

SEEKONK PLANNING BOARD
Public Hearing and Regular Meeting
July 12, 2016

Present: Ch. Abelson, M. Bourque, R. Bennett, S. Foulkes, L. Dunn, J. Roach, D. Sullivan
Absent: N/A

Ch. Abelson opened the meeting at 7:00 p.m. and introduced the Planning Board Members

Discussion: Inspection Fees and Surety for Curt Street Extension

(The purpose of the meeting was to discuss the estimates received from Woodard and Curran, GPI, and Tibbetts Engineering Corp.).

-John Aubin received an email today from Woodard and Curran advising him that they would not be in attendance this evening due to a conflict in their schedule.

-GPI was not present

-George Block, Vice President of Tibbetts Engineering Corp. provided a brief summary of their firm. They are a full civil engineering firm that has been in business for more than 60 years and have offices located in New Bedford and Taunton which employs 30-35 employees, 10-12 inspectors, and 2 principal owners.

L. Dunn asked if their firm was familiar with Seekonk's new stormwater rules and regulations.

G. Block said even though he has not reviewed the plans himself, there is not much they haven't seen and Mr. Mello is required to follow the regulations. (George Mello completed the estimate but was unable to attend the meeting).

J. Roach and M. Bourque both mentioned their concern with the engineer coming back with change orders or underestimating the time needed to complete a particular aspect of the project.

Mr. Block said based on his experience and looking at the size of the subdivision, he thinks the estimate is an adequate budget. The contract is not a lump sum agreement, therefore, if it takes longer or looks like it will go over budget, the contractor will be notified.

The PB members discussed the estimates from the three engineering firms.

R. Bennett said all the engineers must sign off on the project so they are held accountable.

D. Sullivan said the engineer will be working on behalf of the Town of Seekonk and not Mr. Vieira.

Joe Vieira said he is not looking for the cheapest price but is concerned with how high Woodard and Curran's estimate was compared to GPI and Tibbetts.

S. Foulkes asked if the PB will be kept apprised of the inspection process.

J. Aubin explained that once the engineering firm is selected, the PB will authorize finalization of the legal documents and prepare them for recordation. The construction cost estimate will be reviewed and finalized so the covenant documents can be prepared and signed. Once construction begins, the applicant notifies the inspection firm, the inspection gets done, and a report is sent to the Planning Department.

M. Bourque made a motion to have Tibbetts Engineering Corp. conduct the inspection services for the 4 lot subdivision Curt Street Extension, D. Sullivan seconded and it was unanimously approved.

VOTE: Approved 7-0

Discussion: Drainage/Public Improvements for Caleb Estates/Logan Court

J. Aubin advised a letter was received from the residents of Caleb Estates. The subdivision is approximately $\frac{1}{2}$ to $\frac{3}{4}$ completed. There is a covenant being held on the one lot that is not complete. The primary issues consist of ponding in first 2 lots of the subdivision. There is also ponding in the 3rd lot (which is undeveloped). Since the 3rd lot is undeveloped, the swale is incomplete. Another concern is the subsurface infiltration structures and roof drains

Martin and Phyllis O'Loughlin reside at 1 Logan Court (not to be confused with Lot 1). They have been residents of Seekonk since 1974 and moved to Logan Court in October 2015. They summarized their 4 major concerns: 1) front ditch; 2) rear swale; 3) roof infiltration system; and 4) lot grading. Mr. O'Loughlin said in regard to the ditch in the front (he will not call it a swale), the stormwater flows down Olney Street in both directions (North and South), then goes down Logan Court, and then crosses his driveway. He placed sandbags at the end of his driveway to divert the water when it started eroding the end of his driveway and now the water is going further down the road and beginning to erode the street. He also thinks the developer did not flare their driveway entrance to cut costs. By not flaring the driveway, his 5 year old granddaughter fell into the ditch while getting out of the car. There is 24" drop off at the edge of the driveway. Mr. O'Loughlin has left numerous messages for the developer but has yet to hear a response. On May 16th he also called InSite but has not heard a response. According to the approved plan, it is the developer's responsibility to monitor the swale function two years after the completion of the development. However, the residents of Caleb Estates are concerned that this may not be done since they were also assured by the developer that there would be no ponding in their backyards, yet they experienced flooding in their backyards for the good part of last winter. Even with average rain fall, their yards become very soggy.

In regard to ponding, Mr. O'Loughlin questions the soil testing that was done by Michael Ferreira of InSite Engineering. The plan indicates different grades of sand from 0-120." The only type of soil that was found in his backyard was clay and stone. The landscaper that was hired to plant shrubs in their yard informed them the shrubs would not require much water since it is wet. Also according to the approved plan, the grading of the lot is not correct. He is not convinced that a swale alone will help the flooding problems. Mr. O'Loughlin is also concerned with the cost of removing and reinstalling irrigation systems, shrubbery, and landscaping.

His concerns in regard to the grading to his property are as follows:

- The east side is not consistent with the approved plan;
- The slope makes it difficult and dangerous to cut grass.
- The air conditioning unit was installed on a slope on the east side of the house and is sliding down an embankment.
- The approved plan shows roof drainage, but only one system was installed and the grading will not allow water from the back downspout to flow into a system that was suppose...(inaudible).

He respectfully asked the town address these problems and to agree to have the homeowners obtain quotes for the work that needs to be completed by contractors (of their choosing), and hold the developer liable. Otherwise, they request the town to either request surety or hold a covenant on lot 2 to cover the costs, to grade the lots, and install the roof drainage systems...

Ch. Abelson asked for clarification regarding the downspouts.

Mr. O'Loughlin stated they have 4 downspouts (2 in the front and 2 in the rear) and the original plan shows 2 roof infiltration systems (which he believes are cement blocks) in the rear of the house so the 2 west drains would go into one and the 2 east drains would go into the other one. The final plans only show 1 of these systems in the front of the house and because of the contour of the property, there is no way the water will flow uphill.

L. Dunn asked if the Building Inspector informs us when the subdivision is inspected and if it passes.

J. Aubin said when public improvements are made, the Planning Board's engineer inspects it. However, what is being discussed is the building permitting process and a request was made by John Hansen in August 2013 to the Commissioner at the time, however, that Commissioner is longer with the Town and in 2015 we did not receive notice of the CO.

D. Sullivan asked if any course of action can be taken since the Town still holds a covenant on the lot.

J. Aubin said, as written, a covenant implies the roadway is built first and then the lots get released for sale. The intent is to have a covenant over the entire development, then as the development is built, the lots get released along the way.

The board discusses covenant and surety procedures.

Ch. Abelson said even if it is a temporary fix, something needs to be done now.

Mary & Roy Medeiros live at 3 Logan Court which is lot 1 on the plan. They were the first owners on the street 3 years ago and are still waiting for it to be fixed. According to the plan there is an infiltration system, however, they do not think it is there. A drywell may exist since the downspout goes into ground, but there is nothing to aid in the drainage. They moved in April of 2013 and in March of 2014 the soiled caved in at the front of their garage. They said they relied on the builders and the inspectors to help them with the process and would like to know how something can be signed off on and not be done. They were told there would be a ledge where the edge of the road is and filled in with pea stone so when someone opened their car door they would have something to step on. There is no mention of this in the builder's "letter" so they are requesting that to be put in writing. They are unsure if the rear swale was part of their definitive plan, but they do have a small rear swale and said it could be functional if it had some place to go. They said they did not have a problem with ponding unless there was torrential rain but since 1 Logan Court was graded, they have ponding even with a slight rain. During this process Mrs. Medeiros came across past PB minutes and it stated the HOA would be responsible for taking care of the swale. They were not advised of an HOA and they are not sure if any of the other neighbors are aware of it either.

J. Aubin said it is on the deed and it should have been mentioned to them at their closing.

D. Sullivan said the builder should have disclosed it to them as well.

Mr. Medeiros asked if there is a time frame to have developments completed.

J. Aubin said under the Subdivision Rules and Regulations there is a certain amount of time to complete public improvements. However, the time frame can be extended by the Planning Board.

M. Bourque said the town can decide not to accept the subdivision until the public improvements are correct and hold the developer responsible. If a developer walks away from the project, the town does hold a covenant on the lot so the town can do the public improvements.

Mrs. Medeiros requests they be made aware if any changes being made since they planted trees and had irrigation installed.

Laurie and David Roderick reside at 11 Logan Court which is lot 3. Mr. Roderick feels the development fell through cracks considering their backyard is ponding and after 2 years the swale is still unfinished. The swale in the front of the 3 homes and driveways are dangerous and they should not have to wait much longer for repairs to be made.

Paul Carlson from InSite Engineering was present representing the builder, Steven DeCastro. He said to have this subdivision completed, lot 2 needs to be released. In summary, he said in order to finish the road the gas line needs to be put in, but the gas line can't be put in until the foundation is put in. The plan is to have Mr. DeCastro come before the board to have the covenant released in order to put up a cash bond for the remaining amount. This allows lot 3 (which should be lot 2) to be released and built on. It is understood that there is pea stone that still needs to be installed and that will provide that 12" shelf, as was stated, and a final coat of top soil will be added throughout the entire swale. Again, with lot 3 (lot 2) being developed and finished, it will ultimately remove the obstruction that is holding back some of the water. As far as the extension of the piping, the design calls for a 12 ft. driveway with a flared end. Most of the driveways are 24 ft. wide so the extensions of the piping that is underneath exceeds the piping that was part of the approval. We are willing to work with the homeowners regarding the grade from the driveway out to the pipe and ultimately flare out. In regard to the swale in the back, that was not part of the approved definitive plan. His intent is to work with the homeowners but there are some obstructions such as, swing sets, trees, fence, irrigation, and sheds to contend with. Mr. Carlson said that it is understood the infiltration system is still needed for lot 1 (the ANR plan). In regard to the soil test that was mentioned, that was only the septic systems. The HOA was a recorded document for every parcel in the development and every homeowner should have record of this in their closing documents. To finalize Mr. DeCastro's intent;

- Release lot 3 (which should be lot 2)
- Provide a cash bond for the remaining part of the road
- complete the swale, top coat, add the berm on Olney Street to alleviate some of the stormwater off Olney Street into the subdivision
- trees
- work with the homeowners to try to alleviate the back ponding issues and have it pushed out towards the infiltration system.

M. Bourque asked what the intent was for the initial grading and how was it going to push the water away from the houses towards the backyards without a rear swale.

P. Carlson said according to the original topography of the land, there was a slight slope from Olney Street to the rear of the property and as long as it was maintained and there were no obstructions, it should have continued to flow that way.

M. Bourque said since the developer was also the builder of all the lots, he should have been aware of how the water drained. He also asked if the builder raised up any of the lots.

P. Carlson said there is a pool, landscaping, different things that got installed, and other people have done some work out there. He does not get involved in those things. Those are things that homeowner and builders discuss. As far as the ANR lot, they understand water does come through the abutting property through the driveway and into the back. It is his understanding there is 12" of loam and loam holds water. The entire subdivision at 3' was all sand.

S. Foulkes said she is concerned with the piping design at the edge of the residents' driveways because there could be a potential liability issue.

P. Carlson said there is adequate piping for the water flow but it is not finished. There will be at least a 6" grass level swale off the side of the driveways.

S. Foulkes said a rear swale should have been considered during the definitive stage due to the existing water issues.

P. Carlson said the rear swale was never part of the definitive subdivision.

R. Bennett asked if by completing lot 3 (lot 2) will solve the current issues.

P. Carlson said once the covenant is released on lot 3 (lot 2), the cash bond will cover the remaining cost of pavement, swale, trees, etc. It will be reviewed by the town's engineer and approved by the board.

M. Bourque asked what can be done for the current residents now to alleviate the issues until the lot sells.

Ch. Abelson reiterated the front swale needs to work correctly even if lot 3 (lot 2) does not sell.

P. Carlson said Mr. DeCastro's letter outlines the issues and intends to have it completed by November.

Louis Cordeiro has lived at 180 Olney Street for about 8 yrs. He said the water concerns were brought to different boards' attention but was it not taken into account. He does not think the rear swale will solve the problem since water has always been an issue since it has nowhere to go.

M. Bourque asked Mr. Cordeiro if the water issue was made worse with this subdivision.

Mr. Cordeiro replied yes and provided a brief summary of the area since he is familiar with the land. The winter months tend to be more problematic due to the snow.

Mr. O'Loughlin said his biggest concern is for safety since his granddaughter fell.

P. Carlson spoke with Mr. DeCastro and he will extend those sections out 2-4 ft. in order to level off the driveway a little more and add a little piping to each side.

Mrs. O'Loughlin requested Mr. Carlson to visit their property to show them where their roof infiltration system is. She also wanted to point out that the empty lot is actually lot 2 and not lot 3 but it is the 3rd lot in.

M. Bourque asked Mr. Carlson if the developer can either confirm or deny if the infiltration systems were installed on all of the lots.

P. Carlson said Mr. DeCastro purchased the equipment at Seekonk Supply. The plastic chambers were installed and there is stone underneath all the pipes.

M. Bourque suggested the builder flag their location so the owners know where they are.

Mr. O'Loughlin asked if the roof infiltration and swales will be completed by November.

P. Carlson said the intended timeline is as follows:

- Submit the construction cost estimate to the PB in August.
- The paperwork will be ready for the bond, and once approved, to release the covenant on lot 3 (lot 2).
- Move forward with working through the schedule.
- In the meantime, Mr. Carlson will do a survey of the back property, submit the preliminary information and discuss it at the next PB meeting.

The residents were advised that this matter will be continued at the August 9, 2016 meeting.

Discussion: Request for Final Release/Surety for Girard Estates/Betty's Way

J. Aubin said the subdivision was voted at the May 16, 2016 spring town meeting. The deed has been recorded and we are waiting for the original deed to be returned to us.

D. Sullivan made a motion to return the \$4,000 surety to either Mr. Conrad Girard or Attorney David Marcelino when the original deed is received from the Registry of Deeds.

M. Bourque seconded and it was unanimously approved.

VOTE: Approved 7-0

Discussion: Public Hearing for Seekonk Subdivision Rules & Regulations

The Planning Board members were introduced and the reading of the legal notice was voted to be waived.

J. Aubin explained the 18 proposed Subdivision Rules and Regulations amendments were advertised as required for a public hearing. Mr. Aubin provided a summary of the recommended changes.

Ch. Abelson asked for opponents and/or proponents to speak to these changes.

The PB discussed subsection 4.6.

D. Sullivan made motion to add a stipulation to subsection 4.6. The applicant shall submit to the planning board an affidavit of notice indicating the date that the required notice was mailed. M. Bourque seconded and it was unanimously approved.

D. Sullivan made motion to close public hearing, M. Bourque seconded and it was unanimously approved.

D. Sullivan made a motion to accept the amendments as presented and amended to the Seekonk Subdivision Rules and Regulations, M. Bourque seconded and it was unanimously approved.

VOTE: Approved 7-0

Discussion: Enforcement Procedures & Coordination between Town Bodies

J. Aubin discussed the communication between town bodies and will draft a memo to the Department Heads, the Town Administrator and the BOS to solicit comments.

Discussion and suggestions include;
-interoffice memorandums, correspondence, feedback, etc.

Discussion: SRPEDD Update

Jamie Roach advised the board that SRPEDD orientation was last month and the South Coast Rail project was discussed.

Monthly Department Update

-The FedEx project went before the Economic Assistance Coordinating Counsel on June 22, 2016 and did receive final authorization for the TIF. It is under review for building permits

-Zoning certificates received;

- 1) 600 Taunton Avenue, The Gilded Tomato - catering and special event venue;
- 2) 176 Fall River Avenue, Tasca Automotive – signage; and
- 3) 945 Taunton Avenue Seekonk Dance Center – private school.

- Correspondence from the Office of the Attorney General advised the spring 2016 Zoning By-law amendments were approved without change.

- Enterprise Rent-A-Car, 62 Taunton Avenue (site plan not filed on change of use) - Letter sent September 3, 2015. The PB approved for John Aubin to send a follow-up letter.

-J. Aubin completed a site visit to Auto Sales at 550 Central Avenue in response to a complaint. He noted 2 additional cars were parked on location as well as encroaching the right of way for Border Street. The PB approved John to request a letter be forwarded to the business from the BOS since there is no Enforcement Officer at this time.

Approval of Minutes: June 14, 2016 and June 29, 2016

D. Sullivan made a motion to approve the 6/14/16 minutes, R. Bennett seconded and it was unanimously approved.

M. Bourque made a motion to approve the 6/29/16 minutes with corrections, D. Sullivan seconded and it was unanimously approved.

Adjournment

A motion was made by R. Bennett to adjourn the meeting, D. Sullivan seconded and it was unanimously approved.

The meeting was adjourned at 9.45 p.m.

Respectfully Submitted by,

Kristen L'Heureux