

**SEEKONK ZONING BOARD  
REGULAR MEETING**

**MINUTES  
March 4, 2009**

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

7:00 Chairman Edward F. Grouke called the meeting to order.

This is the meeting of the Town of Seekonk Zoning Board of Appeals, March 4, 2009. 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 will close the hearing. Usually 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. There is an appeal that is available to the Superior Court by the petitioner or other parties who have 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.

**WORK SESSION – Approval of Minutes:** December 3, 2008 and January 20, 2009

**Approval of Minutes:**

G Sagar made a motion to approve the minutes dated, December 3, 2008; seconded by R. Read **and so voted unanimously** by: Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Robert Read, and Mark Brisson.

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

**Approval of Minutes:**

G Sagar made a motion to approve the minutes dated, January 20, 2009; seconded by R. Read **and so voted unanimously** by: Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Robert Read, and Mark Brisson.

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

**Discussion: Carol Stuart**

Carol Stuart 216 Elm Street, Sworn in. Three years ago I came to get a Special Permit to have Borzoi dogs and the Special Permit is up this year and want to renew it.

G. Sagar I have no problem granting it with no time line but can we do it without a public hearing?

K Rondeau I think we have to have a public hearing and have a whole new filing.

R Read Then she would have to pay for a new ad.

Ch Groucke But we should let the neighbors know.

K Rondeau There is plenty of time to get the application in.

G Sagar made motion that Carol Stuart would have to file a new petition and would need a kennel license acquired through the animal control officer.  
Seconded by Keith Rondeau and **so voted unanimously** by: Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Robert Read, and Mark Brisson

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

Carol Stuart I have heard nothing about a kennel license.

Ch. Groucke We just issue things relative to zoning.

**2009-01 John Dias**, 30 Oakhill Drive, Johnston, RI 02919, Owner and Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Special Permit**, to allow construction of a shared driveway to serve one existing dwelling and three proposed dwellings at Plat 18, Lot 53 & 65 in an R-2 Zone (**Proposed Lot 1 containing 80,479 square feet**) at 357 Ledge Road.

**2009-02 John Dias**, 30 Oakhill Drive, Johnston, RI 02919, Owner and Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Special Permit**, to allow construction of a shared driveway to serve one existing dwelling and three proposed dwellings at Plat 18, Lot 53 & 65 in an R-2 Zone (**Proposed Lot 2 containing 81,610 square feet**) at 357 Ledge Road.

**2009-03 John Dias**, 30 Oakhill Drive, Johnston, RI 02919, Owner and Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Special Permit**, to allow construction of a shared driveway to serve one existing dwelling and three proposed dwellings at Plat 18, Lot 53 & 65 in an R-2 Zone (**Proposed Lot 3 containing 81,610 square feet**) at 357 Ledge Road.

Ch. Grouke Read a faxed letter from the applicant into the minutes from the applicant requesting a continuance due to a family medical emergency.

G. Sagar made a motion to continue the public hearing until April 30, 2009 at 7:00 pm due to a family medical emergency. Seconded by M. Brisson and **so voted unanimously** by: Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Robert Read, and Mark Brisson

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

Paul Miles Matthias Since I took 4 hours out of work I would like to request you to take testimony from abutters.

Ch. Grouke Since they are not here, we are not able to hear testimony.

**2009-04 Hurd Realty, LLC**, 288 Fall River Avenue, Seekonk, Ma., Owner, by Amy A. Hurd, DVM, 288 Fall River Avenue, Seekonk, Ma., Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Variance**, under Section 9.3.4.2.8 for additional signage at 288 Fall River Ave., Plat 14, lot 85 in a Mixed Use/R-3 Zone containing 51,575 square feet.

Amy Hurd I am the owner of Bristol County Veterinary Hospital. 288 Fall River Avenue, Seekonk. Sworn in. I am requesting an improvement in signage located in a Mixed-Use R-3 zone. When the hospital was built, we put an emphasis on the fact that this is also a residential zone. We designed the hospital that looks like a house and now people zoom by because they are looking for something more commercial. We were also very careful to comply with the sign being rustic and natural; 12' sq ft area was allowed for the sign. 12' sq. ft is little. Went with a lower monument type sign and the topography of the land heading north, the property adjacent is higher and you have to get past that and are zooming by before you see our sign. We want the sign to be appropriate for the area but keep in mind, there will be large project going on the surrounding property and the area will look less like residential. We will be adherent to the front yard setback. I

have photos of the signage. Mike from Country Side Signs will design the sign. In addition, I am requesting permission to put lettering on the side of the building facing the road. I read zoning and thought I was allowed to do that, I have a design of a logo and did not realize it was a sign and therefore I need to ask for permission to have "Bristol County Veterinary Hospital". The proposed sign is not a lot bigger than the existing one.

M Brisson Does the shrubbery block the signage?

Dr Hurd No.

M Brisson The sign doesn't look that much bigger.

Mike Szczoczarz Country Side Signs, 102 Pond Street sworn in. We are going to make it an appropriate sign, carved with granite posts. Amy has invested a lot of money in signage. Not asking a lot for lettering on the building, there is a large lawn. Lettering on the building would be appropriate and would help business. It is well within the reasonable guidelines of aesthetics. Her driveway is not an issue. The sign will be 5' on the top because it is not an issue because of the driveway.

Ch. Grouke I would like to poll the audience. Is there anyone here in favor of the petitioner? No response. Is there anyone here against the petitioner? No response.

Ch. Grouke I am not sure a logo is a sign. If it is not a sign then there is no need to ask for variance on building.

M. Szczoczarz The logo is just a horse and dog with BCVH. It is on the side of the building when you pull in.

G Sagar made a motion to approve the application as submitted because the topography affects the visibility of the existing sign; seconded by R. Read and **so voted unanimously** by: Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Robert Read, and Mark Brisson

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

G Sagar made a motion to close the public hearing and uphold the Zoning Officer's Decision; seconded by M. Brisson and **so voted unanimously** by: Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Robert Read, and Mark Brisson

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

**2009-05 Warehouse Imported Auto Parts, Inc.**, 1420 Fall River Avenue, Seekonk, MA., Owner, by Stephen E. Navega, Esq., 447 Taunton Avenue, Seekonk, MA Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Variance** and/or **Special Permit**, to allow the extension or alteration of a pre-existing legal non conforming use or structure pursuant to Section 5 of the Seekonk Zoning Bylaws and Section 7, if necessary, including signage pursuant to Section 12.3.4 and 12.4 at 1420 Fall River Ave., Plat 4, lot 40 in a Local Business Zone containing 30,059+/- square feet.

S. Navega I am the Attorney representing the petitioner. My office is at 447 Taunton Avenue; I reside at 175 Warren Avenue, sworn in. InMotion Motor Sports, LLC, has a purchase & sales agreement for 1420 Fall River Avenue. Warehouse Imported Auto Parts is currently next to Goodyear. Back in June the petitioner requested opinion from the Zoning Enforcement Officer. The petitioner removed 3 gasoline underground tanks from the 1940's when it used to be Tony's ESSO gas station. The gas station ceased to exist for a long time. We had a favorable opinion from the former ZEO and the interim ZEO went to the site to do an inspection and said we need to come before the ZBA. This is preexisting legal nonconforming. The intent is to replace the roof, walls and the problem is we have to pour a footing because some of the areas are on slab, there will be no deviation from existing footprint. We don't really have to be here tonight because the Building Inspector should have granted the permit as presented. InMotion will be improving the building, it was in tough shape. They have already spent over \$100,000 taking the tanks out and they expect to spend more. Also, the signage, we are not looking for a variance for signs, there is an existing pylon sign, same dimensions just change lettering. No change in dimensions.

G. Sagar In June you received a positive zoning determination?

S Navega Yes, I have a copy of it. This is for the sales and service of high-end vehicles.

S Navega Submitted a copy of Mr. Crisafulli's (former Building Inspector/Zoning Enforcement Officer) original letter and Atty. Navega's original request for a zoning determination.

G. Sagar I can appreciate that our Interim Zoning Officer was being cautious but I think we should overturn his decision and allow it by right. Once we require a Special Permit they would have to come before us for everything they do in the future. I think we should allow it by right because they are not changing the footprint.

K Rondeau I think he (the interim Zoning Enforcement Officer) was right that he (the applicant) should come before the board because it is preexisting legal nonconforming.

G Sagar           The footprint is staying the way it is so this is a grandfathered use and the footprint is the same.

Ch. Groucke     I would like to poll the audience. Is there anyone here in favor of the petitioner? None. Is there anyone here against the petitioner? None. Are there any questions or comments?

Neal Abelson    1588 Fall River Avenue. You said this would be used for the sales and service of high end used vehicles. If there will be display where?

S Navega        As you know, the first step is here and obviously the next step is a parking plan. We have received a class II used car license from the BOS.

G Sagar made a motion to overturn the decision of the Interim Zoning Enforcement Officer and allow the applicant to proceed with the stipulation that he receives approval from the Planning Board for a Parking Plan, seconded by R. Read and **so voted** by: Ch. Edward F. Groucke, Gary Sagar, Robert Read, and Mark Brisson

K. Rondeau was in favor of the petition and plan as proposed but believed they need a Special Permit as substantial changes were proposed to the building as per section 5.3

**VOTE:** (Approve 4-1)

G Sagar made a motion to close the public hearing and uphold the Zoning Officer's Decision; seconded by M. Brisson and **so voted unanimously** by: Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Robert Read, and Mark Brisson

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

**2009-06 Bill and Eleanor Rezek**, 120 Jacob Street, Seekonk, MA., Owners and Petitioners, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Special Permit**, to allow a total of 8 guest units at an existing Bed and Breakfast pursuant to Section 6.2.19 of the Seekonk Zoning Bylaws at 120 Jacob Street, Plat 17, lot 124 in an R-4 Zone containing 5.1 acres.

**2009-07 Bill and Eleanor Rezek**, 120 Jacob Street, Seekonk, MA., Owners and Petitioners, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Variance**, to allow 4 guest units in excess of the current limit of 8 total guest units per Section 6.2.19.4 of the Seekonk Zoning Bylaws at 120 Jacob Street, Plat 17, lot 124 in an R-4 Zone containing 5.1 acres.

**2009-08 Bill and Eleanor Rezek**, 120 Jacob Street, Seekonk, MA., Owners and Petitioners, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Special Permit**, under Section 4.3 to allow the use of an existing barn on the property as a dwelling for the Innkeepers at 120 Jacob Street, Plat 17, lot 124 in an R-4 Zone containing 5.1 acres.

Eleanor Rezek 120 Jacob Street, Seekonk, MA., sworn in.

William Rezek 120 Jacob Street, Seekonk, MA., sworn in.

Eleanor Rezek        We purchased the property 18 years ago, it needed a lot of T.L.C. There were several buildings, the main house and 2 barns, some rental space was already in use when we purchased it. We thought a B&B was an ideal way to give the property reuse and in 1995 we approached Board of Selectmen to change the bylaws to incorporate B&B's and we wrote the bylaws. We came before the Zoning Board 12 years ago and received a Special Permit for 5 rooms. We interpreted them differently than what has been brought to our attention.

Ch Grouрке        You have been using 12 rooms and you are requesting to sanction that use. The original decision was limited to 5 rooms.

E. Rezek        In 2008 our occupancy average was about 2.5 rooms per day and well beneath the 5 rooms limit and I just added 2007 and 2006 and it is still within that range per day when you average it out. We list the days when we went over 8 rooms that we used. There were 11 days in 2006, 26 days in 2007 and 13 days in 2008.

K Rondeau        So you were equating the total number of rooms, the meaning of that as occupancy instead of the total number of rooms.

E. Rezek        Exactly.

Ch Grouрке        The driving force is because you want to be in compliance with everything, as well as economic reasons to utilize more rooms when you need them at peak times to compete in the market place especially in these times.

K Rondeau        For the record, when you wrote the bylaws, you obviously did not have the past what did you base it on?

E Rezek We based it on Rehoboth, they already them established in their bylaws, that is where we got the idea from and Planning helped us along.

G Sagar Where did the number 8 come from?

E Rezek I am not sure but I think it was Rehoboth. Bill brought to my attention that the original building that we started with, the main house and the two barns had 8 bedrooms, so I think when we went to Planning, they looked at what we had and that is the number they used but I really don't know.

G Sagar I have a copy of the Rehoboth Zoning by-laws and there is no limit on the rooms. In Rehoboth, they allow that in any district with a special permit and there is no limitation in the number of bedrooms. As you can see, they have two determinations; one is a Bed and Breakfast establishment that has 4 or more rooms and a Bed and Breakfast home that has 3 or fewer. Then they go by septic capacity. In support of what they are saying the 8 is an arbitrary number, I don't see where it has any meaning but it is there and we have to recognize it. I would entertain allowing this petition to go up to the 8.

Ch. Grouke I would like to poll the audience. Is there anyone here in favor of the applicant?

Frank Oliver 72 Jacob Street, sworn in. Before they bought it, this place was a shambles, now, it looks like Newport, really nice. The grounds are manicured, we never know anybody is there, I live 3 houses down, sometimes you see someone walking a dog, it is a nice residential business, we never heard complaints, it brings taxes, business to the restaurants, and antique stores, ...it speaks well of Seekonk.

Joan Webb 130 Jacob Street, sworn in. I live behind the B&B and wrote a letter saying that we never had problems they are quiet and respectful.

Ch. Grouke Is there anyone against the petition? No response.

Ch. Grouke For the record, the applicant submitted several notarized letters in favor of the B&B including the Gristmill Restaurant indicating that business from the B&B has brought in customer to the restaurant and Leonard's Antiques, as well as residents, establishing preexisting living space in the garage.

G Sagar I was pleasantly surprised when I took a tour of that place, as one of us said, it is the crown jewel of Seekonk, it is obvious that it is a labor of love and you have put a lot of energy and effort into it. Many times when we do an inspection, we do a drive-by. I am glad that I phoned the Rezekes and asked if we could go through it because It would have been a disservice just to see it from the street. It puts it all in a whole new perspective.

Ch. Grouke It is a wonderful asset to the Town.

G. Sagar It certainly is and I think we should do whatever we can to help maintain it however, unfortunately with success sometimes comes expenses. The letters that we have from the different agencies in the town, you are aware that if all your petitions are approved you will have to do some Title 5 work, do inspections. You would have to have an inspection that would certify that the system you have is adequate to handle all the additional rooms that would be permitted. You would need a new parking plan, and if the parking area was not concrete or asphalt you would need to come back here and get a variance from us; and with the added occupancy and the 2009 laws and codes, would probably be subject to an inspection from the fire department and they would possibly want to see some emergency lighting in there or additional early warning devices.

Regarding petition number **2009-06**, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Special Permit**, to allow a total of 8 guest units at an existing Bed and Breakfast pursuant to Section 6.2.19 of the Seekonk Zoning Bylaws:

G. Sagar made a motion to approve the petition for a Special Permit (2009-06) to allow a total of 8 guest units with the stipulation that the applicant receive approval from all regulatory Boards and Commissions and Public Safety Departments, seconded by K. Rondeau **and so voted unanimously** by: Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Robert Read, and Mark Brisson.)

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

Regarding petition number **2009-07**, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Variance**, to allow 4 guest units in excess of the current limit of 8 total guest units per Section 6.2.19.4 of the Seekonk Zoning Bylaws:

K. Rondeau It seems that when the Rezek's wrote up the bylaws after the BOS asked them to, there may have been difference of conception of the number of occupancy vs. the total number of rooms. Because of that I think a Variance is in order because of a hardship and the most overriding hardship that I can see is a financial hardship that doesn't stop with the owners, the Rezek's, If you look at the letter from Leonard's and the Gristmill, especially the Gristmill, the Gristmill knows of

approximately 190 guests that to their restaurant in 2008 alone that were guests of the Gristmill because they were staying at the Bed and Breakfast; that is a substantial amount of people. There is financial hardship that extends to other businesses in the area too. It is recognized that people staying at the Bed and Breakfast on the weekends will shop at Leonard's.

K. Rondeau made a motion to approve the request for a Variance (2009-07) to allow 4 guest units in excess of the current limit of 8 total guest units with the stipulation that the applicant receive approval from all regulatory Boards and Commissions and Public Safety Departments, seconded by G. Sagar **and so voted unanimously** by: Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Robert Read, and Mark Brisson.)

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

Regarding petition number **2009-08**, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Special Permit**, under Section 4.3 to allow the use of an existing barn on the property as a dwelling for the Innkeepers at 120 Jacob Street, Plat 17, lot 124 in an R-4 Zone containing 5.1 acres.

K Rondeau Fact remains that this is not a barn; it is a home. If someone is going to run a business like this, they need to be there on the property. They have taken that barn and made it into a very habitable home for themselves and I would be willing to grant the petition for only a dwelling for the innkeepers, and if they ever wanted to rent that space out at some point in time, they would have to come before this Board to change that stipulation and contingent upon approval from the other Boards and Commissions.

G. Sagar Would you feel better changing the word from innkeepers to owners?

K. Rondeau We could change it in some point and time but the innkeepers might decide to hire somebody to run the business for them and have the innkeepers live there.

Ch. Grouke amended the motion to state "stipulation" instead of "contingent upon".

K. Rondeau made a motion to approve the request for a Special Permit (2009-08) to allow the use of an existing barn on the property as a dwelling for the Innkeepers with the stipulation that the applicant receive approval from all regulatory Boards and Commissions and Public Safety Departments, seconded by G. Sagar **and so voted unanimously** by: Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Robert Read, and Mark Brisson.)

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

G. Sagar made a motion to close the public hearing and uphold the Decision of the Zoning Enforcement Officer, seconded by R. Read **and so voted unanimously** by: Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Robert Read, and Mark Brisson.)

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

G. Sagar In the decision 96-1 it said that “this Special Permit is issued to William and Eleanor Rezek, the petitioners only and it is not transferable”; by us vacating the 96-1 decision, that requirement is gone. I say the Variance and Special Permit go with the property, not with the owner. If they want to sell it, it would allow it to be transferable.

G. Sagar made a motion to send a memo to the Planning Board to look at Section 6.2.19.4 where it says 8 and maybe omitting that number or increase it to 12 because I can’t see any other Bed and Breakfasts coming into this town, there hasn’t been one since 1996, legally, seconded by K. Rondeau **and so voted unanimously** by: Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Robert Read, and Mark Brisson.)

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

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

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

The meeting adjourned at 8:15pm.

Respectfully submitted by:

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Christina Testa, Secretary