

**SEEKONK ZONING BOARD  
REGULAR MEETING  
MINUTES**

**March 7, 2016**

Present: Ch. Roger Ross, Robert Read, Keith Rondeau, Shane Halajko and Neal Abelson  
for Gary Sagar

7:00 Chairman Roger Ross called the meeting to order.

Ch. Ross This is the meeting of the Town of Seekonk Zoning Board of Appeals, March 7, 2016. It is 7:00PM and the meeting is now in order. I am going to go over our procedures; I will read the agenda for the public hearings for this evening and call the cases in the order in which they appear on the agenda. Counsel for the petitioner will be called to make a statement, if he/she deems it necessary and call the appropriate witnesses. At some point various members of the Board may have questions of the witnesses and we will ask them and get the appropriate responses. We will ask if there are any members of the public who would like to speak in favor of or in opposition all questions shall be directed to the chair and answered. As the cases are presented, the owner, petitioners and/or their representatives, will represent the case and the Board may have some questions and we expect that those questions will be answered. After the petitioner has presented his case, anyone who wants to speak either in favor of or in objection to the petition, we will hear. All witnesses, except attorneys, if there are any this evening, will be sworn in and all testimony will be taken under oath. If there are questions from anyone in the audience, all those questions should be directed to the Chair, there will be no colloquy between a witness and a member of the audience. At some point, we will close the public hearing; there may be some discussion between members of the Board, we may ask for some clarification. It is typically the practice of this Board to take a vote tonight on a matter but we are not required to do so. There may be times and circumstances that arise where we will delay a vote. If the vote is taken, the decision of the Board will be reduced to writing and posted in accordance with M.G.L. Any person or entity who feels they are aggrieved by the decision of the Board has the right to appeal to the appropriate courts of jurisdiction of the Commonwealth but I caution anyone who elects to do so that they are limited by very strict time requirements and I advise any such person to either consult the laws or an attorney if they choose to file an appeal. Having said that, I will read the agenda for this evening, we have two matters that are up for public hearing.

**(Chairman Ross read the agenda into the record)**

Ch. Ross: The three matters appearing on the agenda this evening are Case number and some old business:

**2016-01 Gary S. Sagar & Karen F. Sagar**, 30 Elaine Ave., Seekonk, MA, 02771 Owners and Petitioners, requesting a Special Permit under Zoning Bylaws Section 4.2.3 to allow the conversion of a single-family dwelling unit to a two-family dwelling unit, at 30 Elaine Ave., Plat 31, Lot 486 in an R-1 Zone containing 29,640 sq. ft.

Ch. Ross: I see that Mr. Sagar is here

**2016-02 Gabriel Pacheco**, 625 Fall River Ave., Seekonk, MA, 02771, Owner by Alliance Energy C/O Carolyn Parker, 3 Lorion Ave., Worcester MA 01606, Petitioners, requesting a Special Permit under Zoning Bylaws Section 8.8.7.1 (a) to allow a LED price sign on pylon sign to be replaced with new sign due to rebranding, at 625 Fall River Ave., Plat 9, Lot 256 in a village Zone containing 29,920 sq. ft.

Ch. Ross: Is there someone here representing?

**ZBA Procedures and ZBA Rules & Regulations**, Amendments of the zoning board of appeals procedures and rules & regulations is proposed, the purpose is to more clearly reflect administrative procedures of the Zoning Board of Appeals and to bring the aforementioned documents in conformity with Massachusetts General Laws.

Ch. Ross: We also have under regular session, which we will take up after the public hearings, new business which is approval of minutes of prior meetings, and old business petition that was originally filed as case #2014-24 in respect to property located at 35 West Avenue in the Town of Seekonk. That is the agenda for this evening, in the appropriate sequence the 2016-01 the Sagar petition is up, Gary if you would raise your right hand please, do you swear the testimony and evidence you are about to give will be the truth, the whole truth?

Gary Sagar: Yes, Thank you Mr. Chairman, fellow board members, tonight I am here to present, zoning petition 2016-01, requesting a special permit under 4.2.3 residential uses, subsection 6. First I would like to give you a little history of the bylaw, back when the original zoning bylaw of the town, goes back to November 14, 1942 as part of that there was a section called exceptions which allowed any unit, and building in town, didn't matter what zone it was in, said it would allow a dwelling house or building in existing at the time of the passage and acceptance of this ordinance in any district may be converted for the use of more than one family but not to exceed four families, I think that is why we see a lot of multi-family older structures around town. In 1958 there was a second edition of the zoning by laws we have it was section 6.2, which has been over the years renumbered, it is now section 4.2.3 residential uses (6) where at the time it said conversion of a single family structure contain no more than two (2) dwellings, provided that each resulting dwelling shall contain a minimum floor (inaudible)

800 square feet and provided further the lot area is at least double the lot area required in the district. The only thing that has changed since 1958 is the word "unit" after dwelling. That has survived all of the changes over the years. That part of the bylaws has been on the books for over 57 years. During that 57 years, there have only been 7 applications for special permits under that section to allow a conversion to a two (2) dwelling unit, starting in 1916 and the last one was 2002. So seven (7) over 57 years, so the request to you tonight is to take advantage of that section of the bylaw. I built this house over 30 years ago and in 1997 I had to replace the septic system, and knowing this was on the books I increased the size of my septic system to more than accommodate what I'm requesting tonight. Bylaw as written requires double the land area, which I satisfy, and also I have a couple exhibits I would like to give you Mr. Chairman, if that is ok? When I filed the petition and through the process, it is required that you go through the assessor's office and get two sets of labels. One is to notify the abutters, the second set is for the secretary so she can provide everybody with a decision. I got a third set, and I sent my own letter to all of the abutters explaining what I was doing and made myself available if anybody would like to meet with me, so that is dated February 7, and it went out to the legal list of abutters as was provided to me by the assessors, so with your permission, Mr. Chairman, we will call this exhibit number one (1). [Hands the chair the letter] At the same time knowing if this was granted, a second issue would be the septic system, which may not be under the purview under this board, I think it certainly makes it all inclusive on the application, so I requested Mr. Chenervette, the Health Agent on January 4<sup>th</sup>, review my septic design, and on the 20<sup>th</sup> of January, he responded that, he agrees that I have the capacity, he just wants me to get a Title V inspection, which would be through the normal course of business. So I have two (2) letters, one of mine is January 4<sup>th</sup>, and his is January 20<sup>th</sup>, so if you'd like to mark these exhibits two (2) and three (3)

Ch. Ross: filed jointly as exhibits, petition as B

G. Sagar: Thank you

Ch. Ross: Just for the record, let me state without reading it, that petitioners one (1) is in fact a letter dated February 7, 2016, addressed to "Dear Abutter of 30 Elaine Avenue," and it sets out the substance of the petition that is before us tonight in this case, signed by Gary S. Sagar, petitioners address, and petitioners two (2) is a letter to the health department, to Mr. Harold A. Chenervette Jr. it recites the perk test that was done and the attached copy of the system design and perk test in addition with response to that letter dated January 20<sup>th</sup>, of this year (2016), which simply states as Mr. Sagar said, that the Title V, the provisions of Title V have to be complied with.

G. Sagar: That's in essence the substance of it; we would like to make it either a duplex or possibly just an in-law that is by the bylaw requirements.

Ch. Ross: Let me state for the record, that section 4.2.3 of the tables of uses, subsection 6, indicates; conversion of a single family dwelling unit to a two family dwelling unit, is allowable under, with a special use permit, and it footnoted as number 2, and number 2, is quoted in the application that Mr. Sagar filed, says; conversion of a single family structure to contain no more than two dwelling units, provided that resulting dwelling unit shall contain a minimum floor area of 800 sf. And provided further, that the lot area at least double the lot area required in the district. This property is in an R-1 zoning district requiring 14,440 sf, and Mr. Sagar's property has 29,640 sf, so provided that each unit has at least 800sf of floor space, he appears to be in compliance with the table of uses. That's all you have? Do you have anyone else? Or...

G. Sagar: For now, that will be all, I reserve the right to respond to anyone.

Ch. Ross: Do any members of the board have any questions of the petitioner? Hearing none at this point, is there anyone in the audience who wishes to speak in favor of this petition? Hearing none, is there anyone who wishes to speak in opposition to the petition? Two people,

Member of audience: I just have some questions

Ch. Ross: One at a time, whoever wants to step up?

Audience Member: My name is Russell Detori, 320 Central Avenue; I just built a brand new house on Central Avenue,

Ch. Ross: Would you raise your right hand please, Do you swear or affirm the testimony you are about to give is the whole truth?

R. Detori: I built a brand new house on 320 Central Ave, we haven't moved into it yet. I just have some questions on this petition, Mr. Chairman. When you say it can be converted into a two family, I know Gary had sent us out all a letter, and it says a duplex or single family with an in-law apartment, is there a difference

Ch. Ross: Yes

R. Detori: There is?

Ch. Ross: A duplex is...

R. Detori: Is side by side

Ch. Ross: Side by side, typically an in-law apartment would not be that way, an in law apartment would typically have a common entrance,

- R. Detori: But officially, my interpretation, correct me if I'm wrong, an in-law apartment is really for somebody in the family, or somebody related to
- Ch. Ross: Typically yes,
- R. Detori: you don't have the power to make it an in law apartment?
- Ch. Ross: that is correct
- R. Detori: so it's only one, it would have to be converted to a two family,
- Ch. Ross: It wouldn't have to be converted to a two family; he's here to convert it to a two family.
- R. Detori: Ok, but he could ask to have it just as an in-law apartment, correct?
- Ch. Ross: well, we go through this all the time, on our...
- R. Detori: I figured it would be a tough question,
- Ch. Ross: Yeah,
- R. Detori: Without asking, I mean, I have some other questions too, but we can let that go, because I know it's kind of a...
- Ch. Ross: I'll answer your questions after, but what else do you have? Maybe you have something easier,
- R. Detori: Well, I'd like to know if there are any plans submitted, on how the conversion is going to be done.
- Ch. Ross: I don't have any here, they typically wouldn't be here, they'd be with the building inspector, but Mr. Sagar can answer that question. : speaking to G. Sagar: Do you have plans?
- G. Sagar: No as of yet
- Ch. Ross: Okay, that is filed with the building inspector; they are approved or not approved by the building inspector that is outside of our jurisdiction, assuming we approve this petition.
- R. Detori: You don't approve, you have no idea whether the house is going to be expanded at this point
- Ch. Ross: All we...I'd have to ask Mr. Sagar
- R. Detori: Well here's my question
- Ch. Ross: Let me answer the question first, all we approve is the use, ok? And the use is, what's before us, is to convert a single family to a two family, that's our jurisdiction, if there's a proposal to enlarge the footprint of the house, as long as it

complies with existing zoning, as to setbacks, and all the rest of it, he doesn't have to come here, he can do that as a matter of right. Ok? But, that would be reflected in the plans, which is not in front of us

R. Detori: Well, my concern, as an abutting neighbor, and I don't have, I'm not objecting to this, I just want to make that clear, I would just like to know, what's going to be done, and how it's going to be done. In the letter to us, it states that there won't be any changes to the building right now, so that's what your basing your decision would be

Ch. Ross: Based on no changes to the building, I take that to mean the footprint of the existing building. And if I'm wrong on that, Mr. Sagar will so advise.

R. Detori: Well I'm sure he's going to get up, cause I, I think he'll want to answer the questions that I have, and another one, I, you know, being a neighbor, and I want to be a good neighbor, when a neighbor requests something like this, I usually I don't have a problem with that, I would like to know, another question, whether he plans on selling the house in the near future, but I know that wouldn't be in your realm of, you can't make a decision on that.

Ch. Ross: No, and to just to let you know, assuming that we grant the petition for a special use permit, that runs with the land, it's not personal to Mr. Sagar, if we grant it, it's a two family forever, unless

N. Abelson: Finish that, I was going to talk about something else

Ch. Ross: Ok, I'm done there

N. Abelson: I was going to say, that, I mean, he has the right to expand the house, and he can't expand it any more than he could if it was still a single family dwelling, so it's, by giving him this, we're not allowing him to make the house bigger really, it's just that he could expand the house as far as he could according to the zoning by laws, like you said earlier,

Ch. Ross: That's right

N. Abelson: with the setbacks,

Ch. Ross: as the setbacks.

R. Detori: Yeah, well, ok, I guess that answers all my questions, I'll see what develops, I'd like to come back up, later on, I want to hear more

Ch. Ross: Absolutely, you bet

R. Detori: Thank you,

Ch. Ross: You bet.

Steve Jodat: Steve Jodat, 296 Central Avenue, Seekonk MA

Ch. Ross: would you raise your right hand please? And do you swear that the testimony, swear or affirm the testimony you are about to give is the whole truth?

S. Jodat: Yes, again more curiosity, than anything, how many homes in Seekonk are of the same nature as far as being an R-1 area, and have 29,000 sf or more, does this precedent where, obviously anybody can come, with enough land, and start changing their single family homes in to two family homes?

Ch. Ross: You have two question there, first one, I have no idea how many people have 29,000 sf or more with a single family home, and I can't imagine anyone on the board does either,

N. Abelson: I wouldn't think there would be a real lot of them, usually when they subdivide the land, they try to give you the minimum that they can, it could be several, or quite, I don't know, some of the older houses.

Ch. Ross: If it's a subdivision of fairly recent vintage, you're not going to find,  $\frac{3}{4}$  of an acre for a single family home, typically, as to the second question, anyone who is in an R-1 zoning district, who has 28,800 sf of land or more, has every right to come in front of this board, under the same provisions of the use table that I read before, and petition this board for a special use permit to do a conversion.

S. Jodat: So what would ever stop that from happening then?

Ch. Ross: Well, we have to find, in order to grant a special use permit: A, that it's authorized, and B, that it generally is in character of the neighborhood

S. Jodat: Is that a majority kind of a situation? Or what is...

Ch. Ross: A majority for what?

S. Jodat: in other words, if the neighborhood has mostly single family homes...

Ch. Ross: No, no it's, generally speaking, and you have to define neighborhood, it gets fairly large it doesn't just mean the abutting six lots, the general characteristic, we don't do a count, at least I don't do a count when I look at that, but what's the general characteristic of the neighborhood. A two family home in my mind is not, as a general rule, out of keeping with the character, a single family home, but I'd

have to see the particulars. And I for myself, and I know other members, take a drive by before we meet, when we see the petitions to see where the property is located and what is around

S. Jodat: you mean like, the scope of the neighborhood, and the other thing is, if it's legal for him to do it then there's not much that can be done to stop it if you want to stop it, and the reason I would want to stop it, because I don't know that adding two family homes to my neighborhood is going to enhance the value of my existing home, which is a huge negative for me

Ch. Ross: Right, I understand, there's a threshold beyond which you, we can't go and find the zoning laws in terms of financial impact on the neighborhood, I mean someone putting in, coming before us to do something that's totally out of character, if someone came in for a variance looking to put an apartment house, that's a problem, but financial impact up to a certain point, absent of what I consider competent testimony, and that would be some type of an expert, it's not really something I look at. I know other members speak for themselves; I can only tell you my view.

S. Jodat: The other thing is, not that I think there's going to be all of a sudden a rush of single families converting, but when you're directly affected obviously, then it's not positive

Ch. Ross: What I can tell you, and, as to me, its second hand information, Mr. Sagar obviously did his homework, and I don't know if you were listening, but when he spoke preliminarily, this bylaw, pretty specifically as drafted, was enacted in 1958, since 1958 to today, which is 58 years, there have been seven such applications.

S. Jodat: Well, who knows what can open the flood gates, now that's the other thing, now you have to start looking at the schools systems in the town things like that.

Ch. Ross: So if you'd have seven in 58 years that this particular bylaw, as drafted has been in effect, that gives you some sense of how many people are...

S. Jodat: I truly understand what you are saying, but what my next question would be, basically how do you know what's going to open the flood gates,

Ch. Ross: We don't, that's an unanswerable question

S. Jodat: is there ever been consideration as far as changing that bylaw?

Ch. Ross: not to my knowledge, because at this point in time there hasn't been enough negative effects

N. Abelson: Right, because some of the house lots, are undersized, especially at Bakers corners and that stuff, you have much smaller houses on Bloomfield and those streets, they're undersized lots, so they'd have to go to 14,000 and some of those are like 10,000 sf, there's no way any of those people in that whole area could do it, and I don't think many of the lots across the way, like where Gary lives are very large in size.

Unknown: I think in that area it used to be 5,000

N. Abelson: Yeah, it could have been at one point, but a lot of those lots are undersized now, so I can't see us opening the floodgates, plus it's like, where not setting a precedent by doing it, because it's like, it's on the rules already, it's in there, the book, he's entitled to it by right.

Ch. Ross: I don't know if it was you, the person who asked the question about precedent, my view of that is pretty clear, each case stands on its own. And if someone would appear next month, and say "Mr. Chairman, you granted last month", I give that zero weight.

S. Jodat: Right, But it's also not a majority rules kind of a situation either,

Ch. Ross: Majority rules, of the boards?

S. Jodat: no, in other words, of the existing neighbors, nearby neighbors,

Ch. Ross: I don't understand

S. Jodat: In other words if they feel that it's an overall negative impact on the neighborhood

Ch. Ross: Oh you mean if a bunch neighbors appeared in front of the board, we'd certainly give that due consideration, and due weight, we don't ignore it. That has an impact on me,

S. Jodat: In Seekonk is there a particular, can you go three stories, four stories?

Ch. Ross: There are height limitations in the zoning ordinance; I'm not sure what it is in an R-1, thirty (30) feet? Is it that high?

N. Abelson: Forty (40), forty (40) is the height, but when you go up two stories, Gary, I think Gary's house is kind of like a split level, it's more of, kind of like a walk out basement, ranch house, with a walkout basement, you know so, if you add a story you also, the setbacks increase

Ch. Ross: Yeah, right

N. Abelson: you know the side lots, and stuff like that so, you can't be, that impacts that too,

S. Jodat: So is it 15 feet for two stories, at this point in time? And it's

N. Abelson: Twenty (20)

Ch. Ross: You have it, ok, R-1

(READING THE ZONING BY-LAWS TO THEMSELVES OUT LOUD)

K. Rondeau: The side yards are fifteen (15) feet,

Ch. Ross: Fifteen (15) feet, plus five (5) feet for each story over one (1), so that would be twenty (20) for the side yard.

K. Rondeau: They have to keep increasing it as it...

Ch. Ross: Right, Right,

S. Jodat: So fifteen (15) for two, twenty (20) for three, etc.

K. Rondeau: the maximum story forty (40)

Ch. Ross: forty (40), yeah, the fifteen (15), twenty (20) is side yard setbacks, that you can't encroach on that

S. Jodat: Obviously my main concern is informational, more than anything and the law is the law obviously. But again, I assume some people will be affected negatively financially, and that's not...

N. Abelson: Could be, could be, I mean, I would think like if, four (4) houses in the neighborhood did it, then you'd have a problem, maybe, but I don't, I haven't been able to look at the plot plans today, but I find it hard to imagine any of the lots around there are double the size.

S. Jodat: I think we have one (1) two family to my knowledge, we have 1 two family, and we have one with a mother in law set up, that's my point, how much further do we want to push the issue,

N. Abelson: Is the two family an older home?

S. Jodat: Yes, but I think it's probably closer to 29,000, well actually maybe 26, I think, but considerably older, probably historical actually, Ok, that's what I have for questions.

Ch. Ross: Ok, great, thanks, sir; you had some questions or issues

William Marvel: I'm William Marvel, 312 Central Ave

Ch. Ross: Raise your right hand, do you swear or affirm that the testimony you are about to give is the whole truth?

W. Marvel: I do,

Ch. Ross: Ok, good, go

W. Marvel: Really I just want to echo what Mr. Jodat has said, I don't really have an objection, I just have a concern and hopefully the board will consider this as well, that I don't know if it will affect the values of the properties in the neighborhood, if it's setting some sort of a precedent from what it is right now, you know a single family INAUDIBLE neighborhood, that's really my only concern. I guess I'd like to know more about what the intents are, here what is the intent is

Sh. Ross: Yeah, I think, I understand you wanted to speak and that's fine, I think I've answered those questions,

W. Marvel: Yup, you have

Ch. Ross: when I responded to Mr. Jodat, I understand, absolutely, Thanks Mr. Marvel, seeing there are only three people in the audience, I think we've exhausted, I'll ask, is there anyone else who wishes to speak in opposition, or wants information to the defending petition? Hearing none, members of the board, questions, and observations?

N. Abelson: Did Mr. Sagar want to respond to anything?

Ch. Ross: I'll ask him; do you have anything to say Mr. Sagar to the issues that have been raised?

G. Sagar: First I'd like to say I'm glad I took the effort to reach out to my neighbors by mail and ask them, that I'd be more than happy to meet with them, I drive by one of their houses at least multiple times every day, and I'd just like to say on the record, in accordance with the certified list of abutters Mr. Jodat does not appear as an abutter, he certainly is in the neighborhood and has the right to speak, but Mr...the other two gentlemen do. As far as the neighborhood goes, directly

behind Mr. Jodat is a house that is assessed by the assessors as a four (4) family, 4 unit, and down the street from Mr. Jodat on Maynard Ave is an illegal house with an in law apartment that was built ten (10) years ago, and I wasn't going to bring that up, but seeing as...

Ch. Ross: Did you say illegal?

G. Sagar: Well...it's being used as an illegal in law, so I'm not going to say anymore to that so...as far as anything else, if the board has any questions, I'd be happy to answer them,

Shane Halajko: Just curious, at looking at your house, it's a beautiful house, are you looking to make it, or maybe you just don't know yet, an in-law or a multi family?

G. Sagar: That's up for discussion right now

S. Halajko: Ok, and do you think looking at the layout of your home, there's going to be much different to the scope of how it's going to look when you decide on what you're going to do with it?

G. Sagar: I have a very irregular shaped piece of land, alright, my neighbors have, I think about 5000 sf of land, I'm shaped like a triangle, in order for me to expand it, and come forward, side yard (inaudible), I'd have to come back to the board for a variance if I needed, if I was I was going to do anything. The only place I could expand it, is possibly a little bit off the back, but I have septic issues, so

S. Halajko: So, I'm not going to hold you to this, so you may not have to change the footprint of this, of the house, the way it is?

G. Sagar: Correct

N. Abelson: How many square feet, I know it's a pretty good size,

Ch. Ross: Gary, if I may ask, what's the easement on your property?

G. Sagar: That was

Ch. Ross: The 40' foot wide easement

G. Sagar: That was placed by, the big piece of land next to me is Memorial Baptist Church, and when the subdivision was approved, they requested a 40' wide easement,

Ch. Ross: For pass and repass?

G. Sagar: Well, in the event

Ch. Ross: I mean it's not an underground utility or gas line

G. Sagar: In the event that the road was going to be extended, so that was done by a previous owner, Mrs. Hatch

Ch. Ross: In the event that Elaine Avenue is extended, that was reserved for a proposed road.

G. Sagar: To connect over to the church property.

Ch. Ross: Yup, got it, ok. Anything further, gentlemen?

K. Rondeau: Given the shape of the lot, no other special permits that go with this?

G. Sagar: We squeezed it in under the existing setbacks

Ch. Ross: I'd like to entertain a motion, if there is one?

N. Abelson: Motion to close the public hearing,

Ch. Ross: Do I have a second?

S. Halajko: Second

Ch. Ross: Discussion on the motion? Hearing none, all those in favor of closing the public hearing, say aye, apposed, no, ayes have it 5-0.

N. Abelson: I'd like to make a motion to a special permit for Gary Sagar and Karen Sagar, conversion of a single family dwelling into two family dwelling unit, 4.2.3, be granted,

Ch. Ross: Is there a second?

R. Read: Second

Ch. Ross: Second by Bob Read, any discussion on the motion?

N. Abelson: He still has a title 5, that's not under our jurisdiction,

Ch. Ross: That's the health department

K. Rondeau: I'm just trying to tick off things we normally think about, when granting a special permit, and he still has to go for a title 5, he does preliminary, perk and inspections...doesn't appear given the size shape and topography of this lot that he's going to be able to go much further anywhere, except maybe half the house up, so as far as impact to the neighborhood, that would be minimal, and just internal, as far as traffic goes, its two versus, three, four, five, whatever the case may be, so there's no\ne, the traffic is going to be minimal, and just looking at all these lots in the area, if one is so stated as having a four family on it, there isn't a single lot here that you could make a two family. I don't think it's going to cause a wave of new petitions in this area,

N. Abelson: and there is enough parking

K. Rondeau: because of the at easement,

N. Abelson: there is enough off street parking with the driveways

K. Rondeau: I can't think of anything else, that we'd require

Ch. Ross: That being said, all those in favor of the motion granting this special permit to the petitioners, signify by saying aye, opposed no, petition is granted 5-0, thank you.

Ch. Ross: Second matter is: 2016-02 Gabriel Pacheco, Owner, Alliance Energy petitioner, good evening, would you state your name and capacity please?

C. Parker: My name is Carolyn Parker I'm here representing Alliance Energy, address 3 Loiron Worcester MA,

Ch. Ross: Do you swear or affirm the testimony you are about to give will be the whole truth.

C. Parker: Yes

Ch. Ross: Thank you Ms. Parker,

C. Parker: Basically Alliance Energy has purchased a bunch of Drake Petroleum locations, so in doing so, they are going around and rebranding the gas stations, and going to get permits for this particular location, they were told that the LED pylon never had a special permit for that, so where here to amend that, I drove by the site, and they did convert the gas station, canopy, they've already done that work, and it is an Exxon gas station, what they did on the pylon sign is that threw a sign in front of the it, and what they want to do now is to just go in be able to change out the LED price signs. According to the bylaws you're allowed 40 square feet, and our

prices will be 25 square feet, which of the existing sign, going from three prices to two,

Ch. Ross: I know the sizes aren't changing, what's the size of the sign?

C. Parker: 48.4 square feet

Ch. Ross: Thank you, I miss understood

C. Parker: the price sign portion is 25 square feet

S. Halajko: The gas prices being lower?

C. Parker: lower than \$8, were getting very low aren't we?

Ch. Ross: it's not actually \$8.88 a gallon?

C. Parker: When I started working for gas stations it was \$.99, so it's (inaudible)

K. Rondeau: So the only, difference, if I may ask the question, the only thing to be illuminated is the pricing, on the sign?

C. Parker: The whole sign is internally illuminated

K. Rondeau: Ok

R. Read: That'll be the only thing that'll...

C. Parker: That I need to be here for is the LED

Ch. Ross: How often are the prices going to change?

C. Parker: They'll change once or twice daily

Ch. Ross: No blinking signs,

C. Parker: that was somebody else I was here for before, no...No alternating

S. Halajko: So, it's just regular and diesel, that's it? No plus?

C. Parker: No one puts plus or premium any more, they are displayed on the gas pump, through the pump topper.

S. Halajko: So you are going to replace this sign that is currently there: points to picture:

- C. Parker: Yes, that just goes away, they keep the poles, and (inaudible) sign
- S. Halajko: So this will be new, ok
- R. Read: Don't we usually request a change once a day?
- Ch. Ross: Yeah, that's why I asked
- C. Parker: Oh, I mean yeah, that would be fine, I mean, sometimes corporate goes "hey ya know", I would say one to two, but if it has to be once, that's fine.
- Ch. Ross: Typically, I'm just inquiring, does the price change when you get a delivery?
- C. Parker: (inaudible), if you restrict it to once, I'm sure they won't have a problem
- Ch. Ross: that's something we do routinely, and its (inaudible), that would be one of the conditions, and can we actually, when it comes to LED signs we have standard conditions. Do you have the list Bridget? It's nothing draconian
- R. Read: There's nothing period, is there?
- K. Rondeau: I don't think there is anything else that applies?
- Ch. Ross: It's just the once a day
- N. Abelson: No strobbing, flashing, moving
- K. Rondeau: No strobbing, flashing, moving type signs, and it be changed once a day.
- Ch. Ross: Do you have any idea when you propose to rebrand? When do you propose to rebrand?
- C. Parker: They've already done it, well they've done the canopy, and they kind of put a bag over the pylon sign, so they must have had to change it by a certain date, or something, it just shows one price right now.
- Ch. Ross: Anyone have any questions?
- R. Read: no
- Ch. Ross: Do you have anything further? Ok, let me inquire; is there anyone in the audience that wishes to speak in favor of the pending petition? Anyone in the audience that wishes in opposition to the petition? Hearing none, and you have nothing further?

Do you want to, do you want to enter these into evidence, or? As part of the application?

C. Parker: Yes,

Ch. Ross: Hearing nothing else, I'll entertain a motion, if there is one

R. Read: I move we close the public hearing,

N. Abelson: Second

Ch. Ross: Any discussion on the motion? All those in favor of closing the public hearing, signify by saying aye, motion carries, 5-0

R. Read: Move we uphold the building inspectors decision

Ch. Ross: Second on that motion?

N. Abelson: Second

Ch. Ross: Any discussion? All those in favor of upholding the determination of the building inspector, signify by saying Aye, passes 5-0, any further motions?

C. Parker: What does that mean?

Ch. Ross: he denied you the permit, and we're upholding his determination only, we are not upholding his denial

C. Parker: Oh, alright

N. Abelson: it still had to come to us

C. Parker: I was like...wait a minute...so there's another motion

Ch. Ross: Yes, if there is one

K. Rondeau: Well, I would make a motion that we grant the special permit as requested, under the section 8.8.7.1, sign, on the pylon sign, with the restriction being that the prices only be changed once a day

Ch. Ross: Is there a second on that motion?

S. Halajko: Second

Ch. Ross: Any discussion on the motion? All those in favor of the pending motion, signify by saying Aye, opposed no, ayes have it 5-0, good luck

C. Parker: Thank you,

Ch. Ross: Thank you, those are the only matters in front of the board tonight looking for zoning relief, we also have a public hearing on the proposed amendments to the rules and regs and procedures, of the zoning board of appeals, all members have a copy of the regulations in front of them, I believe. Fortunately on the rules and regs, I didn't see these until tonight, I didn't get to swing by town hall, the proposed changes are noted in the margin on each page, and the actual change is denoted by an over striking of a word that was deleted, and any substituted word or new language is in bold, so it ought to jump out. Gary circulated an email on March 2, noting some issues that he noted in the rules and regs, if he didn't bring it with him, I just handed it to him, so Gary why don't you address the issues you noted and we'll go from there

G. Sagar: Let me start with something I did miss, at the very beginning, we need to add Zoning to the cover page, the word zoning, Reapplication, page 10, that conflicts with 40A section 16, under the general laws,

Ch. Ross: I didn't bring the general laws with me, 40A, section 16

G. Sagar: page 10 Reapplication

Ch. Ross: Do you have the Mass general laws with you? Or online

R. Read: I can't find page one, never mind page 10

B. Garrity: I can get them online

ALL SPEAKING OVER EACH OTHER DISCUSSING SECTION

R. Read: Could you repeat that, now that I've got my act together?

G. Sagar: Page 10, the opening of hearing under (I) reapplication, it conflicts with Mass General law 40A, section 16, we've, at least it always was you could go before the planning board and get permission...section 16

R. Read: What conflicts? The dates? The times?

G. Sagar: it conflicts with the requirements on a reapplication, the provision used to be...that's correct, but it's also you could also get permission from the planning board to come back,

Ch. Ross: reading Chapter 40A, section 16 out loud to himself...your objection Gary?

G. Sagar: You're in section 16?

Ch. Ross: Yes,

G. Sagar: it doesn't talk about reapplication?

Ch. Ross: no appeal, application or petition which has been unfavorably and finally acted on, granting, by the special permit granting authority, shall be acted on favorably within in two years after the date of (inaudible)...that's just repetitive filing. By unanimous vote of a board of three members, it tells you how many... (Reading the section out loud to himself) and unless all but one of the members of the planning board consents thereto, and after giving notice...

R. Read: We don't have enough in our...

Ch. Ross: I guess, the question is...is reopening the hearing, I don't take that to mean repetitive filing,

G. Sagar: No, no, no, that's fine I'm talking about I

Ch. Ross: Oh you said I, I thought you said H, I'm sorry,

G. Sagar: H, section I, reapplication, no planning board

N. Abelson: mentioned, in that

G. Sagar: Correct

Ch. Ross: the law says one member, of the planning board,

G. Sagar: How can one member of the planning board act on his own? You know what I mean?

Ch. Ross: It's weird, but that's the way I read it, unless all but one member, consents thereto,

G. Sagar: So you need just about a unanimous, super majority, there is nothing in there, he's the planner and he left you guys out? Shame on him

Ch. Ross: Basically the threshold for, before they come in front of us, is they need super majority from the planning board to file the petition

N. Abelson: well, or whatever

G. Sagar: you could just put reapplication,

K. Rondeau: to get there before two (2) years

Ch. Ross: that's only within the two (2) year period

G. Sagar: Correct

Ch. Ross: after two (2) years they are free to do whatever they want

G. Sagar: of it is substantially different,

N. Abelson: They can show another change

G. Sagar: so I think, under reapplication you have to mention 40a, section 16 somewhere in there, do you agree?

Ch. Ross: I don't think you have to, but you can put as provided in chapter 40a, section 16.

N. Abelson: That'd be the easiest way

R. Read: we need to re-write that, that's what you are saying

G. Sagar: Now I think in the guide documents, where are the guide documents? These are just the rules and regulations, and after that section, it goes into comprehensive permits, so we're not doing anything with the other sections, well he did the guide documents, you know, you hand to the people

Ch. Ross: All I have is the application and the rules and regs

K. Rondeau: Question, in section 10 there supposed to add, regarding appeal

Ch. Ross: What page are you on Keith?

K. Rondeau: Page 10, section F, at the top of the page where it says "or otherwise adjudicated", we were going to add another line, stating that, something to the affect of in the case of an appeal, the board of the town will notify parties of interest as to the determination of the appeal.

G. Sagar: you're on page 10?

K. Rondeau: page 10, unless he added it somewhere else

Ch. Ross: I don't

G. Sagar: section f, town clerk certification, ok, it's the second line on page 10

Ch. Ross: Oh, I see

G. Sagar: denied or otherwise adjudicated, he did forget to put that in, you're right

Ch. Ross: :reading the section out loud to himself: you want to add, that a copy of the decision will be noted to all parties in interest, so everyone in the 300', I remember discussing that, did we agree that it should be there?

G. Sagar: all the decisions are provided, to the abutters, I think Keith's issue was, that you get that and whatever happened is done, and then if there is any legal action, the abutters are left in the dark, yeah, so if there is something that is adjudicated that the abutters are notified, that would be like a continuation of the petition, in a way

Ch. Ross: So you want to add after the word adjudicated, on line 2, page 10,

K. Rondeau: correct

Ch. Ross: at that point, so all parties in interest shall be notified,

K. Rondeau: as to any

Ch. Ross: any such decision or adjudication, all parties in interest shall be notified by regular mail, of any such decision or adjudication. That do it? Does that sound right?

R. Read: I remember that discussion now,

Ch. Ross: I remember discussing it, yeah, Ok. Does anyone else have any specific issues at this point? There aren't that many, since this is a public hearing, there aren't that many, why don't we just go over the revisions and make sure we are all in agreement, Ok? Bear with me  
Page 1, organization, that was just a typo,  
Section before last, subsection A, we just added a "D" to required  
Paragraph D, powers and duties at the bottom, delete the word "such" there shall be such a person, "there shall be a person" is what it says now,  
Line from the bottom, delete the word scrutinize, change it to the word "review"  
Page 2, paragraph E, powers and duties of alternate members, in two cases change word "associate" to "alternate",

- Bottom of the page, paragraph G quorum, strike the word “less” make it “fewer” and then there is a comma three lines down after application we removed a semicolon and inserted a “comma” for consistency sake only
- Page 3, subparagraph A standing, three lines down we simply added the words “Town of Seekonk Zoning by-laws or Chapter 40a of Mass general laws” in two separate places in that paragraph.
- Approved forms, of paragraph B, still on page 3, second full paragraph in bold, added the term “guide to the appeals process” which is our missing document tonight
- Subparagraph C, still on page 3, the darkening of matters of the files, the term accordance subsection F is added,
- Page 4, subsection D, submission requirements, paragraph 3 of that section we added “the term section” to be in accordance with section 7.2, certified plot plan, that’s what it’s entitled, of the Seekonk zoning by laws,
- Subparagraph 5 of that same paragraph, added the reference “section 11” of chapter 40A of the general laws,
- Subparagraph 7 that same page and paragraph, deleted the word minimum and just made it a distance of 300’
- Next page 5, subparagraph 5, this just clarifies that if someone is looking for multiple reliefs, you know, more than one special use permit, or one or more variances, is a \$225 filing fee for each relief requested, and requires separate applications for each, that’s just bolded, actually one of these is just a comment that someone had down, if you look three lines down the parenthetical phrase actually is bracketed it says same comment as on guidelines, I believe we should require separate applications for ease of voting, I think that was just a comment, that was made along with it, that should be deleted from the, Bridget, from the actual rules and regs, right?
- Bottom of page 5, hearings, paragraph A, notice we simply added references, Section 11 of chapter 40A of general laws in two separate places,
- Page 6, paragraph E, order of business, subparagraph 2, we added a posting of the decision, I don’t know what was there, but we changed it to posting, and we added, written decision, and we referenced the M.G.L Section 17 of Chapter 40A,
- Page 7, briefs to the board, a lot of these were just referencing the Mass General laws, to reflect the consistency, sub paragraph 1, of section 15 of Chapter 40A, of general laws, paragraph G, withdrawal, added the word “a majority of” and somewhere we deleted a comma, and the bracketed comment should be deleted, that is just a comment, Bridget
- Page 8 time limits, again referencing the Mass General Laws, this is Town of Seekonk Zoning By-laws, or chapters 40A and 40B, which is affordable housing reference of the Mass General Laws and there’s another reference at the bottom of that subparagraph to chapter 40A of the General Laws,

Skip down; subparagraph of the same paragraph more references to the Mass General Laws section 9 & section 9 and 15, of chapter 40A, as to the timing of filing of petition

And the last sentence is a reference as to approvals and that controlled by section 17 of chapter 40A

Decisions voting requirements for members on this board super majority, except for, not except for, section 20-23 on a comprehensive permit for affordable housing under Chapter 40A, that's a majority,

Page 9 subparagraph 9 of B, we just have more references for chapters 40A & 40B, of the general laws, and the Seekonk Zoning bylaws. Subparagraph E, more references chapter 17 of 40a of the General Laws

Top of page 10 we already discussed notice to all parties in interest of decisions and adjudications.

Skip down paragraph I, reapplication, we already discussed that, on Gary's comment, where we require planning board approval, prior to re-entertaining a reapplication, within the two (2) year period, under the repetitive filing

G. Sagar: so it'll just reference the law 40A section 16

Ch. Ross: That's right, one year time limitation, if an application is granted by the board for permits, it's got to be pursued within one year, of the filing of the board decision with the town clerk reasonable extension may be granted under, references section 21 of 40A of the general laws, and there's a bracketed comment there that says there is no section 21 of 40A, that can be deleted, we added a paragraph, we added a sentence to that paragraph, it appears at the top of page 11, any written request for an extension must be filed by the board prior to the expiration of the initial one (1) year period.

Next paragraph K, appeals, references Mass General Laws section 17 entitled judicial review, skip down section 5, policies and advice, paragraph B informational meeting we simply added Zoning by-laws at the end of that sentence, and that looks like it was for clarity.

Paragraph C, Zoning By-Law of the Town of Seekonk was added legally adopted from time to time in chapters 40A and 40B of General laws same.

Comp permits under section 40B, we have references to sections 20 and 23, regarding the contents of the application, same section of 40B, and also references 760 code of municipal regulations, section 56.00, which are incorporated by reference

G. Sagar: Can I interrupt you Roger? Page 11, top any written request for an extension must be filed with the board, prior to the expiration of the initial one (1) year period. Variances are good for one (1) year, but special permits are two (2). Can we change that?

Ch. Ross: I had that in my mind and I didn't mention it, back on page 10, one year limitation on grants, extensions we ought to have another semi colon or colon, saying

variances. And where it says, I'm just throwing this out, if an application for a variance is granted, the term for variance is not in there, all permits necessary for the prosecution shall be obtained, commence within one (1) year from the date of the board decisions. And I guess we need, we can have that as number 1, and do a number 2, and recite the same language except change it to special permit, and call it two (2) years, and the application for extension must be filed before the expiration of the two (2) year period and the extensions are only good for six (6) months,

G. Sagar: Six (6) months on a special permit?

Ch. Ross: Six (6) months on a variance, I'm not sure about a special permit, is it a year?

G. Sagar: I think it's a year for both, isn't it?

Ch. Ross: No, it's six (6) months for the variance, I think?

G. Sagar: Under 40A

K. Rondeau: I think it's one (1) year for both,

Ch. Ross: For both, as long we are not in conflict of Mass General Laws, 40A,

B. Garrity: it's further down, it references there is no section 21 of chapter 40A, but it still references it above,

Ch. Ross: Chapter 40A, and B at the bottom,

R. Read: What replaces the 21?

G. Sagar: that's what they are looking at now.

Ch. Ross: One (1) year for a variance, not to exceed six (6) months for a variance under Mass General Laws, now why don't you click on, Bridget if you would, special permits under 40a

: board members discussing section of time limits:

Ch. Ross: just check the special permits in the morning, and conform it to the mass general law, and circulate this for review after you make the revisions that we've discussed, does that sound fair?

R. Read: That 21

Ch. Ross: Yeah, she has to change that because there is no 21

R. Read: but change it to what?

G. Sagar: Whatever she finds,

Ch. Ross: its section 9 for variances, I believe, and section 6 for special use permits,

B. Garrity: Section 10 for variances, and section 9 for special permits.

Ch. Ross: :reading out loud to himself: Appeal to superior court is section 17, I think, J, I think where it references judicial review is 17,

R. Read: It's that paragraph

B. Garrity: instead of 21 it should read 17

Ch. Ross: correct, and ok, page 12 top of the page we just added a reference section 6 comprehensive permits B1 & B2, and that just talks about the sketch, what did I say 2? It's B1 and B3, and then subparagraph 2 has section 6 comprehensive permits, B1, then skip down to subparagraph 7, references code of municipal regulations, again is still chapter 760 section 31.01, which is jurisdictional and the rest just references filing fee for public agencies, chapter 760, code of municipal regulations section 45.00 then we've got conversion of dwellings, residential shall include uses listed in section 4 of use regulation table that's in our zoning by laws, which is 4.2.3, and that's in the mixed use projects it's table 4.2.4, paragraph C, this is just subsection B8, of the comprehensive permit, to which agency and department it has to be circulated. Then we've got review fees, under chapter 40B, that says 30B, Page 13, D review fees, Bridget, sub paragraph B, uniform procurement act, is that right 30B. so section 1-19 of chapter 30B, then these are just the limitations, less than \$25,000 is section 4 of 30B, :reading out loud: then sections 5 & 6 of 30B, that's in the zoning regs. Does that belong in the zoning regs?

G. Sagar: There is a section 5, under permits, (inaudible)

Ch. Ross: Skip to page 14, still on the comprehensive permits, review fee, the municipal treasurer has to maintain a separate account for those fees under section 53G of chapter 44 of Mass General Laws, and that is described under subsection B1, of this section, in compliance with the uniform procurement act again section 1-19 of chapter 30. Skip down to appeals, this is correct, section 17 of chapter 40a of the general laws, under comprehensive permits, the appeals are controlled by section 22 of chapter 40B of the general laws, and we don't have an amendment date yet, comments, questions?

G. Sagar: We did make several corrections, I would like to vote on a clean document, one that's the actual, and getting a little bit ahead of ourselves, I see Mr. Costa in the

audience; he is going to need a public hearing for his petition that is going to be coming forward,

Ch. Ross: Two (2) reasons.

G. Sagar: so if we could get these corrections and continue the public hearing until whatever date we choose for his hearing, and we could maybe approve the final document, as clean

Ch. Ross: not to put too much pressure on you, but if you possibly circulate that tomorrow, because Wednesday morning I am going on vacation for two weeks. The shorts and the golf shirts are all packed,

G. Sagar: Another Arizona trip?

Ch. Ross: Yup,

N. Abelson: Good for you

G. Sagar: The other document that I the guide

B. Garrity: I just printed it, do you mind if I go pick them up, I literally need to just go grab them

Ch. Ross: Ok, great, I'm going to take a moment, while you do that. This ought to be fairly quick, with one exception, two exceptions I believe the only changes here are that we have inserted references to the by law, or the mass general law section 40A, and we've got the appropriate citations to the sections of 40A, I don't see the need to go through each one, it doesn't change the substance, just its just references, what we do have changes to, I, think, is underlined by not in bold in certified list of abutters, under lined, three copies of the mailing labels of everyone within 300' as reflected on the assessors radius map, and then jump down for clarification, on under fees, and it's also under our rules and regs, it's \$225 for EACH appeal, so if there are multiple requests for relief especially use permits, variances or accommodations thereof, it's a separate application and separate filing fee for each one, then at the bottom, an application isn't heard until the legal as been paid for, skip, skip, skip, references to the general laws, reference to the general laws, and I've got highlighted here, applicant or petitioner is responsible for the recording fee, I, for one don't particularly like, that the recorded fee is \$75 because the registry they get authorized by the general court, they can change the recording fee,

G. Sagar: They actually charge a dollar more for mailing

- Ch. Ross: It's the recording fee plus a dollar, for any document
- G. Sagar: I would suggest that we put in there, take the fee out, or just say "you are required",
- B. Garrity: I have it as "it's the applicant or petitioners responsible for the recording fees."
- R. Read: What page are we on?
- B. Garrity: we are on page 5
- G. Sagar: I have a question on the last page, it says "important" the first sentence on the last page is inaccurate, zoning board of appeals provides zoning relief only, if you read under our bylaws section 2 administration section 2.1.2.1, it clearly defines what we do do, what we hear,
- Ch. Ross: We hear appeals from the building inspector for 1
- G. Sagar: I just think that is an inaccurate statement and I'd like to see a strike the first sentence, is that ok with you Roger?
- Ch. Ross: Yes,
- K. Rondeau: Important should go down to the next page
- B. Garrity: To the next page, yeah, so we're taking out the zoning board of appeals, provides zoning relief only
- N. Abelson: Just take the whole sentence out
- B. Garrity: then it will just start with "The zoning board of appeals decision..."
- Ch. Ross: Ok,
- K. Rondeau: Are we discussing the application as well?
- Ch. Ross: Might as well while we are here
- K. Rondeau: It doesn't say zoning in the heading, where it says application, if you move it over to the top of the seal, and put zoning where application is, it will say Town of Seekonk on the left, zoning board of Appeals
- G. Sagar: It should be on every page, now in Rhode Island; did they just call it the board of appeals?

Ch. Ross: No, zoning board of appeals. Well some cities and towns, just strictly zoning board, some is zoning board of appeals, because the general laws decided that

B. Garrity: Keith, where did you recommend? Where did you want to put zoning?

K. Rondeau: At the top, right, put application at the top, and put zoning below the seal

G. Sagar: Just, so it is with board though

K. Rondeau: So town of Seekonk, zoning board of appeals

G. Sagar: You know, at that point, it could go even above or below wherever

N. Abelson: Just drop town of Seekonk and zoning board of appeals down so they all line up straight across, and it'd be more, rather than...

Ch. Ross: so you don't run out of room, Town of Seekonk Board of Appeals, below the seal

G. Sagar: and put application below it, and you should have plenty of room

B. Garrity: I should be able to do it and have plenty of room, it happens to be in the header.

G. Sagar: Can I make a motion, Mr. Chairman, that we continue the public hearing to the date we chose for our next public hearing, to do the final approval of the regulations?

Ch. Ross: That sounds like a plan

N. Abelson: Second

Ch. Ross: All those in favor, signify by saying Aye-Opposed no, Ayes have it 5-0

Ch. Ross: Ok, we have, fairly quickly, I hope, we have minutes from previous minutes to approve, we'll take them one at a time, they are all rather lengthy, minutes from November 9, 2015, any corrections or revisions. Do I have a motion?

G. Sagar: so moved

Ch. Ross: Second?

S. Halajko: Second

Ch. Ross: all those in favor say aye- opposed no, minutes are approved as submitted. Minutes from the meeting on December 15, 2015, any corrections or revisions?

G. Sagar: December 14,

Ch. Ross: December 14, 2015, hearing none, all those in favor of approving the minutes as submitted, signify by saying aye-opposed, no (all aye). Ayes have it 5-0. Minutes of the meeting from January 11, 2016, any corrections or revisions, hearing none, Motion to approve the minutes of the January 11, 2016 meeting as submitted, signify by saying aye-opposed no, ayes have it 5-0. Ok, we have one matter, old business, case 2014-24 and...let's make sure I get it right. Richard Silva, owner, by Michael Costa, Costa development, in respect to property 35 West River Street, in the town, plat 24 lot 568, as submitted. Mr. Costa

M. Costa: How's everyone doing tonight?

Ch. Ross: Let me just, for one moment, I received an email from Bridget, on February 19, stating, and I won't read the whole thing, Mike Costa of Costa Development just stopped in to this office, with Dave Betts, apparently you noticed the discrepancy between the application, the submitted docs and the reality on the ground?

M. Costa: Yes, basically all the paperwork was filed an approved for 35 West River, it should have been filed and approved for 31 West River, the site plan and variance that were requested were correct, it shows the right site

Ch. Ross: As I understand it, the only document that was correct, is in fact the site plan, everything else, the application, the form g, the list of abutters was lot 568 and it should have been 569

M. Costa: Correct

Ch. Ross: This is one lot to the south, but abutting. What resulted from that, is two abutters within the 300 square foot, 300' radius of lot 569, did not get notice of the hearing,

M. Costa: Correct

Ch. Ross: And should have gotten notice, this was a 2014 application, we discussed it among ourselves, I touched base with town counsel, and we are all of a mind, it's a do over, in addition, and since it's a do over it doesn't matter, but I just pointed it out to you, for the future, the decision as submitted, and as approved, was recorded at the registry of deeds, January 16, 2015, it was a dimensional variance, it's only good for a year in any event.

M. Costa: I already have the permit for this property,

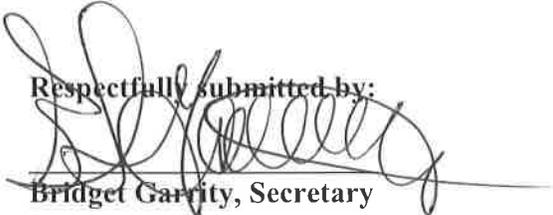
Ch. Ross: You do?

- M. Costa: This kind of slipped through the cracks the whole way through,
- Ch. Ross: So, sorry to say, the site plan is fine, new application, new form G, correct list of abutters, mailing labels, etc, etc, the sooner you get it in, the sooner we can hear it. Do you have, is Eric going to represent you?
- M. Costa: Yes, Eric
- Ch. Ross: Do you have any notion as to when you will be filing?
- M. Costa: I'd say be the end of this week, by early next,
- Ch. Ross: We have to hear it in 65 days, so, just for the sake of discussion.
- G. Sagar: When are you back, Roger?
- Ch. Ross: I'm back on the 24<sup>th</sup>,
- G. Sagar: Why don't we do it the first Monday in April?
- Ch. Ross: That's, Friday's the first, April 4<sup>th</sup>,
- K. Rondeau: Yeah, that's April 4<sup>th</sup>,
- Ch. Ross: That'll give you time to run the ad?
- G. Sagar: What's the deadline he has to submit it?
- Ch. Ross: For the ad to run
- B. Garrity: for the ad to run, April 4<sup>th</sup>? I have to have it to the Sun Chronicle, no later than Noon on the 16<sup>th</sup>, and today is the 7<sup>th</sup>.
- Ch. Ross: Next Wednesday,
- M. Costa: by next Wednesday
- Ch. Ross: If he files on Wednesday you can get it out to the Sun the same day?
- B. Garrity: So long as I have it by Noon
- M. Costa: I'll try to get it in by Monday or Tuesday,

- Ch. Ross: So if we get it on Monday or Tuesday, we'll tee it up on April 4<sup>th</sup>,
- M. Costa: Sounds good
- Ch. Ross: What we are going to do, what I'm going to suggest we do, just to keep the record clear, I'm going to ask Bridget to do a very brief letter, to the building inspector, just so he'll have something in his file, reflecting what happened, that the variance that was granted is null and void and you'll be taking the appropriate steps to (inaudible), so his records are consistent with what we're doing here.
- M. Costa: Sounds Good
- G. Sagar: and that will be the date for our continued public hearing, (inaudible) paperwork, do you have anything else (inaudible)
- B. Garrity: Nothing so far
- G. Sagar: It's slow, business is off
- Ch. Ross: What I'll do tomorrow, Bridget is I'll bang out a one paragraph letter, just send it on letter head, Ok, Thanks,
- M. Costa: Thank you, very much
- Ch. Ross: we continued it to the date to be determined, now it's April 4<sup>th</sup>,
- G. Sagar: Are we done? I move we adjourn,
- Ch. Ross: Second?
- K. Rondeau: Second
- Ch. Ross: All those in favor, signify by saying Aye-opposed, no, Ayes have it, Thank you gentlemen.

**Adjournment:**

**The Meeting adjourned at 8:41p.m.**

Respectfully submitted by:  
  
Bridget Garrity, Secretary

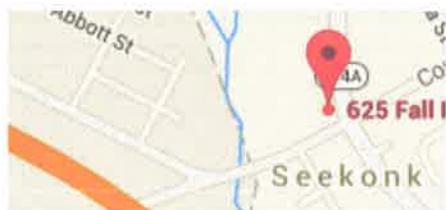
Google Maps 623 Fall River Ave



Image capture: Oct 2015 © 2016 Google

Seekonk, Massachusetts

Street View - Oct 2015



T.O.S ZBA  
 Case #2016-02

Evidence 1

625 FALL RIVER AVE  
 SEEKONK, MA

PROPOSED PYLON  
48.4 SF

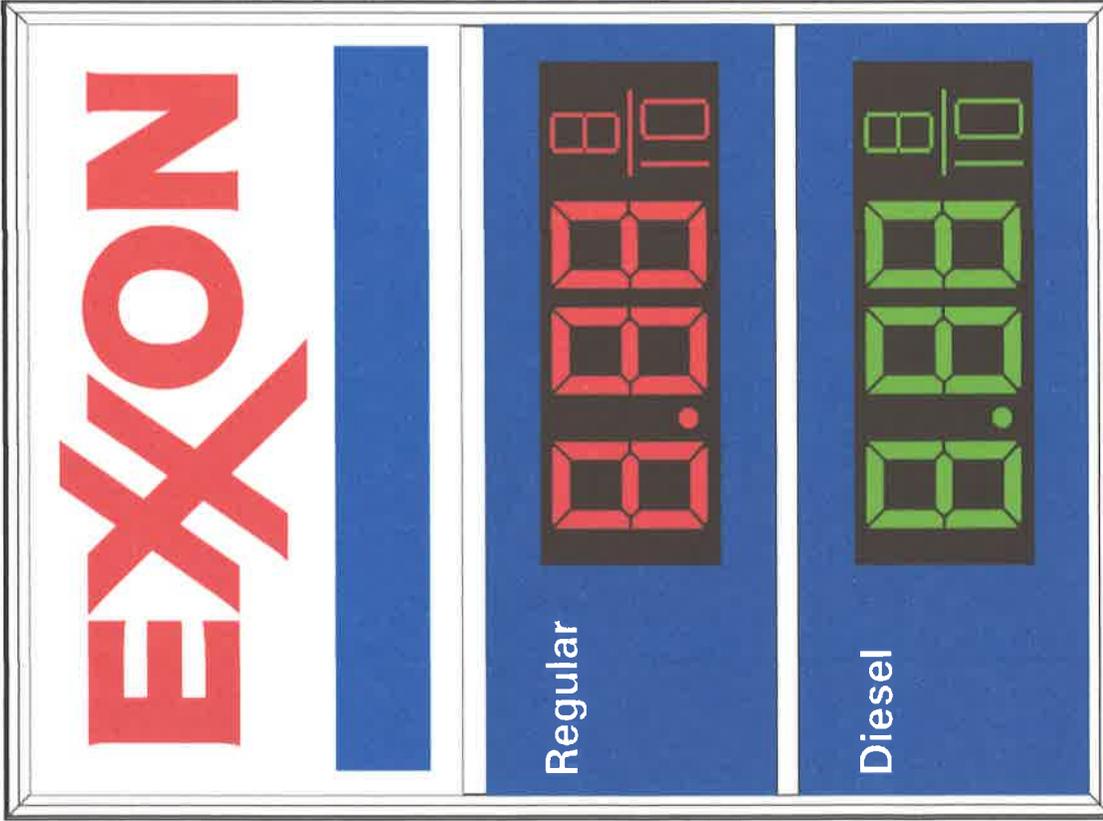


625 FALL RIVER AVE  
SEEKONK, MA

EXISTING PYLON  
48.4 SF



T.O.S. ZBA Case # 2010-02 Evidence 2



Chassis Size: 97.375" H X 72.25" W  
 Number of Ballasts: 1 Amps: 3  
 No. Of Circuits (Lamps): 1  
 Number of Power Supplies  
 (Pricelines/Message Centers): 2 Amps: 5  
 No. Of Circuits (Pricelines/Message Centers): 1  
**TOTAL CIRCUITS RECOMMENDED: 2**  
 Door Frame Size: 97"H X 71.875"W

Area: 48.4 SQ FT

Detail 1, Logo Face  
 Exxon, Flat Embossed Face  
 VO: 38"H X 67.875"W

= 23.4 SF

Detail 2, LED Digit  
 VO: 53"H X 67.875"W  
 LED Priceline 1: Red 14"  
 LED Priceline 2: Green 14"

= 25 SF

		<small>DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For withheld requirements, actual dimensions and mounting, detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC. Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.</small>	
Customer: Exxon	Project No: PP326138AP	Scale: N/A	Description: LED2 COMBO SIGN
Date: 10/27/2015 8:15:06 AM	Location & Site No: EXXON 625 FALL RIVER AVE SEEKONK MA	Drawn By: Barb Cameron	Version: 2
SIGNATURE _____ DATE _____		<b>Customer Approval:</b> NOTE: Unless specified by customer, all depth of embossing will be determined by Everbrite Engineering or existing customer specifications on file. Colors and graphics on file will be used unless otherwise specified by customer.	
Please read carefully, check appropriate box and fax back to Everbrite:		<input type="checkbox"/> Sketch OK as is <input type="checkbox"/> New Sketch Required	
<b>TOS ZBA Case# 2010-02 Evidence 3</b>			