



# City of Attleboro, Massachusetts

## PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET

ATTLEBORO, MASSACHUSETTS 02703

TEL 508.223.2222 FAX 508.222.3046

## AGENDA

AUGUST 17, 2021

6:30 P.M.

2021 AUG 12 PM 1:44  
RECEIVED  
CITY OF ATTLEBORO  
CITY MANAGER  
K.B.

- 1A. **JOINT PUBLIC HEARINGS:** DEADLINE
- a. Petition of Vela, Inc. to rezone property located at 829 Newport Avenue from "Single Residence-A" to "General Business"
- 1B. **JOINT PUBLIC HEARINGS HELD OPEN: NONE SCHEDULED** DEADLINE
- 2A. **PUBLIC HEARINGS: NONE SCHEDULED** DEADLINE
- 2B. **PUBLIC HEARINGS HELD OPEN:** DEADLINE
- a. One Thirty One Pleasant St, LLC – "STONE FIELD ESTATES III" Definitive Subdivision Plan 8/31/21
- 3A. **SITE PLAN REVIEW PUBLIC HEARINGS:** DEADLINE
- a. Forty-One/9, LLC – 41 Summer Street – Major Site Plan Review Deadline to close → 9/30/21
- b. Route 9 Realty, LLC – 211 Pleasant Street – Major Site Plan Review Deadline to close → 9/30/21
- 3B. **SITE PLAN REVIEW PUBLIC HEARINGS HELD OPEN: NONE SCHEDULED** DEADLINE
4. **PENDING APPLICATIONS/MATTERS:** DEADLINE
- a. John J. & Mary F. Donovan – "RAMBLER ROAD" Street Extension Plan 9/30/21
5. **FORM A PLANS:** DEADLINE
- a. Murette & Sons, Inc. – 107 & 115 Colts Way 8/3/21
- b. James Fontaine – northerly side of Clifton Street 8/19/21
- c. Ted Charron – Morse Avenue 8/20/21
- d. 1 Union Street Realty, LLC; 37 Union St. Attleboro, LLC, GAM Realty, LLC, & Mill Properties, Inc. – 0, 11, 15, 37, and 49 Union Street; 67 Park Street 9/1/21
6. **APPOINTMENTS TO SPEAK: NONE SCHEDULED**
7. **STAFF REPORT: TO BE E-MAILED**
8. **CORRESPONDENCE:**
- a. Revised site plans and cover letter submitted by Robert Catenacci of One Thirty-One Pleasant St, LLC, received July 26, 2021, to the Planning Board, relative to the "STONE FIELD ESTATES III" subdivision. (see Agenda item #2Ba)
- b. Cover letter, traffic memo, and plans submitted by attorney Edward Casey, dated August 2, 2021, to Director of Planning and Development Gary Ayrassian, regarding the Major Site Plan Review decision issued to A. Cerrone Limited Partnership for 68 Washington Street.

- c. Form P2 – Request for an Extension of Time to August 17, 2021, submitted by Mark Rioux of Marette & Sons, Inc., received August 2, 2021, relative to the Form A application for 107 and 115 Colts Way. (see Agenda item #5a)
- d. 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.
- e. 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.
- f. Letter from attorney James M. Cassidy on behalf of Kevin Murphy, dated July 1, 2021 (received July 8, 2021), to the Planning Board, providing an update relative to completion of the “RIVER’S EDGE” subdivision. (See agenda item #10e)
- g. Email from James Lema of 55 Saveena Drive, received July 12, 2021, to Mayor Paul Heroux and Director of Planning and Development Gary Ayrassian, citing concerns about the completion of and pending release of funds for the “STONE FIELD ESTATES II” subdivision.
- h. Email from Director of Planning and Development, dated July 12, 2021, to Mayor Paul Heroux and James Lema of 55 Saveena Drive, addressing the concerns raised by Mr. Lema relative to the “STONE FIELD ESTATES II” subdivision.
- i. Email from Planning Board member Sean McNamara, received July 12, 2021, to Chairman Paul Danesi, Mayor Paul Heroux, and Director of Planning and Development Gary Ayrassian, forwarding the copy of a letter distributed by Robert Catenacci of One Thirty One Pleasant St, LLC, polling residents of the “STONE FIELD ESTATES” subdivision as to whether roof infiltrators should be retroactively installed on their properties.
- j. Email from Director of Planning and Development Gary Ayrassian, dated July 12, 2021, to Sean McNamara, Paul Danesi, and Mayor Paul Heroux, in response to Mr. McNamara’s letter about the missing roof infiltrators in the “STONE FIELD ESTATES” subdivision.
- k. Letter from Robert Catenacci of One Thirty-One Pleasant Street, LLC, dated July 27, 2021, to Planning Board Chairman Paul Danesi, requesting Planning Board member Sean McNamara recuse himself from all matters pertaining to One Thirty-One Pleasant Street, LLC, the Stone Field Estates subdivision, and Mr. Catenacci.

9. **PERFORMANCE BOND CORRESPONDENCE:**

- a. 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.
- b. Letter from John J Cloud of Attleboro Realty Development, LLC, dated June 13, 2021 (received July 13, 2021) to the Planning Board, requesting to withdraw their request for a **FINAL** release of funds, dated May 26, 2021, relative to the “COLMAN ESTATES” subdivision.
- c. Letter from Planning Board Clerk Lauren Stamatis, dated July 14, 2021, to Robert Catenacci of One Thirty One Pleasant Street, LLC, denying a **FINAL** release of funds relative to the “STONE FIELD ESTATES II” subdivision.
- d. Letter from Robert Catenacci of One Thirty-One Pleasant Street, LLC, dated July 28, 2021, to the Planning Board, requesting a **PARTIAL** release of funds, relative to the “STONE FIELD ESTATES II” subdivision.
- e. Letter from Planning Board Clerk Lauren Stamatis, dated July 28, 2021, to Public Works Superintendent Michael Tyler, requesting a recommendation relative to the request for a **PARTIAL** release of funds, relative to the “STONE FIELD ESTATES II” subdivision.
- f. Memorandum from Public Works Superintendent Michael Tyler, dated August 5, 2021, to the Planning Board, recommending a **PARTIAL** release of funds in the amount of **\$84,088.29**, relative to the “STONE FIELD ESTATES II” subdivision.
- g. Letter from John J. Cloud of Attleboro Realty Development, LLC, dated August 2, 2021, to the Planning Board, requesting a **FINAL** release of funds relative to the “COLMAN ESTATES” subdivision.
- h. Letter from Planning Board Clerk Lauren Stamatis, dated August 3, 2021, to Public Works Superintendent Michael Tyler, soliciting a recommendation relative to the **FINAL** release of funds request for the “COLMAN ESTATES” subdivision.
- i. Memorandum from Public Works Superintendent Michael Tyler, dated August 5, 2021, to the Planning Board, recommending a **FINAL** release of funds in the amount of **\$100,119.79**, relative to the “COLMAN ESTATES” subdivision.

- j. Letter from Timothy J. Caponigro of Woodlark Development Corp., dated August 5, 2021, to the Planning Board, requesting a **FINAL** release of funds relative to the “COOPER FARM” subdivision.
- k. Letter from Planning Board Clerk Lauren Stamatis, dated August 5, 2021, to Public Works Superintendent Michael Tyler, soliciting a recommendation relative to the **FINAL** release of funds request for the “COOPER FARM” subdivision.
- l. Memorandum from Public Works Superintendent Michael R Tyler, dated August 5, 2021, to the Planning Board, recommending a **FINAL** release of funds in the amount of **\$349,187.79**, relative to the “COOPER FARM” subdivision.

**10. MISCELLANEOUS PENDING CORRESPONDENCE:**

- 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 (previously distributed)
  - b. June 21, 2021
  - c. July 12, 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: September 13, 2021 at 6:30 p.m. in the Council Chambers
  - b. Meeting Date: September 27, 2021 at 6:30 p.m. in the Council Chambers
16. **RECENTLY FILED APPLICATIONS/OTHER: NONE**