

Agenda

Town of Seekonk, MA Planning Board

04/08/14

7:00 PM

Seekonk Town Hall
Planning Board Meeting Room

Type of meeting:

Planning Board Regular Meeting

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

7:00 PM

Planning Board Reorganization

Planning Board

Appoint SRPEDD Representative

Planning Board

Surety Establishment: Summer Meadows

Trebor Properties, LLC

Form A: Arcade and Taunton Avenues

Town of Seekonk

Discussion: Zoning Bylaw Amendments

Planning Board

Discussion: Sign Bylaw Amendments

Planning Board

Correspondence:

Approval of Minutes: 3/11/14

Adjournment



Planning Board
100 PECK STREET
SEEKONK, MASSACHUSETTS 02771
1-508-336-2961

MEMORANDUM

To: The Planning Board

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

Date: March 11, 2014

Re: Summer Meadows – Surety Establishment

The applicant for Summer Meadows has requested the establishment of surety to guarantee construction of said subdivision. The construction cost estimate, ±\$193K, has been reviewed by the Board's inspector, GPI, and found to be an appropriate estimate of the proposed construction.

The method of surety proposed by the developer is a covenant over the entire development, expiring in 8 months. This office would recommend establishing a covenant for the entire development of Summer Meadows, expiring in 8 months.

This method would be consistent with the Board's recently adopted policy to require covenants over entire developments. If any partial surety releases are requested, cash or a bond would be required.



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

To: The Planning Board
From: John P. Hansen Jr., AICP, Town Planner
Date: March 31, 2014

APPROVAL NOT REQUIRED REVIEW (ANR)
Town of Seekonk – Plat, Lot(s) – Arcade & Taunton Avenues

Summary: The applicant has submitted a request for an Endorsement of a Plan Believed Not to Require Approval.

Findings of Fact:

Existing Conditions

- Lot contains multifamily house and a commercial building

Proposed Lot Amendments:

- Split lot into two parcels, one for house and other for commercial building to house new Senior Center
- Each lot has over the required 120' of frontage

Recommendation:

Staff recommends approval of this application as it meets the exemption clause within the definition of a subdivision in the Rules and Regulations Governing the Subdivision of Land for changing the size of lots in such a manner so as to not leave any lot affected without the proper frontage.



Planning Board
100 PECK STREET
SEEKONK, MASSACHUSETTS 02771
1-508-336-2961

MEMORANDUM

To: The Planning Board

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

Date: March 25, 2014

Re: Zoning Bylaw Minor Amendments

A final review of the Zoning Bylaw amendments that will be on the Spring TM warrant revealed some minor omissions were made, therefore it will be necessary to make amendments to the final product. These changes include:

1. Sec 2.8.6/2.8.7 – formatting issue
2. Sec 8 – reorganization of section
3. Sec 9.2 – added density bonus option back in that was erroneously omitted
4. Sec 8.9 – removed side yard allowance for kennel locations as its not allowed
5. Sec 4.2 – removed language indicating uses not listed are prohibitive (as per recent Appeals Court decision)
6. Sec 4.2.6 – added accessory use allowance back in that was erroneously omitted
7. Sec 4.2.4 – added footnote for wholesale establishments that was erroneously omitted

1.3 Definitions

ILLUMINATION SOURCE: The light-emitting element and any elements designed or employed for the purpose of reflecting and directing emitted light.

SIGN: Any device or image visible from a public place whose essential purpose and design is to convey either commercial or non-commercial speech by means of graphic presentation of alphabetic, numeric or pictorial symbols or representations.

8.9 Signs

8.9.1 Purpose

This section of the Zoning By-Law is adopted for the regulation of signs and advertising devices within the town in order to:

- 8.9.1.1 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.
- 8.9.1.2 Protect and enhance the safety, convenience, and welfare of all residents, businesses and consumers alike, and to prevent and minimize damage to the environment.
- 8.9.1.3 Provide sign regulations that meet the needs of the Town's residents and business owners in different zoning districts.

8.9.2 Applicability

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 Town.

8.9.3 Sign Definitions

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

8.9.4 Administration and Enforcement

8.9.4.1 A permit from the Building Official is required prior to the erection of all signs except those specifically exempt under Section 8.9.4.2. 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. Applicants 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.

8.9.4.2 Exemptions from Permit

- a.) Signs erected or maintained as required 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.) Temporary signage associated with the rental, sale, repair or renovation of existing buildings not exceeding a combined total display area of 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, 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 the activity or purpose for which it served;
- g.) Directional signs on the pavement and within parking and entrance areas;
- h.) 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 the Board of Selectmen, School Committee, Parks and Recreation Committee or Library Board of Trustees.

8.9.4.3 Prohibited Signs

The following signs, permanent or temporary, are prohibited in the Town of Seekonk.

- a.) Off premise commercial signs;
- b.) Signs which obstruct or impede the immediate use of a fire escape, a fire or other emergency exit, or any emergency escape route;
- c.) Signs 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.) Roof signs;
- e.) Signs 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;
- f.) Signs which have not been repaired or properly maintained within thirty (30) days after written notice to that effect has been given to the owner of said sign by the Building Official;
- g.) Signs placed on the ground within any public right-of-way or sidewalk, and obstruct vehicular, pedestrian, bicycle or other transportation mobility;

- h.) Signs projecting over any public right-of way or over a sidewalk, except those specifically allowed in the Luther's Corners Village District;
- i.) Signs painted or composed of fluorescent, phosphorescent or similar material;
- j.) Signs, either in whole or in part, that are moving, mobile, or rotating;
- k.) Signs 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;
- l.) Signs that are painted on the exterior surface of any wall or roof;
- m.) Signs 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.

8.9.4.4 Legal Nonconforming Signs

Those legal nonconforming signs existing prior to the adoption of this section at Town Meeting may continue and may be maintained in a manner that retains their current form and finish. Existing nonconforming signs shall not be enlarged, redesigned, or otherwise materially altered except to conform to the current 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.

8.9.4.5 Enforcement

- a.) The Building Official is hereby designated as the enforcing officer for this By-Law and shall enforce this Section 8.9 in accordance with Section 2.11 (Enforcement) and Section 2.13 (Penalty for Violations) of the Zoning By-Law.
- b.) The permit required of the applicant through the Building Official mentioned in Section 8.9.4.1 shall be issued only if the Building Official determines that the sign complies or will comply with this By-Law and applicable sections of the Commonwealth of Massachusetts Building Code. 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 associated fee as determined by the fee schedules set by the Board of Selectmen. 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.

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

In addition to those signs listed in Section 8.9.4.2, allowable permanent signs in Local Business, Highway Business and Industrial Districts include:

- a.) Building signs including accessory signs, directory signs, marquees, and wall signs.
- b.) Free-standing signs including address signs, directional or traffic safety signs, changeable signs, canopy signs, double-faced signs, or ladder/directory signs.
- c.) Accessory signs
- d.) Awning signs

8.9.5.1 In a Local Business, Highway Business, or Industrial District, there is permitted one building sign on each face of the building that is readily visible to motorists or pedestrians from a public right of way or customer access driveway in accordance with the following: *CURRENTLY SIGNS ONLY ALLOWED FACING STREETS. VARIANCES ROUTINELY GRANTED FOR SIGNS FACING ACCESS DRIVEWAYS.*

- a.) The total area of signage allowed for any building subject to this section shall be 10% of the total visible building face area. *CURRENTLY 5%* For the purposes of this calculation, visible building face areas are vertical walls readily visible to motorists or pedestrians from a public right of way or customer access driveway. In order to increase visibility to high traffic areas, applicants may distribute the total allowable signage area in a manner that increases sign area on any building face(s) up to twenty (20) percent.
- b.) Awning signs or other secondary signage designed to describe the general contents of the business shall not be counted toward the maximum building sign area.
- c.) The top edge of any building sign shall not be higher than either the roof ridge of the building or the highest point of the roof excluding ornamental portions thereof, if no ridge pole, or higher than the plate of a flat roof.
- d.) Exception to the building sign area limitation is allowed for individual 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. In the Highway Business District, where the façade of a building is farther than 200 feet from the main access road, letters shall not exceed thirty (30) percent of the height of the building face below the plate on the side of the building on which the letters are mounted and the maximum height of individually-mounted letters shall be eight (8) feet.

VARIANCES ROUTINELY GRANTED DUE TO LACK OF VISIBILITY

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

8.9.5.2 Free-standing signs in a Local Business, Highway Business, or Industrial District are limited in number to one for each entrance to a discreet building or cluster of

buildings. This limitation shall not include address signs, directional or traffic safety signs, construction signs, or any sign exempted from this by-law.

- a.) The height and sign area of a free-standing sign shall be regulated by the table below. Signage associated with canopies for gasoline filling stations or similar structures shall be included in the calculation for free-standing sign area.

Local Business or Industrial		Highway Business	
Max. Sign Area (square feet)	Max. Height (feet)	Max. Sign Area (square feet)	Max. Height (feet)
 <i>CURRENTLY 60</i>	 <i>CURRENTLY 25</i>	 <i>CURRENTLY 120</i>	 <i>CURRENTLY 25</i>

- b.) For public safety, the whole of the signboard or display elements of any free-standing sign shall be either below three (3) feet in height, or above seven (7) feet in 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. An exception 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 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.
- c.) Sign area shall be measured in accordance with the definition of "Area of a Sign" contained in the Zoning By-Law.
- d.) Free-standing signs may be double-faced. There shall be no printing or display on the thickness dimension.
- e.) The thickness from face to face of a free-standing double-faced shall be the minimum required to make the sign structurally sound and/or to enable the proper functioning of lighting associated with the sign.
- f.) 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.

8.9.5.3 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 for the purposes of protecting public safety and providing public information in the Local Business and Highway Business Districts by changing or intermitting letters, numbers or lights (e.g., displaying the time of day (or night), temperature, weather forecast, visibility, pollution index). Said display shall be limited to free-standing signs and shall not exceed twenty-five (25) percent of either face of a free-standing sign.

- b.) LED technology may be used for signs in the Local Business and Highway Business districts in accordance with the following provisions:

CURRENTLY NO STANDARDS LED STANDARDS EXIST – SUCH SIGNS HAVE ROUTINELY BEEN ALLOWED

- i. Said display shall be limited to free-standing signs and shall not exceed twenty-five (25) percent of either face on a free-standing sign.
 - ii. The sign shall not be intermittently illuminated, nor have traveling, flashing or animated lighting, and script may only be changed daily.
 - iii. The sign will be made available for emergency purposes and a letter shall be submitted to the Building Official as part of the sign application stating that the property owner shall assist the Town with emergency notification upon request.
- c.) Signs shall neither emit nor reflect light with an intensity level greater than fifty (50) foot candles at one hundred (100) feet from the sign.
- d.) The illumination of signs associated with commercial, business or industrial uses within Local Business, Highway Business and Industrial Zones shall only occur during the hours such uses are open and/or operating.

8.9.6 Signs – Luther’s Corners Village District

In addition to those signs listed in Section 8.9.4.2, allowable permanent signs in Luther’s Corners Village District include:

- a.) Building signs including accessory signs, directory signs, projecting signs, marquees, and wall signs.
- b.) Free-standing signs including address signs, directional or traffic safety signs, changeable signs, canopy signs, double-faced signs, or ladder/directory signs.
- c.) Accessory signs
- d.) Awning signs

8.9.6.1 In a Luther’s Corners Village District, there is permitted one building sign on each face of the building that is readily visible to motorists or pedestrians from a public right of way or customer access driveway in accordance with the following:

- a.) The maximum area of allowable building signs shall be five (5) percent of the total building face area. Eligible building face areas are those readily visible to motorists or pedestrians from a public right of way or customer access driveway. In order to increase visibility to high traffic areas, applicants may distribute the total allowable signage area in a manner that increases sign area on any building face(s) up to ten (10) percent.
- b.) Awning signs or other secondary signage designed to describe the contents of the business shall not be counted toward the maximum building sign area.

- c.) The top edge of any building sign shall not be higher than either the roof ridge of the building or the highest point of the roof excluding ornamental portions thereof, if no ridge pole, or higher than the plate of a flat roof.

8.9.6.2 Free-standing signs in Luther's Corners Village District are limited in number to one for each entrance to a discreet building or per cluster of buildings. This limitation shall not include address signs, directional or traffic safety signs, or any sign exempted from this by-law.

- a.) Free-standing signs shall be limited to ground-mounted signs that are a maximum of four (4) feet high and have a maximum area of thirty-two (32) square feet.
- b.) Any ground-mounted free-standing sign or its supports shall be located a minimum of twelve (12) feet from any lot line. An exception 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 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.
- c.) Sign area shall be measured in accordance with the definition of "Area of a Sign" contained in the Zoning By-Law.
- d.) Free-standing signs may be double-faced. There shall be no printing or display on the thickness dimension.
- e.) The thickness from face to face of a free-standing double-faced shall be the minimum required to make the sign structurally sound and/or to enable the proper functioning of lighting associated with the sign.
- f.) 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.

8.9.6.3 Projecting signs in Luther's Corners Village District may be used in accordance with the following provisions:

- a.) Signs may not project from the building face more than four (4) feet and may project into a public right of way.
- b.) The area of the sign (measured by one face of the sign) shall not exceed six (6) square feet. This area shall be included in the total building sign area calculation.
- c.) Vertical clearance between the bottom of the sign and the ground shall be a minimum of seven (7) feet.

8.9.6.4 The following design standards and limitations shall be applied to permanent signs in Luther's Corners Village District:

- a.) Lighting shall be shielded and/or directed to prevent trespass onto adjacent properties.

- b.) Permissible illuminated signs in the Luther's Corners Village District shall be illuminated from exterior lighting sources from a downward angle. Interior or backlighting for signage is not permitted.
- c.) Materials for signs shall be natural materials or synthetic materials designed to imitate natural materials.
- d.) Animated signs of any sort shall be prohibited.
- e.) The illumination of signs within the Luther's Corners Village District shall only occur during the hours for which the associated uses are open and/or operating.

8.9.7 Residential Districts

In addition to those signs listed in Section 8.9.4.2, allowable permanent signs in Resident Districts include:

- 8.9.7.1 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.
- 8.9.7.2 Institutional uses in residential areas may have one free-standing sign for each entrance driveway. Said free-standing sign may be single or double-faced with the maximum area of any individual face being forty (40) square feet).
- 8.9.7.3 For permitted uses, other than residential and those specified in Sections 8.9.7.2, one double-faced sign not in excess of twelve (12) square feet per face is permitted.
- 8.9.7.4 Signage erected as part of the development 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 2.11.2 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.
- 8.9.7.5 Legally established, pre-existing nonconforming land uses in residential districts shall be allowed one double faced sign with the maximum sign area for each individual sign being two (2) square feet.
- 8.9.7.7 The following design standards and limitations shall be applied to permanent signs in Residential Districts:
 - a.) Lighting shall be shielded and/or directed to prevent trespass onto adjacent properties.
 - b.) Signs with commercial speech shall be illuminated from exterior lighting sources from a downward angle. Interior or backlighting for signage is not permitted.

- c.) Materials for signs shall be natural materials or synthetic materials designed to imitate natural materials.
- d.) Animated signs of any sort shall be prohibited.
- e.) Lighting for signs shall be turned off when the commercial operations to which they apply are closed. The illumination of signs within the Residential districts shall only occur during the hours for which the associated uses are open and/or operating.

8.9.8 Temporary Signs

Unless otherwise exempted in this bylaw or protected under state or federal law, temporary signs shall be regulated in accordance with the following provisions.

- 8.9.8.1 Unless otherwise regulated or exempted by specific provisions of this section, or elsewhere in this article, a temporary sign shall require a permit but no fee from the Building Commissioner, and shall be subject to all applicable regulations regarding size, duration, placement, installation illumination and other requirements.
- 8.9.8.2 Any such temporary sign shall not exceed eighteen (18) square feet.
- 8.9.8.3 No two or more such temporary signs that serve the same purpose shall be closer than five hundred (500) feet on land in contiguous ownership.
- 8.9.8.4 No such sign shall be placed on any street sign posts, tree or within the layout of any public way or private way that is open to public travel.
- 8.9.8.5 Each permit for such temporary sign shall include the name, address, and telephone number of the person responsible for the sign and the date of posting.
- 8.9.8.6 Any such temporary sign that violates this bylaw is subject to enforcement by the Building Commissioner, with owner of the sign and the property owner to be jointly liable for any enforcement expense incurred by the Town.
- 8.9.8.7 Any such sign for a temporary event should be removed within two (2) days of the conclusion of the event.
- 8.9.8.8 No such temporary sign shall be placed above the highest outside wall of the building.
- 8.9.8.9 No balloon may be elevated higher than the sign height restrictions applicable to the district within which it is to be used.
- 8.9.8.10 All temporary signs shall meet the safety, construction, placement, mounting and lighting regulations and standards established by the Building Commissioner and it shall be the responsibility of the sign displayer and owner of the property where the sign is displayed to be informed about these requirements.
- 8.9.8.11 All such temporary signs as permitted in this section shall be permitted on the same premises for no more than **one-hundred (120) consecutive days** each in the same calendar year. *CURRENTLY 30 DAYS – 120 PERMISSIBLE BY CASE LAW*

TOWN OF SEEKONK
Planning Board

MEMORANDUM

To: The Planning Board

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

Date: April 1, 2013

Re: March monthly report

BYLAWS

Zoning Bylaw rewrite

- Additional minor changes to be brought forward in Apr with public hearing in May; To be on June TM

Medical Marijuana Treatment Centers Zoning Bylaw

- PB recommended approval; To be on June TM

PLANS

Master Plan

- Implementation on-going
- Economic Development section to be focused on once EDC established
- New Landscaping standards being researched to produce better quality design of non-residential projects

MISC

Luthers Corners Safety Improvement Project

- Design on-going; To be constructed in 2017

SUBDIVISIONS

Orchard Estates

- Binder course of asphalt installed

Tall Pines

- Binder course of asphalt installed

Madison Estates

- Binder course of asphalt installed

Caleb Estates

- Binder course of asphalt installed

Ricard St. Extension

- Binder course of asphalt installed

Pine Hill Estates

- Drainage installed

Jacob Hill Estates

- Definitive Plan approved

Country Brook Estates

- Definitive Plan approved

Summer Meadows

- Definitive Plan approved; Surety to be established & Plan to be endorsed in Apr

SITE PLANS

Swan Brook Assisted Living

- Applicant appealing DEP ruling on sewer treatment facility requirement; DEP decision due in late Apr; Response from applicant to consultant's drainage comments on hold until appeal heard.

Ledgemont Country Club

- Approved subject to ZBA and ConCom approvals.

SEEKONK PLANNING BOARD

Regular Meeting

March 11, 2014

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

Absent:

7:00PM Ch. Abelson opened the meeting

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

Attorney Eric Brainsky introduced himself he said he was representing Mr. J. Ruggiero and Ledgemont Country Club. He summarized the site plan was a proposal of the relocation of accessory uses in which the intention would be to create a centrally located area for a pool, 5 tennis courts and a small concession stand. He noted Ledgemont is a private club and the hours would be limited in this area till 7pm. He also said there will be no lights at night in that area and any night events must approve by the Board of Directors. He said the drainage analysis was done in accordance with the storm water guidelines and regulations of Massachusetts and the parking proposed met all the zoning requirements. He noted it had been reviewed and approved by CEI the Planning Board and Conservation Commission's Consulting Engineer.

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

N. Abelson read a statement to the audience:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

J. Ratcliff asked about the height of the arborvitaes.

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

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

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

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

E. Brainsky said the well was on Ledgemont property

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

P. Carlson said he did not understand the question.

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

S. Foulkes asked how often it gets monitored.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Both Motions were VOTED:

Nay: S. Foulkes, L. Dunn

Aye: Ch. Abelson, D. Viera, Mike Bourque

Abstained: R. Horsman

Motion passes

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

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

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

VOTED: to approve with minor changes.

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

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

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

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

VOTED: to approve continued use of SRPEDD

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

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

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

Planning Board unanimously agreed.

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

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

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

Approval of Minutes: 2/11/14

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

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

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

Adjournment

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

VOTED: to adjourn at 10:05PM.

Respectfully Submitted by,
Florice Craig

DRAFT



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