

**SEEKONK ZONING BOARD
REGULAR MEETING
MINUTES
October 7, 2019**

Present: Gary Sagar, Keith Rondeau, Donald Robillard, Nelson Almeida, David Viera

Vice-Chairman Gary Sagar called the Town of Seekonk Zoning Board of Appeals October 7, 2019 meeting to order at 7:00 p.m.

Vice-Chairman Sagar declared public hearing open again from the meeting that took place on September 23, 2019 with the following agenda items revisited.

PUBLIC HEARING

2019-12 Seekonk Public Schools, 25 Water Lane, Seekonk, MA, owners, by, Gregory Smolley; Drummey Rosane Anderson Architects, 225 Oakland Road, Studio 205, South Windsor, CT 06074, petitioners, requesting a **Special Permit and/or Vaariance** under section 6.4.4.3(3)(j) of the Town of Seekonk zoning bylaws to allow the addition of 14,334 square feet, single floor to the northeast corner of the existing building with appurtenant site work with impervious surface exceeding 15% of the total lot area within the Water Resource Protection District at 165 Newman Avenue, Plat 21, Lot 55 in the R-2 zone and containing a total of 10.15 acres +/-.

2019-13 Seekonk Public Schools, 25 Water Lane, Seekonk, MA, owners, by, Gregory Smolley; Drummey Rosane Anderson Architects, 225 Oakland Road, Studio 205, South Windsor, CT 06074, petitioners, requesting a **Special Permit and/or Vaariance** under section 6.4.4.3(3)(j) of the Town of Seekonk zoning bylaws to allow the addition of 14,334 square feet, single floor to the northeast corner of the existing building with appurtenant site work with impervious surface exceeding the maximum allowed 25% of the total lot area within the Water Resource Protection District at 165 Newman Avenue, Plat 21, Lot 55 in the R-2 zone and containing a total of 10.15 acres +/-.

2019-14 Seekonk Public Schools, 25 Water Lane, Seekonk, MA, owners, by, Gregory Smolley; Drummey Rosane Anderson Architects, 225 Oakland Road, Studio 205, South Windsor, CT 06074, petitioners, requesting a **Special Permit and/or Vaariance** under section 6.4.4.3(3)(i) of the Town of Seekonk zoning bylaws to allow the addition of 14,334 square feet, single floor to the northeast corner of the existing building with appurtenant site work and the temporary storage of construction materials and activities related to the construction of the addition to the school as well as for minor grading and reestablishment of the field upon completion of construction within the Water Resource Protection District at 165 Newman Avenue, Plat 21, Lot 55 in the R-2 zone and containing a total of 10.15 acres +/-.

Vice-Chairman Gary Sagar explained the three petitions would be heard together, but may be voted on separately.

Voted to continue 7:06 pm rules are still in effect as well as those who had previously testified are still under oath.

V. Ch. Sagar stated a detailed map was requested from James Barrett that pertains to vehicle, and pedestrian traffic near the Aitken School. Conservation is meeting tonight and they will wait to discuss school department until we are done with our meeting here so no one will miss anything.

James Barrett stated at last meeting the request was for a map reflecting the fencing around site, area of bus and car movement, parking areas and pedestrian movement around site.

The Same diagram from the last meeting was presented. The area in gray is circulation movement for vehicles and parking, and bus movement in the back of site. For pedestrian movement, walkways are shown and proposed and identified. Lastly the fencing is shown graphically with dashed line. The blue dash is existing fencing to remain, and the orange is existing fencing to repair and red dash is the proposed new fencing.

V. Ch. Sagar asked if the plan requested was detailed enough for the members.

Keith Rondeau ask if there was any consideration to extend the fencing from lowest point to Rye Street.

J. Barrett said there was no consideration given. That is outside our scope for what we are engaged in. We reviewed the fencing with Con Com and the area shown as existing to be repaired is response to the Con Com request.

David Viera asked what are they doing to ensure buses don't exit out Rye Street. That is a residential neighborhood and that street not designed to handle that traffic.

J. Barrett stated the intentions is to have bus turning back out to Newman Ave. We can sign it and do whatever necessary to establish the idea that Rye St. Access is not an option. This was reviewed by the TRC requested this traffic pattern no bus approach from Rye street as well as no exit onto Rye.

D. Viera said he wants to make sure we are clear on this, that's important.

K. Rondeau said just to make sure we are clear. Buses enter and exit on Newman Ave.

J. Barrett said yes.

D. Robillard concerned with the fencing where the bus have a turn around and the pedestrian crossing into the school.

J. Barrett showed on the map a small extension of an existing side walk to get to a cross walk area. The fencing terminates at the end of a play service.

D. Robillard said his question was why the fencing doesn't continue to crosswalk.

J. Barrett stated the desire of the fencing is to keep students from playing in an area near the road. There are adult crossing guards there to cross the children safely.

John Haidemenos the principal at Aitken School is sworn in. He elaborated on the routine of the school stating when the buses pick up at the end of the day, no buses can leave until all students are all on. Either the assistant principal or the principle will assist in parents navigating the parking lot. At end of day, one of them will be in this area of previous concern. The gate would still be closed, so no traffic can leave the school premises until all the students are reunited with their parents. There are usually 6-7 adults in the front and the back of the building to make sure the children are out of the way of the buses before allowing the students to move onto Newman Avenue.

V. Ch. Sagar asked if there were questions from the members, there was none.

V. Ch. Sagar said we did receive the responses to the peer review done on behalf of Conservation and Planning. We have not had the opportunity to review it. I think more geared for Conservation, and Planning than us. We have a stipulation that all regulatory boards and agencies must approve. It is my perspective that we leave it to the people in the Conservation Commission, is that agreeable to the other members?

K. Rondeau questioned the culvert that has been talked about, where is that located?

J. Barrett in this zone off the property into the adjoining.

K. Rondeau said in the original one we received last week, there was question about fencing and borders. This board is always concerned with protecting the neighbors with border protection. As far as the fencing goes, I have to say that it is not within the purview of this board to say fencing has to be replaced. Much of it is overgrown. However, there is plenty of boarder space in between without having to plant arborvitaes or anything else I feel. If there was nothing there I would be concerned to make sure there is some kind of border protection, but there is 200' of woods in the back. The town should take a look at replacing the fencing on the back, it would be prudent thing to do at some point but I am satisfied for now because there is a natural barrier. I do want to address the problem with the catch basin mentioned several times. Making sure some kind of program to make sure it's cleaned on a regular basis so it does not affect the people on Rye Street with flooding. Everything else seems to be Conservation related. I just want to those notes.

D. Viera said just to be consistent, I have real issue with documentation that is supposed to be considered by this board received 5 mins before a meeting starts. You need to get the material sooner to fully digest it.

V. Ch. Sagar said before I call upon the audience for the people to speak I would like to put a few things into perspective. Back in 1987 a new section of the zoning bylaws called the Aquifer Protection District was approved, at the time it did not include the Aitken School. It was not until 2015 that the boundaries moved and became the Water Resource Protection District which now includes the school. When they did the addition in 1997, it was not in the protection district. The extension of the nonconforming use for the two portable classrooms it should have come before this board, and it never did. But if we are extending the footprint now it would be all inclusive. The bylaws say that in the protection zone there is 15 % coverage for the existing structures they adoption in 2015 changed it to 31%, They're are asking to go another 14% on top of that for a total of 45%. This board had requested the review and the final plan

for the site plan for possible changes from the Planning Board. Again, we have any approval subject to all other boards and committees.

V. Ch. Sagar asked anyone in favor – none.

Opposition

V. Ch. Sagar said we had several people speak in opposition last time.

Opposition – none comments none additional information.

Fred Whelan was sworn in last time. He is concerned about this whole design invitation for safety concerns. He asked why they can't incorporate drop-off the way it is now. Why change it and have to put up extra fencing, just leave it the way it is. Why invite all the trouble.

J. Haidemenos stated the Fire Department needed room for apparatus to go through, and has approved the plan. With the addition to the school the area we have now will not work like it did prior as the building takes some of the space up. This area is difficult to navigate. The new design cuts down on congestion.

V. Ch. Sagar asked is this the best plan with what you have to work with?

J. Haidemenos stated this is what Captain Lowery suggested for the movement of fire apparatus and what they approved, not necessarily buses.

Richard Drolet the Superintendent of Schools is sworn in. He stated part of the discussions with the architect and principal is we feel this design would make it safer. Its adding parking and separating where drop off and pickups are for buses (in the back) and parents (in the front). With the exception of a hand full of walkers. In our opinion it is safer to separate drop off/ pickups from buses and parents.

V. Ch. Sagar asked did we have a concern about the quality of soils.

Nelson Almedia said and the weight load, but I don't they had an answer yet.

J. Barrett stated as if this past Friday morning they had Test pits done at the site no formal report at this time. The opinion of the technician at that time was observations show they should have no problem handling load in that area.

V. Ch. Sagar asked for anyone else who would like to speak.

Elisha Musgraves of Comprehensive Environmental Inc. located in Bolton, MA. We did the third party review for the site plan. She elaborated that the civil site design the outfall questioned earlier is located on the edge of the property. Though it's probably a Con Comm concern it is in the Massachusetts Storm Water Handbook, that outfall needs to be brought up to functioning state. Currently it is structurally deficient. The Current design involves routing overflow through the existing piping out this outfall, CEI has concerns of the overall design. The other comment we have is the clearing of 11-12 thousand sq. ft. of trees for the bus loop.

Donald Robillard asked for clarification on the tree clearing.

E. Musgraves said the section to be cleared connects to the existing wooded area. It is protected open space because municipally owned.

D. Viera asked if the tree section serves as a buffer between the residents and the school.

E. Musgraves stated yes, she showed where the residents are indicated on the map. It would negate a lot of the negated buffer between the school and the storm water structure.

V. Ch. Sagar asked what is the distance between the tree removal site and the rear property lines of the houses?

E. Musgraves stated it looks to be about 120' of undisturbed vegetation in between and based off current vegetation it has remained undisturbed for at least 100 years.

K. Rondeau stated he walked the area Saturday and it's basically brush oak and pine trees back there. He asked if the culvert is not on school or town property.

E. Musgraves I believe it is either on town property or adjacent to it but the law dictates they are responsible for that culvert since their water, and run off will be flowing through it.

No further comments from the board or the public.

D. Viera motioned to close the hearing, D. Robillard second, all in favor.

V. Ch. Sagar said they received a Zoning Determination and made a motion that it be upheld.

K. Rondeau made the motion to uphold the Zoning Determination, D. Robillard seconded. All in favor, none opposed.

D. Viera made a motion to approve the petitions as presented for Petitions 2019-12 Special Permit, 2019-13 Variance, and 2019-14 Special Permit, it was seconded by N. Almedia.

K. Rondeau said stipulations are to be subject to Conservation approval and all boards and that we recommend and not stipulate that the town looks into replacing the fence to something more secure knowing it is an extra expense. It's not necessary for board but safety of students it is. D. Viera stated that a stipulation be buses not be allowed to enter or exit from Rye Street.

V. Ch. Sagar asked the Superintendent of Schools for the law on the busing of elementary school children distance wise.

Richard Drolet stated the districts have discretion but it is 2 miles. Pre-K is self-transported but Kindergarten children are picked up and dropped off at home. If you are under two miles you can pay for busing.

K. Rondeau added a stipulation that school department engage in regular cleaning of storm water catch basin that runs off on Rye Street.

V. Ch. Sagar stated they would approve the three petitions as presented with the stipulations and recommendations provided. Petitions are approved as shown by preexisting nonconforming use. Our role is to address the expansion of the footprint because it is in the Water Resource Protection. It seems as though they are trying to add too much to a small space and I wish other alternatives had been pursued. Our role is to review what is presented before us. The existing use is at 31% and the new regulations in 2015 they need approval to expand it for the additional 14%. I am also frustrated with the process. 6 months ago there was an inquiry to the Zoning Office and I think the process is convoluted and wrong the way it was all handled. I don't understand how when the town decides to do a project they can jeopardize tax payer dollars without getting all the approvals first. I am going to ask for an all call vote for all three petitions as presented with stipulations and recommendations.

**D. Robillard- Aye, D. Viera-Aye, K. Rondeau- Aye, N. Almedia- Aye, and V. Ch. Sagar – Aye.
5-0 vote to approve the three petitions with recommendations and stipulations.**

VOTE: 5-0 in favor, 0 opposed, 0 abstentions

Adjournment:

The Meeting was adjourned at 7:38 p.m.

Respectfully submitted by:

Krystal DosSantos
Secretary of the Zoning Board of Appeals