

**SEEKONK PLANNING BOARD**  
**Public Hearing and Work Session**  
**Selectmen Meeting Room**  
**January 24, 2023**

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Present: D. Roderick, P. L. Dunn, S. Escaler, S. Foulkes, P. Aguiar, and John Aubin (Town Planner)

Absent with cause: Ch. D. Sullivan and B. Hoch

Opened the meeting at 7:01 PM

**Public Hearing:**

1. Definitive Subdivision Application of **Alfred Dos Anjos** for a 5-lot Conservation Subdivision of land located at **355 Elm Street** being AP 16, Lots 11 & 172 in an R-2 Zoning District **to be continued to January 24, 2023.**

D. Roderick opened the meeting and read the first application into the record.

J. Aubin stated that the board has already waived the reading of the advertisement, and opened the public hearing so the board is ready to review the application and listen to the presentation. He also clarified that it is a 5-lot subdivision with one of the lots being an open space parcel, one lot is already developed, so there are 3 new lots.

Mark Mariano was the representative present for the definitive subdivision application at 355 Elm St. He stated that the current property is 20.6 acers, contains a single-family home, and also has wetlands around the property. He repeated that it is a 5-lot subdivision with one lot existing, one lot being open space, and three new lots.

P. Dunn asked for M. Mariano to mark where the open space is going to be on the plans. M. Mariano stated that the open space will be adding to the conservation land around the subdivision.

M. Mariano stated that the wetlands requirement is exceeded in this subdivision. He then stated that the 4 lots will have frontage on Elm St. He stated their intention is to utilize a common driveway between lots one, two, and three. Lot 4 will utilize its own driveway on Elm St. The reason for doing that is to reduce the impervious footprint and create a better-looking environment for the roadway. The roadways that are going to be provided to service these homes are 20ft wide and meet the requirements of NFPA standards. M. Mariano brought up some of the concerns that came up during the preliminary subdivision and how they have addressed those concerns. He stated that they engineered a system in which there is a fire hydrant on the corner of Elm and Lincoln St. where they have provided a stand pipe at the end of the common driveway that will be able to service all three of the lots. This system was talked through with the Fire Chief. M. Mariano informed the board that using the dry pipe has zero maintenance. There are infiltration basins on each individual lot which was included in the stormwater report submitted. Each house will be serviced by a domestic well. M. Mariano then went on to cover how the houses will receive water services.

D. Roderick asked if the split rail fence borders the protected open space.

M. Mariano answered saying the fence is the delineation between the wetlands and the property line, so there will be vegetation growing right up to the fence.

J. Aubin asked M. Mariano to talk about the ownership of the open space and the status of the Conservation Commission review.

M. Mariano stated that they first appeared in front of Conservation in late August and they continued the application until the application had been seen by the Planning Board. The Conservation Commission did like the idea of the subdivision and being connected to the abutting Town land. As of now, the open space could be in an HOA with the surrounding homes but the decision has not been made definitively yet.

J. Aubin stated that at some point the ownership of the open space needs to be decided before moving forward with a decision.

D. Roderick asked if the open space requires any special maintenance. M. Mariano stated that the split rail fence is shown on private property, therefore, maintenance of the fence will be the responsibility of the individual owners of the houses.

D. Roderick asked M. Mariano about fire access turnarounds. M. Mariano informed the board that he went through this with the Fire Chief and that each individual house has their own fire access turnaround. He then went through each lot and pointed out where they would be.

P. Aguiar asked if the Fire Department was okay with this layout. M. Mariano did state that they were okay with it.

J. Aubin informed the Board that he did put this on the TRC agenda for Thursday just to follow up with the Fire Department.

S. Foulkes asked if the trees that abut the open space are to be disturbed at all. M. Mariano answered that the open space will maintain a lot of mature trees. He stated that tree removal would be minimal.

S. Foulkes asked if the Board of Health and the Conservation Commission have seen and signed off on this yet. J. Aubin stated that BOH has not provided any comments on this yet. He also stated that Elm Estates is in front of Conservation right now and that there is a joint peer review happening between the Planning Board and Conservation Commission.

S. Escaler asked if they need to apply for a public water waiver. J. Aubin stated that in this case, they do not. S. Escaler asked another clarifying question.

P. Aguiar asked how much time is left on the moratorium. M. Mariano said he wasn't sure but believes it is three years left.

D. Roderick asked if anyone in the audience wanted to ask any questions or speak in favor of the application.

Resident Michael O'Connell of 311 Elm St wanted to express some concern. He stated that he does not have an issue with the subdivision, but rather he is more concerned with the open space. He stated how the existing pond was not mentioned and that there is also a drainage easement that leads into the pond. The resident wanted to know who would be responsible for maintaining the open space and the pond/culvert within it.

M. Mariano stated that yes, the open space contains the existing pond and stated that the responsibility of who will be maintaining the open space has not been definitively decided yet, but it would either be the Town, the HOA, or conservation.

Michael O'Connell asked about the headwall and the culvert and who will be maintaining those. His concern is he wants to know who will be taking care of any issues from the culvert or pond. What if the pond overflows, etc. M. Mariano stated that it will be the responsibility of either the HOA, Conservation, or the town.

J. Aubin reassured the resident that even in an emergency situation, the town could step in to fix the problem on behalf of, for example, the HOA.

M. O'Connell repeated that he is not opposed to the subdivision at all, he really just wants to make sure he won't have any future mishaps and make sure that there is someone who will be maintaining the open space and pond within it.

S. Escaler asked who owns the existing pond as of now. J. Aubin stated that most of the pond is on the subject parcel. The abutting parcel to the west is owned by the Town.

P. Dunn asked where the culvert is.

The board expressed some concern about approving anything without having a decision as to whose responsibility it will be to maintain the open space.

D. Roderick asked if there was anyone else to speak for or against the subdivision. Seeing no one.

M. Mariano asked J. Aubin what the primary ownership looks like for conservation subdivisions. J. Aubin Answered.

The board further engaged in discussion and expressed their concerns about the shared driveways, the culvert, and the maintenance of open space and pond within it. They also talked about possibly adding language into our by-laws that would help dictate responsibility for similar future issues.

D. Roderick asked for any other comments from the board and then asked for a motion to continue this application.

J. Aubin stated that the next meeting will be on February 28<sup>th</sup>.

M. Mariano clarified as to what other information the board will like to address at the next meeting.

The information includes what the intent is for the open space, TRC comments or concerns, and who the drainage easement belongs to.

**P. Aguiar made the motion and S. Foulkes seconded to continue this application until February 28<sup>th</sup>, 2023.**

**VOTE: 5-0-0**

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**Work Session:**

2. Member Reports/SRPEDD Update

No meeting updates, however P. Dunn stated that the committee was not able to get the money to rebuild the bridges in the Cape.

3. Approval of Minutes: January 10<sup>th</sup>, 2022

**The minutes are continued to the next meeting due to a lack of quorum.**

**Adjournment**

**P. Aguiar made the motion to adjourn, seconded by P. Dunn.**

**VOTE 5-0-0**

**Meeting adjourned at 7:56**

Respectfully Submitted by,  
Stephanie Iagatta, Secretary  
Planning Board

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*Formally accepted on: February 28, 2023  
5 in favor, 0 against, 2 abstention (Ch. D. Sullivan and B. Hoch)*

**Full Video available to view on TV9 Seekonk Community Access Television**  
**Link: <http://tv9seekonk.com/>**