



# City Of Attleboro, Massachusetts

## PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET  
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## MINUTES

JULY 18, 2022

**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, July 18, 2022 at 6:30 p.m. in the Council Chambers on the first floor of City Hall, 77 Park Street, Attleboro, MA , relative to the following :**

Planning Board Members Present: Chairwoman Shannon Bényay, Vice Chairwoman Heather Whitehead, Bill Beardwood, Tiffany Foster, Jim Lewis, and Thom Morin

Planning Board Members Absent: Fred Uriot

**The Board heard the application of Rhino Capital Advisors, LLC for 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 58,600 square foot manufacturing building and 80 parking spaces with associated grading, utilities, and stormwater management system; the subject premises being located at 1275 Commerce Way, more specifically Assessor's plat #154, lot #12, located in the Industrial Business Park zoning district.**

Speaking in favor of the application was attorney Jack Jacobi who stated that the site in question was previously owned by MAR seafood, who abandoned the site without completing construction. He stated that his client is proposing to develop a 58,600 square foot light manufacturing building. He noted that they do not have a tenant yet, so don't have details on operational aspects. He stated that it is necessary to have a structure completed and ready for personalization to attract a tenant. He stated that they are also before the Conservation Commission for stormwater and a Notice of Intent.

Speaking in favor of the application was John O'Leary of Rhino Capital Group who stated that they are a Boston-based developer that focuses on industrial assets. He stated that back in 2009, the site was approved for a 20,000 square foot seafood processing plant and that site work, including a foundation and access drive had been installed. He noted that there is an existing curb cut off of Commerce Way with access to utility stubs. He stated their intent to demolish everything that is on site today, maintaining only the same utility stub location. He stated that they are proposing the creation of 80 parking spaces and a dumpster pad. He stated that the dimensional setbacks are met for the proposed single story building. He stated that they are proposing approximately 3,000 square feet of office space, 32,000 square feet of manufacturing, and 23,600 square feet of warehouse. He stated that it is the market standard to build on speculation with a tenant procured after construction.

Mr. Jacobi stated that the property deed includes an easement on the left-hand side as the site access. He stated that per the Fire Department, they are providing vehicular access on three sides. He noted that the abutting New England Sports Village also retains rights to the easement. He stated that they are proposing a single access to minimize the installation of pavement.

Speaking in favor was traffic engineer Elisabeth McChesney of Crossman Engineers who stated that their analysis showed that the proposed project will have no detrimental impacts on traffic in the area, based on

the number of trips, sight distance at the driveway, low crash rates in the area, and levels of service at the driveway and study intersections. She stated that peak traffic is from 7-8 a.m. and from 4:15-5:15 p.m. She stated that they used MADOT data, and made adjustments to account for reduced traffic volumes as a result of COVID. She stated that they took into consideration four other projects south of the site on County Street in their analysis. She stated that based on ITE data, they anticipate 40 trips to the site in the peak morning hours and 43 trips to the site in the peak evening hours. She stated that this is adding less than a 3% increase of traffic to each of the studied intersections and that there was no anticipated change in level of service for any of them.

Jim Lewis asked whether an analysis was performed to determine whether a traffic signal is warranted.

Ms. McChesney replied that as there was no change in the level of service and the other favorable factors, a traffic signal would not be warranted.

Speaking in favor of the application was engineer Steve Cabral of Crossman Engineering who stated that Commerce Way provides access to public water, sewer, and overhead electrical utilities. He stated that they are proposing to extend the overhead electric and communications, as well as the underground utilities through the easement. He stated that an 8-inch water main is proposed from Commerce Way along with a new fire hydrant adjacent the building.

Director of Planning and Development Gary Ayrassian asked the size of the existing water main in Commerce Way.

Mr. Cabral answered there is either a 12 or 16-inch line with an 8-inch sub. He stated that they are proposing an 8-inch sanitary sewer line through the easement along the face of the building with one lateral for the domestic flow. He noted that Wastewater had suggested a second 6-inch stub for manufacturing products or floor drains, to keep the processing separate from the domestic line. He stated that uphill of the site, there is approximately 6 acres of hillside that drains towards Commerce Way and flows through the site, so they are mitigating both that and the run off from the site itself. He stated that they found the groundwater to be 2-feet below grade in their test pits closer to the wetlands and with about 5-feet of separation further from the resources.

Mr. Ayrassian questioned what time of year the test pits were dug.

Mr. Cabral stated that the studies were not pursued during the wet season and that they employed soil mottling to determine the ground water levels. He stated that a grass swale is proposed at the rear of the building to intercept the water draining from the hillside above. He stated that the water will be piped to the right side of the building and enters a 36-inch flat that slows down the run off. He stated that the pipeline flows to the lower right corner to a sediment forebay to remove larger particles, from which it flows into an infiltration pond to treat the water for discharge to the wetlands. He stated that a portion of the rooftop will connect to that line and the rest will flow to an underground infiltration chamber. He stated that any excess water that isn't absorbed flows into underground solid pipes to another infiltration system that discharges to the wetlands. He stated that there are about 2.5 acres of wetlands that drain through the site's easement and they are proposing two grass swales to intercept the existing overland flow, that they will pipe beneath the access driveway and discharge to the wetlands as already occurs presently. He noted that Public Works had requested a water quality chamber be provided before the water discharges to the City system. He stated that they designed their stormwater management system to new development standards, rather than redevelopment. He noted that they will also be seeking a state NPDES permit, as they are disturbing more than 9 acres. He stated that an Operations and Maintenance plan will be provided to the future tenant so they understand how to maintain the system. He stated that they are proposing to stockpile snow on the far right of the loading area, in the lower side of the parking lot, and on the lower left side of the building, which will be sufficient for smaller storms. He stated that in major storm events, snow would need to be trucked off of the site.

Mr. O'Leary stated that the architectural **façade** is a work-in-progress, but it will be steel construction with insulated metal paneling and a glass door front entry with a canopy. He stated that there are some revisions pending regarding landscaping following comments from the Conservation Commission. He stated that in terms of site lighting, they are proposed wedge light fixtures along the side of the building that will be dark sky compliant. He stated that no spillage is anticipated on abutting properties with the minor exception of one area adjacent the loading dock.

Mr. Jacobi pointed out that the property was developed by the City to serve as an industrial business park and that roadway improvements all the way out to County Square were completed in association with the area. He asserted that the infrastructure is designed to handle 880,000 square feet of manufacturing space, so is more than sufficient for the proposed building. He requesting a continuance to August 22, 2022, as they are awaiting their stormwater peer review report. He requested an extension of time to September 30, 2022.

Speaking neither for nor against was attorney Donald Lassman who stated that his office's real estate attorney, Neal Glick, was unable to attend this evening, but had submitted his comments in writing. He stated that he is appearing on behalf of the mortgage holder Shubh Patel, LLC of the New England Sports Village property in conjunction with the seven other owners of the land surrounding this parcel, and they are in agreement with the comments presented, and wanted them recognized for the record.

Speaking neither for nor against was Dharmish Patel who stated that Mr. Lassman represents him, but is filling in and hasn't been briefed on the history of the matter.

Jim Lewis speculated that this was a commercial dispute between Mr. Patel and the applicant and was unsure what role the Planning Board had in the matter.

Mr. Patel stated that there is an easement that was utilized in the approved plan for the New England Sports Village and the plan as proposed will create a burden for that site and complicate access. He stated that the New England Sports Complex doesn't have a permanent loading place and a temporary location is designated within the easement for the purposes of the ice rink.

Jim Lewis stated that the deed clearly shows the easement and it appears to be a matter that should be worked out directly with the applicant.

Mr. Patel stated that they will return with more persuasive information. He noted that New England Sports Village is going through bankruptcy hearings, so the trustees involved just got notice of this matter last week.

Shannon Bénay made a motion to grant an extension of time to September 30, 2022. Heather Whitehead seconded the motion and all voted in favor.

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

**The Board heard the application of Anthony Properties for a Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, to construct two new retail/restaurant buildings, ±5,100 sf and ±3,000 sf, respectively, retain the existing ±7,300 sf commercial building, build a new ±10,000 sf daycare facility, and construct 135 parking spaces, as well as associated driveways, landscaping, utilities, grading and stormwater management system; the subject premises being located at 754 Newport Avenue, more specifically Assessor's plat #69, lot #26B, located in the General Business and General Residence-A zoning districts.**

Speaking in favor was attorney Jack Jacobi of Coogan Smith, LLP who stated that the Conservation Commission is satisfied with the stormwater management plan and they have a letter pending for the wetlands. He noted that they had to file with the Army Corps of Engineers to ensure the property doesn't include federally defined wetlands. He stated that no significant findings were made during the archeological survey. He stated their hope to get decisions from each Board in August. He noted that they cannot file with the state for the traffic light until they have obtained all of their local approvals. He reviewed the revised boulevard entrance and transition area from commercial to residential that was presented at the last meeting.

Shannon Bénay asked whether the red portion in the transition area is raised or flat.

Mr. Jacobi replied that it consists of flat pavers. He reviewed the shifted location of the daycare and the restaurant drive-through configuration. He stated that the change allows an 85-foot long enter-only access from Newport Avenue, which discourages motorists from trying to drive out the wrong way. He stated that they still have 57 parking spaces in that area, but are now encroaching into the front yard setback, so an additional variance has been requested from the Zoning Board. He noted that there is still 28-feet or so of landscaped property before you reach the edge of the roadway. He stated that gathering places were added at the direction of the architectural review. He stated that an abutter raised concerns about those creating a disruption, but explained that they need to be ADA accessible, so can't be moved to the rear of the lot. He stated that with the proposed vegetation, fencing, and the distance - it is about 175-feet to the neighbor in question - he didn't believe there would be any sound or visual nuisances. He went through perspectives from the residential streets, showing how shielded the homes are from the proposed development. He then went over the proposed elevations for the daycare building and noted that the architect did a survey of New England commercial buildings and incorporated common features into the design.

Speaking in favor was traffic engineer Pat Dunford of VHB who stated that they have resolved all of the comments from the peer reviewer. He stated that their study area was expanded to include the intersection of Route 1 and Angeline Street. He stated that the northerly driveway by Miller's Roast Beef has been reconfigured to make it more clearly a right in and right out only. He stated that they ensured sufficient parking demand can be met by each portion of the shopping plaza independently. He stated that their Transportation Demand Management (TDM) plan involves a shuttle bus being provided to and from the T-station. He stated that it was noted that there is a relatively high crash rate at Pitas Avenue, about ½ a mile south of the site, which they will continue to review and propose improvements for via a Roadway Safety Audit (RSA).

Mr. Jacobi explained that the RSA consists of an interactive process with City Officials and would likely occur within the first six months of monitoring the site after approval. He stated that the monitoring will ensure the traffic projections were accurate and that no corrections need to be made. He suggested such an analysis could be a condition of approval.

Mr. Dunford stated that the traffic signal will employ the Opticom system for emergency vehicle access, pending the approval of MADOT. He stated that they will be replacing the sidewalk along the property's frontage and providing pedestrian crossing at the signal.

Mr. Jacobi stated that they intend to subdivide the property into four separate lots for leasing and financing purposes. He stated that they will return for a Form A at a future time.

Mr. Ayrassian sought to confirm that documents will be prepared for cross easements regarding traffic flow and emergency access, as well as assigning obligations for maintenance of the stormwater management system.

Mr. Jacobi replied yes, and stated that a reciprocal easement agreement will be proposed.

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

**The Board held a business meeting.**

**The Board discussed the application of Ad Meliora, LLC, 10 Converse Place, Winchester, MA 01890, relative to the proposed forty three (43) lot preliminary subdivision plan entitled "RIDGEWOOD ROAD", said premises being located at 80 Ridgewood Road, engineered by Patrick Connolly, R.P.E. of Beals Associates, Inc., 2 Park Plaza, Suite 200, Boston, MA 02116, dated April 25, 2022, said premises being Assessor's plat #105, lots #1A, 1B1, 1B2, 1B3, and 1C located in the Single Residence-C zoning district.**

The Board reviewed the Form P2 - Request for an extension of time to September 30, 2022, submitted by Patrick Connolly of Beals Associates, Inc. on behalf of Ad Meliora, LLC, dated July 18, 2022, relative to the preliminary subdivision application and plan entitled "RIDGEWOOD ROAD." Jim Lewis made a motion to grant an extension of time to September 30, 2022. Heather Whitehead seconded the motion and all voted in favor.

Speaking was attorney Jack Jacobi of Coogan Smith who stated that they are also seeking a continuance to September 22, 2022, as they are working through responses to the stormwater management peer review report.

Speaking was Scott Duckworth of 80 Locust Street who stated that he has lived at his home for 20 years and that the developer has no concern for neighbors' homes or home values. He stated that development will result in active nuisances, like noise pollution, dust, blasting, run off, and environmental impacts. He stated that they are already experiencing traffic issues on Locust Street and this will only exacerbate issues. He noted that they have been unable to get the City to install a crosswalk, sidewalks, or signage despite numerous accidents in the area. He suggested that constructing so many homes so close to wetlands is likely to have environmental impacts. He argued that the City has approved numerous developments that have dragged on for years of construction and has not held them to their obligations and deadlines. He stated that he wants to see an environmental impact study as he feels valuable animal habitat is due to be lost.

Jim Lewis pointed out that the developer is actually intending to live in the subdivision. He stated that he's not disputing Mr. Duckworth's concerns, but asserted that land owners have property rights that the Board must acknowledge. He asked how a decision could be crafted that ameliorates his concerns.

Mr. Duckworth suggested it is up to the City to come up with resolutions.

Jim Lewis asserted that the Planning Board is governed by Rules and Regulations and that if a developer meets the development standards, the proposal has to be entertained.

Mr. Ayrassian noted that the developer is asking for several waivers of existing regulations.

Mr. Duckworth stated that he is in opposition to the granting of such waivers.

Jim Lewis stated that the plan before the Board is a preliminary one, and the applicant is not officially requesting waivers at this time. He suggested that Mr. Duckworth's input would be more useful in a public forum during the public hearing process for the definitive plan.

Mr. Ayrassian pointed out that the Planning Board's jurisdiction with a definitive subdivision plan approval is with the public improvements only, like roadway and stormwater management system. He stated that the Board does not have control over a developer's timeline for housing construction, as that is typically dictated by the housing market. He stated he would be happy to discuss the process with Mr. Duckworth if he has questions about the granting of extensions of time and other factors involved with subdivision construction.

Speaking was Cheryl LaFrance of 157 Locust Street who submitted pictures to the Board of her home and the wildlife in the area.

Heather Whitehead asked whether the pine trees pictures were on Ms. LaFrance's property or on the developer's.

Ms. C. LaFrance replied the developer's and that she was unsure whether he was planning to take those down, which will remove their privacy and reduce habitat for animals.

Jim Lewis asked whether Ms. LaFrance has approached the developer about her concerns.

Ms. C. LaFrance answered yes. She noted that the developer only lives at the site on weekends and not full-time, so will not bear the brunt of the impacts of development.

Jim Lewis asked what conditions Ms. LaFrance would like to see should the development be approved.

Ms. C. LaFrance asked that the trees be maintained for privacy and that she does not want to see someone's house 20 feet from her driveway. She stated her distaste for the design of the recently constructed Cooper Farm subdivision.

Mr. Ayrassian noted that Cooper Farm is a traditional subdivision and that this is proposed to be open space residential and noted that the developer is provided some latitude in the design since they are providing open space for the public. He pointed out that the developer has rights too and the Board is trying to find a way for the development to better fit into the existing neighborhood.

Ms. C. LaFrance stated that she is concerned with the size of the potential homes. She stated that her home is a small ranch so the large houses will not fit in and are liable to create disruptive light all around her home.

Speaking was Nicole LaFrance of 157 Locust Street who stated that they would love to buy the portion of the land that they had previously been allowed to use and have cared for over the years.

Mr. Ayrassian suggested that they approach the developer to see if there is interest in selling any of the land.

Ms. N. LaFrance stated that she spoke with the previous owner, Ted Leach, who asserted that the land provided access to his garage. She stated that they would like to see more privacy, maintaining some of the trees and installing a fence.

Ms. C. LaFrance stated that she believes there are animals considered endangered in Massachusetts living on the land and that she has found a spotted salamander in her backyard.

Mr. Ayrassian pointed out that the development has been designed with a large buffer to the vernal pool on site.

Ms. C. LaFrance stated that there are a variety of other animals, like fox and deer out there as well. She stated that there is an entire ecosystem back there that cannot just be relocated. She asserted that there have been 19 water main breaks between January and the present that have occurred in the City and have been getting closer and closer to their neighborhood. She asserted that another 40+ houses on Locust Street is likely to stress the infrastructure.

Mr. Ayrassian stated that breaks are par for the course as pipes age over time. He stated that all development projects like this are reviewed by the Water Department and the water system will be required to meet their specifications.

Ms. C. LaFrance argued that there is not enough water and asked why development is permitted to continue.

Mr. Ayrassian countered that is not the case, as otherwise, the City would have installed a temporary building moratorium. He stated that development cannot be banned indefinitely as people have property rights to develop their land within the regulations.

Ms. C. LaFrance asked how such a development fits in with the goals of the City's new Environmental Sustainability Plan.

Mr. Ayrassian stated that the plan was produced by an independent study group without funds or enforcement capabilities.

Ms. C. LaFrance suggested the Board review their suggestions, as there are many ideas to benefit Attleboro's environment. She suggested that the City services needed to support all the new housing can outweigh the tax benefits and that serious thought needs to be given to mitigating climate change. She stated that they are not opposed to all construction on the property, but find the currently proposed intensity to be too great.

Ms. N. LaFrance expressed concern with people racing on the straight-away of Locust Street and that the current volume and speeds are not ideal to creating a street intersection.

Mr. Ayrassian suggested that she contact the Mayor and Municipal Council to see what traffic control mechanisms can be used, such as speed humps, to deter speeding.

Speaking was Allison Howes of 104 Locust Street who stated that she previously worked in education and grew up in Attleboro. She asked that the Board consider the number of houses proposed and that families moving in will dramatically impact the school system. She stated that she left the teaching field because she was required to work alone teaching 25 students at once.

Mr. Ayrassian countered that it will be up to the City's master plan to include upgrading infrastructure to support growing populations. He stated that development can't be expected to stop, the City needs to evolve to accommodate it.

Ms. Howes asked whether the City has planned to build more elementary schools. She asserted that children's needs haven't changed and smaller class sizes are essential for academic success.

Speaking was attorney Jack Jacobi who noted that the newly constructed high school has been vastly increased in size. He stated that their stormwater peer review report included recommendations for buffers for protecting resources and the neighbors and that his client is sensitive to their concerns. He stated that at this preliminary stage, the design is just lot lines and roadways to see if the Board is amenable to the general configuration.

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

**The Board discussed the application of the Laurel Knoll Land Trust, 503 Oakhill Avenue, Attleboro, MA, relative to the proposed two (2) lot preliminary subdivision plan entitled "LAUREL KNOLL," said premises being located on MacDonald Lane, drawn and engineered by James R. Borrebach, PE**

**#34332 of OHI Engineering, Inc., 44 Wood Avenue, Mansfield, MA 02048, dated May 18, 2022, said premises being Assessor 's plat #101, lot #9, located in the Single Residence -D zoning district.**

Jim Lewis stated that a Subdivision Committee meeting had been held and their recommendation to the Board was to approve the plan.

Jim Lewis made a motion to approve the preliminary subdivision plan entitled "LAUREL KNOLL" located on MacDonald Lane. Heather Whitehead seconded the motion and all voted in favor.

Attorney Edward Casey requested an extension of time to August 15, 2022. Heather Whitehead made a motion to grant an extension of time to August 15, 2022. Thom Morin seconded the motion and all voted in favor.

**The Board reviewed the Form A plan submitted by Kasselvergues , Inc. for 636 Read Street.**

Speaking was John DesVergnes who stated that the plan has been redesigned to eliminate the illusory frontage, reducing the yield to 21 lots.

Jim Lewis made a motion to approve the Form A for 636 Read Street. Heather Whitehead seconded the motion and all voted in favor.

**The Board discussed the draft proposed in-law apartment (Accessory Dwelling Unit) amendment to the ZONING ORDINANCE.**

Heather Whitehead made a motion to petition the Municipal Council to petition the Honorable Municipal Council to call for a joint public hearing with the Planning Board to amend the ZONING ORDINANCE, specifically §17-3.5 TABLE OF ACCESSORY USE REGULATIONS, §17-4.5 ACCESSORY STRUCTURES, and §17-11.2 DEFINITIONS of the ZONING ORDINANCE, as drafted. Thom Morin seconded the motion and all voted in favor.

**The Board assigned Committee Appointments .**

**The Board reviewed all other correspondence.**

**The Board approved the pending minutes of February 28, 2022. The Board tabled the pending minutes of March 7, 2022, March 21, 2022, April 4, 2022, April 25, 2022, May 16, 2022, June 6, 2022, and June 27, 2022 .**

Meeting adjourned at 9:19 p.m.