



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

JULY 17, 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 Tuesday, July 17, 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, Scott Jones, Elizabeth Kenyon, and Melinda Kwart

Planning Board Members Absent: Sheryl Guglielmo, Jim Lewis, and Jack Rogers

The Board heard the continued public hearing for the application of SR Land Improvement for the proposed eighteen (18) lot definitive subdivision plan entitled "STONE-E-LEA ESTATES," located on County Street, more specifically Assessor's plat #143, lot #5, located in the Single Residence-D zoning district, engineered by Joseph A. Casali, R.P.E. of Joe Casali Engineering, Inc., 300 Post Road, Warwick, RI 02888.

The Board reviewed the Form P1 - Request to Continue a Public Hearing submitted by SR Land Improvement, received July 17, 2018, requesting a continuance to August 13, 2018 relative to the "Stone-E-Lea Estates" definitive subdivision plan.

Senior Land Use Planner Stephanie Davies explained that the stormwater peer review work session had been held that morning and the applicant needed time to incorporate plan revisions.

Melinda Kwart made a motion to continue the hearing to August 13, 2018. 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 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.

Speaking in favor of the application was John Marchand of Farland Corp. He stated that a waiver has been requested to reduce the pavement width of the roadway from 31-feet to 26-feet. He stated that the change is predicated on recommendations made by the City's peer reviewer, Horsley Witten Group. He stated that they have also indicated their satisfaction with some modifications made to the stormwater system's outlet control structure and that no matters remain outstanding.

Ms. Davies noted that a waiver to modify the sidewalk cross-section will be necessary.

Mr. Marchand requested the waiver to modify the sidewalk cross-section.

Director of Planning and Development Gary Ayrassian recommended the hearing be closed.

There being no one else to speak, Bert Buckley made a motion to close the public hearing. Scott Jones seconded the motion and all voted in favor.

The Board held a business meeting.

The Board discussed 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.

The Board reviewed the Form P2 - Request for an Extension of Time from attorney John F. Jacobi, III of Coogan Smith, LLP on behalf of SOWA, LLC, received June 19, 2018, requesting an extension of time to July 31, 2018 relative to the pending Major Site Plan Review application for “Shops on Washington.”

Bert Buckley made a motion to grant an extension of time to July 31, 2018. Melinda Kwart seconded the motion and all voted in favor.

Ms. Davies noted that the Zoning Board had approved the plan this past Thursday and that the Conservation Commission is likely to approve the stormwater tomorrow night. She stated that there are no open issues from the staff’s perspective.

Bert Buckley made a motion to **APPROVE WITH CONDITONS** the amendments to the approved Major Project Site Plan decision dated June 20, 2017 relative to the SHOPS ON WASHINGTON commercial development located at 1 Highland Avenue and 5 Route 1A pursuant to the provisions of §17-15.0 SITE PLAN REVIEW under §17-15.0(k) SITE PLAN REVIEW CRITERIA and hereby accommodate an increase in the size of proposed Restaurant 2 by 154 square feet, a reduction in size of proposed building Retail A by 6,201 square feet, a reduction in size of proposed building Retail B by 3,917 square feet, the construction of a proposed 3,000 square foot bank with an associated drive-up window, the construction of a proposed 5,617 square foot Restaurant 1, and the modifications to the commercial development’s off-street parking stall sizes, the number of off-street parking stalls, and parking lot layout, as shown on the site plan entitled “SHOPS ON WASHINGTON - 5 ROUTE 1A & 1 HIGHLAND AVE., ATTLEBORO, MASSACHUSETTS” drawn and engineered by Renee L. Codega, R.P.E. of VHB, 1 Cedar Street, Suite 400, Providence, RI 02903, dated April 22, 2016, revised through May 3, 2018, and on the architectural/elevation plans entitled “SHOPS ON WASHINGTON - MAJOR SITE PLAN REVIEW” prepared by Carpionato Group, dated March 21, 2017 and revised through June 18, 2018. Jason Gittle seconded the motion and a discussion followed. All voted in favor and the Board attached conditions.

The Board discussed the preliminary subdivision plan submitted by RRSP Acquisitions, LLC, entitled “PIKE ESTATES.”

Speaking in favor of the application was Dan Campbell of Level Design Group who presented the application for a 48-lot open space subdivision. He noted that in a standard subdivision design, 50 house lots would be possible on the 40 acre parcel. He stated that entrances to the subdivision are proposed for one on the end of Rambler Road and the other off Pike Avenue. He noted that the lot borders City-owned property that contains a stream. He stated that the design strives to make the open space as contiguous as possible and give all of the house lots direct access to it from their property lines. He stated the wetland on site have been confirmed through an ANRAD before the Conservation Commission. He went on to describe the stormwater management system, which includes three primary detention basins and two small bioretention basins spread amongst the two cul-de-sacs. He stated that he understands that the abutters to the site are raising concerns with existing flooding on Rambler Road. He explained that he imagines some of those issues are the result of poor snow plowing practices and the dumping of lawn waste at the end of the roadway. He noted that their stormwater calculations do not include the roof drains that are being proposed for the homes. He noted that as a result of their traffic study, they identified a stretch of Pike Avenue that needs an improved line of sight at their proposed entrance. He stated that they are suggesting putting in a view easement and that his client is amenable.

Mr. Ayrassian questioned the definition of a “view easement.”

Mr. Campbell replied that the homeowner’s association will ensure vegetation is kept no more than 3-feet in height along that stretch to create a line of sight from the subdivision entrance.

Mr. Ayrassian suggested that the area be conveyed to the City instead for maintenance. He questioned whether the intersection proposed with Pike Avenue provides a 30-foot curve radius along with a 45-foot layout on the roadway.

Mr. Campbell replied that they can create that radius. He stated that they had created a 25-foot radius based on the City’s construction standards.

Chairman Danesi noted his understanding that staff has raised concerns regarding the width of a portion of the proposed roadway.

Mr. Campbell replied that the traffic calming island that is proposed at the entrance on Rambler Road is a feature that was added to slow traffic and address the neighbors’ concerns. He stated that they made note that the DPW expressed concerns about such features in their comment letter.

Mr. Ayrassian sought to confirm that the drive aisle along the traffic island is wide enough that if a car is parked on Rambler Road, another car will be able to pass.

Mr. Campbell stated that feature is not on Rambler Road and merely covers a 150-foot long section of the entrance to the subdivision, so does not block any driveways.

Mr. Ayrassian stated that staff has concerns as a prior subdivision with this feature had issues with bottlenecks. He stated that it could be helpful for them to mark off the proposed structure in the field for visualization purposes.

Mr. Campbell noted that Public Works has requested that instead of the island having an angle on intake, that the curb be made straight instead. He explained that such a change would eliminate the point of the

island itself, which is to force traffic to slow down. He stated that he will discuss the matter with Public Works.

Mr. Ayrassian asked whether slope-faced granite curbing is proposed.

Mr. Campbell stated that the current design calls for vertical granite curbing.

Mr. Ayrassian suggested a potential switch to slope-face, which will allow emergency vehicles to ride up on it, if necessary.

Mr. Campbell noted that such a design would require a waiver from the regulations, but that he would look into it.

Chairman Danesi questioned whether the applicant had considered putting a round-about in to calm traffic instead of the island.

Mr. Campbell stated that the island had been devised to address the concerns of the closest neighbors about speeding. He explained that they had held a meeting with interested abutters months ago to discuss their concerns and input on the project. He stated that he is also proposing that the intersection of Nash and Rambler Road be made a four-way stop. He noted that such a change would require approval of the City Council, should the Planning Board be in favor.

Mr. Ayrassian noted that he felt the triangle green space was not very practical. He suggested squaring the area off and moving it elsewhere.

Mr. Campbell reiterated the desire to give all of the homes direct access to the space. He explained that squaring off the space will result in eliminating access for three different lots. He stated that in response to staff questions, the proposed open space alone meets the requirements, as there are 20.48 acres provided and only 19.69 acres needed. He stated that the detention basins are being treated as open space, so they will be situated on individual properties, rather than providing easements on the land of homeowners.

Mr. Ayrassian questioned whether the detention ponds are proposed to be conveyed to the City.

Mr. Campbell replied all but one that abuts Rambler Road and is part of Lot 1.

Mr. Ayrassian questioned whether underground or above-ground utilities are proposed.

Mr. Campbell replied that all wiring is proposed to be underground and their intent to install decorative street lights.

Mr. Ayrassian noted that such an approach requires a waiver.

Bert Buckley questioned whether sidewalks are proposed on both sides of the streets.

Mr. Campbell replied that they are proposed on one side only. He stated that along with providing open space, they are also seeking to reduce the amount of impervious on site. He noted, however, that they are not proposing to reduce the street width, just eliminate the sidewalks on one side.

Mr. Ayrassian sought to confirm that a 45-foot layout throughout is proposed.

Mr. Campbell replied that a 45-foot layout with 31-feet of pavement is proposed for the main roadway and reduced 40-foot layouts with 26-feet of pavement for the cross streets. He stated that the only exception is the traffic island.

Mr. Ayrassian suggested that if the Board is amenable to the roadway layout reduction to 40-feet and the elimination of sidewalk on one side, offsetting the center line for the two cross roads may be called for to ensure that the shoulders are all the same width.

Mr. Campbell replied that the shoulders will be 7-feet wide, even on the cross roads.

Mr. Ayrassian questioned the proposed berm.

Mr. Campbell replied Cape Cod berm per regulations with the exception of the street radii, which will be concrete.

Mr. Ayrassian questioned what the other 6-feet from the back of the berm to the property line will look like.

Mr. Campbell replied 5-foot wide sidewalk and 1.5-feet of grass strip.

Ms. Davies noted that a grass strip appears to be proposed nearest the resident property lines rather than between the sidewalk and the street.

Scott Jones suggested that visually, having a grass strip by the street would be preferred.

Mr. Ayrassian questioned whether Public Works will have vehicular access to the two southerly basins apart from the roadway.

Mr. Campbell responded that there is a 10-foot wide shoulder by the fence, so there will be full access to both basins.

Mr. Ayrassian asked whether the basins are detention or retention basins.

Mr. Campbell replied detention.

Mr. Ayrassian questioned the maximum depth of water to be held during the 100-year storm.

Mr. Campbell replied 7.5-feet deep and that fences are proposed around all the basins for safety.

Speaking neither for nor against the application was Carol Connolly of 27 Rambler Road who questioned the purpose of the green highlighted areas on the site.

Mr. Campbell replied that they are slated for stormwater detention.

Ms. Connolly stated that the areas in question are very wet. She stated that her basement hasn't flooded yet, as she has two sump pumps installed. She stated that she is concerned that the houses downhill from

the development could have issues with flooding, due to the number of trees that will be removed to put the subdivision in.

Mr. Ayrassian noted that the trees in the wetland will remain untouched.

Ms. Connolly stated that she appreciates the land owner's right to put housing in, but that she is concerned with the water from the site running downhill. She stated that she also has concerned with the proposed access off Rambler Road and the additional traffic strain it will put on her neighborhood.

Chairman Danesi questioned whether she was concerned with cut-through traffic or just the traffic for the development itself.

Ms. Connolly stated that with close to 50 additional homes, she's concerned with the development's traffic. She stated that she would like to see speed humps installed. She stated that currently, Rambler Road and Nash Lane are dead-end, quiet streets. She stated that she purchased her home 5 years ago on Rambler Road due to that fact.

Mr. Ayrassian questioned what portion of the western road is composed of the existing portion of Rambler Road versus what is to be constructed.

Mr. Campbell replied that the existing pavement ends part way into the traffic calming measure. He stated their design to realign the end of the road to mitigate traffic. He stated that they will be extending approximately 9-feet from the development's property line to the existing road. He stated that they have discussed pressure sewers with the Wastewater Department and that they intend to install a low-pressure sewer to keep grades stable. He discussed how discharge was divided up evenly to ensure there won't be flooding of the wetlands.

Mr. Ayrassian sought to confirm that the post-construction rate of run off will be equal to or less than the existing rate of run off, even in sub-catchment areas.

Mr. Campbell replied yes, with the exception of one point to the east, which has 0.1 greater CFS than current rates. He explained this equates to approximately 11 gallons over 300 feet, down a 7,000 foot river to the next control point. He asserted that the water will mitigate itself as it goes.

Mr. Ayrassian noted concern with traffic calming on the southern road. He questioned whether half-way to the cul-de-sac, the road could be made more serpentine.

Mr. Campbell replied that he could look at it, but did not want to hook into any steep slopes.

Bert Buckley noted that in terms of traffic calming, he felt a 4-way stop is called for at Nash and Rambler.

Mr. Campbell stated that they investigated installing a traffic elevation, but Public Works was vehemently opposed, as it can potentially trap water that causes road damage.

Mr. Ayrassian stated that there needs to be a trade-off between traffic during normal conditions and facilitating emergency vehicles. He questioned how the length of the traffic island was determined.

Mr. Campbell stated that standards dictate a minimum length of 125- to 225-feet to serve as a traffic calming mechanism. He noted he was also considering issues with the plows being able to maneuver when he designed it.

Jason Gittle questioned whether there are existing sidewalks on Rambler Road.

Mr. Campbell replied no.

Ms. Connolly asserted that there are none on Bishop Street, either. She stated that she's been involved in three different traffic incidents. She noted that there is a park in the vicinity, which is attractive to children so the situation is dangerous.

Jason Gittle questioned the number of houses on Rambler Road.

Mr. Campbell estimated 7 in the immediate area.

Jason Gittle suggested that an impact fee could be imposed for waiving sidewalks within the subdivision that could be applied to constructing sidewalks on Rambler Road.

Mr. Ayrassian requested that the sheet showing the intersection off Rambler Road with Bishop Street be shown, so the entire plan perspective can be seen.

Mr. Campbell noted that the issue with adding sidewalks to Rambler will be that the street is not concentric, so the radii will not be perfect.

Melinda Kwart questioned whether the open space would be developed in any way that is likely to attract more children, for instance with a park.

Mr. Campbell replied no, that the open space is slated to remain natural woodland. He stated that no grading will be required either and that the open space will be completely accessible.

Speaking neither for nor against the application was Ward 4 City Councilor Kate Jackson who stated that she has been contacted by several concerned constituents regarding this development. She asked whether the applicant would be amenable to installing speed bumps in proximity to the intersection with Rambler Road.

Mr. Campbell stated that they had approached Public Works about that option, who was not amenable to humps or bumps in the roadway.

Ms. Jackson requested that the matter be revisited. She noted that they have been working exceedingly well on a different local roadway.

Mr. Campbell requested an extension of time to September 30, 2018.

Jason Gittle made a motion to grant an extension of time to September 30, 2018. Melinda Kwart seconded the motion and all voted in favor.

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

The Board left to hold a Joint Public Meeting with the Municipal Council regarding the petition of Laurel Knoll Land Trust to rezone property located at 0 MacDonald Lane from “Single Residence-D” to “General Residence-C” and the petition of the Municipal Council to amend the Zoning Ordinance relative to Registered Marijuana Dispensaries.

JOINT PUBLIC HEARING relative to the Rezoning Petition from Laurel Knoll Land Trust, 503 Oak Hill Avenue, Attleboro, MA to rezone property located at 0 MacDonald Lane, Attleboro MA, said premises being Assessor’s Plat #101; Assessor’s Lot #9, to be rezoned from Single Residence-D to General Residence-C, said premises being 8.699 acres.

Members of the Planning Board that came forward were:
Paul Denasi, Jason Gittle, Bert Buckley, Liz Kenyon, Melinda Kwart and Scott Jones.

Speaking in favor was Attorney Ed Casey representing the applicant requesting the rezoning petition as reads above.

Speaking in favor was Scott Rolfe of Andrews Engineering of North Attleboro. Mr. Rolfe passed out plans showing terrain and the parcel.

Speaking in favor was Jennifer Connelly a traffic specialist to advise the possible impact.

Several questions came from the Councilors as well as the members of the Planning Board including what type of condominiums would be built, would there be a sound barrier and was there sufficient space for emergency apparatus.

Other questions addressed affordability as well as how the definition of “spot zoning” would apply to this application. Attorney Casey said he would provide several cases from other areas that would apply to this application.

Attorney Casey advised there would be other boards and committees to work with in order to satisfy all the conservation, zoning and storm water issues that are normally part of a process like this. The proposal was for approximately 48 units.

At 8:40 P.M. The Council asked for anyone else to speak in favor, there was no one.

The Council asked for anyone speaking in opposition.

Ms. Elizabeth Sousa of 20 MacDonald Lane came forward and had a petition from some neighbors. They felt the quiet area would get noisier and the traffic would increase.

Ms. Sousa expressed that 15 house would be the most the neighborhood could handle.

Speaking in opposition was Christopher Sullivan of 150 John Rezza Drive. He had questions about blasting, staging traffic data, safety and single-family neighborhood integrity.

Speaking in opposition was John Cagiano of 140 Rezza Drive, and he spoke to the wooded backyard and he was thinking someday there would be additional single residences and never imagined twenty-four duplexes.

There was no one else in opposition and no one to speak neither for nor against.

At 8:53 P.M., the Council voted to close the public hearing.

Mr. Withers then read the final joint public hearing notice:

JOINT PUBLIC HEARING relative to the City adopting an ordinance governing the operation of non-medical Marijuana Establishments as defined under MGL Chapter 94G, Section 1. by amending certain sections and subsections of Chapter 17 - Zoning of the Revised Ordinances of the City of Attleboro as follows: §17-3.4 Table of Use Regulations, §17-8.6 FEE SCHEDULE, §17-10.15 REGISTERED MARIJUANA DISPENSARY USES, §17-11.2 DEFINITIONS (new definitions) and any other sections relative to the proposed use. (Copy of the ordinance attached)

Speaking in favor of this ordinance was Attorney Jack Jacobi. He represents Ashli's Inc., Ashli's Farm, Inc. and spoke to his client coming forward with several applications and feels work on this ordinance is well done but has a few areas to suggest a few changes.

A point of order was called by Councilor Holmes regarding the discussion on the granting authority for the special permit.

Attorney Jacobi objects to not being able to speak about this.

He moved on to suggest additions to the ordinance that he felt would enhance the process and keep the granting authority the same for the special permit and all other issues that may need permission or permits granted.

Councilor Kobus said he appreciated the well thought-out suggestions and will look at them and give them the time and attention they deserve.

Speaking in opposition was Francis A. Ballut of 120 Carrier Avenue and asked about the previous speaker referring to medical marijuana. He is asking what person provided the information for the public hearing notice and why does the notice try to deceive the public.

Speaking neither for nor against was Ashli Irving of Tanager Road and she wanted to clarify that this new ordinance would be handling both Medical and Adult-Use marijuana and would replace the existing ordinance.

The Public Hearing was closed at 9:25 P.M.

The Council went into recess.

The Council came back to order at 9:33 P.M.

The Board discussed the Form A plan submitted by John E. Case for the corner of Turner Street at Bacon Street.

The Board reviewed the Form P2 - Request for an Extension of Time from John E. Case, III, received June 26, 2018, requesting an extension of time to July 17, 2018 relative to the Form A application for property located at the corner of Turner Street at Bacon Street.

Bert Buckley made a motion to approve an extension of time to July 17, 2018. Melinda Kwart seconded the motion and all voted in favor.

Ms. Davies noted that some years ago, the Zoning Board had issued a special permit that references one of the lots in question. She stated her opinion that the Zoning Board decision will have to be amended to reflect the altered configuration. She recommended that the signed Form A not be released to the applicant until he addresses things before the Zoning Board. She noted that the Zoning Board could technically deny him, as the plan will remove the frontage on Turner Street.

Mr. Ayrassian explained that approving this plan renders one of the lots non-conforming until the Zoning Board renders a decision. He stated that if the Zoning Board denies the application, he will ask the Planning Board to rescind their decision.

Bert Buckley made a motion to approve the Form A for the corner of Turner Street at Bacon Street, but hold off on release pending the results of an associated Zoning Board hearing. Melinda Kwart seconded the motion and all voted in favor.

The Board reviewed the Form A plan submitted by William & Kathleen Provost for 21 Tiffany Street.

Ms. Davies explained that the plan is meant to create one lot with the existing single family house and a second buildable lot. She noted that the Zoning Board had granted the applicant variances for the two lots. She stated that a new single family house is proposed for the new lot. She recommended approval of the plan.

Bert Buckley made a motion to approve the Form A submitted by William & Kathleen Provost for 21 Tiffany Street. Melinda Kwart seconded the motion and all voted in favor.

The Board reviewed the Form A plan submitted by Steven Russ for 71 Jessie Avenue.

Ms. Davies explained the intent to carve out a 12,000 square foot parcel at the rear of the existing lot 2 to combine with the other existing lot. She noted that this would increase the total area of the existing undersized lot. She stated that Lot 2 will be made more conforming and the neighbor losing land will also be conforming, with 10,000 square feet.

Melinda Kwart made a motion to approve the Form A for 71 Jessie Avenue. Jason Gittle seconded the motion and all voted in favor.

The Board discussed 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.

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 Chickadee Way right-of-way and within the forty-five (45') foot wide Cardinal Way right-of-way, as shown on the approved definitive site plan. Scott Jones seconded the motion and all voted in favor.

Bert Buckley made a motion to **GRANT** the requested waiver from the provisions of §7.7(A) SIDEWALKS and thereby allow the construction of five (5') foot wide bituminous concrete sidewalks with a two (2') foot wide grass strip between the sidewalk and the berm, as shown on the approved definitive subdivision plan. Melinda Kwart seconded the motion and all voted in favor.

Bert Buckley made a motion to **APPROVE** the proposed forty (40) lot definitive subdivision plan entitled "DEFINITIVE SUBDIVISION PLAN - COOPER FARM" located off Pleasant Street, more specifically Assessor's plat #124, lot #2, #3, #4, #5, #6, and #9 and on Assessor's plat #195, lot #1 and #8, located in the Single Residence-D zoning district, drawn and engineered by John K. Marchand, R.P.E. of Farland Corp., 401 County Street, New Bedford, MA 02740, dated February 26, 2018, revised through May 21, 2018. Scott Jones seconded the motion and a discussion followed. All voted in favor and the Board attached conditions.

The Board heard the appointment to speak of Bill Ward regarding the Brigham Hill subdivision.

Speaking on his behalf was Bill Blais of Andrews Survey & Engineering who stated that all ten wells have been installed, both those inside the basins and those surrounding it. He stated that a model has been developed based on the data in conjunction with their hydrogeologist. He stated that their redesign of the basin will need to pass the model that's been developed.

Ms. Davies stated that she didn't believe that the Board is looking to make any design decisions at this point, but rather an explanation of the effects shown in the data.

Mr. Blais stated that the wells will remain in perpetuity so that they can be monitored indefinitely. He offered for their hydrogeologist to prepare a report explaining the base data.

Ms. Davies reiterated that said report was already included as an item on the initial scope of work.

Jason Gittle insisted that the report be submitted prior to the next meeting so the Board has time to review it.

Mr. Blais agreed.

Chairman Danesi questioned whether the report will include a recommended course of action.

Mr. Blais replied yes. He explained that the data will determine how the ground water swell is affected by the basins. He stated that modifications of the basins will be required to remedy the problem.

Chairman Danesi argued that he didn't see the need for an 81-W to accommodate the plan changes, but that it will likely need to go out for peer review.

Mr. Blais stated that no work in the field is currently underway, but they are beginning to develop plans.

Melinda Kwart stated her understanding that a temporary diversion had already been built to deflect outflow water.

Mr. Blais replied that they consider that a separate issue from that of the lower basin. He stated that they modified the topography to ensure the water reaches the wetlands.

Chairman Danesi sought to confirm that this improvement did not directly benefit Ms. Cooke.

Mr. Blais stated that he knew it benefited her neighbor the Dechenes.

Jason Gittle sought to confirm that it is still in place.

Mr. Blais answered yes.

Ms. Davies questioned whether a permanent solution is to be proposed for that issue.

Mr. Blais answered yes.

Ms. Davies stated that the board expected this report to be delivered by mid-July. She stated her intent to contact them in the morning to determine a definitive time on which it will be submitted.

Mr. Ayrassian asserted that it needs to be submitted no later than the 6th to allow the Board time to review things before the meeting.

Jason Gittle asked that a copy be provided to Ms. Cooke, as well.

Speaking was Jennifer Cooke of 128 Smith Street who stated that her hydrogeologist, Mr. Wozmack, has been trying in vain to obtain the data produced by the wells. She stated that they are locked and Mr. Ward refuses to grant access. She stated that she would like to provide that same data to Mr. Wozmack so he can apply his methods and provide a check of the model developed. She stated that the signed access agreement included a clause requiring the release of data within 14 days of collection.

Mr. Ward stated that the access agreement was strictly relative to access to her property, not the data. He stated that as the situation has the potential to become litigious, he is not willing to release the data. He stated that he is paying for someone to analyze the ponds and does not have an obligation to facilitate Mr. Wozmack's studies.

Ms. Cooke countered that the access agreement was not signed then and all this work has been occurring without a proper contract.

Mr. Ayrassian interjected that the agreement between Ms. Cooke and Mr. Ward is private in nature and the Board has no role in administering it. He noted though that anything submitted to the Planning Board become public information, so she is welcome to utilize that information.

Ms. Davies noted that when an alternate basin design is contemplated, Horsley Witten Group is likely to need to see that data in order to perform the review, at which time it will become public.

Mr. Blais stated that the data will be used to determine the location and size of the water mound and depending upon that data, they will likely have to enlarge the basins. He stated that the numbers will have to run back and forth between his engineering company and the hydrogeologist to ensure any proposed change checks out with the model.

Ms. Cooke noted that it's been a particularly hot summer and that measuring during this time frame is not likely to provide sufficient data to resolve the issue.

Scott Jones questioned when the wells were installed.

Mr. Blais replied May. He stated that they will have Steve Smith appear before the Board to explain the data.

Mr. Ward stated that they are pursuing a fix for the flooding issues at great expense and they don't want every proposal to be derailed by the conflicting opinions of a second hydrogeologist.

Chairman Danesi reminded everyone that the City has a stake in this matter through the approved subdivision plan, that the developer has a stake by submitting the plan, and the abutter has a stake as it affects her property.

Mr. Ward stated his intent to resolve the issue before the winter.

The Board heard the appointment to speak of Bob Catenacci relative to "Stone Field Estates. "

Mr. Catenacci stated that he is appearing before the Board to request an extension of time to complete the subdivision. He submitted a letter from his gas company, verifying that there is a delay in Columbia Gas's ability to install the last of the gas mains. He asserted that Public Works will not allow the final paving until those mains are installed. He stated his understanding that there is some sort of legal feud occurring between the City and Columbia Gas, resulting in a moratorium on street openings in the City. He stated his understanding that the conflict is not supposed to affect private streets, but that unofficially there are issues with anything being installed in Attleboro. He asserted that he requested the gas services back in November of 2017. He noted that the residents already living in the subdivision have gas service and that the issues are strictly for tying the services into the existing mains for the two houses currently under construction. He stated that Public Works had suggested he could file a dispute with the utilities board, but that otherwise, there is no recourse.

Mr. Ayrassian requested information regarding the dispute with the City.

Mr. Catenacci stated his understanding that some of the specifications for street openings have been updated by the City, but Columbia Gas is refusing to agree to the changes. He stated his sense that Columbia Gas may be using developers to try to put pressure on the City to resolve the conflict. He requested an extension of time to September 28, 2018.

Bert Buckley made a motion to grant an extension of time to complete the subdivision is September 28, 2018. Scott Jones seconded the motion and all voted in favor.

The Board discussed the email and pictures from Brenda Friedman of 81 Avalon Drive, received July 11, 2018, to Planning Administrator Lauren Stamatis, regarding ongoing issues with driveways in the "AVALON ESTATES" subdivision and tabled the memorandum from Planning Board Clerk Lauren Stamatis, dated June 5, 2018, to Public Works Superintendent Michael Tyler regarding Maddi North Street Development, LLC 's request for a final inspection of the "AVALON ESTATES" subdivision.

Mr. Ayrassian explained that staff had driven through the subdivision and reminded the Board that the Freedman's driveway needed to be redone as the driveway apron contained humps.

Speaking was Mr. Freedman who showed pictures of the situation to the Board. He stated that he has contacted Marinella Construction and was told they are awaiting Public Works to produce a written report regarding all the issues with the subdivision, so that everything can be fixed at one time. He stated that his driveway is the only remaining one with issues, as the rest have been resolved.

Mr. Ayrassian noted that the sidewalk has yet to be fixed and is still jagged.

Ms. Davies noted that staff have not received a response from Public Works regarding the request for a final inspection. She offered to contact the project's engineer, Suanne Santos to discuss the matter.

Mr. Freedman stated that this will be the fourth time that there has been an issue with their driveway. He stated that there is a crack that also needs to be sealed that he is concerned will ruin the driveway when water freezes in it this winter.

Chairman Danesi stated that the City holds a great deal of bond money for the project, which is the motivation for the developer to resolve things.

Jason Gittle agreed that the situation is unfair and that the Board is working to ensure things are addressed.

The Board reviewed the memorandum from Public Works Superintendent Michael Tyler, dated June 26, 2018, recommending a bond in the amount of \$31,236.97, relative to the approved street extension plan, entitled "SIMPSON AVENUE EXTENSION."

Melinda Kwart made a motion to approve the recommended bond amount of \$31,236.97 in regards to "SIMPSON AVENUE EXTENSION." Bert Buckley seconded the motion and all voted in favor.

The Board tabled the letter from Peter O'Beirne of 377 Slater Street, received June 15, 2018, to the Planning Board, regarding concerns at the "BRIGHAM HILL ESTATES III" subdivision.

Ms. Davies noted that she had met with Mr. Ward and Public Works on site and that the suggestion that a French drain be installed was discussed.

The Board tabled the letters 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 pending the drafting of a letter by the City Solicitor,

from Planning Board Clerk Lauren Stamatis, dated June 14, 2018, to Public Works Superintendent Michael Tyler, forwarding the letter requesting a FINAL release of funds for "NICHOL AVENUE EXTENSION" for a recommendation to the Planning Board, and from Planning Board Clerk Lauren Stamatis, dated July 17, 2018, to Public Works Superintendent Michael Tyler, forwarding the request for a PARTIAL release of funds for work completed at the "COLMAN ESTATES" subdivision.

The Board reviewed all remaining correspondence.

The Board tabled the pending minutes from April 2, 2018, April 23, 2018, May 7, 2018, May 21, 2018, June 4, 2018, and June 18, 2018.

The meeting was adjourned at 10:15 p.m.