

SEEKONK PLANNING BOARD

Regular Meeting

April 14, 2015

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

7:00PM Ch. Abelson opened the meeting

Chick Fil-A

Jack Jacobi, Attorney representing Chick Fil-A, noted an error regarding the owners of record for the land owned by Elaine Darling and the Seekonk Grand Prix. It is all owned by the Darling family, however, the wrong Darling was listed on the application and he would like to amend the application. He stated according to the By-Law the Planning Board decides whether or not it will allow having two lessors and having parking located on a different lot other than the owner. If the Planning Board does not endorse this, he will have the Darlings convey the land into a common ownership and complete a Form A. They are willing to have 2 lessors and have them on one lease, but that is the decision of the Planning Board. Attorney Jacobi also advised that his client would be responsible for clearing snow and maintaining the parking lot. His client is more concerned with the expense of having to convey the two parcels and create a Form A.

D. Sullivan asked if there would be any ramifications or if precedent would be set going forward.

M. Bourque said they've done it in the past and he wouldn't have a problem with it.

Ch Abelson asked if it would affect the usability.

S. Foulkes asked if everything else but the parking lot was under one owner.

Atty Jacobi said the Seekonk Grand Prix owns 90% of the lot. If it was sold down the road it would be subject to the lease and the lease would be a recorded document.

A motion was made by M. Bourque, seconded by D. Sullivan and was unanimously approved to allow the 7 parking spaces on a separate parcel of land to be a cross lease agreement between the owners of the two properties.

Attorney Jacobi mentioned they have applied for a variance with the ZBA to get more wall signage and a second pylon sign. Attorney Jacobi also discussed the setback of the building (in a corner) exceeded the 70 feet required because when the state widened the road the property line was moved and the building is no longer 70 feet from the road. He is aware that this needs to be brought before the Building Inspector to see if the building needs to be moved by 15 feet or if they have to go before the ZBA. He asked if the PB would recommend to the ZBA that the PB was satisfied with the plan as noted.

Ch. Abelson went on to question the detention area between Chick Fil-A and Sam's Club.

Josh Swerling, Bohler Engineering, also representing Chick Fil-A, mentioned that it could be an ongoing negotiation with Chick Fil-A, who has lease rights for the entire 1.72 acres. There is nothing in the lease that requires them to accept drainage from another tenant so this is really a lease issue that needs to get ironed out between whether or not Sam's Club got approval to make a connection for drainage to come onto our leased area. We may need to negotiate they put in a drywell on their leased parcel.

Ch. Abelson said he would like to continue this and see the cross lease agreement. He went on to explain this is a time sensitive issue and needs a letter of continuance today.

Attorney Jacobi drafted a letter dated April 14, 2015 to continue the matter of the lease and Sam's Club to be resolved by May 30th.

Swan Brook

Bob Berube with Proline Engineering and Owner, Mark Shane summarized the Swan Brook site area which consists of a house in front, garage, building, storage, and farm field. Also discussed was how the main building will connect the buildings, 3 buildings will be for assisted living, drainage, wetlands, gazebo, and courtyard. The parking lot is designed to enter from Rt 6. Conservation is satisfied with the proposed work, BOH approved the septic system, and we meet the town's requirement for parking, however, there was a concern with the landscape buffer because of an abutter.

D. Sullivan asked about the dimension of the driveway because of public safety vehicles.

B. Berube said the width is 15 ft but it would be one-way.

D. Sullivan explained there could be an issue with space if a car was parked in the handicap parking space.

M. Bourque said the ladder truck needs to get around the parking lot.

M. Shane said the fire chief has not commented yet.

M. Bourque said he had not seen these plans yet and does not have a problem with the layout if we can get around and keep people safe.

M. Shane mentioned his concern is not with the ZBA but with abutters.

M. Bourque asked Mr. Shane if he needed a variance to be close to that property line.

M. Shane said they need a waiver for that spot right there but believes he is okay with the parking until the last phase.

M. Bourque said he did not have an objection giving them a waiver pending being able to demonstrate the town's longest vehicle can get all the way around the property.

M. Shane discussed the possibility of angled parking but has concern with having a peer review again because it should have been noticed during the peer review if they are not in compliance since the plans have gone back and forth for over a year and discussed the phasing of I, II, and III.

Ch. Abelson believes there are enough spaces; however, the travel isle is narrow.

M. Bourque said a temporary binder may have to be put down during the phasing because there is concern of having just a dirt road.

M. Shane said majority of things will be done up front but the binder is in Phase II.

Ch. Abelson mentioned drainage issues and water needs to be controlled.

M. Shane said the drainage is in Phase II. If it becomes a problem it can be done but is concerned with it being ruined by the equipment driving over it. It will drain as it is draining now (in the back) and there is no drainage on the property at this point.

B. Berube explained the septic will be located on farm land.

M. Bourque asked about lighting.

M. Shane said they want Victorian lighting (8-10 ft. high) so it looks more residential but the By-Laws make it difficult by wanting 22 ft. high lights. Mr. Shane explained that he doesn't want it to look like a commercial building.

M. Bourque suggested the engineer contact the fire chief to prove the fire trucks can get around the radiuses. Mr. Bourque also asked M. Shane if he would be available for a second PB meeting in May to answer the questions they have.

M. Shane asked as long as they speak with the Fire Chief to reconfigure parking would he still need the waivers.

Ch. Abelson answered yes since one is really a phasing and not a waiver.

M. Bourque mentioned that since it is listed as a waiver, we should treat it as a waiver.

No vote at this time since this is continued until May 5th.

Preliminary Plan: Curt Street Extension

Alex Gorodetsky, Professional Engineer, representing Joseph Vieira provided summary of a preliminary plan for the proposed 4-lot subdivision at the end of Curt Street. It is a short extension hammerhead and four lots. The area is approximately 9 acres and has been reviewed by your consultant, Mr. Miller.

Conservation Commission approved the brook crossing of a 69 ft. bridge. A hammerhead is proposed for the 4 Lots. Two lots are on one side of the brook and two lots on the other will share a driveway. There are two catch basins in the cul-de-sac that discharge into the brook based on your highway department and there is an easement on this property for the drainage.

S. Foulkes asked if conservation accepted the plan if the current drainage goes into the brook and if it will change.

A. Gorodetsky said it depends on the highway department. Since the town built the catch basins and have an easement, they can change it. I don't think my client has the authority to do anything about it.

M. Bourque questioned whether they plan on replacing the cul-de-sac with a hammerhead and if existing drainage will be used. He also inquired about the fire hydrant the Fire Chief recommended putting near a private dwelling but it was not shown.

Ch. Abelson asked if two of the houses will have town water and if two will have wells.

M. Bourque said the abutters are concerned with the run off coming from the end of Sykes and knows this will need to be discussed at the definitive plan.

A. Gorodetsky said the plan includes a drainage system, swales and anticipates there will be some drainage structure on one side of the brook and maybe something on the other, maybe a detention basin or swale, but I don't think this will be an issue. There will be a 69 foot bridge that meets optimal standards for stream crossing and has about an 8 ft. clearance between the bottom of the bridge and the bottom of the brook and said he is following our standards and the ground water table. DEP has no comments on the bridge crossing.

Ch. Abelson asked how much was the hammerhead increased.

A. Gorodetsky said they added an extra 20 feet on each side.

Ch. Abelson recommended approving the plans pending approval from the Fire Chief and Board of Health. The DPW said they would approve the plans upon approval from the Fire Chief.

S. Foulkes asked if the hammerhead and driveway extension will remain private and if it were to remain private, would the HOA be responsible for clearing snow.

A. Gorodetsky it will be determined and they will look for guidance from the Board.

M. Bourque believes that whatever the layout of the street is, it would be deeded to the town.

A. Gorodetsky said the shared driveway would remain private but there would be a turnaround at the end of the driveway. Mr. Gorodetsky said the perc test will be scheduled in the next 2 weeks.

R. Bennett made a motion, M. Bourque seconded, and it was voted to approve the Preliminary Plan for Curt Street Extension pending BOH approval & the Fire Chief's approval of the hammerhead.

VOTE: (4-0) 2 Abstentions L. Dunn & S. Foulkes

Girard Estates

David Marcelino representing Girard Estates, LLC requested a waiver on behalf of the HOA from planting trees along the frontage of the 8 lot subdivision. He further stated they left as many trees as possible and the homeowners planted trees where they wanted them but do not want them planted near the road.

D. Sullivan said he would be inclined to plant them since it is part of the requirement.

M. Bourque said we can grant a waiver for special circumstances since the regulations don't say when the trees have to go in.

S. Foulkes mentioned maybe the regulation should be changed.

Ch. Abelson said since surety is still being held they can still make them plant the trees.

R. Bennett said he was on the Board when the subdivision was approved and explained that mature trees were left in the back of the property for the abutters.

D. Sullivan recommended a letter from the HOA signed by each homeowner requesting the planting of the trees to be eliminated.

M. Bourque made a motion to accept the waiver from Girard Estates for not planting trees pending a letter signed by each homeowner from the HOA. L. Dunn seconded, and it was unanimously approved.

Walmart Restaurant Pad

John Benoit, a commercial real estate broker asked if it would be feasible to fit an approximate 49 ft. pad in the parking lot of Walmart and still meet the parking requirement since the Board may reduce the parking requirement if it is a shared parking lot.

Ch. Abelson advised him to go before the ZBA to either get a variance or waiver.

M. Bourque made a motion, R. Bennett seconded, and it was unanimously voted to forward a letter to the Building Inspector and ZBA supporting the Walmart redevelopment of the parking lot for the prospective restaurant.

Zoning By-Law Updates

Ch. Abelson said they received one correction from the AG's office regarding the 2 year period for a variance which needs to be changed back to a 1 year period. The corrections have been made and the Zoning By-Laws are in effect back to November. A recommendation was made to have Town Counsel look at the Adult Entertainment Overlay District.

Appoint SRPEDD Representative – Planning Board

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

VOTED: to appoint Lee Dunn SRPEDD Representative

Reorganization of the Planning Board

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

VOTED: to make Neal Abelson Chairman of the Planning Board

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

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

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

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

A motion was made by S. Foulkes, seconded by L. Dunn and was unanimously approved.

VOTED: to make D. Sullivan Vice Clerk of the Planning Board

Approval of Minutes

A motion was made by R. Bennett and seconded by M. Bourque and it was voted unanimously to approve the 3/10/15 and 3/17/15 PB minutes with corrections as stated.

Correspondence

Ch. Abelson said Eric Brainsky is asking for permission to the cut across Route 152.

D. Sullivan made a motion that the PB endorse Brainsky Levinson request to cut the road to bring town water to 15 Walker Street and send the letter to the BOS and cc the TA, DPW, Water District, Fire Chief. M. Bourque seconded, and it was unanimously approved.

Discussion

M. Bourque made a motion to resume the executive session for the discussion of the hiring of the town planner, D. Sullivan seconded, and it was unanimously approved.

Adjournment

A motion was made by R. Bennett to adjourn the regular meeting, D. Sullivan seconded and unanimously approved to adjourn at 9:50 PM

Respectfully Submitted by,

Kristen L'Heureux