

SEEKONK PLANNING BOARD
Regular Meeting and Public Hearing Minutes
BOS Meeting Room
August 22, 2017

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

Ch. Sullivan called the meeting to order at 7:11 p.m. The Agenda was read for the record. A motion was made by R. Bennett to waive the reading of the public hearing notice and seconded by L. Dunn, and it was unanimously approved. The Planning Board Members were introduced.

Introduction of the board: Ronald Bennett, Michael Bourque, Jeff Harris, David Sullivan, James Roach, Sandy Foulkes, Phoebe Lee Dunn.

PUBLIC HEARING: Waiver Request for Summer Meadows

AP 1, lot 271

J. Aubin reviewed the waiver request and advised a public hearing is required for any modifications to an approved definitive subdivision.

Chris Andrade from InSite Engineering located at 1539 Fall River Avenue, Seekonk, MA was present on behalf of the applicant. They are requesting a waiver from Section 8.9.1 Monuments (4x4x4) since it is a smaller subdivision with a shorter street.

Ch. Sullivan asked if there were any proponents in the audience wished to speak.

N/A

J. Aubin said the street acceptance for Becky Lane will be heard on September 12th at the PB public hearing.

Ch. Sullivan asked if any opponents would like to speak.

N/A

Ch. Sullivan asked for discussion from the board.

R. Bennett said he has seen some subdivisions with 4x4x4 bounds.

Barry Shapiro and Suzanne Claus residents at 9 Becky Lane expressed their concerns regarding the following:

- A conservation notice they recently received;
- Their concern for not receiving any documentation prior to purchasing the property;

- A 3 foot discrepancy in their lot line;
- Since the road was repaved, there is a puddle that forms in their driveway and front yard.

Ch. Sullivan asked how much the grade changed when they repaved the street.

Mr. Shapiro replied 2-2.5 inches.

Ch. Sullivan asked if there should be a contingency in place prior to asking for street acceptance at the town meeting.

J. Aubin said Mr. Shapiro was on vacation at the time of the BOS public hearing for the street acceptance.

Ch. Sullivan asked if this topic could be discussed at this time since this is a public hearing for a waiver request. He also asked if Mr. Aubin could check into who did the surveying.

J. Aubin said he could contact the engineer, however, any issue in regard to the property bounds is an issue between the property owner and the developer, but the paving concerns can be discussed at the next PB meeting.

M. Bourque asked if there is a question on lot lines should the board make a decision in regard to the bounds and who will confirm the bounds of the street?

J. Aubin said Planning will receive a class one as-built survey and it is stamped by a surveyor.

Ch. Sullivan said the property owner can, and may, want to have a survey done of his property.

D. Cabral from DPW said if there is documentation of a concern prior to taking a control over the road, we would want that highlighted and brought to the reviewing engineer since the town goes by where the bounds are set.

Ch. Sullivan said this matter will be continued to the September 12th meeting.

L. Dunn made a motion to close the public hearing, R. Bennett seconded the motion and it was unanimously approved.

VOTE: 7-0

M. Bourque made a motion to approve the waiver request from Section 8.9.1 Monuments for a 5 lot Definitive Subdivision Summer Meadows, J. Harris seconded and it was unanimously approved.

VOTE: Approved 7-0

PUBLIC HEARING: Application for Definitive Subdivision Myles Court (off Quarry Street)

AP 20, lots 397 through 401 and 416-427

J. Aubin said the scheduled public hearing for Myles Court was advertised, however, there was an issue with the specific notice to the abutters. To provide the abutters with proper notice, a continuance is proposed to the September 12, 2017 PB meeting.

ANR Application: 647 and 655 County Street

AP 6, lots 495 & 655 located in the R-2 Zoning District.

Chris Andrade from InSite Engineering was present on behalf of the applicant, Moonlight Realty. They are proposing a 5 lot Form A.

L. Dunn referred to the plans and asked why lot 1 has an odd shape.

C. Andrade said the minimum width of a lot is 50 ft. and the required frontage is showing 100 ft. The buildable area is in the rear of the lot.

Ch. Sullivan said under the Rules and Regulations, misshaped and porkchop lots are mentioned and asked if this is in violation of the Rules and Regulations.

J. Aubin said if it meets all the requirements, it is hard to argue that it doesn't meet the overall requirements of the Zoning By-law. As Mr. Andrade stated, the minimum lot width is 50' and they meet that requirement.

Ch. Sullivan said he has concern with the shape of the lot.

J. Aubin said it may be but it does meet the requirements as lot width so for the board to argue that it's odd shaped, the applicant's counter argument would be that it meets town's width requirements.

The board reviewed and discussed the ANR plan.

Ch. Sullivan and S. Foulkes do not agree with the shape of lot 1 of the ANR. They would like to discuss this further going forward with the Subdivision Rules and Regulations.

S. Foulkes asked if each lot will have individual septic systems.

C. Andrade said yes.

L. Dunn asked if preliminary perc tests were done.

C. Andrade said he is not sure since he does not do perc tests.

L. Dunn asked if the minimum lot frontage should be 100'.

J. Aubin said you can reduce the frontage 1' for every 250 sq. ft. of additional area with the alternative minimum provisions.

Ch. Sullivan said since they added distance and size to the overall lots they can reduce the frontage requirement by a percentage per the Rules and Regulations.

S. Foulkes asked if this is state law or town requirement.

J. Aubin said the alternative minimum frontage....

(too many people speaking at once)

J. Aubin said it is a footnote to the dimensional table in the Zoning By-law. **Section 1.4.3** of the ZBL, **Lot Design/Layout**: Porkchop, rat-tail, or excessively distorted lots shall not be allowed if in the opinion of the Planning Board their shape is caused by the attempt to meet the lot size requirements of these By-laws while evading the By-laws' intent.

Ch. Sullivan asked if there were any further questions.

L. Dunn asked if the abutters have been notified.

Ch. Sullivan said notification is not required for an ANR accept notice on the Planning Board agenda.

R. Bennett made a motion to endorse the ANR application for lot 647 and 655 County Street, J. Harris seconded.

VOTE: 4-3

**In favor: R. Bennet, J. Harris, D. Sullivan and M. Bourque
Denied by: J. Roach, S. Foulkes and L. Dunn**

ANR Application: Corner of Hammond Street and Chestnut Street

AP 10, lot 288, R-2 Zoning District

J. Aubin summarized the ANR application. This property was discussed previously by the board and the town is waiting additional documentation from Mr. Crandall. Lot 7 is not being proposed for development. It is for a shared septic system.

Chris Andrade from InSite Engineering was present on behalf of the applicant. A 7 lot subdivision is being proposed (6 lots and 1 non-buildable for shared system). The shared septic system will be transferred to a common ownership of the homeowner's association. The first two lots will have frontage off Hammond Street the remaining lots will have frontage off Chestnut Street. All lots meet current building requirements.

Ch. Sullivan asked how lot 7 will be accessed.

C. Andrade said there will be easements depending on how the septic gets put in. An easement plan will be submitted for lot 5 and most likely run along the property line to access the back.

S. Foulkes asked what is planned for lot 6 because it is larger than the others.

C. Andrade said it is for a house lot.

S. Foulkes is concerned with all the trees being cut.

L. Dunn said she is familiar with the area and feels there is a lot of water in the area especially when it rains.

Ch. Sullivan agreed and asked how the drainage issues will be addressed.

C. Andrade said the standards will be met and their concerns will be addressed, but they cannot go into full development with what a lot will look like at this time.

L. Dunn asked if they considered a conservation development.

C. Andrade said if a road was put in you would probably get a similar number of lots but there would no gain for the town or developer.

L. Dunn asked if the plans they received are the final plans.

C. Andrade said the lot lines are final, but things such as house designs, garage, drainage structures, easement locations, etc. might change.

J. Aubin said the next step is going before BOH then building

L. Dunn clarified lot 7 will be a shared septic.

C. Andrade said lot 7 is not to be considered a separate buildable lot.

J. Aubin suggested the board put a condition on the Mylar so it will be recorded as ANR lot 7 is to be utilized for either a shared septic system for the development of the proposed lots or add it to one of the adjoining lots by a future ANR submission.

Ch. Sullivan added, "and not be considered a separate lot for development."

J. Aubin said to make it clear that is on the *recorded* Mylar.

J. Harris made a motion to the ANR application for Douglas Crandall at the corner of Hammond Street and Chestnut Street, AP 10, lot 288 located in the R-2 Zoning District with the condition stated by the Town Planner, M. Bourque seconded, and it was unanimously approved.

VOTE: 7-0

ANR Application: 675 Read Street

AP 26, lot 42, located in an R-4 Zoning District

J. Aubin advised that Town Counsel is present to answer any questions in regard to the ethics disclosure since Ronald Bennett is on the Planning Board and he will recuse himself from voting.

Attorney Barbara Saint Andre from KP Law stated if the ethics disclosure forms are not completed at this time, she suggests that each Planning Board member make a statement this evening before any action is taken on this ANR plan. A statement needs to include whether or not you feel that you can't act without being unduly influenced.

Ch. Sullivan said the papers have not been filled out and asked if a continuance until September 12th meeting should be considered.

Attorney Saint Andre said it would have to be heard within 21 days of receiving the application.

J. Aubin said the September 12th meeting is not, therefore, a continuance would have to be filed with the applicant's consent.

Attorney Saint Andre said if the board cannot act on this application within 21 days, the applicant should withdraw the application and resubmit the application so that it will be heard within 21 days but the fee will not be charged again.

Ch. Sullivan asked Mr. Bennett if his intent was to withdraw the application and reapply for the September meeting.

Mr. Bennett said he'd prefer it be addressed tonight and advised he has not spoken with anyone on board about this application (more than sharing conversation). He has not influenced the board either way. He asked that a verbal acknowledgement be allowed so the application can be heard.

J. Aubin asked him if he would recuse himself.

R. Bennett said he would recuse himself.

Ch. Sullivan asked if the board would make verbal declaration for or against.

M. Bourque said he would make a public statement.

Ch. Sullivan said the statement would need to include that they do not feel intimidated or otherwise pressured to make a decision and they feel comfortable going forward with hearing the application tonight.

Attorney Saint Andre said state law says that if a person could easily think they would be unduly influenced. It does not have to rise to the level of intimidation. Unduly influenced for example is someone's friend or relative. You make a statement in a public manner saying yes I know Mr. Bennett and he is on the board but I am not unduly influenced by the fact that he is on the board and I am going to act as I would with any other application. Then there is a form you file with the Town Clerk.

M. Bourque, J. Harris, D. Sullivan, J. Roach and S. Foulkes, and L. Dunn made public statements to move forward with the application.

Both S. Foulkes and L. Dunn said they remained uncomfortable due to the time constraint on hearing an ANR application within the 21 days.

Attorney Saint Andre said there is a difference of feeling pressured due to a deadline than feeling pressured due to knowing someone. For example, if John Doe filed a plan 20 days ago opposed to Mr. Bennett. The only conflict would be if you think you cannot make an unbiased decision. From what you have all said, I think you can be unbiased.

Ch. Sullivan asked if a vote needs to take place.

Attorney Saint Andre said declarations are needed not a vote.

Ronald Bennett left the Selectman's meeting room.

Chris Andrade from InSite Engineering was present to discuss the ANR application on behalf of the applicant. They are proposing a two lot ANR. Both houses will have adequate frontage. One house is preexisting and will require renovations.

S. Foulkes asked if the house that is on the lot now going to stay where it is.

C. Andrade said portions of the house will stay but the house will be renovated. He referred to the plans.

Ch. Sullivan asked if the proposal is to stay the same size or if it was going to be reduced.

C. Andrade said it will be reduced. The exact foundation format is unknown. They will need to submit a building plan showing they meet the zoning setbacks.

Ch. Sullivan asked if these lots fall under the Aquifer Protection District.

C. Andrade said he does not think the lot falls under the Aquifer Protection District.

L. Dunn asked if the Runnins River abuts that piece of land.

C. Andrade said there is a stream (pointed to plans) but not sure...

Ch. Sullivan asked if he will be presenting a plan to Conservation.

C. Andrade said yes.

J. Harris made a motion to endorse the ANR application for 675 Read Street, M. Bourque seconded, and it was unanimously approved.

Opposed - 1 L. Dunn because she knows an abutter, the river, and the developer.

VOTE: Yes:

Opposed: 1

A 5 Minute Recess was requested

The meeting was reopened at 8:25 p.m.

Discussion: Update on Pine Hill Estates/Jacoby Way, 11 lot definitive subdivision of land located off Newman Avenue

J. Aubin provided an update on the subdivision and provided the board with copies of the letters that have been mailed to the developer. He noted the developer was not present but has spoken with Mr. Najas at the town hall and he stated he would be coming forward to close out the subdivision and a proposed detail for resolution to the issue with the bioretention area. The bioretention basin is currently dry, but it is mid to late August (dry season). It is still retaining water. We do have an executive session schedule this evening to discuss this matter further. He noted residents of Pine Hill Estates are present and Mr. Andrade from InSite is here (not specifically to speak of this issue or to speak for Mr. Najas but he may be able to answer questions the board may have).

Ch. Sullivan asked if any residents would like to speak.

Robert Oliveira from 13 Jacoby Way said he was here 2 months ago. He is still not sure who is responsible for creating this situation. Is it the engineer (InSite), the town's engineer who approved it, the contractor or the subcontractor who did the work? They have had water (3' deep) with exception of this week. This is a safety and health hazard. Two vehicles have driven into the middle of the cul-de-sac. The residents are passed frustration. There are other developments that have a similar design and they don't work either. He mentioned one of residents from another development has spoken with him. He asked what is going to be done since the lot that had a covenant over it has been foreclosed and sold to another individual.

Ch. Sullivan recognizes the frustration and the board is aware of their concerns. Some issues include the initial proposal from the developer, the engineer, the design of the drainage system, the town's engineer reviewed their calculations, reviewed their presentation, and believed what was on paper as far as the design concept of how it worked. Somewhere in between there have been issues and we are trying to work on things with the developer and now there are problems with the developer. The undeveloped lot was being held under a covenant by the town, as you said, has been foreclosed. It is our understanding that the Town of Seekonk's claim, the covenant, transfers to the lot. This will be discussed during an executive session this evening.

Mr. Oliveira expressed his concern if the covenant does not exist. He hopes this process will go faster now since they have been waiting for quite some time. The residents do not want to be responsible for something that is a safety and health hazard.

Ch. Sullivan said it will be a legal issue and the PB will follow the legal process. He explained those answers are unknown at this time but it will be discussed further in executive session.

J. Aubin said the other development that Mr. Oliveira is referring to is an active subdivision with the builder onsite so there is more leverage with the builder. We do have to work with the plan that was approved for Pine Hill Estates. As far as the covenant, the covenant runs with the lot. If the new owner comes forward, they will not be able to develop it. The PB has the authority to say the land cannot be developed until the public improvements are completed.

Ch. Sullivan asked what happens with a legal entity goes out of business and/or the company is dissolved.

J. Aubin said the development is private property until the town accepts the roadway. The next step will be discussed in the executive session.

Ch. Sullivan asked how the PB can address Mr. Oliveira's concerns.

Mr. Oliveira does understand the unique situation they are in but is very concerned due to the safety and health hazards involved.

Ch. Sullivan said according to the engineers, the approved definitive subdivision plans, the bioretention basin should work. The PB cannot refuse a subdivision if the engineer tell us it will work.

Mr. Oliveira said he is requesting immediate action take place.

Ch. Sullivan said legally the town does not own the property until the town accepts the road at town meeting.

Mr. Oliveira said the town *might have* given up their right to fix this since the town could have taken action when they were notified of the auction.

J. Aubin said Town Counsel was advised of the auction and it was determined that the town's interest with the covenant runs with the property.

Mr. Oliveira requested "just a fix" not be done and asked that it be done correctly and for the long term.

Ch. Sullivan asked if this subdivision has an HOA.

J. Aubin said there is an HOA.

Mr. Oliveira asked why they (the residents) would want to own it (biorention area).

L. Dunn asked if his deed says he does belong to an HOA.

Mr. Oliveira said they don't have one yet but thinks he was told that an association would be formed. They do not want to accept it if it does not work. He is concerned with it getting it right not just the legalities. He asked to be updated if there are any new developments.

Ch. Sullivan said anything that is releasable to the public, Mr. Aubin could forward an email.

Discussion: Work session to proposed amendments to the Rules and Regulations Governing the Subdivision of Land in the Town of Seekonk

J. Aubin summarized his memo and set of the proposed amendments to the Subdivision Rules and Regulations as reviewed by Town Counsel, as well as an email from Ms. Saint Andre dated July 28, 2017 indicating her concern that the EIS provision of the regulations are beyond the jurisdiction of the Planning Board under the Subdivision Control Act. Dave Cabral, Superintendent of Public Works, is also present to provide his recommendations. It is anticipated that subsequent to this work session a public hearing will be scheduled for formal consideration of the amendments. The Planning Board will need to conduct a public hearing on the amendments proposed for adoption.

Amendment 1: SECTION II DEFINITIONS

It is the responsibility of the Applicant to review the "Existing Street Names" list on file in the Planning Office prior to the naming of any Street or Way in the Town of Seekonk. NO proposed plan, subdivision etc. shall have any similar or duplicate Street Names of proposed streets in the proposal. The existence of such is grounds for denial of the application. The Planning Board will NOT accept any waivers for this condition.

Attorney Saint Andre recommended that this should be under Regulations and not Definitions. Also under the Subdivision Control Law you cannot "not" accept waivers. A person has a right to request a waiver. You can state you will carefully review any request for waivers and they are discouraged but you cannot deny them a waiver request.

Amendment 2: SECTION III Approval Not Required

~~3.7 In addition to the recording fee, the applicant must furnish a fee of \$100 per lot minimum of \$200. The application fee shall be in accordance with the currently adopted fee schedule set forth in Attachment B of the Seekonk General By-laws~~

Note: We received notice today that those By-laws have been approved by the Attorney General's Office.

Amendment 3: SECTION IV PRELIMINARY PLAN

4.2 Contents

3. A layout drawing of the subdivision at 1" = 40' or such other scale as the Board may accept to show adequate detail. Said layout drawing shall include proposed roadways, lots, open space, drainage areas and connections to existing roadways for the development. All proposed street names shall conform to the provisions of Section II Definitions Streets and Ways (NOTE: This will reflect previous change made under Amendment 2 this evening). Per the roadway design standards of Section 7 of these regulations all proposed streets shall be designed so that they connect to each other and to other surrounding streets so as to promote circulation between streets. The construction of "Cul-de-Sacs" and dead end streets is to be avoided and are not the preferred method of construction of the Planning Board.

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

Amendment 4: SECTION IV PRELIMINARY PLAN

4.2 Contents

~~7. Fee of \$300 per plan shall be in accordance with the currently adopted fee schedule set forth in Attachment B of the Seekonk General By-laws~~

Amendment 5: SECTION IV PRELIMINARY PLAN

4.5 Add the language: The scope and focus of any Environmental Impact Statement that may be required as set forth in Section 5.6 herein will be necessary. Statements of the above discussions and determinations shall be included in any motion to approve or decision otherwise rendered by the Planning Board on the Preliminary Plans.

Amendment 6: SECTION V DEFINITIVE PLAN

5.2 Submission

1.2.1 Add the language: Written notice that such plan has been submitted to the Planning Board. Such notice shall describe the land to which the plan relates sufficiently for

identification, and shall state the date when such plan was submitted and the name and address of the owner of such land.

Note: This amendment incorporates the language set forth in **41 MGL 81T** with regard to the provision of notice to the Town Clerk of an application for Definitive Plan approval.

Amendment 7: **SECTION V DEFINITIVE PLAN**

5.2 Submission

1.2.3 Add the following language in place of plans and applications: Revised plans and amended applications submitted after the initial filing of an application are to be received by the Board at least five business days prior to the next regularly scheduled meeting at which they are to be discussed.

Note: This amendment clarifies that revised plan and materials are to be submitted five business day in advance of the meeting at which they are to be discussed.

Amendment 8: **SECTION V DEFINITIVE PLAN**

5.3 Contents

17. Separate plans and profile of every street in the subdivision showing the following data:

Add the following: 17.9 Proposed street names in conformance with the provisions of Section II Definitions Streets and Ways

Note: This amendment directs applicants to the proposed street naming provisions of Section II

Amendment 9: **SECTION V DEFINITIVE PLAN**

5.3 Contents

23. Application fee in accordance with the currently adopted fee schedule set forth in Attachment B of the Seekonk General By-laws.

Amendment 10: **SECTION V DEFINITIVE PLAN**

5.6 Environmental Impact Statement

The developer ~~may~~ shall be required to submit an environmental impact statement for proposed definitive subdivisions resulting in 4 or more lots for development. The purpose of this statement is intended to alert the developer to the possible adverse effects the subdivision may create on the environmental resources at the development site. The second purpose is to provide town officials

with sufficient information on the impact the development will have on town services and resources in order that the town can plan to meet those needs. Per Section 4.5 the focus and scope of the Environmental Impact Statement shall be determined by the Planning Board at the Preliminary Plan stage. Where no preliminary plan has been filed the applicant shall be

responsible to submit an environmental statement in full conformance with the provisions and requirements of this section unless otherwise specifically waived by the Planning Board. In reviewing the statement, it is the intent of the Planning Board to use the information concerning the impact of the development on town resources for purposes of accepting or rejecting the Definitive Plan.

The Planning Board may waive the requirement for the submission of any section or sections of the statement which it seems inappropriate to the proposed development. IT IS THE INTENTION OF THE PLANNING BOARD TO GRANT WAIVERS AS A MATTER OF COURSE WHERE EXCESS IMPACTS ARE NOT ANTICIPATED. It is suggested, however, that the developer discuss the requirements with the Board prior to submission of a preliminary plan. The statement should be to the greatest extent possible a technical rather than a subjective document. References and calculations shall be submitted with the plan and the statement itself shall include the following elements unless waived by the Board.

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

Attorney Saint Andre stated a requirement is already in the subdivision regulations regarding EIS. In regard to changing ~~may~~ to shall, you need to be cautious with EIS. This is the subdivision control law and you have limited jurisdiction. You don't want to use EIS excessively when you don't need them because some of these can get into very involved matters which may not be part of subdivision control law. Subdivision control laws have certain purposes to it and they are set forth in Gen. Laws Chapter 41 Section 81M which suggests PB cannot go beyond the scope of those particular purposes of the subdivision control law. She is not suggesting the PB take it out but if you are making the change from a may to a shall (which makes it seem mandatory) you need to keep in mind that in an appropriate situations, you need to waive the requirements because of the purpose of the subdivision control law.

Amendment 11: **SECTION V DEFINITIVE PLAN**

5.6.2.3 Infrastructure

1. Water Supply
Add: 3) Fire Hydrant Placement in accordance with the National Fire Protection Association Water Supply Standards and the Seekonk Water District.

Note: This amendment requires the location of fire hydrants within proposed development to be in accordance with the NFPA and standards of the Seekonk water District.

Amendment 12: **SECTION VI PERFORMANCE GUARANTEE**

6.2 Bond or Security

2. Remove: ~~savings passbook accompanied by a signed withdrawal slip and an assignment of the account to the Town.~~

Note: Saving passbooks are no longer acceptable per the Treasurer's Office. Town Counsel has raised the question as to savings certificates. This will need to be verified.

Attorney Saint Andre said the subdivision control law has four methods they can use to secure a subdivision: 1) covenant; 2) performance bond; 3) tri-party agreement; and 4) cash. The developer has the right to choose what they want, the Planning Board has the right to determine if the form and amount is sufficient. Most developers want to start with a covenant because they cannot record their plan at the Registry of Deeds until they have given security and most of them can't get financing until they record the plan. So the first thing they usually want to start with is the covenant and the covenant said they cannot build on or convey any lot on the subdivision until they either construct all the ways or install all the municipal services or they give you a different type of security such as cash or bond. If you want to do that, you would need to get a special act because it would be inconsistent with subdivision control law. The only way to do that would be through a special act in the legislature.

Amendment 13: **SECTION VI PERFORMANCE GUARANTEE**

6.7 Election of Performance Guarantee

J. Aubin said that no amendment is currently proposed but the Planning Board wanted to discuss ways to clarify the proper use of covenants in ensuring the completion of public improvements.

Planning Board, with town counsel comments, suggested removing "common stock" from this section.

The Planning Board discussed moving forward with subdivisions that covenants can be used at the start of the process but once the road is built, it has to be built in a cohesive manner. If lots will be built in different order, then a different form of surety will be required. They will not restrict how it is done, however, if they are going to do a covenant, then this is the way it needs to be done.

Amendment 14: **SECTION VII DESIGN STANDARDS**

7.1 General

Add: Dead-end streets and developments containing multiple cul-de-sacs shall be avoided.
Subdivision design shall conform to the rules and accepted principles of correct land use, sound planning, and good engineering.

Note: This amendment is intended to discourage to the use of dead end roadways.

Amendment 15: **SECTION VII DESIGN STANDARDS**

7.2.1.3 Add: Multiple cul-de-sacs within a subdivision are not acceptable. Streets shall be designed so that they connect with other streets and avoid the creation of cul-de-sacs. Cul-de-sacs are intended to provide temporary dead-ends and shall be designed and laid out to allow for future connections to either existing roadways or adjoining property. Cul-de-sacs shall not be utilized for the sole purpose of creating frontage to allow for additional lots for development

Note: This amendment is intended to discourage to the use of dead end roadways and requires new development to either connect to existing roadways or utilize connection to adjoining parcels. The amendment would also prohibit the use of cul-de-sac solely for the purpose of creating additional frontage to allow for additional lots for development.

Amendment 16: **SECTION VII DESIGN STANDARDS**

Section 7.2.1.9 A concerted effort shall be made to provide at least 500' of visibility in both directions on high-speed roads (i.e., 35 mph+) and at least ~~300'~~500' of visibility on lower speed roads for the establishment of bus stops when designing street intersections. New street within these distances from other streets, whether preexisting or new, will meet this standard for visibility from any intersection.

Note: This amendment would increase the recommended sight distance for “lower speed roads” to 500’.

Amendment 17: **SECTION VII DESIGN STANDARDS**

7.2.4 Dead-end Streets

Note: The subcommittee has recommended reviewing the language of this section in an attempt to limit or discourage future dead end streets and recommended referencing Section 7.2.4.1-4.

Amendment 18: **Water Supply**

Add: Where development occurs outside the water service area of the Seekonk Water District or other public water supply the Planning Board shall require compliance with the applicable provisions of sub-section 8.3 Fire Protection of these regulations.

Note: This amendment adds a reference to the Fire Protection Provisions of subsection 8.3 per the comments of the Fire Department.

Amendment 19: **SECTION VII DESIGN STANDARDS**

Section 7.7 **Open Spaces**

Add: The provision, design, and location of open space and park areas shall reflect and protect any major site features, and any threatened or critical resources identified on site in the Environmental Impact Statement for a subdivision or through the course of the Planning Board’s review of an application.

Note: This amendment is intended to provide for greater protections for critical resources and natural features through greater conformance with the environmental impact statement.

Amendment 20: **SECTION VII DESIGN STANDARDS**

Section 7.8 Protection of Natural Features

In order to enhance and maintain property values and to protect existing natural characteristics within the subdivision, major site features as identified in the contents of the Definitive Plan ~~and~~ required in Section 5.3.19 Major site features, above, and any threatened or critical natural resource as may be identified in the environmental impact statement for the development or during the course of the Planning Board's consideration of an application (follows the previous amendment and subject to comments from Town Counsel in regard to the EIS statement).

Amendment 21: **SECTION VIII CONSTRUCTION OF WAYS AND INSTALLATION OF UTILITIES**

8.3 Fire Protection

Adequate fire protection shall be provided for in accordance with the following requirements:

~~8.3.3 Tanker Truck Fire Safety Fee:~~

~~In lieu of providing said individual sprinkler system (8.3.2) or subsurface water storage (8.3.4) an applicant may satisfy the fire protection requirement by providing a fee of (five thousand) \$5,000 per residential unit for the purchase, equipping, and maintenance of a Fire Department Tank Truck or other related fire suppression equipment. Said fee shall be submitted prior to the issuance of any building permit for construction of a residential dwelling on any such lot subject to this section.~~

~~8.3.4 Subsurface Water Storage:~~

~~Subsurface water storage (fire tanks) for fire protection may be installed within a subdivision when in the opinion of the Planning Board and the Seekonk Fire Department such fire tanks are the best method of providing adequate fire protection. No fire tank~~

~~installation shall be undertaken prior to issuance of a subsurface water tank permit from the Fire Department.~~

Note: This amendment would remove subsurface cisterns as an option for fire protections in areas not serviced by public water. The Fire Department has also recommended re-designating subsection 8.3.3 to a less specific title.

Amendment 22: SECTION VIII CONSTRUCTION OF WAYS AND INSTALLATION OF UTILITIES

8.6 Curbing

Note: The subcommittee is recommending amending the regulations to require only granite or pre-cast concrete curbing.

J. Aubin said it appears to be an issue of durability of concrete granite vs. the ability for the town to more easily fix asphalt.

D. Cabral recommends removing cement concrete entirely because salt deteriorates cement concrete. DPW can maintain bituminous asphalt concrete sidewalks compared to cement curbing. They would prefer to see granite. Bituminous berms get beat up over the years.

J. Aubin said he will work with Mr. Cabral for specific language for 8.6 to make sure we have that covered.

Amendment 23: SECTION VIII CONSTRUCTION OF WAYS AND INSTALLATION OF UTILITIES

Note: The subcommittee is recommending amending the regulations to require only poured concrete or natural or precast paver sidewalks.

Comment: The proposal should be reviewed with the Department of Public Works with regard to development of an appropriate construction standard or citation.

Sidewalks

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

~~Remove: 8.7.4 Hot-Mix Asphalt Sidewalks – After subgrade has been prepared, a foundation of gravel shall be placed upon it. After being wetted and thoroughly tamped, the foundation shall be at least eight (8") inches in thickness and two (2") inches below and parallel to the proposed surface of the walk. It shall have a pitch of (3/8") of an inch per foot to provide for proper drainage. Hot mix asphalt shall be laid in two courses, each one (1") inch thick.~~

Amendment 24: SECTION VIII CONSTRUCTION OF WAYS AND INSTALLATION OF UTILITIES

8.9 Monuments

J. Aubin said this is in response to recent waiver requests and discussion with the Department of Public Works regarding the generally accepted standards in the surveying field and would require 4" x 4" x 5' granite bounds with 3" of above grade reveal.

D. Cabral said he prefers it remains at 6x6x5 but he will speak with GPI. He recommends keeping the bounds at 6x6x5 with an exception of sidewalks then the bounds should remain flush at the back of sidewalks to avoid a tripping hazard. Bounds should also be pinned after the subdivision is more or less completed to reestablish the bound mark.

Amendment 25: **SECTION VIII CONSTRUCTION OF WAYS AND INSTALLATION OF UTILITIES**

There shall be no unauthorized departure from an approved Definitive Plan or unauthorized waivers from these rules and regulations without prior approval of the Planning Board.

Note: The subcommittee has recommended adding language to include prior approval for waivers by the Planning Board.

8.13 As-Built Plan

There shall be no unauthorized departure from an approved Definitive Plan or unauthorized waivers from these rules and regulations without prior approval of the Planning Board.

Unauthorized changes may be subject to reconstruction. After final grading of the roadway and the graveled surface has been inspected and approved by the Department of Public Works and prior to the initial course of bituminous concrete, an as-built of the roadway showing location, line and grade of the proposed ways and drainage structures shall be submitted by a Professional Engineer or Registered Land Surveyor to the Public Works Superintendent and/or the Town Planner for their review and approval.

Amendment 26: **SECTION IX ADMINISTRATION**

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

9.1 Waivers

Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control law. Waiver of compliance with zoning will not, however, be made without a previously approved variance granted by the Zoning Board of Appeals. All post approvals

waivers shall be treated as a modification of the approved plan and shall only be considered at a properly advertised and noticed public hearing conducted for that purpose.

D. Cabral said he has additional information but would like to discuss this further with Mr. Aubin.

Discussion: Review of approved subdivision status and work session on procedures for incomplete subdivisions

J. Aubin provided letters to the board that will be sent to developers advising them they are outside their timeframe to complete the development and the street acceptance process. Since Town Counsel is here, we should discuss what the steps are when the developers are outside their timeframe for completion.

Attorney Saint Andre said there are two things to keep in mind: 1) deadlines; and 2) surety. If a subdivision is not completed within the deadline, then they are in default. The following process should be followed: 1) send notice to developer advising them they are over their timeline and ask what their action(s) will be; and 2) there should be surety to pull since without surety you don't have leverage. Always try to work with developer. After a final notice is sent, send final estimate from the town's engineer with the cost for the town to finish it. Hopefully the bond/surety is sufficient to cover that. Then you send another notice to the developer for a hearing explaining if no response is given, you will have no alternative but to contact the bank to finish the development. It is always better to get developer to finish. If not completed by deadline they are in default.

Ch. Sullivan asked if they should vote when to instruct the town planner to send notices to developers.

J. Aubin said he prefers to discuss the process going forward at the September PB meeting.

Monthly Department Update

Fed Ex will come in for Certificate of Occupancy probably in the next 6 – 8 weeks.

Correspondence

Moved to discuss at Sept 12th meeting

Discussion: SRPEDD

Moved to discuss at Sept 12th meeting

Discussion: Planning Board Member Reports/Updates

Moved to discuss at Sept 12th meeting

Approval of Minutes 7/11/17

Moved to discuss at Sept 12th meeting

L. Dunn made a motion to postpone discussion of correspondence, SRPEDD and approval of minutes of July 11, 2017 to the September 12, 2017 PB meeting; J. Harris seconded, and it was unanimously approved.

A 5 minute recess was requested.

At 10:00 p.m. the PB regular meeting was reconvened.

Ch. Sullivan asked for a motion be made to enter into **Executive Session**: To discuss strategy with respect to potential litigation if an open meeting may have a detrimental effect on the town's litigating position, and the chairman so declares, with respect to: Pine Hill Estates/ Jacoby Way - 11 lot Definitive Subdivision of land located off Newman Avenue

R. Bennett made a motion to adjourn the regular meeting at 10:00 p.m. and enter into Executive Session and will *not* reconvene in regular session, J. Harris seconded, and it was unanimously approved.

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

Adjournment

The regular meeting was adjourned at 10:05 p.m.

Phoebe Lee Dunn excused herself from the Executive Session (with cause).

Respectfully Submitted by,

Kristen L'Heureux