

SEEKONK PLANNING BOARD
Regular Meeting
August 11, 2015

Present: Ch. Abelson, M. Bourque, R. Bennett, D. Sullivan, S. Foulkes, J. Roach
Absent: L. Dunn, with cause

7:00PM Ch. Abelson opened the meeting

Chairman Abelson welcomed new member James Roach

Site Plan: BayCoast Bank 110 Taunton Ave

Attorney Ted Grouke represented BayCoast bank and discussed the proposed development of the site at 110 Taunton Avenue to replace two dilapidated, unsightly buildings with a modern banking facility. Attorney Grouke introduced the engineer, Brian Dunn with MBL Land Development; Jim Wallace, Vice President of BayCoast bank; and Bob Shaker the project manager.

Brian Dunn explained that they had prepared an existing condition survey and presented a demolition plan and layout material plan which shows the proposed 3,840 sq. ft bank and insurance building with 3 drive ups, 1 for an ATM and 2 other lanes. They are providing 26 parking spaces and closing existing curb cuts on Fall River Avenue and Taunton Avenue. The new curb cuts for the drive-up and the exit onto 44 are placed the farthest away from the signal. The dumpster area will be enclosed with landscaping. Mr. Dunn provided a detailed drainage plan, French drains in front with catch basins so no water will be going out onto state highway and new catch basins and man holes going to underground Cultec system in the rear of the building. The overflow basins are at the back of the berm where the dumpster is to help with storm water management. Mr. Dunn prepared an erosion and sedimentation control plan which shows construction entrance off Fall River Avenue not onto Taunton Avenue for traffic. The engineer kept in mind the existing variance and the 25' buffer zone that is on this property and the trees will be untouched in the back. A Brand new septic system will going in where the existing cesspool is. Mr. Dunn explained that they provided details for the new septic system, subject to the BOH approval; they prepared a traffic management plan and curb cut plans that will be presented to Mass Highway and they provided a site lighting plan which shows they will not be shedding light onto abutters' property.

John Aubin advised that there were two very minor clarification issues to be addressed. Brian Dunn will need to respond to Horsley Witten regarding the weir in the back of the site plan and since the site is comprised of two existing lots of record and are now going to be used as one parcel, it would make sense to have the applicant submit a Form A. The 30% shade coverage requirements had been added to the plan correctly.

**Planning Board Minutes
August 11, 2015**

Ch. Abelson advised that if the Planning Board approves the site plan, it should be with the condition of receiving approval from Mass highway.

D. Sullivan voiced concern about the traffic coming out onto Route 44 near the intersection.

Bob Shaker, the project manager, said that he is hoping to have a contractor on board by September 1st and start demolition at the end of September; the goal is to finish construction in early spring.

M. Bourque asked if the Fire Department could use the building for training purposes before the buildings get demolished.

Mr. Shaker agreed to allow the Fire Department use the building for training purposes.

J. Roach asked if Mr. Shaker knew what the plans were for the other location of the bank.

Jim Wallace explained that the building is under lease and he doesn't know what the owner has for future plans for the building.

R. Bennett made a motion and D. Sullivan seconded, and it was unanimously voted to approve the revised site redevelopment plan for BayCoast Bank dated August 6, 2015, pending approval from Mass Hwy; the submission of a Form A to merge the lots; and submission by the Project Engineer to offer a response to the Aug 11, 2015 letter from Janet Bernardo from Horsley Witten.

D. Sullivan made a motion, M. Bourque seconded, and it was unanimously voted to take a 5-minute recess.

Discussion: Zoning Bylaw Amendments

J. Aubin presented to the board a copy of his memo summarizing 28 housekeeping amendments. His intention is to go through each amendment quickly and ask the Board to authorize forwarding the amendments to the BOS for advertisement for public hearing. There is a public hearing scheduled to allow the amendments to be included on the Fall Town Meeting.

- Proposed Amendment #1: Table of contents to add back in a reference to Continuing Care Residency Campus Overly District as Section 6.11. This section was left out of the last reorganization by omission and this is first step to add it back in.

- #2: Section 1.3 definition of Accessory Use: Remove the word "building" and substitute it with the word "use".

- #3: The definition of Farm is currently defined as parcel of land for cultivation of soil for purpose of producing crops and/or raising live stock with the exception of piggeries, turkey farms and guinea hen farms. The AG responded to previous amendments (Nov adoption)

**Planning Board Minutes
August 11, 2015**

expressing concern over the language. At this time, I do not feel comfortable addressing this before town meeting, but I think we should discuss further down the road. I will be coming forward with more substantive amendments to the bylaws and I would put this into that category.

D. Sullivan made a motion and M. Bourque seconded and it was unanimously voted to remove it from the fall town meeting.

#4: J. Aubin continued discussing amendment to section 1.4 - Relocate it from Section 7 and put in Section 1 which currently reads Section 1 Authority Purpose and Definition. The only substantive change, other than relocating it, would be change the citation to 1.4.2.1.2 which would be a reference to the FEMA flood maps.

Items #5, 6, & 7 are old and Section 2.2.2 Powers, 2.2.3 Procedures, paragraph 2 and Section 2.3.1 there is a reference to Section 2.3.1 and is incorrect and should be referencing 2.4.1. These 3 amendments would make this change.

Amendments #8 & 9 are 2 minor changes. Amendment 8, cross off city of town in Section 2.4.2 since this does not make any sense. Remove the word "the" in #9 as it is a grammatical error. It currently reads, "All but one "the" member of the Planning Board".

Amendment #10, Section 2.12 pertaining to notice to non-resident property owners and filing with Town Clerk. Jan Parker said it is fine the way it is, it is not a provision that is used. I propose we remove that.

D. Sullivan made a motion and M. Bourque seconded and it was unanimously voted to remove amendment 10 until a future date.

Amendment #11 is a response to the Attorney General's letter dated March 26th pertaining to Section 4.2 the Use Table and the Treatment of Kennels. John Aubin proposed to remove this and move it to the substantive discussions the Board will have in the future.

S. Foulkes asked if there a 3 or 4 dog maximum.

J. Aubin advised anything above 3 dogs is qualified as a kennel.

D. Sullivan made a motion and M. Bourque seconded and it was unanimously voted to remove section 4.2 until a future date.

Amendment #12 to Section 4.2 Use Table. This is just a change and correction to MGL Chapter 28a, Section 9 and the current correct site is Chapter 15d, Section 1a, definition of childcare facilities.

Amendment #13: Section 5, Dimensional Regulations: The town does not have a current minimal lot area for local business, highway business or Luther Corners Village district. John

**Planning Board Minutes
August 11, 2015**

Aubin proposed we remove this because of time frame and would like to discuss this in the future for those districts.

D. Sullivan made a motion and M. Bourque seconded and it was unanimously voted to remove Section 5, dimensional regulations, until a future date.

S. Foulkes asked what is the date of the current Zoning By-Laws?

J. Aubin said the bylaws that were adopted November 17, 2014.

#14: I would propose we remove a reference to include in the dimensional table 5.1.4 reference to the maximum lot coverage requirement that is going to be in the new Ground Water Overlay District. It will not be applicable to conservation subdivisions.

M. Bourque made a motion and R. Bennett seconded and it was unanimously voted to remove Section 5.1 until a future date.

#15: Update to the FEMA flood map citation in Section 6.2, Wetlands and Flood Protection District

#16: Proposed amendment to Section 6, the Adult Entertainment Overlay District. In Section 6.5.3, change “may” to “shall only be permitted”. I would be comfortable in moving this forward.

#17: Section Adult Entertainment Overlay District 6.5.3.12 to remove Zoning Board of Appeals for approval of Site Plan Review and change to the Planning Board approval of Site Plan Review.

#18: Section 6.6 Multifamily Overlay District, Section 6.6.6.2; I would remove this for the future.

D. Sullivan made a motion and M. Bourque seconded and it was unanimously voted to remove Section 6.6 until a future date.

#19: Add to accessory building within Multifamily Overlay District, Section 6.6.8.4

#20: Section 6.6.8.6, Roadways; new language to be: “or applicant’s successors” so no one can come forward to say the town is responsible for those roadways.

#21: Section 6.7 Telecommunications Overlay District, this adds a sentence to the end of the section of 6.7.8.1 this is to spell out when there is a change when site plan review is required.

#22: Section 6.10, Medical Marijuana Overlay District; clarifies Section 6.10.1.

**Planning Board Minutes
August 11, 2015**

#23: Continuing Care Residency Campus Overlay District, reincorporate it into the by-laws with the one change that section 6.11.3 be titled Overlay District. Previously the boundaries were set forth in a separate section with meets and bounds and it was the only one done in that manner and this basically is consistent with the other overlay districts and makes a reference to the zoning map which is on file with the Clerk's office.

#26: Section 1.4 which is to remove current Section 7 General Provisions which we relocated to Section 1. Essentially re-label Section 7 as reserved for future use.

The last 2 amendments relate to Exhibit 2. This was on the memo I prepared back in June 2015 in conjunction with the communication director pertaining to telecommunications facilities and reservation of space on towers for public use. The first amendment is on Section 6 Overlay and Special Districts, Subsection 6.7, Telecommunications Facility Overlay District, Section 6.7.6.5 and to add a second paragraph to that provision which reads, "in addition to the above, at the time of the application for any communication tower a minimum of 10 feet of antenna location space shall be made available on the tower for town police, fire, rescue, or public works." Communications needs to be related to public safety, health and welfare at no cost to the town. The communication tower's owner and wireless carrier shall assist the town when deemed necessary in the enhancement of existing public safety communications system by providing for the acquisition installation of related equipment. Any such public safety use shall remain available to the town for the life of the facility regardless of any change of ownership of the telecommunication facility.

D. Sullivan mentioned that at last zoning board meeting, Chris Campbell was there to go over the use of construction of a tower and how does this reflect on that or how did the old language reflect on that?

J. Aubin stated that under the current language there isn't any reservation for the town. This would make it automatic that they would have to do it. Not necessarily give them the space, but at least make it available to them.

J. Aubin: The final proposed amendment is again to Section 6, Overlay and Special District, Section 6.7 Telecommunication Facility Overlay District and Subsection 6.7.6.6. Add a sentence to that provision regarding prohibition against microwave communication transmission facilities. However, this prohibition shall not apply to any facilities for microwave transmission erected by or on behalf of the Town of Seekonk. This will essentially exempt the Town against that prohibition and leave the window open should public safety, communications technology move towards microwave transmission. We wouldn't be prohibited from using our cell towers.

D. Sullivan made a motion and M. Bourque seconded and it was unanimously voted to forward the discussed zoning bylaw amendments to the Board of Selectmen so it can be placed on the November town meeting.

**Planning Board Minutes
August 11, 2015**

J. Aubin advised that he went through the Subdivision Regulations and has only 2 or 3 housekeeping things to talk to the board about.

D. Sullivan: Are those going to go on the agenda anytime soon?

J. Aubin asked if we can put it on for discussion next month.

D. Sullivan said that he has a couple things in mind. One of them is the discussion we have had with Winterfell. Dave Vieira was hot and heavy on the liability around the connection for residential sprinklers and allowing for tanks and/or \$5,000 fee in lieu of. Does that expose the town, the planning board, or whoever to potential liability in case something happens, if there is a fire, someone seriously injured or killed in the incidence and we awarded an exemption to residential sprinklers in our Rules and Regulations. Does the town have any exposure on that?

Ch. Abelson advised that's not state law yet.

D. Sullivan reminded the board that you can get sued for anything, I understand that. But does having that sort of language in our rules and regulation expose the town to something?

M Bourque disagreed because when this went to town counsel for review, they would have picked up on that.

D. Sullivan said that the Board doesn't have a policy or a plan of criteria. First, how do we make that decision, what do we base it on, and then how is the program administered?

M. Bourque said that the wording is "in conjunction with the fire chief." Fire chief being the expert in the field, if you will, and the planning board being the lay people.

D. Sullivan said he would like to see something in that section as a guideline. If you remember when we had Winterfell here and they came back because they wanted that and there were some issues created from that discussion. We make the vote and we should have something in our regulations saying what criteria we used to make that vote and then what is the procedure if the \$5,000 in lieu of, how was it spent, who controls the money, who makes that decision? None of that is there.

Ch. Abelson said that the developers didn't want to pay the fee up front. They thought it could be done when the lots could be released.

S. Foulkes added then you're chasing them.

M. Bourque said we are experiencing exactly that.

Ch. Abelson said if you held off them giving you the \$5,000 until the covenant was released, we would still have control of it. So you could charge them the \$5,000 a little ways down the road.

**Planning Board Minutes
August 11, 2015**

M. Bourque said that Winterfell, in my opinion, was done right. The first one fell through the cracks.

S. Foulkes reminded the Board that we already had that happen with another development, where they got occupancy for the house and they didn't do something that we had asked them to do.

J. Aubin stated, I have it written, after the tanker truck provision, in lieu of providing said individual sprinkler system under 8.3.2 Subsurface Storage under 8.3.4, An applicant may satisfy fire protection by providing a fee of \$5,000 per residential unit for the purchase equipment of a fire department tanker truck or other related fire special equipment and that's where it ends now. That's where I have "set fee to be paid..." To me it should be paid up front or the very least before they get a building permit.

M. Bourque recommended to do it before it was even registered. What difference does it make for a developer for a couple of weeks, in my opinion? It should be before they register the property because if they register, it's done. Once it's recorded the chase is on.

D. Sullivan mentioned that the Board has talked about these 10,000 gallon tanks in the ground. Right now, who is responsible to maintain it all, to test, and to make sure they work when you need them.

M. Bourque advised that Seekonk checks them, but we don't pressure test them and they're a vessel and should be. There is no funding set aside to do that.

D. Sullivan stated that other towns have that in their subdivision rules of how they are maintained or who is responsible. That is part of the reason that for Seekonk it's not a good fit. You need to get onto someone's private property, they plant bushes around it, you have to find it and you have an easement.

J. Aubin agreed that it's a provision that needs some updating. I'll defer the talk of fire boxes to you Mike. I don't have the expertise to say yes or no, but I don't think they're used too much anymore. Are they?

M. Bourque said that he still believes there's a need for them. There are some developers that don't like them. It's cost factor.

D. Sullivan reminded that board about the storm the other night when there were power outages. Phone lines went down, and if cell sites go down, the only thing those people can do, if they have a box there, is to pull the hook if there is a fire.

M. Bourque said they are solar powered. The inconsistency is that it doesn't say when you have to put it in.

**Planning Board Minutes
August 11, 2015**

J. Aubin mentioned looking through the Rules and Regulations, he didn't see major stuff so we'll put it down for discussion next month and maybe if the board members can put together a shopping list of items, I'll go through it again and put together a memo.

M. Bourque voiced concern about following through when the Board requires a developer to change the layout of the street. There is a cul-de-sac on the new street off Newman Avenue, with a retaining pond in the middle of it and you are supposed to add footage to the radius. Well, they're already occupying the houses and the radius has not been increased. We put it in there for public safety but they are living there and it isn't done yet. I did an inspection to that and 2 cars can't pass. I talked to Mr. Najas because the retention basin is so deep now. He's bringing the grade up a little bit for safety purposes and he's going to put a fence around it. Even that, I think we should put time frames on improvements before they start occupying the house.

The Board discussed the issue of requiring street trees in subdivisions when the homeowners don't want them. It was determined that the Board would research this and discuss it further when amending the Subdivision Rules and Regulations.

Correspondence:

Jacob Hill Estates

J. Aubin discussed the Safe Passage memorandum that was issued for Jacob Hill Estates. It was really something that was not necessarily required but was asked of by the developer on Jacob Hill Estates on Palmer River Road due to some of the erosion and settling from the weather last year. The developer did go out and do temporary repairs, and also added 2 feet of pavement to the inside of the cul-de-sac to provide extra radius for emergency vehicles turning. John Aubin, Dave Cabral and Tim Letton (GPI Engineering) were interested in somewhat of a permanent solution to this in conversation with the developer. We essentially put him in a time frame. This document reiterates what's in the Subdivision Rules and Regulations, however, it does put him on some time frame to get us a plan in for the permanent plan of the road and also gives us some option to move forward. I went out in June and they just got the temporary repair in. So he's got essentially 45 days, about the middle of September, to submit a plan by a registered engineer to address those concerns we have. We have 10 days to review that and then he has 45 days to implement the repairs, which would put us right around the beginning to the middle of November. So we still should be okay with getting some construction in the ground. The other item in there was that the road is to remain free of parked construction vehicles and dumpsters, which is the typical condition that I put on any of these safe passage letters.

D. Sullivan asked if the Board need to vote to ratify that letter.

J. Aubin stated that he didn't think the Board needs any approval due to the fact that there is provision for him to come back to the board.

S. Foulkes asked if the Board could penalize the developer.

**Planning Board Minutes
August 11, 2015**

J. Aubin replied no, we can pull the bond and do the work ourselves.

Ch. Abelson advised the Board that he went out to the site and they had no protection in one of the drainage structures right in front of where they were building the house. We addressed that and I still don't think there's anything in there.

S. Foulkes commented that we can have a more stringent progress report.

J. Aubin replied that in his opinion, the inspection system that we have with GPI has been pretty responsive and very helpful in resolving issues like this. But if there are issues that have come up in the past, he would like to hear this and address them as we move forward.

M. Bourque asked if the Board could talk about traffic enhancement and the Opticon System for buildings coming in. The town doesn't have any standards for what size building could be built that we could ask for improvements. We can't force improvements on developers but there are a couple of good size businesses that are looking to come to town and could we ask them to help with traffic control because their business are going to generate traffic? Opticon Systems provide a way of easing traffic for emergency vehicles. Police cars now have them in it but not all our traffic lights on Route 6 or Newman Avenue have them. I don't know what size development would trigger asking them. I've dealt with them on three other intersections. They're about \$40,000 per 4-way intersection that was 5 years ago. We asked BJs to install them and they did.

J. Aubin suggested that the Board create another fund and develop a formula.

M. Bourque brought up an example that if someone wanted to go into Bob's Store light there does not have an Opticon system. The one at Pep Boys, Route 6 and 114A does. So, if someone wants to go into that plaza, could they be asked to help out?

J. Aubin commented that the argument is the amount of traffic that the building will be generating that will impact the intersection which is usually 100 vehicles a day which is based off a national organization for trip generational tables.

R. Bennett commented that this is a public safety issue and public safety issues should be financed by tax payers and the commercial rate is double that of residential rate. You would think those funds come from tax payers. So you could ask for a contribution.

M. Bourque advised that Route 6 is a state road. On a town road, the town has a say in it. There used to be grants for studies of public safety, but those grants don't exist anymore, so now it has to come from the tax payers. If you are going to come here and create a situation, here is a way to alleviate that situation.

D. Sullivan said he was happy to see the monthly report being included in the packets again and suggested that more information be included on the Planning Board website. Mr. Sullivan added

**Planning Board Minutes
August 11, 2015**

that there haven't been any minutes added to the town website since November 2014, since John Hansen left us. There have been no agendas, no minutes; we haven't been keeping up with that like the other boards have. I think that's something we need to pay attention to.

J. Aubin added that we have a new board secretary starting on Monday. Chris just got caught up with ZBA minutes and I know that our minutes are next on her list of things to tackle. I have a similar concern and we are moving towards remedying that.

D. Sullivan was concerned that if we are at 6 months late with minutes, we would be in violation. Mr. Sullivan continued that he would like the Town Planner to work with the EDC and getting a Town Planner's report compiled regarding the EDC. He suggested a memo with things they've been working on and ideas to bring to future agendas since there isn't a formal way to handle that. People ask what is going on in the community and that's why I ask for more dialogue. Sometimes they seem to know what is going on before we do. We could discuss what is going on in town and stop the rumors.

J. Aubin commented that we don't have applications for many of the rumors that are going around.

D. Sullivan suggested that we have liaisons to other organizations and other boards, Community Preservation, SRPEDD, but we've never had any reports back from what goes on, on what they are doing, what potentially affect the town, what can help the town, what's on their agenda, what their thoughts are, future plans. They don't always meet, but when they do, let's have it on the agenda and have a 2 minute report. SRPEDD is more involved. We need feedback.

Adjournment

A motion was made seconded and voted unanimously to adjourn.

The meeting adjourned at 8:34 PM

Respectfully Submitted by,

Kristen L'Heureux