

SEEKONK PLANNING BOARD
Regular Meeting and Public Hearing Minutes
Board of Selectmen Meeting Room
November 14 2017

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

Ch. Sullivan called the meeting to order at 7:02 p.m. the agenda was read for the record.

Public Hearings: Application for a Definitive Subdivision, Myles Court, off Quarry Street, AP 20, lots 397 through 401 and 416 through 427. Continued from August 22, 2017, September 12, 2017, and October 10, 2017

Ch. Sullivan called to order at 7:07pm

J. Aubin handed out plan revisions from consulting engineer, Planning Board and Conservation Commission, Woodard & Curran letter was sent out at the end of last week, all set with issues. Conservation Commission has more work to complete, no reason not to approve conditionally approval, no Technical Review Committee for staff comments.

J. Tallman Sitec Engineering, Myles Ct, working out engineering details, drainage, Nov. 13 revision, is final revision, met with water Dept, minor comments, where pavement was from Right of Way off set, rather than parallel, not to conflict with other utilities, changed location of hydrant. Major change is the cul de sac, circular turnaround vs. hammerhead; Conservation Commission had issues, with previous pan. Storm water off pavement; continue berm on Quarry St to low point, and into wetlands, basin in rear shifted.

J. Aubin asked for the waivers from J. Tallman,

J. Tallman asked for a waiver from section 7.2.2.2 min width pavement, from 25' to 20' to meet Quarry St. section 7.4.1 minimum width drainage easement, 30' to 20'. Section 8.7 4 sidewalk on one side. Section 8.12.1 placement of shade trees in Right of Way, maintain existing trees as possible.

J Aubin asked for a tree preservation detail.

Ch. Sullivan asked for in favor/opposition from the audience, there were none.

L. Dunn wanted to know about the redrawn cul-de-sac.

J. Tallman said the Right of Way has been changed, from hammerhead to an off set.

L. Dunn asked what is going on with Conservation Commission.

J. Tallman said that the drainage, 2 catch basins, manhole and sediment, will go into wetlands, but will be treated.

L. Dunn asked if anyone had heard from the neighbor on Banna

J. Tallman said he has spoken with them. It has not been resolved and it's not their issue, they are encroaching our property, not us encroaching on them.

J. Tallman said that the property owner on Banna has been maintain the property,

J. Tallman stated that they will be conforming to all Conservation Commission standards.

L. Dunn said she was uncomfortable voting before Conservation Commission votes

Ch. Sullivan, we can't hold this up for Conservation Commission

L. Dunn asked what happens if we say yes, and Conservation Commission says no

Ch. Sullivan explained that the decision is contingent upon other boards.

J. Aubin said that if the lots can't hold a septic system, then it won't be a house lot.

J. Tallman said they will come back if need be, they had the same consultants for Conservation Commission and Planning Board.

L. Dunn asked if you walked the property with Jen Miller

J. Tallman said yes, went over concerns, with wetland manager on site. She did not formally accept it, but approved as it was done.

J. Aubin asked about the operation maintenance on storm water system

J. Tallman stated it was in the last drainage report,

J. Aubin asked about the homeowners association.

J. Tallman said they will do what the town requires.

J. Roach made the motion to close the public hearing. Seconded by L. Dunn. All in favor of closing the public hearing.

J. Roach made the motion to approve the definitive subdivision of Myles Ct assessor's map 20, lots 397 through 401 and lots 416-427 with the waivers as noted and the storm water report and the creation of a homeowners association. Seconded by J. Harris. Vote taken **J. Roach, J. Harris, D. Sullivan, M. Bourque all in favor, L. Dunn abstained**

Public Hearings: Proposed amendments to the Rules and Regulations Governing the Subdivision of Land in the Town of Seekonk.

J. Roach made a motion to move this item to the end of agenda this evening, seconded by J. Harris. All in favor

Public Hearings: Proposed modifications to the Jacob Hill Estates 14 lot residential development to alter the form of provision of the required affordable unit, alter the design of the bio-retention area, provide for additional driveways onto the proposed Palmer River Road and allow for cape cod berm (versus the approved concrete curbing) along the first 325 feet of roadway.

J. Aubin stated that Mr. Antonio is here in the audience.

J. Harris made a motion to open the public hearing. Seconded by J. Roach, all in favor. All in favor

J. Aubin stated that he was working with M. Antonio, in regards to the driveway and drainage, and the affordable housing unit.

Matt Antonio of Madeira Ventures Inc. Has was discussing all these items, over the last months, relative to the affordable housing units. He asked to come back to next meeting with presentation of the affordable units and the curbing. He stated there is a private matter that was in the superior court, regarding the previous owner of the abutting land, Donald Wright, which is located north of road as entering, where the trees are on the property line. He also stated that there are approximately 36 trees owned by his company and Mr. Wright. He stated that he installed the road and cut the roots but did not damage or kill the trees. He could construct road, but not work within 12' of property line, since it was off limits due to the court order. He requested the road entrance be off center through a waiver, reduce the pavement width, from 24' to 22' to respect 12' buffer, but he is still 1' short, he asked for waiver and asked for vertical concrete curbing. Vertical concrete curbing would be a-n additional 6" into the roadway vs. Cape Cod berm. The sidewalk would be 3'6" wide along with the curb 6" making it 4'. Now that Mr. Wright has died and new owners didn't wish to continue the court order, it was extinguished. Now either property owner can work within law on respective properties. The first 325' of the roadway was slated to have vertical concrete curbing he would like to now utilize the Cape Cod berm throughout.

M. Bourque asked if they're now going to increase the width the road.

M. Antonio stated that residents don't want sidewalks; he wasn't going to extend the road, but keep the trees vs. widening the road. He also stated that they are less intrusive, more financially feasible, works better for him. If at all possible he'd like to have no sidewalk then widen the road and go back to Cape Cod berm rather than vertical concrete curb.

Ch. Sullivan asked if anyone would like to speak in favor of this

Michelle Inglese 11 Palmer River, will this be wider with the berm or with the curbing? Will this create more room on the road, thinking about winter months and plowing?

Alfred DaPonte 22 Palmer River stated that they should just get rid of the sidewalk.

J. Aubin stated that they could just keep the concrete curbing first 325 feet.

A. DaPonte said why can't they widen the road, leaving the concrete berm or just get rid of it all together.

J. Aubin stated that in order to widen it, it must be Cape Cod berm, concrete curb goes in the ground and it would be less than the berm.

A. DaPonte wanted to know who owns the trees

J. Aubin stated that the developer, until town accepts the right of way (street),

Ch. Sullivan asked if the trees fall within then Right of Way,

J. Aubin said they are on the property line, so the town owns half of the tree and the abutters own the other half.

A. DaPonte asked who prevents someone from cutting the trees. If the trees are kept can the road still be widened?

J. Aubin stated that there is no legal protection with the trees regarding the agreement with the property owner and Matt Antonio, if heirs, wanted to remove the court order they can, it was a private agreement.

A. DaPonte said the road was already tight, if adding the Cape Cod berm and then widening the road worked why would you do the Cape Cod and not widen road.

J. Aubin they were under legal protection to keep the trees and with Cape Cod berm it would be more protective of trees as they won't cut them down if need be for driveways.

Mark Blais 67 Lincoln questioned if the Cape Cod berm is better for preventing roots from coming up, and where the concrete curb goes down will that become a liability?

J. Aubin stated that mature trees have less impact on the road.

David Creamer, 10 Palmer River, stated that if the Cape Cod berm is just asphalt and when a plow takes it and then they end up redoing it, that seems like a lot of waste.

J. Aubin stated that concrete vs. asphalt, concrete is more work for others compared to asphalt and there is increased concern for concrete and granite since it is more expensive upfront.

M. Bourque felt that if the road was narrowed down because of court order if M. Antonio wants to change curbing and it's a monetary decision he must modify it, then go back to the standard roadway with cape cod berm, and what it should have been, keep all the same width.

L. Dunn asked if no one cared about trees

M. Bourque stated that it was a safety issue; a narrow road is a public hazard, if they can keep the trees and still widen the road, and he would be ok with that.

L. Dunn questioned the 6”

M. Antonio said that the total excavation would be 2’, the Cape Cod berm is 12”, they would cut all the roots, at 12’ line and expose roots, and cut roots and the roots won’t exist. If you say lets widen to 24’ and keep the sidewalks and but stay within the 12’ mark. Leave it, then approve the Cape Cod Berm and sidewalk and keep 22’, or widen to 24’ keep Cape Cod berm with no sidewalks, within the 12’ mark. I’m willing to respect the 12’ mark.

M. Bourque stated that since they are not excavating when widening the road, the Cape Cod berm on surface can stay.

M. Antonio said it would be odd to see the narrow entrance of the road if they remove the sidewalks, but they can keep the trees and widen the road or keep the trees with no sidewalk and just the Cape Cod berm. They would be able to thin the tree roots at that line

J. Aubin stated that there is still an edge marked for a natural sidewalk, with the row of trees making it a defined area,

M. Antonio stated that they end up picking up 2’ in the roadway with the Cape Cod berm and it is easier to get off road, if need be, with the Cape Cod berm compared to the vertical concrete curbing.

J. Aubin asked if M. Antonio had anything to present for the board, with revised cross section.

Ch. Sullivan asked if the board would like to see that. There was a memo and the 1st item was the 2 additional driveways for 82 Jacob and 2 Palmer River.

J. Aubin stated that it was not a public street, but still within a subdivision, and any additional driveways are up to Planning Board, and this is still under the subdivision rules and regulations. As far as a modification can go for lot 4 the location of catch the basin seems to be an issue, is there intent to relocate that.

M. Antonio state he has not spoken to the other developer as they have not approached him.

J. Aubin just wanted to confirm with Department of Public Works on how they will be handled. Department of Public Works can’t issue Right of Way permit and this issue came up when permits were applied for.

M. Bourque asked how many trees will be cut down.

M. Antonio stated that is was not on his plan but he thinks it will be 2.

Ch. Sullivan wanted to know why we are talking about this with a developer that is not the owner.

J. Aubin stated that because this is a modification to the plan and the driveways are coming in off a road that is owned by the developer of the subdivision.

Ch. Sullivan questioned the status of the bio retention area.

J. Aubin said it was still under design.

M. Antonio stated that yes, the bio retention area is under design and will be before the Conservation Commission next week. He asked to continue the matter to the planning board's next meeting, since it wasn't functioning as it should almost done by then.

J. Roach made a motion that all four items on the agenda would be continued to the next scheduled P. B. meeting. R. Bennett seconded, all in favor, with the added note that developer Stephen Rollins attends the meeting.

Public Hearings: Hearing to show cause why Najas Realty, LLC should or should not be found to be in default of the March 13, 2013 decision of the Planning Board authorizing the Pine Hill Estates - 11 lot Definitive Subdivision of land and associated public improvements located off Newman Avenue.

Ch. Sullivan asked for a motion to open the public hearing. R. Bennett made the motion, J. Roach seconded. All in favor

Ch. Sullivan asked if there was a representative for Najas Realty in attendance, there was not.

J. Aubin stated this was a show cause hearing, the first step in the formal process. He has left an incomplete subdivision and they are trying to make it complete. He has been advised by town counsel to enter into record a memo dated November 14, 2017 and the definitive plans dated March 13, 2013. The work left to be completed is final pavement coat & drainage structures. Mr. Aubin asked to submit into record photos of the bio retention area and the standing water from that afternoon and the detention pond overgrown conditions. He stated that a third party owns the covenant lot.

Ch. Sullivan asked if anyone would like to speak in favor of finding the default. Against NONE on both

L. Dunn surprised, can change hands with lien, thought impossible.

J. Aubin became aware, up for sale, auction, outstanding debt by developer, contacted Town Counsel with towns interest held. First question does town need to intervene, convent runs with the land, allow us prevent building permit,

Ch. Sullivan No surety,

J. Aubin said it has a covenant,

Ch. Sullivan covenant on lot owned by 3rd party,

J. Aubin public improvements, must release

L. Dunn own the land, can't build

Ch. Sullivan see them file claim in court, come to us, release surety, what that would-be based on I don't know.

Ch. Sullivan previous, comments, by St. Andre, don't have other surety for the lot,

J. Aubin not financial surety, enter into record

J. Roach sent it that they go it?

J. Aubin sent it certified and regular mail, nothing has come back, green card or packet.

Ch. Sullivan going on what Town Counsel said, can we find them in default or not and defer to counsel for further action.

J. Aubin yes that's what I understood

Ch. Sullivan asked for a motion?

M. Bourque make motion, find Najas Realty llc 11 lot def sub, in default

R. Bennett 2nd

Ch. Sullivan ROLL CALL

All in favor ROLL CALL finding in default

Ch. Sullivan close PH

R. Bennett motion to close

M. Bourque 2nd

ROLL CALL

All in favor

Public Hearings: Hearing to show cause why DeCastro Builders, LLC should or should not be found to be in default of the December 19, 2011 decision of the Planning Board authorizing the Caleb Estates - 5 lot Definitive Subdivision of land and associated public improvements located off Onley St

J. Roach motion to open the public hearing.

J. Harris 2nd

Ch. Sullivan anyone from DeCastro asked twice no one here

J. Aubin memo in packet, notice was sent to developer, went to site today, and submit photos, no final paving, CE #1 Right of Way from Olney CE#2 along drainage swale, CE#3 11.14.17 hammerhead to Olney, binder course, paved, swale and function of drainage, over 2 years, no additional inform, submit packet into record, other info receive email from Mr. Decastro and

Paul Carlson re paving, trying to complete, with paving, it was a copy within the last week, but no date certain.

Ch. Sullivan asked if there was anyone to speak in favor of default.

Marylou Medeiros stated that if they were found in default, nothing can be done, no building permit, on covenant lot, if they never apply for a building permit, can go on forever.

Ch. Sullivan stated that it would go to town counsel, then to court for an injunction to fix the road, if the work was not done by court order, then they could be found in contempt and be penalized from the bench.

M. Medeiros asked what happens if they are not in default? I would like to speak in favor, she haven't seen anything done in a year, and asked when they are going to pave?

M. O'Laughlin, questioned the letter that was sent to have the road paved, Cardi stated they aren't paving the road.

J. Aubin stated that they are looking for a new contractor. There has been no contact from developer or engineer for the Planning Board for paving. However, paving can't take place when the ground temperature gets below 40 degrees.

J. Roach Cardi has been paid and any time now, they should be out there paving.

Ch. Sullivan made the statement made that 10k was put down; hopefully this will be addressed when it goes to court. He then asked for other comments from the audience.

Lori Roderick 11 Logan Ct. wanted to know about the cuts in driveway and street.

Ch. Sullivan stated that the cases have been made to developer, they are outside of the original plans and it is now a civil matter between the owners and developer.

J. Aubin stated that he has contacted Department of Public Works and they will not plow any street with open cuts in them.

M. Medeiros stated that Cardi made the curb cuts

Ch. Sullivan not owned by the town, DeCastro must do it. Under law we can't go on property without permission, can't make the fixes

J. Aubin said that he will contact Department of Public Works and see what they say

M. Medeiros said that we have our driveway plowed and they (their own contractor) can't do it, because it will catch our curb.

Ch. Sullivan stated that the planning board and the town is stuck because we don't own it. You as a property owner, can file in court and hold more clout than the town

Phyllis O'Laughlin what about the busses if they won't plow?

M. O’Laughlin stated that the cuts are on the sidewalks

Bernie Mastropietro 349 Lincoln asked about the issuing of the certificate of compliance and road safety.

J. Aubin stated that the binder is down but not the final pavement, and he’s not sure it’s the best way given the history.

Ch. Sullivan asked if anyone else would like to speak on this. He then asked for a motion to close the Public Hearing.

J. Harris made the motion to close the public hearing. Seconded by J. Roach. A Roll Call vote was taken: DS, LD, MB, JR, JH, RB All in favor.

Ch. Sullivan asked for a motion to find DeCastro in default.

R. Bennett made the motion to find DeCastro, of Caleb Estates in default given the testimony at this meeting. Seconded by J. Roach. A roll call vote was taken: DS, LD, MB, JR, JH, RB all in favor.

M. Medeiros stated that she strongly believes as it is not an LLC, according to the RI website, it looks like he has formed new corporation; she also thinks that DeCastro Builders, is not an LLC.

M. Medeiros stated that DeCastro is still in existence, and he then formed an LLC. She wanted to know who then bought the empty lot.

Ch. Sullivan said it was now up to the courts

M. Medeiros stated that he is not out of business.

Regular Meeting: Request for surety reduction and partial covenant release for Farmland Estates 11 lot residential development located off Lincoln Street.

J. Aubin stated that the prevailing wage information needed additional direction as well as additional bonds to complete roadway, it had been requested from GPI, as well as DP, in addition to a statement regarding prevailing wage. It was not straightforward, as labor is 25% of cost, it being in New England increases it to 50%, plus an additional increase of 12%, bidding for the town subject mobilization cost and it will exceed what the 50% additional increase would be. He broke the number down, and prevailing wage information is an additional \$23,839 and added to that makes it \$214,554.64, the figures for 50% would bring it to \$285,554.64, and he felt that this is double surety.

Ch. Sullivan wanted to clarify what Attorney St Andre said about covenants. He was directed going forward, that a covenant would be placed on the entire subdivision, and it is up to the developer as to what lot they would like to release in order to construct a house. It was also up to the developer to provide # of lots and that GPI will come up with the price in order to complete the public improvements

J. Aubin reiterated that the public improvements must be completed

Ch. Sullivan said that it was up to developer to make that decision. Developer has to come back and ask for release and because work must be done, it would be all for the entire public improvement.

J. Aubin stated that this would be double surety.

Ch. Sullivan said that was how we've done it in the past

J. Aubin said that just because it was done in the past, doesn't mean it is correct.

Ch. Sullivan stated that the Planning Board before J. Aubin got here, there had to be surety, covenant over whole lot, and they would release lot in sequence and would release the surety for the remainder of lots, and then as money was released they had to put up surety for Construction Cost Estimate.

J. Aubin stated that it was up to the Planning Board to put a covenant in place over the whole thing for surety, board has to make decision, 90% or what the number is, at some point, not providing surety,

Ch. Sullivan & J. Aubin GO BACK AND FORTH ON THEIR INTERPRETATION ON THE WHAT TOWN COUNSEL SAID.

M. Bourque said he had a moral problem against changing the process mid-stream.

Ch. Sullivan said board did it, and then stopped, BSA said shouldn't have stopped,

M. Bourque take a vote, to continue already been in the works,

L. Dunn we made an agreement, and should abide by it

M. Bourque keep closer eye and not change the rules,

Ch. Sullivan said it was their duty to keep town's best interest, if they are left holding the bag, it will come back to them that they shouldn't have done so.

J. Aubin I agree for less than 50% of the development or a certain number. However it will be driving developers to bankruptcy. He wants the board to be clear as what they will be using going forward.

Kristen, Mastropietro stated that when they started they followed surety in the bylaw, they have an account with the lender to hand the town. They have been following the rules, they have one development, they secured additional money to make sure they can finish, we had a financial piece in place. It was said that they would need "x" amount for surety. They are now selling lots and now they can't build on them until more money is in place to complete road. She stated that

they we're now suffering because of what others have done. She understands both sides, but doesn't want to go bankrupt. She said, look at our development, it's working we have more than what the surety was when we started. And as years goes on, they've factored that in, they were asked for more than we needed. She said it was not fair what they are being put through.

Ch. Sullivan said that if they provide town with the information, it would basically be a tri-party agreement, which is allowable, under law.

K. Mastropietro said that they are frustrated and sees what has happened in other developments. But they've done what they have to do. They don't bounce around with different names, they secured themselves, and made sure that they can finish, they have lived in Seekonk all their lives, they'll provide that information as a percentage of lots sold goes into surety.

Ch. Sullivan said that it sounds like a tri party, but they've done privately.

K. Mastropietro said they've been doing it the right way, and have factored in the amounts to finish the road. They set a number higher than what was required, the last piece is the construction of the houses in order to do the final paving, curbs, sidewalk.

Ch. Sullivan said that they would approve it, but asked that a copy of the in the info be submitted to the town.

K. Mastropietro said that as lots are sold, a set percentage, what was set when they started, based on schedule. They want to reduce the surety and they'll show the board the funds to be distributed once all lots are sold.

Ch. Sullivan said he's not opposed to that, but in order to approve as submitted he will need the financial information,

K. Mastropietro said that you're discriminating against them for doing the right thing. If she didn't tell you about the surety, then how'd you vote?

Ch. Sullivan said that he would vote no.

K. Mastropietro said they're not looking to have the town finish the road. She said it feels like they're being penalized.

Ch. Sullivan said he was more than willing to accept it after this discussion, but he will open it up to the board for further comment and discussion.

R. Bennett said he was all set; they should create a bylaw to guide through this process,

Ch. Sullivan said there are a fair number of developments that needs to be addressed, and he didn't want to go down that road

R. Bennett said that he is leaning towards what Mike said; keep it the same before and then new applicants.

Ch. Sullivan said to reduce surety on the amount,

J. Aubin asked what lots they are releasing, if this could be given to him ahead of time.

K. Mastropietro said lots 4, 5,6,7,8,9,10

J. Aubin said 11, 12, 2, 3 are to be constructed

K. Mastropietro said yes, the marketable ones that grows the surety account.

Ch. Sullivan said they need to go back to lender and set up tri-party for last 4 lots,

K. Mastropietro said it is already so difficult to get a lender.

Ch. Sullivan said if the money already there to speak with planner

J. Aubin said he will need the information.

K. Mastropietro asked what happens if they need to change the lots, if one gets sold and others not?

Ch. Sullivan said that it would have to come before board.

K. Mastropietro said that they've done everything by the book

Ch. Sullivan said to look into triparty agreement.

K. Mastropietro said that she'll give to John

J. Roach asked about the time frame

J. Aubin said yes to extend the time frame

K. Mastropietro asked what they meant by the time frame

J. Aubin said it was how long it would take to complete the improvements,

K. Mastropietro said about 18 months and will extend further if need

Ch. Sullivan said that the state law is 5 years.

K. Mastropietro said that they'll ask for 18 months, but it will be more like 12 months

J. Roach asked about the approval with documents

K. Mastropietro said that based on original cost estimate, I can't ask for more money, but can they do half?

M. Bourque asked about holding the lots

K. Mastropietro said those 4 lots are more than the surety you're asking for

J. Aubin said that the original amount of the construction cost estimate was 340K

BOARD DISCUSSED THE FIGURES TO BE GIVEN IN THE MOTION TO BE PLACED IN SURETY.

Ch. Sullivan said that the amount is \$190,715.64, if they use that to release the funds

J. Aubin said that with release of lots 4-10 there are conditions,
-Reduction surety \$190,715.64
-And surety with bank information

J. Roach made a motion to approve the reduction of surety with the listed conditions made by J. Aubin. Seconded by J. Harris. ALL IN FAVOR

Regular Meeting: ANR application for property located at 790 Pine Street being AP 26, lot 31 located in an R-4 Zoning District.

J. Aubin said that the board has a summary from the office about how the ANR did not comply with alternative min. The new proposed lot, with 150', the second lot and proposed gravel driveway was reviewed by Technical Review Committee. There was discussion on the fire access road, and with turn around, NFPA requires more than 150' would be needed. An easement would be needed for existing lot, both meet alternative minimum standard,

Ch. Sullivan said it was only 2 lots,

J. Aubin said that the 100' block is provided on plan, but it runs in conflict with alternative minimum. The applicant was there, and they discussed the access easement and Fire Access Road

Ch. Sullivan asked the board for any discussion, or any issues?

J. Harris made the motion to endorse, with the conditions as noted, which are the access fire road and easement. Seconded by J. Roach. ALL IN FAVOR

Regular Meeting: ANR application for property located at 127and 145 Oak Hill Avenue being AP 34, lots 334, 335, 336 and 314 located in an R-1 zoning District.

M. Bourque recused himself, left room

J. Aubin said this was just a land swap, driveway swapped with single family dwelling.

Ch. Sullivan stated that the cess pool and driveway on the dad's property, and they just to swap to fit occupation better, with the intent to sell later on.

J. Aubin said there were no conditions

J. Roach asked about the tax assessment?

J. Aubin taxes will be assessed by assessors.

R. Bennett make motion to endorse ANR. Seconded by J. Harris. All in favor

Regular Meeting: Site plan application on behalf of Tesla Motors for proposed electric vehicle fueling station at 101 (7) Commerce Way being AP 7 lot 330 located in a highway business zoning district.

J. Aubin said the application is for 12 unit charging station, the board was provided copies with the aerial view. It will be located behind Taco Bell and the Paper Store, and the access drive is to remain.

Trevor Smith of Tesla, will keep the trees, if not, they will replace with 2 if needed. The landlord wants to keep the trees.

J. Aubin said that they did review it over the last few Technical Review Committee meetings. The only comment was from the Conservation Commission about the erosion, and what the 911 address for communication would be. The addresses need to be sequenced better, and there needs to be a street number be on signage, and that Department of Public Works will coordinate construction schedule, due to the holiday traffic

Ch. Sullivan said that the address should be either 17 or 19 Commerce Way,

J. Aubin leave address to assessors

T. Smith said the site in the Seekonk Square would have 12 charging stations. The revised set of plans are being worked on with the Conservation Commission, we prefer a specific address, one pylon sign.

J. Aubin said to check with the Fire Department regarding the electrical

J. Harris asked what it would look like

T. Smith said that each post behind the parking space is under 6' tall, the square footage of area for the electric component is 6' x 2' it will house a switch gear and will be 8' tall. And Norway has the most per capita

J. Harris asked how did they get this spot

T. Smith it was their own information and research that led them to this site. They are designed to be spaced out. There is one in East Greenwich, RI, one in Sagamore MA, and in Dedham MA. They have an agreement with WS Development, and they own other places, and that is where they are planning on being. It takes between 40 minutes to 80 minutes to charge up to 90%. He said that the Seekonk Square was a nice fit.

Ch. Sullivan asked for an explanation of how it works, and how the electrical works.

T. Smith said it was a high voltage and 3 phase, going in between trenching and boring, they set up 500kva transformer, since they won't know if all 12 will need full charge, it will then be able to switch gears from ac to dc.

L. Dunn said it was DC to the car.

T. Smith said that the car comes with converter on the car to charge at home.

Ch. Sullivan asked who pays for it all.

T. Smith said that it is free to charge for all Model S cars, and they have grandfathered in some of the previous models. If you have a referral credit, you are able to get unlimited free super charging, if you don't have referral credit, you get 400 kWh each year, 70% use less than that. He also noted that there is no kiosk or point of sale, IP handshake between car and charger; you set up it up with Tesla.

Ch. Sullivan asked if you had to have account

T. Smith said yes that you have to have account in order to charge with it. It will only charge a Tesla. All other use a universal a charger, this one is only for a Tesla car. They are getting ready for the Model 3, it will be a mass market car, for the masses, and this is why they need 12 units now. They are looking to maybe expand in 4 years and add to the existing 12.

J. Harris asked where the closest to the area?

T. Smith relied that they are in Dedham, MA, and RI, but RI is hard to get into.

J. Aubin asked about the operational costs

T. Smith said they keep it all up to date

J. Roach asked how long it takes to charge.

T. Smith said the average is 37 minutes, it's a huge sell for the property owner, it means more money in their pockets

Ch. Sullivan asked if anyone had any comments

L. Dunn asked to keep extra shade in asphalt desert, as it is appreciated

T. Smith said the end goal is to retro fit with a solar canopy, and stationary storage. Since they have acquired Solar City, they are looking to build solar walls to power all items in a house, and stay off the grid.

J. Aubin said the conditions need to include erosions and soil information. They need to contact communications for 911 address and posting street address, and coordinate with Department of Public Works and Police and Fire with the address.

J. Roach asked if there were going to be any security cameras.

T. Smith yes; since they use a lot of copper, they will be in the light posts going in, and small pole by stations.

J. Aubin said there won't be any hazardous waste or material on site.

J. Roach asked about support, is it manned?

T. Smith said no one is on site, it's like ATM, one stall goes down for whatever reason, all the work can be done remotely. If a storm knocks out power, there is no generator to charge electric cars, there is only 1 charging station every 50 miles, but there service techs all over country, owners tend to know before the company does that there is an issue. There is a number to call or post on Tesla's social media, or even tweet Elon himself. There is a high success rate; they are not down very often.

Ch. Sullivan asked if there was a motion from board

J. Harris made a motion to approve site plan behalf of Tesla Motors for proposed electric vehicle fueling station at 101 (7) Commerce Way being AP 7 lot 330 located in a highway business zoning district. With conditions noted in staff report. Seconded by M. Bourque. All in favor

There was a five minute recess Reopened 9:57pm

Regular Meeting: Review of approved subdivision status and discussion of additional show cause hearings

J. Aubin passed out to the board a letter from an anonymous resident of Madison court. The party in interest was invited, Mr. Costa said he had a meeting, no one from development came. He is working on the status of the incomplete subdivisions, and what can the town do for the developments. His recommendation would be, contact developers of Antonio Way, Madison Ct and Ricard St. extension, and to send a letter asking for an update, and then holding a show cause hearing, they should be able to provide an update to the board, and start attempting to get the paving done. The residents in the development are frustrated and the town is not under any legal obligation to complete, and the board can't enter in order to finish, the Board of Selectmen has to make that decision. Also, please note there are now only 23 incomplete subdivisions, Becky Lane was accepted.

Ch. Sullivan asked for motion J. Roach made the motion, to proceed as indicated by J. Aubin. Jeff Harris seconded, L. Dunn asked if they need to act on the letter from the resident of Madison Court. J. Aubin said no, but threats and accusations that were in the letter, they can come down and look in the files. All in favor

Town Planner Monthly Report

J. Aubin said that they are still holding money for Becky Lane.

-The Fed Ex Site plans received Certificate of Occupancy; they expect operation to start in early 2018,

-at 68 Woodland Ave the 6,000 sq ft building for garage for Fisk

- The Cumberland Farms on 214/224 Taunton Ave, still in appeal, however they are looking to purchase the property next door to the Fall River Ave property.

-Home Depot has constructed gas their generator

-Well liquors is looking to redevelop their site

- He is still working on the Rules and regulations, OSRP, the Master Plan.

- The Rezone at 800 Fall River Avenue did not pass; they did amend section 4.2.4 non residential mixed use in the zoning bylaws

-They would like to discuss the Economic development in a meeting between Planning Board and EDC review with Board of Selectmen scheduled for January 10, 2018.

Address list update

Correspondence

J. Aubin received from the Board of Selectmen the budget documentation. He'd like to speak with board about looking at departmental operations in late November. There is still an open position and no matter what, it'll be half of the full time, and with the clerical unit.

SRPEDD Update

J. Roach said the meeting was in the end of October. They spoke about the Marijuana moratorium, no guidelines, should have gotten something by now. The South coast railway was not really discussed. The will not meet in November, will meet in December

Planning Board Member Reports/Updates- discussion of special municipal employee request

Ch. Sullivan stated that the Board of Selectmen voted to deny special request, they just said no, as to no explanation as to why. Motion was stated that Ch. Sullivan was requesting, not the board,

L. Dunn asked to send another request,

Ch. Sullivan stated that town counsel, Joe fair said no.

J. Aubin said that he presented comments via email, and the sense was a solution looking for a problem, that there was no urgency, and they asked for more articulation as to why. Even though it would allow a Planning Board member, to represent for ZBA or assessors,

Ch. Sullivan said to put in the rules of the Planning Board procedural hand book, in the event a notice of requirement, if members have business they notify us one meeting prior, and we as a board discuss it, we're still obliged to do that, and that the parties before us can represent themselves, and included in manual.

J. Aubin I now understand how to proceed, I didn't know it before

L. Dunn said this was a very long meeting, and very involved and the board used to meet every 2 weeks

Ch. Sullivan said it is at the board's discretion to meet once or twice a month.

J. Aubin said the agenda grew, 2 ANR's came in, as well as Tesla and there was no need to hold them off. Typically it does slow in the winter, and to just keep that in mind going forward.

L. Dunn said that the conservation subdivisions seem to have the issue, and the homeowners associations that are never what they should be.

J. Aubin commented that it is because the owners, for whatever reason, are not notified of the homeowners association, therefore don't know what that means, or entails.

Ch. Sullivan said there was a bill before the legislators. And asked that the senator, & state rep, be invited to a meeting, and have a discussion with them in either Dec or Jan, to discuss proposed law, and issues.

J. Aubin said there was a request from Zoning Board of Appeals for site plan review, and signage, and requested a work session or a joint session at a Feb meeting,

Ch. Sullivan asked

Approval of Minutes for August 22, 2017 and September 12, 2017

Public Hearings: Proposed amendments to the Rules and Regulations Governing the Subdivision of Land in the Town of Seekonk.

J. Roach made a motion to move this item to the end of agenda this evening, seconded by J. Harris. All in favor

J. Harris made a motion to open public hearing and waive reading of legal ad, seconded by L. Dunn all in favor.

J. Aubin passed out the amendments, a developer must review street name list so no similar street names can be added. Town Counsel said the last 2 lines have to be removed. They are not consistent with state law.

Ch. Sullivan asked for a motion to eliminate last 2 sentences starting with “the existence of” and ending with “for this condition” J. Roach moved the motion, seconded by J. Harris, all in favor.

J. Aubin amended #2, 3.7 remove record fee language, see fee schedule, annual fee schedule.
#3 4.2 contents, don’t like cul de sacs, and street list.

#4 fee schedule.

#5 sect. 4.5 remove and or environmental scope and focus, will be necessary, motion to approve, decision rendered, prelim plan reference environmental impact statement,

Ch. Sullivan EIS section of its’ own in the future,

J. Aubin be careful to stay within scope

#6 5.2.1 written notice,

J. Aubin READ DOCUMENTS, #7 5.2 REMOVE PLAN AND APPLES’, after filing of application, 5 days before, it’s nice to have guideline, to enforce, we’ll still have last minute stuff.

Ch. Sullivan under law we follow this, motion to table, and pull it off, and re apply,

J. Aubin board can say continue, to next meeting.

J. Aubin AND Ch. Sullivan BACK AND FORTH ABOUT WHEN INFORMATION COMES IN, CAN WE DENY IT.

Ch. Sullivan BETTER WAY TO DO IT,

J. Aubin spoke on the Rules and Regulation amendments.

Amendment 1: **SECTION II DEFINITIONS**

Street or Way shall mean the entire right of way, not just the paved or travelled portion, of any way, street or road open and dedicated to public use, including a public way or a way certified by the Town Clerk to have been used and maintained by public authorities as a public way, a way approved and constructed under the provisions of the Subdivision Control Law, or a private way in existence prior to said Subdivision Control Law having become effective in Seekonk and having in the opinion of the Board adequate width, grades and construction for the needs of the vehicular traffic and the installation of municipal services to serve the land abutting thereon or served thereby and the buildings erected or to be erected on such land. 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.

Note: This amendment requires applicants to check an “existing street names list” to be kept on file with in the Planning Office and makes any plan proposing any street names which are “similar or duplicate” to existing names on the list subject to denial of an application.

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: This amendment adds a reference to the Town’s adopted fee schedule in anticipation of the final approval of the General By-laws adopted at the February 2017 Special Town Meeting. It is recommended that approval of this amendment be subject to a caveat that it is not to take effect until the Attorney General has approved the previously noted General By-law adoption.

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. 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~~

Note: This amendment adds a reference to the Town’s adopted fee schedule in anticipation of the final approval of the General By-laws adopted at the February 2017 Special Town Meeting. It is recommended that approval of this amendment be subject to a caveat that it is not to take effect until the Attorney General has approved the previously noted General By-law adoption.

Amendment 5: SECTION IV PRELIMINARY PLAN

4.5 During discussion of the Preliminary Plan the complete information required for the Definitive Plan (5.3 – Contents) and the financial arrangement (Section VI – Performance Guarantees) will be developed. Also, at this time a determination will be made as to whether an evaluation of the potential for erosion and sedimentation (5.4), runoff (5.5), and/or ~~environmental impacts (5.6)~~ 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.

Note: This amendment directs applicant to the Environmental Impact Statement provisions of **Section 5.6**, requires a review of the scope of such Statement during the preliminary plan review process, and incorporation of the results of the review in the board preliminary decision.

Amendment 6: **SECTION V DEFINITIVE PLAN**

5.2 Submission

1.2.1 The applicant shall file, by delivery or registered mail, with the Town Clerk, ~~all documents listed in Section 5.1~~ 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 A plan shall be consider to have been submitted ...~~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:

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.

Note: This amendment adds a reference to the Town's adopted fee schedule in anticipation of approval of the General By-laws adopted at the February 2017 Special Town Meeting. It is recommended that approval of this amendment be subject to a caveat that it is not to take effect until the Attorney General has approved the previously noted General By-law adoption.

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 submitted 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 subdivison stage called for in amendment 3 above.

Amendment 11: **SECTION V DEFINITIVE PLAN**

5.6.2.3 Infrastructure

1. Water Supply
 - 1) Describe the source(s) of water supply that will be used to service the subdivision.
 - 2) Estimate what the daily average and the summer peak daily average demand will be for the proposed subdivision when completed.
 - 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. Deposit of money, or negotiable securities, such as certified check, ~~savings passbook accompanied by a signed withdrawal slip and an assignment of the account to the Town~~, savings certificates assigned to the Town and acceptable to the Town.

Note: Saving passbooks are no longer acceptable per the Treasurer's Office.

Amendment 13 **SECTION VI PERFORMANCE GUARANTEE**

6.7 Election of Performance Guarantee

As between a bond or other security and a covenant, the developer shall have the right to elect which performance guarantee type to use and the right to change from one type to the other from time to time, but the Planning Board shall have the right to specify the time of performance. Subject to the Town Treasurer's approval of the form and manner of execution, the Planning Board shall have the right to specify the penal sum of any bond or the type and amount of other negotiable security. The Board may, at its option and subject to the Town Treasurers approval, accept as security any readily negotiable property of sufficient value, such as common stock or bearer bonds. The Board may further in lieu of a bond or a deposit enter into an agreement with the holder of the first mortgage on the subdivision, which agreement shall provide for the retention of sufficient funds, otherwise due to the applicant, in the event of failure of timely performance of the required construction and installation and shall further provide that such undisbursed funds shall be available for the completion of the required work in the event of the developer's failure to perform such work. If the developer shall submit to the Planning Board a new plan of that part of the subdivision to be subject to the operation of the covenant. The board shall inscribe on such new plan a reference to the restriction of the covenant, and the plan shall be recorded, superseding the previously recorded plan which had no reference to the covenant. Copies of all covenants, agreements, releases and other actions by the Board shall be furnished to the Inspector of Buildings, who shall issue no building permit for any lot in a subdivision unless first satisfied that such a lot has been released for building and sale and is not restricted by the operation of a covenant.

Note: No amendment currently proposed but the Planning Board has indicated a desire to discuss ways to clarify the proper use of covenants in ensuring the completion of public improvements.

Amendment 14: **SECTION VII DESIGN STANDARDS**

7.1 General

All subdivisions shall be designed and laid out so that in the opinion of the Board they meet the requirements of public safety including safe vehicular travel, adequate storm drainage, sewage disposal and water supply, utilities, as well as precautions against possible natural disasters. All streets in the subdivision shall be designed to provide for safe vehicular travel, livability and

amenity of the subdivision. 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 The Board may require a definitive subdivision plan to layout its ways so as to provide adequately for possible future connections to new ways and to allow for access to adjoining land, in order to promote through connections and eliminate dead-ends. Multiple cul-de-sacs within a subdivision is not acceptable. Streets shall be designed so that they connect with other streets and avoid the creation of cul-de-sacs. Cul-de-sac are intended to provide temporary dead-ends and shall be design 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’.

Comment: The minimum stopping distance for 35 and 25 mph roadways should be confirmed with the Department of Public Works to ensure conformance with accepted Massachusetts Department of Transportation Highway standards. The proposed last sentence may need further clarification.

Amendment 17: **SECTION VII DESIGN STANDARDS**

7.2.4 Dead-end Streets

7.2.4.1 The length of permanent dead-end streets shall not exceed the frontage that would allow for a maximum number of six (6) lots having the minimum frontage permitted under zoning along each side of the street. This length can be exceeded if a permanent dead-end street traverses past lots that are not part of a proposed subdivision or serviced by said street. Where in the opinion of the

Board safety and convenience will not be sacrificed or whenever the total length of a dead-end street exceeds one thousand (1,000) feet, or in non-residential subdivisions, the Board may require a special double roadway or parkway street.

- 7.2.4.2 Dead-end streets shall be provided at the closed end with a turnabout having a diameter of one hundred and five (105) feet and a property line diameter of at least one hundred twenty-five (125) feet, and with a forty (40) foot diameter landscaped island at the center point (see Appendix IV). Alternative designs may be permitted by the Planning board with the written recommendation of the Public Works Department and /or Fire Department. Such alternatives shall provide for sufficient area so that a vehicle with a turning radius of fifty (50) feet can execute a turnaround in one operation.
- 7.2.4.3 If a dead-end street is of a temporary nature, a temporary turnaround shall be provided if the street is greater than one hundred fifty (150) feet in length from the nearest intersection. Temporary turnaround easements shall be provided and they shall conform to the dimension requirements of permanent turnarounds. Temporary turnarounds must meet specifications of permanent turnarounds, including bonding.
- 7.2.4.4 For the purposes of this section, any proposed street which intersects solely with a dead-end street shall be deemed to be an extension of the existing dead-end street.

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

Comment: Section 7.2.4.1-4 appear to provide standards for dead ends when they are deemed necessary or part of a phase development.

Amendment 18 **Water Supply**

7.5.1 No Definitive Plan shall be approved by the Planning Board unless provision is made for adequate supply of water to each of the lots in the subdivision and for purposes of fire protection.

7.5.2 Where feasible, water mains shall connect to the existing municipal system and extension to adjacent undeveloped land shall be required to be drawn on the Definitive Plan. Wherever possible, water mains shall be laid out to form a continuous loop with the existing or proposed system to avoid dead-ended pipes.

7.5.3 The minimum water main diameter shall be in accordance with Water District requirements.

7.5.4 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**

7.7.1 Before approval of a Definitive Plan the Board may require the plan to show a park or parks suitably located for playground or recreation purposes or providing light and air. In calculating the amount of land that shall be set aside as park land or open space, the following rates shall be applied: in R-1 or R-2 districts - .06 acre per dwelling unit; in R-3 or R-4 districts - .1 acre per dwelling unit. In no case shall the amount of land be more than ten (10) percent of the total area of the subdivision. The Planning Board may by appropriate endorsements on the plan require that no building be erected upon such land for a period of up to three (3) years without its approval. Within this time period the Town may if it desires purchase said land.

7.7.2 If the Board requires the developer to set aside land for parks or open space, it shall determine that such land is suitable for the intended purpose with respect to soils, topography, drainage or other characteristics which could restrict the use of the site. The Board may also require, where appropriate, that any land designated for open space be continuous with parks or open areas on adjacent sites, and have access provided which is acceptable to the Planning Board.

7.7.3 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 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, shall be preserved to the maximum possible extent, and not be removed or damaged except with the express approval of the Planning Board and/or the Conservation Commission. If it shall be the natural order of things to remove or damage said features in order to provide for the elements of the subdivision, the applicant shall take every means possible to replace and restore the land to its original definition based on reasonable Planning Board and/or Conservation Commission stipulations. Where feasible, the layout of lots and the location of buildings shall be accomplished with due

regard driven to preserving the major site features so identified and located in the Definitive Plan.

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

Comment: The subcommittee has also recommended consideration of a “Reforestation Fund” but it is not clear when such payments would be required, how payments to the fund would be assessed, who would administer the collection of the payments to the fund and who would administer or otherwise authorize use of the funds, presumably for reforestation. Additionally it should be confirmed with Town Counsel that any such fund/ impact fee may be assessed by the Planning Board as part of the Subdivision review process.

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:

8.3.1 Fire Alarm Box

At least one (1) fire alarm box shall be required in a subdivision of 4 lots or more. The location of the fire box(es) shall be specified by the Fire Department. The fire alarm system shall be installed in accordance with the specification of the Fire Department and prior to the first residence within the subdivision receiving a certificate of occupancy from the Building Department. One fire alarm box shall be placed every one thousand and six hundred (1,600') feet of roadway, or fraction thereof, within the subdivision. Distance shall be measured along the centerline of the proposed roadway. In areas outside of the Seekonk Water District the Planning Board based on the recommendation of the Fire Department shall require one of the following methods to ensure an adequate supply of water for fire protection:

8.3.2 Individual Sprinkler System:

Individual residential unit sprinkler system in accordance with the specifications of the Seekonk Fire Department may be installed within individual residences within a subdivision when in the opinion of the Planning Board and the Fire Department such individual sprinklers are the best method of providing adequate fire protection.

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 sub section 8.3.3 to a less specific title.

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

8.6 Curbing

1. Curbing shall be installed along each edge of all streets. Bituminous concrete curbing shall be M.D.P.W. Type I-1 (machine installed; see Appendix III). Curbing shall be set at a profile grade and be set on a foundation of not less than twelve (12") inches of gravel free from foreign material.
2. Standard granite curbing, M.D.P.W. V.A-4 shall be installed at all intersections (see Appendix IV).
3. Granite or reinforced concrete inlets shall be installed at all catch basins.
4. Granite or precast concrete curbs shall be installed on all non-residential collector streets.
5. The Planning Board may approve poured on site concrete curb where conditions warrant a waiver.

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

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

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

Sidewalks

8.7.1. Sidewalks of not less than four (4') feet in width shall be constructed on one side of the street in conformity with specifications of the Town. Said sidewalks shall be required when they will connect to existing 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.

8.7.3 Concrete Sidewalk Foundation – After subgrade has been prepared, a foundation of gravel shall be placed upon it. After being wetted and thoroughly rolled and tamped, the foundation shall be at least eight (8") inches in thickness and four (4") inches below and parallel to the proposed surface of the walk, except that at driveways it shall be six (6") inches below the proposed surface of the sidewalk unless otherwise directed. The walk shall have a pitch of 3/8 of an inch per foot of width to provide for proper drainage. There shall be expansion joints on concrete sidewalks at intervals of ten (10') feet; concrete mix to be 1:2:4 mix, four (4") inches thick.

~~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.~~

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.

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

8.9 Monuments

8.9.1 Monuments shall be required at all street intersections, at all points of change in direction of curvature of streets or at other points where, in the opinion of the Planning Board, permanent monuments are necessary. Such monuments shall be made of granite and have minimum dimensions of ~~64~~"x ~~64~~"x 5', with a minimum reveal of ~~63~~" following installation. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

Note: The is amendment 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.

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

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.

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

Amendment 26: **SECTION IX ADMINISTRATION**

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 modifications of the approved plan and shall only be considered at a properly advertised and notice public hearing conducted for that purpose.

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

L. Dunn made a motion to close the public hearing. Seconded by J. Harris. All in favor

R. Bennett makes motion to change rules and regulations as presented. Seconded by L. Dunn
All in favor

Ch. Sullivan asked if there was any other business, there was none.

L. Dunn made a motion to adjourn. Seconded by J. Harris. All in favor

10:55 Adjournment

Formally accepted on 1/9/18

6 in favor: D. Sullivan, M. Bourque, R. Bennett, J. Harris, J. Roach, L. Dunn

1 abstain S. Foulkes (with cause)