

SEEKONK PLANNING BOARD
Regular Meeting
May 12, 2015

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

7:00PM Ch. Abelson opened the meeting

Public Hearing: Zoning By-Law Amendment Water Resource Protection District

Ch. Abelson opened the public hearing and read the order of business.

A motion was made and unanimously voted to waive the reading of the legal notice.

Planning Board Members were introduced.

Attorney John Jacobi, 144 Bank Street in Attleboro, representing the Seekonk Water District was present to discuss a study done by the Water District. It was determined that the Zoning By-Law that was passed a number of years ago could be modernized to reflect the better science that exists regarding groundwater. They crafted the By-Law to better protect the wells, groundwater, and aquifer. The Water District and Planning Board previously worked on drafting this amendment. Attorney Jacobi asked that the Planning Board recommend the Zoning By-Law at town meeting.

Ch. Abelson asked if there were any proponents or opponents to speak. There were none.

Paul Carlson, 1539 Fall River Avenue, asked if there was any documentation available for the public to review with regard to the science and items behind the By-Law.

Ch. Abelson informed him they have had two public meetings and the information was made public.

P. Carlson requested an email with documentation.

D. Sullivan asked if Mr. Jacobi had an executive summary or explanation of the changes made as previously requested from the last meeting.

Attorney Jacobi said he has the executive summary prepared and will email it to Chris Testa in the morning for the Board's review. He then provided a verbal summary. Section 6.4 applies to water resource protection; the By-Law has been in effect for a number of years and was based on the best available data and science at the time of its adoption. Since then, science has progressed and we better now understand the relationship between the aquifer groundwater recharge area and the wells. The By-Law that is being proposed has completely been rewritten. The new proposal seeks to protect the water resources of the town. We have defined the Water Resource Protection District as consisting of 3 areas: 1) The well protection zone – the immediate 400 ft. around the well, 2) the groundwater protection zone – the groundwater capture zone of the

average days water withdrawal, 3) the aquifer protection zone – the area of an aquifer which contributes water to a public well under the most severe pumping and recharge conditions that can realistically be anticipated. Within each of these zones, we have delineated those things allowed as a matter of right, those things that are never allowed, and those things that would be allowed by a special permit. The types of protection vary based on the values to be protected in each zone. In one area we have 60,000 sq. ft. lots, performance and design standards for all activities such as construction activities, safe use of pesticides, fertilizer and manure, disposal of hazardous waste, adding fill, separation from ground water, storm water management, nitrogen loading, emergency response plan, and monitoring waste flows that exceed 2,000 gallons per day. Finally, the Water District will be included in the collaborative Special Permit decision making process. It is our belief that with this By-Law, the Seekonk Water District can protect the water resources of the Town of Seekonk. A map will define the areas as well.

D Sullivan suggested for the Town Meeting highlighting the changes and other pertinent information, such as the 60,000 sq. ft. change.

Attorney Jacobi said they will condense the material for the Town Meeting and provide slides indicating where the water comes. The biggest changes for the By-Law is the lot size, concern with nitrogen loading, and desire to put less stress on the groundwater in the aquifer. Having larger lot sizes means having fewer lots but we have not exceeded the largest lot size under the By-Laws.

Paul Carlson said his understanding is the aquifer protection lots would be put into the 60,000 sq. ft. lot requirement which is greater than the 4/40 rule and creates a larger lot than what is required by Mass DEP.

Attorney Jacobi confirmed that if lots already existed and are not yet built upon, they would be grandfathered; however, new developments would require the 60,000 sq. ft. This will create larger lot sizes with fewer lots. Attorney Jacobi said he could email an electronic report to Mr. Carlson.

P. Carlson said that the larger area will affect one third of the town and is above and beyond what DEP requires. Also, this By-Law is going beyond what the DEP requires for 40k sq. ft. lots, and nitrate concerns.

Attorney Jacobi stated DEP also has a 100 ft. buffer zone but that doesn't mean a town can't have a 25' buffer. It is the judgment of the town as to how much to protect.

D. Sullivan made a motion to close the public hearing, L. Dunn seconded and it was unanimously approved to close the public meeting.

D. Sullivan asked if this is a motion to approve or endorse.

Ch. Abelson said it would be a motion whether or not to recommend the amendment at town meeting.

D. Sullivan made a motion, L. Dunn seconded and it was unanimously voted to recommend the By-Law amendment at Town Meeting.

L. Dunn asked how the Water District would enforce this if it was passed at Town Meeting.

Attorney Jacobi said that because it is a Zoning By-Law the Building Inspector would be responsible for enforcing, probably at the time building permits are issued.

Site Plan: Chick Fil-A – 1098 Fall River Avenue

Attorney Jacobi presented letters from the traffic consultant and the engineering consultant. He believes all standards necessary for site plan approval have been satisfied. At the last meeting the parking requirements for all parking spaces to be on the same lot was waived. Chick Fil-A has filed for a front yard variance and sign variances with the ZBA for June 22nd meeting.

L. Dunn asked if the applicant coordinated with MEPA and Mass DOT with regard to a letter dated May 7th from VHB.

Attorney Jacobi said it depends if they needed MEPA approval and Mass DOT. Attorney Jacobi consulted with the engineer if that had been done and said they are in the process. He further said that would not affect approval to have an indirect access permit to go onto a state highway from an off state highway, or a direct access permit where you have a driveway directly onto it. It is getting access onto Rt. 6.

L. Dunn voices her concern with future drainage problems. A letter dated May 10th from Miller Engineering states 10.6.2 Drainage, the conflict with Sam's Club drainage is being addressed by both engineers and they have developed possible solutions and either one of the two solutions would be satisfactory. It appears the issues have been resolved.

There were no further comments.

R. Bennett made a motion they approve the Chick Fil-A site plan review located at 1098 Fall River Avenue pending the acceptance of the lease summary, D. Sullivan seconded and it was unanimously approved.

Site Plan: 0 Industrial Way

Paul Carlson of InSite Engineering Services represents the applicants of Burke, Inc. for property located south and east of the intersection of Fall River Avenue and Industrial Way. Burke, Inc. is an oil transportation company who will park their vehicles on site but no oil will be on site The site is a one acre lot squeezed between a trucking company and ATS Equipment. It is a vacant gravel lot with sandy soil found throughout the area. It drains from Industrial Way to the east and perc tests have been done. A single story 5,000 sq. ft. building is being proposed with a 1,250 sq. ft. office space. A parking lot in the back would provide two maintenance bays. It will have an access driveway and parking for employees. We have worked with the Town's consultant, Diprete Engineering, as well as the Town's review engineer, Mr. Miller. The

requirements mandated by Seekonk and DEP, specifically storm water, have been addressed. Because the site is LUHPPL (an area/site in which there could be potential hazards) mandates have been in place to capture any potential leakage from that particular site prior to the year storm event. It will not discharge at all because of the infiltration pond located on the eastside. This pond will handle a full 100 year storm event. We have a dumpster in the back and landscaping throughout the entire property. We have met all requirements except the landscape buffer. We are requesting a waiver from the 10' landscape buffer requirement along the north and south side from this board but other than that, we have met all other requirements of this Board.

S. Foulkes inquired about the type of transportation vehicles that will be at this site.

P Carlson explained there will be no oil disposed or stored on this site. They facilitate and dispense to various locations, commercial properties and various sites that have heavy equipment. Both large, 18-wheelers and small vehicles will park on site.

L. Dunn asked if they have an existing oil water trap.

P Carlson explained there is a 5,000 gallon oil water trap for the service bays and they will be installed new as well as a required trench drain to capture any rain water or spills in the service bay itself. If there are any spills, it will go into the trap itself and then into a holding tank that is pumped out on a regular basis.

L. Dunn asked if these oil water traps are as sophisticated as the one near Home Depot on Rt. 6.

P. Carlson said this oil water trap is a holding tank. There is no outlet.

S. Foulkes asked if an expansion is possible.

P. Carlson said this will be as big as they can get.

L. Dunn asked if the building will have office workers.

P. Carlson said there will be approximately 1,200 sq. ft. of office space.

L. Dunn asked if the sediment forebay is for runoff from the parking lot.

P. Carlson explained yes, all the runoff will go into a deep sump catch basin and another oil water separator and then to the sediment forebay. This system meets DEP requirements for treatment and infiltration.

L. Dunn asked if Mr. Burke has a maintenance schedule.

P. Carlson said there is an operational maintenance schedule as part of their documentation. They are required to clean and report any cleaning.

M. Bourque made a motion to waive the 10' landscaping buffer, seconded by D. Sullivan and it was unanimously approved.

D. Sullivan made a motion to approve the site plan for Burke Inc., M. Bourque seconded and it was unanimously approved.

Discussion

Ch. Abelson provided an update on hiring the Town Planner. He said Shawn will contact Captain Frank John tomorrow to see if he is done with the background check. The CORI check has been done.

The Board discussed the open secretarial position that is being handled by the Town Administrator's office.

The Board said they would like to review talent bank forms for the vacant position to take Mr. Viera's spot

M Bourque made a motion, seconded by D. Sullivan, and unanimously approved to adjourn at 7:53 p.m.

Respectfully Submitted by,

Kristen L'Heureux