



# City Of Attleboro, Massachusetts

## PLANNING BOARD

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## MINUTES

MAY 16, 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, May 16, 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: Vice Chairwoman Shannon B enay, Bill Beardwood, Jim Lewis, Sean McNamara, Thom Morin, and Heather Whitehead

Planning Board Members Absent: Chairman Jason Gittle, Tiffany Foster, 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 recommendations from the Board's Subdivision Committee meeting included pushing the drainage pond further to the east away from the cul-de-sac, as well as preserving some of the existing trees. Mr. Catenacci described the proposed stormwater system, but noted that the proposed rip rap emergency overflow was not shown on the plans for some reason.

Mr. Ayrassian expressed frustration that the Board is, yet again, looking at an incomplete plan.

Ms. Davies pointed out that the notice to proceed has already been issued to the stormwater peer reviewer.

Jim Lewis noted many fills and cuts on both of the proposed house lots in Attleboro and argued that very few trees will survive the grading that will be required. He stated that the future owners of those lots will have no cover and a clear view of whatever is happening in Rehoboth.

Mr. Catenacci noted that the trees shown on the plan are those that his engineer is confident can be saved.

Ms. Davies noted that the Board requested that trees be planted along the property lines.

Jim Lewis suggested pine trees, as deciduous species will only provide cover a portion of the year.

Mr. Catenacci noted that there is a mix of species existing on site.

Jim Lewis sought to confirm that the existing trees on the land in Rehoboth are accurately shown on the plan.

Mr. Catenacci answered yes, and pointed out where the house and barn are slated to be erected and the amount of trees that will remain between those and the neighbors.

Jim Lewis suggested that new trees be proposed along the northerly property line to buffer the existing subdivision from this new development. He stated that evergreens like arborvitae or white pine would be helpful in ameliorating the neighbors' concerns.

Mr. Catenacci stated that he was amenable to that proposal.

Mr. Ayrassian argued that these matters were all discussed at the last Subdivision Committee meeting, so should already be shown on the plan.

Ms. Davies agreed that the no-cut tree buffer, as well as the new trees along the property line were all discussed two weeks ago.

Jim Lewis noted that he had previously suggested that the stormwater basin be moved onto the land in Rehoboth and Attleboro be granted an easement for maintenance. He emphasized that the current plan proposes a number of stormwater features in future resident's side yards, which is unfavorable.

Mr. Catenacci stated that he is amenable to such a change, but wanted confirmation that the system can still be serviced by the City if located in a different municipality.

**Shannon Bénay stated that she thought** the cul-de-sac was going to be vegetated.

Mr. Catenacci replied that the forebay will have a grassy area and that the bioretention pond will have plants.

Mr. Ayrassian stated that the current plan is deficient and requires major revisions regarding the stormwater management system, no-cut boundaries, and the tree planting plan.

Mr. Catenacci asserted that the existing trees are already thick on the southern border and that new trees will only be required on the northern property line.

Mr. Ayrassian stated that the plan needs to clearly show which trees are being planted and which maintained.

Mr. Ayrassian asked whether percolation testing has been done to determine the location of the septic.

Mr. Catenacci stated that he has a general idea of where it will be located.

Jim Lewis suggested that the proposed location of the house and barn be staked out on the Rehoboth property. He stated that the plans also need to be updated to provide a conveyance plan, as he was concerned with sufficient frontage being provided for the Rehoboth land.

Heather Whitehead pointed out that the Rehoboth driveway is shown cutting through the proposed Lot 2, which makes the amount of frontage unclear.

Mr. Catenacci asserted that he has plenty of frontage and can move the driveway.

Mr. Ayrassian urged caution, as moving it to the north has the potential to impact the proposed infiltration trench.

Heather Whitehead asked whether the house in Rehoboth would be serviced by Attleboro or Rehoboth in emergencies.

Mr. Ayrassian stated that the Fire Chief indicated that it would be Attleboro emergency services responding to the site.

Speaking in opposition was Kelly Sullivan of 11 Nicholas Drive who expressed concern with Mr. Catenacci's transparency with this project. She questioned his stature as a business, as he owes money to the Department of Revenue and that his contracting license is due to expire on July 24<sup>th</sup>.

Mr. Ayrassian countered that those concerns are between Mr. Catenacci and the state. He stated that such matters are not under consideration from the point of view of subdivision control law.

Ms. Sullivan expressed confusion with the variety of names Mr. Catenacci appears to be operating under, such as Stone Realty, LLC, and New England Custom Homes.

Mr. Ayrassian stated that One Thirty One Pleasant Street is the entity with which the City is bonded. He stated that as long as the money is posted, the developer is entitled to sell individual lots to separate contractors for development. He stated that the City's concern is with completion of the public infrastructure and the home construction is not under the Board's purview.

Ms. Sullivan reiterated that she felt like information is not forthcoming. She emphasized her desire to see the plans constructed as approved.

Mr. Ayrassian stated that the Board will ensure that happens. He countered that no plans have been approved or denied and that an open discussion is ongoing. He explained that the person who obtains the subdivision approval does not need to be the entity that constructs the homes and that is perfectly legal.

Speaking in opposition was attorney Zajac on behalf of Curtis and Christine Smith of 15 Nicholas Drive. He stated that this project will have major impacts on Attleboro residents for a project that amounts to development in Rehoboth. He stated that Attleboro residents will not have much input on what ultimately happens in Rehoboth and want their voices to be heard before the Board. He stated that his clients are concerned with the scope of the project changing dramatically, for things like increasing the number of houses or significant traffic impacts.

Sean McNamara pointed out that they have been working with Mr. Catenacci and asked whether any agreements have been reached.

Mr. Zajac answered no, and stated that he hasn't had the opportunity to speak with Mr. Catenacci directly, but is proposing deed restrictions.

Thom Morin made a motion to grant an extension of time to June 30, 2022. Heather Whitehead 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 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.**

Speaking in favor of the application was attorney Jack Jacobi who stated that they had just submitted responses to the traffic peer review. He stated that a work session was held with the architectural peer reviewer and that two rounds of responses had been submitted. He stated that two stormwater management peer reviews were also completed. He stated that the archeological review was completed and no significant features were identified. He stated that they contemplated flipping the commercial buildings and parking as recommended by the reviewer, but have found it doesn't work logistically. He stated that the current design meets all the standards for parking and queuing at the drive-through aisles.

Speaking in favor of the application was Renee Codega of VHB who stated that a one way, 22-foot wide drive is proposed going into the site through the commercial zone. She explained that leads to parking on both sides of the drive once you reach the residential area. She stated that the peer reviewer recommended a wider landscaped island in the middle with a narrower, 12-foot wide drive, to create greater visibility as you enter the site. She stated that state fire code standards require a minimum of a 20-foot wide drive, so they are proposing reducing to that minimum. She stated that the extra two feet would be added to the center landscaped area. She stated that two lanes are proposed leaving the site, one for right hand turns and one for left hand turns and that those standard lane widths will be maintained. She pointed out their proposal to widen the landscaping on either side of the residential area by 14-feet by eliminating the median. She stated that opening up the drive, accentuates the robust existing wooded area in the rear and brings it into focus.

Jim Lewis stated that Site Plan Review is focused on the commercial area and he'd like discussion to focus on that.

Ms. Codega showed some gathering spaces proposed to tie into the natural aspects of the property.

Mr. Ayrassian pointed out that the peer reviewer's suggestion for a change in the construction materials for the pavement in the transition from commercial to residential and whether that was proposed.

Ms. Codega pointed out the area in question and stated that they are looking at adding something different in terms of material and color as the commercial area is exited.

Shannon **Bénay** asked whether the proposed changes to the median will have any impact on the impervious area.

Ms. Codega stated that they are reducing the width of the impervious cover and decreasing the pavement width.

Mr. Jacobi stated that they will not be changing the stormwater management system and instead, leaving it with an oversized capacity.

Ms. Codega stated that the peer reviewer advocated for shifting the commercial buildings closer to Newport Avenue to increase presence along the roadway, create greater connectivity for pedestrians, and provide some buffers between the commercial and residential zones. She stated that unfortunately, the recommended concept and design doesn't address the necessary parking and drive through requirements.

Mr. Jacobi stated that public safety will not allow the site to be developed without a traffic light and the proposed tenants with the drive through uses are needed to meet the state warrant for a traffic light to be approved. He stated that the proposed tenants were chosen with that in mind, including Aroma Joe's and the daycare. He stated that traditional retail is pretty unfavorable at present, but restaurant uses are still popular.

Ms. Codega went through the pros and cons of several scenarios with shifting the locations of the commercial buildings and that ultimately, they were unable to support such design changes while meeting the needs of their tenants and the overall site.

Heather Whitehead expressed continued concern regarding the traffic pattern around the daycare center. She stated her sense that the traffic flow has to be one way in front of the building for safety.

Speaking in favor of the application was transportation engineer Pat Dunford of VHB who stated that with many of the one way designs, coming from the south works fine, but it may be promoting some driver frustration, as they have to loop around the building, which may increase speeds. He stated that he anticipates further back and forth with the traffic peer reviewer and that they will continue to look at the matter.

Ms. Codega noted that the daycare has staggered start times to minimize drop-off rushes.

**Shannon Bénay asked whether an outdoor patio is proposed for Aroma Joes.**

Ms. Codega replied no.

Jim Lewis suggested a Site Plan Review committee meeting be scheduled to discuss the architectural review.

The Board agreed to look at scheduling.

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 Ad Meliora, LLC, 10 Converse Place, Winchester, MA 01890, relative to the proposed forty three (43) lot preliminary subdivision plan entitled "RIDGEWOOD ROAD", said premises being located at 80 Ridgewood Road, engineered by Patrick Connolly, R.P.E. of Beals Associates, Inc., 2 Park Plaza, Suite 200, Boston, MA 02116, dated April 25, 2022, said premises being Assessor's plat #105, lots #1A, 1B1, 1B2, 1B3, and 1C located in the Single Residence-C zoning district.**

Speaking in favor of the application was attorney Jack Jacobi who explained the property in question is the Leach estate and is proposed to be developed into a residential open space subdivision. He stated that a yield plan had been prepared showing 55 lots. He stated that they are proposing to leave 52% of the property as open natural, space with driveway access and a parking area, along with 43 house lots. He stated that the development is proposed as far as possible away from the wetland resources, and that the original Leach home will be maintained on its own lot. He stated that the only access is proposed from Locust Street and that they are showing a boulevard entrance.

Jim Lewis questioned the location of the frontage for the proposed lot containing the Leach house.

Speaking in favor of the application was Patrick Connolly of Beal Associates who pointed out the extension of Ridgewood Road.

Jim Lewis asked whether that right of way is accepted, as he was under the impression it was private.

Mr. Ayrassian stated that he would look into the matter.

Mr. Connolly stated that their intent is to preserve the land that abuts both the Attleboro Land Trust property and the wetland area. He stated that the access is proposed off Locust Street where they can tap into existing utilities and have sufficient sight distances for the new road. He noted that the proposed boulevard design mimics the one approved for the "Pike Estates" subdivision.

Jim Lewis advised that the potential vernal pool needs to be shown with a 125-foot no-touch buffer.

Mr. Connolly stated that the wetland data is strictly based off the MA GIS at this point, but they will have a wetland scientist flagging the resources. He stated that roughly 20 acres of open space are proposed with a conservation-centric design. He stated that they are considering a club house for the residents with associated parking and that a condominium association would be created to maintain the private building. He stated that they are proposing three infiltration basins along with subsurface infiltration. He stated that a sewer connection is proposed off Locust Street. He stated that they are requesting waivers for more than 20 lots on a dead end, and felt that the boulevard design justifies the grant of the relief. He stated that

they are seeking a waiver to follow the requirements for minor streets to reduce impervious surfaces. He stated that they are also seeking a waiver for the maximum length of the road, as it is about 300-feet and a maximum of 250-feet is required.

Ms. Davies questioned where the water connection will be made and whether there were any plans to loop the water main.

Mr. Connolly stated that they will explore that possibility.

Speaking was Regina Piantedosi of 167 Locust Street asked whether the yield plan was possible given the extensive wetlands on site.

Mr. Ayrassian explained that the yield plan is a method for mathematically determining the maximum lot yield for the subdivision. He stated that the applicant could propose a design that consumes all of the real estate and doesn't leave open space.

Ms. Piantedosi asked whether this will be a gated community.

Mr. Ayrassian stated that there is no such thing in Attleboro, but that the proposed clubhouse would be exclusive to the use of the residents.

Ms. Davies pointed out that the open space would be publically accessible.

Speaking was Peter Blair of 50 Ridgewood Road who stated that there are existing water problems for homes in the area and that they all have pumps in their basements. He stated that he is concerned the impact this development will have on the area's ground water and whether problems will be created with run off. He stated that he liked that the access is being provided off of Locust Street. He stated that he likes seeing the conservation of open land, but in the definitive stage, would like to see some screening proposed to protect abutters from the new development. He stated that he is in support of owners exercising their property rights and understands the need for housing.

Speaking was Sheryl LaFrance of 157 Locust Street who stated that their biggest concern is that their house will be looking at the rear of one of the new homes. She stated that they have lived there for more than ten years and appreciate the area's wildlife. She asserted that the fact that their house faces an open field is one of the motivating factors in their purchase.

Speaking was Nicole LaFrance of 157 Locust Street who emphasized that their house doesn't face Locust Street, but towards this proposed development and that the natural views are unbelievable and preferable to a subdivision.

Mr. Ayrassian suggested that the developer could potentially provide a viewscape.

Nicole LaFrance expressed concern that the existing traffic on Locust rarely allows her to cross when walking her dog and that adding a minimum of 86 more cars to the street will exacerbate the matter.

Sheryl LaFrance stated that the proposal is for too many houses and expressed concern as to where the wildlife will go. She noted that her neighbor has chickens and honeybees in her yard and that the area is truly beautiful. She asked why it can't be preserved as it is. She asked why so much land is being preserved around the former Leach home and suggested the subdivision could be moved closer to that.

Speaking was Jonathan Smith of 55 Bayberry Hill Road who asserted that all of the houses along Ridgewood Road and Woodlawn Avenue have water issues. He asked whether that was anything preventing demolition of the Leach house and developing around there, instead.

Mr. Ayrassian stated not to his knowledge, but that it is at the discretion of the developer and the Board does not have the power to impose such a request.

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 reminded the Board that the motion at the prior meeting had failed 4-2 and that he had approached the dissenting members, Sean McNamara and Fred Uriot, about revisiting the vote.

The Board discussed their concerns which primarily centered on the definition for commercial vehicles.

Jim Lewis made a motion to rescind the previous vote. Thom Morin seconded the motion and all voted in favor.

The Board agreed to schedule an Ordinance Committee meeting to take up the matter for further discussion.

**The Board reviewed the Form A plan submitted by Thomas Walsh for 60 & 92 Westgate Road .**

Speaking was Rachel Smith of E. Otis Dyer's office who explained that the lot belonged to the Walsh family and that the lot lines had been shifted several times over the years. She stated that 92 Westgate is slated to be conveyed to a different family member and they are seeking to adjust the lot line to account for existing landscaping. She asserted that both lots meet all of the zoning requirements.

Ms. Davies stated that staff recommend approval.

Jim Lewis made a motion to approve the Form A for 60 & 92 Westgate Road. Heather Whitehead seconded the motion and all voted in favor.

**The Board reviewed the Form A plan submitted by Estate of Stephen Hardt for 317 Bishop Street .**

Speaking was Jack Jacobi who stated that the lot width for each lot is created by jogging the line. He noted that a use easement is proposed, so although the owner of Lot 2 won't own the land along Bishop Street, he will have full use of it.

Ms. Davies suggested that staff and the Board should discuss addressing this loophole.

Jim Lewis made a motion to approve the Form A plan for 317 Bishop Street. Sean McNamara seconded the motion and all voted in favor.

**The Board reviewed the letters submitted by 5 residents on Pass Farm Road regarding the grass strip in the "BRIGHAM HILL ESTATES, PHASE III" subdivision.**

Ms. Davies reminded the Board that when Mr. Steve Lustig previously appeared before them to request the grass strip not be installed in front of his home, they had instructed him that the Board would entertain the request if a majority of the residents on the roadway were in agreement. She stated that the letters received only make up about ¼ of the residents on the roadway.

Mr. Ayrassian asserted that the City can't have a patchwork look to the roadways and needs continuity. He suggested that the Board stick with the approved definitive plan as the default without a majority of interest in the deviation.

Jim Lewis emphasized that the Board doesn't have the power to do anything unless the developer approaches them requesting the changes, anyway.

**The Board voted to elect Fred Uriot to serve as SRPEDD Delegate.**

**The Board reviewed all other correspondence.**

**The Board approved the pending minutes of December 16, 2021, January 3, 2022, and January 18, 2022. The Board tabled the pending minutes of January 24, 2022, February 7, 2022, February 15, 2022, February 28, 2022, March 7, 2022, March 21, 2022, April 4, 2022, and April 25, 2022.**

Meeting adjourned at 9:45 p.m.