



City Of Attleboro, Massachusetts

PLANNING BOARD

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

MINUTES

MARCH 21, 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, March 21, 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: Chairman Jason Gittle, Vice Chairwoman Shannon Bénay, Bill Beardwood, Tiffany Foster, Jim Lewis, Sean McNamara, Thom Morin, Heather Whitehead, and Fred Uriot

Planning Board Members Absent: None

The Board heard the application of One Thirty One Pleasant St, LLC to extend Nicholas Drive for a distance of 120 feet, as shown on the street extension plan entitled "NICHOLAS DRIVE EXTENSION," engineered by John C. Spink, R.P.E. of Spink Design, 59 Clay Street, Middleboro, MA 02346, dated December 29, 2021. The subject premises are located on Assessor's plat #170, Lot #1A in the Single Residence-D zoning district.

The Board reviewed the email from Nicholas Catenacci of Stone Field Realty, received March 21, 2022, to Planning Board Clerk Lauren Stamatis, requesting a continuance to April 4, 2022.

Sean McNamara recused himself from the hearing and left the Council Chambers.

Speaking in opposition was Kelly Sullivan of 11 Nicholas Drive who asked how the City approved Nicholas Drive dead-ending with gravel and dirt. She stated that when the Stone Field Estates subdivision was approved, the road originally terminated at the Rehoboth town line, but that when the line was later relocated due to a discrepancy, it left the road dead-ending in the middle of nowhere. She asked whether this violates any requirements regarding safety and accessibility. She stated that there are also concerns with the existing subdivision's retaining ponds which have been full of water all winter. She asserted that the City is responsible for maintaining those features and asked why they haven't.

Senior Land Use Planner Stephanie Davies stated that on January 12th the Conservation Agent and Public Works Department opined that the stormwater features were properly functioning and not in need of maintenance. She noted that the Planning Board was not involved in this inquiry, as it was prompted directly by the Mayor. She stated that Agent Nick Wyllie sent an email to the Mayor documenting that there was no accumulation of sediment, and that Public Works intended to mow the grass. She noted that there is an official inspection form, but it is lumped in with hundreds of other documents relative to the MS4 permit, and not easily accessible. She noted that the Conservation Agent's email report to the Mayor had been forwarded to Ms. Sullivan.

Chairman Gittle asked Ms. Sullivan whether she received the email.

Ms. Sullivan answered yes, but questioned whether the inspection actually occurred. She questioned how it could have happened when the ponds were iced over. She agreed that Public Works had gone out and mowed the features after she requested the Conservation Agent look into things, but that all of the

clippings were not collected, so are likely to blow back into the pond and clog it. She stated her understanding that the ponds must drain within 72 hours according to state standards.

Jim Lewis stated that he visited the ponds several weeks prior and agrees that they are frozen and not aesthetically pleasing. He asserted that the stormwater system has been accepted by the City, so the matter must be addressed with Public Works, as the Planning Board doesn't have the authority to do anything at this point. He stated that the Board has entertained her complaints, many of which have been about Phases I, II, and III of the subdivision and that the focus of these hearings needs to be Nicholas Drive Extension.

Ms. Sullivan noted that she has concerns about the drainage implications of the extension, as the Phase I ponds do not work and the system for this proposed development may also not be functional.

Jim Lewis explained that all stormwater management systems are vetted by a third party engineer. He explained that as long as a proposed development complies with the City's Subdivision Rules and Regulations, the Board doesn't have the authority to deny the application. He asserted that property owners have the right to develop their land, provided that they comply with the City's rules. He suggested that concerned abutters make arguments for the imposition of conditions on a decision, which could address their concerns.

Heather Whitehead noted that Ms. Sullivan had missed the last meeting and suggested she review the audio recording, as Planning Director Gary Ayrassian discussed in great detail the options abutters have. She noted that the Planning Board can only review what is presently before them, and cannot consider the previously approved ponds.

Ms. Sullivan sought to confirm that the Planning Board can't look at the track record of a developer's systems failing.

Mr. Ayrassian stated that a roadway needs to be paved to the point of acceptance and that if Ms. Sullivan is telling him that the end of Nicholas Drive is broken gravel and dirt, Public Works should be notified to rectify the issue. He stated that the stormwater design for Phase I of Stone Field Estates was signed off on by a third party engineer and the subdivision was constructed and inspected by Public Works. He stated that as a result of those inspections, the recommendation was made by Public Works to release the security funds held by the City and the City Council was petitioned to accept the roadway. He asserted that just because there is water in a stormwater basin, doesn't mean it is not working.

Ms. Sullivan argued that there has been water in the system the entire winter and that according to DEP, the ponds should drain within 72 hours.

Mr. Ayrassian disagreed and asserted that it is not a hard and fast rule. He stated that it is impossible to guarantee such criteria, as back-to-back storms could make it impossible. He stated that in the winter, 90% of the City's stormwater basins will be frozen.

Ms. Davies stated that she drove by the basins today and noted that typically, the back basins are dry. She pointed out that the first basin is the sediment forebay, which is not expected to infiltrate within any predetermined timeline. She noted that she only observed from the roadway, but it appeared that only the forebay was full.

Mr. Ayrassian asserted that the criteria to define a basin as "not working" is that the water would be spilling over the edges of the pond and flooding the area. He argued that just because a basin is full does not mean it isn't working.

Ms. Sullivan asked why the system hasn't been scraped.

Mr. Ayrassian stated that Public Works follows the prescribed Operations and Maintenance Plan and that it has yet to be required at this point.

Ms. Sullivan stated that she has reviewed the plan and it recommends quarterly scrapping or at a minimum, yearly.

Mr. Ayrassian argued that it is not possible for a pond to clog so quickly. He asserted that Public Works was on site in January and their only recommendation was mowing the features. He stated that it takes a long time for sediment to clog a system enough to impact the functionality and that the sediment forebay filters much of that debris out.

Chairman Gittle noted that the Planning Board has very little authority in the matter. He stated that they can encourage City officials to go out and investigate, but numerous times over the year our experts have been out to the site and have confirmed that ponds do not yet need scrapping. He stated that the Board consists of volunteers who live in the City and have been listening to the abutters with empathy for over a year. He asserted that there is no retention pond in the City that has been studied better than those in Stone Field Estates. He stated that Board has faith in the engineers and other professionals who have reviewed the design.

Mr. Ayrassian offered to go over the DEP manual on stormwater basins with Ms. Sullivan. He agreed that if the standard was that hard, the Board would be championing repair, but that no engineer can predict that something can drain within 72 hours with absolute certainty and no one can claim a system is failsafe. He stated that for all basins, engineers design systems to the best of their ability, the City has the system peer reviewed, sometimes multiple times, and Public Works reviews the design. He stated that each basin goes through an extensive vetting process.

Ms. Sullivan argued that there is a drainage issue with Nicholas Drive and that is pertinent to this extension. She asserted that she hasn't received the inspection report she requested on the basins.

Ms. Davies asserted that she has responded to every single one of Ms. Sullivan's inquiries and requested the Conservation Agent to send her the report. She stated that she would follow-up with him again tomorrow.

Mr. Ayrassian offered to go out and review the end of Nicholas Drive to ensure things are in order. He stated that if a roadway is built according to the approved plan, the Board won't require any changes.

Ms. Sullivan insisted that she is concerned that Mr. Catenacci will get approval for this extension and then will not construct things according to the plans. She stated that she is tired of his lies. She stated that once the road is extended the rest of the development will be in Rehoboth and residents of Attleboro are concerned with how they will be impacted. She stated that she is already aware of one neighbor who is listing their home and moving to avoid the repercussions. She asked how the developer is permitted to break code and regulations.

Mr. Ayrassian stated that he was aware of a code issue relative to one of the homes' stairs, but that such matters are handled by the Building Inspector. He stated that he understands that the neighbors are frustrated, but that the Planning Department responds to every single email and inquiry and always addresses issues when they arise. He attested that things do not go unenforced, but there is a process to address things. He asserted that the staff and Board are trying to help the public.

Chairman Gittle added that private issues with the home construction is not within the Planning Board's purview.

Ms. Sullivan sought to confirm that Mr. Catenacci is allowed to continue doing business even if he keeps doing things incorrectly.

Chairman Gittle noted that the tolerance for errors from Mr. Catenacci is dwindling and that staff are out on the site weekly checking on the status of construction.

Mr. Ayrassian stated that the Planning Board's control of developers is through the release of security funds during the construction process. He stated that it is not possible for the Board to blacklist a single

developer, as they are governed by a rule of law. He stated that development proposals have to be entertained by state law and that withholding security funds is the mechanism to keep the developer on task. He stated that the actions the Board can take are constrained by the law.

Jim Lewis asserted that the Board has entertained testimony for over forty minutes without any new information being submitted relative to the Nicholas Drive extension. He suggested that inappropriate testimony could be cut off, if not providing new relevant information.

Heather Whitehouse agreed that the Board cannot endlessly entertain testimony for matters that are beyond their control.

Chairman Gittle asserted that abutter testimony is always welcome, but it has to be on topic.

Mr. Ayrassian suggested Ms. Sullivan contact the office tomorrow to discuss things further.

Speaking in opposition was Christine Smith of 15 Nicholas Drive who stated she will be unable to attend the next meeting, but wants to provide input on sidewalks.

Ms. Davies noted that Ms. Smith is welcome to submit a letter to be read into the record.

Heather Whitehead reiterated that the Board is bound by the Ordinances and that if what a developer proposes meets the City's standards, the Board is obligated to approve.

Ms. Smith asked when the Board anticipated closing the hearing.

Mr. Ayrassian replied that the Board will close the hearing when all questions about the project have been resolved, and that there is no set timeline.

Speaking neither for nor against was Cristina Corbeil of 91 Richie Road who expressed concerns regarding safety and the environment. She stated that she lives in a residential neighborhood and feels commercial equipment traversing that street will be unsafe. She stated that her backyard faces the field proposed for the farm and that the land in Rehoboth frequently floods. She said that she and her neighbors have flooding in their basement. She asserted that such run off can wash away manure from the farm, creating a potential pollution risk for her home and drinking water.

Mr. Ayrassian stated that as her home is on municipal water and sewer service, that should not be an issue. He noted that flooding from the land in Rehoboth needs to be addressed with that municipality directly.

Ms. Corbeil expressed concern with the cows attracting coyotes.

Mr. Ayrassian stated that neighbors should call animal control in the event of coyote sightings and that there are many things that could attract them to an area.

Ms. Corbeil noted that the area has previously been used as a dumping ground.

Mr. Ayrassian noted that the Board of Health would need to be contacted with such concerns, whether in Attleboro or Rehoboth.

Ms. Corbeil stated that she is concerned with the future level of maintenance for the new farm, based on the current owner's existing property. She stated that she knows she wouldn't seek out living next to a poorly maintained farm. She stated that it's been suggested that residents abutting a dairy farm saw their property values go down.

Mr. Ayrassian stated that the property owner's history of maintaining structures cannot be considered by the Board. He stated that they are also not involved with tax assessments, and that abatements can be pursued with the City Assessor.

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

Sean McNamara returned to the Council Chambers.

The Board heard the application of Bishop Feehan High School 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 an 8,000 s.f. building addition with associated grading, utilities, and stormwater management system; the subject premises being located at 70 Holcott Drive, more specifically Assessor's plat #90, lot #243, located in the Single Residence-B zoning district.

Speaking in favor of the application was attorney Edward Casey of Coogan Smith, LLP who stated that the Board had previously expressed concerns relative to the onsite traffic flow and parking capacity for construction vehicles, as well as the potential for light pollution to impact neighbors on Harvard Street. He stated that a narrative had been submitted to address the concerns regarding traffic circulation. He noted that steel scheduled to be delivered to the site over the summer when school is out of session may not be available until later, due to supply chain issues.

Director of Planning and Development Gary Ayrassian stated that as there is potential for the steel to be delivered during the school year, details needed to be provided on how that will be handled.

Speaking in favor was construction manager Jim Madigan of F.W. Madigan Company, Inc. who stated they intend to ensure the safety of everyone on the site and in the parking lot, using a fence to block off areas of construction. He went over the proposed traffic flows during the various phases of development.

Speaking in favor was Bishop Feehan President Tim Sullivan who pointed out that during Phase I of the construction the entire southern part of campus will be blocked off.

Mr. Madigan added that during Phase II, which occurs during the school year, the construction area is reduced. He pointed out the construction gates and access for emergency vehicles.

Mr. Sullivan emphasized that during Phase II, there will be no changes to the existing traffic pattern for students and staff.

Mr. Madigan noted the intent to temporarily remove an existing island at the corner of the parking lot, to allow trucks to more easily navigate the area without issue.

Mr. Ayrassian asked whether that island serves a traffic control purpose now.

Mr. Sullivan stated that it simply marks the end of the parking area.

Mr. Madigan stated that the lot will return to a larger construction area in Phase III.

Jim Lewis asked how many employee spots are provided on site.

Mr. Madigan replied 55 spots.

Senior Land Use Planner Stephanie Davies stated that the narrative referenced was received today, but corresponding plans were not provided.

Mr. Madigan assured the Board that they can control the delivery date and time of materials and construction equipment.

Jason Gittle questioned whether the builder or the school is in charge of construction scheduling changes.

Mr. Madigan replied that the full-time construction superintendent will be in charge.

Mr. Sullivan noted that the school maintains 100% veto power on construction matters and schedules. He stated that this will be akin to their previous addition project, for which there were no issues with delivery or timing.

Jason Gittle sought to confirm that there are mechanisms in place for the neighbors to contact the school should there be issues.

Mr. Sullivan answered yes.

Speaking in favor was Jack Jacobi of 15 Prince Street who stated that he was involved with the new high school development and that the contractor enforced strict delivery times along with blackout periods. He offered this as evidence that the construction traffic can successfully be managed.

Jason Gittle asked whether those blackout periods were conditioned by the City or developed by school officials.

Mr. Jacobi replied that they were conditioned by the Planning and Zoning Boards, but that they would have offered them anyway, to ensure efficient functionality of the site.

Jim Lewis asked what the plan is to compensate for the 100 or so parking spaces that will be unavailable during construction.

Mr. Casey confirmed that in further discussions with Mr. Sullivan, it was determined that there is sufficient parking on campus to accommodate the loss of spaces. He stated that many students opt to park on Stobbs Drive rather than on campus, as it is easier for them to leave campus more quickly at the end of the day.

Jim Lewis sought to confirm that a plan verifying the parking will be submitted, detailing the explicit parking plan for during construction. He sought to confirm that Mr. Casey is suggesting that there is a surplus of parking spaces available on site to accommodate the construction parking, based on students historically choosing to park off site.

Mr. Casey answered yes. He noted that there were complaints registered about congestion on Stobbs Drive and the Municipal Council has since eliminated the ability to park on one side, which has improved traffic flow.

Mr. Sullivan pointed out that about five years prior, they lost about 55 spots, which was absorbed without issue.

Mr. Casey stated that there is an excess of about 103 parking spaces, which is shown on the plans.

Mr. Ayrassian sought to confirm that there is still sufficient capacity with the movement of student drivers on Stobbs being forced on to the site.

Mr. Casey answered yes.

Jim Lewis asserted that this isn't a new use, but that the Board has to certify that the plan complies with the Zoning Ordinance, meeting historic and proposed uses for the site.

Mr. Ayrassian emphasized that only onsite parking can be considered when evaluating alternatives for the parking supplanted by construction uses.

Mr. Casey agreed and stated that there are 103 more parking stalls on campus than are required by the Zoning Ordinance.

Mr. Ayrassian stated that staff would evaluate that assertion.

Sean McNamara asked how long the steel delivery typically takes.

Mr. Madigan replied that they anticipate six to eight trucks worth of supplies and that about two hours will be required for each trip.

Mr. Ayrassian speculated that it is unlikely that the steel will be ordered and available for delivery to the site before school returns to session in the fall.

Mr. Casey stated that they intend to have the project's architect submit a letter interpreting the photometric analysis to be submitted.

Mr. Ayrassian noted that trees are being proposed to help screen any light nuisances.

Mr. Casey requested an extension of time to April 30, 2022. Shannon **Bénay** made a motion to grant an extension of time to April 30, 2022. Thom Morin seconded the motion and all voted in favor.

Speaking in opposition was Heather Folan of 16 Harvard Street who expressed concern that neighbors will be able to hear people within the addition if windows are open. She suggested that the diocese owns a vacant lot next to the property, which could potentially be used for satellite parking.

Jason Gittle stated that the Board is keenly aware of the parking issues and working with the applicant to address them.

Ms. Folan maintained her concern that parking is liable to overflow on to Harvard Street.

Jim Lewis asked whether it does so now.

Ms. Folan answered no, with the occasional exception of during big events, like graduations. She noted that the school added 80 parking spaces several years ago to reduce the amount of parking occurring on Stobbs Drive.

Mr. Ayrassian countered that even if the school provides excess parking, they can't control if people chose to park on the street in the absence of "no parking" signs. He stated that just because students choose to park on the street does not necessarily mean there is insufficient parking on the site.

Sean McNamara pointed out that Mr. Sullivan indicated that students could face repercussions to force them to park in desired locations.

Mr. Ayrassian stated that is up to the school to handle and outside of municipal oversight.

Thom Morin asked Ms. Folan if she knows who to contact at the school should there be issues.

Ms. Folan answered no, that she was never provided with a contact number.

Mr. Ayrassian suggested that something be added to the Bishop Feehan website with construction updates and contact information.

Jason Gittle suggested that parking on Harvard Street is an enforcement issue and that neighbors should call the police or Bishop Feehan if students are parking inappropriately.

Ms. Folan argued that the police redirect the concerns to the school.

Mr. Ayrassian suggested that Ms. Folan talk with President Sullivan directly who is present this evening.

Speaking in opposition was Pam Folan of 16 Harvard Street who asked what time the trucks and equipment would start to arrive. She noted that the gates open for the students at 7 a.m. She stated that

the school already has a dumpster that is routinely emptied at 4 a.m., which is a disturbance to neighbors. She asked when construction will begin and end.

Ms. Davies pointed out that the City's Noise Ordinance doesn't allow disruptive noise before 7 a.m.

Ms. Folan noted that in walking the area, she noticed there is no handicapped access in some places.

Ms. Davies replied that the features in question are private property and not controlled by the City. She stated that it is up to the private property owner to comply with ADA standards.

Speaking in rebuttal was Tim Sullivan who argued that handicapped parking is provide onsite. He stated that the only routinely anticipated noise would be from the band room, whose location is not changing with the proposed addition and is the furthest possible location from Harvard Street. He asserted that the addition will actually better shield those residences from that potential nuisance. He stated that they are only proposing 5 or 6 small vent windows, so they do not anticipate that noise will be an issue. He stated that the fact that the neighbors are not routinely seeing parking on Harvard Street to date is a testament to the school's ability to control the students' parking behavior.

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

The Board heard the application of JS Fuller TIC LLC & Etal 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 a 20,000 s.f. warehouse with associated grading, electrical connection, and stormwater management system; the subject premises being located at 50 Fuller Avenue, more specifically Assessor's plat #21, lots #272 and 273, and Assessor's plat #24, lots #43A and 44A, located in the Industrial zoning district.

The Board reviewed the Form P1 - Request to continue a public hearing to April 25, 2022, submitted by Jacqueline Bart of GFI Partners on behalf of JS Fuller TIC, LLC & Etal, received March 16, 2022, relative to the Major Site Plan Review application for 50 Fuller Avenue. Shannon Bénay made a motion to continue the public hearing to April 25, 2022. Thom Morin seconded the motion and all voted in favor.

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

The Board heard the application of NeighborWorks Housing Solutions for a Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, to construct a 4,680± sf building to accommodate an emergency shelter and supportive housing, 20 off-street parking stalls, and associated landscaping, utilities, grading and stormwater management system; the subject premises being located at 150 Pleasant Street, more specifically Assessor's plat #52, lot #52, located in the General Business zoning district.

Speaking in favor of the application was attorney Jack Jacobi who stated that the only change to the plan was driven by the Conservation Commission's request to substitute the proposed plantings at the rear of the site. He stated that they have since issued their approval.

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

Jim Lewis suggested that the Site Plan Review Committee discuss a monetary penalty be applied to enable the enforcement of approved landscaping plans.

Jim Lewis made a motion to **APPROVE WITH CONDITONS** the Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE to construct a two-story 4,680± square foot building to accommodate an emergency shelter and supportive housing, upgrade an existing parking lot, and associated landscaping, grading, utilities, and stormwater management system, the

subject premises being located at 150 Pleasant Street, more specifically Assessor's plat #52, lot #52, located in the General Business zoning district, as shown on the site plan entitled "PROPOSED REDEVELOPMENT PLAN, 150 PLEASANT STREET, ATTLEBORO, MA 02703", drawn by Michael G. Joyce, R.P.E. of Joyce Consulting Group, 100 Wyman Road, Braintree, MA 02184, dated September 3, 2021, revised through March 3, 2022 and the architectural plan entitled, "PROPOSAL FOR 150 PLEASANT STREET, ATTLEBORO, MA", drawn by Placetaylor Elton Hampton Design, 103 Terrace Street, Roxbury, MA 02120, dated January 2022 (received March 4, 2022). Heather Whitehouse seconded the motion. A discussion followed and all voted in favor. The Board attached conditions.

The Board heard the application of Anthony Properties for a Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, to construct two new retail/restaurant buildings, $\pm 5,100$ sf and $\pm 3,000$ sf, respectively, retain the existing $\pm 7,300$ sf commercial building, build a new $\pm 10,000$ sf daycare facility, and construct 135 parking spaces, as well as associated driveways, landscaping, utilities, grading and stormwater management system; the subject premises being located at 754 Newport Avenue, more specifically Assessor's plat #69, lot #26B, located in the General Business and General Residence-A zoning districts.

The Board reviewed the Form P2 - Request for an extension of time to April 30, 2022, submitted by attorney Jack Jacobi of Coogan Smith, LLP on behalf of Anthony Properties, relative to the Major Site Plan Review application for 754 Newport Avenue. Shannon B  nay made a motion to grant an extension of time to April 30, 2022. Thom Morin seconded the motion and all voted in favor.

The Board reviewed the Form P1 - request to continue a public hearing to April 4, 2022, submitted by attorney Jack Jacobi of Coogan Smith, LLP on behalf of Anthony Properties, relative to the Major Site Plan Review application for 754 Newport Avenue. Heather Whitehead made a motion to grant a continuance to April 4, 2022. Shannon B  nay seconded the motion and all voted in favor.

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

The Board held a business meeting.

The Board discussed the application of Morin Realty, LLC 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 two single-story additions, 2,980 s.f. and 1,331 s.f., respectively, widening and restructuring of an existing truck loading dock, and reconfiguring an existing parking lot, with associated grading, and redevelopment of the stormwater management system; the subject premises being located at 95 Frank Mossberg Drive, more specifically Assessor's plat #146, lot #6B, located in the Industrial zoning district.

Shannon B  nay made a motion to **APPROVE WITH CONDITONS** the Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE for the construction of two one-story additions ($2,980\pm$ square feet and $1,331\pm$ square feet), widening and restructuring of an existing loading dock, and reconfiguring an existing parking lot, with associated grading, and upgrades to the stormwater management system all in association with an existing catering business, the subject premises being located at 95 Frank Mossberg Drive, more specifically Assessor's plat #146, lot #6B, located in the Industrial zoning district, as shown on the site plan entitled "PERMIT SITE PLAN RUSSELL MORIN CATERING 95 FRANK MOSSBERG DRIVE ATTLEBORO, MASSACHUSETTS 02703", drawn and engineered by Jacob T. Lemieux, R.P.E. of Hancock Associates, 315 Elm Street, Marlborough, MA 01752, dated December 6, 2021 and revised through February 7, 2022. Sean McNamara seconded the motion. A

discussion followed and all voted in favor with the exception of Jim Lewis and Thom Morin, who abstained. The Board attached conditions.

The Board discussed the application of the Bristol Place Investments LP, 800 Boylston Street, Suite 1300, Boston, MA 02199, relative to the proposed five (5) lot preliminary subdivision plan entitled “Bristol Place Subdivision”, said premises being located at 1270 Newport Avenue, engineered by Leonard R. Bradley, Jr., R.P.E. of DiPrete Engineering, 990 Washington Street, Suite 101A, Dedham, MA 02026, dated February 3, 2022, said premises being Assessor’s plat #27, lot #4, located in the Planned Highway Business zoning district.

Subdivision Committee Chairman Jim Lewis gave a summary of the discussions held at the Subdivision Committee meeting. He suggested that the applicant should provide details on the existing stormwater management system and its efficacy.

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

The Board discussed the petition of the Municipal Council to amend §17-3.39 PROHIBITED USES of the ZONING ORDINANCE relative to commercial vehicles.

Mr. Ayrassian stated that Tiffany Foster, Jim Lewis, Heather Whitehead, and himself had met with Councilor Bennett twice to discuss the matter. Building Commissioner Bill McDonough was invited to the second meeting to discuss potential enforcement issues. Mr. McDonough confirmed that parking a commercial vehicle in the residential zoning district is already disallowed. Mr. Ayrassian stated that they discussed providing better public notice that provides clearer substance on what is to be amended in cases like this. He stated that they discussed moving forward focusing on what type of commercial vehicle that should be targeted as problematic or contrary to residential uses. He stated that exemptions were suggested for those protected by the Dover Amendment, those that hold special permits for home occupation, pre-existing, non-conforming uses, and other by-right uses, like farms, etc. He stated that Mr. McDonough felt this clarification will make enforcement easier, as it is less ambiguous. He stated that an additional meeting is scheduled to further discuss the matters.

The Board tabled the matter.

The Board reviewed the memorandum from Public Works Superintendent Michael Tyler, dated March 14, 2022, to the Planning Board, recommending denial of the FINAL release of funds request for both the “HILLCREST AVENUE EXTENSION” and “HILLCREST AVENUE EXTENSION II” street extensions.

Shannon Bénay made a motion to deny a final release of funds for both “HILLCREST AVENUE EXTENSION” and “HILLCREST AVENUE EXTENSION II.” Thom Morin seconded the motion. All voted in favor with the exception of Jim Lewis, who abstained.

The Board reviewed the memorandum from Public Works Superintendent Michael Tyler, dated March 16, 2022, to the Planning Board recommending denial of the FINAL release of funds request for the “BRADFORD ESTATES” subdivision.

Heather Whitehead made a motion to deny a final release of funds for the “BRADFORD ESTATES” subdivision. Sean McNamara seconded the motion and all voted in favor, with the exception of Jim Lewis, who abstained.

The Board reviewed the memorandum from Public Works Superintendent Michael Tyler, dated March 10, 2022, to the Planning Board, recommending denial of the FINAL release of funds request for the "RHODES STREET EXTENSION" street extension.

Shannon Bényay made a motion to deny a final release of funds for "RHODES STREET EXTENSION" street extension. Sean McNamara seconded the motion. All voted in favor with the exception of Jim Lewis, who abstained.

The Board reviewed all other correspondence.

The Board tabled the pending minutes of December 16, 2021, January 3, 2022, January 24, 2022, February 7, 2022, February 28, 2022, and March 7, 2022.

Meeting adjourned at 10:00 p.m.