

**SEEKONK PLANNING BOARD**  
**Regular Meeting**  
**August 9, 2016**

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

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

Ch. Abelson requested 1201 Fall River Avenue be heard first. There were no objections from the PB members or the audience.

**Site Plan Approval: 1201 Fall River Avenue (Gentle Dental)**  
AP 7, lots 90, 100, & 338

Gentle Dental's general contractor, Ron Merritt, was in attendance to present the application.

J. Aubin explained this application triggers a Site Plan Review under 2.8.5 under the ZBL. There is no construction on site. Access to the site is provided via an existing curb cut onto Fall River Avenue. Parking for the proposed use within the existing parking area appears to be adequate. Per the ZBL, the previous commercial use required 18 spaces (1 space/200 square feet of area) and the proposed use requires 3 spaces per doctor plus 1 per employee. The adequacy of the existing sewage disposal system is under review by the Health Agent but will require final approval in accordance with the Regulations of the Board of Health. Other than signage and the interior refit of the commercial unit, no alteration to the building or site is proposed. The application will be reviewed by the Technical Review Committee on August 25, 2016.

S. Foulkes discussed biohazardous materials being stored and whether or not a certificate will be required.

J. Aubin said due to this being a medical facility they are subject to BOH and state regulations. Chief Healy does not object to the proposed use.

**D. Sullivan made a motion to approve the site plan for 1201 Fall River Avenue with the following conditions: 1) approval of the proposed waste water treatment system by the BOH; 2) resolution of any outstanding comments generated by the staff and submission of a final plan addressing all issues generated by the staff and Planning Board reviews of the application; 3) any and all hazardous, biohazardous, or otherwise dangerous materials stored on-site in association with the proposed use shall be stored and maintained in full compliance with all applicable Federal, State, and local requirements and regulations related to storage, maintenance, reporting, emergency response, containment and coordination with the local fire authorities; 4) confirmation of adequacy of the Statement of Good Standing. It was seconded M. Bourque and it was unanimously approved.**

**VOTE: Approved 6-0**

J. Aubin requested that Caleb Estates to be heard next due to the residents being present.

**Discussion: Reduction in Surety and Covenant Release for Caleb Estates 5 Lot Subdivision (Logan Ct)** (continued from July 12, 2016 PB meeting)

Paul Carlson from InSite Engineering requested the existing covenant on lot 2 (7 Logan Court) be released and advised a cash bond for the remaining public improvements will be put in place. He told the board and residents of Caleb Estates he will be going to subdivision tomorrow (Wednesday, 8/9) to survey and evaluate the swale and/or a solution. He reiterated the contractor's intent from the last meeting. Mr. DeCastro will obtain a foundation permit and do the final curb cut to the road.

J. Aubin said Tibbetts Engineering provided an estimate for the bond (\$45,000 - \$48,000).

P. Carlson said a bond for \$48k, if that is what Tibbetts is requesting, will not be an issue.

M. Bourque asked if the \$48k included any additional work if needed.

J. Aubin said it is based on the construction cost estimate.

M. Bourque asked if additional work, such as swale work, will be included in that figure.

J. Aubin said if there are any changes...

P. Carlson said this construction cost estimate is based on the approved roadway improvements. What was discussed as far as the roof, potential swale work, etc. is outside of the original scope. That will be an issue between Mr. DeCastro and the home owners.

Ch. Abelson asked about the drain that carries the water along the road.

J. Aubin said the town has a drainage easement over the swale but not over someone's roof drain. The drain along the road is part of the public improvements.

S. Foulkes asked for an estimated time frame for the work to be completed.

P. Carlson said it is on schedule from last discussion (October/November).

J. Aubin said once the amount is set for the bond, Mr. DeCastro will come forward with a bond, file it with the finance department, and then the covenant that is being held can be released.

**D. Sullivan made a motion to approve the request for covenant release for Caleb Estates, and set a surety amount for \$48,000 with the conditions indicated from the previous meeting minutes, M. Bourque seconded and it was unanimously approved.**

Martin O'Loughlin resides at 1 Logan Court and disagrees with everything Mr. Carlson said since no one has contacted them since the last meeting.

P. Carlson said an email was sent.

Mr. O'Loughlin said they raised their concerns at the last meeting and they believe InSite under-designed this project. He is upset since no one has been out to the property, not from the town, not the developer, and not InSite. He thinks the bond should be either doubled or tripled.

Ch. Abelson explained that legally, under state law, that cannot be done.

J. Aubin said the amount that has been set has been verified from the Planning Board's engineer. The request before the board tonight is related to the work that has been conducted to date and the public improvements that are still required.

D. Sullivan asked if the PB should not approve the reduction in surety until we see a resolution plan presented by the engineer.

J. Aubin said if the builder is planning on doing any other work out there, then they need to come forward to modify the surety that is being held.

D. Sullivan asked if a condition can be added to the decision that if there are any type of modifications or changes, they will need to come back to the board to increase surety.

J. Aubin said they are required to do so without putting it as a condition.

D. Sullivan said just to verify so they don't walk away from it.

S. Foulkes asked if there is a written process to verify what work is being done and if there are any consequences if flooding occurs after completion.

J. Aubin explained as the work listed in the construction cost estimate is completed, it is inspected by the PB inspection engineer to insure that is in accordance with the plans. If there are any issues, the inspecting engineering firm lets us know.

S. Foulkes asked P. Carlson to clarify if the second roof drain is still needed and/or was it part of the overall design and just didn't get done. She asked for clarification if this will require additional fees from the homeowners.

P. Carlson said anything that was part of the approved subdivision plans is required.

M. Bourque asked Mr. Carlson to review the plan and verify if the second roof drain is part of the plan.

P. Carlson said there is definitely 1 but he is not sure if there are 2 on this gentleman's lot. He said it might be different on the BOH plans and he will check to see if there is a difference. He said it is Mr. DeCastro's obligation to put in a drywell.

M. Bourque explained that they are trying to reassure the residents with a guarantee.

Mr. O'Loughlin said the original plans shows 2, but the final plan only shows 1.

J. Aubin said the final plan is the signed definitive plan regardless of what may have been filed with the building department.

Mr. O'Loughlin said he doesn't think the PB approved a hole in his backyard the size of the scope that it is. When InSite reduced it by 1, they created a bigger problem.

M. Bourque asked if the PB can dictate what type of surety is used.

J. Aubin said the form of surety is strictly at the option of the developer. The PB Engineering Firm determines the work that *was* completed, *is yet to be* completed, and if it is valued properly.

M. Bourque asked if the town can choose to *not* accept the road until the drainage on the private properties is complete.

J. Aubin said yes if the Board finds that it is negatively impacting the public improvement and causes flooding.

M. Bourque asked what happens if the road drains fine and the front swale works, but the backyards flood. He also asked when the road improvements are complete and flooding still occurs, can the town withhold the bond.

J. Aubin said it goes back to the original design and the original design does not include ponding in the back. The storm water handling design indicates that there will not be ponding in the back so the subdivision is not complete until those issues are addressed.

Mrs. Medeiros who resides at 3 Logan Court asked if a drywell is the same thing as a roof infiltration system.

P. Carlson answered yes.

Mrs. Medeiros asked if the O'Loughlins do not have any drywell/infiltration system then their lot is flowing water to their lot. For 3 ½ years they did not really have a water issue but now they do. She commented that she thinks they did not follow the definitive plans which is creating problems going down the street. She also said that they had a visitor to their house and when she got out of the passenger side of the truck, she fell in the swale and twisted her ankle. This is exactly what they were afraid of.

Ch. Abelson asked if she fell from the driveway side or from the street.

Mrs. Medeiros said it was from the street in front of her house and something needs to be done quickly.

Ch. Abelson asked for the motion to be modified.

J. Aubin recommends 1) all stormwater elements shown on the definitive plan are to be installed in the development; 2) if there are any changes to the design they need to come before the board; and 3) if there are any changes to the construction cost estimate, they need to come before this board to determine if surety will need to be modified.

Amended motion: **D. Sullivan made a motion to approve the request for covenant release for Caleb Estates and set a surety amount for \$48,000 with the conditions indicated from the previous meeting minutes, and the requirement of the applicant come before the PB if there are any changes to any stormwater elements of the design and/or changes to the construction cost estimate. M. Bourque seconded and it was unanimously approved.**

M. Bourque asked Mr. Carlson for the reason why there has not been any work done since the last meeting.

P. Carlson said different situations that required other actions. He said they will be there tomorrow morning to do the surveying.

M. Bourque asked if the drainage will be completed after that lot gets developed.

P. Carlson said there will be a drainage design or septic design done for lot 2. As part of the survey, as I stated, is how and what can be done to help alleviate drainage.

S. Foulkes asked if a report will be supplied and asked for a time frame.

P. Carlson said he will submit it to John approximately 1 week after it is completed.

**VOTE: 6-0**

J. Aubin asked to move the discussion of surety for Stone Ridge to be heard next.

**Discussion: Reduction in Surety for Stone Ridge 11 Lot Subdivision (Walker Street)**  
Outlander Development, LLC/Steve Najas

D. Sullivan asked if the traffic safety study has been received.

J. Aubin said he has spoken with both Mr. Carlson and Mr. Najas.

D. Sullivan said that the traffic study was to be received as a condition before construction began.

It was discussed between the PB members and Mr. Carlson when the safety traffic analysis was to be completed.

P. Carlson summarized the covenant agreement for this subdivision is a tri-party agreement. The tri-party's presented a construction cost estimate that reduces the original estimate from \$459,522 to \$311,389. All the site prep, most of the excavation work and the gravel base is completed to date. All remaining utilities and final prep work, including the asphalt, is an on-going process.

D. Sullivan said there is a discrepancy in Mr. Aubin's memo.

P. Carlson explained he had changed some of the items on his end which clarified the discrepancy, but is amenable to the \$358,106 if that is what the board prefers.

J. Aubin advised Mr. Carlson's estimate was provided to GPI and is awaiting comments.

S. Foulkes asked who represents Outlander Development.

P. Carlson said Janet Bausch is the owner of the subdivision. Steve Najas is the developer.

M. Bourque asked if the blasting has been completed.

P. Carlson said blasting in the roadway itself is done, but within the individual house lots remain.

D. Sullivan asked about the ledge/design of septic system.

P. Carlson said the septic will not go on the ledge but within...you will not see the drop itself...

D. Sullivan asked about change in elevation.

P. Carlson said there is probably 6-8' of ledge they had to take out in 2 of those lots. Each lot will have their own individual septic.

D. Sullivan asked if Mr. Aubin thought the \$311,389 is appropriate from the \$358,106 based on the information submitted.

J. Aubin recommends making it subject to review by GPI.

**D. Sullivan made a motion to approve the request to reduce the surety to \$358,106 for Stone Ridge, 11 lot Subdivision Plat 24, lot 625 located in an R-2 Zoning District pending comments from GPI unless a reduction is deemed appropriate. J. Roach seconded and it was unanimously approved.**

J. Aubin advised due to this being a tri-party agreement, the form used and included in the packets was agreed upon with the developer, Ms. Bausch, and her attorney.

**VOTE: Approved 6-0**

J. Aubin asked to move the Site Plan Approval for 50 Woodland Avenue to be heard next.

**Site Plan Approval: 50 Woodland Avenue (TJA Solar)**

AP 35, lot 22 Industrial & Solar Photovoltaic Overlay Zoning District

P. Carlson from InSite Engineering advised the State has approved (pointed to plans). What is being proposed tonight is that Lot 22 to be added to the original application.

J. Aubin asked if the facility will be operated as one facility.

P. Carlson said it will be one facility.

M. Bourque asked if it was one owner for all the land.

P. Carlson said there are 2 owners. Jeff Fisk owns 23, 24, and 26 (the front lot) and Patricia Lowey owns lot 22. As far as the overall development of all the panels, it will be managed by TJA Solar. They will be leasing the land. Because of where it fronts and the previous access road, it makes sense to tie it in to the overall project.

M. Bourque asked if this would be considered a medium or large solar field.

P. Carlson said it would be considered a fairly large size since 4 ½ megawatts is considered a good size system.

S. Foulkes asked if the energy will be sold back to National Grid or an independent...

P. Carlson said it will be sold back to National Grid and redistributed. There has been discussion how the Town of Seekonk might benefit.

S. Foulkes said lot 22 is approximately 11 acres of forested land with a wetland complex on the western and northern portions of the lot. She asked how many trees will be cut for this.

P. Carlson said it is zoned in an industrial location and of the 11 acres there are about 5 ½ acres that will be solar fields.

S. Foulkes asked, for environmental reasons, if low lying vegetation was considered for perimeter planting to preserve water run-off.

J. Aubin suggested making a recommendation to the Conservation Commission to discuss that in their meeting on Monday, August 15, 2016. He also asked Mr. Carlson to discuss the grading in the area.

P. Carlson (referred to plans) said the pattern of drainage will remain as it is.

J. Aubin asked if any material is coming off site.

P. Carlson said he does not think any material will be coming off site. He said Massachusetts allows solar panels to cross through and over property lines.

**D. Sullivan made a motion to approve the Site Plan Application for the Solar Photovoltaic Facility at 50 Woodland Avenue, Plat 35, lot 22 in the Industrial and Solar Photovoltaic Overlay Zoning District with conditions as follows:** 1) submission of an Emergency Response plan for the facility to the Fire Department and Town Planner in accordance with **Section 6.8.7.1**; 2) submission of an Operation and Maintenance plan for the facility to the Town Planner in accordance with **Section 6.8.8**; 3) submission of sign details documenting compliance with **Section 6.8.6(f)** to the Town Planner; 4) submission of documentation of Utility Notification to the Town Planner in accordance with **Section 6.8.9**; 5) presentation to the Planning Board and acceptance thereof, at a future date, of the form and amount of financial surety as required by **Section 6.8.11**; 6) such other conditions as the Planning Board deems appropriate to ensure that the proposed development meets the required site plan design standards as set forth in the **Town of Seekonk Zoning by-Laws**; and 7) a letter to be forwarded to the Conservation Commission with the PB concerns and recommendation with low lying vegetation and other options they deem appropriate. **S. Foulkes seconded and it was unanimously approved.**

**VOTE: Approved 6-0**

**Site Plan Approval: 32 Industrial Court (Consolidated Trucking Equipment)**

AP 1, lot 158 Industrial Zoning District

The Applicant was not in attendance to present the Site Plan Application.

J. Aubin summarized the application. The 1250 sq. ft. office building will be considered as a continued use. The parking area is proposed to the rear of the proposed building with 5 standard spaces and 1 HC van accessible space.

It was agreed that this site plan application will need to be continued as outstanding questions remain and a submission of a specific parking analysis listing all the existing uses and dedicated parking spaces is required.

**D. Sullivan made a motion to continue to this Site Plan Application of 32 Industrial Court (Consolidated Trucking Equipment) until the next meeting scheduled for September 13, 2016, R. Bennett seconded and it was unanimously approved.**

**VOTE: Approved 6-0**

**Monthly Department Update**

J. Aubin updated the board on Curt Street Extension; 1) documents are being finalized for recordation; 2) final set of HOA was received today; 3) he will contact the engineer to verify the final plan set; and 4) they are wrapping up things with Conservation Commission.



Brady Estates - public hearing on September 13, 2016.

Pine Hill Estate - some residents are concerned with the bioentention area in middle of the cul-de-sac. Since it is not fully developed, there appears to be a draining issue. It should be drained out within 72 hours.

Rules and Regulations Subcommittee will be meeting next month.

Letters were forwarded to Enterprise Rent-A-Car and 550 Central Avenue. John will be discussing with TA and Town Counsel in regard to the process of enforcement issues moving forward. MGL states the Building Official enforces the zoning certificates. Further discussion took place among the PB members regarding enforcement.

EDC started looking at the Rt. 6 corridor study. An outline, (schedule & timeframe) will be put together. They would like the State to take care of landscaping. The EDC hopes to keep the store fronts as full as possible. The EDC business outreach final letter should be done within month.

FedEx is still going through the MEPA process and the state is causing construction delays.

RIPTA came forward to the last BOS meeting to ask for authority to have the bus line to come down to Commerce Way.

D. Sullivan advised the PB that there is a CPC meeting schedule for August 15<sup>th</sup> at 7:30 p.m. at the Town Hall.

PB members discussed affordable housing and active/passive ideas.

### **Discussion: SRPEDD Update**

Jamie Roach provided SRPEDD update; 1) Wrentham is considering leaving the Boston Planning Chapter and joining SRPEDD. Questions whether they will bring over their budget and approved projects or if they will be using the SRPEDD budget; 2) South Coast railway is still a continued discussion. The politicians are still trying to get it approved. There are subgroups within SRPREDD that oversee the same region, and specifically, there is the Southeastern Massachusetts Metropolitan Planning Organization that deals primarily with transportation improvement plans. At the federal government level they are looking to realign all these planning committees. What that may mean for SRPEDD is that instead of taking the same region we are all used to, it will be carved up into 4 different regions. Which means Seekonk, Attleboro, Mansfield, Fall River, Westport, etc. will potentially go to Providence.

D. Sullivan asked why Seekonk would fall under RI and how this could affect Seekonk.

J. Aubin said Providence is the urban center for the area.

J. Roach explained that discussions are still taking place with great pushback along the coast. He recommended a letter being sent on Seekonk's behalf. He will draft the letter and provide it to PB for further discussion.

Other topics discussed included TRC minutes and blasting procedures.

D. Sullivan advised the board that the By-law Committee is done receiving new proposals at this time and a public hearing should be heard in either September or October.

### **Correspondence**

Response from GPI was received in regards to them not being present at the last meeting. They did apologize for not being present but the email was lost in their inbox.

### **Approval of Minutes:**

**R. Bennett made a motion to approve the July 12, 2016, J. Roach seconded and it was unanimously approved.**

### **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 9.25 p.m.**

Respectfully Submitted by,

Kristen L'Heureux