

**SEEKONK ZONING BOARD
REGULAR MEETING
MINUTES**

June 22, 2015

Present: Roger Ross, Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

7:01 Vice Chairman Roger Ross called the meeting to order.

R. Ross This the meeting of the Town of Seekonk Zoning Board of Appeals, June 22, 2015. This is a meeting as previously scheduled. I am going to go over our Rules and Regulations. I am going to read each petition from the agenda as it was advertised and call upon the petitioner or their appropriate representative or representatives to present their cases. 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 and not directly to any of the presenters. We will hear from anyone in the audience to speak either in favor of or against the petition or with any questions about the petition. At the close of the evidence, the Board may have a discussion and then may take a vote. We usually make a decision on the same night as the petition is heard, although we are not required to do so. There are times that we may postpone a petition for another meeting either for a site visit or to gather some additional 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 or she is negatively affected by our decision, as long as they have the proper legal standing, has the right to appeal to the courts of the Commonwealth of Massachusetts of appropriate jurisdiction; and anyone taking such an appeal is advised that they have to comply with very strict time limitations.

The agenda for this evening, we have four cases for public hearing. The first one is;

2015-01 Brian Sadler, 16 Highland Ave, Seekonk, MA 02771, Owner, by Michael Hannigan, Kay Gee Sign & Graphics, 200 Southbridge St., Auburn, MA, 01501, Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, a **Variance and/or Special Permit** under Section 12.3.3.1 of the Town of Seekonk Zoning Bylaws to allow a non-accessory off premise sign for a business located at 10 Highland Avenue. The proposed off premise sign to be located at 16 Highland Ave., Plat 8, Lot 2 in a Highway Business Zone containing 120,451 sq. ft

As agreed with the petitioner, this board convened and continued this matter on June 15, 2015, the original scheduled date.

2015-06 Joyce Josefson, 127 Allen Avenue, Seekonk, MA 02771, Owner, by Joyce Josefson & Charles Beauchamp, 127 Allen Avenue, Seekonk, MA, Petitioners, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, **Special Permit** under Section 4.3 of the Town of Seekonk Zoning Bylaws to allow construction of a second floor addition and a sunroom in place of the existing deck on an existing dwelling on a pre-existing, legal, nonconforming lot, at 127 Allen Ave., Plat 3, Lot 30 in an R-4 Zone containing 127,870 sq ft.

2015-07 Christian Assembly Church, 1494 Fall River Avenue, Seekonk, MA 02771, Owner, by Bell Atlantic Mobile of Massachusetts Corporation Ltd., d/b/a Verizon Wireless, c/o Michael Giaimo, Robinson & Cole LLP, One Boston Place, 25th Floor, Boston, MA 02108, Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, **Variance** under Section 6.7 (Formerly Section 9.7) of the Town of Seekonk Zoning Bylaws for use and height to allow the construction and operation of a wireless telecommunications facility at 1494 Fall River Ave., Plat 4, Lot 4 in an R-3/R-4 Zone containing 400,752 sq ft.

2015-05 Wayne A. Darling, 131 Cameron Way, Rehoboth, MA 02769 and **Seekonk Grand Prix Corp.**, 1098 Fall River Avenue, Seekonk, MA 02771, Owners, by Chick-Fil-A, Inc., 5200 Buffington Road, Atlanta, GA, 30349, Petitioner, requesting an appeal of the Zoning Enforcement Officer's Decision, and if necessary, **Variations** under Section 8.8 (Formerly Section 12) of the Town of Seekonk Zoning Bylaws to allow construction of a new free standing sign; alteration of the current free standing sign with an electronic message board; additional wall signs on all four walls of its building; and a **Variance** under Section 5 of the Town of Seekonk Zoning Bylaws to construct a building within the front yard setback, at 1098 Fall River Ave., Plat 7, Lots 17 & 351 in a Highway Business Zone containing 6.5 acres total.

Gary Sagar Mr. Chairman, if I may for the record, petition 2015-01 which was originally heard on May 4th, I was not present at that (meeting) so under the Mullin Rule, I filled out the proper paperwork which allows me to sit and hear it so I would like you to incorporate it as part of the record please.

V. Chairman Ross Let the record reflect that has been handed to the secretary and is incorporated into the minutes of this evening's meeting.

S. Halajko Mr. Chairman, I have also done the same as well.

V. Chairman Ross I assume that you submitted the appropriate affidavit to Chris Testa.

S. Halajko Yes.

Case 2015-01

Steve Navega I am an attorney with an office at 447 Taunton Ave, Seekonk. I am also a resident of the town residing at 175 Warren Avenue. I am here tonight representing Big Bobs Flooring, which is the tenant at 10 Highland Ave. I happened to be here May 4, 2015 on another matter. I have a vague recollection of what happened and I reviewed the minutes from that particular meeting so I understand what the situation is and what the Board's concerns are. However, they have entered into bona fide lease of the property at 16 Highland Avenue, a seven year lease, for an ancillary warehouse and showroom for Big Bob's. 16 Highland Avenue is Brian Sadler's property which fronts on Highland Avenue and fronts on Route 195. I have a draft, unsigned lease agreement, and if the Board would act favorably I would present them with a fully executed copy in a day or so. Mr. Vincent Virga, who is the CEO of Bob's Flooring (inaudible) can't be here tonight. He has it with him and I can get it to the Board. My suggestion is that this is a situation that there is a solution, with the lease, he is now a bona fide tenant of the property. If this Board were to treat this, other than a Variance, treat this as a petition for a sign under 8.8.4.3, I think it can be acceptable and still not violate the intent of the bylaw. As you folks are aware, a Variance is a demanding proposition, where a Special Permit is more relaxed. With that said, that is how I would like to proceed tonight. I have the sign contractor here tonight to answer any questions. This sign is modeled after the Longhorn Steakhouse, same dimensions, sort of a mirror image of that sign.

G Sagar The only way you do get frontage on the second street, is with that lease agreement.

S. Navega Yes.

G. Sagar So that building then becomes an accessory use.

S. Navega Exactly. Like I said I have an unsigned draft copy. You know the thing about Special Permits, if you view it that way, is that it doesn't run with the land. It's not there forever like a Variance. If Big Bob's goes, so does the sign.

S. Halajko If this gentleman owned this property, would he just be looking for a Variance to put the sign?

S. Navega He wouldn't need a Variance, because he would own it.

R. Ross Is there going to be specifically a delineated portion of the Acura land that is going to be leased, I assume you are not doing a subdivision.

- S. Navega No, they are leasing the building. If you are familiar with the physical layout of Acura, you have a showroom at the front. In the back of that is a building; he is leasing a 10,000 sq ft dedicated space within that building for ancillary space for a showroom.
- R. Ross Assuming we look at this favorably, would you or your client have an issue if the Special Permit, was coextensive with the lease so that at the end of seven years, unless the lease is renewed, the Special Permit would die.
- S. Navega No problem with that because it is a 7 year lease with two 7 year extensions at the option of the parties.
- R. Ross Assuming this board granted the special use permit and there is an appropriate amendment to the petition to so reflect, we would ask that you would provide this board with a fully executed copy, and I think it would be fine if you redact the financial terms, we don't care about that as long as we could make sure that the lease is in place. Is that acceptable?
- S. Navega Yes, absolutely.
- K Rondeau I would like to have Mr. Navega show me on this picture. So basically, he is going to lease this building here? It will be this one adjoining this one that he already owns?
- S. Navega Yes, that's right.
- K. Rondeau At least it makes it contiguous now.
- S. Navega I could provide you with the signed lease.
- R. Ross I think that would be a condition, assuming we approve it, that we receive a fully executed lease; but we will take you at your word on that. I think we have a catch-22 thing here. If you want to go down that road, I think the board would entertain a motion to amend the petition to reflect what you want to do but if the petition is then amended, you are at the mercy of the Board's vote.
- S. Navega You know, not having prepared the original petition, I understand what you are saying Mr. Chairman and I would ask the Board to allow an amendment of the petition to reflect what I am suggesting tonight.
- G. Sagar I would also note on the record that it was advertised for a Variance and/or Special Permit, we covered that in the legal ad.

G Sagar made a motion to accept Attorney Navega's request to amend the petition as submitted on 3/17/15 to include a Special Permit, seconded by S. Halajko **and so voted unanimously by** Roger Ross, Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

VOTE: (Approve 5-0)

R. Ross Is there anyone in the audience who wants to speak in favor of this petition? (none) Is there anyone present who wants to speak in objection to the petition? (none) Hearing none in both cases, is there a motion in order?

G Sagar made a motion to close the public hearing and uphold the decision of the Building Inspector, seconded by R Read and **so voted unanimously by** Roger Ross, Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

VOTE: (Approve 5-0)

G Sagar made a motion to grant the Special Permit conditioned upon an executed lease for that property as discussed to run concurrent with the Special Permit and expire when the lease is voided or eliminated or is expired, terminated or not renewed, seconded by K. Rondeau and **so voted unanimously by** Roger Ross, Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

VOTE: (Approve 5-0)

Case #2015-06

Joyce Josephson and Charles Beauchamp sworn in

Charles Beauchamp We live in a small house, it is the original house on the lot built in 1890, original one story house. At some point, someone put on a second floor and a first floor bathroom. We would like to put in a second floor bathroom and as far as the sunroom, originally we were just going to expand the deck by three feet but then we thought of a three season room but when we hired the architect, he suggested a year round sun room. We are by far the smallest house on Allen Avenue but we are very close to the front, and we don't have the frontage because the lot predates the current zoning. We are only expanding the footprint by 3' to the north and by 3' to the west. Both are away from the front and well within the offsets for the R-4 zone in those directions.

R. Ross So you're expanding the deck towards the rear of the yard and towards the existing leaching field, is that correct?

- C. Beauchamp Yes, but we originally thought we'd just go straight up but the designer suggested if we put an extra 2.5 feet to the north, it would provide us extra space in the bathroom and he suggested doing this and we didn't know we would have to come for an appeal, we thought we could just get a building permit and do it but we were denied because we are a non conforming lot.
- G. Sagar The 8' off the street is the killer; that's why you had to come before us.
- R. Ross The way I see the elevations, on the room that you are adding, where the deck is now, are you going up as well?
- C. Beauchamp No, it will still be one story.
- S. Halajko How long have you been living there?
- J. Josefson 30 years; I was the only house on the street when I moved there.
- C. Beauchamp The extra space also gives us a little bit of extra storage on the first floor and we have no basement our only storage is the barn.
- R. Ross Do you have anything further or any witnesses?
- C. Beauchamp No.
- J. Josefson We look at it as a safety issue too; we are getting older, the only bathroom is on the first floor and the bedrooms are on the second floor. Getting up and going down the stairs at night...
- R. Ross Is there anyone in the audience who wants to speak in favor of this petition? (none) Is there anyone present who wants to speak in objection to the petition? (none) Hearing none in both cases, is there a motion in order?
- R. Ross We face this all the time, existing legal nonconforming which doesn't change anything at all.
- S Halajko It would be enhancing the neighborhood.

G Sagar made a motion to close the public hearing and uphold the decision of the Building Inspector, seconded by R Read and **so voted unanimously by** Roger Ross, Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

VOTE: (Approve 5-0)

G Sagar made a motion to approve the petition as submitted, seconded by K. Rondeau and **so voted unanimously by** Roger Ross, Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

VOTE: (Approve 5-0)

2015-07
Christian Assembly Church

Michael Giaimo Attorney representing Verizon Wireless. Verizon Wireless provides wireless service within the town and they have a substantial gap in coverage along Fall River Avenue. In order to fill that gap in coverage they look for site, they found the Christian Assembly Church site to be a suitable location for the coverage they need to provide for the area and they engineered a typical cell site with a tower and a fenced enclosure with a building for equipment in it. The Building Inspector had to deny us because this is not within the wireless overlay district. The answer to that is to come before you and seek a variance. I know there is also an issue with your authority to grant use variances; the reason I am explaining this is that there is Federal case law that says in a special case of a wireless facility which has some Federal protections; it states that local Boards of Appeals are authorized to grant use Variances. So we are in front of you for relief that you are able to grant and if you should agree to do so, we are going to try to explain why you should do so. With me today are a number of people that I want to have speak, I don't know if you want to swear them in now.

R. Ross Why don't we do them one at a time as you call your witnesses, I am more comfortable with that.

M. Giaimo I will show you on the map, this is the parcel, it is a long parcel that extends quite a bit back, and there is a church building with the parking lot in the front. For the wireless facility, on page C-1, you can see the outline of property, you can see the existing church building in the front and the parking lot, there is a large wooded area, an area that's wet and not developable, and there is an area in the middle that's dry and in that area in the middle is where the proposed wireless facility. The access route that runs from Fall River Avenue in through the parking lot by easement to Verizon Wireless and then there will be a 20' wide access road for vehicles and for utilities to reach this facility. This would be an unmanned facility, capable to co locate for other carriers if they were interested in coverage with similar coverage needs. There is a wetland area around the outside and a lot of screening and woods. One of the things we did do and wanted to submit was a photo survey showing visibility (inaudible), that is typically the major concern that Boards have in a situation like this. It is very well screened from the nearest residential neighborhoods.

R. Ross The proposed easement, that will be exclusive to Verizon?

M. Giaimo It would be for anyone who needed to use it, not for subdivision purposes. It is typically an unpaved gravel drive. (submitted photo simulation study - Exhibit 1) I forwarded to you a photo simulation study which Paul Mucci from Jacobs is here today; he is one of

the representatives here helping with the case. They go out to the location and float an enormous balloon, a big red balloon; they float it up in the air and take pictures of it and they photo simulate where that tower would be. It's hard to tell on the before and after pictures, it's very hard to tell where that tower would be in the after pictures. It's not because we are hiding it, it's because, given the change in terrain and all the tree coverage that there is out there, this is just very well screened even from the neighborhood that's up on the top of the hill. It will be visible from Fall River Avenue, in the commercial zone but it is well screened from the residential zone back.

R. Ross This was all existing screening or are you going to add flora?

M. Giaimo No screening needs to be added, there is mature woods up there, it extends up the hill and in the back yard of the folks who back up to the far rear of that property. That screening will provide natural camouflage coverage for the tower itself. These are monopole towers, it is basically a stick with antennas coming out on a triangle at the top. We have proposed 130' for the height of the tower but the antennas would be at 125'. Later, Keith Vellante, who is a technical person who does the radio studies will explain why it needs to be that height. In your application package, tab 2, if you look back to page 5, even though they are not eligible for a Special Permit because we are not in the Wireless Overlay District, I did walk through all the standards of the Telecommunications Overlay District and this tower meets all the standards you have, except for the height and there is also one setback discrepancy, it meets the zoning district setback but it is not 1.5 times the distance to one of the property lines, which is an undeveloped parcel. I noted that in here. It is approximately 180' from the nearest property line to the east. It's substantially setback still and that's the property line away from the residential properties in the back.

S. Halajko You are saying that this red mark is a balloon up in the air.

M. Giaimo It's not the balloon itself, it is a mark to show where the pictures were taken.

S. Halajko So these pictures you provide are you saying from the neighborhood you won't be able to see the tower?

M. Giaimo You'll be able to see it (inaudible) I put the after (pictures) and if I point to it you'll be able to see what I'm talking about. This is from point "D" from the book on Benson Avenue, and here is the tower. It will be at a distance and it will be barely visible at that location. This is from point "E", at Sanders Avenue, if you look at the mailbox in the middle and go straight up, you can see what looks like a letter "T" sticking above the trees right there to the left of the evergreen, it's very small and quite a distance and well screened by the trees from that location. Down here is a view from point "F" and that is next to Sanders Ave, and you can see near the sign a little piece of the tower in the distance. Then from point "G" it is above the roof here just to the right of the Watson Street sign. It is a great distance from that neighborhood through the woods.

S. Halajko When were these pictures taken?

M. Giaimo These pictures were taken, well the trees have leaves on them so they were taken within the last couple of months.

S. Halajko Obviously, when it's winter time, the tower will be more visible because there won't be as much brush.

M. Giaimo It will be more visible in the sense that they won't have leaves but it's not going to be closer so it will still be very tiny. The scale is not going to change and what's hiding this is not just the fact that there are leaves on the trees but the fact that the tree structure is there and a lot of trees and it is at a distance with an elevation change because it slopes. That neighborhood is higher than the site so you really are seeing just the peak above the tree line. Even in the winter with no leaves on the trees, it's still going to just be peaking above at those locations.

G. Sagar Mr. Chairman, is it okay to ask the petitioner to circulate this in the audience for people who want to see it?

R. Ross That's fine.

M. Giaimo In order to provide a use Variance under the Telecommunications Act, we are going to demonstrate to you why it would be a prohibition of service in this gap area in between where the two overlay districts are, why we need something in this site. Keith Vellante, I will ask him to come up, he is a radio engineer and works for a company called C² which is a contract enterprise for Verizon that helps them design their network.

Keith Vellante Radio Engineer at C² Systems 65 Dartmouth Drive, Auburn, NH, sworn in. We prepared the radio frequency report; I will demonstrate why there is a need in this area.

R. Ross This is tab 4 I believe, correct?

K. Vellante Yes. These are large scale copies of what is included in the report. I would like to show Seekonk is the largest part of the map, Rehoboth is in the right side of the map, Swansea in the lower right, Barrington, RI is a little more center and, East Providence, RI is along the left side of the map. In red, is Route 195 and Route 6 is blue and we also show 114. We are showing the locations of existing Verizon facilities, those are shown as the black icons. On each icon is a set of 3 pie-shaped wedges. The reason for the shapes is that most sites are designed with three sectors with antennas for 360° of coverage on each location.

S. Halajko Is this for the whole town?

K. Vellante We are only focusing on the southern 1/3 of the town, only the area of this particular facility. On the left, Verizon is located near Exit 1 off 195, near 1149 Restaurant; Pep Boys, and the extreme southeast corner of town Verizon is on that tower. Shown on attachment A is the existing coverage from those three area facilities. The coverage itself includes other facilities just off the map, but we are focusing on the area of need. What we have is coverage that reflects Verizon's 4G network, the latest broadband data, what we are showing is the green area that would be the higher level of coverage. That is necessary to support coverage into the commercial areas, you have denser buildings and you need a higher level of coverage to penetrate and support usage in the area. The

brown is more sufficient for some of the outlying residential areas, you have wood structured homes, so you don't need quite as strong of a signal to penetrate into the homes. The yellow is kind of on the fringe, it's less reliable, when you start to see some issues and the white is even more so of an issue. We have this kind of east and west of Anthony Street, along Route 6, there are a lot of commercial areas adjacent to Route 6 that I think they are going to have service issues, that is the general area we are trying to fill in with this proposed site. Attachment B shows how the proposed facility fills in that area and improved the coverage, particularly along Warren Ave., Anthony Street and adjacent residential areas as well as the busy vehicular traffic and commercial properties along Route 6. It also improved a stretch along Route 195. With the 4G, LTE network the existing sites, in addition to some coverage deficiencies and gaps we are experiencing, there is need to keep up and support all of the usage within the area. It's not only a coverage issue; it's also a capacity issue, there is too much usage in order to support a reliable network, particularly in these busy areas. Attachments C and D speak to that. We have highlighted two of the sector footprints of the two adjacent sites that are in need and showing signs of capacity exhaustion. We are highlighting two of the areas served by those sectors one on Seekonk South and the other Swansea West.

- M. Giaimo Keith, to make that clear, the red area represents what?
- K. Vellante It represents the area of service of that one sector, the Swansea West site, it is being exhausted, weak at the outside part. Because of the large area and the traffic, it shows signs of exhaustion and is not able to support all the usage in that area. The same is true for Seekonk South. It is the orange footprint, it is a twofold solutions, one it improves the coverage and two, if you go to attachment D, this shows how the foot print of that (inaudible) the final map is a visual aid (inaudible) defined by topography of the area, valley will cover up to hilltop and stop, simply because it can't see over that hill.
- M. Giaimo If you look at these colors on the map, the site itself is approximate between the 20-30' elevation, the neighborhood at Anthony street is 50' or 60' so you can see with a high tree canopy plus the 30' terrain difference, that is why you are only seeing the top of that tower above the tree line because it starts from a lower elevation and the trees going up the slope help to hide it. The elevation at the base of the tower is 29' above mean sea level.
- G Sagar Have you vetted any other locations along Route 6 in that area in the Telecommunications Overlay District?
- K. Vellante It is easier to co-locate on an existing tower, about 1/2 mile West of that Swansea-West site there are two monopole towers there but, unfortunately, they are too close to the facility that Verizon has today and it would not serve the area we are interested in. If you look at tab 4, attachment A, the proposed site is 1.4 miles from the Swansea-West site. Those monopole towers I am speaking of, those are at 1853 Fall River Avenue, about 1/2 mile west, those would duplicate coverage that Verizon already has and wouldn't shed any on this area. That is why we had to move further west along the road.

- R Ross Tab 2, I assume was prepared by your office, the statement of support. At the bottom of page 3, there is a statement to which your witness just alluded, that there is no practical and available location other than the property from which to provide the necessary coverage. Now, was that determination made by C² ?
- M. Giaimo That is a combination of their analysis and what our Real Estate people have said in terms of where they've looked and what they were able to find; Verizon's Real Estate consultant. This is the way the process works, the technical people like Keith, who work within the company identify where they are, they monitor all their sites, they know where they're getting dropped calls or where the signal is too weak and they identify search areas. They draw a square on a map and they give it to a Real Estate consultant who looks for existing towers first; if they can go on an existing tower, a tall building, if this church had 120' steeple like some old churches do, maybe that would have been a use. There was nothing like that in this area, so then he goes to raw land sites. He found a willing land owner and the technical guide said it will work and screened in the back; so that was the proposal he brought forward. Are there other properties that could work along here? Perhaps, because it is all roughly the same elevation and in the same area but you are not going to find a better site than this one because this one has the natural screening in the back and it's tucked underneath the elevation and it's not right up against the highway. Even though it's visible from the highway, it's not right next to the highway, its 600' from the highway.
- R Read Do other carriers have the same problem in the area?
- K Vellante I don't have their network information. But there are a lot of areas that need to be served and there is not another tower in this area. The nearest are roughly half mile east and Leavitt Street, but again they are too far away from the area. There is no place for us to co-locate.
- R. Read Do the other towers have radio antennas?
- K. Vellante I think each one has 7 antennas.
- G Sagar If another carrier came along and needed to co-locate, could they?
- Paul Mucci Engineer of record for this site, Jacobs Engineering, Group; 11 Graniteville Road sworn in. This tower will be built strong enough so other carriers can co-locate.
- M. Giaimo Dr. Donald Haes has a report to answer a question that people sometimes have regarding radio waves and exposure levels. Under the Federal Communications Act, Boards are not supposed to make decisions based on any regulatory factors related to health as long as the tower complies with the Federal Regulations. We have Dr. Haes here to explain why it complies with the Federal Regulations. This is the same document you have submitted to you.
- K. Rondeau I have a question for Mr. Vellante. How far is the overlay district from where you are proposing to put this tower?

- K. Vellante I believe the two existing poles are already in the overlay district and this is a tricky site just because the Highway Business District and the Overlay District give more flexibility but not in the white area. We thought this area was suitable.
- M. Giaimo This stretch in the yellow is where you don't have the overlay district, we thought because of the tree screening it was suitable.
- R. Ross When the real estate people and C² did their investigation of alternate sites, did you initially look for property in the overlay district?
- Sean Mahoney Real Estate Consultant, 73 Union Square, Somerville, MA, sworn in. We are given a search area where coverage is needed. What I do is check several data bases, check registered towers, and search a reliable website called "antenna search .com" which tells you where the towers are and antennas in town. I will check zoning bylaws to see where towers can or cannot go, then I come down and do a visual search of the area. The search area was located in a small box around Warren Ave and Route 6. Because I knew the goal was to co-locate on additional towers, I came to the site to the southeast 1800 Fall River Avenue; I submitted those as candidates initially as it made sense to co-locate on Verizon. The radio frequency engineer informed me it was too close to the Swansea-west site and rejected those candidates. I knew I had to come further west. I was specifically told I had to get really close to the intersection of Warren Ave. and Fall River Ave. At that point, I mostly drove around the area to find parcels large enough that would allow for either the tower, setbacks as best as I could determine. I take a look at assessor's or zoning maps and I obviously had to look for someone who wanted a tower on their property. I checked on a couple of large parcels on South Wheaton Avenue, some wide open farm lands. I knocked on a couple of doors and got no response. I also checked a couple of parcels on the south side of Fall River Ave, the Shangri-la, I tried to speak with the manager on duty and got no response. Then I spoke with Chaplin Amaral and he was very enthused about the prospect of having additional income from the cell towers. As of the setback, because of the size of the parcel, because of the screening behind the church, I submitted it as a candidate because it is right on that intersection of Warren Ave. and Fall River Ave. and it was accepted because it did serve coverage needs.
- R. Ross I understand what you did but I'm not sure I had my question answered; maybe I didn't phrase it properly. Did you first investigate the wireless overlay district to determine if anything there was sufficient to resolve your coverage hole?
- S. Mahoney Yes, that was part of it, going to the southeast towards Industrial Way, that was the wireless coverage area, and also towards the northeast where Seekonk-South is located also in the wireless overlay area. When I was up on those areas, I made determination, not knowing that those areas were covered already. Going into the wireless overlay area in my opinion, those areas were too close to Seekonk-South so I was going to have the same problem as when I went to 1850 Fall River Ave. I was going to be too close to Seekonk-South.
- M. Giaimo If you look at tab 6 it shows where he looked.

K Rondeau Did you check East Providence?

S. Mahoney No, my goal was to be in that intersection of Warren Avenue; in this area.

M. Giaimo If you look at tab 6 East Providence is covered north of 114. They have coverage from Barrington in this area.

Dr. Donald Haes PO Box 368 Hudson NH sworn in.

R. Ross When I looked at Dr. Haes' report, I expected to see a C.V. but I didn't because the reports are pretty technical. Is there one you could submit for the record so you don't have to go through a qualification? For the record, a C.V. is curriculum vitae; his background and experience as an expert. (Dr. Haes' technical summary – Exhibit #2; Dr. Haes' Curriculum Vitae – Exhibit #3)

Dr. Haes I am a certified Health Physicist, I specialize in the field of radiation safety; I am registered to perform radiation safety-related services within the Commonwealth. As you can see I am also quite experienced in the field of radiation safety especially when it comes to radio frequency energy. I am the secretary for a subcommittee that sets exposure standards that have been adopted throughout the world and recently exposure standards that have been adopted by all of NATO. My experience in the field for this particular example, this report is a theoretical analysis; I don't have a tower in front of me that I could go out and measure what the fields are so I have to do it in a theoretical manner. I chose to perform that analysis using the FCC suggested methods and in doing so we calculate the worst case, that is what the highest you would expect anyone to be exposed to from continuous operation of this facility. I have looked at this facility two different ways, the first being if Verizon Wireless was the Personal Wireless Services (PWS) carrier on the facility and looked at it as if two more PWS carriers added installations onto the pole at 10' separations. (Results 3 and 4 on technical summary) Figure 4 would be the cumulative, not only Verizon Wireless, but two other carriers aimed in the same direction and continuously broadcasting. I am assuming they are broadcasting a signal but not accepting any signal which is not the way telephone conversation works.

R. Ross It appears that the addition of additional carriers, the increase would be linear.

De. Haes The introduction of this facility would be minuscule to whatever ambient readings there are already to begin with simply because there is already free radio and television broadcast in the area which is already above what this little amount that would be added by Verizon. We are not talking about a whole lot of R.F. (radio frequency) energy and that is by design. These are designed to be low-powered.

R. Ross The solid box on figures 3 & 4, those are existing conditions?

Dr. Haes The solid blue is for a reference level of 6' above the ground. That is what the regulatory agencies pick as a reference point. We have to pick some point so we pick 6' above the ground. The dotted line would be my reference as if I was looking at a 2-story building,

16' above the ground. I am going one step beyond what the regulatory agencies ask me to.

M. Giaimo Do they meet all the regulatory standards?

Dr. Haes The standards I am comparing this against are those adopted by the FCC and those established by the Commonwealth of Massachusetts Department of Health. As you can see, the results are much less than one percent of the standard which means we can have 100 times more than that and still be complying with the regulations.

M. Giaimo We did see a letter from the Town's Communications Department asking about the potential to use this site, if it's approved, for public safety equipment and Verizon Wireless would be willing to work with the town to accommodate that and the details in the letter would have to be worked out but that is something that Verizon does in communities they support the public safety needs.

R. Ross Some of the suggestions in this letter are well beyond this board's jurisdiction; there are things in there that we can't do.

M. Giaimo There would need to be some kind of contractual arrangement, it couldn't be just through a permit condition we need a contract to co-locate on that site but that is something we would be willing to do and have done with many other towns.

R. Ross Would your client, or you since you have volunteered to do that, agree that it would be a condition that at least Verizon and the Town would enter into reasonable discussion and/or negotiations as to the co-location to fill up the 911 hole in the southern end of the town?

M. Giaimo Yes, I would say we could do that. Some of the concerns I have about that is the length of the arrangements are well beyond our lease term. The height they wanted would require extending the tower higher than 130' because our (inaudible) there is a technical way to work that out but if it is a 130' tower, we need to be at the top slot and it depends on what kind of equipment the Town needed to put up there.

R. Ross That is beyond my ability to make that judgment.

M. Giaimo Sean also had some communications with them. They are speaking with each other about that already.

R. Read Why don't we ask the communications person to speak?

R. Ross Is there anyone in the audience to speak in favor of this petition?

Chaplin John Amaral, Senior Pastor, Christian Assembly Church 1494 Fall River Avenue, sworn in. Also recognized as 1484 Fall River Avenue. We are short in finances, in the last 3-4 years our church has suffered a huge financial setback and we are truly involved in our community not only here but a lot of humanitarian aid overseas. When I received the email from Sean from Verizon I deleted it but he called and we were looking into ways of taking care

of our church because in those 3-4 years we helped many families in our community some who had no homes, they were lodging in Somerset and Swansea and our parishioners were bringing them food and helping them out, we have a lot of seniors and we help them too, the Shangri-La motel, everyone comes knocking on our door and we spend hundreds of thousands of dollars putting people up in there but the last 3-4 years we were unable to do it but when they told us what they wanted to do, when you are looking for a miracle you'll take it from anywhere. This is what they wanted to do, from that time until now, we have been praying and this is a true miracle that would really benefit and bless our church financially. With the money it would help us to help others in our community and continue to do humanitarian aid. We were very involved in the tsunami relief, the earthquake in Haiti and overseas. We are hoping this will come to fruition and it will be a true miracle and blessing for our church.

R. Ross Is there anyone else to speak in favor of the petition? None. Is there anyone in the audience to speak in opposition to the petition?

Janet Parker 20 Melanie Circle sworn in. I don't necessarily want to speak against it but as a resident I had questions. We have an overlay district so close to where they want to put this. Most of my questions they have given reasons for but I feel we have overlay districts for a reason it is within 1/2 to 3/4 mile from the church because I live in that end of town. I know public safety was for this and I wondered if Verizon would offer it's service to the town for free or if there will be a cost. I am a resident of the town, I live down that area and I know they are saying we won't see it but my problem is we have an overlay district that is so close by and I feel that's where this should go and it was put there for a reason, just like the adult entertainment overlay was put there for a reason.

R. Ross I just want to make the record clear, you are an employee of the town but speaking as a resident and not as a town employee.

M. Giaimo Our Real Estate Consultant said they looked for existing sites within that district and our Radio Frequency Engineer said this is where we need it to fill the gap. The overlay district is a strip along the highway, it does not extend back. I think anything you put in the overlay district it would be very close to the highway. You asked about the cost for sharing the tower. I'm not aware of what the arrangements are but my impression is that they don't charge for the use of the space but they also don't supply equipment for the town. It is the town's cost for the equipment and the town's cost for the labor to do what needs to be done to maintain it.

K Rondeau Mrs. Parker, I wanted to know if you are a customer of Verizon?

J. Parker No.

Beverly Hart 26 Melanie Circle, Seekonk sworn in. I am a resident in the area and also know there is an Assisted Living going in the area, I also feel that when I was on the Planning Board we worked hard for zoning enforcement and I know that's why you are here. But, May 27 2009, that Telecommunications Overlay District, was voted in. Even though I'm in the area and I think would be great for police and fire communications, I still think there are other areas and I know they are saying they can't find anything in the area but I am

speaking for the citizens who voted this in and I think it needs to be upheld. That's the law.

Roger Ross This has been addressed before by the petitioner, I am not playing lawyer here but there was the Federal Telecommunications Act of 1986 that was passed by Congress and that highly restricts the local municipalities' ability to restrict petitions of this type and the Federal Government of that law trumps zoning to a certain extent. If Verizon meets certain requirements, that's all they need to do, the Overlay District notwithstanding.

B. Hart I understand but I also have to speak up for the community and it's too bad we can't use laws we have passed.

R. Ross Is there anyone else who wants to speak in opposition? None

M. Giaimo In closing, you have heard the reason why we are before you for a use variance instead of taking the much easier route of asking for a special permit to go into the overlay district. When you address the use variance under the Federal Telecommunications Act, it's not the typical hardship standard. The only thing I would say in terms of the tower setback is it's not a zoning setback so we didn't ask for relief from it but if we could have put this tower so it was fully 1 1/2 times from the property line we would have but we couldn't because there are wetlands; 180' vs. 195' and that is the closest it is to a property line.

Roger Ross I take it from the testimony that I heard that the 130' height is the minimum to give you the coverage that you need because you have to establish your antenna at 125'.

K. Vellante As part of our analysis we do a height analysis. We saw when you start to lower height, you start to lose coverage. The analysis shows 125' is best for coverage in those areas and allows for others to co-locate.

G Sagar The Attorney for the petitioner alluded he was contacted by the Town. Both public safety Chiefs are here and the Communications Director is here. I would like to hear for the record the need.

Chris Campbell Public Safety Communications Director , sworn in. I want to be clear, and I don't want to speak for Police or Fire Departments, that we don't have a horse in this race; we are not favor of it and we are not opposed to it. If the ZBA votes to grant relief to the petitioner all we ask is that we perhaps could get some tower space to improve our communication in the Southern end of town which is drastically reduced. Within my letter I stated my reasoning for it. I understand there are technical concerns as far as specifics and we are willing to work with the petitioner and go from there.

Shane Halajko After reading your letter, it seems that after having the tower it would be beneficial to communications.

C. Campbell Correct, it would be beneficial to Police and Fire communications. The communication department is in charge of dispatch and radio communications for all Police and Fire. It would be beneficial for both radio systems. Within the town we have a serious coverage issue in the south end of town; it is difficult for the officers and fire fighters to

communicate with the facility at 500 Taunton Ave. The closest relay point is a small antenna located on the top of a utility pole on Cole Street by the ball field. Within my letter we stated that we have the Speedway in the south end of town where on a regular basis we have over 10,000 people in attendance which could pose the potential for a public safety issue and we have 195 which transverses through that area of town with in excess of 80,000 vehicles per day. We respond out there on countless occasions for serious motor vehicle accidents, medical emergencies, etc. Anything we can do to improve Police Officer safety, Firefighter safety and promote safety of the citizens in that area that is what we are looking to do.

R Read Do you have times you can't communicate?

C. Campbell Absolutely.

K Rondeau We approved at town meeting \$30k to study communications systems. How would the availability of this space on the tower help the study or does it affect it at all?

C. Campbell We would still go forward with the study. We need to address where our ideal coverage issues are town wide. We have other coverage issues within the town. We have issues we need to look at with the radio system overall which is the purpose of the study. Having a tower location in southern end of town where we know we have a known coverage issue would greatly impact us in a positive way. If we have another known location in southern end of town would be a positive.

R. Ross Is there anyone else to speak either in favor of or in opposition to this petition? None.

G Sagar Hearing the counsel for the petitioner indicate that Verizon is a willing participant to work with the town, we heard from Mr. Campbell that there is an issue that the town could benefit; before I would like to move forward and make any motions to approve, I would like to give the town and Verizon an opportunity to work together and come up with something and present it to us.

R. Ross What kind of a time frame do you have with this petition?

M. Giaimo They put it on a construction list for 3-6 months. Mr. Sagar would like to have some of the terms worked out.

G. Sagar It would be nice to know if Verizon and the town could come to some kind of agreement and present it to us and incorporate it into the approval, I think we are all better served.

R. Ross If we know that the parties from Verizon are working with the town and moving in the right direction then perhaps we could delay a vote and reconvene in reasonable time.

G. Sagar We could take a consensus of the board and if the consensus is to grant relief then continue the hearing and give them an opportunity to work out the details. If the board is not inclined to give relief then there is no sense in having them go back and work out details.

R. Ross The granting or the denial of the relief is independent on the town co-locating.

G. Sagar Verizon is a willing participant in working with the town.

R. Read I think that's an excellent idea.

K Rondeau I am going to be a naysayer here.

Roger Ross Could I just interrupt? Part of the problem is if you are taking a sense of the board, in effect you are taking a de facto vote. Either we vote or we adjourn, continue for 30 days then revisit it then. If you take a sense of where someone is leaning I think it is a de facto vote and is probably not a good idea. Does anyone want to make a motion to close the public hearing?

G. Sagar I would like to continue it only if they are going to work together. No sense in sending them off to work together and come back and get denied.

R. Ross Are you suggesting we take a vote tonight or not?

G. Sagar We could take a vote subject to...do we need to get into the discussion between the Town and Verizon?

R. Ross No, I don't want to. That is beyond us, we already have the representation that Verizon will meet with, cooperate and discuss the technical aspects and contractual aspects of the town co-locating on this tower. The one element that has been represented tonight is that Verizon has an issue with a 99 year lease because their lease doesn't run that long so they aren't going to take that kind of a burden on but we shouldn't get involved with that other than to bless the agreement assuming there is one. My view is since Verizon has volunteered that one of the conditions for approval, assuming it is approved, would be that they would in good faith discuss with the town, the town co-locating to fill the 911 hole in the southern part of the town. I don't know that we should require more than that.

G. Sagar The only other thing I have to say is on my 15 years on this board, I have sat for every tower issue, and for every tower issue that has come before this board, no matter how it was decided, if it was appealed, it was always decided in favor of the telecommunications company. We are very limited and the federal law, this is the only Federal law that trumps our zoning. We have gone to court several times on this and we have lost. If you are comfortable that the town could benefit on communications through some agreement they have to work out with Verizon and we are out of it, I am fine with it.

R. Ross I think that's all we can do legally frankly.

G Sagar made a motion to close the public hearing, seconded by S. Halajko and **so voted unanimously by** Roger Ross, Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

VOTE: (Approve 5-0)

G. Sagar made a motion to grant the variances as requested.

AMENDMENT ON THE MOTION:

Roger Ross included the condition that the appropriate representatives of Verizon will meet with the appropriate parties of town of Seekonk, presumably the Communications Department and/or Fire Department in terms of working out contractual agreements and financial agreements to the goal of allowing the town to co-locate on the proposed monopole for the purposes of enhancing the coverage of the town's emergency system.

DISCUSSION:

- G. Sagar I don't have a problem with that but now that's a contradiction because a few minutes ago, we weren't going to be involved in it, now it is a condition.
- R. Ross I understood you said should we be involved in the discussions and I don't think we should.
- G. Sagar No, so is it going to be a condition of approval that they have to meet and discuss or are we going to go on the good faith of the petitioner?
- R. Ross I thought I asked if you would not have an objection since you volunteered that if the meeting with the town in discussing all the arrangements going forward for co-location if that was a condition of approval you said you did not have an objection to that.
- M. Giaimo Mr. Chairman, you are correct. I would accept that condition of discussing contractual and technical.
- G. Sagar If he is voluntarily accepting it, then make it a condition, put it in the amendment.

R Read seconded the amended motion

FURTHER DISCUSSION:

- K Rondeau This is the first cell tower before us with the addition of the new overlay district where we are requested to not abide by the zoning laws of overlay district with that said, I will also have to say, like I have said time and time again, here we go again. We are building cell towers all over town even with an overlay district now, and it's be damned to what the citizens of the town want. The technology is there for Verizon or anybody else to move the cell tower into the overlay district and operate in that district. We have really gone nowhere further than two tin cans and a string. We are going to have cell towers;

there are at least 8 of them if you include Seekonk, the two not going to be used, etc., in this whole south end of town. I can't see how this many cell towers can't cover this strip of area on Route 6 going up Sagamore Road, Bradley Street, Miller Street, etc south onto George Street. It is unfathomable that we can't get it to work on existing cell towers or if you need to add them, go half mile down the street and add where they are allowed. I think this would pass the test of the overlay district upon appeal. If I am not mistaken, all the carriers were invited to the table at the time we broached the subject to talk about it and I do know that there was careful thought and consideration given to where they were to go and the overlay districts should sufficiently cover usage and square miles in coverage the communications that are needed. I am excluding from my remarks anything with the Seekonk Communications, Fire and Police departments because it is a different kind of system. I wonder how cell towers are able to be erected hundreds of miles apart in major areas of this country and still get coverage yet we can't get beyond a quarter of a mile. We haven't gotten much farther than two tin cans and a string. With that said, for purposes of discussion, I am not in favor of this petition and I think going into the overlay district is a better solution.

R Read We can't have petitioners speak again can we?

R. Ross We closed the public hearing.

R. Read I was wondering if they would be interested in rebutting.

R. Ross Not unless someone wants to vote to reopen because we closed the public hearing but in my view, as to the overlay district, that is the relatively easy one, because based on the evidence heard tonight, and I haven't heard anything to contradict what was represented by the applicant my understanding of the federal act, they met the legal test under the Federal Communications Act of 1986, that it trumps the overlay district, and zoning generally. We are inferior to the Feds in two steps, the Commonwealth and then we are. As to the state of technology, the only evidence we have is they looked into it and looked into the overlay district first and it didn't give coverage they need to which they are entitled under the Federal Telecommunications Act. I am sensitive to the overlay district generally but in this case, I respectfully disagree with your position.

Shane Halajko This Federal Act, I assume it is there so that if certain telecommunications companies want to go there are guidelines they have to go through so we don't have them popping up all over. If we get trumped all the time, why do we have the overlay district? There must be something in place to keep it under control so they aren't putting up towers wherever they want.

Roger Ross I am stepping way beyond what I know but, my understanding is that any cell carrier, this is a national system and it all ties together and the system is only as strong as its weakest link, if there is a hole in the southern end of Seekonk, it impacts the system. They are entitled to establish their coverage system on a national basis. The testimony is that there is a history of dropped calls specific to the southern part of town and that is the hole they are trying to fill and they are entitled to fill under the Federal act. I am not thrilled that the Feds come in with their heavy hand and trump the town.

K. Rondeau Mr. Chairman, may I remind you and everyone else that we haven't seen any evidence presented of what it would be if the engineering took place at the overlay district. All we heard was it wouldn't be as good. The evidence has not been presented to show there is an overbearing need here.

R. Ross I have spoken my piece on this.

R. Read The spot they have chosen is probably the least public of any places we are talking about. The overlay district would be right along Route 6 and it would be very apparent that there is a tower there, this one is well hidden. As far as building towers all over, they don't spend that kind of money just because, that's for sure. I am in favor of the applicant.

R. Ross There is a pending motion. Let me call for a voice vote.

VOTE: and so **voted by** Roger Ross, Robert Read, Gary Sagar and Shane Halajko

VOTE: (Approve 4-1) Opposed: K. Rondeau

R. Ross recommended a 5 minute Recess

Case 2015-05 Chick-fil-A

Jack Jacobi 144 Bank Street, Attleboro, Ma. I represent Chick-fil-A This shows the area where we are going to build the Chick-fil-A. This is the arcade that the Seekonk Grand Prix has and this is the track; those are being demolished and moving north. This is where the Chick-fil-A will be down closer to the intersection of the access road and Route 6. That plan by Seekonk Grand Prix went through site plan review and was approved by the Planning Board and then we went before the Planning Board and the plan you see here was approved. The plan we are proposing is laid out this way, the arcade is going, the building is located here and I am going to ask Josh Swerling to talk to you about the site and then I will ask Scott Goodson to speak about Chick-fil-A. I will then address the variance issues.

Josh Swerling Professional Engineer from Bohler Engineering sworn in. The existing arcade building is here. The Chick-fil-A building is located at the corner of Route 6 and the private access road. The Sam's Club is located just beyond our lease limits. The building is roughly 5,000 sq ft. The front entrance is here, there is a dual order board; 75 parking spaces proposed; there is an overall decrease of 5% in impervious surface. The stormwater is here, utilities are on site, our free standing sign here, the existing Grand Prix sign is located here and will remain. The circulation is two way flow through the entire facility, except for the drive thru. This elevation is the view from the corner of the access drive and Fall River Avenue. It is an attractive looking building we are requesting signage on all 4 walls but the signage is tasteful and in keeping with the area.

Scott Goodson Chick-fil-A, Atlanta GA that is where our home office is. Sworn in. Chick-fil-A is a family owned and family operated chicken restaurant founded in 1946. (Mr. Goodson provided an in-depth company overview of Chick-fil-A) each one of our operators gets one restaurant with a drive thru. We want our operators serving customers and part of the community. The quality of our food is fresh; our chicken is hand-breaded, our salads are hand-chopped; our lemons are sliced and hand squeezed for fresh lemonade. Everything is freshly prepared in our restaurant and that's who we are, good quality ingredients. We are known for our hospitality; you'll hear things like "my pleasure" there will be a young high school or college student taking your order, good quality food and genuine hospitality and customer services is what we are about and we are looking forward to bringing here. We have not selected an operator yet for Seekonk; we will select an operator who will be part of this community. Their kids will be going to school in this community; they will be giving back, serving; that's what it's about for us, finding a restaurant operator who will be invested in this community.

J. Jacobi We noticed that the black line goes back to the 1993 taking by the Commonwealth to widen route 6; if you look at the dimensions, we have the required 70' on this corner of the building and we have the required footage here but right here at this point, we are short and we are asking for 11.6 foot variance in order to keep the building where it is. When we were in front of the Planning Board, we asked them if they wanted us to move the building back and they not only preferred that we not move the building back but they authorized me to say to you that they wanted the building to stay where it is for site plan review and they thought that was the best way to organize the site and to have traffic flow work. The planning board has endorsed this site the way it is.

R. Ross But for the taking by the Commonwealth, would you have sufficient setback?

J. Jacobi Yes, we would have more than sufficient, but the odd shape of the taking, and all the Commonwealth did was put a signal box here, the odd shape in my opinion justifies a variance; shape size and topography are the three classic tests and this is an odd shape, from the pavement, we are well in excess of 70' but we don't meet it because of this odd shape.

R. Read Mr. Chairman, we have passed on some similar situations down the road on Route 6.

R. Ross I recall recently Chipotle had the same issue.

J. Jacobi Let me move on to signage.

G. Sagar Could we separate the issues and vote on this first?

R. Ross We can hear everything and then vote on the variances separately.

J. Jacobi Seekonk Grand Prix which directs people to what is back here. We realize that a second pylon sign is not allowed. We are suggesting to you that the pylon sign we want here would identify the site to traffic on either 114 or Route 6 and be an aid to the motorists to find what they're looking for. I don't believe it overburdens the site, I would suggest that this is a fairly large site and having the second pylon is within the spirit of your sign

bylaw. The pylon sign we have proposed meets all your requirements in terms of square footage and height. The Seekonk grand prix is a pre-existing nonconforming use, it was there before the bylaw. They are looking to put an electronic message board up. We would like to have permission for our pylon sign as proposed and a second thing we are asking for is that Seekonk Grand Prix keep their pylon sign and include an electronic message board so we are asking if the nonconforming use expand slightly by including an electronic message board. Wayne Darling owns this lot; Seekonk Grand Prix owns this lot.

G. Sagar So we are extending a nonconforming use so that is a Special Permit, not a Variance.

J. Jacobi B1B is the Chick-fil-A sign and B1A is the existing Grand Prix sign. May I amend the application to request a Special Permit?

G. Sagar I would say since it was advertised for a Variance and since a Special Permit is a lesser threshold and it would be less than what you were asking for so I think it's permissible, we've done that in the past. We did it tonight for Mr. Navega.

G. Sagar made a motion to approve the request to amend the petition to request a Special Permit for the electronic message board instead of a Variance, seconded by S. Halajko and **so voted unanimously by** Roger Ross, Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

VOTE: (Approve 5-0)

J. Jacobi The last thing is the signage on the building. If you look at your plans, there is signage proposed on all 4 sides of the building. The Building Inspector ruled and said signs A1 and A4 would be allowed so I presume he was using Route 114 for frontage on A4 and A1 is the sign here and I presume Route 6 was the frontage for that. That would lead us to concentrate on the other two. While this is not a public way, I thought it was a public way until I reviewed this case and I think many people who use it believe it is a public way, it looks and acts like a public way. I would suggest to you to be able to put a sign on the side that looks like a public way and a sign here to talk to the traffic coming this way; it is a reasonable sign to have. The area of the square footage of all 4 is less than what would be allowed in one sign. We are allowed a total of 158 sq ft and we are proposing a total of 122.5 sq ft. (inaudible)

G Sagar In essence you are swapping size for location, that's a fair tradeoff I think.

J. Jacobi Yes, we would like to trade size for two additional locations.

R. Ross Who owns the right of way?

J. Jacobi Darling Development is a generic term, there are many entities when you do the title for this. Seekonk Grand Prix is one of their entities. Wayne Darling owns one piece personally. It is under the Darling umbrella.

- G Sagar I would like to compliment the engineering firm.
- S. Halajko What is the time frame for the building?
- S. Goodson We would like to start construction in spring of 2016 and open fall 2016. The reason for that timeframe is that Mr. Darling wanted to get the Arcade/go-kart season of this summer in, and in the fall start construction of the new location which makes business sense.
- J. Jacobi There will be no purchase of land, all land will be leased from two parties.
- R. Ross You have 134 total seats?
- Scott Goodson 134 seats inside and 38 outside; so 172 total. I assume your guests turn over fairly quickly.
- S. Goodson Yes, it is quick service.
- R. Ross Did you do a traffic study?
- S. Goodson Yes, a traffic study was done and stormwater study was done and peer reviewed.
- G Sagar What is the percentage of drive-thru?
- S. Goodson 50-60% is drive thru business.
- R. Ross Is that an industry standard?
- S. Goodson I believe so.
- K Rondeau If you look at it, if you move the Grand Prix sign 25-30' down the road they would be entitled to it. It is almost like Tasca/Lincoln/Mercury. Ordinarily I wouldn't be in favor of 4 signs on all four sides of the building, but you have traffic coming from all directions and across. You have 5 points of traffic converging. If you don't have signs on all four sides, I think you will have problems with traffic trying to cross at the last moment. I also wanted to remind the Board if we approve the message board, we approve it with the standard stipulations.
- J. Jacobi The Darlings have requested the electronic message board on their sign and the Chick-fil-A will be illuminated but not have a message board.
- R. Ross Is there anyone to speak favor of this petition? None. Is there anyone to speak in opposition to this petition? None.

G Sagar made a motion to close the public hearing and uphold the decision of the Building Inspector, seconded by K. Rondeau and **so voted unanimously by** Roger Ross, Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

VOTE: (Approve 5-0)

G Sagar made a motion to grant the dimensional Variance for the building as described on plan C2.0 dated 11/03/14, seconded by K. Rondeau and **so voted unanimously by** Roger Ross, Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

VOTE: (Approve 5-0)

G Sagar made a motion to grant the request for signage on all 4 sides of the building as proposed on the application submitted, seconded by R. Read and **so voted unanimously by** Roger Ross, Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

VOTE: (Approve 5-0)

G Sagar made a motion to grant the request for a Variance the pylon sign for the proposed Chick-fil-A, seconded by R. Read and **so voted unanimously by** Roger Ross, Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

VOTE: (Approve 5-0)

K. Rondeau made a motion to grant the Special Permit on the amended application to allow the existing “Grand Prix” pylon sign to include a message board with the stipulations normally used for message boards, seconded by G. Sagar and **so voted unanimously by** Roger Ross, Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

VOTE: (Approve 5-0)

Stipulations:

- a. There will be no change of script except daily;
- b. No intermittent illumination or traveling, flashing or animated lighting is allowed;
- c. The sign will be made available for emergency public messages. The petitioner will inform the Fire Chief and Police Chief in writing of this provision;

- d. To the extent possible, the sign shall be rustic in nature;
- e. The hours of operation shall be in compliance with the bylaws;
- f. The sign by law shall apply in all other respects;
- g. The sign will be equipped with automatic photo cell dimming during darkness.

Work Session:

Reorganization of the Zoning Board

G Sagar made a motion to elect Roger Ross as Chairman, seconded by K Rondeau and **so voted by** Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

VOTE: (Approve 4-0) Roger Ross abstained

K. Rondeau made a motion to nominate Gary Sagar for Vice Chairman, seconded by R. Read and **so voted by** Roger Ross, Robert Read, Keith Rondeau, and Shane Halajko

VOTE: (Approve 4-0) Gary Sagar abstained

G. Sagar We have in the past made Mrs. Testa our Clerk, making her an officer of the Board

G Sagar made a motion to nominate Christina Testa as Clerk to the Board, seconded by S. Halajko and **so voted by unanimously by** R. Ross, Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

VOTE: (Approve 5-0)

K. Rondeau asked Ms. Testa if she heard anything further regarding the Paul Cabral concerns. Ms. Testa advised she had not. Chairman Ross mentioned that Attorney Lawson is not retained by Mr. Cabral representing the ZBA.

Executive Session R. Ross explained that there is no need to go into Executive Session.

Adjournment:

G Sagar made a motion to adjourn the meeting seconded by K. Rondeau and **so voted by unanimously by** R. Ross, Robert Read, Keith Rondeau, Gary Sagar and Shane Halajko

VOTE: (Approve 5-0)

The Meeting adjourned at 9:45 PM

Respectfully submitted by:

Christina Testa, Secretary