



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

OCTOBER 5, 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, October 5, 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, Shannon Benay, Bert Buckley, Mike Davis, Jim Lewis, and Sean McNamara

Planning Board Members Absent: Fred Uriot

The application of One Thirty One Pleasant St, LLC for the proposed twenty (20) lot definitive subdivision plan entitled "STONE FIELD ESTATES III," located at 553 Oak Hill Avenue, more specifically Assessor's plat #170, lot #1A, located in the Single Residence-D zoning district, engineered by John C. Spink, R.P.E. of Spink Design, 59 Clay Street, Middleborough, MA 02346.

Director of Planning and Development Gary Ayrassian informed the Board that Mr. Catenacci is in the process of addressing the Board and staff's questions relative to easements, the stormwater management system, and the potential link to Poncin Hewitt field. He stated the developer's intent to schedule a meeting with staff in advance of the Board's next meeting on the 19th and that he requests a continuance to that date.

Senior Land Use Planners Stephanie Davies added that the stormwater peer reviewer is planning to perform a site visit before completing her peer review report.

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

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.

Mr. Ayrassian informed the Board that no updated materials have been submitted for the project. He stated that the engineer notified him of the intent to appear before the Conservation Commission on October 21st and requested that the Board continue the hearing.

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

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.

Mr. Ayrassian reminded the Board that Pike Estates has been continued until the November 2nd meeting and that as Rambler Road is contingent on that project, it will likewise remain tabled.

Ms. Davies noted that we have received the revised Pike Estates filing and intend to advertise the matter to appear on the November 2nd meeting agenda.

There being no one else to speak, the Board continued the Pike Estates hearing and tabled the Rambler Road Street Extension.

The application of Attleboro Park Street Realty Trust 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 two-story 11,751 square foot facility to house families, attached two-stall garage, a parking lot consisting of 8 off-street parking stalls, and associated grading, septic, and stormwater management systems; the subject premises being located on Park Street, more specifically Assessor's plat #198, lot #2, located in the Single Residence-D zoning district.

Mr. Ayrassian stated the applicant's desire to continue the public hearing to October 19th.

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

The Board held a business meeting.

The Board discussed the email from Robert 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 fire alarm box in the "STONE FIELD ESTATES" subdivision and the email from Robert Catenacci, received October 5, 2020, to Senior Land Use Planner Stephanie Davies, providing resident consent for the omission of the fire alarm box at the "STONE FIELD ESTATES" subdivision.

Ms. Davies informed the Board that staff has received written consent from eight residents in favor of omitting the fire alarm box, along with one verbal consent. She stated that as more than 50% of the twelve residents have consented, the Board can vote the matter.

Bert Buckley made a motion to approve the request of One Thirty One Pleasant Street, LLC to eliminate the requirement to install a fire alarm box in the approved "STONE FIELD ESTATES" definitive subdivision, subject to the submission of a check made payable to the City of Attleboro in the amount of \$8,500.00, which is equivalent to the cost of materials associated with installation of a fire alarm box, to be deposited in the Sidewalk Fund account. Jason Gittle seconded the motion and all voted in favor save Sean McNamara, who voted in opposition.

Sean McNamara explained that he objects to the way the Board is funneling the funds into a random fund and he feels the approach should be reconsidered.

Mr. Ayrassian countered that the fund is not "random" and that the Board had worked for over a year and half to have it established.

Mike Davis stated his willingness to discuss creating other mechanisms. He suggested that the donation be accepted to the sidewalk account for this case and that further discussion can be held on how to move forward.

Chairman Danesi noted that this case is unusual in that most waivers are contemplated before the subdivision is approved, not after as with this situation. He stated that this is the first time he recalls this happening over the course of his ten years on the Board.

Mr. Ayrassian agreed that he wants to be careful about setting a precedent of having developers or residents come to the Board after their approved subdivision is bonded and start picking away a la carte at the approved plan that meets the subdivision regulations. He emphasized that funds for waivers should not be considered a revenue stream for the City. He stated that the sidewalk account was contemplated and crafted in advance of its use, to compensate the City for the value lost when waiving sidewalks. He explained that it took a long time to work out the mechanics with the City Solicitor and the Auditor. He suggested that the Board could consider amending the regulations to eliminate the need for fire alarm boxes in the future, if they feel strongly about the matter. He asserted that statutorily, waivers should not be a quid pro quo.

Sean McNamara asked whether fire alarm boxes are currently a required subdivision feature.

Chairman Danesi replied that yes, they are still currently required in the regulations.

Mr. Ayrassian explained that the feature was included long before cell phones were ubiquitous and that with current technology, the features are likely outdated. He suggested that the Board consider amending the regulations to avoid similar situations from occurring.

Chairman Danesi pointed out that the Board doesn't require payment for all waivers, like installing Cape Cod berms versus granite and that it has only been done in very specific cases to this point. He suggested that the Subdivision Committee discuss the matter.

Jim Lewis noted that he would like the Subdivision Committee to return to their consideration of revisions to the rules and regulations. He stated that staff had a list of items under consideration and asked that it be recirculated to the Board for review.

Mr. Ayrassian suggested that it will be hard to review amendments via Zoom and suggested that in-person meetings be scheduled on a non-Planning Board meeting night.

Jim Lewis agreed.

The Board discussed the miscellaneous pending correspondence.

Ms. Davies updated the Board that staff had met to discuss the status of outstanding subdivisions. She stated action plans have been affirmed for each subdivision, including sending out reminders, requests to appear, and continuing to pursue legal measures.

The Board tabled the letter received via email from attorney Jack Jacobi of Coogan Smith, LLP, received September 21, 2020, to the Planning Board, providing an update on the clean-up of the "Shops on Washington " plaza.

The Board reviewed all other correspondence.

The Board approved the tabled the pending minutes of September 28, 2020.

The meeting adjourned at 7:00 p.m.