



City of Attleboro, Massachusetts
PLANNING BOARD
GOVERNMENT CENTER, 77 PARK STREET
ATTLEBORO, MASSACHUSETTS 02703
TEL 508.223.2222 FAX 508.222.3046

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2021 JUL -7 PM 4:18
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AGENDA
JULY 12, 2021
6:30 P.M.

- | | |
|---|-----------------|
| 1A. JOINT PUBLIC HEARINGS: NONE SCHEDULED | <u>DEADLINE</u> |
| 1B. JOINT PUBLIC HEARINGS HELD OPEN: NONE SCHEDULED | <u>DEADLINE</u> |
| 2A. PUBLIC HEARINGS: NONE SCHEDULED | <u>DEADLINE</u> |
| 2B. PUBLIC HEARINGS HELD OPEN: LINK* | <u>DEADLINE</u> |
| a. One Thirty One Pleasant St, LLC – “STONE FIELD ESTATES III” Definitive Subdivision Plan | 7/30/21 |
| b. Pike Avenue Acquisitions, LLC, Robert Heroux, & Erin Pilling – “PIKE ESTATES”
Definitive Subdivision Plan | 7/30/21 |
| 3A. SITE PLAN REVIEW PUBLIC HEARINGS: LINK* | <u>DEADLINE</u> |
| a. Forty-One/9, LLC – 41 Summer Street – Major Site Plan Review | 8/2/21 |
| b. Route 9 Realty, LLC – 211 Pleasant Street – Major Site Plan Review | 8/2/21 |
| 3B. SITE PLAN REVIEW PUBLIC HEARINGS HELD OPEN: NONE SCHEDULED | <u>DEADLINE</u> |
| 4. PENDING APPLICATIONS/MATTERS: LINK* | <u>DEADLINE</u> |
| a. John J. & Mary F. Donovan – “RAMBLER ROAD” Street Extension Plan | 7/30/21 |
| 5. FORM A PLANS: NONE SCHEDULED | <u>DEADLINE</u> |
| 6. APPOINTMENTS TO SPEAK: | |
| a. Public Works Superintendent Michael Tyler – Subdivision Inspection | |
| 7. STAFF REPORT: NO WRITTEN REPORT | |
| 8. CORRESPONDENCE: LINK* | |
| a. Memorandum from Public Works Superintendent Michael Tyler, dated June 23, 2021, to the Planning Board, providing comment on the revised plans relative to the “STONE FIELD ESTATES III” subdivision. (See Agenda item #2Ba) | |
| b. Memorandum from Wastewater Superintendent Thomas Hayes, dated June 1, 2021, to Planning Board Clerk Lauren Stamatis, providing comment on the Major Site Plan Review application of Forty-One/9, LLC for 41 Summer Street. (See Agenda item #3Aa) | |
| c. Memorandum from Public Works Superintendent Michael R Tyler, dated June 4, 2021, to Planning Board Clerk Lauren Stamatis, providing comment on the Major Site Plan Review application of Forty-One/9, LLC for 41 Summer Street. (See Agenda item #3Aa) | |
| d. Memorandum from Water Department Superintendent Kourtney J. Wunschel, dated June 9, 2021, to the Planning Board, providing comments on the Major Site Plan Review application of Forty-One/9, LLC for 41 Summer Street. (See Agenda item #3Aa) | |

- e. Email from Fire Prevention District Chief Thomas Joubert, received June 14, 2021, to Senior Land Use Planner Stephanie Davies, providing comment on the Major Site Plan Review application of Forty-One/9, LLC for 41 Summer Street. (See Agenda item #3Aa)
- f. Memorandum from Water Superintendent Kourtney Wunschel, dated June 22, 2021, to the Planning Board, providing comment on the Major Site Plan Review application of Route 9 Realty, LLC for 211 Pleasant Street. (See Agenda item #3Ab)
- g. Memorandum from Public Works Superintendent Michael R Tyler, dated June 17, 2021, to Planning Board Clerk Lauren Stamatis, providing comment on the Major Site Plan Review application of Route 9 Realty, LLC for 211 Pleasant Street. (See Agenda item #3Ab)
- h. Memorandum from Wastewater Superintendent Thomas Hayes, dated June 30, 2021, to Planning Board Clerk Lauren Stamatis, providing comment on the Major Site Plan Review application of Route 9 Realty, LLC for 211 Pleasant Street.
- i. Letter from Scott Rolfe and James Borrebach of OHI Engineering, Inc., received April 30, 2021 via e-mail, to Mr. Steven Gietz, providing a status update relative to the punch list items remaining in the construction of the "STONE HAVEN" subdivision.
- j. Email from Steven J. Gietz of Gietz Management, Inc., received June 3, 2021, to Planning Board Clerk Lauren Stamatis, requesting the Planning Board waive the fire alarm box for the "STONE HAVEN" subdivision.
- k. Letter from Conservation Scientist Joshua Rapp of Mass Audubon and Service Forestry Director Jennifer Fish of the Department of Conservation and Recreation, dated Jun 11, 2021, to the Planning Board, relative to consulting and support for developing carbon offset programs.

9. **PERFORMANCE BOND CORRESPONDENCE: [LINK*](#)**

- a. Letter from Robert Catenacci of One Thirty-One Pleasant Street, LLC, dated July 7, 2021, to the Planning Board, requesting a **FINAL** release of funds from the cash bond held by the City, relative to the "STONE FIELD ESTATES II" subdivision.
- b. Letter from Planning Board Clerk Lauren Stamatis, dated July 7, 2021, to Public Works Superintendent Michael Tyler, soliciting a recommendation relative to the request for a **FINAL** release of funds from the cash bond held by the City relative to the "STONE FIELD ESTATES II" subdivision.
- c. Letter from Planning Board Clerk Lauren Stamatis, dated June 22, 2021, to Timothy Caponigro of Woodlark Development Corp., providing notification for approval of the **PARTIAL** release of funds in the amount of \$387,903.29 from the lender's agreement relative to the "COOPER FARM" subdivision.
- d. Letter from Planning Board Clerk Lauren Stamatis, dated June 22, 2021, to Raymond C. Loughlin of SR Land Improvement, LLC, providing notification for approval of the **PARTIAL** release of funds in the amount of \$21,475.48 from the tripartite agreement relative to the "EDWARD SR. ESTATES" subdivision.
- e. Memorandum from Public Works Superintendent Michael R Tyler, dated June 21, 2021, to the Planning Board, recommending the denial of the request for a **FINAL** release of funds relative to the "STONE FIELD ESTATES II" subdivision.
- f. Memorandum from Public Works Superintendent Michael R Tyler, dated June 21, 2021, to the Planning Board, recommending the denial of the request for a **FINAL** release of funds relative to the "COLMAN ESTATES" subdivision.

10. **MISCELLANEOUS PENDING CORRESPONDENCE: [LINK*](#)**

- a. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated February 8, 2019, to Trustee Kathleen Lyons of CFDC Trust regarding the notice of default and demand to complete work at the "BURGESS ESTATES" subdivision.
 - Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated May 13, 2019, to City Clerk Stephen Withers, regarding the Board's decision to perform on the security for the "BURGESS ESTATES" subdivision.
 - Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, to Kathleen Lyons of CFDC Trust regarding the notice of default and demand to complete work at the "BURGESS ESTATES" subdivision.

- Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated March 19, 2021, to City Clerk Stephen Withers, regarding the Board's action to perform on the subdivision security held by the City for the "BURGESS ESTATES" subdivision.
 - **Letter from Kevin S. Freytag, Esq. of Murphy Hesse Toomey & Lehane, LLP, dated June 9, 2021, to the Atlas Mortgage Corporation, regarding performing on the lender's agreement to complete the outstanding work at the "BURGESS ESTATES" subdivision.**
- b. Notice of Default from Kevin Freytag of Murphy Hesse Toomey & Lehane, LLC (City Solicitor's Office), dated August 6, 2018, to Fred Bottomley relative to the "CAMERON WOODS" subdivision.
- c. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated February 8, 2019, to President Peter J. Deibel and Treasurer Kevin M. Joyce of Cedar Ridge Developers, Inc. regarding the notice of default and demand to complete work at the "HIGHLAND ESTATES" subdivision.
- Letter from Kevin S. Freytag of Murphy Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated April 1, 2019, to Peter Deibel of Deibel Builders, Inc regarding the notice of default and demand to complete work at the "HIGHLAND ESTATES" subdivision (letter re-sent to updated address).
 - Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, to President Peter J. Deibel and Treasurer Kevin M. Joyce of Cedar Ridge Developers, Inc. regarding the notice of default and demand to complete work at the "HIGHLAND ESTATES" subdivision.
 - Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated March 19, 2021, to City Clerk Stephen Withers, regarding the Board's action to perform on the subdivision security held by the City for the "HIGHLAND ESTATES" subdivision.
 - **Letter from Kevin S. Freytag, Esq. of Murphy Hesse Toomey & Lehane, LLP, dated June 9, 2021, to Susan Farley of Bristol County Savings Bank, regarding performing on the lender's agreement to complete the outstanding work at the "HIGHLAND ESTATES" subdivision.**
- d. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated February 8, 2019, to Trustee David M. Wetterhahn of Milosh Realty Trust regarding the notice of default and demand to complete work at the "MILOSH ACRES" subdivision.
- Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, to Trustee David M. Wetterhahn of Milosh Realty Trust regarding the notice of default and demand to complete work at the "MILOSH ACRES" subdivision.
 - Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated March 19, 2021, to City Clerk Stephen Withers, regarding the Board's action to perform on the subdivision security held by the City for the "MILOSH ACRES" subdivision.
 - Email from Assistant Vice President Anthony C. Brown of Dedham Savings Bank, dated June 7, 2021, to Director of Planning and Development Gary Ayrassian, relative to completion of the "MILOSH ACRES" subdivision.
 - **Letter from Kevin S. Freytag, Esq. of Murphy Hesse Toomey & Lehane, LLP, dated June 9, 2021, to Executive Vice President of Commercial Lending Douglas Shaw of the Dedham Institution for Savings, regarding performing on the tripartite agreement to complete the outstanding work at the "MILOSH ACRES" subdivision.**
- e. Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated February 8, 2019, to Kevin J. Murphy of KJM Construction, Inc. regarding the notice of default and demand to complete work at the "RIVER'S EDGE" subdivision.
- Letter received from President Kevin J. Murphy of KJM Construction, Inc., dated February 19, 2019 (received February 25, 2019), to the Planning Board, responding to the demand letter regarding completion of the "RIVER'S EDGE" subdivision.
 - Letter from Kevin S. Freytag of Murphy Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated April 1, 2019, to President Kevin J. Murphy of KJM Construction, Inc. seeking an updated response relative to the construction status for the "RIVER'S EDGE" subdivision.

- Letter from Kevin S. Freytag of Murphy, Hesse, Toomey, & Lehane, LLP (City Solicitor's Office), dated January 15, 2021, to Kevin J. Murphy of KJM Construction, Inc. regarding the notice of default and demand to complete work at the "RIVER'S EDGE" subdivision.
 - Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated March 19, 2021, to City Clerk Stephen Withers, regarding the Board's action to perform on the subdivision security held by the City for the "RIVER'S EDGE" subdivision.
 - Letter from attorney James M. Cassidy on behalf of Kevin Murphy of KJM Construction, Inc., dated May 12, 2021 (received May 17, 2021), to the Planning Board, regarding the water main loop at the "RIVER'S EDGE" subdivision.
 - Letter from Senior Land Use Planner Stephanie Davies, dated May 25, 2021, to attorney James M. Cassidy, relative to the completion status of the "RIVER'S EDGE" subdivision.
 - **Letter from Kevin S. Freytag, Esq. of Murphy Hesse Toomey & Lehane, LLP, dated June 9, 2021, to the Worcester Insurance Company, regarding performing on the bond to complete the outstanding work at the "RIVER'S EDGE" subdivision.**
- f. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated March 5, 2021, to City Clerk Stephen Withers, regarding the vote to perform on the subdivision security for the "DALE COURT EXTENSION" subdivision.
- **Letter from Kevin S. Freytag Esq. of Murphy Hesse Toomey & Lehane, LLP, dated June 9, 2021, to the Lexon Insurance Company, regarding performing on the subdivision bond to complete the outstanding work at the "DALE COURT EXTENSION" subdivision.**
- g. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated June 14, 2021, to City Clerk Stephen Withers, regarding the Board's decision to perform on the security for the "Bradford Estates" subdivision.
- h. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated June 14, 2021, to City Clerk Stephen Withers, regarding the Board's decision to perform on the security for the "Hillcrest Avenue Extension I" street extension.
- i. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated June 14, 2021, to City Clerk Stephen Withers, regarding the Board's decision to perform on the security for the "Hillcrest Avenue Extension II" street extension.
- j. Certificate of Vote from Planning Board Clerk Lauren Stamatis, dated June 14, 2021, to City Clerk Stephen Withers, regarding the Board's decision to perform on the security for the "Rhodes Street Extension" street extension.

11. **PLANNING BOARD COMMITTEES:**

11A. **COMPREHENSIVE PLAN COMMITTEE:**

- a. Executive Summary: Sustainable Growth (Request for Primer)

11B. **ORDINANCE COMMITTEE:**

- a. Discuss mechanism for amending approved Site Plan Review decisions
- b. Discuss Act Enabling Partnerships for Growth -- new state zoning enabling legislation
- c. Executive Summary: Trees

11C. **SITE PLAN REVIEW COMMITTEE:**

11D. **SUBDIVISION COMMITTEE:**

12. **PENDING MINUTES:**

- a. June 7, 2021
- b. June 21, 2021

13. **SRPEDD DELEGATE'S REPORT:**
14. **PLANNING BOARD STUDY GROUP PROGRESS REPORT:**
 - a. Executive Summary: Stormwater Techniques (Request for Primer)
 - b. Executive Summary: Community Preservation Act
15. **UPCOMING PUBLIC HEARING, BUSINESS MEETING AND COMMITTEE MEETING SCHEDULE:**
 - a. Meeting Date: August 17, 2021 at 6:30 p.m. in the Annex Room
 - b. Meeting Date (Joint Public Hearing): August 17, 2021 at 7:00 p.m. in the Council Chambers
 - c. Meeting Date: September 13, 2021 at 6:30 p.m. in the Council Chambers
16. **RECENTLY FILED APPLICATIONS/OTHER:**
 - a. Petition filed by Vela, Inc. to rezone 829 Newport Avenue from "Single Residence-A" to "General Business"

*Digital access links are taken down the day after the meeting. For access after that time, please make a request by emailing planning@cityofattleboro.us or stopping by the Office of Planning and Development during normal business hours.