

**SEEKONK PLANNING BOARD**  
**Regular Meeting & Work Session**  
**Board of Selectmen Meeting Room**  
**February 11, 2020**

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Present: D. Sullivan, S. Foulkes, Lee Dunn, B. Hoch, J. Roach, and John Aubin, Town Planner,  
M. Bourque arrived at 7:30 p.m.

Absent with Cause: P. Aguiar

**Ch. Sullivan opened the meeting at 7:02 pm.**

**REGULAR MEETING:**

**Discussion: ANR Application to subdivide Lot 80 into two lots for property located at 201 Greenwood Avenue being AP 18, Lot 80 located in an R-2 Zoning district:**

**Applicant:** Peter Nunes

J. Aubin stated that a portion of the property was in front of the Board prior in 2018 to create AP 18, Lot 209 which was on the paved portion of Greenwood Avenue. The proposed lot straddles both the paved and unpaved portion of Greenwood. Greenwood Avenue was laid out prior to the Subdivision Control Act; and in review of the MGL, lots reviewed and have frontage on an approved Town road or a road that was in existence when the Subdivision Control Act was created. It qualifies as an approval not required. Mr. Aubin stated that as part of the development of 2009, the Board may want to include specific language regarding Conservation if they choose to endorse the plan for approval. In the area, there were areas identified as vernal pools, and any development on the proposed lots will be subject to any buffers required.

Ronald Tubman, a registered land surveyor for Crossman Engineering, located at 151 Centerville Road, Warwick, Rhode Island represented the applicant. He stated the intent is to cut a minimum-sized lot out of a larger one on Greenwood Avenue. The lot designed meets all of the requirements for that particular Zoning District.

S. Foulkes asked once the lot is cleared, will it connect the other end of Greenwood Avenue.

J. Aubin replied that he believed there was intervening wetlands that would prevent that connection.

P. Lee Dunn said that she was concerned with fire access, as the road is a dead-end and the emergency vehicles would not have space to turn around. She stated that she felt as though the frontage for the lot was illusionary.

J. Aubin stated though the frontage makes it an ANR, it doesn't authorize anything to be built on that lot being created. All the Board is doing is identifying a lot that has the frontage and the area requirements for the split. When someone comes forward to begin building, they will need to apply for a septic system, apply to the Conservation Commission, and apply to the Building Department for a permit, which part of that review will be done by the Fire Department to make sure the roadway or any changes to it will be adequate to provide for the emergency vehicles.

J. Aubin quoted MGL Ch. 41 Section 81L speaking of what can be included for frontage of a lot, “Subsection A- is a public way or which a way the clerk, or city/town certifies as maintained and used as a public way; B- a way shown on a plan, therefore approved and endorsed in accordance with the Subdivision Control Law; C- a way in existence when the Subdivision Control Law became affected in the city or town which the land lies. He stated he believed the road was plotted out in the 1920’s.

S. Foulkes said that it was strange that an older road or development would be able to supersede the new Rules and Regulations set forth.

J. Aubin stated that it was almost in essence a grandfathered paper street, and there will be an extension of the paved portion of Greenwood.

Ch. D. Sullivan stated that if there was to be a development placed further down Greenwood, where it could be developable, the road would have to be extended and developed to current standards for adequate access. In this case, we are only dealing with one lot and not a subdivision and they will have to extend the road to the new lots.

Mr. Aubin stated that regardless of the length of the extension, it has to meet turnaround. A potential buyer or owner of the lot would have to perform the road improvements. Likely it will be developed and improved before it is sold.

S. Foulkes asked if Mr. Nunes farm would no longer be there if they split the lots for possible development.

R. Tubman stated he is unaware of the current owner’s intention with the farm.

Ch. D. Sullivan asked for any additional questions from the Board to the representative, there were none.

**J. Roach made a motion to endorse the ANR application of Peter Nunes to subdivide Lot 80 into two lots for property located at 201 Greenwood Avenue being AP 18, Lot 80, L. Dunn seconded. All in favor, none opposed. Vote 5-0-0 approval**

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**Proposed 10-Lot Preliminary Subdivision “Magnolia Court” located at 43 Walker Street:**

AP 24, Lot 628 in an R-2 Zoning District

Applicant: Narragansett Capital, LLC

J. Aubin stated the Board had received a continuance request from the applicant for Magnolia Court to be heard at the March 10, 2020 meeting. He requested the Board grant the continuance and allow the Planning Department to send out notification to the abutters by regular mail. He stated that the original intent of this meeting was to have a preliminary discussion on the plan and the request to send out the notifications. Mr. Aubin noted that they are still within the 45-day response period.

**J. Roach made a motion to allow the Town Planner to send out abutters notifications and continue to March 10, 2020, B. Hoch seconded. All in favor, none opposed. Vote 5-0 approval.**

## **WORK SESSION:**

### **Preliminary Discussion of Spring Town Meeting:**

a. Mandatory Inclusionary Zoning Provisions

Charles Beauchamp, Habitat from Humanities and Tim Travers, President of Old Colony Affiliate were present.

J. Aubin stated one of the biggest items that was discussed prior was the provision of affordable housing in the town. Based on the last subsidized housing index, the Town is at roughly 1.6%, without factoring in the two units added from the Country Brook Estates and one unit from Jacob Hill Estates. Our volume of generation will not get us to the 10% and currently the by-law allows for development without any mandatory inclusionary zoning.

**Charles Beauchamp** of 127 Allen Ave, Seekonk spoke from the podium. He states he witnessed a prior meeting that was held by the Board, and one of the topics was the concern of the quality of the affordable homes being built. He has had prior affiliation with Habitat for Humanity as well as Old Colony and he brought Tim Travers with him from Attleboro who is President of the Old Colony Affiliate. He said one option for quality housing would be to sell or donate lots to Habitat for Humanity and allow them to develop them. This would be a win-win situation for all parties involved: The Town would receive quality affordable units; and Habitat for Humanity would be able to obtain buildable lots; the contractor who donates or sells the land can write off the difference in cost from what it is sold for and what the going price is; most importantly, the future homeowner gets a quality affordable unit. Habitat for Humanity builds quality homes, and the homeowner has sweat equity in the home as they are required to put in 300 hours in their own home. After the house is built, Habitat for Humanity support them if they have problems in the future, they help resolve problems, and housing is deed restricted in perpetuity.

**Tim Travers**, President for Old Colony-Habitat for Humanity located at 9 Washington St. Attleboro, MA spoke from the podium.

Ch. D. Sullivan asked if Mr. Travers had prior experience where a Town's Planning Board has mandated the inclusion of affordable units into their developments and involved the agency.

Mr. Travers said with the agency, no, but he is also a builder, owns a construction company, and he has experienced that affordable housing is an ongoing problem in many towns. He reported that last year the Town of Mansfield had donated a piece of land to Old Colony and then in turn constructed an affordable home in 42 days. The origination brings in major sponsors who care about the community. What they are finding now is that other communities could have a 40B developer come in and build their complexes and they are able to do so if the town does not meet its LIP number. The houses Old Colony develops contain deed restrictions to keep it in the affordable housing bracket, and if the owners plan to sell or there is a foreclosure, the organization has the first right of refusal along with the town; and when it gets resold, it is sold at the affordable housing number and stays in the town's affordable inventory.

Ch. D. Sullivan said that his question was not answered; he asked how can we as the Planning Board force a developer to participate in the program.

T. Travers said this wouldn't be forcing them, but it would be an option, and it's more along the lines of a community awareness program. We want to provide an option to developers.

J. Aubin stated that the current language the by-law has under Section 9.2.15.2 Alternate Provision of Units, Subsection B- "Provide for all or some of the affordable housing units through an alternate means... or some legally enforceable instrumentality acceptable to the Planning Board during its continued affordability." He asked T. Travers if the origination handles the marketing for the homes developed.

T. Travers said they handle the marketing, family selection, and providing credit counseling for new purchasers. The biggest thing that set them apart is that a builder from a business standpoint tries to build an affordable home, it comes at a cost to them; but for us, we fundraise our building cost and receive donated labor. Habitat for Humanity partners with donors such as CVS, Whirlpool, and banks. That is why we can offset the costs. They are not free homes; we just sell affordable cost at a zero percent mortgage.

The owners are still responsible for their mortgage and taxes, but are able to obtain a home at an affordable cost. It would also be an opportunity to use some of the Town's non-conforming lots and allow variances; the homes that we build are relatively small, and it will still add to the LIP inventory.

Ch. D. Sullivan said that since the Town does not have sewers that most likely would not be feasible depending on where the lots are.

T. Travers stated like any other site plan, we do a feasibility study early on. We do take septic systems and their installation into consideration.

C. Beauchamp mentioned two examples from the Buzzards Bay area for reference, where many of the towns use septic. He gave examples of how Habitat for Humanity has gotten land. A builder realized that he was unable to sell the lot that was purchased for a profit, so in turn the lot was donated to Habitat for Humanity and the builder was reimbursed essentially for the funds that he had already placed into the project. Habitat also has done duplex projects, sewer installments and the engineering for the homes that they build.

S. Foulkes asked if they are going to work in a new development, how would they make the affordable home built by Habitat blend in with the rest of the homes.

T. Travers stated that when they look at the well-known builders in the area, typically the smallest house is located at the beginning of the development and with the exposure to the potential sellers, the desire for added rooms or construction makes the homes developed after the first house increase in price. Maybe put the house there or on a smaller lot. We look at placement when it comes to the construction of the homes. We do tasteful builds they are just smaller in size. It comes down to placement, and wetlands swapping happens as well.

Ch. Sullivan stated we have had problems with developers of affordable housing and the appearance. He asked J. Aubin if the language in our Rules and Regulations is based on State law or is it simply a local requirement in regard to the affordable house appearance.

J. Aubin stated he believed that the Conservation Development requirements were local and not drawn entirely from the Subdivision Control Law, it is a form of a Special Permit. He reported that he has started to work on language for Conservation Developments, requiring a developer to submit a set of plans to the Planning Board as part of the review process, so that it becomes part of the record and of the decision for enforcement afterward.

Ch. D. Sullivan asked if there were any additional questions from the Board; S. Foulkes reiterated that the homes should blend into the neighborhood, and not be singled out as the affordable unit.

T. Travers discussed that the model home is always the smallest home in the development. Greenscape came in and landscaped it beautifully; it comes down to sponsors. We fund raise; we can do it better than the developers. We have partners have a part in it. Mr. Travers thanked the Board.

Mr. Beauchamp stated that Habitat for Humanity is not a handout charity; they help people help themselves. It is a community project. It fits in the neighborhood. Community and neighborhood take pride in this kind of project.

P. Lee Dunn advised the Board she will need to leave the meeting early for personal reasons, **J. Roach made a motion to amend the agenda to allow the SRPDD update to be the next agenda item, it was seconded by B. Hoch. All in favor, none opposed.**

**Discussion: SRPEDD**

L. Dunn advised the Board that the last SRPEDD meeting was in January 2020. She stated that SRPEDD discussed policies for the Massachusetts Transportation System. There was discussion about the potential increase in state tax for gas. She reported that the Town of Norton has a large cranberry bog project underway with ground mounted solar panels. In the City of New Bedford, there is discussion on adding two train stations for the State's transportation needs. Lee Dunn excused herself from the meeting.

**Preliminary Discussion of Spring Town Meeting: (continued)**

Scheduled for May 11, 2020. Request joint meeting with Board of Selectmen and forward questions. Ch. Sullivan asked to have research done regarding affordables: setting one up, how to maintain, and what can be done with it. He stated that the Housing Trust needs to be included; we need handouts for education/background material. He indicated that Mr. Aubin has a draft with numbers for how many lots to apply the affordables to. He felt we need to put more language into our zoning to ensure quality homes built to standard.

Mr. Aubin discussed opportunities including working with CPC, recreation, Land Trust and Conservation to identify opportunities.

Ch. Sullivan spoke again about a Trust in order not to have to go to Town Meeting to purchase land.

b. Zoning Amendments

c. Street Acceptances (See monthly report)

**Town Planner Monthly Department Update**

J. Aubin summarized the Planning Department's monthly report (see attached Exhibit A) stating that there is some slight roadway construction occurring but not on individual lots as of yet due to weather. In regard to street acceptance, there are several developments close to approaching acceptance, and the hope is to notify the developers where they can go for the online permitting for the street acceptance process. Mr. Aubin informed the Board that he hopes to have a draft of the Master Plan completed by the end of summer.

**Approval of Minutes: August 27, 2019, September 24, 2019, October 8, 2019, & January 14, 2020.**

**S. Foulkes made a motion to accept the August 27, 2019 as amended with grammatical corrections, J. Roach seconded, and it was unanimously approved. Vote: 5-0-0**

*S. Foulkes inquired as to the status of developments discussed in these minutes. There was discussion that developers are being encouraged to finish in conformance with their definitive plans and go for street acceptance.*

**M. Bourque made a motion to accept the September 24, 2019 minutes, it was seconded. Vote: 3-0-2 (Ch. Sullivan & S. Foulkes not present for meeting)**

**J. Roach made a motion to accept the October 8, 2019, as amended, B. Hoch seconded, and it was unanimously approved. Vote: 5-0-0**

**J. Roach made a motion to accept the January 14, 2020 minutes, accept as presented, B. Hoch seconded. Vote: 4-0-1 (Ch. Sullivan not present for meeting)**

The Board thanked the Planning Board secretaries for their diligent work in transcribing prior meeting minutes.

**Adjournment:**

**J. Roach made a motion to adjourn the meeting, B. Hoch seconded, and it was unanimously approved.**

**The meeting was adjourned at 8:24 p.m.**

Respectfully Submitted by,


Krystal DosSantos  
Secretary of the Planning Board

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*Formally accepted on 5/12/2020  
5 in favor, 0 against, 1 abstention (P. Aguiar)*

**TOWN OF SEEKONK**  
**Planning Board**

**MEMORANDUM**

**To:** The Planning Board  
**From:** John J. Aubin III, Town Planner   
**Date:** February 5, 2020  
**Re:** January monthly report

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The following departmental activity summary covers the period January 1, 2020 to January 31, 2020.

**SUBDIVISIONS**

- **Peter J. Nunes** ANR submission to create one new lot of record on the property located at 201 Greenwood Avenue being AP 18, lot 80 located in the R-2 zoning district.
- **Magnolia Court**, 10 Lot residential subdivision of land located off Walker Street. Preliminary Plan filed and scheduled for initial Planning Board review February 11, 2020.
- **Farmland Estates** 12 lot residential subdivision located off Lincoln Street – sidewalk installation completed.
- **Kathleen Court** 16-lot residential subdivision off Lincoln Street - storm water and road base complete binder course laid, request for certificate of safe passage issued.
- **Wyatt Strawberry Patch** 4 lot residential subdivision off **Lake Street** - Roadway construction commenced binder course installed. Certificate of safe passage issued.
- **Hidden Hills** 14 lot residential subdivision off **Taunton Ave** -Housing construction ongoing.
- **Brady Estates** 11 lot residential subdivision off Lake Street - Final planting and cleanup underway; acceptance application anticipated Spring 2020.
- **Jacob Hill Estates** 11 lot residential subdivision of Jacob Street - Final paving, clean up and drainage corrections incomplete as of November 15<sup>th</sup> close of construction.
- **Madison Court** 8 lot residential subdivision off Read Street, drainage repair is required prior to surety reduction requested in anticipation of acceptance application.

**SITE PLANS**

- **Town of Seekonk**, 5200 sf animal shelter at 100 Peck Street being AP 18, lot 11. Construction underway. Occupancy expected March 2020
- **DRA Architects/ Seekonk School Department** site plan application and recommendation to the Zoning Board of Appeals final plans endorsed by clerk.
- Auto sales licensee site plan updates completed

- Town of Seekonk for proposed playground and associated site improvements at 100 Peck Street being AP 18, lot 11. Site plan approval granted January 14, 2020. TRC final plan review pending.

## AMENDMENTS

- OSREC Plan draft completed. Consultant proposal being considered to finalize and complete adoption
- 5 year Master Plan update drafting ongoing
  - Baseline demographic data collected
  - Economic Development and Land Use Element-SRPEDD final draft review meeting February 19, 2020.
  - Public services master plan – SRPEDD final draft review meeting February 19, 2020.
  - Hosing Production Plan 2020 DLTA application
- Pre and post construction stormwater management regulations drafted by GPI. Planning Board review February/ March
- Preliminary discussion of Spring Zoning Amendments: mandatory inclusionary zoning scheduled for February 11, 2020

## MISC

- Electronic Permitting Ener-gov - Planning and Zoning configuration complete. System available as of February 1, 2020. Planning Board demo January 14, 2020. Outreach effort - February
- Attleboro Dye Works EPA site specific assessment grant:
  - Assessment Grant in closeout phase
  - Tax taking complete
  - EPA Remediation grant submitted awaiting award announcement
- Municipal Vulnerability Program (MVP) Resiliency workshop completed
- Stormwater Advisory Committee
  - Stormwater outfall analysis and prioritization on going with Save the Bay
  - Sedimentation and Erosion Control Regulations drafted
  - Stormwater Management Regulations drafted
  - Local mitigation efforts (Rt. 6, Jacob Street, Milton Street)