

SEEKONK PLANNING BOARD  
Public Hearing & Regular Meeting Minutes  
May 14, 2013

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Present: Ch. Abelson, M. Bourque, R. Bennett, L. Dunn, D. Viera, R. Horsman, S. Foulkes  
J. Hansen, Town Planner

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

Public Hearing - Zoning Bylaw Amendment: Section 9.8-Solar  
Photovoltaic Overlay District – Applicant Fisk Family Realty Trust

Ch. Abelson read the order of business.

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

**VOTED: To waive the reading of the legal notice.**

Introduction of Town Planner and Board Members

Otis Dyer Engineer for applicant introduced himself.

Ch. Abelson summarized that the decision of the ZBA was to grant a by-right use in the industrial zone for the solar photovoltaic facility. He went on to say by the ZBA making that decision it was thought that anybody in an industrial zone could by- right do the same thing but in fact anyone in the industrial zone would have to go to the ZBA and obtain approval because it is site specific. He also said that the Planning Board would rather go forward with the petition to do the overlay on all industrial zones and not change the surety portion of the amendment because of how it was advertised.

O. Dyer commented on the surety aspect and said surety could kill a site and it is not like a subdivision where the town has direct interest with building permits, septic, it is private property.

Ch. Abelson said if the property was abandoned then the solar panels could possibly not be reused.

O. Dyer said the panels are very valuable structures.

R. Bennett said in his opinion that any materials left on the site would have enough value to salvage and recover the expense and/or surety.

J. Hansen said the board could not address surety at this meeting and cautioned that the moderator at town meeting could shoot down making an amendment on the floor of town meeting.

D. Viera asked if the structures do become abandoned and the town has to step in, could the town put a lien against the property? He said surety wouldn't be an issue if they could put a lien on the property.

Ch. Abelson polled audience for proponents and opponents, none.

L. Dunn commented that it makes sense to make it non-site specific.

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

**VOTED: To adjourn the Public Hearing**

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

**VOTED: to recommend the Solar Photovoltaic Overlay District amendment at Town Meeting to include all industrial lands within it.**

Public Hearing – Zoning Map Amendment: Portion of Plat 35, Lot 26  
Zoned R-4 to be rezoned Industrial – Applicant Fisk Family Realty Trust

Ch. Abelson read the order of business.

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

**VOTED: To waive the reading of the legal notice.**

Introduction of Town Planner and Board Members

Otis Dyer introduced himself and summarized that the blue area on the map he had was a total of 29 acres in an industrial zone. He said that it did not make sense to leave an appendage of residential land of 7.75 acres next to an industrial zone. He said this would be an important part of this project and it is an area that does not have power lines and pipe lines. He noted the total area would be 35 acres.

Ch. Abelson polled audience for proponents and opponents, none.

L. Dunn commented that it makes sense to do this energy here locally.

J. Hansen noted that the ZBA gave their approval for the use and the abutters were notified through the ZBA.

O. Dyer noted that at one time there was a trolley line that came through and there was a paper road that the town took in tax title a long time ago. It was a low value taking.

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

**VOTED: To adjourn public hearing**

A motion was made by D. Viera and seconded by L. Dunn and it was unanimously

**VOTED: To recommend Zoning Map Amendment: Portion of Plat 35, Lot 26 Zoned R-4 to be rezoned Industrial at Town Meeting**

Public Hearing – Zoning Bylaw Amendment: Temporary Moratorium on Medical Marijuana Treatment Centers

Ch. Abelson read the order of business.

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

**VOTED: To waive the reading of the legal notice.**

Introduction of Town Planner and Board Members

J. Hansen summarized that anyone who wants to open a Medical Marijuana Treatment Center will be allowed to as Department of Public Health regulations are now in effect. People can now apply and get licenses with the state and towns. He noted a reaction by many towns was to regulate them with a temporary moratorium to buy time to come up with a place to put them. The Planning Department asked the Police Chief along with the BOH for their input.

Ch. Abelson asked proponents to speak.

Seekonk Police Chief Craig Mace introduced himself and said that he is a proponent of the temporary moratorium. He said it will give the town and the police department time to figure out where such a facility should go in Seekonk.

Ch. Abelson asked opponents to speak. None.

Discussion

L. Dunn wondered if the main opposition was that it seemed dangerous and scary.

R. Horsman commented that was why the town was working with the police and BOH and wanting to take a year to see what was involved.

C. Mace said by doing this and seeing what other towns have done Seekonk would not have to

re-invent the wheel. He noted the state would be involved as well as the Health Department. He said there might be security issues involved as well as impact on neighborhoods. He said it might be helpful to try and find a certain zone for this type of facility. He also noted it will be an advantage to have a year to see how other towns are making out with the centers in their towns.

A motion was made by D. Viera and seconded by R. Horsman and it was

**VOTED: to adjourn the public hearing**

A motion was made by R. Horsman and seconded by D. Viera and it was

**VOTED: to recommend at Town Meeting the Zoning Bylaw Amendment: Temporary Moratorium on Medical Marijuana Treatment Centers**

Partial Covenant Release: Tall Pines - Applicant: Stonegate Builders

J. Hansen noted that the fence had been put up and he recommended a covenant release of lots 8,9 &10.

D. Viera said that the town has been burned before by releasing surety too soon. He wanted to make sure all requirements had been met.

J. Hansen said all requirements had been met by the Board's inspector GPI and noted he has all their reports.

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

**VOTED: To release covenant on lots 8, 9 & 10.**

Surety Establishment: Pine Hill Estates – Applicant: Najas Realty

Paul Carlson from Insite Engineering introduced himself and said the applicant for Pine Hill Estates is looking to establish surety. He said a construction cost estimate of \$375K had been reviewed by the Board's inspector, GPI, and they found it to be an appropriate estimate of the proposed construction. He noted that the covenant would cover three lots, 1, 2, & 3 expiring on 5/14/14, and the average purchase price is 125K per lot.

L. Dunn asked how long the road was.

P. Carlson said 750'.

D. Viera wondered in lieu of property what other form of surety could the Board ask for?

J. Hansen said the law states that it is up to the developer.

D Viera said he did not believe the town should be in real estate business.

Ch. Abelson said that the Planning Board could not tell them how to establish surety.

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

**VOTED: To approve surety establishment for Pine Hill Estates with a covenant on lots 1, 2, & 3, expiring on May 14, 2014.**

**Aye – Ch. Abelson, S. Foulkes, M. Bourque, R. Horsman, R. Bennett  
Nay - D. Viera & Lee Dunn**

**Motion passes 5-aye 2- Nay**

Form A: Plat 9, lot 208: 9-17 County Street

J. Hansen summarized that it is a 1.88 acre lot with two single family dwellings zoned R-1 and the proposed lot amendment would be to split into two lots, each with 100' lot frontage minimum and access from County St. He told the Board that the only thing on an ANR they can look at is if it has the correct frontage.

Bob Costa, the applicant, said there are separate septic systems.

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

**VOTED: To endorse Form A: Plat 9, lot(s) 208: 9-17 County Street**

**The Board took a brief recess**

Public Hearing – Community Priority Area Update -SRPEDD

Sandy Conaty from SRPEDD introduced herself to the Board and summarized that in 2008-2009 SRPEDD worked with 27 communities to look at their growth, and to determine what areas in each community would be designated as Priority Development Areas and Priority Preservation Areas. She said the biggest change was the availability of GIS data use. She noted that Katie Goodrum from SRPEDD is very adept with GIS.

Katie Goodrum from SRPEDD introduced herself to the Board. She said the Planner's update process revolves around refining boundaries and designations identified by city officials and they were here tonight to work with the Board to make Priority Area Adjustments that SRPEDD would use for the purpose of aiding regional planning decisions and the Community Area Update will be complete in June, 2013.

Sandy Conaty said Grant King, Planner for SRPEDD, introduced the Community Priority Area Designations to the BOS in 2013. Priority Areas (PAs) in town were identified by John Hansen, Town Planner and Grant King to determine if those areas should be designated Priority Development Areas, (PDAs) or Priority Protection Areas, (PPAs). Sandy Conaty and Katie Goodrum presented to the Planning Board a map showing the specific priority areas in Town that had been discussed five years earlier. Ms. Conaty asked the Board if they wanted to maintain the designations or if they wanted to update the original Priority Areas.

The Board began by discussing the Bakers Corner area that had been originally identified as a Priority Development Area, and determined that it should clearly remain a development area.

Much discussion ensued surrounding the Maple Avenue Mill Complex that had been destroyed by a fire and as a result, contains contaminants that would be costly to clean up. That area had been identified as a combined Priority Development Area and Priority Protection Area. Some members recommended that the area be cleaned up and designated a Priority Protection Area, others suggested it be a Development Protection Area to emphasize redevelopment potential. After lengthy discussion it was determined that it should remain a combined area.

The Board asked that John Hansen forward a memo to the BOS and request that the area be cleaned up and made safe for future redevelopment.

It became apparent that there were too many areas to discuss in one night and the Board suggested meeting again in a work session this month to complete the Priority Area Adjustments. It was determined that no meeting date could be agreed upon prior to SRPEDD's deadline by the end of May.

D. Viera made a motion to postpone any decision on this matter for one or two weeks, no second was made.

Sandy Conaty reassured the Board that although SRPEDD will utilize the existing information to be put on a map in June, it is not critical to make any changes tonight. This is a tool for the Town and the Board could meet at any time in the future to determine any adjustments to the Priority Areas as this is for their own use.

After further discussion, the Board concluded that they were comfortable with the present designations of most areas and the only area that was in question had been the Maple Avenue Mill area, which they had just resolved.

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

**VOTED: To let SRPEDD move forward with the map utilizing the changes made tonight and continue this discussion in June to work on specific areas for our own use.**

**Correspondence**

J. Hansen updated the Board that the Community Preservation Committee was successful in working with Mr. Cuddigan and the State to preserve Mr. Cuddigan's 68 acres of farmland on School Street. J. Hansen said it will remain an agricultural use forever. He noted it is private property and is not available for people to access.

Approval of Minutes: 4/9/13

A motion was made by D. Viera seconded by R. Bennett and it was

**VOTED: to approve 4/9/13 Planning Board minutes**

**Aye – Ch. Abelson, L. Dunn, M. Bourque, D. Viera, R. Bennett**

**Abstain - S. Foulkes & R. Horsman (absent w/cause)**

**Motion passes 5-aye 0- nay 2-abstain**

Adjourn

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

**VOTED: to adjourn at 8:55 PM**

Respectfully Submitted by,

Florice Craig & Chris Testa