

## SEEKONK ZONING BOARD REGULAR MEETING

### MINUTES April 30, 2012

Present: Ch. Edward F. Grouke, Keith Rondeau, Robert Read, Ronald Blum, Jeffrey Creamer

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

Ch. Grouke This is the meeting of the Town of Seekonk Zoning Board of Appeals, April 30, 2012. I am going to go over our Rules and Regulations but before I do that, I wanted to make special note of the passing of one of our Board Members Mark Brisson who passed away about a month ago, he was one of our regular members and an alternate. He was a valued member of this Board and he contributed quite a bit of his time and effort and we were shocked and saddened by his death and we will miss him greatly.

I will go over the Rules and Regulations now. 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. The Board will ask questions of the petitioner and witnesses. Any questions from the podium will go through the Chair. We will hear from anyone in the audience to speak either in favor of or against the petition or with any questions. At the close of the evidence, we have a discussion and then take a vote. We also usually make a decision on the same night, although we are not required to do that. There are times that we may postpone a petition for another meeting either for a site visit or to gather some information. Once we have closed the public hearing and taken our vote, it is then reduced to writing and filed with the Town Clerk within 14 days of the date the vote is taken. Any person who feels that he is negatively affected by our decision, as long as he has the proper legal standing, has the right to appeal to the courts and anyone considering taking such an appeal has to comply with very strict time limitations that are applicable to a court appeal.

**2012-07**     **Robert Gaudette**, 15 Fall River Avenue, Owner and Petitioner, Appealing the Decision of the Zoning Enforcement Officer, to allow an Antique/Secondhand store to operate out of the property at Plat 20, Lots 276-283 in an R-1 Zone containing 66,191 sq ft.

Robert Gaudette 15 Fall River Avenue. sworn in I am here appealing the decision of the Zoning Enforcement Officer denying an application for a business license. The building itself, the original farmhouse was built in the 1740s it has been a business for somewhere around 100 years. I purchased it from Anne and Bob Wood. They ran an antique store business there until 2005 called Antiques at Hearthstone House. In 2006 I applied for and received a business license to run a secondhand antique store out of the same building. Because of the cost of purchasing the building and renovating it into a home, we were not able to physically open the store however; over the years we have been slowly doing things to achieve that goal. Some of those things other than applying for the business license; we applied for and received a sales/use certificate from the Commonwealth of Massachusetts in 2006 and we have kept that sales and use certificate up since 2006 filing quarterly reports with the State of Massachusetts with an income of 0 every year; 2006, 2007, 2008, 2009, 2010, 2011 and 2012 for the first quarter. I have also been paying commercial property taxes since I purchased it in 2006. For all these years we have been paying half residential and half commercial property taxes on the property because of our intent to open the store since our purchase in 2005. The issue itself is about dissolving the nonconforming feature, I do see it in the Bylaws, if a business is not run out of there for 2 consecutive years, the grandfather clause is removed from the property. However the Commonwealth of Massachusetts court of appeals have addressed this issue many times, the first one was in 1954 where they, because it was the first time the State of Massachusetts addressed it, they went around the country to find other states that addressed the same issue and they came to the conclusion that in order for a nonconforming feature to be dissolved there had to be the intent to abandon the use of that property for the purpose it was going to be used for and there had to be voluntary conduct either affirmative or negative which carries the implication of abandonment and that was in 1954. That was case Pioneer Insulation vs. City of Lynn. There have been many cases throughout the Commonwealth where Mass Court of Appeals held the same standard. There was Dobbs vs. Northampton in 1959. I understand there was a bylaw change in Massachusetts in 1975 and after that change they thought there may be some intent in the legislature to change the way that was interpreted however the court disagreed. In February 1982 the courts upheld the same thing that in order to dissolve a nonconforming feature there had to be intent for it to be dissolved, that was Cape Resorts Hotel vs. City of Falmouth. In 1988 Burlington Sand vs. the Town of Harvard, the courts came up with the same decision that in order for a nonconforming feature to be dissolved there had to be intent to stop it. Most recently was Plotka vs. Swampscott February 10, 2012 this was an issue over a sign that was grandfathered in, it was damaged by a storm and the land owner replaced it with a new sign, and the town tried to stop the petitioner from putting that sign up and the court upheld the same thing, it had to be intent to discontinue nonconforming feature in order for it to be dissolved. There was no intent on my

part to ever stop, to ever not have a store on that property since we applied for it in 2006. Not only have I paid commercial taxes since 2006 that I lived in the property but in 2007 we bought a computer system to run the store which included a card swiper bar code scanner, and a receipt printer for printing out credit card receipts, in 2009 we bought a sales counter top to conduct our sales in the store. In 2010 we signed agreement with Kringle Candle Company to carry their hand made products in our store. In 2011 we signed an agreement with Byers Choice which is also a handmade craft company. We have done something every year until this year we could afford to open store and now we filed the paperwork and were told by the Zoning Control Officer that we wouldn't be able to have it. We also went around and I think I put it in your packets, we got a signed statement from abutters that directly about our property, it says they are not against it, it is a good thing, it is going to be good for the neighborhood. I think we have done a great job of beautifying the neighborhood by improving the property. The store will not take away from it. I do not think we have done anything to cause the nonconforming feature to be dissolved. We are going to have antiques from Bob and Anne Wood, the former owners of the property; we will have handmade craft items from around the community. The store is connected to the house. There is a door that separates the house from the business. We bought the property in October/November of 2005.

R. Blum That is when the original business ceased?

R. Gaudette That is correct, the business has been grandfathered in for I don't know how many years, probably before zoning. It was part of Rehoboth.

R. Read That was the old Hearthstone Restaurant.

R. Gaudette Yes, we actually have menus from the restaurant.

R. Read You said you made an application in 2006?

R. Gaudette Yes, that is correct, we actually received a business license in 2006 from the town of Seekonk and had I known it was going to cause all these problems, I would have kept renewing it but I didn't know. It is only good for one year. When we ran into the financial trouble because of how expensive it was to rehabilitate the house, I didn't realize that when I bought it, the entire building was used as an antique store so there were no bathrooms, no kitchen, every room had track lighting in the ceiling; it all had to come out, the floors all had to be sanded down which was quite costly. It was never our intent not to have a store there, we slowly added things in order to achieve our final goal. The 1954 case by the way, the Massachusetts Court of Appeals, they made a conclusion that to close the doors of a business was not enough proof of cessation of business. They came to the conclusion that if a business was doing things to maintain the idea that a

business was going to be run there that was sufficient for the continuation of the business.

K Rondeau You said it was 2006 when you were issued a license. The Building Inspector when she researched it said, and to quote her determination letter, “there was no license to operate from the Selectmen, no business certificate and no personal property taxes have been issued for your address since 2003.

R. Gaudette Right, we got the license, I don’t know where our copy is, so I don’t have it here for you tonight. We were trying to get a copy from the Selectmen’s Office but Anne the Administrative Assistant, hurt her back and she was unable to go down to the cellar where the records are kept and pull those records out but she has it in her computer that Blackstone Valley EMS, I am a paramedic, we started putting Lucy’s Country Crafts and Collectibles underneath the business name of Blackstone Valley EMS, Lucy’s Country Crafts and Collectibles was issued a business license in 2006 by the Town of Seekonk under Blackstone Valley EMS, dba Lucy’s Country Crafts and Collectibles. She found something in her computer that said we had a meeting with the Board of Selectmen under Blackstone Valley EMS dba Lucy’s Country Crafts and Collectibles but evidently the records are down cellar somewhere and because of her back injury she was unable to go down cellar to get them.

Ch. Groucke Is there anyone in favor of the petition?

Anne Wood 39 Fall River Avenue, sworn in. The building was the restaurant in the 30s and in the 50s there was a fire and the building was not useable. The Smiths bought the building with the idea that they would start to put it all back into shape. In the 50s it started to be an antique business. Bob’s family bought it in 1976 and we went into business with them in 1978. If you have a picture of the shop you would know what the building looks like, the barn was a big space. That was the restaurant; the house could be used as living space. It was intended to be a big space for a restaurant, shop, whatever. I think it would be a big asset to put it back into that sort of situation so that it is useful all the way around. It is a lot of space for two people. It is a wonderful location for a shop; it would be good asset for the town.

Ch. Groucke Is there anyone else to speak in favor of the petition? None. Is there anyone to speak in opposition to the petition? None. Is there anyone with any questions? None.

Mary McNeil Zoning Enforcement Officer, Town of Seekonk, sworn in. This is an R- 1 zone. This is an Appeal of the decision and no request for special permit or variance. If you grant a Variance, you would be granting a business use in a residential zone. Also, with the type of business they are looking to do it is difficult to fit home

occupation. (inaudible) one employee limited space. The letter states it is only 2 years for grandfather rights after a business has closed.

William Adams      15 Fall River Avenue. sworn in. When we bought the house, it was my dream to have that house. It was built in 1740, it is an old house, it needed a lot of work. Since we have bought that house, it has changed our lives plus Seekonk, First of all, we have people to this day still come in my driveway with articles, menus, people come to my house with paint splashes asking what color the house is. My next door neighbor worked in that house as a bus girl. We have been on national TV four times. We have been in magazines 4-5 times. The Seekonk Tribune has come and interviewed our house. As far as employees, there will be 3 employees working in the barn. There is plenty of room to have enough employees. People know in Seekonk where this house is. I just want to let you know that we brought back a house that was built in 1740s that was a business from an antique shop to a restaurant, it has so much history. The parking lot still has the original parking lot from when it was an antique shop, we have a huge parking lot so we don't even have to put a parking lot in. We had a man come in last week, he is 89 years old and met his wife at my house when it was a restaurant, he was a waiter and she was a bus girl, they fell in love and he was moving to Florida because he was going into a retirement thing and he said every Sunday from the beginning of the summer to the end of the fall they would drive by my house, sit in front of my house every Sunday and remember how they fell in love. He handed me this post card of what the barn looked like when it was a restaurant. We have menus, people show up with, we have a picture that was taken just before the Civil War of a little boy standing in front of the house and that is how we put back the house the way that it was in that picture. Behind that letter of that picture it says whoever keeps getting this picture, please pass it along so it stays with the house. Everybody knows the house. When I went to have the neighbors sign this, they said it is about time something goes back in that barn. Christmas, we have our neighbors come over, we do Halloween, we had 5 kids our first Halloween, the last one we had over 300. It was about 6:00 and we were wondering where everybody was and I guess you guys have a parade or something and a lady came over and said wait until after the parade, there were lines to get into our driveway. We have the room.

R. Blum      I don't argue the historic value

R. Gaudette      I just want to re-emphasize that the focus seems to be on the fact that the business ceased to exist from 2005 until now. The case in 1954 that I talked about earlier, Massachusetts Appellate Court clearly states that the doors to the business don't have to be open in order for it to be considered still existing. As long as things are occurring in the building that are related to the business, the business still exists. We have been doing things in the barn, every single year since we purchased it in order to achieve the goal of opening the store. The business never

stopped from when we got the license in 2006 there were things that happened in the barn every year since 2006 to achieve the goal of actually opening the doors to the public. I don't see how you can say that the grandfather clause is null and void because there was no 2 year period since we were given the license in 2006 that nothing occurred that was not business related.

Ch. Groucke It is perplexing because it seems like it is a good location for what they propose, it is not something that can be done by way of a Variance because what they propose to do does not fit into any of what is listed in 6.2. It comes down to the only thing is home occupation. But as Ms. McNeil said, what they intend to do would be far beyond what would be contemplated by the home occupation section of our bylaws. Mr. Gaudette has raised a couple of law cases that we have not looked at maybe that should be explored.

R Read In my opinion, obviously he bought the place to continue a business and it has been a business since before USA came into being. I find it difficult to penalize him because of his oversight in not renewing the license that is what the problem is.

R Blum I don't see this as being an overturn of the decision. I think we need to approach it a different way. It has 70-80 years of business history.

K Rondeau It states that he bought the place in 2005 and made a lot of purchases to keep it going but we have not seen any receipts to prove that fact so it is only on his word. Also court documents and cases to consider, we don't have those, and also Ms. McNeil brought up a great point in her determination letter in that "no determination as to whether a particular project would comply with zoning can be rendered until an application for a building permit is receive". My suggestion is I could consider this a lot better if this was presented to us if this was an application for a special permit. It does not fit as a variance, it doesn't fit as a home occupation, we would have to study and consider it as special permit. There is a hurdle getting over, the residential area, but there is also a lot of history and background there. I think it would be worth the applicant's while to withdraw the petition without prejudice and go back to the Building Commissioner and apply for a building permit and ask for a determination on the zoning and wherever that falls, it might get granted or not, but if it does not get granted he could reapply for a Special Permit.

R Blum Do you think we should consult Legal Counsel?

R. Read Why a building permit?

K. Rondeau I meant a business permit.

- R. Gaudette That is what brought us here tonight was the application for the business permit, Mary could not sign it because of her letter. We were going to her to have her sign our business application for our business license. We are not building anything.
- K. Rondeau I don't think we can do anything without having a Special Permit application before us.
- R. Blum You started at the Board of Selectmen, is that correct?
- R. Gaudette We started by going around to all the Town departments to get them to sign off on the business license application and we got every department in the Town to sign off on it with the exception of Building. Building was the one that said you can't have a business in that area because the grandfather clause is now null and void.
- R. Read When you applied for the license in 2006, did you have to go through all that then?
- R. Gaudette Yes, we did the same thing, we had everybody sign it, we went before the Board of Selectmen, the BOS granted us a business license and since then we have been doing things in the barn in order to maintain the business. We have been paying property taxes for commercial; we have been modifying and buying things to open the business. As far as I can see, we never stopped the business, we just weren't open to the public and neglected to apply for the business license which I didn't know we had to keep up the license in order to maintain the, probably my biggest mistake was, in my mind, I saw paying the commercial property taxes as being we are telling the town of Seekonk that we still have a business there. Over the past 6 years we have overpaid the Town of Seekonk \$16,000 in order to maintain that business. We are still taxed as dual zone.
- K. Rondeau Our town bylaws has been more narrowly interpreted than the state. It clearly states in section 5.5 that even with all those court documents, etc., that no building structure or premises for a nonconforming use other than agriculture, horticulture or floriculture use has ceased for more than two years shall be devoted to a nonconforming use. We are shackled here.
- R. Gaudette That is the point I am disputing because the business never ceased.
- K. Rondeau That is the state, the town bylaws are different. Our town Bylaws in Section 5.5 clearly talks about discontinuance of nonconforming use. That is what the Building Commissioner believes also.
- R. Read He is saying there was never intent on his part to discontinue the business, he has been preparing to continue it since he moved there.

- K. Rondeau That may be fine for those localities that don't have this bylaw, that would apply. Those court documents and decisions would apply to those towns that don't have this bylaw. We have the bylaw. It is subject to interpretation.
- R. Read Whether we have the bylaw or not, he was saying that as far as he was concerned he was continuing the business. He just failed to renew the license.
- J. Creamer How do you define "continue"? 2006 was the last time he had a license and he had not kept up the license since 2006. Even if it is his intention to continuing to make this a business I don't know if you can define that as continuing the business.
- Ch. Grouke That is the question.
- J. Creamer We all could do renovations to our property and that is fine but whether or not you call that a continuation of a business is a little bit vague.
- R. Gaudette The voluntary payment of commercial taxes on a residential structure is not enough to show you that it was my intent to continue the business? I have been paying commercial taxes on the property to the Town of Seekonk since I bought it. Just because my doors weren't open doesn't mean I didn't have a business there.
- R. Blum Mr. Chairman, I would make a recommendation that we consult legal on any prior cases in the commonwealth, also it would be nice if we could get a copy of commercial taxes that you say are being paid or have been paid and table this until the next meeting to get more information. I cannot make a comfortable decision until I have more information and guidance.
- Ch. Grouke I would go along with that and it does seem to me the issue really is, and if you look at section 5.5, it talks about if the nonconforming use has "ceased". So Mr. Gaudette is arguing that it had not ceased based on his actions, his payment of tax at a commercial rate. That is it right there. Other than that, it is allowing a business use in a residential zone. It can't be done by Variance, it can't be done by Special Permit. It is only if we determine that the nonconforming use did not cease and it sounds like he has raised some issues about payment of taxes and so on. I would agree to explore that.
- R. Blum To add to that, if this was a business for three years and ceased, I would probably have a different thought in mind, but we are talking 70 years of history that it may have been a home or business or...
- R. Read I wouldn't doubt if it was a business many times way before that, in colonial days, Pleasant Street was the main road.



R. Blum That is why I am saying he has brought some factual information about paying commercial taxes. I think with guidance from our legal department we could make a better informed decision.

Mr. Gaudette presented copies of case law and copies of his tax records for the Board to view.

K. Rondeau I wouldn't support that unless you also include the bylaw Section 5.5. You can't just go by the state and 40A.

R. Blum Legal is going to look at all that.

Ch. Grouke The Board is going to schedule this for another night and explore the information a little bit more.

R. Blum made a motion to continue the hearing until the next meeting June 4, 2012 at 7:00 pm and consult legal counsel on the matters concerning continued use as the applicant has stated and include the concerns with Section 5.5 and that the applicant should bring any and all receipt regarding what you have done to continue the business and tax information, seconded by J. Creamer, **and so voted unanimously by:** Ch. Edward F. Grouke, Keith Rondeau, Ron Blum, Jeffrey Creamer and Robert Read

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

**2012-08 Najas Realty, LLC.**, 111 Miles Lane, East Providence, RI 02904, Owner and Petitioner, Appealing the Decision of the Zoning Enforcement Officer, and requesting a **Special Permit** under Section 5.3 and **Variance** under Section 6.5 to allow a proposed addition within the front yard setback to an existing single family dwelling at 167 School Street, Plat 7, Lot 37 in an R-3 Zone containing 40,940 sq ft.

Paul Carlson InSite Engineering Services, 1539 Fall River Avenue. sworn in. We are seeking a Variance and Special Permit for this property located at 167 School Street. This is the old Read house located west of Barrington town line. The project proposes an addition along westerly side of existing dwelling. The existing dwelling is a two story single family house located 13' off the front yard setback in an R3 district so the front yard setback requires 50', rear yard 70' and the side yard is 40' for a two story structure. The proposed addition as shown consists of 160'

addition with a 24' x 24' garage in the front of the addition and would be located 26.3' from the front yard setback and all other setbacks would be met with this proposed addition. The Special Permit would be issued under Zoning Bylaw Section 5.3 and (inaudible – tape change)

The addition will be a single story mud room and 24 x 24 garage. The house is being sold off separately from the land that is being developed. The old garage will remain; it has historic value similar to the house. The reason for the garage is that the existing garage only has a 16' deep bay and not enough depth for present day vehicles. I believe the house was built in the late 1600's. As you can see from the plan the entire structure is within the front yard setback even the garage doesn't comply by a small bit.

Steve Najas Najas Realty, 111 Miles Lane, East Providence, RI sworn in. The small platform off the garage is staying, they are going to use it as a garden shed. I have a buyer for the house but that was a condition of Purchase and Sales, to put an attached garage and mud room attached to the house.

Ch. Groucke Is there anyone in opposition to the petition? None. Is there anyone with any questions? None.

Ch Groucke Once again, we have an historic building; to say it predates zoning is an understatement. There is no place else to put an addition on the house based on the location of the building on property and the length of time there, it would seem that he has the necessary basis for relief he is requesting.

K. Rondeau Mr. Blum, you as a member of the Historic Commission, would there be a reason why he could not extend the back of the garage?

R. Blum The house is not plated so even though it is a historic house from the 1600s because it is not in the national register, there are no limitations for what they can do. Unfortunately, I feel differently at heart, I wish it could stay as original as possible but I am hoping that the integrity of the house will look the same.

S. Najas Most of renovations that were done to that house predated myself. The building official can attest that what we have done to the house right now is kind of restored it back to its original colonial and take away some of the barbaric non conforming contemporary stuff that was done to the house. Everybody has driven by that house, you can see what we have done to it. We have brought it back to, I can't say its original state because the house has been morphed so many times it could never get back to its original state but we brought back some of the trim lines back and roof lines back and looks presentable and has more aesthetic value than it did before. The addition will be the same red cedar stained yellow color that it is with white trim very traditional same roofline of the house. Everything will conform to what is existing, if you drive by you can see what we have done.

Same thing with the barn, they are only 16' deep will it will stay the same, the gentleman will tinker in there he does a little bit of woodwork.

Anthony Rebello 121 School Street. Stated he had never seen the plans and requested to view the plans, Mr. Rebello was provided a copy of the plans.

R. Blum made a motion to close the public hearing, seconded by R Read, **and so voted unanimously by:** Ch. Edward F. Grouke, Keith Rondeau, Ron Blum, Jeffrey Creamer and Robert Read

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

R. Read made a motion to uphold the decision of the Building Inspector/Zoning Enforcement Officer, seconded by R Blum, **and so voted unanimously by:** Ch. Edward F. Grouke, Keith Rondeau, Ron Blum, Jeffrey Creamer and Robert Read

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

R. Blum made a motion to approve the petition as submitted for both the Variance and Special Permit, seconded by R Read, **and so voted unanimously by:** Ch. Edward F. Grouke, Keith Rondeau, Ron Blum, Jeffrey Creamer and Robert Read

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

**2012-09 Sharon L. Hayden**, 7 Maple Road, Warren, RI 02885, Owner and Petitioner, Appealing the Decision of the Zoning Enforcement Officer, and requesting a **Special Permit** under Section 7.1 to expand the existing residential use by allowing the construction of a 30'x40' garage at 30 School St., Plat 2, Lot 6 in a Local Business Zone containing 20,271 sq ft.

James Miller Miller Engineering, 445R Taunton Avenue. Sworn in. This petition is for a special permit for continued or expanded use of residential use in local business zone. This is the existing house at 30 School Street. All the property around it also is residential use. The adjacent residential zone is R1 and the bylaw requires the setbacks be the same. The proposal is to construct a garage at rear of property and construct a gravel driveway. This would be the most opportune place to put

the garage. There is a septic put in couple of years ago when house was sold. Existing garage only has a 20x20' bay and too small, it can't be expanded because nonconforming and would interfere with the septic system it would be best to put up new garage rather than rehabilitate the old one. The old garage does not have to stay. The final decision on the existing garage has not been made. The proposed use is vehicle storage and hobby use for antique cars.

Derek Hayden 30 School Street sworn in. The existing garage, the sill is a little rotten along the property line, it is not falling down yet but at some point it does it have to be razed. There is one 8' garage door for whole building.

R. Blum Are there any restrictions to having two garages on a piece of land?

Mary McNeil Under the circumstances, no. It is residential use in local business.

J. Miller It is not in good shape but not a danger.

D. Hayden The garage will be a steel building.

J. Creamer Why are you putting this so far back on the property?

D. Hayden The existing garage is in the middle of the yard, and then there is the septic system. Putting in the back would not interfere.

R Read They need to put it 25' from the back because that is adjacent to a residential zone.

R. Blum I agree with you about needing a 25' setback but because it abuts a residential zone and putting a steel building in a residential zone, I don't know if anyone who is abutting that has any concerns.

Ch. Grouke Is there anyone in favor of the petition or with any questions?

Alicia Parker 20 Raymond Drive How tall is the garage going to be and did he say he was going to knock down the existing garage and put the other garage way back, I didn't hear?

Ch. Grouke They have not decided yet, they do want to put the new garage way back and what is proposed is a 40' x 30' building.

J. Miller It is a one story garage so maybe a 16' pitch on the garage.

A Parker This is a very narrow lot, why so far back? Inaudible. He is very close to Mr. Faria.

- D. Hayden I spoke with him and he is in favor of it.
- A Parker Why so far back? So there will be two driveways.
- Mary Messier 26 Raymond Dr. sworn in. As this is zoned business and the structure is made of steel, is it his intent to run a business?
- D. Hayden I don't plan on running an automotive business from the garage only storage.
- Ch. Groucke Residences are not allowed in a local business zone but the residence is there now this building is proposed to be an accessory to the residence so the steel building, whether or not we should talk about that. It is worth discussing because if we are going to allow an accessory to a residential structure it is worth discussing if it should look residential.. Ms. McNeil would it be permissible for this garage to be made of steel?
- M. McNeil Yes, it is allowed in a local business zone
- J. Miller I did not realize that the rear yard setback in this case should be 25' but I can revise that.
- K. Rondeau Did you give any thought to keeping the existing driveway, razing the garage and still moving the new garage back to that corner for a little bit more room?
- D. Hayden I figured since the existing garage is already there it will allow me to transition everything to the new garage. I have a lot of stuff in the garage, what would I do with all that stuff while I am in the process of building the new garage, this way it is a better transition.
- K. Rondeau If the old garage goes away would the old driveway go away?
- D. Hayden Yes, I like grass, this is all old asphalt.
- R Blum Razing the structure creates an expense too but my concern is even though this is allowed in a local business zone, does it fit in the residential area? I consider a steel building more of a commercial building. I know they are cheaper to put up quicker and last longer; even though allowed in this zone but should it look more like
- D. Hayden I see a lot of metal garages in people's back yards. They have regular painted sides, roofs, doors and windows. They are about half the price of a wood garage, it is. In the back of the property there are brambles and a 6' fence.
- J. Creamer I know this borders residential properties and I just wanted them to know it was going to be a metal garage.

A. Parker Did he say he was going to put up a metal garage?

Ch. Groucke Yes

A Parker Metal garages rust if they are not taken care of.

R. Blum It is our job to make approvals that are best for the surrounding neighborhood and best for you. Is there any consideration to building a stick garage?

D. Hayden If there needs to be. There is a hotdog shop directly across the street. This is galvanized painted steel with a lifetime guarantee, not a Home Depot special.

K. Rondeau I hate to approve something I do not see before me.

J. Creamer I agree, it would be nice for people to see what he is talking about. I have an issue with it aesthetically, I would not be thrilled if this was next door to me.

Ch. Groucke Mr. Hayden, do you have anything that you could produce at our next meeting that would be a picture of a similar garage you want to put up?

D. Hayden I went on line and I got a price from them and emails from them, it is a reputable company, they send a kit and a contractor. I don't have pictures with me, I see them all over so I really didn't think the steel part would be questionable, I see them in a lot of back yards.

R. Blum Some of the questions we have would be what is it going to look like, we have the measurements but you said approximately 16' high, I would like to see scaled plans exactly before I approve it. Mary, what is the maximum height for single story garage?

M. McNeil 12' wall height with a peak.

R. Blum If you come in with plans, if we approve it, we could approve it with those design specs.

Mr. Miller I will address the fact of the 25' setback.

Ch. Groucke Because you had to come here to get that garage because you are in that zone, we want to take it a step further and have a visual of it. It seems like the Board is inclined to allow the garage but we would like to have some input and we normally like to get a view of what is proposed especially in a residential zone. If I am correct, it is the sentiment of the Board and I would expect a motion to continue this matter to our next hearing of June 4, 2012.

K. Rondeau made a motion to continue the public hearing until June 4, 2012 and have the applicant and engineer come forward with specific plans on the style and location of the garage proposed with dimensions for consideration on that date, seconded by R Blum, **and so voted unanimously by:** Ch. Edward F. Grouke, Keith Rondeau, Ron Blum, Jeffrey Creamer and Robert Read

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

**Work Session:**

The Board discussed that the next meeting will be June 4, 2012 at 7:00 PM.

Discussion: Town of Seekonk Request for 1 year extension of Special Permit (Case 2011-06)

K. Rondeau made motion to extend the Special Permit as granted for the Senior Center for one year, seconded by R. Read, **and so voted unanimously by:** Ch. Edward F. Grouke, Keith Rondeau, Ron Blum, Jeffrey Creamer and Robert Read

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

**Discussion: Re-appointments of Board members**

R. Blum advised the Board that he is undecided if he will accept another 3-year term and will advise the Board.

Jeff Creamer advised the Board that he would be willing to accept a position as a Regular Member instead of Alternate Member.

The Board currently is in need of two alternate members and questioned if four members can sit on the Board and vote or does the Board need all five members present and voting? The Board discussed asking legal counsel to see if ZBA can conduct business with only 4 members however the Board determined they would explore previous Town Counsel opinions from 2008—2010 regarding this matter.

**Approval of Minutes:**

R. Blum made a motion to approve the minutes from 9/19/2011, 2/27/2012, and 3/26/2012, Seconded by J. Creamer and **so voted unanimously by:** Ch. Edward F. Groucke, Keith Rondeau, Ronald Blum, Jeffrey Creamer and Robert Read

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

**Adjournment:**

J. Creamer made a motion to adjourn the meeting, Seconded by R. Read **and so voted unanimously by:** Ch. Edward F. Groucke, Keith Rondeau, Ronald Blum, Jeffrey Creamer and Robert Read

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

Meeting adjourned at 8:40 PM

Respectfully submitted by:

---

Christina Testa, Secretary