

**SEEKONK ZONING BOARD  
REGULAR MEETING  
MINUTES**

**September 11, 2017**

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

7:00pm

Ch. Ross: Good Evening all, tonight is September 11, 2017 the Seekonk Zoning Board of Appeals hearings are in order. Before we get started would you rise, please and join us in the pledge of allegiance. And I will ask everyone to remain standing if you would, and join us in a moment of silence for the 2976 Americans, who died sixteen years ago, this evening. Thank you, you may be seated. I will go over, the practice that we follow here at the Zoning Board. I will begin by reading the agenda, and we will take the case in the order in which they appear on the agenda, we will then call each petitioner or owner up in that same order, ask him or her to present their case, for the zoning relief that is being sought. If you have any other witnesses, expert witnesses or other witnesses, you will present them at that time, after the petitioner finishes with his or her presentation, I will poll the audience, such as it is, and ask if there are any members of the public who wish to speak either in favor or opposition to the given petition, at some point, on motion, we will close the public hearing and no further testimony or evidence will be taken, members of the board may have questions of any of the witnesses and that we ask any questions, be answered as honestly and as comprehensively as you can, I ask that all questions be directed to the chair, and not engage in a conversation among the petitioners and members of the audience. It is our practice, although it is not required to take a vote on each petition this evening, when the vote is taken, it will be reduced to writing and posted in town hall, from the date of posting, anyone who is, who has standing as that term is defined in the Mass General Laws, has the right to file an appeal with the courts of this state in Taunton. If anyone chooses to avail themselves of that right, I simply caution you that there are very strict limitations including time limitations to filing appeals, so I caution you to familiarize yourself with the Chapter 40a of the Massachusetts General Laws in that regard or consult with legal counsel if you so desire. Having said that, the matters that are down for hearing this evening, is case number **2017-41 Richard & Marjorie Bradley**, 85 Bradley Street, Seekonk, MA 02771 Owners/Petitioners, requesting a **Special Permit** and or **Variance**, under Section 5.1.4 of the Town of Seekonk Zoning Bylaws for relief from the minimum required frontage of 200' to 50' at 0 County St, Plat 5, Lots 12 & 19 in an R-4 zone, containing 5.95 acres. Is someone here on the Bradley petition? Next on the agenda is case number **2017-42 Keven S. Costa**, 40 Coolidge Street, Seekonk MA 02771, Owner, Kyle Rose 30 Wagonwheel Road, Seekonk, MA 02771, Petitioner, requesting a **Special Permit** and or **Variance**, under Section 5.1.4 of the Town of Seekonk Zoning Bylaws for relief from the minimum lot size requirements of 22,500 sq ft to 10,000 sq ft in order to construct a 12' x 21' steel enclosed carport at 40 Coolidge Street, Plat 24, Lot 365 in an R-2 zone, containing 10,000 sq ft of land. Is someone here on the Costa petition? Thank you then that would be all we have for public hearings this evening, we do have a regular session for new business for approval of our minutes from the July 10, 2017 meeting, and at some point we entertain a motion to go into executive session, but we will deal with that at the end of public hearing. Having said all that, first matter up this evening is 2017-41, Richard and Marjorie Bradley, and I do have a letter I was just handed, signed by Richard and Marjorie

Bradley, signed individually, I'll just synopsise it for the record, but we will put this into the file and into evidence, it is addressed to me as chairman of the board, the Bradley's are in Colorado this evening and they authorize their daughter Emily Ambrose and her husband Gregory to represent them on the appeal for the variance, for the subject property at this meeting, and we the board has no objection to that, so without objection the letter can be submitted for the record. And Mr. or Mrs. Ambrose, or both of you, if you would step forward please.

E. Ambrose: Good evening.

Ch. Ross: Good evening, who is going to be speaking?

E. A: I think both of us for now, if that is ok?

Ch. Ross: Okay, would you both raise your right hands please, and do you solemnly swear or affirm that the testimony you are about to give, in the matter before this board will be the whole truth.

E. A: I do

G. Ambrose: I do

Ch. Ross: Having said that, why don't you let us know what you want to do and what your basis for the request is please

E. A: We are hoping to build a small lot in the lot, a small house and a garage, and we are hoping to get the frontage, the variance request, special permit so we can limit the frontage from the 50' which we only have, I know Seekonk has a 200', but that is what we are hoping to get. I don't know if you got a chance to look at it, but my father put his supporting statement in the application.

Ch. Ross: Uh huh

E. A: Did you look at it all? I think it sums it up really well; it also created a timeline of when all the land was broken up and sold. He just really wanted me to convey to you that it was sold off in a manner that we had nothing to do with now, and it's just kind of the way the parcel is set up, happened way before we had any input. Would you like a copy of the timeline, to help you?

Ch. Ross: You can submit it, if you want, I think we have it from the chain of title cards, but if you'd like to submit that, we'll be glad to take it.

E. A: It summarizes that, in 1948 it was sold off, next before lot 19 was acquired to give access to County St, and then in 1970's it was split up again, and my grandfather received lot 12, and then also the 10' strip from lot 19.

Ch. Ross: Do you want to submit that into evidence?

E. A: Yeah,

Ch. Ross: If you would just approach, let me have it that would be great, without objection petitioner's exhibit number 1, that's the timeline of the conveyances that Mrs. Ambrose just recited. If you know, or was, John M Burgess part of your family, does that name...?

E. A: I don't know

Ch. Ross: How about...that's a mortgage, I don't care about that, ok, that's fine, I just asked the question.

E. A: Just I don't know if sentimentality comes into it, but we're hoping to be closer to my parents as they get older, they will be literally a quarter mile down the road, so that would be fantastic, but for lack of a better word, we're both townies, we grew up in Seekonk and would love to come back, and have our townie pride, be active participants in the Seekonk community, so.

Ch. Ross: Ok, I'll synopsise your Dad's attachment for anyone in the audience that may be interested. The Bradley's purchased this large what was formerly the Bradley Farm, and over the course of time, various parcels were conveyed out to family members, as I understand it, and when all of that was done, the parcel in front of us this evening, that's what's left, everything else has been conveyed out, and this parcel now sits, owned by your mother and father, but you're the ones who want to build a home on it, so if this is approved, presumably they will be conveying this roughly 6 acres to you.

E. A: Yes, and also, like my dad, I think he summed it up really well, that it will still be in the spirit of that zone, in keeping the field and along County Street, and keeping that tone,

Ch. Ross: And you have quite a bit of wetlands on the rear of the property, so you are going to have to deal with that in terms of your construction site, but that is not our jurisdiction. Ok, so basically what you are looking for is the parcel has 50' of frontage a portion of which is encumbered by a right of way that someone else has for access purposes then the lot opens up in the back to the remaining 5.85 acres. Ok. I've got it. Have any to add Mr. Ambrose?

G. A: She says it much better than I could.

Ch. Ross: Any members of the board have any questions or observations?

G. S: Do I understand this correctly, that this all occurred, prior to zoning?

Ch. Ross: I would expect so, the I have deeds in the Bradley family

G. S: 1943

Ch. Ross: On the chain of title card going back to 1913

G. S: Yeah

Ch. Ross: So it appears it came into the Bradley family somewhere around at least no more recently than 1913, and then there were conveyances out in 1928, 1968 and this is what's left.

G. S: But the 50' always there, going back to, pre-dates zoning, right?

Ch. Ross: Yeah, I can't, let me see, 1913, let me see, the abutting lot that fronts on County Street, where it says Ruth Bradley and Louise Ross on the plan,

G. S: Yes

Ch. Ross: That was conveyed out to those people; actually it came out of estate in 1979. Came out of one of the Bradley's estates it was a deed, but it came out of the estate so when the decedent took title I can't tell that from these records.

G. S: I had requested through Bridget and I think she worked with the assessor's office, that from what everybody could determine that that 50' has been there forever,

Ch. Ross: Could very well be

G. S: And there was never any more than 50', so the point being, that if it pre-dates zoning, then it's

Ch. Ross: And it's a classic case of hardship, they have absolutely no use for the land, without the granting of the relief, so they have lost all use of the land, without the zoning relief.

G. S: As crazy as it sounds, having a hardship and coming before us is a good thing.

Ch. Ross: The hardship is not yours; it's a hardship on the land.

E. A: I know it's, excuse my lack more sophisticated vocabulary, but it would be so cool to live on family land that goes back that far.

Ch. Ross: That's a term of art, cool. Any other questions, observations of any members of the board? Do you have any other witnesses to present? Or further testimony, or further evidence? Ok, why don't you take a seat, let me poll the audience, and see where we go.

E. A: Thank you

G. A: Thank you

Ch. Ross: Is there anyone in the audience who wishes to speak in favor of the Bradley petition? Sir, in the middle

P. Nunes: Hi I'm Paul Nunes, 920 County St. I live across the street from the 50'

Ch. Ross: Hold on a moment, would you raise your hand please, and do you swear or affirm that the testimony you are about to give in the matter now pending before this board, will be truth?

P. N: I do,

Ch. Ross: Go right ahead.

P. N: Paul Nunes 920 County Street, I live across the street from the 50' in question. And I am in support of this. I am aware of the Bradley's they actually owned 440 acres of land that they purchased, that Mary Bradley purchased in the 1880s and so that was the farm that was on both sides of the street. I live in an old Bradley house, the house for Louise Ross and Ruth Bradley that you were talking about that was built in 1903. So it goes back a little bit further than what you have on record. But it is old family land and being across the street, I don't have an issue because there is going to be a long driveway into the back, and it will be somewhat secluded. And I know that they will do a good job in keeping up the spirit of the neighborhood. So I am supporting that.

Ch. Ross: Ok, thank you sir. Ma'am, step forward please, your name and address for the record, please.

K. Kearney: Kristen Kearney 905 County Street. I have the house right in front,

Ch. Ross: And would you raise your right hand, and do you swear or affirm that the testimony you are about to give in the matter now pending before this board, will be truth?

K. K: Yes

Ch. Ross: And..

K. K: My biggest concern is having, this is my backyard, and my biggest concern is that it couldn't be changed into multiple houses. If that really is only good for one lot and I had heard, and in some discussion that for every foot you give relief on, they have to make the lot size bigger, is there something like that you could speak too? Once they get this variance, for one house, I just want to make sure that we don't get a subdivision back there, later on, that's my only concern back there. (INAUDIBLE)

Ch. Ross: Yeah, when you say for every foot of relief,

K. K: I thought that there is no lot size change, or something?

Ch. Ross: That I am unfamiliar with

G. S: The 6.10 waiver, yes

Ch. Ross: Yes

G. S: They are in a hardship, and the special permit, if it is granted we can stipulate a single family home.

K. K: That's what I'd really like to see done, that is my biggest concern. Okay, thank you very much

Ch. Ross: Let me inquire, Mrs. Ambrose, you don't have to come back to the podium if you don't want, are you prepared this evening to stipulate that this your home will be a single family home,

E. A: Absolutely,

CH. Ross: And if we grant this petition, and we make that a stipulation of the grant, you're fine with that?

E. A: Absolutely, and just based off what we know about the land so far, I don't think there would be enough, buildable land,

Ch. Ross: The wetlands I think probably prevent it.

R. R: Stipulate it, as one home, too.

Ch. Ross: Yeah

R. R: As well as single family.

Ch. Ross: You want to speak also, sir, you're all set? Anyone else want to speak in favor of this petition? Hearing none, is there anyone in the audience who wishes to speak in opposition to the petition? Hearing and seeing none, one more time, anyone want to speak on this petition in any way at all? Any members of the board have any further questions?

S. H: I don't

Ch. Ross: You do?

S. H: I don't

G. S: I move we close the public hearing.

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

S. H: Second

Ch. Ross: All those in favor of closing the public hearing signify by saying aye, aye, opposed no, ayes have it 5-0. Public hearing is closed. Do I have a motion on the petition for the special permit for relief from the frontage requirement for the subject property?

G. S: I would move we grant it with the stipulation that it would be one dwelling unit, only, single family, and one house

Ch. Ross: One house, and only single family

R. R: Second

Ch. Ross: Do I have any discussion on that motion? Ok, all those in favor, of granting the special permit with the conditions that were contained in the motion? Signify by saying aye, aye, opposed no, ayes have it 5-0 nothing, good luck.

E. A: Thank you,

G. A: Thank you

Ch. Ross: When they get back from Colorado, tell your parents you did a really good job.

G. S: They can watch the meeting; it's being taped, right?

G. A: Thanks Bridget

Ch. Ross: Next matter up, 2017-42 Keven S. Costa, 40 Coolidge Street. You're Mr. Costa?

K. Rose: No, I'm not I'm Kyle Rose

Ch. Ross: Kyle Rose, I'm sorry, the petitioner. Come forward please, and would you state your name and address for the record, please?

K. Rose: My name is Kyle Rose; I live at 30 Wagonwheel Rd, Seekonk

Ch. Ross: And your relationship to the owner?  
K. Rose: I am actually purchasing and closing on 40 Coolidge this Friday.  
Ch. Ross: Oh, okay. Unless I misread this, I have an issue with this application. The side yard setback, did I misread that? Where they're going to put the proposed carport building?  
G. S: Typically on an undersized lot, all you need is a special permit, that can include,  
Ch. Ross: But shouldn't he request it?  
G. S: A variance you mean?  
Ch. Ross: So our practice is, if there's a petition for a special permit for the undersized lot, that they got zoned out of, which I understand, this board doesn't concern themselves with the side yard setback?  
G. S: No, we've always just given special permits.  
Ch. Ross: Ok, I'm okay with that. You know, still acclimating myself a little bit sometimes. Okay, go right ahead sir. Did I swear you in?  
K. Rose: No  
Ch. Ross: Would you raise your right hand please, and do you swear or affirm that the testimony that you are about to give in the matter now pending before this board, will be the whole truth?  
K. Rose: Yes, I do.  
Ch. Ross: Go forward, please  
K. Rose: As purchaser of the home, there is very little storage space, it is actually a 12 x 21 12 gauge steel, so I think you read it was 12 x 12,  
Ch. Ross: The plan says 21'  
K. Rose: Correct  
B. Garrity: It was changed, the application was correct.  
Ch. Ross: So it is only the coversheet that is wrong?  
B. G: Correct  
Ch. Ross: 12 x 21  
G. S: The legal, the agenda says 12 x 12, how was it advertised  
B. G: It was advertised, it was changed to 12 x 21,  
Ch. Ross: Let the record reflect that the legal ad for this public hearing reflects that the proposed steel enclosed car port will be 12 x 21'  
K. Rose: So, it's one of the only houses on the street that doesn't have one. What I'd like to do is utilize it, it's a car port it doesn't have the rounded sides, it's actually all enclosed, it's very pretty, there should be a picture in there of it as well, it's exactly it, it would fit in perfectly with the neighborhood, so it's not in doing anything to change the character of the neighborhood at all. From what I understand, the zone itself, all the lots on that street, I guess it pre-dates zoning, is that correct term? So I'm just looking to just fit in the neighborhood and get some storage.  
Ch. Ross: I just want to confirm that photo is a fair representation of what you're looking to put up there?  
K. Rose: Absolutely,  
Ch. Ross: And it is all steel, correct?  
K. Rose: yes, 12 gauge, it comes with a 20 year warranty as well.  
Ch. Ross: Okay

S. H: What does it just get dropped there? Or do they build it?

K. Rose: No, what actually, it gets erected, it comes from what I understand North Carolina, and when there's enough people in a particular area what they do is they just ship it up and gets put together on site, and it gets anchored, from what you can see, from the anchors, I believe that is in there as well, it is either anchored to a slab or to a mobile home, it's like a mobile that you, it goes down 30" with the mobile home anchors.

Ch. Ross: Any members of the board have any questions of this witness? It's pretty straight forward. Do you have anything else that you want to submit.

K. Rose: If I'm missing something, please feel free to ask, I believe that's it, it's just putting up of a, it's a little bit more than I believe of the square footage, which is why I needed to go in front originally, I thought it was an R-1 zone, and it would have been perfectly fine, the setback on the side, I believe it is 13' feet, I could move it over to the 15', I couldn't get that in R-1,

Ch. Ross: In an R-1 it's actually 20 now,

K. Rose: There is an existing walk way there that I'd hate to tear up.

Ch. Ross: That is reflected on your plan, I saw that. You're about as far over as you can get to the principal structure. Why don't you take a seat Mr. Rose, and I'll poll the audience, for the record, is there anyone in the audience who wishes to speak in favor of this petition, hearing none, seeing none, anyone in the audience who wishes to speak in opposition, hearing none, seeing none, do you have anything further, Mr. Rose? You're good, can I have a motion, on the public hearing.

G. S: I move we close it,

S. H: 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. Do I have a motion on the application for relief itself?

G. S: Move we grant the special permit as submitted.

Ch. Ross: Do I have a second?

K. R: Second

Ch. Ross: Do I have any discussion on the motion? Hearing none, all those in favor of granting the petition for special permit for the undersized lot, signify by saying aye, aye, opposed no, ayes have it 5-0. Good luck Mr. Rose, I hope your closing goes smoothly. Ok, that is the end of the public hearing for this evening, under new business approve the minutes of the July 10, 2017,

B. G: We do not have those

G. S: So then let's not approve them then

Ch. Ross: So we will continue you that, I thought I hadn't read them, We will continue that matter until after the minutes are prepared, having said that, I hereby declare that under General Laws chapter 30a section 21 the purposes of the executive session will be to discuss litigation strategy and to conduct one or more potential votes regarding litigation known as Ronald J. DiPietro, et al, vs. Keith W. Rondeau, et al, Bristol County Superior Court, CA 2013-00966 which is an appeal of the September 19, 2013 final action of the zoning board of appeals, to grant the appeal of Mr. Keith Rondeau from the failure of the zoning enforcement officer to respond to Mr. Rondeau's enforcement request to limit the commercial activities

at 400 Taunton Avenue as conducting the discussion in open session would have a detrimental impact on the position of the town and the board, Having made that declaration, I will entertain a motion

K. R: Mr. Chairman, at this time I will recuse myself from further proceedings.

Ch. Ross: Absolutely correct

G. S: Would you please close the door on the way out?

Ch. Ross: And we will see you at the public hearing next Monday, presumably but you will not be sitting.

K. R: Correct

G. S: Mr. Chairman, based on you reading I would move that we go into executive session for that purpose and not to reconvene in open session at the conclusion.

Ch. Ross: On that motion, is there a second?

S. H: Second it

Ch. Ross: I will take a roll call vote on that motion, madam secretary

B. G: Chairman Ross,

Ch. Ross: Aye

B. G: Mr. Sagar

G. S: Yes

B. G: Mr. Halajko

S. H: Yes

B. G: Mr. Read

R. R: Yes

Meeting Adjourned 8:30pm