

**SEEKONK ZONING BOARD  
REGULAR MEETING  
MINUTES**

**OCTOBER 16, 2017**

Present: Ch. Roger Ross, Gary Sagar, Frank Braga Shane Halajko, Robert Read

Ch. Ross: It is now 7pm on Monday October 16, 2017; the Town of Seekonk Zoning board of Appeals is now in open. Before I read the agenda, I would ask that everyone in the audience, please stand and join us in the pledge of allegiance.

\*\*\* All say pledge\*\*\*

Ch. Ross: Thank you, before I read the agenda, I would like to go over our practice and procedures, in front of the Zoning Board. I will read the agenda; we will take matters in order in which they appear on the agenda this evening. We have two matters for public hearing and we have some regular business, which is simply the approval of minutes of previous meetings. Once a matter is called I will ask the petitioner or owner, as the case may be to simply appear and either directly or through counsel, state their matter, the relief they are looking for and to make their case, as they deem fit. During the course of presentation, members of the board may have questions of the witnesses or the attorneys representing them. We simply ask that those questions be answered as comprehensively and as fully as possible. I ask that once we take comments from any members of the audience members, who have questions on given case, that any questions be directed to the chair, and not engage in conversation or colloquies among audience members so that we can keep some control and have a sense of order of things. At the close of the presentation of a given case, I will simply ask if there are any members of the audience who wish to speak either in favor or in opposition to given petition and if so, I will ask those people to come forward be sworn in and to make their statements or ask their questions, as the case may be. We are not required to make decision on a given case this evening, but it is our practice to do so, there may be circumstances that we will not vote this evening, and if that arises I'll go into that more, at that time. I simply want to caution any members who are parties in interest in a given case, that if we do vote tonight, and anyone feels, whether it is the petitioner or any opponents, or proponents wish to file an appeal with the courts of appropriate jurisdiction in the Commonwealth, you are certainly free to do so, but there are time constrains that are very important and must be strictly followed, and I simply caution you to be either be aware of requirements of Ch. 40a, MGL or, at your discretion, if you chose counsel to do that on your behalf. Having said that, we have two matters before board this evening, first matter is **2013-12 Keith Rondeau**, 17 Shady Lane, Seekonk, MA, Petitioner by Donald MacManus, Esq., 309 Taunton Avenue, Seekonk, MA, further hearing on petitioners petition with respect to request for cease and desist order relative to activities on and behind the premises at 392, 394 & 400 Taunton Avenue, Plat 19, Lots 434-440, 490-491, 465-471, 525-526 and 487 in a Local Business and R-1 Zone. The matter is on for hearing upon remand by the Bristol County Superior

Court. And I'll inject here that this matter was convened on 10/2 of this year, and due to an absence of a 5<sup>th</sup> member of the board, the meeting was convened, but then continued until to this evening, so it is still same hearing that was done on 10/2. I see Mr. Navega; I assume that Mr. Rondeau is by counsel, so that matter is ready. Next matter is **2017-44 Eleanora & William Rezek**, 120 Jacob St. Seekonk, MA 02771 Owners, Jacob Hill Properties, 143 Otis Street, Hingham MA 02043 c/o Robert Longden, Esquire, Petitioners requesting a **an Appeal of the Zoning Enforcement Officer's letter, dated September 5, 2017, and a Special Permit**, under Sections 1.3 and 4.2.2 of the Town of Seekonk Zoning Bylaws to open and operate a Sanatorium located at 120 Jacob Street, Plat 17, Lot 124 in an R-4 residential zone with lot frontage 283.35', containing 5.1 acres. And someone is here on that matter, I take it? And we do have the regular session on the approval of minutes. So, before we get started on the first matter, and that is the Rondeau matter. I do have some remarks that I would like to put into the record, just as a matter of transparency because this is a matter that was initially heard in 2013, so I think a brief history of where we have been and how we've gotten to where we are tonight, is important. At initial hearing in 2013, the petitioner Keith Rondeau was represented by counsel Donald McManus who is present this evening. And the owners were represented by counsel also Steven Navega, on the petition public hearings were conducted on July 1, 2013 at which time a continuance was granted to August 5, 2103 and also to September 9, 2013. At a public hearing documentary evidence was submitted by both counsels on behalf of their respective clients arguments made and heard by both attorneys and heard by the board. Testimony was heard by several members of the public on the merits of the petition and the underlying facts and circumstances of the usage of the property initially. At the close of the public hearing, comments and observation were made by members of the board, thereafter member Roger Ross suggested proposed findings of fact and proposed conclusions of law both of which were based upon the evidence submitted to the board both testimonial and documentary. Thereafter upon motion duly made, the board adopted the proposed findings of fact and conclusions of law, and thereafter upon motion duly made by a board member, by a vote of 5 in the affirmative and 0 in the negative voted to sustain the petitioners appeal and reversed the decision of the building inspector / zoning official at the time. The decision of the board found that seven uses on the owners property were in violation of the zoning by-laws, and I simply want to recite what the five violations that were found by the board at the time were, first was commercial storage of septage waste, second commercial transfer of septage waste to and in between vehicles, third maintenance of septage hauling vehicles, four commercial storage of portable toilets, five pumping and maintenance of portable toilets, six storage of building materials for commercial purposes and finally seventh and storage of commercial vehicles. And in due course a decision was reduced to writing and posted and the owners timely filed an appeal at the Superior Court of the Commonwealth, on July 17, of 2017 the appeal was reached for trial in the Superior Court of the Commonwealth in New Bedford, all parties and counsel were present when the matter was reached for trial. On that date, or prior to the beginning of trial all parties agreed that the first five violations

contained in the board's decision all of which related to septage waste and septage material and Town Sanitation's use of the property, were agreed to by the appellants (DiPietros) and the court order was entered by the judge Hopkins, at that point. So the five violations that were found relative to the septage waste, septage storage, septage transfer are not being heard this evening. That's been decided the entry of a court order. In short, it's now the law of the case. Also on July 17, Judge Hopkins, rather than go to trial on the remaining two issues, remanded the matter to this board, and directed that all parties in interest meet to see if they could resolve the remaining two issues. If there was a tentative resolution of the matter, then there would be a public hearing, where presentations were made and if appropriate a vote would be taken of the is board, that's why we are here this evening. It's important to note that the court did however retain jurisdiction of the case so that if a final resolution couldn't be made or if a tentative resolution was reached after consultation with the parties in interest, but the board at the hearing, the evidence or any further evidence did not approve the proposed settlement, the matter would simply go back to court, there would be no new appeal, it's simply still within the jurisdiction of the court. So the purpose of hearing tonight, is I will set out appropriate time, the proposed terms of the resolution, they were very tentatively reached. We'll hear testimony and arguments, if anyone wants to make any for the parties in interest. We will certainly hear from members of the public, again with the proviso that we are limited to the last 2 matters that were found to be violations back in 2013. We will not hear any testimony or any comments on the Town Sanitation, or the septage issues. At the close of the public hearing we will proceed in our normal course of order, with any members of the board asking questions making comments, and I would assume that we would vote this evening, but as I said in opening statement, we are not required or we may not necessarily do that. Having said that, I think it's probably the appropriate time, to simply recite for everyone and particularly for Mr. Navega and his clients and Mr. McManus and his client, to confirm that I have this right. The tentative resolution subject to further approval is that, I ought to point out; by the way, as I read agenda, this property is both Local Highway Business and Residential. There is a zoning district line that runs parallel to Taunton Ave approximately 300' from Taunton Avenue that creates the zoning district line. From Taunton Avenue to that zoning district line is local business, and everything behind that which is significant distance is residential in zone. So the first that tentatively agreed upon was that storage of commercial vehicles would be permitted in the local business zoning district but not in the Residential district. Subject to the following conditions: one; no storage of fuel tankers, no storage of hazardous materials tankers will be allowed in the Local Business District. Two; that temporary storage of building materials for commercial purposes would be permitted in the Local Business District on a temporary basis. The land owners would plant 6' tall trees, we discussed white pines, along the boundary lines in Local Business and Residential zone to create a screen and that they would create a natural fence or screen between the local business and the zoning district. Do I have that right Mr. Navega?

S. Navega: Basically yes

Ch. Ross: Ok, if it's only basically why don't you address when we get that. Mr. McManus is that your understanding, as I read it?

D. McManus: Yes, as you read it.

CH. Ross: So having said that,

G. Sagar: Mr. Chairman, on the record, if it's appropriate I would object to the tentative findings, 'cause 1 member represented 5, and I discussed this with you before, and I do not support the tentative.

Ch. Ross: Well, as I've told you before and I'll say it again, on the record, and I understand objection. When we were in New Bedford in July we were directed by court to do precisely that assuming that all parties were willing to do so, all parties were willing to do so the reason and again for the record, I was the person who attended on behalf of the board, the one person the reason we had only one, and we were able to have a maximum of 2, was because of the existences of the open meeting law in Massachusetts and this was conference to see if we could reach some type of tentative resolution. We were so directed by court, and based upon that direction that's the reason that we did it and why I certainly agreed to participate, I wasn't going to ignore the directions of Judge Hopkins.

G. Sagar: I certainly, Mr. Chairman, respect your role and following the directive of the court, but, so note my objection, please.

Ch. Ross: So noted. Having said that, the petitioner in this case was Keith Rondeau, Mr. Rondeau or Mr. McManus, you're up. And if you would please, identify yourself and your address for the record.

D. McManus: Donald McManus, I'm an attorney with an office at 309 Taunton Ave here in Seekonk. I think the chairman has more than adequately described the situation we are in. We were set to go to trial. The judge ordered all the septage issues would in agreement with board's original ruling. We have these two other issues, we have come to wording that was satisfactory to my client and I believe to Mr. Navega's client, and now it's up to the board to decide whether the board is satisfied with that wording.

Ch. Ross: If I may just ask Mr. McManus, do you have any dispute, with the way that I stated the tentative resolution that was reached?

D. McManus: No,

Ch. Ross: Ok and at least speaking only to your client, your client is in agreement with what was decided?

D. McManus: Yes

Ch. Ross: And you and your client both participated in that conference, that we were directed to have, is that correct?

D. McManus: That's correct.

Ch. Ross: Do you have anything else at this point?

D. McManus: I have nothing to add if anybody has any questions.

Ch. Ross: I don't at this point; you can take a seat, Mr. Navega, if you'd please

S. Navega: Good Evening, Steven Navega lawyer with an office address of 447 Taunton Avenue. I'm here on behalf of the DiPeitros tonight. But I will suggest this to you that, what you said was succinct and to the point, however it is not verbatim, if you recall correctly and the viewing public should understand and all the people here

should understand this that this case is 4½ years old. I was going to introduce this by saying I was pleased to be here tonight to address the board and say we have an agreement, because that is what we had, an agreement. No I know it's subject to zoning board approval, but I will say this, everybody that was at all hearings that we had, we had give and takes, hearings upon hearings, conferences on top of conferences, court hearings, more than one, many times over 4½ years. Now this case has cost the taxpayers, the Town of Seekonk taxpayers thousands and thousands of dollars including all the participants, the plaintiffs and the defendants Mr. Rondeau. This has been litigated, and litigated and litigated, we've had at the various meetings and at the coclutory meeting on July 17 when we met at Superior Court, I take offence to Mr. Sagar's description that it was one person representing the town, that's not exactly it. The chairman of the zoning board was there representing the town, along with town counsel and along with the chief defendant, Keith Rondeau and his lawyer Mr. McManus. Keith Rondeau was aggrieved the party, so to speak. This started out as an odor problem that was resolved, 1-5 in the decision was resolved by the Superior Court, everybody agreed to it, it was resolved. We also agreed to this, after the conclusion of the July 17 meeting we had another meeting in august, you were present, Jackie Cowen of town counsel was present Keith Rondeau was present, the DiPietros were present, I was present and Don McManus was present and we agreed, again in principal to what we talked about in Superior Court. And this was the exact language we agreed to "1. Storage of commercial vehicles would be allowed in the local business zoning district subject to the following conditions, no storage of fuel tankers, no storage of hazardous material tankers would be allowed. 2. Temporary storage of Building materials with commercial purpose would be permitted in the local business zoning district and 3. Trees will be planted along the boundary line between the residential and local business district to be 5' tall at planting time, and sufficiently close to create a natural fence or screen. So anything different that agreement is offensive to me because that is what everybody agreed to. Keith Rondeau an abutter the chief defendant in this case, agreed to it, he was there everybody agreed to it. It's perplexing to me, to be addressing the board tonight, thinking that we don't have an agreement, and I would not want the board to be swayed by a minority member of this board who was not present at any of the meetings, or any of the hearings, to suggest anything different than an agreement. I would urge you folks to conclude this meeting and vote to accept this agreement that we've put lots of time, effort, energy and expense over 4½ years into place tonight. You know this has had a tremendous adverse effect on my clients, both financially and emotionally. It's unbelievable to me, really to think, that it's not going to go forward tonight on an agreed basis, we've spent too much time, effort and energy over the course of the years. I think everyone would agree that the Town through the Zoning Board, cannot restrict, I shouldn't say cannot restrict, cannot do away with all commercial activities in a Local Business zone, this is a perfect solution to the problem it's fair, reasonable fair and equitable to all parties. So if I can have a follow up, after you've had your discussion, I'd be glad to answer any questions right now.

Ch. Ross:

I have a couple of comments on what you just said. 1, I listen very carefully to what you said the conditions were on local business and I didn't hear them being any

different, from what I said expect for your words may have been different, but I believe the substance of verbiage were the same. I know that you know, as well I know, that none of the participants in the August conference, although we reached a tentative agreement had the authority to bind board,

S. Navega:

I understand

Ch. Ross:

Ok, and you know that, and I simply want to observe for the record that even though this has been prolonged litigation and it's been 4 plus years, and your client has been in full compliance with the decision of the board at that time. And waited until such time as we did, get where we are this evening, the final thing that I did not mention in our agreement and I want you to confirm this, because I believe it to be so, is that your appeal to superior court had two counts, one was the appeal of this decision and the other was the constitutional claim, or the taking and part of this agreement was if we resolve the decision of board that was appealed that count two or the constitutional claim will be dismissed.

S. Navega:

Dismissed, correct.

Ch. Ross:

So having said that, unless any members of the board have any questions, of Mr. Navega, I don't at this point. No? So if there are no comments. Anything further Mr. McManus, at this point?

D. McManus:

Yes, Mr. Chairman, I just want to make sure that we all agree on that there would be no commercial vehicles in the residential zone.

S. Navega:

Correct

D. McManus:

Ok, that's fine.

S. Navega:

You know the other thing to take into consideration is the thought process of the zoning board. In my opinion, the zoning boards, quasi-judicial, it's your case, not mine. But the thought process should be this. If Keith Rondeau is the chief defendant and most offended and speaking for his neighbors, most offended by the odor process and odor complaints back in 2015, and that's been resolved and he was present and he agreed to it, the thought process should be if Keith Rondeau is ok with it, the Zoning Board should be ok.

Ch. Ross:

Understood, your position. Having said that let me simply poll the audience. Is there anyone who wishes to speak in favor of, well it's not even in favor, does anyone want to address the Rondeau matter, anyone in the audience at all either affirmatively or negatively? Does anyone have any comments?

Hearing not and seeing none, and I'll ask one more time of respective counsel, do you have anything else to say at this point? Because I am going to ask for a motion to close the public hearing.

D. McManus:

No, Mr. Chair.

Ch. Ross:

Having said that do I have a motion to close the public hearing?

G. Sagar:

So moved

Ch. Ross:

By Mr. Sagar a motion. Do I have a second?

S. Halajko:

Second it

Ch. Ross:

Seconded by Shane, do I have any discussion on the motion, hearing none, all those in favor of closing the public hearing, signify by saying aye, Aye, opposed no, ayes have it 5-0.

Ch. Ross:

Any member's of the board have any comments or observations on the pending matter?

G. Sagar: Yes, Mr. Chairman.

Ch. Ross: Yes, Mr. Sagar.

G. Sagar: Well I think Mr. Navega's comments make great theatre, I take a little exception too, because I was not at the court and not at the meeting you had. But I've been involved in this case since its inception going back to 4.5 as far as, because the appellant if you will is satisfied with half of the decision. The fact remains we're dealing with a bylaw that was in effect 2013, in a Local Business, and it expressively says, Local Business, retail stores and services establishments other than restaurant and mini storage facilities. So I don't know how this board can issue special permit for storage, when it is expressly not allowed in the local business. And going forward that's been clarified and with the latest bylaw that's always been an industrial use, and if you look in the current by-laws in the definitions, it says storage, it particularly says in parenthesis (as an industrial use), so I don't see the correlation of existing business of the DiPietro's there, to correspond to an additional use of storage of construction materials. So I would be voting no, on what's fair to say, what's listed as item 6 in the original decision.

Ch. Ross: Just one observation on what you just said. Just keep the record straight, we are not going to issue a Special Permit. This was an appeal of the decision of the building inspector, that there were violations of various sections and it's basically our reversing the decision of the building inspector in effect coupled with the resolution of the litigation, which is in front of the board tonight. I think that is correct.

J. Cowen: Your first decision would reverse the decision of the building inspector

Ch. Ross: That's correct

J. Cowen: So this would be upholding the decision.

Ch. Ross: In effect that's what this would be doing. This would be revisiting the decision of the building inspector on the two remaining items, whether to put another way, whether the board based on the travel of this case, where we are, and in order to resolve the resolution in effect, in laymen's terms change our minds and sustain the decision of the building inspector, that this is the legal non conforming use.

G. Sagar: So it doesn't change the final outcome, Mr. Chairman, that the local business zone at the time did not allow storage. So that's my...

Ch. Ross: I understand your position; I just wanted to say for the record, exactly what we're doing. Because there is no petition for a special permit.

G. Sagar: And we are, and it's the 2013 bylaw that is relevant

Ch. Ross: That's correct, I agree with that. Is there anyone else who wishes to speak on this issue at all? Bob?

R. Read: I think in suggested agreement, there could be some questions on the number of vehicles, the size of vehicles, the amount building materials, kind of building material, I think there could be questions about that, but on the other hand. We have 2 parties in full agreement with that we have before us, and I don't see the problem with that.

Ch. Ross: Before I ask for motion, I don't want anyone to be blindsided here. I did speak with counsel, not this evening, earlier, this is in effect, and this is my understanding, so please correct me if I'm wrong, Jackie, ok? This is not a petition for zoning relief for either a variance use or dimensional or for a Special Permit, this in effect revisiting the decision of the Building Inspector of 2013, consequently any vote of

this board on a motion, assuming it's a motion to approve a tentative resolution, does not require a super majority, but a simple majority of 3 votes, of the present members.

J. Cowen: That would be consistent with the 40A yes.

Ch. Ross: Is that correct?

J. Cowen: That's correct.

Ch. Ross: Having said that, so everyone is aware

G. Sagar: Mr. Chairman, would it be proper to solicit the opinion of the current Building Inspector? He is the one that is going to have to enforce this.

Ch. Ross: I don't think so, but, we are dealing with the decision of the Building Inspector that was in front of us in 2013, and the 2013 decision, just like the 2013 by-law is what we are dealing with now. I don't see any need to reopen it to see, what Mr. Abelson's view of that is, and that's my sense. what I said earlier is we would, in effect revisiting the 2013 decision of the then, Building inspector that the use is an issue were a legal non conforming uses so if we vote to approve the tentative agreement, in effect we are finding that the two remaining issues numbers 6 & 7 were in fact legal non conforming or grandfathered in, in layman's terms and that's were, that would the posture of the use of land going forward, if we approve it.

G. Sagar: Which makes no sense whatsoever?

S. Halajko: Mr. Chairman, I have a question for you?

Ch. Ross: How does it make no sense?

G. Sagar: Because that it's legal non conforming,

Ch. Ross: That was the finding of the building inspector in 2013

G. Sagar: That we overturned

Ch. Ross: That we overturned, that's correct.

G. Sagar: Now it'll be overturned again if that's the will of the board,

Ch. Ross: If it's what, please?

G. Sagar: The will of the board,

Ch. Ross: In effect we are revisiting our decision of 2013 as to those 2 remaining issues, that's correct. That's what I'm understanding that we're doing.

J. Cowen: If the board votes to do, yes.

Ch. Ross: Votes to do.

S. Halajko: I have a question, Mr. Chairman,

Ch. Ross: Go ahead, as the question.

S. Halajko: My question is real quick, do both parties agree on this tentative agreement?

Ch. Ross: Both parties, you mean the land owner and Mr. Rondeau?

S. Halajko: Yes

Ch. Ross: Ye. Now we do have options. We can approve or not approve the proposed settlement of the litigation, which would be in stone, because if we vote to approve that, that too would become part of the court order. I don't think we need to find it is Legal non conforming use, we can simply resolve the litigation, but then it would become part of the court order and at the end to the day I think it is a distinction without a difference, but that's my view.

G. Sagar: So we're going to take two separate votes on these?

Ch. Ross: I don't think it is necessary,

G. Sagar: I do



Ch. Ross: We can take two separate votes

G. Sagar: I would request that.

Ch. Ross: That's fine. If I get motion, the public hearing is closed, any other questions, by any members of the board? Ok, so, I guess the way to frame is if I could have a motion on this boards 2013 decision as to the reversal of the building inspector's decision in her letter from that time, finding that the uses on the property in issue and I think she found them grandfathered in, if you don't want to use the term legal non conforming. They were grandfathered in, is that the issue you had correct?

G. Sagar: Yes, you're talking about two building inspectors, at least, are you talking about Mr. Crisafulli? Or are you talking about Mary McNeil? ,

Ch. Ross: Mary McNeil made the original, as I recall Mary McNeil had the original letter and by the time we got the hearing here, somewhere she had left.

G. Sagar: correct

Ch. Ross: That is my recollection. So do I have a motion?

R. Read: Can you explain to us again, what are the 2 votes are going to be for?

Ch. Ross: I didn't think they are necessary, but Gary wanted 2 votes. One vote is to revisit our decision reversing the decision of the Building Inspector lead to the 2013, zoning hearing, finding that the DiPeitro uses were, and I think she used the term grandfathered in and I will use that term. We reversed that decision. And Gary wants us to have a vote to revisit that to see if in effect we want to reverse our decision of 2013.

G. Sagar: I'd like you to take two separate votes, one on the storage of building materials, and one on the storage of commercial vehicles.

Ch. Ross: So were eliminating the whole grandfather issue and it's basically on the resolution of the pending appeal. And you want separate votes on two issues?

G. Sagar: Please

Ch. Ross: And the two issues are, if I could have a motion on the resolution of litigation based on the approval of the storage building materials for commercial purposes on the local business portion of the DiPeitro property

R. Read: So moved

Ch. Ross: Do I have a second?

F. Braga: Second

Ch. Ross: Do I have any discussion?

G. Sagar: Are you going to include what that means? The stipulations or what you agreed to? It's got to be part of the motion.

Ch. Ross: I just asked for the motion

G. Sagar: They just said blanketly, they didn't say what the... You've got to include what your tentative resolution is, as part of the motion.

Ch. Ross: How was that not done?

G. Sagar: I'd like you to read into the record again, please.

Ch. Ross: Can I have a motion on the approval of the storage of commercial vehicles to be permitted in the Local Business District zoning district only, subject to the following conditions: no storage of fuel tankers, no storage of hazardous material tankers will be allowed on the Local Business District or the Residential portions of the DiPeitro property.

G. Sagar: I'm confused, Mr. Chairman. I thought you were doing the commercial storage?

Ch. Ross: Commercial storage? Ok, on commercial storage  
J. Cowen: You need to get the trees in there too. And I respect you want two votes, but you've messed them up know, and he tried to do it twice, maybe it should just be one because of trees  
G. Sagar: You've addressed two issues, items 6 & 7 and there is a tentative agreement for both of them.  
J. Cowen: That's correct  
G. Sagar: And there is a different thing in each one of them.  
R. Read: We just voted on 6 didn't we?  
Ch. Ross: We didn't vote on anything yet. I'm asking for motion on the approval, of temporary storage of building materials for commercial purposes to be permitted on the Local Business District portion of the DiPeitro property only.  
J. Cowen: Subject to...  
Ch. Ross: Subject to the planning of the trees at the zoning district dividing line  
J. Cowen: Subject to... I'm sorry, which one are you reading? That one right there?  
Ch. Ross: Yeah. To be 5' tall at planting time, sufficiently close to each other to create a natural fence or screen. Do I have a motion to that effect?  
R. Read: Once again I would move to agree with you on that.  
Ch. Ross: Do I have a second on that motion?  
F. Braga: Second  
Ch. Ross: Do I have any discussion on that motion? Hearing none, let me have a roll call vote, Bridget.  
B. Garrity: Chairman Ross  
Ch. Ross: Aye  
B. Garrity: Shane Halajko  
S. Halajko: Aye  
B. Garrity: Frank Braga  
F. Braga: Aye  
B. Garrity: Gary Sagar  
G. Sagar: Nay  
B. Garrity: Bob Read  
R. Read: Aye  
Ch. Ross: Now on the storage of motor vehicles, can I  
J. Cowen: Yes,  
Ch. Ross: Can I have a motion that the storage of commercial vehicles will be permitted on the local business portion of the DiPeitro property, subject to the following conditions: No storage of fuel tankers and no storage of hazardous material tankers will be permitted. Do I have a motion to that effect?  
G. Sagar: I would make a motion, but somebody can make it and I'll amend it, or I'll make new motion, or however you want to do it Mr. Chairman.  
Ch. Ross: Do I have a motion to what I just proposed?  
R. Read: So moved  
Ch. Ross: Do I have a second?  
S. Halajko: Second  
Ch. Ross: Do I have any discussion on the motion?  
G. Sagar: I would like to amend the motion,

Ch. Ross: And your amendment is?

G. Sagar: That you change what you had said about those vehicles, that will change to read “no placarded” vehicles to be stored there. When we did a site visit, just as a little background, Mr. Chair, we took a site visit out there, there was a 10,000 gallon tanker registered in New Hampshire, with aviation fluid in it. And I just think that is a very inappropriate use on that property.

Ch. Ross: This is not my field; I don’t know that aviation fuel is not a hazardous material. In any event, do I have a second on the amended motion? I’ll ask again, do I have a second on the amended motion.

F. Braga: second

Ch. Ross: Do I have any discussion on the amended motion?

G. Sagar: If you need clarification, the fire chief is in the room, Mr. Chairman; he can clarify it a little bit better than me.

Ch. Ross: Chief, would you identify yourself for the record, please?

Ch. Healy: Michael Healy, 28 Simms Ave, I also serve as the fire chief for the town of Seekonk. Clarification on...

Ch. Ross: Placarded vehicles.

Ch. Healy: Placarded vehicles, the allowance of them and what can be stored in the, it all depends on the material that is stored in them. In regards to the question of aviation fuel, it is a highly flammable material, as far as the hazardous material part of it; it would only be a hazardous material if it leaked out of the container that it was in.

Ch. Ross: Right, okay.

J. Cowen: I don’t understand, what is a placarded vehicle?

Ch. Healy: A placarded vehicle is on the side of the vehicle, it identifies what is actually being carried in it. The Department of Transportation gives every fuel, every substance, every corrosive, an actual ID number. It is placarded on all four sides of the vehicle.

J. Cowen: So if it was placarded, would that automatically mean that it is a hazardous material?

Ch. Healy: Most likely yes, but I can’t guarantee everything placarded is a hazardous material.

Ch. Ross: Ok

G. Sagar: And a placarded vehicle will also include, not only flammable but it is also involves biohazards, radioactive,

Ch. Ross: That’s all hazardous material.

G. Sagar: Just so it’s clearer.

Ch. Ross: Okay, thank you Chief, there are no further questions.

S. Navega: May I ask the fire chief a question?

Ch. Ross: Sure, if you want

S. Navega: Michael, if a dump truck in on the property and it is placarded would a dump truck be an appropriate vehicle to be placarded?

Ch. Healy: A dump truck would not be, to my knowledge would be placarded for carrying diesel fuel in their truck.

S. Navega: So a tanker truck...

Ch. Healy: Yes, mainly as storage, over the road trucks that transport any type of material.

S. Navega: When you say any type of material, fuel material?

Ch. Healy: Fuel material, corrosive, acids, it could be any type of hazardous material, like from a manufacturing plant that would be transported over the road, has to be placarded so we know what's inside of it.

S. Navega: Thank you

Ch. Ross: Ok, Thank you. Any discussion on the amended motion?

R. Read: Mr. Chairman, can you just read your description of the trucks again?

Ch. Ross: Yes, the conditions are, no storage of fuel tankers, and no storage of hazardous material tankers will be allowed.

G. Sagar: That's tankers, it doesn't say trucks though.

Ch. Ross: I have a comment, ok, I heard nothing from the chief, he said there may be something, I heard, nothing, to indicate the term "hazardous materials" which is generally understood, is not broad enough to cover placarded vehicles.

G. Sagar: But you are limiting it to tankers

S. Halajko: Trucks can't carry it

R. Read: Your definition of a tanker is any vehicle with a tank on it that carries material

G. Sagar: But, it could be in a different form, or they could be in a box.

F. Braga: To speak to this, I am a CDL driver,

G. Sagar: Me too,

F. Braga: Basically if you have a hazardous material placard on the vehicle, then you have a hazardous material in the vehicle, it doesn't necessitate having a tank on the vehicle, it could just be what is stored inside the vehicle. So the placard doesn't mean, tanker, liquid, it could be solid material, liquid material

G. Sagar: Gas

F. Braga: what ever material is in the vehicle at that point, there's a placard it's a hazardous material requiring the placard.

G. Sagar: So that is why the general statement of a placard vehicle, Mr. Chairman would include a tanker or something in another form, in a box container. Just broadens the scope of the protection.

Ch. Ross: ok, we have an amended motion, Well, we all have our views of it, I know what my view is, it's been clear.

J. Cowen: For my benefit, because we have an amended motion, do you have it Bridget?

B. Garrity: Not verbatim, the amended motion, change the vehicles to placarded to be stored on site, no vehicles permitted in the local business zone, the DiPeitro property and the storage of the fuel tankers or hazardous materials tankers are permitted. And the Amended was to change vehicles to no placarded vehicles to be stored on site.

G. Sagar: And, Mr. Chairman, I'll just say one last comment, as with Mr. Braga, I have a CDL license and I have my hazardous materials endorsement that I have to get recertified every couple of years, so my motion, as the amendment just broadens the scope, and it's a better protection for the life safety of the people in the area.

R. Read: Mr. Chairman, would be appropriate to ask the two parties how they feel about that?

Ch. Ross: I don't mind asking

S. Navega: Can I just say this? I think 1-5 is taken care of, the Town Sanitation stuff, but we've always agreed that there would be no fuel tankers on the property. No aviation fuel no other fuel tankers, no vapors, that kind of thing and no Haz-Mat stuff. I don't think you can make the blanket statement of "no placards" because I am not sure what innocuous placards might be on vehicles there that have nothing to do with

fuel, or hazardous materials, so if you leave it as placarded, vehicles with placards, that's too broad for me. But if you want to say, fuel placard that identify the contents as aviation fuel, gasoline, any kind of flammables, that's fine with me.

G. Sagar: What about radioactive, biohazards? That's ok?

D. McManus: I just have a suggestion; maybe Steve would go along with this, just to say no hazardous materials.

Ch. Ross: That was the original motion

D. McManus: I think the wording was "tankers" that Gary had an objection too. I think we'll all go along with no hazardous materials. Whether it's a trucking truck or a tanker truck.

Ch. Ross: So what you're suggesting is just strike all the language on the conditions about fuel tankers or tankers, and just call it hazardous materials.

D. McManus: No

S. Navega: This is the language exactly,

D. McManus: No storage of fuel tankers, no storage of hazardous materials

S. Navega: From my point of view, no storage of fuel vehicles, and no storage of hazardous materials in vehicles. Listen, the DiPietro's don't want hazardous materials on their property, for their own self, or for their neighbors, they don't want fuel tankers or hazardous storage of fuel tankers for aviation fuel on their property.

F. Braga: What I would recommend, that you use language stating no vehicles requiring hazardous material placards.

G. Sagar: I'm fine with that.

Ch. Ross: And you're ok with that?

S. Navega: I am

Ch. Ross: ok, let's, please someone restate the motion so we know where we are.

G. Sagar: Well, we have a motion and a second that has been amended, so I'd have to withdraw my amendment, correct?

Ch. Ross: Correct

G. Sagar: I withdraw my amendment, and I think Mr. Halajko second it, correct?

S. Halajko: Correct.

G. Sagar: And if you withdraw the original motion, and let Mr. Braga make the motion that he just said, then we clarify and we are done.

Ch. Ross: So we have a pending motion, the original motion, no storage of fuel tankers, no storage of hazardous material tankers will be allowed. That's been moved and seconded. You wanted to propose and amended motion.

F. Braga: An amended motion to include no vehicles that require hazardous material placards.

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

G. Sagar: And if we just say no vehicles of any kind, seriously, it could be a tanker a box a container.

F. Braga: A vehicle of any kind?

G. Sagar: Yes

F. Braga: No vehicles of any kind that require hazardous material placards.

G. Sagar: And I'll second that, Mr. Chairman.

Ch. Ross: Do I have any discussion on the motion? Hearing none. Roll call vote, please.

B. Garrity: Chairman Ross

Ch. Ross: Aye

- B. Garrity: Shane Halajko  
S. Halajko: Aye  
B. Garrity: Frank Braga  
F. Braga: Aye  
B. Garrity: Gary Sagar  
G. Sagar: Aye  
B. Garrity: Bob Read  
R. Read: Aye  
Ch. Ross: Motion passes, 5 to nothing.  
G. Sagar: And just on the record, to be clear, Mr. Chairman why I wanted to separate votes was two items remaining, as ordered by the court, taking separate votes, if one passed and one didn't pass, then it would allow the appellants to appeal only one of the two instead of the whole thing.
- Ch. Ross: Understood. We are set for the Rezek matter. Next matter **2017-44 Eleanora & William Rezek**, 120 Jacob St. Seekonk, MA. Is someone representing the petitioner?
- R. Longden: Good Evening Mr. Chairman, My name is Robert Longden. I am an attorney with Bowditch and Dewey at 311 Main St. Worcester and I represent Jacob Hill properties, LLC in this particular matter. The applicant has entered a Purchase and Sale agreement with William and Eleanora Rezek to purchase the Jacob hill inn at 120 Jacob Street in Seekonk, and their plan is to convert from Bed & Breakfast to wellness retreat, which under your bylaw fits under the definition of a sanatorium, which is defined as a "health station or retreat or institution for the recuperation and treatment for persons suffering from physical or mental disorders" and their plans are to go forward and acquire the Inn and convert it to that use. We are here tonight seeking a Special Permit, at the direction of the Building Inspector, Mr. Abelson. A special permit would allow this use at this particular site, in town. The applicant, first of all, I'd like to introduce, if I could people that are here tonight on behalf of the applicant. The Owners of the LLC, Jacob Hill Properties is here, if I could ask them to just raise their hand and identify yourself to the board, Paul Lavallee, Dave Gasmonde, Laurie McCarthy, and Chris Herren. They are talking about converting the inn into a wellness retreat. The property is located in an R-4 zoning district, and consists of approximately 5.1 acres as indicated on the plan that was submitted with the petition. The property improved by the historic inn, that dates back to 1723, I'm told
- Ch. Ross: Could I ask you to hold, please, the Secretary just left for a moment, I want to make sure the record is clear. I'm sorry, go right ahead.
- R. Longden: The property consists of the inn itself, which is a historic structure dating back to the 1723 a barn, a carriage house, a swimming pool, a tennis court, and parking for 15 cars. The bed and breakfast consists of 13 units, 12 guest units, and 1 caretaker unit that is in the carriage house, for a total of 13 units. Those are all pursuant to two (2) Special Permits and a variance that was granted by this board in 2009 which allowed for that number of unit within the property within the project. The applicant proposes to use the property for a private 13 unit wellness retreat. And what this would be is a program whereby individuals seeking to promote wellness, or preserve wellness and improve wellness as well as recovery

could go and receive comprehensive services that would promote wellness and also promote their recovery. It provides a variety of services within the program. They want, in providing these within a home setting, a residential, a non medical setting. There will be no medical treatments performed at this wellness retreat. Rather there will be holistic services provided and programs provided to assist those who would be coming to the retreat for their services and for treatment for sustainable health and wellness. The impacts of this proposed use will be minor. They're planning, no changes to the physical appearance of the structure, of the exterior of the structures on the site. No expansion of these structures on the site. They will retain their appearance as is. The property itself, which is again a beautiful property consisting of 5.1 acres. Is not going to be transformed, rather kept in its current condition, which provides a tranquil quiet setting for this retreat center which is conducive supportive of the activities that will take place at the wellness center. So there is going to be, again no expansion of the site, no expansion of the structures on the site, no expansion of the use on the site so if you're going by the site in the future you really will not notice much difference between what exists now and what will be going on in the future with the wellness retreat. It will also not increase impacts on the town's resources, there is town water at this particular site and because of the number of capped number of units that exist at the site will not be increase, we do not anticipate any increase in water usage at the site. There is a large septic system on site, which handles septic at the site and that will not change. We don't expect any significant increase in noise or traffic at the site, because again, the number of units at the site is not going to increase not going to change. And the nature of the use of the site is one of quiet, peaceful tranquil, a contemplative atmosphere in which people can focus on recovery and wellness. So again, there will be no increase, we do not anticipate any increase in noise, there is very little there now, and there won't be any more than exists now. We don't anticipate any increase in traffic, because again the number of units won't change. The number of people going to and from the wellness retreat will not be much greater than it is right now. We don't anticipate any demands, further demands or increased on the part of the police and fire. This is not going to create any additional demands from the fire department or the police department because of the activities there. And such things as refuse disposal will be handled by a private contractor coming to and from the site. We don't anticipate the amount of refuse to be any greater than what currently exist form the site. And the entity that is acquiring the site, the Jacob Hill Properties is a for profit entity and therefore the property will continue to be a taxable property and remain on the tax rolls for the Town of Seekonk. I have if I might submit them, two letters of support, and another letter that is outreach to the abutters of the property, if I could submit those to the board.

CH. Ross: Submit one of each for the record.

R. Longden: I'm submitting, Mr. Chairman, a letter dated September 11 from the fire chief in support of the proposal for the guest retreat at this particular location. A letter from the building inspector dated September 5, 2017, also in support of the retreat, wellness retreat at this particular location and a letter from Chris Herren, one of the owners of the property. Mr. Herren is one of the principals of Herren

Wellness, which is a company that will be operating the wellness center, the wellness retreat at this particular location. This a letter he send out on September, 29, 2017 to each of abutters of the property who were notified of the public hearing, inviting to call him and talk to him personally if they have any questions about the project and what was being proposed, in terms of zoning relief. So....

G. Sagar: There is also a letter we were handed, today from the chief of police, do you have that?

R. Longden: I don't have those.

Ch. Ross: I was going to read that into the record for the benefit of anyone here.

R. Longden: I'll read that in one second if I could, Mr. Chairman, I just want to finish with the rest of the comments here. So three letters have been submitted. And in terms of the criteria for the issuance of the special permit, at this particular location for this particular use, we feel use is in harmony and intent in bylaw, historic property in the community. It will not increase density within the community at all, it will conserve the value of land and building at this particular site for certain and preserve and increase amenities within the town, promote responsible economic development and prevent overcrowding because again we are not changing anything as far as the site is concerned, as in terms of density. The proposed use is an appropriate use for this particular location, it is consistent with character of neighborhood in which it is located, and I think that is important, given that it will not change. I would like to, if I might, open up to question in regards to any of the matters we touched upon here and anything else the board.

Ch. Ross: before we do that, Mr. Longden, just in case you're keeping track of what we're doing the letter you submitted from the Fire chief, Chief Healy, we're marking as "Petitioners 1". The letter from Mr. Herren we're marking as "Petitioners 2" the letter of support from the building inspector Mr. Abelson, that's included in the zoning determination letter from which you're appealing, that's already part of the record, if you want it marked as an independent exhibit, I will, but it's part of the record.

R. Longden: I'd prefer it was part of the record

CH. Ross: You can mark that as "Petitioners 3".

R. Longden: And also this petition...

Ch. Ross: The letter from Police Chief. Let me read this into the record it's directed to the Zoning Board care of Town Administrator, Shawn Cadime, address of town hall, "Dear Seekonk Zoning Board of Appeals, It is my understanding that you will be conducting public hearings at your October 16, 2017 meeting. Agenda item 2017-44 Eleanora and William Rezek is of interest to me as it concerns a special permit request to open and operate a sanatorium at 120 Jacob Street. I am writing to apprise you, I had the opportunity to speak with one of the principals of the proposed project. The representative displayed extensive knowledge regarding the property operation of the proposed sanatorium. The representative answered all of my questions, thus allaying concerns I would have for area residents as well as Seekonk Police Officers. I regret my inability to attend your meeting as I personally recognize the need and importance of the proposed use of the site. Also, being an area resident and an admirer of the property, I would prefer to see the current structures remain versus being demolished for the sake of creating a



subdivision. I respectfully request that you accept this correspondence and make it part of the meeting record or use it as you otherwise see fit. Thank you for time and consideration, respectfully yours, Craig A. Mace, Chief of Police, Seekonk Police Department.” We will mark that as “Board’s exhibit A” please. And Mr. Longden, we received, saw tonight for the first time, but it’s dated last Friday October 13, an email from Jessica horseman who is the Health agent, have you seen that?

R. Longden: I haven’t seen that.

Ch. Ross: Regarding the design capacity of the septic system.

R. Longden: I haven’t see that

Ch. Ross: Let me give it to you all, let you read it yourself and we’ll put it, it’s very brief, it’s one paragraph and you may be well aware of it, but that is her position, d I will be marking that as “Boards exhibit B”.

R. Longden: Understood Mr. Chairman, Thank you. Are you going to read this into the record?

Ch. Ross: Yeah, I think I am will. Ok, I have another, you can keep that for your own files. This is from, as I stated, Jessica Horsman who is the Health Agent for the Town of Seekonk, dated October13, and it was directed to madam secretary, here on my immediate left. “Good morning the maximum design capacity is for 1430 GPD”, gallons per...

G. Sagar: Day

Ch. Ross: “gallons per day”, there we go. “Equals 13 bedrooms equals 26 full time occupants. Also I did notice that the septic system does not have a grease trap. This is acceptable for the current use as the facility is only a bed and breakfast. Full service food service will require a grease trap being added the property. If you have any questions or concurs, please feel free to give me a call. Regards Jessica L. Horsman, BSRN, Health Agent Town of Seekonk” and that would be an issue that would be up to her jurisdiction that would be “Boards exhibit B”, please. Mr. Longden, The floor is yours.

R. Longden: Thank you Mr. Chairman, which concludes our initial presentation. I’d be happy to answer and questions that the board may have.

Ch. Ross: I have one. Reading your submittals submissions the LLC owner of property and the LLC operator of the wellness center, are they common members?

R. Longden: They have common members, but they are not identical members, in other words the members who are the owners of the real estate entity are also shareholders, the operating company, there are other shareholders in the operating company that are not members of the real estate....

Ch. Ross: That is the way I read it, I just wanted clarification.

G. Sagar: Mr. Chairman, if I may?

Ch. Ross: Yeah

G. Sagar: Why wouldn’t it be more appropriate for the people operating the facility to be the permit holder?

R. Longden: Because the special permit runs with the land

G. Sagar: It can

R. Longden: It can, and we thought it would be appropriate that it be owned by the owners.

G. Sagar: The owners.

R. Longden: The owners of the land.

- G. Sagar: Reading through your submittals, I was the one that asked the health department, about the septic capacity. I believe I read in here the occupancy was going to be at the same level as what the Inn has now. When septic systems are designed by bedrooms, they figure two persons per bedroom. My reading of this I thought that each one of the units would be occupied singly, is that accurate?
- R. Longden: Not necessarily no. They have, they have like a room at the Inn right now. You can have a couple staying in the room,
- G. Sagar: Correct, correct
- R. Longden: So that would be the same,
- G. Sagar: So the occupancy would be roughly 24, if there is 12 units or 13 units? Plus...
- R. Longden: Probably, yes
- G. Sagar: I just wanted to establish that. And one, just reading through your material, the retreat will be offering comprehensive strategies and wellness services that contribute to the prevention of substance use disorder. So it's a facility that just going to try and prevent it, and further down you say you will not be providing any facilities that comprise or involve addition related and or drug or alcohol related rehabilitation or detoxification treatment. As somebody that is, what would be classified as for someone as a user, wouldn't be allowed, wouldn't have any services there?
- R. Longden: Well, prevention and,
- G. Sagar: You need to come up,
- Ch. Ross: Please come up, whoever is going to speak, and be sworn please. Good evening, raise your right hand please, would you state your name and residential address, please?
- C. Herren: My name is Christopher Herren, my residential address is 242 Lawrence Drive, Portsmouth RI. And to answer your questions, you know over the last seven (7) years I've travelled all across the country as a public speaker and I shared my story over the last seven (7) years with the hopes of prevention. I speak to roughly two hundred (200) high schools all across the country a year, I presented in front of every high school basically in Massachusetts over the last seven (7) years. When we talk about prevention with Herren Wellness and what would be established at Jacob Hill, both ends of the spectrum, which is early intervention, prevention, and building recovery resources to sustain a healthy lifestyle at the end. In between would be treatment centers, detoxes, treatment centers, halfway houses, sober houses, this is a little different. This is a different approach, it's a new approach, and it's a holistic approach. I am nine (9) years sober recovering from heroin. I'm very proud of that. My wife, who is in attendance, we have three children, an 18 year old, a 16 year old and my youngest is 9. Recovery has benefited not only me, but everybody who loves me. It has impacted their lives greatly. When I first started this seven (7) years ago, I started a nonprofit organization that over the last six (6) years has placed over 1200 people in treatment for free. And as I've grown over the years, and watched the trend in treatment, I wanted to provide something different. I wanted to offer that holistic approach when it comes to sleep, fitness, nutrition, yoga, spirituality, mindfulness, and that is the approach we want to take at Jacob Hill.

G. Sagar: I hope you appreciate my reason for asking that, this is the first time we have ever had an application for, as we define it as a sanatorium. So, I just wanted to make sure we differentiate the difference and what your program is, hopefully also, we have a big audience in the town that is listening just so they fully understand what is going to be there, so thank for clarifying it.

C. Herren: Absolutely, you're welcome.

S. Halajko: My question is, and you briefly answered it, where are they, the clientele? Are they in full crisis?

C. Herren: No

S. Halajko: out of treatment, and now trying, struggling with recovery,

C. Herren: Correct

S. Halajko: And one other question you mentioned, substance abuse and behavioral health disorders, does that mean, behaviorally, can you define behaviorally?

C. Herren: Yeah, sure so, will we be taking people out of detox? No. we have experts on staff that will go through the discovery process, to see if that person qualifies to be a resident at Jacob Hill. I take that process very seriously, people are there to make great change in their life, and we want to keep that property a thriving healthy wellness property. And we are not fit to provide services for people who are coming off of heroin, alcohol, benzos, Xanax, drugs of that nature. We are not a medical facility. We will not provide medicine, for people. That demographic go would be going somewhere else. Would be going to a treatment center.

S. Halajko: This sounds more like, it sounds more and more, almost like a sanctuary type of place, for somebody, regardless if they have a substance abuse or a mental health disorder, they can go there to receive this kind of holistic approach that you can't really find in too many areas.

C. Herren: Correct. It's the foundation for them. It's building of foundation once they get through the process of detox treatment and we will be that next phase.

S. Halajko: Thank you,

C. Herren: Yes sir. I just, this is nerve wracking, often times I'm speaking in front of kids and this is a little different. I will say this though, it saddens me as a person who's been effected so greatly by recovery that words like sanatorium and drug addicts, we are not evolving in our language around this illness. In coming here, I'm very careful in choosing my words, because out of respect for the board, as well as residents, I want them to understand that there will be no clinical treatment, on Jacob Hill Properties.

R. Read: I have a question

C. Herren: Yes, sir.

R. Read: What happens if one of your residents has a relapse while they are there?

C. Herren: They are automatically discharged.

R. Read: Thank you

C. Herren: You're welcome

G. Sagar: I think it's also very telling that you have two public safety chiefs are in support of this. So I think that is huge.

Ch. Ross: I have a few questions, Mr. Herren,

C. Herren: Yes sir

Ch. Ross: Do you have any notion, this is your first venture into this type of operation,

C. Herren: It is sir,  
Ch. Ross: Do you have any notion, at this point the average term of stay for, what do you call them? Guests?  
C. Herren: Yes, so average term of would be anywhere between 30 days and 6 months. I mean obviously, when it comes to building that wellness and that recovery approach where people, to sustain a healthy lifestyle we want to create habits, healthy habits for them at that property, and hopefully 30, 60, 90 6 month stays.  
Ch. Ross: At least a portion of your program, as I read it, will function like AA model,  
C. Herren: A portion of it absolutely  
Ch. Ross: I see you have a reference to a 12 step program  
C. Herren: Absolutely,  
Ch. Ross: And I'm reading from the submittal that was made, I think part of this, I've got an enumeration of like "Heron wellness use and impact statement" and I have 19, you did that I take it?  
C. Herron: We did as a group.  
Ch. Ross: I've got to tell you, and this may be me, maybe you can explain it to me. I found it more confusing that informative.  
C. Herron: Okay  
Ch. Ross: I have authority references and it's some really extensive number, 30. They don't seem to refer to anything.  
C. Herron: Right  
Ch. Ross: I took those as footnotes. For instance #20, just picked one a random, I highlighted, it's a case cite, "City of White Plains, versus Fibrioli, 313 North East 2<sup>nd</sup> south of 56. That's all it says, what does that refer to in the body?  
C. Herron: Right  
Ch. Ross: Because I didn't see anything, and I'm not disputing what you have here, but if I see a footnote, I expect to be able to go back in the body, and see the comparable number and see what it's referencing it and I don't? So am I missing some documents? Am I misreading it?  
C. Herren: I'm not sure, I'm not even sure...  
Ch. Ross: Mr. Longden, you may know this better, I've got a US code cite, but it doesn't refer to anything.  
R. Longden: No, and I apologize for that, I didn't prepare that, but I believe it is referring to the federal fair housing act or the federal Americans with Disabilities Act  
Ch. Ross: No, I understand that's the ADA cite. It says #17 use code and it's got the ADA cite, by the US code, but it doesn't refer to anything that's in the body, so what's it there for?  
R. Longden: I would have to look at it again, again not my paper.  
Ch. Ross: Another example, and I'm not trying to be argumentative with you, because I know what you are doing, and I think it is a good thing. #21 says Norman Williams has kept running tally of these cases in his treatise. What's these? What are these cases? And I kept looking to try to make some sense of this, and I couldn't.  
P. Lavallee: Paul Lavallee,  
Ch. Ross: Would you just raise your right hand and be sworn in, please? Name and address for the record?

P. Lavallee: Paul Lavallee, 6 Blacksmith's Rd, Cumberland RI.

Ch. Ross: Ok, good thank you.

P. Lavallee: So, I was the one who put the document together. The impact statements as well as the facts, and I'm a layman, I gathered as much material, and I'm also in recovery for 12 years (inaudible). I gathered as many facts as I could from the national association of recovery residences, in support of the project and what we're doing. Most are referrals back to the federal fair housing act, and Americans with disability act, which are usually used in conjunction with each other, regarding recovery residences. They are not clinically or medically run. So these are all for them, and I apologize for not referencing them back, it was more a list of references that came from the national association.

Ch. Ross: Ok, as long as I understand what you are doing and wanted to make sure that I wasn't missing some of other document. So they are not really footnotes, more like guidelines,

P. Lavallee: itemized references from the (inaudible) site

Ch. Ross: Thank you, Mr. Lavallee. Does anyone else have any...?

G. Sagar: I would just like to comment, if anybody has not had the opportunity to go through the Jacob's Hill Inn, you're really missing something wonderful. It's been a labor of love for the Rezek's for years. It's a beautiful, beautiful facility. I think that it's great that it's going to be preserved in its natural form, and I think it should go a long way to help you achieve your goals, it's just the setting alone, it doesn't have that sanitary, it doesn't have the institutional feel when you go there. So...

C. Herren: Six (6) months ago I started this process of looking all over New England for properties. Jacob Hill popped up, and I called my realtor at the time, and I asked him he could look into, 2 hours later he replied back to be saying (inaudible) there's going to be a big housing development that's going to go in there. There is a group that has entered in a P&S and I was heartbroken. And I got a call back, saying why don't you come check out the property. Two (2) days later I walked on to that property that day, and met Bill and Eleanora. I fell in love with the history, I fell in love with their passion for the property and I can only hope that my passion around recovery and wellness that could have the same imprint that they've had on that property over the years. And so it is an honor to take on that property after 27 years of service that they put into it, and keeping it the same.

G. Sagar: One last comment for the time being, Mr. Chair, would you have a problem, if we included in the conditions of the special permit, your paragraph here "is this a medical service" here it says no, so if we put a stipulation that this is not a treatment, rehabilitation, medical or health service. The services and facilities provided for this program do not include, comprise or involve any addition related or drug or alcohol related rehabilitation or detoxification treatment?

C. Herren: I have no problem with it

G. Sagar: Ok, thank you.

Ch. Ross: Are you going to be hands on, personally with this?

C. Herren: Yes, absolutely. I was asked this question, by a town resident that I am very close with. I travel, I do travel quite a bit. In full transparency, I'm actually jumping in a car after this and heading to Philadelphia to speak at a high school tomorrow

morning. I do a lot of prevention work Monday through Friday. My wife, who's in attendance will head up the family therapeutic side of this property. You know, it's pretty well documented that my illness, not only affected me but affected everyone around me. And we've all recovered quite well over the last nine (9) years, and it's her passion as well to pass that on to family members who have been impacted by a loved one struggling with a substance use or a wellness issue.

Ch. Ross: I just want to say publically I read your book that you did with Billy Reynolds, I was impressed,

C. Herren: Thank you

Ch. Ross: and right here, I congratulate you on your recovery, I think it is terrific.

C. Herren: Thank you very much. I really, I appreciate it. Anybody else?

Ch. Ross: Anybody else have any questions of anyone? Mr. Levinson, do you have any presentations this evening?

Levinson: No Mr. Chairman.

Ch. Ross: Do you have any other witnesses Mr. Longden? Just for the record

S. Cadime: Mr. Chairman, Shawn Cadime, Town Administrator, first of all Mr. Chairman, board members thank you for having me. I don't typically come before board to speak on matters, but I will state that this, matter is near and dear to my heart and to the heart of the residents in Seekonk. Number one we have a very historic site that I think needs to be preserved, and when we look at some of the options of the potential options that could have taken place at the site of Jacob Hill, could have razed the property and changed its façade and changed the historic nature that we see today. With that when I found out Mr. Herren was looking to do this property, I know Mr. Herren, and I think his pride kind of settles him down a little bit to talk about really what his affiliations and what his accomplishments are throughout the country and the credibility it brings to a facility like this. Mr. Herren has done some tremendous outreach work in the public throughout the nation, as he mentioned he's talking about the high school level, but when you look at him at a national level he has partnerships with the NFL, the NBA, he was an NBA player from the local community faced some of the those challenges with drug addiction, overcame those drug addictions and is reaching out to the community. Chris Herren did reach out to me, and I made sure that number one when he sat down with me that we discussed the impacts on the community before I would even jump on board to consider any of this endorsement for this facility. So we did put together, I did facilitate a meeting with various members of the department heads which in turn you have received their letters of support. One of the first things we looked at was really the impact of public safety, the impact to the community as a whole, and I can tell you right now that, based on the presentation that impact is minimal, to none. I think Mr. Herren and his investors are looking to invest in the Town of Seekonk and I think it's telling when I ask them the question when we first met before I agreed to support this initiative, I asked them why Seekonk because to me that is an important statement, and his response was very surprising you heard a little bit of his response with regards to the fact that he just simply fell in love with the site, but more importantly there is also a history, and while he may not have grown up in Seekonk, he is from down the road in Fall River, one of his very first speaking engagements was the Town

of Seekonk, and I think when we just look at that and the buy-in and the love for this community it started, at least from his public speaking standpoint and his engagement in trying to get outreach to the community started in the Town of Seekonk, so to me it, I think it is very fitting that when he starts on his next venture, with trying to get prevention and wellness in a retreat what better place that Seekonk? His credibility is second to none. I will also talk about the fact that again, that the fact that he has fell in love with the property itself, is going to allow us to preserve a very, very history site, and I think it is important that as the Town of Seekonk and members of a board, that we kind of consider that as one of the judgments moving forward that we are going to preserve history that goes back to the Vanderbilt's. The property itself is beautiful, the Rezek's, and I have had the opportunity to tour the property have done a phenomenal job in trying to preserve that property, and for them to sell something that they are so deeply in love with and passionate about and be able to turn that over and stop a Purchase & Sales and really do a Purchase and Sales with the Herren group and Mr. Herren's investors speaks a lot about the preserving of that property and what they will do. I would ask that you please consider the Herren group, the investment that they are going to make in the community as we mentioned. As a Town Administrator we always love to see that we have a for profit so we can continue to improve our tax base, but one final thought, in our conversation one of the first things that I asked Mr. Herron too, was also about his business model, I want to know for the further needs, not just the temporary needs, once we got the vote of the zoning board of appeals, what his long term business model was going to be. Mr. Herren clearly laid it out, his target audience is 18-40 Year olds, it could vary. But my very specific question was whether or not there would be any type of medical or future medical use of that facility. He has reassured me that that is not the case and if that was the intent he would be looking to do that now. There is a lot of money to be made on the medical side, he is not looking to go down that route, and again, if he did decide to go down that route, it would also require some relief from the zoning board of appeals. But he is committed to the Town of Seekonk, he has given me his word, and he is an upstanding citizen and I have all the confidence, in him and wife to run this property to the best of their ability, and maintain the historic preservation of that site, so I would urge the board to really consider this Special Permit.

Ch. Ross: Thank you Mr. Cadime. Do you have anything else, Mr. Herren?

C. Herren: No

Ch. Ross: Okay, you're set Mr. Longden?

R. Longden: No

Ch. Ross: Any other questions or observations from any members of the board at this point? If none, is there anyone in the audience who wishes to speak in favor of this petition? Yes ma'am, with your hand up. And would you raise your hand again, please? And state your name and address for the record

M. Hines: Michelle Hines, Ricard St. Also a member of the Board of Selectmen. I was invited to a meeting, with all the gentlemen that you have just spoken too, along with Mr. Cadime. I have to say I was extremely impressed by all the, not only the business model but the answers to all our questions, everything that you could

possibly think of. I was there with fire chief and the police chief and we were back and forth, and back and forth, about the impact on the community, not only the services, our services in town are there and if you need them, they are going to be there for you. So, but we had questions also about the medical part of it, and one of the questions you brought up was if somebody, say should relapse or cause a problem or whatever. And they assured us that that type of behavior on any of their guests are not allowed, and they are dismissed. But our thought was they are not dismissed like they're thrown out the front door and you walk down Jacob Street to 44 and bum a ride. They are put into car and they are transported wherever, basically where they came from whether it's a train station to go home, to an airport to be flown home, or whatever, it's not like, when you said they'd be dismissed it's not like they push them out the door and wave good bye to them. So we went through, I don't know how long we were there over hour back and forth with all the public safety aspect and the security of the surrounding residence that's a very quiet neighborhood, from all my years, as was the Jacob Hill Inn itself with the guests that they had there. I mean, I can't think of any problems that have ever been there, and there have been people of good reputation, I understand that this is a different type of facility, but we're talking and going back and forth and everything. It sounds like it's going to be a very well run facility and not something, it's going to gain for Seekonk. And I can only support it as myself I can't speak for the rest of the board, because they were not there, but I would back this. I know people are going to send letters, I was from that, otherwise I would have submitted one, but I'm here instead, so that is even better.

Ch. Ross: Sure, exactly right, thank you.

M. Hines: Thank you

Ch. Ross: Neal?

N. Abelson: Neal Abelson, 1588 Fall River Avenue,

Ch. Ross: You are speaking as an individual, correct?

N. Abelson: For informational as the Building Inspector. The only other interest I received from this property was from 2 land developers, one wanted to know how many lots he could put in, put a subdivision in. and the other one was for 40B.

Ch. Ross: 40B, for anyone that doesn't know 40B is affordable housing in Massachusetts. Anyone else wishes...Sir, on the end

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

T. Webb: My name is Tom Webb, I live at 130 Jacob St. And our property of 45 acres bounds the Inn to the west, to the north and to the south. We have had wonderful relationship over the 23 years that my wife and I have lived at 130 Jacob St, with the Inn. And we are supportive of the plan and to have wellness center there as stated. And I, so we're pleased with this development as opposed to any sort of other development of that land, and I just wanted to get that to the record.

Ch. Ross: Thank you very much. I saw another hand back there, sir.

J. Sousa: I have just a general question being a resident.

Ch. Ross: Please...would you state your name and address for the record?



- J. Sousa: Jonathon Sousa 29 Palmer River Road. Just it seems the credibility is hand over fist. I'm fully supportive of what you guys are trying to accomplish. I've had family members in rehab and came out of it and done great things. My only concern, being new to that area I've lived in Seekonk my whole life, but recently purchasing a house in that development, with some of my other neighbors, just some of the concerns of night lift activity are people going to be able to leave the facility? Is there any preventatives that kind of voids the leaving the facility, obviously it's not a jail per say, they have free will to come in. I understand that they are paying for that service as well. Is there any criminal background checks that are (inaudible) involved, you know what type of preventatives are we doing to ensure that those people that are in the facility, getting that help if they do relapse whether it's a mental disorder or a and drug disorder or what have you, are not coming out and wandering the streets at night?
- Ch. Ross: Some of those were just answered by the selectwoman, but Mr. Herren, I think you're best to answer those questions, please.
- C. Herren: If someone happens to be discharged and needs to be taken off the property, we will provide them a car service as was stated to a train, to an airport, to wherever a family member is going to meet them to get them. The safety of the community in a whole, is extremely important to me. But as well as, I've been in that neighborhood, I've walked around I was fortunate enough to meet and have some of the abutters invite me into their home, there are some homes pretty close to Jacob Hill. There will be nobody walking down that road, who we feel poses a risk. As far as people traveling, if it is a long term stay, six (6) months, three (3) to six (6) months and we believe they are in a position where they can go back to Brown to the University and take some classes, or Providence College, what will be a decision that our staff will make, as well as family members to see if they are in a position to go back to campus and back to their life in general.
- Ch. Ross: What about the question about guests leaving the facility in the nighttime hours?
- C. Herren: No, there will be no guests leaving the facility in the nighttime hours, absolutely not.
- Ch. Ross: I take it from the comment you made about providing transportation back to, train station, airport or whatever the case may be, is it your expectation that predominately that your guests will be from out of area
- C. Herren: No. I am saying that we will provide transportation for them. If they need to be picked up from the airport, Amtrak or a residence to come to our facility or to be transported back to their residence
- Ch. Ross: Great, thank you. Is there anyone, sir?
- C. Herren: Background checks, so when it comes to background checks, this is a wellness retreat, and Jacob Hill, when they have people come in, they do background checks on guests. It's not different, (AUDIENCE MEMBER SPEAKS OUT inaudibly.) You can make an assumption that there has never been anybody that stayed at Jacob Hill that suffered from alcoholism. Can we make an assumption that nobody ever stayed at the residences at Jacob Hill that suffered from a prescription medication addiction? You cannot make that assumption. Okay? We have an unbelievable staff that will be trained to do the discovery process, a long history of use, substance use and what and how their life has been impacted, not

just by them, but by their family. And that's when we will determine whether or not that person is suitable for Jacob Hill.

Ch. Ross: If I can, I'm just going to take your analogy and flipped it around a little bit. I believe that simply because someone has an alcohol problem or a hard drug problem and there's in some phase of recovery there is no reason to assume that there is a criminal background wandering somewhere in that person's life. And I think, for one thing, I don't think you couldn't do a BCI check in Rhode Island because you run this type of a facility. I don't know if you can in Massachusetts, I wouldn't think so either, you can't we can't do it.

C. Herren: I was asked the question in that meeting that we referred to about HIPPA law. This is not a medical facility. So if the chief of police were to call me and say Christopher, listen I have an issue, I'm, wondering if such and such is staying at your facility, because we've had a problem, we're not obligated under the HIPPA law to keep that private, we're not a medical facility so we can give that information going forward.

J. Sousa: So, just to clarify, if they have a criminal background they are still admitted to this facility

Ch. Ross: Sir, not from the back, come up we need to hear you, we need to create a record here.

J. Sousa: Just to be clear if they have a criminal background, they are still admitted to this facility?

Ch. Ross: That may be your question, but the thing is, Mr. Herren's group has no legal means of determining if someone has a criminal background.

J. Sousa: The Town of Seekonk has no way to determine that there may be some type of, or have background of a criminal certain amount of feet away from us. Is what you are saying. There is no way to determine that?

Ch. Ross: Not that I'm aware of,

J. Sousa: That's one of my questions, I know you can't do it in Rhode Island, because I don't, I live in Massachusetts; but I practice, in Rhode Island. I'm advised that you can't do it in Massachusetts either. You can ask, but you're not going to get it.

S. Cadime: Mr. Chairman, we can't even do that with Motel 6, or all the other hotels.

J. Sousa: That happens at Motel 6.

S. Cadime: I understand that, but we still have no ability to do that.

Ch. Ross; It doesn't change the principal.

J. Sousa: Yeah, but Motel 6 is on Rt. 6 and this is also in a residential area of homes. You're talking about two different things. (Inaudible) let's not go there, I was simply asking if there is a way to prevent criminals from entering the facility.

Ch. Ross: As far as I know, No

J. Sousa: The answer is no.

C. Herren: I would like to say this, obviously, I'm here to night, I was hesitant I was sitting in the back with my wife and I'm nervous, do I have to speak? My presences here, obviously is to provide the confidence in the people that I will look after this property going forwards. Okay, my wife, as I said will be on this property Monday through Friday from 8 o'clock to 5 o'clock. This property means the world to us. It's our first venture out in the last 9 years into this phase. We are

very invested in this personally and finically, but as far as a background check, and I know that you said, that Motel 6 is diffident it is, and I'll say that, Motel 6 is different. But as I stated in my first opening comment on this issue, I don't think Bill & Eleanora do background checks on people checking into their facility as well.

S. Cadime: If I could. I think it is an important question, and I just think from a legal standpoint, it's important to understand that Mr. Herren doesn't have that ability to do that. But there is a long vetting process, that he and I have specifically spoke about and I wanted to make sure that the community is fully aware that he has committed to partnership with both public safety units, both Police and Fire, to ensure that if there were any problems moving forward that he is in constant communications with either myself or the two chiefs because I think it is important that not only the safety of his facility but the safety of the community. And we were upfront about that during our facility, when I was facilitating that meeting to ensure the public safety is a top propriety as well as the community. So again, while there is no real legal mechanism to get that background check, there is a very strong vetting process as to who can go on to that property and who they will be taking in, but making sure there is an open line of communications both with the police chief and the fire chief and my office as well.

Ch. Ross: Thank you. Anyone else in the audience wishes, Sir? And 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?

R. Nobel: Yes I do.

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

R. Nobel: My name is Russ Nobel I live at 100 Lincoln, in Seekonk, which is right around the corner from the Inn. I'm here tonight to speak in favor of Chris. From 2007 to 2014 I held the position of Dean of Students at Mt. Hope high school. During that time Chris came to visit us and give us one of his talks. And I know Chris as a brilliant basketball player since he was in high school I followed him when he was at Durfee. But I was really blown away by what I heard when he came to our school. We were lucky enough to have stay at our school he met with a small group of kids they started The Purple Project, which is, it came a very big project for him too. In my 47 years of teaching, I've never met anybody that has such a powerful message and such a positive influence on kids. I know how much a problem substance abuse is in this area, and I'd be very proud to have Chris and his project in this area, I think it is something we need very badly.

Ch. Ross: Thank you Sir. Anyone else in the audience wishes to speak in favor of this petition? Seeing no hands, I will ask, is there anyone in the audience who wishes to speak in Opposition to the petition? Sir?

T. Clifford: Tom Clifford, Lynn Clifford, 39 Carpenter Street, Rehoboth. My mother in law is a direct abutter, 102 Jacob St. And are right in front.

Ch. Ross: Do you swear or affirm that the testimony you are about to give, will be the truth?

T. Clifford: I do, I have a durable power attorney, and my wife is the representative my mother in law. We heard about this, maybe three or four weeks ago. My mother in law, 92 year old women, she has lived there since 1969, she has already gone through the transition from private residence, which is legal use within the zoning,

to the inn. They made peace with that, there have been some, I don't want to say disturbances, that's a sharp word, there have been things have come up when there's families there and loud noises, jumping in the pool at night, here bedroom window is on that side of the house in the summer time, and as an elderly person she gets shocked, when she heard was coming, This women doesn't come out of bedroom anymore. This is a real problem for her. My Father in Law he's 93, he lives there also. I applaud what Chris is doing, with society today, it's necessary, I won't say evil, but it's a necessary thing. I guess what we're representing is the property value, and my mother in law's best interest. She's a frail elderly woman and I hate to say it, but not in our backyard. So I take it from what I've been hearing here is that pretty much everybody is pretty much on aboard with this so, speaking, you know, the direct abutters have impact. It impacts us, the fire chief, police chief, with all due respect, they don't know live next door to it. And they are younger guys and they can accept you know, what goes on in society, as a 92 year old person, you don't you get fearful, and the gentlemen in the back, I don't know him, but the 45 acres old Wilson property, right there, you have the people that run the little farm there?

Ch. Ross: Sir, Sir, no colloquies among the audience, please. It's hard for us to, say whatever you want, direct it this way.

T. Clifford: 45 acres piece of property there, gentlemen looks fine to me. This past spring, open up the pool in the back yard, I've got 6 pigs traveling through the property, they ripped the yard to crap. They subleased property off this gentlemen here, the town animal control and everything, and this is totally off the track of what Chris Herren is doing here, but the town didn't even know this piggery existed and they ripped apart property. My father in law and mother in law were scared to do anything about it. We put the property back together, they were scared to do anything about it, because they were fearful of retaliation, and again I'm not trying to make that a direct correlation to what these folks are doing. But I'm just going to show you the circumstances do happen, things do come up and it is warranted, it's warranted to say.

Ch. Ross: Ok, that's fine

T. Clifford: Okay?

Ch. Ross: Do you have anything to day ma'am?

L. Clifford: I just, I'm very emotional about it. I grew up here in 1969. Mary Wilson owned that property. It was sold to the Cardin and then Eleanora and Bill bought it, and they did, they did a fabulous job.

T. Clifford: We don't have a problem with that.

L. Clifford: We don't have a problem with that.

T. Clifford: The problem that my mother in law lives at was part of that property at one point. It was the first one room school house, and the carriage house he used to transport people from Pawtucket all the way to Taunton.

L. Clifford: First school house in Seekonk, there pictures should be there on the wall.

T. Clifford: It's a historical piece of property in its own right.

L. Clifford: It doesn't belong in residential, you've got the whole other side of the street is being developed right now. Which is upsetting to my parents, but its progress, it's what happens. A developer bought the land, there is no way they can put a huge

development at Jacob Hill Inn because there is a huge septic system, which runs behind my fathers and mothers land.

T. Clifford: There is not enough land that is can't do it. But you do have 20 new residences there,

L. Clifford: There are children in the area. I'm all for it, I applaud him. We just lost a friend 6 year recovering alcoholic went off the wagon and died of a massive heart attack. So I applaud everything you are doing, I just don't want it next to my parent's house. You can all say this is wonderful, from the police chief

T. Clifford: Until the first incident

L. Clifford: You don't live next door to it, you don't know what could happen in the middle of the night. My parents had their house broken into, their garage. Somebody from Central Falls, we had to battle that, a generator was stolen. Now we are going to have people next door they are recovering alcoholics and they're drug addicts, there is no other way to put this, it's a stigma. Now their property value goes downhill as does everybody else when you go to sell the property. And they are watching this on TV right now because they are too frail to come here.

T. Clifford: I just put this out there to Chris, if you don't mind. What happens, I understand if somebody doesn't buy into the program or whatever, they leave and they get transportation, bring them to the airport, what do you do for the guy that just walks out the door, what is the counselor or the caretaker, per capita, is it one for one? Obviously not, you've got thirteen to fourteen (13-14) people there under treatment,

G. Sagar: He needs to come up

Ch. Ross: Chris, please so we can.

G. Sagar: Only so the people at home can hear it, because the mic doesn't carry that far.

Ch. Ross: Just so everyone knows this is being televised live and a lot of people are watching at home on local access so we need people up here to speak.

C. Herren: So the question being is that, what's the ratio?

T. Clifford: What's the ratio of counselors or whatever the classification would be to a residents, or what have you?

C. Herren: Right so from roughly 7am -5pm, I'd say twelve (12) on staff

T. Clifford: Twelve (12) staff members, to twelve (12) so one on one?

C. Herren: The question was asked earlier about the capacity. You have twelve (12) rooms. And so, four (4) rooms are going through the process we believe will be private one (1) person. Other rooms we could put two (2) beds in so at max twenty (20). So roughly twelve (12) staff members to twenty (20) and we will have staff on round the clock.

T. Clifford: I don't mean to call you on it, but overnight, you said seven (7)

C. Herren: Staff members, so three (3).

T. Clifford: The seven to five (7am-5pm) the day time, so from six o'clock or seven o'clock to sunrise the next day?

C. Herren: So the 3<sup>rd</sup> shift ok, there will be three (3) people on staff.

T. Clifford: That is different than having that one (1) on one (1) or one (1) to two (2) relationship with people, and again

C. Herren: I understand

T. Clifford: You know listen, you're talking to a 57 year old guy, put yourself in a 92 year old women's shoes and, it's different, it's different

C. Herren: Sure, sure

L. Clifford: And we are right next door.

Ch. Herren: And I will do anything, I will shovel your mom out, I grew up in my grandmother's house in Fall River, Massachusetts, and I have the upmost respect for senior citizens. I can't guarantee,

L. Clifford: Of course you can't

G. Sagar: None of us can

Ch. Herren: None of us can, no one can guarantee that the gentlemen from Central Falls will never come back to the garage

G. Sagar: That's right.

C. Herren: So all I can say is my, is from my professional approach and the way that we are going to structure Jacob Hill we will monitor, and do our best to Jacob Hill property as is and an extremely safe environment. And going forward the nighttime shift will be roughly three (3) on average at max capacity will be twenty (20) people.

T. Clifford: The septic system goes on for half a mile, so you don't have the issue with that amount of people staying there.

C. Herren: I get it,

L. Clifford: The stigma

C. Herren: I know the stigma, I get it

L. Clifford: This is Jacob's Hill, it's the most historical street, Jacob Street in Seekonk. I don't know how many years you people have lived here, but Jacob's Hill is Jacob's Hill. It was a new forest pony breeding farm, Mary Wilson donated land.

C. Herren: I was not fortunate enough to go to a place like Jacob Hill to find my recovery. But I know one thing, I went to a tough hardnosed environment in Reinbeck, New York and I go back all the time to thank it. It's because of Jacob Hill, it's because of the place I went to I'm a father today, I'm a father to my children today. The greatest accomplishment of my like, I played for the Boston Celtics, I could care less about it, I wrote books, I've been part of documentaries, could care less about it, the greatest accomplishment of my life is that for the last nine (9) years I've been the same Dad. For nine (9) years straight, I am extremely proud of that, and it is only because of the services proceeded for me when I needed those services, that I am who I am today. And I look forward to providing those same type of services for people but not from a clinical approach, on property at Jacob Hill

G. Sagar: Could I ask, how much of the submittals that we have, by the applicants have you read or seen?

T. Clifford: I called Bridget, I talked to Bridget couple of weeks back, I did, and she sent me a couple of things, emailed them, no one came to my in-laws house.

L. Clifford: If they did, they won't open.

T. Clifford: You know, that's really beside the point,

L. Clifford: There was a letter from

T. Clifford: There was a letter from the Rezekes, that came just recently,

L. Clifford: Just the other day

T. Clifford: And it looked like it was just of to stymie the sanatorium, the meaning of it was scaring people, it's a recovery, a resource recovering place where people that are addicted to whatever their addicted to go to try to get well, we applaud all that, we're not against that part of it, but again it's right in my in-laws back yard, and you went there once before for a special permit for the Inn, it was an Inn, the Rezek's wanted to retire, all well, that's their business but now we're doing a special permit again, to just to sell a piece of property, just keep that in mind. Ok? Thank you.

Ch. Ross: Is there anyone to speak in opposition? I'll ask one more time anyone want to on the merits of this petition, at all, in favor of or in opposition to? Mr. Longden, you're all set?

R. Longden: Yes

Ch. Ross: With your presentation, no further witnesses?

R. Longden: No further questions.

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

G. Sagar: Move we close

Ch. Ross: Second?

S. Halajko: Second

Ch. Ross: All those in favor of closing the public hearing signify by say aye, opposed no

ALL AYE

Ch. Ross: Ayes have it 5-0

G. Sagar: I would also move to uphold the zoning determination of September 5, 2017 by our Zoning Enforcement officer?

CH. Ross: On motion to uphold the decision of the Building Inspector?

R. Read: second?

Ch. Ross: Any discussion on the motion? All those in favor signify by saying aye, opposed no,

ALL AYE

Ch. Ross: Ayes have it 5-0

Ch. Ross: On the petition for the special permit for the operation of a sanatorium, at 120 Jacob Street in Seekonk, do I have a motion?

G. Sagar: Mr. Chairman, I would move that we approve as submitted, with one stipulation, that I'd like to read into the record if you refer to the hand out that was provided to us that says Jacob Hill proposed use, frequently asked questions,

Ch. Ross: what page Gary?

G. Sagar: It'll be this cover page, under the title is this a medical service? Ok? I would just like to amend the first sentence to read "this shall not be a treatment, rehabilitation, medical or health service facility", and the rest of the paragraph as written to be included as written.

Ch. Ross: Why don't you read it for the record, please?

G. Sagar: Okay, in its entirety "this shall not be a treatment, rehabilitation, medical or health service facility, the services and facilities, provided by this program do not include, comprise or involve any, a) addiction related and or drug or alcohol related or detoxification treatment or b) form of medical care or treatment, including but not limited to psychological, psychiatric care/treatment for addiction".

Ch. Ross: On the motion to approve the petition for a special permit with the conditions read into the record, do I have a second?

R. Read: Second

Ch. Ross: Second by Bob Read, do I have any discussion on the motion?

G. Sagar: I would just like to say I just amended it so it reads a little better, but I ask if the applicant if he'd have a problem with that and if they were in favor of this as written in the hand out?

Ch. Ross: You asked him that already

R. Longden: Yes,

G. Sagar: Correct

Ch. Ross: Any discussion on the motion?

K. Rondeau I once commented, I think it was the last time Jacob Hill Inn before us, was that this was the crown jewel of Seekonk, and I think that the proposal before us, is a very, very good idea, as to try to move that along so it stays the crown jewel of Seekonk. I think a treatment facility of this sort would also help to....you know let's face it's something, it could have benefit to the town, being known as a place that will accepts people and will try and rehabilitate them, I know that the new owners if we approve this have a quite a chore in conservation of the historical nature of this piece of property. But first and foremost I do the new proposed use is a great proposed use if there is going to be something else other than an Inn at this facility.

Ch. Ross: Any other discussion?

S. Halajko: I can support that

Ch. Ross: Do this on a voice vote all in favor of granting this special permit in petition with condition recited within the body of the motion, signify by saying Aye, Aye, opposed no, Ayes have it 5 to nothing. Mr. Herren, congratulations, good luck with your proposal as well as your partners,

C. Herren: Thank you, sir.

Ch. Ross: Good Luck. Okay the last thing we have approval of minutes. We have minutes for July 10, August 7 and September 18 all of 2017 motion to approve the minutes as submitted?

G. Sagar: So moved

Ch. Ross: Do I have a second?

K. Rondeau Second

Ch. Ross: All those favor signify of approving the minutes as submitted for the three dates kindly signify by saying aye, aye, opposed no, ayes have it 5 to nothing. Motion to adjourn.

G. Sagar: Motion to adjourn

K. Rondeau: Second

Ch. Ross: All those favor signify by saying aye, aye. We are done. Meeting adjourned at 9:22pm

Respectfully submitted,

Bridget Garrity, Clerk

Approved and accepted with no changes on 4/9/18 by the ZBA.