

SEEKONK PLANNING BOARD

Regular Meeting

April 8, 2014

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

Absent: D. Viera, with cause

7:00PM Ch. Abelson opened the meeting

Planning Board Reorganization – Planning Board

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

VOTED: to make Neal Abelson Chairman of the Planning Board

A motion was made by M. Bourque, seconded by L. Dunn and was unanimously

VOTED: to make Ronald Bennett Vice Chairman of the Planning Board

A motion was made by L. Dunn, seconded by D. Sullivan and was unanimously

VOTED: to make Michael Bourque the Clerk of the Planning Board

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

VOTED: to make Lee Dunn Vice Clerk of the Planning Board

Appoint SRPEDD Representative – Planning Board

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

VOTED: to appoint Lee Dunn SRPEDD Representative

Surety Establishment Summer Meadows – Trebor Properties

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

VOTED: to establish surety for Summer Meadows in the form of a covenant over the entire development, expiring in 8 months.

Form A: Arcade and Taunton Avenues - Proposed Sr. Center- Town of Seekonk

J. Hansen summarized it was a standard ANR plan. The parcel was to be split into two lots. Each lot had more than the required 120 feet of frontage, with access from Arcade Ave.

M. Bourque asked if the Town had purchased the property yet.

Ch. Abelson answered no.

M. Bourque asked if the PB endorsed the ANR would it be under the Town of Seekonk or the current owner's name.

J. Hansen said the Town is essentially the applicant as the current owner submitted a letter giving the Town permission to apply for any and all permits or variances.

M. Bourque wondered if the owner backed out of the deal, would they (the owner) still have the ability to get it subdivided.

J. Hansen said it would become subdivided once it gets recorded.

G. Sagar said they would request that it does not get recorded until such time that they can transfer the ownership. He said the Sr. Center Building Committee needed this plan because they are going before the ZBA for special permits and variances that are necessary for the property.

S. Foulkes asked what would happen to the house once the lot is separated.

G. Sagar said by separating it into two lots, it gives the town the possibility of selling the house.

S. Foulkes asked if selling the house would affect the parking.

G. Sagar said there are a number of cross easements involved and they have permission from The Knights of Columbus to use their parking lot for overflow.

S. Foulkes commented that there would have to be some type of path for the people to come in through the side.

G. Sagar said that could be worked out.

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

VOTED: to endorse the ANR plan for Arcade Ave. and Taunton Ave. dated March 31, 2014.

Discussion: Zoning bylaw Amendments

J. Hansen summarized that the PB had a memo in their packets dated March 25, 2014 that went over seven amendments which were a result from a public hearing in February. He noted the amendments were mostly formatting issues and some omissions that were added back in. He said he would go through them, if the PB wanted him to.

P. Carlson commented about the dimensional requirements under R-1 – R- 4 specifically the lot width versus the lot frontage.

J. Hansen said the language for lot width had been removed to make it less confusing.

G. Sagar suggested to the PB before they bring it forward to Town Meeting they take the time and effort to update the Zoning Bylaws. He noted right now under State law, if you don't use a special permit, or variance within two years, you lose it. He noted Seekonk's bylaws said one year. He would like Seekonk to adopt the State standard.

J. Hansen said that was changed to the State standard.

G. Sagar said there were still bylaws from the 1979 rezone, off of School St., in which people thought it was incorrectly done and as a result people who live in that area still have to get special permits and variances to do anything.

Ch. Abelson noted some of those bylaws have been changed.

J. Hansen commented in 1979 the same time the Town was having public hearings and town meetings to rezone those plats, they were still being developed. He said he didn't understand why this happened, because the same board that was doing the zoning bylaws and map updates would have been the same board approving the subdivisions. He said those plats were put in with lot sizes that conformed at the time and then two months later got up-zoned to a 40,000 sq. foot minimum.

G. Sagar commented on the conservation subdivision saying applicants had to go to the ZBA multiple times to get a variance.

J. Hansen said that was changed as well, in that it was scaled, requiring more as you have greater acreage.

G. Sagar also noted the sign bylaw needed to be addressed. He said he would like to see a meeting as they did years ago with businesses, in Seekonk, to get their input.

Ch. Abelson said that he was on the sign bylaw committee and it was not successful.

G. Sagar commented there was a document to work with now, and he thought it would be in everyone's best interest to have a special town meeting just to deal with zoning and the sign bylaw because it gets very involved and confusing.

R. Bennett said he would want to have something, in hand ready to go, if they were to do that.

S. Foulkes asked if the PB was going to leave the zoning bylaws as is for the town meeting then address G. Sagar's recommendations.

J. Hansen asked the PB how they would like to proceed. He reminded them that they advertised the public hearing, in February to make these minor changes. The ZBA has had the zoning bylaws to look at since July 2013. He asked, if they wanted to make all the changes at once, or in small pieces.

D. Sullivan commented that doing it in little pieces might be easier at town meeting.

J. Hansen said the PB could either look at this in more detail and hold a special town meeting, or take the position they feel confident in what has been done to date and go forward as is.

Ch. Abelson said he thought if the PB goes ahead he didn't think the ZBA would be supportive.

M. Bourque suggested that the PB put it on the fall town meeting agenda and if they don't have the comments by then, it will go on as is.

J. Hansen said it needs to be known that just because it is being postponed to the fall meeting doesn't mean the PB will be looking at a whole set of new issues.

S. Foulkes wondered why the PB was capitulating to the ZBA. She said they had a public hearing and no one from ZBA showed up.

D. Sullivan said it is the PB's responsibility at town meeting so they need to have everything ready to present and if the ZBA was not in agreement it could be a problem because it needs a 2/3 majority to pass.

Ch. Abelson said he wanted to try and work with all the boards in Town. He said he was not necessarily in favor of postponing, but said it would make it a smoother process to get things approved.

R. Bennett said he understood S. Foulkes point that the ZBA had their bite of the apple and did not take it.

A motion was made by M. Bourque, seconded by D. Sullivan and

VOTED: to postpone bringing the proposed zoning bylaw amendments to the spring 2014 town meeting, let the ZBA look over and make comments, work with ZBA on any changes they have, and have a public hearing in the late summer and bring it to back to the fall 2014 town meeting.

Aye: R. Bennett, M. Bourque, D. Sullivan, L. Dunn, & Ch. Abelson

Nay: S. Foulkes

Motion passes (5-1)

J. Hansen commented the PB already held the public hearing for the medical marijuana overlay district, so that will be going to spring town meeting. He also said the PB will have to hold a public hearing at their next meeting, because the floodplain maps are being updated and there are not substantive changes to them but they must be reflected in the bylaw that they are effective July 2014. It has to be done or we lose our National Flood Insurance Program rating. It is simply changing the date from July 2009 to July 2014 on the floodplain maps that are referred to in our zoning bylaws.

Discussion: Sign Bylaw Amendments

J. Hansen summarized that the PB had before them the first draft of the sign bylaw. He said how it came to be was that he, Horsley Witten and town counsel, looked at past variances from the ZBA and case law. He said as they have heard many times, from town counsel, that if you start granting variances and waivers, even though no board is precedent setting, it does have the effect of becoming precedent setting, because the same variance has been approved over and over again. He said they looked back over the life of the zoning bylaws, specifically within the last ten years; we were at a 95% approval rating for variances and 100% within the last five years. Based on advice from town counsel, these changes were proposed because by defacto they have become law. He said they are mainly talking about changing the bylaw to what is already there, in the highway business district, along Route 6. He said they were not talking about changing the historic or local mom and pop businesses, it is geared towards the big box stores and making the bylaws consistent with what is out there and what had been granted.

Ch. Abelson asked the PB if they wanted to go through the changes.

J. Hansen summarized the changes. Changing one building sign on the face of a building that fronts a public right of way, to allow one building sign that faces any public right of way, or customer access driveway. Example: the Verizon building, Southcoast Smile and the Paper Store.

He went on to say, another change would be to the size of the letters on wall-mounted signs. Example: Lowes and Target. The change would be from 4' to 8' and the increase of letter size is the percentage of the height of the building face going from 20% to 30%. He went on to say this board needs to strongly urge, if these changes go through, that the ZBA can't grant variances.

S. Foulkes said that the new sign bylaws are going to reflect what they are currently creating variances for now, but she wondered what would happen if the applicant wanted even more. She asked would there be a maximum to stop at.

J. Hansen said this would be the maximum and again the PB needs to strongly urge the ZBA not to grant variances and stick to the bylaws. He went on to discuss the LED signs saying right now

there aren't any regulations. He said the conditions proposed already have been granted within the last five to ten years. LED signs cannot flash and must not change more than once a day.

The temporary signs section was discussed and based on town counsel's advice and on case law, 120 consecutive days would be permissible, not zone specific.

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

VOTED: to make clear the temporary sign bylaw for 120 consecutive days, send the proposed bylaws to the ZBA, and put the amendments on the fall town meeting.

Approval of Minutes: 3/11/14

A motion was made by M. Bourque the, and seconded by L. Dunn and it was

VOTED: to approve the Planning Board Minutes of 3/11/14 with corrections on pages 1, 2, 4, 5, and 6

Abstained: D. Sullivan (was not yet a PB member)

Adjournment

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

VOTED: to adjourn at 8:35PM.

Respectfully Submitted by,

Florice Craig