

SEEKONK PLANNING BOARD
Regular Meeting MINUTES
January 22, 2013

Present: Ch. Abelson, R. Bennett, S. Foulkes, M. Bourque, L. Dunn, J. Ostendorf,
R. Horsman (arrived 7:10)
J. Hansen, Town Planner

Absent:

7:05 pm Ch. Abelson called the meeting to order.

Form A: 192 Prospect St.

J. Hansen summarized the applicant was dividing off 29 acres, which would be subject to a conservation restriction, leaving the single-family dwelling on a lot with adequate frontage and access to the property on an accepted way.

James Ostendorf made a motion seconded by R. Bennett and unanimously

**VOTED: to endorse Form A- Helen Brackett - Platt 22, Lot 13 – Prospect St.
By: Ch. Abelson, R. Bennett, L. Dunn, M. Bourque, S. Foulkes, J. Ostendorf**

**AYE: R. Bennett, M. Bourque, L. Dunn, S. Foulkes, J. Ostendorf, and Ch.
Abelson**

Motion Passes: 6-Aye, 0-Nay

Definitive Subdivision: Pine Hill Estates – Continued from 12/11/12

Ch. Abelson noted that J. Ostendorf and R. Horsman watched the CD of the Public Hearing for the definitive subdivision Pine Hill Estates held on 12/11/12. He went on to say he had some issues with the applicant asking for a variance for the amount of disturbed area to increase from 25% to 31.5% because it did not meet the bylaw. He also said that after reading the draft minutes and the testimony from R. Bernardo referring to the ground water flow and how it goes 2,000 gallons per minute he said that the water could be drawn in a direction which could possibly have an adverse affect. He also went onto say that the applicant's engineer talked about the 440 rule which is a four bedroom home is allowed 440 gallons per day, per one acre lot. He said within a four bedroom house he did not know what the population was based on. Meaning in a four bedroom house you could have 10 people living in the house and would 10 people use 440 gallons or more, that was a gray area for him. Lastly he noted that at the beginning of the Zoning Bylaws *Section 1. Purpose* states "The zoning districts and regulations pertaining hereto as

herein set forth are made in accordance with a comprehensive plan to regulate the use of land, buildings, and structures for the purpose of promoting and protecting the health, safety and general welfare of the community and the present and future inhabitants of the Town of Seekonk”.

J. Ostendorf said he seconded Ch. Abelson’s sentiment.

L. Dunn said that she had looked at the Zoning Bylaws and quoted out of *Section 9.4.3 Definition of the Groundwater/Aquifer Protection District “shall be considered as overlaying other zoning districts”* which in her opinion it pointed the Planning Board in the direction of denying the subdivision. She went on to quote out of *Section 25 Conservation Subdivision Design “is to protect the natural environment”* and in *Section 25.6 Lot Dimensions* she quoted it saying *“each lot shall contain not less than 15,000 square feet of area if serviced by town water and not less than 20,000 square feet if not serviced by town water”*. She said the average lots fell within these parameters. L. Dunn went on quoting section 25.6 *“Said lots shall have frontage of not less than 50 feet, front yards of at least 20 feet and rear and side yards of at least 10 feet”*. L. Dunn then referred to her notes from last meeting saying the waiver sought involved the rear yard. She then continued quoting *Section 25.9 Open Space Requirements “A minimum of 40% of the parcel shown on the Development Plan shall be contiguous open space.”*

R. Horsman commented that after listening to everything he thought the applicant was following the bylaws, he noted that it had been passed by the Board of Health. He said when listening to the testimony from the public hearing the major concern was the Middle School’s septic system not functioning as it should and could be contributing to the water issue. He also questioned how ten residential houses could have such a serious impact on the water supply compared with a school full of students, teachers, a big kitchen and a maintenance crew. He went on to say that the subdivision’s septic would be state of the art and checked by the BOH to operate the way it should, not the way that the Middle School is allegedly operating. The point that bothered him was how one person who has the right to make a development was being punished because the septic system at the Middle School was not working properly.

N. Abelson argued to that point saying that was not the issue, the point was that the development had the potential to contaminate the drinking water.

R. Horsman said in the testimony he heard in the public hearing the Middle School system is closer to the town water supply than the applicant’s systems would be.

J. Ostendorf commented that he did not know if the Board should ignore the Water District’s Supervisor. He said the Board had a duty to allow smart development in town based on what they believed to be and what town meeting says. He said he thought the board could vote no if the board decided that these concerns over-ride the benefits of the project.

S. Foulkes said she would second that and said it was not in the best interest of the town to have this potential issue so close to the aquifer district.

J. Ostendorf commented that perhaps some development could be approved if the board agreed that it was going in the right direction. He went on to say in his opinion the Planning Board should be guiding development in town to be what the board thinks it should be and if people disagree with us they could vote us out of office. He said the Board had a certain amount of freedom to do that if they believed it represented a threat as it is being put forth right now. But we cannot dismiss the concerns of the potential damage to the water in town.

M. Bourque said he had nothing to add.

Findings of Fact:

- Create 10 new house lots, all >15K sq. ft., on a ±500' public road ending in a cul-de-sac (Jacoby Way).
- Individual septic systems and public water will service the lots.
- Infiltration pond proposed for the drainage system.
- Percentage of disturbed areas (areas not left in natural state) is 31.5% (25% max); Open space areas will equal 57.81%, which is greater than the 40% minimum required. Wetland percentage of open space does not exceed wetland percentage of site.
- Completed Application for Approval of Definitive Subdivision received 9/17/12.
- Public hearing opened & closed on 12/11/12.
- Rob Bernardo, Superintendent of the Seekonk Water District, testified at the public hearing that there were three major areas of concern the Water District has with the project: public health, public safety and financial.
- He first commented on the public health concerns of nitrates. He said that the ingestion of water with elevated levels of nitrates have shown to cause various levels of methemoglobinemia or blue baby syndrome and sometimes death in infants less than 6 mos. He read a letter from consultant Ryan Trahan of Professional Engineers/Environmental Partners Group concerning a water study focusing on the impact septic systems have on ground water quality. He said right now well GP4 is at level 3.5 which makes him uncomfortable.
- He went on to say that the graphs he handed out showed the relationship on how effective or not the middle school fast

system is on removing nitrates from the waste water from the middle school. He went on to comment about public safety and said if we lose a single well we would be dependent on purchasing water to meet daily demands and fire protection, if we lose two wells we would be dependent on purchasing water from Pawtucket.

- R. Bernardo went on to discuss the financial concerns in which he said nitrates are one of the most expensive to remove from groundwater. He noted that the applicant has not provided any empirical data showing which direction the ground water will flow from the site. He said with the Newman well fields pumping all four wells at approximately 2000 gallons per minutes you have an idea where and what direction the septic leaching will flow from this site.
- He also said that nitrates are one of the most expensive to remediate and Seekonk does not have a process to remove nitrates and you can't boil nitrates out. He said that reverse osmosis and ionic exchange is the only process that removes nitrates from drinking water and the cost estimates to do that would be \$650,000.00 to a million dollars so he urged the board to take great caution when approving the project.
- The matter was continued until 1/22/13, with the consent of the applicant, for deliberations.

Waivers:

- Section 8.7-Sidewalks on one side (both sides required) – Creates less impervious surface
- Section 7.4.1 – 20' drainage easement (30' required) – Due to smaller lot size/dimensional requirements within Conservation Subdivision, 30' not attainable
- Section 7.4.4 – Easement of 20' in width at dead end streets – No developable land behind subject property
- Section 7.2.1.5 – Minimum center line radius of 240' (250' required) - Cul-de-sac servicing 10 lots would have limited traffic amounts/speed

A motion was made by S. Foulkes and seconded by L. Dunn to deny, based on the above findings of fact and determinations of the Board, the Definitive Subdivision Plan – Pine Hill Estates, latest revision date 11-20-2012

VOTED:

AYE: S. Foulkes, L. Dunn, J. Ostendorf, Ch. Abelson

NAY: R. Horsman, R. Bennett, M. Bourque

Motion Passes: 4-3

Site Plan: 544 Central Avenue

J. Hansen summarized the applicant Bristol County Auto Sales went before the Board of Selectman to get a license to sell used cars, during the meeting the BOS requested the applicant to come before the Planning Board to have their site plan reviewed.

Existing Conditions

- Auto repair business

Proposal:

- Introduce auto sales business with 14 display vehicles.
- **Section 10.6.1 - Parking**-2-3 parking spaces required for automotive sales/repair (5 proposed).

Waivers Required:

- None

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

VOTED: to approve the Site Plan, dated 12/14/12.

AYE: R. Bennett, R. Horsman, M. Bourque, L. Dunn, S. Foulkes, J. Ostendorf, and Ch. Abelson

Motion Passes: 7-Aye, 0-Nay

Discussion: Subdivision Rules and Regulations Amendments

J. Hansen summarized that he has been keeping a list of waivers that have been granted as well as other items that have come up with the consultants. He then went over the proposed amendments. He noted if the Board was in agreement with the changes then a public hearing would be scheduled at a later date to approve.

J. Hansen went over the changes to the various sections. It was agreed that Section 7. 4 concerning easements language would be changed and presented at the next Planning Board

Discussion: Master Plan Implementation - Audit

J. Hansen summarized that he added a status section to the Master Plan. There was further review and discussion on the Seekonk Master Plan Audit.

Correspondence

S. Foulkes noted the information on medical marijuana she handed out to the board explained how medical marijuana has had negative effect on the environment in California.

There was further discussion on the information given to the Planning Board from Kopelman and Paige concerning medical marijuana and a temporary zoning moratorium.

Approval of Minutes: 12/11/12

A motion was made by R. Bennett and seconded by L. Dunn and

VOTED: to approve the 12/11/12 Planning Board minutes with minor typos to be corrected.

**By: Ch. Abelson, R. Bennett, L. Dunn, M. Bourque, S. Foulkes
Abstain J. Ostendorf, R. Horsman**

A motion was made by R. Horsman and seconded by J. Ostendorf and unanimously

VOTED: to adjourn at 8:20PM

By: Ch. Abelson, R. Bennett, L. Dunn, M. Bourque, S. Foulkes, R. Horsman, J. Ostendorf

Respectfully Submitted by,

Florice Craig