

**SEEKONK ZONING BOARD  
REGULAR MEETING**

**MINUTES  
April 25, 2011**

Present: Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson for Robert Read and Jeffrey Creamer for Ron Blum

7:10 Chairman Edward F. Grouke called the meeting to order.

This is the meeting of the Town of Seekonk Zoning Board of Appeals, April 25, 2011. First I am going to read the Rules and Regulations. I am going to read each petition as it was advertised and call upon the petitioner or their representative to present their case. All testimony, including the testimony and statements of the petitioner and/or the representatives or witnesses will be taken under oath. We will hear from anyone in the audience to speak either in favor of or against the petitioner or with any questions. At the close of the evidence, we have a discussion and we also usually make a decision on the same night although we are not required to do that. We may take a petition under advisement and give a decision at a later date. It is our practice to decide it on the night of the hearing. It is filed with the town clerk within 14 days; there is an appeal that is available to the Superior Court by the petitioner or other parties who have the proper legal standing. That appeal is governed by very strict time limitations. If anyone is considering an appeal, they have to be very careful to meet the time limitations that are set forth in the law.

**2011-03 Town of Seekonk**, a Municipal Corporation with its principal business address at 100 Peck Street, Seekonk, MA, 02771, Owner, by Robert Lamoureux, Superintendent DPW, Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Special Permit** and **Variance** under Section 9.3.4.2.8 to erect an 18 sq ft sign at 871 Taunton Avenue, Plat 17, Lot 10 in a Mixed Use Zone containing 6,950 square feet.  
**(Continued from March 7, 2011)**

G. Sagar made a motion to table this matter until the end of the meeting because Mr. Robert Lamoureux, the Superintendent of Public Works is not currently present, seconded by J Creamer, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

**VOTE: (Approve 5-0)**

**2011-06 Town of Seekonk**, a Municipal Corporation with its principal business address at 100 Peck Street, Seekonk, MA, 02771, Owner, by David E. Bowden, Chair, Senior Center Building Committee, Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Special Permit** under Sections 5.2.1, 5.3 and, if necessary Section 6.2.13 to allow construction of a 9,200 sq ft Senior Center at 100 Peck Street, Plat 18, Lot 11 in a R-2 Zone containing 21.7 acres. **(continued from March 7, 2011)**

Ch. Groucke This matter is continued from March 7, 2011 and we have a letter from Mr. Bowden, Chair of the Senior Center Building Committee requesting a continuance until the next hearing date.

K. Rondeau We had asked for a traffic study. We have a traffic study and it looks like it is in order but would like something clarified, when calculating traffic volume they used a SRPEDD calculation that was east of Pleasant Street on Taunton Avenue which makes it way down the other end towards East Providence, towards 114, how valid is traffic count and is there another traffic count this side of Taunton and Arcade and if not, can they conduct another traffic count in the interim.

G Sagar I had a discussion today with a traffic engineer at SRPEDD, they are in the midst of doing a study of the Route 44 corridor. They will be going out in May and he will be getting some more information. If it is alright with you, Mr. Chairman, we could formulate a letter to Mr. Cabral asking for further information or clarification. I would not that one thing that raises additional questions is that Mr. Cabral whose specialty is traffic raised the issue of special events they might have and suggested they have police detail; could we vote to forward the traffic study to the Police Chief for his recommendation?

G Sagar made a motion to forward the traffic study to the Police Chief for his recommendation, seconded by K. Rondeau, **and so voted unanimously by:** Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

**VOTE: (Approve 5-0)**

K. Rondeau Everything else seems to be in order.

G. Sagar made a motion to continue the public hearing until the next meeting date of May 23, 2011 at 7:00 PM, seconded by K. Rondeau, **and so voted unanimously by:** Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

**VOTE: (Approve 5-0)**

Ch. Groucke This matter is continued until the next meeting on May 23, 2011 at 7:00 PM.

**2011-07 David F. and Beverly A. Sweet**, 240 David Street, Seekonk, MA, 02771, Owners and Petitioners, requesting an appeal of the Zoning Enforcement Officer's Decision, allowing continued use of the premises as home occupation of "American Tree Expert" and to allow parking of commercial vehicles on the premises at 240 Davis Street, Plat 26, Lot 48 in a R-4 Zone containing 2.35 acres.

Beverly Sweet            Petitioner, sworn in. This is a complaint that did not originate from a neighbor or abutter; it came from a disgruntled in-law from the family, my son's wife as a retaliatory move as she and my son are in the process of divorce. We have lived at 240 Davis Street since 1968. We bought American Tree Expert Company in 1975 and ran it from that address which has always been the legal address of this business. The property consists of 2.35 acres of land where trucks are stored when not in use. The property also stores the byproducts of the business, wood chips and wood to be used for fire wood. In approximately 1993, my son and his wife bought property on Woodward Avenue and my son started using his own property to maintain equipment for the business as he had a barn and he could work in the barn in inclement weather. He also stored wood chips and wood for fire wood on his property for his own use as he and his wife heat their home with wood burning stoves. Since my son and his wife's separation last August, any remaining equipment has been moved back to 240 Davis St. This equipment consists of one cherry picker, one dump truck, one backhoe, one chipper and one stump grinder. In addition to the vehicles, the tree byproducts are also processed and stored on the land. In this current economy we have struggled to maintain business, it is impossible for us to afford any other options for the location of the business. We are seeking an appeal of the Zoning Enforcement Officer's decision to allow continued use of this property for our business, American Tree Experts Company. Just to reiterate, this complaint did not originate from any neighbors, just a disgruntled in-law. On behalf of me and my family, we seek your approval on this matter.

Ch. Grouke    Did you mention that there was processing, and what does that process involve that is on the property?

Bev Sweet     Wood chip pile that is ground up from jobs.

Ch. Grouke    Does that take place there?

Bev Sweet     No, they grind it on the job and bring it back and stock-pile it. It is stored there until we either sell it or until we need it on other jobs.

Ch. Grouke    Are there any other operations that take place there other than storage?

Bev Sweet     No other operations that take place there, just storage.

Bev Sweet Could I submit pictures and a layout of the property showing just where things are?

Ch. Grouke Yes.

Ch. Grouke Do I understand that these vehicles and equipment were not stored there up until August of last year when it moved out of Woodward Avenue location?

Bev Sweet No, when my son and his wife purchased the property on Woodward Avenue, that is when the equipment was stored on Woodward Avenue approximately in 1993.

Ch. Grouke Then they separated in August? Between 1993 and 2010 were all these vehicles located at Woodward Avenue?

Bev Sweet They were located on Woodward Avenue.

Ch. Grouke That's when they returned here is that correct?

Bev Sweet Originally, we stored them here from 1975-1993 they were stored on Davis Street. It has always been the billing address and the office is operated from the home office.

G. Sagar None of the equipment was there from 1993 until last August?

Bev Sweet Our older equipment was there.

Michael Sweet 197 Woodward Avenue, sworn in. There was older equipment that was there that I have since cleaned up and got rid of, just to clean the area up for everybody. Now there is stuff that my wife kicked me out of my house, so I moved a couple things back since.

Ch. Grouke In terms of the office function, are there employees or just members of the family yourself doing the billing and appointments?

Bev Sweet Yes, just myself.

Ch. Grouke How about other employees of the business?

Bev Sweet Only one, right now.

M. Sweet I haven't worked all winter.

Ch. Grouke Due to the economy?

M. Sweet That and the divorce.

Ch. Grouke Is there anyone here in the audience to speak in favor of the petition

Bob Kulpa 221 Bedford St. N. Dighton MA. Sworn in. I am here to support, over ten years I have bought 4-6 cords wood from the Sweets this year, she was only able to scrape for me 3 cords of wood. I am only one person being hurt who relies on them to heat our house for the winter. They have been very good and I am here for them.

Nadine Demty 71 Donald Lewis Drive, Sworn in. I am the president of the Seekonk Swim and Tennis Club, the address is 255 Davis Street, right next door to the Sweets. I have been president for the past 11 years and I have been there since the equipment has come back. There have been no problems whatsoever, in fact, everything has been cleaned up, and it is perfect, they are great neighbors. We have a membership of 1,000 people and with equipment back and forth not an issue.

Ch. Grouke Do you actually see the equipment coming back and forth?

N. Demty Yes, I do. I only see equipment coming back later in the day early in the morning they are gone by the time I come in. If it is a rainy day and they come back early, they drive slower than anyone can imagine.

Chris Gadbois My husband Phil and I live at 155 Davis Street, directly across the street from the Sweets, we are closest neighbors. Sworn in. We have lived there 10 years, we are well aware that the tree company has been operating there all these years. There have been different wood cutting trucks, maybe a bucket truck, a cherry picker, but it does not cause any difficulties, they park off to the side and the coming and going is not disruptive at all.

Arthur Foulkes 207 Arcade Avenue. Sworn in. I am the past president of the Seekonk Swim and Tennis Club. I took a ride by to look at the property. They have taken a lot of equipment away and basically it is just what they are using now. Unfortunately I think this whole thing is misguided and I think it is tragic that you are in the middle of this situation, where these people have been there for many, many years and it has never been a problem in fact they are very supportive in the Seekonk Swim and Tennis Club. You are hearing the people in the area that are supportive of what is going on. This business has been going on for a very long time. We need to support the people and what is going on is, the consequences of what is going on, is misguided.

Ch. Grouke Is there anyone else to speak in favor of the petition? No response. Is there anyone here to speak in opposition of the petition?

H. Charles Tapalian 44 Davis Street, Sworn in. I own a lot of property that surrounds this property. They moved the physical part of the business out of there 17 -18 years ago by their own decision and operated out of another address. Since then we

have invested quite a bit of money and built 45 – 50 lots, all estate size, acre and a half to seven acre lots. Maybe 20 houses are built back there, all houses of substance, 2800 sq ft to one at the end of Patricia Drive that is 7000-8000 sq ft. I feel that if they move their operation back to that location, it will decrease the value of the potential sales of those lots and the existing homes. It will hurt the increased tax base that is built by these houses, and hurt the potential growth of tax dollars into the community. I see no reason why they can't find another location to operate the physical part of their business. That portion of road you see in front of their property we actually own, we have never pursued all of our legal rights even though the Sweets have pursued their legal rights against us tying up one section of the subdivision. It would be a disservice to the people that have bought lots in good faith, built houses, invested good money and paid taxes and now, if you brought this business back, everyone here knows they not only kept their trucks there but when we bought the property around them we had to go in there and take out equipment that they had abandoned not only on their property but on our property that had oil leaks, we had to bring in environmental people to give us clearance before we could do any work. Their yard was...inaudible...those poles ended up on my property, it would be a disservice to allow the physical part of the business to come back to this location, it has not been in this area for 17 years and should not be allowed back. That part of the business should be operated out of a business or commercial area and not brought back to a residential zone.

Ch. Groucke Mr. Tapalian, are we in agreement that the physical part of the operation is the storage of these vehicles.

C. Tapalian Sure, the business is not an 8:00-4:00 business; you don't go in at 8:00 and leave at 4:00. I have no problem with them running a business; I do have a problem with them having the debris and trucks on the property. We all know where it is going to go. It isn't fair to all those people who invested all that money. Nowadays it is hard enough to have people come buy a lot we have some interest not only in my area but the town should want to continue to bring in people to build houses and increase tax base. That is the only way this community can survive is by increasing the tax base and if we make it unattractive for people to come in, we make it tough for commercial and industrial and this is one of the last nicer areas left for high end residential growth, we have to do something to attract them in, not keep it away. We have two or three vacant lots that abut this property that is visible to them.

David Tapalian 75 Richard Circle. Sworn in. I am a licensed Attorney in Rhode Island Massachusetts and Florida as well as a licensed realtor in Rhode Island and Massachusetts. I am also the son of the previous objector and one of the people that he has described who has spent significant money in this area to buy a home. I have also showed some of these lots and one of the problems we get is reference to the Sweet property. I think this will only exacerbate the situation and make it worse. It is a residential setting; I don't see any undue hardship that would need

relief since they have the full use of their legal property in its present state. To change the use or to allow a special variance certainly doesn't fit the nature of the property, sure you have the Swim Club which is somewhat of a business use, but it is really a recreational use without heavy equipment, trucks; this is a true residential setting, this is not near 44 with mixed use, Route 6. These are substantial homes, the value of the home should not determine whether someone could use the property for commercial, that isn't the issue but there are children, these are sizable trucks going to and fro down the street, they are larger trucks that will have difficulty seeing, there are a lot of children in the area. I have a small daughter, my niece and nephew live in that area, that is another concern. The other concern is value and trying to sell those lots, it is very challenging trying to sell lots and people don't want to spend that kind of money that the lots are worth and if they pull out of the development they are staring straight at the Sweet house and see the wood chips, trucks, it doesn't belong there and I don't see a legal precedence to allow this.

Brenda Sweet 197 Woodward Avenue. Sworn in. This is a personal matter. I don't want to air my dirty laundry. Mrs. Sweet came up here and said that the complainant has no standing and that I am doing this to further my agenda with my divorce from my husband. I would like to set the record straight and I have a copy for you. Michael Sweet Jr. is an employee of American Tree; he works for his mom and dad. He is the one who filed for divorce on me. I have ...by an attorney and because he his divorcing me, the only way to get my property marketable to put on the market and sell was to get American Tree and their equipment off my property. I have a Police report dated July 24...

Ch. Groucke Before we get into that, I just want to share a couple of thoughts with you about the standing issue that has been brought up it is my opinion that the Building Inspector took the enforcement action against the Sweets and she did that based on a complaint that she received which was from you. Because the Building Inspector took action, we don't need to look beyond the Building Inspector and question where it came from. She looked at it and felt she was able to issue complaint on it. Also, we take into account the nature of complaint, we might take it into account but it doesn't mean we ignore it because the building Inspector took action on it, and we take it into account just like everything else we hear at the hearing which would include statements from the people in favor of the Sweets as well as other people in opposition. With all due respect you don't need to give us a police report I think we understand now why the operation moved from Woodward to Davis Street and you probably don't want to....

Brenda Sweet Like I said, what I would like to give you is Mrs. Sweet said she has been running American Tree out of 240 Davis Street since 1975, what I would like to do is give you court documentation, and I have a copy for the board, I have four copies; Mrs. Sweet admitted to a judge that her business for the past 18 years, her trucks, her equipment, her whole business operation for 18 years was running out of 197 Woodward Ave. She gave court testimony, I have that for you. The only thing

that has been happening at 240 Davis Street for the past 18 years, she has been using it as legal address for tax purposes, she has never in the last 18 years, up until September 20 of this year that she physically moved the daily equipment to run her business; which is the boom truck, her chipper and her dumper. On September 20, 2010 her son Michael physically moved those pieces of equipment back to her property. From this day forward, I also have photos, yes, they moved their daily equipment to run their business to 240 Davis Street, however, I have on my property at 197 Woodward Avenue, several pieces of debris which they have just left there. I also just had to have my property 197 Woodward Avenue violated through Ms. McNeil in order to get the remaining business equipment off my property. As I stand here before you today, you can ask Ms. McNeil, we are technically and legally, 197 Woodward Avenue, under zoning violation because American Tree still has not removed the remainder of their debris. The only thing they took off my property was what they need to run their business.

Ch. Grouke For purposes of what we are doing here, I think we understand that the operation of the business was located at Woodward Avenue for a substantial period of time and that in August or September of 2010....

Brenda Sweet No...

Ch. Grouke Okay but for our purposes the exact date is not important, but around that time the physical equipment went back up to Davis Street. It may or may not be important to us that there was an interruption in the business activity there.

Brenda Sweet The point I would like to make, sir, is Mrs. Sweet made a statement under oath that her trucks and her equipment has been operating at 240 Davis Street for 18 years. That is a false statement she gave testimony in Taunton District Court, and I would like to give it to you...

Ch.Grouke I have to disagree with you. Just looking at my notes here, I know that she said she started the business in 1975, excuse me...They moved in 1968, they bought the business in 1975, ran it from that address, but then in 1993 when it went to Woodward and then it came back in August of 2010. She has testified exactly how you said it. It is not inconsistent with what you are saying.

Brenda Sweet The point I am trying to make is she said her trucks, her wood chipper, her stump grinder; they are cutting and doing cord wood at 240 Davis Street right now. She said that she had been doing that since 1975 and that is a false statement. She has not been doing cord wood at 240 Davis Street since 1975, I have photos where just this February and right up until; Michael made the comment that he hasn't worked all winter, well, I have photos right here where they were working on his property doing cord wood, as well as his sister's property...Now, the other thing I would like to mention...

K. Rondeau I think we have heard enough here. I have the same notes that you have. That there was no operation there other than storage, and that the business existed on Davis Street from 1975 until 1993 and was moved to Woodward and from 1993 to 2010 it stayed at Woodward and it came back last year in 2010. I do not need to hear any more, this is redundancy and quite frankly, a waste of time.

Ch. Grouke I agree with Keith's assessment so basically what you are saying is what we accept as the truth and we don't need to see any of the transcripts from the Taunton District Court or any of the other evidence you have.

Brenda Sweet What I would like to bring up to the Board is that you set a precedence going back to July 30, 2007. Mr. David Luther, location 115 Hope Street, plat 18, Lot 111, Zoning R-2; 25,000 square feet. There was a complaint that he had commercial trucks on his property and running a business from his property. You people put a temporary cease and desist order on that property and that was done on July 30. Also your majority findings for that case was that Mr. Luther was no longer allowed to park any commercial vehicles on his property on the street so my question is this; you people have already stated in a residential area for Mr. Luther, not being able to have commercial vehicles in the street or in his yard and this is exactly what the Sweets are asking, they want a commercial vehicle in a residential area, on their property and in their yard and not only do they want to house them there, but they also want to be able to cut cord wood on their property. That is running a commercial business. Your bylaws of Seekonk state that a commercial operation is not allowed in a residential area, now you told Mr. Luther in 2007 to cease and desist and he can only park his truck in front of his house for an hour during lunch. I don't see any difference between Mr. Luther's case and the Sweet's case. It is the same, exact scenario. They are parking trucks and running a business. Mr. Luther was parking trucks and running a commercial business and you people put a cease and desist order.

Ch. Grouke Thank you Ms. Sweet, and that is not the only time that this Board has considered the issue that is being raised by this case. We have to judge it on the facts of every case, the particular property, the type of business or operation that is being requested, the environment, the neighbors, the zone so every case is different in that regard but you are definitely right, it is something we have done in the past and we have to keep that in mind while we decide this case.

Brenda Sweet I would like to give you a picture from Google. The imagery is dated May 10 and this is a picture of Mrs. Sweet's property she is still operating at Woodward Avenue.

Ch. Grouke Again, that is not really relevant...

Brenda Sweet I have pictures where it is still being operated at 197 Woodward Avenue. I have pictures. She is saying she is doing it at her house she is actually doing it at my

house. I have photos and I am a little concerned that the Board is not interested in the documentation I would like to give.

Ch. Grouke We will accept the pictures.

Brenda Sweet I mean this is a public hearing...

Ch. Grouke We will accept the pictures.

Brenda Sweet ...and she is saying something and I have pictures saying otherwise and I have a right as a tax payer to give that to you.

Ch. Grouke Certainly, we will accept it.

Brenda Sweet This is my property...this is Mrs. Sweet's property where her boom truck and this is a spray raid which Mr. Sweet does not have a license to do spraying. This is a picture of them coming to my house in December to do cord wood and delivery it to one of their customers. This is a picture of November 5 where the Sweets parked their equipment on private property which is the Seekonk Swim and Tennis Club. And, speaking of the Swim and Tennis Club, I would like to tell you that if you look at the bylaws for the Seekonk Swim and Tennis Club, it is a private club no individual or party has permission, even from the president without the bond holders permission, that private companies or individuals are allowed to park their vehicles on their property. I suggest that you look up the Swim and Tennis Club bylaws

Ch. Grouke The Board is not going to decide whether or not they have the right to park their cars on somebody's property that is not an issue of this board.

Brenda Sweet The president is saying that she has no problem with it but I am letting you know that the president is going against her bylaws. It is a recreational area...

Ch. Grouke It is not relevant to what we are doing.

Brenda Sweet Are you saying letting private vehicles is not relevant going against the Seekonk Bylaws of the Swim and Tennis Club?

Ch. Grouke It has nothing to do with what we are doing here.

Brenda Sweet So we would have to go the board directors of the Seekonk...

Ch. Grouke They are a private club so if they decide...

Brenda Sweet So the private club...

Ch. Grouke Excuse me. If they decide they want to take action against the Sweets or any adjoining property owner then they can do that through the courts but not here.

Brenda Sweet Can I ask for the record, the Seekonk Swim and Tennis Club, they are recreational, are you saying that they do not have to abide by, just because they are private company and they have their own bylaws are they exempt from the Seekonk zoning bylaws under recreation?

Ch. Grouke That is not what you were just saying...

Brenda Sweet That is what I am asking you a question now.

Ch. Grouke We want to stick with the issue of whether or not...

Brenda Sweet (interrupting) I would like an answer as a tax payer.

Ch. Grouke ...their business operation is going to be allowed on their property. This has nothing to do with the Swim and Tennis Club.

Brenda Sweet I am asking, the Zoning Bylaws, are they, just because they are a private company and they say this could happen, do they not also have to go by the Seekonk zoning bylaws?

Ch. Grouke Every property owner in Seekonk has to go by the Town of Seekonk bylaws.

Brenda Sweet So is the Seekonk Swim and Tennis Club exempt from letting private individuals and private companies park their vehicles on their lawn.

Ch. Grouke That is not our call, we don't make those decisions.

K. Rondeau I am trying to understand the validity of these pictures. These are from 2010 and these are the ones that are current and I have to say that two weeks ago, I looked at the property, like I usually do and again this Saturday, it almost looks exactly like this, it looks similar to this picture, why this set of pictures is so much more from 2010 is so much more prevalent where the person making the appeal and...

Brenda Sweet Because...

K. Rondeau ...the person making the presentation before us, are both stating that this is the condition as it is now and has been since probably the previous year.

Brenda Sweet Because Mr. Sweet, Mrs. Sweet's son, moved everything in September of 2010. Those pictures are showing you that before September when she stated that her company has been running out of her house since 1975, I am showing you that those trucks and that business equipment and that big wood pile has never been

there until September 20, 2010. Previous to that, all that was being done at 197 Woodward Avenue.

Ch. Grouke So we are in agreement then.

K. Rondeau We are in agreement.

Brenda Sweet Her statement saying that her equipment and her business running out of 197 Woodward Avenue since 1975 is a false statement, that is the point I am trying to make. And I have court testimony, and I would like to read one thing... I am a tax payer and I would like to have my time here, I know you have other things on the agenda; I would just like to read one thing from a court testimony from Mrs. Sweet.

Ch. Grouke What is this one thing you have to read, how long is it?

Brenda Sweet It is probably a page and it is double sided...it is double sided.

Ch. Grouke Once again, we have already established, we have accepted the fact that business operation of this company was located on Woodward Avenue from 1993 until September 2010. We have accepted that fact, that the operation that is being questioned now has been in existence on Davis Street from September 2010 until the present, we have accepted that fact so we don't need to go over that again, and we don't need to have any more testimony or evidence that repeats that point because we have accepted that point.

Brenda Sweet Mrs. Sweet testified on the record that her business equipment when she was running her business property out of 197 Woodward Ave. for the last 18 years I would like Ms. Testa to read that back because I would like that on record. Did Mrs. Sweet say that she did that?

Ch. Grouke Yes she did say that. Members of the board? (They agreed with the Chairman)  
So point has been made.

Brenda Sweet So as a tax payer do I have the right to read something?

Ch. Grouke No.

Brenda Sweet What is the time frame in a public forum people have to speak their mind?

Ch. Grouke We allow people to speak as long as it is new material.

Brenda Sweet I am requesting one more statement you won't know if it is relevant or not unless you let me speak.

Mr. Brisson Mr. Chairman there is a conflict of the issues, the business was started in 1975 and up until 1993 was operated and equipment stored at Davis St. location.

B. Sweet That is false.

Mr. Brisson From 1993-2010 the equipment was stored at Woodward Avenue. The operation of the business itself was still at main address on Davis Street. Everyone on this board understands it that way.

G. Sagar This is a difficult issue and I would like to suggest that we meet on the site, on Davis Street at the property.

Ch. Grouke That is a valid point.

K. Rondeau By right they need 3.0 acres to run a business in that zone, they are short about 28%. I think a site visit is in order to see if there are any topography issues, site issues. I was able to drive by the property not walk the property, it looks like it is much bigger than it is.

G. Sagar Request to continue this until the May 23, 2011 at 7:00 pm with a 6:00 site walk.

G. Sagar made a motion to continue the hearing until May 23, 2011 with a site walk on Davis St. at 6:00PM for board members. K. Rondeau seconded **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

**VOTE: (Approve 5-0)**

**2011-08 Town of Seekonk**, a Municipal Corporation with its principal business address at 100 Peck Street, Seekonk, MA, 02771, Owner, by Ms. Cheryl A. Faria, Chairperson, Seekonk Meadows, Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Variance** under Section 12 to allow more than the permitted size and quantity of signage at "Seekonk Meadows", 410 Newman Avenue, Plat 24, Lots 61, 65 and 567 in a R-2 Zone containing 385,942 sq. ft

Michael Durkee It was suggested I address the board being the chair of this committee. (Sworn in) This is a petition solely directed to signage. This is a project that dates back 10 years. It is in a residential zone need to obtain approval because of the restriction to signage. You have the information regarding the location of the signs.

Cheryl Faria This is directional in nature (sworn in).

M. Durkee When the landfill was capped it was known this was going to happen it was coordinated with DPW, this is the next step in that process.

Cheryl Faria Two miles of walking area, with picnic tables and an amphitheater the first community space for Seekonk.

Dennis O'Reilly Cambridge MA (sworn in) they are made of aluminum posts and then a box frame of aluminum special vandal proof graphic material on an aluminum frame and aluminum posts. There will be special engineering so it sits on the cap because you can't pierce the landfill membrane.

K. Rondeau My question is for signs two and three since you can't pierce the membrane have you thought about affixing them to the stone columns?

D. O' Reilly But they are not big enough or in the right position we are still going to pour a concrete base. Everything has to be cleared by DEP before we can do anything.

G Sagar I have a question for the Building Inspector.

M. McNeil Sworn in.

G. Sagar In you zoning determination letter dated March 17, 2011 you reference 4.5 & 4.5.6 taking what was submitted to us. Doing the size and math it comes to 124 sq ft. the bylaw only allow 12 ft so they are asking for approximately ten times the amount allowed in the bylaw. Is that right? Difficulty is in the variances.

Ch. Grouke But this is a unique project and they will be spread all over the place so it is not like it is one large sign. And some could be considered directional.

G. Sagar This is similar to Caratunk.

J Creamer Turner reservoir has signage not only directional but informational.

G. Sagar We would have to show consistency before we rush to give variances, we have to give thought to this.

Ch. Grouke The sign on Newman Avenue why is it that size?

D. O'Reilly We did research and there is a lot of traffic it needed to be a certain minimum size to be readable...

M. Durkee We are considering doing a sign that joins the library and the meadows.

G. Sagar The bylaw is the bylaw we are in a residential zone, before we issue a variance we have to have some compelling reasons.

- Ch. Grouke What you have shown is nice I think the whole thing is so unique, much of it could be directional or educational but I don't know if you are ready to do that yet it still has to go to your board.
- M. Durkee That is correct the consolidation idea has to be discussed and will probably be in May it was more of a question of how to proceed why discuss it unless this hurdle was not passed. The other signs presented here originally we have already approved those.
- Ch. Grouke I think the project is so unique that it allows us to give all the signage except what is on the street an approval. I don't think any commercial company could use this as an example to put up 10 times the amount of signage.
- G. Sagar That is for advertising purposes.
- K. Rondeau This is the definition of sign pollution, however there is some differentiation. I love the idea of the Seekonk library meadows sign; this is the proverbial two birds with one stone. One similar to the police fire with this would look great. The educational sign, #2 might be illuminated but you could allow 2 and 3 at the entrance, allow those to stand # 4 could be directional and 6 & % are directional. And we allow directional signs. People walking back there could use some direction so 6 and 5 are directional. I would like to see sign number one a combination sign, I think that would really make a lot of sense. I think a real nice sign with the Seekonk Library/Meadows would be great.
- Cheryl Faria At our last meadows meeting we were considering combining #2 and #3 by putting donors on the back.
- K. Rondeau I have no problem with one sign for the donors and one sign for educational purposes.
- O'Reilly There are two entrances to the park, we wanted to have the prohibited activities listed.
- G. Sagar Because it is a unique project maybe we could do a site walk.
- K. Rondeau I don't think we need to do a site walk.
- J. Creamer I have no problem with this I don't think we need a site visit.
- Ch. Grouke I think the two #2 signs there is a good explanation for that.
- G. Sagar If they combine the sign at the entrance are they going to need a variance anyway?

Ch. Grouke Yes I think so.

G. Sagar If they could meet and decide that before the May 23 meeting, we could do it all at once. Without doing a site walk one action and be done with it.

M. Durkee There is a split between what people think should be done and what we are allowed to do according to the bylaws. Now I wonder if we are going to run into if something has to change we have to go through another appeal process timing is a concern.

G. Sagar We could amend the application but we need to know the exact size.

K. Rondeau We could stipulate it if we wanted to.

Ch. Grouke To answer your question it would not be necessary to file a new petition it would just be continued and finalized at the next meeting.

G. Sagar If you could take a look at what you proposed and if you could condense any of it we should be able to decide at the next meeting.

K. Rondeau Can I ask you to take a look at the sign at the Police/Fire station and if at all possible to mimic that and come back.

Ch. Grouke We can all do a site walk on our own.

M. Durkee We came before the BOS and they have stated that the only sign that could be a problem is the one at the entrance. I think that there are very few complaints about these signs because they are hard to see the only one that will have any impact is the one in the front on the road. Everything seems to be in place from intent and planning.

K. Rondeau I think it is unique enough that we could pass it, signs 4 5 and 6 are directional in nature but I would really like to see sign one combination a really nice sign for the library and meadows.

G. Sagar When you look at the sign bylaw they should throw the whole thing out and the town should be held to the same standards.

M. Brisson made a motion to continue the hearing until May 23, 2011 with the stipulation that they come back to the ZBA with the size and dimensions of a combined sign for the library and meadows, seconded by K. Rondeau, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

**VOTE: (Approve 5-0)**

**2011-09 John and Sandra Armenti**, 13 Back Street, Seekonk, MA, 02771, Owner and Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Special Permit** under Section 5.3 and a **Variance** under Section 6.8 to allow an addition to an existing dwelling with a 10.5' side yard setback at 13 Back Street, Plat 15, Lot 41 in a R-3 Zone containing 19,619 sq. ft.

John Armenti 13 Back Street sworn in. We are putting an addition on the back. It is from the 1920's and with today's standards, we are looking to bring it up to the current standard of three bedroom two bath and a two car garage. It goes straight back but there is a small bump out to accommodate the bathroom. It is the least impact approach to doing it and we are also trying to maintain the nature of the house because we like the bungalow look. We are adding to the garage towards the house and adding 9' to make a usable two car garage. Septic system was replaced in 2004, but the person dropped the tank in sideways instead of lengthwise so it will have to be picked up and moved to accommodate the 10' to the tank and 20' to the septic system and that is specified in the plan that it has to be relocated.

Ch. Groucke Is there anyone here to speak in favor of the petition? No response. Is there anyone here to speak in opposition to the petition? No response.

G Sagar made a motion to close the public hearing, seconded by K. Rondeau, **and so voted unanimously by:** Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

**VOTE: (Approve 5-0)**

G Sagar made a motion to uphold the decision of the Building Inspector, seconded by K. Rondeau, **and so voted unanimously by:** Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

**VOTE: (Approve 5-0)**

G Sagar made a motion to approve the petition as submitted, seconded by K. Rondeau, **and so voted unanimously by:** Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

**VOTE: (Approve 5-0)**

**2011-10 William Jr. & Robin Carden**, 81 Sweeney Road, Seekonk, MA, 02771, Owner and Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Variance** under Section 6.8 to allow an addition to an existing dwelling with a 20.9' side yard setback at 81 Sweeney Road, Plat 26, Lot 58 in a R-4 Zone containing 89,091 sq. ft.

William Carden Jr. I am requesting a variance to put addition on house because my mother in law is looking to move in. She has been a resident in town for over 50 years and she is getting on in years and having a difficult time climbing the stairs in her home. We want to put an addition on that includes a garage and an area for her to stay.

K. Rondeau It will be an in-law?

W. Carden We are going to have a door and a common area, it is more of an addition. We haven't thought too much about what we are going to with the interior at this point.

G. Sagar Based on a plan from 1993, it shows you have no frontage in Seekonk and most of your lot is in Rehoboth.

W. Carden Probably 2/3 Rehoboth and 1/3 in Seekonk. When we built this house, we were both residents of Seekonk and wanted our kids to go to the Seekonk school system. Most of the Rehoboth property is wetlands, there is a perennial stream that runs through the front corner and it would have been next to impossible to build in the Rehoboth area anyway so it made sense to build in Seekonk.

G. Sagar With your septic system being in the front, for all practical purposes the only place you can put this is where you have sited it.

W. Carden It is, definitely.

Ch. Grouke Is there anyone to speak in favor of the petition? Yes, sir...

Alan Goudreau Sworn in. I am an abutter, and I have no problem, it doesn't come close to my residence only the property line.

Ch. Grouke Anyone to speak in opposition of this petition? None.

Ch. Grouke I did not have a chance to visit the property at this time, but, our sons were friends so I have seen the property before.

G Sagar made a motion to close the public hearing, seconded by K. Rondeau, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

**VOTE: (Approve 5-0)**

G Sagar made a motion to uphold the decision of the Building Inspector, seconded by K. Rondeau, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

**VOTE: (Approve 5-0)**

G Sagar made a motion to approve the petition as submitted, seconded by K. Rondeau, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

**VOTE: (Approve 5-0)**

G Sagar made a motion to continue petition 2011-03 until May 23, 2011 at 7:00 PM because the DPW Superintendent was not present at the meeting, seconded by K. Rondeau, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

**VOTE: (Approve 5-0)**

G. Sagar So we are in agreement to meet on May 23 to do Mr. Lamoureux and on May 16<sup>th</sup> at 7:00 pm for an executive session and public hearings right after that at 8:00 pm for the new Elm Street petition.

G Sagar made a motion to adjourn the meeting, seconded by K. Rondeau, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

**VOTE: (Approve 5-0)**

Meeting adjourned at 9:00 PM

Respectfully submitted by:

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Christina Testa, Secretary