



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

APRIL 4, 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, April 4, 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, and Heather Whitehead

Planning Board Members Absent: Sean McNamara, Thom Morin, and Fred Uriot

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.

Speaking in favor of the application was Bob Catenacci of One Thirty One Pleasant St, LLC who stated that he had submitted an alternate design with a grass strip on the interior of the cul de sac that serves as a forebay. He stated that very few other changes have been made to the plan.

Jason Gittle sought to confirm that the change has no impact on the size of the other stormwater basin.

Mr. Catenacci answered no, but that the stormwater calculations have not yet been run on the change.

Jason Gittle stated that the Board knew what to expect in terms of aesthetics and were more interested in seeing how the change to the cul de sac impacts the rest of the stormwater management system.

Mr. Catenacci stated that he thought that the Board was just looking to see what direction to take things aesthetically.

Jason Gittle stated that the Board provided the idea of a bioretention area, as it is what they wanted to see.

Jim Lewis reiterated that the Board had requested a bioretention basin, which is different than just putting grass in the center of the cul de sac. He stated that the neighbors have concerns about the future activities in Rehoboth. He stated that since 6-feet of fill is required for the proposed house lots, it can be assumed that all of the trees will have to be removed. He asked why the proposed detention basin couldn't be moved on to the property in Rehoboth, while converting the cul de sac to a turnaround. He suggested that an easement could be granted to the City for maintenance. He suggested that this would allow for the reduction of impervious area and create a vegetative buffer for the neighbors. He asked why so much fill is required.

Mr. Ayrassian noted that such an approach regarding the cul de sac would require a waiver.

Mr. Catenacci replied that they are proposing to build into the slope and create walk out basements. He stated that they can look at trying to preserve some of the existing trees, or planting new ones. He stated that he met with several of the neighbors over the weekend and that they are attempting to find common ground. He asserted that the house and barn proposed for the land in Rehoboth will be built in the woods about 300-feet, so he doubted it would even be visible to the neighbors.

Mr. Ayrassian stated that he didn't understand Mr. Catenacci's confusion regarding the stormwater management system, as the Board was clear in their desire that a bioretention area with an outflow pipe be designed in the center of the cul de sac. He stated that if that were pulled on to the Rehoboth property and converted to a hammerhead turn-around, there would be additional stormwater management implications, so the Board needs to make their preferences known to the developer.

Senior Land Use Planner Stephanie Davies pointed out that the Board had envisioned a bioretention area that would secondarily serve a decorative purpose and provide screening for the land in Rehoboth. She stated that as proposed, the feature is simply a sediment forebay that was moved to the center of the cul de sac.

Mr. Catenacci ventured that he could make it a bioretention area, but that he didn't think such an approach was required.

Mr. Ayrassian asserted that the Board wants to see a bioretention area. He stated that he was going to recommend to the Board closing the hearing and rendering a decision due to the lack of forward motion with the project.

Mr. Catenacci stated that a bioretention area can be designed in the cul de sac. He stated that the forebay could be returned to its original location. He apologized and asserted that he didn't understand that was what the Board wanted.

Jim Lewis suggested that the matter needs to be taken up in a Subdivision Committee meeting with the applicant to hammer out the design details.

Jason Gittle agreed.

Shannon Bénay asked how far the proposed barn would be back from the neighbors.

Mr. Catenacci replied that the house will be about 300-feet back and the barn will likely be another 50-feet further away. He stated that when the trees have foliage, they won't be visible.

Speaking neither for nor against was Kelly Sullivan of 11 Nicholas Drive who stated that she and her neighbor Christine Smith met with Mr. Catenacci over the weekend. She stated that the biggest continued concern is safety and the lack of sidewalks in the design.

Jason Gittle noted that the developer either has to provide sidewalks or be granted a waiver.

Ms. Sullivan stated that she is in staunch opposition to the granting of such a waiver. She expressed further concern with the clearing of the two proposed house lots in Attleboro and the potential impact that may have on her property's drainage. She stated that they spoke with Mr. Catenacci about developing plan restrictions for the farm on the Rehoboth land, as the neighbors do not want to see a large commercial operation that will create significant traffic.

Jim Lewis suggested that such an approach would be a private restriction and that the City of Attleboro cannot enforce a restriction on land in Rehoboth. He suggested it was a sound idea, but implementation needed to be defined. He stated that in speaking with attorney Jack Jacobi who represents the future farm owner, he offered to provide an agreement that only a single house would be developed on the Rehoboth land.

Mr. Ayrassian raised concerns on how to ensure such an agreement runs with the land and transfers to future property owners.

Jim Lewis suggested the City Solicitor may need to be involved. He noted that when he recently went out to the site, he noted that at the fourth stormwater basin in Phase I of Stone Field Estates, there is rip rap and a pipe going into a low area that is inundated with water by Ms. Sullivan's home.

Ms. Sullivan agreed that it is a low area where water gathers.

Jim Lewis suggested that the grades need to be modified to ensure the water doesn't reach her home.

Ms. Davies stated that matter was recognized in the staff report. She stated that there needs to be a graded swale and an easement to ensure the water is flowing where it needs to be.

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

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 who noted that the Board had previously expressed concerns about the landscaping and stated that plans were submitted that day proposing new trees with a caliper of 2 to 3.5-inches.

Mr. Ayrassian stated that the Board also needs to know the height of the trees at planting and the rate of growth, so they can gauge if the trees will provide sufficient screening.

Mr. Casey stated that he would need to consult the landscape architect. He stated that the school is open to whatever the Board prefers in terms of the vegetative screening.

Speaking in favor was Bishop Feehan President Tim Sullivan who stated that the south side of the site between the sidewalk and the building is very narrow, so trees with very large canopies cannot be accommodated. He asserted that the current plan isn't to entirely block views of the building, but rather make it aesthetically pleasing.

Mr. Ayrassian asserted that the purpose should be to protect the residents from the second story lights at night.

Mr. Sullivan submitted that the building is not expected to be routinely used at night, as it is a classroom building. He estimated night time use to be a maximum of 3 or 4 times per year.

Jason Gittle pointed out that cleaning is liable to be occurring after hours.

Heather Whitehead noted that caution should be taken to ensure that the proposed tree roots don't grow to ruin the adjacent sidewalks.

Mr. Casey stated that the Board's other concern pertained to deliveries to the site and construction traffic. He stated that a letter had been submitted to allay those concerns. He suggested that a condition be drafted to control the delivery timing on site.

Jason Gittle noted that the site has 523 existing parking spaces. He questioned the reduction in that amount required to accommodate construction parking.

Ms. Davies stated that the plans indicate 55 spaces for construction workers and another 24 spaces for staging, leaving a total of 79 spaces temporarily unavailable.

Jason Gittle asked how this change will impact traffic circulation and athletic event parking.

Mr. Sullivan stated that it won't and that the areas in question are rarely used outside of 2 to 3 times per year.

Jason Gittle asked whether any specifications on lighting had been submitted to confirm that there will be no negative impacts on abutters.

Mr. Casey replied yes, a photometric plan had been submitted and noted that the light drops off significantly about 30-feet from the building and that the nearest neighbors are over 150-feet away.

Mr. Ayrassian argued that the photometrics don't confirm that the lighting won't have a negative impact, but merely shows the lumens emitted.

Heather Whitehead pointed out that the satellite view provided shows the lot being practically full.

Mr. Ayrassian agreed and questioned how the construction parking would be absorbed if students and staff are already using the entire lot.

Mr. Sullivan affirmed there will be sufficient parking. He stated that there are currently 20 to 25 spots designated as "no parking" by the school's choice that can be opened up. He suggested that they could also reduce the number of onsite parking passes granted, limiting the number of students that can drive to school.

The Board discussed holding a Site Plan Review Committee meeting.

Ms. Davies noted that the stormwater management permit has not yet been approved by the Conservation Commission.

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.

Ms. Davies noted that the applicant had previously been granted a continuance to April 25, 2022.

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

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, ±5,100 sf and ±3,000 sf, respectively, retain the existing ±7,300 sf commercial building, build a new ±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 P1 - Request to continue a public hearing to April 25, 2022, submitted by attorney Jack Jacobi of Coogan Smith, LLP on behalf of Anthony Properties, LLC, relative to the Major Site Plan Review application for 754 Newport Avenue.

The Board arranged to discuss traffic and architecture associated with the project at the upcoming Site Plan Review Committee.

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

The Board held a business meeting.

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.

The Board reviewed the Form P2 - Request for an extension of time to April 30, 2022, submitted by Sheryl Guglielmo of DiPrete Engineering on behalf of Bristol Place Investments LP, received April 4, 2022, relative to the "BRISTOL PLACE" preliminary subdivision plan. Shannon Bény made a motion to grant an extension of time to April 30, 2022. Heather Whitehead seconded the motion and all voted in favor.

The Board tabled the matter.

The Board reviewed the Form A plan submitted by Albert Dumont for 1 Rathbun Willard Drive.

Speaking was John Risser of Risser Engineering who stated that a lot was carved out from this property back in 2016, which was never constructed upon. He stated that the homeowner is now looking to eliminate the lot line and recombine the lots.

Jim Lewis made a motion to approve the Form A for 1 Rathbun Willard Drive. Shannon Bény seconded the motion and all voted in favor.

The Board reviewed the email from Senior Land Use Planner Stephanie Davies, dated February 10, 2022, to Bob Catenacci of One Thirty One Pleasant St, LLC, regarding a notice of violation relative to the "Stone Field Estates III" subdivision.

Ms. Davies stated that Mr. Catenacci has worked to shift the water away from the houses located in the "STONE FIELD ESTATES, PHASE II" subdivision. She noted that when she checked last week, the silt fence still wasn't completely installed.

Mr. Catenacci stated that he thought all the fences were in place, but would be meeting on site with the Conservation Agent tomorrow, so will go over everything at that time.

The Board tabled the matter.

The Board reviewed the Municipal Council Certificate of Vote taken March 15, 2022, relative to the proposed loan order in the amount of five million two hundred thousand (\$5,200,000.00) dollars for the design, permitting, bidding, construction and construction oversight costs associated with the replacement of the ozone system at the West Street Treatment plant.

Jim Lewis made a motion to recommend to the Municipal Council that the Loan Order, in the amount of FIVE MILLION TWO HUNDRED THOUSAND (\$5,200,000.00) DOLLARS, for the design, permitting, bidding, construction and construction oversight costs associated with the replacement of the ozone system at the West Street Water Treatment Plant is consistent with Section VI.(J) Municipal Facilities, Goal 16, Policy 2 of the City's COMPREHENSIVE PLAN. Heather Whitehead seconded the motion and all voted in favor.

The Board struck from the agenda the memorandum from Public Works Superintendent Michael Tyler, dated January 26, 2022, to the Planning Board, recommending a bond amount of \$1,635,102.66 relative to the "PIKE ESTATES" subdivision, as an updated amount was provided for the first phase of construction .

The Board reviewed the memorandum from Public Works Superintendent Michael R Tyler, dated March 31, 2022, to the Planning Board, recommending a bond amount of \$1,137,714.69 relative to Phase I of the "PIKE ESTATES" subdivision.

Heather Whitehead made a motion to accept the bond in the amount of \$1,137,714.69 relative to Phase I of the "PIKE ESTATES" subdivision. Shannon Bénay seconded the motion and all voted in favor.

The Board reviewed the Covenant Release Form submitted by Robert Catenacci of One Thirty One Pleasant Street, LLC, received December 29, 2021, relative to the "STONE FIELD ESTATES III" subdivision.

Ms. Davies noted that the City Treasurer confirmed that bond amount for the subdivision had been received and deposited, but has not yet cleared. She noted that the check is from a lawyer's office IOLTA account, so is considered very reliable.

Jim Lewis made a motion to approve the Covenant Release Form subject to the bond check clearing with the City Treasurer. Heather Whitehead seconded the motion and all voted in favor.

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 , March 7, 2022 , and March 21, 2022.

Meeting adjourned at 8:20 p.m.