

**SEEKONK PLANNING BOARD**  
**Public Meeting, Regular and Work Session**  
**Selectmen Meeting Room**  
**July 25<sup>th</sup>, 2023**

---

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

Absent with cause: B. Hoch

Ch. D. Sullivan opened the meeting at 7:02 PM

---

**Public Meeting:**

1. ANR re-endorsement application of **Harry Leiser Revocable Trust/1058 Leiser, LLC** for **1058 and 1080 Fall River Ave** being AP 7, Lot 15 & 16 located in a Highway Business Zoning District.

D. Sullivan read the first item into the record.

J. Aubin stated that this is an ANR that has already been endorsed by the PB back in 2017, however, the applicant never recorded at the Registry of Deeds and lost the mylar. He stated that he did not find any kind of expiration of an ANR so he is asking the Board to approve a re-endorsement of the ANR.

**A Motion made to re-endorse the application as written was made by D. Roderick and seconded by P. Dunn.**

**VOTE: 5-0-0**

---

**Work Session:**

1. Discussion regarding further action pursuant to **Section 6.6 Failure to Perform** of the **Rules and Regulations Governing the Subdivision of Land in the Seekonk**, Massachusetts with regard to the incomplete to otherwise deficient public improvements related to incomplete subdivisions.

J. Aubin stated that as this has been an ongoing conversation, the goal tonight is to lay out where the focus will be in regards to these subdivisions and discuss strategies moving forward. He stated that the oldest subdivision dates back to 2000 and most of these subdivisions are inactive, although some still have active work being done. He stated that the board will have to go out and ask for additional funding if the board decides to find them all in default. He stated he would go down the list of subdivisions and talk about them one by one.

*NOTE: With the exception of Caleb Estates, there is no as-builts on file in the Planning office.*

Brigham Farm II, originally approved in 2006, no inspection funds and small amount of surety. DPW stated stormwater maintenance is the main issue because they are not being maintained. The fire box was previously an issue and has since been fixed. This subdivision does not have an HOA which means that any stormwater maintenance going forward will be the responsibility of the Town.

J. Aubin stated it is important to note that we do not have as-builts for these developments with exception to one, being Caleb Estates.

S. Foulkes asked if Paul Bowen, developer of record, had anyone else step up to continue the work on the subdivision. J. Aubin answered that no one else stepped up.

S. Foulkes asked if whoever the current developer in place is, is ultimately responsible for the finishing the subdivision and not the original developer. She expressed concern about how to find who is in charge of each subdivision and who is responsible for the subdivision.

J. Aubin answered D. Roderick's question as to where inspection forms come from. D. Roderick asked if there was a template or if it's one straight dollar amount. J. Aubin stated that the fee is calculated dependent upon the specific contract that is submitted with each development.

Caleb Estates, J. Aubin stated that this should be a fairly straight forward problem to solve. and what else needs to be done in the subdivision. D. Sullivan clarified that we have already had a default hearing for this subdivision. J. Aubin stated he believes they have but it was with the previous developer.

D. Roderick stated that at the intersection of Olney St and Logan CT there still needs to be some work done.

J. Aubin stated that anytime a subdivision comes forward for acceptance, there will be a public hearing with the residents who live there.

P. Dunn asked if all the subdivisions we are talking about are private. J. Aubin stated yes, right now they are because they have not yet been accepted by the Town.

J. Aubin asked A. Kwesell what would happen if there is a situation where the developer is long gone 20 years later, do the residents assume the responsibility of the roadway or does the developer still have some interest in it.

D. Sullivan wanted to clarify by stating that if the development was completed, but there were small outstanding issues and the developer walked away before they could be fixed, then it would depend on the HOA. If there is no HOA, then it would still be the responsibility of the developer. If the developer cannot be located through the default hearing process, it falls back to be a consideration like with an abandoned street where the residents would own out to the center line of the roadway. A. Kwesell answered that it depends how the developer sold the lots. If he reserved the fee in the road then, no because he would then reserve the responsibility of the road as well. A. Kwesell stated

that it depends on what each deed says. Most developers now, do not reserve the fee in the roads because they do not want to be responsible.

D. Sullivan stated that a lot of research will need to be done.

A. Kwesell stated that she has never seen so many developers walk away from buildable lots, especially in this housing market.

Board members asked A. Kwesell more questions in regard to road acceptance and enforcement.

J. Aubin said it would be helpful to add to the subdivision chart the distance of a roadway, and who the current developer of record is and who the original developer was.

S. Foulkes wanted to clarify that at Town Meeting for acceptance of a roadway, the Town would still have to pay for the completion of the roadway. J. Aubin stated that is correct.

S. Foulkes stated that residents still want the Board to be involved in the fixing of their roadway/subdivision and do not show any interest in taking the developer to court to resolve the problem. She stated the residents who do not have an HOA, they feel no ownership to complete it.

Curt St Extension, J. Aubin explained this subdivision involves small scope issues and has been sitting since 2016.

Greenwood Farms, J. Aubin stated this subdivision has a roadway which operates fine, the stormwater system is not maintained, and there is drainage behind the lots that was not completed in accordance with what was anticipated.

Harts Court, a short subdivision with final paving never completed.

Hollands Woods, the final paving has been completed however there is a lot of overgrowth in the detention basins.

Madison Estates, this subdivision has been sitting as there are no big issues other than making sure the stormwater maintenance is completed.

Orchard Estates, same category as Madison Estates where it has essentially been abandoned and just needs a few things to be finished.

Pine Hill, same category as the previous two mentioned subdivisions.

Stallard Estates, same category as Hart's Court but there has been contact made with this developer.

Ursulas Way, contact with this developer has been made with regard to moving forward and getting this subdivision closed out.

Three Ledges, same category as Holland Woods.

2. Discussion in regards to residential cisterns and water supply for areas not serviced by public water.

J. Aubin stated this is a follow up discussion with Town Counsel for clarification in regards to what extent the Town creating any liability by not having any fire safety provisions within the Subdivision Rules and Regulations. Also, if we are to adopt a cistern provision, identify what additional pieces does the Board want to add to the drafted by-laws.

D. Sullivan referenced A. Kwesell's memo from September 13<sup>th</sup>, 2022. He then asked A. Kwesell if the Town has to have, legally, a provision of fire protection in the Rules and Regulations. A. Kwesell stated yes, in order to deny a subdivision because they will not install a cistern for fire protection, it should be put into your Rules and regulations. She stated that in order to approve subdivisions, you must address health and safety. She said she would recommend the Town put the requirement of cisterns into the rules and regulations if there is no access to Town water.

S. Foulkes stated that the Fire Chief does not have a person who can assess or maintain the cisterns. D. Sullivan stated that the Fire Chief found one private company from NH that does provide those services. A conversation about responsibility of cistern maintenance was had.

There was a brief conversation about HOA's and recognition that this discussion topic is best to be discussed at a future meeting.

J. Aubin asked the Board if they would like him to finalize the draft of cistern provisions from this conversation. It was decided yes.

**D. Sullivan asked for a motion on the floor to add the installation of cisterns to the Rules and Regulations of Subdivisions. Motion made by D. Roderick and seconded by S. Foulkes.**

**VOTE: 5-0-0**

3. Members Report/SRPEDD Update

D. Sullivan suggested holding off the update until next meeting unless there is a pressing matter.

4. Correspondence

None

5. Approval of Minutes: June 27<sup>th</sup>, 2023

S. Foulkes mentioned a discrepancy in the date to be amended.

**Motion to table minutes of June 27<sup>th</sup>, 2023 to next meeting made by D. Roderick and seconded by S. Foulkes.**

**VOTE: 5-0-0**

Executive Session:

D. Sullivan read into the record: Executive Session pursuant to G.L. c.30A, §21(a)(3) to discuss strategy with respect to potential enforcement action/litigation regarding Brigham

Farms II, Caleb Estates, Country Brook Estates, Curt Street Extension, Greenwood Farms, Hart's Corners, Holland Woods, Madison Estates, Orchard Estates, Pine Hill Estates, Stallard Estates, Three Ledges, and Ursula's Way, as having the discussions in open session would be detrimental to any potential litigation or the position of the Town, votes may be taken.

The Board will not be reconvening in open session after executive session.

**So moved by D. Roderick and seconded by S. Foulkes**

**ROLL CALL: All members present said AYE**

---

Respectfully Submitted by,

Stephanie Iagatta, Secretary  
Planning Board

---

*Formally accepted on 8/8/23  
4 in favor, 0 against, 1 abstentions*

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