

SEEKONK PLANNING BOARD
Public Hearing - Regular Meeting
October 13, 2015

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

7:00PM Ch. Abelson opened the meeting at 7:00 p.m.

Public Hearing: Stone Ridge Definitive Subdivision

Ch. Abelson opened the public hearing at 7:00 p.m. 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 for Applicant, Eric Brainsky, 1547 Fall River Avenue, Seekonk, and Rob Davis from InSite Engineering were present to summarize the 11 lot subdivision located off Walker Street. The subdivision will have 2 hammerheads opposed to a cul-de-sac. The hammerheads were designed, as agreed, with the department heads during the preliminary plan phase. The designs are consistent with the NFPA standards. The subdivision is being designed around an existent house which is located on lot 3. They have been working with DiPrete Engineering regarding issues with regulations in the Zoning By-Laws requiring lots to be designed so that a 100' X 100' square may be located at the setback line. The 3 lots with issues (lot 7, 6, and 5) have been adjusted and show the square. There are a couple of waivers requested for the fillet curves, 7.2.1.8, and datum requirement, 5.2.1.2.5. Public water has been approved subject to two conditions (1-final approval by the Planning Board; and 2-additional maintenance bond or surety on the roadway cut for the remaining period of the 5 year moratorium). Mr. Davis will discuss the technical aspects of the development.

J. Aubin informed Atty. Brainsky that Dave Cabral with DPW mentioned that the gas company has requested to work off the same trench that they will be using for water to allow for gas on the street.

Atty. Brainsky said the gas company has located a line and Columbia Gas should be able to connect, however, they will need to go before the selectman.

Rob Davis from InSite Engineering, located at 1539 Fall River Avenue in Seekonk, was filling in for the project manager, Paul Carlson. The access to the 8.5 acre parcel is located on Walker Street, approximately 250' East of Newman Avenue. The terrain of the existing site is predominately wooded, moderately sloped in the outer boundaries. The existing dwelling was constructed in mid-1980 and is located near the high point in the middle of the site. The project proposes 10 new single family homes on 2 roadways, Stone Ridge Drive and Brady Lane. They

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will create an approximately 900 ft. roadway and will provide a minimum of 120' frontage for each building lot and allow a minimum of 22,500 sq. ft. of land area, although the lots are predominately larger ranging from 24,000-34,000 sq. ft. There are no protectable wetland resources on the property and no notice of intent will be required for the project. The soil logs and percolation tests have been performed and maintained successful perks and sandy soils, and have deep water tables ideal for residential development. He further explained the storm water drainage system.

J. Aubin referred everyone to view Sheet #4 and noted the changes made. There was a small bio-retention basin added to the front of Lot 1 to handle additional drainage for the project, the name of road was changed Pheasant Ridge to Stone Ridge Drive, and 100 ft. squares have been documented on lots 4 & 7, and there were also minor grading changes to the roadway.

Atty. Brainsky also advised frontage was added to Lot 9 that was taken from Lot 10.

D. Sullivan voiced his concern with the intersection of Walker Street and Newman Avenue.

Ch. Abelson read statement that Mr. Aubin received from Dave Cabral at DPW describing the visibility looking westward towards the intersection of Newman Avenue as being 240 ft. AASHTO requires 200 ft. of stopping site distance for 30 MPH and 250 for 35 MPH. There is over 425 feet of site distance available to the East along Walker Street. He suggested asking the engineer if a traffic study was done to determine what the prevailing speeds are in the vicinity of the proposed roadway. This will provide an indication if there is adequate distance available for the given conditions. If not, appropriate signage can be considered if this becomes a concern. He did note vehicles appear to be going between 30-35 MPH turning right onto Walker Street from Newman Avenue and much slower turning left onto Newman Avenue.

Atty. Brainsky advised that he has not received the accident report history yet from the PD.

D. Sullivan asked if they had proposed calculation for site distance from Stone Ridge Drive towards Newman Avenue. He also mentioned that traffic should be observed at that location between the hours of 3:00-4:30 p.m. and note the speed at which the drivers are actually driving.

Mr. Davis said 30 MPH was noted as the speed limit.

D. Sullivan said his concern is that regardless of what the speed limit is, some people drive too fast and he wanted it noted that he is concerned with the way the intersection is constructed and doesn't want an accident to happen.

S. Foulkes asked what would happen if more accidents occur and if signage would be recommended at that time.

J. Aubin said signage could be utilized.

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D. Sullivan suggested the Board ask as a condition of the definitive plan, a traffic study should be done.

J. Aubin's concern is the condition of the traffic study being completed in time.

D. Sullivan said that it should have been done at the preliminary stage.

S. Foulkes inquired as to how long the study would take.

D. Sullivan said he would like the study to include an estimate of how many cars travel the road, as well as the speed limit.

Atty. Brainsky said a traffic engineer does not do a speed count. They study the number of cars and measure the site distance based upon the posted speed limit. You will see traffic studies that say cars appear to be going faster but the traffic engineer bases his acceptable level of service on posted speed limits and won't say the cars are really going 45, so they don't operate at acceptable levels of service for site distances because that's an enforcement issue with the police department.

D. Sullivan asked if the traffic engineer will give us an idea of x number of cars driving above the 30 mph. He said if it is not going to be an issue then the study will prove that. His concern is that someone will come off Newman Avenue onto Walker Street going 65 mph and hit someone pulling out of Stone Ridge Drive.

Atty. Brainsky said what he thinks the traffic study will show is how many cars are coming in and out of the intersection at peak and off-peak times and if the site distance, right and left, is acceptable.

Mr. Davis said Mr. Carlson has been to the site to evaluate traffic at different times. He also went to the PD to look at the accident reports for 2013 and 2014. In 2013 there were 46 accidents on Newman and 0 on Walker, and in 2014 there were 56 accidents on Newman Avenue and 0 on Walker. None of those accidents on Newman Avenue occurred at the intersection of Newman Avenue and Walker Street.

D. Sullivan suggested the intersection should be looked at in the future to be reconfigured.

S. Foulkes asked about the plantings for the subdivision.

Mr. Davis said trees will be planted on the side of the streets.

Atty. Brainsky said they will flag trees that will be saved.

S. Foulkes asked if they will go on each lot to decide which trees will be saved.

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J. Aubin recommend that once the lots are laid out they go out with the conservation agent, the applicant, and the project engineer to hopefully choose which trees can be preserved. As a possible resolution with the traffic issue, Mr. Aubin suggested having the applicant sit down with FD, PD, and DPW to discuss possible signage. It is doubtful we can get Newman Avenue and Walker Street redesigned, but regardless with what happens with the subdivision, signage is worth exploring.

Ch. Abelson asked for public comments.

Ross McKenrick lives at 32 Walker Street which is located across the street from the proposed subdivision. He said this subdivision will add an additional 11 cars to an already dangerous intersection. The intersection is not designed to be a safe intersection since it allows you to come off Newman Avenue at 40 MPH. People usually do not slow down until they hit the curve. There are already two driveways that back out into the intersection and there is a fork in the road from the Library side. He explained how when he tries to turn left from Newman Avenue onto Walker Street, he is concerned with the people passing on his right, and after making the turn, he needs to look right to see people coming from Newman Avenue, and left to see people coming from Walker Street. He thinks the intersection should be redesigned prior to subdivision going in. He would recommend not approving the development until the intersection is redesigned. He also mentioned safety issues with regard to children walking to the nearby elementary school and middle school. He explained when they first moved here, the houses were mainly on wooded lots and this subdivision will be a fundamental transformation of Walker Street. He also asked if another subdivision is needed and requested the board not approve this subdivision.

Dave Bowden lives at 170 Walker Street which is located halfway between the intersection of Newman Avenue and Prospect Street. He said most traffic on Walker Street does not come from the residents but from the Wheeler School fields. He said when people come from Newman Avenue to Walker Street they travel as fast as they do on Newman Avenue. Although it may not be directly related to the subdivision, he thinks the intersection should be reconfigured and be taken into consideration for safety reasons. He said the road is not wide enough, it does not have sidewalks, and it is within walking distance to Aitken School.

D. Sullivan asked if the board can request a social economic study to be done under Rules and Regulations, Social Environment, 5.6.2-6.1 during the definitive plan.

J. Aubin said that should be generally be asked before the definitive plan submission, however, the Board still can do so, but needs to adhere to the deadline of November 24, 2015.

D. Sullivan asked if the Board were to deny the definitive plan, if the applicant can take their suggestions and resubmit at a later time.

J. Aubin answered they could do that or make an appeal.

D. Sullivan reiterated the abutters concerns.

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Ch. Abelson explained that a subdivision cannot be denied just because someone doesn't want it. He understands the abutters concerns, however, that doesn't necessarily make it applicable.

Elizabeth Morse lives at 5 Walker Street which is the first right hand turn. She explained when making a left-hand turn onto Walker Street she needs to slow down to avoid getting hit. She asked if Paul Carlson only viewed 2 years of accidents because she witnessed an accident maybe 4-5 years ago. She understands not wanting it is not a good reason, however, she said they like their neighborhood and prefers it to stay the way it is. She does object to how it's laid out because there are no sidewalks available, especially with the school being so close, the speed in which the cars travel, and there is a lot of traffic coming from the Wheeler School fields. She also thinks putting 11 houses on 8.5 acres is a little too close.

Sonig Schiller lives at 220 Walker Street feels adding more traffic to the area is not needed. She fears having her children ride their bikes on the street because people travel 40-50 MPH. She has noticed more trash and dead animals on the side of the road. She also inquired how many more communities will be built in the town and asked where we are going to fit more kids in our schools.

Arlene Cockayne lives at 176 Woodward Avenue said the people also drive faster than 30 MPH on her street. Mrs. Cockayne is concerned with the water table and doesn't see how the perc test came back dry and thinks that it depends on time of year it was tested. She is also concerned with where a new septic system would be built if the current ones on the property break down since the lots do not seem large enough to accommodate a new one. She also asked about the vernal pond on conservation land and if the wildlife would be safe.

J. Aubin said the septic systems have to be approved by BOH and an alternate site has to be demonstrated as part of that process. The conservation agent walked the property with Mr. Carlson and the project engineer to confirm the location of the vernal pool. The applicant will put in a split rail fence to protect the property.

A. Cockayne reiterated her concern for the high water table and inquired who was going to protect them and the wildlife. She is also opposed to the smaller lot sizes.

J. Aubin said the proposal is consistent with the ½ acre zoning laws in that area.

Ch. Abelson said the definitive plan has not been approved; however, it does meet the zoning requirements. He asked R. Davis to address the issue of some of the lot sizes.

R. Davis said there was an alternative minimum which allows the frontage to be reduced up to 25% of the required frontage. The required frontage in this zone is 120 feet. The alternative minimum allows that frontage to be reduced with the condition if the lot size gets bigger by an amount equal to a minimum of 250 sq. ft. redemption. So if you are 1 foot short we need 250 sq. ft. extra than what zoning mandates for that lot. That is the 6/10 waiver.

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Chris McKenrick lives at 32 Walker Street said her understanding was that when Walker Street and Newman Avenue were recently repaved, they were not supposed to be touch for 5 years. She asked how water and/or gas will be brought over to the subdivision.

Atty. Brainsky explained how the water line on Newman Ave would go under the grass shoulder (approx. 5 ft. patch on Newman Avenue) and then the water line would go down the shoulder under the grass, which will be replanted or hydrosseeded. As far as the gas, Columbia Gas will need to locate where the gas line is. Gas is not a requirement of the subdivision.

C. McKenrick asked if residents of Walker Street will have access to water and gas.

Atty. Brainsky said yes for water, possible for gas since it is still unknown.

C. McKenrick asked why a previous neighbor was not allowed to build another house on his 7.5 acres since they did not have 120' frontage.

Ch. Abelson explained more frontage is created when putting in a subdivision.

C. McKenrick asked who would maintain the new road. She also mentioned that Walker Street is a scary road to walk and ride bikes.

J. Aubin explained that once a road is accepted, the town is responsible for the road.

Manuel Sousa lives at 29 Walker Street moved to neighborhood from East Providence about 10 years ago to specifically have more space. He also thinks this is excessive but thinks it can be done to make everyone happy and does not think the development needs this many houses.

Kathryn Thomas lives at 160 Woodward Avenue is also very concerned with the water problems and the wildlife in the area.

Bill Cockayne has lived at 176 Woodward Ave for 61 years and at that time there were 6,000 people in town and today there is over 14,000. The town was surrounded by trees and animals. The Cockayne's backyard is 150' from Mr. Johnson's property. He moved here for privacy in 1954 and at that time there were just starting to build on Washington Street, there were no houses on Coolidge Street, Papino was a pasture for cows, and Harris Court had more houses and now we are going to add more with this new neighborhood. He also mentioned his concern for the growth in the schools.

R. Bennett commented the largest concerns right now appears to be the traffic, intersection, and having no sidewalks.

Atty. Brainsky said the main concern appears to be the alignment of Newman Avenue and Walker Street, as well as the speed on Walker Street. He offered suggestions of improving signage, change of speed limit, and enforcement. He respectfully argued that the subdivision is entitled to approval because it has met all the regulations. He proposed closing the public

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hearing and issue an approval with the condition on consent that his client will perform a traffic study for the town prior to cutting and patching Newman Avenue. We will coordinate with the FD and PD to see what can be done to better improve the intersection and what can be done on Walker Street to make it safer. If that requires lowering the speed limit and/or signage then we would need the PD and the BOS to be on board with that, but he thinks his client will be amenable to that. This is a study at our cost and we would provide it to the town to hopefully remedy some of the concerns. We realize the concerns are valid.

R. McKenrick said he does not approve with a contingency plan of a study and suggested either postponing or rejecting proposal. This should only be approved when there is an acceptable plan for traffic and the intersection and not an offer to do a study.

M. Bourque said he does not know how the road can be rectified since Newman Avenue is a state road. We can't tell Mass Highway how to redesign the intersection. They have to be involved. He does not know how this project can be held up because this development is outside of this intersection. He asked what if the study came back without any problems. He thinks that some people may have the misconception that something may be done with the intersection even if the report comes back good and the development goes in. He does not want to give anyone the idea that something will be done when there's a possibility that it won't.

R. McKenrick asked what the hurry was and asked to get it right.

D. Sullivan said it's a procedural problem because we have to act before the deadline of November 24th. They can either appeal it in court or re-file with the ideas and suggestions we have.

M. Bourque said if they go to court and the judge favors for them, you may get nothing.

D. Sullivan said once we close the public hearing we can discuss our options amongst ourselves. It meets the legal standards for the subdivision. By the guideline our hands are tied and we have to approve it or we face litigation if we don't. He asked if safety issues would be grounds to deny the subdivision. Residents have clearly stated there are safety concerns and how this subdivision will affect the issue further.

J. Aubin said we cannot predict that.

Ch. Abelson said our DPW gave us acceptable lines of sites.

Atty. Brainsky said he is not diminishing any concerns, however, you have no expert testimony, and your DPW said you have appropriate lines of site. Lay testimony can't be considered in making a decision when there is expert testimony and review from public works and people like that. I think that even if a traffic study came back and said it would be good to realign Newman Avenue, I agree with Mr. Bourque and I don't think the Planning Board can force the realignment of a different intersection, plus it's in Mass Highway. I am suggesting you really have no evidence, there have been no accidents at the intersection, and you have the Public

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Works Department saying they have seen the site. We are offering to do a traffic study for you at our cost.

S. Foulkes asked if the traffic study would be for speed, car count, or both.

J. Aubin said the study should include potential improvements to the Newman Avenue and Walker Street intersection.

Atty. Brainsky said he would recommend coordinating with FD, DPW, PD, and PB.

J. Aubin said specific recommendations to that intersection and potential increase enforcement on Walker Street would have some benefit to the residents who have expressed an existing issue on Walker Street, not only because of the subdivision, but for the traffic from the Wheeler School fields.

D. Sullivan said either in our rules or in state law regarding roadways, the flow of traffic and type of road that come into the subdivision, there is something that falls within our jurisdiction that we can make conditions of improvement or change to meet the requirements.

Ch. Abelson said he did not think we can make a subdivision do work on a public road to improve it but it could have some possible impact for the cost of the improvements.

D. Sullivan suggested looking into the scope of the law for residential subdivision where the traffic flow or conditions warrant an improvement to the road leading in and out of a subdivision. For example, a commercial development on Route 6 may pay for roadway improvement such as traffic signals, Opticom, sidewalks, etc. because that is within the scope of the law. I do not know if this is in our own Rules and Regs or State Law. The traffic flow on Walker Street is a condition of whether or not this subdivision will be a safe environment to put in or detrimental with what is already there.

Ch. Abelson said you have to prove the increase of amount of cars impact the traffic flow on that road.

R. Bennett said we know traffic speed is not taken into consideration when people come off Newman Ave onto a residential road. He said perhaps signage may be effective or speed bumps would help slow down the traffic.

D. Bowden lives at 170 Walker Street thinks the line of sight is not the main issue, but it's the rate of speed. Speed is governed by the State of Mass, not Seekonk. The traffic study should be a count through the entire day, for every day of the week, including the weekend. A comprehensive study needs to be done not just for line of site but the count as well. Don't do it on the premise that signage and change of speed limit will change because that is not what is going to happen. Speed has always been an issue on the street and radar has never been set up on Walker Street.

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S. Schiller suggested as the town moves forward developing that maybe something can be done to change the By-Laws on the continuation of building new developments. She is frustrated and sad watching new developments go up in this town.

E. Morse from 5 Walker Street said she is very concerned with the possibility of the home values decreasing for the residents on Walker and Street and Woodward Avenue by adding the new subdivision. She suggested having a town meeting to change the by-laws that lot sizes should require 1-2 acres.

M. Sousa from 29 Walker asked if someone could show him the plans so he could see how the new house will sit on the property next to his property. He also asked if the sq. ft. of the homes is known and what the starting price will be on the houses. He voiced his concerns regarding the traffic because it is difficult backing out onto the road because of people driving too fast.

Atty. Brainsky showed Mr. Sousa the house configurations on the map and explained the minimum square footage is 2500 sq. ft. and the homes will be listed around \$500,000.

Ch. Abelson suggested closing the public hearing since there were no more comments.

C. McKenrick asked if blasting of the ledge is required.

R. Davis said there is one area of ledge and a licensed blaster will do a pre-blasting study of the neighborhood and make a record of existing facilities that need protection. It is mandated by the state and town. He advised the FD will be there at the time of blasting.

R. McKenrick asked what recourse the property owners would have if there were any lasting effects from the blasting, such as wells or septic systems.

Atty. Brainsky explained a permit is required, the FD is contacted, and there is liability insurance coverage in the event damage occurs to neighboring property owners.

E. Morse said her leaching field is located where the blasting will occur and asked how long she has for recourse and/or time if there is damage to her septic system. She asked if there would be costs involved if she has to take them to court.

Atty. Brainsky said he was unable to provide them with legal advice.

D. Sullivan explained that state law governs how the process is handled under the Subdivision Control Law. He further explained if someone meets the standard by legal precedents then it is allowed. Courts and state law dictate how the PB has to operate. The PB is very restricted by the courts. We understand what everyone has said, and may not agree with everything you said and you may not agree with what we have said, however, we need to figure out how we can do this. We are unable to advise you how you proceed if your property sustains damage. If you have a problem with your septic system then you need to meet with the BOH. The PB tries to

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make things work for the community and the developer, and sometimes our hands are tied on how we do that.

Several residences asked to review the plans. J. Aubin requested a 5-minute recess through Chairman Abelson. **A 5-minute recess was unanimously approved so R. Davis could show the public the site plans.**

Upon returning from the recess, Ch. Abelson asked if there were any further discussion.

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

The public hearing was closed at 9:02 pm.

J. Aubin said the staff review of the submission by the applicant to the office of Planning and Zoning resulted in a request for a few items: 1) Documentation of additional percolation tests requested by the Health Agent. This results from the fact that the subdivision was originally approved for 12 lots in the preliminary stage and was changed to 11 lots. With the reconfiguration of some of the lot lines, a couple of the lots needed some additional perc tests. The Health Agent does not have concerns for the lots passing the percolation tests; 2) The submission of a tree preservation and planting plan. The intent is, once the road and lots have been laid out, individual trees or groups of trees can be identified and discussed to be preserved as part of the development; 3) Final resolution of outstanding comments on the design of the water management system between the PB consultant engineer (DiPrete Engineering) and the Project Engineer. Regarding the comments, there are a few corrections to be made to the final drainage calculations but nothing substantive with regard to the storm water design.

M. Bourque said he does not see how the Board can deny the application since the traffic engineer had no outstanding issues. However, we are not certifying that all the land is buildable. The houses will need to meet all setbacks. Conservation has to walk the land to make sure there are no issues. At this time, I do not see how the board can deny this application.

S. Foulkes asked if the developer would be able to tie the sidewalk from the subdivision to the sidewalk on Newman Avenue to help with safety, as well as help the children walking to school.

M. Bourque said they just have to make sure there is enough land on the side of the road to be able to do that and agreed this would help keep people off the street.

J. Aubin suggested an intersection study to be completed as opposed to just a traffic study.

Atty. Brainsky said a traffic safety analysis is a term Mr. Davis has used and is for site distance, car speed and car count. He provided a quick summary of the importance of site distance.

D. Sullivan asked how they can request a change to the intersection and make it a true T-intersection.

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J. Aubin said first a safety analysis should be done to generate some suggestions of what could be done. We would then need to discuss this with the BOS and Mass DOT would have to be involved. However, we can't predict a timeframe when that will be done.

M. Bourque said to keep in mind if something is to be done with that intersection then you create a liability on the town to come up with the funding to do the work.

C. Abelson said the board's approval of the subdivision is separate from the intersection.

D. Sullivan asked if a proper motion would be to approve the definitive plan with the conditions that were read previously and addition of the traffic safety analysis, and...

S. Foulkes said she would like to add the sidewalks as a condition.

J. Aubin mentioned their previous conversation regarding the condition of the coordination of the gas company as far as the installation of the waterline and a condition of the sidewalk.

L. Dunn asked about the waivers that were mentioned earlier.

J. Aubin said the waivers are 1) 5.2.1.2.5 is related to the vertical elevation datum/NAVD88 standard; and 2) 7.2.1.8 which pertains to the fillet curve requirement.

Atty. Brainsky said his client would pay for the additional sidewalk assuming this will be the last safety precaution. The additional sidewalks will run from the Southside of Newman Avenue where it will be cut to install the waterline to the subdivision. It will be bituminous sidewalks, no curve rather than with concrete with curbing, which is essentially an asphalt road.

M. Bourque asked for clarification if the sidewalk would connect from Stone Ridge to Newman Avenue. He is in favor of the sidewalk if they do not take from someone's land.

Atty. Brainsky said by looking at the plans, it looks like there is enough room for 4 feet which is what the other sidewalk is, but said they will confirm that with DPW.

D. Sullivan made a motion to approve the Definitive Plan for Stone Ridge with conditions stated, R. Bennett seconded, and so voted with one abstention-L. Dunn abstained because she knew an abutter.

Discussion: Extension Request of Surety for Definitive Plan for Farmland Estates

Bernie Mastropietro requested an 18-month extension of surety for the Definitive Plan for Farmland Estates located at 337 and 349 Lincoln Street AP Lots 16, 52, 53 in an R2 Zone.

J. Aubin said the 18-month extension is consistent with the loan term. There were no objections.

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M. Bourque made a motion to accept the 18-month extension of surety for Farmland Estates, D. Sullivan seconded, and it was unanimously approved.

Discussion: Waiver Request for Brigham Farm Section III

Ch. Abelson summarized Brigham Farm Section III as being located on Burnside Ave, AP Lot 35, lot 20 and AP 36, lots 2, and 11 located in an R4 Zoning District.

J. Aubin read a letter dated October 5, 2015 from David Bray explaining a request for a waiver with regard to the vertical elevation datum standard.

David Bray of Caputo and Wick Engineering came forward to explain the waiver request. Since the preliminary approval, a new vertical elevation datum standard has been adopted. He stated there was 9/10's of a foot shift as a result of the new standard. The previous sections of the development were done under the same standard and is in a minimal flood hazard area. He doesn't see it necessary to change the subdivision.

S. Foulkes asked if we will need to go to a 150-200 year flood.

D. Bray replied not that he has heard of. He stated the datum is going to be revised and the target date is 2021 (approx. depending on funding). So you will be seeing another change in about 5-7 years from now. There is no flood zone near this area so I don't see it making a difference to this subdivision.

J. Aubin said Mr. Cabral from DPW has no objections and neither does he since it is in a minimal flood hazard area.

M. Bourque made a motion to approve the waiver request, D. Sullivan seconded, and it was unanimously approved.

Site Plan Approval for the Sale of Used Cars at 550 Central Avenue

C. Abelson provided location information as being located at 550 Central Avenue, AP 34, lot 62, 64, 92A, and 94A.(65) in the local business district.

J. Aubin said in 1971 the ZBA approved the lot for 30 vehicle parking capacity. Mr. Bowness, the property owner, did file a zoning certificate with regard to the proposed use which is for the sale of used automobiles was found to be a permitted use for a local business district. In light of that and the proposed parking is 27 cars and this plan seems to be consistent with the previous approval. Based on this and the fact this is a long standing site, Mr. Aubin did not request the applicant to have the entire lot surveyed since no changes were being proposed with regard to the site and the conditions on the lot are existing conditions. He did ask that he submit an analysis of the parking as well as a sketch where the proposed parking will be. Mr. Aubin said we would probably find the parking lot to be nonconforming today and we will need to discuss the areas

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where vehicles will be displayed, reconditioned, and customer, employee, and residential parking. There are two 1-bedroom apartments in the building.

S. Foulkes asked if the site was already selling automobiles.

J. Aubin explained the lot next to it is an existing auto sales operation. If you look at the plot map, there is a triangular lot, 93A, which goes with that building.

Bill Bowness said he does not think they are selling cars at this time but thinks they are still licensed to do so. He thinks they are only repairing them. Mr. Bowness provided a sketch and referred to it while he explained where parking would be. Parking would be south on Rt. 152.

J. Aubin said he did not think there were any zoning violations.

Ch. Abelson said he has concerns with cars being parked out on a state road.

B. Bowness advised they would not be parked on the road.

S. Foulkes asked for verification of parking while examining the sketch.

B. Bowness referred to the sketch and explained the apartments were on the second floor, the first floor has 2 store fronts, an office, and a tattoo place.

J. Aubin advised him if there are any changes to the use of the property in the future, he will need to come back to the board. Maintenance and/or repairs are not approved.

B. Bowness said they will not repairing any vehicles.

J. Aubin said the conditions are as follows: 1) no parking for the use of auto sales along Border Avenue or on the gravel parking area; 2) automobiles for sale will be located on the southern lot line and along the Central Avenue frontage; 3) parking for employees and customers will be across the front of the building or adjacent to the building; 4) no repair on site in accordance to the Zoning By-Laws; 5) any changes to the proposed lot's use will need to come before the board for a modification. According to the sketch, there are 8 parking spots along the southern lot lines, 2 at the corner of Central Avenue and Border Avenue...

B. Bowness said he is not looking to display 18 cars but sometimes they might get cars that are not ready to go out on the lot and in the back (again referring to sketch) where the gravel lot is, sometimes tenants or customers for the tattoo store park there. I can't tell you there won't be cars parked on the gravel because if the tattoo guy needs additional parking, he parks his car there.

M. Bourque advised him the board needs precise information for the Zoning Officer and he needs something more defining than a sketch.

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B. Bowness requested permission to use those spots on the gravel lot. The gravel lot will not be used for auto sales but for the residents. I will encourage employees to park out back.

M. Bourque asked how close the neighbors are.

J. Aubin said there is a fence along where the dumpster is and across the street is residential. Employee parking on the gravel...

B. Bowness said he also lets the neighbor's park on the gravel lot because they don't have a lot of parking on Border Avenue.

J. Aubin said the gravel parking is allowed for employees, residents, and customers but not for the cars being sold.

D. Sullivan asked Mr. Aubin if he thought 18 spots would be appropriate.

J. Aubin said it was previously approved in 1971. He expressed his concern for the 18 spots if 11 is for sale out in front to make sure there are no vehicles for sale parked on the gravel. He also asked Mr. Bowness if he applied for his used car license with the BOS.

M. Bourque made a motion to approve the site plan for 550 Central Ave, with the conditions of: 1) no parking for the use of auto sales along Border Avenue or on the gravel parking area; 2) automobiles for sale will be located on the southern lot line and along the Central Avenue frontage; 3) parking for employees and customers will be across the front of the building or adjacent to the building; 4) no repair on site in accordance to the Zoning By-Laws; 5) any changes to the proposed lot's use will need to come before the board for a modification. R. Bennett seconded, and unanimously approved.

Discussion: Section 2.8.5 Site Plan Review - Proposal for Parking Plan for Howland Street Ball Field

N. Rapp presented a plan for a proposed parking lot for the practice field located on Howland Drive. The Parks and Recreation Department would like to start utilizing that space. Their intent is to have it before the snow comes this year. The parking lot will be for about 20 spaces to get parking off the street.

J. Aubin advised a survey was done by InSite Engineering which reflects this is not a part of the Greenbrier property purchase. The field is a public field and the town can utilize it. He completed a site visit to view any encroachment onto an abutting property. It does not appear to be an issue due to the existing fence line and a significant vegetative buffer between property lines. Mr. Aubin asked Mr. Rapp if the field would be used for practice or games.

N. Rapp answered they would start off by using the field for practice to relieve the Cole Street fields. He also advised the town has a new lacrosse league starting and this is where they will

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most likely start. They will have smaller teams so they will start using this as their practice field and then we can add soccer. We need a little extra space.

J. Aubin said if it is to be used primarily for practice then 20 parking spaces is more than adequate.

N. Rapp discussed with Mr. Cabral that if something needs to be done with Mr. Hanley's property, they do have a little bit of money put aside.

J. Aubin said this may not necessarily need approval, but it should be endorsed so the comments are noted since the use is being reconfigured. The property was originally acquired together with lot 246 which belonged to an existing nursery school. The land was sold and has been used for recreational use.

S. Foulkes asked if there would be enough parking spaces if the field would be used for competitive games.

J. Aubin said if it is used for practice, the 28 spaces will be fine and maybe adequate once in awhile, if needed, but he doesn't think this should be used every night for games if 50 spots are needed.

N. Rapp said there is space available to expand if it is needed.

Dave Sullivan made a motion approve the site, L. Dunn seconded, and it was unanimously approved.

Discussion: Pond Street Sludge Landfill

Mary Mancini is a Civil Engineer for CDM Smith and is working with the City of Attleboro on the Wastewater Treatment Site. She is present with the Superintendent of Wastewater, Paul Kennedy. She summarized the site as being on the border of Attleboro and is owned by Attleboro, but is physically located in the Town of Seekonk. It is a 58 acre parcel along the Ten Mile River (she refers to a diagram of a map that was shown).

L. Dunn asked if most of the plant is located in Seekonk.

M. Mancini said the property line goes down the middle of the main treatment plant facility but the plant itself shares property (again she refers to the diagram to show the PB the proposed area).

S. Foulkes and J. Aubin requested to see the agreement made between Attleboro and Seekonk.

M. Mancini said she would forward the agreement to Mr. Aubin.

J. Aubin would like to see the terms of the PILOT agreement since it was first proposed in 1978.

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He went on to say the property that is located in Seekonk, owned by Attleboro, is zoned for industrial use. The treatment facility plant located on this site is requesting a site improvement to construct a basin which happens to be in Seekonk. Mr. Aubin does not know if the original wastewater treatment facility came to the Planning Board.

L. Dunn remembers this was first talked about when sewers were mentioned for Seekonk and asked if they were at capacity yet.

P. Kennedy said no, the plant is designed for 8.6 million gallons. Right now they are only at 4.5 million gallons.

J. Aubin said in 1997 the town commissioned a Seekonk Sewer Planning Committee and this (binder was shown) is the final report of the committee. He did not believe the recommendations were implemented, which is one of the reasons why the Town of Seekonk has no access to the excess capacity to Attleboro's facility.

G. Sagar introduced himself as a retired fire captain for the City of Attleboro and lives in Seekonk not too far from the area. He spoke on behalf of the Landfill. He said it does not emit odor and believes it was awarded the best plant in Massachusetts for its size. He thinks the original plant was built in the 20s or 30s. The plant has been updated several times, in the 60s and the 80s. In regard to the sewers, the plant was designed to take in all of Seekonk. In his opinion the Planning Board should approve this request.

M. Bourque inquired about Border Avenue area residents' odor complaints and whether or not the complaints were coming from Hershey?

P. Kennedy said at times there have been problems with odors and they were addressed. The issue with a landfill is that it must always be covered. When it rains, the land needs to be crowned so the water will run off the landfill. Once there are puddles and mixes with the chemicals they use for the watering process, it will cause some odors. They did have a few issues with puddling on top of the landfill. There should not be any smell when it is properly covered.

M. Mancini provided a brief overview of the landfill across street. The existing Phase 2 Sludge Landfill is located across the street and located entirely in Attleboro. They have been operating that site since mid-1980. It is also located along the Ten Mile River and is inspected quarterly as required by DEP. This site, as the site across the street, is regulated very strictly by DEP. We have no issues with ground water contamination in the history of the site. The only issue has been the occasional complaint from a neighbor regarding the smell. We have a 10 year look ahead plan which is required by DEP and we need to know where we are going to place our sludge. Moving forward we have sites behind the plant and is located in an industrial zone. It's proximity to the plant makes it cost effective. This facility will be utilized for approximately 8 years. It will be capped, grassed, and vegetated. During operation it is basically a lined clay cell to collect so there is no impact on water. DEP and I inspect this quarterly. Once it is completely utilized and we cap it, then you have clean storm water flowing off the site into two detention

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basins before it is discharged into the Ten Mile River. That is also sampled. As part of long term efforts, there will be 30 year monitoring as well. It is strictly regulated and the concern for environmental impact is being addressed by Mass DEP. The garage facility and the fueling station are required as part of the ability to operate.

R. Bennett asked if it will contaminate the land for the duration or if the land can be utilized again.

M. Mancini said it does not contaminate the land and there will be no environmental impact. Once complete and capped, there are post closure usage that can be used at the site depending on what DEP will allow. Some include a solar facility or a dog park.

R. Bennett asked if it will be considered a brown field site.

M. Mancini said a brown field site is typically under different regulations. This will not have any environmental impact. It will be contained.

J. Aubin asked if there is environmental use restriction placed on the property.

M. Mancini answered no.

R. Bennett asked if it would remained capped for the duration.

M. Mancini said there is a 30 year monitoring period that they will sample on a biannual basis. We have been doing it across the street for about 20 years to make sure there have been no environmental impacts.

P. Kennedy gave an explanation of sludge, as well as the process of their facility. He also offered to provide the board members a tour of the facility.

D. Sullivan asked if the site could be used if the plant relocated in the future.

P. Kennedy said it is unlikely they will move since it is the city's low point and has been the wastewater treatment since the 20s or 30s.

D. Sullivan asked if the city will sell the facility across the street.

P. Kennedy said it is still city property and he has known people to put golf ranges on top.

S. Foulkes asked if eventually the 50+ acres Attleboro owns will be used for more innovative uses in the future.

P. Kennedy said no because the treatment plant sits on part of that acreage and the plan will be for additional tanks to expand the capacity of the treatment plant.

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J. Aubin said there are 6 issues to address: 1) no peer review of the submitted drainage report has been completed; 2) no provision for the 10' landscape buffer around the perimeter of the site (here the area of disturbance along the eastern lot line) has been made nor has a waiver from the requirements of **Section 8.4.5.2** been requested; 3) the Planning Board may wish to determine whether the provisions of **Section 8.4.5.6** apply with regard to screening of "outside storage areas" on three sides by a planted buffer strip; 4) the applicant should confirm that the proposed lighting will be located and appropriately shielded in accordance with **Section 8.5.2.1**; requiring lighting in the industrial district not shine directly on properties beyond the property line and **Section 8.5.3** with regard to maximum spillover illumination; 5) the applicant should confirm compliance of the proposed facilities with **Section 8.12 Construction and Operation Standards and Limitations**; 6) in light of the historic use of the area by both pre-contact and colonial inhabitants of the region; the applicant will conform to all applicable Massachusetts General Law provisions (9 MG L § 27C Paragraphs 2 and 6), or similar Code of Massachusetts Regulations citations or other applicable rules, regulations or standards pertaining to the discovery of archeological resources and unmarked human burial or skeletal remains during construction activities.

M. Mancini said, 1) Diane can address the peer review for drainage; 2) as far as the buffer they are staying away 100 ft. from the property line; 3) we are trying to be very careful with screening of the dog park and left as much as a buffer as we could, and we are looking at buffering between the garage structure and the exit of the dog park; 4) the only lighting that we have is on the building. She thinks the pole lighting shown on the plans is not their lighting and is not near any abutters; as far as 5 & 6, they are acceptable. The only outstanding issue would be the drainage review.

M. Bourque asked if cost is the only reason they are requesting a waiver for the peer review.

M. Mancini said they are under many reviews and feels it is already being reviewed then why pay for another review. She also said Diane can answer any questions for you.

M. Bourque asked if they would have access to copies of the reviews.

J. Aubin said the town was one of the commenting agencies on the Applicant's submission to MEPA so the planning department received a copy of preliminary environmental notification form, as well as the BOH and TA's office. His staff report provides his review of those documents.

M. Bourque accepts the waiver of the peer review as long as we get the results of their peer review.

J. Aubin agreed and recommended we have some testimony on record that the applicant's storm water engineer meets the criteria set forth by our Zoning By-Laws.

J. Aubin said his conditions for a motion include; 1) address the peer review request; 2) criteria with regard to the archeological resources.

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M. Mancini said the BOH will get copies of her inspections.

M. Bourque made a motion to accept with J. Aubin conditions, R. Bennett seconded, and it was unanimously approved.

Discussion: Seekonk Technical Review Committee

J. Aubin summarized the staff level committee intended to facilitate and generate resolutions and comments on proposals. He included a set of rules and regulations consistent with what he has used in the past which he has found to be a useful tool in identifying issues. It is a meeting that is scheduled once a month and applicants are given notice of it and all the reviewing departments are given a copy of the agenda. The only problem with the PB being present for a meeting would be the situation of ex parte contacts.

S. Foulkes recommended possibility of abutters being informed during the preliminary process as opposed to the definitive plan stage.

J. Aubin said he does not believe there is anything that says we can't require it but we need to check with our statute. Some type of required notice is worth looking into.

Ideas were shared amongst board members, however resolution is difficult to determine due to the following:

- not everyone reads the same paper
- this could create a change to the subdivision rules and regulations
- question of whether it should be mailed certified or regular mail
- will the PB or applicant to pay for mailing
- putting it on our web page
- PB is subject to what the subdivision enabling statute says

D. Sullivan asked if the PB would receive any results from the committee meeting.

J. Aubin explained minutes would be taken during the meeting and under the rules and regulations the Town Planner has to include the discussion in his staff report.

D. Sullivan makes a motion to authorize the Town Planner to form a Technical Review Committee, L. Dunn seconded, and it was unanimously approved.

Correspondence:

J. Aubin received correspondence from; 1) AG office has requested an extension of the time to review the new ground water protection ordinance to October 27, 2015; 2) the monthly report SRPEDD update.

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Monthly Department Update

J. Aubin provided SRPEDD update and noted there have been significant changes and will provide the PB with comments after his review is complete. MA-RI joint economic development opportunities were discussed.

PB members discussed reviewing the agreement between Seekonk and Attleboro in regard to the expansion of the Attleboro Wastewater Treatment may need to be updated.

Mr. Aubin also updated the board with regard to an upcoming TRC meeting.

Approval of minutes:

M. Bourque made a motion to approve the April 4, 2015 minutes with corrections, D. Sullivan seconded and it was unanimously approved. D. Sullivan made a motion to approve May 12, 2015, S. Foulkes seconded, and it was unanimously approved. M. Bourque made a motion to approve the June 9, 2015 minutes with corrections, D. Sullivan seconded, 1 abstention (SF absent with cause). R. Bennett made a motion to approve the June 23, 2015, M. Bourque seconded, 2 abstentions (S. Foulkes, D. Sullivan absent with cause). R. Bennett made a motion to approve the September 8, 2015 minutes, M. Bourque seconded, 1 abstention (Ch. Abelson absent with cause).

Adjournment

A motion was made by M. Bourque to adjourn the meeting, D. Sullivan seconded and it was unanimously approved.

The meeting was adjourned at 11:00 PM

Respectfully Submitted by,

Kristen L'Heureux