

**SEEKONK PLANNING BOARD**  
**Regular and Work Session**  
**Select Board Meeting Room**  
**August 8, 2023**

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

Absent with cause: P. L. Dunn

Representative: Gary Sagar, Chairman of the Zoning Board of Appeals (ZBA)

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

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**Regular Meeting:**

1. *Category 17 B Earth Import Soil Import plan review – Lynch Corp. for property located at 0 Taunton Ave., AP 12, Lots 50,422-424 and 502 located in the Highway Business and Industrial Zoning districts.*

J. Aubin reported that the Category 17b and the associated Earth Export by-law was recently adopted and amended which creates a new permitting requirement. The applicant, who had representation at tonight's meeting, has been operating at this site for many years. Mr. Aubin went on to say that part of 17b requires a recommendation by the Planning Board on this requested permit. The applicant has provided a plan to the Board as required by the by-law. Mr. Aubin has provided a memo which summarizes the process and other relevant materials as part of the packet provided to the Board. He noted that there has been some ongoing issue with the Conservation Commission (ConCom) and wetlands which is part of the remediation and final conditions. Also, there have been issues with some of the residential properties with regard to noise, dust, and other ancillary effects of the operation on the site. Category 17b is silent with regard to the Planning Board review as to what the Planning Board is intended to comment on. Mr. Aubin directed the Board to Section 8 of the Zoning By-law (*Development and Design Standards*) for this application; specifically, to Section 8.12 (*Construction and Operation Standards and Limitations*) which provides overall limitations for industrial uses.

**Lawrence McCarthy**, Vice President and General Counsel for J.H. Lynch presented the application to the Board. He reiterated that this is an earth import application. He stated that the Town amended the fill permit application to include construction debris which is reprocessed on the site.

He gave a brief history of the property; Lynch Corp. has had ownership for approximately 25 years. He noted that the asphalt plant is located in East Providence, RI while the property in Seekonk is used in connection with the asphalt operation. The Seekonk portion of the property is used to store aggregates such as: stone, sand and recycled asphalt products. He further explained that there is a large section in the back of the property where customers

bring in broken asphalt and concrete; Mass DEP wants the materials recycled. He educated the Board what happens to the materials after this process. He restated that the permit applies to this material.

Mr. McCarthy said that Lynch is allowed to complete this process without a permit because it is excluded from a solid waste permit application. Mass DEP would like the materials to be reused and/or resold.

He stated that in 2007 a subdivision was constructed. There have been issues with a few of the neighbors; he believes this is due to a lack of communication. Most of the issues have been addressed via dialogue with them. Some enhancements have been made due to these discussions with the neighbors. He noted that when the subdivision was approved a buffer of arborvitae were planted which helps visually and, as they grow, with dust reduction. In addition, Lynch Corp. has built a 40 foot high berm on their property. Mr. McCarthy feels that these enhancements, have helped with the neighbors. He is hoping that the Board will recommend issuance of the permit they are requesting.

Ch. Sullivan asked about dust mitigation. Mr. McCarthy replied that wells and a sprinkler system have been installed for this purpose. He went on to say that the berm is a significant help; it is along Carter's Way. Lynch Corp brought down a sizable hill of rubble which brings the grade way down. Also, a fence will be installed on top of the berm.

D. Roderick asked if kids can access the berm? Larry said it is inaccessible from Carter's Way; there are cameras everywhere and access points are locked. It was noted that the top is two car widths; not steep at all.

J. Aubin laid out what direction from 17b the Board should be looking at from the Zoning By-laws. Ch. Sullivan asked him to read them out loud for the record which Mr. Aubin did.

- *Hazard to Adjacent Property?*
  - Reply: there is none; it is inert material.
- *Odor?*
  - Reply: dust will not leave their property; Mr. McCarthy also noted that they abide by the decibel by-law.
- *Gases or fumes?*
  - Reply: no noxious fumes.
- *Dust and smoke?*
  - Reply: this has already been addressed.
- *Heat or glare?*
  - Reply: none on the property.
- *Waste disposal?*
  - Reply: not any for this property.
- *Vibration?*
  - Reply: recycling happens periodically a crusher will be brought in, but he is not aware of any noise or vibration from this operation.

S. Foulkes asked what the hours of operation are? Mr. McCarthy responded that they are open at 7 am for disposing of material on the Seekonk side of the operation. There has not been a project where they are needed to dispose materials at night (they are a large highway contractor and might rip up roads during the night). They would like the ability to fulfill applications with Mass DOT when required. The Chair said that the Select Board will ask

this question. Mr. McCarthy said that any nighttime work begins at 8 pm with trucks being loaded during this time; multiple trips are taken throughout the evening.

- *Radiation?*
  - Reply: not dealing with anything radioactive.

S. Escaler clarified that there is no change in the operation of the company. Mr. Aubin reiterated that the Town has added this permitting requirement which is the reason the applicant is here tonight.

Mr. Aubin noted the date for public hearing is August 16; it is a yearly permit.

Summarized: this is to maintain what is already happening (to certify the existing operation); the Town added this process to obtain a permit.

**D. Sullivan made the motion that the application is consistent with the criteria provided for in Section 8.12 (*Construction and Operation Standards and Limitations*) and based on the testimony given and the discussion of the Planning Board that it therefore complies with Category 17b, seconded by D. Roderick.**

**VOTE: 5-0-0**

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#### **Work Session:**

2. *Discussion of potential Town Meeting articles regarding the **Zoning By-laws of the Town of Seekonk:***
  - a. Nonconforming R1 and R2 lots

Mr. Aubin informed the Board that the Planning office has been looking at nonconforming lots that are zoned R2, but are sized with the R1 zoning district requirements; also, lots that are sized in the R3 zoning district that are sized with the R2 zoning district requirements. He noted that there have been issues with some of the data that was collected from the GIS system; the analysis is ongoing. Mr. Aubin explained that there is ARPA money available through the Town Administrator's office to provide for updated mapping and other resources.

He went on to say that there are approximately 100 lots that are affected. There will be multiple public hearings for the varying neighborhoods with notice being sent to the residents affected within a 300' radius. He noted that this will either be on the warrant for either the Fall or Spring Town Meeting. The notices will be mailed via certified mail which will be costly.

Mr. Roderick asked how many discrepancies were noted. Mr. Aubin replied that there is no way to quantify this and explained the issue. It was clarified that this issue should be rectified once GIS updates are completed.

Ch. Sullivan said that the ultimate goal is to have the lots that are non-conforming because they were changed, back to what they should be. Mr. Aubin explained how these changes affect the residents in these neighborhoods. He stated that the intention is to ensure that the Groundwater Protection District remains untouched.

Mr. Sagar was asked if the Zoning Board had any comments. He replied that the ZBA has not discussed this yet so any comments made tonight would be his own. He said that he is happy that this is being addressed. It was noted that the list in the Planning Board's packet was the second list provided by the Assessors Department. The list that has the discrepancies was given to the Board at a previous meeting.

Mr. Aubin suggested moving forward by working on one zoning district at a time. The Chair agreed and clarified that they should compare the two lists that were provided to the Board.

b. MBTA communities Multi-family zoning

Mr. Aubin provided the Board with copies of the provisions from the current Multifamily Overlay District. He said this is not a pressing issue, rather something that he would like to have a public discussion on. He went on to say that the Board should take the portions of Town that either are developed as multifamily or that are likely going to be developed as such to put them into this district.

He provided the Board with two maps; one showed a district limited to these two areas and one that picked up the areas in Town that have "legacy multifamily" developments. He asked that the Board look at the allowable accessory residential uses in the Commercial Districts. The current Highway Business District under the Zoning By-laws allows for up to eight (8) residential units by Special Permit. He suggested making a change to allow for eight (8) units per building; to support a mixed-use development. He gave an example of mixed-use developments along the Route 6 corridor to the Board.

He then stated that the Board's timeline to adopt the MBTA Communities Multifamily Zoning is the end of next year. Ch. Sullivan said the intent is to incorporate the MBTA Communities Act into the 6.6 Multi-Family Overlay District and come up with new language to include the new provisions. Mr. Aubin clarified that they would be amending the existing Multifamily Overlay District into a complying MBTA Communities Multifamily Zoning District.

A discussion on the housing crisis continued with input from Mr. Sagar. Mr. Aubin pointed out properties throughout Seekonk that could be converted from nonconforming to conforming use. Also mentioned was the number of vacant businesses and homes in town.

Mr. Aubin mentioned that he is continuing to work on the sign by-law that was discussed at an earlier meeting.

Mr. Aubin polled the Board to see if there were any other areas of focus, they wanted him to look at in the by-laws as submission time is nearing. He received an informal request with regard to the alternate minimum standard for the R4 Zoning District; this was removed in 2019 at the request of residents in town. He explained that the alternate minimum standard provides for less density overall on properties. He went on to say that alternate minimum standard is currently in R1, R2 and R3 Zoning Districts. Ch. Sullivan asked Mr. Sagar what his thoughts were in regards to this request? Mr. Sagar responded that the Zoning Board had previously sent the Planning Board to put this back on R4 districts. Ch. Sullivan noted that a better description on how to utilize the open space is needed. Mr. Aubin explained that this is unrelated to the open space and further explained what alternate minimum standard actually is; he gave the formula (for each foot that you reduce your frontage, you have to assign 250 s.f. of area). The Board discussed this further.

Mr. Aubin asked the Board if they wanted him to look at any other zoning items? Ch. Sullivan asked if the construction standards of tanks would/should be considered into a Zoning By-law so it would be enforceable by the Zoning Enforcement Officer? Mr. Aubin was unsure if this could be addressed with a Zoning By-law or link zoning with the subdivisions. Mr. Sagar asked how this is being addressed with fire protection? The agenda items were reordered to address this next and Item #3 will be discussed afterwards. Mr. Aubin said that Section 8.12 speaks about building permits; he suggested changing the language to reference earth permits or licensing. The Chair said this would match up with 17B; Mr. Aubin will ask town council about this.

c. Other amendments

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*3. Discussion of potential Community Preservation Committee projects*

J. Aubin said in the past he has worked with Community Development Block Grant Program in RI which allows for cities and towns to make an application to the state who then allocates federal money for community projects. In Rhode Island, The Planning Department shepherds this process to the state planning council which awards the projects. He suggested having an annual meeting to solicit projects. He noted there is opportunities for the CPC with regard to land preservation, recreation projects, and affordable housing. His recommendation is to reach out to the communities (such as Old Colony, Habitat for Humanity, etc.) and work with them.

Ch. Sullivan stated that identifying plots of land that the town owns for affordable housing and use Community Preservation Commission (CPC) money to put out the bid and construct these affordable housing projects. His idea was to have private developers/contractors run the projects while the Planning Board oversees them. B. Hoch said that there are properties in Luther's Corners that are being renovated by a developer. He inquired if the Planning Board was missing out on this opportunity for community preservation.

J. Aubin stated that the CPC also looks at historic buildings in town. He suggested setting up a program with low interest loans for people who meet the affordable housing criteria that do not have the money to perform the maintenance.

Ch. Sullivan asked Mr. Aubin to put out a schematic for him to pass along to the CPC. Mr. Aubin said there may not be a project this fall, but this will start the discussion for the future. Ch. Sullivan then suggested that Mr. Aubin put the Affordable Housing Trust as part of the schematic.

The Chair announced that there is a public meeting next Tuesday at 6:30 p.m. at town hall for the CPC.

It was noted that the properties would be CPC funded with deed restrictions. The Planning office would be responsible to oversee these projects. J. Aubin said an alternate would be to have a community development corporation; similar to the Affordable Housing Land Trust.

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4. *Continued discussion of Section 8.3 Fire Protection of the Rules and Regulations Governing the Subdivision of Land in the Town of Seekonk*

Mr. Aubin sent Chief Lowery draft provisions for Section 8.3 that was previously put together. Dave Cabral (DPW Superintendent) and Chief Lowery submitted comments in response. Chief Lowery suggested that Section 8.3.2 which provides for the individual sprinkler systems be retained. Mr. Aubin said even though this cannot be mandated by the Planning Board, developers be given the option to install the individual sprinkler systems or the cisterns. The Chief also had specifications that were pretty straight-forward: 1) saying that they should not be any further than 7 feet from the travel lane; 2) noted that Seekonk currently has 10,000-gallon tanks in town. Ch. Sullivan believed that 25,000-gallon tanks should be discussed further; 3) the Chief raised some questions about how the cisterns would be inspected and maintained.

D. Cabral echoed the chief's comments with regard to maintenance and whether or not the cisterns are accessible and operational. Mr. Cabral talked to Chief Lowery about winter operations and snow removal; Ch. Lowery responded that they would be shoveled out similar to town fire hydrants. Mr. Cabral said that DPW cannot incorporate this work into their snow plowing responsibilities. Maintenance and mowing of grass and shrubs were discussed by the Board. S. Foulkes indicated that an inspector must be found for the tanks. Ch. Sullivan said that is the fire department's purview. He said this is going to be a cooperative effort between the Planning Board, DPW and the fire dept.

How cisterns will be funded now and in the future was discussed. He said it is up to legal counsel to let the Board know how to word what is being allowed and what is not.

Gary said he is aware that town council is of the opinion that installing cisterns is necessary. He would like to see the law that states this is a requirement; he believes it is a great idea. Ch. Sullivan believes it can be found in the Subdivision Control Law.

Mr. Sagar indicated that the Town currently has 7 of them with 5 of them not working. He noted that the Town of Rehoboth has 52 and only 2 have failed. Ch. Sullivan suggested that Rehoboth inspects their cisterns annually and DPW repairs them. Mr. Sagar asked if the Board was advocating that the Homeowners Association (HOA) be responsible? Ch. Sullivan replied that town council suggested the HOA be responsible for repairs and maintenance. G. Sagar said that would be a huge mistake! The Chair agreed with this statement. Mr. Aubin raised the issue of replacement; he believed the cisterns have a "shelf life" of approximately 20 to 25 years. B. Hoch reported that the cisterns are warrantied against manufacturing defects or failures for at least 30-years.

Ch. Sullivan thanked Mr. Sagar for participating in the meeting. He suggested that the ZBA discuss this topic during one of their meetings to come up with some solutions.

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5. *Members Report/SRPEDD Update*

This was by-passed since P. Dunn was not in attendance.

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6. *Town Planner Monthly Report*

**SUBDIVISIONS**

- **Magnolia Court**: going forward with their final paving
- **Farmland Estates**: active contact has been maintained
- **Jacob Hill Estates**: active contact has been maintained
- **Stone Ridge**: active contact has been maintained with their acceptance application which is anticipated for Fall Town Meeting
- **Country Brook Estates**: part of ongoing enforcement efforts; B. Hoch drove through and noticed some work has been completed in the cul-de-sac; no sidewalk work has been done; drainage areas are getting overgrown; Mr. Aubin stated that residents have been performing some work there also
  - Lack of sidewalks was discussed
- **“Elm Estates”**: active construction
- **“Berson Estates”**: active construction
- **Pine Brook Court**: active construction
- **Kathleen Court**: active construction

Mr. Aubin noted that additional columns were added as was requested at the last meeting to list the current developers and original developers as well as the roadway distances.

**SITE PLANS**

- Preapplication discussion of a Site Use Application for **Bocada Enterprises, LLP (Tasca)** to use for storage during construction for the property formerly known as *Sarcastic Sweets* located at **184 Taunton Avenue** being AP 20, Lot 584 located in a LB Zoning District: construction preparation has begun to renovate the two buildings on the site
- Site Plan Application of **The Town of Seekonk** to construct the South End Fire Station for the property located at **69 School Street**, being AP 7, Lot 35 within an R-1 Zoning District. Conditional Planning Board approval granted July 11, 2023: site plan approval was received by the Town
- Site Plan Application of **First Auto Group, LLC** to relocate the business from 18 Highland Avenue to the property located at **10 Highland Avenue**, being AP 8, Lot 146 within a HB Zoning District. Conditional Planning Board approval granted July 11, 2023: site plan approval was received

**AMENDMENTS**

- 2023 Fall Town Meeting:
  - a. Joint review of R-1 and R-2 zoning districts with the Zoning Board of Appeals on going

- b. Review of **Section 8.8 Signs** and potential highway signage overlay district on going
- 5-year Master Plan update drafting ongoing
  - Public Services and Circulation Elements workshop conducted
  - HPP initiated with SRPEDD: Mr. Aubin met with SRPEDD and LSP for Attleboro Dye Works in regard to MVP Grant; remediation of the last sedimentation pond will move forward this Fall; the Planning Board and Conservation Agent will conduct a walk-through late September or early October on a Saturday to-be-determined

## MISC

- Sowams National Heritage Area stakeholder outreach effort commenced public information sessions being scheduled for October
- Stormwater Advisory Committee
  - Second Stormwater Utility Financing presentation with BOS and PB pending
  - MS4 Annual Report preparation commenced for last fiscal year
  - Ongoing assessment and remediation of identified and prioritized stormwater issues
  - Mapping and GIS update commenced
- Mr. Aubin informed the Board that there have been two individuals who expressed interest to join the Planning Board; he will be coordinating with the Town Administrator's office to interview these prospects via a joint meeting
- The default hearings were discussed:
  - Mr. Aubin noted that he had not heard from Town Council with regard to the covenant list and paperwork that was sent out
  - Ch. Sullivan asked if the names and addresses of record had been identified for the various developers? Mr. Aubin said this process is ongoing and the staff is working on this.
  - Ch. Sullivan asked Mr. Aubin to confirm that Town Council will be in attendance on September 12<sup>th</sup>
  - Mr. Aubin will email the letter that went to the Board of Assessors and the Town Administrator to the Board

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## 7. Correspondence

Mr. Aubin reported that he had responded to a news reporter in regards to subdivision enforcement and will copy his response to the Board.

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## 8. Approval of Minutes: June 27<sup>th</sup>, 2023, July 11<sup>th</sup>, 2023, July 25<sup>th</sup>, 2023

**June 27<sup>th</sup>**: will be included in next packet since not all Board members received the corrected minutes in the packet.

**July 11<sup>th</sup>**: there were corrections noted by S. Foulkes:

- Page 3 last sentence of the first paragraph....take a “T” off;
- Page 5 the second paragraph, after “if the traffic control light should be included” needs to be corrected to “their”,
- The next paragraph third line should state “Chief Lowery, not just Lowery

**D. Roderick made a motion to approve as amended the minutes of July 11<sup>th</sup>, seconded by B. Hoch**

**VOTE: 5-0-0**

**D. Roderick made a motion to approve the minutes of July 25<sup>th</sup>, seconded by S. Foulkes**

**VOTE: 4-0-1 (B. Hoch abstained)**

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**Adjournment**

**B. Hoch made a motion to adjourn, seconded by D. Roderick.**

**VOTE: 5-0-0**

**Meeting adjourned at 8:40**

Respectfully Submitted by,  
Lori Trenteseaux, Secretary  
Planning Board

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*Formally accepted on 10/10/23  
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/>**