

SEEKONK ZONING BOARD
PUBLIC HEARING and WORK SESSION
March 6, 2023

ZONING BOARD MEMBERS PRESENT:

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

ABSENT WITH CAUSE:

K. Rondeau

TOWN REPRESENTATIVE PRESENT:

N. Abelson, Zoning Enforcement Officer

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

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

PUBLIC HEARING:

1. **2023-02 Sarah Newkirk (on behalf of Osamequin Farm, Inc.)** 50 Walnut Street, Seekonk MA 02771 Petitioner, Andrew Jencks, 80 Walnut Street, Seekonk MA 02771 Owner, requesting an **Appeal** of the Zoning Enforcement Officer's Decision of October 31, 2022 to allow use of property to host occasional private events on the farm located at 80 Walnut Street, Plat 22, Lot 37 in an R-4 Zoning District lot containing 8.44 +/- acres. **CONTINUED FROM JANUARY 9, 2023 and FEBRUARY 6, 2023.**

Vice-chair Gary Sagar read the petition for the record. Ms. Newkirk informed the Board that she had met with Mr. Abelson as requested by the ZBA. Mr. Abelson reiterated that they had discussed obtaining descriptions of different properties from various municipalities who allow this as an accessory use. He said the Dover Amendment came up in their conversation; Ms. Newkirk had supplied the Board with copies of the Amendment. He believes the Board would be able to overrule his decision. Mr. Sagar stated the Board could overturn Mr. Abelson's decision or Mr. Abelson could withdraw his decision. Mr. Abelson withdrew his decision. Mr. Sagar stated that once a petition has been posted and advertised, the Board would have to accept the withdrawal.

Mr. Sagar addressed some of the materials that Ms. Newkirk submitted to the Board. He described the Sharon By-laws as being totally silent in regards to agricultural use; he knows it is an approved use there. He found that Osamequin Farm is listed as a non-profit charity; their articles of organization discuss Chapter 180 Section 4. He stated that this is very similar to Around the Bend Farm in South Dartmouth. He went on to discuss various farms in Massachusetts that are similar to Osamequin. He spoke to William McDonough (former Building Official for the Town of Seekonk and current Zoning Enforcement Officer in Rehoboth and Attleboro), who is of the strong opinion that farms are allowed to do what Ms. Newkirk is asking since they are a non-profit charity that's a farm co-operative.

He has changed his opinion since the last meeting after conducting more research. The Dover Amendment carves out for religious and educational purposes the use of a farm. He went on to say that if this petition is successful tonight, there are other Boards in Town that will tell her how the farm can be

used. He cited Leonard's Antiques who were proposing to have similar events; after finding out all of the other tasks required, they opted not to go forward.

He read from the BOH memo dated January 3, 2023 labeled "Exhibit 1." He informed her of some of the other Boards she would have to go in front of prior to conducting any events.

He is in support of this petition. The remaining Board members concurred with Mr. Sagar's findings.

Mr. Sagar suggested Mr. Abelson withdraw his decision and have the Board enter into the record that they agree with the Use and have the standard stipulations put in the decision.

N. Almeida made a motion to allow the Zoning Enforcement Officer to change his opinion and withdraw his denial of Use of the property as an Assessor Use in accordance with his memo dated October 31, 2022 and requested that Mr. Abelson submit a follow-up letter. He requested this Decision Letter be entered into the record as "EXHIBIT 2", seconded by G. Gauthier. Mr. Sagar also requested Mr. Aubin's memo dated February 3, 2023 be listed as "EXHIBIT 3."

There was no one in the audience to speak in favor of or opposed to this petition.

R. Read made a motion to close the Public Hearing, seconded by D. Robillard.

VOTE: 5-0-0

The vote was taken for the above motion to allow the Zoning Enforcement Officer to change his opinion.

VOTE: 5-0-0

WORK SESSION:

1. Approval of minutes from: February 6, 2023

R. Read made a motion to accept the minutes, seconded by G. Gauthier.

VOTE: 5-0-0

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- G. Sagar stated that R. Read did not want to be reappointed to the Board full-time when his term ends this year. He suggested that G. Gauthier become a full member and have R. Read become an alternate. The Board of Selectmen would have to approve this switch since the ZBA is appointed to their positions.
 - K. Rondeau suggested keeping the Dover Amendments in their folders for reference purposes.
 - Mr. Sagar believes that having alcohol triggered the last petition to come before the Board. Mr. Gauthier asked if the caterer wanted to sell alcohol, could the land owner have the caterer get a temporary license? Mr. Sagar responded that the land owner would have to sign the application; the land owner would be ultimately responsible.

- K. Rondeau said that Shane (Halajko) does want to stay on the Board as an alternate; he will participate when he is available.
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Adjournment

N. Almeida made a motion to adjourn, seconded by D. Robillard.

VOTE: 5-0-0

Meeting adjourned: 7:23

Respectfully submitted by:

Lori Trenteseaux

Secretary of the Zoning Board of Appeals

Formally accepted on: M a y 1 , 2 0 2 3

4 in favor, 0 against, 1 abstention (Ch. Rondeau was absent)

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

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