

SEEKONK PLANNING BOARD
Public Hearing and Regular Meeting
BOS Meeting Room
May 9, 2017

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

Ch. Sullivan opened the meeting at 7:04 pm.

Ch. David Sullivan asked if there were any objections to move the public hearing to the end of the agenda since there are residents in attendance to hear the site plan application for 214 & 224 Taunton Avenue.

There was no one from the audience or PB members in opposition.

M. Bourque made a motion to move the public hearing to be heard after agenda #7, J. Roach seconded and it was unanimously approved.

Ch. Sullivan asked for a motion to move the discussion of reorganizing the board prior to agenda #8.

J. Roach made a motion to move reorganization of the board to be heard prior to agenda #8, L. Dunn seconded and it was unanimously approved.

Site Plan Application: 214 & 224 Taunton Avenue (Cumberland Farms)

AP 20, lots 596-470, located in (#214) R1LB and (#224) LB

Attorney Michael Kehoe from Partridge, Snow and Hahn (128 Union Street, New Bedford, MA) was present along with John Marchand the engineer from Farland Corp, and Francisco Lovera the project manager from McMahon Associates on behalf of the applicant, Cumberland Farms. Attorney Kehoe explained they went before the TRC and tried to incorporate some of their suggestions. He summarized the proposal for a 5100 sq. ft. retail store which will include 5 fuel islands. The two existing structures on both properties will be razed. The applicant went before Conservation on May 8, 2017 and the application has been continued at the applicant's request. The applicant will go before the ZBA on May 15, 2017 for a special permit to allow the pumping of gasoline and signage. There are no dimensional issues. The retail portion is an as-of-right use.

John Marchand the engineer from Farland Corp summarized the location which consists of 2 parcels (214 & 224 Taunton Avenue) totaling approximately 3.5 acres. 214 Taunton Ave is located at the corner of Pleasant Street and Taunton Avenue and has driveway access off Taunton Avenue. The farm stand sits on 224 Taunton Avenue and has 2 access driveways on Taunton Avenue. The existing stormwater basin adjacent to the wetlands was constructed as the part of Banna Estates subdivision. That basin discharges to the wetlands. The proposed site involves construction of a 5275 sq. ft. convenience store, 5 multiproduct dual store pumps under a canopy structure. Currently, the underground storage tanks are to the east of the fuel islands. The Conservation Commission would

like them relocated out of the wetland buffer. Proposed access to the site would be a full two-way access at the eastern edge of the parking area, a one-way right turn only exit at the western side of the parking area, and two-way access on Pleasant Street.

Ch. Sullivan asked if the right-turn only exit will be created in such a way that you are forced to go right only.

J. Marchand said the intent is to configure it that way. The stormwater for the site will be collected in catch basins throughout the site and will be directed to underground chambers. One will be behind the building, one in front of the building, and there will be a grass swale along the eastern area of the site.

Ch. Sullivan asked how they will address the retention areas.

J. Marchand said it is a partial infiltration system. They are designed to slow it down, temporary store, infiltrate some, and reduce the volume. Water and underground electric will be obtained from Taunton Avenue and there will be an onsite sewage disposal system in front of the building. A 25' pylon on sign is being proposed at the southwestern corner of the site of the intersection of Pleasant Street and Taunton Ave. Six pole lights are being proposed at 15', lighting under the canopy structure and up under the eaves of the building are also being proposed. They are proposing plantings around the perimeter of the parking areas for landscaping (he referred to the plans).

L. Dunn said she did not see any shade trees on the plan.

J. Marchand referred to plan sheet CFG 08.

Ch. Sullivan asked if they will be using landscaping as a buffer to Evelyn Way.

J. Marchand said they are proposing some cypress and spruce screening.

M. Bourque asked Mr. Marchand to refer to the plans to show them where the property line is.

J. Marchand referred to the dark line on the plans.

Options for landscaping were discussed.

M. Bourque questioned the existing storm water basins.

J. Marchand said their calculations include the flow from Banna Estates.

Ch. Sullivan asked how much the new proposed system would contain before it went to overflow.

J. Marchand said he believes this system contains the 10 year storm. As far as the back system, he said he was not sure of (inaudible).

S. Foulkes asked about the proposed landscaping.

J. Marchand said there is a variety of plantings and he referred to the landscape table on the plans.

Francisco Lovera the engineer with McMahon Associates conducted the traffic impact study on Thursday, October 13, 2016. He summarized the process as the following:

- Nationally accepted guidelines were followed
- Counts of traffic were obtained for the intersection of Pleasant Street and Taunton Avenue
- They estimated the amount of traffic that will be generated by the store
- They projected the amount of traffic that will be added in the future.

They measured traffic during the morning and afternoon rush hours (between 7:15–8:15 a.m. and 5:00–6:00 p.m. They also looked at the collisions that occurred in the last 3 years. There were 74 reported crashes. The obtained crash rate (objective measure) was .35 crashes per million vehicles every year. District 5 and Statewide (Mass) crash rate are .58 and .6. With that information, they projected out 7 years and assumed 1% yearly growth.

S. Foulkes asked for clarification of District 5

F. Lovera said most of Eastern Mass.

Ch. Sullivan asked if the line of site or the height of the hill was discussed at the TRC meeting.

J. Aubin said impediment to the line of site was discussed, however, Route 44 is a state highway and any changes would be driven by state review.

Jeff Harris expressed his concern with the traffic, with people competing with one another, and the possibility of a driver missing someone leaving Pleasant Street.

F. Lovera said that is a possibility, but the amount of traffic they measured making a left turn, is almost negligible. The traffic patterns they observed: approximately 50% of the traffic coming to this area was on the western side; 45% of the traffic was coming from the eastern side; and 5% was coming from the southern leg of Pleasant Street. The amount of traffic that was travelling on the northern side of Pleasant Street was negligible.

J. Harris said rush hour traffic is pretty heavy and asked if they looked at people taking a right turn out of Cumberland Farms, while people were taking a left out of Pleasant Street, plus the traffic on Route 44.

F. Lovera said yes.

Ch. Sullivan asked if the applicant looked into eliminating the right turn only exit.

F. Lovera said that is something that will have to be discussed with Cumberland Farms. They did have a preliminary meeting with MassDOT District 5 offices and they did not have major concerns with the two driveways.

Ch. Sullivan asked Mr. Aubin if the TRC discussed eliminating the right turn only exit and having an exit/entry on Pleasant Street and Route 44.

J. Aubin said it was specifically discussed and the applicant was asked to combine the right turn only with the eastern most exit/entrance and add an additional lane as a free right turn. As far as the process, the applicant is going through initial discussions with several boards. This is a preliminary discussion to identify the issues and he anticipates addressing this application again at the next TRC meeting at the end of the month, as well as next month's PB meeting.

S. Foulkes is concerned with the right turn only sign since other vendors use that right turn only sign and drivers still take a left hand turn.

Ch. Sullivan said it would need to be constructed to allow only a right hand turn.

J. Aubin said the curb cuts are already existing. The board can make it a condition or recommendation and forward it to MassDOT but they may ultimately have the final say in the configuration.

F. Lovera said the guidelines they followed (inaudible) can estimate the amount of traffic that will be generated and the amount of traffic that is already existing in the roadway. People typically go to the gas station that is conveniently located on the right side of the road. The guidelines suggests that 63% of the traffic in the morning and 66% of the traffic in the afternoon is traffic that is already existing. They estimated the amount of new trips that will be accessing the site during the morning is 36 vehicles and 41 vehicles in the afternoon which totals about 1 new car to the roadway per minute. The levels of service were evaluated at the corner of Taunton Avenue and Pleasant Street, at each of the proposed driveways on Taunton Avenue, and the driveway on Pleasant Street. They had some concerns about the traffic trying to exit the site going onto Taunton Avenue so they did a gap study in November. They timed how long the gaps are in between the cars in each direction. A long enough gap for you to take a right hand is 6.2 seconds in the direction of travel. When you have a gap in both directions of travel that is as long as 7.1 seconds that is a good gap for you to take a left hand turn. These are national numbers. With these numbers, they measured the amount of gaps that were available during the afternoon peak hours. It was estimated that there would be 264 gaps in one hour for a vehicle to make a right turn and 82 gaps for a vehicle making a left turn. In terms of the level of service, the current intersection operates at a service level C, and service level B in the morning and afternoon. With this site, the level of service in the morning will be graded E and the afternoon would be an F (delays longer than 50 seconds for the people who are trying to come out of Pleasant Street) but that is taking into account that a lot of traffic coming out of the site would be having significant delays as well. It was estimated that the amount coming out of the eastern side will be a service level of F in the afternoon and E in the morning. The amount of delay on Pleasant Street is pretty much (inaudible) and the western driveway in the morning and in the afternoon would be service level C with minor delays. The numbers presented are extremely conservative numbers. They also measured the physical conditions on the site and the vertical curve on Pleasant Street where the crest is a concern. Based on the 40 mph speed limit you need 305 ft. for visibility in order to stop safely. They measured a distance of more than 500 ft. at the driveway closest to Pleasant Street on the eastern side (both directions) so from a safety perspective, this is one of the best locations for that driveway considering there can be operational concerns.

Ch. Sullivan asked Mr. Lovera what the 500 ft. number in his review equates to in mph in site distance.

F. Lovera said he will have to check that.

Ch. Sullivan said the speed limit might be posted at 40 mph but due to the nature of traffic that exists, 50 mph might be more realistic.

F. Lovera said the site distance on the eastern driveway, when you are looking to the left, is over 500 ft. and there is not a significant object blocking the view of the driver, however, to the right there is the challenge of the vertical curve. The site distance in that direction is only about 260 ft. so they did have some concerns and mentioned it to MassDOT.

J. Aubin advised we are waiting for comments from the peer review of the traffic study.

S. Foulkes asked if lighting will affect the residents living on Evelyn Way.

Ch. Sullivan asked Mr. Aubin if lighting was addressed at the TRC.

J. Aubin said the applicant submitted a light level study. A landscape buffer will provide a vegetative buffer between the commercial site and the residential properties.

John Marchand said the lighting plan is shown on C10 of the plans. The lighting is facedown.

M. Bourque asked if lighting is needed on the back of building.

J. Marchand said lighting is being proposed behind the dumpster area. He believes any lights would be under the eaves of the building. It would just light the walkway.

M. Bourque asked if there is pole lighting in the back.

J. Marchand said the closest pole lighting would be behind the dumpster.

M. Bourque asked Mr. Marchand to demonstrate on the plans where the lighting and dumpster are located. He asked if lighting were to become an issue, would pole lighting be necessary. He understands for security reasons lighting is needed but can the lighting be lowered.

J. Marchand said they can look into that.

M. Bourque asked about outdoor seating and if it is more café style dimmer lighting.

J. Marchand said they are 8'tall patio LED lighting.

Pam Bochiechio, 7 Richard Banna Way, is representing a petition that was signed by 217 people as of May 9, 2017 at 6:00 p.m. Ms. Bochiechio summarized the petition. Their primary concerns for having a gas station near a residential community includes: risks of cancer; leukemia is a greater risk to children (4 times increase risk within 328 ft. perimeter); increased risk for respiratory problems for children and adults; increased traffic patterns; no traffic light, increased traffic volume on side streets, no sidewalks; no posted traffic speed limits; the need is not there since there are other gas stations and

convenience stores in the area; an increase of crime; negative affect on property values; spills at the location; costs of remediation; too close to wetlands; and 24 hour light and noise pollution. The residents thought they moved into a family friendly neighborhood which has 70 children living in the neighborhood.

George Solas, 18 Evelyn Way, said he would appreciate more definitive, concrete answers than what was presented by the engineer. He is also concerned with the engineers not being familiar with this particular area. It is his opinion there will be a greater risks of accidents. When the sun sets, the site is very difficult to see. He is also concerned with the entrance/exit on Pleasant Street. Since it is not a 90 degree turn it does not require a complete stop so people travel at a moderate speed around the corner which will cause more accidents.

Ch. Sullivan said the traffic study will also have a peer engineer review. Under the statute and case law, the PB is unable to override an engineer's decision or plan. They have to abide by their recommendation or the board could be in violation. The PB understands the residents have concerns, but there are certain things they have to adhere to as well.

Mr. Solas understands the legalities but wanted to bring some potential issues to the board's attention for their consideration.

J. Aubin said the peer review will be completed by an independent third party engineer which is pending at this time. The process under Zoning By-laws Section 2.8 calls for a site plan review for any new use in town and to see if the site plan, as presented, meets the design standards (Section 8).

Maria Dias, 11 Evelyn Way, asked about the wetlands. When she purchased her property she had to put in a nitrate system to protect the pond.

Ch. Sullivan said he would have to defer that to the Conservation Commission.

J. Aubin said there is an application before the Conservation Commission and any changes to the wetlands or changes to the existing detention basin will be reviewed by them.

M. Dias asked about the zoning since this will be opened for 24 hours a day compared to the farm stand.

Ch. Sullivan said it is properly zoned for Cumberland Farms but a special permit is required for the dispensing of gasoline.

M. Dias said her concerns also include potential increase in crime, light pollution, cut through traffic, and if traffic continues to get worse in 5 years. She also asked what will be done with the ledge at the site.

Ch. Sullivan said in regard to the ledge, it will be brought down to a lower level.

J. Aubin said the peer review noted the ledge and provided comments in regard to the drainage calculations.

John Marchand said a geotechnical study was done earlier in the process. He believes the depth to bedrock ranged between 2 and 5 feet and the outcrop along Evelyn Way.

Ch. Sullivan asked if the ledge will be removed to address the driveways and intersection concerns.

J. Marchand said he believes there will be some removal.

Jennifer McGovern, 25 Evelyn Way, asked if there were counts of traffic obtained for any impact on Evelyn Way and the impact that it will have on the residents. It is a concern since it took over 6 months to get a stop sign at Kristen Drive and Evelyn Way. There is a lot of cut through traffic.

F. Lovera said it was only done on Pleasant Street and Taunton Avenue.

Ch. Sullivan asked if they could do that study before the next PB meeting.

F. Lovera said he will ask if it can be completed within that timeframe.

J. McGovern said she is also concerned that the right turn only will not be enforced since it will be posted on private property.

Charles Adams, 230 Pleasant Street, questioned the crash rate (7 crashes in the past 3 years at Pleasant and Taunton Avenue) with the statistic .35 per million...

Ch. Sullivan said that's the state average and the District 5 MassDOT average.

C. Adams asked if that correlates with 7 crashes in 3 years.

Ch. Sullivan asked Mr. Lovera to elaborate.

F. Lovera said the 7 crashes at this location does not exactly tell you a good story in terms of whether it is good or bad. You have to take into account the amount of traffic that is using the intersection. The more cars, the more likely you will have a larger number of crashes similar to the signals that you have in town along Taunton Avenue have a lot more traffic than Pleasant Street, you would expect to have a lot more crashes so that is why we use the number of crashes and divide it by the amount of vehicles using that intersection. The number obtained was for an unsignalized intersection similar to any other intersection that exists in the Commonwealth and it is significantly lower than any other intersection than District 5 as well as in the state.

C. Adams asked if it is lower than 7 crashes or higher.

F. Lovera said in another location you would have more crashes.

C. Adams said so it's more crashes.

F. Lovera said more crashes is the average.

Ch. Sullivan said if you compare the 7 crashes with the calculations for the percentage it came in lower than MassDOT District 5 standard and lower than the statewide standard for a similar intersection.

C. Adams asked if there is a projected number of crashes that could happen.

F. Lovera said it is not something they typically do in a traffic study.

Pam Bochiechio, 7 Richard Banna Way, asked about the degradation of service level from C to E and from E to F based on the morning or evening and that increase volume of 1% per year was listed based on people coming in and out of that station. She asked if they are already at 7 crashes and if there is a decrease of visibility and higher volume of 2 degradation levels, why would we not assume there would be more accidents since there is more volume.

Ch. Sullivan said we could but due to the scientific calculations you can't calculate that number. You can make an assumption, but under the legal expertise we have to abide by, we can't act on an assumption.

P. Bochiechio asked if there are similar sites that can be compared with the E and F volume.

Ch. Sullivan said it is up to the applicant to make that decision if they choose to or if the PB directs them to by adding it as a condition. The neighbors can also contact an engineering firm to ask for that information.

P. Bochiechio asked if that would be up to the residents.

Ch. Sullivan said they could if they chose to.

P. Bochiechio asked if the town should be concerned with 2 levels of degradation.

Ch. Sullivan said that is why we have an independent engineering study.

Mary Duhancik, 4 Olivia Way, referred to the plans and asked where the pole lighting will be located.

J. Marchand referred to the plans.

M. Duhancik asked how tall they are.

Ch. Sullivan said they are standard. They have to be directed into the site and downward with a certain amount of overflow outside the boundaries of the site.

M. Duhancik said she is concerned since it is 24 hours a day. She also asked if mature trees will be planted to block Evelyn Way.

J. Marchand referred to the landscaping table (inaudible).

M. Duhancik said there are 12' trees going along Taunton Avenue but only 5' trees with 15' lights towards Evelyn.

J. Marchand said the height planted is 5-6' and mature height is 6'....

M. Duhancik said hopefully they get to 15'.

Ch. Sullivan said it is a condition and they will have to maintain them.

M. Duhancik asked if it does not, will they be required to plant a 15' tree.

Ch. Sullivan said they have to put in what is approved by the plan.

J. Aubin said the standard is listed in Section 8.4.4.1, "a solid hedge not less than 6' in height which shall extend for the full length of the common zone boundary..." As far as the maintenance there is a requirement that the landscaping in Section 8.4.5.6.

M. Duhancik asked how long it takes to get that tall.

Ch. Sullivan he does not believe there is a timeline in the ZBL.

M. Duhancik asked if it gets revisited and if it is checked.

Ch. Sullivan said once it is constructed and occupied, it becomes a zoning violation.

J. Aubin said once the site plan has been implemented and the plans have been certified, it becomes the responsibility of the Building Department through the Zoning Enforcement Officer to enforce the elements of the site plan. (i.e. landscaping, lighting, and garbage enclosure).

M. Duhancik expressed her concern with people taking a right turn while other people are taking a left turn. Her other concern is the bus stop which drops her child off right there (pointed to plans).

Ch. Sullivan said that should be addressed by the school department.

J. Aubin said the school dept. was not involved in the TRC meeting. It will be addressed with them before the next meeting.

M. Duhancik said since there is no posted speed limit they cannot have police patrol the area. Cars are using the neighborhood as a cut through and speeding. By adding a Cumberland Farms there will be more kids from the high school using it as a cut through and their children are at risk.

Ch. Sullivan asked if Mr. Aubin could address these concerns.

J. Aubin said he knows that DPW has looked at these concerns in the past and they will discuss them again. Maybe we can get no through traffic signs posted or a speed limit sign posted.

Ch. Sullivan asked Mr. Aubin to request correspondence from Chief of Police and Superintendent of DPW to address these concerns for the next meeting.

Kim DelMastro, 16 Evelyn Way, asked if the trees planted in the front will impede site vision from Pleasant Street to Taunton Avenue.

J. Marchand referred to the plans.

Atty Kehoe said the taller trees that are planted along the highway are not bushy or leafy. They are long trunks so they form more of a canopy and they are not used as a visual buffer. The rear trees are bushy to perform a vegetative screen.

J. Aubin suggested this matter be continue to the next PB meeting on June 13, 2017.

M. Bourque made a motion to continue this site plan application until the June 13, 2017 PB meeting, J. Roach seconded, and it was unanimously approved.

VOTE: 7-0

**5 minute recess at 8:37 pm
Opened at 8:45 pm**

Site Plan Application: 95 Highland (Bloom Energy)

AP 8, lot 36, Zoned: HB

J. Aubin summarized the proposed site plan application for energy generated servers to be located at the Home Depot location. It was reviewed at the TRC and the Fire Chief requested that the instillation and any changes to Home Depot's emergency operation plan be coordinated with the fire department. Also, all previous conditions in earlier decisions from the Home Depot site plan remain in full force and effect and be incorporated by reference in any decision the board makes this evening.

Justin Adams from Bloom Energy in CT summarized the site plan application. Bloom Energy is recently expanding to Massachusetts. He provided a PowerPoint presentation. They are oxygen fuel cells. They are interconnected with natural gas and the natural gas flows through the system and there is a chemical reaction that occurs which releases an electron which generates electricity. There is no combustion that occurs within the fuel cell. There is some CO2 omitted and beyond that it is a completely closed loop system.

Ch. Sullivan asked if they will then sell it back to National Grid.

J. Adams said he will answer that shortly. Currently they have Fortune 500 customers, in 11 states throughout the US, 220 megawatts installed, and a number of installations in CT. Currently, they are doing about 20 Home Depot locations. His presentation provided pictures and explained how energy is used/saved throughout the day. It will provide up to 98-99% of home depot's power. If there was a grid outage, Home Depot will be able to stay open without electricity. The site will be modified and not a lot of work will be done at the site. They are

about 7' tall, 8' wide and 15-20' in length. He summarized the safety features and the only fluid that could leak out is water. It passes the CA carbon tests. Construction will take about 6-8 weeks.

L. Dunn asked if batteries are inside the cells.

Justin said the battery is a traditional lithium ion battery and then there are fuel cells which is a stack of plates and then the natural gas passes through one side and the air and water pass through the other side of the plates and the media in between is what creates that chemical reaction and then recombines the chemicals and then there is an electron released. The emissions is CO₂ and some water vapor.

L. Dunn asked if the cells are connected to the gas line.

Justin said the gas passes through the plates, the fuel cells.

J. Aubin asked what the typical life cycle is on the units and inquired about the required maintenance

J. Adams said the media has a 5 year life cycle, and they have an agreement (a power purchase agreement with Home Depot) so they guarantee them a certain level of power and if that were to fluctuate or change, the systems are monitored 24-7 and if anything were to happen they would come out and fix it.

J. Aubin asked if they are checked on a regular basis.

J. Adams said the batteries have a 5-10 yr. life cycle. Either an annual or bi-annual maintenance cycle. They are connected to a fiber network.

Ch. Sullivan asked if they have a failure rate for malfunction or problems.

J. Adams said they haven't had any catastrophic failures such as explosions or fires. There have been issues that cells stop functioning and usually it is a slow decline.

Ch. Sullivan asked if there is a safety device built in.

J. Adams said if there is a fluctuation in gas supply or any sort of unusual situation, there is an automatic shut off valve that would immediately shut off supply of gas and the fuel cell will cease to export electricity. Safeguards are put in place.

S. Foulkes asked what the savings is per month for the customer.

J. Adams said the company is a for profit company. They made a financial argument with Home Depot so they save money versus the utility. He can't reveal...it is per kW. Bloom Energy becomes their utility.

M. Bourque asked if any changes will be made to the parking lot.

J. Aubin said there is adequate parking. Mr. Adams is going before the Conservation Commission. Any recommendations should be contingent on their approval since they have not

met with them yet. His recommended conditions are: 1) coordination with the fire department on the installation; 2) safety signage; 3) any changes to the Home Depot emergency operation plans and/or hazard mitigation plan; and 4) approval as required by the Conservation Commission.

S. Foulkes made a motion to approve the site plan application with conditions stated by the Town Planner, L. Dunn seconded, and it was unanimously approved.

S. Foulkes asked when the project should be completed.

J. Adams replied quarter 4 – after September (Fall 2017).

VOTE: 7-0

Discussion: Status of Caleb Estates Subdivision/Logan Court

5 lot Definitive Subdivision of land located off Olney Street

J. Aubin advised a letter asking for an update from the contractor was mailed and a response was received from DeCastro Builders. They stated the paving of Logan Court is scheduled to take place on May 10, 2017. InSite Engineering is preparing the as-built and the instillation of the bounds. He said this does not resolve all the issues the residents have, but with regard to the public improvements, they are moving forward.

Mary Lou Medeiros, 3 Logan Court, said the response from DeCastro was inadequate since there are still unresolved issues. She asked if the sidewalk paving will be included when the street is paved.

J. Aubin said he will ask if DPW has that answer.

Ms. Medeiros said Mr. DeCastro did mention the erosion in the swale but did not address the other deficiencies that were mentioned in the Tibbetts Engineering letter dated January 17th.

J. Aubin said Tibbetts Engineering will inspect the work that is being done.

M. Bourque asked if Tibbetts will shoot grades because he went to look at the area when it was raining and it appeared that water is sitting on the Olney Street side of the swale and then it hits a point and does not go beyond that point until it fills up and flows over. The grading of the bottom of the swale may be an issue.

J. Aubin said it is a graded structure and there will be some retention that is built into that. He is not sure how and what level it should operate during a storm.

Ch. Sullivan asked Mr. Aubin if that could be clarified in their report.

Mrs. Medeiros said the last inspection noted that lot 3 (unfinished lot) impedes flow of water down the swale. If the board can't make them build on that lot or clean it, can they open up the swale so it would help somewhat.

Ch. Sullivan asked if Mr. Aubin could include that in his notes.

Mrs. Medeiros said they also noted that the depth of the crush stone was questionable and that needs to be checked. They feel the stone they used is not the stone on the original plans. The stone that is there is large and asked if they could come to an agreement for better stone.

J. Aubin said that request was made for DPW to look at the stone and to assess the adequacy of the stone.

Mrs. Medeiros took some pictures of the back of the properties to show how much water is back there. She thinks the ANR lot and lot 3 was not graded properly and the water just sits in their backyards. Their concern of the roof infiltration systems (or not having them) remains and disagree with Mr. Carlson not knowing where they are.

Ch. Sullivan said the roof infiltration systems are part of the drainage systems and Tibbetts will review that. It will have to be shown as part of the approval process.

Martin O'Loughlin, 1 Logan Court, asked what as-built will InSite be preparing.

J. Aubin said after the development plans get approved, the contractor goes out to construct the development, then the engineer comes in and submits a plan that shows the as-built; as the development is built.

Mr. O'Loughlin asked if the swales will be shown.

Ch. Sullivan said it will include everything.

J. Aubin said that tool is used by the PB, the PB Engineer, and residents to compare what was constructed to what was approved and to identify any issues that are substandard and document where this public roadway is going to be.

Ch. Sullivan said an as-built is required because site conditions might necessitate changes from what was approved.

Mr. O'Loughlin asked if the town engineer will see the as-built and approve them.

Ch. Sullivan said yes.

Mr. O'Loughlin said on 2 occasions he asked to be present and have the town engineer contact him prior to completing the inspections so he can point things out to him because he thinks he is

missing some things. He is asking again that the engineer contact him the next time he is coming out for an inspection.

Ch. Sullivan asked Mr. Aubin if that can be coordinated.

J. Aubin said he can pass the request along to Tibbets Engineering.

Mr. O'Loughlin provided some pictures of the swale. He said he has some concerns if they come out to pave the road in the morning. He said he has been to the highway dept. 3 times this week to get some questions answered to make sure it is done right.

M. Bourque said the highway superintendent or their representative has to be there when they pave.

Mr. O'Loughlin said he has been there 3 times this week and can't get a commitment.

Ch. Sullivan said DPW or a representative approves it.

S. Foulkes asked if they can approve it or correct it.

Ch. Sullivan said both because they have to inspect the mix.

Mr. O'Loughlin provided pictures to the board that are looking east on Logan Court downgrade, the swale is on the right and there is supposed to be a stone apron (the picture shows debris that washes down Logan Court). He said the debris is coming (north and south) from Olney Street and it goes onto Logan Court and its being dropped on top of the stone apron. The stone apron now is so cluttered that nothing can get through it and if the town expects the HOA to take control of this in the future...there is no way you can clean this up. His big concern is if this street is put in tomorrow then there won't be a chance to correct any problems since it will cost more money to correct it later and he would like someone on site to make sure it is done properly.

Ch. Sullivan asked Mr. Aubin if on the plans, when they designed the subdivision and the drainage to go with it, if it indicates the runoff from Olney Street.

J. Aubin said it was his understanding that there should be minimal runoff from Olney Street because any water going there now should be mitigated by the final paving. Mr. Aubin will follow up with DPW prior to leaving this evening.

Ch. Sullivan said he thinks the road is going to be raised 3-4" when they put the topcoat down, that raising will change the dynamic of the water flow.

Mr. O'Loughlin said he just wants it done right.

Ch. Sullivan said some of the issues raised should be mitigated by the final paving of the roadway and if there are deficiencies that don't meet the standards as approved, they will have to be addressed before the roadway can be accepted.

Mr. O'Loughlin said he would like to find out the grades on Olney Street to find out where the catch basins are, how much water they collect and where they are drained to. He has not been able to get those facts and thinks that is what the people need tomorrow. If they don't raise it high enough, someone is going to have to come back.

Ch. Sullivan said it will be raised on how it was designed and how it was approved by the PB, based on the paving standards of DPW, and so on.

Mr. O'Loughlin said there is nothing in the plans on this.

Ch. Sullivan said it is in the rules and regulations for what they have to build for a road and for a final top coat.

Mr. O'Loughlin said ok but he has been coming here for a year. He also wanted to note that when the developer brought the utilities in, the sidewalk on Olney Street sustained damage and wanted to know if that would be addressed.

J. Aubin said he believes that is under the utility contractor.

Ch. Sullivan asked Mr. Aubin to send the developers (Caleb Estates and Pine Hill Estates) a letter requesting a time frame for work to be completed.

Discussion: Status of Pine Hill Estates Subdivision/Jacoby Way

11 lot Definitive Subdivision of land located off Newman Avenue

J. Aubin advised he spoke with Mr. Najas but has not received a written response to date. According to Mr. Najas his intent to the biorention area in the middle of the cul-de-sac is to fill it in to a certain extent. He indicated that he intends to remove the existing landscaping that is there, put in crushed stone, cover it with filtered fabric, add soil and grass. Similarly to Caleb Estates, we are waiting for the as-built plans. The applicant will then submit an application to the BOS for street acceptance.

Robert Oliveira, 13 Jacoby Way, said he has concerns regarding the builder. He was under the impression that lot 1 held a covenant over it but the lot has been auctioned off and now has a new owner.

J. Aubin said he has been in contact with several residents. The auction advertisement was forwarded to town counsel. We have been advised the town's interest on that lot remains as surety. If the new owner comes forward for a building permit, a building permit will not be authorized since the town has a covenant over it. The PB is trying to work with the developers while following the Subdivision Rules and Regulations and MGL.

R. Oliveira is not blaming anyone specific but the residents are not wrong or responsible. They will not accept it the way it is. There has been 3' of water in the center of the cul-de-sac and remains a danger to the children.

Ch. Sullivan said the developer has to take the action...

R. Oliveira said the developer has no interest on completing this subdivision since there is nothing left there to take from him.

Ch. Sullivan said it may become a legal decision or a court issue. We have asked for a definitive response in writing. If he walks away then we will refer it to counsel and take the appropriate action.

R. Oliveira said another concern is how the trash/recycle company cannot turn around since there is not enough roadway. If there are any cars parked in the street, they will end up in the pond.

Ch. Sullivan said that has been addressed as well.

R. Oliveira said lot 1 has been an eyesore. It's the 1st lot in the development and it looks terrible.

Ch. Sullivan said this is a concern again because it is an auctioned lot. Under the law, the PB does not have the right to mandate how they keep the lot unless it becomes a hazard or a BOH issue.

Alyson Roslonek, 8 Jacoby Way, is asking for clarity of what it would cost to finish this project, (cost of the as-built, the final site work and the engineering fees) if there is no longer a covenant on the lot and the builder has been foreclosed on. She is concerned how the remaining work will be paid for.

J. Aubin said the developer is in town and he has said is going forward with the street acceptance process.

Ch. Sullivan asked if Mr. Aubin can ask Town Counsel how to address the issue if the builder is using a different name.

A. Roslonek is concerned that the new owner of lot 1 is not aware of the issues.

J. Aubin said if the new owner comes in for a building permit, the permit would have to be denied since the town has an interest on the lot.

R. Oliveira is requesting a time table for completion. The town owes that to the residents of this street that these projects be completed since they had security on that lot but it wasn't adhered to.

Ch. Sullivan asked Mr. Aubin to explain the requirements for the subdivision control law for the 5 year time line...

J. Aubin said there was a 5 year extension act on previous approved subdivision. At the time of the extension was granted, the economy was struggling and a statute was passed which extended any existing approvals by 5 years. We are now witnessing the effects of that extension with real estate holding companies that have gone out of business and developers moving onto different projects. The ability of the PB to move it to completion is limited.

Ch. Sullivan said this board is obligated to approve what is presented to them by an engineer. It is case law.

R. Oliveira asked what happens if the engineer was not correct.

Ch. Sullivan said the town engineer concurred with the applicant's engineer. If the residents do not agree with what was designed, they are entitled to contact an independent engineer. The as-built will need to verify that the conditions were met.

Discussion: Partial Covenant Release for Curt Street Extension

4 lot Definitive Subdivision of land located off Curt Street.

Joseph Vieira, the applicant, provided the board with an update for the 4 lot Definitive Subdivision Curt Street Extension. A covenant is currently being held on the entire subdivision. Mr. Vieira is requesting the board release lot 3 (#18 Curt Street) so he can sell the lot.

J. Aubin said the proposed amount to be completed is \$79,000 based on Tibbets Engineering review of the construction cost estimate. The remaining work includes top-course of asphalt, signs, and final site prep work. The remaining 3 lots and roadway will remain in the covenant.

J. Vieira said the roadway, bridge, and hammerhead will be paved at the same time. Tibbets Engineering will do the inspection of the basecoat.

M. Bourque made a motion to accept the request for surety reduction to \$79,000 and to release lot 3 from the covenant, L. Dunn seconded, and it was unanimously approved.

VOTE: 7-0

Discussion: Partial Covenant Release for Stone Ridge Estates

11 lot Definitive Subdivision of land located off Walker Street

Chris Andrade from InSite Engineering was present to request a reduction in surety for the 11 lot Definitive Subdivision Stone Ridge Estates.

J. Aubin said the applicant is requesting a reduction in surety amount for the development and release funds being held pursuant to the "Tri-party" agreement securing public improvements. GPI reviewed the construction cost estimate provided by InSite and recommends reducing surety to \$141,226 based on the work that has been completed. The remaining work includes top-course of asphalt application, street tree installation, and final site prep work.

M. Bourque made a motion to reduce surety to \$141,226, J. Harris seconded, and it was unanimously approved.

VOTE: 7-0

PUBLIC HEARING: Proposed amendments to the Seekonk Zoning By-laws Section 7 Temporary Moratorium on Recreational Marijuana Establishments; Section 7.1 Purpose; Section 7.2 Definition; and Section 7.3 Expiration.

L. Dunn made a motion to open the public hearing, D. Sullivan seconded, and it was unanimously agreed.

Chairperson, David Sullivan opened the public hearing at 10:03 p.m.

The Planning Board members introduced themselves; Jeff Harris, Ronald Bennett, Mike Bourque, David Sullivan, James Roach, Sandra Foulkes, Phoebe Lee Dunn,

Ch. Sullivan asked for a motion to waive the reading of the public notice. The notice was legally posted and properly advertised.

L. Dunn made a motion to waive the reading of the public notice, J. Harris seconded and it was unanimously approved.

VOTE: 7-0

J. Aubin summarized the proposed moratorium on recreational marijuana facilities. Massachusetts has approved recreational marijuana, however, commercial sales of recreational marijuana has been delayed until the Massachusetts cannabis commission, in charge of promulgating the regulations for the recreational sales, is put in place.

No one was present to speak in favor or against the proposed moratorium.

R. Bennett asked why the moratorium is necessary.

J. Aubin said to keep the town protected in case someone comes forward today to propose a recreational marijuana sales facility.

R. Bennett said in that case, does it endorse any particular position.

J. Aubin said no, it just protects us until we have state regulations and appropriate ZBL and General By-laws in place.

R. Bennett said he does not want it to be viewed as the PB frowning the legalization of marijuana.

J. Aubin said the reading of the language is neutral. This is to keep us in place until regulations have taken place.

L. Dunn asked if the cannabis commission is statewide body.

J. Aubin said yes it is a statewide body in charge of developing those regulations.

M. Bourque made a motion to close the public hearing at 10:13 pm, J. Roach seconded, and it was unanimously approved.

VOTE: 7-0

R. Bennett made a motion the PB take no action on this endorsement, L. Dunn seconded

**VOTE: 3 Yay
4 Nay**

Motions fails

S. Foulkes made a motion to endorse a positive recommendation for the proposed ZBL, J. Roach seconded.

**VOTE: 4 Yay
3 Nay**

Motion passes

Discussion: Reorganization of the Board

M. Bourque nominated David Sullivan as chairperson, L. Dunn seconded, and it was unanimously approved.

L. Dunn made a motion to close nomination for chairman, J. Roach seconded, and it was unanimously approved.

Chairperson: D. Sullivan

J. Roach nominated Ronald Bennett as vice chairperson, S. Foulkes seconded, and it was unanimously approved.

L. Dunn made a motion to close nomination for vice chairperson, S. Foulkes seconded, and it was unanimously approved.

Vice Chair: Ronald Bennett

L. Dunn nominated Michael Bourque as Clerk, S. Foulkes seconded, and it was unanimously approved.

J. Roach made a motion to close nomination for clerk, L. Dunn seconded, and it was unanimously approved.

Clerk: Michael Bourque

D. Sullivan nominated Sandra Foulkes as vice clerk, L. Dunn seconded, and it was unanimously approved.

J. Roach made a motion to close nomination for vice clerk, J. Harris seconded, and it was unanimously approved.

Vice Clerk: Sandra Foulkes

Discussion: General Subdivision Status Update

J. Aubin is in the process of drafting a letter to be mailed to applicants/developers requesting an update as well as provide them with explanation of how they can move towards street acceptance.

Monthly Department Update

J. Aubin summarized the Planning Department's monthly report. The business outreach event will be held Thursday night at 5:30.

Ch. Sullivan asked Mr. Aubin to ask TA to schedule a work session to meet with Town Counsel to discuss covenants vs. surety.

Correspondence

N/A

Discussion: SRPEDD

J. Roach advised the board that the last SRPEDD meeting was held on April 26, 2017. He provided some of the older agendas as requested. A file will be kept in the Planning office.

Approval of Minutes 3/21/17 and 4/11/17 (Regular and Executive)

R. Bennett made a motion to accept the minutes of March 21, 2017, M. Bourque seconded, J. Harris abstained (new member), and S. Foulkes and L. Dunn abstained due to absence from meeting. VOTE: 4-0

J. Roach made a motion to accept the regular meeting minutes of April 11, 2017, M. Bourque seconded, and J. Harris abstained (new member). VOTE: 6-0

Ch. Sullivan requested the executive session minutes be discussed in executive session on June 13, 2017 at 6:45 p.m.

Adjournment

J. Roach made a motion to adjourn the meeting, R. Bennett seconded, and it was unanimously approved.

The meeting was adjourned at 10:27 p.m.

Respectfully Submitted by,

Kristen L'Heureux