

**SEEKONK PLANNING BOARD
REGULAR MEETING**

**MINUTES
April 27, 2010**

Present: Ch. Abelson, W. Rice, R. Bennett, T. Clancy, S. Foulkes
J. Hansen, Town Planner

Absent: L. Dunn with cause, M. Bourque with cause.

7:05 pm Ch. Abelson called the meeting to order.

Discussion: Planning Board Organizational and Procedural Manual

- J. Hansen What you have before you is the updated Planning Board Organizational and Procedural Manual. This makes it easier not only for ourselves but for the applicants so they can read this online and understand for themselves how we conduct business. A lot of the information in this manual was dictated by the charter. The procedure part of the manual contains all the motions this board has made through out the past few years.
- S. Foulkes In section 4.1 fifth paragraph down, I would like clarification on discussion items for an agenda. Can they be brought forth by anyone because where it says that it will require the endorsement of a Planning Board member or the Town Planner so if it is a Board member that said I would like to discuss something from a month ago they wouldn't have to go through all that to get it on the agenda would they?
- J. Hansen No because essentially you are endorsing that discussion item by bringing it forth. It is usually when we have members of the public come forward and they just want to put something on the agenda. I know awhile back there was a motion made and that is why we have it in here. That is why we have these things in writing and also I do a review of such an item so you are not blind sided by any discussion items.
- S. Foulkes On the next page 4.2 Special Meetings. If somebody wants a special meeting over the Holiday season does that mean we have to call a vote to see if we have at least 3 people who want to meet?
- J. Hansen Your interpretation seems appropriate.
- N. Abelson You still have to have a quorum to have a meeting. I think it is appropriate.

R. Bennett I think it is great I wish I had it a year ago.

T. Clancy I like it.

S. Foulkes 5.6 Questions during Hearing. Is this the rules of conduct that everything runs through the Chair? Just want to ask if we are going to follow this Neal?

Ch. Abelson Yes it is suppose to go through the Chairman.

S. Foulkes This is good so I think we should follow it if not it shouldn't be in this book.

S. Foulkes 6.1 Voting Requirement. Second line it should either say "except in matters that require" or "except in matters requiring recording" I would recommend "that require"

J. Hansen You are right it should say "except in matters that require recording"

B. Rice made a motion to approve The Organizational and Procedural Manual with the changes made at this meeting. T. Clancy seconded and so voted by B. Rice, R. Bennett, Ch. Abelson, S. Foulkes, T. Clancy

VOTE: (5-0) Approved

Correspondence

J. Hansen The only correspondence that I have to discuss concerns the Brigham street trees. Mr. Bowen came in to respond to my letter about the street trees. Basically my letter said plant the trees and the ones you can't plant donate the remainder in cash to the town and the town will plant trees wherever they want or need. So he took that to mean that he doesn't have to plant any trees and he would donate the \$45,000 dollars.

B. Rice I do recall test-holes were to be dug with Bob Lamoureux's supervision to see if the trees could be planted. I walk that route every day and no test holes have been done.

J. Hansen No they haven't his response was he didn't want to plant any trees that were going to be destroyed by current property owners or to be destroyed by future property owners when they construct their lot. So that is why he said the \$ 45,000 dollar in surety is yours to get trees.

B. Rice Is this going to be something the developers will do now not plant the trees?

Ch. Abelson He is going to give us the surety money to plant trees.

- J. Hansen It is still going to be a requirement that you have to have a tree every 40 feet. But with the change we made to the construction schedule the trees have to be planted before the binder course is put down.
- B. Rice The home owner should be fined if they cut down the tree it should be on the deed.
- S. Foulkes Is there something we can do to say where the town property begins and ends.
- Ch. Abelson A sidewalk helps delineate that.
- R. Bennett That establishes it.
- B. Rice We need something in the bylaw about trees. Some of our bylaws need to be recalled because they are not working right.
- Ch. Abelson We don't really get this all the time.
- B. Rice In some developments there are no trees.
- J. Hansen There are two bylaws on the books that say you can't throw snow into the public right of way and you can't discharge your water in a public right of way. So there are some bylaws that say the public right of way is the towns and you can't trespass on it. So maybe an addendum to one of those two bylaws is what we would be talking about.
- B. Rice There is a slow creep through out the town. We still have 6000 undeveloped acres in this town, build out hasn't occurred yet. That is a lot of subdivisions without trees. We need to do something about it.
- R. Bennett Didn't we address that before about the trees should go in before the binder.
- J. Hansen Yes, because that is what triggers the building permits.
- R. Bennett So didn't we address it already?
- B. Rice No, because here we are, we have gone and they haven't planted the trees in...
- R. Bennett That's because it was part of when the binder...
- B. Rice Some resident might decide to tear them out.
- R. Bennett That was prior to us addressing it.
- J. Hansen I think what Ron is talking about, we will address to the developer, but what Bill is addressing is the home owner.

- B. Rice There are other places that have bylaws about trees there are options for the home owner. If they buy into it, then they are less likely to cut them down. It has to be part of the deed.
- T. Clancy Do we have the power to impose a fine if they cut down the tree?
- Ch. Abelson We probably couldn't enforce it or do the fining ourselves but if there was a bylaw then the building inspector could over see it, why not.
- S. Foulkes Would that have to go through town meeting if we made a bylaw?
- Ch. Abelson If it is a subdivision regulation we only need to have a meeting here and vote on it ourselves. And if it is just a subdivision regulation I don't know about enforcing a fine.
- S. Foulkes The only way it would be finable would be to go through ZBA?
- Ch. Abelson We will ask John to look into it for us.
- S. Foulkes This is the thing, these newer developments are they all going to have home owners associations?
- J. Hansen All of them are required to under our new storm water bylaw to maintain the drainage. The teeth is that every lot in a certain development in the deed states they are part of the association whether they pay dues etc... that doesn't matter to us you own a lot in a subdivision that has an association you are responsible for it. So if they don't have an association and they don't take care of problems or pay dues then the way the town goes after them is by going after each individual lot and puts a lien on their property. These associations should be generating annual reports that go to the Public Works Department. If they are not doing this then you know the subdivision is not being maintained and you won't have to wait 10 years to find out.
- B. Rice Generally the whole neighborhood is aware of what is going on.
- J. Hansen I will look into the bylaws.
- T. Clancy Should we make a motion to have John to look into the fines?
- J. Hansen The way that the fines work for those other bylaws, discharging water or snow the Public Works Department gives out the fines. I know that we are putting the scenic roads bylaw forward in the fall and there is something in there for fines as well. So we have the ability for criminal or not criminal disposition and we can make sure there is some reasonable entity. I think it makes more sense that it be Public Works since they maintain the public right of ways and they have the

ability to fine because that is what will happen when somebody cuts down a tree on a scenic roadway that is written into the proposed bylaw.

T. Clancy What is the fine?

J. Hansen \$500.00 per offense per day so if they cut down 4 trees on a public right of way on a scenic road and ignore it for 2 weeks that is a hefty fine.

Ch. Abelson They have to issue a violation everyday. Conservation does this.

J. Hansen In other correspondence just to let you know about Luther's Corners being taken off the warrant. We have been placed on the BOS agenda for April 28 to ask to be put back on the warrant. I am looking for someone to go tomorrow night because I can't make it. This member will discuss this matter with the BOS. Tom Clancy volunteered to go and represent the Planning Board.

T. Clancy made a motion to adjourn seconded by S. Foulkes and so voted by: B. Rice, R. Bennett, Ch. Abelson, S. Foulkes, T. Clancy

VOTE: (5-0) Approved

The meeting adjourned at 8:30 pm.

Respectfully Submitted by:

Florice Craig, Secretary