

**SEEKONK PLANNING BOARD**  
**Regular Business and Work Session**  
**Selectmen Meeting Room**  
**April 11<sup>th</sup>, 2023**

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

Absent with cause: None

Opened the meeting at 7:01 PM

**Regular Business:**

1. Reorganization of the Planning Board

**D. Roderick nominated D. Sullivan to Chair and P. Dunn seconded.**

**All in favor to close nominations: All members said AYE.**

**B. Hoch nominated D. Roderick to Vice Chair and P. Aguiar seconded.**

**All in favor to close nominations: All members said AYE.**

**P. Aguiar nominated B. Hoch for Clerk and S. Foulkes seconded.**

**All in favor to close nominations: All members said AYE.**

**B. Hoch nominated P. Aguiar to Vice-Clerk and D. Roderick seconded.**

**All in favor to close nominations: All members said AYE.**

**Ch. Sullivan nominated P. Dunn for SRPEDD representative and S. Foulkes seconded.**

**All in favor to close the nominations: All members said AYE.**

**D. Roderick nominated D. Sullivan as CPC Representative and B. Hoch seconded.**

**All in favor to close nominations: All members said AYE.**

**All in Favor to approve the reorganization as presented below: All members said AYE.**

**Chair: D. Sullivan**

**Vice Chair: D. Roderick**

**Clerk: B. Hoch**

**Vice-Clerk: P. Aguiar**

**SRPEDD: P. Dunn**

2. Site Plan Application of **Nicolas Melo/First Stop Auto Sales** for the proposed change of use with no new construction, for the property located at **1143 Fall River Ave** being AP 7, Lot 43 in a Highway Business Zoning District.

J. Aubin introduced the application and stated that it was reviewed at the TRC meeting and the only items to note they had was to make sure the parking is designated between display spaces and the employee/customer parking spaces. J. Aubin noted that it would make the most sense to designate the parking spaces in the front of the building for those uses. The second note from the TRC meeting was to maintain fire lanes, given that it is located in an area that accesses other properties.

Ch. Sullivan asked J. Aubin about what the required/allowed number of parking spaces were. J. Aubin answered that under the Zoning by-law it is required to have 2 parking spaces for the employees. Their plan shows 21 parking spaces in total.

The applicant, Nicolas Melo of 150 East Ashland St Brockton, MA, was accompanied by his daughter in-law, Jaillen Melo of 24 Lunn St Riverside, RI, to translate for him.

Mrs. Melo explained that this is an existing business that is moving from Rehoboth to Seekonk and that they have 2 employees.

Ch. Sullivan asked if the 19 parking spaces would be sufficient for display. J. Aubin stated that the plan shows 21 parking spaces and that the zoning by laws require that 2 be required for employees and customers. Mr. Melo said that number would be sufficient.

S. Foulkes asked what the hours of operation will be. Mrs. Melo stated the hours of operation will be 8:30AM-5PM Monday through Friday and then 10AM-2PM on Saturdays. S. Foulkes asked if they plan on having any over head lighting. Mrs. Melo explained that overhead lighting has not been discussed as they haven't gotten to that point in their process yet. S. Foulkes expressed the lighting could be a safety issue so that it should be addressed at some point.

Ch. Sullivan asked if they are expecting to put in lighting for display of the cars at night. Mrs. Melo explained that she will be looking into it but does not know at this point in time.

Mrs. Melo stated that she and Mr. Melo understand that they would have to come back before the Planning Board to present any lighting plans.

S. Foulkes asked about ownership of the property. Mrs. Melo answered that they lease the property.

Ch. Sullivan asked if there are any intentions to modify the layout of the grounds as far as curbing, landscaping, etc. Mr. Melo answered not at this time.

S. Escaler asked J. Aubin to explain upon and give some guidance as to the lighting requirements. J. Aubin explained section 8.5 Design standards for lighting and for commercial districts it is section 2.1 and 3.1 of the Zoning by-laws for reference.

B. Hoch asked if there were any plans for the outside of the building. The applicants answered simple modifications such as paint. D. Roderick asked if the applicants were aware of the easement and where it is. They answered yes, they know an easement is there but are not totally sure as to its exact location.

Ch. Sullivan stated that any motion would include a condition that any future lighting plans or modifications would require the applicant to come back in front of the board for additional approval.

**B. Hoch made a motion to approve the site plan application with stipulations that they return in front of the Planning Board with a lighting plan if needed and any additional changes that may be required by the Board of Selectmen, and a total of 21 parking spots with 19 for display and 2 for employees. The last stipulation being that the employee and customer parking spots be designated to the Fall River side of the building. Seconded by P. Dunn.**

**VOTE: 7-0-0**

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**Work Session:**

1. Discussion on Zoning Districts and Zoning Map with members of the Zoning Board of Appeals

J. Aubin introduced the members of the Zoning Board present including Ch. Keith Rondeau, Vice-chair Gary Sagar, and Zoning enforcement officer Neal Ableson.

J. Aubin explained some of the goals of this conversation. He went on to state that under the zoning bylaw, where there is a nonconforming lot in a zoning district, anything you would like to add or modify on your house, like an addition, garage, deck, etc., you have to appear in front of the ZBA for a special permit or variance. The problem to be discussed, is the fact that residents are paying close to \$500 and put through a 3-month process for a simple addition to the house where there are no other concerns. He then explained the point of view of the Planning Board.

Ch. Sullivan wanted to add that he has received public feedback in regards to R-1 and R-2 lots and the construction of them. J. Aubin also noted that Seekonk's school population is decreasing and not increasing.

G. Sagar wanted to make a statement tagging onto the budget presentation J. Aubin had mentioned and stated that part of the chapter 70 funding, there is a formula, and part of it is the total miles of roads in the community. G. Sagar stated that there are a number of roads not accepted in Seekonk and that may be ultimately hurting the Town in some way in that regard.

Ch. Sullivan stated that the PB has also run into the issue of putting wells in R-1 and R-2 zones. The hope is to come up with some kind of language in the By-laws that would .... Or come up with language that would prevent any building in an R-1 or R-2 zone.

Ch. Rondeau stated that one of their biggest concerns are the possible unintended consequences later down the road. He agreed with what J. Aubin stated earlier, that a lot of residents come before the Zoning Board with undersized lots and it is more of a financial burden for the resident because they have a pre-existing, non-conforming lot and there are no other issues or concerns other than the lot being undersized for the zone. The residents could be spending anything from \$500-\$1,000 on legal ads, engineer drawings, etc. and they just want to put a deck on the back of their house. He recognizes that this is an unintended consequence from the last time the zoning laws were rewritten and he would like to prevent that from happening again.

Ch. Sullivan expressed that the Planning Board is looking to the Zoning Board for some guidance in regards to creating new language.

G. Sagar expressed that every time the zoning is redone, it creates an unintended hardship for the residents in some way. He felt that it doesn't make sense to get rid of R-1 and R-2 zones.

Ch. Sullivan explained residents concern of open space conservation and the possibility of preventing further construction in those R-1 and R-2 zones. G. Sagar expressed that he felt it would not be a good decision to do that because they will end up back in front of the Zoning Board for a variance/special permit.

J. Aubin stated that there is also concern of not sufficiently using the land that could be developed in town, but that will always be a concern.

Ch. Sullivan stated another idea that has been brought up by residents which is combining R-1 and R-2 lots to create more space. He expressed that he would like to find a solution that meets what the residents are looking for.

G. Sagar stated that the first step should be to take an inventory of available land in town and see how much land lies in an R-1 or R-2 zone. B. Hoch agreed with G. Sagar in that they need to know how much land is available.

P. Aguiar also reiterated that they want to make sure the fairest decision is made so that most people are benefiting. J. Aubin stated that they should also take an inventory of the previously rezoned parcels that should really be zoned R-1.

It was decided that taking an inventory of the available land in Seekonk would be a good place to start. G. Sagar said that looking at improperly zoned streets would be a good place to start as well. Ch. Sullivan offered an idea to come back in possibly a subcommittee form with an inventory of available land in R-1 and R-2 zones and what parcels/streets are improperly zoned so that we can start bringing forth solutions.

Ch. Rondeau brought up cluster zoning and conservation land.

Ch. Sullivan asked J. Aubin how would they go about taking inventory of the land and if there is need to bring in a consultant. J. Aubin replied that they could do an initial aerial view using the tools we already have, look for some grant opportunities, and maybe reach out to SRPEDD.

G. Sagar asked J. Aubin to explain the MBTA community requirements. J. Aubin answered. He stated that the State is driving towns to create more housing.

G. Sagar asked about some of the language in section 5.1.4 of the zoning by-laws on page 37 in regards to the alternate to standard minimums (footnote #3).

G. Sagar brought up a previous case known as Mathius Vs. Town of Seekonk which ended in changing the zoning bylaws to be written in a way that makes them prohibitive. He also recommended amending a by law in section 1.2 under Purpose. It used to be a permissive by-law and now it is prohibitive and he recommends changing it back to being permissive. Another item Gary brought up was in the by-laws on page 27, on agricultural uses. This issue was brought to light from the 991 Newman application to grow food and how the applicant had to come before the ZBA for a special permit to do so. His solution is to eliminate item A or state that it is permissive. In 1997, there was a survey done where 13% of people who completed the survey cited a displeasure in town government and administration. In relation to the recent election with the ballot question about changing the town government, the results showed 47% voted yes, they would like to change the current form of government.

P. Dunn asked Ch. Rondeau what his biggest challenge he has on the Zoning Board. Ch. Rondeau answered that the biggest challenges are when folks need zoning relief and it's only because the parcel is legal non-conforming and those are most often from R-1 and R-2 zones. For most people, it's a hardship to come before the board because it can be costly to appear.

Ch. Sullivan asked how much time J. Aubin would need to get together again. He recommended the second Tuesday in June. It was also suggested to form a subcommittee and then have those members report the discussion back to the respective boards.

## 2. Discussion of proposal of Gary Sagar for highway billboard signage zoning by-law amendment

G. Sagar stated for the record he is appearing as a private citizen. He referenced a paper that was included with the packet that states Seekonk has outlawed billboards in town. G. Sagar sees the lack of billboards as a weakness of the Town and that Seekonk is one of the only municipalities

that still outlaws billboards. He stated that he doesn't think they should be everywhere in Town, but in the right places, they should be pursued.

3. Town Planner monthly report

**SUBDIVISIONS**

- ANR Application of **John T. Chester** to divide the lot into 2 parcels for the property located at **32 Arca.de Ave**, being AP 21, lot 31, within an R-2 Zoning District. Endorsed at the March 14, 2023 meeting.
- "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 approved March 14, 2023 pending submission of final plans and documents.
- "**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 on going.
- "**Pine Brook Court**" Definitive Subdivision application for development of a nine (9)-lot residential subdivision located off **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.
- "**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 **Nicolas Melo** for proposed automotive sales use at **1143 Fall River Avenue** being AP 7 lot 43. Planning Board review scheduled for April 11, 2023.
- 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.

- 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 Canes Chicken** to construct a restaurant with drive-thru lanes on the property located at **175 Highland Avenue**, being AP 8, Lot 36. Construction pending
- 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 32 within an Industrial Zoning District. Planning Board approval granted March 14, 2023

#### AMENDMENTS

- 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

- Meeting held with SRPEDD Transportation Office
- 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)
  - Pond Street Bridge design preliminary surveying and engineering ongoing
  - Dam removal engineering (GPI) commenced
- Sowams National Heritage Area feasibility study on going
- Stormwater Advisory Committee:
  - Second Stormwater Utility Financing presentation with BOS and PB pending MS4 Annual Report preparation commenced
  - Ongoing assessment and remediation of identified and prioritized stormwater issues
  - Drain labels installation complete- 1,712 locations marked through Save the Bay
  - Mapping and GIS update commenced

4. Members report

Ch. Sullivan stated that there will be a meeting about the right of first refusal for the Crandal Property on Hammond/Chestnut. There was a recommendation made that the town should pursue it.

5. Approval of Minutes: February 22<sup>nd</sup>, 2023, February 28<sup>th</sup>, 2023 and March 14<sup>th</sup>, 2023

**Motion to approve minutes with grammatical amendments from S. Foulkes made by P. Aguiar. Seconded by P. Dunn. D Roderick and B. Hoch abstained.**

**VOTE: 5-0-2**

**Motion to approve the Feb 28<sup>th</sup> minutes with grammatical amendments from S. Foulkes made by D. Roderick seconded by P. Dunn. B. Hoch abstained.**

**VOTE: 6-0-1**

**Motion to approve March 14<sup>th</sup> minutes made by P Dunn. Seconded by and P. Aguiar and B. Hoch abstained.**

**VOTE: 5-0-2**

**Adjournment: 8:56 PM**

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Ch. Sullivan stated that the board will be entering into executive session and there will be no reconvening after conclusion of the executive session.

Executive Session pursuant to G.L. c.30A, §21(a)(3) to discuss strategy with respect to potential enforcement action/litigation regarding **Costa Development for Country Brook Estates**, conservation subdivision located at Antonio Dr. being Ap 15, Lot 302 in a R3 Zoning District, 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 Planning Board will not be reconvening in open session after the conclusion of the executive session.

**Motion made by D. Roderick. Seconded by B. Hoch.**

**ROLL CALL: all present members said AYE.**

Respectfully submitted by,  
Stephanie Iagatta, Planning Board Secretary

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*Formally accepted on: 5/09/2023  
7 in favor, 0 against, 0 abstention*

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

**[Link: http://tv9seekonk.com/](http://tv9seekonk.com/)**