

**SEEKONK PLANNING BOARD  
REGULAR MEETING  
MINUTES  
February 25, 2020**

Present: Chairman David Sullivan, James Roach, Peter Aguiar, Sandy Foulkes, Bruce Hoch, Michael Bourque, and John Aubin, Town Planner

Absent with Cause: P. Lee Dunn

**Work Session:**

Chairman David Sullivan called the meeting to order at 7:01 p.m. The first agenda item was a **preliminary discussion of the Spring Town Meeting.**

J. Aubin stated the Board had a memorandum in front of them in regard to the Town Meeting. A joint meeting is scheduled on March 18<sup>th</sup> with the Board of Selectmen; also ahead of that they have a March 10<sup>th</sup> regular meeting, with the intent being whatever the Board plans to adopt or put forward to the Town Meeting it can be voted on then.

Ch. D. Sullivan asked how in depth the discussion with the Board of Selectmen would be, or where they would sit on the agenda as there could be additional questions.

J. Aubin stated he will work on laying the groundwork with the Town Administrator to let him know the Board would be present for some significant determinations, particularly in regard to Mandatory Inclusionary Zoning.

The Board was provided a copy of a provision that was adopted by the Town of Mansfield that was reviewed by the Attorney General's Office, which demonstrates it meets the requirements under Mass General Law. The intent would be to use this in conjunction with Town Council's advice as a framework to develop a provision for the Town. In Mansfield's provision, the affordability is for every 5 units, 1 is constructed; so every 6<sup>th</sup> unit would be an affordable unit. The other item was some of the language that previously talked about with the Board, making sure that the affordable units are constructed in accordance with a plan approved by the Planning Board.

Ch. D. Sullivan stated the Board should consider lower number for the inclusionary provision instead of the 1:5 ratio. He suggested 1:3, meaning every 4<sup>th</sup> unit would be an affordable unit.

J. Aubin stated that the only concern he had with lowering the number was that there could be a risk of somebody claiming that the board is doing some kind of a taking, but the lower number is not a bad starting point.

Ch. D. Sullivan said when we get going on this we should have a meeting to sit down and talk about working with CPC to go out and purchase large plots of land to do a development of affordable housing, and the Town thru CPC pays for it. It has a project manager and a developer that does the whole thing. Other towns have done that.

S. Foulkes asked if they did that, they wouldn't have to engage Habitat for Humanity. Ch. D. Sullivan said no, there are companies in the State that work on affordable housing projects who are not associated with Habitat for Humanity; the work is done at cost because they take the money from CPC.

S. Foulkes said that she thought engaging Habitat for Humanity was a way to take the onus off the Town, but it appeared as though the chairman did not find that avenue favorable.

Ch. D. Sullivan stated it is an option, and another piece to discuss would be the Affordable Housing Trust.

J. Aubin said that was the next item for discussion as long as the Board was comfortable with the Mansfield by-laws draft, so that he could make the adjustments so it would suit the Town of Seekonk.

The Board was comfortable with the draft and moved on to Item Two The Affordable Housing Land Trust.

J. Aubin stated he will be attending a conference on that topic in March with hopes to have a model legislation. He had also made a request to Town Council, indicating that they're looking to establish that as well as the Open Space and Recreation Land Trust at the Spring Town Meeting. He is working on developing the language with Town Council to present the items to the Board of Selectmen for the joint meeting on the 18<sup>th</sup>. In addition, there are drafts being made to the initial Zoning By-law Amendments, six in particular:

The first one, the Building Official had made a request and a couple of items for some language clarification its essentially under the minimum rear yard setback for the Local Business, Highway Business and Luther's Corner Business District. There is a footnote that applies the residential district rear yard setback for the abutting property, and he believed the Building Official was looking to take that language up a little bit.

The second item is very similar, the provision in section 8.10 of the development design standards with regard to corner visibility, specifically with the phrase in section 8.10 that reads for the placement of a freestanding sign within 60 ft. of the intersection of any street right of way lines or their extension. So as to preserve adequate sight distance and public safety. The issue with that being that 60 feet of the intersection of any street, right of way line or their extension is not 100% clear, because that's going to be different if you're on a two lane road versus a four lane road. So one of the things we've talked about with the building department is just making that maybe a straight 12- foot setback.

The third item is just a correction in Section 9.2.15.1, just clarify the updating of the reference from the Ground Water Aquifer District to the Water Resource Protection Overlay District, and putting a specific reference in the next section 6.4

The fourth item is a proposed amendment to Section 9.2.15.1. with regard to density bonus option, and that's add the underlying language- "the affordable units to be provided shall be of equivalent size, quality and characteristics to the other units in the development" and then adding the new language into that "and the applicant shall file as part of the final plan submission for a Conservation Development a plan of the typical residential structure to be constructed in development, said plans shall be incorporated by reference in any decision of the special permit granting authority, this case the Planning Board. Any affordable units constructed pursuant to this provision shall conform to this plan as incorporated into the planning Board's decision". This is to have the language to make sure when these units are being constructed the construct is to a high quality standard like the other units in the development.

The fifth item is an amendment to the 9.2.15.2 and is related to the community development corporations previously discussed to add in the language i.e. an agreement endorsed by all necessary parties to allow for a Community Development Corporation or other qualified agency or an entity, dedicated to the creation of affordable housing. That is just to clarify and give us a little more room in case we do want to enter into an agreement with Habitat for Humanity, or a Community Development Corporation to do a specific development, or rehab a specific site.

The Sixth amendment is an amendment to Section 9.2.15.2 alternate provision of units, Subsection E, and this is to add just a reference to the previously proposed amendment to Section 9.2.15.1. linking it back into the plan submission.

Ch. D. Sullivan asked if the amendments were passed would there be corresponding changes to our rules and regulations covering how the developer would be held accountable, how it is inspected, and the benchmarks.

J. Aubin stated anything that we do under Conservation Developments, which is where this comes from, goes through the Zoning By-law as there is no link to affordable housing in the rules and regulations. The intent of this is to have a specific plan that is a part of the Planning Boards decision, so then there can be no question on how that unit is supposed to be built.

Ch. D. Sullivan stated that Town Council said they should have benchmarks of inspection and standards written into the affordable units, to make sure they match, and states that they have to have appliances of equal condition written into the language.

J. Aubin stated that the amendments are adopted thru the Zoning By-law and if a developer did not build in accordance to the plan that was approved by the Planning Board that will become a Zoning Enforcement Action. We can put a reference in to the amendments for violations.

Ch. D. Sullivan stated a previous instance where a purchaser of an affordable unit was not going to provide appliance or certain finishes.

J. Aubin stated that those issues could cross the line of what is in the Planning Board's purview. The matter was discussed with Town Council, and the purview of the board is not necessarily inside the house but rather it is on the outside, making sure they fit into the surrounding units.

S. Foulkes said she hopes they can delineate what they expect, but maybe they could have some intermediary party for the enforcement.

J. Aubin said ultimately the provisions are to ensure the unit fits into the neighborhood regardless of what is inside of the unit. Now as far as enforcement goes, we tie a developer to a specific set of plans that become part of the Planning Board's decision then it is enforceable.

B. Hoch stated that the Town of Rehoboth has affordable housing unit project going on and in the specs it specifies that what appliances are going to be in there, whether the walkway is going to be concrete or concrete pavers everything's outlined, there's no room left for any questions, but I don't know if that was from their Planning Board or the developer.

Ch. D. Sullivan stated that the town of Mansfield also has several projects underway as well for affordable housing.

M. Bourque asked if they could look into what makes other communities more attractive for affordable housing for developers to do their projects, rather than in Seekonk.

J. Aubin stated that the Town has been almost protected from 40B projects due to the cost of the land and the absence of sewers.

S. Foulkes stated that the surrounding towns where they are having a lot of affordable housing projects are closer to Boston as well, but Seekonk is in between Providence and Boston which could allow for flexibility in the job market.

J. Aubin said transportation is also a key factor for surrounding towns. They have access to bus routes and train systems for the residents. He asked if the Board was ready to move onto the Master Plan update, they said yes.

J. Aubin stated the Board has a packet and a memo from him, as well as a copy of the enabling statute for the **Master Plan**. He noted that as far as adoption of the Master Plan, it is a vote of the Planning Board; it doesn't say it has to be at a public hearing, but you will want to have a hearing to get public comments or answer any questions on these elements before adoption.

There are two elements that have been submitted by SRPEDD in two different stages: the Economic Development Plan is in a final draft stage and is ready to be adopted; and there is also the Public Services Element that is in draft format. The plan is to have a public comment period; it will be posted on the website with a statement saying, "Please submit any public comments that you have" for a 45 day period, and it will also be sent out for departmental review for any comments, questions or concerns. There will also be an update provided to the Board of Selectmen at their March 18<sup>th</sup> meeting.

S. Foulkes asked in regard to the Economic Development Plan what the Town could do in order to receive State aid for the proposed installation of a sewer system and the connection to an abutting town or city such as East Providence.

J. Aubin said that process would start with an advisory committee to look into the feasibility. The fact that the Town does not have sewers is one of our issues. Down the Rt. 6 corridor, there are septic systems that are 25+ years old that will need to be replaced, and they are at such a size that you wouldn't be able to just put an additional leech field in.

Ch. D. Sullivan stated the R1/R2 zones in Town will eventually have a saturation issue due to the size of the lots. We should review and have a joint meeting with the Board of Health to see their thoughts and concerns as well. The Town would have to revisit prior agreements with Attleboro for the North End for sewer connection since they walked away from the original agreement years ago.

J. Aubin stated they may need to consider downsizing the lot sizes and reconfiguration in order to avoid any instance of contamination, but that will be further down the road.

Ch. D. Sullivan asked for any comments on the timeline for the discussions and packets to the Board of Selectmen, there were none.

J. Aubin stated some of the elements are adopted with some exception like the Open Space & Recreation Plan; that is going to be adopted more formally and may need to be adopted by Town Meeting. Same thing with the Housing Production Plan and some of the other elements; Land Use, Economic Development Circulation, Public Facilities, those by the language of the Mass General Law just are just adopted by a Planning Board meeting. The way that the Enabling Statute is written it isn't necessarily that we have everything done, and then adopted, we can adopt these as we get them done and they're all going to be interconnected by the goals and objectives. The Economic Development Plan, SRPEDD is finishing up the implementation matrix, which is basically kind of the Excel spreadsheet says what the actions are what the goals are, who's responsible for them. It will be given to us in two different formats, one is going to be standard Excel spreadsheet, and the other is going to be an online format. We are finalizing the Open Space & Recreation Plan and have essentially got all of the boxes checked off. We will be meeting with Shawn Cadime to get a consultant out to finalize the rest; once that is complete, we can begin to put in the request for State/Federal funding. There will be an update on current developments on the 10<sup>th</sup> for our meeting, and we should choose ones that we want to go forward with enforcement.

Ch. D. Sullivan asked if there were any comments from the Board on their discussion, there were none. He then asked for any members of the Board to provide any other general comments, discussion for the Board, there were none.

**J. Roach made a motion to adjourn, it was seconded by B. Hoch. All in favor, none opposed.**

The meeting was adjourned at 7:42 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 (L. Dunn)*