

SEEKONK PLANNING BOARD
Public Hearing, Regular Meeting & Work Session
Board of Selectmen Meeting Room
December 10, 2019

Present: M. Bourque, J. Roach, S. Foulkes, Lee Dunn, B. Hoch, P. Aguiar, and John Aubin, Town Planner
Absent with cause: Ch. Sullivan

Vice Ch. Roach opened the meeting at 7:00 pm.

REGULAR MEETING:

Discussion: Site Plan application of Landpoint, LLC (First Acura) for update of site plan for existing automotive sales use on the property located at 16 Highland Avenue being AP 08, Lot 08 located in a Highway Business district.

Mr. Aubin reported that First Acura's use was established in 2003; he provided Board with historic and current aerial photos from the Town's GIS documenting vehicle storage for up to 150 vehicles. The applicant submitted an updated site plan with identified parking to front of building for customers. It was noted that employee parking needs to be identified. Four conditions were identified in Mr. Aubin's staff report; this application has already been reviewed by the Technical Review Committee (TRC) with no additional comments.

The applicant agreed with the number of vehicles for storage and said there were no changes to the site. It was noted that there are two buildings on the site; Building 8 and a second smaller L-shaped building to the rear of the property used for storage and washing of customer cars. The use is showcase and sales of used cars. Mr. Aubin reported that the reason the buildings are in such close proximity is because they were developed together as one parcel and at some point divided out into the existing lot conditions.

M. Bourque commented it is deemed appropriate access for mobility of the fire trucks and not blocking an access lane.

B. Hoch asked the applicant about the inventory fluctuations. The Applicant said usually he has about 80 new and 40 used cars and does not exceed 150 cars.

B. Hoch made a motion to approve the update Site Plan for 16 Highland Ave as presented, with stipulations: 1) no more than 150 vehicles, 2) Zoning setbacks of 20-feet from the road be maintained, 3) Fire access to the rear portion of the property be maintained, 4) Parking and vehicle display shall conform to the parking as shown on the executed final site plan, M. Bourque seconded, and it was unanimously approved.

VOTE: 6-0-0

Discussion: Site Plan application of Auto Mart for update of site plan for existing automotive sales use on the property located at 1012 Fall River Avenue being AP 07, Lot 11 located in a Highway Business district.

Mr. Aubin reported the property is on one side of Lowe's access drive. The use was established in 1988 and appears 15-20 vehicles are stored on site.

Applicant Walter Ohanian, 175 Hoffman Ave, Cranston, RI said there will be a building proposed next spring. The owner, George Hodosh, passed away; his son, Jonathan Hodosh has taken over the business. Mr. Ohanian said the business has been in Seekonk since 1976, and he has been with Auto Mart since 1988. He stated the license is for 12 vehicles. There is no repairing on site as the building is just an office. Jonathan Hodash owns the lot and the mobile station.

Mr. Aubin commented that he has requested from Board of Selectmen once automotive licenses have been issued, they provide a copy to the Planning Board so they are aware of any restrictions such as the number of cars per license.

Fire access was discussed, and M. Bourque said lot is tight so fire would be fought from the road.

B. Hoch made a motion to approve the update Site Plan for Auto Mart for 1012 Fall River Ave as presented, with stipulations limited to 1) no more than 14 vehicles, 2) Zoning setbacks of 20-feet from the road be maintained, 3) the 911 address be posted on the building; 4) subject to comments generated by the TRC review, parking and vehicle display shall conform to the parking as shown on the executed final site plan, P. Aguiar seconded, and it was unanimously approved.
VOTE: 6-0-0

Discussion: Site Plan application of Ally Motor Group for update of site plan for existing automotive sales use on the property located at 980 Fall River Avenue being AP 07, Lot 73 located in a Highway Business district.

Mr. Aubin reported the property is directly across from the Lowe's entrance road and the use was established in 1988, and 49 vehicle storage spaces are noted on the submitted application. He noted that this site was developed in conjunction with the gas station located next door; there was a note on the site plan approval that customer parking for the automotive use was permitted on the gas station property.

Applicant Jean Claude Massad, 194 Weatherbee Dr., Westwood, MA said he has a lease on two properties: the car lot and the gas station owned by Hodash Realty.

Mr. Aubin reported that this application will be before TRC on Thursday, December 19, 2019.

P. Aguiar made a motion to approve the update Site Plan for 980 Fall River Ave. as presented for Ally Motor Group with stipulations: 1) no more than 49 vehicles, 2) subject to comments generated by the TRC review, parking and vehicle display shall conform to the parking as shown on the executed final site plan, 3) the 911 address be posted on the building, M. Bourque seconded, and it was unanimously approved.
VOTE: 6-0-0

Discussion: Site Plan application of New England Collision for update of site plan for existing automotive sales use on the property located at 45 Old Fall River Road being AP 01, Lot 200 located in an Industrial Zoning district.

No representation present at the meeting, application continued to January 14, 2020.

Discussion: Site Plan application of Pride Hyundai for update of site plan for existing automotive sales use on the property located at 11-13 Taunton Ave being AP 12, Lots 507 & 508 located in an Industrial Zoning Highway Business district.

Mr. Aubin reported that the site is comprised of two lots. Originally the use was established in 1985 with a total number of vehicles displayed indicated on the submitted plan is 397 for the entire site covering both buildings.

Applicant Lisa Pariseault reported that there are two separate licenses operating as one site. Auto sales and repairs used to be 2 franchises. No changes to site being proposed. She stated that they usually do not carry 397 cars, and noted it is usually in the 200's.

M. Bourque said Fire has never had to go to the site and never had problems accessing those buildings.

B. Hoch made a motion to approve the update Site Plan for Pride Hyundai for 11-13 Taunton Avenue as presented, with stipulations: 1) site plan limited to 397 vehicles between both lots (11-13 Taunton Ave) on display for sale, customer parking, and storage, 2) access to the rear portion of the property be maintained, 3) subject to comments generated by the TRC review, parking and vehicle display shall conform to the parking as shown on the executed final site plan, 4) the 911 address be posted on the building, M. Bourque seconded, and it was unanimously approved. VOTE: 6-0-0

Discussion: Site Plan application of All Mobile Towing for update of site plan for existing automotive sales use on the property located at 102B Pond Street being AP 32, Lot 69 located in an Industrial Zoning district.

Mr. Aubin reported this parcel is a small industrial complex located off Pond Street comprised of 7-8 buildings located around a cul-de-sac. It was constructed as an overall condo development; each site parcel has come in individually for a site plan approval. This particular site was constructed in 1997. The applicant has documented up to 66 vehicles on the site. Mr. Aubin said it is difficult to see where one use ends and another use begins. He asked the applicant to identify where his vehicle storage is in relation to other uses in the direct area on the existing conditions plan.

Applicant Jeremy Reis stated that All Mobile Towing occupies three quarters of the end building with employee parking in front and used sales vehicles across the way. At the swinging gates are vehicles towed in or waiting for repairs. He confirmed that there are 66 vehicle parking spaces.

Mr. Aubin clarified that storage shown on the existing conditions plan to south of the property line is not associated with Mr. Reis's operation for storage for 102B Pond Street. Mr. Reis leases from Orion Realty Company. It was noted that the building to the left is a landscaping company; the site is east of

the new Attleboro Wastewater Treatment facility located in Seekonk. All Mobile Towing is licensed for 10 for sale, plus towed vehicles and repaired vehicles. They tow for Town and the impound lot is fenced separately. Mr. Aubin reported that this application will be before TRC on Thursday, December 19, 2019.

Mr. Reis stated that the front has handicapped spaces and customer parking.

M. Bourque commented that there is no problem with fire access.

P. Aguiar made a motion to approve the update Site Plan for All Mobile Towing for 102B as presented with stipulations: 1) site plan allows for 66 vehicles (10 for sale and 56 for on-site repair and towed vehicles), 2) Customer parking is located in front with handicap spaces available; 3) subject to comments generated by the TRC review, parking and vehicle display shall conform to the parking as shown on the executed final site plan, 4) the 911 address be posted on the building, L. Dunn seconded, and it was unanimously approved.

VOTE: 5-0-1 (M. Bourque abstained)

WORK SESSION:

Fall Town Meeting Follow Up

Mr. Aubin updated the Board with the action of the Town Meeting stating that Article 11, Category 14B Fowl was approved as presented. All proposed amendments that the Planning Board brought forward with regard to the Zoning By-laws including floor amendment regarding the electronic submission of variance applications Section 2.3.1 were approved. Proposed amendments to Section 8.8 Signs of the presented petition was also approved as presented and both have been sent to attorney general's office for their legal review. Article 15, proposed amendment to the Zoning Map to expand the marijuana Overlay District: Town Counsel indicated just before Town Meeting began that without a positive recommendation from Planning Board, the article could not be discussed by a Town Meeting. Mr. Aubin stated he brought that information to the Planning Board Members present that evening and was also told by Town Counsel that if the Board wanted to they could vote to provide that positive recommendation for the purpose of getting it to the floor on Town Meeting. We convened a meeting under an exemption for Town Meetings in the Open Meetings Act and took a vote to provide that positive recommendation, and it was presented on the floor. Mr. Aubin provided the Board with the Addendum to the Report to Town Meeting. It was specific and for the sole purpose of bringing that article to the floor based upon a finding that the Members felt it was the intent of the Planning Board that the matter was going to go to the floor to the vote with a NON recommendation. He stated that at he did not have all the information in front of him, and certainly going forward does not recommend meetings be conducted at Town Meeting just for the optics of it. It was only entertained for the sole reason of putting it in front of Town Meeting, which is what the intent of the Board after the Public Hearing was.

B. Hoch voiced that he was disturbed by the Planning Board Meeting that occurred at Town Meeting for several reasons. He said first, we took a vote (at a Planning Board Meeting) and it failed to pass. Three members took a vote (at Town Meeting) on the same motion and negated that vote. Secondly, he said he is of the opinion when you make a positive motion on something and it fails, that is not a no recommendation, which was stated to Town Meeting. It came to my attention that the Town Moderator knew that we did not have a positive recommendation prior to the meeting starting. In my opinion, he should have stopped that article. Mr. Aubin made the comment that the Town Attorney requested that those members present at Town Meeting take a vote. Mr. Hoch asked why a Town Attorney would be requesting votes from the Planning Board and stated that it is not their place, they can only recommend. He said his third concern is that members of the Board of Selectmen used scare tactics to try and push their article through. He said they told voters at Town Meeting that if they don't approve this, you will have Marijuana facilities near our schools and in our neighborhoods, which is totally false. They presented an example of a Town Meeting costing \$10,000. Mr. Hoch said that could happen no matter how big that district is and stated he does not want this board to look like a puppet of another board.

Mr. Aguiar stated that was not the intention of the BOS. The intention was not to change the recommendation, it was to allow it to be heard at Town Meeting because it was on the agenda.

Mr. Hoch said he understood the intention, but the perception of this board and what occurred was totally out of context. He said Mr. Rondeau questioned whether that vote was even taken, and not one Planning Board member present there stood up to say yes we did take a vote.

S. Foulkes commented that it was in the warrant articles as to the status, it wasn't hidden. She stated that Mr. Aubin said we did not have to take a vote, we could say no recommendation, which is what we did.

Mr. Hoch said that was not a "no recommendation." That was not what was proposed. It was confusing to Town Meeting and the people and made the Planning Board look bad. He said what disturbs him most was that there was no Chairman or Vice chairman there, and the meeting was still convened and a vote taken. He said what it did was circumvent the vote of this body without public input.

Mr. Aubin said the problem is the way that State Law reads, it has to have a positive recommendation. We were not aware of that at the Planning Board's public hearing. There was no intent to circumvent this board, it was to have a vote at Town Meeting. The article failed.

Mr. Hoch said it's been shoved down their throat twice and is likely to come back a third time. Mr. Aubin stated that it cannot come back for two years.

Ms. Dunn said she felt personally that she had no choice but follow the advice of the Town's attorney.

J. Aubin stated that he specifically said the Planning Board did not have to take a vote. He said it wasn't a request from the Town's Attorney, it was presented as a statement that they could take a vote under the Open Meeting Exemption. At that point, I brought it to the Board members and asked them what they wished to do; they convened quickly and took the vote.

It was reiterated that it was a failed motion and noted that Mr. Bourqe abstained as he was not present for the public hearing.

Town Planner Monthly Department Update

J. Aubin summarized the Planning Department's monthly report. See Town Planner's November Monthly report. Mr. Aubin reported that he has three subdivisions to present to the Board and push to move forward. There are a number of subdivisions will be ready to go forward for acceptance next year. Site Plans: The Animal Shelter is finishing up, and the School Department has finished with their approvals with the Conservation Commission for the Aitken School project and will go out to bid shortly.

Mr. Aubin updated the Board that the OSRP is considering bringing on a consultant to finish the final publishing of that document. The 5-Year master plan will be brought back before the Board with regard to the Economic Development Plan, Public Services, and Housing Production Plan. The Pre and Post Construction Stormwater Management regulations are in draft with GPI. Mr. Aubin reported he will start working on preliminary discussion for spring zoning amendments focused on the mandatory inclusionary zoning.

Mr. Aubin reported that he will do a demonstration of the electronic permitting for the Board in January. Attleboro Dye Works has closed out our assessment grant and has filed for an EPA remediation grant. On November 19, 2019 we conducted a Public Meeting that was attended by one resident. The MVP community designation and grant application is ongoing; we are working together with the Stormwater Advisory Committee made up of Planning, Conservation, the Department of Public Works and the Board of Health.

Discussion: SRPEDD

L. Dunn advised the Board that the last SRPEDD meeting was held on Wed, December 4, 2019. The Housing Choice Director from DHCD was the speaker and spoke about the Housing Choices Bill H3507 which will allow a zoning change in a 40R District. The District is denser and allows up to 20 units per acre. State and federal grants are available.

Mr. Aubin reported that Seekonk is designated as a Housing Choice Community; we have not received any grant funds yet. The Attleboro Dye Works site will be looked at for grants for mixed use with lite commercial development. The designation also allows for some other development and infrastructure development applications. It is geared toward more dense communities, but we qualify given the fact we have been subject to such heavy development pressure over the last 10 years. We had to demonstrate that we added 500 housing units over the 10-yr. period. He commented that we added no affordable housing. He spoke about mandatory inclusionary zoning. He stated Seekonk does not really have the infrastructure to support those higher densities. Areas with no public water limits our ability to adopt those higher density provisions. We are better served with targeted site developments and mixed use developments. Mr. Aubin reported that Seekonk is at 1.6% of affordable housing currently of the 10% required. Ms. Dunn said members could add their voice to the Statewide Rural Policy Plan.

Correspondence

~Memo to Town Administrator re: 2020 BOS Renewal applications for motor vehicles.

Mr. Aubin reported there are two or three more license reviews coming forward. Ms. Foulkes voiced that she felt owners of the properties for Site Plans with multiple entities on a single property should be present at the Meetings in addition to the engineers. Mr. Aubin stated applicants can have their engineer represent them; if it something the Board is going to require, it needs to be put into documentation.

Approval of Minutes: 3/5/2019 & 11/18/2019:

S. Foulkes made a motion to accept the March 5, 2019 minutes as amended, B. Hoch seconded, and it entered into the record. 3 in favor; 3 abstentions (L. Dunn, M. Bourque, P. Aguiar)

L. Dunn made a motion to accept the Nov 18, 2019 minutes, S. Foulkes seconded, and it entered into the record. 3 in favor; 3 abstentions (J. Roach, M. Bourque, B. Hoch)

Adjournment:

P. Aguiar made a motion to adjourn the meeting, L. Dunn seconded, and it was unanimously approved. Vote: 6-0-0

The meeting was adjourned at 8:15 p.m.

Respectfully Submitted by,
Kim Lallier, Secretary
Planning Board

*Formally accepted on 1/14/2020
6 in favor, 0 against, 0 abstention*