

SEEKONK PLANNING BOARD
Regular Meeting Minutes
BOS Meeting Room
June 13, 2017

Present: D. Sullivan, M. Bourque, R. Bennett, S. Foulkes, J. Roach, J. Harris,
R. Bennett (arrived at 8:23 p.m., with cause)
Absent: L. Dunn (with cause)

Ch. Sullivan opened the meeting at 7:00 pm.

ANR Application: 237 Forest Avenue

AP 33, lot 151 located in the R-1 Zoning District.

J. Aubin summarized the ANR application to eliminate a paper street (Deerfield Street) which abuts the applicants' property. The only two properties with interest to this paper street are the abutting property owners (Boisvert and Barbosa). This street was never approved by the PB or laid out by the BOS. The ANR will add this portion of Deerfield Street to the Boisvert property (AP 33, lot 151). The owners of the other abutting property (Barbosa) came into the office today to discuss filing an ANR for their portion of the paper street. Mr. Aubin recommends adding the condition to any endorsement that the applicants record a quick claim deed. He advised the Barbosa's to do the same.

Jessica and Ian Boisvert have lived at 237 Forest Avenue for 5 years and did not know the paper street existed until recently. Currently there is a fence that runs approximately down the center of the paper street and they are seeking to claim their half of Deerfield Street since they would like to add an addition and/or utilize the land they thought was part of their property.

J. Roach made a motion to endorse the ANR application for Jessica and Ian Boisvert on 237 Forest Avenue for their portion of Deerfield Street that is the southwest of Forest Avenue with the understanding that the Barbosa's will submit a quit claim deed as well, M. Bourque seconded, and it was unanimously approved.

VOTE: 5-0

Discussion: Partial Surety Reduction for Brady Estates

11 lot (with 1 non-buildable lot) Definitive Subdivision of land located off Lake Street
AP 16, lots 3 and 38, R-2 ZD

J. Aubin, reminded the board that this is a "Tri-party" agreement. GPI reviewed the construction cost estimate and provided recommended adjustments.

Ryan DuVally, the applicant, developer, and real estate broker was present to answer any questions. He will be building 10 of the 11 houses.

M. Bourque asked Mr. DuVally when the street trees would be planted since in the past either some homeowners were not aware that trees would be planted and/or asked that trees not be planted. If trees cannot be planted at this time, he suggested putting stakes in the ground where the trees will be and to advise any potential homeowners that trees will be planted.

R. DuVally said all road construction is complete and once the sidewalks are completed, the trees can be planted. He anticipates this will occur in the fall. He does not anticipate COO until late fall, early winter.

Ch. Sullivan asked if the trees were listed on the construction cost estimate.

R. DuVally said there is a line item for them.

J. Aubin said the safe passage letter has been issued.

M. Bourque made a motion to reduce surety to \$139,946.00, J. Harris seconded, and it was unanimously approved.

VOTE: 5-0

Continued Discussion: 214 & 224 Taunton Avenue (Cumberland Farms)

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

J. Aubin said updated plans have been submitted. He has also received comments and concerns from the public in regard to wetlands and pedestrian safety. Both the ZBA and Conservation Boards have continued this matter to their July meetings.

Attorney Michael Kehoe from Partridge, Snow and Hahn (128 Union Street, Suite 500, New Bedford, MA) was present on behalf of the applicant along with engineers from Farland Corp, John Marchand and Christian Farland, and the traffic engineer from McMahan Associates, Francisco Lovera. Attorney Kehoe summarized the changes made to the plans since the last meeting. Most substantial changes include moving the underground storage tanks to the west from the east and the dumpsters were moved from the west to the east. Basically they flipped the building around. They eliminated the western curb cut on Route 44 (closest to the intersection). They incorporated many of the comments that were made by the traffic and site engineers. They conducted a traffic study for Evelyn Way and obtained a Saturday count as requested.

Francisco Lovera conducted the traffic study. He obtained a traffic count on June 1st on Evelyn Way and Pleasant Street to determine the amount of traffic that is being used at the intersection during the peak hours (morning and afternoon). On Saturday, June 3rd, a count was obtained in the middle of the day to determine the amount of traffic that is used on Evelyn Way and Pleasant Street, as well as Pleasant Street and Taunton Avenue. The amount of vehicles currently on Evelyn Way in the morning are (inaudible) for vehicles taking a right and 27 vehicles take a left. In the afternoon, 3 vehicles take a right and 16 vehicles take a left. On Saturday, 6 vehicles take a right and 24 vehicles take a left. Based on their projections, 1-2 vehicles will be added depending on the time. Overall the

intersection currently operates at a service level A and with additional traffic the intersection will continue to operate at the same level of service. They also looked at the reported crashes at that intersection over the past 3 years and there were no reported crashes.

Ch. Sullivan asked if that was for the Evelyn Way and the Pleasant Street intersection.

F. Lovera said that is correct. They projected traffic on Pleasant Street and Taunton Avenue 7 years down the road (from 2016). The intersection is currently operating at level service E and F in the morning, afternoon, and Saturday will continue to operate at a similar level of service (gradient level F), however, it is still under the capacity it can handle.

Ch. Sullivan asked Mr. Lovera to elaborate what Mass DOT requires for a traffic light.

F. Lovera said there are 8 different criteria that warrants a traffic control device. For example, 1) during eight continuous hours the intersection must have a certain amount of traffic that conflicts with the main traffic which creates a delay in movement; 2) focuses on four hours of the day; 2) focuses on one hour of the day (peak hour); 3) high number of crashes; and others. A traffic signal work analysis was not performed. In his opinion, it is unlikely the amount of traffic at this intersection, the number of crashes in the intersection, and the level of service that exists would warrant a traffic signal.

J. Harris asked if this evaluation is based on current circumstances or proposed traffic after Cumberland Farms is at the site.

F. Lovera said it is including that traffic from Cumberland Farms. Without doing the analysis it is not easy to say that it is 100%, but in his opinion, it is clear what warrants a traffic signal. They did mention their concern about the vertical curve that exists, but the state would have to take control over that since that is something that Cumberland Farms and the town cannot do due to it being a state road and the cost. Mass DOT did not have a significant concern with the 3rd driveway. They did have concerns with the sidewalk in front of the property and the amount of water that will be going into the state system.

S. Foulkes asked if they have an average traffic count during peak business hours (7-9 a.m. and 4-6 p.m.) based on the 10 proposed gas pumps.

F. Lovera said the number of trips that will be added to the roadway for the sole purpose to either purchase gas or buy something that is not already in the network in the morning will be a total of 80 vehicles (40 vehicles going in and 40 vehicles going out), 92 new trips in the afternoon (46 in and 46 out) and a total of 83 on Saturdays. It is roughly a little more than 1 more car per minute that is not already in the roadway.

Ch. Sullivan clarified that those are the vehicles that are not already traveling on Route 44.

F. Lovera said that is correct. Most people don't change their direction of travel for gas.

J. Aubin asked if this is based on the assumption that 66% of traffic is already in the flow of traffic on Route 44.

F. Lovera said that projection is from the ITE (Institute for Traffic Engineers). This is an adequate location for this type of development.

Christian Farland, President and Principal Engineer of Farland Corp, referred to page CFG 5.0 of the site plan and summarized the changes made since last month's meeting. The resource area to the east has been pushed as far as it can to the west. The gas tanks have been relocated further west away from the resource area. The building has been flip flopped. It is now about 112' away from the wetland area. The dumpster pad was also moved from the resource area. The drainage system has 3 oil water separators. The system meets the stormwater DEP requirements. The recharge system is up to the 10 year storm event and as larger storm events occur it will overflow into existing drainage system which is out in the back. In reference to the landscape plan (CFG 8.0), they will have 32 cypress evergreen trees to act as a screen and will grow 6-8' to provide a good barrier (he referred to the rendering). In regard to the pumps, each site is site specific and they have met the Cumberland Farms standards. Due to adequate traffic flow, there will be 5 pumps (4 regular and 1 diesel).

S. Foulkes asked how many years until the trees are fully matured.

C. Farland said they grow approximately one foot a year.

Ch. Sullivan asked Mr. Farland to go over the lighting plan.

C. Farland said the only lighting is off the back of the building, which is emergency lighting. Along the rear (inaudible - stepped away from microphone).

Ch. Sullivan asked if there will be substantial lighting fixtures along the back and side of the property.

C. Farland said the only lighting is behind the dumpster and that is cut off lighting.

Ch. Sullivan asked if there is built-in lighting along the back for safety.

C. Farland said yes and that will go on the plan (CFG 10.0). That will come out about 5-8'.

Attorney Kehoe said the 15' pole lighting where the dumpster was previously has been eliminated on the updated plans.

J. Aubin said there are not specific requirements for crosswalks in the By-laws, however, he is concerned with pedestrian safety. If the board does grant approval, he recommends Mass DOT review the site for pedestrian safety. Since the peer reviews are on-going, he recommends asking them to the July 11th meeting.

Ch. Sullivan requested a letter be sent to Mass DOT.

J. Aubin said he will contact Mass DOT to advise them that the PB is aware of this project and if nothing can be done at this time, ask if any improvements can be done going forward at this intersection.

Ch. Sullivan asked for public comments.

Pam Bochiecho, 7 Richard Banna Way, expressed her concern for Cumberland Farms being open 24 hours per day since most area businesses close between 8 p.m. and 10 p.m. She requested the hours of operation be limited since the town noise ordinance is 10 p.m. She is also concerned with the lighting since there will be nothing blocking the exposure. She discussed the AMA guidelines for LED lighting. The brightness for this site plan is at 4,000 Kelvins and the AMA recommends LED lighting not being brighter than 3,000 Kelvins. She is concerned with health risks to humans and animals. She is also concerned with extra noise from the birds since they won't know when it's day or night. She asked how traffic data was collected since the lot is currently vacant and if comparative properties were used in the evaluation. She requested evidence for similar projects since it is a unique intersection. Part of the data collected reflected a 2 level service degradation. The definition of Level F service degradation means delays are considered unacceptable to most drivers. She asked why the town would accept that if the area is already at capacity (level F). She asked that a letter requesting a traffic light, crosswalks, and sidewalks be sent to Mass DOT noting safety concerns. She asked for the MEPA review in regard to the air quality since there will be an increase in traffic in this area.

Ch. Sullivan said the board is relying on the responses from the consulting engineers to answer many of these questions and said more information should be provided at the next meeting.

J. Aubin will follow up with the BOS in regard to the hours of operation.

Heather Hunt, 13 Evelyn Way, said she is concerned with cut through traffic on Evelyn Way. She anticipates more drivers cutting through the neighborhood opposed to driving on Taunton Avenue. She is also concerned with crime and provided several examples of robberies occurring at Cumberland Farms after midnight. She does not think it should be opened 24 hours a day in a residential neighborhood. At times, it can take 3-5 minutes to pull out onto Taunton Avenue and now traffic will be increased by 1 car per minute.

Ch. Sullivan explained that they are zoned for this type of business. A special permit is being requested to pour gasoline.

H. Hunt said they are opposing a 24 hour business with gas tanks.

J. Aubin said the ZBA will determine if the special permit will be approved.

Anait Azarian, 19 Evelyn Way, moved to this area and is concerned with a decrease in home values. She is concerned with children riding their bikes and not be able to rest at night. She is also worried about the traffic, criminal activity, and other local businesses closing due to competition.

Kristen Pruitt, 21 Evelyn Way, said she supports the concerns of her neighbors. She asked how long the traffic was monitored for since she only witnessed them Friday and Saturday at 2:30 p.m. She does not think that indicates peak traffic coming through the neighborhood. She is concerned with this business being so close to the neighborhood and provided an example of a fire suppression system malfunction in Rehoboth where 4 people were taken to the hospital. Similar situations occurred in Attleboro and Auburn, as well.

J. Aubin asked if the applicant wanted to respond to any comments that were made.

Attorney Kehoe said they will respond at the next meeting after the peer reviews have been received and he agrees with the continuance.

M. Bourque made a motion to continue the site plan review for 214 & 224 Taunton Avenue until the July 11, 2017 PB meeting, J. Harris seconded, and it was unanimously approved.

VOTE: 5-0

Discussion: Status of Caleb Estates Subdivision/Logan Court

5 lot Definitive Subdivision of land located off Olney Street

J. Aubin advised the board he received an email from Cardi's stating the sidewalks will be paved tomorrow and the roadway will be paved on July 17th (or sooner if it can be worked into their schedule). A site review was completed with DPW in regard to the drainage concerns from County Street. Mr. Cabral gave specific directions in regard to the final grade to Cardi Corporation and the peer review engineer (Tibbetts). There is some concern with puddling of water and water not getting to the catch basin on one side of Logan Court. Mr. Cabral has directed the paving contractor to remedy that situation. With regard to the empty lot, there is nothing in the Rules and Regulations addressing stockpiling materials, however, he will speak with the building official to see if there is any action that can be taken through the General By-laws to address the accumulation of debris and abandonment of materials on the site.

Ch. Sullivan said the General By-laws may not address this situation either. It would have to be a health hazard.

Martin O'Loughlin, 1 Logan Court, said that Cardi was there today performing prep work and they indicated the sub layer was not done properly. Mr. O'Loughlin asked if DPW would be present to monitor project.

J. Aubin said Tibbetts Engineering (the peer review engineer) will be present and has been informed of the communications between Cardi, DPW and Mr. Aubin.

M. O'Loughlin said another crew will be coming in a week or two to complete the roadway.

Discussion: Status of Pine Hill Estates Subdivision/Jacoby Way

11 lot Definitive Subdivision of land located off Newman Avenue

J. Aubin said there has been no response from Mr. Najas and/or Paul Carlson. If there is still no response before the next meeting, this matter will be discussed with Town Council.

Ch. Sullivan requested Town Council be present at the next meeting to discuss how to move forward with this subdivision.

J. Aubin will ask Town Council to meet at the next work session on July 25th.

Discussion: Proposed amendments to the Rules and Regulations governing the Subdivision of Land in the Town of Seekonk

J. Aubin proposed moving this discussion to the work session on July 25th.

Discussion: 2017 Open Space and Recreation Management Plan

J. Aubin advised there will be an online survey available through Survey Monkey and there is a kickoff event scheduled for June 15th at 7 p.m. at the Senior Center.

Discussion: 2017 Master Plan Update

J. Aubin suggested moving this discussion to the work session on July 25th. He said the Master Plan will tie in with the Open Space and Recreation Management Plan, the EDC, and the Bikeway.

J. Harris said if a subcommittee is formed, he would like to volunteer for it.

Monthly Department Update

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

- Curt Street Extension: Binder course has been paved.
- Jacob Hill Estates: The fence has been put around the bioretention area. The developer is putting together the affordable housing unit.
- Farmland Estates and Curt Street will be requesting a certificate of safe passage.
- Stone Ridge Estates has received a certificate of safe passage so we will be seeing building permits.
- Fed Ex: There was an issue with flooding along the back property line and is being remediated at this time.

J. Roach asked if the impact is site specific or if there are concerns with Swansea residents.

J. Aubin said if we get a number of rainstorms, it will overtop, and then there will be an issue.

-1110 Fall River Avenue, At Home recently had their grand opening and there have been issues with the permitting. A meeting has been arraigned between Mr. Harris, the TA, Neal Abelson, and Mr. Aubin to go over process.

-68 Woodland Avenue (both Borrego and Fisk office) have not provided a final plan or permit.

-95 Highland Avenue (Bloom Energy): No permits requested at this time.

-By-law amendments: A response from the Attorney General's office should be available soon.

-June 5th Spring Town meeting: The temporary recreational marijuana moratorium was approved.

-The EDC attended the East Bay Business Expo on May 3rd, and had a business outreach event on May 11th.

-TRC will be hosting SRPEDD at their June 29th meeting to discuss the economic development guide.

-Attleboro Dye Works: A mass development grant has been received and Phase II has been started to assess the site. Jennifer Miller, Conservation Agent, acquired a \$350,000 EPA grant to move the assessment and remediation plan forward.

-J. Aubin will be attending the 2020 census training on June 27, 2017.

-J. Aubin attended the Regional Strategic Economic Committee with SRPEDD today and will be attending monthly meetings on the 2nd Tuesday of each month.

Correspondence

N/A

Discussion: SRPEDD

J. Roach will forward notes from the last meeting and the annual meeting. The next meeting is scheduled for next Wednesday.

Approval of Minutes 5/9/17

S. Foulkes made a motion to accept the minutes of May 9, 2017 as amended, R. Bennett seconded, and it was unanimously approved.

VOTE: 6-0

M. Bourque requested the width of roadways be discussed at the June 25th work session.

Ch. Sullivan asked for a motion be made to enter into **Executive Session** for the purpose to discuss strategy with respect to possible litigation whereupon an open meeting may have a detrimental effect on litigation or the position of the Town as so the chair so declares with respect to the following item:

1) Approval of minutes from the April 11, 2017 Executive Session. The PB will not reconvene in open session

J. Roach made a motion to adjourn the regular meeting at 8:48 pm and to enter into executive session and the PB will not to reconvene in regular session, R. Bennett seconded, and it was unanimously approved.

Roll call vote: Ronald Bennett, Michael Bourque, David Sullivan, James Roach, Sandy Foulkes, Jeff Harris.

Adjournment

The regular meeting was adjourned at 8: 48 p.m.

Respectfully Submitted by,

Kristen L'Heureux