

**SEEKONK PLANNING BOARD**  
**Regular Meeting & Work Session**  
**BOS Meeting Room**  
**April 11, 2017**

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

**Acting Chairperson, David Sullivan opened the work session at 6:23 p.m. The Executive Session was postponed until Town Counsel was able to arrive. Ch. Sullivan recommended a motion be made to begin the regular meeting with agenda item #4 to discuss the Rules and Regulations governing the subdivision of land in the Town of Seekonk since Dave Cabral, Superintendent for Public Works, was present.**

**J. Roach made the motion, L. Dunn seconded, and it was unanimously approved.**

**VOTE: 6-0**

**Work Session Discussion: Proposed Amendments to the Rules and Regulations governing the Subdivision of Land in the Town of Seekonk**

D. Cabral recommended updating the Rules and Regulations to coincide with MassDOT. The following amendments reflect Chapter 6 from MassDOT.

Section VI - Performance Guarantee

- 6.6: Further discussion is needed regarding the failure to perform language with Town Counsel.
- 6.7: Further discussion with Town Counsel is needed.
- 6.8.1: Further discussion should take place regarding the percentages.
- 6.8.2: More specific language should be created in regard to performance guarantee.

Section VII - Design Standards

- 7.2.1.1: Recommend removing "300 feet" language from this section in regard to speeding.
- 7.2.1.6: Developed roads less than 60 degree angle was discussed.
- 7.2.1.8: Street intersections shall be rounded or cut back to provide curb radius of not less than 20' at intersections with minor streets and other minor streets; and 25' or greater at all other intersections. Mr. Cabral may change the initial 20' to 25' to accommodate larger vehicles traveling down minor streets. It will match the MassDOT design criteria.
- 7.2.1.9: Concerted effort should be made to provide at least 500' of visibility in both directions on high speed roads (35 mph) and at least 300' of visibility on all roads. With every 5 mph increase, there is an associated stopping site distance.
- 7.2.2.1: The minimum width of street ROW should be rewritten and tied into the Typical Section.
- 7.2.2.2: The minimum width of roadway pavement should be tied into the Typical Section.
- 7.2.2.4: The *minimum* width of pavement for a driveway entrance within the ROW to a resident shall be 12'-16' but the *maximum* width is not mentioned. The number of

driveways should also be discussed for consistency purposes. For safety reason there can be exceptions made, but a waiver should be requested.

- 7.2.2.7: It is unclear where the 6' increments for the width of the ROW of pavement came from so this paragraph may be eliminated if it does not match with MassDOT.
- 7.2.2.4: This section is going to vary and should be looked at further since there is different zoning in different sections. Design criteria should be consistent.
- 7.2.2.5: There are some inconsistencies in regard to the width of sidewalks and should be addressed.

J. Aubin said the ADA requirement is 36" unrestricted and leeway for telephone poles, etc. will be needed.

- 7.4.1: Currently there is a 20' easement required for conservation subdivisions since they are contracted and at other subdivisions the easement is 30'. The proposal will be to increase the 20' to 30' since DPW vehicles and equipment may not fit in a 20' easement.
- 7.4.2: It is recommended to add "to allow practical physical access" since the easement access needs to be something they can physically get the equipment down through.

#### Section VIII

- 8.4.7: It is important to add transition stones.
- 8.5.5: Paving shall not take place when the temperature is below 40 degrees Fahrenheit. The 40 degrees need to be revised to match MassDOT-cold weather paving. The ground temperature has to be above a certain temperature *and* rising. This should be revised to reflect the state standard. MassDOT typically does not allow paving from November 15<sup>th</sup> to April 1<sup>st</sup>.
- 8.6: It is recommended that transition stones be added to paragraph 3.
- 8.7.1: Sidewalk widths and materials were discussed (i.e. concrete, granite curbs and asphalt). Mr. Cabral recommends asphalt since maintenance is less expensive and DPW can do repairs to any damages that may occur. Concrete slabs are harder to maintain and can become a trip hazard.
- 8.9.1: Recommended changing the requirements of monuments reveal from 6" to 3"
- 8.12:3 Street trees should be reevaluated
- 8.13: Recommended electronic version of as-built plans be included.

There are a number of inconsistencies with the appendices, particularly with regard to appendix 3, 3B and 4. Since the BOH reviews septic systems, removing Appendix 6 (perc test schematic) is proposed since it does not pertain to the PB or DPW.

Mr. Cabral will provide written recommendations to Mr. Aubin for the next PB meeting.

**Ch. Sullivan asked for a vote to move into Executive Session to discuss strategy with respect to possible litigation where an open meeting may have a detrimental effect on the litigating position of the Town, and the Chair so declares, with respect to the following matters:**

- a. Caleb Estates/Logan Court – 5 lot Definitive Subdivision of land located off Olney Street.**

**b. Pine Hill Estates/Jacoby Way – 11 lot Definitive Subdivision of land located off Newman Avenue.**

**R. Bennett made a motion to move into Executive Session to review Logan Court and Jacoby Way as stated by the Chair, J. Roach seconded, and it was unanimously approved.**

Roll call vote: Ronald Bennett, Michael Bourque, David Sullivan, James Roach, Sandy Foulkes, Phoebe Lee Dunn.

Ch. Sullivan adjourned the meeting and requested the PB members with Town Counsel to move to the Planning Board Room for the Executive Session and stated they will return to open session in the Board of Selectmen meeting room upon completion of the Executive Session.

**Acting Chairperson, David Sullivan reconvened the open session Planning Board meeting at 8:20 p.m. in the Board of Selectmen meeting room.**

**Discussion: Caleb Estates/Logan Court** and **Discussion: Pine Hill Estates/Jacoby Way**  
5 lot Definitive Subdivision of land located off County Street      11 lot Definitive Subdivision of land located off Newman Avenue

J. Aubin said a letter will be issued to both developers notifying them they are outside the timeline required to have the subdivision completed, requested a resolution of all outstanding issues, and a reply is requested prior to the next planning board meeting (May 9, 2017). Several site visits have been conducted and photographs have been obtained. He noted some erosion in both developments. There is still water being retained in the bioretention area, as well as the detention basin at Pine Hill Estates. It is his understanding that Cardi Corporation will be addressing the final coat of pavement at Logan Court/Caleb Estates.

Ch. Sullivan opened discussion up to the audience.

Martin O'Loughlin from 1 Logan Court asked the PB to rescind subdivision approval of Caleb Estates until a proper drainage plan is in place (both front and rear of his property). He does not believe the front swale is designed or installed properly. (inaudible) as far as the rear yard is concerned, it is not just visible ponding that is affecting them but also water below grade. (inaudible) conditions around the foundation, they fear the water conditions is deteriorating the home's structure and don't feel the drywells are going to work with the high water table. They are asking the town to require the developer and engineer to put forth an official drainage plan for the subdivision.

Ch. Sullivan asked Mr. Aubin if the letter will be address Mr. O'Loughlin's concerns.

J. Aubin said if Mr. O'Loughlin is requesting a rescission of a subdivision where lots in the development have been sold, then Town Counsel will have to advise us how to proceed since rescission is essentially a removal of an approved subdivision. There are existing lots of records and taxes are being paid on those lots.

Ch. Sullivan asked if Town Counsel could address this concern.

Barbara Saint Andre, Town Counsel, from KP Law Office explained that since the lots have already been sold, and if the subdivision were to be rescinded, it will mean they are no longer there. That will affect the title to these lots and it is for this reason that the subdivision control law section 81W says you cannot rescind the subdivision. It will affect lots that have already been sold or mortgaged in good faith. The subdivision is what created the lots which have been sold to homeowners and a roadway was created.

Ch. Sullivan ask if state law prohibits them from rescinding their decision.

Attorney Saint Andre said the only way you can do that is if you receive consent in writing from the owners and mortgagees who mortgaged these lots. Rescinding a subdivision would essentially wipe out the lots. Procedurally any rescission or modification will require notice and a hearing in accordance with the subdivision control laws. Rescission is not a good option once lots are sold off. It is recommended to try to work with the developers to get the issues fixed.

Mr. O'Loughlin said he still feels the subdivision should be rescinded and stopped from going forward until the problems are corrected.

Mary Lou Medeiros from 3 Logan Court said there are some homeowners who have concerns that are unique to their individual homes, and then there are concerns in regard to the subdivision itself, and then there are collective problems to all the homeowners. She asked the PB what their position was and what recommendations will be in the letter.

Ch. Sullivan said letter will state the subdivision must meet the designs standards that were approved in the definitive plan and address the outstanding issues and paving.

Mrs. Medeiros reiterated her concerns that no one has shown them if and where the infiltration systems are that are shown on the definitive plan.

J. Aubin said since the infiltration systems were part of the public improvements/drainage systems, they will have to be shown on the as-built plan. If they are not shown, it will need to be addressed. Assuming the developer comes forward, gives us the as-built plan, completes the paving and the public improvements approved by the engineer, the next step would be the street acceptance process which is done by the BOS. The public hearing offers another opportunity to address any other issues in regard to the public improvements. Mr. O'Loughlin raised some issues that may or may not be part of that. That is an issue that we will try to work through. The PB requires public improvements, as they approved them and as they were designed and authorized by the town's consulting engineer, are put in place before the development goes forward to acceptance. The PB makes a recommendation for that acceptance.

Mrs. Medeiros said they are only looking for what they thought they bought and not looking for anything extra. The residents are asking for the Town's help since they bought in good faith and thought the town was going to require these things.

J. Aubin said the PB will insure the public improvements, as approved, will be put in place. There may be some changes to the public improvements based on the site plan conditions as the project was developed, and again, that is what the as-built plan will show. There may be issues that are strictly between the developers and homeowners.

Mrs. Medeiros asked if the board can ask the builder to clean the lot up next door or make it look presentable since there is construction debris on the lot and vegetation has grown. They have lived there 4 years and the lot next door has been empty.

J. Aubin said the builder is unable to build anything on that lot since there is a covenant on that lot. Unfortunately, there is not much in regard to property maintenance in the Rules and Regulations and it does not address this issue specifically but the board does understand this is in an issue with some of the developments that are not completed. If it was creating a harbor for rodents or wildlife it may be pursued by BOH or Animal Control. It may also be addressed in the HOA regulations.

No residents were present for Pine Hill Estates.

### **Reorganization of the Planning Board:**

Ch. Sullivan asked that reorganization of the PB be moved until next meeting. The SRPEDD representative is required to be voted on tonight due to time constraints.

**R. Bennett made a motion to move the reorganization of the PB until next meeting, L. Dunn seconded and it was unanimously approved.**

**VOTE: 6-0 Approved**

**M. Bourque made a motion to ask Jamie Roach to continue as the PB SRPEDD representative; R. Bennett seconded, and it was unanimously approved.**

**VOTE: 6-0 Approved**

### **Discussion: Chapter 61B land - corner of Hammond Street and Chestnut Street** AP 10, lot 288 located in an R-2 zone

J. Aubin provided a staff report for the PB members to review. It included the current ANR proposal and aerial photos. He was asked at the last PB meeting to look at the possibility of public reuse on Chapter 61B land. Mr. Aubin looked the possibility for public reuse for active, public reuse for passive recreation, public reuse for public facilities, and public reuse for potential affordable housing. In his opinion, passive recreation would be the best fit considering it abuts a number of protective properties. The wetlands on the southern portion extends down to some conservation land owned by the Seekonk Land Trust through another parcel owned by the Crandall's.

In regard to affordable housing, the site is not serviced by either sewers or town water so it would require an installation of a water line extension as well as an installation of a septic system. Generally we want to locate affordable housing where you can minimize the amount of utilities to cut down on development costs.

In regard to public facilities given the location, while it may be centrally located in town, it is in a residential area and close to the existing public safety.

In regard to passive recreation, walking trails would be an option since there are other protected properties in the area. As far as active recreation, there is a possibility for 2 fields but the waterlines would either need be extended or a well will be needed for irrigation.

M. Bourque said the Cole Street fields is serviced by a well. He would like to see active recreation and understands it could be limited, but the town could use a couple fields, playground, basketball court and/or tennis court. Passive recreation is a good option, but would prefer to see active recreation if possible. Another option would be to add a walking trail around the ballfields.

Ch. Sullivan suggests presenting both options (passive and recreation) to the BOS. Then we can write a proposal to the CPC for active recreation with passive recreation around it. He suggested the land be owned by the town and managed by the recreation director. The CPC will require an appraisal and inspection. CPC will then review the proposal (written by town officials) and come up with a plan and recommendations for funding. Then use CPC funds to invest in the engineering expenses.

J. Aubin will submit the proposal to BOS tomorrow.

**L. Dunn made a motion to approve forwarding the recommendation to the BOS, S. Foulkes seconded and it was unanimously approved.**

**VOTE: 6-0 Approved**

M. Bourque had to leave meeting.

### **Work Session Discussion: Spring 2017 Zoning By-Law Amendments**

J. Aubin proposed an 18 month moratorium on recreational marijuana establishments. It is a similar provision that has been adopted by a number of other communities. The purpose of it is to put an 18 month freeze on commercial recreational marijuana sales facilities to allow the town to react to state regulations which will not be out until 2018. The town's By-laws and regulations will also need to be updated. The public hearing will be scheduled for May 9, 2017.

**J. Roach made a motion present the proposal for the 18 month moratorium on recreation marijuana establishments to the BOS, L. Dunn seconded, and it was unanimously approved.**

**VOTE: Approved 5-0 all in favor**

### **Discussion with the Energy Committee: Building Code for Green Communities**

J. Aubin asked for a recommendation to ask the BOS to support the adoption the stretch code for the Building Code for Green Communities at the 2017 Spring Town Meeting.

Ch. Sullivan asked for a motion to ask the BOS for their support of adopting the stretch code.

**L. Dunn made a motion to ask the BOS to consider the PB's endorsement and support the stretch code for the Building Code for Green's Community Act, J. Roach seconded, and it was unanimously approved.**

R. Bennett asked if the PB could put this on the warrant for the Spring Town Meeting.

J. Aubin said since this is a General By-law it needs to be initiated by the BOS and requires a public hearing. The PB can say we endorse the efforts of the Energy Committee to adopt the stretch code at the Spring Town meeting.

**VOTE: 5-0 all in favor (MB left early)**

### **Discussion: Subdivision Status update**

J. Aubin drafted a letter to be mailed to the developers requesting a status update in regard to their subdivisions. Some letters will need to be individualized. A work session is requested for PB and Town Counsel. It is recommended that covenants not be allowed in subdivisions on individual lots going forward.

### **Monthly Department Update**

J. Aubin summarized the Planning Department's monthly report.

### **SUBDIVISIONS**

- **Brady Estates** – Installation of the waterline is scheduled for either this week or next week.

### **SITE PLANS**

- **1977 Fall River Avenue** FedEx is under construction. The draft environmental impact report (DEIR) has been provided and any comments must be submitted by April 21.
- **1110 Fall River Avenue** At Home will be going before the ZBA for signage
- **7 Commerce Way** The grand opening for Southcoast Medical's grand opening is scheduled for April 27, 2017 at 11:00 a.m.
- **68 Woodland Avenue** AP 35, lot 21-24 approved by ZBA on April 10, 2017.
- A site plan was received for **214-224 Taunton Avenue** (Cumberland Farms) and that will be presented at the May 9<sup>th</sup> PB meeting.

### **MISCELLANEOUS**

- Open Space Working Group – next meeting April 27, 2017 at 7:00 p.m.
- Next month the 5 year master plan will be discussed.
- J. Aubin attended the census 2020 kick-off workshop.
- Economic Development Committee:
  - Table is reserved for the East Bay Business Expo on May 3, 2017.
  - A business outreach event is being planned.
  - Received \$25,000 from the Lieutenant Governor's office and SRPREDD for an Economic Development Guide.

**Discussion: SRPEDD UPDATE**

- No update for SRPEDD since last meeting.

**CORRESPONDENCE**

SRPEDD correspondence discussed was discussed. L. Dunn asked to recommend Carol Bragg for a service award. Both R. Bennett and S. Foulkes agreed that she should be recognized for her service.

**R. Bennett made motion for PB to endorse Carol Bragg, L. Dunn seconded, and it was unanimously approved.**

**VOTE 5-0**

**Approval of Minutes 3/21/17 and 3/28/17**

**Ch. Sullivan asked for the minutes of 3/21/17 be reviewed next week.**

**L. Dunn made a motion to accept the minutes of March 28, 2017 with amendments, S. Foulkes seconded, and it was unanimously approved.**

**Adjournment**

**R. Bennett made a motion to adjourn the meeting; L. Dunn seconded, and it was unanimously approved.**

**The meeting was adjourned at 9:45 p.m.**

Respectfully Submitted by,

Kristen L'Heureux