

SEEKONK PLANNING BOARD
Public Hearing and Regular Meeting
MINUTES
May 8, 2012

Present: Ch. Abelson, R. Bennett, M. Bourque, L. Dunn, R. Horsman, J. Ostendorf
J. Hansen, Town Planner

Absent: S. Foulkes: (with cause)

7:02 pm Ch. Abelson called the meeting to order.

Public Hearing Definitive Plan of Subdivision: Orchard Estates-167 School Street
Applicant: Najas Realty

Ch. Abelson read the order of business.

A motion was made by M. Bourque, seconded by R. Bennett and it was unanimously

VOTED: To waive the reading of the legal notice.

Introduction of Town Planner and Board Members

P. Carlson from Insite Engineering summarized the description of the subdivision. He went on to say they had gone through the extensive evaluation by DiPrete Engineering and made modifications based on their review. They removed all work outside of the conservation buffer zones, moved the drainage facility to the southeast side in a low depressed “kettle-hole” and the site’s wetlands have been approved by conservation. He went on to comment that after doing all the modifications DiPrete Engineering supplied the Planning Board with a favorable review and asked for the board’s approval on the subdivision.

Ch. Abelson asked how long the infiltration pond could hold water.

P. Carlson answered approximately 40 hours.

J. Ostendorf asked if the in-ground drainage for the lots being proposed go toward the infiltration pond or is the infiltration pond just to catch surface run-off.

P. Carlson answered the infiltration pond was designed to capture water from all the fronts of the houses, the roadway, the rear of the eastern lots and the area off of Apple Orchard Lane. This was per a request from the Conservation Commission because they did not want any of the storm water discharging.

J. Hansen asked P. Carlson if he had received his question about DiPrete’s comment on page 8 regarding the spot grades.

P. Carlson answered yes and that contours had been modified to the 1% they had been looking for to reflect that slope along the gutter line.

J. Hansen told the Board that he recommends two (2) conditions outlined in his Definitive Plan Review memo dated 3/30/12.

1) Appropriate documentation shall be submitted for the establishment of a homeowner's association, deed restrictions on each lot indicating limits of disturbed areas, which shall be delineated by a split rail fence and stated in said deed restriction, associated drainage easements, and an open space restriction on the open space land. These documents shall be submitted prior to endorsement and recorded along with the subdivision.

2) Prior to issuance of a building permit for each lot, the lot/owner/developer shall submit a lot site plan and supporting information documenting the following:

- a. The grading of the lot is consistent with the impervious surface coverage and the drainage patterns depicted on the approved Subdivision Plans.
- b. The Development of the individual lots will implement and maintain erosion and sediment control measure during construction as stipulated on the approved Subdivision Plans. The lot plan should illustrate the placement and details of these measures.

J. Hansen also commented for the record the waivers: Sidewalks on one side (west side to easterly boundary of parcel 5, and 16 ft width pavement around one-way cul-de-sac.

A motion was made by R. Horsman, seconded by M. Bourque and it was unanimously

VOTED: Adjourn the Public Hearing

A motion was made by R. Horsman by seconded by J. Ostendorf and it was unanimously

VOTED: To grant the waivers: 4 ft width sidewalks on one side. 16 ft width pavement around one-way-cul-de-sac, with a 145ft center line radius.

A motion was made by R. Horsman seconded by M. Bourque and it was unanimously

VOTED: To approve the Definitive Subdivision Orchard Estates based on three **(3) conditions.**

1) Appropriate documentation shall be submitted for the establishment of a homeowner's association, deed restrictions on each lot indicating limits of disturbed areas, which shall be delineated by a split rail fence and stated in said deed restriction, associated drainage easements, and an open space restriction on the open space land. These documents shall be submitted prior to endorsement and recorded along with the subdivision.

2) Prior to issuance of a building permit for each lot, the lot/owner/developer shall submit a lot site plan and supporting information documenting the following:

- a. The grading of the lot is consistent with the impervious surface coverage and the drainage patterns depicted on the approved Subdivision Plans.
- b. The Development of the individual lots will implement and maintain erosion and sediment control measure **prior to and during** construction as stipulated on the approved Subdivision Plans. The lot plan should illustrate the placement and details of these measures.

3) The spot grade at Station 3+94.00 shall be updated to provide at least a 1.0% slope along the gutter line.

Public Hearing

Zoning Bylaw Amendment: Section 12.7 – Temporary signs

Planning Board

Ch. Abelson read the order of business.

A motion was made by R. Bennett, seconded by J. Ostendorf and it was unanimously

VOTED: To waive the reading of the legal notice.

Introduction of Town Planner and Board Members

J. Hansen summarized that the BOS put forward a similar bylaw at the spring 2011 Town Meeting and it failed to pass. They then asked the Planning Board to re-introduce the bylaw with the same general intent with just a change to increase the number of days a temporary sign is allowed from 30 to 60 days. J. Hansen said the revised bylaw went to Town Counsel and they made some recommendations which were included in the Planning Board packets.

R. Horsman commented that in his opinion the role of government is not to tell people in town what they can and can't do. People should be able to do what they please unless it is going to hurt someone else. He handed out a sheet of paper with revisions to the temporary sign bylaw. He told the Board that he had taken the language from another town's temporary sign bylaw and reworked it. He went on to say that the only restrictions in place would be it had to be within the zoning regulations. Example: the size and/or light restrictions.

R. Bennett noted he was comfortable with the sign bylaw reworked by the Town's Attorney.

J. Hansen reminded the Board that this was their last chance to make changes to it before being put on the warrant.

Bev Hart, 26 Melanie Circle, commented that she was interested in section 12.7 from R. Horsman, in particular where it said: new business, seasonal products, religious or charitable events or civic event, political issues. She said they needed signs to get their news out and it was

terrible for small businesses, churches and civic groups not to be able to advertise. She disagreed with Town Counsel's version. She also said there should not be a permit fee for a temporary sign.

M. Bourque commented he would like to work off R. Horsman's version.

The Board collectively decided to work off R. Horsman's version and proceeded with discussion and revisions.

12.7 Temporary Signs draft

Temporary signs are allowed to advertise the opening of a business at a new location; to advertise seasonal products or services; to advertise the closing of a business; to advertise religious, charitable or civic events; to advertise political candidates and issues; and to advertise activities allowed by right by residential homeowners in the zoning district in which they live. Unless otherwise regulated by specific provisions of this section, or elsewhere in this article, a temporary sign shall require a permit but no fee, and is subject to all applicable regulations; i.e. size illumination. Any sign displaying non-commercial speech shall be exempt from this provision.

Ch. Abelson suggested the signs be 18 sq. feet in a commercial zone.

J. Ostendorf agreed and added that 12 sq. feet in a residential zone would be a good idea.

12.7.1 draft

Such signs shall not exceed eighteen (18) square feet in a commercial, industrial, or mixed use district or twelve (12) square feet in a residential district.

Ch. Abelson suggested that it should not be allowed to have the same sign put up over and over again within several feet of each other.

12.7.2 draft

No two or more signs of the same language shall be closer than five hundred (500) feet apart on land in contiguous ownership.

12.7.3 draft

No signs may be placed on street sign posts, trees or within the layouts of Town or State rights-of-way.

L. Dunn made a suggestion that all temporary signs include a name, telephone number and address of person responsible for the sign.

R. Horsman agreed.

12.7.4 draft

Each temporary sign shall include the name, address, and telephone number of the person responsible for the sign and the date of posting. Any sign without this information is in violation of this bylaw and may be removed by the Building Commissioner at the owner's expense.

R. Bennett suggested a sign should be allowed to be put up 7 to 10 days before the event.

M. Bourque commented that some events like ball sign- up's need to be up longer. He suggested after an event the signs should be taken down within a 2 or 3 day period.

12.7.5 draft

Signs for temporary event must be removed within two (2) days of the conclusion of the event.

12.7.6 draft

No temporary sign shall be placed above the highest outside wall of the building.

12.7.7 draft

No balloon may be elevated higher than the sign height restrictions applicable to the district within which it is to be used.

12.7.8 draft

All temporary signs shall meet the safety, construction, placement, mounting and lighting standards established by the Building Commissioner. It is the responsibility of the sign displayer to become informed about these requirements.

R. Horsman noted he was not in agreement with the board on 12.7.9 he did not want to have any cap for the amount of days a temporary sign can be displayed.

Further discussion about the amount of time a temporary sign should be allowed to stay up.

12.7.9 draft

All such temporary signs as permitted in this section shall be permitted on the same premises for no more than one-hundred (120) consecutive days each in the same calendar year.

Bob McLintock, Oak Hill Ave., commented that whatever the Planning Board came up with, try and do it with some limits. He said he did not want it to infringe on the commercial businesses. He told the Board reworking the temporary sign bylaw was not easy but they were doing a good job.

A motion was made by R. Horsman, seconded by J.Ostendorf and it was unanimously

VOTED: Adjourn the Public Hearing

A motion was made by R. Horsman seconded by L Dunn and it was

VOTED: To accept the sign bylaw with the revisions noted and written during the meeting by the Town Planner and for him to e-mail board members revisions to review on 5/9/12. Motion passed **(5-1)**

Aye: Ch. Abelson, M. Bourque, R. Bennett, L. Dunn, J. Ostendorf.

Nay: R. Horsman

Preliminary Plan of Subdivision: Pine Hill Estates – 524 Newman Ave

Applicant: Najas Realty

P. Carlson handed out new plans to the Board members.

Eric Bransky, attorney for the applicant, summarized that his applicant Najas Realty and their engineer went over comments from the Seekonk Water Board and the BOH and made some changes to the preliminary plan. In particular they shifted the development more southerly to pull it away from the wetlands. He said his client was trying to be proactive in already taking steps to meet with the Water Board and the Board of Health Agent before they come back with a definitive plan.

M. Bourque asked about the property in front and the retaining wall. He mentioned at the last meeting they talked about the property line possibly moving over and/or working it out with the neighbor.

P. Carlson said the property does have the retaining wall and there were no major issues with the wall and they would work it out with the neighbors.

E. Bransky said they would be looking for a sidewalk waiver.

J. Ostendorf noted that map 24 lot 72 was part of the infiltration zone for the water district. He asked how the property was graded to prevent nitrogen getting into that whole area.

P. Carlson answered that they relocated the road more southerly and moved the infiltration pond/drainage structures to be located on the south side away from the buffer zones and further away from the town wells. He also noted that the drainage from the front of the houses, Newman Ave. and sidewalks will be caught within a closed drainage system and discharged into the infiltration pond.

J. Ostendorf asked what would be used to prevent contaminants contained in the infiltration pond from getting into the town's water supply.

P. Carlson explained they would utilize various structures. 1) enclosed catch basins, 2) a proprietary device called a Stormceptor that helps settle out solids and various nitrates plus under the infiltration pond criteria, the infiltration pond is one of the best BMP's utilized for filtering nitrates.

J. Ostendorf asked if there was anything geologically in this subdivision that would prevent a discharge from subject systems as well as anything not to get caught by this system to stop any contaminates from getting into the water supply. Like an impervious layer underground.

E. Bransky said he would let Mr. Carlson explain the science of it but the septic systems themselves have to comply with Title 5 standards and they were looking into using fast systems.

P. Carlson explained that using the fast system design would remove a high level of nitrates and any leaching that goes into the groundwater would be going through sand and would go to the low lying area. He also commented per BOH and Water Dept. a nitrate loading analysis is a requirement. They look at amounts of nitrates pertaining to Title 5 and specific size systems and number of bedrooms that are allowed within a certain area. He said his client would be going through that process and submitting that analysis to DEP and then they would provide a ruling based on that criterion.

J. Hansen reminded the Board that there are restrictions, rules and regulations put in to protect the aquifer area. All these factors set the stage for these types of developments to occur in the safest way possible to the public.

M. Bourque said in his opinion that if the Water Dept. and the Town were so concerned they should have bought the land years ago.

J. Hansen told the Board that DPW checked the "line of site" and they said is not appropriate for two entrances so cul-de-sac is the only option.

A motion was made by R. Horsman and seconded by M. Bourque and it was

VOTED: To approve the Preliminary Plan for Pine Hill Estates
Motion passed (4-2)
Aye: Ch. Abelson, M. Bourque, R. Bennett, R. Horsman
Nay: L. Dunn, J. Ostendorf

Final Surety Release/Road Acceptance Recommendation: Banna Estates
Applicant: Fall River Avenue Development Partners, LLC

J. Hansen commented that the fire-alarm box and the fire monument have been installed, which were the last two outstanding items to complete this subdivision.

A motion was made by R. Horsman and seconded by M. Bourque and it was unanimously

VOTED: To release the final surety and recommend acceptance of the roads within Banna Estates.

Site Plan: - 140 Taunton Avenue – Seekonk Town Centre (Ann & Hope Plaza)
Applicant: SEP Associates, LLC

Len Bradley of DiPrete Engineering and applicant Jeff Saletin proposed a Site Plan that showed additional development of this commercial center.

L. Bradley went on to explain they were proposing three (3) additional retail areas. Retail space (1) would be on the east side of Price Rite. Retail space (2) would be on the west side of Ann & Hope and retail space (3) behind the bank.

J. Saletin noted that the Ann & Hope store lease is up soon and that they most likely would be staying. He also said he does not have any tenants for these retail spaces at this time but he will be looking to build the site pad, retail space (3) within the next year.

L. Bradley said they are proposing planting a row of trees to help shade the parking lot and will follow the new site plan regulations for all landscaping.

M. Bourque asked if the buildings would have a face lift.

J. Saletin said they are considering it.

J. Hansen also said they are creating a pedestrian connection out onto Pleasant Street, which the applicant would be responsible for maintaining, creating a pedestrian-friendly paved walkway in that area. He also commented that the landscaped islands will not only help with trees and shade but help with the circulation in that area.

A motion was made by R. Horsman, seconded by J. Ostendorf and it was unanimously

VOTED: To approve the Site Plan, latest revision date of 4/25/12, with the following conditions:

1. The proposed landscaping and sidewalk shall be installed prior to any Certificates of Occupancy being issued for either Retail 2 or Retail 3 sites, as indicated on said plan.
2. A sidewalk maintenance agreement shall be recorded at the Registry of Deeds upon completion of the construction of the sidewalk indicating that the applicant is responsible for maintenance of the sidewalk.

Form A: 2 Aubin Street/124 Anthony Street

J. Hansen commented that no changes to the frontage of either lot were proposed.

A motion was made by R. Horsman seconded by M. Bourque and it was unanimously

VOTED: To endorse the Form A for 2 Aubin Street/124 Anthony Street

Discussion: Master Plan Implementation

A motion was made by R. Horsman and seconded by M. Bourque and it was unanimously

VOTED: To continue the discussion of the Master Plan Implementation until the June 12, 2012 meeting.

Correspondence:

J. Hansen told the board that he had received correspondence from the BOS that they will be having a Budget Public Hearing on 5/23 and they are requesting Dept. Heads to attend. He noted because he has already met with them about the budget he did not feel it necessary for him to attend. He asked the Board their thoughts on this matter.

M. Bourque said the Planning Board Chairman should attend.

Ch. Abelson said he would attend.

A motion was made by M. Bourque seconded by R. Horsman and it was unanimously

VOTED: To have Ch. Abelson attend the BOS Budget Public Hearing on May 23, 2012.

Approval of Minutes:

A motion was made by R. Bennett and seconded by J. Ostendorf and it was unanimously

VOTED: To accept the 4/10/12 minutes

A motion was made by R. Horsman and seconded by J. Ostendorf and it was unanimously

VOTED: To adjourn the meeting at 10:00 PM

Respectfully Submitted by:

Florice Craig