

**SEEKONK PLANNING BOARD  
Special Meeting & Work Session  
BOS Meeting Room  
January 24, 2017**

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Present: D. Sullivan, M. Bourque, R. Bennett, S. Foulkes, L. Dunn, J. Roach

**Acting Chairperson, David Sullivan opened the Planning Board meeting at 7:03 p.m.**

**Continued Discussion from the December 13, 2016 PB Meeting: ANR Application for 400 North Wheaton Avenue**

AP 5, lots 83 & 165 located in the R-4 Zoning District

J. Aubin advised the PB members that a response from Town Counsel has not been received. At this time, the continuance approved by the applicant has expired and the applicant is within their rights under MGL to file the ANR with the Town Clerk.

Jeff Tallman requested the Planning Board endorse the ANR. If they feel they cannot do so, he will ask the Town Clerk for approval. Financing is being held up since the applicant cannot go to the bank until a lot line has been created. The applicant has been waiting six weeks, it has been continued twice, and they still do not have a response from Town Counsel. It is Mr. Tallman's opinion that the plan satisfies all the requirements for an ANR.

Ch. Sullivan said he is hesitant to ask for a vote to endorse the plan without having a legal opinion. At this time, the applicant can file with the town clerk and proceed without the PB taking action based on the absence of legal opinion.

J. Tallman provided a copy of the Massachusetts Land Use and Planning Law Manual. It states if the board fails to act then it shall be deemed that approval under the subdivision control law was not required. Basically the failure of action is the approval and if the board thereafter fails to endorse the plan as an ANR then the Town Clerk shall issue a certificate of the same affect. Your endorsement of the plan will not be a vote of approval because that has already happened, so the board could endorse the plan tonight.

Ch. Sullivan said it is a matter of whether or not the board feels comfortable signing their names to a decision without having received the legal advice that was requested.

L. Dunn asked Mr. Tallman whether they have gone before the ZBA.

J. Tallman explained before they submitted the ANR plan to Planning they requested a zoning determination letter to verify if the 3<sup>rd</sup> lot was buildable. The zoning enforcement officer said that it was as long as the lot was created under the ANR provision of the subdivision control law.

L. Dunn asked if the lot has been perked.

J. Tallman said they did soil testing while they were in the area but ran out of time. Two pits passed but it still requires 2 additional test pits.

L. Dunn asked if they have gone before Conservation yet.

J. Tallman said the first step is to create the lot line. After the Planning Board they will need to go before Conservation and the BOH. The wetland line has been established and approved by Conservation.

S. Foulkes said she is not comfortable making a motion since they have not received a response from legal counsel.

Ch. Sullivan said a motion does not have to be made. The applicant can go before the Town Clerk due to a lack of a motion.

J. Roach said the PB asked for a recommendation from Town Counsel on December 13<sup>th</sup> and his position has not changed.

No motion was made.

The applicant will go to the Town Clerk.

### **Continued Discussion: Update Logan Court (off Onley Street)**

J. Aubin reiterated to the board some of the parties have retained counsel. A response from Town Counsel has not been received. Tibbetts Engineering forwarded correspondence to the PB.

Mary Medeiros from 3 Logan Court told the board that they have not obtained an attorney. She asked if the PB could have the engineer from Tibbetts clarify the location of the erosion that they referred to in their letter. Mr. and Mrs. Medeiros continue to have concerns regarding whether or not the roof infiltrations systems were installed. If they were installed, they would like to know the exact locations of them. On August 15, 2013 John Hansen, the previous Town Planner, asked Diana Faria and Mary McNeil that an as-built of the roof drainage system be submitted prior to the issuing a CO. Mrs. Medeiros remains unsure as to whether or not they were installed without having the as-built. This was a condition of the subdivision approval.

Ch. Sullivan advised Mrs. Medeiros due to attorney involvement, her concerns will be forwarded to the appropriate party.

Mrs. Medeiros said she understands town's position but asks that answers be provided.

Martin O'Loughlin from 1 Logan Court asked who is liable in the event injuries or accidents occur due to the swale, such as stones being thrown from gas trimmers, lawn mowers, and people driving/falling into the ditch. He feels this should not be in a residential area and is the only kind in the town.

J. Aubin advised Mr. O'Loughlin the questions will be forwarded to the appropriate parties.

## **Discussion: Rules and Regulations Governing the Subdivision of Land in the Town of Seekonk**

Chief Healy was present to discuss the Rules and Regulations pertaining to the Fire Department.

Ch. Sullivan asked if fire alarm boxes are necessary in subdivisions.

Chief Healy said the current language is suitable since they do serve a purpose. They offer added security since they also alert the police department (i.e. if someone is out for a walk without a cellphone). It does not apply to all areas, such as in the Overlay District.

J. Aubin asked the Chief if he could update the board on the locations of the tanks, as well as the annual maintenance of those tanks.

Chief Healy said the tanks are inspected annually and at this time he is not aware of any issues. If they can't see or pull water out of the tank, further inspection is required. They are in easements and should be the town's responsibility if there are any issues. It is his understanding that once the easement is recorded and the road has been accepted by the town, then they are the responsibility of the town.

S. Foulkes asked if the FD has a list as to where the in-ground tanks are located.

Chief Healy said documentation can be provided to the Town Planner.

R. Bennett asked how often they are inspected.

Chief Healy said his department inspects them annually.

S. Foulkes asked if he knew the manufacturer of the tanks or their life expectancy.

Chief Healy said he has not found any documentation to date but he will continue to look for it.

D. Sullivan asked if the FD has a preference of; 1) tanker truck fee in lieu of, 2) individual sprinkler system for each household, and 3) the underground water storage.

Chief Healy said he supports residential sprinkler systems. One of the arguments from the builder's association throughout the commonwealth and across the country is that it's not always pleasing to see sprinkler heads in the ceilings, however, it is a good thing from a protection standpoint. If they are outside of the water district and they enforce the sprinklers, we have to consider how they will run if power is lost and if they run off a well.

Ch. Sullivan asked if this policy could be implemented through the PB or from the FD.

Chief Healy said it could be a policy through the FD or the PB could look into mandating residential sprinklers. The other option, fee in lieu of requires \$5,000 per lot to the Planning Board. This has been very beneficial to the FD since it provides money to buy necessary equipment. The third option, subsurface water storage is not recommended at this time since Seekonk FD has a good relationship with Rehoboth FD and they have 3 tanker trucks strategically placed throughout their town. It is our operating procedure to call them when it is outside our water district. They arrive either at the same time or shortly

after us with 3,000–3,500 gallons of water. It takes us 10-12 minutes to be able to hook up to an underground water tank, losing manpower and time.

R. Bennett asked if above-ground tanks have been considered.

Chief Healy said the concern with above-ground tanks in our area is freezing.

L. Dunn asked if Seekonk has a tanker truck.

Chief Healy said they do not have a tanker truck but they purchased a new fire truck that was approved at the last spring town meeting with water tank of 1,000 gallons of water. A tanker truck could be purchased but they don't have enough staff to drive it.

Ch. Sullivan asked what can be purchased with the money collected from the fee in lieu of.

Chief Healy said most importantly the large diameter hose, adapters, intake valves, etc. All the hose they had was either out of date, out of service life or in need of replacement. It was failing and leaking. Fee in lieu of provided approximately \$45,000 to pay for this equipment. It can now budgeted over the years to replace a certain amount so we are not looking at big ticket items.

Ch. Sullivan asked the Chief to discuss "all related equipment" language.

Chief Healy said all related equipment is beneficial language since other language can be very limited. He said they need other equipment and additional equipment.

Chief Healy said he will provide a summary of this discussion to the Town Planner, John Aubin.

Ch. Sullivan referred to Mr. Aubin's memo dated January 18, 2017 and the summarized recommendations:

**Amendment 1: SECTION II DEFINITIONS**

The applicant is responsible for providing a name of a proposed street and similar names of other names already existing should not be allowed.

J. Aubin said town counsel should determine whether this is considered sufficient and reasonable under the applicable MGL and applicable case law for the Planning Board.

Street list was discussed among the board members.

**Amendment 2: SECTION IV PRELIMINARY PLAN**

References the provisions to cul-de-sacs and dead end streets to be avoided and is not the preferred method of construction by the Planning Board.

**Note:** This amendment clarifies the information required for the preliminary subdivision layout plan and directs applicants to the proposed street naming and dead-end street provisions.

Amendment 3: **SECTION IV PRELIMINARY PLAN**

Directs the applicant to the Environmental Impact Statement (EIS) provisions of **Section 5.6**. This requires a review of the scope of such statement during the preliminary plan review process.

The board discussed moving language from **5.6** to **Section IV** but it also needs to stay in **Section V** since Preliminary Plans are not a requirement.

Amendment 4: **SECTION V DEFINITIVE PLAN**

Directs the applicant to the proposed street naming provisions of Section II.

Amendment 5: **SECTION V DEFINITIVE PLAN**

5.6 Environmental Impact Statement

This amendment requires an EIS for all definitive subdivision plans of 4 lots or more and ties in the EIS focus and scoping review at the preliminary subdivision stage called for in amendment 3.

Further discussion took place regarding the intention of the PB to grant a waiver of the EIS language. J. Aubin asked if the PB wanted to keep the language as is or change it.

The PB discussed the options and would like verification whether or not it is legally required.

Mr. Aubin will take a further look into this matter and advise the board.

Amendment 6: **SECTION VII DESIGN STANDARDS**

This amendment is intended to discourage the use of dead end roadways and requires a new development to either connect to an existing roadway or utilize connections to adjoining parcels. Dead-end streets and developments containing multiple cul-de-sacs *shall* be avoided. The amendment would also prohibit the use of cul-de-sacs solely for the purpose of creating additional frontage to allow for additional lots for development. Subdivision design shall conform to the rules and accepted principles of correct land use, sound planning, and good engineering.

Amendment 7: **SECTION VII DESIGN STANDARDS**

J. Aubin advised that in Rehoboth's regulations they have a table with site distances and roadway speeds. He suggested looking into this in the future for possible adoption. The minimum stopping distance for 35 and 25 mph roadways should be confirmed with the Department of Public Works to ensure conformance with accepted Massachusetts Department of Transportation Highway standards.

Amendment 9: **SECTION VII DESIGN STANDARDS**

The subcommittee has recommended reviewing the language of this section in an attempt to limit or discourage future dead end streets.

M. Bourque said traditional cul-de-sacs were changed to hammerheads and now we are moving away from them.

S. Foulkes asked if that was due to the ease of fire trucks and asked which is best for the truck.

M. Bourque said in his opinion a regular traditional cul-de-sac is most efficient for a fire truck since there are no obstacles, such as a car parked in a hammerhead.

~~Discussion of removing subsection 7.2.4.2 Dead end streets shall be provided at the closed end with a turnout having a diameter of one hundred and five (105) feet and a property line diameter of at least one hundred twenty five (125) feet, and with a forty (40) foot diameter landscaped island at the center point (see Appendix IV). Alternative designs may be permitted by the Planning board with the written recommendation of the Public Works Department and /or Fire Department. Such alternatives shall provide for sufficient area so that a vehicle with a turning radius of fifty (50) feet can execute a turnaround in one operation.~~

#### Amendment 10: Open Spaces

This amendment is intended to provide for greater protection for critical resources and natural features through greater conformance with the EIS.

J. Aubin suggested adding paragraph 7.7.3 - The provision, design, and location of open space and park areas, shall reflect and protect any major site features, and any threatened or critical resources identified on site in the Environmental Impact Statement for a subdivision or through the course of the Planning Board review of an application.

M. Bourque suggested taking a look at conservation areas within Conservation Subdivisions and make it usable land for recreation. Set standards that they have to cut out a piece of land for open space or a park.

PB discussed possible options/suggestions for open space.

#### Amendment 11: Curbing

The subcommittee recommends amending the regulations to require only granite or pre-cast concrete curbing. This and other roadway standards will need to be discussed with DPW.

Ch. Sullivan said the granite and concrete hold up better in a snow storm/plowing.

The PB discussed the options and requests a work session with DPW.

#### Amendment 12: Sidewalk

Sidewalks shall be constructed of either ~~bituminous~~ concrete or natural or precast pavers at the option of the developer.

This and other roadway standards will need to be discussed with DPW.

Ch. Sullivan said the granite and concrete hold up better in a snow storm/plowing.

The PB discussed the options and requests a work session with DPW.

Amendment 13: As-Built Plan

The subcommittee has recommended adding language: There shall be no unauthorized departure from an approved Definitive Plan or unauthorized waivers from these Rules and Regulations without prior approval of the Planning Board.

Amendment 14: Waivers

This amendment would require a public hearing for all waiver requests presented after the final approval of the definitive subdivision is granted.

M. Bourque verified the cost of the public hearing is at the expense of the applicant.

This was discussed further with the PB members. Notices will be done via regular mail.

**Approval of Minutes 12/13/16 and 1/10/17**

**L. Dunn made a motion to accept the minutes of December 13, 2016, R. Bennett seconded, and it was approved by J. Roach and S. Foulkes. Ch. Sullivan and M. Bourque abstained due to being absent (with cause).**

**R. Bennett made a motion to accept the minutes of January 10, 2017, L. Dunn seconded, and it was unanimously approved.**

**Adjournment**

**M. Bourque made a motion to adjourn the meeting; J. Roach seconded, and it was unanimously approved.**

**The meeting was adjourned at 9:00 p.m.**

Respectfully Submitted by,

Kristen L'Heureux