



# City Of Attleboro, Massachusetts

## PLANNING BOARD

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## MINUTES

APRIL 26, 2021

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 26, 2021 at 6:30 p.m. remotely via Zoom, relative to the following :

Planning Board Members Present: Chairman Paul Danesi, Shannon Bénay, Sean McNamara, and Thom Morin

Planning Board Members Absent: Vice Chairman Jason Gittle, Jim Lewis, and Fred Uriot

The Board heard the application of One Thirty One Pleasant St, LLC for the proposed twenty (20) lot definitive subdivision plan entitled "STONE FIELD ESTATES III," located at 553 Oak Hill Avenue, more specifically Assessor's plat #170, lot #1A, located in the Single Residence-D zoning district, engineered by John C. Spink, R.P.E. of Spink Design, 59 Clay Street, Middleborough, MA 02346.

Speaking in favor of the application was Bob Catenacci who stated that they had received the staff's comments on their revisions and are awaiting the results of the second stormwater peer review. He stated that staff expressed concern with the proximity of two of the stormwater basins to the abutting homes. He stated that his engineer finds the situation to be safe as homes on lots 5, 6, and 11 could be re-designed without walk-out basements to eliminate those drop-offs.

Ms. Davies pointed out that the overflow for the Phase II basin is directed towards house lots 6 and 7. She stated that the design seems risky for those future home owners.

Mr. Catenacci stated that they could rotate the outflow 90 degrees so that it's facing the tree line, placing it further from house lot 6. He stated that they could likewise rotate the outflow for the Phase III basin 90 degrees counter-clockwise.

Ms. Davies asked why the Phase III basin needs to be located so close to that of Phase II. She asked why it could not be located lower on the site, further from the house lots.

Mr. Catenacci replied that such a location would bring it too close to the wetlands. He noted that these are merely the overflows for the basins, and designed to rarely be releasing water. He asserted that the concern could be addressed by adjusting the locations of the outflows and changing the basements for lots 6 and 11 to regular foundations rather than walk-out basements.

Ms. Davies stated that Public Works Department has concerns with the design and will be invited to attend the peer review work session. She stated that she still feels that it's not prudent to have the overflows so close to the house lots.

Mr. Danesi asked whether staff felt the rotations for the outflows would help.

Ms. Davies agreed that it could help, but still is a potential issue. She pointed out that the wetlands and buffers should be denoted on the plans.

Mr. Catenacci stated that buyers like houses with walk-out basements and it saves us from having to put in fill, but they would be willing to make that change for the four houses adjacent the basins, as it wouldn't be an exorbitant amount of fill.

Chairman Danesi asked whether the fill would be brought in from off site.

Mr. Catenacci replied that he was unsure whether they would have to bring fill in or if there would be sufficient fill from re-distributing the dirt on the site.

Ms. Davies noted that the developer will have to pursue an 81-W plan to make modifications to the Phase II basin. She stated that she felt the current design is risky as it relies on very specific grading.

Mr. Catenacci stated that they will plan to make the easements along the swales wider, so the grades can be properly maintained. He noted that owners can change the grades in their own yards and not realize they are impacting part of the stormwater system.

Mr. Ayrassian stated that if changes are proposed, Horsley Witten Group should hold off on the peer review until you submit revised grading. He asked what level of storm the basins are designed to contain without overflowing.

Speaking in favor was the applicant's engineer John Spink who stated that there will be no discharge in the 100-year storm.

Mr. Ayrassian asked what will happen if a 50-year storm immediately follows a 100-year storm before the basins have time to drain.

Mr. Spink agreed that yes, if there was the equivalent of a 500-year storm, there will be overflow from the system.

Mr. Ayrassian called attention to the inflow pipes to the forebay, which has a top slope of 162-feet. He pointed out that the top of the slope for the infiltration basin is also 162-feet, which doesn't make sense.

Mr. Spink agreed that if overloaded, water will back flow into the forebay.

Mr. Ayrassian asked why it would be designed that way.

Mr. Spink countered that they are not obligated to design for that level of run off.

Mr. Ayrassian expressed concern that the entire area is flat, so the water won't go anywhere if the system overflows.

Mr. Spink pointed out that they built one foot of free board into the design, so the water will be at least 1-foot below the lip of the basin in the 100-year storm.

Mr. Ayrassian asked the purpose in shifting the location of the Phase III outflow and where the water will end up.

Mr. Catenacci replied that by moving the outflow 90 degrees counter-clockwise, the water will be released further from house lots 10 and 11.

Ms. Davies stated that the entire area is graded to 162-feet, so it's not going to go anywhere.

Mr. Spink pointed out how the grade drops a foot in that area.

Ms. Davies countered that such a design relies on very specific grading, which is a risk.

Mr. Spink maintained that the area is sloped.

Mr. Ayrassian pointed out that spot elevations need to be shown on the plan so that is clear. He argued that he felt the applicant is making up these revisions on the spot, which isn't acceptable. He requested that they submit a plan from the engineer in writing, explaining the redesign. He stated that upon receipt, they can proceed with the third party peer review.

Ms. Davies pointed out that these concerns came up during the first peer review and have yet to be resolved outside of a very minor grade change. She suggested that something more pronounced is called for to resolve the concerns.

Mr. Catenacci agreed to get a report to staff by the end of the week.

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

**The Board heard the application of Pike Avenue Acquisitions, LLC, Robert Heroux, and Erin Pilling for the proposed forty-nine (49) lot definitive subdivision plan entitled "PIKE ESTATES," located at 419 & 439 Pike Avenue, more specifically Assessor's plat #130, lot #81, and plat #123, lot #23, located in the Single Residence-D zoning district, engineered by Daniel R. Campbell, R.P.E. of Level Design Group, 249 South Street, Unit 1, Plainville, MA 02762.**

The Board reviewed the email from Dan Campbell of Level Design Group, dated April 3, 2021, to attorney Edward Casey of Coogan Smith, LLP, regarding the delay in submitting a final set of plans relative to the proposed "PIKE ESTATES" subdivision.

The Board reviewed the report from Project Manager Francisco Lovera of McMahon Transportation Engineers & Planners, dated March 30, 2021, to Daniel Campbell of Level Design Group, LLC, providing responses to the second traffic study peer review relative to the proposed "PIKE ESTATES" subdivision and the letter from Ed Casey of Coogan Smith, LLP, received March 29, 2021, to Chairman Paul Danesi, requesting a waiver from the Planning Board's RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND relative to §6.1(J) STREET LOCATION AND ALIGNMENT FEE SCHEDULE - DEAD END STREETS.

The Board reviewed the email from attorney Edward Casey of Coogan Smith, LLP, dated April 5, 2021, to Senior Land Use Planner Stephanie Davies, requesting a continuance relative to the proposed "PIKE ESTATES" subdivision.

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

**The Board held a business meeting.**

**The Board discussed amending the following sections of the Planning Board's RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND: §6.4 FIRE ALARM SYSTEM, §6.4 CLUSTER MAILBOXES, §2.0 DEFINITIONS, §5.5(G) REQUIREMENTS FOR CONSTRUCTION PLANS AND PROFILES - UTILITY PLAN, §6.2(A), (B), AND (C) STREET WIDTH, §7.3(D) AND (G) ROAD CONSTRUCTION, §7.7(A), (B), (C), AND (E) SIDEWALKS, and §8.6 FEE SCHEDULE.**

Chairman Danesi asked whether the language about the materials for subdivision lighting needs to be revised.

Mr. Ayrassian stated that he had reached out to National Grid and confirmed that all materials must be acquired from National Grid. He noted that it would make sense to amend the word "purchase" to "acquire" or "obtain", as they just provide the materials without charge. He stated that upon discussion, he agrees that it may not be optimal to require a canopy over the cluster mail boxes, as they may be a maintenance issue for the City.

Chairman Danesi agreed and suggested that it not be part of the standard, but that developers can opt to install one if they choose.

Mr. Ayrassian agreed, but noted that it would be subject to Planning Board approval.

Sean McNamara made a motion adopt the proposed amendments relative to §6.4 FIRE ALARM SYSTEM, §6.4 CLUSTER MAILBOXES, §2.0 DEFINITIONS, §5.5(G) REQUIREMENTS FOR CONSTRUCTION PLANS AND PROFILES - UTILITY PLAN, §6.2(A), (B), AND (C) STREET WIDTH, §7.3(D) AND (G) ROAD CONSTRUCTION, §7.7(A), (B), (C), AND (E) SIDEWALKS, AND §8.6 FEE SCHEDULE, as revised, to the Planning Board's RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND. Shannon Bény seconded the motion and all voted in favor via roll call.

**The Board discussed the application of W.B. Construction & Development, Inc. for the proposed eighteen (18) lot definitive subdivision plan entitled "BRIGHAM HILL ESTATES, PHASE IV," located on a portion of Brigham Hill Road and Lewis Lane, more specifically Assessor's plat #218, lot #6, and Assessor's plat #219, lot #3, located in the Single Residence-D zoning district, engineered by James R. Borrebach, R.P.E. of OHI Engineering, Inc., 44 Wood Avenue, Mansfield, MA 02048.**

Chairman Danesi stated that the Subdivision Committee held a meeting tonight to discuss the waivers.

Mr. Ayrassian stated that staff recommends the Board grant the requested waivers and approve the plan subject to boilerplate conditions.

Sean McNamara made a motion to approve the requested waiver from the provisions of §5.5(G) REQUIREMENTS FOR CONSTRUCTION PLANS AND PROFILES and thereby allow the installation of underground utilities in lieu of aboveground utilities. Thom Morin seconded the motion and all voted in favor via roll call.

Sean McNamara made a motion to approve the requested waiver from the provisions pursuant to §6.4 FIRE ALARM SYSTEM, and thereby allow construction of the definitive subdivision without fire alarm boxes. Thom Morin seconded the motion and all voted in favor via roll call.

Shannon Bény made a motion to approve the requested waiver from the provisions pursuant to §7.7(A) SIDEWALKS, and thereby allow the construction of five (5') foot wide bituminous concrete sidewalks on only one side of the Duffy Drive right-of-way, as shown on the approved definitive site plan. Thom Morin seconded the motion and all voted in favor via roll call.

Sean McNamara made a motion to approve the definitive subdivision, entitled "BRIGHAM HILL ESTATES, PHASE IV". Shannon Bény seconded the motion and all voted in favor via roll call.

**The Board tabled the application of John J. & Mary F. Donovan to extend Rambler Road 2-5 feet, as shown on the street extension plan entitled "RAMBLER ROAD EXTENSION," engineered by Daniel R. Campbell, R.P.E. of Level Design Group, 249 South Street, Unit 1, Plainville, MA 02762, dated March 1, 2018, revised through October 28, 2019. The subject premises are located on Assessor's plat #123, Lot #8 in the Single Residence-D zoning district.**

**The Board reviewed the Form A plan submitted by William & Joanne Allard for the southerly side of Evergreen Road.**

Ms. Davies stated that the application seeks to carve a second lot out of 40 Evergreen Road, which currently contains a single family house. She stated that the applicant was granted relief from the Zoning

Board for a lot area variance for the new lot. She noted that the lot lines are a little oddly shaped, but meet the frontage requirements on Evergreen Road.

Chairman Danesi questioned the reason for the oddly designed lot lines.

Ms. Davies stated that she believed it was to accommodate existing accessory structures on the lot.

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

Sean McNamara made a motion to approve the Form A plan for the southerly side of Evergreen Road. Shannon Bény seconded the motion and all voted in favor via roll call.

**The Board reviewed the Form A plan submitted by Mounir Mazzawi, Trustee for Mazzawi Family Realty Trust for Gustin Avenue and Field Road.**

Ms. Davies explained that this site obtained a number of forms of relief from the Zoning Board to create individual lots for each of the industrial buildings. She noted that cross easements will be used to provide access and parking for one of the lots. She stated that staff recommend approval.

Thom Morin made a motion to approve the Form A for Gustin Avenue and Field Road. Shannon Bény seconded the motion and all voted in favor via roll call.

**The Board discussed the letters received via email from John Cloud of Attleboro Realty Development, LLC, dated March 8, 2021 and March 31, 2021, to the Planning Board, providing a status update and justification for an extension of time relative to construction at the "COLMAN ESTATES" subdivision.**

Sean McNamara made a motion to approve an extension of time to May 31, 2021 for the "COLMAN ESTATES" subdivision. Shannon Bény seconded the motion and all voted in favor via roll call.

**The Board reviewed the letter from Paulette Rioux of Murette & Sons, Inc. dated March 31, 2021, to the Planning Board, requesting a waiver for the fire alarm boxes required in the "ROLLING HILL ESTATES, VI" subdivision.**

Mr. Ayrassian stated that staff received a recommendation from Public Works approving a final release of funds for the subdivision, but that the fire alarm box hasn't been installed or waived.

Ms. Davies stated that she had spoken with Public Works and that no bond amount was assigned for fire alarm boxes when the original bond was developed, which is why they recommended the release.

Mr. Ayrassian countered that a fire alarm box is shown on the approved plans, so either needs to be installed or waived.

Speaking was Paulette Rioux of Murette and Sons, Inc. who agreed with everything stated and added that an existing fire alarm box is located about 500-feet from where one was proposed on the plan. She noted that the roadway is only about 1,200-feet long, so she suggested that may be sufficient to meet the Board's criteria.

Chairman Danesi noted that the precedent was set when the Board approved a waiver of the fire alarm box in Stone Field Estates II after the initial subdivision approval. He noted that residents have historically disliked the features and find them an eye sore.

Mr. Ayrassian agreed that a waiver could be considered assuming the developer is willing to donate the funds to the City in lieu of installation.

Ms. Rioux stated they wouldn't dispute the donation of the funds.

Shannon B  nay made a motion to approve a waiver of the fire alarm box in the "ROLLING HILL ESTATES, PHASE VI" subdivision, pending the submission of the cost of the feature to the City. Thom Morin seconded the motion, and all voted in favor via roll call.

**The Board reviewed the memorandum from Public Works Superintendent Michael R. Tyler, dated April 2, 2021, to the Planning Board, recommending a FINAL release of funds in the amount of \$208,377.54, relative to the "ROLLING HILL ESTATES, PHASE VI" subdivision.**

Shannon B  nay made a motion to approve a **FINAL** release of funds in the amount of \$208,377.54 relative to the "ROLLING HILL ESTATES, PHASE VI" subdivision. Sean McNamara seconded the motion and all voted in favor via roll call.

**The Board discussed the letter from Jude Gauvin of Andrews Survey & Engineering, Inc., dated March 19, 2021, to the Planning Board providing an update on the status of the "MILOSH ACRES" subdivision construction and the 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.**

Mr. Ayrassian recommended the Board move forward with performing on the bond and if the work is completed in the interim, all the better.

Chairman Danesi stated that the Board's desire is to get the subdivision completed and accepted. He asked whether the City is better off letting the developer finish it or having the City do the work.

Mr. Ayrassian stated that the City is clearly better off with the developer performing the work, but that the City has already waited for years for the developer to complete the job. He stated that if they return to the Board with a timeline for action, the Board can reconsider the vote at that time. He pointed out that the bank would have received the letter about performing on the bond several weeks ago and they haven't reached out to the Board. He suggested that if the Board backs off now, there is no other means to get the developer's attention.

Ms. Davies added that they have been working on the as-built plans for years already.

Thom Morin agreed and stated that due to the lack of response, the Board should stand by the vote.

Chairman Danesi expressed concern that they may walk away from the development without finishing.

Ms. Davies reminded the Board that they already voted to perform on the bond.

Mr. Ayrassian stated that it is up to the Board, staff can only make recommendations.

Chairman Danesi stated that if staff feel strongly enough about the matter, the Board will stand by the decision.

**The Board tabled the certificates of vote from Planning Board Clerk Lauren Stamatis, dated March 5, 2021, to City Clerk Stephen Withers, regarding the votes to perform on the subdivision security for "DALE COURT EXTENSION", "RIVER'S EDGE", "BURGESS ESTATES", and "HIGHLAND ESTATES".**

**The Board reviewed all other correspondence.**

**The Board approved the pending minutes of March 8, 2021.**

The meeting adjourned at 9:05 p.m.