Agenda

Town of Seekonk, MA
Planning Board

2/12/13
6:30 PM
Seekonk Town Hall
Planning Board Meeting Room

Type of meeting: Planning Board Regular Meeting, Executive Session

Agenda topics – More information on each item can be found on our website – www.seekonk-ma.gov under Departments>Planning>Agenda Items

6:30 PM

Executive Session

Executive Session to discuss strategy relating to pending litigation, known as Najas Realty, LLC v. Abelson, et al., Land Court 2013 MISC 47603-KFS, which concerns the Pine Hill Estates Subdivision and 10 acres of land located at 524 Newman Avenue	Planning Board
Revised Preliminary Plan: Country Brook Estates – 882 Arcade Avenue	Watermellen, LLC
Discussion: Subdivision Rules and Regulations Amendments	Planning Board

Correspondence:

Approval of Minutes: 1/22/13

Adjournment

Planning Board

100 PECK STREET
SEEKONK, MASSACHUSETTS 02771
1-508-336-2960

To: The Planning Board
From: John P. Hansen Jr., AICP, Town Planner
Date: January 30, 2013

REVISED PRELIMINARY PLAN REVIEW
Country Brook Estates – Plat 10, Lots (s) 20, Plat 13, Lot(s) 42, & Plat 15, Lot(s) 13, 19, 20, & 23 (882 Arcade Ave.)

Summary: The applicant has submitted an Application for Approval of Preliminary Plan for a Conservation Subdivision.

Findings of Fact:

Existing Conditions

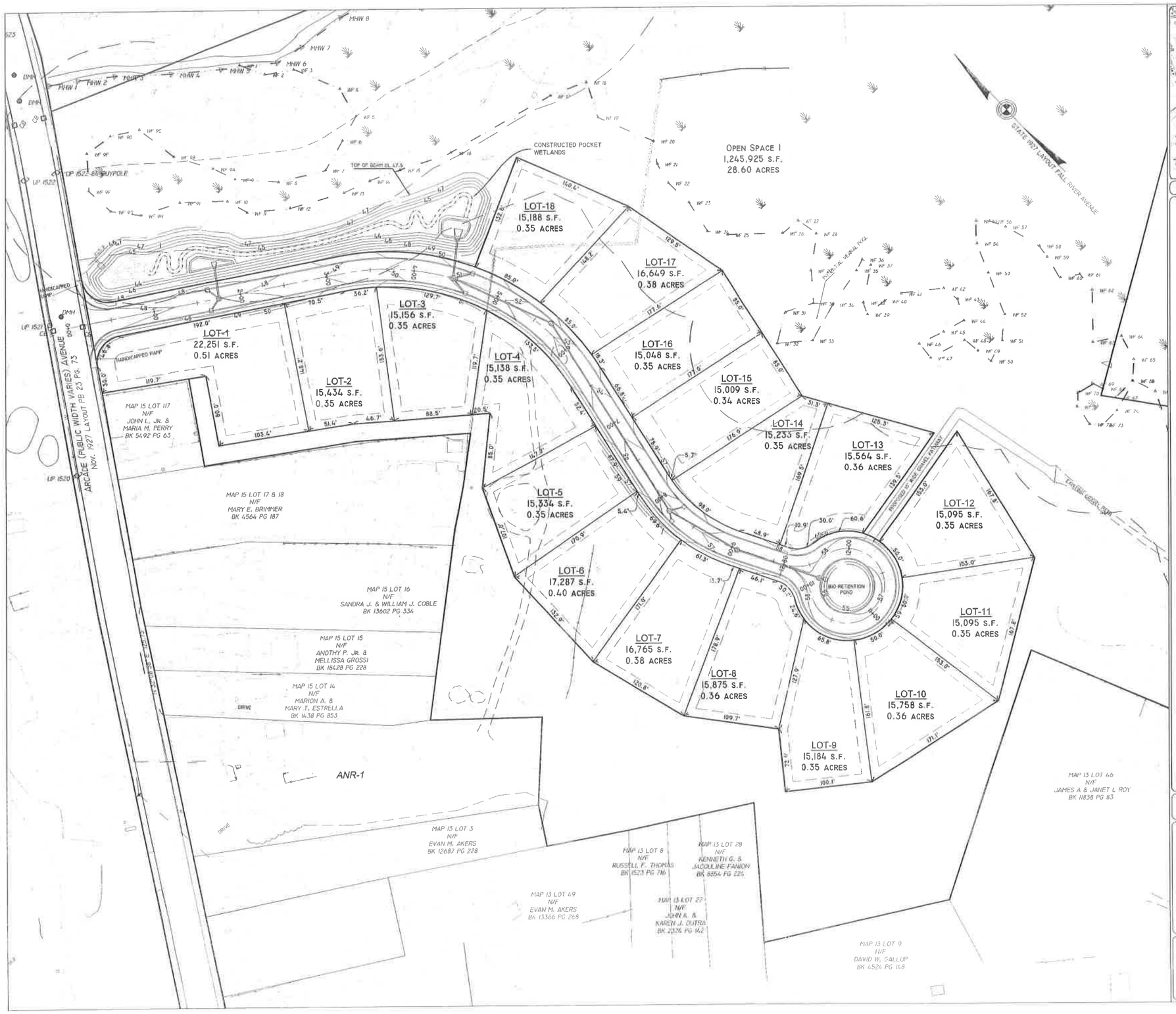
- Property contains 47 acres of land with an existing dwelling and a wooded area and wetlands to the rear. The property is in an R-2 Zoning District.

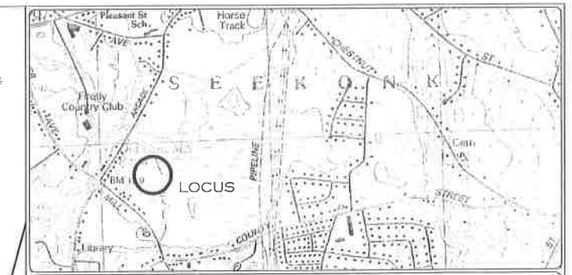
Proposal:

- Create 18 new house lots, all >15K sq. ft., on an ±900' public road ending in a cul-de-sac utilizing affordable housing incentive provision within the Conservation Subdivision Design Bylaw
- 14 lots allowed as-of-right and previously approved on a Preliminary Plan on 9/11/12; 2 additional lots would be deed-restricted as affordable and 2 more market rate lots would then be added via a density bonus.
- Individual septic systems and public water will service the lots.
- Constructed wetlands proposed for the drainage system.
- Open space areas will equal approximately 28 acres.

Recommendations:

This plan appears to meet the standards of the Subdivision Regulations for a Preliminary Plan and those of the Conservation Subdivision Bylaw for providing affordable lots with a density bonus. Therefore, an approval of this Preliminary Plan should be granted.





LOCATION (NOT TO SCALE) MAP

NOTES:

1. OWNERS: WATERMELLEN LLC
   25 NELSON AVENUE FAIRHAVEN MA.
2. ASSESSORS DESIGNATION - MAP 10 LOT 20, MAP 13 LOT 42 AND MAP 15 LOTS 13, 19, 20 & 23
3. TITLE REFERENCES: DEED BOOK 14440 PAGE 105 AND DEED BOOK 19702 PAGE 248
4. SITE SHOWN IS LOCATED IN ZONING DISTRICT "R-3"
   MIN. AREA= 40,000 S.F.
   FRONTAGE = 200' MIN AT SETBACK
   FRONTAGE = 150' MIN AT STREET LINE
   FRONT YARD = 30'
   REAR YARD = 70'
   SIDE YARD = 35' + 5' FOR EVERY ADDITIONAL STORY
5. WETLANDS DELINEATION BY ECOSYSTEM SOLUTIONS INC. JANUARY 2012.
6. SITE SHOWN IS NOT LOCATED IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 25005C0204F DATED JULY 7, 2009.
7. PLAN REFERENCES BRISTOL COUNTY REGISTRY OF DEEDS NORTHERN DISTRICT:
   BOOK 24 PAGE 13
   BOOK 24 PAGE 32
   BOOK 25 PAGE 56
   BOOK 65 PAGE 49,
8. PLAN REFERENCES TOWN RECORDS:
   1927 LAYOUT OF ARCADE AVENUE
   1931 LAYOUT OF MILL ROAD
9. DENSITY BONUS CALCULATIONS SECTION 25.10 OF THE SEEKONK ZONING BYLAWS:
   TOTAL NUMBER OF YIELD LOTS = 14 LOTS

   AFFORDABLE HOUSING UNIT CALCULATION 14 x 10% = 1.4 LOTS ROUND UP TO 2 LOTS
   DENSITY BONUS EQUAL TO AFFORDABLE HOUSING UNITS = 1.4 LOTS ROUND UP UP 2 LOTS

   TOTAL LOTS 14 + 2 AFFORDABLE + 2 BONUS = 18 LOTS

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

SEEKONK PLANNING BOARD
APPROVAL UNDER SUBDIVISION CONTROL LAW "PRELIMINARY SUBDIVISION"

CLERK_____ DATE_____

MODIFIED PRELIMINARY PLAN

"COUNTRY BROOK ESTATES"

882 ARCADE AVENUE SEEKONK, MASSACHUSETTS 02771
ASSESSORS MAP 10 LOT 20 & MAP 15 LOTS 13, 19, 20 & 23
ASSESSORS MAP 13 LOT 42

PREPARED FOR: WATERMELLEN LLC
25 NELSON AVENUE FAIRHAVEN MA.

JOB #	SCALE:	DRAWN BY:	DATE:
05-103	1"= 50'	SCA	JAN. 21, 2013

REVISED:

PROFESSIONAL SEAL

INSITE Engineering Services, LLC

PROFESSIONAL ENGINEERS AND LAND SURVEYORS
INSITE PROFESSIONAL COMPLEX: SUITE 1
1539 FALL RIVER AVENUE
SEEKONK, MA 02771
PHONE: (508) 336-4500
FAX: (508) 336-4559

SHEET 1 OF 1

I:\05-103 ARCADE AVENUE - SEEKONK - SHIFT\CADD\CADD V-2010\PRELIMINARY\05-103-PRELIMINARY-B.DWG, REV-PRELIM, 1/28/2013 10:09:58 AM, 1:1

feet, or in non-residential subdivisions, the Board may require a special double roadway or parkway street.

7.4 Easements

7.4.1 Easements for utilities and drainage facilities across lots, centered on rear or side lot lines, shall be provided where necessary, at least thirty (30) feet wide in all non-Conservation Subdivisions and at least twenty (20) feet wide in all Conservation Subdivisions, and located on land owned by the homeowner's association established for the proposed subdivision. Such easements will be submitted with and be part of the Definitive Plan and recorded as a separate document with the Registry of Deeds.

7.4.2 Access easements to park and conservation land shall be secured for the benefit of the Town and shall be at least twenty (20) feet wide. Signage shall be erected by the applicant indicating such easements at appropriate locations, as determined by the Planning Board, prior to building permits being issued within the proposed subdivision.

7.4.4 An easement of at least twenty (20) feet wide shall be provided at the end of all dead end streets to the depth of the lots for future main tie-ins, except if no developable land exists on the adjacent property, as determined by the Planning Board.

8.2 Fire Protection

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Adequate fire protection shall be provided for in accordance with the following requirements:

8.3.1 Fire Alarm Box

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At least one (1) fire alarm box shall be required in a subdivision of 4 lots or more. The location of the fire box(es) shall be specified by the Fire Department. The fire alarm system shall be installed in accordance with the specification of the Fire Department and prior to the first residence within the subdivision receiving a certificate of occupancy from the Building Department.

Deleted: the binder course application

8.5 Street and Roadway

8.5.3 All roadways shall be brought to a grade of fifteen and a half (15.5) inches below finished roadway and inspected before road construction continues. The foundation shall consist of ten (10) inches of gravel, free from foreign materials, well compacted and approved before paving. This gravel should not have any stones greater than six (6) inches in size. The finished fine grade course will consist of a two (2) inch gravel layer and this gravel shall not have any stones greater than two (2) inches in size. Completion of this work

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TOWN OF SEEKONK
Planning Board

MEMORANDUM

To: The Planning Board

From: John P. Hansen Jr., AICP, Town Planner

Date: February 5, 2013

Re: January monthly report

BYLAWS

Zoning Bylaw rewrite

- First draft of zoning framework being completed.

PLANS

Master Plan

- Implementation on-going; Sustainable Energy section being examined.

MISC

Luther's Corners Safety Improvements

- Project Initiation Form submitted to the State.

GIS

- Completing town-wide wetlands GIS file based ConCom approved plans.

Stormwater Systems Maintenance

- Identifying existing stormwater systems that require Town maintenance due to EPA's Phase II NPDES Permit.

SUBDIVISIONS

Orchard Estates

- Construction has begun; Drainage installed.

Tall Pines

- Construction on-going; Drainage, bridge, and binder installed

Madison Estates

- Construction to commence.

Caleb Estates

- Construction ongoing; Binder installed.

Ricard St. Extension

- Sub-base installed.

Pine Hill Estates

- Denied; Appeal filed.

Jacob Hill Estates

- Preliminary Plan approved.

SITE PLANS

CVS-North End

- Construction and site plan compliance check completed.

SEEKONK PLANNING BOARD
Regular Meeting MINUTES
January 22, 2013

Present: Ch. Abelson, R. Bennett, S. Foulkes, M. Bourque, L. Dunn, J. Ostendorf, R. Horsman (arrived 7:10)
J. Hansen, Town Planner

Absent:

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

Form A: 192 Prospect St.

J. Hansen summarized the applicant was dividing off 29 acres, which would be subject to a conservation restriction, leaving the single-family dwelling on a lot with adequate frontage and access to the property on an accepted way.

James Ostendorf made a motion seconded by R. Bennett and unanimously

VOTED: to endorse Form A- Helen Brackett - Platt 22, Lot 13 – Prospect St.
By: Ch. Abelson, R. Bennett, L. Dunn, M. Bourque, S. Foulkes, J. Ostendorf

AYE: R. Bennett, M. Bourque, L. Dunn, S. Foulkes, J. Ostendorf, and Ch. Abelson

Motion Passes: 6-Aye, 0-Nay

Definitive Subdivision: Pine Hill Estates – Continued from 12/11/12

Ch. Abelson noted that J. Ostendorf and R. Horsman watched the CD of the Public Hearing for the definitive subdivision Pine Hill Estates held on 12/11/12. He went on to say he had some issues with the applicant asking for a variance for the amount of disturbed area to increase from 25% to 31.5% because it did not meet the bylaw. He also said that after reading the draft minutes and the testimony from R. Bernardo referring to the ground water flow and how it goes 2,000 gallons per minute he said that the water could be drawn in a direction which could possibly have an adverse affect. He also went onto say that the applicant's engineer talked about the 440 rule which is a four bedroom home is allowed 440 gallons per day, per one acre lot. He said within a four bedroom house he did not know what the population was based on. Meaning in a four bedroom house you could have 10 people living in the house and would10 people use 440 gallons or more, that was a gray area for him. Lastly he noted that at the beginning of the Zoning Bylaws *Section 1. Purpose* states "*The zoning districts and regulations pertaining hereto as*

herein set forth are made in accordance with a comprehensive plan to regulate the use of land, buildings, and structures for the purpose of promoting and protecting the health, safety and general welfare of the community and the present and future inhabitants of the Town of Seekonk".

J. Ostendorf said he seconded Ch. Abelson's sentiment.

L. Dunn said that she had looked at the Zoning Bylaws and quoted out of *Section 9.4.3 Definition of the Groundwater/Aquifer Protection District "shall be considered as overlaying other zoning districts*" which in her opinion it pointed the Planning Board in the direction of denying the subdivision. She went on to quote out of *Section 25 Conservation Subdivision Design "is to protect the natural environment"* and in *Section 25.6 Lot Dimensions* she quoted it saying *"each lot shall contain not less than 15,000 square feet of area if serviced by town water and not less than 20,0000 square feet if not serviced by town water".* She said the average lots fell within these parameters. L. Dunn went on quoting section 25.6 "*Said lots shall have frontage of not less than 50 feet, front yards of at least 20 feet and rear and side yards of at least 10 feet".* L. Dunn then referred to her notes from last meeting saying the waiver sought involved the rear yard. She then continued quoting *Section 25.9 Open Space Requirements "A minimum of 40% of the parcel shown on the Development Plan shall be contiguous open space."*

R. Horsman commented that after listening to everything he thought the applicant was following the bylaws, he noted that it had been passed by the Board of Health. He said when listening to the testimony from the public hearing the major concern was the Middle School's septic system not functioning as it should and could be contributing to the water issue. He also questioned how ten residential houses could have such a serious impact on the water supply compared with a school full of students, teachers, a big kitchen and a maintenance crew. He went on to say that the subdivision's septic would be state of the art and checked by the BOH to operate the way it should, not the way that the Middle School is allegedly operating. The point that bothered him was how one person who has the right to make a development was being punished because the septic system at the Middle School was not working properly.

N. Abelson argued to that point saying that was not the issue, the point was that the development had the potential to contaminate the drinking water.

R. Horsman said in the testimony he heard in the public hearing the Middle School system is closer to the town water supply than the applicant's systems would be.

J. Ostendorf commented that he did not know if the Board should ignore the Water District's Supervisor. He said the Board had a duty to allow smart development in town based on what they believed to be and what town meeting says. He said he thought the board could vote no if the board decided that these concerns over-ride the benefits of the project.

S. Foulkes said she would second that and said it was not in the best interest of the town to have this potential issue so close to the aquifer district.

J. Ostendorf commented that perhaps some development could be approved if the board agreed that it was going in the right direction. He went on to say in his opinion the Planning Board should be guiding development in town to be what the board thinks it should be and if people disagree with us they could vote us out of office. He said the Board had a certain amount of freedom to do that if they believed it represented a threat as it is being put forth right now. But we cannot dismiss the concerns of the potential damage to the water in town.

M. Bourque said he had nothing to add.

Findings of Fact:

- Create 10 new house lots, all >15K sq. ft., on a ±500' public road ending in a cul-de-sac (Jacoby Way).
- Individual septic systems and public water will service the lots.
- Infiltration pond proposed for the drainage system.
- Percentage of disturbed areas (areas not left in natural state) is 31.5% (25% max); Open space areas will equal 57.81%, which is greater than the 40% minimum required. Wetland percentage of open space does not exceed wetland percentage of site.
- Completed Application for Approval of Definitive Subdivision received 9/17/12.
- Public hearing opened & closed on 12/11/12.
- Rob Bernardo, Superintendent of the Seekonk Water District, testified at the public hearing that there were three major areas of concern the Water District has with the project: public health, public safety and financial.
- He first commented on the public health concerns of nitrates. He said that the ingestion of water with elevated levels of nitrates have shown to cause various levels of methemoglobinemia or blue baby syndrome and sometimes death in infants less than 6 mos. He read a letter from consultant Ryan Trahan of Professional Engineers/Environmental Partners Group concerning a water study focusing on the impact septic systems have on ground water quality. He said right now well GP4 is at level 3.5 which makes him uncomfortable.
- He went on to say that the graphs he handed out showed the relationship on how effective or not the middle school fast

system is on removing nitrates from the waste water from the middle school. He went on to comment about public safety and said if we lose a single well we would be dependent on purchasing water to meet daily demands and fire protection, if we lose two wells we would be dependent on purchasing water from Pawtucket.

- R. Bernardo went on to discuss the financial concerns in which he said nitrates are one of the most expensive to remove from groundwater. He noted that the applicant has not provided any empirical data showing which direction the ground water will flow from the site. He said with the Newman well fields pumping all four wells at approximately 2000 gallons per minutes you have an idea where and what direction the septic leaching will flow from this site.

- He also said that nitrates are one of the most expensive to remediate and Seekonk does not have a process to remove nitrates and you can't boil nitrates out. He said that reverse osmosis and ionic exchange is the only process that removes nitrates from drinking water and the cost estimates to do that would be $650,000.00 to a million dollars so he urged the board to take great caution when approving the project.

- The matter was continued until 1/22/13, with the consent of the applicant, for deliberations.

Waivers:

- Section 8.7-Sidewalks on one side (both sides required) – Creates less impervious surface

- Section 7.4.1 – 20' drainage easement (30' required) – Due to smaller lot size/dimensional requirements within Conservation Subdivision, 30' not attainable

- Section 7.4.4 – Easement of 20' in width at dead end streets – No developable land behind subject property

- Section 7.2.1.5 – Minimum center line radius of 240' (250' required) - Cul-de-sac servicing 10 lots would have limited traffic amounts/speed

A motion was made by S. Foulkes and seconded by L. Dunn to deny, based on the above findings of fact and determinations of the Board, the Definitive Subdivision Plan – Pine Hill Estates, latest revision date 11-20-2012

VOTED:

AYE: S. Foulkes, L. Dunn, J. Ostendorf, Ch. Abelson
NAY: R. Horsman, R. Bennett, M. Bourque

Motion Passes: 4-3

Site Plan: 544 Central Avenue

J. Hansen summarized the applicant Bristol County Auto Sales went before the Board of Selectman to get a license to sell used cars, during the meeting the BOS requested the applicant to come before the Planning Board to have their site plan reviewed.

Existing Conditions

- Auto repair business

Proposal:

- Introduce auto sales business with 14 display vehicles.
- **Section 10.6.1 - Parking**-2-3 parking spaces required for automotive sales/repair (5 proposed).

Waivers Required:

- None

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

VOTED: to approve the Site Plan, dated 12/14/12.

AYE: R. Bennett, R. Horsman, M. Bourque, L. Dunn, S. Foulkes, J. Ostendorf, and Ch. Abelson

Motion Passes: 7-Aye, 0-Nay

Discussion: Subdivision Rules and Regulations Amendments

J. Hansen summarized that he has been keeping a list of waivers that have been granted as well as other items that have come up with the consultants. He then went over the proposed amendments. He noted if the Board was in agreement with the changes then a public hearing would be scheduled at a later date to approve.

J. Hansen went over the changes to the various sections. It was agreed that Section 7. 4 concerning easements language would be changed and presented at the next Planning Board

Discussion: Master Plan Implementation - Audit

J. Hansen summarized that he added a status section to the Master Plan. There was further review and discussion on the Seekonk Master Plan Audit.

Correspondence

S. Foulkes noted the information on medical marijuana she handed out to the board explained how medical marijuana has had negative effect on the environment in California.

There was further discussion on the information given to the Planning Board from Kopelman and Paige concerning medical marijuana and a temporary zoning moratorium.

Approval of Minutes: 12/11/12

A motion was made by R. Bennett and seconded by L. Dunn and

VOTED: to approve the 12/11/12 Planning Board minutes with minor typos to be corrected.
By: Ch. Abelson, R. Bennett, L. Dunn, M. Bourque, S. Foulkes
Abstain J. Ostendorf, R. Horsman

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

VOTED: to adjourn at 8:20PM
By: Ch. Abelson, R. Bennett, L. Dunn, M. Bourque, S. Foulkes, R. Horsman, J. Ostendorf

Respectfully Submitted by,

Florice Craig

DRAFT