewis recused himself) .

The Board tabled 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 due to a lack of quorum (Jim Lewis recused himself) .

The Board heard the application of 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 construction of a parking lot, consisting of a total of 354 new off-street parking stalls, including associated grading and stormwater management systems; the subject premises being located on Berwick Road, more specifically Assessor’s plat #115, lot #1, located in the Single Residence-D zoning district.

The Board reviewed the memorandum from Public Works Superintendent Michael R. Tyler, dated April 22, 2019, to the Planning Board, providing comment on the Major Site Plan Review application for Berwick Road.

Jim Lewis asked why this property would be designated as Berwick Road rather than Rathbun Willard Drive.

Speaking in favor of the application was Jack Jacobi of the Municipal School Building Commission who stated that it was required by the assessor’s office. He stated that he intends to file restoration and soil management plans for the next meeting.

Jim Lewis made a motion to continue the hearing to June 3<sup>rd</sup>. Jason Gittle seconded the motion and all voted in favor.

**The Board held a business meeting.**

The Board discussed 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.

Jason Gittle, serving as Chairman of the Site Plan Review Committee, stated that some concerns had been expressed relative to the drop-off loop, but nothing strong enough to evoke change. He stated the Committee’s recommendation that the plan be approved as submitted with boilerplate conditions and anything else the staff consider necessary from an administrative standpoint.

Jim Lewis made a motion to **APPROVE WITH CONDITIONS** the Major Project Site Plan Review application pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, for the construction of the new Attleboro High School building and associated sports fields and courts, off-street parking areas, driveways, landscaping, utilities, grading and stormwater management system, being located at 100 Rathbun Willard Drive, more specifically Assessor's plat #44, lot #42, located in the Single Residence-B zoning district and Single Residence-D zoning district, as shown on the site plan entitled "ATTLEBORO HIGH SCHOOL", drawn and engineered by Kaestle Boos Associates, Inc., 16 Chestnut Street, Suite 301, Foxboro, MA 02035, revised through April 23, 2019. Melinda Kwart seconded the motion and a discussion followed. All voted in favor and the Board attached conditions.

**The Board reviewed the memorandum from Public Works Superintendent Michael R. Tyler, dated May 6, 2019, to the Planning Board, providing a recommendation for a FINAL release of funds in the amount of \$142,186.79 plus any associated interest, relative to the "Avalon Estates" subdivision.**

Mr. Ayrassian requested that the Board table the matter to allow him time to solicit a letter from the subdivision's attorney regarding an offer to donate the open space in the subdivision.

Chairman Danesi noted that the inspection report reflects that the detention ponds were inspected in May.

Jim Lewis questioned how Public Works can be sure the system will function. He stated his understanding that Public Works simply is verifying whether the features were built to plan. He asked what will prevent this situation from becoming like the issues currently faced in the later phases of "Brigham Hill Estates."

Ms. Davies stated that she didn't feel that this case was the same. She noted that the Public Works Superintendent had wanted to wait until the spring to ensure there were no further issues with the stormwater system. She stated that the issues were not of the same magnitude as "Brigham Hill Estates."

Mr. Ayrassian stated that no one actually measures everything, rather a visual inspection is performed to ensure things are working. He stated that the applicant's inspection fee goes to the City for that purpose and goes into the general fund. He conjectured that Horsley Witten Group could perform inspections, but historically the Board hasn't exercised that option.

Chairman Danesi noted that Public Works will be responsible to fix things once it's accepted.

Mr. Ayrassian noted that another charge would likely be required to cover independent inspections. He stated that however the Board votes now, it'll fall on Public Works shoulders.

Chairman Danesi noted that it would not be appropriate for this subdivision, but it should be considered for future cases.

Sean McNamara agreed that an analysis of whether a system actually works versus it being built as designed would be much more useful.

Mr. Ayrassian stated that another review may be required to compare and contrast the as-built plans with the approved plan. He noted that they should theoretically be the same.

Jim Lewis asserted that the Board is relying on Public Works to do that work.

Mr. Ayrassian stated that he doesn't believe they do it.

Chairman Danesi noted that Public Works caught some of the issues with the driveways in this subdivision.

Mr. Ayrassian argued that the discovery was as a result of residents complaining.

Chairman Danesi stated that he wants to visit Avalon Estates before approving the final release and potentially request that the Conservation Commission look at it as well. He stated that if the City isn't currently comparing the plans, he's not going to try to start that practice this far into completion of this subdivision.

Jim Lewis stated his astonishment that Public Works would not be comparing the approved plans and the as-built plans. He stated his sense that there should be ongoing checks and that the Board relies on Public Works for that. He stated that he would like to categorically know whether the plans are being compared.

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

**The Board reviewed the memorandum from Public Works Superintendent Michael R. Tyler, dated May 6, 2019, to the Planning Board, providing an updated bond amount of \$239,684.99 relative to the "Viridian Meadows, Phase II " subdivision.**

Jim Lewis made a motion to approve the updated bond amount of \$239,684.99 for "Viridian Meadows, Phase II." Melinda Kwart seconded the motion and all voted in favor.

**The Board reviewed the memorandum form Public Works Superintendent Michael R. Tyler, dated May 6, 2019, to the Planning Board, recommending a FINAL release of funds in the amount of \$8,493.19 plus any associated interest, relative to the "Tennant Circle " subdivision.**

Ms. Davies explained that this is an older subdivision for which street acceptance and as-built plans has recently been submitted.

Jason Gittle made a motion to approve the FINAL release of funds in the amount of \$8,493.19 plus interest for the "Tennant Circle" subdivision. Melinda Kwart seconded the motion and all voted in favor.

**The Board discussed performing on the "Beech Tree Estates" and "Burgess Estates" subdivision performance guaranties.**

Ms. Davies noted that the only outstanding issues are as-built and street acceptance plans for both subdivisions. She stated the multiple attempts were made to contact the owners. She stated that she's received estimates from two companies for between \$4 and \$5 thousand dollars to have the plans drawn up for each. She stated that Beech Tree Estates has cash security while Burgess Estates is under a lender's agreement.

Mr. Ayrassian noted that staff had met with the City Solicitor who recommended that the Board perform on the bonds.

Jason Gittle made a motion to perform on the performance guaranty for the “Beech Tree Estates” subdivision. Melinda Kwart seconded the motion and all voted in favor.

Jason Gittle made a motion to perform on the performance guaranty for the “Burgess Estates” subdivision. Melinda Kwart seconded the motion and all voted in favor.

**The Board voted to hold a Joint Public Hearing with the Municipal Council on Tuesday, May 21, 2019 at 7:00 p.m. in the Council Chambers.**

Jim Lewis made a motion to hold the Joint Public Hearing. Sean McNamara seconded the motion and all voted in favor.

**The Board scheduled to hold a Subdivision Committee meeting on June 3, 2019 at 5:30 p.m.**

**The Board requested a draft letter of support relative to the Capital Improvements Program for review.**

The Board reviewed all remaining correspondence.

The Board tabled the pending minutes of April 22, 2019.

The meeting adjourned at 7:52 p.m.