

Agenda

Town of Seekonk, MA Planning Board

07/08/14
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

Form A: Fantasyland – 1292 & 1300 Fall River Ave Antone Oliveira

Covenant Release/Cash Surety Establishment: Summer Meadows Trebor Properties, LLC

Site Plan Review: Grand Prix – 1098 Fall River Ave Darling Development

Discussion: Subdivision Rules and Regulations Planning Board

Discussion: Solar Overlay District and Conservation Subdivision Amendments Planning Board

Correspondence:

Approval of Minutes:

Adjournment



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

To: The Planning Board
From: John P. Hansen Jr., AICP, Town Planner
Date: June 5, 2014

APPROVAL NOT REQUIRED REVIEW (ANR)
Oliveira – Plat 7, Lot(s) 33 & 63 – 1292 & 1300 Fall River Ave.

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

Findings of Fact:

Existing Conditions

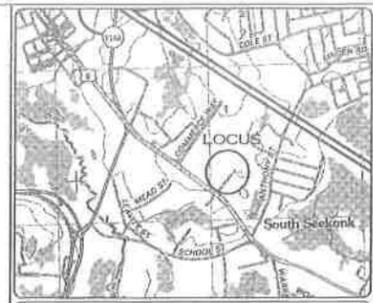
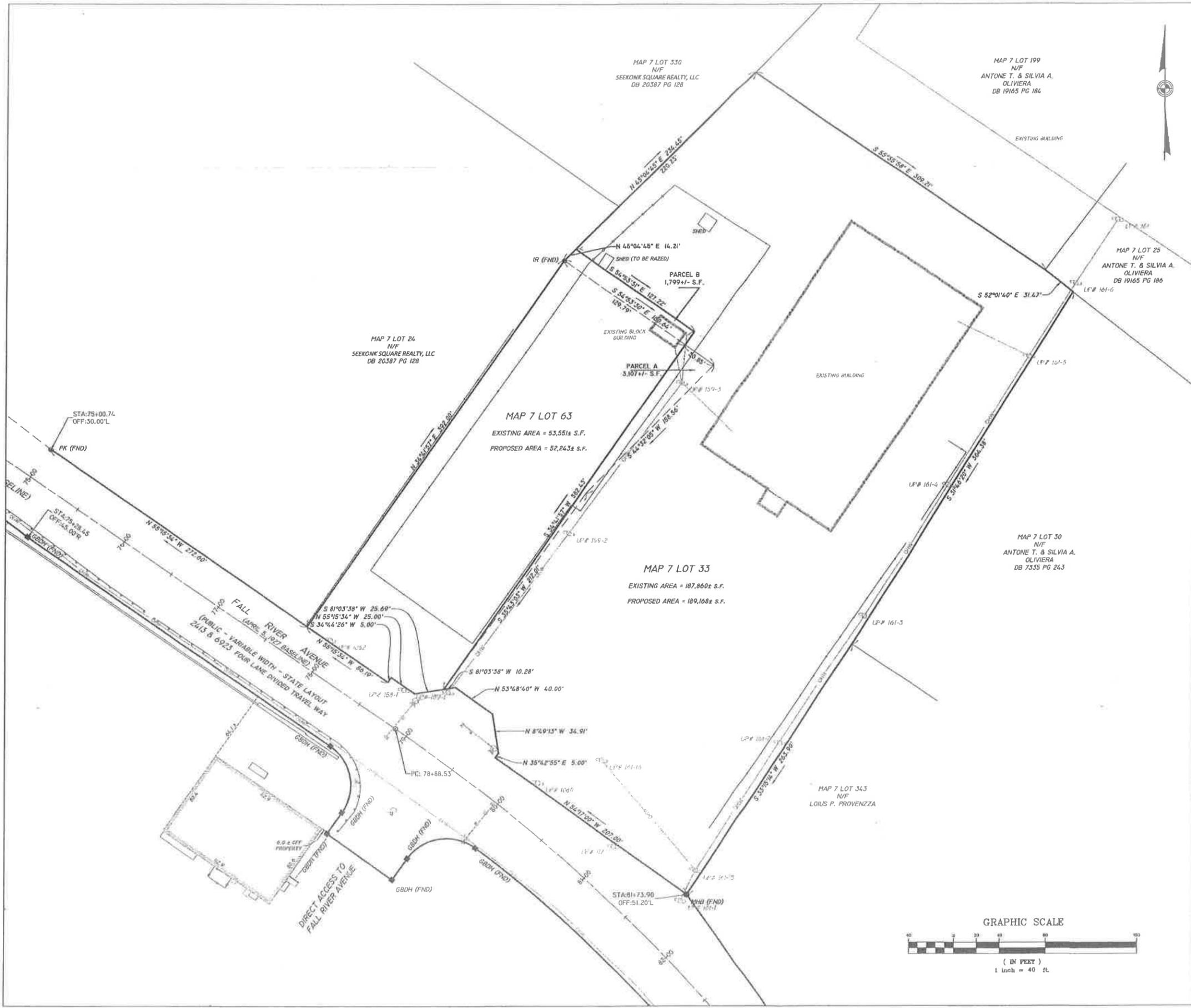
- Lots contain mini golf establishment and Fantasyland indoor recreation establishment.

Proposed Lot Amendments:

- Reconfigure lots without affecting frontage of them.

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.



LOCATION (NOT TO SCALE) MAP

REGISTRY USE ONLY

- NOTES:**
1. PARCELS SHOWN ARE DELINEATED AS LOTS 33 & 63 ON SEEKONK ASSESSORS MAP 7.
 2. PARCELS SHOWN ARE LOCATED IN ZONING DISTRICT 'HIGHWAY BUSINESS'
 3. OWNER OF RECORD: ANTONIO T. & SYLVIA A. OLIVEIRA DEED BOOK 14757 PAGE 106
 4. PARCEL 'A' IS A PORTION OF EXISTING MAP 7 LOT 63 TO BE CONVEYED TO MAP 7 LOT 33.
 5. PARCEL 'B' IS A PORTION OF EXISTING MAP 7 LOT 33 TO BE CONVEYED TO MAP 7 LOT 63.
 6. PARCELS 'A' AND 'B' ARE NOT TO BE CONSIDERED SEPARATE BUILDABLE LOTS.
 7. THE PURPOSE OF THIS PLAN IS TO CREATE 2 SEPARATE PARCELS TO BE CONVEYED (SWAPPED) TO ADJOINING OWNERS.
 8. PARCELS SHOWN SUBJECT TO EASEMENTS OF RECORD.

CERTIFICATIONS:

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS. THE CERTIFICATION SHOWN HEREON IS INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE LAND SHOWN.

[Signature] 06-02-2014
 PROFESSIONAL LAND SURVEYOR DATE

SEEKONK PLANNING BOARD
 APPROVAL NOT REQUIRED UNDER SUBDIVISION CONTROL LAW

CHAIRMAN _____
 CLERK _____

APPROVAL NOT REQUIRED PLAN

"OLIVEIRA PROPERTY!"
 1292 & 1300 FALL RIVER AVENUE SEEKONK MA,
 ASSESSORS MAP 7 LOTS 63 & 33

PREPARED FOR: ANTONIO T. OLIVEIRA
 19605 LOST CREEK DRIVE, FT. MYERS FLORIDA 33912

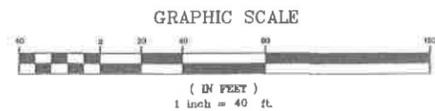
JOB # 14-032	SCALE: 1" = 40'	DRAWN BY: SCA	DATE: JUNE 2, 2014
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REVISED: _____

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InSite Professional Complex, Suite 1
 1539 Fall River Avenue Seekonk, MA 02771
 Phone: (508) 336-4500 Fax: (508) 336-4558
 Web Address: InSiteEngineers.com

SHEET
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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: June 24, 2014

Re: Summer Meadows – Covenant Release/Cash Surety Establishment

The applicant for Summer Meadows has requested a covenant release and establishment of cash surety to guarantee remaining construction of said subdivision, which includes the top-course of asphalt. The revised construction cost estimate has been reduced as the binder course has been installed and approved by the Board's inspector, GPI.

This office would recommend releasing the covenant for the entire development of Summer Meadows and establishing cash surety in the amount of \$52,779, expiring in 12 months.

InSite Engineering Services
Construction Cost Estimate

UTILITIES												
Utility Trench and Backfill for Conduit	350	LF	\$6	\$2,100	100	\$0.00						\$0.00
Utility Trench Sand	415	CY	\$12	\$4,980	100	\$0.00						\$0.00
Electric Cost	350	LF	\$5	\$1,750	0	\$1,750.00						\$1,750.00
Warning Tape	8	EA	\$50	\$400	0	\$400.00						\$400.00
Alarm Box	1	EA	\$7,500	\$7,500	0	\$7,500.00						\$7,500.00
FINAL SITE PREP												
Trees	12	EA	\$450	\$5,400	0	\$5,400.00						\$5,400.00
Re-Spread Loam (Pond)	125	CY	\$3	\$375	100	\$0.00						\$0.00
Re-Spread Loam (ROW)	100	CY	\$3	\$300	100	\$0.00						\$0.00
Hydroseed - (ROW, pond)	1	DAY	\$1,500	\$1,500	100	\$0.00						\$0.00
Signs	2	EA	\$100	\$200	0	\$200.00						\$200.00
As-built	1	LS	\$7,500	\$7,500	0	\$7,500.00						\$7,500.00
Miscellaneous Work/Cleanup	1	LS	\$2,000	\$2,000	90	\$200.00						\$200.00
Street Monuments	9	EA	\$300	\$2,700	0	\$2,700.00						\$2,700.00
T.M. Acceptance	1	LS	\$3,000	\$3,000	0	\$3,000.00						\$3,000.00
INSPECTIONS												
Engineer	1	LS	\$6,000	\$6,000	80	\$1,200.00						\$1,200.00
Drainage Inspection	1	EA	\$1,500	\$1,500	80	\$300.00						\$300.00
TOTAL				\$124,819	0	\$40,812.40						
10% Contingencies						\$4,081						\$4,081
Construction Management (10%)						\$4,081						\$4,081
Maintenance (2%)						\$816						\$816
SUBTOTAL						\$49,791						\$49,791
Inflation (6%)						\$2,987						\$2,987
TOTAL GUARANTY						\$52,779						\$52,779



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: July 1, 2014

SITE PLAN REVIEW
Grand Prix – 1098 Fall River Ave.

Summary: The applicant has submitted a request for Site Plan Review.

Findings of Fact:

Existing Conditions

- Indoor/Outdoor Recreation facilities

Proposal:

- Relocate Grand Prix building and increase size to 7500 sq ft and reconfigure race tracks to accommodate relocation.
- **Section 10.6.1 - Parking**-93,000 sf of indoor/outdoor recreation facilities; Range of required parking is between 155-310 spaces; 164 spaces proposed. **10.6.2-Drainage:** No disturbance of land proposed; **10.6.3-Existing parking lot**, no landscaping proposed; **10.6.4-** No lighting proposed; **10.6.5-**No drive-thru facility proposed; **10.6.6-**No Architectural designs submitted.

Waivers Required:

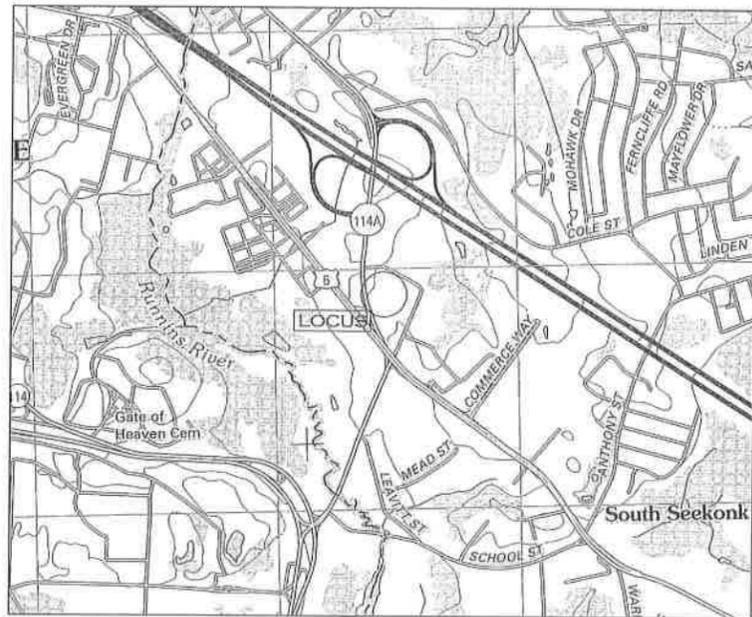
- None

Recommendation:

The plan, dated July 1, 2014 conforms with the requirements of Section 10 – Site Plan Review, therefore an approval is warranted.

Proposed Site Plan of "SEEKONK GRAND PRIX" in Seekonk, Massachusetts 02771

Date: April 14, 2014



LOCATION MAP
SCALE 1" = 1000'

INDEX OF DRAWINGS

SHEET #	DESCRIPTION
1	COVER SHEET
2	EXISTING CONDITIONS PLAN
3	SITE PLAN



SITE MAP
SCALE 1" = 150'

GENERAL NOTES:

- EXISTING AMUSEMENTS WERE TRACED FROM AERIAL PHOTOGRAPHY AND SHOULD BE VERIFIED PRIOR TO CONSTRUCTION.
- PERIMETER AND SECURITY FENCING SHALL BE PROVIDED FOR EACH AMUSEMENT.

ZONING DISTRICT

- EXISTING LOTS ARE IN ZONING DISTRICT "HIGHWAY BUSINESS DISTRICT (HBD)":

MINIMUM FRONTAGE	= 50'
MAXIMUM STORIES	= 3
MINIMUM SETBACKS - FRONT	= 70'
MINIMUM SETBACKS - SIDE	= 15'

REFERENCES:

- APPROVAL NOT REQUIRED PLAN FOR LOTS A, B, C & D, SEEKONK, MA; DATED APRIL 7, 2004; PREPARED FOR ADVANTAGE DEVELOPMENT, LLC; PREPARED BY ATLANTIC DESIGN ENGINEERS, LLC. PLAN BOOK 426 PAGE 41
- SEEKONK GRAND PRIX CORP - WAYNE DARLING, PRESIDENT
1098 FALL RIVER AVENUE, SEEKONK, MA. 02771; DEED BOOK 13923 PAGE 246.

DIG-SAFE NOTE:

- CALL DIG-SAFE (TEL #1-888-DIG-SAFE) PRIOR TO ANY EXCAVATION
- POSSIBLE UNDERGROUND UTILITIES IN AREA. EXCAVATION CONTRACTOR TO CONTACT DIG-SAFE PRIOR TO EXCAVATION. DIG-SAFE NUMBER ON RECORD FOR AREA OF PREVIOUS SOIL EVALUATIONS ONLY (#20092802724).

COVER SHEET

"SEEKONK GRAND PRIX"
1098 FALL RIVER AVENUE, SEEKONK, MASSACHUSETTS 02771
AP 7 LOTS 14, 76, 114, 355 & PORTION OF 351

OWNER/OWNER/APPLICANT: **WAYNE DARLING**
1098 FALL RIVER AVENUE, SEEKONK, MASSACHUSETTS 02771

JOB #: 12-052 SCALE: AS SHOWN DRAWN BY: CEA DATE: JULY 1, 2014

REVISED:

PROFESSIONAL SEAL

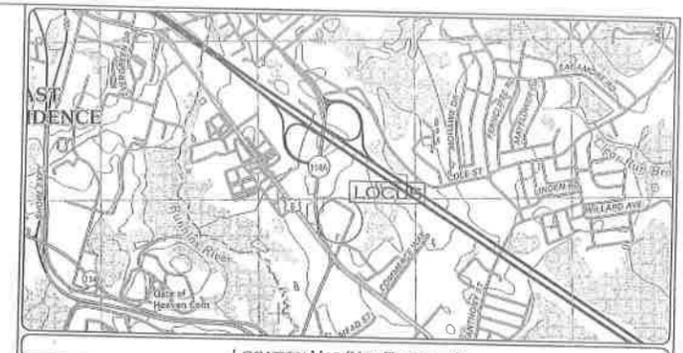
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InSite Professional Complex, Suite 1
1539 Fall River Avenue Seekonk, MA 02771
Phone: (508) 338-4500 Fax: (508) 338-4508
Web Address: InSiteEngineers.com

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TOWN OF SEEKONK SEEKONK PLANNING BOARD SITE PLAN APPROVAL _____ _____ _____ TOWN OF SEEKONK PLANNING BOARD DATE APPROVED: _____	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">REVISION</th> <th style="text-align: center;">DATE</th> <th style="text-align: center;">COMMENTS</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">7/1/14</td> <td style="text-align: center;">SITE PLAN SUBMITTAL</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REVISION	DATE	COMMENTS	0	7/1/14	SITE PLAN SUBMITTAL										<p>CONTRACTOR SHALL VERIFY LOCATION PRIOR TO CONSTRUCTION</p>
REVISION	DATE	COMMENTS															
0	7/1/14	SITE PLAN SUBMITTAL															

11/12/05 FALL RIVER AVENUE - SEEKONK - GRANITE PHOTOGRAPHY, LLC. GRANITE PHOTOGRAPHY, LLC. 6/30/2014 3:53:38 PM



GENERAL NOTES:

- EXISTING AMUSEMENTS WERE TRACED FROM AERIAL PHOTOGRAPHY AND SHOULD BE VERIFIED PRIOR TO CONSTRUCTION.
- PERIMETER AND SECURITY FENCING SHALL BE PROVIDED FOR EACH AMUSEMENT.

ZONING DISTRICT

- EXISTING LOTS ARE IN ZONING DISTRICT "HIGHWAY BUSINESS DISTRICT (HBD)":

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- SEEKONK GRAND PRIX CORP - WAYNE DARLING, PRESIDENT
1098 FALL RIVER AVENUE, SEEKONK, MA. 02771; DEED BOOK 13923 PAGE 246.

PARKING REQUIREMENTS

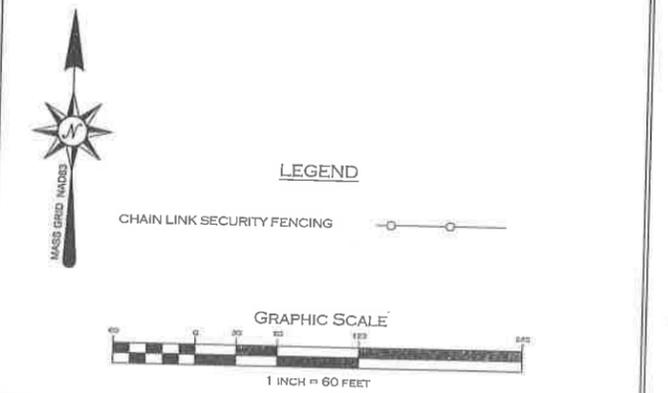
EXISTING - (AT CURRENT LOCATION) - 79

***AMUSEMENT AREA**

MAIN GO-CART TRACK	- 51,000 Sq.Ft.
BUMPER BOATS	- 4,800 Sq.Ft.
MINI OVAL	- 3,500 Sq.Ft.
MINI GOLF	- 11,200 Sq.Ft.
SLICK TRACK	- 12,000 Sq.Ft.
BUMPER CARS/MINIS	- 3,000 Sq.Ft.
ARCADE	- 7,500 Sq.Ft.
TOTAL AREA	93,000 Sq.Ft.

REQUIRED - 1 SPACE PER 600 SQ.FT. OF AMUSEMENT AREA
93,000 SQ.FT. OF *AMUSEMENT AREA x 1 SP./600 SQ.FT. = 155 SPACES

PROVIDED - 164 SPACES
(53 SHARED WITH HAMPTON INN)



EXISTING CONDITIONS PLAN

"SEEKONK GRAND PRIX"
1098 FALL RIVER AVENUE, SEEKONK, MASSACHUSETTS 02771
AP 7 LOTS 14, 76, 114, 355 & PORTION OF 351

APPLICANT: WAYNE DARLING
1098 FALL RIVER AVENUE, SEEKONK, MASSACHUSETTS 02771

JOB # 12-052	SCALE: 1"=60'	DRAWN BY: CEA	DATE: JULY 1, 2014
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REVISID:

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Web Address: InSiteEngineers.com

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1:12-052 FALL RIVER AVENUE - SEEKONK - SEEKONK GRAND PRIX CAD 12-052 SEEKONK GRAND PRIX BASE PLAN 6-16-14.DWG. 6/30/2014 3:54:22 PM

6.1 Bond or Security

The developer shall file a security in the amount deemed by the Planning Board to be sufficient to cover the estimated cost of all required work at the expiration of the time period specified by the applicant for the performance of said work. If at the elapse of the time period specified by the developer shall be in automatic default. This period may be extended by vote of the Board of a specified time upon a written request of the developer, concurred in by surety, if any, and in writing.

The applicant may select from the following methods of security, and may from time to time vary the method or combination of methods:

1. Proper bond, sufficient in the opinion of the Planning Board to secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision;
2. Deposit of money, or negotiable securities, such as certified check, savings passbook accompanied by a signed withdrawal slip and an assignment of the account to the Town, savings certificates assigned to the Town and acceptable to the Town;
3. Covenant, executed and duly recorded, running with the land, whereby ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgaged deed;
4. Agreement executed after the recording of a first mortgage covering the premises shown on the plan or a portion thereof given as security for advances to be made to the applicant and the lender and shall provide for the retention by the lender of funds sufficient to secure the construction.

The Board shall not accept a covenant not to build on an individual lot as surety to guarantee the installation of infrastructure that is required to serve other lots.

The Board shall not accept a letter of credit as surety, since a letter of credit is not negotiable security as required under G.L. c.41, §81U, ¶7(2), unless the letter of credit contains an express and unconditional promise to pay the funds to the Planning Board or its agent in the event of a default.

8.1 General

8.1.1 No water main, drain, catch basin, utility, road subgrade or surface or any other improvement shall be backfilled, paved over or otherwise permanently covered until inspected by the Board or the Board's Agent, who shall confer with the Public Works Department and Water District in the field at the site, and found to be in conformance with these Rules and Regulations and applicable Town specifications.

- 8.1.2 The Planning Board shall provide the subdivider with a checklist of those improvements which are to be inspected and designate the appropriate Inspector. Refer to checklist, "Inspection of construction", Form K.
- 8.1.3 The subdivider shall notify, in writing, the designated inspector or if he is not available, the Planning Board, at least two full working days prior to the time of each required inspection. The subdivider shall provide safe and convenient access to all parts of work to be inspected.
- 8.1.4 No work will be approved unless it has been inspected, and any work covered before being inspected shall be uncovered and inspected at the owner's expense, unless the applicant has requested such an inspection and the Planning Board or its agents did not inspect the work within one week through no fault of the applicant.
- 8.1.5 Standards of construction not otherwise specified hereunder shall be according to the latest standards of Mass Highway.
- 8.1.6 No clearing or cutting shall commence for any phase of the project until the Pre-Consturction Checklist has been submitted, which is found in the rear of this publication.
- 8.1.7 Any violations of an approved Conservation Subdivision Definitive Plan shall be subject to a fine as described in the Penalty for Violations section of the Zoning Bylaws. Violations of all other Definitive Plans shall be subject to the enforcement provisions of MGL Chapter 41, Section 81Y.



**TOWN OF SEEKONK
PLANNING BOARD**

Pre-Construction Checklist

****No clearing or cutting shall commence for any phase of the project until the following has been performed to the satisfaction of the board or their representative:***

1. Upon approval of a Definitive Plan of Subdivision, the Planning Board notifies the Town Clerk of the Planning Board action and requests the commencement of the twenty-day appeal period.
2. The applicant submits a construction cost estimate to the Town Planner and the Town's Inspecting Engineer for approval.
3. Surety is established by the developer by any of the methods in section 6.2 of the Subdivision Regulations.
4. Upon completion of the twenty-day appeal period with no appeals and surety is posted and approved by the Planning Board, the Planning Board will endorse the plans.
5. The inspection quote amount is to be deposited in the 53-G account for hiring outside consultants, prior to the endorsed Definitive Plan of Subdivision plan being recorded.
6. The Applicant shall record the signed plans, easements, Homeowner's Association Documents, municipal lien certificate, and the notarized surety agreement with the Registry of Deeds and forward a copy of the recording receipt to the Planning office.
7. Prior to the beginning of construction, the applicant shall arrange a pre-construction meeting with the Town Planner to review all construction requirements.
8. The Applicant shall notify the Town's Consulting Engineer at least 2 full working days prior to the time of each required inspection.

I, _____, as the developer/representative of the developer
for _____ Subdivision, approved by the Planning Board
on _____, have received the Pre-Construction checklist.

Signature: _____

Date: _____

9.2 Conservation Subdivision Design

9.2.1 Purposes

The purposes of Conservation Subdivision Design are:

1. To encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use;
2. To preserve historical and archeological resources;
3. To protect the natural environment;
4. To protect the value of real property;
5. To promote more sensitive siting of buildings and better overall site planning;
6. To perpetuate the appearance of Seekonk's traditional New England natural landscape;
7. To allow landowners a reasonable return on their investment; and
8. To facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner.

9.2.2 Applicability

Any subdivision of five (5) 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 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.

9.2.5 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 Board shall review the proposed maximum number of dwelling units through the submittal of a Yield Plan as described in the Rules and Regulations Governing the Subdivision of Land in Seekonk, Massachusetts.

9.2.6 Site 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 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.

9.2.6.1 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 as identified on plans submitted to the Board through the subdivision review process.

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

9.2.6.3 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 avoided.

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

9.2.7 Site Design Standards

9.2.7.1 Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.

9.2.7.2 The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal/alteration. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas.

9.2.7.3 All open space shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

9.2.7.4 The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

9.2.7.5 Building orientation for residential uses shall be such that at least 75% or more of the buildings shall have one axis at least 1.5 times longer than the other, and such that the longer axis is within 15 degrees of the geographical east/west axis. The length to width ratio shall be applied only to the length of walls enclosing conditioned spaces; walls enclosing unconditioned spaces such as garages, arcades, or porches shall not be counted in these calculations.

9.2.7.6 Where a building meets the standard for subsection 5 above, the roof shall be designed so that that any protuberances, dormers or other features shall not preclude the future installation of solar power generating technology.

9.2.7.7 Walkways, trails and bicycle paths shall be provided to link residences with recreation facilities (including parkland and open space) and adjacent land uses where appropriate.

9.2.8 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.

9.2.9 Access to Lots

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

9.2.10 Minimum Open Space Requirements

A minimum amount of dedicated open space is required as part of any Conservation Subdivision in accordance with the following table and shall meet all the requirements of this By-Law for design, restriction of use, and ownership. 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. Land area within any regulated buffer areas to wetlands or waterways shall not be counted toward computation of the existing wetland area.

District	Minimum Dedicated Open Space
R-2	40%
R-3	50%
R-4	60%

9.2.11 Design of Open Space

Dedicated open space in any Conservation Subdivision shall meet the following design standards:

9.2.11.1 Open space shall not include 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.

9.2.11.2 As part of the subdivision review process, 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.

9.2.11.3 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.

9.2.12 Allowable Uses within Dedicated Open Space

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. Large-scale ground mounted solar photovoltaic facilities may be allowed when the proposed open space exceeds the minimum dedicated open space in section 9.2.10 by at least one acre and shall be subject to the Solar Photovoltaic Overlay District in section 6.8

9.2.13 Ownership of Dedicated Space

The required open space shall, at the owner's election, be owned by any of the following entities:

9.2.13.1 A private owner for agricultural, horticultural, forestry or any other purpose not inconsistent with the conservation restriction;

9.2.13.2 A non-profit organization or agency of the Commonwealth, with their consent, whose principal purpose is the conservation of open space for any of the purposes set forth herein;

9.2.13.3 The Town of Seekonk Conservation Commission; or

9.2.13.4 A homeowners association (HOA) as defined in the Zoning By-Law owned jointly or in common by the owners of lots or units within the project.

9.2.13.5 If option four is selected the following shall apply:

a.) The documents organizing the HOA shall be drafted and approved by the Board before final approval of the Conservation Development, recorded prior to the issuance of building permits, comply with all applicable provisions of state law, and pass with conveyance of the lots or units in perpetuity. Each individual deed, and the deed, trust, or articles of incorporation, shall include language designed to effect these provisions.

- b.) Membership must be mandatory for each property owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.
- c.) The HOA must be responsible in perpetuity for liability insurance, property taxes, the maintenance of recreational and other facilities, private roads, and any shared driveways.
- d.) Property owners must pay their pro rata share of the costs in subsection c above, and the assessment levied by the HOA must be able to become a lien upon individual properties within the Conservation Development.
- e.) The HOA must be able to adjust the assessment to meet changed needs.
- f.) The applicant shall make a conditional grant to the Town of Seekonk, binding upon the HOA, of the fee interest to all open space to be conveyed to the HOA. Such offer may be accepted by the Town of Seekonk, at the discretion of the Board of Selectmen, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.
- g.) Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual property owners in the HOA and the dwelling units they each own.
- h.) Municipal counsel must find that the HOA documents presented satisfy the conditions in subsections a through g above, and such other conditions as the Board shall deem necessary.

9.2.13.6 Selection of ownership option one, two, or four requires:

- a.) The conveyance of a conservation restriction as outlined herein; and
- b.) The granting of an access easement over such land sufficient to ensure its perpetual maintenance as agricultural, conservation, or recreation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town of Seekonk may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town of Seekonk shall be assessed against the properties within the development and/or to the owner of the open space. Pursuant to G.L. Chapter 40 Section 58 the Town of Seekonk may file a lien against the lot or lots to ensure payment for such maintenance. Pursuant to G.L. Chapter 40 Section 57 the Town of Seekonk may also deny any application for, or revoke or suspend a building permit or any local license or permit, due to neglect or refusal by any property owner to pay any maintenance assessments levied.

9.2.14 Maintenance of Open Space

The Board shall require the establishment of ongoing maintenance standards as a condition of development approval to ensure that utilities are properly maintained and the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials. Such standards shall be enforceable by the Town against any owner of open space land, including an HOA. If the Board of Selectmen finds that the maintenance provisions are being violated to the extent that the condition of the utilities or the open land constitutes a public nuisance, it may, upon 30 days written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or, in the case of an HOA, the owners of properties within the development, and shall, if unpaid, become a property tax lien on such property or properties.

9.2.15 Density Bonus Option

9.2.15.1 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.

9.2.15.2 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.

9.2.15.3 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 9.2.5 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.

9.2.15.4 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%

9.2.15.5 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.

9.2.15.6 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.

9.2.15.7 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.

9.2.16 Decision

The 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.

9.2.17 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.

9.8 SOLAR PHOTOVOLTAIC FACILITY OVERLAY DISTRICT

9.8.1 PURPOSE

The purpose of the Solar Photovoltaic Facility (SPF) Overlay District is to promote the creation of new large-scale ground-mounted SPFs by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such facilities, which standards address public safety, minimize impacts on scenic, natural and historic resources and providing adequate financial assurance for the eventual decommissioning of such facilities.

The provisions set forth in this section shall apply to the construction, operation, repair and/or eventual removal of large-scale ground-mounted SPFs.

9.8.2 APPLICABILITY

This section applies to large-scale ground-mounted SPFs proposed to be constructed after the effective date of this section within the SPF Overlay District. This section also pertains to physical modifications that materially alter the type, configuration, or size of these facilities or related equipment.

9.8.3 DEFINITION OF TERMS

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development of large-scale ground-mounted SPFs within the SPF District shall be subject to Site Plan Review, as set forth in Section 9.8.6, to determine conformance with this Zoning Bylaw.

Building Permit: A construction permit issued by the Building Official; the building permit evidences that the project is consistent with the state and federal building codes as well as these Zoning Bylaws, including those provisions governing ground-mounted large-scale SPFs.

Large-Scale Ground-Mounted Solar Photovoltaic Facility: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum rated nameplate capacity of 250 kW DC.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

9.8.4 LOCATION

The SPF District shall be defined as all lands within the Industry District and Residential-4 zoning district as shown on the Seekonk, Massachusetts, Zoning Map dated 1979 and amendments

9.8.5 COMPLIANCE WITH LAWS, ORDINANCES, AND REGULATIONS

The construction and operation of all large-scale ground-mounted SPF's shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a large-scale ground-mounted SPF shall be constructed in accordance with the State Building Code.

9.8.6 SOLAR PHOTOVOLTAIC FACILITY SITE PLAN REVIEW

The following section applies only to Site Plan Review procedures and requirements related to applicants proposing to develop large-scale ground-mounted SPF's within the SPF District. Applicants within the SPF District proposing to develop a large-scale ground-mounted SPF shall abide by this section and shall not be subject to Section 10, Site Plan Review, of these Zoning Bylaws.

9.8.6.1 Purpose

The purpose of the SPF Site Plan Review is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Seekonk by providing detailed review of the design and layout of large-scale ground-mounted SPF's with 250 kW or larger of rated nameplate capacity. These facilities shall undergo Site Plan Review prior to construction, installation or modification as provided in this section.

9.8.6.2 Powers and Administrative Procedure

All site plans are subject to the review and approval by the Planning Board (Board), which shall be administrative. The Board shall impose any reasonable conditions they find appropriate to improve the site design as based on the design standards below.

9.8.6.3 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, Public Works Superintendent, or other Town official. 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.

9.8.6.4 Procedure

Applicants shall submit an application for SPF Site Plan Review in accordance with the rules and regulations effectuating the purposes of this

bylaw adopted and periodically amended by the Board. Said application shall be deemed complete by the Town Planner in accordance with the required items for a completed application as outlined in the rules and regulations. An application will be deemed either complete or incomplete within one week of its receipt. Applicants who have submitted incomplete applications will then be notified in writing of which required items are missing.

When reviewing an application for approval, the Board may determine that the assistance of outside consultants is warranted due to a project's potential impacts. The cost of such outside consultants shall be borne by the applicant.

No large-scale ground mounted SPF shall be constructed, installed or modified as provided in this section without first obtaining a building permit. A building permit shall not be issued without either an approved plan signed by the Clerk of the Board that is compliant with any conditions put forth as part of the approval by the Board or by indicated approval as follows. If the Board does not act upon such plan within three-hundred-sixty five (365) days after receipt of a completed application, it shall be deemed to be acceptable and the plan shall be signed "Approved by Default" by the Town Clerk.

Site Plan approvals are valid for one year following the date of approval. Construction shall commence within this timeframe. A one-year extension may be granted by the Board upon receipt of written correspondence by the applicant seeking said extension. Prior to construction, erosion and sedimentation control measures shall be in place in accordance with these Bylaws.

9.8.6.5 Compliance with Approved Plan

Before the issuance of a permanent occupancy permit, the Building Inspector, in consultation with the Town Planner, shall verify compliance with the approved site plan and an as-built plan, certified by a registered professional land surveyor or engineer, which shall be submitted to the Board and Building Inspector. The as-built plan shall attest to a development's conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.

Any changes in the approved site plan or in the activity to be conducted on the site that would cause a change to any of the standards in Section 9.8.7 shall be submitted to the Board for review and approval. The Town Planner may administratively approve any changes to the approved site plan that do not cause non-compliance with any of the standards in Section 9.8.7.

9.8.6.6 Appeals

Any person aggrieved by a decision of the Board under this section, may appeal this decision to the Zoning Board of Appeals. Subsequent appeals shall be brought forth to Superior Court, the Land Court or the District Court pursuant to Chapter 40A, Section 17 of the Massachusetts General Laws.

9.8.7 DIMENSIONAL AND DESIGN STANDARDS

The following elements, in addition to any standards prescribed elsewhere in this Bylaw, shall be utilized by the Board in considering all site plans.

9.8.7.1 Dimensional Standards

(a) Setbacks

All construction shall comply with the yard, space, and height requirements of the underlying zoning district(s).

9.8.7.2 Design Standards

(a) Parking Requirements

The application shall demonstrate that adequate access, parking, and circulation are provided for service and emergency vehicles as determined by the Board.

(b) Drainage

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

(c) Landscaping

(i) 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 residential district.

- (ii) Any 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 as applicable. 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.
- (iii) The interior of parking areas shall be shaded by deciduous trees to the maximum extent practicable without limiting sunlight exposure of the SPF.
- (iv) 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.
- (v) 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.
- (vi) Utility areas as well as garbage collection, recycling 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.

(d) Lighting

The minimum illumination levels measured in footcandles for all parking spaces serving the designated uses of the SPF District is 1.0 footcandle.

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.

(e) Architectural Guidelines

The design of the proposed large-scale ground-mounted SPFs and associated appurtenant structures shall complement, whenever feasible, the general setback, roof line, arrangement of openings, color, and exterior materials, proportion and scale of existing buildings in the vicinity.

(f) Signage

Signs on large-scale ground-mounted SPFs shall comply with Section 12, Signs and Advertising Devices, of these Bylaws. A sign consistent with Section 12 shall be required to identify the owner and provide a 24-hour emergency contact phone number. SPFs shall not be used for displaying any advertising except for reasonable identification, as determined by the Board, of the manufacturer or operator of the SPF.

(g) Utility Connections

Reasonable efforts, as determined by the Board, shall be made to place all utility connections from the SPF underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

9.8.8 SAFETY AND ENVIRONMENTAL STANDARDS

9.8.8.1 Emergency Services

The applicant shall submit a plan clearly marking all means of shutting down the SPF and identification of a responsible person for public inquiries throughout the life of the facility to the Board, Fire Chief and Police Chief.

9.8.8.2 Land Clearing, Soil Erosion, and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted SPF or as otherwise prescribed by applicable laws, regulations, and bylaws.

9.8.9 OPERATION & MAINTENANCE PLAN

The applicant shall submit a plan for the operation and maintenance of the large-scale ground-mounted SPF, which shall include measures for maintaining safe access to the facility, stormwater controls, as well as general procedures for operational maintenance of the facility. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.

9.8.10 UTILITY NOTIFICATION

No large-scale ground-mounted SPF shall be constructed until evidence has been given to the Board that the utility company that operates the electrical grid where the facility is to be located has been informed of the SPF owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

9.8.11 ABANDONMENT AND DECOMMISSIONING

9.8.11.1 Removal Requirements

Any large-scale ground-mounted SPF which has reached the end of its useful life or has been abandoned consistent with Section 9.8.11.2 of this Bylaw shall be removed. The owner or operator shall physically remove the facility no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large-scale ground-mounted SPFs, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

9.8.11.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the SPF shall be considered abandoned when it fails to operate for more than one year without the written consent of the Board. If the owner or operator of the large-scale ground-mounted SPF fails to remove the facility in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the facility.

9.8.12 FINANCIAL SURETY

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.

May 7, 2014

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Mr. Cadime suggested that include the School Committee.

Mr. Sagar wanted to change the date under Preparation to September 15, 2014.

Mr. Brady and Mr. Sagar commended Mr. Cadime on the document.

Discussion and Vote to Change the Dates of Category 2 of the Town By-Laws to Read November 15

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: To change the dates of Category 2 of the Town By-Laws to read September 15.

Discussion and Vote on a Warrant Article to the 5-Acre Restriction so Residents can have Six (6) Chickens with Coops (No roosters)

Mr. Almeida said he asked this be on the agenda because he has had numerous residents approach him. They felt the law had changed and they could no longer have chickens. The animal control officer told him that the law never changed. If she got complaints, she would shut down the chicken farms. Residents have asked for a compromise - no more than six chickens (no roosters) and coops to be inspected every year.

A motion was made by Mr. Sagar, seconded by Mr. Almeida, and it was unanimously

VOTED: To forward this request to the Planning Board.

Mr. William Rice felt it was a good idea.

Continued Discussion on Charter Revision on Appointment of Department Heads for Planning, Conservation, Health, and Assessors

Mr. Cadime presented options as directed by the Board at the previous meeting.

Option 1 - Department head appointed by the Board of Selectmen on the recommendation of the individual board to the Town Administrator;

Option 2 – The Town Administrator would recommend to the individual board for approval and require a super majority vote to overrule the Town Administration recommendation;

Option 3 – The Town Administrator would recommend to the various boards and approve by simple majority.

BENEFITS OF HOME RAISED CHICKENS

- 1) Fresh eggs
- 2) Kids get pets and there outside, no house breaking training needed
- 3) Teaches kids responsibility
- 4) Low cost, grains and straw to keep chickens alive
- 5) Chicken droppings are loaded with nitrogen and enrich your gardens
- 6) Reduce house waste, chickens will eat left overs, fruit,veggies, etc
- 7) Science lesson for kids, teaches kids where food comes from and reproduction
- 8) 1/3 less cholesterol from eggs
- 9) 1/4 saturated fats from eggs
- 10) 2/3 more vitamin A
- 11) store eggs are 2-3 weeks old when its your chickens laying the eggs they are 1 day old
- 12) Save \$\$

STANDARD REQUIREMENTS

- 1) 4 sq ft per chicken Suggestion size 4x6
- 2) 1-2 nests for laying eggs
- 3) 6 chickens max, no rooster
- 4) coops must be inspected yearly. Suggested fee \$30

TOWN OF SEEKONK
Planning Board

MEMORANDUM

To: The Planning Board

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

Date: July 1, 2014

Re: June monthly report

BYLAWS

Zoning Bylaw rewrite

- ZBA comments to be incorporated
- First draft of sign bylaw written; Clarification needed from consultant/legal counsel on timeframe for temporary signs
- First draft of non-conforming section written; Awaiting legal review

Medical Marijuana Treatment Centers Zoning Bylaw

- Approved at TM

Wetlands and Floodplain Protection Districts

- Approved at TM

PLANS

Master Plan

- New Habitat for Humanity project being researched on Hunt St.
- Economic Development Committee working on new businesses survey

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

- Binder course of asphalt installed

Jacob Hill Estates

- Pre-construction meeting held

Country Brook Estates

- Definitive Plan approved

Summer Meadows

- Binder course of asphalt installed

SITE PLANS

Swan Brook Assisted Living

- Applicant appealing DEP ruling on sewer treatment facility requirement to Superior Court; Applicant to go forward with first phase of project; Response from applicant to consultant's drainage comments still needed.

92 Pond St.

- Site plan submitted for contractor business; Awaiting response from applicant to consultant's comments

Ledgemont

- Site plan approved

Grand Prix

- Pre-application meeting held for reconfigured site plan

Sam's Club

- Pre-application held for proposed gas-station located in front of store

Chipotle/Visionworks

- Site work completed and it is in compliance with the approved site plan

SEEKONK PLANNING BOARD

Regular Meeting

June 10, 2014

Present: Ch. Abelson, R. Bennett, M. Bourque (7:08pm), L. Dunn, S. Foulkes, D. Sullivan,
D. Viera
J. Hansen, Town Planner

Absent:

7:00PM Ch. Abelson opened the meeting

Form A – 696 Read St. – Ann Jordan

J. Hansen summarized that the Form A is a 21 acre vacant property zoned R-4. It was broken into 2 lots per an ANR plan in 2013. He said the proposed amendments include frontage of 258' for lot 1 and 226' for lot 2. (Minimum 200') and access to the property would be on Read Street an accepted way.

D. Viera asked why this was before the PB.

Ann Jordon introduced herself and said an ANR was done last year but it was done incorrectly and she wanted the lot lines fixed.

J. Hansen recommended approval of this ANR 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.

A motion was made to endorse the Form A for 696 Read Street Dated 4/21/14

Vote 6-0-1

M. Bourque Abstained - arrived at 7:08pm

Surety Establishment- Jacob Hill Estates – Palmer River Development

J. Hansen summarized that the applicant proposed a cost estimate of approximately \$856K, which was reviewed and approved by the PB's inspecting engineer. He went on to say the applicant is proposing a covenant over the entire development as surety with the expiration date of 18 months.

D. Sullivan asked J. Hansen to update the PB on what has been going on out at the site.

J. Hansen said at the last meeting the PB decided to follow the lead of the Conservation Commission (Con Comm) to come up with any fines, replication plan, plantings etc... and to date they have not submitted plans that have been approved by the Con Comm.

N. Abelson noted that the Con Comm meeting is next week.

D. Sullivan said that at the last PB meeting it was discussed not to allow the surety establishment until after the replication plans were submitted and approved.

N. Abelson said he did not recall that part of the discussion. He said by having the surety in place, the PB and Town would be better protected and the cease and desist would still be in place.

Matt Antonio of Palmer River Development handed out a plan he had submitted to the Con Comm a week ago showing a detail of the two areas affected by the tree cutting. He said one area was not within the subdivision (It was the Form A lot). The other area was within the subdivision, the back of lots one and two. He said he was disappointed and embarrassed; noting it was an honest mistake which cost them time and money.

M. Antonio continued saying after he found out there was a problem he immediately contacted Con Comm and Planning and the area is now ready to be replicated. He said that the 100 ft buffer is now where it needs to be. He noted he planted 14, 2-3" caliper trees (Linden, Oaks and Elms) as a jester of good faith to make up for the mistake. He said they have a plan that shows a survey location of the trees that were cut and they hired Brandon Faneuf who did the original wetland flagging on the property. He said Mr. Faneuf went to the site and identified all the stumps as well as had a meeting with the Conservation Agent to brief her on what he intends to present at the Con Comm meeting June 16.

M. Antonio said regarding surety, he would be placing a covenant on the entire property.

J. Hansen said that the PB would replicate whatever the Conservation recommended, for example, if they decided on a dollar amount for the fine it would be doubled.

S. Foulkes said she would like to know what happens at the Con Comm meeting.

J. Hansen said he would email the results of the meeting to the PB members.

J. Wright 91 Jacob St. spoke about the vernal pool area being near his property and how he thought it was once much larger than what everyone was talking about.

A motion was made and voted unanimously to establish surety at a value of \$856K for Jacob Hill Estates with a covenant on the entire development, expiring in 18 months.

Site Plan Review- Ledgemont Country Club – J. Ruggiero Sr.

P. Carlson of Insite Engineering introduced himself summarized the proposal of the new site plan for Ledgemont Country Club located off of Brown Ave. He said they are planning to relocate the outdoor pool to the location of the tennis courts, keeping three courts and construct a driving range, which has already been done. He said the area to the north of the pool is a driving range. He noted they have already been through Con Comm to get this approved and have submitted it to the review engineer Dave Nyman from CEI. He has reviewed it for stormwater requirements which they have met.

L. Dunn asked for the record, what happened with the cutting of the trees to the north and the west.

P. Carlson said they had an RDA (Request for Determination of Applicability) and it was originally approved by Con Comm to add a driving range for a certain amount of land which was about $\frac{3}{4}$ of the land that is cut now. He said the limit of disturbance was about $\frac{3}{4}$ of the way and there was no marking where that point was so they cleared up to the property line. When it was discovered, they received a cease and desist order for the work that was in the buffer. He then noted they went to the Con Comm with a revised set of plans and ultimately got an approval by Con Comm for the work that was proposed after the fact.

L. Dunn asked if they would be replanting that.

P. Carlson said no because it is within the 50 foot buffer which is allowed under the RDA.

L. Dunn asked about the parking.

P. Carlson said the parking would stay the same.

G. Haddad 62 Tanager Road said she was confused in that she thought the cutting that was done for the driving range ended up clearing trees that were part of the wetlands.

P. Carlson said no it was not in the wetlands but within the buffer zone. The cease and desist order was issued because the area that was disturbed was beyond the limit of the original RDA. The original RDA approval was to a certain location; the existing or the additional clearing that happened was to the property line. He went on to say that the area between the 50ft and 100 ft buffer was distributed, so the cease and desist came from the Con Comm because of the work that was done in the buffer. He went on to say they subsequently filed the appropriate paper work which was then approved for that area disturbed with modifications.

K. Ratcliffe 251Brown Ave. asked if the FEMA flood map was taken into consideration.

P. Carlson said yes they took into consideration the FEMA Flood evaluations (he showed on the plan). He said it was reviewed and approved by D. Nyman, the review engineer.

K. Ratcliffe said at the last Con Comm meeting they were suggesting that trees be planted but she was not hearing anything about that now. She also asked about and the hay bales maintaining a boundary.

P. Carlson said as part of the conditions of approval from Con Comm the limit of disturbance is on the 50 ft buffer which is now the location of the hay bales which will remain in place until they decay, which is a year or two.

K. Ratcliffe asked about the 50 ft zone in regards to the removal of the species that are invasive and was that different from what they were hearing.

P. Carlson said yes there are invasive areas located along the entire perimeter. It was approved under Con Comm to eradicate under specific guidelines that will be submitted to Con Comm at the time the work is to be done.

K. Ratcliffe asked about landscaping.

J. Hansen said they are not proposing any landscaping because it an existing parking lot.

A motion was made to approve the site plan with the following conditions:

- 1) Spot Grades: the top of the proposed berm should be finished at an elevation of at least 73.8 ft, to allow for freeboarding during the 100-year design storm.**
- 2) Prior to initiating construction, the applicant file for coverage under the US EPA NPDES General Permit for Construction Activities. Provide the town with a copy of evidence of filing for this coverage, together with a copy of the required Stormwater Pollution Prevention Plan.**

Vote: 6-0-1 (L. Dunn -abstain)

Correspondence:

J. Hansen showed the PB the new **Pre-Construction Check List**.

There was further discussion to have a Public Hearing August 12, 2014 at 7PM to discuss and vote on Fines, Pre-Construction Checklist and the New Surety Policy.

J. Hansen summarized that the Building Official had come to him about a request for a large scale solar panel project in an R-4 zone district. He said as it stands the applicant would not be able to do it based on the present bylaws. He asked the PB their feelings about opening up the solar overlay to the R-4 zoning districts. He said per the definition a large scale solar project would basically have to fit in an acre of land, so he thought the PB would not want to have it in any zoning district other than R-4.

D. Viera said he would like to think about it.

Ch. Abelson said he would like to think about it as well.

R. Bennett commented that in a cluster development there is a certain amount of designated open space and he wondered if the open space could be used for solar panels to provide electricity to the subdivision.

J. Hansen said that was also something to think about.

D. Viera brought up a possible site plan violation at InMotion Motor Sports 1420 Fall River Ave. PB directed J. Hansen to write a letter to the Building/Zoning Official that they are in violation of the Site Plan.

Approval of Minutes: 5/13/14

A motion was made and voted unanimously to approve the Planning Board Minutes of 5/13/14

Adjournment

A motion was made and voted unanimously to adjourn at 9:00PM.

Respectfully Submitted by,

Florice Craig

DRAFT

SEEKONK PLANNING BOARD

Workshop Meeting

June 24, 2014

Present: Ch. Abelson (7:09PM) R. Bennett, L. Dunn, S. Foulkes, D. Sullivan, D. Viera
J. Hansen, Town Planner

Absent: M. Bourque- with cause

7:04PM Vice Chair R. Bennett opened the meeting

Workshop – Making Defendable Landuse Decisions

Attorney Ilana Quirk from Kopelman & Paige introduced herself and gave handouts on Public Records and Open Meetings Law. She then presented a free workshop to the members of the Planning Board. The purpose of the workshop was to go over facts about ‘Making Defendable Landuse Decisions’.

Adjournment

A motion was made and voted unanimously to adjourn at 9:22PM.

Respectfully Submitted by,

Florice Craig