



City Of Attleboro, Massachusetts

PLANNING BOARD

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MINUTES

AUGUST 22, 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, August 22, 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: Chairwoman Shannon Bényay, Vice Chairwoman Heather Whitehead, Bill Beardwood, Tiffany Foster, Jim Lewis, and Fred Uriot

Planning Board Members Absent: None

The Board heard the application of Bristol Place Investments LP for the proposed five (5) lot commercial definitive subdivision plan entitled “BRISTOL PLACE,” located at 1270 Newport Avenue, more specifically Assessor’s plat #27, lot #4, located in the Planned Highway Business zoning district, engineered by DiPrete Engineering, Two Stafford Court, Cranston, RI 02920.

Speaking in favor of the application was attorney David Manoogian who explained that the purpose of the application is to create lot lines for the existing Bristol Place shopping plaza, using the existing driveway as the roadway. He stated that a variety of waivers are being requested, but that the owner does not intend to petition for acceptance of the road by the City as a public way, but rather keep it private. He stated that they are proposing to utilize the existing stormwater system. He noted that Public Works reported that there are no known flooding problems in the area, so they believe it is working effectively.

Jim Lewis stated his assumption that in creating five different lots, they anticipate as many as five different owners. He sought to confirm that a formal association of owners would be formed to address maintenance and access.

Mr. Manoogian stated that it could be addressed through an association or with cross-easements.

Jim Lewis stated his sense that Texas Instruments, with their association to manage the property and share in the costs for maintenance of the infrastructure, provides a suitable model. He stated that the properties will also need reciprocal easements for the roadway and drainage system. He stated that his preference was to see two separate documents - the association agreement and the easements.

Mr. Manoogian agreed that such documents would be recorded at the Registry of Deeds and run with the land from owner to owner.

Speaking in favor was Mark Hollis of DiPrete Engineering who stated that the Board had approved a preliminary plan back on April 25, 2022. He stated that a 50-foot right-of-way is proposed and each lot will have the proper frontage. He noted that they are requesting variances before the Zoning Board for parking within the setback and a variety of pre-existing, non-conforming features.

Jim Lewis sought to confirm that the proposed cul-de-sac is not being constructed, but will merely appear on paper.

Mr. Hollis answered in the affirmative. He noted that all of the existing parking spaces are outside of the proposed right-of-way, but that waivers are being sought to address some of the design standards the existing driveway cannot meet. He stated that they initially proposed 38 diamond tree wells and 12 street trees along the right-of-way, but the Wastewater Department requested that the wells in the sewer easement be relocated. He stated that they have done that and a total of 42 trees are proposed for the site. He stated that they reviewed the existing stormwater management system, performed a site walk in June, and reviewed the O&M history for the system, which includes street sweeping daily and cleaning of the catch basins and oil-water separator yearly. He asserted that the system is operating as designed and they intend to employ the same O&M plan.

Heather Whitehead questioned the type of trees proposed to be installed.

Mr. Hollis replied maple and pear trees.

Shannon **Bénay** questioned whether the current maintenance plan would be incorporated into any future association formed.

Mr. Manoogian stated that he suggested that the maintenance plan be submitted as a condition of approval, so that it can be referenced in the association agreement.

Tiffany Foster sought to confirm that that plan would include maintenance of the trees, as well.

Mr. Manoogian answered yes, and stated that it would also address snow plowing, sweeping, maintaining landscaping, and stormwater systems.

Jim Lewis pointed out that typically a reserve would be built up using monthly or yearly fees to address future issues, like repairs that may be required 20 years in the future.

Mr. Manoogian stated that they will consider that suggestion. He noted that the owners will be big corporations, utilizing management companies. He suggested that upon approval, a monthly, ongoing fee would be charged to the owners and that capital improvement fees may be assessed for large expenditures, but that everything would be managed by the association's trustees. He suggested that a draft association agreement could be submitted for the Board and the City Solicitor's feedback.

Speaking neither for nor against were Charlotte and Wayne Thornhill of 16 Elmina Drive who asked what kind of business will be going into the property.

Mr. Ayrassian asserted that nothing is effectively changing on site and that the Board is just considering creating lot lines on paper. He noted that it is not the Board's jurisdiction to regulate the businesses that come and go from the plaza. He noted that he had worked with the Thornhills and the plaza's management several years ago to address issues with nuisance noise from trucks delivering at all hours.

Ms. Thornhill sought to confirm that what is proposed will not result in more traffic on the back drive aisle of the site.

Mr. Ayrassian stated that the identities and business practices of the existing buildings on site are not before the Board, merely the lot lines.

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

The Board heard the application of Rhino Capital Advisors, 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 a 58,600 square foot manufacturing building and 80 parking spaces with associated grading, utilities, and stormwater management system; the subject premises being located at 1275 Commerce Way, more specifically Assessor's plat #154, lot #12, located in the Industrial Business Park zoning district.

Speaking in favor of the application was attorney Jack Jacobi who stated that they are in the process of responding to the stormwater management peer review report and not ready to present to the Board. He noted that the dialogue with the neighbor has been ongoing.

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 was attorney Jack Jacobi of Coogan Smith who stated that they will be closing before the Conservation Commission this week.

Jim Lewis stated that he will vote against the proposal as designed, as he is dissatisfied with the elevations for the commercial buildings. He asserted that the design looks southwestern and not typical of New England. He stated that he is simply looking for them to design buildings with gabled roofs and to make the exterior have a clapboard appearance. He stated that he doesn't want to continue to allow corporations to dictate how the City of Attleboro looks. He stated that the Council gave the Board this discretion when Site Plan Review was added to the Zoning Ordinance, as they are concerned with this, as well.

Mr. Jacobi stated that his team believes that the elevations submitted are historically accurate for New England commercial properties. He stated that this property will fit in well given the context of the location and other surrounding commercial properties. He asserted that gabled roofs were not deemed necessary or appropriate for a site on Route 1A. He stated that they feel the design is satisfactory and they are looking to close the hearing for a vote.

Jim Lewis suggested that the matter be referred to Site Plan Review Committee for further discussion.

Mr. Ayrassian updated the Board that the Zoning Board had discussions with the project's traffic engineer and that they are contemplating changes to the southbound lane of Newport Avenue, widening it to create a fifth lane for deceleration and left hand turns. He stated that it would be up to the discretion of MADOT, but it could be included as a recommendation in the decision's conditions.

Mr. Jacobi agreed the discussion was held, but noted that MADOT uses a mathematical formula to determine whether such a lane is needed and he was unsure if the anticipated traffic to the site will trip the quota. He stated that they are willing to present the design to MADOT, but will not have control as to whether that design moves forward.

Mr. Ayrassian stated that he will draft a decision that doesn't mandate the change, but does require that the applicant present it to MADOT for consideration.

Mr. Jacobi noted that the Zoning Board was receptive to the request for a variance for parking within the roadway setback.

Speaking in favor was Pat Dunford of VHB who affirmed that the City can advocate for certain positions and designs via letters from the Board or staff, but the state is only required to take it under advisement and will design the lanes using their engineering standards, focusing on safety. He stated that his initial analysis indicates that two lanes in each direction of Newport Avenue is appropriate. He noted that once the process for the traffic light with MADOT is pursued, the design can be adjusted as needed and that it will likely take about a year. He went on to review the current turning movements into the site and noted

that the light timing and lanes will be a function of the number of cars turning versus those continuing straight on the roadway.

The Board scheduled a Site Plan Review Committee meeting to discuss the building elevations.

Tiffany Foster requested that the applicant submit to the Board the models and references used in drafting the current proposed elevations.

Jack Jacobi requested an extension of time to September 30, 2022. Jim Lewis made a motion to grant an extension of time to September 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 held a business meeting.

The Board discussed the application of 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 was Patrick Connolly of Beal Associates who stated that they have delineated the wetlands on site and are preparing to submit their responses to the stormwater peer review report. He noted that concern was raised regarding the proximity of the proposed houses to the abutters on the western portion of Locust Street, so they are proposing to shift the houses closer to the new roadway, while still respecting the 30-foot setback. He stated that they are proposing to maintain the existing tree line at the rear of the lots to create a screen. He stated that they have reduced the yield by one lot and pulled the three remaining houses on the proposed cul-de-sac further from the neighbors, creating approximately 75-feet between the lot line and the backs of the houses.

Shannon Bénay questioned how that compares to the previously provided buffer.

Mr. Connolly stated that it previously stood at about 30-feet.

Jim Lewis noted that the proposed distance is not really a buffer, but simply where they are proposing to construct the houses. He stated that nothing protects that distance from future development or clearing by the home owners.

Senior Land Use Planner Stephanie Davies asked whether any kind of permanent screen or no-cut zone is proposed.

Mr. Connolly stated that they are open to such an approach.

Speaking in favor was attorney Jack Jacobi of Coogan Smith who stated that a restriction would have to be placed on the deed to prevent future homeowners from disturbing the no-cut zone.

Ms. Davies pointed out that the subdivision regulations don't allow for a cul-de-sac shorter than 250-feet, so noted that shortening the roadway as presented would trigger the need for a waiver. She stated that the maximum length of a dead end is 1,000-feet without a waiver. She stated that she thought the choice to shorten the roadway may have been pursued under a faulty premise or a misunderstanding of the standard.

Mr. Jacobi agreed to look into the matter.

Mr. Connolly stated that it was determined that several of the yield plan lots don't meet the minimum requirement for lot width, so they will be revising that plan. He stated that discussions are being held regarding how and to whom the open space will be available. He stated that they are adding roadway stations to the plans. He stated that the concerns raised by Public Works regarding street lights, the cluster mailbox, wheelchair ramps, street signs, etc. will be addressed in the definitive stage. He acknowledged that Locust Street is in the midst of a 5-year no-cut moratorium.

Jim Lewis asked whether the question of adequate frontage for the Leech house on Ridgewood Road has been addressed.

Mr. Connolly replied that yes, it was clarified. He stated that the concerns raised by the Wastewater Department will be primarily addressed at the definitive stage, but that they will provide itemized responses to all comments.

Mr. Ayrassian requested that responses be submitted at one time, in one package and that staff will need time to review before the next meeting.

Mr. Jacobi stated their intent to present again at the September 26th meeting, so will have their submission in advance of that time.

Speaking was Charlie Adler of 20 Fourth Street in Attleboro who stated that he had submitted a letter to the Board and he is aiming to speak in favor of the OSRD proposal. He noted that the number of lots proposed in the subdivision shouldn't exceed the yield plan and that currently, that would include the lot for the club house and the existing house. He stated that he felt a special permit would be required to run a non-profit membership club in the single family zoning district. He stated that calculations need to be submitted to confirm that 50% wetland versus upland have been set aside as open space. He stated that the stormwater management systems should not qualify as open space and should not be included in that calculation. He stated that the proposed parking lot with access for trails within the open space is a great use of land and allows for the potential to connect with the Leech conservation area. He stated that if the Attleboro Land Trust is to steward the open space upon acceptance, they would prefer to see the parking lot be gravel versus asphalt. He suggested the use of stone markers around the open space to ensure that abutters don't encroach on the land. He suggested that the existing conditions plan should show existing trails, proposed new trails, and any connections. He stated that he would be happy to help locate any existing trails on the property.

Speaking was Tim Gill of 77 Webster Street in East Boston who stated that he owns an abutting piece of land to the north of the site and questioned the proposed location of the clubhouse.

Mr. Jacobi showed him using the plan.

Mr. Gill stated that he would like to see as much open space as possible preserved.

Mr. Ayrassian stated that a minimum of 50% is required by the Ordinance.

Speaking was Heather Halpern of 201 Locust Street in Attleboro who noted that her property is located directly below the proposed parking lot for the open space and asked whether trees will be maintained as a screen there, as well.

Mr. Ayrassian stated that screening previously described was for a very specific location and that the existing tree cover in that area would have to be reviewed.

Speaking was Sheryl LaFrance of 157 Locust Street who stated her appreciation for the proposed tree screening of Locust Street. She asked the height of the proposed homes.

Mr. Ayrassian stated that they will be no more than 2.5 stores high.

Ms. LaFrance stated that she lives in a tiny ranch and is trying to maintain her privacy and hopes that the tree line will help with that. She asked whether French drains or sump pumps are anticipated to be installed.

Mr. Ayrassian stated that such matters are not discussed at the preliminary stage of the plan.

Ms. LaFrance stated that she is concerned with the volume of water in the area. She asked whether blasting will be required.

Mr. Ayrassian stated that he didn't know at this stage of the plan.

Ms. LaFrance asked how gases, machinery, and pollution were controlled during construction.

Mr. Ayrassian stated that nuisances are managed to the extent practicable using water tanks, tarps, and erosion controls. He stated that if there is an issue during construction, the Planning Department can be contacted and developers are typically cooperative in addressing concerns.

Jim Lewis suggested that questions regarding typical subdivision development and construction could be posed to the staff outside of this meeting, as the Board is looking for testimony to guide their approval of the proposed preliminary subdivision plan.

Speaking was Nicole LaFrance of 157 Locust Street in Attleboro who expressed concern with the potential for flooding with the removal of the trees for construction.

Mr. Ayrassian replied that the project's stormwater management plan will be designed to address the issue of runoff. He stated that the project will undergo an exhaustive review by a third party engineer.

Speaking was Linda Giammarino of 132 Locust Street in Attleboro, who stated she has lived at her home since 1981 and that she has concerns about the clubhouse. She asked whether there will be trees around the border. She stated that her property also sees flooding and that they had requested a French drain be installed by her driveway when Wamsutta was constructed. She stated that she would like the applicant to consider screening via trees and stormwater concerns.

Mr. Jacobi stated that the clubhouse is likely to be eliminated from the design, so should be a non-issue. He stated if it were maintained, that it would simply be a gathering space with tables and chairs and some outdoor activity, excluding a swimming pool. He reviewed the tree line preservation for all of the neighbors along Locust Street.

Mr. Ayrassian asked whether there was potential for the clubhouse to be rented to outside entities.

Mr. Jacobi replied no. He stated that they will need to revise the yield plan and will be returning with a comprehensive package of response comments. He requested a continuance to September 26, 2022.

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

The Board heard the appointment to speak of Paulette and Mark Rioux regarding "ROLLING HILL ESTATES, PHASE VI" and "DEER RUN ESTATES".

Mr. Ayrassian stated that complaints had been received by the Mayor's Office relative the roadway being blocked between Colts Way and Colts Way Extension.

Speaking was Paulette Rioux who stated that they hadn't intended to block the street access, but the construction company building the subdivision had filed a number of complaints about people speeding down the roadway. She stated that she had also received complaints from the six homeowners living in the subdivision about speeding. She stated that they informed folks that if they didn't slow down, they were going to block the roadway during construction. She stated that the blockage is intended to be temporary, but that the timeline has extended due to the limited access to construction materials. She stated that they didn't know what else to do to address the problem and wanted to discuss options with the Board.

Mr. Ayrassian stated that the Police Chief and Mayor were contacted regarding the matter and it was determined to be a matter of policing by the City and that the road could not be closed off. He suggested alternative methods, such as speed humps, could be utilized to limit speeding. He stated that the Police Chief is not in favor of traffic details. He stated that he has been fielding calls from residents wanting the road opened, so there are complaints both for and against the closing. He stated that he agrees with the assessment of the City Solicitor that it is a condition of the Deer Run Estates decision that the roadway be accessible. He stated that the settlement agreement that allowed for the development of Rolling Hills, Phase VI required that a second means of access be provided out to County Street to avoid traffic issues. He stated that the blockade is illegal and needs to be removed. He stated that he will work with the developer, Mayor, and Public Works to see about installing speed humps.

Ms. Rioux stated that she was in favor of such an approach.

Mr. Ayrassian pointed out that the Planning Department and Planning Board were not consulted about the road blockage and requested that they be kept abreast moving forward. He added that there has been an issue with the postal service delivering mail, as the base for the cluster mailbox is currently on an 8-inch pedestal and that it has to be level with the ground to meet USPS standards.

Ms. Davies noted that the side of the roadway where it is located has sidewalks and that the pedestal will be level once the sidewalks are installed.

Mr. Rioux stated that he will meet with the Post Master to address the matter.

The Board reviewed the Form A plan submitted by Louis S. Xifaras, Esq. for 18 Tufts Street .

Jim Lewis stated that the plan appears to meet the frontage requirements, as parcel A is simply being carved from one existing lot and combined with another existing lot.

Ms. Davies stated that staff recommend approval.

Jim Lewis made a motion to approve the Form A plan for 18 Tufts Street. Heather Whitehead seconded the motion and all voted in favor.

The Board reviewed the Form A plan submitted by George & Dale Lukin for 19 Cumberland Street.

Ms. Davies stated that the applicant currently receives two tax bills and is looking to reduce that to one bill.

Jim Lewis made a motion to approve the plan contingent on the updating the street name from "Cumberland Avenue" to "Cumberland Street". Heather Whitehead seconded the motion and all voted in favor.

The Board reviewed the Form A plan submitted by Charlene Sullivan for 322 Clifton Street.

Ms. Davies stated that the description indicates that simply new parcels (A & B) are being created.

Jim Lewis stated that a way appears to be shown on the plan, but he couldn't find record of it or any easement at the Registry. He stated that he felt the parcels needed to be labeled as "non-buildable".

Fred Uriot made a motion to approve the Form A for 322 Clifton Street contingent on revising the plans to label Parcels A and B as "non-buildable". Jim Lewis seconded the motion and all voted in favor.

The Board reviewed the email from Jacob T. Lemieux of Hancock Associates, dated August 16, 2022, to Director of Planning and Development Gary Ayrassian, proposing revisions to the approved Major Site Plan Review approval for 95 Frank Mossberg Drive.

Jim Lewis recused himself from the matter.

Ms. Davies explained that the property owner found an alternate site to house their office space, so they are no longer constructing the 1,400 square foot addition for which they were originally approved. She noted that they also made minor changes to the location of the dumpster and other minor features.

Mr. Ayrassian stated that he didn't feel the matter rose to the level of a formal amendment. He stated that he will notify the applicant that the minor revisions are acceptable and don't warrant further filing.

The Board scheduled a Joint Public Meeting with the Municipal Council to discuss amendments to the Zoning Ordinance regarding marijuana and in-law apartments on September 20, 2022 at 7 p.m.

The Board scheduled a Site Plan Review Committee to discuss 754 Newport Avenue on August 31, 2022 at 6 p.m.

The Board reviewed all other correspondence.

The Board approved the pending minutes of March 7, 2022, March 21, 2022, and April 4, 2022. The Board tabled the pending minutes of April 25, 2022, May 16, 2022, June 6, 2022, June 27, 2022, and July 18, 2022.

Mr. Ayrassian noted that a complaint had been filed with the Attorney General that the Board had not complied with open meeting law by failing to approve minutes in a timely manner.

Ms. Davies stated that the minutes are meant to be approved within 3 meetings or 30 days.

Mr. Ayrassian stated that we are five sets behind and that he will try to reason with the individual.

The Board held elections for Secretary.

Jim Lewis made a motion to nominate Tiffany Foster to serve as Secretary. Bill Beardwood seconded the motion and all voted in favor.

Meeting adjourned at 9:30 p.m.