



City Of Attleboro, Massachusetts

PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET
ATTLEBORO, MASSACHUSETTS 02703
TEL 508.223.2222 FAX 508.222.3046

MINUTES

SEPTEMBER 24, 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 24, 2018 at 6:30 p.m. in the Annex Room, City Hall, 77 Park Street, relative to the following :

Planning Board Members Present: Chairman Paul Danesi, Vice Chairman Jason Gittle, Secretary Bert Buckley, Sheryl Guglielmo, Scott Jones, Melinda Kwart, and Jim Lewis

Planning Board Members Absent: 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 of the application was Joe Casali of Joe Casali Engineering who informed the Board that they have filed additional response comments with Horsley Witten Group.

Ms. Davies noted that there are two outstanding items from the report. She explained that the first was the need for an illicit discharge form to be submitted, which has been received. She stated that the second has to do with the City's standards for run off curve numbers which require models to be based on the assumption of "good" conditions versus "fair" or "poor". She explained that Horsley Witten Group called out the fact that the applicant used a "fair" designation in a portion of their calculations. She stated that in response, the engineer submitted a statement arguing that the area in question is not truly being disturbed, so the amount of runoff is not changing, and thus, requested to keep the model as written. She stated that Horsley Witten Group submitted a response comment that stated there is no issue with the engineer's argument, but leaves the matter up to the Board's discretion as to whether they find it appropriate.

The Board reviewed the e-mails from Missy O'Reilly and Bruce Hagerman of the Conservation Commission expressing concerns with the stormwater management plans for the "EDWARD SR. ESTATES" definitive subdivision plan.

Ms. Davies explained that Mr. Hagerman thinks keeping the model as written will result in a minimal increase of water flowing towards County Street and that it is unacceptable. She stated that initially she had been in favor of the applicant's reasoning with Horsley Witten Group's support, but noted that there is now this conflict. She stated that Mr. Hagerman suggested that roof drains be installed for the houses developed on the three vacant lots on County Street owned by the same developer. She stated that she

discussed this option with the Conservation Agent and that she has a concern with how such a condition would be enforced as the houses on those lots may not be built until much later.

Sheryl Guglielmo sought to confirm that the area in question is all impervious today.

Mr. Casali replied that it is all woodland and that they would not be altering the watershed. He explained that the City's standard approach is a conservative way of oversizing detention systems. He stated that the change represented by the model is not accurate to what is happening on the ground as there are no plans to actually touch the watershed.

Ms. Davies stated that the Conservation Commission closed the hearing, but didn't vote. She stated that if the Board finds the engineer's argument cogent, the applicant should submit a waiver request for that section of the Stormwater Ordinance.

Jim Lewis questioned whether this was in reference to just one area of the plan or the entire site. He noted that there are a great deal of wetlands on the western side of the site.

Mr. Casali replied that it is relative to subwatershed #1, which is the furthest from County Street near the proposed entrances.

Jim Lewis questioned how the Board could require roof drains on land not subject to the subdivision approval.

Ms. Davies agreed that it would be difficult, but noted that the land is owned by the same developer.

Mr. Casali stated that if they adjust the model as desired by the Conservation Commission, they will have to design additional basins to accommodate the inflated numbers, which will be challenging.

Chairman Danesi questioned why the opinion of the Conservation Commission should override that of the City's peer reviewer.

Sheryl Guglielmo agreed.

Bert Buckley suggested a waiver be requested and things proceed.

Jim Lewis agreed regarding the waiver. He stated that he did not want to close the hearing, however, as he feels the applicant should submit an additional plan sheet specific to conveyances to simplify the drawing of deeds. He noted that he had also reviewed the project's Operation and Maintenance Plan and noted that the estimated annual cost to the City is \$15,000. He suggested the Board and the City need to be aware of these costs and obligations moving forward. He also called into question some of the language used regarding the agreement proposed for the homeowners, obligating them to maintain the rain gardens on their properties. He questioned why rain gardens are proposed.

Mr. Casali replied that they are needed to maintain the required standard of no untreated discharge reaching the wetlands. He stated that the Conservation Commission expressed concern with homeowners failing to maintain or filling the features in. He stated that they are hoping to avoid putting encumbrances on the deeds, but that they will record the Operations and Maintenance Plan, if necessary.

Ms. Davies noted that this was the other issue raised in the Conservation Commission e-mail chain.

Mr. Casali stated that the three rain gardens are 140- to 150-square feet each and contain about 5 to 6 yards of material per property. He proceeded to request an extension of time to October 8, 2018.

Bert Buckley made a motion to grant an extension of time to October 8, 2018. Melinda Kwart seconded the motion and all voted in favor.

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

The Board heard the new public hearing for the application of UHS of Fuller, Inc. for a Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, for realignment and expansion of two existing parking lots, adding a total of 75 new off-street parking stalls; including associated landscaping, lighting, grading and stormwater management systems; the subject premises being located at 200 May Street, more specifically Assessor's plat #14, lot #75, located in the Single Residence-B zoning district.

Speaking in favor of the application was Joe Casali of Joe Casali Engineering who explained he is here to make the same presentation as was originally made in the pre-application meeting. He stated that the only thing that has changed since then is that the Zoning Board has granted dimensional relief for the size and location of parking spaces. He stated that they appeared before the Conservation Commission for stormwater last week. He stated that they are restriping the spots and that there will be a modest increase in impervious to better the two parking lots. He noted that an abutter had expressed concerns with localized flooding conditions adjacent to Lake Como. He explained that this was relative to a City project done a number of years ago and as it is off-site, not something they can direction impact. He asserted that their project will not be exacerbating that issue.

Chairman Danesi sought to confirm that the lighting will not be significantly different.

Mr. Casali stated that a lighting plan had been submitted to the Board. He stated that there will be virtually no light pollution spill-over and that they are proposing the use of dark-sky compliant fixtures.

Chairman Danesi noted that there are a number of other commercial developments in the area, so he was only concerned with not exacerbating existing conditions.

Scott Jones noted that the residential area on Esker Lane is also elevated, which helps mitigate things.

Chairman Danesi sought to confirm whether there are sufficient snow stockpiling places on site or if the applicant is committed to hauling snow off site.

Mr. Casali stated that the standard will ideally be to stockpile within the green space on the site, but that as they have limited space, they will haul snow off the site, if necessary.

Jim Lewis asked that the snow storage areas be called out.

Mr. Casali pointed out area #1 and stated that most of the snow that they stock today goes to the south side of the lot in the green area. He stated that the eastern side also has some area into which to push snow, but they are limited. He suggested that back-to-back storms would like require hauling snow off site.

There being no one else to speak, the hearing was continued pending the results of stormwater.

The Board held a business meeting.

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

The Board reviewed the response comments and updated site plan by Dan Campbell of Level Design, dated September 17, 2018 (received September 24, 2018), to the Planning Board, providing peer review and staff response comments for the "PIKE ESTATES" preliminary subdivision.

Jim Lewis inquired as to why a stop sign would not be sufficient as traffic control on the entrance from Rambler Road.

Chairman Danesi asserted that studies have shown that on quiet streets, people tend to not stop. He stated that they only seem to be successful on through streets, but not within subdivisions.

Bert Buckley questioned whether speed bumps are a successful way to calm traffic.

Ms. Davies replied yes.

Sheryl Guglielmo noted that the road can even be painted yellow like it's a bump and people tend to slow down.

Chairman Danesi stated his understanding that Public Works and emergency personnel have issues with speed bumps.

Ms. Davies informed the Board the revised plans were submitted today, but the engineer is not in attendance. She noted than an extension is needed for the application and will be sought.

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

The Board discussed the Form A plan submitted by Woodlark Development Corp. for 957 Pleasant Street.

Ms. Davies reviewed the plan which proposes to carve one lot into three. She stated that the lots meet the minimum zoning requirements, so staff recommend approval.

Jason Gittle made a motion to approve the Form A plan for 957 Pleasant 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.

Scott Jones noted that he had driven by the development today and that Bob and his crew were out maintaining the detention ponds.

Mr. Catenacci informed the Board that the last two gas services have been installed after months of hold-up from Columbia Gas. He stated that he has a paver scheduled to come in next week to do the final paving of the sidewalks and the road. He stated that the only outstanding issue is that the gas main for Phase II needs to be extended from the main in Phase I, down Saveena Drive, for about 100-feet in length. He stated that with recent gas explosions north of Boston, Columbia Gas has been unable to give him a timeline for installation, as they are busy dealing with the crisis. He stated that the Public Works Superintendent advised him that it would not make sense to pave the road and then dig it up again for the gas main, just to repave it.

Ms. Davies questioned the exact length of roadway involved.

Mr. Catenacci replied 92.99-feet.

Ms. Davies suggested that everything outside of that stretch could be paved in the interim.

Mr. Catenacci agreed that everything else can be paved. He stated that he had spoken with the neighbors on the Saveena Drive corner and that they seemed amenable to the delay in paving. He stated that he is proposing to do the final paving on Saveena Drive for Phase I when they do the final paving for the remainder of Saveena Drive in Phase II. He stated that the second phase design will add 1,800-linear feet to Saveena Drive.

Jim Lewis sought to confirm that there would be two houses affected by the delayed paving.

Mr. Catenacci replied yes, those two homes would utilize the binder course to access their driveways. He noted that he is also repaving all of the driveways for the homes when doing the final paving job. He stated that as he constructs all of the homes in the subdivision, he prefers to operate that way to provide consistency for the homeowners. He stated that he is aiming to get the gas line in before the end of the year as he is planning to fast-track construction of Phase II. He stated that he is seeking an extension of time to a date deemed appropriate by the Board, given the circumstances. He noted that an as-built will not be complete until the final pavement is installed.

Chairman Danesi questioned whether everything but that portion of Saveena Drive could be paved by the end of October.

Mr. Catenacci agreed.

Ms. Davies noted that street acceptance plans will be submitted for each individual roadway and suggested that those could be submitted for Nicholas Drive and Oak Meadows Way, leaving only Saveena Drive to be submitted.

Bert Buckley made a motion to grant an extension of time to October 31, 2018. Melinda Kwart seconded the motion and all voted in favor with the exception of Jason Gittle, who opposed the motion.

The Board heard the appointment to speak of Sean McNamara.

No one appeared on his behalf.

The Board heard the appointment to speak of Edward Casey relative to the "HARDT ESTATES" subdivision.

The Board read the email from attorney Edward Casey, received September 24, 2018, to Planning Administrator Lauren Stamtais, withdrawing his request for an appointment to speak relative to "HARDT ESTATES."

The Board heard the appointment to speak of Suanne Santos in regards to the "AVALON ESTATES" subdivision .

The Board reviewed the letter received via email from Suanne Santos of InSite Engineering Services, LLC, received September 21, 2018, to Planning Board Chairman Paul Danesi, relative to sidewalk encroachments at the "AVALON ESTATES" subdivision.

Speaking was Ms. Santos who explained that the as-built plan is 99% done, but that in preparing the plan, they found one area of asphalt sidewalk where the Excalibur Way centerline veers off from what was originally approved. She explained that this results in a sidewalk encroachment on to homeowners' properties. She presented three options for how to resolve the issue: (1) realign the roadway, (2) add to the sidewalk to provide 3-feet of ADA compliant, uninterrupted sidewalk within the right-of-way, and (3) pave the grass strip right up to the berm to create a 4-foot sidewalk.

Chairman Danesi stated his concerns with the aesthetics of option #3.

Sheryl Guglielmo stated that all of the options create somewhat of an eyesore. She asked whether there was any chance of procuring an easement.

Jim Lewis noted that as the houses are occupied, most of them likely have mortgages with banks involved. He sought to confirm the number of homeowners involved.

Ms. Santos replied two.

Scott Jones agreed that this could result in a title issue.

Sheryl Guglielmo stated her preference for option #2. She questioned what happened to cause the issue.

Ms. Santos stated her understanding that the roadway was just constructed incorrectly.

Chairman Danesi sought to confirm that there were no conflicts with the proposed solution from a Public Works standpoint.

Ms. Davies questioned whether there are any mailboxes, utility poles, or trees that would obstruct that portion of the sidewalk.

Ms. Santos answered no.

Sheryl Guglielmo sought to confirm that the homeowners are aware of the situation.

Ms. Santos replied yes.

Ms. Davies noted that with option #2, nothing will be taken from the homeowners, they will just have the right to take out the portion of sidewalk that is on their property, if they wish to.

Bert Buckley sought to confirm that all of the other issues with paving and driveways have been resolved.

Ms. Santos answered yes.

Jim Lewis agreed that Option #2 is likely to be the least disruptive.

Scott Jones made a motion to approve Option #2, which would require the sidewalk at station 7+17 be widened by 0.5' and the grass strip reduced to 1.0' in width; with the sidewalk and grass strip tapering back to their originally designed widths at stations 6+60 and 7+91 to resolve the sidewalk encroachment. Bert Buckley seconded the motion and all voted in favor.

The Board read the letter from Mark Rioux of Murette & Sons, Inc., dated September 13, 2018, to the Planning Board, requesting an extension of time for the four (4) water resource protection district special permits granted for Lot 93, Lot 94, Lot 95, and Lot 103, all of Colonial Way.

Jim Lewis made a motion to grant a one year extension of time for all four special permits. Scott Jones seconded the motion and all voted in favor.

The Board read the letter from Public Works Superintendent Michael Tyler, providing a recommended sidewalk value of \$10,292.00 relative to the sidewalks waived in the "VIRIDIAN MEADOWS, PHASE II" subdivision.

Melinda Kwart made a motion to approve the sidewalk value of \$10,292.00. Jason Gittle seconded the motion and all voted in favor.

The Board reviewed 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.

Ms. Davies informed the Board that the plants had been replaced and mulch and irrigation installed.

The Board tabled the memorandum from Planning Board Clerk Lauren Stamatis to Public Works Superintendent Michael Tyler, dated September 11, 2018, regarding the as-built Mylar submitted for the "CAMERON WOODS" subdivision and the notice of default form Kevin Freytag of Murphy Hesse Toomey & Lehane, LLC, dated August 6, 2018, to Fred Bottomley, relative to the "CAMERON WOODS" definitive subdivision.

The Board reviewed all remaining correspondence.

The Board approved the pending minutes of June 18, 2018 and July 17, 2018. The Board tabled the minutes of August 13, 2018 and September 10, 2018.

The meeting was adjourned at 8:13 p.m.