Applicants proposing to develop large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the facility and restore the landscape, in an amount and form determined to be reasonable by the Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. As a condition of approval, an applicant shall bind itself to grant the necessary license or easement to the Town to allow entry to remove the structure. The Town shall have the right but not the obligation to remove the facility. Such surety will not be required for municipally- or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

6.9 Economic Development Area Overlay District

6.9.1 Purpose

It is the purpose of this Section to encourage economic development within the EDAOD, specifically for the establishment of restaurants with liquor licenses.

6.9.2 Overlay District

The EDAOD is established as an overlay district and includes that area designated on a map entitled "Economic Development Area Overlay District, Seekonk, MA" that is on file with the Town Clerk and the Building Commissioner and which, together with any explanatory material thereon, is hereby incorporated in and made a part of these By-Laws. This map shall be considered as superimposed over other districts established by these By-Laws.

6.9.3 Applicability

Buildings and land uses within the EDAOD shall be governed by the pertinent regulations within the underlying districts and any other applicable regulations of these By-Laws.

SECTION 7. GENERAL PROVISIONS

7.1 Zoning Affects Every Structure and Use

No structure or land shall be hereafter used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located, except as otherwise provided.

7.2 Certified Plot Plan

7.2.1 Contents of Certified Plot Plan

7.2.1.1 The certified plot plan shall indicate the location of the existing foundation, and/or accessory buildings such as porch, garage, etc. The location shall be fixed by perpendicular distances from existing street lines and property lines. It shall also indicate zoning designation, top of foundation elevation, cellar floor elevation, highest groundwater elevation encountered at the foundation area, relating bench mark, assessors plat and lot numbers, street designation (public, private, accepted, non-accepted), abutters, easements, north arrow, and appropriate scale.

7.2.1.2 A statement by a Massachusetts Professional Land Surveyor shall appear: "I certify that the location of the foundation is as shown on this plan and the lot does (or does not) lie within a flood hazard zone based on the flood insurance rate map (FIRM) of the Town of Seekonk, Community Panel No. 250063 0005 A or 250063 0010 A."

7.2.1.3 A certified plat plan for all new dwellings and commercial construction must be submitted to and approved by the Building Official and Health Agent before a building permit is issued. A certified plot plan will be required for additions and alterations if deemed necessary by the Building Official.

7.3 Lot Design/Layout

Porkchop, rat-tail, or excessively distorted lots shall not be allowed if in the opinion of the Planning Board their shape is caused by the attempt to meet the lot size requirements of these By-Laws while evading the By-Laws' intent.

SECTION 8. DEVELOPMENT AND DESIGN STANDARDS

8.1 Parking

8.1.1 Number of Spaces

Off-street parking shall be provided in all districts for uses where off-street parking is required, according to the standards set forth in the following schedule.

8.1.2 Shared Parking

Where mixed primary uses occur, applicants may propose a reduction in parking requirements based on an analysis using data from the Institute of Traffic Engineers (ITE). For peak demands of non-competing uses, a reduction up to 25% of the parking requirements in Section [redacted] may be approved by the Planning Board. For peak demands of competing uses, a reduction up to 10% of the parking requirements in Section [redacted] may be approved by the Planning Board.

8.1.3 Parking Space Schedule

Land Use	Minimum	Maximum
Hotel or Motel	1 per guest room	1.2 per guest room
Place of assembly, church, meeting hall or room, club, lodge and country club	1 per five seats	1 per three seats
Restaurant, stadium, gymnasium, auditorium, arena	1 per five seats	1 per three seats
Theater	1 per four seats	1 per two seats
Bank	1 per 400 square feet of gross floor area	1 per 150 square feet of gross floor area
Commercial establishments at least 20,000 square feet	1 per 500 square feet of gross floor area	1 per 250 square feet of gross floor area
Commercial establishments less than 20,000 square feet	1 per 400 square feet of gross floor area	1 per 200 square feet of gross floor area
Automotive retail and service	1 per 2000 square feet of gross floor area	1 per 1000 square feet of gross floor area
Wholesale, warehouse, or storage establishment	1 per each employee on the largest shift	1.2 per each employee on the largest shift
Medical or dental office	2 per each doctor plus one for each employee	3 per each doctor plus one for each employee
Hair, Nail, Massage, Tattoo establishment	2 per each practitioner plus one for each employee	3 per each practitioner plus one for each employee
Hospital	1.5 per bed	2 per bed
Nursing Home	0.25 per bed	0.5 per bed
Business, trade or industrial school or college	1 per 400 square feet of gross floor area	1 per 200 square feet of gross floor area
School or college dormitory facilities	1 per resident	1.2 per resident

Land Use	Minimum	Maximum
Other schools	2 per classroom	4 per classroom
Office	1 per 500 square feet of gross floor area	1 per 300 square feet of gross floor area
Golf course	1.5 per green	2 per green
Tennis court	1.5 per court	2 per court
Swimming pool or skating rink	1 per four spectator capacity	1 per four spectator capacity plus one per each 1000 square feet of gross floor area
Sports field	1 per six spectator capacity	1 per four spectator capacity
Amusement park	1 per each 600 square feet of amusement area	1 per each 300 square feet of amusement area
Ranges (golf, batting, etc.)	1 per station	1.5 per station
Campgrounds	2 per campsite	2.5 per campsite
Public utility	1 per 400 square feet of gross floor area	1 per 200 square feet of gross floor area
Manufacturing or industrial establishments	1 per each three employees of the largest working shift	2 per each three employees of the largest working shift

The Planning Board shall determine the closest similar use for any use permitted by these By-Laws not interpreted to be covered by this schedule. Only the primary land use needs to be considered in calculating the required parking spaces. The Planning Board may suggest an appropriate number of spaces for a specified land use within the range of minimum and maximum parking spaces based on historical demand. Handicapped spaces shall be in conformance with 521 CMR and an appropriate notation stating such conformance shall be placed on the prepared site plan.

8.1.4 Dimensions

Each off-street parking space shall be a minimum of nine (9) feet in width by twenty (20) feet in length. In the case of angle parking, the minimum dimensions for stalls and aisles shall be in compliance with the Institute of Traffic Engineers (ITE) standards.

8.1.5 Aisle and Entrance Dimensions

The minimum width of aisles and entrance drives providing access to more than two spaces shall be at least 24 feet wide. On lots where one entrance and exit driveway or access is constructed, the access shall not exceed fifty-four (54) feet in width. Where two or more driveways or accesses are constructed, the accesses shall each not exceed thirty (30) feet in width. For automotive service stations, the maximum width shall be thirty-two (32) feet for each driveway or access.

8.1.6 Off-Street Loading

For every building hereafter erected and for every use hereafter established in an existing building or area, the off-street loading requirements presented in the Loading Space Schedule apply. Provided however, that for any building existing prior to October 2, 1973, but not expanded after such date, the Zoning Board of Appeals may grant a variance to allow for on or off loading on the street where conditions unique to the use reasonably justify such loading.

8.1.7 Loading Space Schedule

Use	Minimum number of loading spaces per units
All uses under 5000 square feet	No minimum, sufficient provision to eliminate all on or off loading on the street pursuant to normal economic activity
Retail trade, manufacturing and hospital establishments with over 5000 square feet of gross floor area	1 per 20,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 square feet or fraction thereof of gross floor are over 40,000 square feet; spaced used for ambulance receiving at a hospital is not to be used to meet these loading requirements.
Business services, other	1 per 75,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 20,0000 square feet or fraction thereof of gross floor area over 150,000 square feet

8.1.8 Dimensions

Each space for off-street loading shall be a minimum of five (5) feet longer than and four (4) feet wider than the largest vehicle which shall use the loading space. Each loading space shall have a vertical clearance of at least fourteen (14) feet. Each loading space shall have an additional area adequate for parking, loading, and maneuvering off any public street, sidewalk, or any portion thereof.

8.1.9 Computation of Spaces

When the computation of required parking or loading spaces results in the requirements of a fractional space, any fraction over ½ shall require one additional space.

8.1.10 Location of Parking Spaces

Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve, or when practical difficulties prevent their establishment upon the same lot, the Planning Board shall rule upon the acceptability of alternative plans.

8.1.11 Rental Spaces

No lot in common ownership shall contain more than two spaces for rental or lease except as an understood accessory to rental of a room on the same lot.

8.1.12 Other Parking Requirements

8.1.12.1 The location of spaces shall be suitably marked by painted lines or other appropriate markings.

8.1.12.2 A substantial bumper of concrete, steel, or heavy timber, or a concrete curb or berm curb which is backed, or a natural berm, shall be so located at the edge of surfaced areas except driveways as to protect abutting structures, properties, sidewalks, and landscaping.

8.1.12.3 No parking or loading area shall be used for the sale, repair, display, storage, dismantling or servicing of any vehicle, equipment, merchandise, material or

supplies except as specifically permitted by these By-Laws in conjunction with uses directly involving sale, servicing, storage or repair of vehicles in districts where such uses are permitted.

8.1.12.4 Parking and loading spaces other than those for single-family or two family dwellings shall be so arranged as not to require backing of vehicles onto any public street.

8.1.12.5 No portion of any entrance or exit driveway shall be closer than fifty (50) feet to the nearest edge of the legal layout of an intersecting street.

8.1.12.6 All parking areas shall have clearly defined traffic flow into and out of the area and throughout the lot. Traffic moving in one direction may be required to be separated from traffic moving in an opposite direction at the entrance and exit to the parking lot by barrier, striping, rumble strip or the like, as determined to be necessary by the Planning Board. The flow pattern shall direct traffic into parking units. All driveways shall be clearly identified as to exit and/or entrance and direction of traffic flow. Where possible, curb-cuts shall be located on secondary roads and limited to only one on primary roads.

8.1.12.7 Curbing and walkways wherever developed shall meet all standards for curbing and walkways specified in the effective Rules & Regulations Governing the Subdivision of Land in the Town of Seekonk.

8.1.12.8 All parking spaces shall be accessible from the driving aisles or lanes by a single turn.

8.1.12.9 If the proposed development may generate 100 or more additional peak hour trips, based on the Institute of Traffic Engineers (ITE) Trip Generation Handbook, or if the Board determines that a safety or capacity deficiency exists, a traffic impact analysis prepared by a registered professional engineer shall be submitted by the applicant of existing conditions and future conditions with the proposed development.

8.1.12.10 The Planning Board may require that parking lots of adjacent properties be connected so as to prevent multiple entrances and exits on to the public streets by consumers.

8.2 Drive-Through Businesses[KR4][jh5]

8.2.1 Drive-through facilities shall provide a minimum of 10 stacking spaces for donut shops, fast-food restaurants and banks and a minimum of 4 stacking spaces for pharmacies. If an order board and a transaction window are proposed, a minimum of 4 spaces between the two shall be provided. If more than one board and/or window are proposed, the stacking spaces may be divided between said boards and/or windows. A minimum of 3 stacking spaces to exit the facility shall also be provided.

8.2.2 Each stacking space shall be a minimum of 20 feet in length and 10 feet in width along straight portions and 12 feet in width along curved segments of the stacking lanes.

8.2.3 Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping, alternative paving materials, or raised

medians. Said lanes shall be designed to prevent circulation congestion and shall not impede access into or out of parking spaces, pedestrian traffic, refuse/recycling areas and loading areas. An emergency by-pass lane shall be provided with all drive-through facilities.

8.3 Drainage

Erosion and sedimentation control shall conform to Category 20B – Stormwater Management – Construction of the General Bylaws. Runoff control shall conform to Category 20C – Stormwater Management – Post-Construction of the General Bylaws.

8.4 Landscaping

8.4.1 Local Business District Requirements

8.4.1.1 Screening: All outdoor storage areas or facilities for fuels, materials and products, shall be enclosed by a wall of solid appearance or tight evergreen hedge not less than 6′ high, erected and maintained where necessary to conceal such areas or facilities from adjoining residence districts and uses.

8.4.2 Highway Business District Requirements

8.4.2.1 Screening: Any highway business use not conducted wholly within a building shall be permitted only if a wall of solid appearance or tight evergreen hedge not less than 6′ high is erected and maintained between such use and any adjoining residence district or use.

8.4.3 Luther's Corners Village District Requirements

8.4.3.1 All outdoor storage areas or facilities shall be enclosed by a wall of solid appearance or tight evergreen hedge not less than 6 feet high, erected and maintained where necessary to conceal such areas or facilities from adjoining residence districts or uses.

8.4.4 Industrial District Requirements

8.4.4.1 Where a lot in an industry district adjoins a residence district and wherever an industrial building, use or associated parking space is to be within 300′ of the residence district there shall be erected and maintained within 10′ of and parallel to the common district a wall of solid appearance or a tight evergreen hedge not less than 6′ in height which shall extend for the full length of the common zone boundary except for that portion within 25′ of a street.

8.4.5 Requirements for Site Plan Review

8.4.5.1 A minimum 10 foot landscaped buffer around the perimeter of all sites shall be provided. A 25 foot buffer containing landscaping, a grassed earth berm, a fence, masonry wall or some combination of these screening devices, shall be provided on each side which adjoins or faces the side or rear lot line of a parcel in residential use or in a residence district to buffer non-residential sites from residential areas.

8.4.5.2 Each double row of parking spaces shall be terminated by landscaped islands which measure not less than ten feet in width and not less than 36 feet in length.

The interior of parking lots shall have at a minimum landscaped center islands at every other double row. Pedestrian paths may be incorporated within the landscaped area provided a minimum of four feet, exclusive of paved areas, is maintained for all landscaped areas. Said double rows of parking spaces shall not exceed twenty (20) adjacent spaces or ten (10) spaces in each row.

8.4.5.3 The interior of parking areas shall be shaded by deciduous trees, which at maturity, each tree shall be presumed to shade a circular area having a radius of 15 feet with the trunk as the center. There must be sufficient trees so that, using this standard, 30 percent of the parking will be shaded.

8.4.5.4 Landscaping shall be so designed as to prevent parking or driving on any portion of a landscaped area except grassed areas to be used as overflow parking areas.

8.4.5.5 Landscaping, which shall all be live, shall include trees or shrubs of a potential height of at least three (3) feet sufficiently spaced to define and screen the area in the event the landscaping is inadequately maintained. Landscaping shall not interfere with a safe view of traffic or pedestrian flow.

8.4.5.6 Garbage collection, recycling areas, utility areas and other outside storage areas shall be screened by a planted buffer strip along three sides of such a facility. Planting material should include a mixture of evergreen trees and shrubs.

8.4.5.7 Display lots for motor vehicle sales shall be exempt from section [redacted] and [redacted] as long as a landscaped setback area not less than twenty (20) feet in depth except the area covered by access drives is provided. No vehicle shall be parked in the landscaped area or nearer than twenty (20) feet from the street lot line.

8.5 Lighting

8.5.1 Commercial Districts Requirements

8.5.1.1 Exterior lighting shall not shine directly on properties and streets beyond the property line.

8.5.2 Industry District Requirements

8.5.2.1 Exterior lighting shall not shine directly on properties and streets beyond the property line.

8.5.3 Requirements for Site Plan Review

The following shall be the minimum illumination levels measured in footcandles for all parking spaces serving the designated uses:

- Industrial - 1.0
- Commercial - 2.0
- Shopping Centers - 3.0

The maximum spillover illumination to adjacent property shall be 1.0 footcandle. No areas shall be floodlit. Drives and parking areas shall not be illuminated by lighting fixtures higher than twenty (20) feet. Sidewalks shall not be illuminated by lighting fixtures higher than fifteen (15) feet. All lighting fixtures shall be shielded to have a total cutoff of all light at less than ninety

(90) degrees. The total cutoff of all light shall occur within the property lines of the parcel to be developed. A lighting plan showing the location and type of lighting fixtures as well as a photometric plan conforming to this section shall be submitted.

8.6 Buildings

8.6.1 Architectural Guidelines

The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roof line, arrangement of openings, color, exterior materials, proportion and scale of existing buildings in the vicinity.

8.7 Sustainable Design

8.7.1 Sustainable Design Incentives for Site Plan Review

The Board may waive any standards within the Site Plan Review section if any LEED certified standards or LID techniques are provided on the subject property.

8.8 Signs

8.8.1 Purpose

8.8.1.1 This section is adopted for the regulation of signs, and advertising devices, within the town in order to protect and enhance the visual environment of Seekonk, by creating a balanced sign texture, diminishing any visual confusion, enhancing a particular building,-or total streetscape, and stimulating responsible business activity. This section shall also serve to protect and enhance the safety, convenience, and welfare of all residents, businesses and consumers alike, and to prevent and minimize damage to the environment.

8.8.1.2 Any sign or advertising device hereafter erected or maintained shall conform to the provisions of this zoning by-law, and the provisions of the State Building Code, and any other by-laws, or regulations of the municipality. The term "sign" shall include any advertising device.

8.8.2 Sign Definitions

Sign definitions with example images are provided as Appendix C. Sign Definitions.

8.8.3 Administration and Enforcement

8.8.3.1 A permit from the Building Official is required prior to the erection of all signs except those specifically exempt under Section 8.8.3.28.7.3.2. Application for said sign permit shall specify the proposed sign location by street and number, the name(s) and address(es) of the owner(s), the sign contractor or erector and initial display date. Applicant shall also file a site plan, except for temporary signs, showing, at a scale of at least 1" = 40', the location(s) of all proposed signs, and lot and building dimensions. No permit shall be required to refinish an existing sign or to change the lettering on a changeable letter sign, so long as they meet the further requirements of these By-Laws.

8.8.3.2 Exemptions from Permit

a.) Signs erected or maintained by local, state, or federal law;

b.) Highway directional or traffic control signs required or allowed by law;

c.) Signs exempt under M.G.L. c. 93, Section 32;

d.) Flags or insignia of the United Nations, United States or any political subdivision thereof, or any other nation or country, provided it shall not be used for commercial promotion, display, or as an inducement to promote, or attract attention to, a particular business or person;

e.) One sign displaying the street number of the occupant of any premises, not to exceed one square foot in display area;

f.) Two "For Sale" or "For Rent" signs not exceeding a combined total display area of six square feet placed only on the premises for which each sign advertises, and which shall be removed from the premises within seven calendar days from completion of sale or rent;

g.) One developer's or contractor's sign not to exceed six (6) square feet in area in a residential or Mixed Use Zone, and not to exceed thirty-two (32) square feet in other zones, maintained on the premises while construction is in process and containing information relevant to the project or premises. Such sign shall be removed promptly and within seven calendar days after completion of the construction.

h.) Directional signs on the pavement and within parking and entrance areas;

i.) Off premise commercial and noncommercial temporary signs which have been authorized to be erected and maintained on municipal or town owned property under the jurisdiction of either the Board of Selectmen, School Committee, or Recreation/Youth Committee.

8.8.3.3 Prohibited Signs

a.) Off premise commercial signs are hereby prohibited. All noncommercial signs shall comply with the provisions of this By-Law.

b.) Those which obstruct or impede the immediate use of a fire escape, a fire or other emergency exit, or any emergency escape route;

c.) Those which obstruct the free passage of air, sunlight, or other means of lighting to any door, window, skylight or other opening of similar nature, or to mechanical means for providing a source of solar energy to an adjacent building or any other building on the same or adjoining lot, either passive or active;

d.) Those defined as roof signs;

e.) Those abandoned for a period of at least two continuous years;

f.) Those which advertise or call attention to any product, business, or activity which is no longer sold, leased, or carried on, whether generally in town or elsewhere, or at that particular premises;

g.) Those which have not been repaired or properly maintained within thirty days after written notice to that effect has been given to the owner of said sign by the Building Official;

h.) All temporary signs except those described in Section 8.8.78.7.7;

i.) Those placed within any public right-of-way or upon any sidewalk;

j.) Those projecting over any public right-of way or over a sidewalk;

k.) Those painted or composed of fluorescent, phosphorescent or similar material;

l.) Those, either in whole or in part, that are moving, mobile, or revolving;

m.) Those considered as strings, streamers, flags, pennants, revolving or flashing lights, spinners, or other similar devices which are attached or strung across, upon, over, or along any premises or building, whether as part of a sign of not;

n.) Those that are painted on the exterior surface of any wall or roof;

o.) Those that are attached to any tree, utility pole, or natural feature on any street, highway, or right-of-way unless expressly permitted elsewhere in this section.

8.8.3.4 Legal Nonconforming Signs

Those legal nonconforming signs existing prior to the adoption of this section at Town Meeting are granted exemption. Existing nonconforming signs shall not be enlarged, reworded, redesigned, or altered in any way, excluding repainting to a similar color or manner, except to conform to the revised requirements of this section. Further, any such nonconforming sign which has deteriorated or been destroyed to such extent that the cost of restoration would exceed 50% of the replacement cost of the sign at the time of restoration shall not be repaired, rebuilt, or altered except in compliance with this By-Law.

8.8.3.5 Enforcement

a.) The Building Official is hereby designated as the enforcing officer for this By-Law. The Building Official is hereby authorized to order the repair or removal of any sign and/or its supporting structure which is obstructive, hazardous, or dangerous due to age, damage, or poor construction, in disrepair or neglected contrary to the intent of this By-Law.

The Outdoor Advertising Board within the Department of Environmental Quality Engineering of Massachusetts shall be informed of the name and address within ten working days upon the designation of a new or acting Building Official.

b.) The permit required of the applicant through the Building Official mentioned in Section 8.8.3.18.7.3.1 shall be issued only if the Building Official determines that the sign complies or will comply with this By-Law and the State of Massachusetts Building Code, Article 14. Such application of the permit must be filed either by the owner of the land or building or by any

person showing written proof from the owner of said land that he has the authority to erect a sign on the premises.

c.) The Building Official shall act within thirty (30) days of the receipt of said application for a permit and shall assign a reasonable administrative fee during that time frame. The Building Official's action on this, or other elements of this section of By-Law, or failure to act, may be appealed to the Zoning Board of Appeals under the provisions of the Massachusetts General Laws, Chapter 40A. A schedule of fees for such permits may be established from time to time by the Board of Selectmen.

d.) Penalties

Whosoever violates any provision of this By-Law, or any lawful order of the Building Official, shall be subject to a fine of not more than one hundred dollars ($100) per offense. Each day that such violation continues shall constitute a separate offense.

8.8.4 Signs – Local Business, Highway Business and Industrial Districts and Uses

8.8.4.1 There shall be no temporary or permanent special promotion signs, banners, streamers, or placards erected, suspended, posted or affixed in any manner outdoors or on the building exterior of premises in Local Business, Highway Business, or Industrial Districts, except as permitted elsewhere in this By-Law.

8.8.4.2 On each premises in a Local Business, Highway Business, or Industrial District, there is permitted one sign affixed to the exterior of a building for each occupancy therein. The top edge of each such sign shall not be higher than either the roof ridge of the building of the highest point of the roof excluding ornamental portions thereof, if no ridge pole, or higher than the plate of a flat roof.

a.) One sign affixed to the exterior of a building is permitted provided it shall not exceed an area of two hundred (200) square feet or five (5) percent of the face of the wall below the plate on the side of the building on which the sign is mounted, whichever limit is smaller.

b.) If a building faces on more than one street, a second sign may be affixed to the building similar to the first sign but with the restriction that total area of both signs will not exceed one hundred fifty (150) percent of the maximum allowable area of the first sign, nor will the area of the second sign exceed five (5) percent of the area of the wall below the plate on the side of the building on which the sign is mounted.

c.) Exception to the area limitation is allowed for individually mounted letters mounted directly on the face of the building for the simple purpose of displaying the occupying company name. Such letters shall not exceed twenty (20) percent of the height of the building face below the plate on the side of the building on which the letters are mounted. The maximum height of individually-mounted letters shall be four (4) feet.

d.) Either the affixed signs or the individually lettered name may be used, but not both, for the same building occupant.

8.8.4.3 Free-standing signs are limited in number to one per contiguous land ownership, not per lot. Only one free-standing sign is permitted for the whole combination of any number of lots mutually adjoining in a single or common ownership on one side of a street.

a.) An exception allowing two free-standing signs on property as previously described is permitted where the property fronts on two or more streets. One such sign is permitted on each of the two streets.

8.8.4.4 The top edge of any free-standing sign shall not be higher than twenty-five (25) feet vertical measured above the average level of the ground between the supports of each sign exclusive of base planters.

8.8.4.5 For public safety, the whole of the signboard or display elements of any free-standing sign shall be either below three (3) feet height, or above seven (7′) feet height, above average ground level. Such free-standing sign or its supports shall be located a minimum of twelve (12′) feet from any lot line.

a.) An exception to 12.4.5 is permitted only if a front yard of less than twelve (12′) feet deep from the lot line to the front of the building is a pre-existing condition or caused by land taking. In this case a low profile double-face sign is permitted. This sign shall be no longer than four (4′) feet or no higher than three (3′) feet above average ground level. Any lighting shall be directed from the front toward the sign and the building so as to not pose a safety hazard for any vehicles passing the site.

8.8.4.6 No free-standing sign shall have a single face area for display or signs in excess of sixty (60) square feet in Local Business Zones or one hundred twenty (120) square feet in Highway Business or Industrial Zones measured from the tops of the topmost display elements to the bottoms of the lowest display elements, and from exterior side to exterior side of display elements, and including in such measurements any blank spaces between display elements. These measurements apply to the overall sign size and not just to display area. The signs may be double-faced. There shall be no printing or display on the thickness dimension.

a.) The maximum allowed thickness from face to face of a double-faced sign is twelve (12″) inches, plus ten (10) percent of either the height or width, whichever is smaller.

b.) The support members shall not extend beyond the vertical planes of the faces and ends of free-standing signs, except single-pole cantilever mounted signs wherein such pole shall not exceed twelve (12) inches in diameter.

c.) All support members shall be rigidly secured in the ground at every point of contact with the ground.

d.) Protective bumpers or bases shall not exceed eighteen (18) inches from the surface of support members or from the plane between the faces of adjacent supporting members unless such base is of a built-in-place planter type. Such planter is not limited.

8.8.4.7 No sign shall be animated or otherwise moving, except as permitted in Section 8.8.68.7.6.

8.8.5 Signs – Residential Districts

8.8.5.1 No sign shall be erected, posted, or otherwise displayed external of a residence except as permitted as follows.

8.8.5.2 Residence identification by name or address or both is permitted for each family in a dwelling. Such signs shall not exceed one (1) square foot per face and may be double-faced.

8.8.5.3 One double-faced sign not in excess of one (1) square foot per face is permitted to advertise taking of boarders, earth removal or home occupation. Such signs may be combined with the residence identifications sign for a single double-face sign not in excess of two (2) square feet per face.

8.8.5.4 For permitted uses, other than residential, in Residential Districts or as limited otherwise, one double-faced sign of not over twelve (12) square feet per face is permitted.

8.8.5.5 Only one real estate, developer's or contractor's sign on the premises may be double-faced but shall not exceed six (6) square feet per face, nor shall it be allowed less than twelve (12) feet from the street or lot line.

a.) An exception shall be the advertising of a subdivision as defined in Chapter 41, Section 81K, M.G.L. Such exception shall permit a double-faced sign not to exceed thirty-two (32) square feet per face, or ten (10) feet in any direction erected. Construction and mounting shall conform to the provisions of Section 2.11.22.6.2 of this By-Law. One such sign is permitted near each entrance to the subdivision except that not more than one such sign shall face the same street. This sign will be removed from the premises within seven (7) days from the completion of the purpose.

8.8.5.6 Nonconforming legal land uses in residential districts shall be allowed signs normally permitted in the most restrictive districts in which the particular land use would conform, but only with the permission of the Board of Appeals. The Board of Appeals shall stipulate any limits or additional restrictions they deem necessary or desirable to ensure compatibility with the surrounding area.

8.8.6 Illumination of Signs: Local Business, Highway Business, Industrial and Residential

8.8.6.1 Any signs permitted may be steadily illuminated either from within or by some outside source, subject to the following further provisions:

a.) No sign shall be intermittently illuminated, nor have traveling, flashing or animated lighting, except that there may be displayed to the public by changing or intermitting letters, numbers or lights, information as to the time of day (or night), temperature, weather forecast, visibility, or pollution index or other similar information. The public information section intermittently illuminated in any sign shall not exceed forty (40) square feet in any zoning district. No sign shall rotate.

b.) Signs shall neither emit nor reflect light with an intensity greater than fifty (50) foot candles at one hundred (100) feet from the sign.

c.) The illumination of signs for commercial or business or industrial purposes shall be permitted in Residence or Local Business Zones only between seven o'clock in the morning and eleven o'clock in the evening and in the Highway Business and Industrial Zones during the hours such business is open and/or operating.

8.8.6.2 The source of illumination for any sign shall be placed or hooded so that the lighting source itself is not visible at any point beyond the lot lines or leasehold lines of the premises.

a.) Source is herein designated to mean the light-emitting element and any elements designed or employed for the purpose of reflecting and directing emitted light.

8.8.7 Temporary Signs

8.8.7.1 Temporary exterior signs are permitted to advertise the opening of a business at its new location; to advertise a special event at its intended location; or to advertise political candidates, campaigns, or programs.

8.8.7.2 Such signs shall not exceed thirty-two (32) square feet.

8.8.7.3 No two or more such signs shall be closer than five hundred (500′) feet apart on land or contiguous ownership.

8.8.7.4 Any illumination of such permitted sign shall not exceed the allowed limits in the district in which it is located.

8.8.7.5 All temporary signs require a permit from the Building Official.

8.8.7.6 All such temporary signs as herein described must meet the approval of the Building Official regarding safety of construction, placement, mounting and lighting. By written notice specifying the corrections needed, the Building Official shall order the immediate action of the displayer to either make the corrections or remove the sign. If immediate action is not taken, the Building Official may, at his own initiative or with the enlisted aid of any other Town Department remove such sign.

8.8.7.7 All such temporary signs as permitted in this section shall be permitted on the same premises for not more than thirty (30) days in the same calendar year. At the end of the period of permitted use, the sign shall be removed by the initiative of the company, organization, individual, or their agents, as indicated by the displayed information.

8.9 Noise

8.9.1 Industry District Requirements

At any point on the property line any noise produced by an industrial operation shall not be in excess of the average street and traffic noise at that point. Industrial noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.

8.10 Corner Visibility

Within any required front or corner side yard on any corner lot, no wall, fence, sign post, structure, hedge, shrub, or other obstruction to visibility shall be permitted between the heights of 2½ feet and 10 feet above the existing grade within 60 feet of the intersection of any street right of way lines or their extension.

8.11 Additional Site Plan Standards for the Luther's Corners Village District

8.11.1 Front yards shall not be used for parking. The parking standards in section 8.1.38~~4.3~~ can be waived by the Planning Board if in the Board's opinion they will have a detrimental effect on the neighborhood character.

8.11.2 Front, side, or rear yards of commercial and mixed use buildings may be used as seasonal outdoor seating areas for businesses, provided that such areas are regularly cleaned and maintained, with trash removed on a daily basis. Seasonal outdoor seating areas may be installed during warm weather months. All related temporary furnishings and fixtures, including but not limited to tables, chairs, umbrellas, light fixtures, freestanding signs and menu boards, etc., shall be stored indoors off season; however any fencing, bollards, planters, or other means of delineating the boundaries of such outdoor seating areas may remain in place permanently.

8.11.3 Service alleys shall be provided behind mixed-use, commercial, or multi-family residential buildings to provide access for parking, loading, and garbage collection. Alleys will typically be narrower than primary streets and need not include sidewalks, street trees, or parking lanes.

8.11.4 On streets with mixed and non-residential uses, sidewalks should be approximately 6 feet wide; for residential uses, approximately 5 feet wide. Smooth or aggregate concrete pavement, or unit pavers of brick, stone, or similar materials are preferred (unit pavers should be easily negotiable by wheelchairs); color-tinted asphalt stamped to resemble unit pavers may also be considered, but smooth black asphalt is discouraged. Accessible curb cuts shall be provided at all intersections and pedestrian crosswalks.

8.11.5 Crosswalks shall be provided at all intersections where heavy volumes of pedestrian and vehicular traffic are expected to intersect, and are encouraged for all street crossings along primary routes of pedestrian travel through this District. Crosswalks shall be constructed to provide both a change in color and texture from the regular roadway surface; such changes shall be A.D.A. compliant.

8.11.6 All streets trees shall be planted in a landscaped belt at least 5 feet wide between the street curb and the sidewalk. New development should consider utilizing existing mature trees for this purpose, particularly if such trees already frame or can be used to frame an important vista. New trees shall have a minimum 4-inch caliper at a level of 4 feet above grade, and shall be planted at intervals of approximately 40 feet or less. Hardy, climate-appropriate, deciduous species that will grow to a mature height of approximately 60 feet and will provide shade are preferred; smaller, ornamental trees may be interspersed with larger trees. Lower branches shall be trimmed to a height of at least 7 feet, so as not to interfere with pedestrians and to provide good visibility for drivers.

8.11.7 Buildings may vary in size and form and should provide that a comfortable pedestrian scale is maintained; variety in massing is specifically encouraged in developments containing multiple buildings. Vertical proportions are generally preferred, especially for windows and doors on horizontally massed buildings. Buildings with 100 feet or more of frontage should utilize design techniques that will create the appearance of a several smaller buildings, such as variations in the plane of the façade, in materials, in ornamentation, and/or in fenestration patterns (windows and doors).

8.11.8 Buildings shall be sited with their primary façade and main entrance facing either a street or a public open space; a sidewalk shall be provided to access the main entrances of all buildings. Rear elevations may face a service alley but shall not face a main road or a public open space. In a residential development with multiple buildings, consider varying the positioning of buildings within individual lots to provide visual interest along the streetscape.

8.11.9 A variety of roof lines is encouraged, including front gable, side gable, hip, and flat (with or without a parapet), particularly where buildings are to be sited close together within the same development. All buildings shall have a defined cornice.

8.11.9.1 Dormers are permitted on residential and mixed use buildings, provided that the ridge of any dormer shall be below the ridge of the main roof.

8.11.9.2 Buildings sited at the intersection of two or more streets may have a clock tower at the corner(s) nearest that intersection(s), to create a focal point on a streetscape. The height of any such clock tower shall not exceed 55 feet.

8.11.10 All buildings shall be designed with varied and articulated facades to provide visual interest; decorative patterning in exterior wall materials should be considered. Long expanses of blank walls facing the street or public open space are not permitted, either on the ground floor or on upper floors. Where building frontage along a street is greater than 100 feet, architectural elements such as vertical piers, bay windows, and recessed entrances should be used to maintain pedestrian scale.

8.11.11 Mixed use and non-residential buildings shall provide continuous storefronts at the ground floor level, with at least sixty percent (60%) of the storefront containing transparent clear glass. Storefront windows may either provide views into the interior space used by a business, or be used for display only, enclosed on the interior by opaque walls. Storefront entrances may be recessed.

8.11.12 Awnings and/or Canopies may be provided above storefront windows and entrances, and may incorporate signage for a business. Preferred materials are opaque canvas, metal, or glass. Exterior illumination for awnings and canopies is preferred; gooseneck lamps or other decorative fixtures should be considered.

8.12 Construction and Operation Standards and Limitations

8.12.1 Industry District Requirements

8.12.1.1 Accessory Buildings and Uses

Within any industry district, buildings, accessory buildings and uses of the land consistent with the principal land use are permitted. Accessory buildings shall not

be located in any required front, side, or rear yard. Accessory buildings and uses include but are not limited to:

a.) Garage for storage or repairs of appurtenant motor vehicles;

b.) Offices pertaining to the industrial operation;

c.) Employee restaurant and athletic facilities;

d.) Laboratories; and

e.) Retail sales when such sales comprise a minor part (less than 10%) of the industrial operation and/or gross floor area, and sale of any of these items to be directly manufactured by that particular firm and/or corporation on that particular lot. No lot shall be further subdivided in order to meet the intent of this section. The gross floor area of the anticipated retail sales shall have parking, in addition to that required for the industrial use, in conformance with Section [redacted] of these By-Laws, and as part of a parking plan approved by the Planning Board.

8.12.1.2 Hazard to Adjacent Property: Any industrial operation shall be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no such hazard to a use on adjacent property.

8.12.1.3 Odors: No objectionable odors shall be observable at the property line. Detailed plans for the elimination of odors may be required before the issuance of any building permit. It is the intent of this paragraph that odors from any industrial use hereafter begun shall not be observable at the property line to a greater degree than those from plants for the manufacture or fabrication of books, clothing, jewelry, light metals, and other plants in which operations do not result in greater nuisances from the creation of odors.

8.12.1.4 Gases: No noxious, toxic or corrosive fumes or gases shall be emitted. Detailed plans for the elimination of fumes or gases may be required before the issuance of any building permit.

8.12.1.5 Dust and Smoke: No observable dust or smoke created by any industrial operation shall be exhausted into the air. Detailed plans for the elimination of dust or smoke may be required before the issuance of any building permit.

8.12.1.6 Glare: Any operation producing heat or glare shall be shielded so that the operation is not visible beyond the property line.

8.12.1.7 Waste Disposal: Approval of the Board of Health of all waste disposal plans shall be required before the issuance of any building permit.

8.12.1.8 Vibration: No industrial operation shall cause inherent and recurrently generated vibration perceptible at the property line.

8.12.1.9 Radiation: No industrial operation shall cause dangerous radiation at the property line.

SECTION 9. SPECIAL REGULATIONS

9.1 Home Occupations

Home occupations customarily conducted entirely within a dwelling such as custom dressmaking, millinery, tailoring, and fabric sewing; foster family care of not more than four children; office in which goods, wares or merchandise are not commercially created or handled; and rooming and boarding of not more than two persons are permitted in all Residence Districts provided that any such home occupation:

9.1.1 shall be operated entirely within a dwelling unit and shall have no exterior display or storage;

9.1.2 shall be operated only by the person or persons residing within the dwelling unit;

9.1.3 may display only one sign of not more than 3 square feet lighted only by non-flashing and non-animated incandescent illumination;

9.1.4 shall utilize not more than 20% of the gross area in the dwelling unit but in any event not more than 300 square feet;

9.1.5 shall have not more than one employee or regular assistant not residing in the dwelling unit.

9.2 Conservation Subdivision Design

9.2.1 Purpose

The purpose of this Conservation Subdivision Design is to encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use; to preserve historical and archeological resources; to protect the natural environment; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the appearance of Seekonk's traditional New England natural landscape; to allow landowners a reasonable return on their investment; to facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner; and to promote the provision of safe, sanitary, and affordable housing for all sectors of Seekonk's population, including low- and moderate income households.

9.2.2 Applicability

Any subdivision of eight (8) or more lots, from a parcel or set of contiguous parcels held in common ownership and located within a Residence District other than an R-1 zoning district may be permitted by right upon approval by the Planning Board (Board).

9.2.3 Pre-application Review

The applicant is strongly encouraged to request a pre-application review with the Town Planner, Conservation Agent, Building Official, Health Agent, Fire Chief, Water Superintendent and Public Works Superintendent. The applicant's consultants are strongly encouraged to attend. The purpose of this review is to outline the applicant's preliminary plan and receive comments from the members of the town staff listed above so as to minimize the applicant's costs for engineering and other technical experts that may arise throughout the development process.

9.2.4 Procedures

Applicants for a Conservation Subdivision shall file with the Planning Board a Preliminary Plan and Definitive Plan, conforming to the contents specified in the Rules

and Regulations Governing the Subdivision of Land in Seekonk, Massachusetts. In addition said plans shall include the following:

9.2.4.1 Proposed topography, wetlands, and the results of deep soil test pits and percolation tests at the rate of one per acre, but in no case fewer than four (4) per Conservation Subdivision.

9.2.4.2 Where the potential for wetland impacts exist, the Planning Board shall require the applicant to submit to the Conservation Commission, a request for a determination of applicability or notice of intent pursuant to G.L.c. 131, 40 and 310 CMR 10.05 (3).

9.2.4.3 Not more than 25% of the total tract shall be disturbed areas. A disturbed area is any land not left in its natural vegetated state. This calculation shall be included on all plans.

9.2.4.4 Any additional information necessary to make the determinations and assessments cited herein.

9.2.4.5 A yield plan showing the development designed in conformance with a conventional subdivision, as outlined in the Rules and Regulations shall also be submitted.

9.2.5 Design Process

Each Development Plan shall follow a four-step design process, as described below. When the Development Plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots, and open space.

9.2.5.1 *Designing the open space*. First, the open space is identified. The open space shall include, to the extent feasible, the most sensitive and noteworthy natural, scenic, and cultural resources on the property.

9.2.5.2 *Location of house sites.* Second, potential house sites are tentatively located. House sites should be located not closer than 100' to wetlands areas, but may be situated within 50' of open space areas, in order to enjoy views of the latter without negatively impacting the former.

9.2.5.3 *Street and lot layout.* Third, align the proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots, access and streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on open space. To the greatest extent practicable, wetland crossing and streets traversing existing slopes over 15% shall be strongly discouraged.

9.2.5.4 *Lot lines.* Fourth, draw in the lot lines. These are generally drawn midway between house locations.

9.2.6 Lot Dimensions

Each lot shall contain not less than 15,000 square feet of area if serviced by town water and not less than 20,000 square feet if not serviced by town water. 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.

9.2.7 Number of Dwelling Units

The maximum number of dwelling units allowed shall be equal to the number of lots which could reasonably be expected to be developed upon that parcel under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.

9.2.8 Access to Lots

Lots within a Conservation Subdivision may only be accessed from roads within the subdivision.

9.2.9 Open Space Requirements

A minimum of 40% of the parcel shown on the Development Plan shall be contiguous open space, excluding required yards and buffer areas and shall not consist of narrow strips of land around the perimeter of the site which do not meet the intent of this by- law. The Board may require interconnected open space on adjacent subdivisions to encourage biodiversity by maximizing habitat size and minimizing edge effects. Such open space may be separated by the road(s) constructed within the Conservation Subdivision. A physical demarcation between residential properties and the required open space shall be included to prevent said open space from being absorbed by adjacent residential properties. Suggested examples include split rail fences, stone walls, boulders or other impediments as approved by the Board. The percentage of this open space that can be wetland shall not exceed the percentage of wetland for the entire site under existing conditions shown on the Development Plan.

The required open space shall be used for conservation, historic preservation, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes. Existing underground utilities, as of the date of adoption of this section, to serve the Conservation Subdivision site may be located within the required open space.

The required open space shall, at the owner's election, be conveyed to a corporation or trust owned jointly or in common by the owners of lots within the Conservation Subdivision. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of the open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. The owner of each lot shall be deemed to have assented to the town a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the town of same. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to

effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded in the Registry of Deeds.

Any proposed open space shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

9.2.10 Density Bonus Option

9.2.10.1 Eligible Projects: For any proposed Conservation Subdivision of 8 or more units that is not within the Groundwater Aquifer Protection District, the developer may voluntarily elect to provide affordable housing units and receive a density bonus upon grant of a special permit by the Planning Board. The Planning Board shall require as a condition of such a density bonus the following:

a.) The provision within the Conservation Subdivision of affordable housing units amounting to a minimum of ten (10) percent of the development's total number of dwelling units. Fractions of a unit will be rounded up to the next whole number.

b.) The affordable units to be provided shall be equivalent in size, quality, and characteristics to the other units in the development.

c.) The affordable units shall not be grouped together; they shall be distributed among all units.

9.2.10.2 Alternative Provision of Units: The Planning Board may allow, as a condition of said density bonus that, in lieu of all or some of the affordable housing units being provided within the Conservation Subdivision, the developer shall:

a.) Provide all or some of the affordable housing units on a site different from the Conservation Subdivision; or

b.) Provide all or some of the affordable housing units through an alternative means, such as the purchase of existing units with the addition of deed restrictions or some other legally enforceable instrumentality acceptable to the Planning Board ensuring its continuing affordability; or

c.) Provide the equivalent value of all or some of the affordable housing units through a "fee-in-lieu" paid to the Town of Seekonk's Community Preservation Act Community Housing fund, which will be dedicated to the provision of affordable housing; or

d.) Provide all or some of the affordable housing units through a combination of any or all of the methods in this Section.

The Planning Board shall ensure that the affordable units to be provided through alternative methods shall be equivalent in size, quality, and characteristics to the units within in the Conservation Subdivision. The Planning Board will also ensure that these alternative methods will encourage the most appropriate use of land and buildings, and/or will avoid undue hardship to land and buildings.

The value of a "fee-in-lieu" payment shall be equal to the price of a unit that is affordable to a qualified purchaser, assuming a household size of 1.49 persons per bedroom. Bedrooms will be determined by the average number of bedrooms per unit in the Conservation Subdivision. In the case of multiple affordable units, the price shall be multiplied by the number of affordable units created by the Conservation Subdivision.

9.2.10.3 Density Bonus: Under the voluntary special permit, the Planning Board will allow an increase in the maximum number of on-site market rate dwelling units in the Conservation Subdivision established under Section 25.7 of this bylaw. The number of these bonus market rate units will be equal to the number of affordable units created by the Conservation Subdivision. Fractions of a unit will be rounded up to the next whole number.

9.2.10.4 Schedule/Timing of construction or provision of affordable units or lots: The Planning Board may impose conditions on the special permit requiring construction of affordable housing according to a specified time table, so that affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

MARKET-RATE UNIT %	AFFORDABLE HOUSING UNIT %
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

9.2.10.5 Disturbed Areas: The Planning Board may grant a waiver allowing that the proportion of disturbed areas within the Conservation Subdivision may exceed 25% of the total tract only if that incremental disturbed area is needed to directly support the provision of and access to the additional on-site bonus market units and on-site affordable units.

9.2.10.6 Qualified Purchasers/Tenants: To ensure that only eligible households purchase or lease affordable housing units, the purchaser or lessee shall be required to submit copies of his/her household's last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the Conservation Subdivision or his/her agent, and within thirty (30) days following

transfer of title, to the Seekonk Housing Authority, that his/her household's annual income level does not exceed the maximum level as established by the Commonwealth's Department of Housing and Community Development, and as may be revised from time to time. The maximum housing cost for affordable units created under this bylaw is as established by the Commonwealth's Department of Housing and Community Development, Local Initiative Program or as revised by the Town.

9.2.10.7 Preservation of Affordability: Each affordable housing unit created in accordance with this subsection and offered for sale or rent to the general public shall have deed restrictions or some other legally enforceable instrumentality acceptable to the Planning Board ensuring its continuing affordability in perpetuity.

a.) Resale Price: Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the deed restriction or other chosen legally enforceable instrumentality on the property.

b.) Right of first refusal: The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town, consistent with model riders prepared by Department of Housing and Community Development, granting the municipality's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

9.2.11 Decision

The Planning Board may approve, approve with conditions, or deny an application for a Conservation Subdivision, after assessing whether the Conservation Subdivision better promotes the objectives herein, than would a conventional subdivision.

9.2.12 Relation to Other Requirements

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning by-law.

9.2.13 Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of Seekonk's zoning bylaw.

Appendix A. Chrolonological List of Rezones Since February, 1959

Appendix B. Chronological List of Revisions Since July, 1963

Appendix C. Sign Definitions

TOWN OF SEEKONK
Planning Board

MEMORANDUM

To: The Planning Board

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

Date: July 2, 2013

Re: June monthly report

BYLAWS

Zoning Bylaw rewrite
- First draft of zoning bylaw reorganization completed

PLANS

Master Plan
- Implementation on-going

MISC

Solar Overlay Amendment
- Approved at TM

Medical Marijuana Treatment Centers Temporary Moratorium
- Approved at TM

SWAC
- Mapping project of all catchment areas to Town drainage outfalls for NPDES permit continues.

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

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
- Binder installed

Pine Hill Estates
- Surety established

Jacob Hill Estates
- Preliminary Plan approved

Country Brook Estates
- Preliminary Plan approved; Definitive Plan submitted

Summer Meadows
- Preliminary Plan approved

SEEKONK PLANNING BOARD

Public Hearing & Regular Meeting Minutes

JUNE 11, 2013

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

7:03 pm Ch. Abelson called the meeting to order.

ANR Aprroval: 615 Read St.

D. Bray from Caputo & Wick introduced himself and summarized that he was representing the Turner Family Trust. He went to say that the submitted ANR consisted of 85 acres with a single family dwelling located in an R-4 zone. The proposed lot amendments would be to divide off 36 acres, labeled as 'not a buildable lot', leaving the single family dwelling on a lot with 361' of frontage and access to the property on an accepted way and a second vacant lot with 375' of frontage and access to the property on an accepted way.

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

VOTED: To endorse the Approval Not Required (ANR) Turner Family Trust – Plat 23, Lot 22 and Plat 26, Lot(s) 9-615 Read Street.

Public Hearing – Definitive Subdivision Modification or Rescission: Pine Hill Estates – Plat 24, Lots 73, 394- 524 Newman Ave.

Ch. Abelson read the order of business.

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

VOTED: To waive the reading of the legal notice.

Introduction of Town Planner and Board Members and Town Counsel, Ilana Quirk

Attorney Max Volterra representing the Seekonk Water District (SWD) introduced himself. He passed out a memorandum in support of the rescission of Pine Hill Estates Plan. He went on to summarize that the SWD filed a petition of rescission with conditions asking that the Pine Hill Estates plan be rescinded with the following conditions:

1. The petitioner prepares a groundwater analytical model to determine the extent of the nitrogen contribution by Pine Hill Estates to the Newman Avenue wells.
2. If model determines that the flow of water adds nitrogen loading to cause additional contamination of the wells, the petitioner needs to remedy that contamination.

3. Petitioner to provide an environmental impact statement. (EIS)

He went on to say that the wells closest to subdivision supply over 80% of the water in Seekonk and that any threat to those wells is a threat to the water supply of Seekonk. He said in his opinion the Planning Board (PB) has the power and ability to protect the welfare of the citizens of Seekonk. He said the development is within 15,000' of the wells and the current nitrate load is over 3mg's per liter and if it gets to 5mg's per liter the State would step in and require a nitrate management plan which could cost in excess of a million dollars. He pointed out that if the SWD could not provide the nitrogen management plan the wells would have to be closed and the town would have to buy water from other sources.

R. Bernardo Superintendent of the SWD introduced himself. He passed out data related to the nitrate levels at the middle school to the PB. He went on to summarize as Superintendent his primary duty is to ensure the safety and quality of the Seekonk water supply and that there are three areas of concern with the project; public safety, public health and financial. Concerning public health he said that nitrates are organic compounds and when found in drinking water it is typically from sewage disposal systems or fertilizers; they are colorless, tasteless, and odorless and can't be boiled away. He went on to say that the Mass DEP and EPA have set contaminate levels: max is 10mg per liter or 10 parts per million. Reason for the set levels is because the ingestion of water with elevated nitrogen levels can cause various levels of methemoglobinemia or blue bay syndrome.

Concerning public safety he said if Seekonk were to lose the nearest well to this subdivision, GP4, that would be 400 gallons per minute of capacity lost. He said SWD had to tie into Pawtucket twice last year for water; once for the fire on Maple Avenue and once for the fire at the Grist Mill.

Concerning financial issues he said nitrates are expensive to remediate and the SWD does not have a process to remove nitrates. He said that reverse osmosis and ionic exchange is the only process and cost estimates could go as high as a million dollars.

R. Bernardo then asked the PB to refer to their packets he went over what was handed out to them:

1. A letter from 2002 to the SWD Chairman Robert Fuller.
2. A report from 2004 SWD Source Water and Protection Report
3. A graph of nitrates levels from the four Newman wells

R. Bernardo also referred to a letter that was not in the packets but handed to the PB from Attorney Brainsky dated 6/5/2013. He went on to explain what was in the letter.

R. Bernardo also referred to a letter dated 10/23/12 from P. Carlson to B. Hallal. He went on to read parts of the letter to the PB referring to the nitrate levels and trends.

R. Bernardo then referred to item number 4, a letter from the SWD consultant R. Tryan.
He went on to discuss a submittal from Mr. Carlson which shows nitrogen loading calculations and how many bedrooms you can have per allowable land. He said that there is no water quality protection component to the loading calculation.

R. Bernardo went on to say the last item number 5, was an article from 2012, *Drinking Water Blue Nitrates, Pollution from Coast to Coast*. He read the last the sentence and went on to ask the Board to not let this happen in Seekonk.

L. Dunn asked Mr. Bernardo if information from October 2011 was a result from it being an unusually rainy season.

R. Bernardo said he did not have that information but did say from his experience the data did not seem to matter if there was lot of rain; it had more to do with how well the system was operating at the middle school. He thought there was a relationship with how well the septic system was removing nitrates and the relative levels in GP4 well.

R. Bennett asked if the SWD was taking any precautions now since it had been pointed out that the nitrate levels have increased.

R. Bernardo said absolutely, that was why he was at the meeting. He said the SWD had tried to purchase the property.

R. Bennett asked if that was all the SWD was doing.

R. Bernardo said that they were doing education on maintaining septic systems and those types of things.

R. Bennett asked if the SWD was taking steps to remedy the situation at the middle school.

R. Bernardo said they have increased monitoring it for the past 10 years.

Ch. Abelson commented that the middle school system was mandated by the state and it is underutilized.

Ryan Trahan from Environmental Partners Professional Engineer representing the SWD read a letter that was sent to R. Bernardo on 3/25/13. He commented that without knowing specifically how the ground water would flow Environmental Partners would be in agreement to do a ground water analytical study.

L. Dunn asked what a ground water study would cost.

R. Trahan answered around $50,000.

Brian LaSalle of 228 Burnside, Treasurer for the SWD introduced himself and said he has been a resident of Seekonk for 20 years and is a certified public account. He said he was there to go over the potential costs if there was contamination to the wells. He referenced a study from the Minnesota Dept. of Agriculture, *Drinking Water Protection Series- Nitrate Contamination, What is the Cost?* The article outlined three procedures for remediation of nitrates:

1. New well construction
2. Blending

3. Treatment.
He said the best case scenario would be a new well which could cost around $400,000. He said blending, which takes water from individual wells and blends them till you get a desired nitrate level generally involves digging a high capacity well which could be expensive. He then went on to describe the third process, treatment which involves either reverse osmosis or ion exchange. He said reverse osmosis maintenance and the equipment could cost $ 950,000 to a million dollars. He said the ion exchange process could cost up to 2 million dollars. He summarized that spending $ 50,000 on a hydro-geological study would be a small price to pay to whatever future costs there might be if the water is contaminated with nitrates. He asked the PB to consider these costs in their decision.

Christine Allen 39 Brook Street. Water Commissioner introduced herself. She read from a statement she wrote to the PB.

Atty. Volterra said that concluded the petitioner's comments.

Atty. Eric Brainsky 1547 Fall River Ave introduced himself. He summarized that he was before the PB with an application which is the first of its kind regarding Seekonk in land use in attempting to use a mechanism under State law rarely used. He said that Chapter 81w is not just a mechanism by state law that allows the PB or any other board to rescind a project for any reason they might think is a good reason. He said a good reason in the court means that you have to provide evidence or a change in circumstances that was not presented in the first hearing. He went on to explain there are many examples in case law from the supreme judicial court that say when the PB makes a mistake, despite the PB offering evidence such as a sick member. The supreme judicial court has held that is not a good enough of reason, that is how high the bar is to rescind.

Atty. Brainsky went on to say that his client has met all the regulations according to the subdivision law, all regulations of the zoning bylaw and all regulations of state law and more importantly Title 5. He said if the SWD wanted to appeal they had avenues to do so and they opted not to do that and decided to ask the PB to change their minds based upon the same evidence and statements they made before. He said in regards to the actual petition the SWD was seeking a geo-hydrologic study, ongoing testing and a promise from the developer to correct any water pollution issues plus provide a full EIS study. He said the PB discussed these issues in March 2013 the EIS was discussed as well as the hydrologic analysis went before the BOH and was approved by the BOH.

L. Dunn asked if the analysis was just crunching numbers.

Atty. Brainsky said the special nitrate loading analysis was strictly done in accordance with Title 5 and reviewed by the BOH. He went on to say that there is no evidence that showed any threat to the water from his client's project. He also said the analysis that was presented to the PB and the two graphs omit data from January 2012 on and until most recently 2013 from the middle school septic system, which has been the biggest problem in town, indicates that the middle school shared system has been operating consistently at levels far below the 10mg per liter besides some abnormalities in one or two months over a two year period. He went onto say that

Mr. Kennedy the towns hired consultant to monitor the shared system at the middle school, said that the middle school was not receiving enough carbon and there were upgrades made in 2011 and it has been operating in compliance and is actually below the 10 mg per liter limit with the exception of a few abnormalities. He said that the nitrates did not exceed 1.9 mg per liter.

P. Carslon of Insite Engineering 1539 Fall River Ave. introduced himself went on to summarize the project. He then discussed the nitrate loading analysis which falls under the 4-40 rule. He said that this means that one 4 bedroom home is allowed 440 gallons per day per 1 acre lot. He said the nitrate loading analysis was submitted to the BOH and per the 4-40 rule the development could have with the 9 lots proposed, 9 houses built with 4 bedrooms. The submitted application complied with all applicable regulations and was approved by the BOH. This petition is pending DEP approval.

P. Carlson then went on to say that the GP4 well is located northwest on SWD property and dimensional offsets had been provided to the PB. He also said that the GP4 well is separated from the subdivision by Cold Brook a perennial stream acting as drainage divide between the well and the subdivision. He said approximately half the project flows from the north side of the site towards the brook with the remainder flowing to the south and west away from the GP4 well. He said that they were aware of the previous problems with the elevate nitrates levels of GP4 and the septic system at the middle school. He said it was his understanding from information provided by the town's wastewater consultant specialist Mike Monroe of JR Engineering Products that the fast system at the middle school has made tremendous improvements to the overall system and nitrate levels.

P. Carlson went over data and graphs that were provided by the town consultant with the PB. He went on to say that the good news is that when fast systems are used it reduces the nitrate levels as intended to do. He said between 2011 and 2013 three samples have shown elevated levels of nitrates and those happened to be in September and October. He said he did not know why this happened but perhaps other potential sources of the nitrates could have contributed to the elevated levels. He referred to the aerial maps showing other potential sources of existing nitrate pollutants in the area. Those being the middle school 1150' from the GP4, the SWD office building's cesspool 705' from the GP4 well, the filtration building which septic system is 443' from the GP4 well, the cesspool for the concession stands for the ball field and at least 5 other cesspools in the area are within 1500'. He said they were not claiming that the adjacent septic and cesspools are the reason for the elevated nitrates but suggested that the antiquated systems built directly into the ground water have more potential to contaminate the well on that side of the drainage divide than the 9 proposed title 5 compliant septic systems built at a minimum of 5' above the highest anticipated ground water.

N. Abelson asked if P. Carlson had data on how much the nitrates levels might go down if fast systems were put in.

P. Carlson said he believed the levels would be down around 20 parts per million but he was not sure on those numbers.

Atty. Brainsky asked B. Hallal the Health Agent for Seekonk to speak on the BOH methodology and review process.

Beth Hallal introduced herself as the Seekonk Health Agent and went on to summarize that the method used is the 4-40 rule which is a calculation used to get a number that tells you that everything falls into the right calculation. She said in this case the subdivision as submitted complied with the 4-40 rule with the nitrogen loading under Title 5.

Ch. Abelson asked if they use an outside engineer.

B. Hallal said we do not typically hire outside engineers however the BOH did give a request to the Town Administrator, Ms. Nolan, to hire an outside engineer but never heard back from her. She said that she is a registered sanitarian and is capable of reviewing the subdivision plan.

D. Viera asked what she gave to Ms. Nolan.

B. Hallal said she gave her the information they gave her and she assumed it went to an outside engineer but she never received a report.

L. Dunn asked B. Hallal if she would drink Seekonk water after this was built.

B. Hallal said yes she would.

S. Foulkes commented she knew that Ms. Hallal was following the requirements of Title 5 but wondered why the board did not go a little further and asked for an environmental EIS to find out where the flow of water would be going.

B. Hallal said it's not required.

D. Viera said he knew the BOH followed Title 5 requirements but asked if the board had the right to ask for additional information.

B. Hallal said what the client submitted to the BOH was ample information to make a decision.

L. Dunn said that Seekonk doesn't appear have any bylaws to protect their most precious natural resource. She said it was disturbing and that the bylaws do not let the PB protect the citizens even though the stated purpose of the bylaw is to promote the health, safety and well being of the citizens. She said she assumed that the Health Agent and BOH would have considered that their first priority.

B. Hallal said that the health and well being of the citizens of Seekonk was their number one priority. She went on to say that Title 5 and its strict regulations have been above and beyond what is required for years. She said they were in good hands following Title 5 regulations.

Atty. Brainsky concluded saying that the project complies with the letter of the law. He said there has been no evidence otherwise and the PB can't change its mind and rescind this project

and impose additional modifications. He said this had gone way beyond what would have been required of any other developer.

Ch. Abelson announced a five minute break

Ch. Abelson asked for proponents or opponents to speak.

Robert Fuller 60 Lincoln St. commented that he spent a lot of time on the SWD board and said what the issue boiled down to was a nitrate problem. He said that an analysis should be done and the development should not be built. He suggested taking the property by eminent domain.

Charles Waddington 799 Read Street asked if someone could explain what caused the three nitrate level spikes.

P. Carlson did not know what caused those spikes he said the last spike was in October 2012.

R. Bernardo speculated that it might be because the start of the school year.

B. LaSalle 228 Burnside Ave. commented he did not think the town should roll the dice and take a chance on the water possibly being contaminated. He said the study would be like an insurance policy and the PB needed to think about it.

S. Foulkes said nothing had drastically changed since the last meeting and asked if the SWD and the developer would share the cost to have the study done.

Atty. Volterra said the SWD would pay for half.

Atty. Brainsky said the a big concern of his client was that there were 6 lots already reserved and the potential buyers had already been waiting a long time but he would ask his client.

Atty. Brainsky consulted with his client and said that if the town or SWD wanted to pay for it and wanted to hire a third party consultant to do it and if it would not slow things down then his client would be okay with it but he intended on proceeding with the project.

Atty. Volterra said that was not acceptable to the SWD and they would only be willing to share the cost.

R. Bennett said he thought if a study was requested the developer would have to be compensated for his lots and time. He also asked if anyone knew how long the study would take.

Atty. Brainsky said in his opinion it would take months.

S. Foulkes said if this study does get done it could answer a lot of questions the potential home owners might have before buying.

D. Viera asked where does the PB stand if the subdivision goes forward and in 5 years the nitrates are elevated and it has been determined it is because of the development.

Atty. Quirk said there would have to be definitive proof that the subdivision was causing the problems.

D. Viera asked if the PB goes forward with this could a stipulation be put in along with the approval that in the event nitrates do elevate and it is determined it is because of the development that it falls back on the developer.

Atty. Quirk said that would be a matter of law, it wouldn't be a condition of the subdivision control law. She went on to say that with definitive subdivisions you look at your subdivision regulations and recommendations from the BOH and in the event the PB finds that the plan conforms to those requirements under chapter 4181U there is a requirement that the PB must give approval. She said that there had been no discussion tonight on that standard.

D. Viera said he was just looking for a way to protect the water supply.

Ch. Abelson asked about monitoring wells.

D. Viera asked the cost of monitoring wells.

Ryan Trahan estimated to put in 4 or 5 monitoring wells would be a total of $15,000 to 20,000.

D. Kinniburgh West Ave commented that each individual lot could have their own waste water sewer treatment plant it has been done in other areas of Seekonk and worked well and nitrates would not be involved. He said it might be more expensive but it could solve your problems.

Ch. Abelson said that does not seem like there would be enough flow for that.

L. Dunn made a comment that the threat to the water supply could be real and that no one knows until testing is done. She said she thought the PB's hands were tied and there was a real threat of a law suit to them if they tried to defend the town.

D. Viera commented that he thought the PB's hands were tied and he too was concerned about the quality of water, which is why he would strongly suggest the monitoring wells.

R. Trahan commented that it would probably take three days to install the wells but 3 months for the whole thing to be done.

B. LaSalle asked if the nitrates level do increase then what would happen.

Atty. Quirk said the owners of the property of where the contamination was coming from would be responsible.

B. LaSalle said if he were a potential property owner he would be concerned.

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

VOTED: To adjourn the Public Hearing

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

VOTED: to not rescind or modify the Definitive Plan - Pine Hill Estates, Plat 24, Lots 73 and 394, located at 524 Newman Ave, Seekonk, MA.

Aye- M. Bourque, R. Horsman, R. Bennett
Nay- S. Foulkes, D. Viera, L. Dunn. Ch. Abelson

Motion does not pass 4-nay 3-aye

A motion was made by D. Viera and seconded by S. Foulkes and it was

VOTED: to rescind and modify the Definitive Plan Pine Hill Estates, Plat 24, Lots 73 and 394, located at 524 Newman Ave, Seekonk, MA

Ch. Abelson said the rationale behind supporting the petition was the PB did not do its due diligence by requiring as part of the decision an EIS /geo-hydrological study.

Atty. Brainsky said to Ch. Abelson that before the case ended up in litigation there might be an offer from his client to put Fast Systems in, at the minimum, on lots1-5.

Atty. Quirk spoke up and said that the public hearing had been closed but since no one had left the meeting she recommended that there be a motion to reconsider the motion to close the public hearing.

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

VOTED: to reconsider the adjournment of the Public Hearing because no one has left the room.

Atty. Brainsky said that after talking with his client his client said he did not want to go to court and he did not want to lose potential buyers. He said his client would be willing to install Fast Systems to lots 1,2,3,4 and 5 which are all on the northerly portion of the property. The Fast Systems are an extra 7, 000 per septic system.

Ch. Abelson asked what the reduction would be with the nitrate loading with the fast systems compared with the conventional systems.

P. Carlson said at least 50%.

Atty. Volterra commented that the middle school has a Fast System and there could be a serious problem regardless. He also commented that the threat of litigation he felt was way out of line. He said the SWD was not satisfied with the Fast System solution.

M. Bourque asked Health Agent B. Hallal what her experience was with Fast Systems.

B. Hallal answered that Fast Systems have to be monitored she gets a report once a year and in her experience in the past 5 years of her working in Seekonk there has not been a problem with any of them.

R. Horsman commented that with the Fast System the systems will now exceed what they need.

D. Viera made a motion close the public hearing

S. Foulkes asked B. Hallal if testing the Fast Systems is visual and would not disturb the soil.

B. Hallal explained the fast systems for a single family house have a regular leaching bed and depending on the perc rate can have a 5 or 4 ft separation, she said in this case the percs were very good in that area so the systems are 5' away from the water table. She went on to explain it is a regular leaching bed with a regular D box and the fast system has a component that they stick in the septic tank attached to a blower system in which it consistently adds oxygen into the system in order to get the breakdown of the nitrates. She went on to say that a trained inspector or the homeowner can be trained to look at it once a year then the BOH gets a report and files it under that address. The home owner fills out all information required by DEP because it is called an alternative system. In order to have this system it must be recorded at the registry of deeds and they must have a maintenance plan and if there is a problem and it is in violation of Title 5 they can be charged 50 dollars a day if they are not in compliance.

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

VOTED: to close the public hearing

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

VOTED: approved the definitive subdivision plan Pine Hill Estates contingent on developer installing fast systems on lots 1, 2, 3, 4 &5

Vote 6 -1 in favor motion passes.

Aye - D. Viera, S. Foulkes, Ch. Abelson, M. Bourque, R. Horsman, R. Bennett
Nay – L. Dunn

Preliminary Plan: Warren Ave – Plat 1, Lot 271 (9:25pm)

P. Carlson from InSite Engineering summarized the proposed property is located just north of Swansea on 5.37 acres of land with a farm field in front and a wooded area to the rear. The property is in an R-3 zoning district. He went on to say they are proposing to create 5 new house lots 20k sq. ft. on a 300' public road ending in a cul-de-sac. Half the land will be left for open space. There will be individual septic systems and wells. He said no wetlands exist on the site and there will 25% max disturbance area. He said the definitive plan would probably be ready in a month.

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

VOTED: to recommend Preliminary Plan for Summer Meadows to go before the Zoning Board of Appeals for approval of a variance for the limited area of disturbance to be 50%.

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

VOTED: to approve the Preliminary Plan of Summer Meadows Plat 1, Lot 271 Warren Ave.

Site Plan Review: 76 Leavitt St.

Peter Lavoie introduced himself and said he was representing MTTI . He said the property runs along Mead St. and Leavitt St. He said they were proposing to construct a 2400 sq. ft. addition for training classes with 12 associated parking spaces.

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

VOTED: to approve the Site Plan

Adjourn

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

VOTED: to adjourn at 10 PM, at the next scheduled meeting go over the remainder of the items left on the 6/11/13 agenda.

Respectfully Submitted by,

Florice Craig