



City Of Attleboro, Massachusetts

PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET
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MINUTES

JUNE 4, 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, June 4, 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, Sheryl Guglielmo, Scott Jones, Elizabeth Kenyon, Melinda Kwart, Jim Lewis, and Jack Rogers

Planning Board Members Absent: Vice Chairman Jason Gittle and Secretary Bert Buckley

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 noted that the second peer review had just been received and the applicant is in the process of drafting their response comments. There being no one else to speak, the public hearing was continued.

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.

Ms. Davies informed the Board that the applicant is seeking a continuance. There being no one else to speak, the public hearing was continued.

The Board heard the continued public hearing for the application of SOWA, LLC for an amendment to the approved Major Project Site Plan Review decision dated June 20, 2017 for "Shops on Washington," to accommodate an increase in the size of proposed Restaurant 2 by 154 square feet; a reduction in size by 6,201 square feet and 3,917 square feet for proposed Retail A and Retail B buildings, respectively; the addition of a 3,000 square foot bank with an associated drive-through service window; the addition of a proposed 5,617 square foot Restaurant 1; and changes to the site's parking space sizes, layout, and number, the subject premises being located at 1 Highland Avenue and 5 Route 1A, more specifically Assessor's plat #64, lots #1A and 1B, located in the General Business zoning district.

Ms. Davies reminded the Board that the matter had previously been continued to June 18, 2018. There being no one else to speak, the public hearing was continued.

The Board held a business meeting.

The Board discussed 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.

Sheryl Guglielmo made a motion to **GRANT** the requested waiver from the provisions of §5.4(B) REQUIREMENTS FOR DEFINITIVE PLANS and thereby allow the construction of the street extension without installing the requisite permanent monuments. Scott Jones seconded the motion and all voted in favor save Jim Lewis, who abstained.

Sheryl Guglielmo made a motion to **GRANT** the requested waiver from the provisions of §5.6 UTILITIES and thereby allow a water service to only the lot, foregoing the requisite water main extension in the roadway. Melinda Kwart seconded the motion and all voted in favor save Jim Lewis, who abstained.

Sheryl Guglielmo made a motion to **GRANT** the requested waiver from the provisions of §5.6 UTILITIES and thereby allow the construction of the street extension without installing a hydrant within one thousand (1,000') feet of the proposed structure. Scott Jones seconded the motion and all voted in favor save Jim Lewis, who abstained.

Sheryl Guglielmo made a motion to **GRANT** the requested waiver from the provisions of §6.1(J) STREET LOCATION AND ALIGNMENT and thereby allow a modified "T" turnaround with a radius of fifteen (15') feet and length of twenty-five (25') feet, with the roadway extending fifteen (15') feet past the turnaround. Scott Jones seconded the motion and all voted in favor save Jim Lewis, who abstained.

Sheryl Guglielmo made a motion to **GRANT** the requested waiver from the provisions pursuant to §6.2(B) STREET WIDTH and thereby allow the street extension to be constructed with no curbing, foregoing the installation of the requisite concrete molded berm. Melinda Kwart seconded the motion and all voted in favor save Jim Lewis, who abstained.

Sheryl Guglielmo made a motion to **GRANT** the requested waiver from the provisions pursuant to §7.3(D) ROAD CONSTRUCTION - BERM and thereby allow the street extension to be constructed with no curbing, foregoing the installation of the requisite concrete molded berm. Melinda Kwart seconded the motion and all voted in favor save Jim Lewis, who abstained.

Sheryl Guglielmo made a motion to **GRANT** the requested waiver from the provisions pursuant to §7.5 WATER SUPPLY SYSTEM and thereby allow water service to only the lot, foregoing the requisite water main extension in the roadway. Melinda Kwart seconded the motion and all voted in favor save Jim Lewis, who abstained.

Sheryl Guglielmo made a motion to **GRANT** the requested waiver from the provisions of §7.6 MONUMENTS and thereby allow the construction of the street extension without installing the requisite permanent monuments. Scott Jones seconded the motion and all voted in favor save Jim Lewis, who abstained.

Melinda Kwart made a motion to **GRANT** the requested waiver from the provisions pursuant to §7.7(A) SIDEWALKS and thereby allow construction of the roadway without the installation of the requisite five (5') foot wide bituminous concrete sidewalks on both sides of the street pavement. Scott Jones seconded the motion and all voted in favor save Jim Lewis, who abstained.

Sheryl Guglielmo made a motion to **GRANT** the requested waiver from the provisions pursuant to §7.8(A) TREES and thereby allow construction of the street extension without planting the requisite trees at fifty (50') foot intervals. Scott Jones seconded the motion and all voted in favor save Jim Lewis, who abstained.

Melinda Kwart made a motion to **GRANT** the requested waiver from the provisions pursuant to §5.5(G) REQUIREMENTS FOR CONSTRUCTION PLANS AND PROFILES and thereby allow construction of the street extension without the requisite street lights. Sheryl Guglielmo seconded the motion and all voted in favor save Jim Lewis, who abstained.

Sheryl Guglielmo made a motion to **GRANT** the requested waiver from the provisions pursuant to §6.4 FIRE ALARM SYSTEM and thereby allow construction of the street extension without the requisite fire alarm boxes. Scott Jones seconded the motion and all voted in favor save Jim Lewis, who abstained.

Sheryl Guglielmo made a motion to **APPROVE** the definitive street extension plan entitled "COUNTY STREET REALTY, LLC - SIMPSON AVENUE, ATTLEBORO, MASSACHUSETTS" located on Simpson Avenue, said premises being located on Assessor's plat #72, lot #450, #451, #540, and #541 in the Single Residence-B zoning district, drawn and engineered by Daniel R. Campbell, R.P.E. of Level Design Group, 249 South Street, Unit 1, Plainville, MA 02762, dated July 24, 2017 and revised through April 20, 2018. Scott Jones seconded the motion and a discussion followed. All voted in favor save Jim Lewis, who abstained. The Board attached conditions.

The Board discussed 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.

Sheryl Guglielmo made a motion to **GRANT** a special permit pursuant to §17-9.0 SPECIAL PERMITS for the construction of 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, as shown on the site plan entitled "47 SEMPLE VILLAGE ROAD, ASSESSORS MAP 93 PARCEL 59AG ATTLEBORO, MASSACHUSETTS", engineered by Christian Albert Farland, R.P.E. of Farland Corp, 401 County Street, New Bedford, MA 02740, dated May 15, 2018. Melinda Kwart seconded the motion and a discussion followed. All voted in favor and the Board attached conditions.

Sheryl Guglielmo made a motion to **GRANT** a special permit pursuant to §17-13.0 WATER RESOURCE PROTECTION DISTRICT for the construction of 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, as shown on the site plan entitled "47 SEMPLE VILLAGE ROAD, ASSESSORS MAP 93 PARCEL

59AG ATTLEBORO, MASSACHUSETTS”, engineered by Christian Albert Farland, R.P.E. of Farland Corp, 401 County Street, New Bedford, MA 02740, dated May 15, 2018. Melinda Kwart seconded the motion. Melinda Kwart seconded the motion and all voted in favor.

The Board heard the appointment to speak of Suanne Santos regarding the “Avalon Estates” subdivision.

The Board reviewed the letter from Senior Land Use Planner Stephanie Davies, dated May 22, 2017, to Anthony Marinella of Maddi North Street Development, LLC, regarding the violation of the timeline to complete infrastructure construction at the “Avalon Estates” subdivision, as well as issues with construction completed to date and 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 completed by construction deadline the “Avalon Estates” subdivision.

Ms. Santos distributed a letter to the Board explaining that the work that has been completed since the last Planning Board meeting.

Ms. Davies questioned whether the neighbors are satisfied with the work.

Speaking was Brandon of Marinella Construction who stated that he has spoken with the concerned neighbors and resolved their issues.

Ms. Santos noted that permission has been obtained from the owners to re-slope their driveways.

Ms. Davies asked whether Public Works has been out to inspect the work.

Ms. Santos replied in the negative, explaining that the work had just been completed last week, so Public Works is scheduled to come out. She reviewed the work completed which includes reducing the length of the median strip to allow the abutter’s car to access his driveway and installation of the roadway bounds. She stated that the only remaining work is the as-built survey and plans, as well as submitting a street acceptance application. She stated their intent to have those materials submitted by the end of the month. She stated that they had addressed the drainage issues between lots 1 and 2 that resulted from the basin not being constructed to plan. She explained that it has since been excavated, refilled, and the slopes re-graded and hydroseeded. She noted that the abutter on Lot 6 had expressed concerns with the constructed wetland holding a significant amount of water. She stated that debris had to be removed from the basin to allow for a hydrologic connection with the wetland. She stated that all sediment forebays have been cleaned and rip rap installed so the water is flowing as designed. She stated that no ponding has been observed since the fixes were employed.

Chairman Danesi sought to confirm that construction is overall done, so there should be no more debris clogging up the system.

Ms. Santos agreed. She stated that they are just waiting for the grass to grow in following hydroseeding.

Jim Lewis questioned how sand from the roads will affect the system’s rip rap. He asked whether the sediment forebay will allow such debris to silt out.

Ms. Santos replied in the affirmative.

Jim Lewis questioned the frequency with which the City will have to clean out the forebay once the street is accepted.

Ms. Santos replied that the forebay is usually on the same schedule as the catch basins and should be cleaned out in the spring after the snow melts. She noted that you can tell by looking at the sediment forebay whether it needs to be cleaned.

Jim Lewis questioned the means for cleaning out the forebay.

Ms. Santos replied that it involves the use of a backhoe or clamshell digger.

Director of Planning and Development Gary Ayrassian noted that there appears to be nothing buttressing the asphalt, as there is presently 4- to 5-inches of exposed sidewalk, followed by dirt and grass. He noted that at some point, this will result in breaking into the street without support.

Brandon replied that they have loamed and seeded things when the driveway aprons were repaired.

Ms. Davies noted that the resident at 48 Avalon had expressed concern with a tree that had fallen in the constructed wetlands.

Brandon replied that he had cut up and removed the tree, but had to get permission from the Conservation Commission before he could perform the work.

Ms. Santos submitted a letter requesting a final inspection by the Department of Public Works.

The Board reviewed the memorandum from Planning Board Clerk Lauren Stamatis, dated May 17, 2018, to Public Works Superintendent Michael Tyler, requesting a sidewalk value recommendation for the sidewalks that were waived in the "STONE FIELD ESTATES II" subdivision and the memorandum from Public Works Superintendent Michael R. Tyler, dated May 30, 2018, to the Planning Board providing a sidewalk value of \$17,000.00 relative to the "STONE FIELD ESTATES II" subdivision.

The Board approved the value of \$17,000.00 relative to the sidewalks waived in the "Stone Field Estates II" subdivision.

The Board reviewed the legal opinion form City Solicitor Lauren C. Galvin, dated May 29, 2018, to Director of Planning and Development Gary Ayrassian, regarding sidewalk funds.

Mr. Ayrassian explained that there had been a question from the Auditor as to the mechanism for taking in funds associated with the sidewalk account, but that the Modernization Act enacted several years prior had provided the means. He stated that staff held a meeting with the City Solicitor, Auditor, and Planning Board Chairman to discuss how to handle things moving forward. He stated that he will be appearing before the Council to request that a sidewalk stabilization fund be created and will make clear that granting of the waiver is not contingent on submitting the funds.

Ms. Davies noted that this means the funds are no longer a voluntary donation, but rather a fee.

Scott Jones questioned how this will be seen by the developers.

Mr. Ayrassian agreed that it could be challenging, but that it will be an exaction moving forward. He stated that this is justified since there is a rational nexus between the fee and the purpose.

Melinda Kwart reminded the Board that this policy has been in place since 2005 or 2006.

Mr. Ayrassian stated that if anyone files a complaint, it will be referred to the City Solicitor, who has assured staff that the Board is on solid ground legally.

Chairman Danesi agreed, stating that the Commonwealth has a great deal of precedent on the matter regarding sidewalks.

The Board tabled the Municipal Council Vote from May 22, 2018, proposing a Loan Order in the amount of THREE MILLION, ONE HUNDRED THOUSAND DOLLARS (\$3,100,000.00) for the acquisition of land.

Mr. Ayrassian stated that he feels that acquisition meets two separate goals of the Comprehensive Plan, which involve preserving environmental resources and open space and protecting land for passive recreation. He stated that it could also be argued that the act could preserve neighborhoods, and foster recreation in the downtown, which is only half a mile away.

Scott Jones questioned what will happen if the City buys the land, but decides to use it for something that doesn't relate to open space or recreation.

Mr. Ayrassian stated his understanding that the loan authorization will specify for what use the land is being purchased.

Jim Lewis argued that more than likely not all of the land will be used for recreation. He asked whether there's anything else in the Comprehensive Plan that gives the City more latitude on how to use the site. He stated that he felt approaching only from the prospect of recreation and open space is too limited.

Mr. Ayrassian stated that all of the uses cited in his meeting with the Mayor had recreational undertones.

Jim Lewis argued that he didn't want to see a valuable piece of property pigeonholed into open space. He questioned whether restrictions regarding the use would be removed once the loan is paid.

Mr. Ayrassian replied that the loan term is likely to be 27 to 32 years. He suggested that the Board table the matter and the Mayor can be consulted to explain the plans for the site in greater detail. He stated that in the meantime, he will distribute his recommendation.

The Board reviewed the letter from Planning Board Clerk Lauren Stamatis, dated May 17, 2018 to Public Works Superintendent Michael Tyler, requesting a bond amount recommendation for the "STONE FIELD ESTATES II" subdivision and the memorandum from Public Works Superintendent Michael R. Tyler, dated May 30, 2018, to the Planning Board, providing a proposed bond amount of \$736,513.90 relative to the "STONE FIELD ESTATES II" subdivision.

Melinda Kwart made a motion to approve the proposed bond amount of \$736,513.90. Sheryl Guglielmo seconded the motion and all voted in favor.

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.

The Board discussed the draft Recreational Marijuana Ordinance.

The Board reviewed all remaining correspondence.

The Board tabled the pending minutes from April 2, 2018, April 23, 2018, May 7, 2018, and May 21, 2018.

The meeting was adjourned at 8:50 p.m.