

**SEEKONK ZONING BOARD
REGULAR MEETING
MINUTES
September 9, 2019**

Present: Gary Sagar, Keith Rondeau, Shane Halajko, Donald Robillard, Nelson Almeida

Vice-Chairman Gary Sagar called the Town of Seekonk Zoning Board of Appeals September 9, 2019 meeting to order at 7:00 p.m. He asked those who came before the board to state their name and address for the record and advised them they would be sworn in.

Mr. Sagar said that although it is typically the practice of this Board to take a vote on a matter tonight, they 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.

Vice-Chairman Sagar read the agenda into the record

PUBLIC HEARING

2019-09 Colt & Meganne Duckworth, 31 Covell Avenue, Seekonk, MA, owners and petitioners, requesting a **Special Permit** under section 4.3.2 of the Town of Seekonk Zoning By-laws to allow the construction of a 20'x20' garage on a lawfully, nonconforming lot located at 31 Covell Avenue, Plat 34, Lots 75 & 76 in the R-1 zone and containing a total of 10,070 sq. ft.

2019-10 Colt & Meganne Duckworth, 31 Covell Avenue, Seekonk, MA, owners and petitioners, requesting a **Variance** under section 5.2 of the Town of Seekonk Zoning By-laws to allow the construction of a 20'x20' garage within the rear yard setback of a lawfully, nonconforming lot located at 31 Covell Avenue, Plat 34, Lots 75 & 76 in the R-1 zone and containing a total of 10,070 sq. ft.

2019-11 Colt & Meganne Duckworth, 31 Covell Avenue, Seekonk, MA, owners and petitioners, requesting a **Variance** under section 5.2 of the Town of Seekonk Zoning By-laws to allow the construction of a 20'x20' garage within the side yard setback of a lawfully, nonconforming lot located at 31 Covell Avenue, Plat 34, Lots 75 & 76 in the R-1 zone and containing a total of 10,070 sq. ft.

Colt Duckworth of 31 Covell Avenue, Seekonk, MA, the owner and petitioner was sworn in.

V. Ch. Sagar explained the three petitions would be heard together, but may be voted on separately.

C. Duckworth summarized the plans for the garage, as well as the property. They currently have one car attached garage that has his wife's 67 Mustang. He would like to have a 2 car garage to allow for his truck and his ride on lawn mower. They had two old sheds on the property but they rotted and have been removed. Both sheds together measured approximately 22x10. Mr. Duckworth said they also have a

trailer he would like to remove from the property. To date, he has cleaned up the yard and the neighbors have complemented them. The proposed 20x20 two car garage, opposed to having only a one car garage, will allow more room for him to get in and out of truck since he had his knee replaced. He provided the board with photographs of his property before and after the clean-up. The proposed garage is an Amish trailer type garage. The floor of the garage is made from wood and does not have a foundation. It is brought in by trailer and can be removed by a trailer. There will be approximately 9 feet of space between the two garages. The truck and mustang are about 6 feet wide.

V. Ch. Sagar read the zoning determination letter from the building inspector, Neal Abelson, dated August 13, 2019 into the record.

C. Duckworth said he believes they have the largest lot in area but they are very small lots. He brought the blue prints of garage if the board would like to look at them.

K. Rondeau asked if he could view the blue prints.

V. Ch. Sagar and the Building Inspector reviewed the zoning determination letter. They discussed the size and shape of the property, both of which are undersized.

V. Sagar reviewed the property card from the Tax Assessor's office to verify the sheds have been assessed. The 140 sq. ft. shed was from 1995 and the 8x8 shed has been since January 2008.

K. Rondeau asked if anyone in the audience wished to speak.

V. Sagar asked if anyone was in favor of the petitions.

There were none.

V. Sagar asked if anyone was in opposition of the petitions.

There were none.

V. Sagar asked if anyone had general comments in regard to the petitions.

There were none.

K. Rondeau asked if he was going to drive over septic to access garage.

C. Duckworth stated no, the garage doors will face Covell Ave. He showed them the location on the plans. If it was located elsewhere they would have to travel over the leach field.

K. Rondeau asked if he would go smaller than 20x20 proposed garage.

C. Duckworth said in order to fit the truck, items from the sheds that had been taken down, yard tools, tractor, and push mower, a two car garage would be better. Even if he did go with a smaller garage, it still would not meet the rear yard setback.

S. Halajko asked if he thinks they can eliminate the sheds by doing the garage.

C. Duckworth said yes by having the garage he would be able to eliminate the sheds. He has already removed the larger shed from the property, and intends to get rid of the smaller shed as well. If he does not get the garage he will have to put a shed up though for storage.

K. Rondeau asked if Mr. Duckworth would be opposed to the board putting a stipulation on their approval. He suggested approving the garage if the existing shed was removed and no other sheds be built in their place, as well as the removal of the trailer.

C. Duckworth said he would have no objections to those stipulations.

N. Almeida asked if Mr. Duckworth spoke with his neighbors in regard to the plans.

C. Duckworth said he has spoken to the neighbor that abuts their side property as well as the one behind them and they did not have any objections.

V. Ch. Sagar asked if there were any other questions.

N. Almeida asked if electricity will be run to garage.

C. Duckworth said yes for lights and power doors, but nothing else.

K. Rondeau made a motion to uphold the decision of the Zoning Enforcement Officer, Building Inspector, Neal Abelson; S. Halajko seconded and it was unanimously approved.

V. Ch. Sagar asked if there was a motion to close the Public Hearing.

K. Rondeau made a motion to close the public hearing for petitions 2019-09, 2019-10, and 2019-11; N. Almeida seconded, and it was unanimously approved.

VOTE: 5-0 All in favor

K. Rondeau made a motion to grant the relief as proposed for the applications 2019-09, 2019-10, and 2019-11 with the following stipulations:

- 1) The garage will replace the sheds;**
- 2) No other sheds will be placed on the property;**
- 3) The garage will replace the trailer on the property; and**
- 4) No other trailer will be stored on the property for storing a vehicle in it.**

N. Almeida seconded and it was unanimously approved.

K. Rondeau said it is really a tight knit neighborhood and given the shape and topography of the lot. Some garages built on the property lines in the area. He also commended them for cleaning up the yard.

D. Robillard agreed that it is improvement from what it is. He also said that the property won't be any more nonconforming than it already is.

S. Halajko said they have pride in their property for the clean-up they have done.
There was no other discussion.

VOTE: 5-0 All in favor to grant all 3 petitions with stipulations.

NEW BUSINESS:

Vice-Chair Sagar and the Board members thanked Mr. Roger Ross for his years of service, dedication and guidance for both the Planning Board and Zoning Board of Appeals.

V. Chair Sagar suggested forwarding a recommendation to the Town Administrator and the Board of Selectmen to appoint Don Robillard from an Alternate member on the Zoning Board of Appeals to a full member on the board. He also will recommend reappointing past ZBA member Bob Read to the Board.

The Board does need alternates. In the meantime, they appreciate Nelson Almeida and Dave Viera for volunteering. S. Halajko is unable to come the September 23rd meeting so the Board will need both Nelson and Dave to be present to have a quorum.

K. Rondeau made a motion for a recommendation be made to the Town Administrator and the Board of Selectmen that Don Robillard be moved from an Alternate on the Zoning Board of Appeals to a full member and that past member Bob Read to be reappointed; S. Halajko seconded, it was unanimously approved.

Adjournment:

N. Almeida made a motion to adjourn the meeting; K. Rondeau seconded, and it was unanimously approved.

VOTE: 5-0

The Meeting was adjourned at 7:38 p.m.

Respectfully submitted by:

Kristen L'Heureux
Administrative Assistant