



# City Of Attleboro, Massachusetts

## PLANNING BOARD

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## MINUTES

NOVEMBER 7, 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, November 7, 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 Fred Uriot

Planning Board Members Absent: None

**The Board heard the application of Laurel Knoll Land Trust for the proposed two (2) lot residential definitive subdivision plan entitled “LAUREL KNOLL,” located on MacDonald Lane, more specifically Assessor’s plat #101, lot #9, located in the Single Residence-D zoning district, engineered by OHI Engineering, Inc., 44 Wood Avenue, Mansfield, MA 02048.**

Speaking in favor of the application was Bill Blais of OHI Engineering who stated that his client is seeking to construct a two lot subdivision on an approximately nine acre parcel, off the end of MacDonald Lane.

Heather Whitehead arrived at 6:35 p.m.

He stated that the area would be divided in half to create two house lots and be accessed via a 195-foot long cul-de-sac. He stated their intent to tap into the existing water and sewer mains, as well as the electric, located in the street. He stated their intent to pipe the stormwater from catch basins to a forebay leading to a basin on Lot 2, that eventually discharges out to the corner of the property. He noted that fairly extensive 3:1 grading will be required to install the cul-de-sac.

Jim Lewis sought to confirm that there would be no issues installing driveways for the future homes given the slope.

Mr. Blais stated that the driveways will be cut into the slope.

Tiffany Foster pointed out that the plan distributed to the Board shows 2:1 grading for the slope.

Mr. Blais noted that he was mistakenly presenting from a plan dated May 2022, versus the version before the Board which is dated September 2022.

Jim Lewis asked where the stormwater goes once discharged.

Mr. Blais replied that it flows towards the DOT property containing the embankment for Route 295 and goes down into an existing culvert.

Speaking in favor of the application was attorney Edward Casey who stated that the first step in developing this land is to secure approval for this subdivision with two oversized lots. He stated that further

development is currently constrained by the limited water pressure in the area, which may require substantial infrastructure upgrades. He stated that his client will consider the options for developing the remainder of the site and will return to the necessary permit granting authorities, once further development can be designed. He stated that his client has no intention of trying to rezone the property from its present single residence zoning.

Jim Lewis stated that it sounds like the applicant needs to speed up their due diligence process so that they can give the Planning Board a better idea of what will eventually be happening on the site.

Director of Planning and Development Gary Ayrassian stated that it doesn't make sense for the applicant to apply under speculation of what they may propose. He stated that the current proposal before the Board is for a two-lot subdivision and if they wish to further extend the road, rezone, or build further, further applications would be required and considered at that time.

Mr. Blais asserted that the current water pressure is sufficient for the proposed plan, but that they will need to find a way to provide greater volume and pressure to the site to accommodate any further development.

Mr. Ayrassian suggested the gate valves be checked, as they could be off. He noted that the Water Department in their comments references the values not meeting criteria, but didn't reference performing testing themselves.

Mr. Blais stated that testing was performed when the Water Department replaced a main in Beagle Club Road. He stated that they are exploring the possibility of connecting to North Attleboro's water system.

Mr. Ayrassian countered that such an approach would require an Intermunicipal agreement and would ultimately be at the discretion of the City.

Jim Lewis questioned the trench patch proposed in the public way of MacDonald Lane.

Mr. Blais stated that Public Works won't allow a trench cut as originally proposed, so they will have to provide full curb to curb repaving after tapping into the utilities. He stated that they are seeking three waivers from subdivision standards, two of which relate to deviations from the cross-section requirements relative to where the utilities will be located in the road, based on the existing lines. He stated that the last waiver has to do with deviations from the standard grading at the back of the curbing to the property line.

Mr. Ayrassian asked why the stormwater basin was positioned right up against the property line, as that could cause potential issues for the neighbor.

Mr. Blais stated that it was determined to be the lowest point on the site. He proposed an alternative with shifting the system to tie into the existing system in Clifton Street.

Speaking in opposition was Elizabeth Sousa of 20 MacDonald Lane who stated that the water proposed to come from the outflow down towards Route 295 sounds like it will be in her and her neighbor's backyard. She asked whether it is proposed to be piped or just run over land.

Mr. Ayrassian stated that stormwater standards do not allow for more water to be discharged on an abutting property than what already flows there.

Ms. Sousa stated that in regards to the further future development plans, she and her neighbors want to see the property remain residential.

Speaking in opposition was Sandra Marland of 25 MacDonald Lane who asked whether North Attleborough has been approached about tying into their sewer system. She stated that the existing houses on MacDonald Lane's sewer goes to North Attleboro.

Mr. Ayrassian stated that such a decision will be up to the Mayor and Wastewater Superintendent and will require an Intermunicipal agreement that piggy-backs on the existing agreement, if there is one.

Ms. Marland stated that the water pressure in the area is terrible and that the water is filthy. She stated that she has an extensive filtration system for her water.

Speaking in opposition was Dick Marland of 25 MacDonald Lane who suggested that the stormwater basin is proposed in what they are creating to be the lowest spot and that it is not currently the lowest elevation. He stated that he'd like to see the stormwater basin moved elsewhere. He stated that the water filter at his home that purports replacing every six months has to be changed monthly, due to the quality of the water.

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

**The Board heard the application of W.B. Construction & Development, Inc. 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 three (3) 6,000 square foot commercial buildings and 47 parking spaces with associated grading, utilities, and stormwater management system; the subject premises being located on County Street, more specifically Assessor's plat #104, lot #27, located in the Industrial zoning district.**

The Board reviewed the Form P2 - Request for an Extension of Time to open a public hearing to November 7, 2022, submitted by Bill Ward of W.B. Construction & Development, Inc., received October 7, 2022, relative to the Major Site Plan Review application for 0 County Street. Bill Beardwood made a motion to approve the extension of time to open the public hearing to November 7, 2022. Tiffany Foster seconded the motion and all voted in favor.

Jim Lewis disclosed that when he previously worked as a lawyer, he did business with W.B. Construction and Development, but that he has since retired. He stated that due to the minimal number of members on the Board at present, it may be prudent for him to sit on the case to ensure a quorum can be reached at future hearings.

The Board determined there were no objections to Mr. Lewis sitting on the matter.

Speaking in favor of the application was attorney Edward Casey who stated that the property in question is comprised of 2.3 acres on the west side of County Street, immediately north of the Stone E Lea golf course, with residential properties across the street. He stated that they have also filed before the Conservation Commission for stormwater. He stated the intent to develop three commercial buildings on the property.

Speaking in favor was Bill Blais of OHI Engineering who noted that there is a portion of the Algonquin gas line easement on this site. He stated that they are proposing to put up three 6,000 square foot buildings accessed by a single driveway off of County Street. He described parking as being provided on all sides of the building. He stated that each building will have four units and access to an overhead garage door, as well as one front door. He stated that provisions have been made for dumpsters in the rear of the buildings and he pointed out the snow storage areas around the edge of the parking lot. He stated that the site is served by public water and sewer from County Street. He stated that at the request of the Fire and Water Department, a hydrant will be added to the plans. He stated that they similarly intend to add the clean-outs requested by the Wastewater Department. He explained that the site naturally drops 18-feet in grade as you move towards County Street and they are proposing to put the driveway on the higher side to minimize the need for fill. He stated that trench drains and catch basins will collect water from the parking lot and driveway and funnel it to an oil-water separator from which it is piped to the proposed basin. He stated that they will infiltrate some of the stormwater and pipe the rest to the street. He stated that Public Works has requested sidewalk along the frontage, which they will add to the plans.

Mr. Ayrassian asked whether contractors will have access to the site 24/7. He asked whether lighting will be on 24-hours a day.

Mr. Blais speculated yes. He stated that a series of 18-foot poles are proposed through the site with cut-off shields. He stated that he will submit full-sized lighting plans to the staff. He stated that there is no spillage of light on the side adjacent the old Balfour building or on the side that abuts the golf course, as screening is provided by existing trees. He noted that the light will not spill over on to the residential properties along the frontage, but it will be visible to them. He noted that all of the lighting will be dark-sky compliant and that there is already an existing street light at the corner of Phillips Street and County Street. He went on to describe the parking on the site.

Mr. Ayrassian sought to confirm that they meet the minimum parking stall requirement.

Mr. Blais answered yes.

Mr. Ayrassian asked whether any loading docks are provided.

Mr. Blais answered no, as each building has a drive-in garage for loading and unloading. He pointed out that a 12x50' loading space is provided on the site.

Heather Whitehead stated that her biggest concern is the potential for negative impacts from the lighting on the residential homes across the street, especially if vehicles are in and out of the site at all hours.

Mr. Blais stated that the lights are aimed straight down and shielded to minimize their impact.

Heather Whitehead reiterated that the site is directly across from a neighbor's driveway and that light pollution should be minimized to the greatest extent practicable.

Bill Beardwood stated that he would like to see some type of screening, like a tree line, provided for the neighbors.

Mr. Blais stated that they are saving as many trees as they can adjacent to the roadway. He pointed out that despite being only 2.3 acres, the site has about 7 acres of land contributing stormwater runoff to it. He stated that they are proposing swales to intercept the water to divert it to level spreaders at the front and back of the site.

Mr. Ayrassian questioned the locations where trees will be removed.

Mr. Blais showed him via the plan.

Bill Beardwood sought to confirm that the trees along the frontage outside of the proposed driveway will remain.

Mr. Blais answered yes.

Attorney Casey pointed out that the site is industrially zoned and that he appreciates that Site Plan Review allows the Board to force the applicant to minimize impacts on the neighbors for sites like this which abut residential areas. He stated that the light poles are proposed to be 18-feet high, but that it is not economically feasible to install trees of that beginning height to provide screening.

Mr. Ayrassian suggested that the light poles could be lowered. He questioned the hours of operation. He stated that he understands the use is by right, but that the Board has to review that use in context to the surrounding neighborhood. He asked whether the site is proposing swing gates for the driveway.

Attorney Casey stated that no gates are proposed on the site.

Speaking in favor of the application was Bill Ward of W.B. Construction & Development, Inc. who stated that he owns seven buildings similar to these in Seekonk and that there is high demand for such units. He stated that the building will not accommodate high volume tenants like Amazon or Fedex, but are rather

suited to smaller craftsmen, like plumbers or electricians or strictly as storage. He stated that no one is anticipated to be at the site past 9 p.m.

Heather Whitehead asked about the likelihood of trucks on site with back-up alarms.

Mr. Blais stated that he anticipated that no storage would occur outside.

Tiffany Foster asked whether a condo association or other such arrangement will be formed to manage the maintenance of the site.

Mr. Ward stated that such an approach is likely.

Mr. Ayrassian asked whether there is flexibility with the height of the light poles.

Heather Whitehead suggested that at the minimum, the ones nearest the entrance could be lowered to reduce impacts on the neighbors.

Mr. Ayrassian asked his thoughts on the installation of sidewalk along the frontage.

Mr. Ward stated that he didn't have a problem with it.

Attorney Casey stated that he took issue with it from a philosophical perspective and stated that it could be misconstrued as the City holding developers hostage to obtain permits in exchange for sidewalks.

Mr. Ayrassian disagreed, and stated that it is a general policy from the Mayor and simply a recommendation from Public Works. He stated that without the recommendation, the Planning Board could still consider requiring the sidewalks, but would look at the context of the situation and don't have to heed the recommendation if they don't feel it is warranted.

Heather Whitehead pointed out that there doesn't appear to be any sidewalks in the area with which to link the site up to.

Mr. Ayrassian agreed and stated that he could inquire as to whether there are plans by Public Works to install more in the area in the near future.

Mr. Ward stated that in regards to the gas easement on site, the actual pipe lines are on a neighboring property and they have already been in touch with the company regarding the proposed construction. He noted that the easement is strictly to provide access for maintenance. He stated that the Fire Department is requiring the buildings to have sprinklers. He described the architectural design as prepackaged sheet metal industrial buildings. He stated that sod is proposed around them to make them more visually appealing and that bollards are proposed around the building to protect them from cars. He went on to describe the unit configuration of the buildings.

Attorney Casey stated that the lighting on site could be set on timers and noted that security lighting will also be provided on the building itself. He stated that he didn't want to dictate that timing as of yet, as the future tenants are currently undecided.

Mr. Blais suggested that the lights at the front of the street could be turned off and the ones deeper in the site left on later.

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

**The Board heard the application of Bristol Place Investments LP for the proposed five (5) lot commercial definitive subdivision plan entitled "BRISTOL PLACE," located at 1270 Newport Avenue,**

**more specifically Assessor's plat #27, lot #4, located in the Planned Highway Business zoning district, engineered by DiPrete Engineering, Two Stafford Court, Cranston, RI 02920.**

Mr. Ayrassian reminded the Board that the project had already been continued until December, to allow the applicant to develop the HOA and easement documents.

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

**The Board held a business meeting.**

**The Board discussed the petition of the Municipal Council to amend §17-3.3 PROHIBITED USES of the ZONING ORDINANCE relative to commercial vehicles and reviewed the email from Director of Planning and Development Gary Ayrassian, dated November 2, 2022, to the Planning Board and Zoning Board, reporting the Municipal Council's vote to approve the amendments to §17-3.3 PROHIBITED USES of the ZONING ORDINANCE.**

The Board struck the matter from the agenda, given that a vote had been taken by the Municipal Council.

**The Board discussed the petition of the Municipal Council to amend sections of the ZONING ORDINANCE relative to marijuana businesses.**

Ordinance Committee Chairman Jim Lewis stated that the majority of the Board was in agreement with expanding marijuana retail businesses to the General Business and Planned Highway Business zoning districts by special permit.

Bill Beardwood stated that he is in dissent to the proposal and that thinks the retail uses should remain where they are in the Industrial and Industrial Business Park zoning districts.

Mr. Ayrassian asked the Board's stance on the provision to provide assistance to the current permit holders for opening retail marijuana in the newly permitted locales.

Jim Lewis stated that the Committee was not in favor of such an approach.

Mr. Ayrassian agreed and stated that he was also seeking guidance from the City Solicitor on the matter, as he questioned whether the provision is on stable legal grounds. He asked whether the Board is in agreement with the remainder of the amendments.

Heather Whitehead answered yes.

Jim Lewis made a motion to recommend to the Municipal Council to adopt the proposed edited amendments to §17-3.4(11c) TABLE OF USE REGULATIONS - COMMUNITY FACILITIES, §17-10.15 MARIJUANA BUSINESS USES, AND §17-11.2 DEFINITIONS of the ZONING ORDINANCE relative to retail marijuana businesses. Heather Whitehead seconded the motion and all voted in favor, except Bill Beardwood, who voted in opposition.

**The Board discussed the petition of the Municipal Council to amend sections of the ZONING ORDINANCE relative to in-law apartments.**

Jim Lewis submitted an edited draft of the proposal to the staff and went over his edits, which included replacing the term "in-law apartments" with "accessory dwelling structures".

Jim Lewis made a motion to recommend to the Municipal Council to adopt the proposed edited amendments to §17-3.5 TABLE OF ACCESSORY USE REGULATIONS, §17-4.5 ACCESSORY STRUCTURES, AND §17-11.2 DEFINITIONS of the ZONING ORDINANCE relative to accessory dwelling structures. Tiffany Foster seconded the motion and all voted in favor.

The Board tabled 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 A submitted by Paul M. McGovern for 240 and 248 Brown Street.

Mr. Ayrassian stated that staff recommend approval of the plan.

Jim Lewis made a motion to approve the Form A plan for 240 and 248 Brown Street. Tiffany Foster seconded the motion and all voted in favor.

The Board reviewed all other correspondence.

Heather Whitehead made a motion to approve the pending minutes of September 12, 2022, September 20, 2022, October 3, 2022, and October 18, 2022. Jim Lewis seconded the motion and all voted in favor.

The meeting adjourned at 8:35 p.m.