

**SEEKONK ZONING BOARD  
REGULAR MEETING  
MINUTES**

**February 12, 2015**

Present: Ch. Grouke, Roger Ross, Gary Sagar (Executive Session only), Robert Read, Neal Abelson, Shane Halajko (petition 2014-25 only)

7:00 Acting Chairman Roger Ross called the meeting to order.

**Executive Session**

G Sagar made motion to enter into Executive Session and later convene in open session, seconded by N. Abelson **and so voted unanimously by:** Roger Ross, Robert Read, Gary Sagar, and Neal Abelson

**VOTE: (Approve 4-0)**

7:18 Public meeting started

Present: Ch. Grouke, Roger Ross, Keith Rondeau, Robert Read, Neal Abelson, Gary Sagar, Shane Halajko (petition 2014-25 only-sitting for Roger Ross)

Ch. Grouke This is the meeting of the Town of Seekonk Zoning Board of Appeals, February 12, 2015. 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 have the proper legal standing and comply with very strict time limitations that are applicable to a court appeal. The time limits are very strict.

**2014-25 Hildeberto & Elizabeth DaSilva**, 22 Cedar Hill Terrace, Seekonk, MA 02771, Owners and Petitioners, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Variance** under Section 6.8, to allow the construction of a new two stall 24' wide garage within the side yard setback at 22 Cedar Hill Terrace, Plat 28, Lot 147 in a R-4 Zone containing 63,162 sq ft.

R. Ross Mr. Chairman, before you begin, my law firm generally, and I personally, have done work for these applicants; it was some time ago, about 5 years ago. Given that, out of an abundance of caution, since we did represent them in some matters, I am going to be recusing myself and Mr. Halajko will sit in my stead.

Attorney Michael Levinson I represent the applicant. 1547 Fall River Avenue, Seekonk, MA. The property is approximately 1.44 acres. There is currently a dwelling on the property and we are proposing to put a garage on the eastern portion of property. The western portion has a large amount of wetlands making it unbuildable. The issue is we are 16' to 16.7' away from the boundary and we are 40' into the setback so we are seeking a Variance.

S. Halajko Will it be attached to the current garage?

Paul Carlson 1539 Fall River Avenue, Seekonk MA (Engineer for the applicant) The existing garage will be converted into a storage area and potentially a room. The existing garage is only 18' deep and 11' wide it can fit one vehicle but it can't fit a large SUV currently.

S Halajko Will the proposed garage be attached and will there be a walkway into the storage area?

P Carlson Correct.

Ch Groucke I will poll the audience. Is there anyone in favor of the petition? None. Is there anyone against the petition? None. Is there anyone with any questions? None. Are the questions for the applicant's attorney?

K Rondeau Who built the home? Was it the current occupants or did they purchase it?

M. Levinson I don't know, I could find out for you.

K Rondeau I am asking because it is more than evident that they took full advantage of the setbacks to build the garage that is there. There was an opportunity to extend the garage backwards when the house was built and I was wondering. Now they are coming back, this is quite a bit of relief; this is 40' setback vs. 16'.

- Ch Groucke It looks like it was impacted by the wetlands.
- S Halajko I drove through the neighborhood and I didn't realize they had a garage the way it is set up.
- N Abelson It looks like the septic tank was in the front of the garage so you couldn't extend it out that way. I think that subdivision was built in the '80s.
- R Read Every other house on the street has at least a two car garage and some have a three car garage. He has a difficult situation there, no question about it.
- S Halajko I agree, looking at what he is proposing to do, it looks like it will conform to the other houses in the area. There are two and three car garages in that area.
- K Rondeau Back two years ago I believe there was a similar petition on Prospect Street and they were going to fall about 10' short and they had a similar situation with the garage and I think there was a situation with an elderly or handicapped person and they put a ramp there; we did approve that one.
- Ch. Groucke There seems to be quite a distance to the neighboring house that would be most affected by this and I notice there is nobody here to object.
- K Rondeau Do you have any sketches of what the garage will look like?
- P Carlson No, because they were not sure how this Board would react.
- K. Rondeau Will they be putting a bonus room above the garage?
- P. Carlson No, there will be no bonus room above the garage.
- Ch. Groucke Any more discussion or would someone like to make a motion?
- R Read I would be inclined to go along with the applicant.
- K Rondeau Perhaps we should include a stipulation because we have no plans to go by; it would be a single story garage with no room above for a bonus room and it should conform to the current architecture of the home.

N. Abelson made a motion to adjourn the public hearing and uphold the Building Inspector's decision, seconded by R Read **and so voted unanimously by:** Ch. Groucke, Keith Rondeau, Robert Read, Neal Abelson and Shane Halajko

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

K Rondeau made a motion to approve the Variance as presented for a 16' and 16.7' setback with the stipulation that it is a single story garage and there will be no room above the garage and that it shall conform to the current architecture of the house; seconded by Robert Read **and so voted unanimously by:** Ch. Grouke, Keith Rondeau, Robert Read, Neal Abelson and Shane Halajko

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

**2014-26 J. Alves Nominee Trust, John J. Alves, Jr. Trustee, 25 River 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/or **Variance** under Section 6.4, to allow the demolition of the existing dwelling and the construction of a new dwelling in the future at 47 River Street, Plat 24, Lot 34 in a R-2 Zone within the Groundwater Aquifer Protection District containing 78,776 sq ft.**

David Bray 1150 Pawtucket Ave Rumford, RI; Caputo & Wick, LTD., Engineer representing the Applicant.

I had written a detailed letter to the Board, I can read it in its entirety or summarize it.

Ch. Grouke Summarizing would be fine.

D. Bray Back in 2001, we had written a letter to Building Inspector, Zoning Enforcement Paul Stringham telling him of the intent to merge two lots into one. He said to go ahead and merge the lots and he would issue a building permit in the future. We went ahead and put together a 'Form A' application and submitted it to the Planning Board. We made this into one lot; a new quit claim deed was drafted and recorded. After that, the house was in disrepair, they were reluctant to tear it down because of grandfathering rights they may need. They have asked for clarification a few times from the building department, if they take it down could they put another house up? The last response was they needed to come before ZBA in order to get a Special Permit and/or a Variance for frontage and for the parcel. I think in my letter I state that I think it's allowed by right because it is exempt under zoning bylaw section 5.4.3. I am here to go over exhibits. I have attached a lot of exhibits showing the history of it we can go through. I will briefly state how we introduced it originally in 2001, (Mr. Bray read from

application letter dated December 18, 2014) the original lot 34 had no frontage at the time.

R. Ross But it did have a private right of way?

D. Bray Correct.

K. Rondeau Could you point that out?

R. Read I can't quite follow that myself.

D. Bray It was the Little's property at the time, which ended here and this was a recorded lot on River Street, and there is a right of way across here. The town had since acquired this parcel but the right of way still exists.

Mr. Bray continued to read from letter dated December 18, 2014 -  
"As you know, a minimum frontage of 50 feet is required to take advantage of Section 5.4.3 of the Zoning Bylaws, which would allow new construction on the lot without Zoning Board approval."

Back then, technically, just this piece right here is a buildable lot within itself. What we have done is added a lot area to this, a couple of acres.

K Rondeau Lot 25, that was original, that was a very small lot.

D. Bray Correct, a recorded 5,000 sq ft lot.

K. Rondeau The lot behind it, lot 34 which was 73,000 sq ft approximately and that is where the house was.

D. Bray Correct.

K. Rondeau Lot 25 was vacant. So they added lot 25 to lot 34 which gave it 64' of frontage on a public road.

D Bray That is pretty much how we summarized it. (Mr. Bray read further from the letter) "It is our opinion that the two lots together would not be in compliance with Section 5.4.3 and the residence could be demolished and a new residence could be constructed without ZBA approval."

Mr. Stringham affirmed that statement saying in his letter (Reading from Exhibit B) "In my opinion, Section 5.4.3 is applicable to these parcels. These parcels are exempt, pre-existing legal nonconforming lots. Any application for a 'Form A' proposed, as described, to merge lot 25 with lot 34 is acceptable. A 'Form A'

proposal must be submitted, approved, and recorded prior to any application before a building permit can be processed by this office.”

Ch. Groucke And you went ahead with the ‘Form A’.

D. Bray We went ahead with the ‘Form A’, recorded a deed and sometime last summer, Mr. Alves wrote a letter to the Building Inspector, I believe not remembering that we had gone through this process. I have Mr. Alves here if you need to swear him in. His response back was “In review of your request for a zoning determination to demo the existing dwelling and rebuild a new dwelling, I will have to deny your request and send you to the ZBA to obtain a Special Permit or Variance”. We ask that you either overturn the decision of the Building Inspector or grant a Variance and/or Special Permit so Mr. Alves can demolish the dwelling which right now is boarded up. He had me draw a dwelling in this area but he is not in love with the footprint and not ready to start construction. We submitted a sewage disposal system plan to the Board of Health in 2008 with that footprint, but he would like to get this building down with some reliability that he can erect another structure.

N. Abelson If he were to tear down the house he would build a house and it would meet all the required setbacks for the existing zone no matter what.

D. Bray Correct. I do say that in my letter as well, but the road frontage is the issue.

K Rondeau By merging these two lots, under R-2, you would need 120’ feet with a minimum of 100’; you have 64.58’. So what you are looking for is a variance for the difference between 100’ and the 64.58’.

D. Bray Basically about 35.42’.

K. Rondeau So you need that Variance anyway.

D. Bray If you uphold that, the lot is not exempt under Section 5.4.3 which allows for 50’ of frontage.

R. Ross For the record, and for my own understanding, I looked at your submissions and in between the 2001 letter that your client received, there was an intervening determination by Mr. Kirby and his determination was consistent with the 2014 determination.

D. Bray That’s correct.

Ch. Groucke If there is a letter from 2001 from the then Building Inspector that says yes, and 5.4.3 is applicable, is there a reason to revisit this? It is un-appealed.

- R. Ross I think there is. I certainly understand this applicant acted in good faith, relying on the 2001 determination. He went through the Form A and merged the two lots. Up until the Form A merger, both lots had legal nonconforming status. It is my opinion that by merging them and creating a new lot, they lost the legal nonconforming status. From my perspective, I would give immense weight to the good faith reliance but in my opinion, I think the law is clear that by merging the lots, they lost the legal, nonconforming status of the two lots individually because they don't exist.
- D. Bray In essence, you are saying that in 2001, we were misguided?
- R. Ross That is my view.
- K. Rondeau I think the 2001 Kirby decision and the 2014 Santos decision substantiates that.
- D. Bray We did follow an opinion that was never appealed.
- N. Abelson There is an existing dwelling on the property already, it's not like they are coming forward to get a new building put on this lot. They are, but there is an existing residence already there and that holds a lot of credence with me.
- D. Bray Way back, the parcel was even larger. Before, it went into East Providence before the water authority took the property for the reservoir.
- R. Read What was the intent of the right of way in the first place?
- D. Bray The "Little" property had no access other than the right of way prior to Mr. Alves purchasing lot 25 in the front. That parcel has always accessed through that right of way. That house predates zoning. He already had the right of way recorded in deed book 1926 on page 122, prior to the town acquiring the land, and it still exists today.
- Ch Groucke If you had not done the Form A and you had the two parcels, you could put a house on both of them. My point is that it would be foolish for us to say you can't build a house on this lot that has been "Form A'ed" when you could have built two without doing anything.
- N. Abelson They were also misguided in 2001 when they followed the information they were given from a town official and they were told that is what they should do and they followed suit. I think it is better to give them relief because I think this is a better scenario than the way things are now.
- R. Ross If we don't grant relief, he will be denied all beneficial use of his property.

- Ch. Groucke Let me see if anyone is here for this petition, I don't think there is but, is there anyone to speak in favor of the petition?
- Gary Sagar Sworn in. Reading all the information that was supplied to the Board members, I think it was unfortunate that this applicant did what he was told to do in 2001, he redesigned the land, it was recorded, the Planning Board approved it. I would also like you to look at Chapter 40a Section 7. It says, if a zoning violation, if it is a violation, exists for over 6 years and there is no enforcement action, it is grandfathered. I think it is wrong to give him a Special Permit or a Variance, I think he is entitled to the use by-right and I think you should overturn the opinion of the Building Inspector and grant him in accordance with the 2001 decision.
- R. Ross That is all well and good but there is no violation that has been in existence for 6 years.
- Ch. Groucke Is there anyone to speak in favor of the petition? No response. Is there anyone to speak in opposition to the petition? None. Is there anyone with any questions?
- K Rondeau If we decide that you need relief and we grant the Special Permit, you asked for an open-ended time period. Just knowing the Zoning Bylaws they say you have 2 years to put the shovel in the ground.
- John Alves (petitioner) 25 River Street, sworn in. We started to build, that's why we did the perc tests, and then the economy crashed so we backed off. We think the economy has improved. If you go with a two year route, we would live with it but, I would prefer the lot be declared without a two year stipulation on it. I don't know what that legal language is, but if the decision of this Board is to have the two year then okay and we need to get ready to put the shovel in the ground once the snow disappears.
- R Read Can we just say it is a buildable lot?
- Ch. Groucke There are two requests, one is to overturn the decision of the Building Inspector. If we are not going to do that, the next question is, can we have a Variance, which would be for the frontage. If we overturn the decision of the Building Inspector, the result of that is we are saying it is a buildable lot, I don't know. If we grant a Variance, we are not saying it is a buildable lot but we could say that.
- R Ross I would be comfortable, even though the plan done by Mr. Bray's office is a proposed building footprint that Mr. Alves is not really comfortable with; if we approve it, I would be comfortable approving it provided that at some point in time, the structure meets all other zoning setback requirements because we will have disposed of the street frontage, and the area is a non-issue. I don't feel I



would need to see the precise footprint. It needs to be approved by the Building Inspector at whatever time Mr. Alves wants to get a building permit.

K Rondeau If we approve the Variance for the street frontage and the fact that it is a buildable lot then it needs to comply with setbacks.

N. Abelson If you give the Special Permit, it is a two year deadline.

R. Ross That is Mass General Law, not a stipulation.

N. Abelson They could get an extension.

R. Ross Provided it is filed before the expiration.

Ch Grouke Starting construction could be, as people say, putting the shovel in the ground.

D. Bray If you are not going to overturn it, I will just read what I wrote in my letter. "If the Board upholds the Zoning Officer's determination dated July 17, 2014, we would like to request a Special Permit under Section 5.3 and dimensional zoning Variance under Section 6.4.

Ch Grouke Do we have a motion?

N. Abelson 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 Neal Abelson

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

R. Ross made a motion to uphold the Building Inspector's decision of July 17, 2014, seconded by K Rondeau **and so voted unanimously by:** Ch. Grouke, Roger Ross, Keith Rondeau, Robert Read, and Neal Abelson

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

R. Ross made a motion to grant the Special Permit under Section 5.3 of the Bylaw and a dimensional Variance for lot width (Section 6.4 of the Bylaw) which has a required width of not less than 100'; and we grant the dimensional variance for the property with the existing width of 64.58',

N. Abelson seconded the motion.

K. Rondeau amended the motion and included that the proposed building has to conform to zoning bylaws

Neal Abelson seconded the amended motion, **and so voted unanimously by:**  
Ch. Groucke, Roger Ross, Keith Rondeau, Robert Read, and Neal Abelson

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

## **WORK SESSION**

### **Discussion: 9 Warren Avenue**

Ch Groucke To summarize, we became aware of the fact that the plat and lot were misidentified on the application. Would you care to comment on that Mr. Cusson?

Paul Cusson The application made reference to Plat 2 Lot 9, which was the entire parcel of land, roughly 5 ½ acres. What happened was that property was subdivided into two parcels; one parcel with the existing house which retained the map and lot as Map 2, Lot 9, and the balance of the property became Map 2, Lot 114. It was brought to our attention that when the notices were submitted to the list of abutters, it was submitted as Map 2, Lot 9 and everyone who received noticed on the entire parcel. We are here to discuss it but I think that it just surmounts, in my opinion, to a typographical error.

Ch. Groucke I think there was a notice problem, some abutters didn't get notified.

P. Cusson I don't know how because the entire parcel was Map 2, Lot 9 originally and notices went out on that entire parcel.

R. Ross Map 2, Lot 9, as I understand it, is the small lot that is currently approved (with the house) and Lot 114 is what you are looking to develop.

P. Cusson Right.

R. Ross The notices went out based on the radius of, not the original Lot 9, but the current, small Lot 9 which is the small lot which is approved with the house.

P. Cusson That's correct.

R. Ross So consequently, some people who should have gotten notice under Lot 114 did not.

P. Cusson My understanding is that one person indicated she had not gotten noticed but yet, she was at the meeting.

R. Ross I don't recall anyone speaking at the meeting.

P. Cusson The very first meeting there were two people here. So I don't know which the best way to correct this is.

Ned Lundgren Barrington RI, sworn in. The person who was not notified was a person who was when I was originally here maybe five years ago, before Mr. Cusson was involved. You are absolutely correct, the notifications that went out were for Lot 9, a smaller lot, so the people to the south on Warren Avenue, there were a couple of people who were not notified.

(Inaudible – multiple people speaking at the same time)

Ch. Grouke There were about seven people who were not notified. It came to our attention because somebody questioned it and we looked at it so, there is a group of people that did not receive notice.

R. Ross Let me inquire from Chris, when we received communication from Town Counsel and suggested that we send out Certified Letters. Chris, do you know if that was done?

C. Testa Yes, it was.

R. Ross Do you know how many people were on that list?

C. Testa Approximately seven; I have the list in my office and if you want I can get it.

R. Ross Is it seven people who should have been but were not notified or did it go out to everyone?

C. Testa Seven people who were not notified but should have been.

R. Ross So we are talking about a significant number.

Ch. Grouke And they were notified a copy of the letter that told them what had happened and a decision. I didn't receive any kind of a response from anybody.

N. Abelson Did the letter say to respond if they felt aggrieved by the situation, I don't remember.

R. Ross Chris, do you recall if you got all the green cards back?

C. Testa I did get most, some envelopes were returned without being signed.

R. Ross We did what we could.

Ch. Grouke (Read the letter that was mailed to abutters into the record)

R. Ross Did you send it Certified Mail as well as regular mail?

C. Testa I did.

N. Abelson No responses back?

R. Ross What was the date of the final approval of the Comprehensive Permit?

Ch. Grouke November 24, 2014. The letter went out around the 3<sup>rd</sup> of January.

R. Ross And you did not hear from anyone on that list?

C. Testa I did not.

Ch. Grouke I did not hear from anyone either.

N. Lundgren I ran into Mrs. Olean 6 or 8 months ago, before we got the approval and she said, "I have no objection to what you are doing." But what people tell you face to face may not actually be what her thoughts are but that's what she told me.

Ch. Grouke Its one thing for somebody to go and hire an attorney and it's another thing for someone to come to town hall and register a complaint without going through the extent of hiring someone. I think it's fair to say that no one came in to make any kind of informal complaint.

R. Ross Not even an inquiry. I take it no one called and said, "I got a certified letter and what is it about?"

C. Testa No one new; initially there were two calls they had seen construction or work being done.

R. Ross Okay, that's what triggered this. But in response to the letter no one called?

C. Testa Correct.

N Lundgren I think what triggered it was shortly after we got the approval, InSite instructed me what I needed to do and get certified test pits. We did preliminary test pits

years before but we had to put the actual test pits where the septic systems were designed, so we went out on one day with my excavator that has been on the property for 5 years and we put 16 holes in the ground, and we did certified perc tests with the town. There was a lot of activity that one day; it looked like a bomb went off on the property to tell you the truth. Eight hours later it was all closed back and looked nice again but neighbors going by were probably in shock to see what it looked like for that brief time period.

P Cusson Based on that letter, I am not sure this board needs to take any action.

Roger Ross I think a motion would be in order. I don't think we ought to just let it sit there.

N. Lundgren I think we need to change the actual legal address for the state.

P. Cusson I think we're okay. I can double check when we do the final approval.

Ch. Grouke I should also note that this work session has been posted as a public hearing a few times now with all the weather delays.

R Ross I am comfortable that all those persons who were initially entitled to notice of the public hearing have been given ample opportunity to comment by virtue of the certified and regular mailed letters. There has been no response to any of those letters and two apparently were returned as undelivered. I don't know that we could have done anything other than that. We have no knowledge of why they weren't signed for. In my opinion, the notice problem has been cured and I am very comfortable leaving the decision as was made in November of last year in place.

N. Abelson Did the regular mail letters come back from those abutters too? Maybe the houses weren't occupied.

C. Testa They did.

K Rondeau Is there a time frame to wait?

R Ross I don't have firsthand knowledge but speaking to Town Counsel, this was the avenue she suggested we go down. This was Town Counsel's best advice, I don't think its statutory, I don't think there is any case law on it. She said this was sufficient in her opinion.

P. Cusson Mr. Chairman, normally a decision issued by the ZBA has an appeal period of 30 days.

Ch. Grouke Does the Board feel as if we have cured the notice problem? Have we done enough to give people the opportunity to be heard?

K Rondeau Short of knocking on the door, which we don't do for anybody else, we did everything we could. We sent it certified mail, we sent it regular mail, but we did not hear from anyone.

N Lundgren I do want to apologize to the Board that this happened. It was amazing that all these times I have looked at these applications.

K Rondeau Do we need a motion to revise the decision to reflect the current address?

R. Ross Yes, a motion to revise the decision to reflect the correct street address and plat and lot (numbers) and the substance of the decision should be confirmed. I don't think we would have to reopen the public hearing and I don't think it triggers a new appeal period.

R Ross made a motion that the actions taken by the ZBA secretary by mailing by Certified Mail, Return Receipt Requested, and by regular mail postage prepaid to all of those persons situated within the statutory radius of Tax Map 2 lot 114, which is the proposed site of the affordable housing project, Comprehensive Permit, were notified sometime in late December, 2014 or early January in 2015, and that there has been no response affirmative or negative by any of those addressees by either Chairman Grouke, who signed the letter or by the secretary to ZBA and consequently any flaws in the notification that should have been given for the initial public hearing have been sufficiently cured and that this Board revise the final decision to reflect that the address that is subject to the Comprehensive Permit is 21 Warren Ave as shown on Assessor's Map 2, Lot 114 N. Abelson seconded **and so voted unanimously** by Ch. Grouke, Roger Ross, Robert Read, Keith Rondeau and Neal Abelson

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

P Cusson There were a couple of other issues. I had sent a letter to the Board and I feel that there might be a typo in the decision. On page 3 of 9 of the decision, there is a reference to a set of plans you had approved, the decision said plans were dated June 21, 2014, the plans were actually July 21, 2014. We are concerned that the state will see this. We are in the process of final approval and one thing the state looks at is the decision date and plan date, they should be the same. I have a copy of the plans here that we had submitted for the application. We believe it is just a typo.

R. Ross For the record, you are representing to me that the plans shown to me are the same set of plans that were submitted in the application and the booklet you all received.

R Ross made a motion that the decision date, November 24, 2014 on page 3 of 9 condition #1, that the revision date of the set of plans be revised to the date of July 21, 2014 rather than the erroneous June 21, 2014 as prepared seconded by K. Rondeau **and so voted unanimously by** Ch. Grouke, Roger Ross, Robert Read, Keith Rondeau and Neal Abelson

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

Paul Cusson There is another matter. I also sent letter regarding the regulatory agreement. Part of the final approval process is, they need a letter or confirmation that the Board is okay with the redlined version, there were no changes to the format, I just put in the name of the development, the location, the size of development etc. I had prepared a letter for the Board's consideration to be sent to DHCD saying the Board is okay with the redline version of the regulatory agreement.

R. Ross I've reviewed it and I'm okay with it.

Ch. Grouke I'm okay with it also.

K Rondeau This was the letter that was sent to us last week, I want to make sure we are talking about the same one.

P. Cusson Its DHCD standard Regulatory Agreement and their standards were forwarded.

Ch. Grouke So you are requesting that we transcribe that letter onto our letterhead.

R. Ross Just be careful because there are a couple of typos in there. Not for our benefit, I just want to make sure that when you represent 5.96 acres, that's not before the subdivision.

N. Lundgren That is the balance of the land.

R. Ross I am looking at page one and it says map 2 lot 9. 5.96 acres.

N. Lundgren This is reflecting back to what was in your original packet. Oh, there is the mistake right there in front of us. I had no idea where it had come from, it is probably throughout this application. But it is very clear.

R. Ross That is a problem.

N. Lundgren Yes, that's a problem.

R. Ross It is reflected as lot 9 on every sheet. I think we need to get a revised set of plans to show the correct lot number.

N. Abelson Somewhere down the line, do you think it could be problematic?

R. Ross The title block says lot 9, the map says lot 9.

N. Lundgren I think Paul will be more than willing to correct that.

(Inaudible, multiple people speaking amongst themselves)

R. Ross Just so we don't have to have another hearing, this set of plans is not going to have another revision date, correct?

N. Lundgren When we correct the lot number, we will keep it July 21, 2014 revision date. But correct plat and lot number.

R. Ross If you are not going to have a new revision date, it might not be necessary because it isn't a substantive change.

Ch. Grouke So, the end result is that there is going to be another set of plans with the correct lot with the same date? And we are also going to take care of the letter.

N. Abelson made a motion to accept the request to send the draft Regulatory Agreement letter to DCHD, seconded by Robert Read **and so voted unanimously by** Ch. Grouke, Roger Ross, Robert Read, Keith Rondeau and Neal Abelson

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

Paul Cusson The last matter of business; in the decision, we talked about local preference and there are two units that are going to be affordable. One unit could be considered to be local preference, however, according to the regulations; the town has to get permission from DHCD to have local preference. I am willing to try and help the town get that but I need some help from the town regarding, I'm not sure if you have a housing plan that was submitted to DHCD? Is there a Town Planner that I could discuss these things with?

K. Rondeau I think the Town Planner in the past has done that about 2 years ago.

R. Ross We can touch base with the former Planner.



- P. Cusson I can check the DHCD website. If there is a plan, I can work on that and send t he Board whatever information I can find, if there isn't one, I'm not sure what we can do. We have to demonstrate the need for local preference and that was in the decision. I think Mr. Ross was the one who was insistent upon putting that in the decision and because it's in the decision we have to address it. I have to go through a bunch of demo graphs and what the town has and why there should be a need for local preference.
- K. Rondeau We addressed it on Gude Street and also on Tall Pines before it became residential homes. In both instances I think it was on part of the Master Plan.
- P. Cusson I'll double check it. I'll go through that process and give John Hansen a call to see if there is housing plan. I do a lot of work in Dartmouth.

**Redesign ZBA Application:**

- R. Ross Suggested the Board continue the discussion to redesign the ZBA application until the next meeting.

**Adjournment:**

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

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

The meeting was adjourned at 8:37 PM.

Respectfully submitted by:

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Christina Testa, Secretary