

SEEKONK PLANNING BOARD
Regular Meeting
BOS Meeting Room
July 11, 2017

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

Ch. Sullivan opened the meeting at 7:06 pm.

Discussion: Partial Surety Reduction for Summer Meadows (off Warren Ave)
AP 1, lot 271 located in the R-3 Zoning District.

J. Aubin reviewed the revised construction cost estimate from GPI (peer review). Some minor adjustments were made which includes the conservation fence that still needs to be installed. InSite Engineering may be requesting a waiver for the bounds. He recommends retaining \$15,200 (fence estimate dated July 7, 2017 from United Fence Company).

R. DuVally was present on behalf of the applicant since they were unable to attend the meeting. He was advised by InSite that the outstanding issues should be completed in the next week or two.

**J. Harris made a motion to reduce the surety amount for Summer Meadows to \$15,200
J. Roach seconded, and it was unanimously approved.**

VOTE: 6-0

ANR Application: 89 Walker Street
AP 24, lots 626 & 631 located in the R-2 Zoning District.

J. Aubin summarized the ANR modification to an existing lot line between 2 existing lots. The single family house constructed on lot 631 encroaches into lot 626. The proposed lot line configuration bumps out the encroachment and provides for a 24' side yard setback.

S. Foulkes asked if the house is going to stay.

Bob Berube from Proline Engineering said the house is going to stay. The owner, Sang Park, owns both lots. The property encroaches the lot line due to the garage.

J. Roach made a motion to endorse the ANR application for 89 Walker Street, J. Harris seconded, and it was unanimously approved.

VOTE: 6-0

ANR Application: 10 & 14 Patriot Way

AP 16, lots 191 & 192 located in the R-2 Zoning District.

J. Aubin summarized the ANR application to adjust a lot line between two lots in the recently approved subdivision Brady Estates.

R. DuVally said it is an adjustment of lot lines due to house layouts and foundations.

J. Roach made a motion to endorse the ANR application for 10 & 14 Patriot Way, M. Bourque seconded, and it was unanimously approved.

VOTE: 6-0

Discussion: Modification to Definitive Subdivision Jacob Hill Estates (Palmer River Road)

AP 17, lots 189, 191-201, and 203 located in the R-2 Zoning District

Town Counsel advised J. Aubin that a public hearing is required for a modification request to a previously approved definitive subdivision. Therefore, this discussion will be moved to a later date should the applicant wish to request a modification.

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

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

John Aubin provided the PB members with sections of the Route 44 Corridor Study conducted by the Town in 2011.

Ch. Sullivan asked for the time frame that a decision was required by the Planning Board.

John Aubin said the Planning Board will either need to make a decision or request a continuance due to the time frame.

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 Francisco Lovera, the traffic engineer from McMahan Associates. At this time, he believes the peer review comments have been addressed. He provided the operating and safety procedure documents in case there is a spill at the pumps and advised them that this SOP document will be posted at all of the registers.

S. Foulkes referred to the inner and outer tanks that was discussed at the July 10th ZBA meeting.

Attorney Kehoe summarized Mr. Baird's (WEB Engineering Associates, Inc. – Petroleum, Chemical, and Environmental Engineering) report that was discussed at the ZBA meeting. He discussed the inner and outer tanks, as well as the safety procedures that are in place in case a leak did occur. There

are shut offs at the pump and at the hose and there will be two trained individuals (at a time) to monitor the systems 24/7.

Christian Farland, President and Principal Engineer of Farland Corp, said there is one outstanding peer review comment in regard to the drainage system easement. A meeting with DPW to discuss the easement is needed to define the area of the easement.

J. Aubin asked if that will affect the volume or if the easement is only to provide access for the town.

C. Farland said it does not affect the stormwater calculations. They completed additional soil testing when the building was flipped and the ground water came back as adequate. All comments from CEI have been addressed.

Ch. Sullivan asked if all of reports have come back from the peer review engineers.

J. Aubin advised that CEI met with Farland Corp, the Conservation Agent and the Town Planner to review the drainage report. VHB is present this evening to discuss the traffic report. The outstanding issues that remain are the final configuration of the easement area and the MEPA and MassDot reviews. If any changes occur due to the traffic review, they will need to come before the Planning Board again.

Ch. Sullivan asked about the sign issue in regard to the ZBA meeting.

Attorney Kehoe said last night the ZBA continued the variance for the signs and the special permit for pouring of the gasoline.

S. Foulkes asked if hours of operation would be changed from 24 hours.

Attorney Kehoe said Cumberland Farms is considering a reduction in their hours. It was discussed at both the TRC and ZBA meetings and they will be looking into that.

J. Harris asked how the trucks will be entering and exiting the parking lot.

Attorney Kehoe referred to the plans and said they will enter from Taunton Avenue and exit onto Pleasant Street. Deliveries will be made during off peak hours. If the hours are reduced, the deliveries may happen when the store is closed.

J. Harris said he is concerned if the deliveries are made late at night.

Attorney Kehoe said he is not sure of the delivery times. He has seen them early in the morning. It could be during hours of operation.

J. Harris asked if there *should* be a concern with tractor trailers exiting onto Pleasant Street and Taunton Avenue.

Francisco Lovera, traffic engineer with McMahon Associates, 14 Breakneck Hill Road, Lincoln, RI said the site distances on both Pleasant Street and Taunton Avenue are sufficient in both directions.

S. Foulkes and J. Harris both stressed the importance of a traffic light.

F. Lovera said a traffic light is dependent on the volume of traffic and reiterated the 8 warrants that were discussed at last month's meeting.

J. Harris asked if the numbers of vehicles will change considering the site is not occupied at this time.

F. Lovera said they used projected numbers for the future and the site.

J. Aubin asked about the number of fuel deliveries.

F. Lovera said he could not speak to that projection.

Attorney Kehoe said that would depend on how many cars stop to fill up. At similar stores in different locations they stop approximately 3-4 times per week to fill the tanks up to 95%. They fill with exact amount of fuel that is needed, i.e. if they need 7,000 gallons of fuel that is what they will fill. They do not fill to 100%.

S. Foulkes is concerned about the PB making a decision before the ZBA addresses their concerns regarding the additional traffic study.

Ch. Sullivan said that ZBA addresses different criteria than the PB and the traffic light is the responsibility of the state.

J. Aubin said any decision made by the PB should be conditioned on any changes made by...

Ch. Sullivan gave an example of another site plan approval contingent on a MEPA review, Conservation, etc.

J. Aubin said additional language should be included in any approval of the site plan as submitted. It is not necessarily an endorsement since the ZBA may make changes to the site, such as the hours of operation and/or number of fueling stations. The applicant has filed an application with several departments and there is no straight/direct line process so it makes it a little more difficult to handle such contingencies.

Ch. Sullivan asked the consulting engineers from VHB to discuss their peer review.

Kathleen Keen, EIT and Robert Nagi from VHB was present to discuss the peer review traffic study and site plan. The applicant's consultant did adequately address majority of VHB's comments and there are two remaining concerns: 1) "Stop bars" and "see you soon" signs are shown at both driveway exits but they do not show stop signs. VHB recommends stop signs be shown; 2) To be in compliance with the ADA, there should be an accessible route between the sidewalk along Route 44 to the entrance of the store; and 3) the project is subject to MEPA and state review.

Ch. Sullivan asked if any anomalies were found in their review.

Robert Nagi said the initial review they conducted had a series of comments that needed to be addressed and they did that. A project of this type will typically capture traffic that is going to be driving by the site. VHB wanted to focus on the safety of the site and the driveways, specifically onto both roadways surrounding it. The applicant did demonstrate that both driveways would be safe from a driver's perspective and that they will operate reasonably well. There were no real anomalies noted. In reference to the MEPA and MassDot jurisdiction, the applicant did acknowledge that they will need to go to MEPA as part of the state environmental permitting process. It is not uncommon for municipalities to ask for a traffic signal but it is MassDOT that will determine if it is warranted for a project of this scale. Mr. Nagi said as part of their report if any changes did come of the MEPA process, the applicant will need to come before the PB again to re-present the site plan and any changes to the site or project. VHB is comfortable with the applicant's impact study which demonstrated that the actual impacts would likely be on the roadways and the surrounding area. VHB concerns came down to safety (pedestrian and vehicle). An accessible route from the public sidewalk to the storefront should be included. It does not have to be shown physically on the site, i.e. crosswalk, but it does have to be demonstrated on the plan.

J. Harris asked for clarification regarding the shrubbery in the front and if it will interfere with site view.

R. Nagi suggested to the board, if they make a favorable decision on this site plan, that a maintenance plan be put in place and guidelines be followed, i.e. site lines should not be obstructed and must be trimmed back by the applicant. AASHTO is the governing body for safe roadway design and safety. It defines height and limitations of what obstructions should be. If the board chooses, a condition that AASHTO guidelines should be followed.

S. Foulkes asked if the town would be responsible for putting in the sidewalk if the project moves forward.

C. Farland provided a sketch showing sidewalks on Pleasant Street and Taunton Avenue and said Cumberland Farm has agreed to put in sidewalks for safety.

J. Harris suggested putting signs that say "caution vehicles entering and exiting."

R. Bennett said he thinks it is imperative to have sidewalks.

M. Bourque agreed it will provide more safety for people walking.

S. Foulkes asked if Conservation has made their decision.

Attorney Kehoe said next Monday (July 17) is their meeting with Conservation. Since their last meeting, the applicant has moved the tanks and dumpster out of their jurisdiction and are now outside the 50' buffer.

S. Foulkes asked what the vegetative plantings are suggested in back.

Attorney Kehoe said he believes there will be Cyprus trees planted.

S. Foulkes asked about the lighting plan.

Attorney Kehoe said the lights will be kept within the perimeter of the property. Since the dumpster has been moved, the foot light was eliminated and is now on the building.

S. Foulkes asked if the dumpster will be concealed.

Attorney Kehoe said the dumpster will be concealed with fencing.

Ch. Sullivan asked J. Aubin for his opinion regarding making a motion.

J. Aubin recommends any items discussed this evening and the items noted in his May 9, 2017 staff report be included in any decision:

- BOH approval for the septic system
- Final approval from Conservation Commission
- Resolution of the issue in regard to the easement area
- Any changes resulting from the MEPA review to be presented to the Planning Board
- Stop signs located at the exits per VHB's comment, as well as identification of the accessible Route 44 entrance
- A letter to be forwarded to the BOS in regard to speeding and cut-through traffic in Banna Estates. It may not be directly tied to this application but it should be addressed.
- Maintenance/landscaping maintenance along Route 44 and Pleasant Street in accordance with AASHTO Planting standards.

S. Foulkes asked if the applicant would appear before the board after the MEPA review.

J. Aubin said if there is a material change of the plan as a result of the review by MassDOT/MEPA.

Attorney Kehoe said he met informally with MassDOT before the applicant filed the original plan. They did not express a concern with the 3 curb cuts so he thinks that they will be pleased with only 2 curb cuts.

S. Foulkes asked if the various boards approve this project, will they have to wait for a decision from MassDOT.

J. Aubin said yes they will need to finish their review.

Ch. Sullivan asked if the board was prepared to make a motion to approve the site plan with the conditions as presented by the Town Planner.

M. Bourque made a motion to approve the site plan for Cumberland Farms at 214 & 224 Taunton Avenue with the conditions stated by the Town Planner, R. Bennett seconded.

Ch. Sullivan asked for discussion from the Board members.

S. Foulkes asked if the PB could postpone the decision until the ZBA has their meeting in August.

J. Aubin said a request for a continuance would have to be agreed upon by the applicant. If the applicant did not want to grant us the continuance, it could automatically be approved.

Attorney Kehoe said the public hearing has not been closed.

Ch. Sullivan said the public hearing from ZBA has not been closed, however, this PB meeting is not a public hearing.

Attorney Kehoe said the special conditions the ZBA put on the special permit will not likely change the design layout, or anything like that, at this point. The primary issue for the ZBA is the special permit for pouring of the gasoline and the secondary is the variance for the sign package.

Ch. Sullivan asked for comments from the public before a vote be taken.

Pam Bochiecho, 7 Richard Banna Way, asked if the board was aware that the ZBA continued last night's meeting and requested further documentation regarding the traffic study. She asked the PB to review the additional information once it has been completed.

Ch. Sullivan stated the PB motion does include the ZBA's decision.

J. Aubin recommended a condition to the decision stating nothing herein shall create a right to any site element or use shown on the submitted plan that may be subject to jurisdiction or approval of any other town body, state, or federal agency. This should make it clear that ZBA has control over the use of the site. The additional traffic study that has been requested by the ZBA might be to do with the scale of that use, not necessarily to do with the functioning of this site.

Ch. Sullivan asked if Mr. Bourque would like to amend his motion.

M. Bourque amended his motion to include what Mr. Aubin stated and R. Bennet seconded.

P. Bochiecho would like to note that they requested a similar uniformity rule of the neighborhood regarding the hours.

J. Aubin said the PB is limited to standards in Section VIII.

M. Bourque said the applicant is not necessarily responsible for exiting out onto Pleasant Street due to the location of the building. The PB and Conservation Commission asked for the elimination of the 3rd curb cut to avoid a third driveway.

Heather Hunt, 13 Evelyn Way, said she feels this is not the appropriate location for this site due to tanker trucks turning onto Pleasant Street. She said the residents are requesting Pleasant Street

not be an exit. She does not think anyone will turn onto Taunton Avenue but turn onto Pleasant Street which will create more traffic on Pleasant Street. She said a sign was taken down from Pleasant Street regarding the weight limitation of trucks.

J. Aubin said he did look at the surrounding areas to this site and noted there is a two ton limitation on Pleasant Street in East Providence but that does not intersect with this location.

H. Hunt said the residents who live there say it was on their street.

J. Aubin said he was stating what he saw.

H. Hunt said because it's not there now due to the Grist Mill project and now trucks have been going down their street. She said it should be looked into and the street needs to be repaved. She does not understand how the sidewalk is going to fit on Pleasant Street. She doesn't understand how a truck is going to pull out and have 2 lanes of traffic.

Ch. Sullivan said the sidewalk is going to be built into the site itself and not into the roadway.

H. Hunt said she does not think it is time to make a decision since Conservation and ZBA have not made their decisions yet.

Ch. Sullivan explained how the state requires a timeframe that a site plans need to heard and adhered to.

J. Aubin asked Chris Farland for verification of the width of Pleasant Street. He also asked if the proposed sidewalk constricts the current width of the roadway and if it will be built on the excess right-of-way that is to the east.

C. Farland stated 49.5' is the width of the street and he referred to the plans.

Ch. Sullivan asked approximately how much the slope will be reduced.

C. Farland referred to the plans which shows the existing contours and proposed contours. The bottom slope is at 60 and the existing grade is at 66.

M. Bourque asked for the height of the road.

C. Farland said the height of the road is approximately at 59 and the slab is at 58.

M. Bourque asked if it is fairly level from the road to the slab of the building.

C. Farland said getting back to the ADA accessibility it does not exceed 5%.

M. Bourque asked if they would be cutting into the hill significantly.

C. Farland said yes, this piece will be (he referred to the plans).

Ch. Sullivan asked, as far as site lines, as you pull out of the exit on Pleasant Street from the site and you look to the right, the height that is going to remain is not going to be impinging on the site lines.

C. Farland said if site distance becomes an issue, per your comments made, we will cut that down to meet the standards.

J. Harris asked if the sidewalks will go to the corner of Evelyn Way.

C. Farland said it stops approximately right before the radius going around towards Evelyn Way, almost at the utility pole.

H. Hunt asked why this Cumberland Farms needs a sign when the other Cumberland Farms in town does not need a sign.

D. Sullivan said if the signage meets the standard of Zoning By-laws then they are allowed by right to have a sign. If it exceeds the standard, for height and area, the ZBA will determine if a variance is allowed.

H. Hunt asked why this site has 5 gas pumps. Other gas stations on Route 44 have 2 or 3. She expressed her concern as to why this building has to be so large in this area.

J. Aubin said as far as the use, that is what the ZBA is looking at. The ZBA will take in to consideration the amount of pumps. The PB determines whether or not the site meets the guidelines of Section VIII of the Zoning By-laws, such as landscaping, layout of parking, etc.

H. Hunt ask if the PB has the authority to determine whether or not this is the appropriate location.

J. Aubin said the PB does not have the right to determine whether or not a use is permitted or not. Section 2.8 specifically denies the PB that right.

H. Hunt asked who has the right to determine that.

J. Aubin said if it is a permitted use, the Zoning Enforcement Officer. The Zoning Board will determine if it's a use allowed by special permit or if it requires a variance.

H. Hunt asked who is responsible for the accountability if there in an increase of accidents, if residents' foundations gets cracked, or if thefts happen in the neighborhood.

J. Aubin said it's the authority of the PB to enforce the site plan as it is approved. As far as the commercial use of this property, it has been zoned commercial since 1964. Route 44 is a mixed use commercial corridor. It is consistent with the master plan, zoning, and the Route 44 corridor plan done in 2011. The PB applies to the rules and regulations that are in place as they exist in the Subdivision Regulations, Zoning By-laws and the General By-laws. We are required to follow the criteria that is in the By-laws.

H. Hunt reiterated that this location is not the location for a Cumberland Farms. She said this road cannot handle Cumberland Farms.

Ch. Sullivan said that is not within the purview of the PB. He asked for any further comments from the board. There is a motion on the floor to approve with conditions as highlighted by the Town Planner. At this time, a vote will be counted.

S. Foulkes asked if there will be any further discussion from the public.

Ch. Sullivan said at this time the comments have become repetitive in nature and a vote will be called. All those in favor of the submittal with conditions as described.

VOTE: 6 in favor, 0 opposed

M. Bourque made a motion to approve the site plan for Cumberland Farms at 214 & 224 Taunton Avenue with the conditions stated by the Town Planner, R. Bennett seconded, and it was unanimously approved.

VOTE: 6-0

Town Planner Monthly Report

The following departmental activity summary covers the period June 1, 2017 to June 30, 2017.

SUBDIVISIONS

- **Curt Street Extension** - construction on-going. The binder course was installed and a certificate of safe passage expected to be issued July 2017. Site visits conducted.
- **Brady Estates (Patriots Way)** 11 lot subdivision of land off Lake Street, the binder course was installed, the certificate of safe passage issued, and surety reduction was approved on June 13, 2017. Site visit conducted.
- **Caleb Estates** the sidewalk was installed and awaiting final street paving, clean up, and initiation of acceptance procedure. Site visits conducted.
- **Jacob Hill Estates** residential construction underway, modification requested regarding provision of affordable unit and bio-retention area. Site visits conducted.
- **Farmland Estates** binder course installed, certificate of safe passage expected to be issued in July.
- **Stone Ridge** binder course installed, certificate of safe passage issued in June, commencement of residential construction expected. Site visit conducted.
- **Pine Hill (Jacoby Way)** Awaiting mitigation plan for bio-retention area flooding and detention pond operation. Acceptance request expected in Fall 2017. Site visits conducted. He spoke with Mr. Najas today. Need biorention repair plan, final clean up and will require public hearing per Town Counsel for any modification to a definitive subdivision plan.
- **Summer Meadows (Becky Lane)** Surety reduction requested. Roadway acceptance application has been submitted to Board of Selectman. Site visit conducted.

SITE PLANS

- **1977 Fall River Avenue** FedEx distribution facility construction ongoing. Site visits conducted to monitor flooding of the rear portion of the site.
- **1110 Fall River Avenue** At-Home 100,000 sf home décor retail use in existing commercial building (former Sam's Club) opened in June.
- **68 Woodland Avenue** AP 35, lot 30 proposed 6,000 sf office/garage structure and associated site improvements approved February 14, 2017 awaiting final plan.
- **68 Woodland Avenue** AP 35, lot 21-24 proposed large scale solar photovoltaic facility site plan approved on February 14, 2017. Pending final plan and ANR applications.
- **214-224 Taunton Avenue** - site plan for proposed convenience store and gas station discussed this evening.
- **95 Highland Avenue** AP 8, lot 36, Home Depot site plan application of Bloom Energy for proposed natural gas energy server installation expected in July.

AMENDMENTS

- Rules and Regulations Governing the Subdivision of Land in the Town of Seekonk work session July 25, 2017.
- 2017 OSREC Plan kick-off meeting June 15, 2017. They have received 300 responses from the survey to date. The goal is to receive 1000 responses.
- 5 year Master Plan update

MISC

- Economic Development Committee
 - \$25,000 grant funding for Economic Development Guide. SRPEDD met with the TRC on June 28th.
- Attleboro Dye Works, 36 Maple Ave, EPA training conducted in Boston June 18
- MADOT "Complete Street 201" training completed on June 19th.
- 2020 Census address certification training on June 27th.

Correspondence

N/A

Discussion: SRPEDD Update

J. Roach said the June meeting consisted on committee updates. The Economic Development Committee gave a year end summary and, if available, he will request a written copy to provide it to the board. There is no July SRPEDD meeting.

Planning Board Member Reports/Updates

Topics discussed:

- Gristmill Corner project.
- Luther's Corner project.
- Update on Subdivision list and request Town Counsel to discuss process of outstanding subdivision.
- FedEx project and installation of water lines on Route 6 and the flooding along the back
- Letter to BOS regarding the safety of Banna Estates, i.e. signage-speed limit, no cut through traffic, thickly settled. J. Aubin said the letters will be sent.

Approval of Minutes 6/13/17

R. Bennett made a motion to accept the minutes of June 13, 2017 as amended, J. Harris seconded, and it was unanimously approved.

VOTE: 6-0

Adjournment

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

The regular meeting was adjourned at 8:42 p.m.

Respectfully Submitted by,

Kristen L'Heureux