Agenda

Town of Seekonk, MA
Planning Board

11/10/15
7:00 PM
Seekonk Town Hall
BOS Meeting Room

Type of meeting: Planning Board Regular Meeting, Public Hearing

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 – 400 North Wheaton Avenue	**Texas River Realty**
Tall Pines request for waiver pertaining to elevation of granite property bounds.	**Steve Dippolito**
Discussion of modification to **Jacob Hill Estates** Definitive Subdivision to utilize a shared wastewater treatment system.	**Matt Antonio**
Application of **Scannell Properties**, for site plan approval for a **Proposed Seekonk Package Distribution Center** located at 1977 Fall River Ave., AP 1, Lots 32 & 239 in the Industrial Zone.	**Scannell Properties**
Request to the Seekonk Board of Selectmen to recommend the **Seekonk Bikeway** be forwarded to SRPEDD for consideration of inclusion in the Draft SMMPO Regional Bikeway Plan.	**Town Planner**
Discussion of potential work session(s) with the Board of Selectmen and other town Bodies regarding substantive Zoning By-Law Amendments.	
Town Planner Monthly Report Correspondence: Approval of Minutes: October 13, 2015 Adjournment	

Planning Board

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

To: The Planning Board
From: John J. Aubin III, Town Planner
Date: November 10, 2015

APPROVAL NOT REQUIRED REVIEW (ANR)
Texas River Realty Inc. – Plat 5, Lot 83 – 400 North Wheaton Avenue

Existing Conditions:

The subject lot, AP 5, Lot 83, is comprised of 4.95 acres of land in an R-4 Zoning District having a minimum required 62,500 sf of area and 200' of frontage per lot in accordance with **Section 5** of the Seekonk Zoning By-Laws. The property is currently developed with a two family dwelling (pre-existing nonconforming per tax assessor's records) and a shed. As the existing shed sits on a proposed lot line, it is shown to be relocated on the plan, however, no new location is identified. Currently lot 83 has 890 feet of contiguous frontage along North Wheaton and Willard Avenues. A vegetated wetland is located on the southern, roughly, two thirds of the parcel; the boundaries of which have been confirmed by the Seekonk Conservation Commission. Attached please find copies of the Town's online GIS aerials of the subject lots and surrounding area. The 85' notation is the approximate distance of the existing driveway from the northern lot line.

Proposed Lot Amendments and plan references:

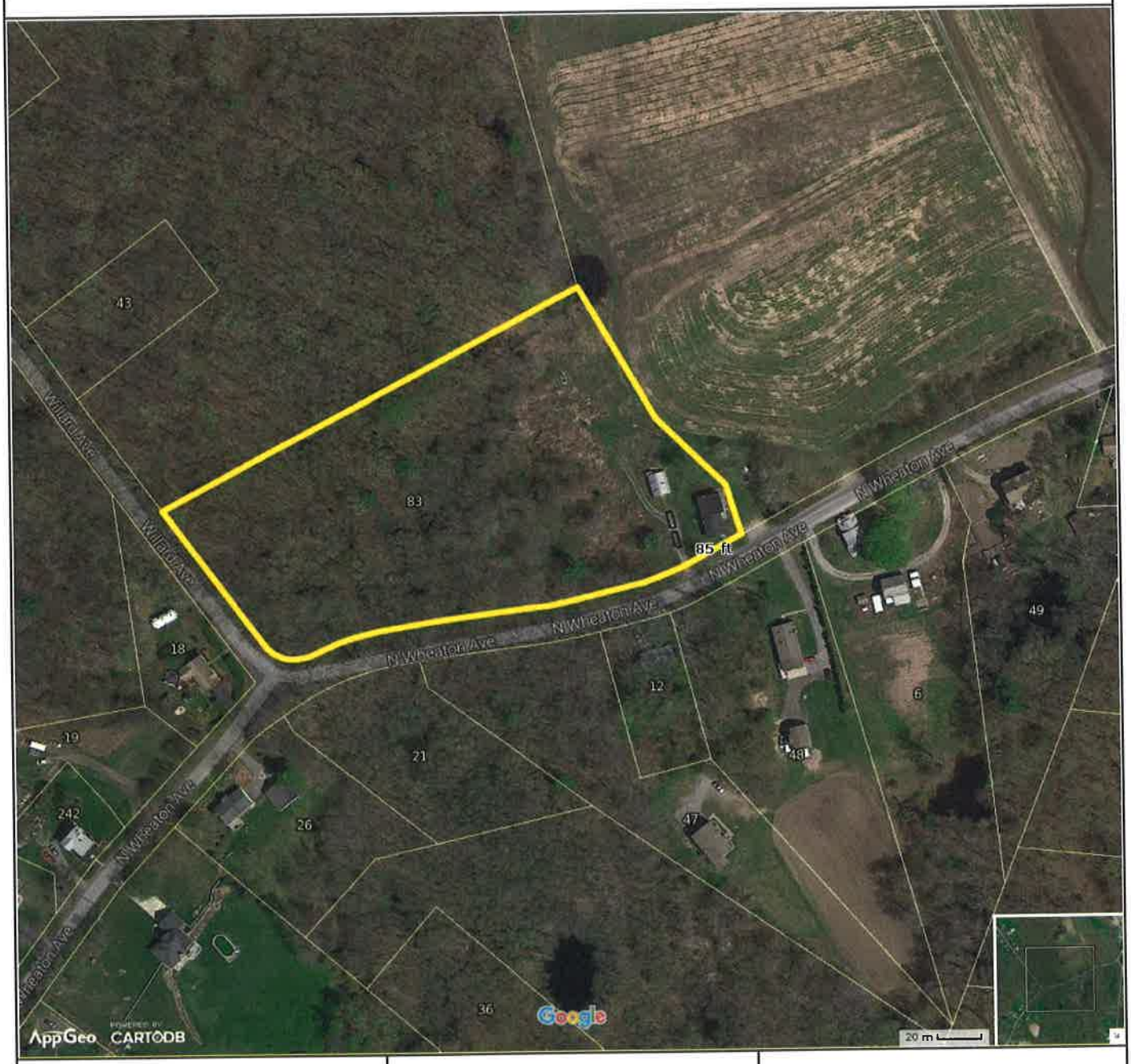
The submitted plan creates one new lot for development resulting in lot configurations as follows:

> Lot 1: 3.51 Acres of land of which 38,040 sf is comprised of uplands and having 369.15 feet of contiguous frontage at the corner of Willard and North Wheaton Avenues and 161.06 feet of frontage on North Wheaton Avenue at the northeastern corner of the house proximate to the existing two family dwelling and including the existing driveway accessing the property.
>
> Lot 2: 63,055 square feet of land of which 27,840 sf is comprised of uplands and 340' of frontage on North Wheaton Avenue.

Recommendation:

Staff recommends endorsement of the submitted APPROVAL NOT REQUIRED PLAN OF LAND prepared for Texas River Realty, Inc and dated October 26, 2015 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. The Board may wish to note on the endorsement that the shed is to be relocated in conformance with the applicable provisions of the Seekonk Zoning By-Laws and specifically **Section 5 DIMENSIONAL REGULATIONS.**

400 North Wheaton



Property Information

Property ID	265/005.0-0000-0083.0
Location	400 NO WHEATON AVE
Owner	

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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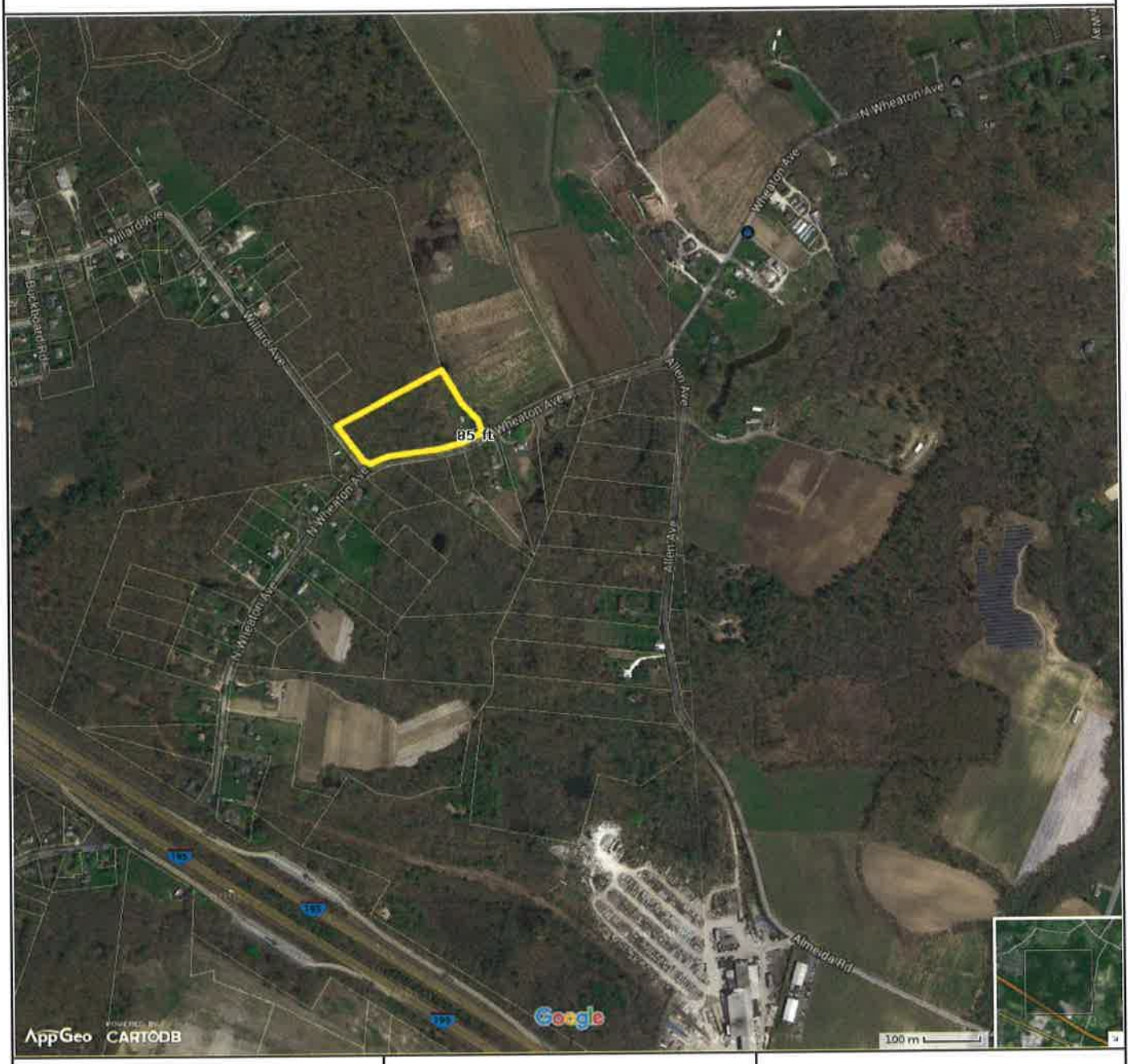
Parcels updated 5/1/2015
Properties updated 1/1/2015

400 North Wheaton Area



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Planning Board

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MEMORANDUM

To: The Planning Board

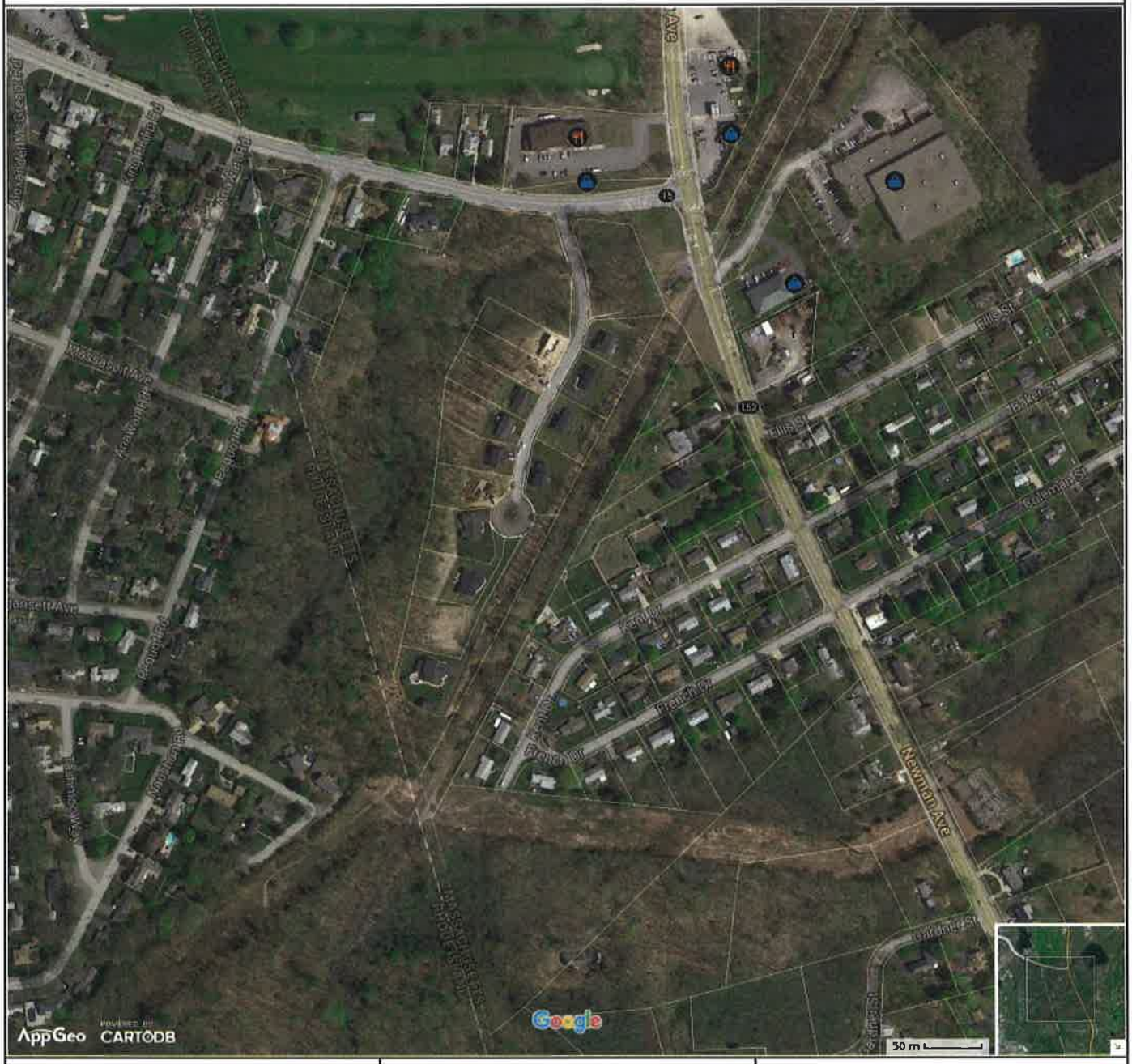
From: John J. Aubin III, Town Planner

Date: November 10, 2015

Re: **Tall Pines** request for waiver pertaining to elevation of granite right of way bounds.

The applicant has submitted a waiver request related to the above referenced 14 lot conservation subdivision located off Brook Street. The applicant seeks a waiver of the requirement that granite bounds installed for new developments with 6" of reveal above grade as set forth in **Section 8.9 Monuments 8.9.1**. The applicant specifically seeks relief for markers along the street right of way. These markers are proposed to be installed at grade to avoid tripping hazards and damage to lawn equipment. The TRC discussed the requested waiver on October 29, 2015 and had no objection to the proposed marker elevation so long as, as the applicant has indicated, iron rods are to be installed adjacent to the marker for location by metal detector in the event of any subsidence or other obfuscation of the marker or its location.

Tall Pines



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Agenda Item: 3
Date: November 10, 2015

Planning Board

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

TO: Planning Board
FROM: John J. Aubin III, Town Planner
RE: Discussion of modification to **Jacob Hill Estates** Definitive Subdivision to utilize a shared wastewater treatment system
APPLICANT: Palmer River Development LLC
OWNER: Matt Antonio
LOCATION: Palmer River Road, (off Jacob Hill Road) AP 17, lots 189, 191- 201 and 203
REQUESTED ACTION: Modification of definitive subdivision plan for **Jacob Hill Estates** to allow a shared wastewater treatment system.
APPLICABLE REGULATIONS:

1. SECTION II DEFINITIONS Modification
2. SECTION V DEFINITIVE PLAN **Section 5.3(16)** [Definitive Plan Contents] "All planned underground utilities including sewer…";
3. SECTION VIII CONSTRUCTION OF WAYS AND INSTALLATION OF UTILITIES **Section 8.13** "There shall be no unauthorized departure from an approved definitive plan without prior approval of the Planning Board"
4. SECTION IX ADMINISTRATION **Section 9.3 Reference** incorporating the Subdivision Control Law

ANALYSIS:

The applicant is before the Planning Board pursuant to the attached letter from the applicant's attorney requesting a modification of the approved definitive subdivision plan for **Jacob Hill Estates**. The proposal was before the Technical Review Committee on October 29, 2015 and comments generated by that review are incorporated herein.

The requested modification is to allow the use of a shared wastewater treatment system for eleven (11) of the twelve (12) lots in the development. AP 17, lot 202 has been developed, sold, and is occupied. The lot was constructed with an individual on-site wastewater treatment system. The proposed shared system is shown on the submitted plans to be located on AP 17, Lot 191, which is proposed to be incorporated into the development as part of the modification. The applicant has indicated that a shared wastewater treatment system is being utilized due to the soil conditions for individual systems on approved development lots. While these lots

have been documented as suitable for development, they contain marginally suitable soils. This assessment was confirmed by the Health Agent during the TRC review.

Should the Planning Board authorize the modification, further review by the Conservation Commission and Board of Health, including a public hearing, will be required to allow the proposed system. Attached please find the modification request, an 11" X 17" copy of the submitted plan and the legal documents governing the proposed system and its maintenance.

The instant matter is before the Planning Board pursuant to the above referenced provisions of the **Rules and Regulations Governing the Subdivision of Land in Seekonk Massachusetts**. As no specific procedure is set forth in the **Rules and Regulations** regarding post approval modification of a definitive plan; the Subdivision Control Act of the Massachusetts General Law and specifically **41 MGL 81W Modification, amendment or rescission of approval of plan; conditions** provides the Planning Board's authority to review the proposed modification plan. **§81W** grants the Planning Board or any interested person the authority to modify approved plans of a subdivision and also provides that "all provisions of the of the subdivision control law relating to the submission and approval of a plan of a subdivision shall, **so far as apt**, be applicable to the approval of the modification…" (emphasis added). The highlighted phrase gives the Planning Board discretion to consider the nature of the proposed modification and then apply the Subdivision Control Law as it sees "apt" in response.

Here, in light of the further reviews by the Board of Health (including a public hearing) and Conservation Commission, it would seem that, in the interest of administrative efficiency, the proposed modification may be approved conditional to the Board of Health and Conservation Commission reviews; with the understanding that if, for some unforeseen reason, the proposed system is not approved the modification would be rescinded and the original plan reinstated or otherwise modified in accordance with the **§81W**.

During the TRC review the applicant and committee also discussed the status of a plan for permanent repairs to the roadway as noted in previous correspondence to the applicant dated August 5, 2015. The applicant indicated they are awaiting the receipt of a plan addressing the repairs from the project engineer, that it would be submitted to the Town as soon as it was completed, and that the developer would be responsible for snow removal within the development for the 2015-2016 plowing season. As there is no, known, imminent threat of roadway failure and given the applicant will be responsible for snow removal the committee was comfortable with the proposal. A March 1, 2016 control date is proposed below with regard to submission of a repair plan or provision of an update to the Planning Board.

It is respectfully requested that the Planning Board make the follow findings of facts with regard to the proposed modification based on the evidence presented by the applicant and materials before the Board:

- Pursuant to **Section V** that the applicant has met the requirements for the grant of a modification for the previously approved Definitive Plan endorsed June 10, 2014.
- Pursuant to **Section 7.1 General,** that the proposed development, as designed and laid out, meets the requirements of public safety including:
    1. Safe vehicular travel;
    2. Adequate storm drainage;
    3. Sewage disposal;
    4. Water supply;
    5. Utilities; and
    6. Precautions against natural disaster
- That the proposed Definitive Plan otherwise meets the requirements of the **Rules and Regulations Governing the Subdivision of Land in Seekonk Massachusetts** and **Sections 81k** through **81GG** of **Chapter 41** of the **General Law.**

The following conditions are recommended should the Planning Board deem approval of the application appropriate:

1. Approval of the proposed shared wastewater system by the Seekonk Board of Health.
2. Approval of the proposed shared wastewater system or such other related approvals as may be required by the Seekonk Conservation Commission.
3. If the proposed system is not approved by the Seekonk Board of Health and Seekonk Conservation Commission, as noted in conditions 1 and 2 above; the modification shall be rescinded and the original plan reinstated or otherwise modified in accordance with the **41 MGL §81W**.
4. The applicant shall be responsible for snow removal from the development for the 2015-2016 plowing season and the applicant shall submit a repair plan as described in the August 5, 2015 letter from the Town Planner no later than March 1, 2016 or appear at the regularly scheduled meeting of the Planning Board for March 2016 to discuss the status of the public improvements for the development.

Agenda Item: 4
Date: November 10, 2015

Planning Board

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

TO: Planning Board
FROM: John J. Aubin III, Town Planner
RE: Application of **Scannell Properties**, for site plan approval to allow an approximately 240,000 sf distribution facility and associated site improvements located at 1977 Fall River Avenue being AP 1, lots 32 and 239 in the Industrial zoning district.
APPLICANT: Scannell Properties
OWNER: Cuddigan Realty Inc.
LOCATION: 1977 Fall River Avenue, AP 1, lots 32 and 239
REQUESTED ACTION: Site plan review to allow new 240,000 sf distribution facility
APPLICABLE ZONING BY-LAW PROVISIONS:

1. **Section 2.8 Site Plan Review**
2. **Section 8 Development and Design Standards**

ANALYSIS:

The applicant is before the Planning Board for site plan review in accordance with **Section 2.8 Site Plan Review** of the **Town of Seekonk Zoning By-Laws** in order to construct a 240,000 sf distribution facility and associated site improvements on the subject property. The proposed use is permitted by right in the Industrial zoning district and thus the primary focus of the site plan review is the compliance of the application with the provisions of **Section 2.8 Site Plan Review** and **Section 8 Development and Design Standards.** Pursuant to **Section 2.8** the applicant has submitted the attached application and plans, as well as a stormwater drainage and handling analysis, and traffic impact analysis. The summary portions of the stormwater and traffic reports are attached with the application, as well as, a reduced set of the project plans.

A peer review of the submitted traffic and stormwater management reports is being conducted by MacMahon and Associates and Horsley Whitten for respectively. The storm water peer review is being conducted jointly with the Conservation Commission review and is on-going. An update on the status of the review will be provided to the Planning Board. A copy of the initial comments of McMahon and Associates regarding the traffic analysis are attached. A meeting between the applicant and the reviewing traffic engineer was convened and the applicant is providing the requested additional information to MacMahon in response to the comments. A number of site visits have also been conducted by the Town Planner and Conservation Agent.

The subject parcel is comprised of 78 acres of land and is currently developed with a driving range, miniature golf course and associated improvements on AP 1 lot 32 and a single family dwelling and freestanding garage structure on AP 1, lot 239. It appears the residence was at one point the farm house for the agricultural use of AP 1 lot 32 and that

the garage is a converted barn structure. All existing structures are proposed for demolition. Significant alteration of the exterior of both "farm" structures has severely compromised the historic architectural value of each with the residence having undergone numerous additions and roof line alterations and the former barn having been converted to a garage complete with a rolling overhead door. An existing greenhouse lies on the lot line between the two properties to the rear of the residence. A merger by an Approval Not Required Plan should be considered as a condition of any approval.

The site is generally flat and was used for agricultural purposes prior to the current commercial recreation use. There are identified wetlands on the property along the eastern and western portions of the Route 6 frontage and a major wetlands complex dominates the southwest portion of the lot. Additionally a portion of the site drains across Hollister Road to a wetlands area to the southeast. The applicant has sought to keep all development activities outside the wetland edges and has filed a Notice of Intent with the Conservation Commission for work within the 100' buffer from isolated and bordering wetlands. The Conservation Commission will be conducting a Public Hearing on November 9, 2015 regarding the proposal. A review under MEPA has also been initiated as a result of the scale of the proposal. An aerial of the subject lot and an aerial of the abutting area, as well as, photos depicting the existing site conditions are attached.

Surrounding uses are comprised of a mix of primarily industrial with some commercial uses of varying intensities to the east, west and north along the Route 6 Corridor and residential uses and properties along and off Hollister Road to the south. The property sits on the town lines of Seekonk, Rehoboth and Swansea. The applicant has contacted and met with a number of the proximate residential property owners who have expressed concerns with regard to noise, light, traffic, and impact on wetlands resulting from the proposed development. It is anticipated that the applicant may incorporate and present some changes to the proposed plan as a result of these discussion and concerns.

The applicant is proposing to construct an approximately 240,000 sf distribution facility and associated site improvements. The facility will be comprised of the proposed warehouse structure with large truck loading/unloading facilities along the northern (Rt. 6) side of the building and load/unloading facilities for delivery trucks along the southern side of the structure. Large trucks will access the facility utilizing traditional truck bays and the delivery trucks will be loaded and unloaded fully within the building. The site is proposed to be accessed via a driveway located approximately in the location for the entrance for the existing recreational use. An emergency access is proposed as the sole access to the site along Hollister Road. Additionally, extension of the 12" water main along Route 6 from the west to the site and intersection improvements to the Route 6/ Route 136 intersection are proposed and subject to Seekonk water District and MADOT review and approval.

Site improvements include on-site waste water treatment system, parking, stormwater management, lighting, landscaping and a 24'-31' sound barrier located south of the building are proposed. The waste water treatment system is subject to review and approval by the Seekonk Board of Health. Stormwater management is comprised of above surface detention basins and subsurface infiltration structures and is designed to contain a 100 flood event. The submitted lighting plan documents a 1 foot candle of light at the southern lot line. Landscaping as required for parking areas has been provided and additional landscaping is proposed via two areas of natural re-vegetation and a 15 planted berm in the southern

portion of the parcel. Based on comments generated during discussion with the area residents additional landscaping (street trees) along Hollister Road is being considered. The sound barrier is comprised of a brick and stone facade and is intended to provide sound mitigation from onsite activities for properties to the south. It is anticipated the applicant will present additional information with regard to the anticipated noise levels and compliance with the applicable standard set forth **Section 8.12 Construction and Operation Standards and Limitations** of the Seekonk Zoning By-Laws.

Staff review included a review by the Technical Review Committee on October 29, 2015. Attached is a memo from the Conservation Agent noting the applicant's NOI submission and attendant peer review. As indicated above the Health Agent has noted the proposed wastewater treatment system for the site is subject to Board of Health review and approval. Any additional comments received will be forwarded to the Board. No substantive objections to the project were generated by the staff review however concerns for traffic ingress and egress to the site were discussed at the TRC as well as the concerns/ comments of the abutters (consistent with those noted above) that had been received by the Office of Planning and Zoning.

It is respectfully requested that the Planning Board make the follow findings of facts with regard to the proposed development based on the evidence presented by the applicant:

1. Pursuant to **Section 2.8.5 Procedure** of the **Zoning By-Laws** that the applicant has met the requirements for the grant of a Certificate of Approval for the proposed Site Plan.

2. That the submitted site plan meets the requirements of **Section 8 Development and Design Standards** of the **Zoning By-Laws** with regard to **Sections**:
   a. **8.1 Parking**
   b. **8.3 Drainage**
   c. **8.4 Landscaping**
   d. **8.5 Lighting**
   e. **8.6 Building**
   f. **8.8 Signs**
   g. **8.10 Corner visibility**
   h. **8.12 Construction and Operation Standards and Limitations**

Should the Planning board deem it appropriate to grant an approval it is recommend the following conditions of approval be considered:

1. Approval of the proposed waste water treatment system by the Seekonk Board of Health;
2. Authorization for the notice of Intent or such other approvals as may be required by the Seekonk conservation Commission;
3. Submission to the Planning Board of final approval, authorization or assent resulting from the applicant MEPA submission to MADEP; proposed improvements to the Route 6 and or Route 136 from MADOT; and proposed water main extension from the Seekonk water District

4. Resolution of any outstanding comments generated by the peer review of the traffic study and submission of a final study.
5. Resolution of any outstanding comments generated by the peer review of the stormwater management plan and submission of a final plan.
6. Such other conditions as the Planning Board deems appropriate to ensure that the proposed development meets the required site plan design standards as set forth in the **Town of Seekonk Zoning by-Laws.**

1977 Fall Rvier Avenue Area view

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Parcels updated 5/1/2015
Properties updated 1/1/2015

1977 Fall River Avenue exisitng conditions

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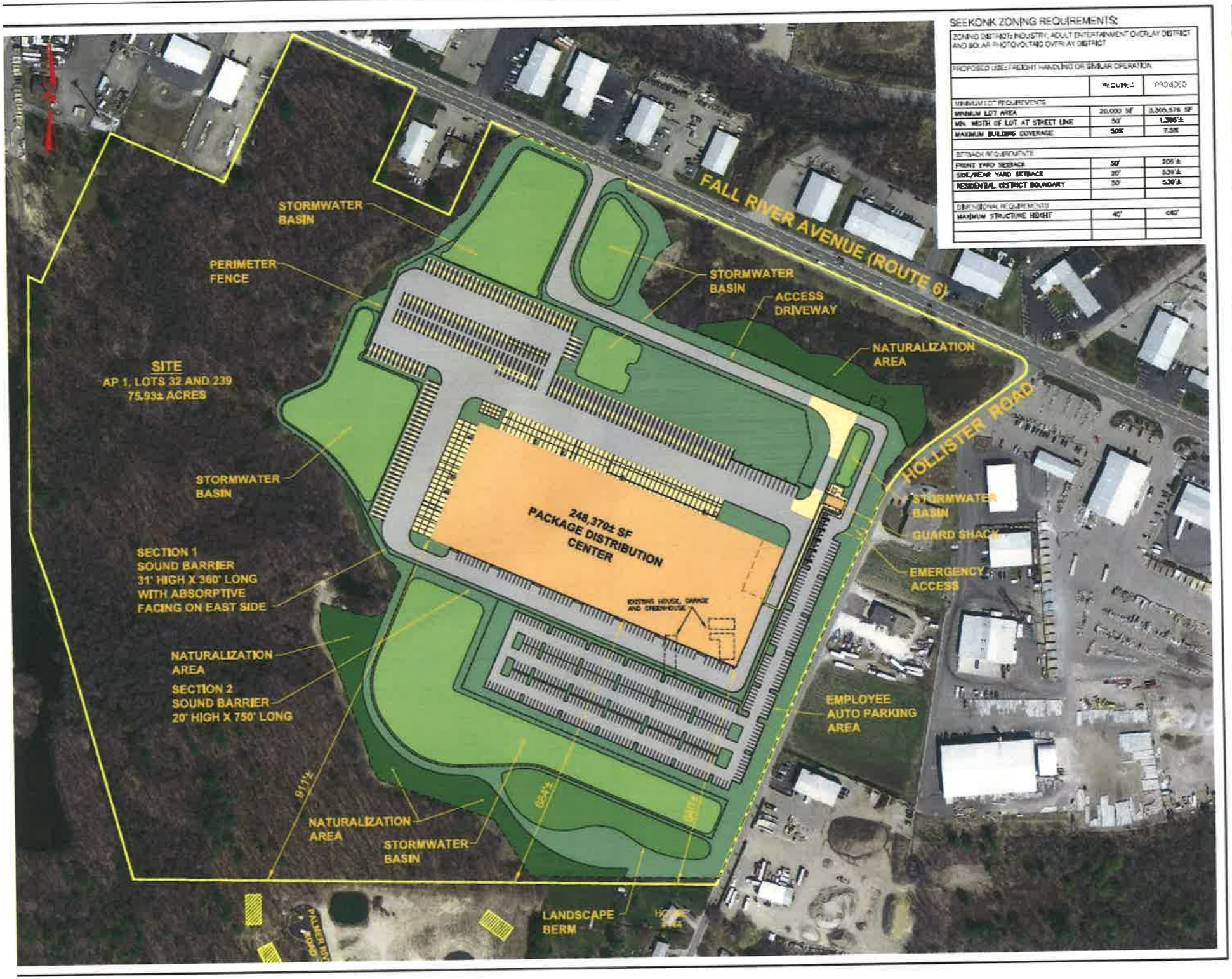

SEEKONK ZONING REQUIREMENTS:

ZONING DISTRICT: INDUSTRY, ADULT ENTERTAINMENT OVERLAY DISTRICT AND SOLAR PHOTOVOLTAIC OVERLAY DISTRICT		
PROPOSED USE: FREIGHT HANDLING OR SIMILAR OPERATION		
	REQUIRED	PROVIDED
MINIMUM LOT REQUIREMENTS		
MINIMUM LOT AREA	20,000 SF	3,306,576 SF
MIN. WIDTH OF LOT AT STREET LINE	50'	1,386'±
MAXIMUM BUILDING COVERAGE	50%	7.5%
SETBACK REQUIREMENTS		
FRONT YARD SETBACK	50'	206'±
SIDE/REAR YARD SETBACK	20'	539'±
RESIDENTIAL DISTRICT BOUNDARY	50'	539'±
DIMENSIONAL REQUIREMENTS		
MAXIMUM STRUCTURE HEIGHT	40'	<40'

CROSSMAN

PROPOSED DISTRIBUTI

AP 1, LOTS
1977 FALL R
SEEKONK, MA

SCANNELL I
600 E. 96
SUIT
INDIANAPO

SITE

SEPT. 2015

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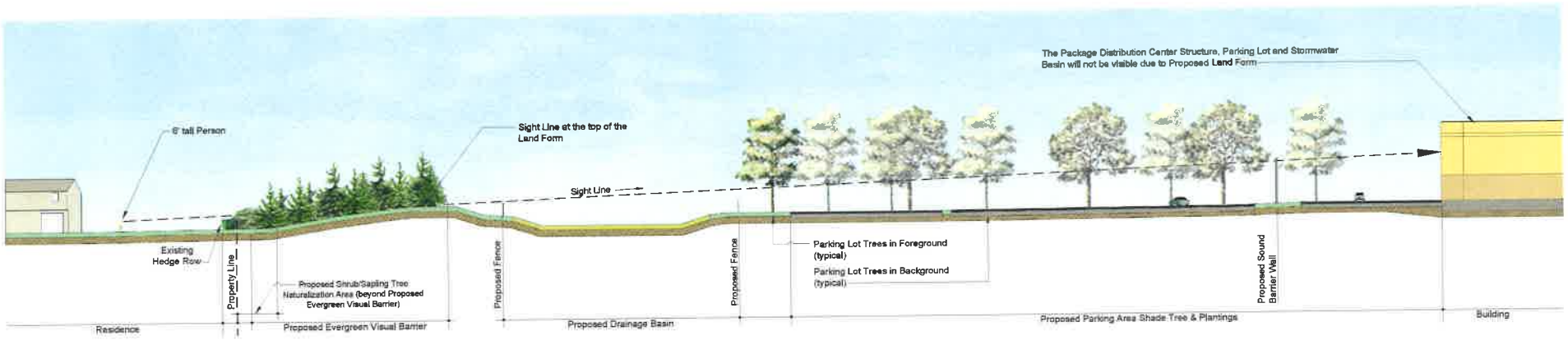
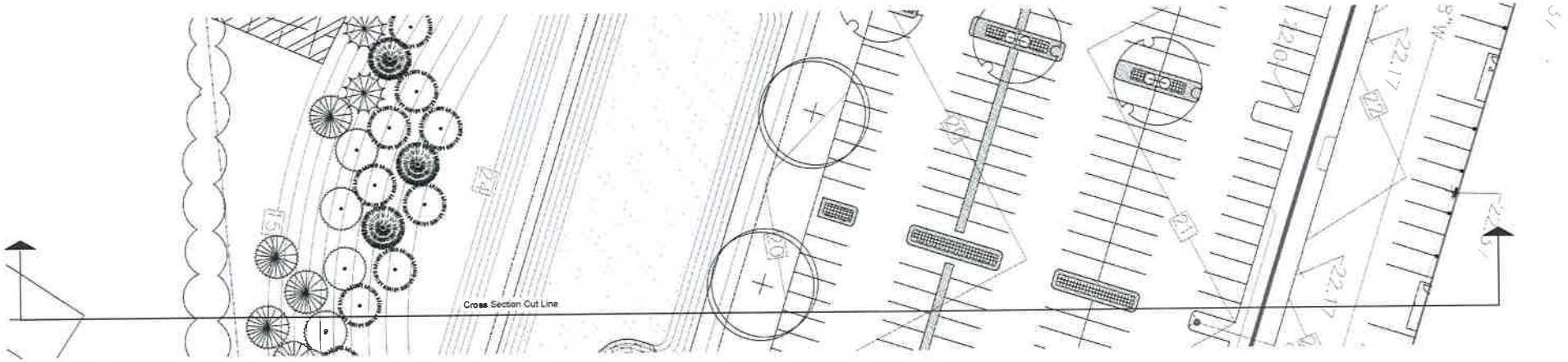


Cross Section / Elevation



Plan View

PACKAGE DISTRIBUTION CENTER
SEEKONK, MASSACHUSETTS

THE GIFFORD
DESIGN GROUP, Inc.
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL PLANNING

Planning Board

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The attached documentation is a highlight of what is on this agenda. Please note there are additional documents that can be viewed in the Planning Board Office.