

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

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

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

**PUBLIC HEARING: Request for partial covenant release and Definitive Subdivision Modification for Farmland Estates residential development on Rose Ann Court located off Lincoln Street**

**Applicant:** Bernard Mastropietro

**Ch. Sullivan opened the public hearing for the application for Definitive Subdivision Modification for Farmland Estates at 7:03.**

**J. Roach made a motion to waive the reading of the legal notice, L. Dunn seconded, and it was unanimously approved. Vote: 7-0-0**

Introduction of Board members: Peter Aguiar, Bruce Hoch, Michael Bourque, David Sullivan, James Roach, Sandy Foulkes, Phoebe Lee Dunn, and John Aubin, Town Planner.

J. Aubin said the application has been duly advertised and noticed to all abutters. We are here for two separate items: Public Hearing for a modification for the final definitive subdivision plan: includes two items to be modified **1<sup>st</sup> Item**) removal of a 50-foot easement that runs along the northern lot line of Lot 6; **2<sup>nd</sup> Item**) to reduce the width of the sidewalk from the originally approved plans of 5 feet down to 4 feet. Mr. Aubin noted this was consistent with our recently adopted current design standards for sidewalks in our Subdivision Rules and Regulations.

Bernard Mastropietro, Farmland Estates, Rose Ann Court stated that he is looking to reduce the sidewalk width from 5 feet to 4 feet to be consistent with design standards and for cost maintenance. He said the sidewalk will be concrete so it is the same standard as the subdivision across the street, Kathleen Court.

J. Aubin noted that the easement originally provided for along Lot 6, due to the fact that Brady Estates to the north has already been developed, there is no easement that would connect to that, and there is a wetlands in between the two. So that easement is not necessary at this point.

Kristin Mastropietro asked for documentation that there is no easement because the Town had not previously documented that the easement was there, so when Brady Estates was established, they never saw that there was an easement for Farmland Estates.

J. Aubin highlighted the need for the modification is because the plans were recorded with the easement on there. The new Lotting Plan will have to be recorded as follow up to eliminate that. He responded to Kristen stating there will be a written Modification Decision that will document the recordation of this modified definitive subdivision plan.

Ch. Sullivan asked the public if anyone wished to speak in favor, or opposed, seeing none, he opened it to discussion of the Board.

L. Dunn mentioned that she would like to see cul-de-sacs connect. It was discussed that it is not possible for this subdivision.

**J. Roach made a motion to adjourn the public hearing at 7:12 p.m., S. Foulkes seconded the motion, and it was unanimously approved. VOTE: 7-0-0**

**J. Roach made a motion to approve the Definitive Subdivision Modification for Farmland Estates to allow for the elimination for the 50- foot easement along Lot 6, and to allow for a 4-foot wide concrete side walk modification, M Bourque seconded, and it was unanimously approved. VOTE: 7-0-0**

J. Aubin stated the applicant is seeking a covenant release and provision of alternate form of surety with regard to the remaining lots in the development; this would eliminate the covenant in total in the development. He reported that GPI has reviewed the submitted construction cost estimate and commented that the numbers needed to be brought up to 2019 values. GPI recommended total Cash Surety be set at \$152,000. Being that this is a legacy development, Mr. Mastropietro submitted to the Planning Board confidentially documentation that the surety money was held in a bank account.

Kristen Mastropietro said the last time they requested a surety release, she was told that when the last lots remaining were sold, they could be released from surety. Lots 2, 3, and 11 have sold and we are asking they be released from surety.

J. Aubin stated that we are proceeding as under the last release of covenant.

**J. Roach made a motion to approve Partial Covenant Release for Farmland Estates and set cash surety in the amount of \$152,000, B. Hoch seconded, and it was unanimously approved. VOTE: 7-0-0**

## **REGULAR MEETING:**

### **Discussion: ANR Application for 73 Hope Street:**

AP 18, Lots 31 & 74 located in an R-2 Zoning District

**Applicant:** Anthony Strycharz

J. Aubin summarized the ANR application stating this subdivision is essentially a land swap between the two properties. Currently Lot 74 has a small jog to the south that runs somewhat behinds the house on Lot 31. That area in the rear would be exchanged for a triangle of property identified as Parcel 1, which would in effect move the northern lot line of Lot 31 a little further north between the two properties.

Shawn Ainsworth, InSite Engineering represented applicant. He stated the reason this issue was brought up is because Lot 31 currently does not meet Zoning requirements for frontage. What the owner's want to do in order to eliminate any issues in the future is transfer the land to make sure that both lots meet current zoning. Lot 31 is subject to the Alternative Standard Minimums, and we could not get the 120 feet of frontage required on that lot. We have increased the area so that Lot 31 now does meet the Minimum Standard Requirements, and Lot 74 does have the required 120 feet of frontage and well over the area requirement for the R-2 District of 22,500.

J. Aubin noted that the side setback for Lot 31 increased to 25 feet, essentially eliminating two nonconformities on the property.

The submitted APPROVAL NOT REQUIRED PLAN OF LAND prepared for 73 Hope Street and dated **August 23, 2019** meets the exemption clause within the definition of a subdivision in the Rules and Regulations Governing the Subdivision of Land for changing the size of lots in such a manner so as to not leave any lot affected without the proper frontage.

**J. Roach made a motion to endorse the ANR application for 73 Hope Street, S. Foulkes seconded, and it was unanimously approved.**

**VOTE: 7-0-0**

**Discussion: Site Plan Application of Wayside Auto for property located at 1651 & 1655 Fall River Avenue**

AP 1, Lots 16, 70 73, & 117 located in a Mixed Use & R-3 Zoning Districts

**Applicant:** Albert Gouveia

J. Aubin summarized the ANR application explaining that it comes by way of the licensing authority for used automobiles from the Board of Selectmen. The original use was established in 1987; the current applicant was before the Zoning Board and Planning Board in 2003 for the current lot configuration. The attached/submitted plan is based on that 2003 plan. Mr. Aubin noted that there is a mix of uses on the property, and the focus of this site plan review is primarily the automobile dealership. He made a site visit to the property and shared photos with the Board noting the photos depict a well-kept property. His only comment from the staff side was that approval of the site plan update by the Board be conditioned that all buildings be marked with appropriate 911 address.

Rachel Smith, Otis Dyer represented Albert and Karleen Gouveia. She said the Gouveia's are not proposing any changes at all; this is just an updated site plan as requested by the Town because the previous site plan was more than 15 years old. In having to renew their Class 2 Automobile License, they needed a site plan. The previous plan was done by Caputo & Wick. We examined the property and everything was in compliance with what was done on the previous site plan. The only difference is that there had been a small building out near the highway used for an office in 2003, and that building has been demolished.

Mr. Aubin noted that the small building (Lot 73) still shows up on the Assessor's Map from the GIS and stated that area is currently used for vehicle display. He also noted that the submitted site plan does identify specific parking areas for employees, customers, and for car display.

It was discussed that the agricultural field depicted on the site plan is leased to Four-Town Farm and is accessed through the driveway by the garage just off the asphalt.

Mr. Aubin stated the Board of Selectmen ask that any Site Plans with these licenses older than 15 years come back for reauthorization. The license for cars on this property was noted to be 40, but does not need to be on the site plan because it is a function of the Board of Selectmen to grant that license and not a function of the site plan.

**The Planner recommends that parking and vehicle display be in conformance with the approved site plan and the number of vehicles be in conformance with the license as issued with the Board of Selectmen.**

S. Foulkes discussed the number of handicap parking spaces. Mr. Aubin stated that handicap spaces are strictly a function of the overall parking spaces in the parking area.

**J. Roach made a motion to approve the Site Plan application for Wayside Auto for property at 1651 & 1655 Fall River Avenue, L. Dunn seconded, motion passed unanimously. Vote: 7-0-0**

## **WORK SESSION:**

### **Town Planner Monthly Department Update**

J. Aubin summarized the Planning Department's monthly report. (See attached August 2019 report)  
He highlighted:

#### **Subdivisions:**

**Kathleen Court** has received its binder course and is expect to come forward for their Certificate of Safe Passage. Once that application is made, it will be scheduled for TRC review for compliance with our provisions in the Rules and Regulations including additional signoffs from Conservation, Building and DPW.

**Wyatt Strawberry Patch** Roadway construction commenced.

**Hidden Hills** - Housing construction ongoing.

**Brady Estates** – Awaiting acceptance application anticipated Fall 2019.

**Jacob Hill Estates** – Starting to make modifications to their bio-retention area recently approved by the Conservation Commission. Final paving is hoped to be completed before the close of construction season.

**Madison Court & Country Brook Estates** - are waiting for dry season conditions to do some drainage improvements. Mr. Aubin said he made a request for the correspondence relative to the two affordable units. There were issues with sidewalks being maintained 3 feet all the way around because where the mailboxes were put it in, they impeded that.

**Pine Hill Estates** – Invite for neighbors for the Planning Board's October meeting. Letter from Town Counsel to be sent asking them to work together to come up with a solution and a proposal.

**Woo Estates, Jane Howland Estates and Maplewood Terrace:** DPW has engaged CEC Engineering to complete a field study and generate recommendations with regard to the drainage issues. They scoped the lines/catch basins and identified blockages as well as performed some exploratory work at the back end of the development. It is under review by the Stormwater Advisory Committee. CPC will take the data and make recommendations.

Mr. Aubin explained there are 3 systems: 2 catch basins infiltration basins on Route 6; catch basins on Carling and Alameida as you drive down, connected to a 1950's subsurface structure that is supposed to provide for infiltration (that is silted up and not providing infiltration); an additional catch basin to the back of the development (cannot identify where it outfalls).

**Logan Court – Caleb Estates** - Mr. Aubin worked with InSite to finalize the surety; the covenant release has not been signed off on. Remaining Surety needs to be set.

(S. Foulkes asked Mr. Aubin to change the typo of "Palmer River" to "Farmland Estates" in his Staff Report.

## **Site Plans:**

The Seekonk Animal Shelter: Is proceeding.

Public Safety Communications Tower: Additional geotechnical being performed.

Aitken School: Subsequent to the approval of Site Plan and the Positive Recommendation to the Zoning Board, the TRC met to discuss some concerns regarding the proposed traffic flow and stability of soils on the northern lot lines. Additional geotechnical investigation will be performed and documentation of the stability of the soils. In addition TRC reworked the traffic pattern to eliminate any bus traffic coming out onto Rye Street.

## **Amendments:**

OSRP: Meeting was held and they are in the process of finalizing the goals, recommendations, and actions; another meeting scheduled. When finalized, they will be brought to the Town Administrator, the Board of Selectmen, and the Planning Board on starting the adoption process.

EDC Master Plan Element: Mr. Aubin has a schedule telephone conference with SRPEDD as follow-up to our round table at the end of July. They are also working on the Public Services Element.

Housing Element: Planning Board is working with assessor for sales to put together map of development and turnover with existing housing.

Preliminary Zoning Amendments: Will be put together for the next Planning Board meeting: Preliminary discussion including Fowl By-Law. The Board of Selectmen asked for more information from animal control. Current approach is to amend the Zoning By-law Land Use Table with a footnote for Fowl By-law 14B. The By-law provides for shelter for the chickens, they are to be kept on the property, they be registered with animal control, with an annual inspection, and no roosters would be permitted. Mr. Aubin explained that a Zoning By-law amendment goes thru Planning to be included as an amendment. Issues looked at will be size of lots, structures/coops would have to conform to zoning provisions for accessory structures. He spoke about putting language in place for the main amendment for a Zoning By-law to provide for electronic permitting and for affordable units, voluntary vs. involuntary units. Electronic permitting was discussed with a scheduled go-live date of October 1, 2019.

ADW: Title work is done for the canal. Additional testing needs to be done and will be addressed by the EPA and MassDEP. It was noted that it is not an imminent hazard to the public.

SWAC (Stormwater Advisory Committee): Working on the MVP grant (Municipal Vulnerability Program) to prepare the communities in the Commonwealth for the effects of climate change, rising seas, and more intense weather. It will afford Seekonk the ability to identify issues with regard to flooding in town. Next step is to work with SRPEDD to put together implementation (analysis of our risks and where vulnerabilities are) and then go after grant funds.

Mr. Aubin reported that an Outfall Analysis was conducted; worked this summer with interns from Save The Bay interns to identify catch basins and identify issues. He also reported that GPI is making recommendations to the Planning Board for Pre and Post Construction Stormwater

Control oversight Category 20 A&B: It was discussed there are 2 pieces (Should it be put into our Planning Board Procedural Handbook or flesh up Seekonk Rules & Regulations vs. separate set of standalone stormwater regulations?). Currently our jurisdiction is limited; we rely on the Massachusetts Department of Environmental Protections stormwater management handbook.

Annual Report: Mr. Aubin reported that he will have a draft of the Annual Report at the Board's next meeting.

**Discussion: SRPEDD**

L. Dunn advised the Board that the last SRPEDD meeting was held over the summer. It was reported that there is no money for response to emergency management plans. It was discussed that the County Government Form is failing, and SRPEDD feels within 5 years it won't be in existence if Boston doesn't bail it out.

**Discussion: Planning Board Member Reports/Updates**

J. Roach commended Ch. Sullivan for his update presentation to the Board of Selectmen at their last meeting. Ch. Sullivan summarized a few of the items he presented to the BOS. There was additional discussion regarding affordable housing and use of CPC funds.

**Approval of Minutes 08/13/2019:**

S. Foulkes questioned (Page 7) if "behind the fly for the cafeteria" was correct. The Board did not know. Ch. Sullivan postponed the approval of the August 13, 2019 minutes pending research.

**S. Foulkes made a motion to postpone discussion of the August 13, 2019 minutes until the next Planning Board meeting, L. Dunn seconded, and it was unanimously approved.**

**Vote: 4-0-3** (M. Bourque, L. Dunn, B. Hoch abstained)

**Adjournment:**

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

**Vote: 7-0-0**

**The meeting was adjourned at 8:16 p.m.**

Respectfully Submitted by,  
Kim Lallier, Secretary  
Planning Board

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*Formally accepted on 10/8/2019  
5 in favor*