



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

MAY 7, 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, May 7, 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, Vice Chairman Jason Gittle, Secretary Bert Buckley, Sheryl Guglielmo, Scott Jones, Melinda Kwart, Jim Lewis, and Jack Rogers

Planning Board Members Absent: Elizabeth Kenyon

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.

Senior Land Use Planner Stephanie Davies reminded the Board that staff are awaiting the second peer review report.

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

The Board heard the continued 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.

The Board reviewed the response comments, revised plans, and revised calculations from Daniel Campbell, P.E. of Level Design Group, dated April 25, 2018, to the Director of Planning and Development Gary Ayrassian, relative to the "Simpson Avenue Extension" application.

Speaking in favor of the application was Dan Campbell of Level Design Group who stated that the Conservation Commission is on board with shifting the stormwater basin closer to the wetlands to keep River Avenue clear. He stated their intent to vote on the application next week.

Ms. Davies stated that all staff comments have been addressed.

Chairman Danesi sought to confirm that the Fire Department is satisfied with the plan.

Mr. Campbell replied in the affirmative.

Director of Planning and Development Gary Ayrassian recommended the Board close the meeting and refer the matter to the Subdivision Committee. He noted that an extension of time is required to render the decision.

Dan Campbell requested an extension of time to May 29, 2018.

Bert Buckley made a motion to grant an extension of time to May 29, 2018. Melinda Kwart seconded the motion and all voted in favor, except Jim Lewis who abstained.

There being no one else to speak, Bert Buckley made a motion to close the hearing. Scott Jones seconded the motion and all voted in favor with Jim Lewis abstaining from the vote.

The Board scheduled a Subdivision Commission meeting for May 21, 2018 at 6 p.m.

The Board heard the continued public hearing for the application of Woodlark Development Corp. for the proposed forty (40) lot definitive subdivision plan entitled "COOPER FARM," located on Pleasant Street, more specifically Assessor's plat #125, lots #2 through 6 (inclusive) and #9, as well as plat #195, lots #1 and #8, located in the Single Residence-D zoning district, engineered by John K. Marchand, R.P.E. of Farland Corp., 401 County Street, New Bedford, MA 02740.

The Board reviewed the roadway cross section and waiver request from Woodlark Development Corp, received April 30, 2018, relative to the "Cooper Farm" definitive subdivision plan.

Speaking in favor of the application was John Marchand of Farland Corp who provided the Board with copies of a revised cross-section reflecting the reduced pavement width from 31-feet to 26-feet. He stated that the reduction is aimed at decreasing the amount of runoff produced on the site.

Mr. Ayrassian sought to confirm that they are proposing a 9.5-foot wide shoulder.

Mr. Marchand replied in the affirmative and explained they are proposing 1.5-feet of grass, the 5-foot sidewalk, 2-feet of grass, and 1-foot of curbing.

Mr. Ayrassian sought to confirm whether the hydrants would be installed in front of or behind the sidewalk.

Mr. Marchand replied behind.

Mr. Ayrassian stated that the 1.5-foot strip along the home owner's property line will become an extension of their yard. He stated that he'd rather the grass strip between the curbing and the sidewalk be increased to 2.5-feet.

Speaking in favor was Tim Caponigro of Woodlark Development who stated that realistically, it is homeowners who provide maintenance for the grass strips in front of their house, anyway.

Mr. Ayrassian agreed.

Jim Lewis sought to confirm the size of the right-of-way.

Mr. Caponigro replied 45-feet.

Chairman Danesi questioned how a larger grass strip would affect installing driveways and sidewalks to meet ADA regulations.

Mr. Caponigro replied that from a construction and maintenance perspective, a 1.5-foot grass strip is easier to deal with.

Bert Buckley sought to confirm that a 1.5-foot grass strip is the standard.

Mr. Caponigro stated that in some places he's worked the standard is only 1-foot.

Mr. Ayrassian argued that in a situation where that small of a grass strip is proposed, the City would opt to eliminate it, as the smaller the strip, the less likely the grass will take root.

Mr. Caponigro noted that it can also be a conflict as National Grid is the one who decides where to install the telephone poles.

Melinda Kwart questioned whether a 2-foot strip will be sufficient for the grass to grow, as she would hate to see it reduced to a dirt patch.

Mr. Caponigro replied that 2-feet is plenty of room for the grass to take root. He stated that the last subdivision he built had a 16-inch strip and that as long as the grass is cared for, it will grow.

Chairman Danesi stated that he was in favor of the layout as originally proposed, with a 2-foot grass strip.

Mr. Caponigro proceeded to request waivers to construct a Cape Cod-style berm in lieu of the required molded berm, for the modified cross-section, and for the reduction in pavement width.

Ms. Davies noted that the project was being sent out to the peer reviewer for a second review.

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

The Board held a business meeting.

The Board tabled the application of Jorge J. Ayub 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, and grading within the Bungay River Water Resource Protection District, said premises being located at 47 Semple Village Road, more specifically Assessor's plat #93, lot #59AG, located in the Single Residence-D zoning district pending the submission of required materials.

Ms. Davies noted that the revised plans that were requested have not yet been submitted. She stated that she would follow-up with the applicant.

The Board discussed 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.

The Board reviewed the letter from Robert Catenacci of One Thirty One Pleasant Street, LLC, dated May 2, 2018, to the Planning Board providing reviewer and staff response comments, plan revisions, sewer easement, and recreational foot path pledge relative to the "Stone Field Estates II" definitive subdivision plan.

Jim Lewis questioned whether the sidewalk funds submitted in associated with a waiver granted for sidewalks would be applied towards sidewalks on Oak Hill Avenue.

Mr. Ayraasian replied that an official Sidewalk Fee Account had been established by the Municipal Council, so the Planning Board could write an advisory letter directing the use of the funds to that end.

Jim Lewis expressed concern with the developer's history of not completing subdivisions within the 24-month prescribed timeframe.

Jason Gittle questioned the Board's recourse if the developer fails to request an extension.

Mr. Ayraasian stated that the Board would compel the developer to appear and explain the delay.

Ms. Davies stated that there are no outstanding issues and the staff recommends approval of the subdivision. She stated that Horsley Witten Group had pointed out that pond #2 will hold up to 4-feet of water, which may be deep enough to necessitate fencing for safety purposes.

Jim Lewis questioned when that depth of water would be in the pond.

Mr. Ayraasian replied in a 100-year storm.

Jason Gittle made a motion to **GRANT** the requested waiver from the provisions of §5.5(G) REQUIREMENTS FOR CONSTRUCTION PLANS AND PROFILES and thereby allow the subdivision to be designed and equipped with underground utilities. Melinda Kwart seconded the motion and all voted in favor

Bert Buckley made a motion to **GRANT** the requested waiver from the provisions of §6.2(C) STREET WIDTH and thereby allow a pavement width of twenty-six (26') feet within the forty-five (45') foot wide Saveena Drive right-of-way and within the forty-five (45') foot wide Mary Rocha Way right-of-way, as shown on the approved definitive site plan. Melinda Kwart seconded the motion and all voted in favor.

Bert Buckley made a motion to **GRANT** the requested waiver from the provisions of §7.3(D) ROAD CONSTRUCTION - BERM and thereby allow the construction of monolithic Cape Cod style berm, as shown on the approved definitive subdivision plan. Jason Gittle seconded the motion and all voted in favor.

Jason Gittle made a motion to **GRANT** the requested waiver from the provisions of §7.7(A) SIDEWALKS and thereby allow the construction of a five (5') foot wide sidewalk on only one side of the Saveena Drive right-of-way and on only one side of the Mary Rocha Way right-of-way with a three and one-half (3.5') foot wide grass strip between the sidewalk and berm, as shown on the approved definitive subdivision plan. Bert Buckley seconded the motion and all voted in favor.

Jason Gittle made a motion to APPROVE (8 Yeas, 0 Nays, 0 Abstentions, and 1 Absent) the proposed twenty three (23) lot definitive subdivision plan entitled "STONE FIELD ESTATES II", located off Oakhill

Avenue, more specifically Assessor's plat #170, lot #1A, located in the Single Residence-D zoning district, engineered by John C. Spink, P.E. of Spink Design, 59 Clay Street, Middleboro, MA 02346, dated March 14, 2018, revised through February 25, 2018. Bert Buckley seconded the motion and all voted in favor. The Board attached conditions.

The Board reviewed the Extension of Time Request submitted by attorney Jack Jacobi of Coogan Smith, LLP, on behalf of SOWA, LLC, dated April 24, 2018, requesting an extension of time to May 21, 2018 for the Major Site Plan Review application for "Shops on Washington. "

Bert Buckley made a motion to grant an extension of time to May 21, 2018. Scott Jones seconded the motion and all voted in favor.

The Board reviewed and tabled the letter from John F. D. Jacobi, III of Coogan Smith, LLP, dated April 26, 2018, to the Planning Board, requesting an extension of time for the Major Site Plan Review decision granted to Crugnale Properties, LLC for 95 South Main Street.

Jim Lewis questioned when the original site plan was approved. He expressed concern with the fact that the dead trees on the first phase of the project have still not been replaced.

Jason Gittle noted that members should check out the Crugnale proposal for Mansfield and noted that it is much more opulent that what is proposed for Attleboro.

Melinda Kwart expressed frustration that the Board gave Crugnale a lot of leniency for these developments and that the first floor of phase I development has yet to be rented to a commercial tenant.

Chairman Danesi noted that Mansfield is 15 minutes closer to Boston so gets upwards of 10% higher rental fees.

Ms. Davies stated the original decision was approved sometime in June of 2017. She stated that the applicant is seeking a one year extension. She stated that she would find the exact approval date to facilitate a vote.

The Board tabled the letter and pictures from Planning Board Clerk Lauren Stamatis, dated March 6, 2018, to Anthony Marinella of Maddi North Street Development, regarding stormwater management system deficiencies and the failure to complete by deadline construction of the "AVALON ESTATES" subdivision.

The Board tabled the letter from Senior Vice President Geoffrey A. Homoliski of Middlesex Savings Bank, dated January 24, 2018, to Senior Land Use Planner Stephanie Davies, regarding the lender's agreement for the "Cameron Woods" subdivision.

Ms. Davies stated that she has been back and forth with the City Solicitor on the matter, but progress is being made.

The Board reviewed all remaining correspondence.

The Board approved the pending minutes from March 5, 2018 and March 20, 2018. The Board tabled the pending minutes from April 2, 2018 and April 23, 2018.

The meeting was adjourned at 7:58 p.m.