

**SEEKONK PLANNING BOARD
Regular Meeting
December 8, 2015**

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

7:00PM Ch. Abelson opened the meeting at 7:00 p.m.
Planning Board Members were introduced.

Due to a conflict in schedules, the discussion to establish surety for Stone Ridge was heard first.

Discussion: Establish Surety Release for Stone Ridge Residential Subdivision

Eric Brainsky, Attorney for applicant, requested to establish approval of surety in the amount of \$374,000. He submitted a construction cost estimate in the amount of \$459,522. He explained Public Works had not completed their final details but he believes their estimate will either be the same or within hundreds of their estimate. He was seeking approval of surety in the form of a tripod agreement with Bristol County Savings Bank. They provided a written agreement to the TRC. The remaining \$85,522 will be submitted by the applicant in the form of a check, cash, or surety.

J. Aubin said this is subject to confirmation from the Department of Public Works.

Atty. Brainsky said they are hopeful to have the plans signed due to the scheduled closing with the bank on the 21st.

L. Dunn asked if it was 1/3 cash and 2/3 property?

Atty. Brainsky clarified the \$374,000 of the \$459,000 will be guaranteed by Bristol County Savings Bank and the remaining \$85,522 (estimated) will be in the form of cash or check by his client.

J. Aubin asked if a covenant is being proposed on any property.

Atty. Brainsky said no.

N. Abelson requested a motion to establish surety for Stone Ridge in the amount of \$459,522 pending the final numbers from DPW.

M. Bourque made a motion to establish surety for Stone Ridge pending DPW, R. Bennett seconded and it was unanimously approved.

VOTE (6-0)

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Form A: 45 Carpenter Street

Shawn Ainsworth from InSite Engineering summarized the merging of 2 separate parcels of land and a Paper Street. Mr. Fisk is requesting to combine lot 63 on map 38, lot 173 on map 38, and portion of Norwood Street. His property abuts both of those parcels of land. Norwood is an undeveloped street, a Paper Street, and Mr. Fisk's attorney is in the process of having it declared abandoned so there is no question in the future as to the ownership and/or development rights.

J. Aubin said the property appears to be used as one property by the owner. He told the applicant and the board that the Form A is addressed separately from the abandonment of the Paper Street.

Mr. Rice (from the audience) addressed the board and asked if this property was going to include the Paper Street that abuts his property.

J. Aubin said the outside dimensions of the lots do not change.

Mr. Rice asked about the intermittent stream that runs on that line. He also said it floods every year.

J. Aubin said this is strictly concerning the lot lines. Anything that has to do with the stream would be subject to Conservation Commission approval.

J. Aubin said he did not think there were any proposed changes or new construction on the proposed subdivision.

S. Ainsworth said they are just combining lots together. If there is any development or anything in the future and wetlands are found, they will have to go in front of the Conservation Commissioner.

Mr. Rice said he wasn't concerned from that aspect but he was concerned with water running into his yard.

L. Dunn asked for more explanation of the plans.

S. Ainsworth presented the plans to the board to review.

L. Dunn asked if the Paper Street would no longer exist.

S. Ainsworth said it will still on paper until the abandonment goes through. As far as Mass General Law, the applicant does own fee title to the middle of it so he is allowed to use it for the area and setbacks, etc.

N. Abelson asked the board to entertain motion to endorse the Form A for Mitchel and Erica Fisk, Plat 38, Lots 63 and 173 on Carpenter Street, the plan date of August 13, 2015, and the engineer signature date of November 3, 2015.

**R. Bennett made a motion to approve the Form A for 45 Carpenter Street,
M. Bourque seconded and it was unanimously approved.**

VOTE: (Approve 6-0)

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Status Update: Curt Street Extension

Ch. Abelson advised board that applicant Joseph Vieira, JMV Realty, LLC, asked for a continuance for the four lot subdivision of land located on Curt Street.

John Aubin said Mr. Vieira executed the continuance, he is working with the BOH, following up on comments that were provided to him by the peer review, and he anticipates a public hearing in early 2016.

Discussion: Site Plan Application for 1727 Fall River Avenue – PMI Realty, LLC

David Bray from Caputo and Wick, Ltd. presented site plans for PMI Realty. The location is in an industrial zone on Fall River Avenue. An existent dwelling and garage structure are currently on the property. Mr. Bray summarized the first phase of the project. The showroom will be less than 10% of the sq. ft. of the building (approximately 1,200 sq. ft.). They will have approximately 22 employees between 3 buildings. The access will be off the south side of Fall River Avenue. The Massachusetts Highway Access Permit Plan outlines the radius for access, width of the driveway and the required handicap ramps. He summarized soil erosion control measures, buffer zones, wetlands, landscaping, lighting, parking, as well as the pad location for the dumpsters. The Conservation Commission has the storm water peer review. He further went on to explain the drainage system plan and sewage disposal system which will be reviewed by BOH.

J. Aubin asked if there were any issues with the line of site.

D. Bray said there are none. It is a straight run.

N. Abelson asked if there was an existing curb cut.

D. Bray said there is an existing curb cut, however, since there is a change of ownership and a change of use, it will be widened.

J. Roach asked if there was any other feedback from the Conservation meeting besides moving the dumpster.

Phil Ippolito said that was their only concern.

J. Aubin said this is also pending the joint peer review of the storm water report.

R. Bennett asked if the property was previously a salvage yard, and if so, did they have to remove any soil.

D. Bray said everything that was removed was done under the direction of a site inspector and it was signed off by the state.

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L. Dunn asked if there is 30% impervious area.

D. Bray said the estimated total impervious area is 57,029 sq. ft. (just over an acre).

L. Dunn asked if everything would drain to the middle of the project.

D. Bray said it would and he provided a summary of where the roof and parking lot will flow.

S. Foulkes asked if the overflow will be filtered before going into the wetland.

D. Bray said yes, the drainage system complies with the Storm Water Manual.

S. Foulkes said she would like to wait for the peer review before making a decision.

J. Aubin said the Board is not under any obligation to make an immediate decision but could choose to move forward subject to the peer review by CEI.

D. Bray provided projections for a 2 year, 10 year, and 100 year storm events and said there will be no adverse impact from storm water from this site.

J. Aubin said this project is also subject to a public hearing from the Conservation Commission.

J. Roach asked Mr. Ippolito if the main reason for moving his business to this new location was so that all buildings would be together.

D. Bray said now Mr. Ippolito operates out of 2 buildings which make it inefficient and would like to have it all together.

S. Foulkes said they need to discuss the peer review when it is received.

Ch. Abelson said no plans will be signed until they have met all the criteria so they can't do anything until everything has been met.

M. Bourque recommended waiting until January meeting after they have received the peer review and the Conservation Commission meeting.

D. Bray asked if the main concern is that the project receives a positive drainage review and asked if there were no other concerns.

Ch. Abelson said yes.

J. Aubin said this project was discussed last week at the TRC meeting. Other than the concern with the numeration on the buildings, there were no other substantive issues. If there are additional staff comments, they will be forwarded to the applicant.

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D. Bray requested a copy of the peer review to be forwarded to him.

R. Bennett made a motion to continue this site plan until the January 12, 2016 PB meeting, M. Bourque seconded and it was unanimously approved.

VOTE (6-0)

Discussion: Surety Release for Jane Howland Estates, Phase E

Todd Mello, a partner for Jane Howland Estates, was present.

J. Aubin explained this subdivision dates back to the mid 1990's. Concerns regarding "puddling" were noted in 2009. Mr. Mello recently contacted the Planning Board office regarding surety on the property. Both Mr. Aubin and Mr. Cabral (DPW), completed a couple of site visits after significant rainfall. It was noted that there was no significant ponding. It is of their opinion any possible work to remedy the situation would compromise the integrity of the roadway and possibly cause more future problems. Therefore, it is Mr. Aubin's recommendation to release surety in the amount of \$28,605.87.

L. Dunn made a motion to approve surety release for Jane Howland Estates, Phase E, R. Bennett seconded and it was unanimously approved.

VOTE (6-0)

Discussion: Surety Release and Setting Maintenance Bond for Tall Pines Residential Subdivision

J. Aubin met with Steve Dippolito of Tall Pines at the TRC meeting to discuss the provisions set forth under our Rules and Regulations. With regard to Section 6.8.1 Street/Land – Initiation of Acceptance and Section 6.8.2 Drainage System, it appears that a minimum of 5% maintenance bond is retained by the Planning Board for roadway improvements until such time as the roadway is accepted and until one year following the approval of the drainage system. It is unclear from the language if the one year time frame for the retention of the drainage surety runs from the final inspection by the Planning Board's agent or from the date of the Board's action to reduce the surety to 5%. Essentially it is unclear when that "acceptance" takes place. After the TRC meeting, Mr. Aubin and Mr. Cabral went through the construction cost estimate to conclude what the 5% maintenance bond was being held for in this situation.

S. Dippolito said he is 100% complete with the road, 80% complete with the subdivision (for about 2 years), drainage has been completed and the covenant was released in September 2012. Mr. Dippolito thinks it should be 5% of the work that needs to be done (approximately \$200,000), not 5% of the total construction cost. He also advise that there was an HOA on the drainage system, so he feels 5% should not be held for drainage.

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J. Aubin said since this is a Conservation Development, an issue may exist between the Conservation and Subdivision Regulations. Regarding the drainage system, the \$2,800 line item in the construction cost estimate for cleaning of the catch basin occurs right before town meeting.

S. Dippolito said he just missed the previous Fall Town Meeting by weeks and does not want to wait until the Spring Town Meeting.

M. Bourque asked if all Mr. Dippolito wanted to be held was the maintenance of the top layer of asphalt.

J. Aubin provided a breakdown of charges: \$142,000 for the culvert (essentially the bridge); \$116,056 for asphalt; \$2,800 for cleaning out the catch basins; \$10,000 for the bridge rating inspection; and \$5,000 for miscellaneous work.

Ch. Abelson said he thinks \$22,000 would be reasonable (exclude the bridge).

S. Dippolito said he thinks that is still too high and thinks it should be \$13,000 since he has no control over the bridge rating report and the town meeting. He completed everything that he had control over.

M. Bourque thinks \$13,000 is reasonable.

M. Bourque made a motion to withhold \$13,000 for surety until the road is released at town meeting, and to release the covenant upon receiving the bond, L. Dunn seconded and it was unanimously approved.

VOTE (6-0)

Site Plan Approval for 50 Woodland Avenue – TJR Solar

Site Plan applications for proposed Large Scale Solar Photovoltaic Facility at 50 Woodland Avenue, AP 35 lots 23, 24, and 26.

Shawn Ainsworth from InSite Engineering presented plans and summarized the project to the board. The roads will need to be upgraded due to delivery trucks for panels, maintenance vehicles, and emergency vehicles.

J. Aubin asked about an existing easement on the road.

S. Ainsworth said Mr. Fisk has that property under a P&S right now and it will end up being part of the total project which will connect the front and back sides together.

M. Bourque asked if he was going to continue his operation around the field.

S. Ainsworth said he believed he was, however, he has not spoken with him directly.

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J. Aubin asked if they were filing a zoning certificate and advised him he may need a special use permit. Also, some concerns from the TRC meeting included set back, ground water protection, and signage for emergency vehicle access.

L. Dunn asked if this was in an industrial zone.

J. Aubin said it is but it is also in the Solar Photo Voltaic Overlay District, as well as the Water Resources Protection.

S. Foulkes asked if the owner or the town would be responsible for the road.

J. Aubin said ultimately it is the owner's responsibility but the town may want to look at it on a yearly basis.

R. Bennett was concerned that one of the lots is fully forested and would have to be cleared. He asked if conservation looked at it yet.

J. Aubin said Conservation has a review with regard to the wetlands.

Mike Lowey and Chris Lowey from Foxboro own Lot 22 (which is forested, undeveloped land) and asked what the buffer would be of the adjoining properties.

S. Ainsworth said he believed it would have 10 foot buffers.

J. Aubin said minimal side and rear yard requires 50 foot buffers from residential; and the interior side yards require 20 foot buffers from industrial.

M. Bourque had concerns with the abandonment of solar projects and people walking away from them.

J. Aubin said they have similar provisions as cell towers and are required to have surety on the project.

M. Lowey said he thinks they have an easement to this property (referring to the plans) but is not sure where it is.

S. Ainsworth said he assumed they would have an easement since it's almost all landlocked back there. Mr. Ainesworth said no hard surveying has been done yet but will need to be done because of the fence. As far as preliminary research, no easement was found for these two properties (again referring to the plans). If you have an easement by prescription you cannot be denied access. You can use it for access but then it gets into a grey area if you can develop it into a roadway, etc.

M. Lowey asked if the gravel access is inside the fence.

S. Ainesworth said it would be inside the fence. That would be used for access to get to the panels for maintenance and landscaping.

L. Dunn said as the town we need to consider all resources and concerned with losing more trees. This is a tradeoff between forest and energy. We need to look at the whole picture and look at ALL resources.

J. Aubin said the requirement for meeting the drainage, the proposal must meet categories 20B and C of the General By-Laws of the town. In regard to 20C, it calls for a "public hearing" for disturbance of more

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than one acre. In describing the notice for the public hearing it says that notice should be provided on the Town's website, at Town Hall and on the Town's Cable Channel. In respect to Lot 23 and 24 (26 is already disturbed) this should be postponed until next meeting. This will also give Mr. Ainesworth the opportunity to get additional information that he needs regarding zoning issues. He also advised both Mike and Chris Lowey that under the storm water provisions that it does not require specific notification to the abutters.

M. Bourque expressed his concerns with lots 23 and 24 since the properties already have had multiple uses of the property, i.e. recycling, cranberry bog, etc.

J. Aubin said that would be covered by an acquisition of the zoning certificate. Nothing should be changed or be added to the site without approval as applicable from the Planning or Zoning Boards. Mr. Aubin thinks a provision on the proposal should be made.

S. Ainsworth said continuing until next month is fine as it gives them time to address some of the issues mentioned.

M. Bourque made a motion to continue the Site Plan for 50 Woodland Avenue until the January 12, 2016 PB meeting, R. Bennett seconded and it was unanimously approved.

VOTE (6-0)

Discussion: SRPEDD Update

Phoebe Lee Dunn provided SRPEDD update and requested the PB to discuss a project to go to SRPEDD. A technical assistant grant opportunity was discussed. J. Aubin said he will look at the announcements that have been forwarded to him regarding a project for SRPEDD to help.

Correspondence

Acceptance of the Watershed Resource Protection District was received. Also last Wednesday, the BOS authorized the forwarding of the Regional Bike Plan to SRPEDD for inclusion in the Southeastern Massachusetts Metropolitan Planning Organization Regional Bicycle Plan. J. Aubin also advised the PB that he forwarded memos to BOS regarding the PILOT program with the Attleboro Waste Water Treatment Facility, and the traffic concerns regarding the Stone Ridge Subdivision.

Monthly Department Update

J. Aubin discussed a facility off Central Avenue (Maple Avenue) which was subject to a fire in 2015. A Phase 1 assessment was done on the property. John met with Bernadette and an Environment Consultant to propose potential reuses for this site. This will go out to Community Conservation Preservation. BOS will follow the Phase II site assessment funds and then we would go forward with remediation with as much state money as possible.

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Approval of Minutes:

R. Bennett made a motion to approve the November 10, 2015 minutes with corrections, M. Bourque seconded and it was unanimously approved.

R. Bennett made a motion to approve the November 17, 2015 executive minutes with corrections, J. Roach seconded and it was unanimously approved. L. Dunn & M. Bourque abstained due their being absent.

Adjournment

A motion was made by R. Bennett to adjourn the meeting, L. Dunn seconded and it was unanimously approved.

The meeting was adjourned at 8:58 p.m.

Respectfully Submitted by,

Kristen L'Heureux