



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

AUGUST 17, 2020

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, August 17, 2020 at 6:30 p.m. remotely via Zoom, relative to the following :

Planning Board Members Present: Chairman Paul Danesi, Vice Chairman Jason Gittle, Secretary Sheryl Guglielmo, Bert Buckley, Jim Lewis, Sean McNamara, and Fred Uriot

Planning Board Members Absent: Melinda Kwart

The application of Ryan Sheehan 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 Old Farm Lane and Wamsutta Road, more specifically Assessor's plat #109, lot #20, located in the Single Residence -D zoning district

Speaking in favor of the application was Ryan Sheehan who stated that he is seeking a Water Resource Protection District special permit to construct a single family home within the Bungay River watershed. He stated that they will be connecting to the gas line in the street to heat the home and the house will be on City sewer and water. He stated that the house will be about 1,200 feet away from the Bungay River.

Chairman Danesi sought to confirm that notes were included on the plan regarding the restrictions for chemical storage.

Mr. Sheehan replied yes.

Chairman Danesi asked whether he would attest that the proposed project will not pose a hazard to the Bungay River.

Mr. Sheehan attested.

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

Paul Danesi made a motion to **GRANT** a special permit pursuant to §17-9.0 SPECIAL PERMITS 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 Old Farm Lane and Wamsutta Road, more specifically Assessor's plat #109, lot #20, located in the Single Residence-D zoning district, as shown on the site plan entitled "PROPOSED HOUSE LOCATION PLAN AT OLD FARM ROAD IN ATTLEBORO, MA", engineered by Ralph I Maloon, R.P.E. of RIM Engineering Co., Inc., P.O. Box 32, Mansfield, MA 02048, dated June 25, 2020. Bert Buckley seconded the motion. A discussion followed and all voted in favor via roll call.

Paul Danesi made a motion to **GRANT** a special permit pursuant to §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 Old Farm Lane and Wamsutta Road, more specifically Assessor's plat #109, lot #20, located in the Single Residence-D zoning district, as shown on the site plan entitled "PROPOSED HOUSE LOCATION PLAN AT OLD FARM ROAD IN ATTLEBORO, MA", engineered by Ralph I Maloon, R.P.E. of RIM Engineering Co., Inc., P.O. Box 32, Mansfield, MA 02048, dated June 25, 2020. Bert Buckley seconded the motion. A discussion followed and all voted in favor via roll call.

The Board heard the application of Pike Avenue Acquisitions, LLC for the proposed forty-nine (49) lot definitive subdivision plan entitled "PIKE ESTATES," located at 419 Pike Avenue, more specifically Assessor's plat #130, lot #81, located in the Single Residence-D zoning district, engineered by Daniel R. Campbell, R.P.E. of Level Design Group, 249 South Street, Unit 1, Plainville, MA 02762.

The Board discussed the application of John J. & Mary F. Donovan to extend Rambler Road 2-5 feet, as shown on the street extension plan entitled "RAMBLER ROAD EXTENSION," engineered by Daniel R. Campbell, R.P.E. of Level Design Group, 249 South Street, Unit 1, Plainville, MA 02762, dated March 1, 2018, revised through October 28, 2019. The subject premises are located on Assessor's plat #123, Lot #8 in the Single Residence-D zoning district.

Speaking in favor of the applications was attorney Edward Casey who reminded the Board that the abutters to the project were strongly in opposition to Rambler Road becoming a through street. He stated that the applicant has opted to investigate an alternate approach by creating a second access to the subdivision from Pike Avenue. He stated that they negotiated with a neighbor and his property is under agreement to create this access. He noted that a revised sketch plan had been submitted, maintaining the same number of lots as originally proposed. He stated that his client will still be seeking the ability to run utility connections through Rambler Road, but that it would not serve as access.

Mr. Ayrassian suggested that the matter be re-advertised to make the abutters aware of the proposed changes.

Chairman Danesi stated his opinion that a new traffic study is called for, as this approach will result in significantly increased traffic on Pike Avenue.

Jim Lewis stated his sense that the applicant is looking for the Board to opine as to whether they are open to such a revision.

Mr. Ayrassian agreed that the Board needs to discuss the merits of the sketch plan. He stated that he has concerns with the alignment of the newly proposed southern access road with Pike Avenue. He suggested that the Board hold a straw poll to determine if they are open to such a design and then the applicant can submit a complete set of revised plans and stormwater calculations. He stated that from there, a stormwater peer review can be sought and potentially a traffic review.

Ms. Davies called into question the proposal to bring in the sewer and water from Rambler Road and that she was under the impression that the applicant would require the consent of the abutters along the roadway to pursue that approach.

Mr. Casey replied that he has written to the Donovan and Sweeney families, providing them with the new concept plan and asking for their support. He stated that Mr. Donovan has given his consent, but that he has not yet heard from Mrs. Sweeney. He noted that the Donovans have rights to the center line of the roadway and that all of the utilities could be put in their portion should Mrs. Sweeney be unwilling to cooperate.

The Board held a roll call straw poll in consideration of the new sketch. All members voted in favor of considering such a plan.

Jim Lewis noted that a new party will be involved to develop the second access from Pike Avenue and suggested that the application needs to be amended to include that party.

Mr. Ayrassian agreed and added that the additional plat and lot, the owner's signature, and a new abutter's list would all have to be obtained and submitted.

Mr. Casey agreed. He requested that the stormwater review be relegated to only the changed portions of the plan, to minimize costs and the time involved.

Mr. Ayrassian agreed to make the request, but that it would be up to Horsley Witten Group what they deemed necessary.

Speaking neither for nor against the application was City Councilwoman Kate Jackson who stated that she is very impressed with the applicant's willingness to explore other options. She stated that she understands the proposed change won't make everyone happy, but that she wanted to thank the developer, as she feels they are really trying. She noted that the residents of Rambler Road will likely be satisfied.

Jim Lewis stated that as a resident of the area, he recommended that a stop sign be installed on Pike Avenue just before the curve. He noted that the curve on Pike Avenue has always been a traffic concern, but will be more so if an intersection is allowed there. He asked the process required before the Municipal Council to have a stop sign installed.

Ms. Jackson replied that the matter could be brought to the attention of Public Works and that the Superintendent can assess things and bring it before the Traffic Study Commission. She noted that the matter wouldn't necessarily have to go through the full Council.

Mr. Ayrassian sought to confirm who ultimately decides to install signage.

Ms. Jackson replied that it depends on whether there is a history of accidents at the location, but that the Chief of Police and Public Works Superintendent can decide, with the assistance of the Traffic Study Commission.

There being no one else to speak, the Board continued the application for "PIKE ESTATES" and tabled the application for "RAMBLER ROAD EXTENSION".

The Board heard the application of Tian Ann Jih Der Sheng Daw Yuan Temple for a Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, to accommodate the construction of a temple facility consisting of three buildings, paved access drive with sidewalks, a parking lot consisting of 34 off-street parking stalls, landscaped walking paths, and associated grading and stormwater management systems; the subject premises being located at 61 Thurber Avenue, more specifically Assessor's plat #34, lots #5 & 7, located in the Single Residence-B zoning district.

The Board reviewed the email from Steve Kohm of Prime Engineering, received August 10, 2020, to Senior Land Use Planner Stephanie Davies, providing the truck turning radius relative to the Major Site Plan Review application of the Tian Ann Temple for 61 Thurber Avenue.

Ms. Davies noted that materials demonstrates that City fire trucks can traverse the cul de sac. She stated that the applicant has requested a continuance to the Board's next meeting, as they are still working through matters before the Conservation Commission.

The Board noted that they had no other concerns with the application.

There being no one else to speak, the public hearing was continued to the Board's September 14th meeting.

The Board held a business meeting.

The Board discussed the application to amend §5.10 PERFORMANCE GUARANTEES and §7.1 TIME REQUIREMENT of the Planning Board's RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND, as amended, pending holding a joint meeting between the Ordinance and Subdivision Committees .

Jason Gittle made a motion to approve the amendments to §5.10 PERFORMANCE GUARANTEES and §7.1 TIME REQUIREMENT of the Planning Board's RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND as proposed in the revised document dated August 10, 2020. Sheryl Guglielmo seconded the motion and all voted in favor via roll call.

The Board discussed the Form A plan submitted by Willis & Sandra Goodwin for 156 Oak Hill Avenue .

Speaking in favor of the application was Rachel Smith of Otis Dyer's office. She stated that her client owns the single family home at this address and that a misunderstanding resulted in the neighbor's building intruding on to her client's land. She stated that both parties have agreed that Parcel A will be conveyed to the neighbor to resolve the issue.

Ms. Davies recommended approval of the plan.

Bert Buckley made a motion to approve the Form A plan for 156 Oak Hill Avenue. Jim Lewis seconded the motion and all voted in favor, via roll call.

The Board discussed the Form A plan submitted by John Quinn & Deirdre Mullins/Eileen Wilbur for 16 Glenn Street and 22 Campus Road.

Ms. Davies informed the Board that the applicant had been approved for variances to address the sheds within the side yard setbacks at the Zoning Board's August 13th meeting.

Mr. Ayrassian noted that the plan before the Zoning Board contained minor revisions and suggested that the Board approve subject to the submission of the revised plan.

Jim Lewis expressed confusion on where Campus Road is located based on how it is portrayed on the plan.

Ms. Davies replied that the plan is accurate, as one street bleeds into the next.

Jim Lewis asked if the road has a 40-foot layout and noted that he was calling into question the survey itself.

Mr. Ayrassian stated that there is a 40-foot layout but that not all of it is paved.

Jim Lewis noted that the pavement goes right through private property.

Ms. Davies agreed that there is an order of taking on record.

Bert Buckley made a motion to approve the Form A plan for 16 Glenn Street and 22 Campus Road, subject to the submission of a revised plan. Sheryl Guglielmo seconded the motion and all voted in favor via roll call.

The Board reviewed the Form A plan submitted by Robert Catenacci for Saveena Drive.

Ms. Davies noted that it appears that a line is just being adjusted between the two parcels.

Mr. Ayrassian sought to confirm that the appropriate label of “not buildable” had been applied.

Ms. Davies noted that it had.

Bert Buckley made a motion to approve the Form A plan for Saveena Drive. Sheryl Guglielmo seconded the motion and all voted in favor via roll call.

The Board reviewed the memorandum from Public Works Superintendent Michael R. Tyler, dated August 17, 2020, to the Planning Board, providing an estimated sidewalk construction fee of \$27,131.20 relative to the “DEER RUN ESTATES” subdivision.

Bert Buckley made a motion to approve the sidewalk value in the amount of \$27,131.20. Jason Gittle seconded the motion and all voted in favor via roll call.

The Board reviewed the letter from Planning Board Clerk Lauren Stamatis, dated July 21, 2020, to Kelly Coates of SOWA, LLC, regarding the unsightly state of the “Shops on Washington” commercial plaza.

Mr. Ayrassian noted that attorney Jacobi had promised to address the situation, but offered for staff to send him a reminder to plan to appear before the Board on the 14th.

Chairman Danesi noted that an appearance was unnecessary if the issue could be resolved before then.

The Board tabled the matter.

The Board discussed the letter from Mark Rioux of Murette & Sons, Inc., received August 13, 2020, to the Planning Board, requesting a two month extension for the “ROLLING HILLS, VI” definitive subdivision.

Ms. Davies noted that she understands that the bounds and final coat of pavement have been installed. She stated that the only outstanding matter is submission of the as-built and street acceptance plans.

Chairman Danesi stated that with deadlines tolled under the state’s emergency order, he didn’t feel it was necessary to consider an extension.

The Board agreed to dismiss the matter.

The Board reviewed the email correspondence between Fernando Calle of 47 Laura Drive and Director of Planning and Development Gary Ayrassian, dated August 16, 2020, regarding the acceptance status of the “MILOSH ACRES” subdivision.

Mr. Ayrassian explained that the residents are concerned about the overgrowth of vegetation in the stormwater basins. He stated that he recommended to the Mayor that it would be a matter of good will for the City to clean up the underbrush while the developer is working on the street acceptance plans. He stated that he had reached out to the developer, asking for them to do the work, but noted that if he didn’t hear back, the Mayor seemed willing to send out a crew.

The Board reviewed the memorandum from Public Works Superintendent Michael R. Tyler, dated August 17, 2020, to the Planning Board, recommending a PARTIAL release of funds in the amount of \$91,752.82 relative to the “EDWARD SR. ESTATES” subdivision.

Bert Buckley made a motion to approve a **PARTIAL** release of funds in the amount of \$91,752.82, relative to the “EDWARD SR. ESTATES” subdivision. Jason Gittle seconded the motion and all voted in favor via roll call.

The Board tabled the memorandums from Water Superintendent Kourtney J. Wunschel, dated August 10, 2020, and Wastewater Superintendent Thomas Hayes, dated August 11, 2020, providing comment

on the proposed definitive subdivision plan, "STONE FIELD ESTATES III", as well as the email from Robert W. Catenacci of Stone Field Realty, received June 10, 2020, to Planning Board Clerk Lauren Stamatis, requesting to donate to the City \$8,500.00 in lieu of installing the firm alarm box in the "STONE FIELD ESTATES" subdivision.

The Board reviewed all other correspondence.

The Board approved the pending minutes of June 15, 2020 and July 13, 2020.

The meeting adjourned at 8:00 p.m.