



# City Of Attleboro, Massachusetts

## PLANNING BOARD

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## MINUTES

SEPTEMBER 10, 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, September 10, 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, Sheryl Guglielmo, Scott Jones, Melinda Kwart, and Jim Lewis

Planning Board Members Absent: Secretary Bert Buckley, Elizabeth Kenyon, 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 "EDWARD SR. ESTATES," (formerly "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.**

Speaking in favor was Joe Casali of Joe Casali Engineering who stated that they have submitted responses to the peer review comments and received feedback on those, for which additional responses were submitted late last week. He stated that a first meeting was held before the Conservation Commission and that additional materials will be filed imminently.

Ms. Davies explained that Mr. Casali's response comments were forwarded to Horsley Witten Group and staff are waiting to hear back. She recommended that the hearing be held open until any open questions relative to the stormwater are completely resolved.

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

**The Board held a business meeting.**

**The Board tabled the preliminary subdivision plan, entitled "PIKE ESTATES" submitted by RRSP Acquisitions, LLC.**

**The Board discussed the Form A plan submitted by LeBlanc Acquisition & Development, LLC for 736-738 County Street .**

Speaking in favor of the plan was attorney Edward Casey who reminded the Board that back when the Form A was first reviewed in August, they had questions about the ownership of the land involved. He distributed supplemental plans and presented a revised Form A. He explained that the issue arises due to a failure of the previous title examiner, who didn't catch the improper description of Lot 1 included in a plan

recorded in August of 2007. He showed the Board an unrecorded plan from November of 2006 which showed the lot lines as they were meant to be drawn. He stated that the property was sold twice before this and the issue was not caught. He explained that as things stand, his client owns fifteen feet of his neighbor's garage. He asserted that his client attempted to approach the neighbors to do a land swap and right things, but they were uninterested. He stated that the current plan before the Board is meant to allow his client to put financing in place for the portion of the land that he has good title to, containing the two family dwelling and excluding the neighbor's garage. He explained that it needs to exclude the property containing the garage to be bank approved. He stated that the house will meet the necessary setbacks with the proposed plan. He stated that Parcel A contains the garage and is being prepared for a potential land swap with the neighbor for some point in the future.

Jim Lewis made a motion to approve the Form A for 736-738 County Street subject to Parcel A being labeled a "non-buildable" lot. Scott Jones seconded the motion and all voted in favor.

**The Board reviewed the Form A plan submitted by Woodlark Development Corp. for 0 Pleasant Street .**

The Board reviewed Form P2 - Request for an Extension of Time submitted by Woodlark Development Corp., received August 14, 2018, relative to the Form A plan for 0 Pleasant Street.

Jason Gittle made a motion to approve the extension of time to September 10, 2018. Melinda Kwart seconded the motion and all voted in favor.

Ms. Davies presented a revised plan that includes a notation from the engineer clarifying how Lots 5, 6, 7, and 8 meet the lot width requirement. She explained that the line shown is drawn at a very slight angle, which provides for each lot to have the minimum 120-foot lot width. She stated that the revision is adequate and noted that the lots will be further scrutinized once he files for building permits.

Jim Lewis made a motion to approve the Form A for 0 Pleasant Street. Melinda Kwart seconded the motion and all voted in favor.

**The Board reviewed the Form A plan submitted by Matthew Sweet for 171-172 Wilmarth Street.**

Ms. Davies explained that the plan shows an existing house lot that the applicant is looking to divide into two additional lots. She explained that the property attained relief through the Zoning Board relative to lot width. She recommended approval of the plan.

Jim Lewis abstained from the vote.

Melinda Kwart made a motion to approve the Form A for 171-172 Wilmarth Street. Sheryl Guglielmo seconded the motion and all voted in favor.

**The Board heard the appointment to speak of Robert Catenacci relative to the "STONE FIELD ESTATES" subdivision.**

Ms. Davies read into the record a letter received from Mr. Catenacci via email just prior to the hearing. She explained that he is stuck in New Jersey on account of Hurricane Florence, so cannot appear this evening. She stated the letter discusses that the final gas services were installed on August 31<sup>st</sup> and that he has scheduled installation of the final coat of pavement and seeding of the grass strip by the end of September. She described how he relayed that all of the drainage has been installed and vegetated, and that all underground plumbing and the lighting are operational. She noted, however, that Mr. Catenacci doesn't believe the as-built and Street Acceptance plans will be ready by the end of September.

The Board agreed to request Mr. Catenacci's presence at the next Planning Board meeting to discuss the granting of an extension.

**The Board tabled the “Stonefield Estates Timeline” submitted by Sean McNamara on August 3, 2018 relative to “Stone Field Estates ” definitive subdivision**

Speaking was Sean McNamara who asserted that the Stone Field subdivision is three years late its deadline for construction.

Chairman Danesi disagreed, stating that the Board had granted the applicant extensions of time, so the deadline for completion has not technically expired. He noted that per Mr. Catenacci’s letter, it appears everything will be resolved within the next several weeks.

Jim Lewis noted that Mr. McNamara doesn’t live within the subdivision, so was unsure how he has standing to address the Board.

Mr. McNamara agreed to return to the Board at the meeting on September 24<sup>th</sup> with an appointment to speak.

**The Board heard the appointment to speak of Eliot Brais in regards to the “CAMERON WOODS” subdivision .**

Mr. Brais informed the Board that an as-built Mylar was dropped off today to accompany the street acceptance plan that was previously filed. He noted that the only outstanding features are the trees and the fire alarm box. He explained that all of the house lots are long since occupied and there was no arranged retention in the deeds to put the trees in at a later time. He stated they are seeking the Board’s approval to either offer to install the trees for residents who are interested or discuss a monetary value to assign the features to credit the City. He stated that upon discussions with the Fire Department, he was under the impression that they are not in a position to maintain the boxes and do not want them installed.

Mr. Ayrassian argued that there is value in the trees and fire alarm box. He stated that a value for those items could be obtained from Public Works. He inquired as to the Board’s willingness to have the developer cut the City a check for those features.

Ms. Davies noted that the values could be obtained from the originally defined bond amount.

Melinda Kwart sought to confirm that the trees were not designed to be in the right-of-way.

Ms. Davies answered in the affirmative, that the trees were planned to be on the homeowners’ lawns.

Melinda Kwart questioned whether the value of the features should go to the residents then, rather than the City.

Mr. Ayrassian noted that in such cases, many of the residents end up not even wanting the trees installed after the fact. He explained that the “Cameron Woods” subdivision has been largely constructed for a number of years, so it doesn’t make sense to disturb the residents by imposing the addition of trees. He explained that he recommends just cleaning things up to get it approved and accepted.

Sheryl Guglielmo pointed out that the Board forced the developers of the “Avalon Estates” subdivision to repair their malfunctioning fire box.

Ms. Davies explained that there is currently a discrepancy between the Planning Board and the Fire Department regarding the boxes. She stated that this is the second time in recent months we’ve heard from the Fire Department won’t be maintaining the boxes. She suggested there is a practicality of coming to a solution with a subdivision like this that is no longer truly under construction.

Jim Lewis sought to confirm whether the as-built plan has been compared with the approved plan.

Ms. Davies explained that it has just been submitted today, so the as-built will be forwarded to Public Works for review.

Jim Lewis sought to confirm that the City would be seizing the money for the lack of fire alarm box and trees to be deposited in the general fund.

Mr. Brais agreed that these negotiations are meant to complete the entire contract the developer has with the City.

The Board directed staff to calculate the fee for the trees and fire alarm boxes and send a letter to Attorney Brais.

Ms. Davies noted that a flushing of the stormwater system will likely be required, but that she believes the developer is aware of that fact.

The Board tabled the notice of default from Kevin Freytag of Murphy Hesse Toomey & Lehane, LLC, dated August 6, 2018, to Fred Bottomley, relative to the "Cameron Woods" definitive subdivision.

Ms. Davies informed the Board that this notice was sent out certified mail and the receiver has seven days to respond. She stated her hope that things will be resolved by the next meeting.

**The Board discussed the water issues at multiple phases of the "Brigham Hill Estates" subdivision.**

Speaking was developer Bill Ward of W.B. Construction and Development who affirmed his commitment to resolving the issues with the project. He stated that Ms. Cooke, one of the more aggrieved neighbors, has been very patient. He stated that he hasn't heard anything from other neighbors since employing their temporary fix to divert outflow water. He stated that they are developing a resolution to present to the Board and noted that it will require that a new Notice of Intent be filed before the Conservation Commission.

Chairman Danesi expressed skepticism that moving the detention basins is likely to resolve the issue.

Speaking was Bill Blais of Andrews Survey and Engineering who explained that the tentative proposal is to eliminate one basin completely and expand the existing basin closest to the wetlands. He stated that this change will move the outflow to the other side of the basin, away from Ms. Cooke's property. He stated that the proposed basins are detention rather than an infiltration basins, so the water will be discharged into the wetlands away from the neighbors rather than percolated into the ground.

Sheryl Guglielmo questioned what will be done regarding the grades for the basin to be removed.

Mr. Blais replied the intent to remove the berm and loam and seed the area flat. He stated that whatever rain falls on that portion of the site will still sheet flow in the same direction.

Ms. Davies questioned how this plan will affect the temporary berm fix for the water diversion.

Mr. Blais replied that they will alter the location to keep it in line with the new outflow pipe to continue protecting the neighbors.

Sheryl Guglielmo sought to confirm that the temporary berm will be maintained then.

Mr. Blais answered that it will be made permanent by installing rip rap and a swale down to the wetlands.

Chairman Danesi stated that the design should be reviewed again by Horsley Witten Group for soundness.

Ms. Davies noted her understanding that these proposed adjustments for Phase II will also be helping to resolve issues with an incorrect as-built for undersized basins in Phase I.

Mr. Blais agreed, and stated that they want to work within the existing footprint of the Phase I basins and raise the berm to get more storage. He stated that the sediment forebays will also be reconfigured and new outlets and spillways will be installed. He reminded the Board that that portion of the subdivision was developed by a different engineer using different regulations back in 2004, which no longer meet modern day regulations.

Mr. Ayrassian noted that new bond amounts would need to be determined for both subdivision phases.

Mr. Ward noted that approximately \$150,000 is still being held for Phase I.

Mr. Ayrassian questioned when they will be ready to submit their plan.

Mr. Blais answered that they are hoping to submit by the end of the week.

Ms. Davies sought to confirm that the design is being run through the model developed by the hydrogeologist.

Mr. Blais stated that mounding is a side effect with infiltration basins. He stated they are switching the basins to detention basins so there will be no infiltration in the basins themselves.

Mr. Ayrassian suggested that the plan be submitted with an extensive narrative explaining everything. He questioned how Ms. Cooke's existing problem will be addressed during construction.

Mr. Blais stated their intent to focus on Phase II reconstruction before moving to Phase I.

Mr. Ward stated that the way the updated basin is designed, there will be no way for the water to escape and affect Ms. Cooke's driveway.

Chairman Danesi questioned whether they foresee any problems obtaining approval from Conservation.

Mr. Blais admitted potentially.

Mr. Ayrassian questioned what will be submitted to the Conservation Commission.

Mr. Blais replied that a Notice of Intent with a plan similar to what is being presented, seeking permission to work within the 100-foot buffer.

Mr. Ayrassian suggested that the NOI be submitted concurrently with the peer review of the stormwater system.

Mr. Ward stated that once approved, they will seek to remediate Phase II as soon as possible. He stated that Phase I will likely have to wait and be constructed in the spring.

Mr. Ayrassian questioned whether this plan has been presented to Ms. Cooke's team.

Mr. Ward replied no, that they wanted a concrete plan in place before contacting them.

Mr. Ayrassian questioned what will happen if Ms. Cooke or her engineer has a major problem with the design. He stated that as proposed, the only public hearing that will occur is before the Conservation Commission.

Chairman Danesi questioned whether this would warrant the submission of an 81-W plan.

Mr. Ayrassian noted that Phase I, II, and III are still open.

Ms. Davies noted that new stormwater is proposed to be sent to the first basin.

Mr. Blais argued that no more volume is proposed to be sent there than what it was designed for. He stated that no additional water would be added until Phase V.

Chairman Danesi noted that there would be no changes to the recorded deeds or rights-of-way.

Ms. Davies stated that the fact that Brigham Hills Phase I was constructed before the City adopted its Stormwater Ordinance may be an issue.

Mr. Ayrassian argued that subdivision regulations were still in place.

Jason Gittle stated his sense that what's proposed is a major change, in his opinion, warranting the submission of an 81-W plan.

Speaking on behalf of Ms. Cooke was Mr. Wozmak who stated that he doesn't fully understand the proposed changes, so is not in a position to comment. He stated his appreciation for the efforts being made to fix this. He stated the need to spread out the water being collected so that it is not infiltrating so close to Ms. Cooke's horse pasture.

Mr. Ayrassian suggested that a problem statement be submitted with the filing, so that Horsley Witten Group understands the context in which the solution is being proposed.

Ms. Davies suggested that the scope be slightly expanded to potentially include a hydrogeologist to give additional insight.

Mr. Wozmak questioned whether Ms. Cooke is within her rights to obtain copies of the narrative and proposal.

Mr. Ayrassian answered yes, that the documents will become public record once submitted to the Planning Board.

**The Board tabled the email from Director of Planning and Development Gary Ayrassian, dated August 17, 2018, to attorney Jack Jacobi of Coogan Smith, LLP, relative to the poor landscaping conditions at Renaissance Station North, pending action by the developer.**

**The Board reviewed the memorandum from Public Works Superintendent Michael R. Tyler, dated September 5, 2018, to the Planning Board recommending a PARTIAL release of funds in the amount of \$70,991.00 relative to the "VIRIDIAN MEADOWS" subdivision.**

Jason Gittle made a motion to grant a PARTIAL release of funds in the amount of \$70,991.00 relative to the "VIRIDIAN MEADOWS" subdivision. Sheryl Guglielmo seconded the motion and all voted in favor.

**The Board reviewed the memorandum from Public Works Superintendent Michael R. Tyler, dated September 10, 2018, to the Planning Board recommending an initial bond amount of \$239,684.99 relative to the "VIRIDIAN MEADOWS, PHASE II" subdivision.**

Jason Gittle made a motion to approve an initial bond amount of \$239,684.99 relative to the "VIRIDIAN MEADOWS, PHASE II" subdivision. Sheryl Guglielmo seconded the motion and all voted in favor.

**The Board reviewed the memorandum from Public Works Superintendent Michael R. Tyler, dated September 10, 2018, to the Planning Board recommending an initial bond amount of \$1,269,237.38 relative to the “COOPER FARM” subdivision.**

Jason Gittle made a motion to approve an initial bond amount of \$1,269,237.38 relative to the “COOPER FARM” subdivision. Scott Jones seconded the motion and all voted in favor.

**The Board reviewed the memorandum from Public Works Superintendent Michael R. Tyler, dated September 10, 2018, to the Planning Board recommending a PARTIAL release of funds in the amount of \$18,500.00 relative to the “COLMAN ESTATES” subdivision.**

Jason Gittle made a motion to grant a PARTIAL release of funds in the amount of \$18,500.00 relative to the “COLMAN ESTATES” subdivision. Sheryl Guglielmo seconded the motion and all voted in favor.

**The Board tabled the letter and pictures from attorney Edward Casey of Casey Law Offices, P.C., dated August 13, 2018, to Chairman Paul Danesi of the Planning Board, regarding the slope of the driveways in the “HARDT ESTATES” subdivision, pending Attorney Casey’s future appearance before the Board.**

**The Board tabled the letter from Planning Board Clerk Lauren Stamatis, dated September 10, 2018, to Public Works Superintendent Michael Tyler, requesting that a sidewalk value be recommended relative to the “VIRIDIAN MEADOWS, PHASE II” subdivision pending a recommendation from Public Works.**

**The Board tabled the “Stone Field Estates Timeline” submitted by Sean McNamara on August 3, 2018 relative to the “STONE FIELD ESTATES” definitive subdivision.**

The Board reviewed all remaining correspondence.

The Board approved the pending minutes of May 7, 2018, May 21, 2018, and June 4, 2018. The Board tabled the minutes of June 18, 2018, July 17, 2018, and August 13, 2018.

The meeting was adjourned at 8:30 p.m.