

SEEKONK ZONING BOARD REGULAR MEETING

MINUTES March 7, 2011

Present: Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson for Robert Read and Ron Blum and Jeffrey Creamer for Ron Blum after petition 2011-04

7:10 Chairman Edward F. Grouke called the meeting to order.

This is the meeting of the Town of Seekonk Zoning Board of Appeals, March 7, 2011. First I am going to read the 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. We will hear from anyone in the audience to speak either in favor of or against the petitioner or with any questions. At the close of the evidence, we have a discussion and we also usually make a decision on the same night although we are not required to do that. We may take a petition under advisement and give a decision at a later date. It is our practice to decide it on the night of the hearing. It is filed with the town clerk within 14 days, There is an appeal that is available to the Superior Court by the petitioner or other parties who have the proper legal standing. That appeal is governed by very strict time limitations. If anyone is considering an appeal, they have to be very careful to meet the time limitations that are set forth in the law.

2011-04 The Town of Seekonk, a municipal corporation, with its principal business address at 100 Peck Street, Seekonk, Massachusetts, 02771, owner, by Madeline P. Meyer, Superintendent, Seekonk Schools, petitioner, requesting an appeal of the Zoning enforcement officer's decision and if necessary Special Permit under Sections 5.2.1 and 12.5.6 and a Variance under Sections 12.2.8 and 12.3.3.12 to erect an LED sign at Seekonk High School, 261 Arcade Avenue, Plat 18, Lot 2, in a R-2 Zone containing 27.8 acres.

G. Sagar Mr. Chairman, before you start the hearing I would just like to say on record, that having received this petition I contacted Ms. Meyers and suggested that she consider moving it to another location from where the original submission was. The reason being that if it were to stay where the existing sign is now, it would require an additional variance under Section 4.4. I just wanted to state on the record that I did have several discussions with her prior to tonight's meeting.

Madeline Meyer Superintendent of Schools, Seekonk with an office address of 25 Water Lane, sworn in. Thank you so much for allowing us to come before you.

As you can imagine that this is kind of (inaudible) is about getting children to stretch; to come out of their comfort zone. To be perfectly honest with you, I am out of my comfort zone coming before the Zoning Board. The sign that is presently at the corner of Ledge and Arcade is in a very precarious place; from what I understand, it has been there many, many years. In order to change letters on the sign, a rock had to be climbed; and I deem this dangerous, because on a winter's day when it is icy, it is dangerous to climb up on that rock and have to change letters. Not only that, but the letters were not protected by any kind of protector over it. Often times I would ride by and I'd see half of the sign or something where you couldn't decipher what the message was because the letters were falling off or blown off. We have tried to come up with a way to accommodate the sign at the High School; as you know, the High School is a very busy place; Arcade Avenue is sort of the hub of the Seekonk area, and many events take place every day in the High School, whether it's during the day, whether it's during the evening, or whether it's a weekend, it's a very busy place. I myself, not being from here, often times in my first year here, drove by the High School because you can't see it. It's sort of a tree canopy on Arcade Avenue and I think that really over (inaudible) when you first see it. The sign, where it was, was located on a corner, so if you weren't coming in this direction, you would also drive past the High School and you could not see it because the sign was sort of adjacent to the street. So, with Mr. Sagar's advice, we went back and took a second look at it. We decided that he was correct, and it was more reasonable to put the sign in the middle of the two driveways on Arcade Avenue. We did a study to find out the size of the sign we needed for the speed zone and what would be recommended. What we're suggesting tonight is the sign that the company has suggested. It does fall very closely into your parameters of what is allowable in a sign. It will be a two-sided sign so it doesn't matter which direction the person is travelling on Arcade Avenue they will be able to see the sign. This sign will be in the same tradition that other High Schools have put up signs. If you drive around to visit other towns, you will see that many High Schools have put up an LED sign that represents their ability to move forward, a move-forward ability, as well as the ability to alert the town should anything happen, you can see it immediately. I won't have to send the custodian out there to hang up letters; it's just a simple touch of the keyboard and the message is out. A double-sided sign will give us greater visibility going in both directions. We are happy to make the sign available for any emergency that might happen in the town to be publicized as well as handling notification of town meetings or elections. We will certainly continue to do that, to share the sign. We understand that we are part of a community, and we are grateful to be part of that community and so the resource can be used accordingly. We had an evaluation done and engineered by an accepted traffic-study company and what we are presenting is what they are recommending. I understand that

because this High Schools runs on two streets--on Arcade and Ledge--that I might be able to put up two signs but, I don't want two signs; I only want one; a double-sided sign would certainly be more than sufficient for us. So tonight we are asking for your permission to be able to move forward with this sign.

R Blum Since the location has changed, the picture is the same?

Ms. Meyers The picture is the same, we just changed the location.

M. Brisson It looks like there is a different size sign. The one that was submitted looks like it was much bigger, over 14' high.

Ms. Meyer Yes, this one is smaller.

Ch. Groucke How often do you expect to change the wording? Is there any plan on that?

Ms. Meyer It would depend on what is happening—the events, what's happening at the High School—it might be a meet on Saturday or the announcement of a High School play on the weekend. It depends upon what's happening in town and what's newsworthy.

K Rondeau I have a list we have used before of stipulations that we vote for a message sign, and I would like to see what your reaction to the stipulations that we impose. Number one is that there would be no change of script except for daily, unless for emergency; no intermittent illumination, traveling or flashing or any other lighting would be allowed; the sign would be made available for emergency public messages; the petitioner would inform the Fire Chief and the Police Chief in writing; To the extent possible the sign should be rustic in nature; the hours of operation shall be in compliance with the bylaws; the sign shall apply in all other respects; and the sign shall be equipped with an automatic photocell dimming during darkness. That is what we usually have for stipulations.

R. Blum Was the intention to have it run all the time? Because of school vacations, etc. School ends at 1:45.

Ms. Meyers The High School ends at 1:45. Events are usually going all day and sometimes into the night, concerts, voting, basketball games, it would be scheduled to time out for events that might come up.

Ch Groucke Is there anyone here to speak in favor of the petition?

Jeffrey Creamer 2 Marsden Court, I am an abutter to the High School. I also coach at the High School; and I've seen a lot of the other schools we go to. They all

have specialty signs, the sign with the LED messages. I think that the sign that we have had there is a travesty, and I am embarrassed by it personally every time I go by it. I have climbed the rock in the summer and spring, it is dangerous and a liability. This has been very professionally presented, and I am very much in favor of this.

Ch. Grouke Is there anyone to speak against the petition?

Arthur Foulkes 207 Arcade Ave, sworn in. This was voted down at town meeting that was the decision of the community at the time. What concerns me is that the petitioner is not a resident of this town and requesting a variance on a public piece of property. I cannot come to you and request a zone change on the meadow off Brown Avenue, I think it would be out of order. This request needs to have the support of the community. I own this as much as you and everybody sitting here. What it seems is you are making a decision based on an individual who doesn't live in town, in fact, I don't even see the School Committee here. It makes me suspicious as to why this is happening the way it is. That needs to be entertained, I need to understand what the position is on that.

Ch. Grouke We are working under the assumption that Ms. Meyers is a representative of the School Department presenting the petition.

A Foulkes You didn't say that though. How is that handled? It would seem to me that would be the general progression of what you are saying. If somebody was saying that we talked about this we voted on that but it still comes down to the fact that the Town rejected this. The other thing is does this change if it is held up for any reason? Does the zoning, this is just a general question, I am just curious, does a zoning change stand in perpetuity or does it only last for a period of time and if nothing happens or if what you are requesting isn't exercised it goes back to where we stand on a particular...for example if the gas station wanted to do something and you gave them a variance and they didn't act upon it does it eventually go away?

Ch. Grouke Sometimes a Special Permit has a time limit on it.

G Sagar This is not a zone change; it is a Special Permit and Variance within the zone. The parcel is not being rezoned, it is just a Special Permit for this particular use.

Ch Grouke Usually a Variance will run with the land if you will and sometimes a Special Permit has a time limit on it but it depends on what the Special Permit is for. In this case, I wouldn't think there would be a time limit on it because it wouldn't make any sense to put a time limit.

A Foulkes You asked about this running time, you talked about this running 24-7 and I did not get a clear answer. Just because a basketball game starts at 6:00 at night, once the game starts we don't need to have the sign running until 11:00 at night. It seems to me there should be a delineation based on your position that says at 9:00 this thing should be turned off. The other issue you have is that you are in a situation at Ledge Road and Arcade Avenue, this is a real concern. In fact, some years ago we tried to get a traffic light installed at that intersection, we have kids that cross that street and run, there is a monument there for a fallen soldier that was driven 15' up into the property by an accident that happened there which tells you the cars are going not 20-25 mph, they are going 40-50 mph. You are putting an encumbrance in the view of people and also you are putting a distraction up. I don't have a serious problem if it is over in the corner and set back. I heard you gentlemen talking about another Variance but it was more back and out of the way because somebody who wants to see what is on will probably look. We have signs on several schools and I'll be honest with you, if you took a question in this room to tell me what all these signs say, I'll bet you there is not one person in this room who could tell you anything that is said on that sign. Maybe there is a few but very seldom because those signs are not read. I think you have an issue that somebody should look at. The other thing I am curious about is what is the lumens of this thing, how bright is it? How does it affect those people driving down the road, nobody knows. I haven't heard anybody say it is so many lumens. You need to know that, you need to understand this thing is on a main highway, there is a lot of traffic, there are people walking. I had a mailbox taken out by a car because somebody lost control. You put an encumbrance out there that is number one. The biggest issue that we have, and I have noted that, we need to understand what right do you/we have, I am not challenging you, I am asking you to go and make a decision on a piece of public property, that really is the purview of the tax payers. We pay for that building, they have oversight, they are supposed to take care of it, which can be changed at any time because the tax payers can do that too. My real concern is to have these people come in unilaterally, make a decision on a public piece of public property that belongs to me and every other tax payer in this town, it would appear that we should have that choice and that we should have much more clarity of purpose as to what you are doing here and I can see by this, the remarks not coming back that you don't know the lumens on this thing, the size of this thing, I would like to see something put up there as to how it is going to affect the traffic, we have kids out there running cross country, they come down Arcade Avenue, just keep that in mind, I think that is really important. I also think that the time line should be delineated clearly, there should be a timer on that thing that (inaudible).

M. Brisson The first thing I would like to say is that a LED sign does not get measured in lumens. If it had floodlights on it, different story. I don't believe there is going to be any floodlights on this particular sign.

A Foulkes I will say this to you, have you ever been to Las Vegas? If you look at those signs, I have seen some of those signs that put out quite a good deal of light.

M. Brisson Yes, I have been to Las Vegas and you are talking about signs that are probably 100 times the size of the area that they are going to illuminate on this sign for LED.

A Foulkes That is a supposition on your part and mine. Really.

M. Brisson It is in full English right here. It is 6' wide x 1'7"...

A Foulkes I will look into that, I am an electrical engineer and I can't tell you...

M. Brisson I am a mechanical engineer, sir.

A Foulkes I can't tell you definitively how that is going to affect traffic coming down, can you?

G Sagar There is a standard in the zoning bylaw on illumination they cannot exceed on page 67. The issue of safety is the exact reason why I suggested they move it. The approximate location they were going to put it at some point I believe the DPW put up a sign that warns of a dangerous intersection. I couldn't in good conscience ever rule for a Variance that put up an obstruction.

R Blum I believe at the town meeting in the fall, the vote was for finance. The vote "yes" or "no" was finance.

A Foulkes If you listened to the dialogue at that meeting, there was a great deal of dialogue as to a lighted sign, vs. the passive sign that is there. A lot of people were concerned about that.

R Blum That is why we have this meeting here, this is why...

A Foulkes I am not trying to challenge you because I go to every town meeting and a number of people talked about the fact that do we really want a lighted sign, and how does that affect the neighborhood.

R Blum The abutters are notified, this is an open meeting, anybody can come. The other thing is my daughter goes to the High School, I am there every day. My opinion is that corner sign where it is currently located is more of a nuisance and distraction, than one down several yards or several hundred feet because you are in a drive zone where you are driving and yes you can see it but a lot of times if you are in that intersection trying to make that turn left or right, and you are distracted at that sign and you are looking at the sign and not at the corner, it might be a better solution to put it down farther where people are in the flow of traffic rather than trying to make egress or...

- A Foulkes I would concur with you, that sign where it was put should be back 10-15'. Gary and I talked about that, if you do that, push it back...it is not so much the sign, if you look at it from a traffic pattern it is in your way. The sign and the stone could probably both go back.
- R Blum I don't think moving it back will be the solution because people are going to try to see it. I think that when you are in the traffic flow and you are not in the intersection and not trying to make a left or right at an intersection, or going into traffic that you would be distracted by that because you are just driving by. Just like when you are driving down Route 6, you see tons of signs and...
- A Foulkes Let me ask you a question, you go through that intersection, how many times do you look over to see what is on that sign? Not very often.
- R. Blum Can I be honest with you, it is a natural instinct because...
- A Foulkes The funny thing is, there was a sign, they had misspelled a word up there that was there God only knows how long before somebody finally woke up and changed it. In fact, once we put it on television that is when it got changed, so it kind of tells you that even the people that work there don't look very closely at that sign.
- G. Sagar The new sign has Spell Check on it.
- K Rondeau Just for clarification purposes, Mr. Brisson was correct, the LED is measured in millicandelas, I am not an expert in this but I did look and most of these signs are all around the same, this one (this sign as presented to us) is running at 4500 millicandelas on the red color on the amber color 4200 millicandelas and that is pretty standard compared to what we have had before. It is on the spec sheet page 2.
- G. Sagar I can support the previous speaker's position of maybe put a curfew on it to shut off by 9:00 or something like that.
- Ch. Groucke We could do something like that.
- Ms. Meyer 10:00 most events are over at the High School and pretty much by 10:00 the custodians are locking up. I think that is reasonable.
- M. Brisson Are the parking lot lights on a timer when you have events? I have noticed when I come late at night from meetings that the parking lot lights are still on and coming down Arcade Avenue I can see them a lot better than I would see an illuminated sign.
- Jim Roy 86 Mill Road, sworn in. Yes, they are on a timer and the proposed sign is on a dimmer. You can have it come on and off any time of day, it is all programmable. We can dim it down or brighten it up, whatever you need.

Mark Brisson The other thing on this particular sign, on the last page of this spec sheet it talks about changeable letter size on that chart. There are adjustable letter sizes that are available so they can adjust as time goes on during the day.

Sandy Foulkes 207 Arcade Avenue, sworn in. I would like to know how this sign is going to be funded.

Ch. Groucke It is not our job to handle that, all we are doing is trying to see if it fits within the bylaws. We will put the question out there. Ms. Meyer?

M Meyer For the record, the sign was defeated at Town Meeting by one vote. How it will be funded I am not sure at the moment. We are looking at different opportunities that are available to help us. There are town people interested in helping, this is our first step just to see if it is possible and then I will go out and see how to raise the funds for it.

Robert McClintock 40 Oakhill Avenue, sworn in. As far as the sign is concerned, and being voted down at Town Meeting, I think it is really irrelevant to what we are doing here tonight. But, again, the expenditure will have to be approved at Town Meeting anyway, because there is no funding to do this now anyway. The issue of how it will be paid or where the money is going to come from is really moot. It also gives the Towns people a chance at Town Meeting where they have to fund it either in the budget or as a warrant article.

G. Sagar Mr. McClintock for the record, are you in favor or opposed?

R. McClintock To me, the sign that is there has outlived the intention of it. I have been around enough of the schools in Massachusetts and these signs are what you see everywhere. I think these signs are the future, it could be used for school and the town, but I am not going to take a position on this one-way or the other I am just telling you where I am coming from in terms of Town Meeting and the financing and so forth.

Ch. Groucke Any one else with any questions or comments, in favor of or in opposition to this position? No response. Any more questions for the petitioner?

G. Sagar I would like to call your attention just for guidance to Section 12.6.1.3 of the Zoning Bylaws. The timing of illumination: for commercial purposes or industrial purposes permitted in residential or local business zones, only between 7 am – 11 pm.

Ch. Groucke It has been suggested that 10:00 pm should be sufficient.

G. Sagar Which is more strict than what is allowed in the Bylaw.

Ch Groucke It certainly would be an improvement over what exists there. It would be bringing us in line with what a lot of other school districts are doing.

G Sagar made a motion to close the public hearing, seconded by R. Blum, **and so voted unanimously by:** Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Mark Brisson and Ron Blum.

VOTE: (Approve 5-0)

G Sagar made a motion to uphold the decision of the Zoning Enforcement Officer, seconded by R. Blum, **and so voted unanimously by:** Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Mark Brisson and Ron Blum.

VOTE: (Approve 5-0)

G Sagar made a motion to grant relief with the stipulations, that there would be no change of script except for daily, unless for emergency; no intermittent illumination, traveling or flashing or any other lighting would be allowed; the sign would be made available for emergency public messages; the petitioner would inform the Fire Chief and the Police Chief in writing; to the extent possible the sign should be rustic in nature; the hours of operation shall be in compliance with the bylaws; the sign shall apply in all other respects; and the sign shall be equipped with an automatic photocell dimming during darkness and operate only between the hours of 7:00 am and 10:00 pm. Seconded by M. Brisson, **and so voted unanimously by:** Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Mark Brisson and Ron Blum.

VOTE: (Approve 5-0)

M. Meyer We have no intention for moving or traveling letters, that would be a traffic hazard.

2011-01 **James LaValley**, 761 County Street, Seekonk, MA, 02771, Owner and Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Special Permit** under Sections 5.3, and **Variance** under Section 6.4 to allow construction of a new dwelling and demolition of the existing dwelling on a pre-existing, legal, nonconforming lot with less than the required minimum lot width (measured at the rear of the required front yard) at 761 County Street, Plat 6, Lot 22 in an R-2 Zone containing 167,270 square feet.

2011-02 **James LaValley**, 761 County Street, Seekonk, MA, 02771, Owner and Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Special Permit** under Sections 4.3 to allow construction of a new dwelling and continued occupancy of the existing dwelling during construction at 761 County Street, Plat 6, Lot 22 in an R-2 Zone containing 167,270 square feet.

Jeff Tallman Engineer representing the applicant. 449 Faunce Corner Road, Dartmouth MA sworn in. The Lavalleys currently own a single family dwelling on a non-conforming pre-existing lot set back off County Street. The lot is landlocked, access to the parcel is gained through a 50' right of way located on an abutting piece of property owned by (inaudible). The Lavalleys are looking to demolish the existing dwelling located on the site which is a nonconforming structure. Under current zoning, the existing structure does not meet side setback requirements. If you look at the northern property line, the existing dwelling is 9' off of that line, on the western property boundary, the existing dwelling is 23' off of that lot line. What they are looking to is construct a new single family dwelling on the parcel which is a 3.84 acre lot, which is certainly greater than the 22,500 sq ft required in an R-2 zone. The new structure would meet setback requirements and it would be a conforming structure, they are not proposing changes to lot lines. They are looking to demolish the existing dwelling and construct a new single family dwelling.

G. Sagar How old is the existing house?

J. Tallman The Assessors records show it was built in 1920.

G. Sagar So it predates zoning.

Ch. Groucke Is there a construction schedule you have in mind?

J. Tallman They are looking to live in the existing dwelling and then demo when the new dwelling is complete. They are looking to have a temporary situation where they have two dwellings on one lot which is the reason for the second Special Permit that we are requesting.

K. Rondeau What is the condition of the current home?

J. Tallman The foundation isn't in the best shape. The home certainly is livable it does not fit the needs of current owner, they are looking to get something that is a little bit more modern. I should note as well that the existing dwelling is located in the buffer zone bordering vegetative wetlands. The new dwelling will be outside the buffer zone so from a Conservation standpoint the new dwelling will be an improvement as well. The barn will stay, we are not proposing any work on the barn at this point.

Ch. Groucke Is there anyone to speak in favor of the petition? No one spoke. Is there anyone to speak against this petition?

Dennis Veader 777 County Street sworn in. I own the property in front of that property. The right of way borders my property all the way in 400'. The existing home was built in 1920. They forgot to mention that it went through an extensive remodeling about 20 years ago, they added a second floor apartment, the former owner applied for a permit and they were refused because there is no direct access from a Town road. I am not in favor of this. I am very familiar with this property because my sister in law lived there for 25 years. It is very wet, the building code says the bottom of foundation has to be 2' above water table that means to put that in there, they have to bring in tons of fill. This right of way is 50' wide but the traffic lane is right against my property and when they start hauling in fill and concrete trucks, they are going to make it muddy, and that hill is all shale. Water runs onto my property all spring. Last year I couldn't mow my grass until June. If they make a mud pile out of that driveway it will make more water onto my property. I am completely against this variance unless they are willing to move that travel lane 10' off my property line. (Mr. Veader showed photos to the Board) they are plowing snow right through my fence. Right at end of my property, they were running over my property, because the wooded area and as shrubs were growing, they were driving on my property; I had to have my land surveyed. That travel lane has no base to it and when they are bringing those trucks on that it will mud it up. I lived there 47 years. The access to that property has always been this right of way back to the 1920s. I am afraid of the water problem, I have a water problem now.

G. Sagar If there was no traffic on that right of way you would still have a water problem.

Ch. Groucke Mr. Veader the house shown in the pictures, is that the house?

D. Veader Yes, that is the house they propose to take down. That was a 4 room bungalow.

G. Sagar I think they would have a real hard time if it was a vacant piece of land and they were trying to build a new house on a lot with no frontage.

D. Veader My concern is allowing the trucks to travel along the travel way and the right of way getting torn up allowing more water to flow onto my property than necessary. Right now that travel lane is a little buffer so the water doesn't just keep coming. I have no qualms if they move the travel lane 10' away from the property line.

J. Tallman During construction, we would be willing to add a construction entrance to that access going back to the LaValley property to help with some of the dust control and handle the trucks coming in that way. We would be willing to put in siltation control on the property line so that any dust or mud that ends up on that right of way during construction phase would be collected prior to being dumped on Mr.

Veader's property. We have gone out and done tests pits with the Board of Health and they all passed Board of Health Title 5 requirements. We know where the water table is on site and would design the new dwelling accordingly. We haven't gotten to that phase yet because we are waiting for an answer tonight before starting that phase of the project. The construction access, we could put in gravel to sure that up, it would be approximately 50' long, it serves to help protect the abutting properties from dust control; any dirt being brought on or off the property, it helps the construction vehicles in terms of eliminating construction problems.

Ch. Grouke Would the construction vehicles be moved over?

J. Tallman They would be using the existing driveway that is there now. On the west side of the driveway is a wooded area we would not be looking to relocate the driveway for construction purposes but we would be looking to do something up in the front, put in a siltation control barrier along the property line to help. If his concern is runoff coming down the hill and coming across the driveway and picking up dust and mud may be collected during construction phase, that would help protect his property; hay bales, silt fence. Upon completion of construction, you are talking about the same access to a single family dwelling that is there now.

J. Creamer Do you anticipate a lot of fill?

J. Tallman It is tough to tell, the front of the house will need to be raised up, there would be some fill and there might be some material being taken from somewhere on the site.

G. Sagar Do you remember what the water table was when you did that perc?

J. Tallman I don't have that information with me, I want to say it was approximately 5' and they were done in the front of the proposed house. We have witnessed percs from the Board of Health.

G. Sagar So if we put a stipulation that there would be an engineered plan for the right of way acceptable to the Building Inspector prior to the issuance of a Building Permit, that would be acceptable to you?

J. Tallman Are you talking a permanent or temporary during construction phase?

G. Sagar Yes, maybe a little bit of both.

J. Tallman We could sure up the driveway put a gravel top on it, something along those lines. I don't think that will be an issue.

G. Sagar Before I commit it to anything can I ask the Building Inspector to come forward?

Mary McNeil Building Inspector, Town of Seekonk. Sworn in.

G. Sagar You have heard the comments, is that something that is workable?

M. McNeil (inaudible)

D. Veader Beefing up 50' at the beginning of the right of way on County Street would not satisfy me at all. What do you do with the other 350', especially right there you are 1' off my property line? With big 10 wheel trucks they are going to crush that like nothing, it's just packed dirt, it's going to make a mud hole out of it. They could move it if they cut the trees and stumped the trees. They cut down trees near the house and didn't stump them.

Ch. Grouke Well, it is almost impossible to move it over. We are trying to impose some conditions on the petitioner during construction to minimize the impact on your property.

G. Sagar If we look at section 6.14 "single lot development". It would put checks and balances in there for the Building Inspector to review.

M. Brisson If we can get Sitec to engineer the right of way to provide compacted gravel all the way down Mr. Veader's property line, as well as hay bales and other items that will help deflect any of the mud, water runoff and whatever else during the construction phase. I am not sure how Mr. Veader feels about that but that might be something that might be acceptable and that is something they might want to do anyway. The other issue somebody mentioned about the trees that were cut down when Mr. Veader had pointed out. If they don't stump those trees, then there won't be any access to the site for large trucks. I think that is something that needs to be addressed as well and I don't know if Mr. Tallman has any information on that based on the trees that have been cut down.

J. Tallman We have been in there doing perc tests, we have been in there with machinery, a backhoe, excavator. There was really no issue gaining access to the rear portion of the site. There is sufficient width to get into the rear portion, I do not anticipate any problems.

M. Brisson I think Mr. Veader's concern is having very large construction trucks that are carrying tons of gravel and fill traveling up and down that road on a day to day basis. Potentially if that road gets wet, it will create a big mud hole and a lot of water runoff onto his property. I understand where he is coming from but I know where you guys are coming from as well and you are land locked so we have to try and come up with something that is going to be amicable for both parties.

J. Tallman We might be able to come up with a temporary diversion swale on the western side of the driveway just to divert some of the water coming down off that hill so

we don't end up with a huge amount of runoff coming down off that hill and across the construction entrance. Until we get out there and do more survey work (inaudible).

D. Veader The tree stumps are within the 50' right of way but the travel lane is only about 8' wide. The stumps are right there.

Ch. Groucke The other issue we normally address is the time of construction. The request is to allow the applicant to live in the existing home while doing construction.

G. Sagar In the past we have given them a year from start to finish. They could never occupy both at the same time and 30 days from occupancy of the new building, 30 days from when the C.O. is issued by the Building Inspector, to demolish existing dwelling. And one year time frame for completion.

Ch. Groucke Is there anyone else to speak regarding this petition?

Julie-Anne Duarte 783 County Street, sworn in. My property abuts Mr. Lavalley where he is presently. He is 9' away from the property line and we are 6-8" lower what is going to happen to our property because we are on the down slope? Seeing that his septic pipe was running into my property (inaudible).

J. Tallman Once that house comes down, there will be less impervious area and we are not proposing any grade changes around the existing dwelling. We are basically going to loom and seed it.

Ch. Sagar This project will still have to go before Conservation Commission. This is only the first step. There is still another formal hearing. You will have another chance to speak on this; the detail on those plans would be greater than what it is here.

Ch. Groucke Is there anyone else to speak on this petition, either in favor of, opposition or any questions?

K Rondeau What kind of single family dwelling are you talking about?

J. Tallman There are no set plans, but it will be similar in terms of square footage, the existing dwelling is two stories and the proposed dwelling would be one story so the footprint will be bigger. This is the first step in the process, assuming we get permission to go forward with the project, then we will start with the house plans, do the survey work, go to Conservation and Board of Health. The new dwelling is fully going to comply with the requirements of the R-2 zoning, other than being a preexisting non conforming lot.

G. Sagar This is an opportunity to engineer a site that probably has never had engineering so this is an improvement.

G Sagar made a motion to close the public hearing, seconded by J. Creamer, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

VOTE: (Approve 5-0)

G Sagar made a motion to uphold the decision of the Zoning Enforcement Officer, seconded by J. Creamer , **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

VOTE: (Approve 5-0)

G Sagar made a motion to approve with the stipulations that the lot be developed in accordance to strict conformance with Section 6.14 of the Zoning Bylaws and include an engineered soil filtration plan to the approval of the Building Inspector for the 50' right of way and that the occupancy of 761 County Street shall remain during construction, it shall be completed within one year, there shall be no dual occupancy and, upon issuance of the Certificate of Occupancy of the new dwelling, the existing 761 shall be demolished within 30 days of the date of the Certificate of Occupancy. Seconded by K. Rondeau, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

VOTE: (Approve 5-0)

M Brisson 6.14 Section will apply to the existing dwelling.

G. Sagar We are allowing the use. Conservation will hear this also.

2011-03 **Town of Seekonk**, a Municipal Corporation with its principal business address at 100 Peck Street, Seekonk, MA, 02771, Owner, by Robert Lamoureux, Superintendent DPW, Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Special Permit** and **Variance** under Section 9.3.4.2.8 to erect an 18 sq ft sign at 871 Taunton Avenue, Plat 17, Lot 10 in a Mixed Use Zone containing 6,950 square feet.

Robert Lamoureux Superintendent of Public Works sworn in. The sign has two purposes, one: we would like to promote the fact that we put a solar system on the public works garage last year and it will have a small message board to advertise certain messages such as Earth Day, when the transfer station is

open, things of that nature. The sign will not be illuminated, (not LED) and the letters will be approximately 6” high.

K. Rondeau What is the size of sign?

R. Lamoureux 18 sq ft, 3’x6’.

G. Sagar I just came upon this Mr. Chairman. For the same reason I used for the High School, at (Section) 4.4 “Corner Visibility” if we put that sign there we are violating our bylaw. It is right on the corner. It cannot be anywhere within 60’ of an intersection. This is right at the intersection. I don’t have an issue with the sign but I think we would look pretty ridiculous if we created our own traffic hazard.

R. Lamoureux I don’t disagree with you, I was unaware of that stipulation.

G. Sagar In the interest of doing this right, Mr. Lamoureux, how about if we continue this to the next meeting?

R. Lamoureux I will take a measurement of the island because if I can’t put the sign in the island we have no other good location for it. I will measure it tomorrow and if I don’t have the distance I will table the matter.

Ch. Grouke Is there anyone here to speak in favor of, or in opposition of or with any questions regarding the matter of DPW and the signage? None.

G Sagar made a motion to continue the public hearing until April 25, seconded by J. Creamer, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

VOTE: (Approve 5-0)

2011-05 **Stonegate Builders, Inc.**, 118 Warren Avenue, Seekonk, MA, 02771, Owner and Petitioner, requesting an appeal of the Zoning Enforcement Officer’s Decision, and if necessary, a **Variance** under Sections 25.4.3 to allow more than the allowed disturbed area of the total tract (from 25% to 35%) in a Conservation Subdivision, “Tall Pines” at 0 Newman Avenue, Plat 25, Lot 3 in an R-2 Zone containing 790,135 square feet.

G Sagar Mr. Chairman, I would like to state that today I filed with the Town Clerk a disclosure of appearance of conflict of interest so I could sit on this. It is part of the record, I could read it if you want otherwise it is a matter of public record.

The gist of it is I am disclosing working on this site on behalf of the Town with several other individuals on a possible Senior Center at another time.

Jeff Tallman Sitec Engineering. (Still under oath from previous petition) We have filed a Preliminary Plan with the Town of Seekonk Planning Board. We have Approval from Planning Board to move forward with a Conservation Subdivision design on this site which includes the construction of approximately 900' of road to provide access to 14 buildable lots. After we received permission at the preliminary stage, we moved forward with a Definitive Subdivision plan which we filed with the Planning Board and the Conservation Commission and they are currently reviewing the project but there is an issue that came up relative to the Conservation Subdivision division design. Because the Conservation Subdivision falls in Zoning Bylaws, it is not in the Subdivision Rules and Regulations, if it were, we would be looking for a waiver from the Planning Board. In this particular case, because it is in the Zoning Bylaws, we requested a variance from 25.4.3. That section states that not more than 25% of the total tract shall be disturbed. What we are dealing with here is we have a stream crossing coming off Brook Street in this location off Brook Street and Newman Avenue across from the Pawtucket Country Club. There are existing railroad tracks and there is a state line that forms the southern property boundary between this parcel and another parcel owned by the applicant in Pawtucket. The parcel in question is 18.15 acres, the second parcel in Pawtucket is 6.6 acres. The only suitable access is constructing a stream crossing in this location. There is a perennial stream that comes onto the property through a 5'x10' wide box culvert, it runs under Newman Avenue comes onto the site, flows through the site here and exits the site in Pawtucket, RI. We have to cross that stream to provide access to our buildable area. By doing so, there is substantial work approximately 350' feet of road that need to be constructed to get to the area where these lots can be developed. That causes a problem for us in terms of holding to the 25% of disturbance on the overall site. On the plan, the light green shows the 25% we show in the Subdivision Plan as of right now. The brighter green area that abuts that with the dark dash line is the additional area that we are requesting a variance. We feel we have a hardship because of the topography of the site and the amount of work required to get over the stream to get to the buildable area on the site, it limits our actual lot development but the other thing we are looking to do too, it is an unusual site to where we have additional land in Pawtucket, RI, that directly abuts the project. It looks like at one point, before the state line was shifted in the early to mid 1800's, it looks like it was one contiguous piece of property. We are looking to use that Pawtucket land as open space to be used by the residents of the development and the abutters in Pawtucket, which would add an additional 6.6 acres of open space to the project. That would allow us to get up to 35% if you just count the Seekonk land. We are looking to incorporate the Pawtucket land as open space and be given the 25% credit that we would normally be given by Seekonk. When you do that, it changes the Seekonk number from 25% up to 35%. When you factor in the total land, the 18.15 acres in Seekonk and the additional 6.6 acres in Pawtucket and take 25% of that, even

though some of the open space would be in Pawtucket, we are meeting the intent of the bylaw on the 25% disturbance of the overall combined Seekonk/Pawtucket piece. We feel that combined with the hardship of the stream crossing, what that really does to our lot development, it is not to say that we couldn't develop the lots but they would be extremely tight and they would be irregular in shape and would not be a pleasant looking development. Other conservation issues cannot disturb the stream side, looking to utilize lots on railroad side. As it sits now, the light green area would be that easement, trying to make it uniform. It would still only keep us at 25%, we met with Planning Board regarding this. I think you have a memo from the Planning Board.

- Ch. Groucke If this parcel were all in Seekonk, would it be necessary for you to be here?
- J. Tallman No, if it were all in Seekonk we would be at the 25%, the reason it goes up to 35% is because we are just factoring the Seekonk land. We would like to be given credit for the Pawtucket land.
- G. Sagar What are your thoughts to deeding that land to a nonprofit conservation deed to the City of Pawtucket?
- J. Tallman We are all in favor of that. Prior to this proposal at this site, going back a few years, there was a 40B project which was 40 units, 20 buildings, which is a lot more dense and a lot more disturbed area than what we are showing here and as part of that project we had reached an agreement with the City of Pawtucket and the abutters in Pawtucket to keep that Pawtucket land as dedicated open space but that 40B project is no longer on the table on we no longer have that agreement but we certainly don't anticipate any problems. We will go back to the City of Pawtucket and ask if they will accept this as dedicated open space. Some construction was done on the Seekonk land, the bridge was not put in but it is the exact same bridge
- K. Rondeau Under Zoning Bylaws, 25.6, doesn't it give you relief from hardship for area square footage that you are seeking, it allows you to go down to a 15,000 square foot lot vs. in an R-2 zone 22,500.
- J. Tallman It gives relief on the lot size, not on amount of disturbance.
- K. Rondeau Each of these lots 5,6 and 7 all have frontage of 50' or more.
- J. Tallman Yes. We are maintaining the 20' vegetative buffer going around the perimeter of the exterior property lines on the site. The line up in this area is dictated by the riverfront area associated with the perennial stream on site. We are just looking to make the lots more uniform so people better understand where their lot lines are rather than this jigsaw puzzle shaped line we have on the plan which meets 25% of the Seekonk land which is the bylaw.

K. Rondeau If you were to eliminate one of these lots, could you meet the 25%?

J. Tallman Yes, we can meet it now. What we show in the lighter green is us meeting the 25% in just the Seekonk land, the other alternative would be to do a conventional subdivision which is how we came up with the 14 lot total; we had to show to the Planning Board we could get 14 lots on this site. If we went forward with the conventional subdivision, there is no limit as to how much land you can disturb. We are looking to preserve this as open space.

Ch. Groucke Is there anyone to speak in favor of this petition? None. Is there anyone to speak in opposition to this petition?

Sandy Foulkes I am also on the Planning Board. Although the majority agreed to this plan, several of us did not. We are concerned about drainage issues, they are going to put the proposed road over the stream, they are going to redirect the stream. When you look at the plan, the Runnins River is coming from Pawtucket, I don't know which way it is flowing into Seekonk and Seekonk has no jurisdiction over Pawtucket. The developer is hoping to have Pawtucket agree to a deed restriction, but with the abutters, who is going to maintain if they do something in the deed restricted land? There are all these variables. Right now the selling point of what is being proposed is cosmetic. We have this wide space of land but part of it isn't in our state. It looks nice but what does it mean? We can't do anything if somebody pollutes the water. The road they want to put in over the stream, how will we maintain that chemicals aren't going to be put on the road during icy conditions and getting into the stream. It is a really nice property and I asked why they chose this land and he said because it is a really nice piece of land. That is open to interpretation too. I would hope you would not grant this variance.

Ch. Groucke Is there anyone else to speak in opposition to the petition? None. Any questions about the petition?

Neal Abelson 1588 Fall River Avenue. I am the Chairman of the Planning Board, sworn in. I just wanted to respond. If you don't give them relief they will do it with this non disturbed area. It is impossible to enforce, they will just go in and clear cut, our intent is to put split rail fence so people can see they can't clear cut back here. If we don't give them relief and part of the conditions of approval is if that land is deed restricted and kept in open space. The bridge has already been approved by Conservation Commission once, and they will have to go before the Conservation Commission again I believe. This is already a done deal.

Ch. Groucke Seeing that Pawtucket already addressed this issue back with the last project it would seem...

J. Creamer Did you say that you put a stipulation for a split-rail fence in the back yard?

- N. Abelson Yes, along the back to delineate.
- G Sagar That will be good, the Conservation Commission will make them put a split rail fence.
- N. Abelson If they don't get this, they could just go back to the full-blown subdivision and it disrupts more land.
- G. Sagar There is one thing that will never be a problem on that site is drainage. It has some of the most gorgeous gravel you would ever want to see. They have excavated down to 20-30 feet and never hit the water.
- N. Abelson They will have to submit drainage reports to the Planning Board anyway.
- G. Sagar So they want the relief from us and then they will go back to you.
- J. Tallman In terms of drainage, we have not been before the Planning Board with the Definitive Plan but they have a consulting engineer that both the Planning Board and Conservation are using to review the drainage. We have been before Conservation on two occasions. The drainage is being reviewed and in the process of being "okayed" the last thing we have to do is additional test pits in the location of the drainage systems. The soil is ideal for underground infiltration, the bridge design is the same as what was previously approved. It is not going to cause any issues with the stream. The stream does flow from Seekonk into Pawtucket, in terms of drainage we are doing underground infiltration systems with StormCeptor units which will remove over 80% tss, as far as contaminants from roadway getting into the stream, it is not an issue and it is something that Conservation is looking into.
- G. Sagar Certainly any contaminants that go into that brook are of a concern but all you have to do is look at all the basins from Newman Avenue and Brook Street, they are dumping into there anyway. You can see the headwalls they just pool right in there.
- J. Tallman Yes, and that is a direct discharge. We did a 21E and the contaminants in the stream are at a non threatening level.
- K. Rondeau The previous application was 40 units.
- J. Tallman This is much less as far as septic, the drainage is similar, but soil conditions are so good, the key thing is treatment.
- Andrew Troy 60 Pequot Road, sworn in. If the land in Pawtucket is deeded to Pawtucket, what legal recourse does the Town of Seekonk have if the deal falls through to protect the people in Pawtucket since it is in other state?

We could put the stipulation that that land remain open space in perpetuity.

G Sagar made a motion to close the public hearing, seconded by J. Creamer, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

VOTE: (Approve 5-0)

G Sagar made a motion to uphold the decision of the Zoning Enforcement Officer, seconded by K. Rondeau , **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

VOTE: (Approve 5-0)

G Sagar made a motion to grant the variance where we specifically find that owing to circumstances relating to the soil conditions, shape, size and topography of such land but not affecting generally the zoning district in which it is located, literal enforcement of the provisions of the Zoning Bylaws would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of these bylaws with the stipulations set forth in the memo from the Planning Board dated February 23rd . Seconded by K. Rondeau, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

VOTE: (Approve 5-0)

2011-06 **Town of Seekonk**, a Municipal Corporation with its principal business address at 100 Peck Street, Seekonk, MA, 02771, Owner, by David E. Bowden, Chair, Senior Center Building Committee, Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Special Permit** under Sections 5.2.1, 5.3 and, if necessary Section 6.2.13 to allow construction of a 9,200 sq ft Senior Center at 100 Peck Street, Plat 18, Lot 11 in a R-2 Zone containing 21.7 acres.

Dave Bowden 170 Walker Street, sworn in. This is the third time we have been before the ZBA for this property; I was here for this building, for the animal shelter and now for the senior center. It is a municipal use building in an R-2 zone that is basically why we are here. Where the building is located it does not appear we need relief relative to setbacks. It is a municipal use in an R-2 zone that is basically why we are here. It is just under 22 acres and attached to the property next door with the police/fire headquarters. It

is a significant piece of property. Parking may be more than what is needed, but we haven't been before the Planning Board at this time and wanted to make sure we could build the building here before we went too far. We did percs, soil observation, deep water tests, whether the ground would support the building, we are here now before we go any further to make sure we can do this but did not want to spend a lot of money engineering-wise until we knew we could build it here.

Ch. Groucke When you say build it here, for the municipal use because it seems even the plan itself cites that this might not be the final plan.

D. Bowden The plan is the optimum size. We have done it in such a way if the numbers come in higher than we anticipate we can reduce the size of the building. It is still a municipal use in an R-2 zone and if anything, it would be smaller than what you see. It will be a 4' foundation because we are approaching it as modular and you need to get underneath the building. We are not putting in a full foundation because of the water elevation. We have to mound the building out of the ground 4'.

G. Sagar There is a full foundation in this building. (Town Hall)

D. Bowden When this foundation was done, there was a very low water table. As you know in the last year or so, we have had issues with the foundation with the cellar floor of this building during the wet season. We are trying to avoid that.

G. Sagar Is this the actual footprint of the building?

D. Bowden Yes.

Ch. Groucke The Building Inspector's letter cites Section 5.2.1 and 5.3 which refers to extension of a nonconforming use. Since this is another municipal use, she felt that you need to come here for an extension of the use.

D. Bowden I feel I need to add something here as well. What was discovered in this whole process, is that the cul de sac out here was never filed with Registry of Deeds so the two buildings that were built on this site, technically were built illegally. Since it has been registered now, everything here is legal.

G. Sagar I have major concerns with this whole proposal. From the location of the parking lot to the fact that there is a five person Building Committee for the senior center appointed by the Moderator; a three person Building Committee appointed by the BOS, neither committee is talking to one another. You or they have never gone before the Planning Board or spoken to the Town Planner. This is like the owner of a piece of property hiring two developers to build a subdivision and you do the left side of the street and I do the right and never talk to each other. Your closest parking space by my calculation is 200 feet away and the furthest is 380 feet.

D. Bowden Handicapped is within 100'.

G. Sagar Up hill! I think this plan is deplorable. I can't see the rationale of why you would want to build a building with all these jogs in it. Every one of these jogs just adds to the cost of construction. I think this parking lot belongs adjacent to the existing Town Hall parking lot. If you were a private developer, we would demand that knowing they were going to do something with the existing Animal Shelter there would be one plan that would show the whole thing. I, for one, will not approve anything unless I see the total picture. I think you have a lot more work to do. You are trying to make the June Town Meeting, you have time. I don't see the people of this town, I am sorry, the seniors have waited a long time and I think it is wrong to try and get a 90-100 square foot building. This has been going on for years. Two years ago, the building was going to go behind here and it was rejected and it was a priority. Here we are two years later and I don't think we have done much better. The best I would vote for tonight is a continuance with instructions to you. This needs to go to the Planner, Planning Board, and I think this whole site needs to be reworked. I for one will not vote for anything until I see the total layout of the whole structure of the whole site. The other important factor too is this is a dead-end residential street and now we are going to more than double the amount of traffic on there so I think we need to see what that relationship is. I can't fathom why anybody would design a parking lot uphill, so far away for our senior citizens it makes absolutely no sense to me and a lot of people that I have shown this plan to feel the same way. In a discussion today with the Chairwoman of the animal shelter, they are getting ready to hire an engineer. I am sure that is what they have to do but it would make sense as a tax payer to hire one engineer to do the whole site. This is crazy. One doesn't want to talk to the other, neither one is talking to the Planning Board.

D. Bowden The animal shelter plan addition which was done about 9 years ago was done by me and was drawn by me. It is in the hands of that committee. It has nothing to do with me at this point in time. They have to go through the same thing we are going through. Whether they hire the same engineer or not is not our purview anyway. It is not our responsibility to design the whole site.

G. Sagar I think it is if you want my vote. I think it is irresponsible to come in with this plan. You should know better, you used to be the Town Planner. All the time you worked on this, this is the best you could come up with?

D. Bowden This is the best we could come up with under the time frame that we had. We were instructed to come back to the June Town Meeting. The parking could be where the septic is.

G. Sagar Show me what you are going to propose, I am not going to rubber stamp something.

- D. Bowden You are not ruling on the parking plan anyway. They could be on the septic system but we were more concerned with being able to get this building on this site but you are not ruling on the parking, you are ruling on whether we can build this building in a residential zone.
- G. Sagar You need to sell us on the fact that this plan is in harmony with the neighborhood. It is irresponsible, first of all, we should not have multiple groups doing development, it should be one. And to not to get together and talk with each other, you have a professional Town Planner who was a great asset to me and Chief Jack and Sergeant Araujo when we did the Banna Fire Station. And for all the times you are in Town Hall, you never once stuck your head in the door and showed him the plan; that is irresponsible. I can't support this as drawn. That is my feelings and the other four can overrule me, but there is much more work that needs to be done to this site. You have time to do it before the June Town Meeting. I would hope that you would reach out to the Animal Shelter.
- D. Bowden I have and they have not responded to me.
- G. Sagar With all due respect, and I am not going to speak for the lady, but she tells me a different story.
- D. Bowden I made the presentation of my drawings to Save a Pet and that is when Save a Pet came up with the \$25,000 to go with the additional \$25,000 that they had. I have not gotten a call, I thought maybe I would be on the building committee, that didn't happen, they appointed three members, it didn't include me. Everybody knows my number. The fact that the plans for the building that exist over there currently was provided by me for the inspector of building's office so there would be a plan because the one they had on file was a plan of a building that didn't get built because it was over budget.
- G. Sagar The Building Inspector informs me that when they do the Animal Shelter, they might be looking for Variances and rescind some of the existing Variances so there is a whole bunch of Variances and Special Permits and how can we do our job if we don't have the whole thing laid out for us? Why does this building have so many jogs in it?
- D. Bowden Our architect is a building committee member.
- G. Sagar Do you agree it adds to the cost of construction?
- D. Bowden On a modular, probably not.
- G. Sagar The most expensive part is going to be the roof.
- D. Bowden Why?

- G. Sagar A lot of jogs.
- D. Bowden Are you here to decide on what a building is going to cost and why it costs that or whether this building can be built on this site?
- G. Sagar Clearly this site has been designated for municipal use. We know there is going to be another expansion of an existing site on here.
- D. Bowden I know that and I know they are probably going to need two more parking spaces but we haven't encroached on where their parking is nor have we encroached onto anything they have to do to add onto their building.
- G. Sagar We recently looked at two renovations for 2 major commercial sites and we required them to come in with a completed layout of everything they were going to do and the town has to live within the same clause. Those are my thoughts Mr. Chairman and I won't vote to approve this at best I would vote to continue and have them come back at the end of April with specific information we need.
- J. Creamer Everything else that comes before us has a specific plan and I have the same problem you have, when I look at this I am not sure what we are voting for here. If there is a grand plan for this site it would be nice to know what it is instead of doing it hodgepodge.
- G. Sagar I think it would be irresponsible on our part to do anything differently.
- Ch. Grouke On the other hand, grand plans are for the Planning Board.
- J. Creamer That is what I am saying, if it hasn't been brought before the Planning Board, I don't know why we are looking at it.
- D. Bowden It has to go to the Planning Board for Site Plan review, for lighting, for parking, the whole nine yards but before we go to the Planning Board, we were looking to get permission from you. Can we build the building there? That is the question. You have never voted on design before. We have to go in baby steps to get where we want to be; whether it is this size or smaller. It has to go to ballot; it has to go to Town Meeting.
- G. Sagar For what you spent on this plan and what you have on this plan, you could have very easily incorporated where the Animal Shelter was going, where the Senior Center was going to be, all the parking, basically layout the whole site. I don't need to see the elevations of the building that would have satisfied me.
- K. Rondeau I think we need to stick with the issue, is this municipal use? This committee was not charged with the location of the new Animal Shelter, it is an issue but it is not part of discussion here tonight; as is the parking. I walked where they expect to put the parking up on a hillside and expect Senior Citizens to walk down the

hillside, I think it is ludicrous but that is something that can be taken care of before the Planning Board. Every one of the things that Gary noted is a flaw. If you want to ask us if it is *this* Senior Center and *this* parking lot, with *this* septic, where the animal shelter is tonight, I would have to say no. But I think we are just here to look at the use of the land.

G. Sagar What about traffic on this dead end? You are on a dead end residential street and you are going to more than double it coming out to a busy, dangerous street. Shouldn't we know that relationship before we approve it?

K. Rondeau That is part of the discussion of use as far as I am concerned and it always has been. Traffic studies have always been part of that.

Ch. Groucke We found that traffic studies, even in a major residential development, don't amount to something that stops a project in our experience.

K. Rondeau But it is something we have always looked at but in most cases have found that it is negligible.

G. Sagar What would satisfy me is to table this until April 25th. They should lay the whole site out. The Town has a traffic engineer on staff; he could do a traffic study. And go before the Planning Board.

D. Bowden We are trying to get all the questions answered before it gets to the ballot, we are trying to do it right.

G. Sagar This is the third shot at this, this Town has easily spend a half a million dollars on plans for Senior Centers over the years. To see something come in like this when you know other uses are going on the site and the whole plan isn't spelled out, we would never entertain this if it was a private industry. Somebody in this town needs to provide leadership and reach out to the two committees and maybe hold their hands and bring them together and come up with a plan so everybody can see exactly what is going to take place on this site. This is a waste of tax payers money and not fair to the seniors.

K. Rondeau Do you have any numbers on round trip?

D. Bowden On a normal day we estimate 8 employees on a daily basis, I have no idea.

G. Sagar Certainly a bigger facility would bring more people. Without question, the conditions that they have now are deplorable and it is an insult to the seniors.

D. Bowden Our primary concern with this thing is privacy in the administration area. We were appointed to be a Senior Center Building Committee and we are including other phases, which includes a space for the Veterans Agent and a nurse which they currently do not have. The big meeting area is for if they want to have a big

spaghetti supper or a big “to do”; when this room gets full they could be over there to have meetings. It is very difficult to schedule meetings in this town, that space is needed and we included it. It is not a whole lot bigger than what was designed 15 years ago.

Ch. Groucke I don't think the questions is as simple as “is a senior center allowable on the site” otherwise you wouldn't need a plan you would just be asking a question. One question--“is the use of a senior center allowable on this municipal site in a residential zone?” That is one question but the next question is if that senior center were ten stories high, would that be an acceptable use on this site? At some point that is why you need a plan.

D. Bowden That building is not going to be any bigger than this.

G. Sagar I would be curious to know if any of the neighbors have any input in this.

K. Rondeau Has the Town Planner had any input into this?

G. Sagar He had never seen the plan until I showed it to him.

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

Jan Tabor 5 Meadow Court. Sworn in. This building is important to this town, the longer it goes on, the more expensive it will be. I have been with this committee, this is a committee comprised of town residents with expertise from construction to design, to interior design. I would like to ask your job is not to approve design. Is it your job to have us get further in depth? There is a lot of work that needs to be done. Could you tell me Mr. Chairman, what is the job of this board today?

Ch. Groucke Yes, usually when a project is presented it is what they want to do for sure. So we have to answer the question looking at the exact way that it is presented. This is a little bit different; it is being presented as a question “is this use allowed in this site?” You might have to come back again for a variance depending on where it goes. That is one possible answer to your question. The Planning Board might answer more parking questions.

G. Sagar It is checked off that they might need a Variance too.

Ch. Groucke It says that a Variance may be required for a dimensional setback once the plan is completed and submitted for review. The plan itself says it is not a complete plan, only for a determination of use. Are there any abutters of the property that want to speak regarding this petition? No response.

G. Sagar If we continue until the 25th, it will give them time to go to Planning, we have a traffic engineer on staff.

R. McClintock When I approached the Building Inspector about this, I was told we needed a variance to just build this, we are trying to move forward, we have to meet all of the other requirements, we would hope that the ZBA would cooperate with us, we are putting in a lot of time to get this done, there may be some issues with design but we are just asking you to determine that this building is okay in this zone to put that thing over there.

G Sagar made a motion to continue until April 25 and that plans be submitted to the Town Planner and Planning Board for review, that a traffic study be performed by the Town's Engineer on staff, and provide plans showing the site totally laid out showing what is going to be involved with the animal shelter,

Further Discussion:

D. Bowden You have two committees appointed by a Moderator to do two different jobs, now this committee has to do both jobs? You are putting restrictions on this committee over and above the other committee.

G. Sagar You were appointed by the Moderator, the other committee was appointed by the BOS, you are still representing the Town of Seekonk, you are still working on Town of Seekonk property, if this was private industry we would require the site to show everything that is going to take place, that is my motion. All I need, is if they take this and add and say this is what we are going to do here, I mean common sense would dictate that the two committees would be talking to each other and working together.

D. Bowden Common sense would, you are right. We hired an engineer to do our work for us and they have not hired an engineer. If that committee wants this engineer to do work for them, then they have to pay him. I could draw lines on a piece of paper and say this is what you need and go to Planning with it but will they accept the plan without it being stamped?

K. Rondeau The animal shelter is not in the purview of why these people are here tonight. It is not about the whole parcel for them, I agree that maybe we need to continue it for a traffic study, and have the Planning Board/Town Planner review this but other than that, this is the limited scope of what we are looking at tonight. This is Town, municipal property and I am shocked that the Town Planner has not seen this, and I would like the Planning Board to have a look at it and if you look at the bylaws under Section 10 it probably should have gone to them before it came to us anyway but the Chairman of the Planning Board is here now.

- N. Abelson For them to do a full blown parking plan for us, they would have to show us exactly what the building is going to be, square footage, occupancy so we can't give you back an approved parking plan for them. The best we could do is have them come back with a recommendation, I would like to see them talk to John (Hansen)
- G. Sagar Between now and April 25 it is time enough to do their due diligence and satisfy the questions that we raised.
- J. Reinke I would be happy to coordinate with the Chairperson of other committee to coordinate this.
- Ch. Groucke I think the more information you can provide us along the lines of what Gary is asking for, I would go along with a continuance on those terms. At least speak with the Town Planner. We all seem to agree that the use is okay there but we need more information.
- G. Sagar The Building Inspector told me that 6 months ago she told members of your committee that both committees needed to come before this board together.
- R McClintock We were talking about the septic system, she said to me you might want to consider planning it with the animal shelter. The animal shelter is outside of the budget, private money. When engineer looked at it, they said you would be better off with a separate system. All we are asking for you for your to say exactly what you said a few minutes ago that everybody seems to be in favor of this thing, that it is a Town building and that is all we need.
- Ch. Groucke What we are saying is that usually, when a plan is presented, it is more of a definite plan than what is being presented here and that is a lot of reason behind our hesitancy.
- R. McClintock The Zoning Board votes on the zoning part of this, then it is the Planning Board, Conservation. This will slow us down.
- G. Sagar If your goal is to get to the June Town Meeting you have plenty of time, there is no reason this should slow you down.
- J. Reinke Our engineer said he can't do a new site plan by April 25th.
- G. Sagar Then you need a new engineer, that is six weeks away, that is ridiculous.
- R. McClintock I agree it might not be what you need 100% but it sends a bad tone if we can't get the ZBA to support this and give us the Special Permit that we should under normal circumstances be entitled to it. We are trying to give you a conceptual building a look at where we are. It is 9,200 feet max and when we start looking at numbers, it may come down.

G. Sagar The big issue is going to be the traffic study, you are more than doubling the amount of traffic on a dead end residential street going out to a dangerous street, Route 44. You do not have the right to put it there, you need a Special Permit, it has to be in harmony and that is one of the key elements.

Ch. Groucke That is one of the considerations we would normally take into account.

D. Bowden It is an unfair statement for a member of this Board to say it is time to get rid of your engineer when you don't know what his work load is.

G. Sagar Six weeks and he can't make some alterations to a plan?

G. Sagar amended the motion to continue the public hearing until April 25th and that the applicant consult with the Town Planner and get a traffic study from the Town Engineer, seconded by J. Creamer, **and so voted unanimously by:** Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

VOTE: (Approve 5-0)

Adjournment:

G Sagar made a motion to adjourn the meeting, seconded by K. Rondeau , **and so voted unanimously by:** Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Mark Brisson and Jeffrey Creamer.

VOTE: (Approve 5-0)

Meeting adjourned at 10:00 PM

Respectfully submitted by:

Christina Testa, Secretary