

**SEEKONK ZONING BOARD  
REGULAR MEETING  
MINUTES**

**June 16, 2014**

Present: Ch. Edward F. Grouke, Robert Read, Neal Abelson, Keith Rondeau, Roger Ross  
Gary Sagar attended the Work Session after the public hearings

N Abelson to hear case 2014-09 (Abreu) under Mullin Rule for Ron Blum who is unable to attend

7:05 Chairman Edward F. Grouke called the meeting to order.

Ch. Grouke This is the meeting of the Town of Seekonk Zoning Board of Appeals, June 16, 2014. 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.

**2014-09 Brad Abreu**, 65 Hawthorne Drive, Seekonk, MA, Owner and Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Special Permit and/or Variance** under Section 5 to allow an in-ground pool at 65 Hawthorne Avenue, Plat 6, Lot 82 in a R-1 Zone containing 11,457 sq ft. continued from April 28, 2014.

Jennifer Sanchez, petitioner, did not bring revised plans to the meeting and went back home to get them. The Board heard the next petition waiting for Ms. Sanchez to return.

**2014-11 Christopher McCarthy and Paula O'Neil**, 26 Border Avenue, Seekonk, MA, Owners by Neil A. Lefaiivre, Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Special Permit** under Section 5 and/or a **Variance** under Section 6.8 to allow the removal of an existing 12' x 12' 3-season sunroom and the construction of a new 12' x 12' 4-season room in its place at 26 Border Avenue, Plat 34, Lots 60 & 61 in a R-1 Zone containing 11,807 sq. ft.

Neal Lefaiivre Empire Construction, general contractor hired by Christopher McCarthy, with an office located at 81 S. Main St., Berkley, Ma. Sworn in. It is an existing 12'x12' 3-season porch that is deteriorating. The owner's mother is moving into the home; it is a small dwelling, an existing 3 bedroom house with a small bedroom on the first floor that right now they are using as an office/den. Because of her condition they want her to be on the first floor and they are trying to create more livable space and in doing so, they also want to keep the same footprint as existing now. Again, they are removing a 12'x12' 3-season porch and putting it back with a 4-season to create a little bit more space, make it a little bit more comfortable in the small dwelling. Same footprint, no foundation beyond the tubes and piers.

R Ross Exactly the same footprint?

N. Lefaiivre Same location, same foundation; nothing is changing.

N Abelson You are not adding piers?

N Lefaiivre Once the existing comes down, the existing tubes are not to code so there will be three tubes to hold the structure up and a beam coming across to support it but they will be in the same exact location as the existing 8" tubes?

N. Abelson Are you going to use a big foot at the bottom?

N. Lefaiivre Exactly, a big foot at the bottom and 10" diameter tube that comes up.

Ch. Grourke Any more questions for the petitioner? I will poll the audience. Is there anyone to speak in favor of the petition? No response. Is there anyone to speak in opposition to the petition? No response. Is there anyone with any questions about this petition? No response.

- R Read            There is not much they can do and there are trees and bushes between his house and the property line, it's not like he is building it right out in the open.
- K Rondeau        There have been about 4-5 other projects in the past year in that neighborhood; people upgrading their homes, replacing old porches and decks.
- R Read            The reason the home is off to one side is it was on one of the two lots, no matter what you do...
- R Ross            They are not further encroaching any more than they were, it is an existing condition.
- N Abelson        I would rather see them take the structure down and have it be structurally sound for the future as long as they are not increasing the footprint.

R. Ross made a motion to close the public hearing and uphold the finding of the Building Inspector; seconded by N. Abelson **and so voted unanimously by:** Ch. Grouke, Roger Ross, Robert Read, Keith Rondeau and Neal Abelson

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

R Read made a motion to approve the petition as presented; seconded by K Rondeau **and so voted unanimously by:** Ch. Grouke, Roger Ross, Robert Read, Keith Rondeau and Neal Abelson

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

7:14            **2014-09 Brad Abreu**, 65 Hawthorne Drive, Seekonk, MA

Ch. Grouke    We already read the first petition and I think the plans have arrived.

Jennifer Sanchez 65 Hawthorne Drive, Seekonk, Ma. Sworn in.

Jason Amaral Dynasty Pools, 2 Clemenceau St., East Providence, RI, I am the pool contractor hired for the project. Sworn in. I have some updated plans I would like to pass out. Originally, the way it was drawn, they did a bigger area and were going to fit the pool within that area. We are going to show you an exact size shape of the pool. I know last time when it was proposed, it was suggested that we bring one end closer to the house, instead of following the property line. We took that suggestion and we added that to the new plan. My client was also concerned that 6' wasn't enough room from the house so I added a slight curve to it; reducing the

pool size. We are still maintaining the length at about 35' long, 14' on one end, and 29' on the other end. We took the existing shed and we are proposing to move the shed back, we are maintaining 12 ft from the septic tank. I know there were questions and concerns about the water table. Doing so many of these, a swimming pool is too small to disturb the water table in that area. I don't see any issues with that at all. On the side of the property line on the fence, we are not putting a pool apron on that side; we are going to keep it all grass for better drainage.

R Ross            So the dimensions of the pool are substantially unchanged from the original plan, is that correct?

J. Amaral        It's changed. 35' length, 14' width, I believe it is 24' on the other end.

K Rondeau       So the smaller end of pool remains the same and the length stays the same.

J. Amaral        Yes, still 4' away from the property line. My concern with making that narrower than 14' is people being able to jump across there; that is a minimum width I would want to maintain for safety purposes.

K Rondeau       Then it is going from 29'-24' at the other end. Was any consideration given to an oval pool?

J. Amaral        There was not but an oval pool would do the same thing. The widest point in the pool would still get 4' away in the center, as opposed to being up in the corner; you are going to get it in the center. We want to keep the distance from the house as well, that is where most of the traffic is.

J. Sanchez       We have one child and we are going to have another one so we want to make sure the kids have enough room to walk around without falling in.

J. Amaral        They are looking at this home as their permanent home forever. We took into consideration safety from all points.

N. Abelson       So you will be able to walk out where the pool is.

J. Amaral        You will be able to walk out and where the deck is, there is a slider and there will be an alarm.

R Ross            The thing I see, are they creating a rear yard setback issue by relocating the shed to 5' from the property line?

N. Abelson       Does it mention a size in the bylaws?

- J. Amaral We have plenty of room to work with. It is the same shed.
- R. Ross My concern is that the application doesn't request it and we want to try to maintain the integrity of the process.
- K Rondeau The 10' setback does not apply to any shed smaller than 10'x14'x8', that's section 6.12.
- R. Ross I assume the shed is less than 8' high.
- J. Sanchez Yes.
- R. Ross I have no problem with that.
- Ch Groucke Any other questions for the petitioner right now? No? I will poll the audience. Is there anyone to speak on opposition to the petition?
- Ryan Benharris I am an attorney at the law office of Deborah Kohl, 191 Bedford Street, Fall River, MA. I represent Charles Calverley, 69 Hawthorne Drive; he is one of the properties that abut this property. I know the last time we were here there were some issues with respect to water table, and I am actually not going to speak to those. My issues are with my client's quiet enjoyment of his home. They are very small parcels of land. If this swimming pool is put in, his quiet enjoyment will be seriously imposed upon. There will be a lot of loud activity directly abutting his home. We would be fundamentally opposed to any swimming pool being put in regardless of the plan.
- Joan Tortolani I am the property behind this. Sworn in. I was concerned about how close to my leaching field this was. My property is the lowest point on the street and when the original owner had an in ground pool and emptied it, the water came into my yard. (Mrs. Tortolani viewed the revised plans with Mr. Amaral, inaudible discussion ensued between them)
- Ch. Groucke What is the discussion?
- J. Amaral Her concern is basically draining the pool and there is no draining the pool any more. We actually don't even have a back washing system. It is all cartridge filters so that pool will never be drained through the system so it's never going to go onto the property. In the future, if it ever had to have work the only way to be drained would have to be through pumps into the street but that would have to be approved by the public works department.
- N. Abelson At the end of the season, will that have a tight cover over the pool?

- J. Amaral It is a tight mesh cover, there is no waste. It is a different filter system it is a cartridge system there is no waste option. It is a mesh cover and allows the water to go through and they clean it with chemicals, the filter system, and vacuum.
- J. Tortolani I also have concern with the noise, my husband is not well and it is a long-term illness.
- J. Sanchez We are not a loud, party family. We have been there for 4 years and we have never had a single complaint. We have one child, I am home all summer, I am a teacher, we are very respectful of people in the neighborhood. Tell me if I'm wrong.
- J. Tortolani Yes, but you have never had a pool; people get excited with a pool.
- J. Amaral Having a pool or a slip-n-slide makes no difference whatsoever. It is the same amount of noise that the swimming pool would take up and you wouldn't need approval for that.
- Ch. Grouke Is there anyone else to speak on this petition? None. Are we ready to have a discussion?
- K. Rondeau I have a question whether the house is going to be sold.
- J. Sanchez We had it on the market because we were afraid we weren't going to be able to get a pool. The house has been removed from the market. If for some reason we weren't able to do what we would like to do...this is where we want to live. Neither of us is from Seekonk, we purposely bought a house here because we love the school system; we are very involved with the community, my fiancé coaches, we want our home here. I grew up with a pool and I want my son to grow up with a pool.
- K. Rondeau There was mention that there was a pool on the property before.
- J. Sanchez I have no idea.
- Ch. Grouke That is what Mrs. Tortolani mentioned.
- J. Amaral I want to add that the fence that is there is a wooden fence is natural insulation and acts as a sound barrier. That fence would not be knocked down; it's not going to be replaced with a decorative see through fence.
- R. Ross Mrs. Tortolani, the previous pool on that property, it was an above ground pool?
- J. Tortolani Yes.

Ch. Grouke I think it is a reasonable request; they are constrained as to where they can put it with the septic and the size and shape of the land and the lot. It is an accessory use and I would look favorably on this petition myself.

R. Ross Last time this applicant was here in April, the board collectively stated some concerns with the design, and the location, the setbacks and the closeness to the house. It is clear from the redesign that the applicant has attempted to address some of the concerns we raised. The length of the pool is the same but now the northerly side of the pool runs on an arc, they have moved it farther from the house. I think the westerly line, the 14' width, cannot reasonably be less than 14' for a pool and they have accommodated some of the concerns that we have raised that the easterly side is down from 29' – 24' I think the applicants have a made a reasonable and good faith effort to accommodate the concerns that were raised. Given that, I share the comments you made, Mr. Chairman, about the location of the pool, the configuration of the lot, this seems like the only location for a pool if they want to build a pool and they have taken reasonable steps to make it more pleasing, if you will. I am inclined, unless I hear something to persuade me, to join you in your view of this.

R. Read I agree with you Mr. Chairman.

Ch. Grouke Are we ready to close the public hearing and consider the decision of the building inspector?

R Ross made a motion to close the public hearing and uphold the finding of the Building Inspector, seconded by K. Rondeau **and so voted unanimously by:** Ch. Grouke, Roger Ross, Robert Read, Keith Rondeau and Neal Abelson

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

R Ross Just to keep the record clean, the plan distributed you want to enter that into evidence and have that marked as “Petitioner’s Exhibit 1” and adopt that as the plan with this application so it is part of this application?

Ch. Grouke Yes. Any further discussion?

R. Ross For all reasons that I stated in my earlier comments, I move that the application for zoning relief be granted based upon the new plan which was entered into evidence as “Exhibit 1” and that the pool will be built in conformity with all of the dimensions in the configuration of this plan; seconded by N. Abelson **and so voted unanimously by:** Ch. Grouke, Roger Ross, Robert Read, Keith Rondeau and Neal Abelson

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

## **Work Session:**

### **Approval of Minutes:**

R. Ross made a motion to approve minutes from 03/10/14, 3/31/14, 4/14/14, 4/28/14; seconded by R Read **and so voted unanimously by:** Ch. Grouke, Roger Ross, Robert Read, and Keith Rondeau

**VOTE: (Approve 4-0) 1 Abstention N. Abelson**

### **Discussion on Zoning Bylaw Updates:**

Present: Ch. Edward F. Grouke, Robert Read, Neal Abelson, Keith Rondeau, Roger Ross, Gary Sagar; John Hansen, Town Planner; Shawn Cadime, Town Administrator

John Hansen, Town Planner What we have before us this evening is the Zoning Bylaw update. This project started about two years ago now, undertaken by the Planning Board in consultation with Horsley Witten, our consultants; the Town's Counsel Kopelman and Paige. The purpose of this project was basically to make the zoning bylaws more user-friendly. We undertook this effort to update the zoning bylaws by paying particular attention to undefined terms and define those in the proposal, as well as adding a use table and dimensional table. We did a reorganization of the bylaw as well. As you have probably noticed over the years, as we have done amendments, we just added to end of the bylaws instead of focusing on making them organized. This effort hopefully makes it better organized. What you have before you is that reorganized bylaw, we emailed back in April, and we did focus on two specific sections; one you have already been given, the sign bylaw and the second, we are still waiting for Town Counsel's opinion on the nonconforming section. With the Zoning Bylaw update, there really aren't any substantive changes that I would classify as being substantive. There are definitions and table of uses, but I understand that any time you introduce something new, there are questions and that is certainly why this workshop was scheduled so I would be more than happy to listen to any comments or questions that you may have and try to answer. The Planning Board has already had a public hearing on this; they acquiesced to holding off on this at the Spring Town meeting adoption hopefully for the fall. Neal, you can probably attest to Planning Board's intent, it was their intent not to tackle any major new issues. As part of the scope of this project, they were not looking to tackle any new sections; sticking just to the use table and definitions and then signs and nonconforming when it does come to us. That is all I have, I can answer questions if you have them, I can go through changes, however way you want to handle it Mr. Chairman, members of the Board.



Ch. Groucke I don't have any questions right now, but does anyone have any questions?

K Rondeau Starting at the beginning, I guess the intent I saw there was conversation whether or not this bylaw should be prohibitory or not. Final analysis, where are we?

J Hansen We removed that language. The case law that came out the same day as our public hearing on this, which meant it was basically too late to change the bylaw since it was already advertised; we had some language in there that, as you say, would be prohibitive in nature. But after the court's decision in the *Dias v. ZBA*, indicated we do not have a prohibitive bylaw. Again, we didn't want to make any substantive changes to this bylaw, we wanted to keep what was in the bylaw, keep the intent of past town meeting voters, Planning Board, whomever put the bylaws together over the years, so that language was since removed.

K Rondeau If I am correct, Matthias (case) said that we did not have a prohibitive bylaw. Is it our wish to have a prohibitive bylaw?

R Ross The way I understand the focus and the scope of these amendments, it is basically stylistic and not substantive at this juncture and to embark on what is clearly a substantive change; I think is beyond what has been contemplated for the past couple of years. I don't object to it in principle; I don't know that this is the time or place to go down that road.

J Hansen I agree.

N Abelson I agree too.

G Sagar Back in September 20, 2011 is when we first had a conversation on this and Mr. Hansen came, invited us to participate in the work that they had just undertaken. Our roll, and I am speaking as an alternate on the ZBA. At the time when Mr. Hansen did appear back in 2011 I was the Vice Chairman of the ZBA. Our roll is judiciary (inaudible) the Planning Board proposes the bylaw, it is up to town meeting to adopt them and it is our job to adjudicate them when they come before us. If it is the will of the Planning Board, for example, to change lot sizes and they bring that to town meeting, we have nothing to say about that. We shouldn't even be discussing it. The only reason I believe we are discussing this now is because it has been marketed to us that there have been no substantive changes, our roll would be basically to review and a further set of eyes to proof read and everything. As John indicated they have been working on this quite a while, between his involvement, Horsley Witten, Town Counsel, the Planning Board and everything, there is a lot of time put into this. They scheduled the public hearing; they first went to the BOS, as they normally do for zoning changes to ask for permission, they held the public hearing and the Matthias decision came out, as

John indicated, the same day as the public hearing. I think we are all kind of surprised with what the appeals court said only because they completely overturned the superior court. When I first reviewed these, my big issue was they eliminated accessory uses in residential and Local Business and Highway Business. There were other changes I brought up to John's attention and he indicated, and in fairness to him, he did give them to us long in advance and I was negligent in not reviewing them in a more timely fashion but with that court decision coming down and what they indicated in the court decision, if there are no substantive changes, I brought what I thought were substantive changes to John's attention and they have been addressed through your office John and Town Counsel. We are right back where we want to be. Unless there is anything else, they made all the changes that they indicted in your March 24, 2014 memo. Ilana Quirk now, "prior to the recent appeals court decision regarding common drive it was her opinion that Seekonk has a prohibitory zoning bylaw. Given that decision I recommend the town make a policy as to which type you wish the town meeting consider and make sure the resulting zoning bylaw is clear" and you changed it John, to adopt the finding of the appeals court.

J. Hansen Exactly, we struck the language that said that any uses not described in this bylaw are prohibitive. We just struck that line.

G. Sagar The other question that I raised is the whereabouts of 6.1.3., accessory uses permitted, and that has been rectified?

J Hansen Correct, everything in that initial discussion you brought up to the Planning Board that night, they were all addressed.

G. Sagar Adding the definition of wholesale establishments? Public schools belong under educational? Under uses prohibited such as boarding houses, nursing homes, table is just a reflection of what is the current bylaw. We need to figure out how to incorporate uses in a table that are not currently listed but exist. Did you do that?

J. Hansen So uses that are not listed in the bylaw today, we did not go ahead and take that extra step and try to determine how they should be applied. So if the word "Boarding house" does not appear in the current bylaw, it does not appear in this proposed bylaw. We did not take any leaps of faith as to how they should be added.

G Sagar I also raised auto dealerships were not listed in Highway Business.

J Hansen Auto service is listed but is auto sales listed in the current bylaw?

- G Sagar      Another one I found too was commercial greenhouses on lots in residential districts. 45,000 sq ft is allowed in a residential district, I think that was removed too?
- J Hansen      We initially omitted it because of the ongoing medical marijuana district but again, that is something that is in the current bylaw, we didn't want to take any leaps of faith.
- G Sagar      If we didn't put it back in, we have some that are existing, you take somebody's business that is allowed by right that would make them legal nonconforming subject to all the other requirements of special permits and everything else. Zoning affects everybody; we have to be careful that it doesn't negatively impact.
- R Ross      What John said before, the proposed use table, it is not limiting or prohibiting any uses that are not currently so limited or prohibited. So we are not adding new prohibitions or limitations to the existing use tables. Is that correct?
- J. Hansen      That is correct.
- R. Ross      So what is the issue that you are raising?
- G Sagar      When we first looked at this, the fact that they removed the language that says its prohibitive, that changes the whole complexity of everything. Under a prohibitory it's either there, if it's not listed, it's prohibited. If we are going back to the way we were before, I don't see any reason to take that out number one, somebody could make use of that by right with 45,000 square feet and if anybody who has one becomes legal nonconforming.
- N Abelson      The thing with the auto sales, that wasn't allowed in a local business before.
- G. Sagar      I was talking about Highway Business.
- K. Rondeau      I couldn't find sales anywhere.
- R Read      In the parking space schedule, if this helps at all, automotive retail and service, it tells you how many parking spaces you need, so it mentions it. It doesn't say what zone it is under.
- G Sagar      I didn't want to see any existing businesses get hurt. It's a matter of clarifying some existing language; I think we would all be in favor of that. When we start removing sections and making it more difficult and taking away uses by right. In the initial review I did without the accessory uses that would have had such a negative impact on everybody.

- J Hansen      Accessory uses are back in for everybody.
- K Rondeau     This was quite an undertaking. I have gone through this thing and you have taken 26 sections and brought it down to...
- J. Hansen     The page numbers are pretty much identical when looking. Our current bylaws are 151 (pages) and the revised bylaws are 143 (pages). We didn't really remove too much.
- K. Rondeau    But there is not a lot of hunting for things and going back and forth between pages. My first and subsequent read through this is you have taken and condensed things that were throughout the zoning book and put them in the correct areas and sections.
- R Ross        You removed a lot of redundancy I noticed.
- J. Hansen     The biggest thing was removing those seven pages I guarantee 6 of those 7 was probably the meets and bounds section for all the overlay districts. What is the point of having that in there if you have a zoning map?
- G Sagar       Those are the concerns I have for the general zoning bylaw. I don't know if we are going to discuss the bigger undertaking, the sign bylaw.
- J Hansen     I did provide copies of that as well. I am prepared to discuss that if the board has any questions on the sign bylaw. We did a thorough research of the variances and relief sought through this board over the last ten years for signage, basically to see what has been granted and what hasn't been granted. We tried to make the bylaw consistent with what this board generally sees. I think you would all agree that you would be hard-pressed to say no to something you said yes to 100% of the time over the last 5 years which is pretty much the case with the research that we did for LED signs, which we adopted those same standards that you put in every single decision. We increased the sizes of the signs, which I routinely see this board grant when it is (inaudible) or obscured in some fashion, allowing signs on multiple faces of a building, say the Paper Store which recently came before or the Verizon building several years back. If it is visible from access drives and not just streets, we put an allowance for that in. We increased the percentage of the total visible building face area from 5% to 10%. Again, we took no leaps of faith we just looked at the record and the case list. The main reason for doing the sign bylaw from the beginning was temporary signs based on case law provided to us from Kopelman and Paige increasing the time frame from 30 days to 120 days was the (inaudible). The Planning Board wants more clarification as to how you calculate those 120 days.

- R Ross            This is not substantive at all but in looking at the table of contents, are you contemplating doing an index on the zoning ordinance? Is that a lot of trouble? It shouldn't be that big of a deal. It is so helpful sometimes. I am used to reading zoning ordinances in Rhode Island all the time. It should just be some kind of sort that could generate an index.
- J Hansen           I think it is something that could be done.
- K Rondeau        For down the road, for clarification purposes when you present this at town meeting to say that section 8 parking used to be in section whatever. Kind of like red lining it.
- J. Hansen        We do have a comparative table in the email sent. It tells you the original section, the title and the new section. If you were to look at this really quick, we could include that in the bylaw book.
- K Rondeau        Will you possibly bring this to fall town meeting?
- J Hansen        That is the plan. As soon as we get the nonconforming section. That is another question, it is in Town Counsel's hands, and they have had it since late April. We will certainly press her for that at the Planning Board workshop. I can give you some substance on that. It is basically to have language in there when we have these repetitive applications in the zones that have been rezoned over the years that have now become nonconforming. There are several areas in town where we have 5,000 square foot lots. We have never had 5,000 square foot zoning, so if anyone wants to come in for a pool, like we saw tonight, or a shed, or any accessory use, they are automatically coming to this board and that is something that we can look to change in the bylaw if they are meeting all setbacks and their only deficiency is the size of their lot, that is worth looking into
- G Sagar           That will all be under section 5.
- K Rondeau        It makes sense because there are a lot of people coming before this board for, basically I hate to say it but a rubber stamp. They spend their hard earned money
- G Sagar           The other issue I raised too is there are a couple of subdivisions in town not zoned properly. They were rezoned; are those in this?
- J Hansen        I think that language I just referred to would take care of it. We did look at possibly rezoning them and we ran into issues when once you got to the actual street that it came off of. Saying for instance Deborah and the first phase in Jane Howland, those would be easy to rezone, you can see when the lot sizes increase. Once you got to the road itself, Warren Avenue, you run into issues because you have all these frontage lots, then do you have R-1 zoning go along the strip on

some of these collector roads, that's where it got tricky and we stopped looking at that.

N. Abelson A couple that we changed a few years back, it was easy because they abutted an R-1. We changed them back because it wasn't like all of a sudden you are in an R-4 with one little spot you are recreating into an R-1.

G. Sagar The two that come to my mind are off School Street, Apple Orchard.

J. Hansen Yes, those came to mind, Apple Orchard, Jane Howland, Deborah and Apple Orchard. The tricky part is trying to figure out what to do with the frontage lots on Warren Avenue. Do we have R-1 zoning on parts of School Street and along Warren Avenue? I think the language we are proposing would address that and not require someone to come before this board if there were no other issues. I did look at Marlaine Drive and it wouldn't qualify, it wasn't one of those anomalies in 1979 and suddenly got up-zoned. It was an R-2 zone, it wasn't like it went from 10,000 square feet to an R-1, they went to an R-2, it was a single A.

G Sagar If there is any way we could rectify those, I know we had a couple of years ago a man come in from Apple Orchard for a pool. It was a matter of because he couldn't meet the setbacks.

N. Abelson Brookside Court, anybody who wanted to do anything on the property had to come, we did do that change.

G Sagar The other thing I want to say is I know this has been a massive undertaking and to sit here and have to say no to people that's hard. Clarifying this is a good thing.

J Hansen The other thing to mention when Gary came before the Planning Board, I have it in my notes but we haven't changed it in the bylaw yet because I didn't want the consultant to dig into this because I didn't have the comments from this board about changing the variance and special permit timeframes. Right now in the bylaw they are one year and the state law allows 2 years. Why not be consistent and make the town bylaw reflect state. So the Board is aware, it did include some changes. You may have noticed some applications before you for Conservation Subdivisions and relief for limits of disturbance. We have taken care of that because the Planning Board realized that is something we shouldn't have in there because it doesn't fit in. Also, based on comments from animal control officer, we put in kennel standards. Again, routine conditions that you place on anyway we put it in the bylaw. Better to have it in a bylaw than a condition of approval.

G Sagar Along those lines John, I believe Mr. Almeida went before the Board of Selectmen and referred to the Planning Board about changing for chickens. Have you looked at that at all?

J Hansen I wasn't aware of that request.

G Sagar Nothing has gone to you yet?

J. Hansen No, does the Board want it?

S. Cadime That was voted on.

J. Hansen Is that something you want to do something about?

G Sagar It was brought to the Selectmen and we voted to refer it to the Planning Board.

J. Hansen Okay, we can look at that, there are plenty of examples out there and that is a hot topic these days, chicken bylaws.

G. Sagar No roosters.

J. Hansen That is pretty standard in every bylaw I have seen, it's the topic you hear about at planning conferences. Just down the road in Providence and Pawtucket, they have done some urban farming bylaws. "No roosters" is pretty standard.

### **Adjournment**

N. Abelson made a motion to adjourn the meeting, seconded by R Ross **and so voted unanimously by:** Ch. Groucke, Roger Ross, Robert Read, Keith Rondeau and Neal Abelson

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

The meeting adjourned at 8:17PM

Respectfully submitted by:

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Christina Testa, Secretary