

SEEKONK ZONING BOARD REGULAR MEETING

MINUTES April 30, 2009

Present: Ch. Edward F. Grouke, Gary Sagar, Keith Rondeau, Robert Read, and Mark Brisson, and Ronald Blum

7:06 Chairman Edward F. Grouke called the meeting to order.

This is the meeting of the Town of Seekonk Zoning Board of Appeals, April 30, 2009. 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 will close the hearing. Usually 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. There is an appeal that is available to the Superior Court by the petitioner or other parties who have 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.

Ch. Grouke Advised the Public that 2009-09 Seekonk Water Department has requested a continuance until May 11, 2009

2009-09 Seekonk Water Department, Water Lane, PO Box 97, Seekonk, MA, owner; Omnipoint Communications, Inc. a Wholly Owned Subsidiary of T-Mobile USA, 15 Commerce Way, Suite B, Norton, MA. 02765, petitioner, by Jackie Slaga, 95 Indian Trail, Saunderstown, RI 02874, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Special Permit** and/or **Variance**, under Section 6.2 to allow the upgrade of an existing telecommunications facility including the addition of one antenna and one equipment cabinet, at existing wireless site at 954 Taunton Avenue, Plat 17, Lot 104 in an R-2 zone containing 34,848 sq. ft.

Ch. Grouke Advised the Public that 2009-12 Domenic Cassisi has requested a continuance until May 11, 2009

2009-12 Domenic Cassisi, 31 Oakland Avenue, Johnston, RI, 02919, owner; Omnipoint Communications, Inc. a Wholly Owned Subsidiary of T-Mobile USA, 15 Commerce Way, Suite B, Norton, MA. 02765, petitioner, by Brian S. Grossman, Prince, Lobel, Glovsky & Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, MA 02114, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Special Permit** and/or **Variance**, under Section 6.2 to allow the installation and operation of a wireless communications facility consisting of an 80' unipole and 6 wireless communication antennas within a 25'x 25' compound, at 2 Olney Street, Plat 6, Lot 9 in a Local Business zone containing 298,821 square feet.

2009-11 The Town of Seekonk, a Municipal Corporation with its principal business address at 100 Peck Street, Seekonk, MA, owner, by Alan R. Jack, Fire Chief, petitioner, requesting a **Special Permit** under Sections 5, and 6.2.13, to alter, reconstruct, and/or extend the Richard C. Banna Memorial Fire Station, 30 Pine Street, Plat 33, Lots 114 & 115 in an R-1 zone containing 10,916 square feet.

Board Members in attendance: Ch. Edward F. Grouke, Ronald Blum, Keith Rondeau, Robert Read, and Mark Brisson for Gary Sagar who was presenting on behalf of the Town of Seekonk.

Gary Sagar 30 Elaine Avenue, Seekonk, Sworn in. As you know, I am a paid member of the Zoning Board of Appeals and, as such, I would be normally prevented from making an appearance here, however, under Section 20b and 20d, I have been granted an exemption by the BOS so I can also appear before you as an unpaid volunteer consultant to the Town Administrator. That action was voted and approved last night by the Board of Selectmen and I have made a full disclosure of that and I have placed the disclosure on file with the Town Clerk's Office, so I would like to give you this sir and make it part of record. [Submitted a "Disclosure of Appearance of Conflict of Interest" as required by G.L.c. 268A Section 23 (b) 3, conflict of interest law] That makes me a legal volunteer.

My appearance here tonight is to propose to you a Project that we feel is very worthwhile and has as been needed for a long time and will prove to be a great asset to the town of Seekonk, and that is the renovation, expansion and restoration of the Richard C Banna Memorial Fire Station who has a street address of 30 Pine Street at the north end of town. I am going to refer to the site map here and if I

may, I would like to turn it for the convenience of the audience. This site located at 30 Pine Street, is in Plat 33 and combines lots 114 and 115, 10,916 square feet; the land area is situated in an R1 zone. The history of this site is that back in 1928 the first portion of the land, which I believe, is 114; 40' wide x 138 was first purchased through the sale of bonds by the North Seekonk Volunteer Fire Association Incorporated. According to public record on file in the board of assessors, the first building as it is indicated here in orange, the apparatus house was constructed 1935. At the time it was constructed, it was constructed with a full basement with a wooden apparatus floor and was the north end community center; we have evidence that at least two wedding receptions occurred in the basement. As time went on and as trucks got heavier, they had to remove the wooden floor and they poured a concrete slab on it. The original station predates zoning, which as we know came into effect around 1942. In the late 1950s, there was an area here as you can see in yellow, that is what is considered a day room and there is a shed there that houses a boat that I believe has not been used in quite a while. That was between the late 50's early 60's. The existing building, at its narrowest is 1.96 feet from the side yard setback to the common property line with lot 113. That in layman's terms is about 23 and 7/8". Then it has a jog in the back and it is roughly just under 4'. The proposal to renovate this building is to remove the area indicated in yellow and blue and put on a 30'x50' addition with full basement. We have had the Department of Public Works working with us and the Board of Health. You can see on the site plan 2 indications a and b, those are two perc tests we have done and we believe we can do a full basement under the new area which will be added to the existing apparatus bldg in the back roughly 30'x 50' and 2 stories in design. This has been used in many different facets in addition to a fire station. The volunteers of the call fire fighters were there, they use to have turkey raffles, in July they would serve chowder to the public and they would have little league signup and they would have car washes for different organizations there. It is a community center, it has always been a community center, its use in that function has been somewhat diminished over the past few years but its roots are deeply embedded in the community. The second piece of property, which is the parking area, was acquired when the owners donated it to the town in 1950 combining the two sites to come up with the 10,916 square feet. During this process, we have been very fortunate and I would like to acknowledge someone who couldn't be here tonight, a resident of the town, George Lima, who is a contractor and a licensed architect who has volunteered his services to do a complete set of plans for the town, so I would like to openly thank Mr. Lima. The site as it exists has been functioning now for 74 years as a fire station and it is our intent to hopefully renovate it and rededicate it next year on its 75th anniversary. I would like to call on Sgt. Araujo from the Police Department.

As this indicates, this is the front view on Pine Street, where the ramp is; this is the existing apparatus building. We plan on extending the apparatus floor in depth approximately 14' which would give the trucks more depth and more storage and more workable area around the apparatus floor. The other difficulty

with this building is the fact that the approximately height from the concrete floor to overhead door is about 9.5 ft. It creates a problem with the apparatus that can be stored there. There is evidence that in 1988 when engine 2 was purchased, it had to be all specially designed with low profile suspension and emergency lighting. A big part of the project is to remove the existing floor and lower that apparatus bay by somewhere in the area of 2-3 ft. That can be done by a combination of excavation and raising the header height of the door a little bit. It would correspondingly take out the same amount on the ramp so aesthetically; it would look much nicer and function much better with the apparatus floor. We have also incorporated an 18'x30' meeting room which would be available to the community. This room, as we stand here is 19'x 29' so that room would be roughly this size. (The size of the Board of Selectmen's meeting room). The limitation for its use will be determined by the small parking area it has. This room can easily accommodate 50 people, that parking area would only accommodate 12 or 15. Its use as a community room will be limited in scope but it will provide another meeting area in town for different groups and organizations. We have also included a police substation, which is basically a big office area which would be available for the use of the police for any function they thought was necessary. They do use the building quite a bit now and this would just help them in a much nicer work environment. I know the Chief of Police is here and I will ask him later on to comment on that. We also have to make the building handicapped accessible so there is a ramp that would be on the easterly side toward the front and two handicapped accessible bathrooms, one for ladies and one for men. The second floor would be the living area for the fire fighters. It shows three bunkrooms, a dayroom and an exercise area and it could comfortably house 5-6 people. However, at this point in time is not planned anywhere near that at this time and I will leave that for the Fire Chief to discuss also. That is the extent of the layout of the floor plan and now I would like to discuss the exterior and how that came about and what we would like to do. The first floor of the building is 26' in width. We are going to try to open the width of the door a little bit so it is more accessible. To the right is where the door is for the handicapped ramp. The existing station has an old air horn, and if you live in the north end of town, or any part of Seekonk, you can remember the days when the horns used to blow and the sirens used to blare. Those have been shut off quite a while; they are not going back on. We are going to keep the existing roof lines with the cupola so we can keep the aesthetics and make it look like a community building so it blends in and is in harmony with neighborhood. The left side toward the apparatus floor, they are currently a white masonry type structure; we are going to reface or remove those walls and reframe with brick veneer on it. The rear of the building and the side of the building will be in some type of vinyl. We are trying to plan the whole thing so it is a maintenance free exterior. The rear of building is approximately 27' from the rear property line so it is not encroaching the rear yard setback, thus conforming. This shows the back of the building, how would appear, once it is finished. The main side of the building which is the parking area side, shows the main entrance going in and that is the area that is the most accessible with the handicapped ramp for any

handicapped person going in to use the community room. The design of the building changed a little bit based on meetings we had with the people in the community. We had two community meetings and a couple of comments that they had to make changes were incorporated in the plans. These plans are a work in progress and they represent input from the neighborhood. This is also planned to be first green bldg in the town and I will ask Sergeant Araujo to join us up here.

Sergeant Anthony R Araujo 36 Cross Street, Rehoboth, sworn in. I draw your attention to the right side elevation of the plan. That particular section has a roof line that when you look at it, it has a very similar roof line across the top so when you look at the fire station door along the right side of the building. Our proposal is to hang photovoltaic panels on the roof of that structure. There is a company called Borrego Solar Systems, Inc., they are originally from California and they recently opened an office here in Lowell and they are very successful with this type of installation in both the home and a very small commercial area. We have spoken with them, not at great lengths but to some degree to determine what we can do with this building and they think conservatively, we should cut the energy costs of the building by 50%. This is different than some of the hydronics systems from years ago, and other collection systems from the late '70's and '80's. PV seems to be the way of future. The advantage, I am led to believe so far is that National Grid will buy power back from us. From the information that Borrego has provided to us, there are a couple of different options available to us and the advantage is that it will minimize the amount of equipment necessary if they will buy the generated electricity from us. We are hopeful this will work; we have incorporated a lot of different ideas in order to make this happen. One of the ideas is to super insulate the exterior of the building that is the reason for the 2x6 construction. The other thing we discussed was the roofline so there was a minimal amount of shadowing. The building does not face true south, we are not going to gain maximum collection but we would like to factor that in. We think we are on target; we think about 50% of the value of the energy used in the building will be saved through pv.

Ch Groucke The panels will face the parking lot?

Sgt. Araujo As you look at the orientation of the building, the right side of building has a south westerly exposure, obviously the best would be true south, but will accommodate what we are looking for with a (inaudible) collection so there may be an extra panel to compensate for the loss of direct south but I think we are just fine.

G Sagar Sergeant, in addition to being employed as a police officer in the town of Seekonk, are you employed in any other occupation?

Sgt. Araujo Yes, I am. I am a real estate agency in Rhode Island and Massachusetts.

G. Sagar Are you familiar with property in Seekonk and Southeastern Massachusetts?

Sgt. Araujo Yes.

G. Sagar So, in your professional opinion as a real estate agent, what impact would the restoration of this project have on the immediate neighborhood of the town?

Sgt. Araujo If you look at the current building in the condition it is in, it is detrimental to the neighborhood, it is kind of an eyesore. My professional opinion as an agent is any enhancement to any neighborhood will add to the value of the property. In addition to that, there was some conversation to the property values in the area being drawn down as a result of having the fire station there. The fire station predates my age, it has always been there, it has always been a fire station, the neighborhood has always sustained it as a fire station and I think that any decreased value in property would have occurred in the 30's if that were the case. Any changes in market value now are going to be market driven. I think this project will only enhance the aesthetic value of the properties around it. I had an office I worked in at the Baker Corner area, and it is for sale. There is no question that the enhancement to this will help the sale of that office in the future. Anyone who owns property in that area, with this neighborhood fire station renovated, it will eliminate the eyesore and will be an asset to property.

Alan Jack, Fire Chief 9 Gerry Drive Seekonk. Sworn In. I have been the Fire Chief in Seekonk just short of 5 years. My previous experience dates to 1973 I was a career firefighter in the City of Pawtucket for 28 years and left in 2001 to become the Fire Chief in Tiverton for 3 years. I came to Seekonk in July 2004. I have 36 years fire service.

G. Sagar Could you give an overview of the operations of the Town of Seekonk Fire Department and why you think this project is important.

Ch. Jack The town of Seekonk is a little unique in its structure. We are a rural community, but still we enjoy the business aspect. Our daily populations has been stated to have between 13-14 thousand people, however during the daylight hours, business hours, if you will, it swells to accommodate those that visit the community and the shopping area more southerly. What has happened is the town has grown. The fire service was fortified with call department. The call department certainly was capable of meeting needs of the community. When town started to grow, again, this is my opinion, but there certainly was more of a need for community service, henceforth the career department was incorporated and started with daytime operation and the call department took care of nights and weekend. I am not sure when this all transpired but somewhere around the year 2000 the career department took over 24 hour operation of fire service, we still have call operation which supplements career department personnel. In my opinion, we are currently understaffed. We recognize the ability to pay for the townspeople, and we are very well aware what that means. With our staffing does come an issue, the issue

about how we staff our fire station. Our main station is next door to where we are this evening, that is our central station. What that has done, in essence is it kind of has removed us from northern part of town. There are some that say, yes, it has done that to the southern part of town, on a day to day operation with career fire fighters, that is true but in our response to southern part of town, it is more of a direct response and easier for vehicles to navigate to get to the southern part of town. However, the response to north end of town, quite honestly, in my opinion is unacceptable. The statistics, the travel time goes against everything NFPA says as far as the allowable response time. I looked into this somewhat at the request of the Town Administrator and the Board of Selectmen. I was able to come across a study that the town had done and it was done by the MMA back in the year 2000. The study that the company did at the time referenced the fact that the town had 3 fire stations, but it also referenced that it would be more advantageous with 2 fire stations and located them in a different area. As we all know, that did not come to fruition. What happened was the structure was built next door, it is certainly a wonderful structure but what it did was by putting that main structure there was it let alone if you would and did not respond to the needs that would be needed in the other portions of the town. Again, this certainly isn't to slight those that live in the south part of town but, because of distance to travel and the difficulty we have to gain access to the northern part of town, it makes it that much more difficult. Based on studies that I have done and response studies, it warrants that we do something with building that is currently up there. It is situated in an ideal part of town and does away with amount of time that we would have to go through to get to that part of town, certainly, the vehicles and personnel would go to other parts of town, its not to say if they were stationed there, they would have to stay there, but when an incident occurs in north end of town, especially an EMS incident, where we are working with a specified amount of time. The town currently has proceeded with ALS, advanced life support, we have paramedics on board and two individuals who will be licensed next month and currently three individuals in paramedics school. I hope this time next year we will have 13 paramedics on board to mitigate any kind of situation. Our individuals have the ability to carry and administer 40 different kinds of drugs at the scene of an incident. They can mitigate anything from a heart condition to something as severe as a drug overdose. In those incidents time is of the essence, we don't allow that time frame to balloon at this point, we try to reach out to other communities in a mutual aid aspect but if they are busy, it is problematic, the station is there and suitable for needs of community, this building would be suitable for the town for many years to come. As far as staffing, we cannot staff 24 hours a day, 7 days a week, at this particular time but we are working with the Board of Selectmen and we feel it is a matter of time based on revenues that the state may give us in the future. I would not be doing my job if I did not come forward and say what community needs, not just today and tomorrow but for many years to come. The other aspect of what those in the fire service do is fire fighting and the amount of time to respond to northern end of town from this location on Taunton Avenue is unacceptable in the guidelines set forth in national standards. A number of things come into play and quite honestly, we have a

station that has been there. I was born and raised in Darlington section of Pawtucket and I remember that air horn and siren going off, that was the key for me to be home at 6:00pm. This station has a lot of tradition, it is in an ideal location, meets needs of community, it just makes sense to go forward with the renovation project that will meet the needs of the community for years to come.

Ch Groucke This fire station is operating now?

Ch. Jack Yes, it is a station that is used by the call department, it is being used this evening, In my short time here I have personally stationed people up there 24 hours a day during civic emergencies, severe storms, blizzards even without suitable bathing and/or sleeping quarters. Our fire fighters sucked it up, there are cots tucked away for fire fighters to sleep if needed. I have also come up with plan temporarily to staff it during busy hours of the day, Monday through Friday during daylight hours, since April 1st we have had 2 people stationed there during the day, so it is a fire station that has been staffed. I have talked to people, like Mr. Sagar, who remember when they used to have functions. It is an area that is conducive to address the needs of the community especially in the north end of town.

Ch Groucke If proposed renovations are approved would there be more staffing there?

Ch. Jack We are hoping that is the case, we are working with the Town Administrator and the Board of Selectmen. We have made a proposal to the Board of Selectmen which we may, with a slight increase in our operating budget for salaries, without hiring new people, I may be able to staff that with firefighters on an overtime basis. We have 4 shifts of 6 personnel on each shift. When we are full, Monday and Tuesday, when we have 6 people working, we will take 2 people and assign them to northern end of town. They will come here in the morning, and based on our staffing, the officer has immediate orders to take two people and staff that station. Should we have a fire fighter on vacation or sick or injured or training, it brings us below that minimum of 6 and does not allow us to staff that station as we would but with a little increase we could staff with overtime. Our Call department assists us during the evening because people no longer work in the community where they live.

Ch Groucke Will there be a substantial increase in activity if the renovations go through?

Ch. Jack I don't believe so, we are there every day, we currently do truck checks. Our personnel is mandated to check the trucks to make sure they start and maintain vehicles, and maintain the station as best as our time will allow so we are there just about every day. Our call department responds from there 365 days per year, as needed. When we respond at 3 am we don't make a lot of noise people have pagers, they don't make a lot of noise, we are cognizant of where we are. It does not make a lot of sense to blow sirens and air horns on this approach road to (route) 44 when we have to stop at the very end. Those days of air horns and

sirens 24 hours a day isn't in the fire service any more. There is currently a lot of activity at this station but the public might not know.

M. Brisson Would you put EMS there?

Ch. Jack Yes, the primary need is emergency medical service, when we are responding 60% of our incidents are EMS, we will bring ALS unit, a unit with drugs and the capability to go up north. We will have a fire unit and EMS unit.

G. Sagar Just for a little bit of history, this is the first fire station in town owned by the town of Seekonk. The town got it, if you will by default. Upon the untimely death of Richard C Banna, the two remaining members of the association donated it to the town, in 1978, the building was donated and dedicated in the name of Richard Banna. We feel in his memory and his honor it is time to make this an attractive memorial to him.

Glenn Livesey 405 Oakhill Ave. Seekonk Sworn in. I am currently employed for the Attleboro as a fire fighter, I am a Deputy Chief, I live in Seekonk and live in one of the most remote parts of Seekonk. Some of the items the Chief talked about is concern to me because I am a citizen and also because of my occupation. I don't know if people understand the importance and the need for this in our community. I had an incident where my mother injured, we called Attleboro, they were less than 5 minutes away, coming from here, they would not have made four or five miles down the road. It is important to me as a citizen of Seekonk, it seems like in the north end, we are the forgotten part of Seekonk. We don't have the industry, the malls or retail. Our area is starting to develop from a residential and commercial standpoint. It is important to us as a community. Also this could stand to help me with my insurance ISO evaluates rates for insurance, they have a 100 point system, the fire dept counts for 40%, water; we have good water, the size of the fire department and the response time, it took me 20 minutes to drive from my house to this facility, if you need something quickly you have the golden 5 minutes, the facility is already there, they are willing to staff and fund this, that is the way to go, provide safety to that area of town.

David Hardman 60 Foch Avenue I am a Fire Fighter for the city of Attleboro I live in Seekonk, I have lived here all my life. With the job I have, I know the importance of EMS. In my own family, I was at work when mother had a cardiac arrest. My wife performed CPR 12 minutes before emergency got there. My father in law had an incident where he was in a pool and it took a long time to get him out of the pool, I was able to get there from Attleboro before Seekonk got there. I am not just talking about the severe cases, as far as EMS goes, you should look at the small incidents; asthma , a one room fire, they can stay small and not escalate to cardiac arrest, respiratory arrest. The other thing is with response up here, they can do a size out and can cancel a response from here en route and keep your trucks in service more often, it is a huge benefit, the department is trying to do the right job, just help them.

Ronald Charron, Police Chief 75 West River Seekonk sworn in. I have been a police officer in the town of Seekonk for 29 years and the Chief in Seekonk for 3 1/2 years. I was born and brought up in the north end of town and I am very familiar with the fire station. As you can see in the plans there is a proposed police substation, it is an 18'x20' room. As it is right now, the police officers use the station now for the facilities and use the tables to eat lunch, do reports. The substation would not be manned by a police officer. We do have a police officer that is assigned to that district or that post 24/7 but this would be used to enhance services to the residents at the north end. It would be used if a resident would like to speak with an officer and don't feel comfortable with having a police officer come to their home or are not comfortable with coming to the main building, they could meet at the substation. Police officers would not need to come back to the main headquarters to do a report or a criminal complaint, some things can be done on the laptop and we would be able to leave an officer up at the north end of town. While the station would not be manned or heavily equipped, and this is not the most critical need for the station, clearly EMS is, but it would be advantageous to the police and we can utilize it for professional, clean setting for services for residents it would be a part of the puzzle. Our people have worked on this and done a great job and has been used as an unofficial police sub station from the beginning. A little bit of history, the first murder in Seekonk took place in the late '30s after that station opened and that building played a critical role in solving that murder when it was used as a police station in a round of questioning. I'm not going to give you the details tonight it will have to wait for the dedication of the building for that. There is a lot of history there. There is no doubt that once this is manned that this building will result in a life being saved. As Mr. Harding mentioned and other neighbors mentioned, in situations such as cardiac care, police officers respond quickly but care has to happen quickly, and there is nothing like that ambulance, it is like an emergency room on wheels, it is tough getting there, the residents in north end have been crying for this a long time. It is tough getting up to the north end of town. It is a critical piece of safety.

Ch Groucke They just use a room there now?

Ch. Charron Yes, it is not a proper setting for anyone to come and speak to a police officer at this point. There would be no staffing, we would just send someone over there, have a computer set up to take care of paperwork. A lot of people would feel better meeting a police officer at a substation. If someone sees a police car there, they could just meet with an officer instead of having the police officer go to their home or coming to the main building.

John Hansen Town Planner, 31 Folsum Ave., Somerset, MA, sworn in. I have reviewed this site, my opinion on the project is, the Town has a master plan, it identifies the vision, goals and policies to attain the direction for the Town of Seekonk. One

thing in the service chapter that is mentioned that is lacking is fire protection in the north end of town; this is in the north end and will fill that goal. In the master plan it mentions the need for community meeting space; as Mr. Sagar said there will be a proposed community meeting space, it will be furthering the goals in the master plan. Lastly, the applicant is seeking a special permit and the test for that is that it furthers the purposed of your zoning bylaws which is to protect public health, safety and welfare and in my professional opinion, I can't think of a better use for this facility to further public safety .

David Pitassi 70 Peep Toad Road, Chairman of the Board of Assessors. Sworn in. I have had 25 years experience as an assessor. I have an MAA, I am an accredited assessor. My primary function is administrative on the Board, I am not working as an assessor here in the Town, we oversee the office and since we have the qualifications, we have on occasion gone out and inspected properties. Our primary function is to evaluate property in town fairly. With the new fire station next door (on Taunton Avenue), there are no disadvantages to the property values. The proposed new station is in an R-2 zone, it is residential as this is, and I had Ms. Gabriel check each property all the way around it and there is no negative effect on property value if this project comes to fruition. Any value on properties around the station has been discounted years ago if there was any, which I question anyway. Since they will be improving the property at Banna Fire Station I don't think the surrounding properties will drop in value, if anything, just like buildings going up in other areas, 2 churches have gone up in other areas and, if anything the property value went up. I am not going to say absolutely it will go up or it will go down but, based on the past, I don't see any depreciation.

David Cabral 44 Bear Hill Road, Seekonk MA. Sworn in. I am the Town Engineer for the Town of Seekonk. I am a civil engineer; my background has been in traffic. We have a couple of different things going on in the area. First we have the Baker Ave corner upgrade to the traffic light in the near future hopefully I have done turning movement counts when I first started working here in 2007 including Pine Street. I have recently put down some traffic counters in front of the Fire Station on Pine Street, traffic has not increased; it is about 6000 vehicles a day. This facility is not a large traffic generator; it will be a minimal traffic generator. There will be maybe 5 trucks there in the morning; it will be a negligible impact. One of the things we are looking at with the Baker's corner upgrade is the installation of remote Opticom sensors to trigger the light to turn green when an emergency vehicle is coming in that direction. We want to do that whether or not building gets built. The apparatus coming down that roadway, we want it to have that ability. There is discussion of that with Mass Highway to incorporate that into the design. Currently 6000 vehicles travel by the fire station every day; 400 in the morning rush hour and approximately 500 in the afternoon.

G Sagar Mr. Chairman, we have filed one application for a special permit and we would like to make all the necessary relief all-inclusive. This is an undersized lot, it is currently a municipal use, the preexisting legal nonconforming use, and also the

side yard setback, we would like to maintain that line. We would like to forward to the Board some suggested stipulation. 1. The town/owner shall install an "Opticom Sensors" system signal at the Pine Street and Central Avenue intersection. This will allow the emergency vehicles to control the traffic signals reducing the noise level for the emergency warning systems when responding to an emergency incident. This follows up with what Chief Jack was saying about how they don't make as much noise as they did in the past. 2. The owner shall perform a traffic study on Pine Street to determine if the speed limits are appropriate in an effort to reduce noise and if additional signage as needed. 3. The owner shall install a 6' high PVC fence along the southeasterly boundary line with lot 117 and the rear boundary line with lots 95 and 96. The style of the fence shall be determined with input from the abutters who share the common property lines. 4. The parking lot shall be redesigned to eliminate flooding of the adjacent property. 5. The owner shall install a 6' high PVC fence or screening in accordance with Section 7.3 along the northwesterly boundary line with lot 113 a distance of approximately 27', the style of the fence or screening shall be determined within put from the abutter. 6. The owner shall not encroach on the side yard setback any closer to the common property line with lot 113 with any structure or use than what currently exists. 7. The owner shall minimize whenever possible any impact to the abutting property during construction. I have a letter that I have been asked to read into the record but I would like to reserve that until the last testimony taken prior to closing the public hearing.

Ch. Grouke Is there anyone in favor of the petitioner? (Many abutters showed a desire to speak in favor of the petitioner)

Ch. Grouke Is there anyone against the petitioner? (One hand as raised to speak against the petitioner.)

Ch. Grouke Let's hear from those against first.

David A. Marsocci, Esq., 50 Redfield Street, Boston, MA, I represent Matthew Carson and Bethany O'Hara There has been a lot of discussion about public safety, you can't dispute public safety importance and response times are fairly important. I think we should spend some time and talk about the existing lot and what is the existing nonconformity on this lot and what is the proposed extension of the existing nonconformities and entirely new nonconformities. I have prepared for the board a brief zoning analysis. The only setback mentioned was the rear with proposed construction that it would comply with the rear setback, but as I went through the bylaw it appears that there are a number of nonconformities and some increased nonconformities, I think it appears that the front and rear yards, it is required that combined area be at least 50% of longest side. I read that to mean 50% of the longest side of the lot. If it is 137.95' 50% of that would be 68'. I read that to understand it would need at least that much in the front and rear combined yards. If I am not reading that correctly, correct me on that. I have read that to say that it's existing 71' so it complies but with the extension that would be a new

nonconformity. The other existing nonconformities being extended and the percentages that are important is that it is a very small structure there, I did not hear testimony of the existing square footage and cubic square footage of what is nonconforming. I think that is interesting to know because if, if you are expanding the nonconformity by some multiple of what is already nonconforming, I think that is important, the abutters to the west will be most impacted, it is not just Mr. Carson and Ms. O'Hara, there are five letters from people that could not be here this evening, I have learned your rules and regulations require that they be notarized and these are not notarized but there are a lot of issues that need to be address and explored, because it will have an effect on property value. My folks have retained an appraisal and it has not been reduced to writing but he thought it could be as much as 25% decrease in value, if this station is expanded to the extent to which it is proposed. I have not heard any other areas that would be appropriate. This parcel is only 10,000 square feet, the minimum area is 14,400 required in an R-1 zone, there is a large inadequacy. I am sure there are other larger parcels available either in a commercial zone but certainly a larger lot is important and if these other studies have been done, it would be important.. My folks went to get copy of study and would like to get copy of study, they were told they didn't know anything about it. I did hear the fire chief mention it so I would like to know more about it, I think it was MMA. But in that study did they look at other locations and were other locations ruled out and if they were ruled out why were they ruled out? I think consideration should be given to the density on this lot, there is the multiple size of the increase closest to the O'Hara/Carson property, it makes it very dense to that small lot. Something I think is important to consider is whether or not it would require a variance in addition to or in lieu of the special permit. This is a municipal use a residential zone and it is not single or tow family and I believe a variance would be required and I did not hear any testimony of how a variance might be satisfied. If I cold touch upon value again, nobody can dispute putting nice veneer and new coating on outside will make the property look better, it will give the property a facelift, it is only aesthetics, but when you create a structure that is multiple times bigger than what is there, there is going to be a necessary negative value on abutting properties. I get the impression we are trying to fit a square peg in a round hole, I understand town wants fire station and there is something there but this might not be the best location for the fire station that is proposed. I think there may be alternative locations there may be some consideration of whether it can be relocated on the same lot. I do know it is a small lot but there is a large strip on the right and I know it is easier in some respects to extend the nonconformity on the side that is already nonconforming but I think there should be some effort to more centrally locate the structure on this lot. I was wondering if there have been any noise studies conducted. I know there is not a big leap in logic to believe when you have more traffic going to and from the property, whether it is parties, stopping for directions, car door slamming, there will be a lot more activity and more noise with the increased use and size of the structure, that is another important consideration. I think these are issues that should be explored. And

perhaps the applicant can address some of them, perhaps it needs more time dedicated to it and I respectfully request board not make decision tonight.

Ch. Grouke So you are asking the Board to table it?

Atty. Marsocci I think that would be appropriate unless the board is somewhat interested in the issue of a variance, I am not sure it has been for properly applied for, and I think there is a distinct possibility that a variance is required and I question if the board can act on just a special permit.

R. Blum When did your client purchase the property?

Atty. Marsocci 2006

R. Blum They were well aware there was a fire station next door. Did they inquire if it was in use?

Atty. Marsocci Yes, they were advised it was a part time fire station, rarely ever used and would never be expanded and it has been that way for many years.

R. Blum Represented by whom?

Atty. Marsocci I think it was a real estate broker I don't believe it was anybody from the town.

R. Blum It was not a town employee then.

Atty. Marsocci Was there a plan in place to expand the fire station in 2006?

R. Blum I could not answer that.

Ch Grouke Any questions for Mr. Mr. Marsocci? One of the reasons I questioned both chiefs to see if any increased activity they stated not a lot of increased activity and they stated not a lot of increased activity that would make more noise and activity that would be bothersome to the neighbors, they said no and that it is what we are interested in.

Atty. Marsocci By increasing the size as much as it is going up with 5 beds, meeting room, police room as well, by very nature there is more personnel there and it would be necessary that there would be more noise and more activity. I understand what the chief has said and I know there are people going there at 3:00 am and they are quiet but there will be 5 full- time fire fighters there, a meeting room parties, police substation. None of those things exist now, that is all.

Ch Grouke I don't think they said five full time fire fighters there any time soon. You also mention there is an appraisal in the works?

- Atty. Marsocci Yes, the property value has gone down since they bought it, and that affects all of us, but the appraiser has done calculations and they think it could be as much as 25% affect on their value and other abutters have not gone through the lengths my clients have.
- G Sagar I indicated as far as the issue of a variance, under our bylaw Section 5.3 it has always been the past practice of board that if a variance is needed it is included in a special permit, (Mr. Sagar read aloud the language in Section 5.3) that is the past practice of this Board and the way this board has always done it. As far as the noise, the town passed a comprehensive bylaw several years ago pertaining to noise and it is our understanding there have never any complaints relative to noise and we don't envision that to be the case moving forward.
- Ch Groucke One question Mr. Marsocci raised was the existing square footage vs. proposed. Do you have any data on that?
- G. Sagar We are extending the footprint roughly 400 sq ft. The existing, if you take into consideration what is there on ground now, the rear of the building is to be extended 20' all additional square footage going towards the east away from property that he represents, their impact I would say is nonexistent.
- Ch. Groucke So the new area is roughly 400 sq ft.
- G. Sagar Based on what is there, the rear about 20' and east 50' bearing in mind the whole wood section going to be removed that currently exists.
- Ch. Groucke He raised the point of whether other locations were explored and ruled out.
- G. Sagar Other locations were discussed, but he raises the issue of a variance, part of the issue of whether we would not fall under variance is financial hardship, if we have another site, there are land acquisition costs, the site would be taken off the tax roles. There were discussions prior to this building being built, for a new station in the north end but once this station was built all those sites were disregarded because they did not fall in the formula of that the town needed.
- Ch Groucke I would assume the cost of expanding this building is far less than establishing a new site with a new building.
- G. Sagar It would be a substantial increase of investment to the town.
- R. Blum The Chief said they started staffing call fire fighters, how long has that gone on?
- Ch. Jack I can't give you accurate history of what transpired prior to my arrival, but it has come to my attention that call fire fighters were there to supplement career fire fighters prior to 2000, the station was active with career fire fighters running two

8-hour shifts until 10:00 pm (for the career fire fighters) that is when call fire fighters would take over response from that facility. Career fire fighters would work two 8-hour day shifts up until 10:00 pm. The call department would be responsible for evening response up until 6 am and also weekends. That was prior to the year 2000. Since 2000 the fire department had gone 24 hours per day, 7 days per week with career department response. The call department, their responsible hours were on an as needed basis and weekends. Since my arrival we have staffed it when we have a civic emergency; because of weather basically. I have staffed it partially because of a severe incident that we had there. As recently as this past month, starting April 1, I have had the ability to staff 2 career firefighters there 5 days per week, Monday through Friday approximately 9-10 hours a day during the daylight hours. The station has been occupied by career firefighters during a 16-hour period.

R. Blum Since your time as Chief, have there been any complaints as far as noise, traffic and too much activity on the property?

Ch. Jack No complaints that I am aware of and it has been quite active. Based on the revenues we have as far as staffing, there is a lot of activity at this fire department that goes on during the evening hours for EMS as well as fire. Those of us that may not be near that area or sleeping, you may not be aware of that.

R. Read Before the new facility was built, the staffing at that station was considerably more than it is now, is that correct?

Ch. Jack It was. Most definitely it was staffed considerably more, especially prior to the year 2000.

R. Read Do you think that the staffing you had then would be comparable to what you propose in the future?

Ch. Jack No. The ideal situation would be if we could have at least 2 people there. The reason we talked about expanding, lets use today's dollars and expand for what the town needs for years to come. That is the maximum I could see in the near future. The most you will see there is 2 people unless there is a civic emergency, but that happens now. But on a twenty-four hour a day, 7 day a week, the most you would see is two people.

R. Read What is the square footage of what is going to be removed?

G. Sagar Roughly 22x30 and 18x20 in the back.

Ch. Groucke I'll ask again, is there anyone in favor of the petitioner?

Francis Cavaco 12 Kent Drive Board of Selectmen Chairman, I am here as a private citizen not as an elected official. I have been contacted by a couple residents to

help establish a petition. The petition is notarized and I would ask that the petition be read into the record. (Mr. Cavaco read into the record the signed and notarized petition). The petition had 73 signatures and each signature was notarized. Medical service in town is greatly needed in both the north and south end of town but we are talking about the north end of town this evening. EMS personnel is required, I can only state my position. I have a cardiac problem and cannot take the chance for the fire department coming from the (Route) 44 building, the main station, to come to my area of town at north end of town. This time would be very critical and would cost me my life or somebody else's life and the service at the fire department has been there in the past as your previous speakers have said and has been downsized when they went to a 24-hour position, and (inaudible) the Board take into consideration to have it re-established.

Ellie Wiseman 12 Westdale Ave. On a good day with no traffic and no snow or sleet, it takes 14 minutes to get to my home. We have timed it. 2 houses over has burnt down, we have lost three people in the neighborhood. One especially could have been saved, I am not blaming the fire department. This is not fair to them or the police department and I also lost a husband years ago with the volunteers and after 7 years I remarried and I also, my second husband had heart attack. I broke my ankle 3 months ago and would not call rescue because I was afraid I would keep someone having a heart attack from getting the help. If I die, this is stupid, if the insurance companies ever knew we did not have emergency vehicles, our insurance would be sky high, never mind Bittersweet or Burnside, that is another ten minutes, please consider this, we need it so bad,

Norman Champigny 87 Harman Ave I was raised in Darlington, I am interested in keeping the station but improving it. This station was never closed. There has always been equipment there, we have call fire fighters but the call fire fighters are not able to jump, sometimes you can only get one, you need permanent fire fighters, a truck can't go out unless it has two people. Call times are unacceptable, if you picture yourself at my age, possibly having a heart attack, think 11 minutes, an eternity. There are young people, they have accidents, 11-14 minutes is not fair, it will put them in further jeopardy. Mr. Sagar, Sgt. Araujo, and Mr. Lima should have the thanks of the town in coming forward; this makes sense and looks great. Talking about putting it in another location, we have all witnessed that it got held up in court because of one person, we have talked about this for years. It will save the town money, will give community service, and will be a green building, this is the best possible scenario, and this board will do the town a disservice if it is not approved.

Paul Dumont 360 Brown Ave, I am one of the abutters, I am 100% in favor, against been real estate 35+ years will not devalue there is not way you can say that there will be a depreciation, I feel very strongly, all people sat need full town, most lots

5000 sq ft lots, if fire, will spread people need to consider that, takes 14 minutes to get here, your house could burn and others and will bring more value

Everett Wiseman 12 Westdale Avenue. I agree with my wife. In 1992 I had a heart attack it took 4.5 minutes for volunteers to get there and I got to a hospital. I do Christmas parties for the one who saved me and do Santa at Christmas parties. Going back one year ago, a neighbor went out to get the paper, had heart attack, it took 18 minutes to get there, we lost a good man, if rescue had gotten there, I think he would have been saved. Nothing will change that, we need fire department running and rescue especially, there are a lot of elderly, and kids, they all fall and get hurt, I would love to have a rescue right next door, we desperately need it and have to have it. Please let them build it and take care of business. I would like to see the turkey trot around thanksgiving and Christmas and they used the money to buy uniforms for the call fire fighters. I would like to see that come back, it was fantastic. We are still a small town and I love the town. Please consider allowing them to build, we desperately need it.

Norman Trahan 38 Pine Street. My land abuts on the east side, I have had to use that rescue wagon at least 4 times, I had a heart attack when the station was open during the day, I have been there 38 years. Recently I had a minor stroke, they sent for a rescue wagon from East Providence, it took 15 minutes and the hospital said I was lucky. You question property value? Right now, it is falling apart; the doors are rusty, now it is taking away from value of property.

Atty. Marsocci Mr. Sagar referenced section 5.2 about the right to extend. I don't read that section to say if you want to extend you don't need to comply with zoning, I think that is why a variance is necessary. (inaudible) change the size, shape or topography of land that is one of the criteria of variance, you did not have testimony about the necessary criteria for a variance.

Ch Grouрке We are seeing that the use predated code, that is why it is being looked at as special permit, it is an extension of current use I believe that is why they presented it that way.

Atty. Marsocci I know that some of the members of the Board are attorneys. I think that the Rockwood vs. (inaudible) case is directly on point, it is a use, it is not a single family, I believe per Chapter 40 Section 6 it needs a variance. (Mr. Marsocci submitted a list of several abutters who did not support the petitioner, this list was not notarized)

Ch Grouрке Since we have taken a notarized list of 76 people in support of the station, we will take into advisement your list but Mr. Marsocci's list was not notarized.

G. Sagar In answering the question regarding the footprint, it is 840 square ft.net. As far as the issue of variance; in the definition of a variance it states, "A variance is a relaxation of the terms of the zoning By-Laws where such variance will not be

contrary to the public interest,” and clearly there is a lot of public interest here to expand this facility, “or nullify or substantially derogate from the intent of these By-Laws and where, owing to conditions peculiar to the property”, it is an undersized lot, and we have no other land available to us, “and not the result of the actions of the applicant, a literal enforcement of these By-Laws would involve substantial hardship, financial or otherwise”. We clearly meet and exceed the threshold for a variance and as I stated on record earlier Mr. Chairman, it has always been the past practice of this board that if a variance was needed it was considered all encompassing on the application.

G. Sagar Read a notarized letter from one of the direct abutter’s Joy Banna Cedarquist, Richard Banna’s widow, in support of the petition.

Ch. Grouke Is there anything else you would like to add at this time?

G. Sagar Even though it is not an issue before this board, we are actively pursuing grant money and Federal Stimulus money to pay for the construction of this building. If not, we have a warrant article as a back up if we don’t get a grant or the full amount that we need. We have done a lot of due diligence on this, this project has come together kind of quickly, we have had a great committee, we have put in hundreds of hours and some of us have gone through personal expense in bringing this forward. It would be a great disservice to this community and the memory of Richard Banna to not move forward with this project and I ask for your support and endorsement.

Ch. Grouke There has been a request from Attorney Marsocci to not make a decision tonight, to continue this until information can be attained and to respond to questions he has raised. One of the questions I have is to whether or not from the objector’s standpoint, would there be usefulness in dialogue between you as their attorney and someone on behalf of the project to discuss some possible way their objectives could be met.

Atty. Marsocci If this is the only plan and there is no alternative and all of these things have already been explored that we are not privy to, then maybe there is not, if this is the first and easiest plan because this is an existing structure then maybe there is something worthwhile to talk about but I am not part of the development team.

Ch. Grouke Mr. Sagar, given the fact that this is an existing building, all the efforts are focused on the existing building and just as a practical matter, being the most logical place.

G. Sagar I am aware of several other sites that were discussed in Executive Session that I am not privy to and when this came up, I was asked specifically to look at, based on the information that the Town Administrator and the Board of Selectmen have, it is my understating that they felt this was still the best location.

- Ch Groucke There is a request to reschedule this to address some of the issues that have been raised.
- G. Sagar If you decide to continue it, I would like to know exactly the specific areas that need to be addressed. I would like to know what it is they are looking for and what they need. How can you address anything if you don't know specifically what they want?
- Atty. Marsocci I think the MMA study from 2000 and any other study that has been done. The town engineer referenced a traffic study and if it had been reduced to writing, it would be nice to review that, because a traffic study of what is existing is not a traffic study unless it takes into account what is proposed and I did not hear him say that that is what that study contemplated so I am not sure about that traffic study if that is all it measured. I think it would be useful to know how many square feet of the existing structure are non conforming and how many square feet are proposed that are non conforming. If the side setback that is required is 15', I know you have at least 13' x 36' in the existing front building so I am not sure of the height of the building so I don't know in a cubic way how many square feet are existing and nonconforming and what you proposed. I think that would be important to know. I think that is probably it and again, I respectfully disagree with Mr. Sagar, that an undersized lot qualifies as a unique shape.
- G. Sagar It is our position that we have a complete application and that the Board has enough in front of them to make an informed decision. However, in interest of cooperation that we have done since the beginning, (inaudible) we would be in favor of a continuance to come back, we know their issues and we can address them. I understand the information they requested, some if it has been sitting next door waiting for them to pick it up. If you would like to continue this, we would welcome that.
- Ellie Wiseman If you need more signatures we can get them, that was just a street and a half.
- Ch Groucke There has been a request made for a continuance, perhaps it would be prudent to reschedule.
- K. Rondeau I feel I have enough to make a decision, I don't think that information requested would alter or affect my decision and I also think that quite frankly the information to be gathered would be for the benefit and enlightenment for those opposed to this application and I don't think it would help us make a decision.
- Ch. Groucke We probably do have enough information to make a decision but, by the same token, as Mr. Sagar has stated and in cooperation and in an attempt to reach out to the neighbors and especially for a direct abutter it would be wise.

K. Rondeau I have some questions for Mr. Cavaco. As a member of Board of Selectmen, would you be working to fund and staff this station as the Police Chief and Fire Chief has expressed?

Francis Cavaco The Board of Selectmen would be willing to work with them.

K. Rondeau If we were to delay a decision tonight, is there anything on the Town Warrant or meeting regarding this for funding or anything of that nature that would affect the timing?

F. Cavaco I did not bring that information with me tonight but there is an item on the warrant regarding this in the event funding did not go through.

K. Rondeau If we delay this further tonight, there is a possibility it would not make town meeting and a possibility that it would get further delayed until town meeting in the fall.

R. Blum Wouldn't the warrant still be on even though this is in continuance?

F. Cavaco Some of the warrant articles are going to be discussed at town meeting and some of them we are going to have a town meeting on June 22nd. A lot of Towns and Cities are behind and they don't have the true numbers for the state and the final numbers from the state wont come out until June. We can't make a budget without the final numbers.

K. Rondeau So that could jeopardize the stimulus money.

F. Cavaco If the stimulus money falls through, we would need a backup.

K. Rondeau So delaying tonight could jeopardize the stimulus money.

F. Cavaco It could, yes.

K. Rondeau We have more than enough to make a decision this is a complete package, I would hate to jeopardize the project to be overly cautious, I don't think we need to be overly cautious. I'm thinking of the financial repercussions of delaying this when we have more than enough information to make a decision.

R. Read Considering the staffing would be no more than the past, the traffic increase would be zero and the building would be improved, I could make a decision now.

G. Sagar I believe you are meeting again in 10 days, the issues are not that involved, we could have that in ten days. I respectfully request, if it is only going to take one more meeting, and we could answer their questions, I would request a continuance in the interest of cooperation.

M. Brisson I am ready to make a decision but if that will give the abutters satisfaction, I'm okay with continuing it.

R. Blum made a motion to continue the public hearing until May 11, 2009 at 7:00pm, second by M. Brisson, and so voted by Ch. Groucke, R. Read, R. Blum, and M. Brisson.

VOTE: (Approve 4-1)

K. Rondeau opposed to continuance

G. Sagar If you are doing a site walk, in the effort of further cooperation, perhaps the abutters and their attorney could attend a site walk.

Ch. Groucke We could discuss a site walk in the upcoming days.

The Board took a 10-minute recess.

Ch. Groucke We are going to take the agenda out of order.

2009-10 Carol Stuart, 216 Elm Street, Seekonk, MA, owner and petitioner, requesting a renewal of a **Special Permit** under Section 6.2 for an existing private kennel at 216 Elm Street, Plat 16, Lot 72 in an R-2 Zone containing 25,203 square feet.

Carol Stuart 216 Elm Street, Sworn in. I am seeking to extend the Special Permit for a kennel that was granted two years ago.

Ch. Groucke Is there anyone to speak against the petitioner? No response.

Ch. Groucke Is there anyone in favor of the petitioner? One person raised their hand but did not speak.

G. Sagar made a motion to approve the Special Permit as submitted in perpetuity. R. Read seconded **and so voted unanimously** by Ch. Groucke, R. Read, R. Blum, and M. Brisson.

VOTE: (Approve 5-0)

2009-01 John Dias, 30 Oakhill Drive, Johnston, RI 02919, Owner and Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Special Permit**, to allow construction of a shared driveway to serve one existing dwelling and three proposed

dwelling at Plat 18, Lot 53 & 65 in an R-2 Zone (**Proposed Lot 1 containing 80,479 square feet**) at 357 Ledge Road.

2009-02 John Dias, 30 Oakhill Drive, Johnston, RI 02919, Owner and Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Special Permit**, to allow construction of a shared driveway to serve one existing dwelling and three proposed dwellings at Plat 18, Lot 53 & 65 in an R-2 Zone (**Proposed Lot 2 containing 81,610 square feet**) at 357 Ledge Road.

2009-03 John Dias, 30 Oakhill Drive, Johnston, RI 02919, Owner and Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision and if necessary, a **Special Permit**, to allow construction of a shared driveway to serve one existing dwelling and three proposed dwellings at Plat 18, Lot 53 & 65 in an R-2 Zone (**Proposed Lot 3 containing 81,610 square feet**) at 357 Ledge Road.

Gregory Bunavicz Borderland Engineering, 5 Pear Tree Lane, West Bridgewater, MA Sworn in. The lot is located at 357 Ledge Road, Arcade Avenue parcel contains 21 acres land, the lots were split off in a Form A process months ago creating 1,2,3,4,and 5. We are proposing to access the property for lots 1,2, and 3 with a shared driveway. The existing driveway is located here in yellow serving the existing 357 Ledge Road. The proposed driveway will come in next to it, there is a 20' wide strip of land that can be utilized to serve three proposed dwellings highlighted in blue. The reason for the request is the topography of frontage on Arcade Ave., there is an existing drainage ditch and wetlands which would require conservation permitting and bridges across the drainage ditch. There is an existing dwelling on 357 lot 4 and an existing garage that used to be horse barn years ago and a barn that would be razed on lot one. The remaining items to be addressed; designs for the septic systems, perc tests have been done, we would still need to attend Board of Health and Conservation to actually get building permits for these house lots.

Ch Groucke That 20' strip coming out, what lot is that out of?

G. Bunavicz Part of lot 1 highlighted in orange. It is actually 22' along lot 1 on an angle so it is actually 20' wide, it does not include the existing driveway, that is highlighted in yellow and is on actually on map 18 lot 145 and there is an easement for the existing house.

M. Brisson Doesn't the new driveway go right into that?

G. Bunavicz No, the new driveway stays on the 20' wide.

M. Brisson What about the other end?

G. Bunavicz It will blend into this and this abutter wouldn't have to use this driveway at all. The new houses wouldn't use this driveway at all.

Ch. Grouke Is it really going to be that clearly set off, it doesn't seem that clear.

M Brisson Is someone living at 357 now?

G. Bunavicz The house is vacant, and for sale. The driveway now exists. Everything in yellow exists; there is an easement for lot 145.

K Rondeau We have a letter from John Hansen, Town Planner, dated February 5, (2009). You stated those lots were Form A'ed; and that would have come under the "Approval Not Required Plan"?

G. Bunavicz Yes.

K. Rondeau According to this letter, in March 2008, they were created under the Planning Board however due to a Land Court decree, these same lots had to come back before the Planning Board in January, 2009 again for an ANR and at that time, the Planning Board denied the ANR plan, so these are not really lots.

G. Bunavicz Yes, they are actually.

K. Rondeau You have them on a diagram but the planning board has denied the existence.

G. Bunavicz No, actually, they approved the existence in March 2008, it was on record in the Registry of Deeds, it is an endorsed plan. The reason we went back was for minor adjustments because of land court and we were able to alleviate those adjustments through land court and it was not necessary to have them signed by the Planning Board after all.

K Rondeau They are not lots.

G. Bunavicz Actually they are lots because it was endorsed by the Planning Board in March 2008.

K. Rondeau But in 2009, they said "No."

G. Bunavicz That is because we were asking for a very minor adjustment.

K. Rondeau So that makes it null and void.

G. Bunavicz No.

- K. Rondeau I'm confused. (Mr. Rondeau read the memo from Mr. John Hansen into the record) Land Court threw it back to Planning Board in January 2009, and the Planning Board denied it.
- G Bunavicz We worked through that with land court and it actually wasn't necessary to have it signed by the Planning Board. Land Court wanted us to hold those original bounds and it was a matter of 6". Since the Planning Board didn't sign it they agreed to accept an alternative way to adjust the plan.
- M Brisson Do we have that in writing?
- G. Bunavicz I didn't know that would matter, it is registered land.
- Ch. Groucke It does. So it is registered land and you had to go to Land Court and there is a decree from Land Court that says that?
- G. Bunavicz Yes.
- K. Rondeau Do you have that documentation?
- G. Bunavicz No, not with me. I have it in my office.
- G Sagar This plan is dated 2008, so it is not the most current.
- K. Rondeau So it is null and void.
- G. Sagar It is your proposal to have a 10' driveway? Have you spoken to the Fire Chief at all about that?
- G. Bunavicz No, we want to work through that and come to an agreement on specific items.
- G. Sagar So even on the 2009 plan, the land court plan, it shows a 10' driveway?
- G. Bunavicz Land Court is only concerned with lot lines, not any driveways or houses.
- G Sagar I can't speak for the Fire Chief but I think they would have a problem with that. A fire truck is 8' wide, one snow storm...
- K Rondeau Why wouldn't you want to put a road in and make this a subdivision?
- G Bunavicz It would be cost prohibitive for drainage improvements and all that goes along with the roadway.
- Ch. Groucke They don't have enough room going out to the street, they only own 10'.

- G. Bunavicz Yes we do but it would not be cost effective. The wetlands would need to be approved, just the wetland line itself. We have gone through lot 5 and we have had to appeal so I have no idea if they could put a road in or not.
- K Rondeau You state that cost is the reason for submitting an application with putting a driveway vs. a road; which would be the normal thing according to the Subdivision guidelines in Seekonk and Massachusetts.
- G. Bunavicz The normal thing on a piece like this is to do Form A's because you have so much frontage. A subdivision road is done because... There is 20' there and we could put a wider driveway. The actual easement is on the other side of the dark line. The actual driveway we are talking about doesn't include that easement for lot 145.
- Ch. Grouke I have a question about the existing house number 357, that house is on lot 65?
- G. Bunavicz Yes, this plan shows land court lines, part of these lots are land court lines and makes it more confusing than it needs to. That house is fairly new it's been there about 15 years.
- G Sagar I would like to see the most current plan and refer to the Fire Department for their recommendation.
- Ch. Grouke I will poll the audience to see if there is anyone to speak on this. Is there anyone in favor of the petitioner?
- Paul Dumont, 360 Brown Avenue. The subject property and the reason we can't put road in, I represent Mr. Dias, he is in Florida and he asked me to come. The biggest draw back that we have been having is the battle with Conservation, in order for us to put a road in on Arcade Avenue, we would have to build 3 bridges, and there are traffic concerns. He (Mr. Dias) can't put three bridges; it would not make sense. Last week he appealed the decision on lot 5 from Conservation. We met with the state. The subject property which is up for sale is on 8.9 acres and being sold. When you come in, Mr. Dias was willing to bring the existing gas line from the street to back house, it is a small gas line. He already has a quote, the gas company said 5" line to all the homes, we looked into town water, they recommended it is easier to put wells, when the lots were surveyed, the septic designs were done, Mr. Dias want to replace the existing wells because it sits toward the back and when he does gas, he wants to do that. When they went back to land court, they have given them showing that it shouldn't be a problem, what he thought he could sell has dropped 180 thousand and each lot has dropped 60 thousand dollars. That is why we are here.
- Anthony Araujo I don't see a problem with the common driveway, others have occurred. On Lincoln Street, they all share a common driveway, as long as the Police and Fire have enough width for the equipment.

Ch. Grouke Is there anyone here to speak against the petitioner?

Paul Miles-Matthias 363 Ledge Road Sworn in. I am here also representing my wife Linda Coffin. I would like to clear up questions about the driveway. There is already a shared common driveway for 3 different groups of people; There is a house is that is owned by the Robinsons, our house, and this house that is basically on this one big solid piece of property. We own half and this property owns half of the common driveway and I have a deed, shared by all three homes. The Robinsons have an easement only, Mr. Dias owns half and has an easement to our half and we own half and have an easement for his half. They will be driving on our half. If you really want to understand the history of this land, you have to look at the history of "Flynn and Brassard". They must have been in front of this town and court town 200 times. They are the guys who divided all of this up. As a matter of fact, my frontage is on Ledge Road and we don't touch Ledge Road except for a small portion of the driveway. They are trying to take a driveway and add 3 more houses. There is no legal reason they can't access through Arcade Ave. They used Arcade Avenue as frontage and made them legal lots. They have another lot 5 which doesn't appear here which is before Conservation, which they could access with a road and come through this way and have a common road or driveway off Arcade Avenue. They are trying to circumvent a real subdivision. They are going to access this lot through Arcade Avenue already that is the plans that they have already drawn up. They own that land why not just come through this way. By doing this, they are trying to circumvent a real subdivision. Technically, this is not a subdivision. It does not come under the Town's Planning Board subdivision laws and that is why they want to come in through that driveway. I did research on Massachusetts's rulings on common driveways, in general, common driveways three – 6 is all they allow, anything more than that would require a subdivision. Most of them recommend a 40 ft road with 3 feet gravel on either side and that is quite a bit bigger than what is proposed. Safety is huge, at the moment, it is permissible to park on your half of driveway and there are many times when we have people there and the Robinsons have people there and there are many cars. We have had many days and nights when that driveway is full of cars and there is barely enough room to get a car through. In winter it is worse, we have to be up and out early, it is one plow wide at that point, the paved driveway paces off 20-25' I can't imagine it is any wider than that. (Inaudible) They want to put 6 people on a 10' wide driveway. The well that they were talking about somewhere over here, used to feed my house, crossing the driveway. When the previous owner came in, we had discussion and drove another well for our house which is here right along this shared common driveway and it is bad enough having one car driving by here now they want to put three more houses here right next to the well, there is a great safety and health issue for that well.

G. Sagar Did you build your house.

Mr. Miles-Matthias No, we purchased the house from the Mignards.

G. Sagar I was wondering how they got their building permit.

Ch. Grouke I was wondering the same thing about house number 357.

Mr. Miles-Matthias The frontage is all on Arcade Avenue.

Linda Whatman 411 Arcade Avenue Sworn In. We have a couple of points, we have been following the with Conservation and lot 5 since late summer early fall, this is a proposed driveway and proposed wetlands issues is in appeals court, conservation made a point that this stream is a stream, in front of you it become a drainage ditch again, it is a perennial stream, he testified that he walked one day and saw it dry. I have lived there 23 years it is never dry. The problem is coming from this direction you are coming into a lot of wetlands, they did not discuss the other 4 lots, 357, I used to walk through these woods, their foundation was a swimming pool, they must have a lot of sump pumps, this whole area is saturated, to put any houses there I don't see how this can be done, no matter how you come in it is wetlands, it is well over a year. They have come completely un prepared for Conservation, just like tonight. They have '08 plans instead of 09 and I can see this one coming in and ending up in court and take years. I just wanted to clarify this is a brook and Conservation was very adamant that this be a driveway and not a road for all 4 houses. Special septic systems that would not put into wetlands, silt fences, everything is too cost prohibitive, likewise with the road here, anyway you come in, they don't want all of them discharging onto Arcade Avenue. They could not discuss other properties because it was not before them.

Ch. Grouke We need some more information

K Rondeau Does that brook or stream feed the Runnins River?

Ms. Whatman Yes

Dr. Matthias They can legally come in from Arcade Avenue, the famous line that it is cost prohibitive, there are no laws that say they can't build bridge. The original owner dropped his price in half, there is no reason he can't come in off Arcade Avenue. Each one of those lots has legal frontage on Arcade Avenue.

Paul Dumont Over here there are wetlands, he can't put a road, it has already been determined, he could put bridged. Linda Whatman had testified that 357 must have had sump pumps, it never had sump pumps, it is as dry as a bone. Last week we had the state come in and do a study to say that Conservation was incorrect on lot 5. Conservation would not allow a road but would allow bridges.

Gary Provazza 344 Ledge Road, sworn in. I live on the left side, that brook never dries up, in August it never dries up, I have sump pumps running all the time, I am concerned

if it did go over the brook what would happen if the water couldn't go through and backed up into my property, now we are building the septic, that land is going to be more saturated.

G. Bunavicz That is negligible

G. Provazza That is all wet.

G. Sagar I don't think we can resolve this tonight.

Dr. Matthias I am at least 3 feet higher and we have sump pumps we skate back here and I have an elevated septic system and even though I am 3-4 feet higher.

K Rondeau For purposes of discussion, we are not Solomon, we do not have to resolve all the other issues in town, trying to subdivide property and build homes, he has the right to do that but he has to follow the laws. The Planning Board is on record stating they are seeking to circumvent the Rules and Regulations of Subdivision Control. We have a memo from the Town Planner that this should be resubmitted and Conservation has not even approved the delineations for the wetlands on this. Apparently, it appears to me that the applicant is trying to ask us to do for him what other boards in town aren't ready and willing to do and may or may not do. And it appears this applicant is using this board to circumvent those issues. Also, it appears the overriding reason for being here is cost. I think we all could sit here and we all know access can be given from Arcade Ave., bridges can be built, there are a lot of things that can be done with the approvals from Conservation, etc., he just does not want to go through the time and expense. Basically he is just trying to use this board, it is my perception, based on documentation I have, testimony I have heard, to get what he wants without going through the proper channels. If that is the case, and we allow this to happen, we are going to have a line in front of us, we will have to meet every night for the next 50 years because everybody and his bother is going to want to do this. I think we ought to let the course of the project take its proper course, go through the proper boards and authorities and go from there. It would be my recommendation to deny all three permits based on those factors. I'll make a motion to deny all three, 2009-01, 2009-02 and 2009-03 for the reason that the information that has been submitted is incomplete and they are trying to circumvent other boards in town to get project through.

Ch. Groucke I think there is a lot of merit to what you say Keith but the problem that I have is the indication that the Planning Board approved this as a Form A at one point they approved it and it has been stated that it is on record at the Registry of Deeds. That needs to be clarified in my mind because if that is the case, it puts the petition in a slightly different posture.

- K. Rondeau If the Planning Board approved that Form A with the thought process that those were going to be accessed off arcade and not on the common driveway and then they rescinded it in January of this year. The most recent is that they rescinded it.
- Ch. Groucke I think we need clarification on exactly what they did do. I am not 100% clear on that and there is some precedent in town for access to lots by a driveway but every situation is different and this one may not be wide enough, the whole land may not be right and that is what we need more information on, to see if this situation is appropriate for a common driveway.
- Ch. Sagar I support Keith and it is unacceptable to come here with out the most current data; it is an insult to us. How are we supposed to make an informed decision if we are missing the most recent or current plans?
- M Brisson We need the approved information from the Land Court from 2009.
- Ch. Groucke I would not be ready tonight to vote on it.
- K. Rondeau I made a motion to deny. No second on that motion?
- G Sagar I would like to make a motion that the most recent engineering and plan data be submitted to the Town Planner and the Fire Chief (and to ZBA) for recommendation at the next meeting and we are to receive the land court decree and continue this until June 1, 2009 at 7:00 pm, seconded by R. Read **and so voted** by: Ch. Edward F. Groucke, Gary Sagar, Robert Read, and M. Brisson.

VOTE: (Approve 4-1)

K Rondeau Opposed

- G. Sagar It might be in our best interest to invite the Conservation Agent or the Chairman of the Conservation Commission to attend also.
- K Rondeau If I could request from the Chairman, if the Board is taking this route, to request the presence of the Town Planner, Planning Board members, Conservation Commission members and the Conservation Agent to attend.
- Ralph Caruso 411 Arcade Avenue We have been back and forth with this with conservation. Anything that is proposed should be in writing, not just verbal.

G Sagar made motion to adjourn the meeting. Seconded by Keith Rondeau and **so voted unanimously** by: Ch. Edward F. Groucke, Gary Sagar, Keith Rondeau, Robert Read, and M. Brisson

VOTE: (Approve 5-0)

The meeting adjourned at 10:15pm.

Respectfully submitted by:

Christina Testa, Secretary