

SEEKONK ZONING BOARD
PUBLIC HEARING and WORK SESSION
May 1, 2023

ZONING BOARD MEMBERS PRESENT:

Chair K. Rondeau, Vice Chair G. Sagar, D. Robillard, R. Read, and N. Almeida

ABSENT WITH CAUSE:

None

MEETING CALLED TO ORDER: 7:01 p.m.

Type of Meeting: **Public Hearing and Work Session**

PUBLIC HEARING:

1. **2023-08 Kassandra Dutra**, 51 Wildflower Drive, Seekonk MA 02771 Owner/Petitioner, requesting a **Variance** under Section 5.1.4-Dimensional Table of the Seekonk Zoning By-law to construct the addition of a single level in-law by reducing the side yard setback from 20 feet to 16 feet on the property located at 51 Wildflower Drive, Plat 16, Lot 102 in an R-2 Zoning District lot containing 23,099 +/- s.f.
2. **2023-09 Kassandra Dutra**, 51 Wildflower Drive, Seekonk MA 02771 Owner/Petitioner, requesting a **Variance** under Section 5.1.4-Dimensional Table of the Seekonk Zoning By-law to construct the addition of a single level in-law by reducing the rear yard setback from 50 feet to 40 feet 10 inches on the property located at 51 Wildflower Drive, Plat 16, Lot 102 in an R-2 Zoning District lot containing 23,099 +/- s.f.

Ch. Rondeau informed the Board that there are two applications for one petitioner. Mark Mariano of Oakhill Engineering, 75 Oak Hill Ave, represented the applicant, Kassandra Dutra. Mr. Rondeau then swore in the representative and read the two petitions into the record. He suggested hearing both of the petitions together, but vote on them separately.

Mr. Mariano stated that this property had been subdivided in the 70's and that the lot meets the zoning requirements for an R-2 district. The owner is seeking relief to construct a single-level addition to the existing building. The applicant's mother has a respiratory disability that requires her to live on the first floor, hence the addition. He went on to state that the requirements for Title 5 have been met by installing a new septic system. The infringement within the zoning setback would not impose any issues since there are no structures in close proximity; the direct abutting property is owned by the Town of Seekonk.

Ch. Rondeau asked Mr. Mariano to explain the scope of the construction. M. Mariano said they will be removing the existing bedroom at the rear of the house. The addition will extend west of the existing structure towards the property line and will have the replacement bedroom and living area for the mother. The addition will be constructed to be wheel chair accessible for future use if needed. The new septic system which is at the rear of the property meets the standards of new construction; there is also an area of reserve in the event the septic would need to be replaced years from now. It was noted that with a new septic system, there is less area to work with for the addition. Mr. Mariano informed the Board of the state requirements.

Ch. Rondeau asked if there are any elevation plans. Mr. Mariano stated that he did not bring those plans with him but he does have them on his phone to show the board. He proceeded to show the Board the plans on his phone. Mr. Mariano informed the Board that the addition will conform to the look of the neighborhood.

Ch. Rondeau asked if any other Board members had any other questions for the representative. G. Sagar stated that this type of disability requires a larger footprint for the home which makes necessitates the need for a variance.

N. Almeida asked about accessibility as far as going in and out of the building; if there will be a ramp. M. Mariano stated that the front of the yard is pretty high; they will have to step up the foundation in the back because of the existing grade.

There is one step to the porch and another to the building. He mentioned that there could be a ramp installed as well in the future.

Ch. Rondeau asked if the plan shows a common doorway. M. Mariano said yes it does and pointed it out on the plans provided for the Board. Also stated was the fact that this is a significant investment.

Ch. Rondeau asked the audience for questions, comments, concerns for or against the petition; there were none.

Discussion: G. Sagar said it is a straight forward application. D. Robillard clarified that this is the last house on the road. He went on to state that the only place to build would be on the left-side of the property which is owned by the Town. He had no objections with these applications.

G. Sagar made a motion to uphold the decision of the Zoning Enforcement Officer on Petition 2023-08 and to close the Public Hearing, seconded by D. Robillard.

VOTE: 5-0-0

G. Sagar made a motion to approve as submitted, seconded by N. Almeida.

VOTE:5-0-0

G. Sagar made a motion to uphold the decision of the Zoning Enforcement Officer on Petition 2023-09 and to close the Public Hearing, seconded by D. Robillard.

VOTE: 5-0-0

G. Sagar made a motion to approve as submitted, seconded by N. Almeida.

VOTE: 5-0-0

WORK SESSION:

1. Discussion on “Instructions to Applicant for Petitions to the Zoning Board of Appeals” to include the Certificate of Granting requirements

Mr. Sagar pointed out that the Agenda stated “Certificate of Granting”, it should have been “Certificate of Good Standing.” He asked the Chair if it should be tabled; Ch. Rondeau wanted to start the discussion. He stated that the Certificate of Good Standing is a local requirement and started many years ago. The Board had previously received periodic printouts from the Tax Collector’s Office of all residents who were in arrears with their taxes. He never believed this to be an issue for the ZBA.

The ZBA has strict timelines and once the documents are filed, the timeline starts. He does not believe that the Certificate of Good Standing should ever be the reason that the Board does not take action on a petition. He asked the question, “if somebody were in arrears and is having trouble with their taxes, can the ZBA withhold the services of the Zoning Board?” Ch. Rondeau believed that there were a few applicants that came before the Board with outstanding debts to the town. He went on to say that the applicants were making no attempt to rectify this; other Town Boards were asked about this. The Tax Assessor and the Treasurer asked that this be a stipulation. After some research had been completed, it was found that this was okay to ask for this.

Mr. Sagar noted that from the town’s perspective, this is a good way to have people pay their debt. He went on to say that per 40A (the Zoning Law) if the ZBA does not act, the petitioner has the right to go to the Town Clerk and ask for a constructive grant. Ch. Rondeau believes because this was voted on as part of the application process, then the application is not completed until this is received. G. Sagar was hoping to express this to the rest of the Zoning Board, and possibly make a recommendation to town meeting to change those requirements.

Ch. Rondeau stated that it could be possible to ask Town Counsel through the Town Administrator if the Certificate of Good standing in the application process is still a necessary practice.

N. Almeida stated that other Boards such as the BOS also use the Certificate of Good Standing in their application processes.

It was decided by the Board to leave it alone for now until it becomes an issue.

2. *Discussion on Zoning Districts and the Zoning Map as a continuation to the last Planning Board meeting/conversation*

G. Sagar summarized that at the last joint meeting, the Planning Board expressed interest in eliminating R-1 and R-2 Zones in town. He informed the Planning Board that was not a good idea; per the 2000 Master Plan 36.2% of town is in an R-1 or R-2. If this were to happen, then the R-3 rules would be adopted as standard. He had asked that research be completed which showed approximately 27 streets that were zoned incorrectly.

Mr. Sagar explained to the Planning Board that when rezoning was conducted, there are unintended consequences. He stated that he found the Planning Board members very receptive to the conversation. Ch. Rondeau stated that the Planning Board will be taking an inventory of available lots within an R-1 and R-2 zone. He stated that the Planning Board concerns are with septic systems, wells, nitrate loading, etc. Once they have an inventory of the available land, they will be able to continue the discussion further. G. Sagar stated that they will be continuing the discussion with the Planning Board in June if anyone would like to join.

G. Sagar discussed the difference between a permissive by-law and a prohibitive by-law. Also discussed was an applicant having to obtain a special permit to grow food in Massachusetts. The Planning Board was receptive and will look into this as well.

Ch. Rondeau mentioned that he is hoping to discuss the signage laws in Seekonk with the Planning Board at a later date.

3. *Approval of minutes from: March 6, 2023*

G. Sagar made a motion to approve the minutes from March 6, 2023 seconded by R. Read.

Ch. Rondeau abstained.

VOTE: 4-0-1

Adjournment

G. Sagar made a motion to adjourn, seconded by D. Robillard.

VOTE: 5-0-0

Meeting adjourned: 7:36

Respectfully submitted by:

Lori Trenteseaux

Secretary of the Zoning Board of Appeals

Formally accepted on: 6/05/2023

5 in favor, 0 against, 0 abstention

[Full Video available to view on TV9 Seekonk Community Access Television Link:](http://tv9seekonk.com/)

<http://tv9seekonk.com/>