

**SEEKONK ZONING BOARD
REGULAR MEETING
MINUTES**

June 6, 2016

Present: Vice Chairman Gary Sagar, Robert Read, Keith Rondeau, Shane Halajko

7:00 Vice Chairman Gary Sagar called the meeting to order.

V. Ch. Sagar: Please rise for the pledge of allegiance, and remain standing when you're done, please.

(Pledge of Allegiance and moment of reflection for 72 Anniversary of D-Day)

This evening we will do things a little different than we normally do. When we meet, we typically we have five (5) full members, which constitutes the full member of the zoning of appeals, anyone that comes before us, to get relief or approval needs four (4) affirmative votes or a super majority. We can under our bylaw, operate with our (4) but it puts, potentially the petitioner at a disadvantage from the perspective that they need unanimous consent by all four (4) members present. So we have always done it as a practice that if any petitioner that comes before us, that we do not have a fully constituted board, we always give them the opportunity to be continued at their request and the same process will occur this evening. First item on the agenda for the Town of Seekonk Zoning Board of Appeals on June 6, 2016 at 7pm is petition number 2016-09 Amedeo A Petronio Jr. of 45 Mabel Drive. Is there anyone here for that petition? Sir, would you come forward please?

A. Petronio: How are you doing, sir?

V. Ch. Sagar: Okay, and you are, sir?

A. Petronio: Amedeo Petronio

V. Ch. Sagar: Okay, raise your right hand please, do you solemnly swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

A. Petronio: Yes, I do,

V. Ch. Sagar: Okay we will declare that public hearing open, and are you petitioning us this evening sir, to continue to the 20th?

A. Petronio: Yes

V. Ch. Sagar: Okay, so it is your request to this board that we continue your petition, 2016-09 until June 20th?

A. Petronio: Yes

V. Ch. Sagar: Okay, do we have a motion?

S. Halajko: Motion

V. Ch. Sagar: Is there a second?

K. Rondeau: second

V. Ch. Sagar: Okay, it has been moved and seconded to continue this public hearing until the 20th of June at 7pm. Thank you, sir. Next on the agenda is 2016-10, Brian J. McLaughlin, 323 Manley St. PO Box 519, West Bridgewater MA, owner.

Philadelphia Signs, 707 West Spring Garden Street, Palmyra, New Jersey, petitioner by Stephen E. Navega, PC. Mr. Navega, what is your preference this evening, are you going to proceed?

S. Navega: Yes

V. Ch. Sagar: Okay, Mr. Navega has an office at 447 Taunton Avenue, Seekonk MA requesting a variance/special permit for signage in excess of allowed pursuant to sections 8.8.4.2 and 8.8.4.3 of the Town of Seekonk Zoning Bylaws, located at 120 Highland Avenue, plat 8, lot 131 and 150 Highland Avenue, plat 8 lots 50, 120, 126, 128 and 136 in a highway business zone containing 447,361 sq ft. Would you raise your right hand sir, do you swear to tell truth, the whole truth and nothing but the truth?

S. Navega: Yes, I do.

V. Ch. Sagar: okay, for the record, your name sir?

S. Navega: Stephen Navega, 447 Taunton Avenue, Seekonk MA, I maintain a law office at that address, also a resident of the town residing at 175 Warren Avenue.

V. Ch. Sagar: Okay, the floor is yours sir

S. Navega: Thank you, I am here tonight, representing Buffalo Wild Wings, through their sign contractor, Philadelphia signs. I have a representative of Philadelphia Signs and I have a representative of Buffalo Wild Wings here tonight. It's their request for new signage, for signage at their restaurant at 120-150 Highland Avenue. They are new to town and they are looking to establish their restaurant, they are in the process of a major reconstruction and addition to the building and expect to in it for the long haul. They don't expect to open until the fall, major reconstruction, there. With that said, they're in a highway business zone; they're on contiguous lots that comprise 2.365 acres, plus or minus. Next Raymour & Flannigan across from the Stop & Shop, Home Depot plaza, also across from Applebee's, Firestone, Chipotles and Sleepy's and all those associates. They're in the heart of the high business district in the town. You may remember, due to the topographical layout of Rt. 6 and in that specific commercial area, the lack of product identity the board has previously granted signage exceptions, for Stop & Shop, for Bed, Bath and Beyond, BJ's store proper, BJ's gasoline station and the BJ's plaza in general. So under 8.8.4 sign by law and in general 8.8.4.2 in particular they're allowed sign not to exceed 200 sq ft affixed to the exterior the building? In this case, they are requesting signs on the front of the restaurant of only 58 sq ft comprised of the Buffalo Wild Wings logo which measures 6 foot by 6 foot round with letters underneath that spell the name of Buffalo Wild Wings, only to identify the occupant, which is allowed under 8.8.4.b they're allowed 200 sq ft, but only requesting 58 sq ft. In addition to that, and the real reason we are here tonight is that on the west side of the building they're requesting a letter set channel sign of letters totaling 21.8 sq ft. for purpose of identifying the business which each letter measuring only 1' by 3" high, and extending 17'6" long. This sign will identify the occupants spell out Buffalo Wild Wings and will be illuminated from within again, 21.8 sq ft. Let me just historically back this up a little bit, this project entails a major renovation of the existing building and complete rehab of the old Pella, Town Fair Tire store, both inside and out. During the planning the marketing people became acutely aware that the visibility and

product identity was problematic, problem due to the configuration of the building on the lots and the existing significant visibility issue coming west on Highland Ave coming from East Providence mostly due to the existing angle of the building on the site and the setback from Highland Avenue. Without additional signs on the west side of the building motorist can't identify the company or the product. I understand the pylon sign is being requested and petitioned on by another petitioner, later on, but for our purposes Buffalo Wild Wings is scheduled for 10 inches by 4 feet 6 inches on a two sided sign within the confines of that pylon. Interestingly these commonly owned and abutting and contiguous lots also front on 195, and as such may be allowed 2 signs, that's because 120 and 150 Highland Avenue, comprised of contiguous lots all owned by the same entity, D'Angelos. For our purposes tonight, my clients, unfortunately inherited this issue, and I would suggest that request falls into the specific situation that our variance by law anticipates, that's to say, all (inaudible) related to the size, shape and topography of the land or structures, but all the while not affecting generally the zoning district in which it is located. And a little (inaudible) enforcement of the by law would create a substantial hardship financial or otherwise. The definitive word here is hardship and it's otherwise, the term is not defined, it's up to your sound discretion, it doesn't have to be extraordinary just a hardship, this is remarkably similar to the Bed, Bath and Beyond variance that your board granted in 2004, you may remember you allowed another sign on the front of the building on Highland Avenue, in addition to the signs on the front of the building, this was a revamp of the old Stop & Shop building. In any event, the client expects to spend a great deal of time, effort and resources to improve this property and I believe this project will be a great improvement to the area, and modernize, update and upgrade that section of the plaza. Again, this request is not contrary to the public interest, nor will it nullify or substantially derogate to the intent of the bylaws or be cause of conditions peculiar to this property also peculiar to the area generally (inaudible) enforcement by laws would create a hardship. All the while still not affecting generally the zoning district that it is located, don't forget this is highway business. It's the least restrictive zone that we have in town. All of this is owing to circumvent related to the size, shape and topography of the land or structure. Your approval, I believe, can be granted without substantial detriment to the public good. My client clearly wants to be a good neighbor and a long time restaurant in town that needs some assistance from you board. Keep in mind that we are not asking to allow a use or an activity not otherwise allowed in the highway business zone, just signage, nothing else. All the other sign plans you have in front of you, I believe are allowed by bylaw, the temporary sign, sign opening soon, it's not illuminated on skid mount and double side sign and by the logo, some graphics on the door, take out parking signs in the parking lot, all allowed under the bylaw. I believe they already have a temporary permit for some of those signs. So with that said, I urge you to consider allowing this petition tonight, and that if you have any questions I'd be glad to answer them, or I'll have my clients get an answer.

V. Ch. Sagar: Any questions from the board? I did omit our standard dialogue that we usually say at the beginning of the meetings about the procedures for the zoning board

and if you are not successful, appellate rights and everything, but with you being coming before this board longer than any of us sitting here, I omitted them, so

S. Navega: Well, Thanks, I guess.

V. Ch. Sagar: No questions from any of the board members?

S. Halajko: No questions,

V. Ch. Sagar: Do you have anything further to add, Mr. Navega?

S. Navega: No, Mr. Sagar

V. Ch. Sagar: Let me poll the audience; is there anyone here to speak in favor of the petitioner? Anyone to speak in favor of the petitioner? Anyone to speak in opposition to the petitioner? Anyone, in opposition. For the record, we have nobody in favor and nobody opposed, is there anyone with any general comments or general questions? Seeing none, do you have anything you'd like to add Mr. Navega?

S. Navega: No

V. Ch. Sagar: Ok, it's pretty straight forward,

S. Navega: It's straight forward

V. Ch. Sagar: It's something we've done in the past

S. Navega: Yes, something done in the past, 21 sq feet in allowed, like I said, 200 sq foot on, off of one sign and they only want 51, and 21 on the west side,

V. Ch. Sagar: Okay

K. Rondeau: Just a couple of comments, I don't know if it's the size, shape and topography of the land, but it's definitely the location of the structure, like Mr. Navega said, it's just like the Bed, Bath and Beyond sign, it's more the location of the way the structure is on the land, I think that the it deserves that extra sign. And I was looking at the other signs, in the back, and I didn't think you needed to be here for those.

S. Navega: But for the sign on the west side, I wouldn't have to be here at all.

K. Rondeau: No, I think it's really all about the location of the structure on the piece of property, and the way it sits.

V. Ch. Sagar: We have no zoning determination on this one?

B. Garrity: Correct

V. Ch. Sagar: Is the board ready for a vote, first, do we have a motion to close the public hearing

K. Rondeau: So moved,

V. Ch. Sagar: Second?

R. Read: Second

V. Ch. Sagar: Moved and seconded any discussion? All in favor? Opposed? Motion carries, and the public hearing is closed at 7:14. On the petition is there a motion?

K. Rondeau: I would make a motion to accept and grant the variance special permit as presented, in the package before us

V. Ch. Sagar: Is there a second?

R. Read: Second

V. Ch. Sagar: Moved and seconded any discussion? All those in favor, opposed? Mr. Navega, your petition has succeeded 4 to nothing,

S. Navega: Thank you very much, good night everyone

V. Ch. Sagar: Thank you,

K. Rondeau: I would also make a motion to accept the findings of the building inspector

V. Ch. Sagar: We don't have a finding from the building inspector,
K. Rondeau: Oh, there isn't?
V. Ch. Sagar: No,
R. Read: No,
V. Ch. Sagar: We don't have building inspector anymore, either
K. Rondeau: I heard that, but,
V. Ch. Sagar: Next petition is 2016-11, Stuart and Kristen Montgomery, 89 Woodward Avenue, we have a request that that public hearing also be continued too. I'll read this into the record, "I want to send this email in regards to tonight's hearing for 89 Woodward Avenue, Seekonk MA. After careful discussion we have elected to postpone the hearing until June 20, 2016 with a full board in attendance. Please feel free to contact me with any questions, Thanks in advance" and this by their builder that would be doing in Neal A. Lafarve. So the first thing we'll do is open a public hearing at 7:17, and with the request of the petitioner, I would entertain a motion that we continue the public hearing until June 20th, 2016.
R. Read: So moved,
V. Ch. Sagar: Is there a second?
S. Halajko: Seconded
V. Ch. Sagar: Okay, any discussion? All in favor, 4-0 we will continue that public hearing to the 20th of the month. And the last item is Orion Realty, petition number 2016-12, is the owner, and this has to do with Canine Mastery at 102A Pond Street, and we have a request "we have decided it would be in our best interest to move the hearing date for Canine Mastery to the meeting on June 20th. Respectfully, Kathy Buckley, Canine Mastery, Incorporated." So I will first of all open a public hearing, and, as with the others we'll put the letters as part of the initial record. I would say that Mr. Read and I went up there today to take a look at the place and if you haven't been in it, and I've been in that industrial park more than I can remember, but I had never physically gone into the building, I think if you don't go in, you do a disservice to yourself.
R. Read: It's kind of impressive
V. Ch. Sagar: Yeah, very impressive, so if you get a chance before the 20th
K. Rondeau: I drove up through, but I couldn't in, it was off hours
V. Ch. Sagar: If you get a chance to go in, it's impressive; it's very neat, it's very clean
R. Read: Even the outside is kind of impressive
V. Ch. Sagar: So with the request of the petitioner, I would entertain a motion that we continue petition 2016-12 Orion Realty and Canine Mastery, until the 20th of June 2016
K. Rondeau: So moved
V. Ch. Sagar: Second?
R. Read: Second
V. Ch. Sagar: Moved and seconded, all in favor, opposed? So voted, so that will conclude the business before us on our public hearings. Regular session, new business, approval of minutes from April 11, 2016 and May 2nd, has everybody had a chance to review them? Is there a motion?
S. Halajko: I would make the motion
V. Ch. Sagar: To approve?
S. Halajko: To approve the minutes

V. Ch. Sagar: Is there a second?
R. Read: Second
V. Ch. Sagar: Moved and seconded, to approve the minutes from April 11, 2016 and May 2, 2016, all in favor, opposed, so voted. Next item I put on, discussion and vote if necessary on board appointments/reappointments. Mr. Read is up as regular member he has agreed to ante up for another 3 years, and Neal Abelson is an alternate, he has agreed also to ante up. I would just like to tell you that I did reach out to a former member, Ron Blum to see if he'd be interested in coming back, he said at this point he couldn't but that possibly in the fall his schedule might free up a little bit so he'd reconsider at that time. The reason I had Bridget put it on the agenda is I'd like this board to take a vote to send the recommendation to the Town Administrator, that Mr. Read and Mr. Abelson be re-appointed to this board, to their respective positions, so is there a motion?

K. Rondeau: So moved,
V. Ch. Sagar: Is there a second?
S. Halajko: I'll second it
V. Ch. Sagar: Any discussion? All those in favor? Opposed? So we'll put it on the record, 3 in favor and 1 abstention. And as far as executive session to discuss pending litigation, I would continue that to the 20th. Is there anything else to come before us?

K. Rondeau: Just real quick, on the Orion, upcoming, they are seeking a variance/, I'm sorry they are requesting a special permit, but last time they had a special permit, was I correct in reading that it was 1987?

V. Ch. Sagar: It was 1997
B. Garrity: It was 1997
V. Ch. Sagar: I think it changed ownership or structure of the corporation, they had a ten year limitation on it, and they were supposed to...the permit in essence expired

K. Rondeau: Ok, I was just wondering why it's
V. Ch. Sagar: Okay, anything else? Nothing? Okay,
K. Rondeau: I move we continue the public hearings to the 20th and
V. Ch. Sagar: Adjourn for this evening
K. Rondeau: and adjourn for this evening
R. Read: Second
V. Ch. Sagar: Moved and seconded, all in favor, opposed, meeting adjourns at 7:22pm