

SEEKONK ZONING BOARD REGULAR MEETING

MINUTES July 18, 2011

Present: Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson (for Robert Read), and Jeffrey Creamer (for Ron Blum)

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

This is the meeting of the Town of Seekonk Zoning Board of Appeals, July 18, 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.

2011-07 David F. and Beverly A. Sweet, 240 Davis Street, Seekonk, MA, 02771, Owners and Petitioners, requesting an appeal of the Zoning Enforcement Officer's Decision, allowing continued use of the premises as home occupation of "American Tree Expert" and to allow parking of commercial vehicles on the premises at 240 Davis Street, Plat 26, Lot 48 in a R-4 Zone containing 2.35 acres. **(continued from April 25, 2011 and May 23, 2011)**

Beverly Sweet 240 Davis Street, sworn in.

Ch Grouke We are here on the continuation of this case. We had a site visit on May 23rd and the applicant requested a continuation until this date to explore other options.

Bev Sweet (Submitted tax receipts for all commercial vehicles parked there from 1997-2010)
The taxes paid during those years show that they have been maintained at 240 Davis Street for that length of time.

Ch. Grouke Is there anything you need to add?

- B. Sweet Not at this time.
- G. Sagar They range from David Sweet's name to American Tree, they aren't consistent.
- B. Sweet Yes, that is how they were purchased. There is nothing processed there it is just to keep the trucks there over night.
- Ch Groucke What is the number of trucks?
- B sweet Three or four; a cherry picker, a backhoe, stump grinder...
- Ch Groucke Is there anyone to speak in favor of petition? No response. Is there anyone to speak against the petition? No response. Is there anyone with any questions? No response.
- G Sagar made a motion to close the public hearing, K Rondeau second , **and so voted unanimously by:** Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Mark Brisson and J. Creamer.
- VOTE: (Approve 5-0)**
- B Sweet They were there all the time except when my son brought the truck home to take it home to leave early the next day.
- G Sagar The testimony we heard last time was they were out of there from 1993-2010. They left for 17 years and then returned, unfortunately if they had any grandfathered rights, they left for 17 years.
- Ch. Groucke This board has had petitions in the past to park commercial vehicles and in the past we have denied it, we are stuck with our decisions and our bylaws which state you can conduct certain types of businesses but your activity does not fall into that.
- B sweet But there were no other residences when we moved there in 1968.
- Ch Groucke This board looks friendly upon businesses and we don't like to make it difficult for businesses to conduct their business.
- B sweet I have no complaints from any of my neighbors, we have been there for 37 years.
- G Sagar I sympathize with petitioner and we are in a couple of court cases over trucks and if we overturn the Building Inspector, it throws our cases out the window. I can understand the petitioner but by the way the bylaws are written I think we have no other alternative than to uphold the Building Inspector.

- K Rondeau Unfortunately it is pretty clear, and we have several cases in litigation similar to this, I would make this decision to be consistent with the town.
- B Sweet The reason for the complaint is because my daughter in law is part of a nasty divorce case.
- Ch Grouke The Building Inspector, regardless of where the complaint came from, made her decision. The Building Inspector's decision was to order you to stop the operation. I don't know if there would be any other action. As it stands right now, we have to act on the petition. We have taken the site visit, we have heard the testimony and it is our job to take a vote on it and that is all we can do.
- M Brisson I need clarification. Based on what I read, what the Zoning Enforcement Officer has decided, is the continued use on the premises for the home occupation or for the allowance of the parking of commercial vehicles. To me it is a separation. To me the biggest aspect is parking of the vehicles not the operation of the home business.
- Ch. Grouke I think that is the way the petition came in. If you look at the original petition, it states that "American Tree Expert is our home occupation and it has operated continuously since 1975".
- G. Sagar The key line in the application is the action requested. Certainly a lot of people have offices in their homes. The underlying issue for us is to allow parking of commercial vehicles on the premises.
- J. Creamer I don't think anyone has an issue with the home office being there.
- M. Brisson That is what I wanted to clarify. I was understanding that the entire petition meaning the business and the vehicles can no longer be there.
- J. Creamer I wouldn't have a problem with the home office being there...
- M. Brisson ...just a matter of the vehicles.
- J. Creamer Yes, just find another place to park the vehicles.
- Ch. Grouke Further discussion or are we ready for a vote?

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

VOTE: (Approve 4-1) Mark Brisson opposed

Ch. Grouke Mrs. Sweet, the Board has voted 4 in favor and 1 opposed to uphold the decision of the Building Inspector which means her decision stands that you are not allowed to keep the commercial vehicles on the property.

2011-12 **Seekonk Equities, LLC., 55 Fifth Avenue, 15th floor**, New York, NY, 10003
Owner, by Andy Puopolo; East Coast Sign, 125 North Street, Stoneham, MA 02180, Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Variance** under Sections 12.4.2.1, to allow the installation of a second sign at 145-175 Highland Avenue (Pier One), Plat 8, Lot 141 in a Highway Business Zone containing 40.7 acres.

Andy Puopolo I represent East Coast Sign. Sworn in. They have one main sign now and they believe they have a hardship because of several reasons, one is the entrance and exit to the plaza, as you pull into the second entrance, there is no sign on the side of the building and it is difficult to find it, they have a hardship, there is another free standing building, South Coast Smiles, and they have a second sign to identify the business, that is why I feel they are entitled to this second sign.

G Sagar I find it interesting that Pier One does not have a sign on the pylon sign and clearly with the tree line on the westerly side, I think the relief they are looking for is consistent with what we have granted to other businesses.

Ch. Grouke Is there anyone to speak in favor of the petition? No response. Is there anyone to speak in opposition of the petition? No response.

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 J. Creamer.

VOTE: (Approve 5-0)

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

VOTE: (Approve 5-0)

G Sagar made a motion to approve the application as submitted, seconded by M. Brisson, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and J. Creamer.

VOTE: (Approve 5-0)

Work Session:

Approval of Minutes: The Board tabled the approval of minutes until the next meeting on August 8, 2011 and requested that minutes from tonight's meeting be included.

Reorganization of the Board:

G Sagar made a motion to nominate Edward Grouke as Chairman, seconded by K. Rondeau, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and J. Creamer.

VOTE: (Approve 5-0)

M. Brisson made a motion to nominate Gary Sagar as Vice Chairman, seconded by K. Rondeau, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and J. Creamer.

VOTE: (Approve 5-0)

G Sagar made a motion to nominate Christina Testa as Board's Clerk, seconded by M. Brisson, **and so voted unanimously by:** Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Mark Brisson and J. Creamer.

VOTE: (Approve 5-0)

The Board requested that prior to the next meeting on August 8th, the secretary contact Town Counsel to get additional information from Jeff Blake regarding pending litigation.

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

VOTE: (Approve 5-0)

Meeting adjourned at 7:40 PM

Respectfully submitted by:

Christina Testa, Secretary