

SEEKONK ZONING BOARD
PUBLIC HEARING and WORK SESSION
July 10, 2023

ZONING BOARD MEMBERS PRESENT:

G. Sagar, G. Gauthier, N. Almeida, R. Read, and M. Demty

TOWN REPRESENTATIVE PRESENT:

N. Abelson, Zoning Enforcement Officer

MEETING CALLED TO ORDER: 7:00 p.m.

REGULAR BUSINESS:

1. Reorganization of Board

N. Almeida nominated G. Sagar for the position of Chairman, seconded by G. Gauthier
VOTE: 4-0-1 (G. Sagar abstained)

G. Sagar nominated G. Gauthier for the position of Vice-Chairman, seconded by R. Read
4-0-1 (G. Gauthier abstained)

G. Sagar nominated N. Almeida for the position of Clerk, seconded by G. Gauthier
4-0-1 (N. Almeida abstained)

G. Sagar explained the rules of the meeting.

PUBLIC HEARING:

1. **2023-11 Walter Carl Noelte**, 87 Ellis Street, Seekonk MA 02771 Owner/Petitioner, requesting an appeal of the Zoning Enforcement Officer's Determination and/or seeking relief in the form of a **Variance** under Section 5.1.4 Dimension Table, of the Seekonk Zoning By-law to reduce the front yard depth from 35 feet to 29.92 feet to allow for the construction of a two-car garage on the property located at 87 Ellis Street, Plat 25, Lot 52 in an R-1 Zoning District lot containing 30,000 +/- s.f.

Walter Noelte and Kelli Noelte represented themselves as the applicants. Mr. Noelte corrected the legal ad. The existing garage was located 29.92'; he is asking for 25' off of the front yard setback. Mr. Noelte stated that the garage was destroyed by a tree a couple of months ago during a storm; the foundation remains.

He is wishing to construct a new garage on the same footprint as the former one.

The survey that was presented to the Board was completed in 2007. Mr. Sagar asked Mr. Abelson if he was familiar of this; Mr. Abelson was not familiar with the extra 5'. Mr. Abelson said that the applicant could ask for the extra 5' while he is in front of the Board tonight. Mr. Sagar stated that the existing garage is at 29.92' and does not conform. If the new garage is constructed in the footprint, it would still be non-conforming. Mr. Noelte is requesting to go 5 feet more making it 25'. Mr. Noelte submitted a 30' x 30' garage per the plans he submitted.

G. Sagar asked what the side yard setback would be? Mr. Noelte replied that it would be a 20' off the side 25' off the front. He went on to say that the septic system is on the west side of the house. He could have 5' more on all sides to be the size he wishes. This would mean the new garage would be in the same footprint as the former one with 5' more on all sides.

G. Sagar observed that the pencil marks made by the applicant on the plan were not to scale. G. Sagar said that according to the plan the new garage would encroach 5' less than the house does off the front of the property. G. Sagar said per the regulations the plans should be certified; it is at the discretion of the Building Inspector to have an as-built with certified plans.

Mr. Sagar told the applicants that the garage is a little over-sized for a residential neighborhood. The applicant noted that both he and his wife have bigger vehicles which would require a larger garage.

Mr. Sagar said that the applicant has enough room on Baker Street to put the garage without requiring a Variance. G. Sagar asked if he would move the garage 5' back. The applicant replied that would encroach on the shed. He also did not wish to cut down trees. Mr. Sagar noted that if the applicant moved the garage 5' back, it would not be close to the shed.

Mr. Noelte said he cannot use the old footings because of the age of the concrete. He is tearing up the entire foundation; it is too old and the materials are not up to today's standards.

G. Sagar polled the Board for questions; there were none.

G. Sagar stated that the applicant did not prove a hardship since there is additional square footage on Baker Street. M. Demty asked about the entrance to the garage. Mr. Noelte replied that the plans are going to be adjusted; he made changes after the plans were initially completed. He noted there will be one door in the center of the garage, not an entrance on the two sides per the current drawings. Mr. Noelte said he will make the adjustments as required if he gets the approval.

Ms. Demty didn't understand why the garage couldn't be moved to the back of the property so it would be within the setbacks. Mr. Noelte said there is an overhang on the shed which would encroach on the garage if it were moved to that location. Mr. Sagar asked how close would the shed be to the garage? Mrs. Noelte said it would be tight to get between the garage and the shed.

Mr. Sagar asked if there were anyone in the audience in favor of the applicant.

Michael Bourque of 103 Ellis Street, spoke in favor of the petition. He is the immediate abutter to the property: this would only affect him. His only concern would be the sight line from his

driveway, but he does not believe this is an issue. He said that Mr. Noelte has improved the property. He said if the garage were to be in the back of the property, trees would have to be cut. He noted that the trees create a nice buffer between the properties.

G. Sagar asked if anyone was either in opposition or had any questions; there were none.

Mr. Noelte said he put up a stone wall in the back of the property that he would like to keep. There is also a nice treed area and he would like that to stay as is.

Mr. Sagar noted that the applicant has three accessory buildings on the property. Mr. Noelte stated that the one of the sheds would be taken down; he would not need it if the garage is approved.

G. Sagar asked N. Abelson if he approved with what was submitted. Mr. Abelson said his only concern is the depth of the front yard. Mr. Sagar said the application suggests a 25' setback; it is a 10' variance. Mr. Abelson said he wrote the determination prior to the application.

N. Almeida had no issue with the application. G. Gauthier likes the idea of the Town staying as rural as possible; he is in favor of the application. M. Demty doesn't like the precedent it would allow and that they don't have the proper documentation/plans. N. Abelson said that the applicant would get a certified plot plan prior to obtaining a building permit. M. Demty doesn't see this as a hardship. R. Read doesn't have a problem with this application.

G. Sagar explained the voting options to M. Demty as she is the newest member of the Board. He said that it takes 4 members to approve this application. She can vote present; you would only abstain if you have a conflict.

G. Sagar said there would be a minimum of 20' side yard and a 25' front setback.

R. Read made a motion to close the Public Hearing, seconded by G. Sagar.

VOTE: 4-0-1 (Mallory present)

N. Almeida made a motion to accept and adopt the determination of the Zoning Enforcement Official, seconded by G. Gauthier

VOTE: 4-0-1 (Mallory present)

N. Almeida made a motion to approve as submitted pending the as-built plot plans; minimum of a 20' side yard to 103 Ellis Street and a minimum 25' front setback for the garage. Also, the rear shed shall be removed, seconded by G. Gauthier

VOTE: 4-0-1 (Mallory present)

2. **2023-12 Derek Carlson**, 11 Sanders Avenue, Seekonk MA 02771 Owner/Petitioner, requesting an appeal of the Zoning Enforcement Officer's Determination and/or seeking relief in the form of a **Variance** under Section 5.1.4 Dimension Table, of the Seekonk Zoning By-law to reduce the side yard depth from 15 feet to 10 feet to allow for the installation of an above ground swimming pool on the property located at 11 Sanders Avenue, Plat 4, Lot 74 in an R-1 Zoning District lot containing 10,000 +/- s.f.

Derek Carlson and Kelli Carlson presented the application to the Board. Mr. Carlson stated they have an existing 18' round pool in their backyard. The pool is approximately 9' from the back and 8' from the side yard. They will be using the existing footprint; except the new pool is oblong. They want to keep the yard as is for their family.

The old pool was there when they purchased the property; they guessed it to be over 10 years old.

G. Sagar said he doesn't believe the applicants should be here; he does not consider an above ground pool to be an accessory structure. N. Abelson clarified what a temporary structure is; the history is a Special Permit would have to be sought also.

Mr. Carlson had nothing else to add.

G. Sagar polled the audience; there was no one in favor of or opposed to the application. There were no questions or comments from the audience.

None of the members of the Board had an issue with the application

**N. Almeida made a motion to adopt the findings of the Zoning Determination of Mr. Abelson, seconded R. Read
4-1-0 (G. Sagar was opposed)**

**N. Almeida made a motion to close the Public Hearing, seconded by R. Read
VOTE: 5-0-0**

**N. Almeida made a motion to approve as submitted, seconded by G. Gauthier
VOTE: 5-0-0**

WORK SESSION:

1. *Consider having a member join the Planning Board discussions regarding Zoning Districts*

Keith and Gary had been attending the Planning Board meetings to discuss Zoning Districts. The Board will wait on this since there are no upcoming meetings on this subject.

2. *Approval of minutes from June 5, 2023*

**N. Almeida made a motion to accept the minutes as submitted, seconded by G. Gauthier
VOTE: 4-0-1 (R. Read abstained)**

**G. Gauthier made a motion to adjourn, seconded by R. Read
5-0-0**

Meeting adjourned: 7:43 p.m.

Respectfully submitted by:
Lori Trenteseaux
Secretary of the Zoning Board of Appeals

*Formally accepted on: 9 / 1 1 / 2 0 2 3
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/)**