

## SEEKONK ZONING BOARD REGULAR MEETING

### MINUTES August 27, 2012

Present: Ch. Edward F. Grouke, Robert Read, Ronald Blum, Jeffrey Creamer, Gary Sagar was called late to hear for Keith Rondeau  
Keith Rondeau absent due to traffic

7:14 Chairman Edward F. Grouke called the meeting to order. Only 4 members here; it's our custom to ask petitioners when we only have a four-person board if they would prefer to wait until we have a full board to present their petition. In tonight's agenda, we have three. Mr. Larotonda is here, which is a matter that was continued from the last meeting; and I would think that petition, since it was heard by a five-member board the last time, that it should probably be heard by a five-member board this time, too. The other matter, the Elm Tree Farm properties, that should definitely be considered by the full board. That is my feeling on it, because it is a substantial project. And then we have the Carden petition, which I would suggest that, if the Board and the Cardens are agreeable, that we would start our agenda with that petition now with the four people.

Ch. Grouke This is the meeting of the Town of Seekonk Zoning Board of Appeals, August 27, 2012. I am going to go over our Rules and Regulations. I am going to read each petition as it was advertised and call upon the petitioner or their representative to present their case. All testimony, including the testimony and statements of the petitioner and/or the representatives or witnesses will be taken under oath. 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 of the Commonwealth of Massachusetts; and anyone considering taking such an appeal has to comply with very strict time limitations that are applicable to a court appeal. The time limits are very strict.

**2012-19 William Jr. & Robin Carden**, 81 Sweeney Road, Seekonk, MA, 02771, Owner and Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary,

a **Variance** under Section 6.8 of the Zoning Bylaws to allow an addition to an existing dwelling within the side yard setback at 81 Sweeney Road, Plat 26, Lot 58 in a R-4 Zone containing 89,091 sq. ft.

Mr. Carden advised the Board that he was willing to move forward with only four members present and voting.

William Carden 81 Sweeney Road sworn in. The reason we are coming back for a Variance on my land is because we put the cart before the horse with the original variance that was granted. We had looked at putting a single-bay garage for two cars at 19'; and, after some research, I found that it would be very difficult for the addition to accommodate my mother-in-law and her husband if we had to access with a wheelchair. I am looking for five more feet to make the garage a little bit wider with double bay doors instead of single bay doors. I have a print of what the addition is going to look like.

Ch. Grouke When you were here last time in 2011, you requested to build an extension 20.9'; this time it's going to be 15' from the property line to accommodate more width on the garage.

Ch Grouke Does that include stairs on the side?

W. Carden That does includes stairs on the side, yes.

Ch Grouke Everything else remains the same about the additions? Same location, and everything?

W. Carden Yes.

Ch. Grouke Any questions for Mr. Carden? There were none.

Ch. Grouke Is there anyone who would like to speak in favor of the petitioner? None. Is there anyone to speak in opposition to the petitioner? None. Is there anyone with any questions? None.

R Read With the steps on the side, he better make sure that it is within the 15' or he could have a problem after it is built.

W Carden We do have the option of going with a narrower step. I believe I don't know how wide those steps are made.

Ch. Grouke The request is to build something that is built closer than 15 feet.

R Read Will the steps be included in that? I know the addition itself will be 23 feet.

W. Carden The addition itself will be 23 feet; so that when I requested the 15 feet, I did leave myself a few extra feet there to accommodate the steps.

Ch. Grouke The addition itself is going to be 23 feet and then the steps coming out?

W Carden I'm not sure how wide the steps are going to be.

R Read The addition is going to be 23 feet—that's the back part.

W. Carden That is the width of the garage.

R Read The plans we have don't tell us anything. It is up to him to show us.

Neal Abelson 1588 Fall River Avenue sworn in. Are the stairs covered? A roof over them? Because the original setback for a house ...the frontage offs the street, is the foundation of the house, not the stairs. So I don't believe the stairs go over the setback line.

R Blum If you can deal with 15' you applied for, you can deal with the problem; but I don't want you to come back again because you have an issue.

W. Carden I can check with the general contractor.

Ch. Grouke Do we have a motion on this?

MOTION: R Read made a motion to close the public hearing, seconded by R Blum **and so voted by:**  
Ch. Edward F. Grouke, Ronald Blum, Robert Read, and J Creamer

**VOTE: (Approve 4-0)**

MOTION: R Read made a motion to uphold the decision of the building inspector, seconded by R Blum **and so voted by:**  
Ch. Edward F. Grouke, Ronald Blum, Robert Read, and J Creamer

**VOTE: (Approve 4-0)**

MOTION: R Read made a motion to approve the variance as submitted, seconded by R Blum **and so voted by:**  
Ch. Edward F. Grouke, Ronald Blum, Robert Read, and Jeffrey Creamer

**VOTE: (Approve 4-0)**

**2012-16 Marita V. LaRotonda**, 46 Juniper Road, Seekonk, MA, 02771, Owner, by Martin V. LaRotonda (Trustee), 46 Juniper Road, Seekonk, MA 02771, Petitioner, Appealing the Decision of the Zoning Enforcement Officer, and requesting a **Variance** under Section 6.3 to allow the construction of a garage and breeze way on an existing foundation of a single family dwelling on a lot with less than the required lot area at 46 Juniper Road, Plat 6, Lot 89 in a R-1 Zone containing 11,373 sq ft. (continued from July 16, 2012)

Martin Larotonda submitted some engineered plans. He submitted the originals, from 1961. Mr. and Mrs. Lindbergh owned the whole subdivision; they had a certified plan done for everybody basically, and at the same time they were the grantors because they issued warrantee deeds. I also have the warrantee deeds here for you so you can match them up. You'll notice that the stamps have page 78 and page 33.

Ch. Grouke Before we do anything else, do you have any plans by an engineer that show distances?

M. Larotonda No, believe it or not, Waterman Engineering was the one that did all of that. Actually, the Lingberghs were supposed to oversee all plans; and in our case, a garage was required with the dwelling. That was number one on the covenant and conditions of the warrantee deed. Everything was sent to Mr. and Mrs. Lindbergh.

Ch. Grouke I'm not going to get into it anymore; I just wanted to see what you had at this point and try to move something along.

M. Larotonda I also have the plans I submitted before. I have some dimensions for you. Also I have pictures that show those discrepancies from the last meeting. I remember the issue with the right back corner of the foundation of the garage. We weren't sure whether it was two feet or twelve feet. I have pictures to back that up. My neighbors in that area, including the abutters, they got a petition together calling for the construction of the garage on the existing foundation.

Ch. Grouke Are those signatures notarized?

M. Larotonda No, they are not notarized. But I have a witness right here, Mr. Walter Keilman who started this; he is a neighbor right across the street from me.

R Read But we did not get what we wanted.

Ch. Grouke We are going to suspend the hearing for a minute and give some consideration to 2012-20. You would like to address us, sir?

Mark Shane I am from Swan Brook Assisted Living. I have a procedural question, if there are not 5 members and my petition gets continued would I have to re-file?

Ch. Grouke You would not have to re-file; it would be something we would open it and continue it.

M. Shane I am applying for a Special Permit. Would I have to apply separately if I needed a Variance for something?

Ch. Grouke It is the practice to require separate requests.

R. Read Does he want to add this or change this?

M. Shane It has come to my attention that the parking is considered for building setbacks; it is part of the setback, but I wasn't aware of this. (inaudible). If I get delayed to the next meeting, I don't want to find out that I have to come back in at a later date for another meeting for the parking that is not within the setback. It is the left side and the front setbacks. The center building is 100' from the road but the parking is not set back 50'. The Zoning Bylaws are not clear.

Ch. Grouke We talk about buildings. When you made your request to the Building Inspector, did you submit this plan to her?

M. Shane Yes.

Ch. Grouke I see an alternate just showed up so we might be able to hear it.

Mr. Gary Sagar entered the meeting as alternate for Keith Rondeau

Ch. Grouke We will get back to you, sir; we will go back to the Larotonda petition.

Ch. Grouke Gary, this petition is continued from July 16, however you did not sit on that petition, so you would not be able to sit on this without having reviewed the minutes.

G. Sagar I did review the information. (Mr. Sagar was willing to sit on the petition based on his review of documents)

(Inaudible - multiple people speaking at the same time.)

Ch. Grouke We are going back to the petition 2012-16 for Mr. Larotonda. For the record, our alternate Gary Sagar has come in to sit on this petition, and we now have a five-person Board.

Ch. Grouke We had a chance to look at what you have submitted to us tonight, but this is the original recorded plat of lots when the developer who was Carl & Emily Lindburgh when they subdivided this property; and this is the subdivision plan from the Registry of Deeds showing it was recorded in book 78 page 23. It shows all the lots as they were laid out back then in 1961, but what we were looking for from you is an engineered plan showing distances from the foundation to the property line. That was the hang up the last time.

M. Larotonda Exactly. When I went to the Registry of Deeds, the man in charge there said that is the plot plan.

Ch. Grouke This is a plot plan, but it does not help us because it doesn't show distances. The issue we have is how far away this foundation is from the property line. That question can only be answered by a Register Engineer who puts it on paper and puts a stamp on it.

J. Creamer You are talking about a site plan showing exactly where the foundation is. We asked for a plan from an engineer showing exactly how far away the foundation is from the property line. Quite frankly, without that I don't know how we can approve it. Without it, we are approving something we don't know.

M. Larotonda I understand your concern for that; I did take pictures, and I have a witness who helped me take them. There is a fence on right side of garage, between foundation and garage, the fence is the property line; if I show you pictures, you will be able to see it as clear as day.

J. Creamer I understand but from my position, it is hard for me to approve of something not approved by an engineer. Somebody has to say, "Yes, that is exactly where this is on that site." That is what we asked for last time.

M Larotonda I understand, but I have the Warrantee Deed; and it says the Lindberghs were the grantors and everything was presented to (inaudible) for their okay. It went by them first.

J. Creamer This is the original plat, but you have to hire somebody to find out where that house sits exactly on that lot.

M Larotonda The reason I did not do it was because this was not feasible for me to have that added expense. The garage was required to be built on that dwelling. When those plans were submitted, that garage with also specifications were mentioned and the property lines were all taken into consideration. The grantors of the

Warranty Deed and the owners of the subdivision, they were required to put an \$8,000 bond on the subdivision to meet the specifications of the Board of Selectmen. They took the money so it was their responsibility to oversee the bylaws to grant my father the ability to even build it. What I am saying is the Warranty Deed practically says I am grandfathered in.

G Sagar I think you are confusing the issue here. A certified plot plan, an engineer finds all structures on that lot, all distances, and makes a statement that certifies it is performed. You will not get a building permit without one. To stand here and debate what you think, I know the Building Inspector will require it. I can appreciate you don't want to incur additional expense.

M. Larotonda It's the time and the expense.

G. Sagar Building is expensive, sir; but it is a requirement by our zoning bylaws.

M Larotonda I guess I am going to have to pass then. I can't go on, I figured since it was built according to the way everyone wanted it back then, I could proceed. I have gone much farther than I wanted to, to be honest with you.

Ch. Grouke We sympathize with you, we are not questioning you; but all the records don't exist from back then. That is also the reason we needed it. One option you could consider is you could withdraw the petition; you would not have a negative vote, and you could resubmit the petition and do it in less time. If we deny your petition, you would have to wait 2 years before you resubmit. If you withdraw the petition you could resubmit; but you would have to pay the application fee and the advertising.

G Sagar The amount you spent already with the advertising and everything about \$400-\$500. If we grant a withdrawal without prejudice and you decide to come back, you are better off putting that \$400-\$500 to an engineer. The other problem you have is you have an undersized lot.

M. Larotonda It is the second biggest lot.

G. Sagar One suggestion is you could ask the Chairman and the Board if they could continue this one more time, and you could think this over. It is your decision, but I want you to be aware of what all your options are.

J. Creamer You could continue and withdraw later if you decide not to move forward.

Ch. Grouke Continuance for another session would mean that you would not have to pay the petition and advertising again, but we would expect you to come back with what we are talking about a certified plot plan.

MOTION: G. Sagar made a motion to table the public hearing until October 15, 2012, seconded by J. Creamer **and so voted by:**  
Ch. Edward F. Grouke, Ronald Blum, Gary Sagar, Robert Read, and Jeffrey Creamer

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

**2012-20 Elm Tree Farm Properties**, 35 Westwood Road, Lincoln, RI 02865, Owner, by Mark T. Shane, 16 Gardner neck Road, Swansea, MA 02777, Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Special Permit** under Section 9.3.3.2 of the Zoning Bylaws to allow a 92-unit Assisted Living Facility within the Mixed-Use/R-3 portion of the property located at 1530-1544 Fall River Avenue, Plat 4, Lot 5 in a Mixed-Use/R-3 and R-4 Zone containing 12.06 acres.

Mark T Shane 16 Gardners Neck Road, Swansea Ma. I am the owner of Swan Brook Assisted Living in Swansea. It is a small Assisted Living facility located in Swansea for 28 years. It is not owned by a corporation; it is individually owned. In 2010, I approached the Town Planner and the Planning Board to discuss my interest in building a facility. I looked at several sites, but I preferred a residential neighborhood but couldn't find one in a residential neighborhood. On June 8, 2011, the Board of Selectmen and Planning Board met and discussed a bylaw for assisted living. As you are aware, the Bylaw was voted down in 2011. Since then, I have been back in touch with Planning Board and looked at other properties. I looked at mixed use areas; our original plan was for 112 units and revised the plan and moved it all back into the mixed use area so it all falls within the mixed use zone. It comes in 430 feet off Route 6. The proposal is to demolish all existing buildings from 1530-1544 GAR Highway. (Mr. Shane presented to the board, pictures of existing buildings) We would like to start over on this site; we will demolish all the existing buildings and asphalt parking on the site. It would all take place within 430' off Route 6; at this point maybe the septic in back; at this point nothing will encroach into the R-4 zone. The project will be constructed in three phases. (Mr. Shane presented to the board a color-coded plan showing the phases of construction) Phase 1 would include the proposed community building, which would house the recreation center, shopping, cooking facilities. The building to the right would be the first structure 60'x140'. It would be a two story residential building similar to what I have in Swansea that would house 28 units. On the left you see the area mapped out in red; that is the second phase which is another 28-unit building. The last and final phase is orange; phase three would house 36 units. What we had to do is turn the buildings sideways so the last building could stay within the mixed use zone. Some of the benefits to this project: I submitted to you a letter from the COA. No assisted living facilities currently exist in Seekonk, although



there might be some coming down the road, there is a need for assisted living in Seekonk. Many Seekonk residents have to leave, go into Rhode Island or move substantially away in Massachusetts. We are probably the closest other than Rhode Island. In Swan Brook we occasionally get residents from Seekonk and right now we have 100% capacity, we have no more space. The seniors don't have to leave their community; they are close to their family and friends. The benefits to the Town, it would bring about 50 – 60 jobs to the community. We don't use the school system. We pick up our own trash. It does not generate a lot of traffic. There are residents who do have vehicles, but the majority don't have vehicles. There is not a lot of noise. From my perspective, it is good for Seekonk and good for me, it is a good market. There is a financial benefit also. That is what brings me before you this evening, we see a need; the COA director sees a need. I am looking for your approval.

R Blum           What is the time between phases?

M. Shane        It depends on what market bears, if they fill up immediately then we move on and build the second one. I don't want to get into a \$7 Million project and have 60 empty units. So we build in three separate phases and see if our market analysis is what is going on. We believe Seekonk residents will stay local, demographics show this is the fastest growing age group. I can't tell you exactly what the market will bear. The units are going to be similar to what we have now; they will be studio and one bedroom units. They are 14x 28. The studio units will have everything inclusive, microwaves, refrigerators, their own air, heating. The other units will be one bedroom. This is for people who need help with their everyday activities. We don't find much market for two bedroom units. There will be one main dining room.

G Sagar          Have you had any discussions with the Board of Health?

M. Shane        No but obviously it will be subject to septic.

G. Sagar         Typically when you talk about a unit, I believe it is one bedroom.

M. Shane        Yes, one bedroom and studio. But it will meet the square footage requirement of the building code inspector.

G. Sagar         Under Title 5, a one bedroom is designed for two people, that is under Title 5. Using the 92-unit, if you have design criteria for 180 people, at 55 gallons a day which is the requirement under Title 5, that is going to be a big septic system. You have a big area here to do it, and I am not speaking for the Board of Health. You haven't spoken to them at all about it? Have you done any perc tests out there?

M. Shane        My next thing is if we get approval through them is do perc tests. We will discuss septic size and the different ratios (inaudible).

G. Sagar         Are these slab on grade?

M. Shane        These will be slab on grade because we do not want to create a lot of stairs.

G. Sagar I apologize for not knowing this answer, but I believe the Chairman of the Planning Board is here; it shows construction activity 430' back from Fall River Avenue. I thought the Mixed Use only went back 400'. The 30' you can't just claim it, I believe parking within 30' requires a Special Permit. Have you showed this parking pan to the Town Planner?

M. Shane Yes, and this is the revised plan. The first plan, we were too deep into the mixed use zone. I am not saying that the Town Planner approved it, but he told me that the first plan, we were too far back so we had our engineers rework the plan because we were allowed to go back 30'.

G. Sagar Yes, you can go back 30', but it is another Special Permit.

R. Read But his building isn't 430'.

G. Sagar Yes, but he is putting parking in a residential area.

M. Shane Ten feet of the parking would be in the residential area, the building itself would be...(inaudible)

G. Sagar I will just say this, sir, I certainly support the concept but I think you have a lot more work before I vote for it; perc tests, at least some discussion with the Board of Health, and something from the Planning Board that they conceptually accept that.

Mark Shane Let me just respond to that. Anything here would be subject to the Board of Health. Just like they are subject to the Building Inspector, but I was not going to spend money on all those particular items and not get by this particular hurdle. I would spend \$100,000 of engineering and not be able to get a special permit. I know I am subject to those particular items; and I hear your concerns, because if I can't get a perc test or I can't meet the Board of Health requirements then we aren't doing anything. I realize that. But by another perspective, I am not going to fully design a septic system, engineer all this stuff and not get by the Zoning Board.

G Sagar The other issue, we have no, it is a Special Permit. You are showing us a square box, you are not showing us any detail. What type of building, what it is going to look like? I think there is a lot more that needs to be submitted. I am not asking you to go out and spend hundreds of thousands of dollars on design, but I think you at least need to go out there and do some perc tests, and we need to see a letter from the BOH that says they will support the use. Something from the Planning Board or the Planner that says the plan will work. I think there is a lot more detail that needs to be added before at least I will vote for it. Conceptually I support what you want to do.

M. Shane Is that the feeling of the full Board or an individual feeling? What would the Board like to see for approval? I realize it is subject to percs but does the Board want me to go out and perc the land? Is that a normal procedure that would happen in this particular event? Or does this Board deal with their section in issuing a Special Permit and then the Board of Health would deal with their section, and the Planning Board would deal with their section? If I don't get by those Boards, I could get approval by you and those Boards would say no; I don't agree with that plan. The Planning Board has a right to reject their

particular things and so does the Board of Health. Everything you do is subject to their approval.

Ch Groucke My initial reaction to your question is to say I would not insist on those things; however, I would like to see more detail on the buildings. I would not be looking for construction documents but just conceptual.

R Blum And like Gary said, some feedback from the Planning Board or Planner.

R Read Don't we just usually stipulate that all those things have to be done when we make a decision?

Ch. Groucke Yes, our first job is to say, is this use allowed in a mixed use zone? One of those uses allowed is Nursing Homes which Assisted Living is pretty close by. That is the initial question we have to answer; that is my way of thinking, and it is totally within the mixed use zone; but perhaps a Special Permit is needed for the space for parking in the residential area. But I think a lot of things can be addressed by saying "subject to other approvals".

G. Sagar Can I ask what your plans are for the back land?

M. Shane At this time I have no plans for the back land. Obviously any plans to expand Assisted Living into that area would require Town Meeting. I am well aware of that. I have no plans for that back land right now; it is going to take all my energy to get that going.

G. Sagar Do you have a typical building? How many of these have you constructed?

M. Shane I own one in Swansea, you are welcome to come out and see it, walk through it. I built the additions to it. It was originally a nursing home and we demoed a portion of it and built the additions. The address is 924 Gardeners Neck Road Swansea. It might be good to take a ride by; but keep in mind this was an existing structure. It is beautiful, it is well maintained. I know John (Hansen) took a ride by. I will see if I can get something conceptual on the buildings. Anything else for the Board I can do?

Ch. Groucke Any questions for Mr. Shane right now?

R Read What is the minimum age for somebody in assisted living?

M. Shane 62. I will be honest with you why. It is not because people before 62 may not need some type of assistance. We don't try to mix other issues that people might have, psychiatric issues, different issues. This is strictly an elderly assisted living. Nobody can be in the assisted living under the age of 62. We put that in there; we have a clause that we are not discriminating against anyone. This is a senior assisted living; this is the age group we set our activities for.

Ch. Groucke You could accept a stipulation from this Board to that effect?

M. Shane Yes, that would be great.

- Ch. Groucke Is there anyone to speak in favor of this petition?
- Neal Abelson 1588 Fall River Avenue, Chairman of the Planning Board sworn in. Mr. Shane brought this before the Planning Board to see if we conceptually agreed with it. He showed us the plans for it, and our Board was unanimously on board with this project.
- John Cregan 35 North Lake Drive Barrington, RI. Sworn in. Just a general comment, the tax revenue potential for the Town of Seekonk once this \$7mil facility is constructed I don't know what the tax rate is in Seekonk, but it has to be a substantial amount of money compared to what you are getting now on an old house and farmland.
- David Parker 20 Melanie Circle Member of Board of Selectmen. Sworn in. As an abutter to this property and as a senior citizen in Town, I hope this Board realizes the need and approves this type of project. We need not only this project, but we need more like this. I hope recognizing the fact that there has to be Planning (Board), Board of Health, Building (Department) I hope this board doesn't take all the boards upon itself. As you said, if it doesn't fit within that zone, other than, that leave it to other boards to consider perc tests design, etc. I am totally in favor of this.
- Beverly Hart 26 Melanie Circle. Sworn in. I am an abutter to the property. We know what we have there now, and this would be a tremendous improvement. I am in that category, and to move next door that wouldn't be too bad. I have seen and heard about his establishment and I think it would be a wonderful addition to this community. I know what the needs are in the senior community; and they are growing, the need. This is a good use for the mixed use zone. We are entirely in favor and hope you would realize it is a necessary thing.
- 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?
- G Sagar Mr. Shane, you said this was going to be slab on grade so they are all one story buildings?
- M. Shane No, they are two story buildings. What we want to do is, if you notice, the center gazebo will connect these buildings with walkways so they don't go up stairs for things to do. They would be connected by the gazebo. We have an elevator in the buildings to take them to the second floor. But outside we have concerns with grade, pitches, and things like that. All these buildings will be connected by porches to go to the rec center, gazebo.
- G. Sagar What type of construction are we looking at?
- M. Shane Wood frame. We will be meeting building requirements. We are thinking cedar impression vinyl shingle not siding because of the low maintenance factor, farmer porches to connect the walkways. Some of my major concerns in this area, when I was considering this, was the curb appeal in the area is not there yet. There are a lot of structures for sale in this area. There are 6-8 buildings on our particular site; that

will clean up the area a little bit. Across the road is a nice looking facility we are hoping that area turns around, I think it will fit into the area, it will be similar to the InSite Engineering structure. (inaudible).

Ch. Groucke What is your best-case scenario for time frame?

M. Shane I have a Purchase & Sales for the land with time constraints. It costs me “x” amount of money if it goes past a certain amount of time. The owner wants to sell the property; I want to buy the property. We are looking to get moving because there is talk of assisted living moving into Seekonk, competition is great. It will help the consumers. If I get approval from this board, my next step is to do percs and go to the Planning Board; they have been cooperative with us. But if we can’t get a perc then there is no place to go. We are trying to do things in phases that make sense. So, after this Board we would be doing percs.

G Sagar The other question I would have, I don’t have the determination letter from the Building Inspector but to go the 30’ into that zone that would require a Special Permit also. If you remember Mr. Chairman, the only time I recall issuing a Special Permit was for the property at Fall River Avenue and Anthony Street, the Tim Horton’s where they were going to extend the parking into the residential area 30’ so they required a Special Permit. The point being, if he needs a Special Permit for that too, he should do it at the same time. The first Special Permit would be because he is in a Mixed Use Zone; the second would be because he is extending the Mixed Use use into the residential area. There is a provision in the bylaw that allows him to extend it 30’ with a Special Permit from Zoning. I wouldn’t want to see him go through all this without speaking to the Building Inspector; maybe it could be amended.

Ch. Groucke Her letter only mentions the business type.

M. Shane Mr. Chairman, maybe I could approach the Building Inspector and the Town Planner to see procedurally what I need to do to encroach that 30’.

Ch. Groucke Are there any more questions for Mr. Shane? None. What does the Board feel they would like to see on this petition or are we ready to vote? Do we want to see more detail on the building?

J. Creamer That would be good; that is what we did for the Counsel on Aging.

R. Blum Maybe the Building Inspector could come to the next meeting.

Ch. Groucke In terms of seeing more detail on the buildings, is that something you could supply us?

M. Shane Yes, I know exactly what I want to do. I will replicate what I have already done successfully. They won’t be building plans but an outside conception of what the building will look like.

G. Sagar I was unaware, sir, when I made some of those statements that you had been before the Planning Board. It is good that they are on board with this. There is a big shopping

center in Seekonk that has been in existence for a while, and they are going to refinance it. They requested the Building Inspector to go into each building and inspect it to make sure there are no zoning violations. So you could get to the point where you are all set to build and then find out you are in a residential area, all set to build and still need another Special Permit, then you are held up. It is good if we know that up front so you know what you need to get and move forward.

M Shane (inaudible) That is my intention to seek those two and get an opinion whether it requires a Special Permit. I would like to clear that up now, too.

If he needs to get a Special Permit for that would be 10'.

(Inaudible - Multiple people speaking at the same time)

G. Sagar made a motion to continue the public hearing until October 15, 2012 with request for additional information be supplied being detail on buildings and additional information about the 30' setback, Seconded by R. Blum and **so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Ronald Blum, Jeffrey Creamer and Robert Read

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

#### **Work Session:**

R. Blum At the last meeting we discussed having Mary look into container storage on Wal-Mart property.

Ch. Grouke That letter was dated August 22; so at the next meeting, we will be looking for a status on that.

Ch. Grouke We will also be looking for an update on the Library Sign that was discussed last week.

G. Sagar Mr. Chairman, I just want to say that I had a candidate to be an alternate for this Board but he chose not to sit on this Board because it is televised.

#### **Approval of Minutes:**

R. Read made a motion to approve the minutes from June 4, 2012, seconded by J. Creamer **and so voted unanimously by:** Ch. Edward F. Grouke, Ronald Blum, Gary Sagar, Jeffrey Creamer and Robert Read

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

**Adjournment:**

G. Sagar made a motion to adjourn the meeting, Seconded by R. Read; **and so voted unanimously by:** Ch. Edward F. Grouke, Ronald Blum, Gary Sagar, Jeffrey Creamer and Robert Read

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

Meeting adjourned at 8:40 PM

Respectfully submitted by:

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Christina Testa, Secretary