

**SEEKONK ZONING BOARD
REGULAR MEETING
MINUTES
September 23, 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 September 23, 2019 meeting to order at 7:00 p.m. He asked those who came before the board to state their name and address for the record and advised them they would be sworn in.

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 Variance** 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 Variance** 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 Variance** 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.

Keith Rondeau disclosed his wife is a second grade teacher at Aitken School and believes there is no conflict or financial stake in a decision. If chair allows he is able to continue to hear and vote on the petitions.

V. Ch. Sagar stated he did think there was a conflict but under the rules of necessity they had no other members available to them. Having Keith here allows them to have five for the votes and he commended Keith for disclosing the information before hearing the petitions, and for that he saw no reason why he should not be allowed to sit in.

V. Ch. Sagar stated there was a housekeeping issue for the three petitions on the agenda. The application listed a Gregory Smolley of Drummey Rosanne Anderson Architecture as the petitioners. The applications were signed by the superintendent of the schools, where he does not have standing to do so, that should be done by the school committee. He request that the school committee vote to authorize Gregory Smolley of Drummey Rosanne Anderson Architecture to be the petitioners and it be voted at their September 9th meeting, we will include it in the record if anyone would like to see it. We have three petitions today 2019-12, 2019-13 and 2019-14. He read the three petitions for the audience.

V. Ch. Sagar continued and said that although it is typically the practice of this Board to take a vote on a matter tonight, they are not required to do so. There may be times and circumstances that arise where we will delay a vote. If the vote is taken, the decision of the Board will be reduced to writing and posted in accordance with M.G. L. Any person or entity who feels they are aggrieved by the decision of the Board has the right to appeal to the appropriate courts of jurisdiction of the Commonwealth there is a 20 day appeal period, but I caution anyone who elects to do so that they are limited by very strict time requirements and I advise any such person to either consult the laws or an attorney if they choose to file an appeal. He declared the three public hearings open, and will be voted on together.

James Barrett with Drummey Rosanne Anderson comes before the board and is sworn in.

James Barrett stated the Board of Education voted to authorize him to speak upon the three request.

V. Ch. Sagar advised the use of the easels for any imagery references and told Mr. Barrett that the meeting is televised for the benefit of the town's residents.

J. Barrett stated they wanted to share information relative to the requests and provided informational drawings to the right on the easel. The sight area is 10.13 acres with Newman Avenue being at the top of the property. The school's white area reflects its 1953 construction. The area in black is the 1997 addition. In total there is about 52k sq. ft. of space on site. North is to the right as you face the site on the diagrams. Rendered site plan identifies the proposed addition. Highlight features include along Newman Avenue 3 ingress/egress, our proposal is reducing to two, and we believe that is an improvement from a safety standpoint. The area in the light tan is the existing school while the darker brown is the proposed approximately 14k sq. ft. addition. The grey area shown is both movement and parking areas and they are divide into three areas. The first is drop off for grades 1-5, the second is for K and Pre K, and the third is for bus drop off which will navigate around back of site. The separation of student and bus drop off on this site is a significant safety feature. The Red area is an existing play area that will be retained. Just to the left is the existing Basketball court that will be replaced. Behind the 1977 addition is space for outdoor classroom space. The baseball field will be restated as a general use, and play area. The proposed 14k addition will combine Pre-K and Kindergarten spaces, this will also include sensory, occupational/ physical therapy rooms and two special education rooms. There is also a makerspace that will be used by all grades in the school. As mentioned prior there are points of ingress/egress along Newman Ave the topography reflects a flat site. Within drawings five different colored drawings that show setbacks that are requirements. The Blue shows the 200' riverfront area. The green line is 100'

riverfront area. The red line 100' wetland buffer and the yellow is the 50' no structure and the purple is the 25' no disturb area.

David Viera asked if there is an existing exit to rear of building already and what would happen to that (referencing the Rye St. Exit)

J. Barrett said it would remain as is but the buses will loop around the school to exit back out to Newman Ave.

Nelson Almedia asked if the play area and basketball court would be fenced in.

J. Barrett said yes.

V. Ch. Sagar asked for any other questions by the board up to that point- there were none.

J. Barrett elaborated on the three request:

2019-12 a Special Permit for impervious surface greater than 15% and less than 25%. The Water Resource Protection District was established after the school was in existence, it is a preexisting non-conforming use within the district. We would ask for a continuance on this item to allow it to be between 15-25% for this request. We would like to continue what we have in place today. The facility is between 15-25% in terms of amount, we have no change in that and would like it to continue.

2019-13 relevant to impervious surface as well and we are seeking a Variance with preexisting condition. This exceeds max impervious area of 25%. The preexisting nonconforming use was at found at 38% for impervious areas, the proposed condition as part of work is an increase to 41% for impervious surface. The existing area is at 3.83 +/- acres, and the proposed area is at 4.13 +/- acres of impervious. The factors that we feel are important is we are removing the existing basketball court and the new addition will be replacing the area with reroof surface is 14k sq. ft. The Quality for recharge it's one of the highest quality for recharge as opposed to driveway or parking area. We worked hard to reduce the foot print of this building as much as possible without tAitkeng away from the educational needs of the district. The plan does not encroach further to the east or back because of the buffer in back area. In terms of areas where we tried to reduce impervious sections, the area being proposed is better to accommodate early elementary, and Pre-K thru grade 5, the reduction of 1/2 that space for impervious surface. This plan does require some additional added roadways predominately on the north bound of the proposed site for the fire requirements of the town.

V. Ch. Sagar asked if there was anyone from that district in the meeting to answer questions.

There was none, the Building Committee had a meeting at the same time as the ZBA Meeting.

V. Ch. Sagar asked why are doing it here? We own the North School and the Martin school has larger area, why are we trying to add on to this site when we have others with more space.

J. Barrett states that the site was chosen to have both Pre-K and Kindergarten as well as the Special Education classrooms and therapy rooms, they have significant value. These resources are not distributed

throughout the town, those who need these services have to travel across the community. One of the conversations engaged in was why not two stories. The plan is specifically for Pre-K, Kindergarten and special education, codes states single floor is best practice and we can forgo elevator expenses.

V. Ch. Sagar said that you answered as well as you could with what you have been privy to. I am disappointed that someone from school committee could not be here.

Jackie Proulx was sworn in she is the chair of the Aitken Building Committee. She states that the school department had spent two years studying the other sites and those buildings were not deemed acceptable due to the work required to renovate them. The Martin school is overcrowded as it is. This facility will ease the burden on martin school and making the two schools more evenly divided and students wont' have to travel. This was the most economically feasible.

D. Viera said he served on the feasibility committee and the parent's main concern was the travel time if they had to send students to the Martin School, as well as equalizing the two schools.

V. Ch. Sagar said this is televised for the benefit for all the residents, maybe they have answers they wouldn't get before.

D. Viera stated this is a band aid not long term, eventually we will need to do something else.

J. Proulx said as far as Aitken School the approval received from the warrents was not only for this addition, it addressed all the capital improvements required as well. This included replacement windows, the heating system, and air conditioning. Once the Aitken School is done it won't require much work for years to come.

V. Ch. Sagar asked if there were any other questions, there were none.

J. Barrett returned to the podium to elaborate on the final petition. He states:
2019-14 is a Special Permit request has to do with disturbance and area identified within the 100' wetland buffer. The total wetland area is 70,727 sq. ft. this zone behind red line represents that area of buffer. The Special Permit affords consideration up to 15% of disturbance allowed for. The purposed disturbance is approx. 5,705, sq. ft. 8.06% disturbance within the allowable range afforded for consideration. The disturbance is not within the building area it is the roadway and swing around the corner. That concludes the three areas for presentation tonight. We are seeking two Special Permits and a Variance.

V. Ch. Sagar said the first request is to continue exceeding the 15% allowed by the bi-law, and then up to 25% because you're exceeding the 25%, you will need a Variance. Then finally a Special Permit for the wetland disturbance. Do you have to do a MEPA filing for this?

J. Barrett said yes, we are awaiting the conclusion of Conservation, we have the MEPA submitted.

Donald Robillard asked if runoff remain the same in surrounding neighborhoods.

J. Barrett said yes, it will be same. I have Eric Wilhelmsen from CDW consultants of Natick who can elaborate on that.

Eric Wilhelmsen, who is a PE from CDW consultants is sworn in.

Eric Wilhelmsen explained the existing conditions and drainage. The front of the site, the parking area and portions of the basketball/ baseball area is discharged into a 36 inch that runs along the property line. The back of the site and roof of existing school flows to a depression in the back of the site. The flow of the original building on the right will flow to the back as normal, which will not change. All new pavement will go to a new drainage system. The new roof will piped to new area and old roof will be redirected to underground system. Back of site will still sheet flow to the existing depression in the rear. The front of site will be collected and distrchared into 15k cu. ft. underground infiltration system. The drainage analysis is equal to or less than 100 year storm on the proposed plan.

V. Ch. Sagar asked for any other questions from the board, there were none.

V. Ch. Sagar asked for the record September 9, 2019 the letter from Beth Eklund, Vice Chair of the Seekonk School Committee, as Exhibit 1. The Comment from building head stating they have no issues as long as applicant meets requirements of other departments as Exhibit 2. Conservation is an extensive letter and available they are still in process, listed as Exhibit 3. Jessica Horsman the health agent stated the expansion will bring the septic system to capacity, mark that as Exhibit 4. The Planning Board gave conditional endorsement; positive recommendation subject to other department requirements, mark as Exhibit 5. Department of Public Works commented on bus circulation and using Rye Street for access and the drainage, marked as exhibit 6. The most important is Water district the note stated they are not opposed to the Special Permits to be granted. The flow of the water from the plan will contribute to the town's drinking water and fire needs, to be marked as Exhibit 7. Any other questions from the board?

D. Viera asked if there was any response from the Fire Department, there was none.

V. Ch. Sagar asked for J. Barrett to return to podium to ask when the building was expanded in 97, was it sprinkled?

J. Barrett responded yes.

V. Ch. Sagar asked for the audience to speak in favor, there was none. Any one in opposition Robert Fuller came to the podium.

Robert Fuller sworn in, residing at 55 Peep Toad Road and is an abutter of project. He feels as though it is out of control. We should not be trying to add all peas into one pod. We should bring back the north school and add too south Seekonk and add in the middle, it will put things where they should be and not where you think it would be a good idea. I am amazed at listening that the engineers, and how they didn't come up with better solution. We need to go back to the drawing board and start again.

V. Ch. Sagar asked if there were any questions for Mr. Fuller, there were none.

Fred Whelan of 20 Woodward Avenue was sworn in, he is another abutter. His concern is where is the new bus access is coming there is a 4' drop on that portion of the property and the buses will contribute to the erosion of the embankment. In addition the current fence is collapsing, what will be done about that.

V. Ch. Sagar asked if Mr. Barrett would like to respond.

J. Barrett stated in working with the districts TRC group, the question that came up was raised regarding the geotechnical capacity of that portion of the site to support emergency vehicles, traffic and buses. We are currently having a geotechnical engineer look into this to make sure the site can withstand the load. The fencing along north bound, it is degrading however, it was felt that it was into the heavy wooded wetland area and it not be opened or repaired. In working with Conservation, they requested at back corner a piece of fencing be either replaced or repaired and we have done that. That was the extent of the fencing conversation.

F. Whelan stated another concern with the fencing is how does it prevent anyone from impeding or accessing the property. There is a 4' drop-off which is collapsing as it is. It seems like everything is rushed.

V. Ch. Sagar read through the memo from the Department of Public Works. Their concern was the structural integrity of the soil and the proposed access route. Geotechnical evaluations and percolation test will be conducted. He advised Mr. Whelan to contact Conservation or DPW for further clarification.

Kathy Quinn of 55 Peep Toad Road was sworn in, she is also an abutter. She is all in favor of making school better. Her child walks to school several times a month and is concerned for her safety now. They were told there would be a fence to separate the buses and cars from the back portion of the school and now there is not, they will only fence off the playground. Her child now will have to enter on Rye Street and walk the same path that the buses do to enter into the building. The proposal for building is great but the walkers and the drop off is a hazard.

V. Ch. Sagar stated if this board approves the plan, we can put stipulations in effect. If parking on Rye Street for drop-off/pick up is an issue you should petition the Board of Selectmen, they are the ones who can put parking on one side.

K. Quinn said there should be a walking path for walkers not in a parking lot with moving traffic.

J. Proulx stated the Building and School Committee is concerned with all these issues and they will have to be addressed by School Dept. Items like adding crossing guards has not been addressed yet since the plan is not finalized, we just changed the route that the buses will take. All those involved in this plan will want to meet all the concerns of parents as the safety of the students is number one priority. Before we finalize the plan the parents and school personnel will need to weigh in on the safety concerns. The superintendent and the principal have discussed these items and they are ongoing concerns. The big concern is separating the buses from the cars to create a better flow for traffic. There is still a study going on. The process will still have to be studied and addressed in the planning process. There will be a fence to separate the playground area from where the buses go through.

K. Quinn said there is confusion with the fence. The fence as planned is to cover possible exit and entry ways. During fire drills the students exit to the back of the school, now they will be in front of the fence and firetrucks and still close to the building.

J. Proulx explained that the fire department is reviewing all of those items.

K. Quinn said the plans change very rapidly and the walkers going onto a main road seems silly to me. The buses go into the front very safely now, and all walkers are in the back with no traffic and that seems to make sense. Keep the buses in the front where the traffic is, and let the kids come in the back to play away from the main road.

J. Proulx said the points made are genuine concerns and I would suggest you come to a Building Committee meeting to address your fears. Oct 8 is the next meeting.

V. Ch. Sagar asked if anyone else was opposed.

John Pozzi of 44 Rye Street was sworn in. He states he has more questions than opposition. He questions if the board is voting on this plan as proposed, but the petitions have all said it is not concrete?

V. Ch. Sagar said the request here is to expand the footprint of the school. The work that goes with it is not set in stone as yet.

J. Barrett stated the plan has been submitted for 6 weeks and is the intention and has not changed. What J. Proulx is speaking to is administrative decisions in terms of how to receive walkers but in terms of configuration, this is the site plan. The fencing is delineated on the site, the question of where the walkers will walk is an administrative question. There are sidewalks in place to facilitate entrance into the site, if a crossing guard is needed that is something the school will have to discuss. The plan itself is not changing.

Nelson Almeida said but if the weight load fails it will change the plan.

J. Barrett said they feel it is highly unlikely for that to happen given their initial observation reports.

J. Pozzi asked, so the Variances asked for is we are already over the limits as is and we are going to exceed the limits more, is there a formula when we max out? Or is it on a case by case basis? I know the Water District approved but if we have water contamination it doesn't matter what's on the site.

V. Ch. Sagar stated I had a conversation with Town Planner. Conservation is requiring the applicants to do a peer review and town is requiring a peer review to examine their work, ultimately a second engineering group to examine the site.

J. Pozzi said technically the town of Seekonk owns the property and not the school department.

V. Ch. Sagar asked for general questions and comments.

F. Whelan asked about the parking issue on the Rye Street is handled by the Board of Selectmen. Parents are parking on both sides of Woodward Avenue and Rye Street as well. When school lets out, Woodward Avenue becomes a one way street.

V. Ch. Sagar said when a Variance is requested there has to be a hardship, it can be financial. Mr. Viera said he was on the Feasibility Committee and there was a matter of redistricting and that causes financial hardships as well.

D. Viera stated during feasibility study it was mentioned that the congestion at the Aitken School is a nightmare at the beginning and end of the school day. That played a big part in it as well. I don't want to see the buses come out on Rye Dstreet it is not fair to the residents. Maybe this board can put stipulations on buses for exit and entry. If nobody is going to enforce they will sneak on Rye Street.

V. Ch. Sagar said if the Board of Selectmen does the stipulations it can be enforced by the Police Department. We can only enforce zoning laws, we have nothing to do with vehicles.

F. Whelan asked will they upgrade the crosswalks there at all?

D. Viera said I'm sure there will be discussions for that but not at this meeting.

V. Ch. Sagar asked anybody else have any general comments, questions.

K. Rondeau said I think we need the additions, the feasibility study took two years they did hard work on it. The capital improvements committee also did a good job by taking some improvements to the project and adding them into the school. This has gone before town meeting and the voters so what's before us today is the Variances and Special Permit. As far as the first request, it is a nonconforming site, and they are asking for the Special Permit or Variance because it is a nonconforming site. It doesn't appear there will be substantial effect with the building as far as impervious surface. It will still fall greater than 15% and less than 25%. That petition questions have been met. As far as petition 13 it is the same thing. My hesitancy and where we should ask for stipulations is for #14. They are doing extra engineering for driveway going by Mr. Whelan's property that raises some issues. I think we should make comments and stipulations in regards to the run off, the fencing, and the wetland protection. There have been issues with catch basins on the poverty in the past that was not mentioned. There should be stipulations for the basins as well, such as they are cleaned on an annual or biannual basis which would also help out Rye Street.

N. Almeida said as far as the drainage they are putting in 15K gallon filtration tank. My concern is the walkers and the road on the north end coming in is falling apart with regular vehicle weight. With extra bus weight it could fail. If it fails what is the new plan for the buses?

D. Robillard stated he also has the same concern with the buses and the foot traffic. I would like to see fencing protecting all the walkers, to protect the children and a control officer. The fencing in the north corner is collapsing. I think a stipulation should be made to fix that fencing as well.

D. Viera said all previous speakers addressed my concerns. The biggest concern I have is the bus traffic on Rye Street, as well as protection of the children.

V. Ch. Sagar said my concern is a general concerns. I was told at least 6 months ago we would see the School Department requesting these permission to move forward with the work. How can we spend hundreds of thousands on a project before a project is approved? If the plan is shut down who will

reimburse the tax payers dollars? There has been much concern on the fencing, if it is still unclear we can ask for a special fencing plan.

D. Viera said he didn't think asking for that plan would hurt but once plotted out they needed to stick to it.

D. Robillard said our concern is the safety of the children.

V. Ch. Sagar said my suggestion is we have a scheduled meeting in two weeks. Do we to continue then so we can have the definitive plan before us?

J. Barrett stated as far as the fencing, it is on the documents we can discuss it now.

D. Robillard asked if the plan had fencing on both sides to protect the children, and where do the walkers enter the school.

J. Barrett reiterated that the path students will take will be an administrative decision.

D. Viera said now is the time to put the precautions in not after something happens.

V. Ch. Sagar said the motion is for them to continue for two weeks to reflect the fencing. Can you get someone here from the school department to better answer our questions?

K. Rondeau said Conservation had advised that around the perimeter fencing of the property is intruding onto the wetlands and removing them would be dangerous for the vegetation while other areas need to be repaired. A full review of the perimeter fencing in its entirety needs to be done so we can see what can be removed or replaced.

J. Barrett said yes, we reviewed the north bound fencing and determined repairing some would disturb wetlands, we decided to leave it as is. The back corner fencing was reviewed with Con Com with a recommendation to repair it.

K. Rondeau said we need to clarify this plan needs to reflect the road way, the buildings and where the fencing is going to be.

V. Ch. Sagar said we are looking for routes of vehicles and pedestrians with fencing.

K. Rondeau made that motion for the meeting in two week and D. Robillard seconded to continue two weeks.

N. Almeida asked when the weight load test will be finalized. if it fails, what is plan b

J. Barrett said we are trying to schedule that now, but due to availability it wouldn't happen until after September 30th.

N. Almeida said my concern is what is plan B if this fails.

J. Barrett said they would work with the recommendation of the geotechnical engineer.

V. Ch. Sagar said we will continue on October 7.

K. Rondeau made a motion to continue the meeting for October 7, and we obtain a fencing plan. D. Robillard seconded the motion. All Members were in favor, none opposed or abstained.

Adjournment:

D. Viera made a motion to adjourn the meeting; D. Robillard seconded, and it was unanimously approved.

VOTE: 5-0

The Meeting was adjourned at 8:35 p.m.

Respectfully submitted by:

Krystal DosSantos
Secretary of the Zoning Board of Appeals