

**SEEKONK PLANNING BOARD  
REGULAR MEETING**

**MINUTES  
August 10, 2010**

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Present: Ch. Abelson, M. Bourque, R. Bennett, S. Foulkes, T. Clancy, L. Dunn  
J. Hansen, Town Planner

Absent: W. Rice (with cause)

7:00 pm Ch. Abelson called the meeting to order.

Ch. Abelson Definitive Plan of Subdivision: Farmland Estates 337& 349 Lincoln St. will be continued until the September 14, 2010 Planning Board meeting as per the applicant's request.

**Form A: 9 Warren Ave.**

**Applicant: Ned Lundgren  
Engineer: Insite**

S. Ainsworth Good evening I am with Insite Engineering. This is an ANR plan for 9 Warren Ave. we are dividing a piece of land in half it is approximately 8 acres. Lot number 1 is subject to the alternative minimum it will have the existing dwelling on it. I believe that all other requirements have been met for the Planning Board and for an ANR plan we are looking for an endorsement tonight by the board.

**R. Bennett made a motion to endorse the Form A for 9 Warren Ave dated July 27, 2010  
L. Dunn seconded and so voted unanimously to endorse by: Ch. Abelson,  
M. Bourque, L. Dunn, R. Bennett, T. Clancy, S. Foulkes**

**VOTE: (6-0) Endorsed**

**Preliminary Subdivision: Orchard Estates –  
School & Leavitt St.**

**Applicant: Steve Najas  
Engineer: Insite**

S. Ainsworth I am here representing Mr. Najas. This is about a piece of land on Leavitt and School St. It has been surveyed, wetlands delineated and it has been perc tested. Based on that information that Mr. Najas went ahead and had a conceptual subdivision drawn up by us. It has 11 lots, 4 ANR lots on the street, 1 lot has an existing dwelling and 7 lots in the back. Because of the restraints on the lots we came up with a concept that would utilize a conservation subdivision based on the requirements of the Planning Board and the conservation subdivision bylaw. We took 10 lots on a proposed new road and 1 conventional ANR lot.

There were questions from the Town Planner and we feel we would like to get the Board's opinion on some of them. As far as the open space requirements; the open space is supposed to be 40 percent of the total parcel, as you can see from our plans we are at 71 percent, almost double the requirement. As we utilize the house sites and the layout of road maintaining the 100 ft. separation of the houses to all the critical areas as far as the wetlands we also managed to keep all the environmental areas inside the open space so they will be permanently protected. We also placed all dwellings per the requirements outside the 100 ft. buffer zone. Some of the lots do encompass some of the buffer zone but mainly the areas of critical concern; the 2 vernal pools the BVW (bordering vegetative wetland) and the existing pond will all be in open space and protected.

We have done all our calculations for the wetlands; currently we have doubled what is required for open space uplands. The only question we pose for the Board at this point is the Town Planner has concerns as to whether the existing dwelling could be considered a conservation subdivision lot or if it had to be a conventional Form A lot. From our standpoint we feel it should be allowed to be part of the conservation subdivision. By making this a 40,000 sq. ft. lot we are decreasing the open space, we would have difficulty with lot configuration. Because of regulations we have to access off the main road, we are proposing to modify the access to come off the new road - Kelly Ann Court - and remove the existing driveway and the two existing garages. We would like consideration to allow that to be a lot and part of the conservation subdivision. Lots range from 15,000 sq ft up to 22,000 sq. ft. for existing house.

Ch. Abelson Any questions from the Board?

L. Dunn I don't see why the existing house can't be used as part of the conservation subdivision.

N. Abelson It does have the existing frontage on School St. already.

J. Hansen This is one of our first Conservation Subdivisions I think we should read the regulations to the letter of the law and it does state in section 25.7 that the maximum number of dwelling units that shall be allowed should be equal to the number of lots which can be reasonably be expected to be developed. So if a lot is already developed then I do not see how it fits into that clause. I understand the point of trading off open space for meeting the regulations but again I don't see how it meets the intent of the regulations.

One thing Mr. Ainsworth did not mention and maybe because he did not have a chance to talk to Mr. Carlson but a major issue I have with this as I indicated to Mr. Carlson is that I thought the old plan showed more lots than the cluster plan will allow. The reason why is if you look at the conventional plan to determine the number of lots, in my opinion, you should not be counting the ANR lots. That is not part of the subdivision so I see on that old plan 8 new lots off the subdivision road. That is an 11-lot plan; subtract 1 for the existing house and 2 ANR lots, which would leave you with 8 lots. If you look at the cluster plan they are showing the existing house an ANR lot and 9 lots thus, I think they are taking credit for 1 lot that they would not normally get. From what I can see they are doing this because the ANR lot they are proposing which would be lot 2, is what they are going to be utilizing for their drainage for the cluster plan thus it wouldn't normally be developed. That is my concern and that the two issues are: should we increase the existing house lot to 40,000 sq. ft or leave it as proposed in the range of 25,000 and should this be 8 new lots off the cluster subdivision road or 9 new lots.

- S. Ainsworth I understand the Town Planner's concern. We could Form A the 4 lots along the road I think that would jeopardize the amount of open space. We have looked at the number but these lots would take 25,000 x 3 away from the open space which is about 75,000 sq. ft from the subdivision. Also the existing pond and a portion of BVW would be part of the lots and not protected. We took a look and we thought more open space and protection would be a benefit for the town to have those lots on the roadway. The reason we do propose one, the old plan does show 11 and you are allowed to build within 50 feet of a wetland, with a house you are allowed to develop a house within 25 ft of a wetland. Under cluster regulations you have to maintain that house 100 ft away. So because of the resource areas we have kept all the houses 100 ft away. We could by utilizing an oddly configured lot possibly get that ANR lot back here but we thought it would be better to improve one ANR lot on the road. Mr. Najas has taken a look at his house and he feels it can be saved if necessary he could take it down and build a new one.
- L. Dunn I had heard there were deed restrictions on this property. I heard the Wampanoag's have a holy spot at the top of that property and it has a deed restriction and it can't be built on.
- S. Ainsworth I am not aware of a deed restriction.
- L. Dunn Another issue is the watershed; you are right up hill from the Runnins River. How big are the houses going to be?
- S. Ainsworth These are conceptual right now we are showing maximum 48 x 32 footprints with 24 x 24 garages. These will be the largest houses for these lots from a development stand point. When we do the drainage at definitive stage we will take into account the largest footprint to make sure the drainage is sized adequately. I understand about the river the majority of this site is going to this pond. So as far as any off site flow it will be minimal. We took a look at the farm pond and if the level gets too high the water will discharge through this small-depressed area here into the BVW. This BVW, which we were told, was here but we were unable to find it; has a discharge over to the drainage system on Leavitt St. We could not find the discharge and we are not able to open any of the drainage holes on Leavitt because they are solid the catch basins are full. So this is something we will investigate prior to the definitive exactly where this water goes. Again as far as the drainage the water on this site all flow to the lowest point, which is this pond. We will maintain all the water on site and unless this pond over flows and runs out into the BVW and somehow gets into the drainage system on Leavitt St. There should be zero impact as there is probably now on any down streams, critical areas rivers wetlands etcí
- L. Dunn Thank you
- S. Foulkes Can you review the percentage difference on the open space. You said 70 percent and the minimum is 40 and if you have to reconfigure that lot what are you looking at for open space.
- S. Ainsworth If we reconfigure we would be losing about 18,000 sq.ft of open space.
- Ch. Abelson John your concerns were with just that lot? Or the Form A at 44,000?
- J. Hansen That plus on the old plan that middle Form A lot from the one we have in front of us, parcel 3 you see up on the Board it may be parcel 2, that is a Form A lot and in my

opinion you can't take credit for a Form A lot in your cluster plan. The applicant engineer is indicating they can just Form A 4 lots of the front but if they did that that lot I don't see how you could develop it considering that is where they are putting the drainage for the lot.

Ch. Abelson Basically they would have to lose a lot.

J. Hansen That is the way I see it.

S. Ainsworth Basically reconfigure lot 10.

Ch. Abelson Yes.

S. Ainsworth I feel it would be an odd shaped lot.

J. Hansen That is what I had indicated to Mr. Carlson but he didn't respond back because he is on vacation. But I still have the issue with a cluster subdivision showing one too many lots.

Ch. Abelson Would it be feasible to eliminate a lot and expand the sizes of the lots. Mr. Najas is here if wants to speak.

S. Ainsworth It is up to Mr. Najas if he wants to do that.

Ch. Abelson Just asking to see if he would be receptive because it is something the Board would like to see because this is one of our first Conservation Subdivision and we would like to adhere to regulations closely.

S. Ainsworth Let me pose this question to the Board. If we were to create 2 Form A's over here and reduce 1 of the lots in the subdivision so we still maintain 11 would that be acceptable?

Ch. Abelson That would meet our criteria.

J. Hansen Yes.

S. Ainsworth So we create 2 Form A's and enlarge the lot to 44,000. I suggest that because we have looked at parceling it and this way we could take lot 9 and make this lot with the existing lot more palatable. We will take a look at it and discuss it with the client.

J. Hansen There are neighbors here that are concerned about the configurations of at least one of the lots that abut Apple Orchard Lane in the redesign. I did explain to one neighbor we don't have the choices as to which lots the engineers reconfigure or which lot you were to eliminate but if there were a way to make lot 7 less irregular maybe it might make it more palatable and appreciated.

S. Foulkes Does the existing house have any historical significance?

J. Hansen I was told the upper floor was built in 1776 it was razed and a lower floor was put underneath it in 1812. I was told this and don't know if there are records that can confirm this. I don't know if the applicant has any information on that.

I also wanted to mention that I did have a conversation with a person who did live in this house a member of the Read family who was the prior owner that the original grantor on the deed was the King of England and it has remained in this same family for 300 plus years and as far as the Indian campground and the deed restriction Lee had mentioned this Mr. Rodman Read who did grow up in the house he gave me a clipping from a 1973 Providence Sunday Journal Magazine which talked about an archeological dig that was done on the property because there were so many Indian artifacts were found. He indicated that before his father passed away he donated the entire collection of what they found on the property to the Seekonk Library and the Library director would be able to give any information on it if they want it. So again through family stories and folklore indicate that this was an Indian campground and for whatever that is worth and I don't know what purview this a Board has over that but it was something he wished I would convey to the Board. He indicated to me that he is 79 years old and didn't know how much longer he had and he wanted to get that off his chest and make people aware of that. He also wanted me to mention to the Board that due to this lot having apple orchards on the property dating back to the 1930's he was actively involved in the farming and agricultural practices on the property and the pesticides that were used indicated to him that there maybe levels of arsenic and lead in the soil and he wanted that passed along. So if there was any way that test could be done not within the purview of this Board it would be done at the State level he wanted that shared with the Board and he didn't know if that was passed on to the current owner of the property but he wanted that off his chest he didn't want to be the only person alive with that information. Again I can only tell you what he told me and I am sharing it with the Board.

L. Dunn I have heard that across the Street is an old Wampanoag burial ground. The DPW wanted to do some work there back in the 1980's and were told they couldn't because it is a sacred site.

M. Bourque This Board does not dictate if land is buildable. If we approve this we are not saying you can build on it.

J. Hansen I would recommend that the board see this reconfigured lot alignment before they issue any approvals on the site. That may help to figure out these other issues. Something else I would like to bring up having to do with reconfigured plans that are within the purview of this Board if you looked at my memo from July 26 I talk about waivers and with every preliminary plan sidewalks are always an issue and none were shown. Mr. Carlson indicated they would be looking for a waiver from having sidewalks. I indicated that it appears to me that this Board would be requiring sidewalks at least on one side for every subdivision. If that is the way the Board still feels they should make that known tonight that you would be only granting a waiver for a sidewalk on one side so the applicant has a direction when they leave here.

**L. Dunn made a motion to have sidewalks put in on the left hand side going into the subdivision seconded by S. Foulkes and so voted: Aye-M. Bourque, L. Dunn, S. Foulkes, R. Bennett; Nay-Ch. Abelson, T. Clancy**

**VOTE (4-2) Approved**

Ch. Abelson Will this have town water?

J. Hansen        No they have to bring it there. I spoke with Rob Bernardo from the Water District and they would have to extend the water line.

S. Ainsworth    We are proposing the ANR lots have wells.

J. Hansen        I was told that the existing house on the ANR lot has some sort of a well.

**S. Foulkes made a motion to continue the discussion on the Preliminary Subdivision: Orchard Estates until August 24, 2010. Applicant to provide a new set of plans showing the reconfigured lots for Boards review. Seconded by L. Dunn and so voted unanimously by: Ch. Abelson, M. Bourque, L. Dunn, S. Foulkes, T. Clancy, R. Bennett.**

**VOTE (6-0) Approved**

Members of the audience voiced concerns about Orchard Estates and were asked to come back to speak when there is a public hearing on the subdivision.

#### Discussion of Comprehensive Master Plan Consultant Selection

J. Hansen        We received four well-drafted proposals it was a tough decision but I thought Horsley Witten was the best because of their reputation plus our familiarity with them set them apart. I recommend we hire Horsley Witten to put together the Master Plan.

S. Foulkes        I was wondering why we gave them a cap amount?

J. Hansen        Because all we could spend was \$40,000 that what was appropriated at Town Meeting.

S. Foulkes        What if they had come up with a price less than \$40,000?

Ch. Abelson      But they designed the services around the fee that we can afford if you went the other way they could go carte blanche and would have no idea where we are going with it.

S. Foulkes        Is this typical protocol on these things?

J. Hansen        From talking with other towns and with consultants this is what is done. With the amount set for this you can get a sense on how valuable these firms are and how their services are going to be performed if you look at the schedule and how many times they would come to a public hearing. Horsley Witten was coming a lot more than the other firms.

**M. Bourque made a motion to hire Horsley Witten to be the consulting firm to update the Master Plan. Seconded by L. Dunn and so voted unanimously by: Ch. Abelson, M. Bourque, L. Dunn, S. Foulkes, T. Clancy, R. Bennett.**

**VOTE (6-0) Approved**

Discussion: Assisted Living Facility Bylaw

- J. Hansen      A month ago we discussed potentially putting forward a bylaw to allow Assisted Living Facilities. I put together a comparison table for you to look at however I have a hard time putting a number on a development in a bylaw, which will pigeonhole a development. In my opinion, if someone has the land and they can put x number of dwelling units per acre so be it. This use is certainly needed and I would like to see it maximized. Even though Dighton put a 5-acre minimum for their lot size they don't have any density requirements and they put standards saying that the Planning Board will dictate what the appropriate number of dwelling units will be. I think that is advantageous because you don't know from site to site what is going to be proposed. Another aspect would be the local preference and affordability standard and I sited that I found in the town of Newton's zoning ordinance they have a local preference standard at 70 percent for local residents or employees of the town. The affordability standard does seem confusing it is not as straight forward as in other towns but I did find that in the town of Andover they require a flat 15 percent of all the dwelling units in an assisted living facility be deed restricted for affordable units. So I put this forward to the Board for discussion and see where you want to go with putting something forward and if you do a time to put it forward.
- L. Dunn      I agree with you John when you say density number for low impact use should be dependent on what size the septic system is.
- J. Hansen      We talk about density all the time and how it affects the town and we usually talk about residential developments that allow families and the impact on the schools. You won't have that type of impact with an assisted living facility.
- S. Foulkes      I'm concerned about this, is this an overlay that you are proposing?
- J. Hansen      I don't know necessarily that it would be an overlay as it would just be an allowable use with a special permit or you could do an allowable use by right subject to conditions that have to be met.
- S. Foulkes      It sounds like you have been made aware of how great a percentage of residents would need for affordable housing is there some data out that says what the percentage is?
- J. Hansen      Yes it is greater than 25 percent of our population that is in the low to moderate-income bracket. We are talking about assisted living facilities with an affordable component.
- M. Bourque      There is a need for assisted living in this area.
- S. Foulkes      This assisted living is it privately funded?
- J. Hansen      For the affordable component I would think they would get some State assistance.
- T. Clancy      You said the town has a need for the assisted living if we are not going to restrict it to not only have Seekonk residents?
- J. Hansen      That is what the local preference 70 percent standard was in Newton and from what I was told from the State that is the maximum number you can have in a local preference standard and still be conforming to the equal protection act.

- Ch. Abelson Do you think 5 acres is a good size?
- J. Hansen It is hard for me to put a number on it.
- M. Bourque The issue with assisted living facilities anything that is a routine transport you do not call 911. 911 is only used for medical emergencies. They contract with ambulance services so the demand would not be that great for 911 services in town.
- S. Foulkes Has any data been collected on what the impact might be on the taxpayer not only on the municipal services but also water the septic systems? When that was proposed at Firefly and the Water dept. said they could handle it I questioned what they said. I was just wondering what the financial impact is on the town.
- Ch. Abelson We don't have anything to do with septic systems.
- S. Foulkes Tax wise because it costs x amount to live here but they are only paying such because of all the conditions. There are taxes that need to get maintained or redistributed to the rest of the town. I don't know I'm just asking.
- Ch. Abelson I don't think that would happen.
- J. Hansen I don't have any data on what the tax implications are.
- M. Bourque The town would not own the facility.
- Ch. Abelson So for the Assisted living bylaw do you want it to be up to a site plan review?
- J. Hansen We would still need to decide if we want to set a density or not and add an affordable component to it and a local preference to it.
- M. Bourque I would put a local preference in.
- T. Clancy I think it is a positive idea I would just like to have time to think about this and make the right decision.
- Ch. Abelson **Let's all think about this and we will put this on the September 14, 2010 agenda to discuss again.**
- L. Dunn Bill Rice is not here tonight but I believe he would like to ask for an endorsement for Healthy Choices for People and Planet program which is an on going series of lectures to be held at the Seekonk Library. I know the Community Garden has endorsed this.

**R. Bennett made a motion to endorse Healthy Choices for People and Planet. Seconded by L. Dunn and so voted unanimously by: Ch. Abelson, M. Bourque, L. Dunn, S. Foulkes, T. Clancy, R. Bennett.**

**VOTE (6-0) Approved**

- L. Dunn I have a memo from SRPEDD's new Chairman concerning municipal assistance. Hours requested: 20 hours for the Selectman, 20 hours for the Planning Board.

- J. Hansen Does this require any action
- L. Dunn I don't think so.
- Ch. Abelson I think once we find something we need the hours for we can discuss this.
- J. Hansen They talk about different subjects in the memo for example: zoning bylaw amendments, green communities, Commonwealth Capital Fund etc. I can look through this and give a recommendation on what I think about some of these issues and bring it back to the Board for discussion.

### Correspondence

- J. Hansen Neal forwarded a request to me from Carol Bragg who is the SRPEDD rep. for the BOS about a Housing and Urban Development (HUD) regional planning grant. They are looking for support from local municipalities, which they received from the BOS and they are looking for delegates from the town. Carol wanted to know if I would be interested unfortunately after reading what is involved I think the time commitment would be too much with my current duties. I don't think it is something that falls out of the purview of our current delegates Carol or Lee. I wouldn't mind giving advice but I do not want to volunteer to be the actual delegate.
- Ch. Abelson I agree we have a lot going on and it would be taking John's time away from his duties as Town Planner and our Board.
- L. Dunn I don't think I can go.
- J. Hansen I would suggest since it was endorsed by the BOS then maybe Carol should be the delegate or Sandy you wanted to be a SRPEDD rep maybe this is a way for you to get involved.
- S. Foulkes I think I will pass on that.
- J. Hansen Since Carol forwarded this to our Board Lee can you contact Carol and say we don't have anyone to volunteer for this.
- L. Dunn I will contact Carol Bragg.
- J. Hansen I heard from Michael Carroll, the Public Hearing we wanted to have on the 2 zoning bylaws, the neighborhood retail and the drive thru, for the public hearing they have to be referred to us by the BOS, however they are not meeting tomorrow night so they won't have the chance to refer it to us even though it has been advertised and people have been notified. We will have to continue those 2 public hearings. I was going to suggest that we continue to the Sept. 28, 2010 meeting.
- L. Dunn Does that give us time to be on the Warrant?
- J. Hansen We talked last time about putting them on citizen petition warrants unfortunately because of the selectman not meeting prior to our next meeting we don't have the ability to do that. The reason is because the warrant closes at the end of the month. The idea I had was

we have our public hearing August 24 take comments and then revised bylaw and then get the 10 citizens to sign it and submit by the end of the week. Because we won't have a public hearing we just have to go forward with a regular petition from the Planning Board that the selectman endorse that way if we have changes between the end of the warrant closing and town meeting we can make those changes. So we will see what happens on August 25 if the Selectman are not interested in signing this then we can still put it forward as a citizen petition and if we get public comment we put that as an amendment on town meeting floor. I hope that doesn't happen but we just have to play it by ear because the selectman are not meeting tomorrow night.

J. Hansen Other items, memos from the Building Official, I would like to say that I have driven past the InMotion Motor Sports site several times and they are not in compliance. I have emailed Mary but they are still in violation. I have pictures on my cell phone. I would recommend that the Board authorize another memo be sent back to the Building Official.

Ch. Abelson They are still in violation of their parking plan. John I think you should notify her again.

**M. Bourque made a motion that the Planning Board direct John Hansen to send a letter to the Building Inspector/Zoning Enforcement Officer stating that InMotion Motor Sports on Fall River Ave. is not in compliance with the Site Plan. Seconded by L. Dunn and so voted unanimously by: Ch. Abelson, M. Bourque, L. Dunn, S. Foulkes, T. Clancy, R. Bennett.**

**VOTE (6-0) Approved**

**T. Clancy made a motion to approve the minutes of July 27, 2010 Seconded by L. Dunn and so voted unanimously by: Ch. Abelson, M. Bourque, L. Dunn, S. Foulkes, T. Clancy, R. Bennett.**

**VOTE (6-0) Approved**

### **Adjournment**

**T. Clancy made a motion to adjourn, seconded by S. Foulkes and so voted unanimously by: Ch. Abelson, T. Clancy, M. Bourque, R. Bennett, S. Foulkes, L. Dunn**

**Vote: (6-0) approved**

The meeting adjourned at 9:15 pm

Respectfully Submitted by:

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Florice Craig, Secretary