

SEEKONK PLANNING BOARD
Joint Meeting with the BOH
Selectmen Meeting Room
March 14, 2023

Present: Ch. Sullivan, S. Foulkes, B. Hoch, D. Roderick, P. L. Dunn, S. Escaler, and John Aubin (Town Planner)

Absent with cause: P. Aguiar

Opened the meeting at 7:02 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 within an R-2 Zoning District. **CONTINUED FROM JANUARY 10, 2023, JANUARY 24, 2023 and FEBRUARY 28, 2023**

J. Aubin addressed the board by updating them in regards to who was responsible for the drainage easement on the property and he found that the drainage easement belongs to the Town. Also, the peer review is still ongoing with a couple of details and data to add to the plan. A site visit was conducted with the peer review engineers, M. Mariano, and J. Aubin on the 16th of February. The conservation review is ongoing but no major findings as of now. In regard to the ownership of the open space parcel, M. Mariano indicated that the current intention is to have a conservation easement placed over the property. Then, the property would be held in the current ownership of Mr. Dos Anjos and possibly transferred to the Town as an open space parcel.

Mark Mariano wanted to clarify that Mr. Dos Anjos intends to hold the parcel in private ownership until he decides what he would ultimately like to do with it. He stated that everything J. Aubin stated is correct and that they have received the comments back from WSP for the peer review.

Ch. Sullivan asked for questions from the board. P. Dunn asked about the 2 ponds on the east and west side of the property. J. Aubin explained that the drainage easement connects the two ponds. M. Mariano explained how the two drainage ponds came to be. P. Dunn asked if the pipes were to fail, who would be responsible for maintenance? J. Aubin stated that the Town would be responsible.

Ch. Sullivan asked J. Aubin how the transfer of rights to the open space relates to the approval or denial of the subdivision plan. J. Aubin stated that under section 9.2.13 of the By-laws, there are a few different forms of ownership that the open space could go under and one of them being private ownership for agricultural, horticultural, forestry use, etc.

Ch. Sullivan asked who puts the conservation restriction in place and if that is part of the approval from the Planning Board. J. Aubin explained that it is the responsibility of the Conservation Commission. A conversation of ownership was had.

P. Dunn asked if there will be a split rail fence. M. Mariano answered yes, there will be a lot of split rail fence.

Ch. Sullivan asked if anyone from the audience would like to speak in favor, against or have any questions for this application. There was none.

Ch. Sullivan asked for a motion to close the public hearing. B. Hoch made the motion, seconded by P. Dunn.

ROLL CALL VOTE: All board members present said AYE.

A small discussion about the drainage easement was had.

S. Foulkes asked a clarifying question about the fencing and materials. J. Aubin answered. S. Foulkes asked if the existing structures will be taken down. M. Mariano stated that the barn will be taken down and the house will stay.

B. Hoch made the motion to approve the definitive subdivision application with the conditions noted by the Town Planner in his memo and upon final peer review by Conservation Commission and submission of HOA documents and the conservation easement. Seconded by P. Dunn.

VOTE: 6-0-0

2. Application of **Scott Smith** to rezone a portion of 1636 **Fall River Ave.**, being AP 4, lot 308 (formerly a portion of lot 21) from an R-4 to an R-3 zoning district.

Ch. Sullivan called the public hearing to order at 7:22 PM and asked for a roll call.

ROLL CALL: All board members present stated their names.

Motion to waive the public announcement made by D. Roderick and seconded by S. Foulkes.

J. Aubin explained the process to rezone a parcel in Town and what could happen if the application is approved or not. J. Aubin stated he conducted a site visit of the property and then passed around some photos of the existing conditions he took from that visit. He also wanted to note that there is R-2, R-3 and R-4 in the area and was originally developed under the previous district which was Residential A.

Scott Smith, 61 Ellis St, introduced himself and a bit of background on his family and his property. He stated that he is in an R-4 zone and most of the houses do not have R-4 qualities because they are older lots. He stated that because of the riverfront act, some of the land he has to work with is taken away. If the zone was changed to an R-3, the most

lots he could have would be 5. He stated that most of the houses on the street have approx. 100-120 feet of frontage. Being an R-4 requires 200feet of frontage and an R-3 requires 150 feet of frontage. He expressed that he thinks he would fit into an R-3 zone well. He stated that the whole area does not conform to an R-4 zone. He informed the board that he has R-3 zones on both sides of his property. Mr. Smith explained he had proposed an R-2 zone change to the BOS which would possibly allow 7 lots. However, that got denied and he was advised to apply for an R-3 zone change rather than an R-2. Mr. Smith took the weekend to explain to neighbors what he is planning to do to address any concerns. The concerns they expressed to him was cutting the tree line or putting in a road. He stated that he would not be touching the trees and he would not be putting in a road. He also heard a concern about traffic. He said he may average 2-3 cars. Other concerns were about the wildlife and he explained he would not be putting up any fences so that the deer and turkeys can run free. The property is approx. 1-2 ft below the street which helps with drainage. He is looking for an approval from the Planning Board to move forward to the Town Meeting in May.

Ch. Sullivan asked J. Aubin to read the memo from the BOS in regards to Mr. Smith's application into the record. The memo was read and J. Aubin also stated that unless the application is withdrawn, this application will go to Town meeting in May, regardless of a positive or negative recommendation from the Planning Board.

P. Dunn asked Mr. Smith to explain plainly what he is looking to do and how many lots he is looking to get. Mr. Smith answered that he is looking to get approval to rezone the parcel to an R-3 so that he may get 5 lots out of the land instead of 4. A conversation about the amendment process of a zone change followed.

Ch. Sullivan asked the audience if anyone would like to speak in favor of the application. Saw none. He then asked if anyone would like to speak against the application.

Resident Terry French, 1685 FRA, introduced herself. She stated that she is a proponent of keeping the by-laws and the zoning the same. Because of the R-4, R-3, and Mixed-use zoning around her property, she would like to keep the rural land around her. She stated that Mr. Smith can already put in 4 houses and to rezone an area just for one parcel sounds like it will set a precedent for future developers. She expressed that she felt it would be respectful to the community to keep the town a town and not a city.

P. Dunn stated that fireflies breed in tall grass so that might have something to do with the lack of fireflies.

Roger Wellen, 132 S. Wheaton, introduced himself. He stated that he owns 45 acres on Wheaton Ave. He owns the APR which is agricultural protection restriction. He stated that if Mr. Smith rezones his parcel, then it seems his own land would have to be rezoned as well. He does not want to do that because he will never develop his land. His real

concern is setting precedent in regards to the Speedway because the land abuts it. He has no problem with Mr. Smith putting 4 houses on the parcel.

Ch. Sullivan asked the board if the members would like to continue this application to a date certain in the future and ask the Board of Selectmen to consider the matter because of the amendment, or look for recommendation from Town Council. A conversation about what the best option would be for the Board was had.

A Motion to continue the public hearing to April 11th 7pm by Roderick. Seconded by S. Foulkes.

VOTE: 3-3-0 SPLIT VOTE, therefore it fails.

Motion to close the public hearing by B. Hoch. Seconded by D. Roderick.

ROLL CALL: D. Roderick, P. Dunn, B. Hoch, S. Escaler said AYE. S. Foulkes said NAY.

VOTE: 5-1-0 ; Public hearing is closed.

B. Hoch made a motion to make a negative recommendation to Town Meeting. Seconded by S. Escaler.

B. Hoch explained by stating that this is an R-4 zone and we want to increase lot sizes and not reduce them. It becomes an issue of public water, wells, septic, and is also contrary to what the Town is looking for in the Master Plan.

VOTE: All in favor: All members said AYE.

10-minute recess

Reconvened in Regular Session

Regular Business:

3. Site Plan Application of **Oakhill Engineering** for construction of a proposed vertical hydroponic vegetable farm, for the property located at **991 Newman Ave** being AP 27, Lot 32 within an Industrial Zoning District.

J. Aubin stated that this parcel was in front of the Board about 5 years ago for a proposed automobile sales use that was never implemented. After that, the current applicant user of the property appeared in front of the ZBA Board to acquire the Special Permit required to operate the necessary agricultural use on the site. The applicant is proposing to build a small structure on the site as well as erect a number of containers on the parcel that will house the hydroponic plants.

Mark Mariano, 75 Oak Hill Ave, introduced himself as the presenter for this application. He explained how the parcel is currently a vacant lot with no trees that also has a parking lot and a concrete foundation. The proposal is to use the existing footprint for the structure and reuse the parking lot. In addition to the existing structures, a proposal of 4

container boxes that will be used to grow various vegetables and culinary herbs. The boxes are premanufactured and are units specifically used for plant growing. They are self-contained with electric, HVAC, and water. There is no water or light emitted from the boxes, the only noise emitted is comparable to that of a heat pump.

Ch. Sullivan asked if he has any pictures of what the containers would look like. M. Mariano stated he did not but explained that they were 40-foot metal shipping containers. The proposed uses are for growing vegetables and there will be retail of vegetables at the existing single-story building. During growing season, there will also an area of display to sell plants, similar to a nursey. M. Mariano stated that they meet the impervious requirements on the site and they will be proposing screening required by zoning because the property abuts a residential zone.

Ch. Sullivan asked if the containers are seasonal. M. Marino explained that the containers will be operated year-round. The plants on display and for sale would be seasonal. S. Foulkes asked if retailers would be visiting the site to pick up the product. M. Mariano stated that yes, they would come to the property to pick up/buy the products. S. Foulkes also asked if there would be any waste water from the hydroponic process and if so, where does it go.

Brett Roberts, 191 Arcade Ave, owner and applicant of 991 Newman Ave came up to help answer the question. B. Roberts explained that the system is self-contained. In hydroponic systems, the by-product is normal water that would then be used to water other plants. The system only uses 4-5 gallons of water a day and is put into a holding tank and then circulates through the system again. The water usage is very eco-friendly. S. Foulkes asked if they will use well water. B. Roberts answered that they will be using town water and that they will have a filtration unit to help filter out any additives that could be harmful to the plants. S. Foulkes asked how long until they can get up and going and bring product to market. B. Roberts stated that he has everything in the works, the containers are sitting in a storage facility in Mansfield to be delivered soon. Then, it will take at least 8 weeks from seed to harvest for the first crop. B. Roberts stated that his plan is to specialize each container for each plant to optimize light and nutrient levels. For example, he would want to keep leafy greens in one container, edible flowers in another, etc.

D. Roderick asked about electricity and what he has in place for a back up in case of a storm. B. Roberts stated that he does have a generator. S. Foulkes asked what the enterprise will be called. B. Roberts said it is Arca Farms. The Latin word arca translates to "box of treasures." He also plans on eventually employing local kids as he believes it would be a great learning experience for many.

S. Foulkes asked how long he plans on being on site. He stated that he plans to be there every day. He will also have things monitored by camera so that he may check on the plants even if he is not there.

B. Hoch stated that it is nice to see an interesting and eco-friendly business going on this parcel as the lot has been empty for a while.

Ch. Sullivan asked for a motion.

Motion to approve application as written, with conditions to a final TRC review, made by D. Roderick. Seconded by P. Dunn.

Vote: 6-0-0

4. ANR Application of **John T. Chester** to divide the lot into 2 parcels for the property located at **32 Arcade Ave**, being AP 21, lot 31, within an R-2 Zoning District.

J. Aubin introduced the application and also passed around some photos he took of the existing conditions.

Chris Andrade, 1539 Fall River Ave, represented this application. He stated that parcel 1 is the existing home. He explained there is an existing 2 story, single family house with a 1 story, single-family garage. C. Andrade went on to finish presenting more details about the ANR and then asked for questions from the board.

S. Foulkes wanted to clarify that they are going to eliminate a stone wall, make an elongated driveway, and position the house towards the rear of the property. C. Andrade said yes.

Ch. Sullivan made a note that this is an R-2 zone.

B. Hoch made a motion to endorse the application as is with ANR conditions mentioned by the Town Planner in the memo. Seconded by D. Roderick

VOTE: 6-0-0

Work Session:

1. Discussion of potential joint meeting with the Zoning Board of Appeals to discuss residential zoning districts

J. Aubin asked the board if they want to invite the Zoning members to our meetings or vice versa and decide if it is necessary to have all of the board members present or just the chair, vice chair etc.

Ch. Sullivan expressed that having the Chair, Vice-chair and Zoning enforcement officer should be sufficient for a discussion.

S. Foulkes asked if J. Aubin had heard anything more about meeting with the Board of Selectmen in regards to Stormwater Management Phase II. J. Aubin stated he did not get a date for that yet.

Motion to ask the Town Planner to invite the Zoning Chair, Vice-chair, and Zoning Enforcement Officer to a meeting with the Planning Board on April 11th made by D. Roderick and seconded by P. Dunn.

VOTE: 6-0-0

2. Discussion of remaining Master Plan updated element adoption schedule

J. Aubin stated that the master plan update has been separated into 3 elements. The Baseline Study of Public Facilities is just about ready to be adopted formally. Then there is the Circulation and Renewable Energy element. J. Aubin has reached out to DPW and the Police Department and he has not received a lot of feedback from other committees in regards to renewable energy. His advice is to analyze what we have now, make some recommendations on what to add, hold a few work sessions, and update the plan as the Board deems fit. The third element is the Housing Production Plan, which the Planning Board and SRPDD are both working on. If the Planning Board is happy with that plan, then the first step is to adopt the first two elements (Baseline Study and Public Facilities) and will work on the Circulation and Renewable Energy in a public session sometime in May.

S. Foulkes asked if there was an update with the Fire department in regards to water. J. Aubin answered that it has been a topic of discussion for him and Ch. Sullivan and they are planning to send out an invite to the Fire Department within the next few months.

3. Town Planner Update:

J. Aubin noted that because of the recent weather, there has not been much to show as far as public infrastructure improvements. He stated that he did receive the memo from Town Council in regards to enforcement and he will be forwarding that to all of the board members.

A motion to put an executive session on for the April 11th meeting to discuss enforcement recommendations made by Town Council in regards to Country Brook Estates made by D. Roderick and seconded by B. Hoch.

VOTE: 6-0-0

SUBDIVISIONS:

- ANR Application of **John T. Chester** to divide the lot into 2 parcels for the property located at **32 Arcade-Ave**, being AP 21, lot 31, within an R-2 Zoning District.
- **“Elm Estates”**: Preliminary Subdivision Application of **Alfred Dos Anjos** for a 4-lot Conservation Subdivision of land located at 355 Elm Street being AP 16, Lots 11 & 172
- in an R-2 Zoning District. Definitive Plan application submitted public hearing opened

- on January 24, 2023 continued to March 14, 2023. Site visit conducted with peer review engineer
- **“Berson Estates”**: for proposed 13-lot residential subdivision of land located at **0 Pine Street** being AP 28, Lot 20 in an R-4 Zoning District. Residential construction commenced.
- **Magnolia Court**: 10 Lot residential subdivision of land located off Walker Street. Initial paving completed. Residential construction commenced.
- **Pine Brook Court**: Definitive Subdivision application for development of a nine (9)-lot residential subdivision located at **0, 224 and 250 Arcade Avenue** being AP 21, Lots 18, 277 and 305 in an R-2 Zoning District. Residential construction ongoing.
- **Farmland Estates**: 12 lot residential subdivision located off Lincoln Street - sidewalk installation completed final paving and clean up. Meeting with applicant to discuss acceptance process pending.
- **Kathleen Court**: 16-lot residential subdivision off Lincoln Street - construction ongoing.
- **Jacob Hill Estates**: 11 lot residential subdivision off Jacob Street - acceptance application filing pending. Easement relocation documents submitted and under review.
- **Brigham Farm III**: Conservation Subdivision application of **Gary Sagar** for proposed 8-lot definitive subdivision of land located off Burnside Avenue being AP 36 lots 2 and 11 and AP 35 lot 20 conditional approval granted August 10, 2021. Roadway construction pending.
- **Winterfell**: 11 lot definitive subdivision of AP 1, lot 24 off Warren Avenue. Acceptance approved by Fall Town Meeting. Open space delineation pending.
- **Stone Ridge**: 11 lot definitive subdivision located off Walker Street final paving and sidewalk installation completed. Final close out and acceptance application anticipated 2023.
- **Country Brook Estates**: 18 lot residential development discussion with homeowners held June 14, 2022. Modification approved October 10, 2022. Inspection conducted further Planning Board action pending.

SITE PLANS:

- Site Plan Application of **Arca Realty LLC** for construction of a proposed vertical hydroponic vegetable farm, for the property located at **991 Newman Ave** being AP 27, Lot 32 within an Industrial Zoning District. Scheduled for Planning Board review March 14, 2023.
- Site Plan Application of **Advanced Engineering Group, PC** for a proposed site redevelopment (new 16,000 sf building) for the property located at **30 Industrial Way**. being AP 1, lot 120, within an Industrial zoning district. Planning Board approval issued February 28, 2023.
- Site plan application of **Raising Cane's Chicken** to construct a restaurant with drive-thru lanes on the property located at **175 Highland Avenue**, being AP 8, Lot 36. Planning Board review January 24, 2023 conditional approval granted.

- Site plan application of **Bocada Enterprises LLC** for proposed redevelopment and construction of additions to the existing automotive sales and service use at **176 Fall River Avenue** being AP 14 lots 80-82 and 95. Planning Board review January 24, 2023 conditional approval granted.

AMENDMENTS:

- Joint meeting held with the Board of Health February 21, 2023
- 5-year Master Plan Update Drafting Ongoing
 - Baseline Report, Open Space and Recreation, and Public Services Elements Adoption Spring 2023
 - HPP initiated with SRPEDD
 - Circulation and Sustainable Energy Elements Updates Pending

MISC:

- Preliminary FY '24 Budget submitted
- Massachusetts Community One Stop for Growth Grant: Rt. 6 corridor study. Consultant: GPI BOS presentation March/ April 2023
- SRPEDD Brownfields area assessment study commenced
- Stormwater Utility financing meeting held with Town Administrator, SNEP, and UNC Environmental Finance Center. BOS presentation February 15, 2023
- Attleboro Dye Works:
 - Site remediation funding by MassDevelopment on going (Consultant: ESM)
 - EPA Technical Assistance Program preliminary conceptual site layout designs completed.
 - One Stop for Community Growth Grant to assess infrastructure ongoing (Consultant: ESM) Joint meeting with Board of Selectmen upcoming
 - Pond Street Bridge design preliminary surveying and engineering ongoing
 - Dam removal assessment ongoing
- Sowams National Heritage Area feasibility study ongoing
- Stormwater Advisory Committee
 - Stormwater Utility Financing Webinar attended
 - MS4 Annual Report submitted
 - Ongoing assessment and remediation of identified and prioritized stormwater issues
 - Drain labels installation complete- 1,712 locations marked through Save the Bay
 - Dog waste signage scheduled for installation
 - Informational signage (Arcade Woods, Gamino, Burr's Pond) under development

4. Member Reports/SRPEDD Update

None.

5. Correspondence

None.

6. Approval of Minutes: February 15, 2023 and February 22, 2023

S. Foulkes had a spelling correction for the February 15, 2023 minutes.

Motion to accept minutes with spelling correction made by B. Hoch. Seconded by P. Dunn.

VOTE: 6-0-0

Motion to continue the February 22, 2023 minutes to the next meeting due to lack of quorum made by D. Roderick.

VOTE: 6-0-0

Adjournment

Motion to adjourn the meeting made by B. Hoch. Seconded by P. Dunn.

VOTE 6-0-0

Adjourned at 9:10 PM

Respectfully Submitted by,
Stephanie Iagatta, Secretary
Planning Board

*Formally accepted on 4/11/2023
6 in favor, 0 against, 1 abstention (P. Aguiar)*

[Full Video available to view on TV9 Seekonk Community Access Television](http://tv9seekonk.com/)

Link: <http://tv9seekonk.com/>