

SEEKONK PLANNING BOARD
Regular Meeting
MINUTES
February 14, 2012

Present: Ch. Abelson, L. Dunn, R. Bennett (7:06), R. Ross, R. Horsman
J. Hansen, Town Planner

Absent: S. Foulkes: (with cause), M. Bourque: (with cause)

7:02 pm Ch. Abelson called the meeting to order.

Posting of Surety Extension: Tall Pines Conservation Subdivision
Developer: Stone Gate Builders LLC

Raymond Renaud of Stone Gate Builders Inc. requested a one year extension for the approval of the Tall Pines Conservation Subdivision due to slow economic conditions.

A motion was made by L. Dunn seconded by R. Ross and it was

VOTED 4-1 to extend the approval of Tall Pines until March 22, 2013 by: Ch. Abelson, R. Bennett, L. Dunn, R. Ross:

Opposed: R. Horsman as he was not here for the initial approval

Site Plan Review: 1845-1853 Fall River Ave.
Applicant R.C. Realty

David Bray from Caputo & Wick representing the applicant explained that this is an existing facility with a vacant building and they are proposing to put a small auto retail business. The applicant sells cars on line and needs an area to keep and sell them with a small display area which is depicted on the plan. Mr. Bray further explained that this is a large size parcel in an Industrial area with a couple of uses.

A motion was made by R. Horsman and seconded by R. Bennett and it was unanimously

VOTED: To approve the site plan by: Ch. Abelson, R. Bennett, L. Dunn, R. Horsman, and R. Ross:

Final Surety Release /Road Acceptance: Brigham Farm
Applicant: Triple Eagle Enterprises

David Bray from Caputo & Wick representing the developer Paul Bowen summarized for the Board that Phase One of Brigham Farm is complete and the as-built plans have been submitted so he is seeking final release of surety and acceptance of the road.

Mr. Bray also advised the Board that he was requesting surety reduction for Phase II of the subdivision and explained that initially, he was seeking a reduction of \$12,900 for Phase II however after an inspection by the Conservation Agent, DPW Superintendent and John Hansen, Town Planner; it came to his attention that a small drainage swale on record lot 7 was obstructed and the landscaper could not loom and seed. It was agreed that the value for looming and seeding was approximately \$1,000 after which Mr. Bray reduced his request for surety reduction for Brigham Farms II to \$11,900.

Mr. Bray further noted to the Board that the fire alarm box at Brigham Farm Phase II needed to be installed and anticipated that both the looming and seeding and the installation of the fire alarm box would be completed in early spring.

J. Hansen stated that the DPW Superintendent agreed on the amount of \$1,000 for looming and seeding the drainage swale.

A motion was made by R. Horsman and seconded by L. Dunn and it was unanimously

VOTED: to release all but \$8,050 of the Surety for Brigham Farm II, and once all other items are completed, (looming and seeding and installation of the fire alarm box) the applicant can come back to release remaining surety by: Ch. Abelson, R. Bennett, L. Dunn, R. Horsman, R. Ross:

A motion was made by R. Horsman and seconded by L. Dunn and it was unanimously

VOTED: to release all remaining surety for Brigham Farm I by: Ch. Abelson, R. Bennett, L. Dunn, R. Horsman, R. Ross:

Final Surety Release /Road Acceptance: Banna Estates
Applicant: Fall River Ave. Development

J. Hansen stated that the developer for Banna Estates is seeking final surety release of the covenant on lot 8 and acceptance of the roads within Banna Estates. The roads have been completed and inspected to the satisfaction of DPW however; installation of the fire- alarm box has yet to be completed.

Mr. Hansen also advised the Board that Michael Bourque brought to his attention that two of the conditions of approval of the subdivision were that a deed restriction was to be placed on lot 61 indicating it was a non-buildable lot and that a Fireman's Monument was to be donated by the Banna family.

N. Abelson suggested the Board could release surety subject to the fire alarm box being installed and the deed restriction being placed on lot 61 as well as the monument being completed.

R. Bennett stated that he would be agreeable to that suggestion.

R. Horsman and R. Ross indicated they wanted to see a deed restriction on lot 61 and have the fire alarm box installed as well as some type of contract that the Fireman's Monument was being done prior to releasing any surety as these were conditions of approval of the subdivision.

The Board ultimately determined not to release surety and that the applicant should return once all conditions of the approval are completed.

R. Horsman requested a five minute recess.

Site Plan Review: Wal-Mart – 1300 Fall River Ave.
Applicant: Wal-Mart
Continued from 1/10/12

Attorney Thomas Killoran representing the applicant introduced himself and Matt Smith the Site Design Engineer from Bohler Engineering. Attorney Killoran updated the Board on their status with the Conservation Commission stating that he had received the Order of Conditions.

John Hansen indicated that he had contacted Dick Marks from the abutting Seekonk Square shopping center regarding the auto interconnection and he would be agreeable to a connection near the Kohl's store towards the outparcel at Wal-Mart with conditions.

Attorney Killoran mentioned to the Board he would like to establish a \$10,000 cap on the expense Wal-Mart would have to pay to establish such connection because they were concerned with open ended fees.

Matt Smith stated that the \$10,000 cap was based on both the overall design and construction of the interconnection.

R. Ross voiced his concern with getting caught in the middle of the private transaction between Wal-Mart and Seekonk Square and if the Board accepts this cap we are altering the offer that Seekonk Square has made and imposing a condition they have not seen.

J. Hansen suggested that the Board could include a catchall statement that if more than \$10,000 is required the applicant shall appear before the Planning Board for an amendment.

J. Hansen reported to the Board that the Water Department had issues with the connections but they are not going to keep going back and forth with memos. Wal-Mart will have to appear before the Water Board for matters that are not the purview of the Planning Board.

Attorney Killoran advised that Wal-Mart was agreeable to a buffer with the surrounding residential properties, possibly a tight evergreen hedge or plastic PVC white fence, to keep people from cutting through their yards to access Wal-Mart and stop vehicles or trash from entering residents' properties.

Joseph Mello, 51 Maple Drive, an abutter of the proposed Wal-Mart stated that although a tight evergreen hedge would be nice, neither the evergreen hedge nor a chain link fence would solve their problems as they would both catch trash and shopping bags. Mr. Mello mentioned that he would prefer a white PVC fence as it would be aesthetically pleasing to the neighborhood and it would keep trash on Wal-Mart's side of the fence and would keep trespassers and vehicles out of his yard.

Lori Mello, 51 Maple Drive, also an abutter, commented that she has had cars drive through her yard after being chased by police from a neighboring shopping center and that the trash is unbelievable now without the proposed Wal-Mart. Ms. Mello agreed that a chain link fence would not keep the trash nor the people out of the yard, a solid PVC fence would be better.

R. Horsman noted that if the neighbors and Wal-Mart are amenable to the fence he would like it in the minutes to have them go back and see that it was agreed upon and that it would be Wal-Mart's responsibility to maintain the fence.

R. Bennett suggested that a white PVC fence might be a canvas for graffiti and perhaps a green solid vinyl fence or a more natural color wouldn't be a blatant canvas for somebody.

Louis Provenzano, owner of abutting property at 1330-1340 Fall River Avenue, voiced several concerns relative to water runoff, noise, trash, fumes and safety from the vehicles in the proposed parking lot. Mr. Provenzano stated that his building contains the office for his own business, a dentist office and a daycare. Currently the play area for the daycare is surrounded by an earth berm, fenced, secured and buffered with vegetation. Mr. Provenzano stated that he was concerned that a plastic PVC fence would not provide enough safety for the children at the daycare, especially if the berm was leveled and the same elevation as the parking lot for Wal-Mart and perhaps a guard rail would help.

R. Horsman recommended bollards could also be placed to provide additional safety measures for the children in the daycare.

Matt Smith stated that the mound (berm) is half on Mr. Provenzano's property and Wal-Mart is proposing a wall that will keep that mound to the height that it is currently.

L. Dunn voiced concern about the increase in impervious surface area.

A motion was made by R. Horsman and seconded by R. Ross and it was

VOTED by: Ch. Abelson, R. Bennett, R. Horsman, R. Ross:

To approve the site plan with the latest revision date of 12-14-11 for Wal-Mart and the drainage report calculations dated 12-30-11 subject to the findings of fact as indicated in J. Hansen's February 6, 2012 memo to the Planning Board based on the following conditions:

1. Opticom units shall be installed by the applicant at the following intersections: westerly site driveway/Rt. 6, Mink St /Rt. 6, and Commerce Way/Rt. 6.
2. The applicant shall use reasonable efforts to provide an inter-connection, before a final Certificate of Occupancy is issued for the proposed Walmart, between the adjacent property to the west (Seekonk Square) and the subject property at the western corner of the subject property, at the location generally shown on 10/18/11 WS Development plan for Seekonk Square, which shall be subject to the following:
 - a. Seekonk Square owner shall approve the location, design and construction specification for the connection.
 - b. All work associated with design and construction of same shall be at Walmart's expense.
 - c. All permits necessary for such connection shall be obtained by Walmart.
 - d. Seekonk Square shall obtain any consent necessary for the same from their tenants and lenders, which will be solicited upon a location and design being agreed upon. Any lender imposed fees or costs for such review and approval shall be reimbursed by Walmart.

In exercising reasonable efforts, the applicant shall not be required to expend more than \$10,000 in permitting, constructing, designing, and obtaining any consents for the inter-connection. If more than \$10,000 is needed for the inter-connection, the applicant shall appear before the Planning Board for an amendment.

3. A six (6) foot solid construction white PVC fence shall be installed and maintained by the applicant along the property line between the subject property and the abutting residential properties. Additionally, some protective measure, such as but not limited to bollards or a guard rail, shall be placed between the parking spaces abutting the rear property line of plat 7, lot 343 (1332-1334 Fall River Avenue).

4. The applicant shall provide wastewater treatment plant design plans to the Planning Board prior to submission and final approval by the MADEP. The applicant shall fund the review by a Town's consultant of potential impacts of equipment sound levels and odor levels to the adjoining residences, to confirm that the applicant has addressed these issues using sound engineering practices.
5. The applicant shall provide the Planning Board with the functional design report and 25% design plans prior to submission to MassDOT, the curb cut and/or access permit prepared for MassDOT, and MassDOT's comments and approval relative to the 25% design submission. If MassDOT's finding relative to the 25% design submission requires materially greater or lesser improvements on Route 6 by the applicant than was presented to the Planning Board in the original plans or recommended in the previous review recommendations, the applicant shall present the differing improvements to the Planning Board for further review and approval before submitting final documents to both MassDOT and the Planning Board provided that MassDOT's determination of matters within its jurisdiction shall control. The applicant shall fund the review by a Town's consultant of the elements in this condition.
6. The "Pedestrian Crossing Sign" (MUTCD Sign Nos. W11-2 and W16-7P) shall be moved back to its original location, adjacent to the crossing and a second assembly containing MUTCD Sign Nos. W11-2 and W16-7P shall be added approximately 100' west of the crossing.
7. A final Stormwater Pollution Prevention Plan shall be submitted to the Planning Board prior to construction.

Opposed: L. Dunn

VOTE: (4- 1) Motion Passes

Correspondence:

J. Hansen advised the Board that there has been a lot of feedback on the Public Workshop for Luther's Corners Village.

J. Hansen updated the Board that 0 Wheaton Avenue is on the agenda for ZBA.

R. Ross confirmed that he is not seeking re-election in April and currently no one is running for his seat. The Planning Board will have to contact the Board of Selectmen to advertise the open seat.

R. Horsman discussed Route 44 land-use. Mr. Horsman suggested perhaps the owner could propose a restaurant on Route 44 with the liquor license.

Approval of Minutes:

A motion was made by R. Horsman and seconded by R. Bennett and it was

**VOTED by: Ch. Abelson, R. Bennett, L. Dunn, R. Horsman, R. Ross:
To accept the minutes of 1/10/12**

A motion was made by R. Horsman and seconded by L. Dunn and it was

**VOTED by: Ch. Abelson, R. Bennett, L. Dunn, R. Horsman, R. Ross:
To adjourn the meeting at 8:50 PM**

Respectfully Submitted by:

Christina Testa