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September 24, 2024

Planning Board
43 South Washington Street
North Attleborough, MA 02760

RE: 582 Kelley Boulevard
Application for Plan Approval

Dear Members of the Planning Board:

On behalf of MCP 582 KELLEY LLC (“Applicant”), please accept this narrative in support of the Applicant’s request for plan approval, pursuant to § 290-9 of the North Attleborough Zoning Bylaw, which establishes the Kelley Boulevard Smart Growth Overlay District (“KBSGOD”).

I. Background Facts

The Subject Property is comprised of approximately 13.679 acres of land with frontage on Kelley Boulevard and George Leven Road. The existing use of the Subject Property has been an outdoor recreational facility that includes a driving range, mini-golf and batting cages.

In the spring of 2022, the Applicant and the Town began discussions regarding development of the Project Site pursuant to Chapter 40R of the Massachusetts General Laws. Under that statute, municipalities may adopt “smart growth” zoning provisions that permits high-density multifamily development by right. The statute provides for financial incentives to municipalities that adopt and permit projects under such zoning provisions.

On June 28, 2022, the Applicant and the Town signed a Development Agreement, in which the parties agreed to pursue approval of a smart growth overlay district for the Subject Property, and the Applicant agreed to fund the preparation of preliminary design of planned roadway improvements along Route 152 and a MassWorks grant application for those improvements. The Applicant further agreed to make a financial contribution of \$500,000 toward those improvements. In November 2022, the MassWorks grant application prepared by

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the Applicant was approved, and the Town was awarded a grant of \$3.9 million dollars to fund improvements along Route 152.

On or about November 21, 2022, the Town Council approved the KBSGOD zoning bylaw. The Planning Board thereafter adopted the Kelley Boulevard Smart Growth Overlay District Regulations & Design Standards (“Regulations”).

II. The Project

The Applicant proposes construction of 304 housing units in six 4-story buildings, served by 489 parking spaces. The unit mix will include 152 one-bedroom units, 131 two-bedroom units, and 21 three-bedroom units. The Project will also include a detached clubhouse, centralized courtyard with a pool and other amenities.

III. Compliance with the KBSGOD Zoning Bylaw and the Regulations

Pursuant to §290-9(K)(1) of the Zoning Bylaw, plan approval shall be granted if the Planning Board determines that:

1. The Applicant has submitted the required fees and information set forth in the Planning Board’s Regulations.
2. The Project meets the requirements set forth in §290-9 and the Planning Board’s Regulations or the Planning Board has waived such requirements.
3. Any extraordinary adverse impacts have been adequately mitigated.

As set forth below, the Applicant submits that it has satisfied each of these requirements, and therefore requests that the Planning Board grant plan approval for the Project.

A. Compliance with Submittal Requirements

The Applicant has submitted herewith the application fee and information required under the Zoning Bylaw and the Regulations. In accordance with Section 5.2(f) of the Regulations, the Applicant has submitted the required application fee in the amount of \$4,825.

The Applicant has also submitted the following documents, as required by Section 5.2 of the Regulations:

1. Two copies of the Application for Plan Approval
2. Abutters list with labels

3. Three copies of a Stormwater Management Report, prepared by Bohler Engineering, dated September 19, 2024, including a Stormwater Management Operation and Maintenance Plan
4. Three copies of a Traffic Impact Analysis, prepared by MDM Transportation, dated September 2024
5. A proposed form of Affordable Housing Restriction
6. Architectural Plan, prepared by Axiom Architects, dated September 18, 2024
7. Ten 11” x 17” copies of the plan set entitled, “Proposed Site Plan Documents,” dated September 18, 2024, prepared by Bohler Engineering (50 sheets)
8. Building Height Exhibit, dated September 17, 2024
9. Site Layout Comparison, dated September 18, 2024
10. Circulation Diagram
11. Development Agreement between the Town and Applicant, dated June 28, 2022
12. Purchase and Sales Agreement, dated November 11, 2021, together with most recent (seventh) amendment thereto, dated April 22, 2024 (redacted)
13. Letter from Whitestone Associates, dated September 18, 2024

B. Compliance with the Zoning Bylaw and Regulations

1. Zoning Bylaw

The Project conforms to the following substantive requirements of the Zoning Bylaw:

- **Use – §290-9(E):** The proposed multifamily development and accessory uses are permitted.
- **Affordability – §290-9(F):** Twenty-five percent of the units in the Project will be perpetually restricted as affordable units. The Applicant has submitted herewith a form of Affordable Housing Restriction, and a qualified monitoring agent will be engaged to ensure compliance with this restriction.
- **Dimensional Standards – §290-9(G):** The Project complies with all of the dimensional and density standards set forth in the Zoning Bylaw.
- **Parking – §290-9(H)(1):** The Project provides 1.6 parking spaces per unit, thereby complying with the minimum parking ratio of 1.35 spaces per unit and the maximum parking ratio of 1.75 spaces per unit.

2. Regulations

The Project conforms to the following development and performance standards set forth in the Regulations:

- **Access and Traffic Impacts – Section 7.1:** As detailed in the Traffic Impact Assessment (“TIA”) submitted herewith, the Project will have no appreciable impact on traffic operations or safety. Moreover, notwithstanding that the Project will not have any appreciable impact, the Town has secured \$3.8 million in MassWorks grant funding to undertake improvements along Route 152, and the Applicant has agreed to provide an additional \$500,000 toward those improvements. In addition, the proposed vehicular, pedestrian and bicycle infrastructure in the Project conforms to the design requirements set forth in the Regulations.
- **Drainage and Surface Runoff – Section 7.2:** As detailed in the project plans and stormwater submissions, the Project will be constructed and operated in accordance with best management practices, including without limitation the Massachusetts Stormwater Handbook.
- **Parking – Section 7.3:** Except as specified below (Requested Waivers), the Project as designed fully complies with the parking requirements of Section 7.3.
 - Section 7.3(2) – As noted above, the parking ratio of 1.6 spaces per unit satisfies the requirements of the Zoning Bylaw and the Regulations.
 - Section 7.3(5) – The parking layout and design complies with the requirements of the Regulations.
 - Section 7.3(6) – The Project plans satisfy all of the parking lot landscaping requirements of the Regulations, except that the Applicant has requested a waiver from the requirement in Section 7.3(6)(e) regarding the type of soil to be used under paved parking areas.
- **Building Design – Section 7.4:** As shown on the architectural plans submitted herewith, the proposed building design satisfies the requirements of the Regulations.
- **Landscaping – Section 7.5:** The site plans and landscaping plans submitted herewith demonstrate compliance with the requirements of the Regulations.
- **Lighting – Section 7.6:** The Applicant has submitted a lighting plan that demonstrates compliance with the requirements of the Regulations.

- **Open Space – Section 7.7:** The Subject Property is already substantially disturbed, and is therefore not “in its undisturbed natural condition.” However, the Project has been designed to include landscaped areas and other open space that will serve as an amenity for the Project and its residents.
- **Stormwater – Section 7.8:** The Applicant has proposed an extensive subsurface drainage system that will collect, treat and recharge stormwater in accordance with best management practices.
- **Hazardous Material and Explosive Materials – Section 7.8:** The Applicant does not anticipate the need for blasting or other use of explosive or hazardous materials. In the event use of such materials is required, the Applicant will adhere to the requirements and protocols of the North Attleborough Fire Department, as well as state and federal law.
- **Utilities – Section 7.9:** All utilities within the Subject Property will be installed underground to the extent practicable.

IV. Requested Waivers

Pursuant to §290-9(K)(3) of the Zoning Bylaw, the Applicant requests one waiver from the Board’s Regulations. Specifically, the Applicant requests a waiver from the requirement of Section 7.3(6)(e) of the Regulations, which provides as follows:

Structural soil, a specialized soil mix that supports pavement and extensive tree root growth, shall be used under all paved parking areas. For landscape areas that do not require compaction, well-draining soil shall be used. Grass or ground cover may be substituted for shrubs in divider islands and terminal islands, with the approval of the Planning Board.

The Applicant has engaged Whitestone Associates, an environmental and geotechnical engineering firm. As set forth in the attached letter, dated September 18, 2024:

Whitestone considers that this language is an unintentional blend of the definitions for pavement base/subbase and landscape fill. Pavement base and subbase would be defined as a specialized soil mix that supports asphaltic pavement and should be used under paved parking areas. This is different from a landscape fill that could be defined as soil that supports the growth of tree roots and other vegetation.

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The soil types and compaction necessary to support paved parking areas are inconsistent with the requirements of Section 7.3(6)(e) of the Regulations. Accordingly, the Applicant requests a waiver from this provision.

V. Conclusion

On behalf of the Applicant, thank you for your time and consideration. We look forward to discussing this project with the Board at its public hearing. In the meantime, please do not hesitate to contact me with any questions.

Very truly yours,



Jonathan M. Silverstein

Enclosures