

SEEKONK PLANNING BOARD

Regular Meeting
October 14, 2014

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

Absent: L. Dunn (with cause)

7:00PM Ch. Abelson opened the meeting

Definitive Subdivision Amendment: Summer Meadows – Trebor Properties, LLC

Atty. E. Brainsky introduced himself and summarized the request for the minor modification to condition #3 of the Decision of the Definitive Plan. He said that condition # 3 requires individual sprinkler systems to be installed in the individual residences, pursuant to section 8.3 of the Subdivision Rules and Regulations. He went on to say the applicant spoke to the Fire Chief and he was in support of a \$5,000.00 per lot fee in lieu of sprinkler systems pursuant to Section 8.3.3.

D. Viera asked if the \$5,000.00 per lot would be enough to purchase a tanker.

M. Bourque noted in section 8.3.3 it says; *or related equipment*, and after a conversation he had with the Chief, their interpretation would be to purchase a new large diameter hose. It would be upgrading the current equipment to better supply those houses now and the money from future developments would go towards buying a tanker.

A motion was made and voted unanimously to amend condition #3 of the December 16, 2013 decision for Summer Meadows for providing a \$5,000.00 per lot fee in lieu of individual sprinkler systems pursuant to Section 8.3.3 of the Subdivision Rules and Regulations.

Definitive Subdivision Amendment/Surety Country Brook Estates – Watermellen, LLC

P. Carlson of Insite Engineering introduced himself and went on to summarize he was there to request an approval of a modification to the approved Country Brooks Estates Definitive Subdivision. The proposed changes would be to subdivide 1.25 acres of 28.61 acres of open space. The new lot would be the nineteenth lot, non-buildable, and merge with an adjacent parcel of land. He went on to say it would still meet all the requirements under the Conservation Subdivision Bylaws. The proposed open space area would contain 27.4 acres or 75% of entire parcel versus the required 40%.

A motion was made and voted unanimously to approve the amendment on the Definitive Subdivision Country Brook Estates dated July 9, 2013.

A motion was made and voted unanimously to approve the surety for the Country Brook Estates Subdivision in the amount of \$714,165.00 with a covenant on the entire development, with a time of performance set to expire in 12 months.

Surety Establishment: Farmland Estates – B. Mastropietro, L. Ferreira

A motion was made and voted unanimously to approve the surety for Farmland Estates Subdivision in the amount of \$339,666.95 with a covenant on the entire development, with a performance set to expire in 12 months.

Form A – 385 Jacob St. & 9 Philip Ct. - Ippolito

A motion was made and voted to endorse the Form A for 385 Jacob St. & 9 Philip Ct.

Discussion: Zoning Bylaw Amendment – Non Conformities Section

J. Hansen summarized as part of the Zoning Bylaw update consultant Horsly Witten Group looked at the Non Conformities Section. He noted the reason being, looking at past and present ZBA agendas it was realized there were many items not typically heard by a ZBA and when heard almost all were always approved. He gave an example: if a person has a house that's 22 ft from a front set back and the required set back is 25 ft. it's considered non-conforming. If on that lot a person wanted to add a rear addition and conform to the rear set back, because of the front set back it's considered non-conforming and you are sent to the ZBA. He said the rear addition is not creating more of non-conformity but under the current regulations you are required to go to ZBA to get approval. He noted another example in that there used to be an allowance for 10,000 sq ft lots sizes, so now a resident may have a legal non conforming lot. Under present regulations the minimum lot size is 14,400 in an R-1 zone so, if you have this lot of 10,000 sq ft and you want to build a house conforming to front, side and rear setbacks you have to go to the ZBA because it is considered a non-conforming lot.

He noted the changes by Horsley Witten are trying to make the bylaw more user-friendly and eliminate unnecessary trips to the ZBA.

He noted the changes were forwarded to the ZBA two months ago and to date he has not received comments back.

R. Bennett asked when this would be presented.

J. Hansen said the earliest would be at Spring Town Meeting. The Board agreed to hold a public hearing in late winter or early spring.

Discussion: Zoning Bylaw Amendment – Aquifer Protection District

D. Viera summarized the disheartening part about The Seekonk Water District's Wellhead Protection Plan document was that it was done in 2002 and the PB was only seeing it and reading it for the first time in 2014. He noted that any time there's an issue with the aquifer protection district or wells it's always the PB that takes the criticism in that something was or was not done correctly to protect the Town's water supply. He went on to say if the PB had known about the Wellhead Protection Plan it might have helped in making recent decisions. He said he wanted to form a committee and get the Water District involved to come up with a new aquifer protection document.

N. Abelson said he had a letter from the Water District asking him to attend a meeting and presentation on the Water District's draft water resource protection district and other wellhead protection efforts at the Seekonk Library on Oct. 21, 2014 at 6:30pm.

D. Viera said that was a step in the right direction but again the buck stops at the PB as far as developing and having the public hearing for the bylaw. He thought developers should be involved.

D. Sullivan suggested if there are more than four PB members going then it should be posted as a PB meeting.

Ch. Abelson said to post it.

Discussion: Chicken Bylaw

D. Viera said he wanted to set the record straight in that the PB was not shrugging their duties in not wanting to write the Chicken Bylaw, but truly thought that it would be easier and better if the Animal Control Officer wrote the bylaw and the PB hold the Public Hearing.

Ch. Abelson noted that the Animal Control Officer said that if it becomes a Zoning Bylaw then the Zoning Enforcement Officer should do the enforcement and inspections. The ACO only does barn inspections two months out of the year per Mass General Law, therefore more places added would mean more inspections with limited staff making it impossible for all sites to be inspected properly.

S. Foulkes noted that in the PB packet she received copious amounts of information from other communities on how they dealt with the bylaw (i.e. in Watertown the BOH was instrumental in the writing of it). She went on to say she took issue with the BOS sending it back to the PB. She stated the PB didn't think it was in their purview and by the BOS sending it back it was obvious their opinion was irrelevant to them.

J. Hansen said the change had to do with the 5 acre minimum lot size.

Ch. Abelson said he would like to see the bylaw kept simple like Pawtucket's with stipulations.

J. Hansen suggested the bylaw from Pawtucket should be used as an example.

A motion was made and voted to remand the writing of the Chicken Bylaw back to the BOS with a memo stating the reasons why with the backup paper work.

Vote: 5 -1 motion passes.

Discussion: Plastic Bag Ban Policy

R. Bennett summarized that the State of Massachusetts is looking at legislation to ban single use plastic bags from grocery and convenience stores statewide. He also noted that the State of Rhode Island was also debating this and Barrington RI has already banned single use plastic bags.

S. Foulkes thought it was a good idea and suggested contacting Representative Steve Howitt to see where the bill stands at the State level.

R. Bennett said his point in bringing this subject up was to hopefully show the public the PB is interested in the environment and endorsing the possibility of eliminating single use plastic bags in Seekonk. He noted he wanted to get the support of other Town Boards and then eventually have it as a warrant article for a future Town Meeting.

A motion was made and voted to support a Plastic Bag Ban Policy for Seekonk

Vote: 5 -1 motion passes

Discussion: Bike Paths

R. Bennett summarized he attended a South Coast Bikeway committee meeting and felt strongly that there must be more attention paid to bike safety. He would like to see specific bike lanes designated on certain roads in Seekonk. He noted the first step would be to endorse the idea and map out some roads in Seekonk that could be lined for bike lane. He said he had spoken with DPW and they were familiar with how other towns do it. He also said there are funds that can be applied for from the State.

A motion was made and voted unanimously to endorse R. Bennett's efforts to investigate and pursue the benefits and incorporation of bike lanes and bike paths in Seekonk.

Correspondence:

Discussion on the parcel of land at 1977 Fall River Ave. - Cuddigan Realty, Inc.

PB asked J. Hansen to email the Assessor's Office letting them know they received the letter from Joseph Cuddigan and were not interest in the property.

Discussion on Warrant Article about the reappointment process for the Town Planner.

Ch. Abelson summarized that he went to the most recent BOS meeting to represent the PB. He said it was discussed that all four boards were in favor of having input for the hiring process. He went on to say that some of the boards did not seem to care if there was a three year reappointment process. He said he told the BOS the PB was unanimously not in favor of the three year reappointment process.

M. Bourque asked if it was discussed that they would exclude the current employees from the three year reappointment process.

Ch. Abelson said no, it was not discussed because the other boards didn't seem to have a problem with it.

J. Hansen addressed his concerns and said he would not have taken the job knowing in three years he could be let go. He also said it was being brought up on how the four department heads (Planning, Conservation, Health Agent, Assessor) were treated differently. He noted that the difference is that the four other department heads are all appointed per State statute.

Ch. Abelson said in conclusion that it will be discussed again at the next BOS meeting.

Approval of Minutes: 9/9/14

A motion was made and voted to approve the Planning Board Minutes of 9/9/14.

Adjournment

A motion was made and voted unanimously to adjourn at 9:30PM.

Respectfully Submitted by,

Florice Craig