

BOARD OF SELECTMEN
FEBRUARY 3, 2021
REGULAR SESSION

The meeting was held via Zoom Webinar due to COVID-19.

Members Present: Justin Sullivan, Chris Zorra, David Viera, David Andrade, Adam Petronio

Town Administrator: **Shawn E. Cadime**

Chairman Sullivan opened the meeting at 7 p.m. followed by the Pledge of Allegiance and moment of silence.

He announced that, per Governor Baker's Order suspending certain provisions of the Open Meeting Law, M.G.L. Chapter 30A, Section 20, the public will not be allowed to physically access this Board of Selectmen meeting. Public comments and questions could have been submitted to the Board in advance of the meeting by completing the Google Form prior to the meeting by Tuesday, February 2, 2021 at 4:30 p.m.

The meeting will be broadcast live via Seekonk Cable TV9, streamed live on TV9's Facebook and streamed live on the Town of Seekonk's You Tube channel.

In accordance with M.G.L. Chapter 30A, Section 20(f), any person recording the meeting must notify the Chairman at the beginning of the meeting.

BOARD AND COMMITTEE OPENINGS

Mr. Andrade announced that volunteers are needed on the Board of Assessors (1 Board of Selectmen appointment), Capital Improvement Committee (2 BOS), Commission on Disability (5-13 BOS), Economic Development Committee (5 BOS), Energy Committee (1 BOS), Historical Commission (3 BOS), Parks & Recreation (1 BOS), Recycling Committee (3 BOS), Zoning Board of Appeals (2 Alternates).

COMMUNITY SPEAKS

Chairman Sullivan advised he will hold questions with regard to the asphalt plant until that discussion.

GENERAL BUSINESS

Consider the Request to Amend an Existing Class II Motor Vehicle License for Zouhir Sendian, Gas on the Run, 1075 Newman Avenue, to include an adjacent parcel located at Assessor's Plat 27, Lot 40

Mr. Cadime stated this is to utilize the vacant lot alongside the property.

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A motion was made by Mr. Viera, seconded by Mr. Petronio, and it was

VOTED: 3 Ayes; 2 Nays; To amend the existing Class II Motor Vehicle License for Zouhir Sendian, Gas on the Run, 1075 Newman Avenue, to include an adjacent parcel located at Assessor's Plat 27, Lot 40, with a limit of 30 spaces and 15 U Haul.

The vote: Mr. Petronio – Aye (reluctantly); Mr. Viera – Nay; Mr. Zorra – Aye; Mr. Andrade – Nay; Chairman Sullivan – Aye.

In discussion prior to the vote, Mr. Viera asked if this will continue after the renovations are completed at the existing location. He asked why not transfer the license to the vacant lot. He would support it if there are no cars for sale on the existing lot after renovations are completed.

Mr. Cadime said the office will be located on the existing lot.

Mr. Andrade recalled the discussion in the fall was about U Haul.

Chairman Sullivan said the U Haul and car sales were supposed to be on the empty lot. This request is basically to extend the license from one property to another.

Mr. Andrade said there are almost 50 spaces.

Mr. Viera noted another business on the same street was limited on the number of cars.

Mr. Sendian said he had 20 spaces on the lot at 1075 Newman Avenue and 10 for employees and customers. There are not many sales right now because of COVID-19. The adjacent lot will be shared between used cars and U Haul.

Mr. Andrade said there seems to be a shifting away from U Hauls.

Mr. Sendian said there won't be any used cars or U Hauls on the renovated lot.

Mr. Andrade said it would have been nice to see the master plan.

Mr. Sendian said it is a gravel lot with a fence around the backside.

Mr. Viera said all lots are supposed to be paved as well as water/oil separators. The river runs along the back of the property. That would be a Conservation issue.

Conservation Agent Jennifer Miller advised that both projects have gone through Conservation. 1025 Newman Avenue is fully developed. Restoration work will be done behind the fence on the vacant lot.

Mr. Andrade felt a gravel lot is not ideal for a used car lot.

Mr. Viera concerned about the river.

Mr. Sendian said every car on that lot will be fully inspected.

In response to Mr. Andrade's question, Ms. Miller said if the lot was paved it would require storm water treatment but that is not required.

Mr. Sendian said he can't afford to pave it. He does not own the property; he owns the business. He is trying to survive and stay in business.

Mr. Zorra is sympathetic with the applicant. Ms. Miller is Ok with it so he will go along with it.

Mr. Petronio said he sees no reason to deny this request. Planning Board is in approval.

Mr. Andrade said the applicant should be required to pave the lot and tie into the drainage system.

Chairman Sullivan reluctantly agrees since it has Conservation and Planning approval.

Mr. Andrade commended Mr. Sendian for wanting to expand his business. The Board has the ability to limit the number of vehicles and requirements to improve on a situation that could not have been done elsewhere.

He said the motion should indicate no sales on existing parcel and the proposed plan approved with a limit of 30 cars and 15 U Hauls.

Mr. Viera suggested the requirement to tie into the drainage system that is available and pave the lot.

(Motion at start of discussion.)

Open the Warrant for the May 10, 2021 Spring Town Meeting and Close the Warrant on April 2, 2021

A motion was made by Mr. Viera, seconded by Mr. Petronio, and it was unanimously

VOTED: To open the warrant for the May 10, 2021 Spring Town Meeting as of this date (February 3, 2021) and close at the end of business on April 2, 2021.

The vote: Mr. Petronio – Aye; Mr. Viera – Aye; Mr. Zorra – Aye; Mr. Andrade – Aye; Chairman Sullivan – Aye.

Discussion of Proposed Asphalt & Concrete Plant at 45 Industrial Court

Chairman Sullivan said there are serious concerns about this proposed plant. The Board will hear from Planning, Board of Health and Conservation and then open it up for questions.

Mr. Andrade asked if there are any residents in attendance from other communities.

Director of Planning John Aubin and Chairman David Sullivan were in attendance.

Mr. Aubin advised the Planning Board received the application for the proposed asphalt plant on September 22, 2020. It was scheduled for an initial presentation in front of the Planning Board on October 13, 2020. Under Section 2.8, the Planning Board requested notice be given to abutters within 300 ft., which is the legal abutter requirement in Massachusetts. At the November 24 meeting, the Planning Board continued discussion and reviewed the application. Notice went out to abutters. No one from the public spoke in favor or against the application. In December, the application was continued to the January meeting waiting for wetland resources on site. There was further discussion and the Planning Board voted 6 to 1 to issue site plan approval. Conditions were listed on the application.

Going forward, reviews are necessary with regard to the conservation and also wetlands and septic system. The Massachusetts Department of Environmental Protection is the body that would issue the air quality, noise, and emissions and then the application would come back to the Planning Board and present a plan consistent with all approvals issued.

Mr. Aubin said there are 14 conditions for approval presented to the asphalt plant with regard to hours of operation and operation of the facility. He talked about pending reviews that are sent to a list of engineers.

Mr. Aubin explained that, under the town's Zoning By-law, there are four residential districts, two business and one industrial. There are a few overlay districts adopted by the town. This property is within the industrial district. The town does not have a light industrial district. There are nine permitted uses for the industrial district.

He noted a consultant conducted an extensive review of the Zoning By-laws shortly before he came to Seekonk in 2014. He has spent a lot of time correcting some of the issues within the Zoning By-laws.

Chairman Sullivan said it might need another review right now.

Dr. Jonathan Schiller, Chairman of the Board of Health, stated the only way the Board of Health would get involved is if someone raises a health issue. It hasn't been an agenda item. Board members are not in favor of placing a large chemical/asphalt plant in Seekonk. There are surrounding water and air quality concerns. He reviewed the literature. There is no question as to the negative effects on municipalities of having these plants.

As a resident, Mr. Andrade filed a complaint about the negative health impact and asked the Board of Health to take any steps possible to stop this.

Dr. Schiller said that Board of Health members' hands are tied with regard to what they can approve per the By-laws. Nothing about this plant is targeted with regard to health concerns. He has been contacted by many Seekonk residents and also residents of surrounding communities. He has instructed the health agent to do whatever possible to halt this plant.

Mr. Viera noted that residents who live beyond Four Town Farms have well water that will be affected by ground water.

Dr. Schiller said he is concerned with the potential runoff with ground water affecting wells, rivers and streams and impact the environment. He is significantly concerned with air pollution which would be far more rapid. That is not even considering noise pollution with the number of trucks coming in and out creating safety issues.

Dr. Schiller will reach out to Mr. Cadime and Interim Health Agent Brian Darling to move forward to create a plan faster than originally planned.

Mr. Petronio talked about extremely high winds and large open space in that area which would exasperate air pollution.

Ms. Miller said the jurisdiction of Conservation is wetland resources and the buffer zones. There is a potential vernal pool off property (100 ft. habitat zone) and a wetland area. The applicant recently withdrew the application. She doesn't know if they will come back with a revised submittal or reconsider the site.

Ms. Miller and Mr. Aubin said the notice to abutters is 300 ft. for both Conservation and Planning. It is in the By-law. Town Meeting could change that.

Conservation Commission Chairman Richard Wallace said there is a term called "Point Source" when a site contributes to something that is outside of its jurisdiction. The Commission will take a look.

Mr. Wallace responded to Mr. Andrade that the Conservation Commission can approve or deny an application. If denied, they need to have substance as to why.

Conservation and Planning received an A & R. Mr. Aubin said that is identifying an easement area. It will be reviewed by the Planning Board at the next meeting. An A & R is exemption under the subdivision control law and the Planning Board review is generally limited. It is not a comprehensive review. The question is whether this proposed plan falls into that. It may require input from town counsel.

Mr. Andrade said the town committees and boards are charged with the well-being of residents and town and shouldn't be limited to any sort of strict interpretation or understanding of any regulations. We should use town counsel if there is anything against the well-being, health and safety of our residents. We should take advantage of the legal line item.

Mr. David Sullivan said Planning Board members have had educational sessions with KP Law regarding land use law. That has been used in court for appeal process for applicants who have been denied. KP Law has pointed out the court ruled that by itself is not the standard to use. It is not grounds for denying an application.

Chairman Sullivan said it may have been past practice to avoid litigation. When it comes to significant concerns by residents, we are all trying to work in the best interest of our residents and businesses. This is a particular instance where there are various impacts. Any board or committee that has questions in the future on what can be done should reach out to the Board of Selectmen. We will use the legal line item to defend residents, especially in this instance. The Board of Selectmen does not have authorization to approve or deny an application. Chairman Sullivan has been working with Mr. Cadime and department heads during the last few weeks to explore options. Town Counsel is looking into all options.

Mr. Andrade suggested they could transfer funds if needed. He felt every Board member agrees.

Mr. Petronio said the 300 ft. Zoning By-law and 100 ft. wetlands has been identified as a small amount and it might be a good idea to talk about changing that..

Chairman Sullivan asked Mr. Aubin to look into zoning changes to specify areas for other applicants..

He said if the application clears all boards in town it is sent to the state and sits on a desk for 200 days before it is looked at. It might even be a year.

Mr. David Sullivan said it was agreed to by the applicant and attorney that they would notify the town and abutters.

Mr. Viera said we need to support residents and protect the environment.

Chairman Sullivan read from questions submitted.

Suzette DeCastro on Jane Howland Place asked about rezoning.

Chairman Sullivan said it was mentioned that they are looking at rezoning. Unfortunately, it doesn't apply to the current applicant.

Ms. DeCastro asked about restricting the asphalt plant from building in Seekonk

Mr. Aubin said that goes to the general health and safety requirements in the best interest of the town and residents. It goes against the specific provisions in the Zoning By-law.

Mr. Andrade said this is different. It's a zoning area put next to a residential area. It can be challenged because the health and safety of residents is impacted.

Mr. David Sullivan said it is a site plan application. Based on Mr. Andrade's comments, Mr. Sullivan asked that the Planning Board have the discretion to request town counsel for all matters.

Chairman Sullivan encouraged Mr. D. Sullivan to reach out on an as-needed basis. The Planning Board has the support of the Board of Selectmen through Mr. Cadime to contact town counsel.

Mr. Cadime said he has only denied one request for town counsel because a decision and authorization had been issued.

Ms. DeCastro requested a third party review of the noise assessment of the proposed asphalt plant.

Mr. Aubin said it is under a general by-law. The noise assessment is done by the State.

Ms. DeCastro asked about maximum emission.

Mr. D. Sullivan said it will be about 300 tons per day production.

Mr. Cadime clarified the noise by-law is monitored by the Police Department or any other town enforcement agency.

Ms. DeCastro requested a third party assessment on waste water and air pollution.

Mr. Aubin said that would be Board of Health and Conservation.

Ms. DeCastro talked about the effect on property sales and taxes.

Michelle Bean commented that she opposed the construction of this asphalt plant due to safety and health issues.

Ann-Marie Cardosi is an abutter. She said they were notified before the November 10th meeting. That meeting was postponed and rescheduled. There was no communication about that. She found out the day of the Planning Board meeting in December. There was no conversation or discussion. In January, they commented that they are not in favor of this plant. She has researched and said the impact goes beyond their neighborhood. There will be an impact on bordering East Providence residents. It became a bigger concern - health, conservation and quality of life.

Ms. Cardosi continued that the Industrial Park has been there 41 years. Yet, the town agreed to surround that park with residences. The town agreed to let them all live there. There was talk at a Planning Board meeting that there might be discussion but then it was approved.

Ms. Cardosi said that research has shown within six months of the plant opening there will be a substantial change in the health of residents in this area. It is serious and should not be taken lightly. It is a legitimate concern. She felt at the first Planning Board meeting she attended the burden was on the residents. That is not the message she is getting tonight. She appreciates that. There are good businesses in that area. Seekonk has been an agricultural and residential community. A lot of people are frightened by what is going to happen..

She said the Barrington Town Council is very much against this and will be contacting the Board. She heard Swansea as well.

Chairman Sullivan acknowledged that Ms. Cardosi has been working hard on the organization. Stop the Asphalt Plant.

Mr. Andrade asked if neighboring communities can raise funds to fight the cause.

Mr. Cadime said could get a letter to have on file.

Mike Bean felt the Planning Board failed. A Planning Board member questioned how they could make a decision without additional information.

He said some of the residents in that area are attorneys. He has hired an attorney.

Chairman Sullivan thanked everyone in attendance.

Meg Kirkpatrick of Barrington, RI asked if she could contact the Planning Board with comments about the site design.

Mr. Aubin said there is a comment section on the web page that would go directly to him.

Consider Accepting the Massachusetts Emergency Management Performance Grant in the Amount of \$4,600 for Emergency Equipment for the Fire Department

Capt. Michael Bourque advised the Fire Department recently applied for this grant. It is a full reimbursement grant. Items to be purchased include one emergency shelter pop-up tent, plug in lighting unit and five helmets for ice rescue. He noted the Fire Department applied for six grants over the past six months. He might be at the next meeting for acceptance of another grant that will be awarded next week.

A motion was made by Mr. Viera, seconded by Mr. Petronio, and it was unanimously

VOTED: To accept the Massachusetts Emergency Management Performance Grant in the amount of \$4,600 for emergency equipment for the Fire Department.

The vote: Mr. Petronio – Aye; Mr. Viera – Aye; Mr. Zorra – Aye; Mr. Andrade – Aye; Chairman Sullivan – Aye.

Mr. Petronio inquired about ventilation on EMS vehicles.

Capt. Bourke said they have enough air bottles and an air compressor at headquarters.

Consider Accepting the Massachusetts Office on Disability and Executive Office for Administration and Finance Planning Grant in the Amount of \$20,000 for an Americans with Disabilities Act Self Evaluation and Transition Plan

Mr. Cadime advised this will provide for more in-depth planning for the town and identify the needs and leverage this grant with other ADA grants in the future.

A motion was made by Mr. Viera, seconded by Mr. Andrade, and it was unanimously

VOTED: To accept the Massachusetts Office on Disability and Executive Office for Administration and Finance Planning Grant in the amount of \$20,000 for an Americans with Disabilities Act Self Evaluation and Transition Plan.

The vote: Mr. Petronio – Aye; Mr. Viera – Aye; Mr. Zorra – Aye; Mr. Andrade – Aye; Chairman Sullivan – Aye.

Consider Accepting the Donation to the Seekonk Animal Shelter in the Amount of \$1,022.94 from Rocky's Ace Hardware

A motion was made by Mr. Viera, seconded by Mr. Petronio, and it was unanimously

VOTED: To accept the donation to the Seekonk Animal Shelter in the amount of \$1,022.94 from Rocky's Ace Hardware.

The vote: Mr. Petronio – Aye; Mr. Viera – Aye; Mr. Zorra – Aye; Mr. Andrade – Aye; Chairman Sullivan – Aye.

Consider Accepting the Donation to the Human Services Gift Account in the Amount of \$100 from Meghann Leigh Tullie

A motion was made by Mr. Andrade, seconded by Mr. Viera, and it was unanimously

VOTED: To accept the donation to the Human Services Gift Account in the amount of \$100 from Meghann Leigh Tullie.

The vote: Mr. Petronio – Aye; Mr. Viera – Aye; Mr. Zorra – Aye; Mr. Andrade – Aye; Chairman Sullivan – Aye.

Consider Accepting the Donation to the Human Services Gift Account in the Amount of \$225 from Robin Lozito Real Estate, Inc.

A motion was made by Mr. Viera, seconded by Mr. Petronio, and it was unanimously

VOTED: To accept the donation to the Human Services Gift Account in the amount of \$225 from Robin Lozito Real Estate, Inc.

The vote: Mr. Petronio – Aye; Mr. Viera – Aye; Mr. Zorra – Aye; Mr. Andrade – Aye; Chairman Sullivan – Aye.

Corrected later to read Remax Robin Amaral Lozito, Debra Lovegreen Donahue, Patty Bain, Missy Rose Benson, Jane Durham, and Lisa Allococo.

Consider Accepting the Donation to the Human Services Gift Account in the Amount of \$50 from Vasanti, Mohan and Manishe Patel

A motion was made by Mr. Zorra, seconded by Mr. Viera, and it was unanimously

VOTED: To accept the donation to the Human Services Gift Account in the amount of \$50 from Vasanti, Mohan and Manishe Patel.

The vote: Mr. Petronio – Aye; Mr. Viera – Aye; Mr. Zorra – Aye; Mr. Andrade – Aye; Chairman Sullivan – Aye.

Chairman Sullivan expressed his appreciation to all those who donated.

Consider the Approval of Regular Session Minutes of January 20, 2021

A motion was made by Mr. Zorra, seconded by Mr. Viera, and it was

VOTED: 4 Ayes; 1 Abstention; To accept the Regular Session minutes of January 2, 2021.

The vote: Mr. Petronio – Abstained; Mr. Viera – Aye; Mr. Zorra – Aye; Mr. Andrade – Aye; Chairman Sullivan – Aye.

COMMUNITY SPEAKS

Chairman Sullivan had previously read the e-mail comments received.

OTHER BUSINESS – None.

TOWN ADMINISTRATOR'S REPORT

Mr. Cadime reported the CVS in Seekonk will be opening a COVID-19 vaccination site in Seekonk starting February 11. The State announced that the Council on Aging staffs would be able to help seniors to get vaccinated. Unfortunately, they were not given the “heads up.”

Our senior center provides human services and assists in fuel assistance applications, welfare, etc. Chief Rave has met with the EMS Coordinator, Brian Darling, and Britney Faria to talk about how to set up a clinic at the center. Municipalities will only get 100 vaccines per week. They have to look how to store the vaccine, paperwork, etc. They are currently looking for a freezer . If not, it might be possible to work with North Attleboro. A call will be placed to FEMA. The town should be reimbursed 100% of the clinic. That would help pay overtime. The other issue is that originally seniors were required to register on-line. A lot of seniors do not have a computer or Internet. The State recognized that and did create a telephone system.

Mr. Viera cautioned seniors not to show off their cards.

Chairman Sullivan commended Mr. Cadime and Mrs. Faria for all the work done behind the scenes.

He asked if it is possible to find out what quantity other towns are getting.

Mr. Cadime said Mr. Darling will work on that. He commended Mr. Darling for his work as Interim Health Agent.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Bristol County Advisory Board – None.

Aitken School Expansion Building Committee Report – None.

540 Arcade Avenue Building Committee Report

Mr. Cadime said the HVAC system was discussed at the last meeting.

Veterans' Council

Mr. Viera noted they have not met due to COVID. They will have to meet shortly to decide whether to have the Memorial Day Parade.

South End Fire Station Building Committee

Mr. Viera said they are currently accepting responses to the RFQ for project manager.

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Mr. Cadime added that the closing date for bids is February 10, 2021.

Mr. Petronio said waiting to add Open Space and Recreation to the Board of Selectmen agenda. It is in the 80% process.

Mr. Viera felt the meeting tonight on the asphalt plant was very productive. There should be more meetings with the general public. He said they are managing by crisis. It is a good way to get people involved.

Mr. Zorra commented on the positive e-mail from a resident regarding the great job done by DPW during the recent snow storm.

Chairman Sullivan commented on the e-mails received from Seekonk residents and surrounding communities re: the proposed asphalt plant. It's good to see communities working together.

EXECUTIVE SESSION – None.

NEXT MEETING

Chairman Sullivan announced the next Board of Selectmen meeting will be on Wednesday, February 24, 2021.

ADJOURNMENT

A motion was made by Mr. Viera, seconded by Mr. Petronio, and it was unanimously

VOTED: To adjourn at 10:04 p.m.

The vote: Mr. Petronio – Aye; Mr. Viera – Aye; Mr. Zorra – Aye; Mr. Andrade – Aye; Chairman Sullivan – Aye.

Respectfully submitted,

Davie Viera, Clerk

Prepared by:

Patricia Gamer, Secretary

ITEMS DISTRIBUTED AT THE FEBRURY 13, 2021 BOARD OF SELECT MEN MEETING

Documents re: Class II Motor Vehicle License for Zouhir Sendian, Gas on the Run 1075 Newman Avenue

Documents on the proposed asphalt & concrete plant at 45 Industrial Court

Notice of Massachusetts Emergency Management Performance Grant for Fire Department

Notice of Massachusetts Office on Disability and Executive Office for Administration and Finance Planning Grant

Copies of various checks for donations to the Animal Shelter and Human Services