

**SEEKONK ZONING BOARD
REGULAR MEETING
MINUTES**

December 16, 2013

Present: Ch. Edward F. Grouke, Robert Read, Ronald Blum, Roger Ross, Keith Rondeau,

7:08 Chairman Edward F. Grouke called the meeting to order.

Ch. Grouke This is the meeting of the Town of Seekonk Zoning Board of Appeals, December 16, 2013. I am going to go over our Rules and Regulations. I am going to read each petition as it was advertised and call upon the petitioner or their representative to present their case. All testimony, including the testimony and statements of the petitioner and/or the representatives or witnesses will be taken under oath. The Board will ask questions of the petitioner and witnesses. Any questions from the podium will go through the Chair. We will hear from anyone in the audience to speak either in favor of or against the petition or with any questions. At the close of the evidence, we have a discussion and then take a vote. We also usually make a decision on the same night, although we are not required to do that. There are times that we may postpone a petition for another meeting either for a site visit or to gather some information. Once we have closed the public hearing and taken our vote, it is then reduced to writing and filed with the Town Clerk within 14 days of the date the vote is taken. Any person who feels that he is negatively affected by our decision, as long as he has the proper legal standing, has the right to appeal to the courts of the Commonwealth of Massachusetts; and anyone considering taking such an appeal has to comply with very strict time limitations that are applicable to a court appeal. The time limits are very strict.

2013-24 Town of Seekonk, a Municipal Corporation with its principal business address at 100 Peck Street, Seekonk, MA, 02771, Owner, by Michael Durkay, Chairperson, Library Board of Trustees, Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Special Permit** under Sections 6.2.9 and 6.2.13 of the Town of Seekonk Zoning Bylaws to allow the site to be used as a municipal recreational area ("Seekonk Meadows") and other municipal uses, i.e. public library services, at 410 Newman Avenue, Plat 24, Lots 61, 65 and 567 in a R-2 Zone containing 385,942 sq. ft.

Gary Sagar Sworn in. I am a former full member of the ZBA but I am here in my capacity as a member of the BOS. The Library Board of Trustees is the petitioner of this application. I wanted to bring the board and public up to speed and zoning. The BOS has been working with the Library Board of Trustees and Veterans Memorial Committee for additional uses of this piece of land. For a matter of

reference, the original Zoning Bylaws of November 1942 at that time, all residential areas were divided into three districts; A, AA, and AAA. The area in question where the library is all falls within AA residence district. Libraries were a use by right and all residential uses could be used and industrial and municipal lumps in with that classification. The Zoning enacted in 1942 stayed in full force and affect until 1958. AA residence now allowed libraries and other municipal recreational uses by right and other municipal uses were allowed by special permit. The library received a variance in 1978; it was a use by right but required a variance because of dimensional issues. Soon after the library was constructed, the town did a major rezoning which was concluded October 1979 which made the library legal nonconforming and now required a Special Permit in a residential area for a municipal recreation use hence the petition before you. I have these documents for you. Also, in 1979 the AA residential zone was changed to R2. The area since zoning was enacted was a former dump and came into being when zoning came into town. It has been municipal use since that time. With the changes of the bylaw in 1979 it necessitates a special permit. The BOS wholeheartedly endorses this petition and the one after it.

- M. Durkay Library Board of Trustees, Chairman. 50 Elm St, Seekonk. Sworn in. We were notified informally in the spring by the former Zoning Enforcement Officer that we would need a special permit for the reasons Mr. Sagar explained earlier. We received a formal notification and followed with a request for a Special Permit for two reasons. One was for the continued use of the capped land fill as the Seekonk Meadows, the passive recreation and then to allow the library to continue using the facility as a library. We had the understanding that there were no issues. This came as a surprise to us but we ask you to grant us a special permit.
- R Ross On your application you use the last phrase “for concerts and other programs”, what are the other programs?
- M. Durkay By authorizing the Meadows it would allow people to utilize the Meadows site, we have had yoga classes, we have had a couple of gatherings that were ecumenical services, kite flying, everything is passive in nature. We have a set of regulations set up where the users of the property have to meet certain specifications.
- R Ross The type of activities that you propose if the Special Permit is granted will be in full compliance with the closure order?
- M. Durkay Yes, we are 100% in support of the closure order.
- K Rondeau Regarding municipal recreation, you are not talking ball fields or anything like that?

M. Durkay No, that does not comply with the closure order, it is only passive recreation; walking, kite flying, concerts, those types of things. We have to be very careful that the cap is not penetrated. That is the reason for passive use only, no bike riding.

Ch Groucke I will poll the audience. Is there anyone who wishes to speak in favor of this petition? None. Is there anyone who wishes to speak in opposition to this petition? None. Is there any further discussion?

G Sagar David Cabal, our Town Engineer has provided plans. Once this process is complete we will also go to the Planning Board and the process is in place where he will forward it to DEP for their okay.

K Rondeau made a motion to close the public hearing and uphold the Zoning Enforcement Officer's decision, seconded by R Ross; **and so voted unanimously by:** Ch. Groucke, Roger Ross, Keith Rondeau, Robert Read, and Ronald Blum.

VOTE: (Approve 5-0)

K Rondeau made a motion to accept the petition as presented by the Library Board of Trustees, Michael Durkay, and BOS member Gary Sagar, seconded by R Blum; **and so voted unanimously by:** Ch. Groucke, Roger Ross, Keith Rondeau, Robert Read, and Ronald Blum.

VOTE: (Approve 5-0)

2013-27 Town of Seekonk, a Municipal Corporation with its principal business address at 100 Peck Street, Seekonk, MA, 02771, Owner, by The Board of Library Trustees through the Seekonk Veterans Memorial Park Committee and Mr. Donald Kinniburgh, Chairman, Petitioners, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Special Permit** under Section 6.2.9 and 6.2.13 of the Town of Seekonk Zoning Bylaws to allow a Veterans Memorial Park at 410 Newman Avenue, Plat 24, Lot 61, (portion of) in a R-2 Zone containing 1.13 acres.

G Sagar I will present this one as well. The reason why we are doing this petition separately is because there was discussion early on that if we ever wanted to break off a piece of land where the Veterans Memorial is going, it would make it easier for a reference. The title area in question for all these lots, it is in the custody of the Library Board of Trustees since 2010. Mr. Steve Arruda will be the speaker and he has the design consultant and other representatives with him.

Steven Arruda Veterans Memorial Park Committee, Chairman 8 Jean Drive sworn in. We are here today with Mark Drapeau, he is our architect and put this memorial together for us. We are looking at that front parcel of land in front of the Meadows that we are petitioning today that we can take for us to erect a memorial. Mark can give some insight on that parcel of property.

Mark Drapeau 14 Winchester Avenue, North Smithfield. Sworn in. We are working on a small parcel of the land, lot 61 which is an acre and half and we are looking at a small part of that land, 18,500 square feet. It is pretty straight forward, there will be no other events or activities, it is strictly a memorial. There will be access through the library parking lot off Newman Avenue. There will be no structures of any type. There will be no building structures but there will be granite stones.

The Board Collectively requested clarification regarding what the memorial will look like because some of the plans submitted by the VMPC conflicted with plans recently submitted by the Town Engineer.

G Sagar This is a work in progress. The plan has been developed with the BOS working with the Library Board of Trustees and the Veterans Memorial Park Committee, the Town Engineer and Town Planner. I want to thank everybody for working together. The plan in your packet can be thrown out.

R Blum Is it incorporated? Can you drive into the parking lot to and go into ...

G Sagar The bigger plan is that there is going to be an effort to develop reserve parking behind the library so we eliminated parking shown on that plan. The library is doing an evaluation for a possible expansion and they have to have the latitude if they have to adjust the entrance going forward so not to put the parking where it was shown on the plans in the package. When the landfill was capped it included in the filing to DEP the ability to put overflow parking area behind the library utilizing special pavers because of the capping. If the permit tonight is approved as requested, it will go on a portion of lot 61 fronting Newman Avenue.

Ch. Grouke It is one of those situations where you are requesting us to approve the use as a Veterans Memorial but the more specifics will go on to the Planning Board, etc.

Ch Grouke The argument could be that you already granted the use in the previous permit but in the event it is ever portioned out it will have a separate identity with a separate file number.

K Rondeau So there is a possibility you would come before us for parking, signs?

G. Sagar The parking, that would go before the Planning Board. There is a memo from Mr. Hansen supporting the parking as a result of a discussion we had related to the

funding for the parking. It should be noted that the Meadows was constructed with donated funds. The discussion is now centered around possibly town funding the parking (inaudible)

R. Read Would that have anything to do with us?

R. Ross Are you representing Gary, that the parking plan will not require any zoning relief?

G. Sagar I don't believe it does. The library is a grandfathered conforming use. Accessory uses such as parking are automatically allowed. This would just be an expansion of an accessory use. It is just an extension of an existing parking lot. This whole thing would be submitted to the Planning Board and they would be the ones that would hopefully approve the final parking plan with approval of DEP.

R Read You are not requesting a defined area, you just want the ability to put it there.

G. Sagar Only a portion of lot 61 but not a specific part of that.

R. Ross Wherever the memorial is finally sited, it is going to be within the 1.13 acres of lot 61. It will be somewhere within lot 61.

G. Sagar Yes, but I would rather leave that open until the final plan and DEP signs off.

Ch Groucke Is there anyone who wishes to speak in favor of this petition? None. Is there anyone who wishes to speak in opposition to this petition? None. Is there any further discussion?

K Rondeau made a motion to close the public hearing and uphold the Zoning Enforcement Officer's decision, seconded by R Read; **and so voted unanimously by:** Ch. Groucke, Roger Ross, Keith Rondeau, Robert Read, and Ronald Blum.

VOTE: (Approve 5-0)

R. Blum made a motion to approve the petition as submitted, seconded by R Read; **and so voted unanimously by:** Ch. Groucke, Roger Ross, Keith Rondeau, Robert Read, and Ronald Blum.

VOTE: (Approve 5-0)

2013-25 Gary Vanasse, 11 Bunker Street, Seekonk, MA, 02771, Owner and Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Special Permit** under Section 5.3 and a **Variance** under Sections 6.3 and 6.8 of the Town of Seekonk Zoning Bylaws to allow the construction of a 20' x 28' two-story detached garage within the side yard setback, at 11 Bunker Street, Plat 4, Lot 51 in a R-1 Zone containing 10,000 sq. ft.

Gary Vanasse 11 Bunker Street, Sworn in. The petition is actually for an attached garage. We have a garage now but it is small. The setback is staying where it is, the side yard is staying where it is, but we are going towards the street about 8'. We have a breezeway that will be eliminated and we are putting a second story for storage only. With the second floor it needs a 20' side yard setback instead of 15'.

R. Blum The stamped plan shows 16.03 and on your application it says 16 feet. It is a 20' x 28' garage?

G. Vanasse Yes. The shed is ours as well it has been there about 20 years. The second floor of the garage is for storage only, no connection into the house.

Ch Groucke Is there anyone who wishes to speak in favor of this petition? None. Is there anyone who wishes to speak in opposition to this petition? None. Is there any further discussion?

It looks like there is no more encroachment into the side yard than there presently is, and the 10,000 sq ft lot hinders your ability to build there.

R. Ross made a motion to uphold the Zoning Enforcement Officer's decision, seconded by K. Rondeau; **and so voted unanimously by:** Ch. Groucke, Roger Ross, Keith Rondeau, Robert Read, and Ronald Blum.

VOTE: (Approve 5-0)

K. Rondeau made a motion to close the public hearing, seconded by R. Read; **and so voted unanimously by:** Ch. Groucke, Roger Ross, Keith Rondeau, Robert Read, and Ronald Blum.

VOTE: (Approve 5-0)

K Rondeau made a motion to accept the petition as presented on the stamped plans by Joseph Marrier, seconded by R Read; **and so voted unanimously by:** Ch. Groucke, Roger Ross, Keith Rondeau, Robert Read, and Ronald Blum.

VOTE: (Approve 5-0)

2013-26 Trebor Properties, 1539 Fall River Avenue, Seekonk, MA, 02771, Owner and Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Variance** under Section 25.4.3 of the Town of Seekonk Zoning Bylaws to allow an increase of the Limit of Disturbance percentage allowance for a 5-lot Conservation Subdivision, entitled "Summer Meadows", from 25% to 48.2%, at 390 Warren Avenue, Plat 1, Lot 271 in a R-3 Zone containing 233,350 sq. ft.

Paul Carlson InSite Engineering Services, 1539 Fall River Avenue, Seekonk, MA, sworn in. We are here requesting a Variance from the Zoning Bylaws and relief of a hardship created by the Zoning Bylaws. The subject property is located northwest of the Swansea/Seekonk town line. It is southeast of 4 Town Farm. The property itself contains 5.3 acres of land; this petitioner has submitted a 5 lot definitive subdivision that was approved by the Planning Board last Tuesday. As part of the design process of the Conservation Subdivision, we have to utilize a yield plan which will tell us the number of lots created under that plan. By right, we have a 5 lot conservation subdivision that can be created. This subdivision's reduced regulations from 40,000 to 20,000 sq ft and the length of road from 650' to 350'. Within the subdivision we created 2.6 acres of open space. 40% is required, will be maintained by a Homeowners' Association, and will continue to be farmed by 4 Town Farm. The Limit of Disturbance requirement of only 25% would hinder each lot almost completely unusable; some rear lots would be completely unusable with 1' of rear back yards. The variance we seek would change the Limit of Disturbance from 25%- 48.2%; this would allow potential future homeowners reasonable use of their backyards. The 25% open space increase of the LOD to 48.2% was endorsed by the Planning Board at the preliminary subdivision submission and endorsed by the final approval of the Definitive Subdivision. This is the third petition before this Board in regards to Limit of Disturbance; Tall Pines and Pine Hill were also before the Zoning Board. The Planning Board realizes this particular parameter of the LOD does not work in all cases and is working to change that particular bylaw for smaller subdivisions and increase to it 50% on smaller subdivisions of less than 10 acres.

Ch. Grouke 48% is the outer magenta line?

Paul Carlson Yes, it is the back of each of those lots. This request was endorsed by the Planning Board, as part of a conservation subdivision. (inaudible) By right this land could yield 5 regular size lots with a conventional subdivision so we are allowed 5 lots under the conservation subdivision. I don't know why the regulations have such a restrictive LOD. It doesn't work as well with smaller parcels. It works better with parcels of 20-30 acres.

R Ross I seem to recall when Neal was here last time, they were looking to change those regulations. It seems like every time there is a small development they come for

zoning relief. A lot of this could be eliminated for Limit of Disturbance relief on something that accommodates a small development in the subdivision regulations would eliminate that.

K Rondeau This whole site, if you were to using the R-3, it creates these homes but keeps open space. What happens to the open space if we approve this?

P. Carlson The open space remains 2.6 acres and it will be under the care of the homeowners association and written into the deeds of the homes. I expect to allow the Clegg family to continue to farm; it would be in the Deed in perpetuity allowing them to continue to farm the land otherwise it would remain in its natural state and grow whatever comes in. The Limit of Disturbance has to be demarked by a hard-scape such as a fence, boulders, etc. In this case, the Limit of Disturbance would be delineated by a split rail fence; that is what Conservation prefers and it would be either in the homeowners association or deeded and held through the town by Conservation, DEP requires all kinds of easements.etc. The frontage on these lots decreases from 200 to 80' – 100'. And the area is cut from 40,000 sq ft to 20,000 sq ft. It is at 20,000 because this subdivision does not have town water so it requires wells.

R Read The wells and septic would be inside the split rail fence?

P. Carlson That is correct. Within the 25% regulations wells could not be placed within 25% but they would under this petition.

Ch Groucke I will poll the audience. Is there anyone who wishes to speak in favor of this petition? None. Is there anyone who wishes to speak in opposition to this petition? None. Is there any further discussion? I had a concern because this was the second one in rapid order; we don't want to keep granting variances on multiple subdivisions but it seems that this bylaw cries out for a change.

P. Carlson I have to say that Mr. Hansen understands this and they have been trying to get these changes done. I believe it will be on the spring town meeting. This is a town regulation and Seekonk is the only town this restrictive.

Ch. Groucke Everything seems good about this in terms of open space and the reduced amount of road distance so I am certainly in favor of it. We have the Planning Board that has approved it or at least recommend that it be approved.

R. Read made a motion to uphold the Zoning Enforcement Officer's decision, seconded by K. Rondeau; **and so voted unanimously by:** Ch. Groucke, Roger Ross, Keith Rondeau, Robert Read, and Ronald Blum.

VOTE: (Approve 5-0)

R. Read made a motion to close the public hearing, seconded by K. Rondeau; **and so voted unanimously by:** Ch. Grouke, Roger Ross, Keith Rondeau, Robert Read, and Ronald Blum.

VOTE: (Approve 5-0)

R. Ross made a motion to grant the Variance to change the Limit of Disturbance from the 25% stated in the regulations to the requested 48.2%, seconded by R Read; **and so voted unanimously by:** Ch. Grouke, Roger Ross, Keith Rondeau, Robert Read, and Ronald Blum.

VOTE: (Approve 5-0)

2013-28 W/S/K Seekonk Associates. LLC, 1330 Boylston Street, Chestnut Hill, MA 02467, Owner, by Timothy Sullivan, Barlo Signs, 158 Greeley Street, Hudson, NH 03051 Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Variance** under Section 12.4 of the Town of Seekonk Zoning Bylaws to allow two additional illuminated wall signs for "The Paper Store", at 37 Commerce Way, Plat 7, Lot 352 in a HB Zone containing 70,065 sq. ft

Tim Sullivan Barlo Signs. Hudson, New Hampshire. Sworn in. I am here representing "The Paper Store" located at 1 Commerce Way; it is a standalone parcel. We have already installed one set of letters over one entrance; we are seeking two sets. We propose one sign facing Commerce; it is the main traffic flow into the plaza and it would attract vehicles which may not see and vehicles crossing from Wal-Mart. The second location would be facing into the plaza to attract patrons coming from behind. This section of town is a destination for shoppers; there are a lot of large national stores. The Paper Store is a national account and recognizable and this out parcel building in this entire plaza handicaps them as it is tough to get noticed. They will not have a panel on the freestanding pylon; it is full there is no room. We are seeking a request for additional signs. It is not out of keeping with other buildings in town, the Taco Bell has two signs and directional signage. Further down the street is a Verizon store; it is the same size and situation and they have three signs. Our request is not out of keeping with other situations in town.

R Ross The existing sign is parallel to Route 6?

T. Sullivan Yes, the proposed sign will be in keeping with the one on the front and the one on the back will be smaller; 75 sq ft. and the side will be 108 sq ft.

R Blum I can see it from Commerce Way, you can see it. A sign maybe facing Commerce Way but a sign facing Best Buy, I don't think it is necessary. Some of the other

places coming before us for signs are blocked or set in a different way. This is a clear view, nothing blocking that building.

- K Rondeau I have to concur when I was heading south on Route 6, it is easy to see both at night and during the day. When you take a left on Commerce Way it is easy to see. From the back of Kohl's as soon as you see the corner of Kohl's that big blue sign on that building is the first thing you see. I don't know how much traffic is coming from Wal-Mart; I don't think a whole lot. I don't think people are missing that building.
- R Ross I agree with the northerly side, on the Wal-Mart side, it doesn't seem to generate a lot of traffic.
- R. Read Wouldn't they have a right to have it on Commerce Way? That is a town road.
- T. Sullivan We thought we were allowed 2 signs by right, but that is not the way the Building Inspector saw it. I believe we have frontage on two streets.
- R. Read It allows for one free standing sign on a pylon and one sign on the building, but he is not doing that.
- Ch. Grouke I feel with this shopping plaza and the other one on Highland Ave, that we frequently give these variances because if the Building Inspector is saying this building is on one street that is not reality. If it is saying Route 6 is the only street; I believe Commerce Way is a town street. Frequently we hear of a case when applicants are not using pylons and request to have a sign on the other side of a building. We just did that for Verizon.
- R. Read We gave Verizon three because if you were driving around the mall you would have no idea what was there.
- Ch. Grouke I understand that sign is pretty big but from Home Goods, you won't see a sign.
- K Rondeau Given the visibility of the signs, given that Commerce Way could be a street, it could be argued they have the right to two signs. If we go back to the 1149 restaurant, we said that off-ramp from the highway is a street and allowed a second sign facing the off-ramp. This is a similar situation. Even though I don't think they really need it but zoning-wise, I think they are entitled to a sign facing Commerce Way. The sign facing Kohl's I would not be in favor of but on Commerce Way I would be in favor because it is a street and he would be entitled to it.
- R Ross I have been persuaded that they are entitled to a sign on Commerce Way. I would like to ask about the illumination.

T. Sullivan It is LED illuminated; just as the sign on the front, it is a purplish blue. It is not very bright, at night is fairly subdued illumination. Not large bold type style.

Ch Groucke I am throwing out an idea of overturning the Building Inspector regarding the sign on Commerce Way and granting a Variance for the sign on the other side; upholding the Building Inspector on the TJ Maxx side. Then you are minimizing the variance but granting what they are looking for. There is good support and rationale for it.

R. Read I would agree, particularly if we stipulate that they can't put a sign on the pylon.

R Blum Your proposal is to give them both? I agree that if Commerce Way is a street, they have the right to a sign on that pylon. That is more than enough. What purpose does the sign facing Best Buy have? You have to drive out that road to get out to the intersection, you are going to see that sign. Signage has always been an issue in Seekonk. I see your sign better than I see the Taco Bell sign, your building is higher.

John Anderson I am the owner of "The Paper Store". 20 Main St Acton, Mass; Sworn in. We came down here and put the building together but we had a problem with signage. The way I read the bylaw I thought we could put another one on Commerce Way. We have an entrance facing the back, put a ramp back there and cut into the building and put glass but it is very dark; and the back entrance is very important to us. If someone is at Best Buy, they don't know what is there. We put an entrance facing the mall and a large part of the traffic will come from that; it gives it more of a streetscape putting an entrance facing the parking lot. I understand if you turn me down on Commerce Way, but we have an entrance there facing the mall and believe a large part of our traffic comes from that and in my eyes, I know you don't want a lot of signs but we need a sign over that entrance.

R Read I will say that I noticed it first from back.

K Rondeau Maybe we could take this vote as two separate votes, one for upholding the Zoning Enforcement Officer's decision regarding Commerce Way; and the second vote whether or not to grant the third sign.

K. Rondeau made a motion to overturn the Zoning Enforcement Officer's decision regarding the right to place a sign facing Commerce Way, seconded by R. Read; **and so voted unanimously by:** Ch. Groucke, Roger Ross, Keith Rondeau, Robert Read, and Ronald Blum.

VOTE: (Approve 5-0)

R. Ross made a motion to approve the request for the sign on “The Paper Store” building on the side of the building facing the shopping center, Kohl’s, Best Buy, TJ Maxx, etc, based on the testimony heard that the pylon sign is not available for this location and, from the Best Buy area heading back to Target, none of the signage is visible from the parking lot; as well as the importance of a sign above the second entrance that was constructed on that side of the building, seconded by R Read; **and so voted by:** Ch. Grouke, Roger Ross, and Robert Read.

Opposed: K. Rondeau and R. Blum

VOTE: (Approve 3-2) Motion Fails

J. Anderson Can we take the sign from Commerce Way and put it on the other side of the building? The way I read the bylaw, if it faces two streets you are allowed two signs; does it have to face that street?

R. Ross If we amend Commerce Way and grant it on the other side of the building then it still leaves Commerce Way without a sign.

Ch. Grouke We could make a motion to rescind our decision.

G. Sagar If he is allowed a second sign by right, it has to be on the side of the building facing the street, your variance would then be to allow the sign on an alternate location. The procedure could allow you to overturn the Building Inspector but allow a variance to place the sign on the other side of the building. You could vote to reconsider but it would have to be the prevailing side making the motion in this case, the two.

Ch. Grouke But the first motion was 5-0 to overturn the Building Inspector so any one of us could make that motion.

G. Sagar Or, you could reconsider the entire petition with unanimous consent.

J. Anderson I have an entrance built around a sign I thought I was going to get. If you look at the entrance, it looks funny without a sign over it. It looks like I didn’t design the building correctly. I agree with you, I would probably get a lot more business with a sign facing Wal-Mart but the building looks beautiful and needs a sign over the entrance.

K Rondeau We have a new business owner in town, and we would all like him to be very successful and if he is willing to trade off one sign for another, I would reconsider the motion if the motion were changed regarding that sign over entrance. I would

be willing to grant a Variance for a sign over the entrance as opposed to Commerce Way.

K. Rondeau made a motion that the applicant is entitled by right, to a sign on Commerce Way, but the business owner believes it is in the best interest of his business to place the sign on opposite side of the building to attract customers to his entrance and we could accommodate the change of the sign from the Commerce Way street side to the side he wants, we would be granting a variance to allow the sign as of right to go on the other side.

Further Discussion on the motion:

R. Read What if space opened up on the pylon, could he put a sign there?

R. Blum The bylaws says he is entitled to a sign on the pylon.

R. Ross He is entitled to two building signs.

R. Blum He is entitled to three signs but he wants them all on the building.

Ch. Grouke So a motion has been made to reconsider the variance of the sign.

J. Anderson If I keep the sign on Commerce Way, how long before I can come back before this board with another petition? I think I will take it on Commerce Way and then come back.

R. Blum You were very adamant about wanting that sign over the entrance and we are trying to correct that for you.

J. Anderson I know but you are correct, there is a lot of traffic on Commerce Way. I always thought I was entitled to that sign on Commerce Way.

R. Read I know how you two feel but I am all for encouraging business in this town. There is no one within living distance who can see this sign; who is being disturbed by this extra sign?

R. Blum I think we have done more than encourage business; I think we bend over backward to help business. We welcome him but we have to be reasonable.

G Sagar Just listening to this gentleman, it seems he is a little uncertain what direction he wants to go so another possibility could be to rescind the approval and allow him to him to withdraw without prejudice.

R Ross We have already voted on phase one to overturn the Building Inspector. Could we bifurcate the application; let that vote stand and ask if he wants to withdraw the request for a variance without prejudice? At least that will give him a second sign now on Commerce Way and if he chooses to come back he would not have to wait two years.

Ch. Grouke Is that something that would interest you?

J. Anderson That would be great.

Ch. Grouke Okay we are going to vote to allow the petitioner to withdraw the second portion of his petition that is the variance to place the sign on the Kohl's side.

R. Blum made a motion to rescind the last decision of the east facing sign (facing Kohl's and Best Buy), seconded by R. Ross; **and so voted unanimously by:** Ch. Grouke, Roger Ross, Keith Rondeau, Robert Read, and Ronald Blum.

VOTE: (Approve 5-0)

Ch. Grouke Okay the motion to withdraw the Variance to move the sign to the Kohl's side has been rescinded and we are also entertaining a motion to allow you to withdraw that portion of your petition without prejudice.

J. Anderson Requested to withdraw the request for the sign facing Kohl's without prejudice.

R. Ross made a motion to allow the applicant's request to withdraw without prejudice, seconded by R. Blum; **and so voted unanimously by:** Ch. Grouke, Roger Ross, Keith Rondeau, Robert Read, and Ronald Blum.

VOTE: (Approve 5-0)

Work Session

The Board discussed a previous petition for an LED sign at the Dublin Rose/Clarion containing graphics, animation and is frequently changing. The Board further discussed multiple violations regarding LED signage throughout town, specifically Fall River Avenue and Route 6. K Rondeau mentioned that many of the LED signs include graphics, scrolling, flashing and changing messages which violate the stipulations of the Special Permits that had been granted to these businesses.

The Board directed the clerk to send a memo to the Zoning Enforcement Officer requesting that he check all LED signs for violations of the Special Permits, specifically businesses located on Route 6 and Fall River Avenue.

Approval of Minutes

R. Ross made a motion to approve the October 21, 2013 minutes as submitted, Seconded by R. Blum; **and so voted unanimously by:** Ch. Grouke, Robert Read, Roger Ross, Ronald Blum and Keith Rondeau

VOTE: (Approve 5-0)

Adjournment:

K. Rondeau made a motion to adjourn the meeting, Seconded by R. Ross; **and so voted unanimously by:** Ch. Grouke, Robert Read, Roger Ross, Ronald Blum and Keith Rondeau

VOTE: (Approve 5-0)

Meeting adjourned at 8:50 PM

Respectfully submitted by:

Christina Testa, Secretary