

## SEEKONK PLANNING BOARD

Regular Meeting

March 11, 2014

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Present: Ch. Abelson, S. Foulkes, D. Viera, R. Horsman, L. Dunn, M. Bourque  
R. Bennett  
J. Hansen, Town Planner

Absent:

7:00PM Ch. Abelson opened the meeting

### Site Plan Review: Ledgemont Country Club – Joseph S. Ruggiero, Sr. & Paula A. Ruggiero

Attorney Eric Brainsky introduced himself he said he was representing Mr. J. Ruggiero and Ledgemont Country Club. He summarized the site plan was a proposal of the relocation of accessory uses in which the intention would be to create a centrally located area for a pool, five tennis courts and a small concession stand. He noted Ledgemont is a private club and the hours would be limited in this area till 7pm. He also said there will be no lights at night in that area and any night events must approve by the Board of Directors. He said the drainage analysis was done in accordance with the storm water guidelines and regulations of Massachusetts and the parking proposed met all the zoning requirements. He noted it had been reviewed and approved by CEI the Planning Board and Conservation Commission's Consulting Engineer.

P. Carlson from InSite Engineering introduced himself he said he was representing Mr. J. Ruggiero and Ledgemont CC. He summarized that the site plan was designed in accordance with the guide lines of the Seekonk Subdivision Rules and Regs, the Conservation Commission's bylaws and State DEP regulations. He noted they are scheduled to meet with the Conservation Commission on 3/24/14. He went on to say that CEI reviewed the plan and they said it met all Town and State regulations. He summarized the project consisted of two hard courts and three hard true clay courts, a salt water pool and twenty five parking spaces with access thru a gated private driveway. He said storm water and DEP requirements had been met and were designed for a one hundred year storm event. He also noted a 1,700 gallon septic system has been submitted to the Board of Health and met requirements for the 4/ 40 rule.

N. Abelson read a statement to the audience:

This is a Site plan review for a proposed tennis and swim facility at Ledgemont Country Club. Site plan review has been defined by the Supreme Judicial Court as "regulation of a use rather than its prohibition." The review by the Planning Board of this site plan shall only be limited to those standards outlined in Section 10 – Site Plan Review of the Zoning Bylaws, specifically parking, drainage, landscaping, lighting, drive-thru's and architectural design. Testimony will not be heard unrelated to these standards.

P. Carlson continued saying they will be merging with a Form A, a portion of the 12 lots into 1 lot. He then went on to answer several comments by Environmental Partners Ryan Trahan.

Mr. Arthur Eddy of Birchwood Design Group 46 Dike St., Providence, RI, summarized the plans for the landscaping design. He noted where and what type of trees, shrubs and plants would be planted. He also noted the tennis courts would have a 10 foot fence with a wind shield and arborvitaes all around. He spoke extensively about sound and decibel levels. He noted he was aware of the abutters concerns with noise levels and assured them that the landscaping they would be putting in would help deflect the sound.

L. Dunn asked about the shade regulations in the parking lot.

A. Eddy said they met the regulations with shade trees in the parking lot.

Ch. Abelson noted this was not a public hearing but asked the audience if there were any questions or comments.

Atty. Jack Jacobi introduced himself and said he was representing the Seekonk Water District. He noted that there are twenty eight shallow wells on the Ledgesmont property and together they made up a tubular well which connected to a pump house. He said these wells are an important source of water for the Town and the Water District was concerned about the close proximity of the project to the wells. He noted on a technical level he thought the PB should only look at the application before them not if it were to come back as a Form A.

Ryan Trahan of Environmental Partners Group introduced himself and summarized that Brown Ave. does have twenty eight shallow wells and because of that they are more susceptible to surface water and ground water. He said that 19 million gallons of water were pumped from that well field in 2013. He went on to say that the problems they have with the project relate to quality of water that is infiltrated and coming off the site. He said they had issues with the tennis courts in that there was no indication of what the infiltration was so they would like more data on that.

He also stressed that the operation and maintenance plan must meet the full level for the storm water prevention plan standard. He said InSite submitted one but they would like more details.

Ch. Abelson asked if the Water District regulated the use of fertilizers for the golf course in that area.

R. Bernardo Superintendent of the Water District introduced himself and said that it's regulated with best management practice because it has a use for low nitrate level fertilizers. He said they measure nitrates levels for the Brown Ave. area.

Atty. Jacobi asked the PB to keep the meeting open so all the boards could look over all information. He went on to say that the placement of the tennis and pool suggested the owners of Ledgesmont had future plans for the site such as condominiums along the fairway.

Ch. Abelson replied that this was not a public hearing so it did not need to be held open and the Site Plan was submitted correctly to the Planning Board.

John Ratcliff 251 Brown Ave introduced himself and said he was a direct abutter and that he shared a common driveway with an easement and a private well with the Ledgemont property. He said he had concerns about the project and that he was intrigued by Mr. Eddy's presentation about the sound barriers to be put into place. He noted his family has had a good relationship with Ledgemont for 64 years. He said the density of the project did not belong in the neighborhood and the wells were too close to the detention ponds and it was clearly a commercial use. He asked P. Carlson how many people belonged to Ledgemont now and what would be the cap.

P. Carlson said Ledgemont had 225 members now and would cap at 300 members.

J. Ratcliff asked about the height of the arborvitaes.

Mr. Eddy said they would go in at 6 to 7 feet and probably grow to 10 or 15 feet and these would cut down noise by 4 to 5 decibels.

J. Ratcliff said the property line goes right down the middle of the driveway he said he was looking at that as 30 feet from the tennis courts and the private driveway was about 10 to 15 feet wide.

R. Bennett asked about the shared well situation he wondered if it was water to Mr. Ratcliff's home.

J. Ratcliff said it was the water to his home.

E. Brainsky said the well was on Ledgemont property

J. Ratcliff disagreed and said it was being looked at and debated.

Robert Heaton, 188 Brown Ave, said he lived 100 ft from the proposed project. He discussed the history of the area and his concerns were it would be an eye sore to the neighborhood and he thought the peace and quiet feel of the neighborhood would change because of the project. In conclusion he asked Mr. Eddy about sound, wind direction and wind speed affecting sound.

Mr. Eddy said he did not have a formula or know the overall affect of sound and wind direction. He did say that sound waves refract and go up so any sound will carry if there is wind but the way it is designed there are barriers that would break up the sound. He said he would be happy to try and provide more information on that.

Kelly Wall Ratcliff, 251 Brown Ave., said her family has been at that location for 65 years. She made a statement that she wondered how a landscape designer became an expert in sound and wondered if they could rely on his information.

Mr. Eddy answered he was not an expert in sound but he has dealt with sound attenuation on many projects throughout his career. He said he uses standards of measure and they are not made up.

K. Ratcliff she said she was not sure the large structure had been considered and the trees and bushes would take ten years before they fill in, she thought it was a lot smoke and mirrors.

R. Heaton said he had an issue with the sound and the wind. He also voiced concern about the wild life, the fencing and the gate.

S. Foulkes commented she was curious why the developer would choose to condense all these features in one lot when there are so many issues.

E. Brainsky answered from what his client told him it was the members throughout the years saying they wanted the tennis and pool in one central location. He said he did not see any issues with the location.

S. Foulkes said she was still puzzled as to why it had to be so close to the wells.

E. Brainsky said his client looked at the site, it was high and dry and it had a decrepit building on it. He said his client thinks it will add value to the club, neighborhood and the town.

Cliff Wallace, 2 Tanager Road, commented that at the ZBA meeting they were told that one of the reasons for the construction of new tennis courts and pool was to get more family memberships. He said now at this meeting he was hearing there are various types of memberships. He said this facility will be directly across from his house and he sees it as similar to the Seekonk Pool Club or a Grist Mill Pool Club. He went onto say trees had been cleared from behind the old tennis courts up to Caratunk; he thought this would be the best area for the pool and tennis facility.

D. McKenna, 5 Tanager Road, said she was uncomfortable with the project for all the reasons previously stated. She said she was concerned about the noise from a 25 car parking lot as well as the safety of the neighborhood she has young children living in her house and was uncomfortable with the parking lot area.

Dave Charest, 200 Brown Ave., said he would suggest putting this project where the driving range area is now. He said that area would be big enough for what they wanted to do without affecting the area in front by Brown Ave.

L. Dunn said one of the Planning Board's mandates is storm water management and in her mind drinking water is part of that, especially in this case when the storm water swales are so close to town wells.

S. Foulkes asked how one would find out if water issues could evolve from here and could matriculate into the wells.

L. Dunn asked P. Carlson how many feet the pool was from the nearest well.

P. Carlson answered about 100 feet to the pool. He went on to say because of the town's regulations they must meet all ten storm water management standards. He further explained one standard is water quality and another water quantity, he said they exceed the minimum that DEP requires for all of those items. He said the site plan is for storm water regulations.

L. Dunn asked him if he would drink the water in your storm water.

P. Carlson said he did not understand the question.

E. Brainsky said the purpose of storm water management guidelines is to preserve water quality, which is the water going into the ground that is coming off whatever it is you are building. He said the water quantity aspect is you can't have any more water coming off the site than it did preconstruction. He further commented that one does not drink the water in the swale, the grass swale infiltrates thru layers and by the time it gets into the ground it is clean.

S. Foulkes asked how often it gets monitored.

P. Carlson answered that there is an operation maintenance schedule which is required as part of the construction of all the BMPs (best management practices) and they monitor them to make sure they are installed correctly. In addition there is a Post Operation Maintenance Plan which requires each of those BMPs to be maintained which includes, grass swales, forebays, infiltration ponds and storm sepiers. He went to say that they have to have a written record that will be part of what is submitted to the Conservation Commission and PB on a yearly basis.

M. Bourque asked P. Carlson about CEI's comment item #7 on page 3 of their review.

P. Carlson said that have a pump and a discharge line that will run all the way around the opposite side. He noted that is a recommendation by CEI not a requirement.

M. Bourque said but by doing that it will better protect the wells.

P. Carlson said yes the idea of it is to discharge it into the swale so it has a mechanism to permeate through the ground even before it gets to the infiltration pond and it is outside the 100 feet recommended by CEI.

Ryan Trahan said the discussion touched on the two main point of his letter, one, how infiltration is going through the tennis courts and the standards call for pretreatment which he said had not been provided and two, as far as pool discharged, they asked for sodium content which had not been provided.

E. Brainsky in response to Trahan said they had addressed everything and they meet the guidelines.

R. Trahan said according to him Standard 6 has not been met, no treatment of water (page 3 #1 Trahan's memo) coming off the tennis courts into infiltration had not been met.

M. Bourque said he was concerned about approving the Site Plan before endorsing the Form A.

J. Hansen asked what that had to do with a site plan review.

M. Bourque said he thought in order to make the plan work it had to be made into a larger lot.

Ch. Abelson remarked that is the zoning part of the project.

J. Hansen explained that they are doing the Form A so they can eliminate a lot line so they can incorporate it into the overall site. If they don't do the Form A that is something the ZBA will have to address.

E. Brainsky they were before the PB tonight with a site plan review and it is a smaller facet of the big picture for this project. The site plan deals with parking drainage and landscaping.

J. Hansen asked as a follow up to that if a Form A was even necessary under the section 81 X of Chapter 41 which allows any applicant who has common ownership of the lot lines to just eliminate a lot line with a simple plan submitted to the Registry of Deeds, thus not having to return to the Planning Board with a Form A, it is allowed under the law.

Atty. Brainsky said that was an interesting point and he would look into that.

R. Horsman looking at the bylaw this is a residential district how is it an allowable use for a golf course?

J. Hansen said it is an allowable use with a special permit in a residential zone for a golf course.

E. Brainsky said that is the issue before the ZBA, this is one lot and it is a grandfathered use however a special permit is required on this lot.

**A motion was made by M. Bourque and seconded by D. Viera**

**To approve the Site Plan Review for Ledgemont Country Club pending approval of the Zoning Board of Appeals and the Conservation Commission seeing that they have met all the standards set forth by the Site Plan Review according to the Planning Board.**

**An added Motion was made by M. Bourque and seconded by D. Viera**

**That any outstanding items in CEI's memo be addressed by the applicant.**

**Both Motions were VOTED:**

**Nay: S. Foulkes, L. Dunn**

**Aye: Ch. Abelson, D. Viera, Mike Bourque, R. Bennett**  
**Abstained: R. Horsman**

**Motion passes**

Zoning Bylaw Amendment: Medical Marijuana Overlay District – Continued  
from 2/11/14 – Planning Board

S. Foulkes had some corrections Page 3 #4 second line.

**A motion was made by D. Viera and seconded by R. Horsman and**

**VOTED: to approve with minor changes.**  
**Abstained: M. Bourque (did not attend 2/11 meeting).**

Discussion: Approval of Continued Use of SRPEDD Assistance – L.Dunn

L. Dunn summarized the importance of SRPEDD and all their help to Seekonk and the Planning Board.

**A motion was made by D. Viera seconded by L. Dunn and unanimously**

**VOTED: to approve continued use of SRPEDD**

Discussion: Subdivision Rules and Regulations Amendment – Surety  
Releases - Planning Board

J. Hansen summarized his recommendations and said he had sent a memo to Atty. Ilana Quirk and she had some suggestions and proposed language changes which she thought would be helpful in outlining the process to developers.

J. Hansen suggested that there be a public hearing to get this change done.

Planning Board unanimously agreed.

Discussion: L. Dunn to be a liaison to the Water District Commission

**A motion was made by D. Viera seconded by R. Horsman and it was unanimously**

**VOTED: to appoint L. Dunn the liaison to the Water District Commission.**

Approval of Minutes: 2/11/14

**A motion was made by R. Horsman and seconded by D. Viera and it was**

**VOTED: to approve the Planning Board Minutes of 2/11/14 with a minor type correction**

**Abstained: M. Bourque (did not attend 2/11 meeting)**

Adjournment

**A motion was made by R. Horsman and seconded by D. Viera and it was unanimously**

**VOTED: to adjourn at 10:05PM.**

Respectfully Submitted by,  
Florice Craig