



City Of Attleboro, Massachusetts

PLANNING BOARD

GOVERNMENT CENTER, 77 PARK STREET

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MINUTES

JUNE 26, 2023

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, June 26, 2023 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 Heather Whitehead, Bill Beardwood, Peter Fellini, Melinda Kwart, Jim Lewis, and Fred Uriot

Planning Board Members Absent: Chairwoman Shannon Bénay, and Tiffany Foster

The Board heard the application of Kings and Castle Group, Inc. to extend Middle Street a distance of **140± feet, as shown on the definitive street extension plan entitled “**GRADING, UTILITY & SEDIMENTATION CONTROL PLAN, ROADWAY EXTENSION OF MIDDLE STREET**” to construct a one-family detached dwelling, drawn and engineered by Gregory W. Driscoll, R.P.E. of JDE Civil, 50 Oliver Street, North Easton, MA 02356, dated February 6, 2023. The subject premises are located on Assessor’s plat #97, along lots #138 -#142 in the Single Residence -C zoning district.**

Speaking in favor of the application was Josh White of JDE Civil, Inc. who stated that a flow test was performed and sufficient pressure was found. He stated that they have identified the existing trees on the plan and performed test pits, which have found they will face challenges designing a stormwater management system. He stated that a determination was received from the Building Inspector that indicates the need to seek a variance from the Zoning Board of Appeals for insufficient lot area. He questioned whether the Planning Board would consider voting without a variance having been granted in advance.

Mr. Ayrassian stated that the votes are mutually exclusive. He noted, however, that if the Planning Board were to approve the street extension, it would be with the stipulation of identifying the lot as not buildable without the grant of a variance.

Jim Lewis recommended Mr. White speak with his client, but suggested it may make sense to obtain the variance before proceeding before the Planning Board.

Mr. Ayrassian questioned the specifics of the flow test results.

Mr. White replied 1,350 gallons per minute.

Senior Land Use Planner Stephanie Davies asked that the flow test data be submitted to staff.

The Board reviewed the Form P2 - Request for an Extension of Time to September 4, 2023, submitted by Josh White of JDE Civil, Inc., received June 7, 2023, relative to the application of Kings and Castle Group, Inc. for “MIDDLE STREET EXTENSION”.

Jim Lewis made a motion to grant an extension of time to September 4, 2023. Fred Uriot 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 Peter Lavoie of D&L Design Group, Inc. to extend Buffington Street a distance of 10± feet, as shown on the definitive street extension plan entitled “BUFFINGTON STREET EXTENSION, MAP 19, LOT 365-369, 0 BUFFINGTON STREET IN ATTLEBORO, MASSACHUSETTS” to construct a one-family detached dwelling, drawn and engineered by Michael Dean, R.P.E. of D&L Design Group, Inc., 115 Water Street, Milford, MA 01757, dated March 28, 2023. The subject premises are located on Assessor’s plat #19, along lots #365-369 in the Single Residence -A zoning district.

Speaking in favor was Peter Lavoie of D&L Design Group who stated that a stormwater peer review work session had been held on June 15th and revisions had been submitted to address comments from Department Heads and staff. He stated that an official request for waivers had been submitted regarding the proposed width of the pavement and the elimination of sidewalks.

Ms. Davies questioned the current state of the existing portion of Buffington Street.

Mr. Lavoie stated their intent to mill, repave, and put cape cod berm on both sides of the roadway until the end. He stated that an opening will be left in the curbing to allow the drainage from the property can enter a forebay and an infiltration basin for discharge to a water quality swale. He stated that the lot’s driveway would be graded to direct water towards the settling pond and that the homeowner is proposed to maintain the stormwater management features. He stated that Public Works requested a guardrail with a sign “end of road” at the end of the extension, but he stated his understanding that he would need permission from the Planning Board to implement such an approach.

Mr. Ayrassian recommended the Board not honor that recommendation.

Jim Lewis asserted that Buffington Street is a public way that has already been accepted by the City. He stated that he visited the site and that the existing pavement seems decent, but thinks it is great if the developer is willing to improve it. He noted that he observed a PVC drain pipe discharging from an abutting site into the roadway that will need to be considered. He stated that it appeared the roadway could just be cleaned up to gain the access without the need for an extension.

Mr. Lavoie stated that there is only 40-feet of pavement in front of the lot.

Jim Lewis stated that the street acceptance paperwork provided by staff indicated that the roadway was accepted from Slocum Street all the way to the end of the right-of-way.

Mr. Ayrassian stated that he would review the street acceptance information and redistribute to the Board.

Jim Lewis sought to confirm whether the end of the right-of-way needs a hammerhead turn around or a guardrail.

Mr. Ayrassian stated that Owen Street, which runs perpendicular, could potentially be used to create the turn around.

Mr. Lavoie stated that that area falls into the Conservation Commission’s 25-foot no-disturb zone.

Mr. Ayrassian emphasized that the Board does not have the right to block a legal right-of-way.

Mr. Lavoie noted that the roadway ends at a gully containing an intermittent stream.

Ms. Davies noted that leaving the roadway open is a potential safety concern due to the ditch.

Mr. Lavoie noted that there are concrete blocks across the right-of-way presently.

Ms. Davies pointed out that a car had already ended up in the ditch previously.

Mr. Ayrassian stated that if there is not room on site to create the hammerhead turn around, a waiver will need to be requested. He reiterated that he would continue to recommend to the Board they not approve the roadway be blocked off and that he will convey that concern to Public Works. He stated that it will be up to them how they want to deal with it, but that as a public layout, it is not up to the Board to decide who passes on it or not. He recommended the feature be removed from the plan.

Jim Lewis speculated that Yankee Liquor owns the parking lot that is discharging water via pipe to the site in question. He noted that to this point, there has not been anyone further down on Buffington Street to complain, but he imagined the water is being directed towards the brook.

Mr. Lavoie agreed, but noted that it primarily causes drainage problems on Slocum Street when the water is pumped, so flows the opposite direction of the brook.

Mr. Ayrassian asked whether the stormwater peer review mentioned the pipe.

Ms. Davies replied no.

Bill Beardwood stated his knowledge that there is a ditch by the dumpster at Yankee Spirits that gets up to three feet of water during storm events that they use a sump pump to remove. He stated that he did not know to where the water was being discharged, but speculated it could be the pipe in question.

Heather Whitehead sought to confirm that there is no existing sidewalk on either side of Buffington Street.

Mr. Lavoie confirmed.

Mr. Ayrassian recommended referring the matter to the Subdivision Committee.

Jim Lewis stated that if the entire roadway is accepted, he feels the Board needs to contemplate how to proceed.

The Board scheduled a Subdivision Committee meeting for July 17, 2023 at 5:45 p.m.

Ms. Davies stated that updated drainage calculations and response comments had been submitted and that she would speak with the peer reviewer to determine whether an additional review is necessary.

Speaking in opposition was Katharine Curran of 15 Slocum Street who asked how Owen Street would be involved with this development.

Ms. Davies stated that the extension will not reach Owen Street, but it is going in that direction.

Ms. Curran pointed out that it is not possible to drive on Owen to reach the proposed extension.

Jim Lewis agreed that Owen Street is just a paper street.

Ms. Curran stated that she is concerned with increased traffic. She expressed concern with the street behind the subway plaza being paved and opened to traffic, leading to Buffington Street.

Mr. Ayrassian stated that the only change proposed before the Board is the extension of Buffington Street.

Speaking in opposition was Tim Walsh of 9 Slocum Street who asked the City's plan to address water in the area.

Mr. Ayrassian stated that the Planning Board is only responsible to address the water impacts of the proposed project. He stated that there is no obligation to address any pre-existing water issues.

Jim Lewis asked what water Mr. Walsh is referencing and where it runs.

Mr. Walsh replied in regards to the 4-inch pipe Yankee uses to pump water from their loading docks. He stated that Buffington Street gets flooded any time it rains and that the water flows down Slocum Street. He stated that he has performed sealing around his house to prevent issues. He stated his concern that construction of the proposed home will drive more water down Slocum Street that could impact his home.

Jim Lewis asked if there are street drains in proximity to the location in question.

Mr. Walsh answered no. He stated that the only street drain he is familiar with is on Booth Street, by 4 McKay Street. He stated that the drain is constantly clogged and that he has repeatedly reached out to Public Works, to no avail.

Heather Whitehead asked whether Mr. Walsh has called to complain about Yankee Spirits.

Mr. Walsh stated that he has approached the store and been given empty promises.

Speaking in opposition was Paul Benjamin of 3 Slocum Street who stated that he has pictures of water accumulation from recent rain events over the last several weeks that he can submit. He stated that he does not have water issues in his basement presently and would like to avoid future issues. He stated that it seems reasonable to direct the water down the street towards the stream, but that doing so could cause issues for the proposed home.

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

The Board heard the application of Sturdy Memorial Hospital, Inc. for Major Project Site Plan Review pursuant to the provisions of §17-15.0 SITE PLAN REVIEW of the ZONING ORDINANCE, to accommodate the modernization and expansion of the existing hospital campus, consisting of the construction of a 63,600 sf three-story medical office building with 120 associated parking stalls and a 122,068 sf three-story addition to the Emergency Department with 62 garage parking stalls; also included to support this expansion is the demolition of a building to create a parking lot with 143 stalls on Gardner Street; demolition of a building to create a parking lot with 248 stalls on Pearl Street, as well as associated grading, utilities, and stormwater management systems; the subject premises being located at 211 Park Street, 59 Gardner Street, and 0 Pearl Street, more specifically Assessor's plat #42, lots #138, 138A, 139, 160-163, 179-204, 350, 350A-C (Park Street); Assessor's Plat 42, lots # 222-228, 236-242 (Gardner Street), and Assessor's plat #42, lots 150-152, 158-159, 164-178 (Pearl Street), located in the General Residence-A and Industrial zoning districts.

Speaking in favor of the application was Tom Lake of Sturdy Memorial Hospital who stated that they are embarking on a five year plan to expand Sturdy's services and better support the health of the community. He stated their intent to move existing services in cramped, distance locations into a new centralized medical office building. He stated that they are also proposing to construct a new emergency department that will be bigger and have more modern equipment. He noted that 48,000 people pass through the existing emergency department annually and that they are a very busy community-based hospital that is direly in need of upgrading.

Speaking in favor was Kwang Lee of NBBJ who stated they are proposing construction of a 3-story, 60,000 square foot medical office building on the main hospital campus to house several of the specialty services currently scattered in outdated buildings throughout the neighborhood. He stated that the cardiology department, GI surgery, infusions, and pain management would all be moved into the new building. He described the design as having concrete panel that looks like masonry, so it will blend with the existing hospital, along with metal panel elements. He stated that it is proposed to be connected to the main hospital with a glass bridge. He stated the need to keep the existing emergency department operational while the new one is built. He stated that the new design has an in-patient unit on top of the emergency room. He explained that the bottom floor of the emergency department will be used for parking. He stated that the existing oxygen tank will be relocated to the east to accommodate the new medical building. He stated that two adjacent lots are being redeveloped into parking lots to serve the campus. He pointed out the newly proposed curb cut with a sign leading to the new medical office building and boulevard entrance.

Mr. Ayrassian stated his understanding that the design was to maximize natural light.

Mr. Lee agreed, stating there are studies relative to natural light improving patient recovery. He noted that it also reduces energy needs.

Jim Lewis noted the existing industrial building between Dunham Street and Gardner Street and asked whether it will be demolished to install the parking lot.

Mr. Lee answered yes.

Jim Lewis questioned the number of parking spots presently available versus what will be available post-construction. He sought to confirm that the medical office bridge would not be going over Dunham Street.

Mr. Lee confirmed regarding the bridge. He deferred to his associate regarding the parking.

Speaking in favor of the application was William Murray of Places Associates who stated the intent to remove the existing buildings on the Gardner Street and Pearl Street sites to create parking. He noted that there is an AUL on the Pearl Street lot due to ground contamination, so they will be unable to infiltrate stormwater as they need to avoid contaminating the local ground water.

Jim Lewis sought to confirm that the AUL on the site will be covered with parking lot.

Mr. Murray answered yes, with landscaped berms along the sides. He pointed out the proposed streetscape along O'Neil Boulevard. He stated that they are increasing the green space and organizing the parking to make it more logical. He stated that pedestrian connections are proposed in two places on Dunham Street with crosswalks. He stated that a new driveway is proposed and the number of curb cuts off of Dunham Street will be reduced. He stated that the parking lot driveway will match up with that of the new main driveway to the hospital campus. He stated that staging space is proposed for the ambulances on the main campus. He stated that the proposed new emergency department main entrance off of Park Street will be the dedicated drop-off point and emergency parking. He stated that the new location for the oxygen tank will have its own dedicated driveway and that they are working with the Fire Department to seek their approval. He stated that relocating this tank is one of the very first steps necessary for the project and that the rest will be phased over time.

Mr. Ayrassian pointed out one area of the proposed emergency department that overlaps with the existing hospital. He asked whether the new building would be above the old in that location.

Mr. Lee replied that there is a small area attached to the emergency department that will be demolished, as it is currently the infusion area, which is being moved to the medical office building. He stated that there will be a direct connection to the main campus building from the new emergency department.

Mr. Ayrassian questioned whether the orientation of the main driveway would be changing.

Mr. Murray replied that they will be utilizing the existing driveway, just aligning it with the entrance to the parking across the street and segregating the parking for the various uses.

Jim Lewis asked where the ambulances access the hospital.

Mr. Murray showed him by way of the plan and pointed out the four stacking spaces. He explained that the area is hemmed in by a retaining wall. He stated that a modernized helicopter landing pad is proposed on top of the new emergency department. He stated that by raising the height of the pad as proposed, it will vastly reduce noise and vibration impacts on abutters. He noted that they are also proposing a penthouse on top of the emergency department that houses heating, ventilation, mechanical, and the elevator for the helicopter discharge.

Mr. Ayrassian noted that the helicopter landing pad will necessitate a special permit from the Municipal Council.

Mr. Murray stated that the order of events is proposed to be relocating the oxygen tank, demolishing the Metalor building to create parking, constructing the medical office building, creating the second parking area, and lastly, building the new emergency department.

Heather Whitehead asked whether the proposed crosswalks will have pedestrian activated signs and lights.

Mr. Murray stated that they are proposing one such pedestrian crossing on O'Neil Boulevard, along with a raised island to give pedestrians somewhere to stop mid-way across the street. He noted that Public Works had not commented on that proposed design yet.

Heather Whitehead recommended the pedestrian crossing closest to the corner of Dunham Street and O'Neil Boulevard be considered with such an approach, as she was concerned about cars coming quickly around the corner.

Mr. Murray explained that traffic engineers discourage locating the signs in such locales as they can block the movement of traffic on corners.

Heather Whitehead stated that she felt the pedestrians should be prioritized.

Ms. Davies noted that Public Works had expressed concerns with the signs giving a false sense of security, as pedestrians may take for granted that drivers will stop when it's flashing, when they may not.

Heather Whitehead contended that there have been the least number of vehicle accidents with pedestrians at County Square since the installation of such signs compared to the years prior. She stated that she felt they were useful tools that improve safety.

Mr. Murray stated that he is never in opposition to increasing safety. He stated that such lighted signs may be more useful at the crosswalks for Dunham Street connecting to the Pearl Street lot. He noted that there will be parking lot lights right at the crosswalks to help light them up. He noted that a great amount of curbing and sidewalk are proposed to be reconstructed.

Mr. Ayrassian asked whether Public Works had been consulted on whether they prefer the applicant perform the work under their supervision or pay for the materials and allow the City to perform the work.

Mr. Murray stated that for the previously approved medical office building at 100 O'Neil Boulevard, Sturdy paid the City for the materials and they performed the work, but that he hadn't questioned them directly in regards to this project.

Peter Fellini asked how many parking spaces will be provided during construction. He asked how many parking spaces there are presently and how many there will be after construction.

Mr. Murray stated that they have about 820 spaces currently across the various campuses. He stated that the parking lot at Gardner Street will create 149 to replace the 143 spaces that will be taken up by the new medical office building. He stated that the Pearl Street lot will create 239 spaces and that the total parking count will increase by about 75 spaces post-construction. He stated that the previously established requirement for parking was one space per bed, so a total of 750 parking spaces was required for the last renovation back in 2003. He noted that 750 spaces does not match what is actually being used on site and they would like to negotiate with the Zoning Board on what the actual number will ultimately be, but he estimated it will be somewhere around 800. He stated that a traffic study had been submitted and impacts to the surrounding neighborhood are anticipated to be minimal.

Peter Fellini asked whether electric vehicle charging stations are proposed.

Mr. Murray stated that space for 25 charging stations is proposed on the Gardner Street lot. He noted that their installation requires excavation, so cannot be added to the Pearl Street lot due to the AUL.

Heather Whitehead sought to confirm that the parking lots would be completed first before the major construction.

Mr. Murray stated the intent to have the Gardner lot completed for when they begin construction of the medical office building.

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

The Board heard the application of SOWA, LLC for an amendment to the approved Major Project Site Plan Review decision dated June 20, 2017 for “Chick-Fil-A” to reconfigure the existing restaurant drive through and parking, the subject premises being located at 1 Highland Avenue and 5 Route 1A, more specifically Assessor’s plat #64, lots #1A and #1B, located in the General Business zoning district.

Speaking in favor was attorney Jack Jacobi of Coogan Smith who stated that the Zoning Board had approved the special permit with the revised plan. He summarized the intent to create three longer drive-through lanes that narrow down to two behind the building, due to the state highway right-of-way. He stated that the design allows for the stacking of 48 vehicles, which is 20 more than previously. He stated that they are no longer proposing to have the third lane dedicated only to mobile orders and instead will use all of the lanes for mixed uses. He noted that if the usage of the app increases significantly, they will return to the Board to request a change of the plans for a dedicated lane.

Bill Beardwood suggested shifting the location of the dumpsters to regain some of the lost parking.

Attorney Jacobi stated that they lost 12 parking spaces with this design, but gained 20 in the drive through queue, which he felt was preferable. He noted that the shopping plaza has leased an additional row of parking to Chick-fil-A. He stated that shifting the dumpsters would be problematic, as the truck needs direct access to empty them.

Heather Whitehead agreed that it wouldn’t significantly increase the number of parking spaces and would complicate access by the trucks.

Melinda Kwart expressed concern over the three lanes reducing to two with only one pick-up window.

Attorney Jacobi explained the business’s model of having multiple staff run food directly to cars. He stated that when busy, there are also staff taking orders from people in the queue.

Jim Lewis made a motion to close the public hearing. Fred Uriot seconded the motion and all voted in favor.

Jim Lewis made a motion to **APPROVE WITH CONDITIONS** the plan amendments to the approved Major Project Site Plan Review decisions dated June 20, 2017 and July 17, 2018 relative to the “SHOPS ON WASHINGTON” commercial development located at 1 Highland Avenue and 5 Route 1A to accommodate modifications to the existing drive-thru window lanes associated with the Chick-fil-A restaurant and to the parking lot layout, pursuant to the provisions of §17-15.0 SITE PLAN REVIEW under §17-15.0(k) SITE PLAN REVIEW CRITERIA, as shown on the site plan entitled “SITE DEVELOPMENT PLANS FOR PROPOSED CHICK-FIL-A DRIVE-THRU IMPROVEMENTS”, drawn and engineered by Joseph G. Swerling, R.P.E. of Bohler, 352 Turnpike Road, Southborough, MA 01772, dated March 10, 2023, revised through June 8, 2023. Fred Uriot seconded the motion and a discussion followed. All voted in favor, save Peter Fellini, who abstained. The Board attached conditions.

The Board heard the application of 42 County Street 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 an eighty (80) unit, nine (9) story mixed use building with approximately 1,720 square feet of commercial space on the first floor and 31 parking stalls, associated grading, utilities, and stormwater management system; the subject premises being located at 42 County Street, more specifically Assessor’s plat #31, lot #243, located in the Central Business zoning district.

Speaking in favor of the application was attorney Jack Jacobi of Coogan Smith, LLP who stated that they have requested a continuance to July 17, 2023, as they are still working to provide updated materials to the Conservation Commission.

The Board reviewed the Form P2 - request for an extension of time to August 31, 2023, submitted by attorney Jack Jacobi of Coogan Smith, LLP, on behalf of 42 County St, LLC, relative to the Major Site Plan Review application for 42 County Street.

Jim Lewis made a motion to grant an extension of time to August 31, 2023. Fred Uriot 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 reviewed the Form A submitted by Weber Lyncee for 59 Allen Avenue and Cross Street .

The Board reviewed the email from attorney Edward Casey of Coogan Smith, LLP, dated June 26, 2023, to Planning Board Clerk Lauren Stamatis, requesting an extension of time to July 31, 2023, relative to the Form A application of Weber Lyncee for 59 Allen Avenue and Cross Street.

Jim Lewis made a motion to grant an extension of time to July 31, 2023. Fred Uriot seconded the motion and all voted in favor.

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

The Board reviewed the demand letter from City Solicitor Peter L. Mello of Murphy Hesse Toomey & Lehane, LLP, dated June 23, 2023, to Robert Catenacci of One Thirty One Pleasant St, LLC and Sanjeev Siwach, relative to the need for immediate compliance regarding the unacceptable state of the "STONE FIELD ESTATES III" subdivision.

Ms. Davies stated that a meeting is scheduled on site on Thursday to review what work needs to be completed.

Jim Lewis noted that it can be difficult to prove the irreparable harm required to enforce injunctive relief. He asked whether all of the subdivision lots are sold and whether the Board could contemplate revoking the subdivision approval.

Mr. Ayrassian stated that ownership is split between residents, Mr. Catenacci and the other developer, Mr. Siwach. He suggested it would be difficult to obtain all the signature of the mortgagees to get them party to a new application.

Jim Lewis suggested there may be more motivation for action on Mr. Catenacci's part if he is threatened with a vote to revoke the approval.

Ms. Davies disagreed and stated that it may have the opposite effect. She stated that she didn't see the value in rescinding the vote, as the City would still have to take over development of the road and have the work completed.

The Board tabled the matter.

The Board discussed construction of the "PIKE ESTATES" subdivision.

Mr. Ayrassian stated that he met with the engineer, Dan Campbell, who requested that rather than hauling material off site during Phase I development, they be permitted to stockpile the materials at the end of Paisley Way. He suggested that the Board stand by their original decision and conditions and that the relatively minimal reduction in truck traffic is not likely to be of benefit to public safety.

The Board reviewed all other correspondence.

The Board reviewed the pending minutes.

Jim Lewis made a motion to approve the pending minutes of May 15, 2023. Bill Beardwood seconded the motion and all voted in favor.

The Board tabled the pending minutes of June 5, 2023.

The Board discussed the Planning Board Study Group progress on Trees.

Mr. Ayrassian suggested the matter be taken up by the Ordinance Committee and a hearing be scheduled for some time in August. He suggested it would be worthwhile to get stakeholder input from residents and developers.

The meeting adjourned at 8:40 p.m.