

**SEEKONK ZONING BOARD  
REGULAR MEETING  
MINUTES**

**May 1, 2017**

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

7:00pm Chairman Roger Ross called the meeting to order.  
:: pledge of allegiance::

Ch. Ross: If I could have your attention please, it is 7 o'clock on MAY 1<sup>ST</sup>, and before we begin the meeting if everyone in the audience would rise and join the board in the Pledge.

:: Pledge of Allegiance::

Ch. Ross: Thank you. So I will begin by reading the agenda and going through all the cases on the agenda this evening, in order, and after I am through reading the agenda, on a case by case basis I will ask to make sure someone is here to represent the applicant or the land owner, and after I do that we will begin hearing the cases in the order in which they appear. I'll say now that it is the typical practice of this board, although it is not required by law, that we will take a vote on each petition this evening. Depending on the results of that vote, whether it's the petitioner, owner or any objectors, either party has rights of appeal under the laws of the Commonwealth, and those appeals are to a court of competent jurisdiction, either Superior court or Land court in Bristol County, in Taunton. I simply caution you that if anyone determines that they want to file an appeal there are strict time limits that apply, so, I would ask that you be aware of those limitations, and or consult legal counsel if you chose file an appeal. We will hear everyone who wants to speak on a given petition, however I ask that if anyone has any questions or any comments, that they be directed to the board, and not engage in conversation or colloquy between or among members of the audience. Having said that the agenda this evening, the first matter is:

**2017-14 Russell & Sandra Brennan** 20 Winthrop Street, Seekonk MA 02771, Owner / Petitioner, requesting a **Special Permit** under Section 5.1.4 of the Town of Seekonk Zoning Bylaws for relief from the minimum lot size requirements of 14,400 sq ft to 10,000 sq ft, to construct a one car garage, at 20 Winthrop Street, Plat 4, Lot 118 in an R-1 Zone containing 10,000 square feet is there someone here on the Brennan application?

R. Brennan: Yes, sir.

Ch. Ross: Ok, Thank you, next case is same applicant:

**2017-15 Russell & Sandra Brennan** 20 Winthrop Street, Seekonk MA 02771, Owner / Petitioner, requesting a **Variance** under Section 5.1.4 of the Town of Seekonk Zoning Bylaws for relief from the side yard setback of 15' to 10'8", to construct a one car garage, at 20 Winthrop Street, Plat 4, Lot 118 in an R-1 Zone containing 10,000 square feet. Next matter is:

**2017-16 Kathleen Gately** 70 Oak Hill Avenue, Seekonk MA 02771, Owner / Petitioner, requesting a **Special Permit** under Section 5.1.4 of the Town of Seekonk Zoning Bylaws for relief from the minimum lot size requirements of 14,400 sq ft to 14,000 sq ft at 70 Oak Hill Avenue, Plat 34, Lot 184 in an R-1 Zone containing 14,000 square feet. Some here on the Gately matter:

K. Gately: Yes

Ch. Ross: Thank you. Next matter:

**2017-17 Richard Lussier** 22/24 Oak Hill Avenue, Seekonk MA 02771, Owner / Petitioner, requesting a **Special Permit** under Section 4.3.2 of the Town of Seekonk Zoning Bylaws for relief from the Extension of Non-Conforming Uses and Structures to construct an exterior stairwell at one of the existing dwellings at 22/24 Oak Hill Avenue, Plat 34, Lot 118 in an R-1 Zone containing 47,044.8 square feet. Is someone here on the Lussier petition?

R. Lussier: Yes

Ch. Ross: Thank you. Next matter:

**2017-18 Jorge R. Lima**, 77 Case Avenue, Seekonk, MA 02771 Owner / Petitioner, requesting a **Variance**, under Section 5.1.4 of the Town of Seekonk Zoning Bylaws for relief from the minimum side yard setback of 25' to 11'4" for a proposed one car garage at 77 Case Avenue, plat 31, lots 7, 8, 42 in an R-1 Zone, containing 15,000 square feet. Is someone here on the Lima matter?

J. Lima: Yes, counselor

Ch. Ross: Thank you. Next matter:

**2017-19 James N. Viara Trustee of the James N. Viara Living Trust**, Owner/ Petitioner, 202 Greenwood Avenue, Seekonk, MA 02771, requesting a **Special Permit**, under Section 4.2.2 of the Town of Seekonk Zoning Bylaws for a Museum, Plat 21, Lot 292 in a R-4 zone, containing 15.6 acres. Someone here on the Viara matter?

D. Bray: Yes

Ch. Ross: Thank you. And the final matter for public hearing is:

**2017-20 Margot & Charles Page** of Positive Synergy Holdings LLC, Owner/ Petitioner, 1573 Fall River Avenue, Seekonk, MA 02771, requesting a **Special Permit**, under Section 6.3.3.3 of the Town of Seekonk Zoning Bylaws for professional offices, therapy rooms and outdoor play area, Plat 1, Lot 41 in an R-3/Mixed Use zone, lot frontage 151', depth 398' containing 1.6 acres. Is someone here on the Page matter?

C. Page: Yes

Ch. Ross: Thank you. And after that, that's it on the public hearings we have a regular session and the only matter is new business for approval of the April 10, 2017 of this board. Before we get started do any members of the board have any questions, comments or observations? Ok, hearing none, first matter before us this evening is the Brennan matter 2017-14 and 2017-15. Mr. Brennan?

R. Brennan: Yes, Sir,

Ch. Ross: If you'd step forward, please. What we are going to do here, we'll listen to your evidence and anyone, anything you want to present or any documents that you want to submit, consolidating your two petitions, but when we vote, we'll vote on the individually, Ok? So you don't have to go through everything twice, we'll get the full gist of what you want to do. So you may proceed as you so choose.

R. Brennan: I purchased this residence 35 years ago and always had the thought of putting a garage on and over the years, something else always came up. As I'm, we're both getting a little older, we've decided we want to put a garage on the house so we could keep the vehicles in the garage during the winter, less snow to shovel, and from what I understand, the area was rezoned at some point and when we purchased these residences, the whole neighborhood was approximately 100 by 100 lots, and the whole neighborhood except for three (3) houses on my street have garages. So I believe this building would be conforming to the residential area, and also, as I read the information, I called Ms. Garrity, called regarding the two car garage, it's not a one car garage, all the figures were made for a two car garage. And she had told me that it wouldn't be a problem they would change that over, and I haven't seen any changes made.

Ch. Ross: Are you speaking to your application itself?

R. Brennan: Yes  
Ch. Ross: Proposed structure, 2 car garage, that's the application you filed.  
B. Garrity: And the legal ad, has a two car garage  
Ch. Ross: So what's in front of us this evening a two car garage. That's the way it was advertised, it's consistent with your application, so  
B. Garrity: The agenda does have it as one, but it should be 2.  
Ch. Ross: That's what's in front of us; it's a two car garage.  
R. Brennan: Very good sir,  
Ch. Ross: Ok, do you have anything else you want to say?  
R. Brennan: I just hope you approve my request that I made to build a garage and a small breezeway in between and conform to the rest of the neighborhood.  
Ch. Ross: Ok, the, on your plot plan, that was prepared by Otis Dyer, there is a 10' line that runs generally westerly from the house, that is the existing breezeway? I take it? Between the garage and the house?  
R. Brennan: Oh yes, yes  
Ch. Ross: That's the breezeway.  
R. Brennan: I have an architectural drawing if you'd like to see, on what it would look like.  
Ch. Ross: Was it submitted with your application? I didn't see it? If you want to put it into evidence, I'll be glad to take it and mark it.  
R. Brennan: All right,  
Ch. Ross: I'll hand it to the secretary, do you need this back sir, is it your only copy?  
R. Brennan: Yes, if I could have that one back,  
Ch. Ross: Why don't you mark that as, petitioners exhibit one, please, Bridget and  
B. Garrity: Make a copy of it  
Ch. Ross: We'll make a copy of it somewhere before, oh, you're leaving, if we make a copy of it we can either mail or  
N. Abelson: Or I can copy it.  
Ch. Ross: Neal is going to make a copy of it. Do you have anything else?  
R. Brennan: No, sir,  
Ch. Ross: Does anyone have any questions of Mr. Brennan?  
G. Sagar: I just wanted to... the petition includes the construction of a 10' breezeway, correct?  
R. Brennan: Correct  
G. Sagar: So it's a 10' breezeway and 24,  
Ch. Ross: 24, right. Ok do you have any other witnesses you'd like to call, sir?  
R. Brennan: Not to my knowledge, sir,  
Ch. Ross: Anyone else have any questions of the witness? If you'll take a seat, I'll poll the audience and we'll get back to you,  
R. Brennan: Alright, sir thank you  
Ch. Ross: Ok, thank you. Is there anyone in the audience who wishes to speak in favor of either petition 2017-14 or 2017-15, the Brennan application? Do I see a hand waving or is that a youngster?  
B. Garrity: It's a little one.  
Ch. Ross: Is there anyone who wishes to speak in opposition to this petition? Hearing none, is anyone want to see the architectural plans the elevations that were brought in? We'll keep them in the record, but if no one wants to see them, no further testimony, no one wants to speak, do I have a motion on the public hearing?  
G. Sagar: I move we close it,  
Ch. Ross: Ok, do I have a second?  
S. Halajko: Second it,

Ch. Ross: All those in favor of closing the public hearing, signify by saying aye, aye, opposed no, ayes have it 5-0. This was filed as an appeal from the building official.

G. Sagar: I didn't see one,

Ch. Ross: It was not, so as to 2017-

K. Rondeau: It does say appeal on the petition

Ch. Ross: 2017-14 for a special permit for the lot size, the property is legal non-conforming as we know it. Do I have a motion?

K. Rondeau: So moved

G. Sagar: Second.

CH. Ross: Ok. Any discussion, hearing none, on the motion to approve the special permit for the undersized lot as a legal non conforming use, all those in favor signify by saying aye, aye, opposed no, ayes have it 5-0. On petition 2017-15 the petition for a variance from the 15' required side yard to the proposed garage; seeking relief to 11'2" which is 3'10", do I have a motion?

G. Sagar: Mr. Chairman, it's not a parallel line,

Ch. Ross: It's 10'8" on the southerly side and 11'2" on the northern side

G. Sagar: Mr. Chairman, I would just like to say certainly the hardship for this family is that fact the area was re-zoned after the house was constructed. If you look at the other side that isn't conforming either, so front and rear are so the hardship is clearly because of the re-zoning and the undersized, a 24' garage, is adequate it's certainly not excessive, so I have no problem with the petitioner and would move we would approve the variance as requested,

Ch. Ross: Do I have a second?

R. Read: Second

Ch. Ross: Having a second, is there any discussion on the motion?

K. Rondeau: The only I can say is that ordinarily we'd be taking a second look at the breezeway to make sure it doesn't fall, the side yard setback, but in this particular instance nobody's pointed it out, I think architecturally, you need to have that breezeway there, because the location of the fireplace, and that was one of the concerns I had when I saw it, is how are you going to put a garage right up against the back of the fireplace, there, it wouldn't be in keeping with the neighborhood, and wouldn't look right either, so

Ch. Ross: Any further discussion on the motion? On the pending motion, to grant the variance for the side yard setbacks all those in favor signify by saying aye, aye, opposed no, ayes have it 5-0. Mr. Brennan you may retrieve your architectural plans and

R. Brennan: I have them sir,

Ch. Ross: And you're all set, Thanks very much. Bear with me while a do a little house cleaning. Next matter 2017-16, Kathleen Gately, Ms. Gately, if you would please, I was asleep at the switch the last time, would you raise your right hand please, and do you swear or affirm that the testimony you are about to give will be the truth?

K. Gately: Yes

Ch. Ross: Would you state your name and address for the record, please?

K. Gately: My name is Kathleen Gately, address 70 Oak Hill Ave, Seekonk MA

Ch. Ross: And a little bit of house cleaning, on the application, on the application, we have 14,000 sq ft of land, and the ad ran as 14,000 sq ft the cover letter...

B. Garrity: The cover letter is whatever it is,

Ch. Ross: It's a non issue. We had some in house issues, you may proceed as you see fit.

K. Gately: I'm requesting a special permit to build a deck connecting my home to an above ground pool which we built last year in 2016 with the town's knowledge. And due to the lot size being undersized, we are requesting a special permit for the 400 sq ft difference.

S. Halajko: Is the deck already built?

K. Gately: No it is not  
Ch. Ross: And the deck is 16' by 24'  
K. Gately: Correct, we meet all the setbacks.  
Ch. Ross: And this as-built that you obtained when you put the septic in, that is what you filed as a plan,  
K. Gately: Yes, the septic went in in 2015.  
Ch. Ross: And since then nothing's changed?  
K. Gately: That's correct.  
Ch. Ross: Ok, looks like all the setbacks are fine, do you have anything else you want to say at this point?  
K. Gately: I do not. Do I need to say anything else?  
Ch. Ross: You're under no obligation, just wanted to make sure you're through, if you are in fact through  
K. Gately: I am through, yes  
Ch. Ross: Ok, does anyone have any questions of Miss Gately?  
G. Sagar: I'd just like to make sure she understands why she needs a special permit.  
Ch. Ross: Ok, I would have assumed that was explained, but I guess not  
K. Gately: I do, I do, I understand that the plots were all rezoned or the area and due to the entire square footage of the property, we're undersized, so.  
G. Sagar: You came close you have 14,000 you need 14,400  
Ch. Ross: You're 400' short  
K. Gately: Short, yea  
Ch. Ross: Does anyone else have any questions? Ok, you can take a seat for a moment, ma'am, is on petition, 2017-16 the Gately matter, is there anyone in the audience who wishes to speak in favor of the petition? Do I see the young one waving their hand again? Is there anyone in the audience, who wishes to speak in opposition, hearing or seeing none, you have no further witnesses' ma'am?  
K. Gately: No  
Ch. Ross: On the petition for the special permit for the undersized lot, on the legal non conforming structure, do I have a motion?  
G. Sagar: I move we close the public hearing.  
Ch. Ross: Do I hear a second?  
R. Read: Second  
Ch. Ross: On the motion to close the public hearing, all those in favor signify by saying aye, aye, opposed no, ayes have it 5-0.  
G. Sagar: On this one we have a determination by our building inspector,  
R. Read: Zoning officer  
G. Sagar: So I move we uphold his decision  
Ch. Ross: The (INAUDIBLE) motion to uphold the decision of the building inspector, do I have a motion? I have a motion. Do I have a second?  
K. Rondeau: Second  
Ch. Ross: All those in favor of upholding the decision of the zoning inspector/zoning official, please signify by saying aye, aye, opposed no, the ayes have. And on the petition itself, for the relief sought, for the special permit, do I have a motion?  
G. Sagar: I move we approve as submitted  
Ch. Ross: Do I have a second?  
S. Halajko: Second it

Ch. Ross: Any discussion to grant the special permit, hearing none, all those in favor of granting the special permit, signify by saying aye, aye, opposed no, ayes have it 5 to nothing. Good Luck Miss Gately, you're all set

K. Gately: Thank you.

Ch. Ross: Next matter 2017-17, Richard Lussier. Good Evening Sir, are you Mr. Lussier,

R. Lussier: I am

Ch. Ross: Would you raise your right hand, please, and do you swear that the testimony you are about to give will be the whole truth?

R. Lussier: Yes

Ch. Ross: And will you state your address for the record please

R. Lussier: Richard Lussier, 26 Oak Hill Avenue, Seekonk Mass

Ch. Ross: Ok, and you're here seeking a special permit to build an exterior stairwell, is that correct?

R. Lussier: That's correct

Ch. Ross: You may proceed at your discretion.

R. Lussier: Well it's not it an addition to the stairwell, what I want to do is make is so it's easier access to get to the different floors and for a safety issue

Ch. Ross: Ok

R. Lussier: Because the old stairways are so old, tight and windy

Ch. Ross: Just bear with me one second, do you have anything else you want to say other than what it is you want to do?

R. Lussier: Basically no, does anyone have any questions of Mr. Lussier?

S. Halajko: Is this for 26 Oak hill?

R. Lussier: 22/24

Ch. Ross: 22/24

S. Halajko: And you live at 26 Oak hill?

K. Rondeau: 22/24 is the building in the front

R. Lussier: Building in the front, correct

G. Sagar: 22 is the first, 24, 26

Ch. Ross: Am I missing a plan of what he wants to do.

G. Sagar: The stairwell is the area that is partially constructed and covered with Tyveck

R. Lussier: Yes

Ch. Ross: I've got the mortgage survey plan from when he got the mortgage, ok I'm looking at the hand drawn plan that you submitted, it's just not clear to me where the stairway is, am I missing something? The exterior stairway

R. Read: I would assume it's the 8' by 8'

R. Lussier: Correct

R. Read: Section, this is way out of proportion,

Ch. Ross: It's not to scale, I understand that, ok, so the 8' by 8', let's assume this is north, on the easterly side of the front house, that is stairway?

G. Sagar: Yes

Ch. Ross: And it exists

R. Lussier: Correct

Ch. Ross: Ok, and you're looking to, say again, you're looking to do what

R. Lussier: To get a permit,

Ch. Ross: I understand, with the stairwell, it exists; you're looking to do what with it.

R. Lussier: So I can get a permit, I didn't pull a permit

Ch. Ross: Oh, ok you're here after the fact,

R. Lussier: Correct

Ch. Ross: You built without a permit, now you're here.

R. Lussier: Correct  
Ch. Ross: That was not clear to me, was I the only one that missed that? Did you receive a letter from the building inspector?  
R. Lussier: Yes, I did  
Ch. Ross: And that's what triggered the application that you were in violation.  
R. Lussier: Ok, that is not in the package  
G. Sagar: I have one  
R. Read: I've got one here.  
Ch. Ross: Oh, I've got a letter they are denying the application, so it wasn't a citation, it was just saying you need a permit, I saw that. Do you have anything else further you'd like to say Mr. Lussier at this point?  
R. Lussier: No  
Ch. Ross: Does anyone have any questions of the petitioner? Yeah, Keith?  
K. Rondeau: So this is an external stairway that you enclosed? I'm having a difficult time what you are doing here, you're creating another stairway?  
R. Lussier: What I'm doing  
K. Rondeau: That's an addition that's internal  
R. Lussier: I'm extending it out so I can make an easier access to the first and second floor, instead of having the tight winders, what I wanted to do is make it so it's more like platform, so it's more safer and easier for people to get up and down the stairs.  
K. Rondeau: So it will be fully enclosed and part of the new interior of the building.  
R. Lussier: Correct  
G. Sagar: It's new construction,  
K. Rondeau: Just trying to figure out if just enclosed or outside of the building or part of the interior,  
G. Sagar: It's attached. Correct?  
R. Lussier: What I did was make an 8 by 8 ok, and then, what I'm going to do is blow out the wall, so I can make the stairwell bigger.  
Ch. Ross: And if I understood you correctly, and correct me if I'm wrong, it's the existing 8 by 8 that you built without the permit, and you're looking to extend that?  
R. Lussier: No  
Ch. Ross: Ok, you're going to operate within the 8' footprint  
G. Sagar: He's looking to make the 8 by 8 legal.  
Ch. Ross: Ok, does anyone else have any questions of this witness? Do you have anything further, Mr. Lussier? Do you have any other witnesses? Why don't you take a seat then, please, we'll get back to you, is there anyone in the audience who wishes to speak in favor of the Lussier petition? Hearing none, is there anyone in the audience who wishes to speak in opposition to the Lussier petition? Seeing none, and hearing none,  
G. Sagar: Could I ask the building inspector a question?  
Ch. Ross: Absolutely, Mr. Abelson?  
N. Abelson: I'm almost an attorney  
Ch. Ross: Do you swear or affirm that the testimony you are about to give is the truth?  
N. Abelson: I do  
Ch. Ross: Would you state your name and your affiliation with the town please, for the record?  
N. Abelson: Neal Henry Abelson, local building inspector  
G. Sagar: I just want to make sure we understand the history of this,  
N. Abelson: Yes  
G. Sagar: The construction was started without a valid building permit,  
N. Abelson: He came and approached me about putting the structure on, and during the review process, before I made a determination, he had started some construction. I went out to talk to him and

hold him to cease and desist, he had the structure ply wooded in, and he asked if he could just paper it, so the plywood wouldn't deteriorate because of the time frame to getting to here. I told him we would be fining him double the permit cost, and that is where it stood. He explained to me what the use was for, the structure and I felt it was going help egress from the building by widening the stairways, because the stairways inside are narrow and have a lot of winders, from the explanation he gave me, I thought it was a good thing to do,

G. Sagar: So you're in favor of it?

N. Abelson: Yes,

Ch. Ross: And the cease and desist was verbal, and it wasn't a written cease and desist.

N. Abelson: No, just verbal, I told him to stop

Ch. Ross: Did he stop?

N. Abelson: He did, and he came back and asked if he could just paper it in so the plywood wouldn't deteriorate, and didn't see the harm there, it was already up

G. Sagar: There's no further setback issue? There's no setback issue?

N. Abelson: Not to that portion, it's just because it's on an existing non conforming structure that it becomes a problem.

G. Sagar: Thank you

Ch. Ross: I've already polled the audience; do I have a motion on the public hearing?

G. Sagar: Move we close the public hearing?

Ch. Ross: Do I have a second?

R. Read: Second

Ch. Ross: Having it motioned and seconded all those in, any discussion? Hearing none, all those in favor of closing the public hearing signify by saying aye, aye, opposed not, ayes have it 5 to nothing,

G. Sagar: I move we uphold the decision of the building inspector,

Ch. Ross: Do I have a second?

S. Halajko: Second it

Ch. Ross: On the motion to uphold the determination of the building inspector, all those in favor, signify by saying aye, aye, opposed no, ayes have it 5-0. On the principal petition for the special use permit for the 8 by 8 exterior stairwell, do I have a motion?

G. Sagar: Mr. Chairman, let me just say first, that our choices are we either approve it, or if he's denied he can be ordered to tear it down, which wouldn't make any sense. And if it's the petitioner has said and the inspector has said, it is to enhance safety, that certainly that can only be a good thing. So I moved to approve

Ch. Ross: Do I have second?

S. Halajko: Second it?

Ch. Ross: Do I have any discussion? I have a comment, as a general proposition, Mr. Lussier, I look fairly negatively on people who start work and after the fact come in looking for zoning relief. There is a sequence and there is a way it ought to be done. Under the facts of this case, you know, I'm in general agreement, most important thing to me I think, is when Mr. Abelson went out and he issued a verbal cease and desist order, you stopped construction immediately, you went through the steps, you applied for the special permit through this board, so consequently I'm going to vote in favor, I just want it to be clear and there aren't that many people here, I do not typically look favorably on this type of a circumstance, having said that, all those in favor of granting a special use permit on the pending motion, signify by saying aye, aye, opposed no, ayes have it 5 to nothing. Good Luck Mr. Lussier.

R. Lussier: Thank you,

Ch. Ross: Ok, next matter on the agenda, Jorge M. Lima, 2017-18, someone here on the Lima matter? Are you Mr. Lima?



J. Lima: Yes,  
Ch. Ross: Would you raise your right hand please, do you swear or affirm that the testimony you are about to give will be the truth?  
J. Lima: Yes  
Ch. Ross: Will you state your full name and address for the record.  
J. Lima: Jorge Lima, 77 Case Avenue, Seekonk MA  
Ch. Ross: Ok, good, just to tidy up a bit, on your application, that you filed, the handwritten application, you listed 77 Case Avenue, LLC as the property owner, and yourself individually as the applicant, as you well know, you have conveyed the property from the LLC to yourself personally, so we'll be glad to amend that petition, if you just make a motion or ask that that the application reflect that you are both the petitioner and the owner.  
J. Lima: Ok  
Ch. Ross: Just so you know it was properly advertised, so we're ok, ok? Why don't you proceed  
J. Lima: Yes, in 2007 I had asked for a special permit to put an extension on both sides of the house, however at the time wasn't financially ready to put a garage and so I'm requesting for a one car garage, so I can put in a vehicle, plus my young son has another car, we are getting tired of bringing it back and forth to the basement and so we want to store it along with other assets that I have in that one car garage.  
Ch. Ross: Ok, and if I understood you, when you applied for the special permit in 2007, that was it was a financial issue, why you didn't build the garage at the time,  
J. Lima: That is correct  
Ch. Ross: That's fine. And all your looking, well not all, the relief that you are looking for is to have and 11'4" setback from the property line rather than the required 25' is that correct?  
J. Lima: That's correct  
Ch. Ross: So you're looking for relief 13'8" if the math is correct  
J. Lima: Correct  
Ch. Ross: Does anyone have any questions of Mr. Lima?  
N. Silva: I do,  
Ch. Ross: I'll be with you, I meant the members of the board, and I'm sorry; any members of the board have any questions?  
S. Halajko: I do  
Ch. Ross: So is this garage just for yourself, for your storage, or for tenants  
J. Lima: Just for myself.  
S. Halajko: Not for the tenants  
J. Lima: Just for personal, family  
S. Halajko: Do the tenants have storage?  
J. Lima: they usually use the storage in the hallway, there is a storage for them, each floor, first floor, second floor,  
Ch. Ross: In the hallway?  
J. Lima: In the hallway, it's like closet just keep small things, like their shoes  
S. Halajko: The property for having a three family, when I go by it usually looks very up tight, as far nothing really hanging around outside,  
Ch. Ross: And it's only 12' wide, so it's going to be for storage. Does anyone else have any questions; members of the board have any questions of Mr. Lima?  
G. Sagar: I'll just make a statement, I owned property across the street from him for years, I don't anymore, but he purchased that property, it was very run down and he's done a very nice job of improving it, it looks very nice  
J. Lima: Thank you  
Ch. Ross: Do you have any other further witnesses, Mr. Lima, anyone you want to speak for you?

J. Lima: No  
Ch. Ross: Why don't you take a seat, and we'll get back to you, is there anyone in the audience who wishes to speak in favor of this petition? Seeing none, hearing none, is there anyone in the audience who wishes to speak in opposition to the petition?  
N. Silva: I don't believe I'm totally speaking in opposition, but I'm just curious.  
Ch. Ross: Ma'am, please come up to the podium  
N. Silva: Nancy Silva I live at 15 Wood Street, in Seekonk, which is right next to this property.  
Ch. Ross: and before you testify would you raise your right hand please, and do you swear or affirm that the testimony that you are about to give will be the truth?  
N. Silva: Yes.  
Ch. Ross: Ok, Thank you, go right ahead.  
N. Silva: My question is, he's putting it between his property, meaning his building, and the fence? Is that correct?  
Ch. Ross: And the property line, yes, it doesn't show a fence here, but I assume there's one.  
G. Sagar: There's one there  
Ch. Ross: That slashed out area, those diagonally lines that show on the sketch that is the proposed garage.  
N. Silva: The area to the right of that the actual fenced in area,  
Ch. Ross: To the right of the that is the house  
G. Sagar: Mr. Chairman, let me show her  
Ch. Ross: Ok,  
N. Silva: Fantastic, that is what I wanted to know. Thank you,  
Ch. Ross: You all set?  
N. Silva: I am all set.  
Ch. Ross: Ok, great  
G. Sagar: You may have that if you'd like,  
N. Silva: Thank you Gary. And by the way I would also to say, as Gary spoke about the beautiful job they did on that house, He is so correct, it is absolutely gorgeous.  
G. Sagar: So is that, you're in favor of it now?  
N. Silva: I just didn't want it in between the house, which he already had the variance on, and my yard, which is right there too.  
Ch. Ross: Ok, is there anyone in the audience who wishes to speak in opposition to this petition? Hearing none, and you have nothing further Mr. Lima?  
J. Lima: No, I don't  
Ch. Ross: Ok, on the matter of the public hearing? Do I have a motion?  
S. Halajko: Motion  
Ch. Ross: To close?  
S. Halajko: To close  
G. Sagar: Second  
Ch. Ross: On the pending motion to close the public hearing, signify by saying aye, aye, opposed no, ayes have it 5 to nothing  
G. Sagar: Mr. Chairman, I would just like to add on this also, that the northerly side of the property is the, would be the zoning line, the area where he's asking for the variance, to the left of the house, that is in an all industrial property.  
Ch. Ross: The Seekonk Manufacturing that is the northerly  
G. Sagar: I would move we approve as submitted.  
Ch. Ross: Ok, do I have a second  
R. Read: Second

Ch. Ross: Do I have any discussion on the motion? Hearing none, all those in favor of granting the petition for a side yard setback, signify by saying aye, aye, opposed no, ayes have it 5 to nothing. Good luck Mr. Lima, you're all set

J. Lima: Thank you

Ch. Ross: Ok. Next matter 2017-19, James N. Viara trustee of the James N. Viara living trust. Good evening sir.

D. Bray: Good evening

Ch. Ross: Would you raise your right hand please, and do you swear or affirm that the testimony you are about to give will be the truth?

D. Bray: I do,

Ch. Ross: Would you state your name and address for the record, please?

D. Bray: My name is David Bray; I am the president of Caputo and Wick, LTD at 1150 Pawtucket Avenue. I reside in Attleboro Massachusetts.

Ch. Ross: And you've testified here many times in the past.

D. Bray: I have,

Ch. Ross: You may proceed

D. Bray: Mr. James Viara is requesting a special permit to create a museum on his property which is in an R4 zone and it's allowed by special permit to showcase his vast array of fire apparatus, very unique antique and beautiful. Currently he lives at the easterly terminus of Greenwood Avenue, which is located probably a half a mile or so off Ledge Road where it splits, and probably about 1500 to 2000' to Chelsea Dr and Lauren Dr. What he'd like to do is construct, remove a couple of buildings on his property, and erect a new building to put his equipment and apparatus under roof and be able to display it and have some business hours so people could come and actually look at it and enjoy it as much as he does. The property is fenced and gated; I don't think it would be obtrusive to anybody, in my opinion. Mr. Viara is here tonight, I'm sure he can speak about it as well,

Ch. Ross: Your plot plan is very clear to me, I just want to make certain, the hash marked building, the two buildings with the dark line perimeter, are to be raised?

D. Bray: These two buildings here are to be raised, and this new building be put up. He already utilizes some of the existing garages now and he performs maintenance on his equipment in this building here, he continued to use the other structures as well as this, but really create a formal museum so people can enjoy visually seeing and observing this equipment and apparatus as well.

Ch. Ross: And the two existing buildings without the hash marks, the white ones, they are to remain intact, correct?

D. Bray: These two, correct

Ch. Ross: On the westerly side, northerly side, of the building

D. Bray: Northerly side, his existing residence is here now, and that will continue to be his residence,

Ch. Ross: Ok. Did you submit these photos, somewhere along the way?

D. Bray: Mr. Viara did as part of the application.

Ch. Ross: And he is going to testify, so I'll do you have anything further,

D. Bray: I do not, but I think Mr. Viara should speak on it,

Ch. Ross: Absolutely, good evening sir,

J. Viara: Good evening

Ch. Ross: How are you this evening?

J. Viara: Very good, yourself?

Ch. Ross: Good, would you raise your right hand, please? And do you swear or affirm that the testimony you are about to give will be the truth?

J. Viara: Yes.

Ch. Ross: And would you state your name and address for the record?  
J. Viara: James N. Viara, 202 Greenwood Avenue, Seekonk, MA  
Ch. Ross: Good, you may proceed, sir  
J. Viara: I have 16 pieces of equipment and a large amount of memorabilia and stuff on fire equipment, and I don't want to see it be sold, or to keep it under one roof at Newman Avenue. That is why I am interested in building a museum there. The pictures that are in there are only a few pieces of equipment.  
Ch. Ross: I see, just so I'm clear, besides the photos, I've got a couple of photos from Morton Buildings of representative buildings. And they'll be doing the construction for you?  
J. Viara: Yes  
S. Halajko: Is this the one you are looking to do?  
J. Viara: Yes  
S. Halajko: This one here?  
J. Viara: Yes  
Ch. Ross: And this will be open to the public  
J. Viara: Yes,  
Ch. Ross: By appointment, or do you have hours?  
J. Viara: Scheduled days.  
Ch. Ross: Scheduled days, do you have hours of opening that you have in mind?  
J. Viara: Not at this time, I mean there will be certain days of the month, and probably hours of 10-4 or something like that.  
Ch. Ross: And these two (2) photos that you submitted, actually there are three (3), it's double sided, these are representative of the type of fire fighting apparatus that you have?  
J. Viara: Yes  
Ch. Ross: And they're all in substantially that type of condition?  
J. Viara: Yes  
Ch. Ross: And you have 16 pieces, ok. As a group, do you want to put this folder into evidence?  
J. Viara: Sure  
Ch. Ross: Without objection, the entire folder and its contents as petitioners 1. Done. Ok. Do you have anything further, Mr. Viara?  
J. Viara: No  
Ch. Ross: Why don't you hold on one second please, Mr. Bray, anything further at this point?  
D. Bray: No,  
Ch. Ross: Do any members of the board have any questions of either witness?  
G. Sagar: I have a question, I have a comment, I've never met Mr. Viara, but his reputation precedes him, and as beautiful as these trucks look, what you see here, if you crawled under them the look just as good on the bottom too. He's got, you see him in parades he's really to be commended for what he's done in preserving, these trucks are worth a lot money, so I commend you sir, for all you've done. This will be a great addition to the town. Now we'll have 2 fire museums, it's wonderful;  
J. Viara: I have trucks in the fire museum on Newman Avenue  
CH. Ross: On Newman Avenue  
J. Viara: These trucks are 100 years old.  
D. Bray: Jim did mention to me that, if they didn't really have a permanent home, apparatus like this gets scooped up and right out of the country, to places that people in America could never even see them without expensive travel.  
G. Sagar: This is a very rare collection, I can tell you that, too.  
Ch. Ross: It appears, I know nothing about this type of equipment, but just looking at the photo, and I mean, circa 1925, 1927 that's 90 years old

G. Sagar: And again, he's to be commended for, his love of this, for preserving them and sharing them with other people, it's a wonderful thing. SO thank you, very much Mr. Viara.

Ch. Ross: That was a comment, you had a question.

G. Sagar: Yeah why is he even here? As far as I'm concerned, so I move we close the public hearing and approve it submitted.

Ch. Ross: I don't think I have polled the audience, let me just poll the audience, is there anyone in the audience who wishes to speak in favor of this petition, seeing none and hearing none, is there anyone in opposition, anyone in the audience who wants to speak in opposition, hearing none, seeing none. Now I'll entertain a motion on the public hearing,

G. Sagar: Move we close it.

Ch. Ross: Do I have a second?

R. Read: Second

Ch. Ross: On the motion to close the public hearing. Any discussion? All those in favor? Yes, Keith

K. Rondeau: I don't see this as being, it's only scheduled dates probably 10-4, how many dates a years

J. Viara: It'll probably be all through the summer months, and

K. Rondeau: I don't see this as being any impact on roadways, the neighborhood; you're going to be attracting a certain type of person, who will have a real

Ch. Ross: Interest

K. Rondeau: Real interest and appreciation for this, so I don't see any other impact around the neighborhood, the piece of property is certainly is set off enough

D. Bray: That is one thing I didn't mention, if I could just say it for a moment. This will be situated on almost 16 acres of land, and Mr. Viara owns at least 16 acres around that other parcel, or better,

Ch. Ross: And I see you're abutted by the conservation trust property.

G. Sagar: And if you drive down that street now, you'd never know he's got as much apparatus as the City of Providence,

Ch. Ross: Virtually all surrounding property is owned by Mr. Viara, through various trusts or individually and there is conservation land, so. You set Keith?

K. Rondeau: Yes

Ch. Ross: On the motion to close the public hearing, there is a pending motion. All those in favor signify by saying aye, aye, opposed no. On the petition for the special permit,

G. Sagar: Move we approve as submitted

K. Rondeau: second

Ch. Ross: Any discussion? Hearing none, all those in favor of granting the special permit as filed, signify by saying aye, aye, opposed no, ayes have it 5 to nothing, Good Luck Mr. Viara. You have a copy of this Bridget?

B. Garrity: Yes, I have several.

Ch. Ross: Ok, and the last matter is, 2017-20, Margot and Charles Page, Positive Synergy holdings LLC? Is someone here on this petition? Before we get started on your testimony ma'am, I just want to raise one issue, to the members of the board, this is not an appeal, because the zoning determination letter was issued last fall, and there was no appeal filed, this is just a petition, but I'm sure you've seen it, the building inspector refers to 6.3.3.6 indicating in that letter, that the petitioner needed a variance under that provision. And it states, no outside display, storage or demonstration shall be allowed, which suggests a variance, that would be jurisdictional to us because the ad was for a special permit only, I have my own ideas, as to whether or not a variance is required but I think it's a threshold issue for us tonight, because if a variance is requested and it wasn't advertised for it, I don't think we have the jurisdiction to hear this, frankly I don't think a playground in my opinion is either a display, storage or a demonstration, I think we're ok, but I just need to get a sense of the board, I want to know

how the board feels. It clearly isn't in my mind a display or storage, I don't know what a demonstration means in this context, but I don't think it is a playground.

G. Sagar: you talk about, and if I understand this correctly, outside use would only be weather dependent, certainly, it would only be weather dependent certain times of the year,

Ch. Ross: I would assume

G. Sagar: So it's not like on a display that you'd have for a business that you'd be out there 4 months out of the year. So I concur with Mr. Chairman,

Ch. Ross: Everyone in agreement? This issue does not need a variance under 6.3.3.6?

R. Read: Where would the play area be specifically?

M. Page: It would go behind the existing building, there is a little partially fenced in area there now, we'll just reinforce the fencing further enclose it.

R. Read: One of these two

M. Page: Yes, do you want me to show you?

R. Read: Sure,

M. Page: It would be

Ch. Ross: now we are getting into the merits,

M. Page: This space right here,

Ch. Ross: Now that we've dealt with, what I deem as a threshold issue, we're all in agreement that you don't need a variance, despite what that letter said. So, go right ahead. Whatever you choose to say, we know generally what you want to do but.

M. Page: We bought the building in October, and we are a group of behavior analysts who work with children who are diagnosed with autism we work mainly in their homes. We have them come to the building for group, small social group setting, and we're looking to add speech language pathology, and occupational therapy to their treatments, and have an outdoor play place.

Ch. Ross: Now you proposed to have therapists on site full time, or only as needed?

M. Page: So they would work, both in the children's homes and at the site as (INAUDIBLE) were needed.

Ch. Ross: Ok. Now you've been doing this for some time?

M. Page: As an (INAUDIBLE) for three years, and then years

Ch. Ross: As a professional before working for others?

M. Page: Yup,

Ch. Ross: And where were you located before this location?

M. Page: Before this, uh, in Swansea

Ch. Ross: Ok, does anyone have any questions of

G. Sagar: I do Mr. Chairman

Ch. Ross: Miss Page

G. Sagar: I do

Ch. Ross: I got off on that threshold issue I'm sorry, would you raise your right hand please, and do you swear or affirm that the testimony that you are about to give will be the truth?

M. Page: I do

Ch. Ross: Would you state your name and address for the record, please

M. Page: Margot Page, business address 1573 Fall River Avenue,

Ch. Ross: Thank you very much. Gary you had a question?

G. Sagar: Yes, you will be the lone tenant at 1573 Fall River Avenue?

M. Page: Yes

G. Sagar: You're going to occupy the whole building,

M. Page: Yes

G. Sagar: It looks like the addition you are building is going to be bigger than the existing building, now.

M. Page: That is, we, that is an estimate that we used for our determination letter, just as a projection see before buying the property to see if that was even a possibility, for the future, and at this point, we fit in our building, (INAUDIBLE)

G. Sagar: So the petition before us is just for the use?

M. Page: Just so that we can have speech and occupational therapy and an outdoor play space

G. Sagar: So approval of the addition would not be part of this petition? Because if it wasn't, it if was, Ok

Ch. Ross: Go, what?

G. Sagar: If it wasn't constructed in a certain timeline, I believe, they'd have to come back, but if she's saying it's for the use only, for the existing structures then that's, that's different, Ok. And my reading of the plan, is if you face the building, you stood on Fall River Avenue, and you faced the building, there's another little smaller building on the left hand side, that's not identified with two threshold numbers, they never listed it as a building, so I just thought it was, but I just wanted to make sure. Ok so there is nothing, I just want to be clear, the 3700 sq ft addition is not part of this petition, at this time?

M. Page: That is correct.

G. Sagar: Ok.

Ch. Ross: So that is proposed in the future?

M. Page: Long, in the future

Ch. Ross: Ok, just

G. Sagar: Could we, that's a question I have, could we approve it with the addition? It's shown on the plan?

B. Garrity: It's only good for

G. Sagar: If she exercises, I mean, make it part of the special permit, so she wouldn't have to come back?

Ch. Ross: Well, two issues there, a little concerned about the advertising from your perspective ma'am, if it's granted you've got a year to do it, otherwise you lose the special permit, so I don't know what your construction timeline is,

M. Page: It's defiantly not a year,

Ch. Ross: Ok

G. Sagar: It's two years

Ch. Ross: Two years for a special permit, but

M. Page: That's still pushing it

Ch. Ross: Ok

K. Rondeau: I would hesitate only because, then there'd be people that had no idea knowing it's not, knowing that the building is not part of it,

Ch. Ross: That's the advertising issue that

K. Rondeau: Can I ask where you're going to put the play area?

M. Page: It'll be right between...(INAUDIBLE)

K. Rondeau: right in here?

M. Page: Yup

K. Rondeau: Will it be all fenced in, or?

M. Page: Yes we have kids with autism and they wander.

G. Sagar: Just to expand on Keith's point, I mean the plan that we are looking at, does have the addition on it,

Ch. Ross: That's correct

G. Sagar: Alright, the request for the special permit was for the use, so I think anybody could make the argument that the expansion was also included in the petition, so it could be included in the special permit. If they didn't exercise it within two years, then they'd have to come back anyways,

Ch. Ross: Come back anyways and you said, for all intents and purposes, you don't expect that two years is your reasonable timeline.

M. Page: I can't imagine,

Ch. Ross: That's fine, if you have to come back, you have to come back, at that time, and

C. Page: Can I come up there

Ch. Ross: Yes, Please, raise your right hand, and do you swear or affirm that the testimony you are about to give will be the truth?

C. Page: I do

Ch. Ross: And your name and address for the record, please

C. Page: Charles Page 1573 Fall River Ave,

Ch. Ross: Go right ahead

C. Page: So just a little bit of back story, what you're looking at, that certified plot plan was prepared before we ever bought the property, it was sort of a viability study that we needed to have to submit the zoning determination letter, at that time as we were sort of evaluating the potential use for the property. We spent some time corresponding with the various departments here, so I see some familiar faces, based on those conversations, our plan was just move forward with the use, and the addition is on that drawing that you have, because that was drawing we had to submit, that's not what we are here for tonight.

G. Sagar: I just don't understand why, if you're intent wasn't to have an addition, why even bother putting it on the plan

Ch. Ross: From what I hear, we'll I guess the question is why did you need to have that to submit it for the zoning determination?

C. Page: Well we're going way back now

Ch. Ross: Yeah, September

C. Page: So, I guess there's two questions, now I'm not saying we don't ever plan to build that,

Ch. Ross: That's understood

C. Page: The reason to have it on the drawing to show we did a little bit of internal diagramming about what kind of rooms we would need, how the hallways would work, what kind of office space we would need to come up with an idea, long term goal for what potentially what kind of space the business could use, because investing in a property you want to make sure it is going to work long term,

Ch. Ross: So it was always your intention, if I understand, that the 3700 sq ft addition, was never, at least in your mind, was never be part of what is pending now, that was a long range,

C. Page: That's correct

Ch. Ross: You put it on there,

C. Page: No, it's on the plans, because the plans what I had, I didn't want to go back to the surveyor and more and pay for more prints. I actually saw this issue coming up when I submitted the application, so

G. Sagar: But the point being, is somebody had to direct the person who drew the plan, to put the addition on,

C. Page: Yeah, we did, correct,

M. Page: We did that, because, before purchasing the property we wanted to make sure that there weren't any restrictions on the property, like you could never expand beyond what's there, just for future use



C. Page: And part of that discussion this was before, Mr. Abelson, joined, or came on as the building official, so it was Mr. Aubin was doing double duty, and really that addition is about lot coverage, because as I understand it, the Town of Seekonk does not have lot coverage, in this particular instance, there's setbacks, but not necessarily a lot coverage percentage. So

G. Sagar: Not in this zone, no

C. Page: Placeholder for lot coverage

G. Sagar: But understand too, Mr. Chairman, if you get approval for the use, and you think ok, we're all set, three years from now we'll go back, there's no guarantee that it would approved or the regulation could change

C. Page: We understand that, but the flipside of that is, if we bundle it in, to this and we don't anticipate being able to build it in two years we have to come back anyways.

Ch. Ross: Right

G. Sagar: I can't advise you but, you know, maybe I'm going beyond where I should but, it doesn't make any sense to me to draw something on a plan that you possibly could get approved tonight, the guys is saying we really don't need it, we'll do it another time.

M. Page: We were under the impression we couldn't bundle

B. Garrity: Everything has to be a separate application

Ch. Ross: Right, a separate application. You can't look for 16 variances

C. Page: We decided to do was to just file one; I believe I had this, this conversation, because you can't put multiple requests under one special permit. So it would have been a separate application, and what I was told, was to put the addition, would have been a separate special permit application, as separate set of mailing labels, mailing fees, a separate application fee, as separate advertisement fee, and that is really the reason we decided not to pursue it now, given the fact we are in all likely hood not going to be doing that within two year, that would be permit fees, advertising fees out the window.

G. Sagar: And I would disagree with that, from the perspective that they, if they are getting a special permit for the use, they don't need a variance for anything there's no coverage, they don't need any variances I think it call all be included in one.

Ch. Ross: It's all, it would have been the same special permit

C. Page: That is not what I was told.

G. Sagar: Ok

Ch. Ross: We have situations, most common one is commercial signage, where they are looking for different types of relief for different types of signs, and we get seven applications, but you are looking for a use, but you,

C. Page: My understanding the use is separate from the building. Is what I was told, and that's why it had to be separate applications. But I think, I mean, for the sake, you've expressed some concerns, Mr. Chairman, about the advertisement, correct,

Ch. Ross: Yeah, but you know I haven't read it, it probably said Special use permit, at this location,

G. Sagar: It does, and all it talks about is for the use under that section 6.3.3, professional offices

Ch. Ross: 6.3.3, yeah, so that would have covered it.

C. Page: So, I mean, if you feel tonight that it fits under one application, and you feel tonight, that the advertising is consistent am happy to talk about it, amongst the group and see what other feedback, the reason it was not listed specifically, and was not included in our minds, was we were told it had to be a separate special permit.

Ch. Ross: The only issue, that's correct, as far as the statement of the law goes, since it is not in front of us other than you raising, Gary, I guess, if I understood Keith correctly, the issue I would have too, is if two years down the road, or two and half years down the road, you want to put the proposed, the addition on, then the neighbors will have a history of how you are operating, which they don't now, and I don't have any feelings use, as a matter of fact, I have

a, how to phrase it, a very personal involvement in the type of children you are going to be dealing with, so I'm very empathetic that wouldn't influence my vote, one way or other, I just raise that

G. Sagar: Another part of that, Mr. Chairman, if I was an abutter and I didn't like what they were doing, the fact that the addition and everything was all inclusive, that might make a determination if I was going to appeal it or not, at least if we approve it we know what their full plans are, and rather than approve something in the front and then try to go something in the back and reach opposition, I mean, it can both ways, but, the fact that they are using this plan and it shows the addition as part of their record that was submitted, I think they are entitled to get the building also.

Ch. Ross: I think they are entitled. Quite frankly if you come back two plus years down the road, you're going to be submitting the same plan. Assuming that would be the footprint of your building.

C. Page: Yup

Ch. Ross: Any disagreement from the building inspector?

N. Abelson: No, I think if they want to go through the special permit

Ch. Ross: Not in terms of the... doesn't affect your zoning determination,

N. Abelson: No, I think that if they want to just get the special permit, because they're probably going want to change the building anyhow, they might not want it that big.

Ch. Ross: That's not for us to

N. Abelson: You know, it's kind of their choice

G. Sagar: So you're saying

N. Abelson: Could go either way, doesn't matter

G. Sagar: But the only thing you need to be aware of too, if it's three or four years down the road, there's nothing to say the regulations are going to be the same.

C. Page: Correct

G. Sagar: Then you might have to go for a special permit and maybe a variance, so it could, I mean,

Ch. Ross: Yeah

C. Page: But at that point, this special permit would be expired anyway.

Ch. Ross: Oh yeah, you're good, it runs with the land, if we vote to approve, you're good with the use.

G. Sagar: Yeah

Ch. Ross: The use

G. Sagar: In the front

C. Page: The use, not the expansion

G. Sagar: Correct

Ch. Ross: That's correct

G. Sagar: So I'm saying, I think, I think you're entitled to a full discussion and include the building,

C. Page: And I appreciate that

N. Abelson: It won't really affect me one way or the other.

Ch. Ross: Ok

G. Sagar: It's on the plan

Ch. Ross: Yeah, and it's properly advertised. If I could ask, anything else Neal?

N. Abelson: No,

Ch. Ross: Ok, you're still under oath, by the way. Can I just ask you one question?

M. Page: Ok

Ch. Ross: I have to put my legal hat on for a minute, you, the LLC owns the property, correct?

M. Page: Correct

Ch. Ross: And you have Positive Synergy Corp

M. Page: Yes

Ch. Ross: Does that operate the business?

M. Page: Yes,  
Ch. Ross: How come you filed under your personal names? Rather than as Positive Synergy Corporation?

C. Page: Umm.  
M. Page: Both names are on this lease, it's my name and Positive Synergy, he doesn't actually own Positive Synergy Corporation, he's acting as...

C. Page: I'm an agent and she is the owner,  
Ch. Ross: Yes, you're the president, correct? Margot?  
M. Page: Yes  
Ch. Ross: And I see a bunch of other people who aren't here, which is fine. When I look at the type of business when I look at the articles of organization with the Commonwealth, it clearly states home based ABA therapy for children with autism, so I assumed it was the business

M. Page: Yes  
Ch. Ross: So I guess my question is still, it's not fatal, I'm just asking, why did you file individually, rather than Positive Synergy Corp,  
M. Page: I thought it was, because we had both, our names and Positive Synergy on there, I thought it was the right

C. Page: It does say Positive Synergy doesn't it? I mean we can  
Ch. Ross: It says Positive Synergy LLC,  
C. Page: Who is the owner of the property?  
Ch. Ross: Of the lands, that's right. I'm talking about the petitioner?  
C. Page: I guess the answer is that we kind of talked through this with the office, and that's how we filled out the form. I don't have the legal expertise whether she'd be an owner, versus the property.

Ch. Ross: Those are two different entities.  
B. Garrity: Exactly, we only have the applicant here, we don't have petitioner on the form.  
Ch. Ross: Ok, applicant, petitioner,  
B. Garrity: Exactly,  
Ch. Ross: Just a question. Any further questions of the Pages, take a seat for a minute, we'll get back to you. Is there anyone in the audience who wishes to speak in favor of this petition? Is there anyone in the audience who wishes to speak in opposition to this petition? Ok, one a time. Gentlemen in the red shirt, would you raise your right hand please, do you swear or affirm that the testimony that you are about to give will the truth?

A. Thornton: Yes  
Ch. Ross: Would you state your name and address for the record, please  
A. Thornton: Albert Thornton, 1563 Fall River Avenue, Suite #4. I don't know if I'm in favor, or against, I just have a question for the board.  
Ch. Ross: Ok.  
A. Thornton: There has been a lot of construction, on that property way in the back, there were a number of trees knocked down, a lot of digging, a lot, of I don't know what is going on. My question is, does that have anything to do with the special permit? For the offices? Is that building  
Ch. Ross: Not as submitted, but, Mr. Page, if you would come forward and answer that question, please  
G. Sagar: There is an excavator on site,  
M. Page: So the answer to that question is, No, that's a totally separate item, that's a replacement of a septic system. The existing septic failed Title V years and years ago, before we bought the property. So we were obligated under law, to replace that system, so what is going on with taking down the trees, the excavator the digging that's all just related to the new septic system. That has nothing to do with this permit.  
Ch. Ross: No building construction just to comply with Title V

M. Page: Correct, and that's fully permitted and filed.

A. Thornton: That answers my question, Thank you,

Ch. Ross: Gentlemen in the red shirt, you want to speak also? And would you raise your right hand please? Do you swear or affirm that the testimony you are about to give will be the truth? Would you state your name and address for the record please?

N. Stamatakos: My name is Nicolas Stamatakos

Ch. Ross: Spell your last name please

N. Stamatakos: I'm at 1563 Fall River Ave, unit 5. I'm just, about the playground outside, wondering how many students or children will be out there playing at one time, I do massage therapy, my profession is quiet, relaxation, and I finally found a place, I've only been there a year and now my concern is noise outside my window, because I am right there

Ch. Ross: Ok, either Mr. or Mrs. Page, I can't answer those questions? Did you hear the question Ma'am?

M. Page: I did, I did, so um, our social skills groups that we have coming in generally have somewhere between, well at any given time we'll have one client there, coming in because there home is not suitable for treatment, or we'll have, I think our largest group is 6 kids, and there only there for 2 hour chunks of time, so if they go outside, it's usually just a, it would be like a 15-20 like you know, this is your outside time

N. Stamatakos: I mean that would be my only concern. Would be the noise,

Ch. Ross: Do you have any age ranges for the children? Or up to a certain age?

M. Page: Uh, we work with kids up to age 26 and I don't think they're going to be on the playground

Ch. Ross: Yes,

B. Garrity: Hours?

Ch. Ross: Can you say that?

M. Page: Our groups are actually, are you there on the weekends?

N. Stamatakos: No

M. Page: Because most of our groups are on Saturday, and the other ones are after school, generally speaking, after school hours, from 3:30-5:30 or 4-6pm

Ch. Ross: So you typically don't have pre-school children

M. Page: We have a potential to have pre-school children, having said that though it's those groups are usually, we limit those groups to about 4 kids, sometimes 5, because they need a lot of attention. And our classroom isn't very big.

Ch. Ross: Does that answer your question, sir?

N. Stamatakos: It does, I'm still concerned about noise outside and it's a playground so, I can defiantly respect your field,

M. Page: Absolutely, and it's less of swings and big playground, it's more just landscaped mounds, and stumps and rocks to climb on and stuff; it's not really that "I'm going to be up high swinging over the fence screaming".

Ch. Ross: That was my next question, are you going to be installing any equipment of any type in this playground area? And if so, what type

M. Page: We're looking to do a kind of a natural playscape, so it would be pathways and boulders and tree stumps,

Ch. Ross: No above ground equipment?

M. Page: No, not like a big play structure, we don't the liability.

Ch. Ross: I saw some people on the left, and would you raise you right hand please, and do you swear or affirm that the testimony you are about to give will be the whole truth?

C. Hughes: Yes I do,

Ch. Ross: And would you state your name and address for the record please.

C. Hughes: Charles Hughes, 19 Villanova Circle,

Ch. Ross: Hughes?

C. Hughes: Yes, H-u-g-h-e-s. My land is right next door to that building, is I'm concerned about the noise also, if it's going to be Monday through Saturday, could it be Sunday, is it going to be like, I understand, I just heard the last speech about the time frame, but I'm home every day, I have dogs that go out there and they'll be barking at the fence, you know I'm concerned about noise. Is there going to be lights out there? For night time?

Ch. Ross: I can't answer that, but it doesn't sound like you'd have exterior lighting,

C. Hughes: Well, behind my house is an oil company, they have their lights shine on my yard, at night, just trying to go off other things that go on in that area

S. Halajko: I think its two different types of businesses between an oil company,

C. Hughes: Right, but they also have a business that got to be secured to something, there's going to be a fenced in area where the playground area is. Will they have lights in the back to illuminate the building for security reasons?

G. Sagar: I'd also, to answer this gentlemen's question, I believe would be needing to appear before the planning board for site plan review,

N. Abelson: They have a parking plan,

S. Halajko: Is the parking going to be in front Neal?

R. Read: This is septic. The playground would be on this side, right?

N. Abelson: Yeah, they'd have to do some type of fencing, some screening of some sort

R. Read: Would there be parking on this side also?

N. Abelson: I don't believe so, well eventually there could be parking over in here, that's where I would put it.

R. Read: That's where I would put it too.

G. Sagar: The parking now is in the front.

N. Abelson: It is a business they should be required to put screening (INAUDIBLE) residential, should they, site plan, imagine,

G. Sagar: Screening aspect is only for industrial and highway business,

N. Abelson: It abuts a residential, even though it is in a mixed use; it is still a business use

G. Sagar: Site plan prerequisite for approval so they would have to go to planning,

N. Abelson: Seeing they've got the use of the property, excluding the use that you're given them, with a special permit, by right, because they are already there

G. Sagar: They are applying as a professional office,

B. Garrity: Yes, currently they are allowed by, because they went under the school and now they want, in addition to, the school another use, therapy offices, professional offices

N. Abelson: Another use. They got the use as a school by right, and then they're asking for this use for the professional offices and stuff, as a secondary thing, if they don't present the building package, how can we do a site plan for them, if they're not putting the building in the plan, so I don't know, so I lieu of that, I would think this board would have to suggest a vegetative protection for the residential area, or something to that affect, I would think.

C. Hughes: What height would this building be, or does it not make a difference?

Ch. Ross: We're just talking amongst ourselves, Bridget is trying to get this down, and we have three people talking at a time and

B. Garrity: I don't know what should be....

Ch. Ross: We need a good record. So the issue came up about site plan review and screening. So if we could get that on the record, whatever the conversation was, I wasn't paying much attention.

G. Sagar: I raised the question; do they have to go for site plan review? And if they do, it would be the planning board and landscaping and the lighting, and everything else would be included in that, under 6.3.4.2, under (d) landscaping, all landscaping shall be natural vegetation a screening type of landscaping of at least 6' in height and of solid appearance shall be located

along the property lines to the rear of the setback line. Existing building is a one story building.

Ch. Ross: The way I read it in the overlay zone, 6.3.4.1 is applicable on a site plan

N. Abelson: The only thing is if they're just going for the use, right now, and they aren't doing any construction, there wouldn't a site plan

Ch. Ross: There is nothing to review.

N. Abelson: There is no site plan review then,

Ch. Ross: That's right

N. Abelson: It would only be possibly putting the playground in maybe.

Ch. Ross: That's right

N. Abelson: Other than that,

B. Garrity: Don't they have to go before for change of use? For a site plan review, they have to at least site plan application,

N. Abelson: The thing is, is that might not be the building they use, that might just be the footprint, I mean, you know

B. Garrity: I know what you mean initially, that went from needlepoint retail to now office and classroom space, wasn't there an initial site plan application submitted for change of use?

N. Abelson: I would imagine something submitted to John, or someone that said the parking was adequate for the site.

Ch. Ross: Mr. Mrs. Page, did you ever meet with John Aubin on this application? The Town planner?

C. Page: Which application are you talking about?

Ch. Ross: The one that you filed, this one right here

C. Page: No, I spoke with John on the phone multiple times, I spoke with Mr. Abelson, I spoke Diane, in your office, I spoke with Bridget, I spoke with a lot of people

N. Abelson: Initially when you wanted to open the business, you conferred with John, or not at all, about opening the business, up to the, there was adequate parking on the site.

C. Page: Yes,

N. Abelson: The use there before, were similar or at least, they didn't require a site plan

C. Page: We're not looking to make any changes to parking

G. Sagar: Mr. Chairman, may I make a suggestion. We are meeting again in two weeks, should we refer this to the planning board to see if they would require it? And just continue it to the 15<sup>th</sup>?

N. Abelson: If they don't put the building on it, there's nothing to review for parking calculations if it's just the use, you would just be arbitrarily setting standards, if the building isn't part of the package

Ch. Ross: If there is no building to be constructed what's the planning going to review.

G. Sagar: Change of use, or additional use? Because doesn't the parking requirements change from a school to a professional office?

N. Abelson: It would, but since the office isn't there, and not going to be there in future, you'd be creating a parking plan on what could possibly be there in future. It's not a plan that's viable, or been submitted,

G. Sagar: No, I'm talking about, lets for the sake of discussion we'll forget the addition, put the addition aside, just for the existing change of use or additional use to the existing structure, maybe they do, maybe they don't, but if they went before the planning board, with our suggestion or recommendation,

N. Abelson: Oh, no it could

G. Sagar: And then they give us something back and we can decide it on the 15<sup>th</sup>. It would take the guess work out of it, wouldn't it?

N. Abelson: I know they did consult with John and it was felt the parking was adequate you know because of the prior use, but maybe the change of use would kick that in.

G. Sagar: You know if we had something

C. Page: As a point of clarification, I don't know if it matters but, the additional services are additional services for existing clients it's not bringing in, I think that the parking calculations, I think it

G. Sagar: Buy zoning, you're changing what you are doing there from a school to a professional office, so it triggers,

Ch. Ross: In addition to, you're not replacing it

C. Page: Its' the added use as permitted by

G. Sagar: and if we refer them to the planning board, they're going to act on it and its not's going to cost them anything, we're not acting on it, or just give us something in writing,

Ch. Ross: It's in effect an advisory opinion.

M. Page: May I say something

Ch. Ross: Yes ma'am

M. Page: In schools today most schools have teachers and social workers and occupational therapists and speech language pathologists, I can't think of any schools that don't so, and even daycare centers so I'm having a hard time understanding, this is true, and I'm you know I've worked at daycare centers that have our own speech pathologists and occupational therapists so, I understand we need a change of use for you know so we can include this, but if have the educational use already, this is just adding on to that use, we're not you know, we're not bringing in new people

G. Sagar: But you've applied for a professional under a standard of a professional office, doctor's office, this will actually help you, it's not going to hurt you.

M. Page: No I know I just feel like people are thinking of this as something different than it is, we have to because speech language pathologists and occupational therapists fall under this medical professional use but it's really just educating children,

Ch. Ross: Understood, everything else is integrated with the school, it's not distinct uses it's just integrated uses from what you've got to what you want to bring in.

M. Page: correct

N. Abelson: (INAUDIBLE) contention, you'd think that perhaps because it was a travel shop and needlepoint. It is a change in

G. Sagar: Right, it's an existing structure, it's been there a long time, it's had multiple uses over the years, so if we got something from planning, no, they're, yes, they're all set no they have to come before us, then at least, I think that gives us a better understanding to it,

N. Abelson: And they can determine whether they were going to be enforcing the vegetative buffer or that the planning board would be putting that in place.

Ch. Ross: That's a planning board issue, at this point, not ours

G. Sagar: What is your timeline on this?

M. Page: I guess that's up to the town, um, you know we have, we have clients that have been waiting for speech for their kids, for a while, we haven't moved forward, waiting (INAUDIBLE) we've, you know, we've taken time to get it done the right way. Either following the advice of the people in the town who we've spoken with,

G. Sagar: See you've got a zoning determination last September, that's expired, so that in really that doesn't you don't have any appellate rights or anything, that exists as it is. For two weeks, I think it's in your best interest because, definitively, you get the two boards that matter in this, that's the planning board and the zoning board, and going forward you can only, it makes the whole process much cleaner, and I think it's only going to help you.

M. Page: Ok

G. Sagar: That's my suggestion anyway, Mr. Chairman

M. Page: And just in response to the lighting question, we're not having kids outside after dark, we don't plan on having any spotlights or extra security,

C. Hughes: You're not going to have any illumination on the building or anything are you?

M. Page: We have lights in the front,

C. Hughes: The guy behind me has the same thing, and he's got this big huge spotlight in my yard,

Ch. Ross: What's the business on the other side?

C. Hughes: Stateline,

G. Sagar: The fuel company

C. Hughes: So what can I do, its' one side, and the other side,

Ch. Ross: It's very different

C. Hughes: I live there; you guys use it for business,

G. Sagar: This is one of the rare instances that I can personally say we are the government and we're here to help you.

Ch. Ross: I'd say unique

K. Rondeau: Correct me if I'm wrong, first of all, I think we should be just attending to the issue at hand before us tonight, and forget about the building,

Ch. Ross: That's right; we're not discussing the building

K. Rondeau: So, with that said, Mixed Use zone, under 6.3.3.3 professional offices, that's an approved business activity in the mixed use zone. Under 6.3.3.4 it's a business office that does not generate traffic flow in excess of those listed in 3.1, 3.2, and 3.3

Ch. Ross: and it won't, doesn't sound like it will

K. Rondeau: Doesn't sound like it will, and it has a provision under 6.3.4, for site plan pre-requisite for approval, already, so I don't think we need to go jumping through hoops here, just to approve the use of what was presented before us tonight, I think it looks pretty easy special permit, and if we approve under 6.3.3.3, 6.3.3.4 and 6.3.4 then, I think all the conditions are met, and we don't have to continue this, we don't have to do any special gymnastics to try make this any different. At some point in time, they decide to put an addition to the building, then it's either going to conform to the zoning bylaws, or its not, if it does conform, whatever they proposed to the build to the building inspector, then they don't have to come before us, if it does not then, then they will before us again at some point in time. So I think everything just takes care of itself, but if we just look at what was presented before us tonight.

Ch. Ross: If, I want to make sure I understand, what you're saying, so rather than referring this to the planning board for their opinion, assuming we approve this, if we approve it under 6.3.2, & 6.3.3, it would be subject to the site plan review, and if the planning board declines to review it, for the reasons we've been discussing that takes care of it, and we've basically saved the two weeks. If they determine to hear it, well you got to through with it anyway.

K. Rondeau: Correct, that's the way I look at it,

Ch. Ross: Right, it makes sense to me, that and it would still have to be reviewed by John Aubin, for the determination for the site plan review issue, but our work is done, and if the planning board has to review it, and the approve it with conditions, they'll have to meet that, that's outside of our jurisdiction, and if they decline to hear it, we've already granted it subject to site plan review, which the planning board will decline to hear.

G. Sagar: Mr. Chairman, reading the September 22, 2016 zoning determination by Mr. McDonough, he is very clear on the second page, that please consider this letter as a determination that the proposed professional office use, and proposed building addition, would be subject to site plan review by the Seekonk Planning Board, so he's already directed them to go there, so I guess, my concerns have been met

Ch. Ross: We've already determined he was wrong the variance so, and again, assuming he's correct, if we vote on the use permit, it's going to be subject to site plan review. We're done. I mean,



we don't need the referral to the planning board to come back to us, and then tell the Pages, now you've got to go to the planning board, they will know that in the normal course of events. And if the planning board declines to review it, for their own reasons, under their rules and regs, we're done.

K. Rondeau: And they're the experts at that, the site plans.

Ch. Ross: No, do you have an objection to that process, Gary?

G. Sagar: No,

Ch. Ross: I guess my question is what's gained by referring it out for their opinion and have it come back to us on the 15<sup>th</sup>?

G. Sagar: Well, if this was a brand new use, in a mixed use zone, it would be clear, but because it's existing and I think the building inspector had some questions, if in fact they had to go back, so it's not clear, if in fact they have to go back. Re-reading the determination of Mr. McDonough, he has made a determination that they have to, so we'll let that stand,

Ch. Ross: So if we approve it, it'd be subject to any other applications, or permits or approvals that they need anyway

G. Sagar: And he referenced in here for the use, and the addition, I think the addition can be included in this special permit, and if it expires before they build it, so be it, they'd have to come back.

Ch. Ross: I'm changing subjects, assuming we do that, and it's an assumption at this point, you're proposed addition, that special permit is good for 2 years, you can request an extension there's not guarantee you're going to get it, but without coming, you can request an extension for an additional year.

C. Page: Thank you,

Ch. Ross: Any further discussion on this?

G. Sagar: I think we had some other residents

K. Rondeau: But I'm also still hesitant to, do, make any action on a proposed addition, we don't know what,

Ch. Ross: We're not there yet, we're just talking, ok, someone else in the audience who wishes to speak in opposition? No, you either?

C. Hughes: All the questions were answered.

Ch. Ross: Ok, is there anyone else in audience, one way or the other, who hasn't spoken, who wishes to speak on this petition, in favor or in opposition, hearing none, do you have anything further, Mr. & Mrs. Page? That you want to say?

C. Page: Well, I guess I just clarify, what I'm hearing amongst you guys, in your own internal discussion, if, you know, there's hesitation, about the building component of it, we'd don't need it to be part of this process. Thank you.

Ch. Ross: Understood. On the issue of the public hearing, on the matter of the public hearing, do I have a motion,

S. Halajko: A motion to close the public hearing,

Ch. Ross: Do I have a second?

G. Sagar: Second

Ch. Ross: Any discussion on that motion? Hearing none, those in favor of closing the public hearing signify by saying aye, aye, opposed no, ayes have it 5-0. On the pending petition for a special permit for professional offices, therapy rooms and outdoor play area, do I have a motion?

K. Rondeau: I'll make a motion, that we approve the requested special permit, under 6.3.3.3 of the zoning bylaws, also under section 6.3.3.4 and subject to the pre-requisite for approval under 6.3.4.

Ch. Ross: Ok, as submitted

K. Rondeau: As submitted

Ch. Ross: Do I have a second on that motion?

G. Sagar: I'll second it for discussion,

Ch. Ross: Seconded for discussion, Gary,  
G. Sagar: And I'll also make an amendment to that, they included in that we would uphold the decision of the building commissioner,  
Ch. Ross: It's not appealed, why would you  
G. Sagar: We always uphold them, as part of our record, even if they are not appealed.  
K. Rondeau: Or address it  
Ch. Ross: Ok, well first things first, ok, go head, do I have a motion, do I have a second on the amended motion?  
R. Read: Why is that amended? That's always a separate motion,  
G. Sagar: Usually it is, but we do that before we take the votes, but we can do it in reverse order. So why don't I withdraw it.  
Ch. Ross: So you had, so the motion to approve as submitted as made by Keith has been seconded for discussion,  
G. Sagar: I am ready to move forward with the vote  
Ch. Ross: Is there any discussion on that motion? On the motion to grant the petition as submitted as stated by Keith, all those in favor, signify by saying aye, aye, opposed no, ayes have it 5 to nothing. Now on the September 22, 2016 letter of determination by Mr. McDonough, the then building inspector, do I have a motion?  
G. Sagar: Move we uphold it,  
Ch. Ross: Do I have a second?  
S. Halajko: I'll second  
Ch. Ross: Any discussion on the motion?  
G. Sagar: No  
Ch. Ross: Hearing none, All those in favor signify by saying aye, aye, opposed no, ayes have it 5 to nothing, are we clear? Everyone clear what we did?  
B. Garrity: Special permit for the professional offices, therapy offices, and outside playground approved, 6.3.3 and 6.3.4 subject to the pre-requisite for approval as submitted, seconded with discussion and then you moved to uphold the letter from the building inspector of 9/22/16, Gary moved to uphold Shane seconded, now we're good  
Ch. Ross: All of our votes to grant relief, even if we don't discuss it on a particular case, is always subject to any further permits, licenses, approvals you need. And in this case, it may or may not be the planning board. To the extent that it is, give John Aubin a buzz. We did not vote on the proposed addition.  
G. Sagar: Yes, we did, it was part of the package, it was as submitted, so its part of the package, it's as submitted, so we voted on,  
K. Rondeau: No we did not, because they  
G. Sagar: Part of the package  
K. Rondeau: No, no,  
B. Garrity: It was for the professional offices, therapy offices and outdoor play area, subject to 6.3.3 and 6.3.4 in the pre-requisite for approval  
Ch. Ross: And the application did not look for that, and they testified specifically that they weren't looking for the building tonight,  
G. Sagar: But they said they'd accept it and it was proposed so it's part of it.  
Ch. Ross: I disagree  
K. Rondeau: I disagree  
R. Read: I don't think he used the term as proposed,  
K. Rondeau: As submitted,  
G. Sagar: As submitted, and the site plan was part of the submittal,

K. Rondeau: But it was made clear that as part of that site plan, it was not part of what was before us tonight,  
G. Sagar: We didn't vote on that so, it's as submitted  
Ch. Ross: We'll deal with it if we have to, my position, is we did not vote on proposed addition, the testimony was that they weren't looking for the proposed addition, now, you didn't amend the plan, because you couldn't amend the plan, and this is just really among us.  
C. Page: I understand, I do have one quick question, and it's just in terms of what next? You said maybe planning, maybe not, is it up to me to call Mr. Aubin?  
Ch. Ross: Yes  
C. Page: So, what is the process, how long, should I wait to contact him?  
Ch. Ross: You can contact him tomorrow, the way our process works, just so you know, we'll have a written decision on the proceedings within the next week?  
B. Garrity: I have 14 days  
Ch. Ross: She has 14 days to do it. Ok? Once it's prepared and signed, by everyone it gets posted, once it gets posted, anyone who wants to file an appeal has 20 days from the date of posting to file a complaint with either the Superior Court or the Land Court, that would be you, anyone of the objectors, anything you do between now and the expiration of the appeal period, you do at your risk. So if it gets appealed, and flipped, theoretically you could be shut down. Ok  
C. Page: Yes  
Ch. Ross: We have new business,  
B. Garrity: It has been way too busy.  
Ch. Ross: Do I have a motion to defer the approval of the minutes of the April 10, 2017 meeting  
G. Sagar: So moved,  
Ch. Ross: Second?  
K. Rondeau: Second  
Ch. Ross: Aye, Aye, opposed no? Ayes have it. Yes, Sir, Mr. Page,  
C. Page: In terms of the internal discussion you were referencing in terms of what "as submitted" means. We'll get clarity on what that is in 14 days, or what is, I'm just trying to figure out what happened  
Ch. Ross: You'll get clarity within the written decision, it'll be there. Do I have a motion to adjourn?  
G. Sagar: So moved  
Ch. Ross: Seconded?  
K. Rondeau: Second  
Ch. Ross: Any opposition? Ayes have it 5 to nothing we are adjourned, 8:50pm

Respectfully submitted by,  
Bridget Garrity, Clerk





# TOWN OF SEEKONK

**The following pages are part of Petitioner's #1 exhibits to the board. The remainder of the exhibit for Petitioner's #1 is unable to be scanned for the online record. The originals and the remainder of Petitioner's #1 can be seen during normal business hours in the Zoning Board of Appeals office, located at Seekonk Town Hall 100 Peck Street, Seekonk MA 02771.**





Jim Viara's 1925, 1927, 1926 Ahrens-Fox - 04/15/2015







Jim Viara's 1927 Ahrens-Fox • 04/01/2015

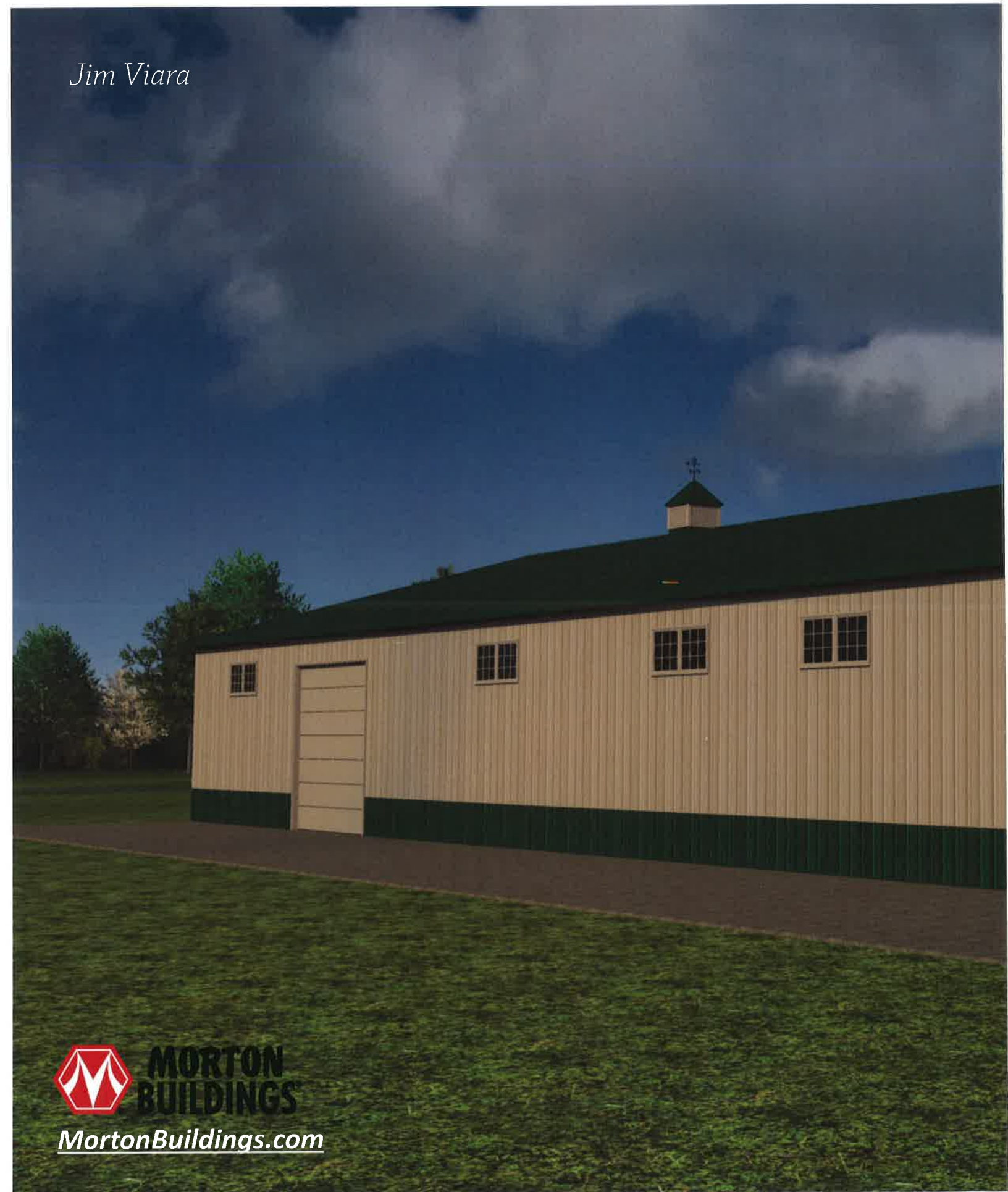


Jim Viara's 1927 Ahrens-Fox • 04/01/2015

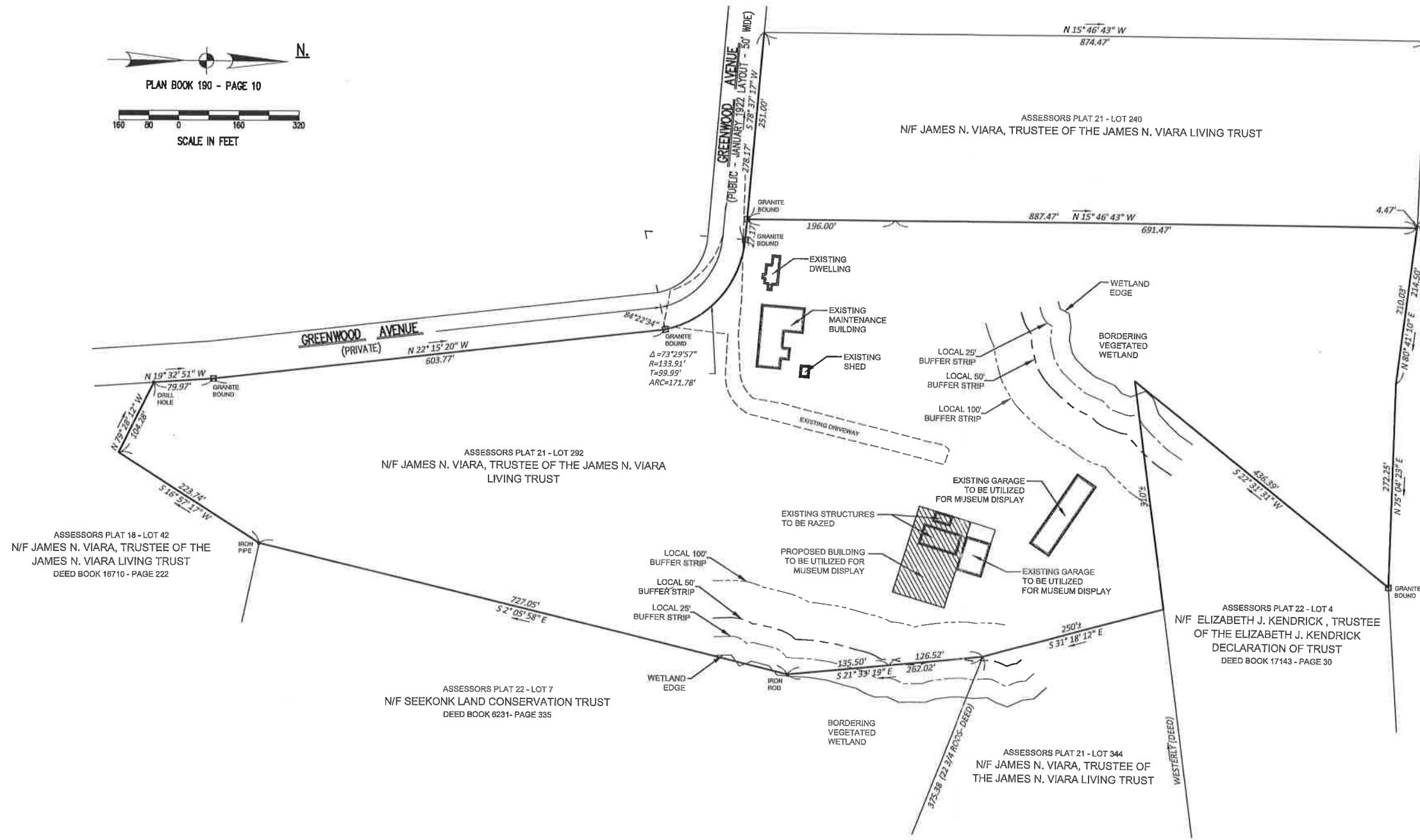
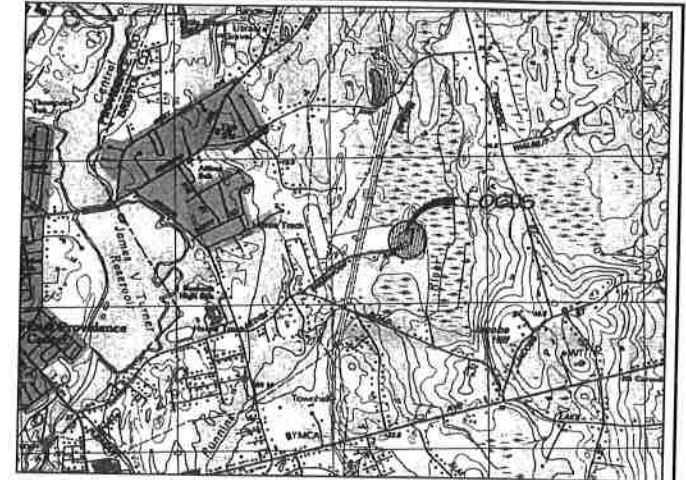
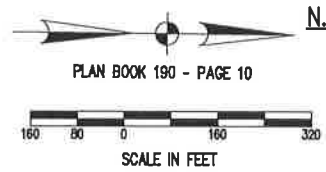


*Tory Williams 2017*

*Jim Viara*



 **MORTON  
BUILDINGS**  
[MortonBuildings.com](http://MortonBuildings.com)



ASSESSORS PLAT 22 - LOT 18  
N/F JOHN A. and CECILIA A. NUNES  
DEED BOOK 7076 - PAGE 101

ASSESSORS PLAT 22 - LOT 4  
N/F ELIZABETH J. KENDRICK, TRUSTEE  
OF THE ELIZABETH J. KENDRICK  
DECLARATION OF TRUST  
DEED BOOK 17143 - PAGE 30

ASSESSORS PLAT 21 - LOT 292  
N/F JAMES N. VIARA, TRUSTEE OF THE JAMES N. VIARA  
LIVING TRUST

ASSESSORS PLAT 18 - LOT 42  
N/F JAMES N. VIARA, TRUSTEE OF THE  
JAMES N. VIARA LIVING TRUST  
DEED BOOK 16710 - PAGE 222

ASSESSORS PLAT 22 - LOT 7  
N/F SEEKONK LAND CONSERVATION TRUST  
DEED BOOK 6231 - PAGE 335

ASSESSORS PLAT 21 - LOT 344  
N/F JAMES N. VIARA, TRUSTEE OF  
THE JAMES N. VIARA LIVING TRUST

**LOT INFORMATION**

ASSESSORS PLAT 21  
LOT 240  
AREA: 17.97 ACRES±  
LOT 292  
AREA: 8.74 ACRES±

OWNER:  
JAMES N. VIARA TRUSTEE OF THE  
JAMES N. VIARA LIVING TRUST  
202 GREENWOOD AVENUE  
SEEKONK, MA 02771

DEED BOOK 16710 - PAGE 222

ZONE: R-4



**PLOT PLAN**  
PREPARED FOR  
**JAMES N. VIARA**  
202 GREENWOOD AVENUE  
SEEKONK, MASSACHUSETTS

**CAPUTO AND WICK LTD.**

Land Surveying, Civil Engineering,  
Environmental Services, Traffic Engineering  
and Construction Engineering

1150 PAWTUCKET AVE.  
RUMFORD, R.I. 02916-1897

Tel.: 401-434-8880  
Fax: 401-434-1615

MAIL@CWLTD.NET  
WWW.CWLTD.NET

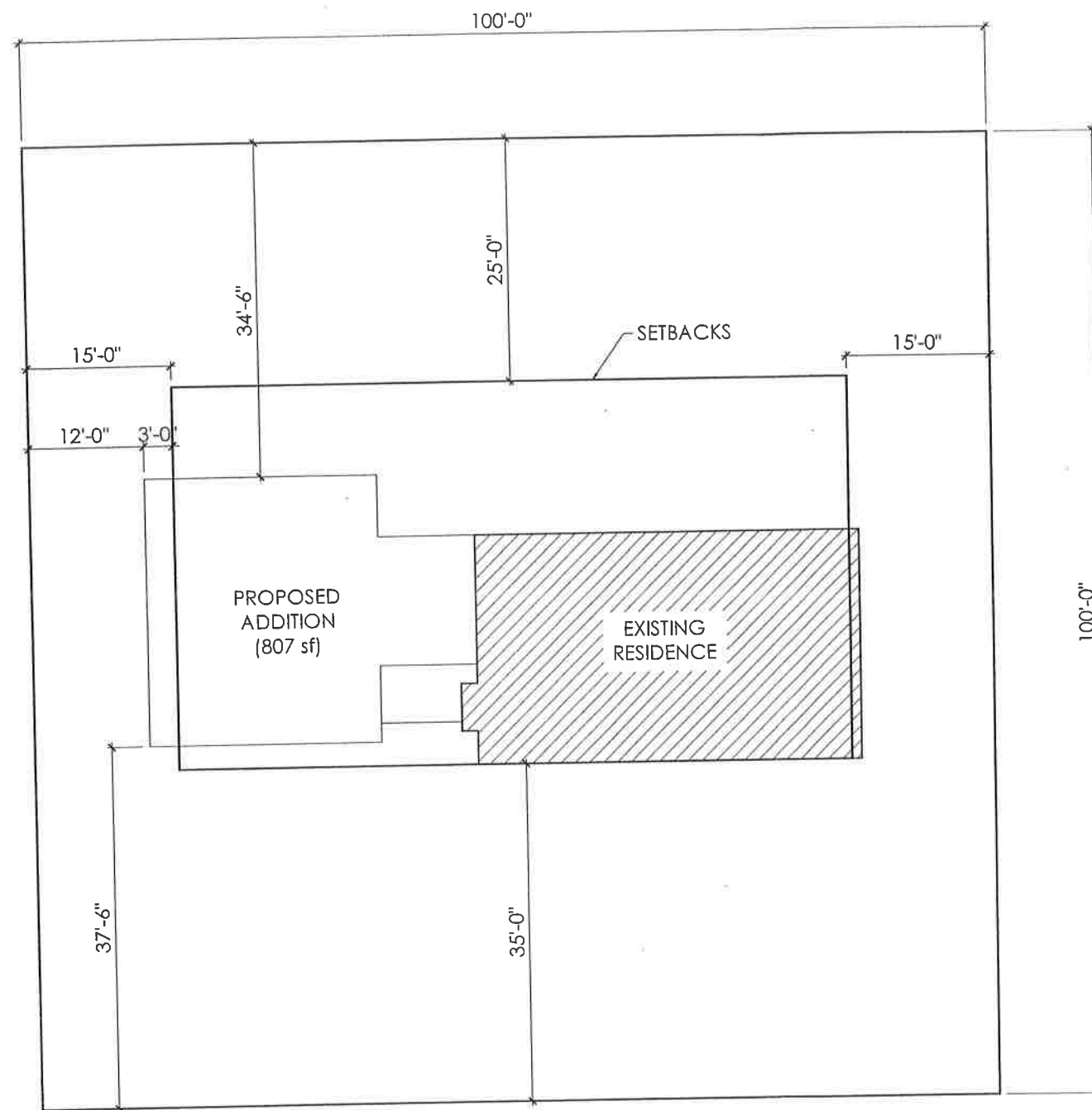
DATE

MARCH 2, 2017

SHEET

1





1 SITE PLAN  
SCALE: 1/16"=1'-0"

**DRAWING LIST**

- A1.1 SITE PLAN AND ZONING INFORMATION
- A1.2 FOUNDATION PLAN
- A1.3 FLOOR PLAN
- A1.4 ROOF PLAN
- A1.5 SOUTH ELEVATION AND NOTES
- A1.6 WEST ELEVATION AND NOTES
- A1.7 NORTH ELEVATION AND NOTES
- A1.8 CROSS SECTION AND DETAILS
- A1.9 LONGITUDINAL SECTION
- A1.10 FRAMING PLANS

**ZONING AND DIMENSIONAL REGULATIONS**

Owners: Russel and Sandra Brennan  
Address: 20 Winthrop Street Seekonk, MA 02771

Description:  
The proposed project is an attached two car garage. The garage will be connected by an unconditioned entry space.

Zone: R1  
Setbacks:

Allowable  
Front = 35'  
Side = 15'  
Rear = 25'

Actual (proposed addition)  
Front = 37'-6"  
Side = 12'  
Rear = 34'-6"

\*Dimensional Variance will be required for side yard setback allowing a 3' encroachment on the prescribed 15' side yard setback for Zone R1.

RUSSELL AND SANDY BRENNAN  
20 Winthrop Street  
Seekonk, MA 02771

*Permit #1 2017-14*  
GARAGE ADDITION  
SITE PLAN

A1.1



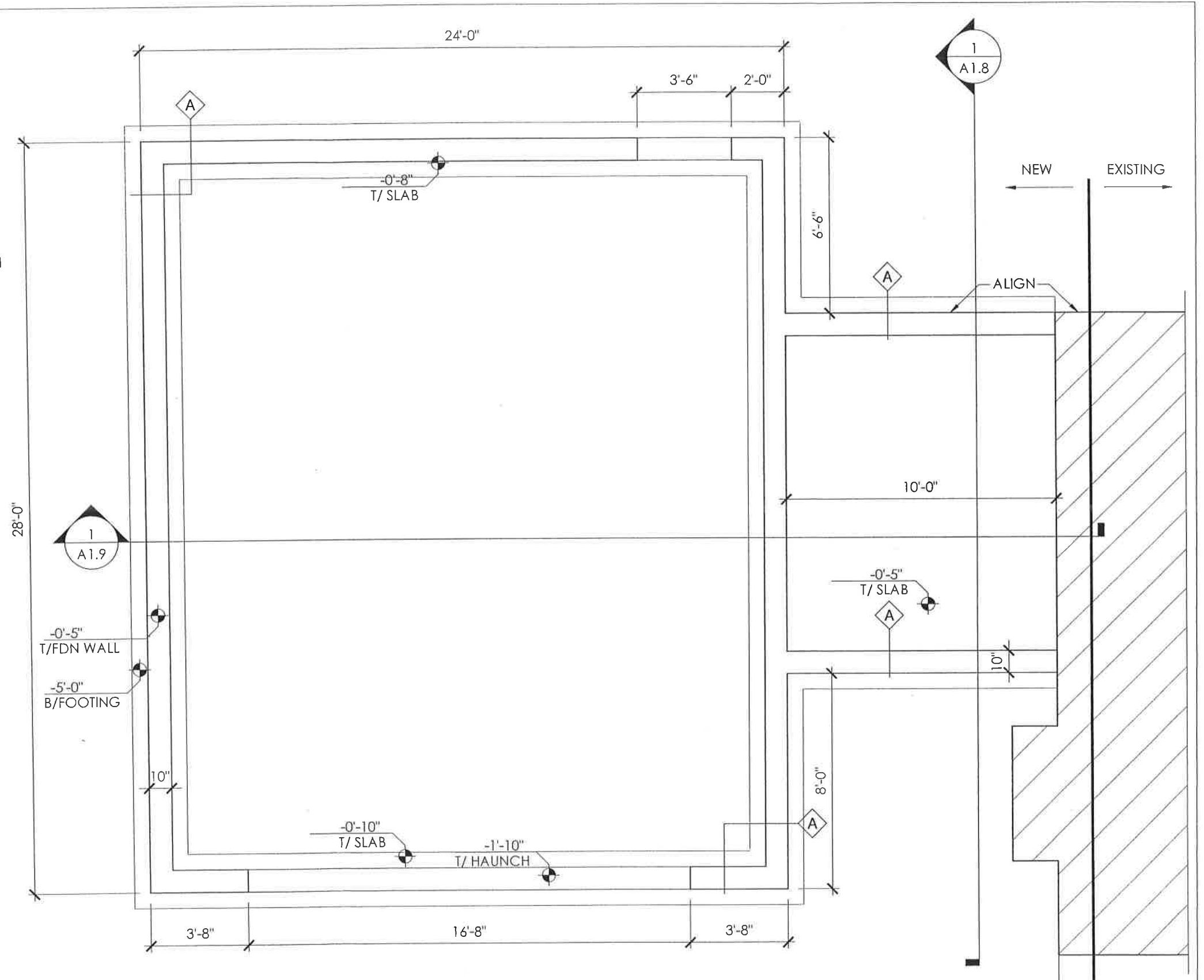


## KEYED FLOOR PLAN NOTES

- C01** PROVIDE 4" CONCRETE SLAB OVER 6 MIL POLY VAPOR BARRIER OVER 6" OF COMPACTED GRAVEL.
- C02** PROVIDE PAVER ENTRY/PATIO STEP.
- C03** PROVIDE P.T. LANDING ON EXTERIOR OF SLIDING DOOR. SUPPORT ON CONCRETE BLOCKS.
- C04** PROVIDE P.T. STEP DOWN TO GARAGE SLAB.
- C05** PROVIDE 45 MIN. FIRE RATED RAISED PANEL DOOR.

## WALL TYPE NOTES:

- A** 10" CONCRETE FOUNDATION WALL WITH  $\frac{5}{8}$ " ANCHOR BOLTS NO GREATER THAN 2' FROM CORNERS AND NO GREATER THAN 4' O.C.. SUPPORTED BY 2' WIDE X 1' TALL CONCRETE FOOTING.
- B** NOM. 2x4 WOOD STUD WALL @ 16" O.C. WITH  $\frac{1}{2}$ " EXTERIOR GRADE PLYWOOD SHEATHING COVERED BY WRB WITH TAPED SEAMS FINISHED WITH WHITE CEDAR SHINGLE SIDING OR CEDAR CLAPBOARD, REFER TO ELEVATIONS.
- C** NOM. 2x4 WOOD STUD WALL @ 16" O.C. WITH  $\frac{5}{8}$ " TYPE 'X' SHEETROCK ON SIDE TOWARDS GARAGE AND  $\frac{1}{2}$ " BLUEBOARD WITH PLASTER ON OPPOSITE SIDE.
- D** NOM. 2x6 STUD WALL @ 16" O.C. WITH  $\frac{1}{2}$ " EXTERIOR GRADE PLYWOOD SHEATHING ON EXTERIOR COVERED WITH WRB WITH TAPED SEAMS AND FINISHED WITH WHITE CEDAR SHINGLE SIDING @ 5" EXPOSURE.



**1 FOUNDATION PLAN**  
SCALE: 1/4"=1'-0"

RUSS AND SANDY BRENNAN  
20 Winthrop Street  
Seekonk, MA 02771

GARAGE ADDITION  
FOUNDATION PLAN

A1.2

201606

AS NOTED

DATE: 08.29.16

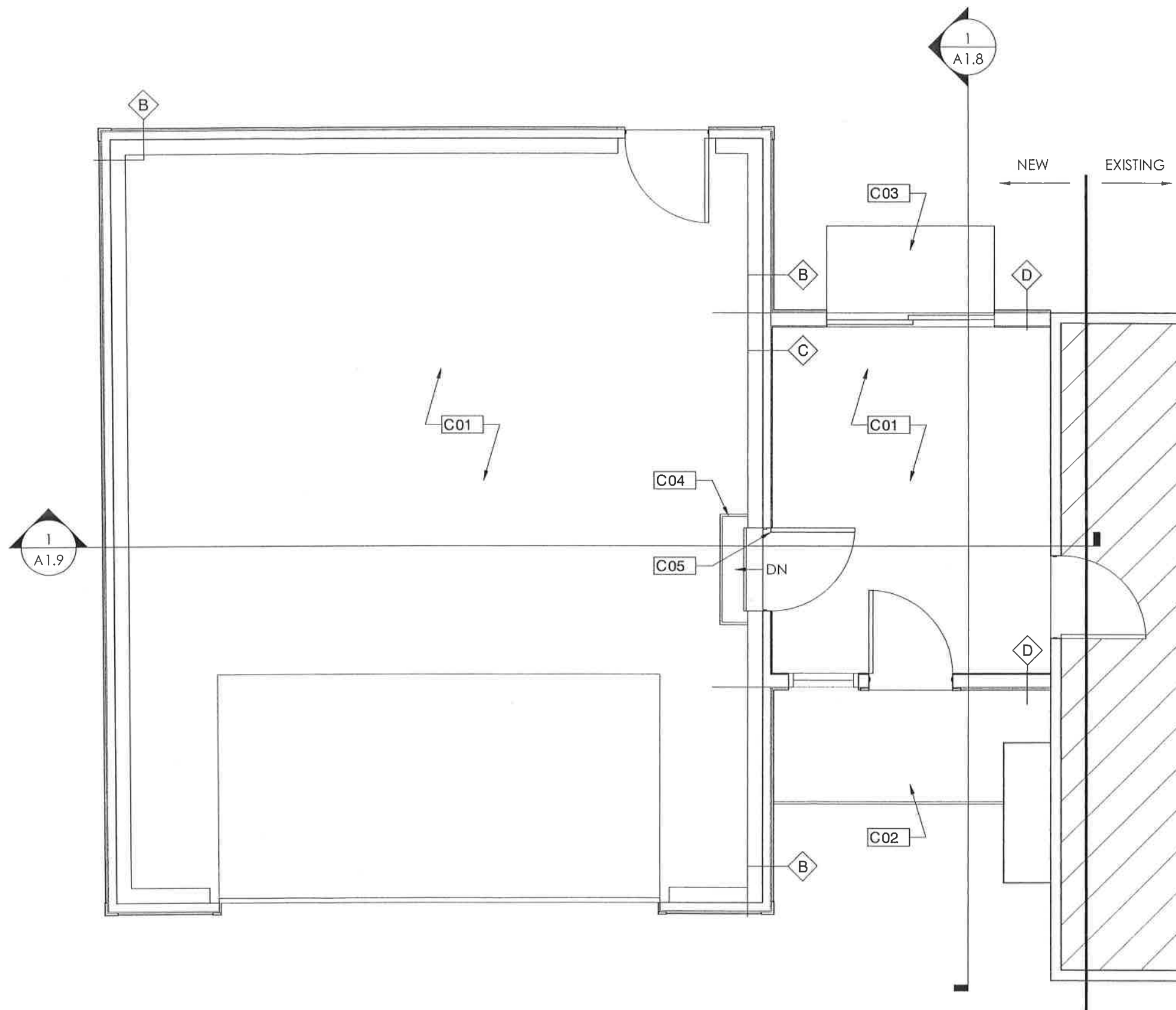


## KEYED FLOOR PLAN NOTES

- C01** PROVIDE 4" CONCRETE SLAB OVER 6 MIL POLY VAPOR BARRIER OVER 6" OF COMPACTED GRAVEL.
- C02** PROVIDE PAVER ENTRY/PATIO STEP.
- C03** PROVIDE P.T. LANDING ON EXTERIOR OF SLIDING DOOR. SUPPORT ON CONCRETE BLOCKS.
- C04** PROVIDE P.T. STEP DOWN TO GARAGE SLAB.
- C05** PROVIDE 45 MIN. FIRE RATED RAISED PANEL DOOR.

## WALL TYPE NOTES:

- A** 10" CONCRETE FOUNDATION WALL WITH  $\frac{5}{8}$ " ANCHOR BOLTS NO GREATER THAN 2' FROM CORNERS AND NO GREATER THAN 4' O.C.. SUPPORTED BY 2' WIDE X 1' TALL CONCRETE FOOTING.
- B** NOM. 2x4 WOOD STUD WALL @ 16" O.C. WITH  $\frac{1}{2}$ " EXTERIOR GRADE PLYWOOD SHEATHING COVERED BY WRB WITH TAPED SEAMS FINISHED WITH WHITE CEDAR SHINGLE SIDING OR CEDAR CLAPBOARD, REFER TO ELEVATIONS.
- C** NOM. 2x4 WOOD STUD WALL @ 16" O.C. WITH  $\frac{5}{8}$ " TYPE 'X' SHEETROCK ON SIDE TOWARDS GARAGE AND  $\frac{1}{2}$ " BLUEBOARD WITH PLASTER ON OPPOSITE SIDE.
- D** NOM. 2x6 STUD WALL @ 16" O.C. WITH  $\frac{1}{2}$ " EXTERIOR GRADE PLYWOOD SHEATHING ON EXTERIOR COVERED WITH WRB WITH TAPED SEAMS AND FINISHED WITH WHITE CEDAR SHINGLE SIDING @ 5" EXPOSURE.



**1 FLOOR PLAN**  
SCALE: 1/4"=1'-0"

RUSS AND SANDY BRENNAN  
20 Winthrop Street  
Seekonk, MA 02771

GARAGE ADDITION  
FLOOR PLAN

A1.3

201606

AS NOTED

DATE: 08.29.16

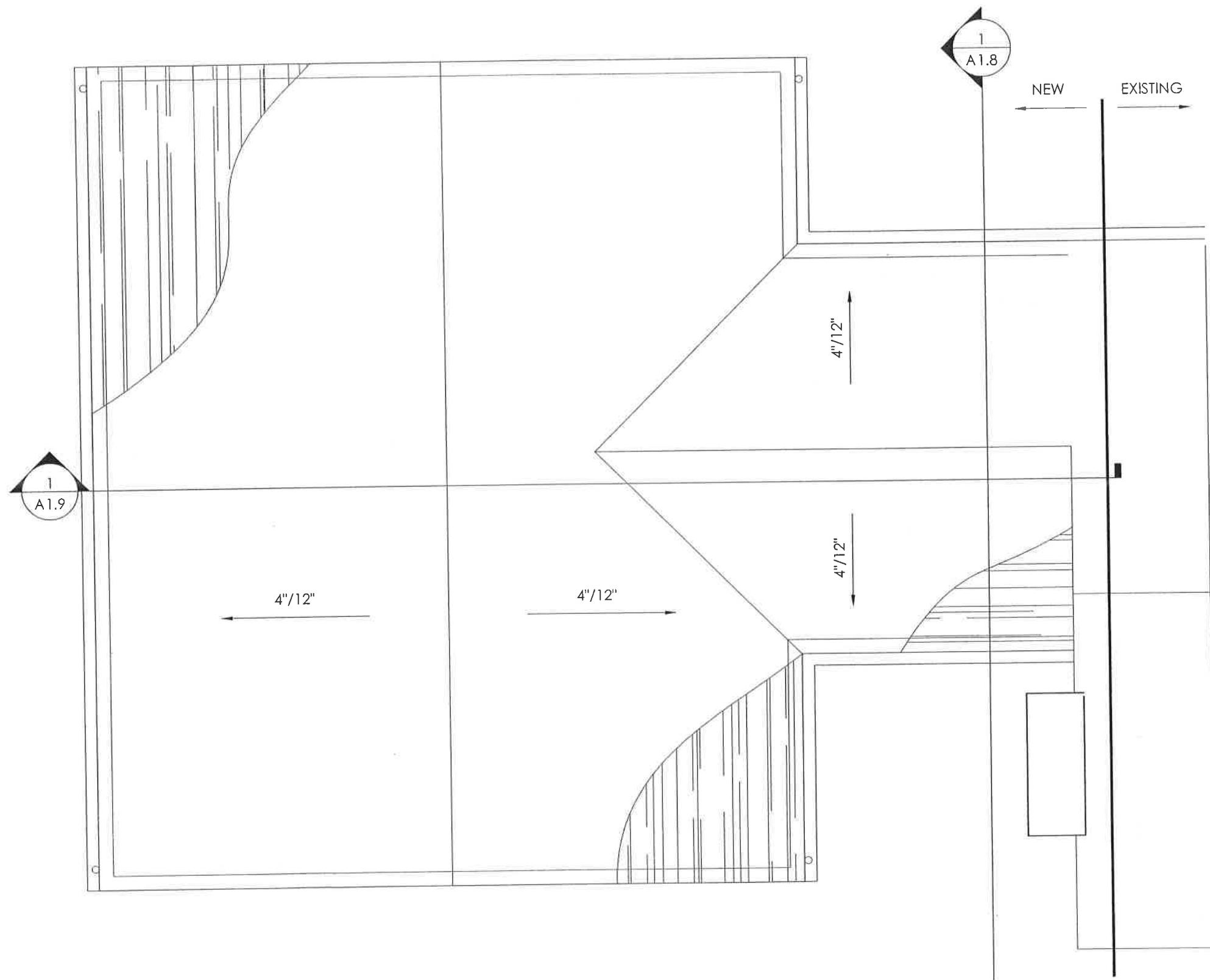


## KEYED FLOOR PLAN NOTES

- C01** PROVIDE 4" CONCRETE SLAB OVER 6 MIL POLY VAPOR BARRIER OVER 6" OF COMPACTED GRAVEL.
- C02** PROVIDE PAVER ENTRY/PATIO STEP.
- C03** PROVIDE P.T. LANDING ON EXTERIOR OF SLIDING DOOR. SUPPORT ON CONCRETE BLOCKS.
- C04** PROVIDE P.T. STEP DOWN TO GARAGE SLAB.
- C05** PROVIDE 45 MIN. FIRE RATED RAISED PANEL DOOR.

## WALL TYPE NOTES:

- A** 10" CONCRETE FOUNDATION WALL WITH  $\frac{5}{8}$ " ANCHOR BOLTS NO GREATER THAN 2' FROM CORNERS AND NO GREATER THAN 4' O.C.. SUPPORTED BY 2' WIDE X 1' TALL CONCRETE FOOTING.
- B** NOM. 2x4 WOOD STUD WALL @ 16" O.C. WITH  $\frac{1}{2}$ " EXTERIOR GRADE PLYWOOD SHEATHING COVERED BY WRB WITH TAPED SEAMS FINISHED WITH WHITE CEDAR SHINGLE SIDING OR CEDAR CLAPBOARD, REFER TO ELEVATIONS.
- C** NOM. 2x4 WOOD STUD WALL @ 16" O.C. WITH  $\frac{5}{8}$ " TYPE 'X' SHEETROCK ON SIDE TOWARDS GARAGE AND  $\frac{1}{2}$ " BLUEBOARD WITH PLASTER ON OPPOSITE SIDE.
- D** NOM. 2x6 STUD WALL @ 16" O.C. WITH  $\frac{1}{2}$ " EXTERIOR GRADE PLYWOOD SHEATHING ON EXTERIOR COVERED WITH WRB WITH TAPED SEAMS AND FINISHED WITH WHITE CEDAR SHINGLE SIDING @ 5" EXPOSURE.



**1** ROOF PLAN  
SCALE: 1/4"=1'-0"

RUSS AND SANDY BRENNAN  
20 Winthrop Street  
Seekonk, MA 02771

GARAGE ADDITION  
ROOF PLAN

A1.4

201606

AS NOTED

DATE: 08.29.16

