

Town Of Dighton
979 Somerset Avenue



Town Of Dighton
Zoning Board of Appeals

January 20, 2016

Members Present:

Peter Caron Kenneth Pacheco
Robert Adams Sr. Greg Logan
Brett Zografos Zachary Caron

Call to Order:

Chairman Peter Caron called the meeting to order at 7:00 P.M.

New Business:

Case # 25-15 1209 Somerset Avenue Special Permit for Signage
Robert Adams Sr. Greg Logan Brett Zografos

Chairman Peter Caron explained that he was unable to attend the January 9, 2016 site visit but had read the minutes and had one concern regarding the shrubs that were discussed. The shrubs fall under the highway department and building inspector not the zoning board.

Building Commissioner, James Aguiar: He stated that he agreed with the commercial lumens language written in the Dighton Zoning By-law Regulations and he suggested the Board follow that as well.

DISCUSSION- re the overall size of the sign, the signs location regarding the distance from the stone wall, the height of the sign, the pitch of the top of the sign and the lumens were all considered.

- Conditions**
- 1.) 33 sq. ft.
 - 2.) Height not to exceed 9'6"
 - 3.) Minimum of 6' away from the stonewall
 - 4.) Vacant tenant sign will not be left blank for more than 60 days

TOWN CLERK
DIGHTON, MA

2016 MAR 16 PM 8:57

RECEIVED

It was moved by Chairman Caron, seconded by Robert Adams Sr. and VOTED to approve the special permit with the conditions:

- 1.) 33 square feet
- 2.) The height not exceed 9 feet 6 inches
- 3.) The pole on the west side of the sign must be a minimum of 6 feet from the inside wall
- 4.) A vacancy sign or tenant leaving the sign cannot stay up for more than 60 days after the tenant has left it must be replaced with a for rent sign or a black sign
- 5.) The lumens will not exceed 15,000 and the wattage not to exceed 200
- 6.) The light for the sign will go off at 9:00 P.M. and not come on before 7:00 A.M.

Vote:

UNANIMIOUS

Reasons for Approval

Robert Adams Sr.: Voted to approve because there has always been a business there and the sign meets the criteria of the neighborhood

Greg Logan: The sign does meet the requirements of the town, we are increasing the size of the sign and there are other signs in town that are larger. It is not exceeding the wattage of the lighting.

Brett Zografos: I agree with Bob and Greg and as long as they are conforming to the towns by laws regarding the illuminations I am ok with it

Peter Caron: Added the Planning Board is currently reviewing the square footage and in all likely hood it will be increased from the 9 square feet.

Case # 21-15 2589 Pleasant Street

Greg Logan

Robert Adams Sr.

Brett Zografos

Chairman Caron stepped down and asked vice chairman Kenneth Pacheco to continue with tonight's meeting.

It was moved by Peter Caron, seconded Brett Zografos and VOTED to reopen the hearing.

Vote:

UNANIMIOUS

Chairman Caron explained a concern regarding a discrepancy in the side yard setback dimensions that would be granted. DISCUSSION re the plans

showed 12.99' feet just shy of 13' feet. The variance now states that it is granted for 12' foot 9" inches that they were looking for but not less than 10' feet. If they encroach on the 10' feet they will have to come back to the board.

It was moved by Greg Logan, seconded by Brett Zografos and VOTED to approve the 10' foot side yard setback verses the original 12' that was previously approved.

Vote: UNANIMIOUS

Reasons for Approval

Greg Logan: Surveying presented is very limited and the positioning of the house on the property makes it difficult to give them the actual setback they requested.

Brett Zografos: I agree with Greg and it is in compliance with everything stated.

Robert Adams Sr.: The layout of the building on the lot leaves to much room for error.

Case # 16-15	1458 Somerset Avenue	Police Station
Peter Caron	Kenneth Pacheco	Zachary Caron

Vice-Chairman Kenneth Pacheco, stated that he believed this case had been voted on in November. It was discussed again in December and the board was told that there was going to be a withdrawal on part of the application. He explained that he had seen a copy of the letter to withdraw and part of the requested relief had been withdrawn. He then asked the Board if they had read the decision.

He explained that he had a conversation with ZBA Attorney Marguerite Mitchell and it was his understanding that the easement and the triangle variance could not be separated. Now after reading the decision it looks like they have been separated. There is nothing in this decision about the easement. My last conversation with Atty Mitchell was that the variance request could not be separated

The Board discussed the variance request for the triangle piece as well as the easement and them being one case.

Kenney Pacheco: Marguerite told me that they couldn't be separated. But it looks like and I assume she wrote the decision, it has been separated.

Peter Caron: She did write the decision. When I talked with Atty. Mitchell they were going to be separated because they were just withdrawing the easement portion of their application. They both reviewed the application and agreed there were two separate requests.

Kenneth Pacheco: There are two separate requests and when I spoke with Marguerite I was very specific when I asked if we can separate the easement from the triangle piece. She said no it is all one decision. So we could not accept one and reject the other. I am not opposed to what is going on but I am concerned that we are now separating them when our attorney answered my specific question regarding whether they could not be separated. Now she has done that. I am concerned why she would tell me that and now do something different. I had a conversation with Atty Mitchell after November 18th 2015 meeting and before December meeting and she was trying to get me and also the Board to change our minds on this. I told her that I wasn't going to change my mind but I did ask the question whether or not it could be separated. She was very specific saying no. I'm concerned that our attorney who is representing the Board would say something like that and now she separates it. I'm troubled by this.

Peter Caron: When I spoke with Atty. Mitchell it was that she was going to write the decision. It was for the two variances and that the withdrawal of the easement was separate.

Robert Adams Sr. recused himself and went to sit in the audience.

DISCUSSION- re the separation of the relief requested. The original variance for the front yard setback, the side yard setback of the triangular piece and the easement created for the driveway.

Vice-chairman Kenneth Pacheco read a letter dated December 28, 2015 requesting to withdraw without prejudice the access through frontage created by an easement.

It was moved by Kenneth Pacheco, seconded by Peter Caron and VOTED to accept the letter to withdraw without prejudice.

Vote:

UNANIMOUS

The Decision for case #16-15 1458 Somerset Avenue was signed

New Business: Lumens Regulations discussion with the Building

Inspector. Discussion- The town allows 15,000 max lighting intensity in a commercial area and this is consistent with surrounding communities. The bylaw does not allow for signs in a residential area without zoning relief. They also discussed LED signs and commercial flood lighting.

Drop Boxes: Discussion re drop boxes. The Planning Board is drafting a By Law regarding drop boxes and how they will be regulated.

Residence Located in Commercial Zones: The Industrial Development Committee is out talking to homeowners in commercial zones trying to promote business opportunities for their properties. Discussion- Mixed use, operating a business out of their home in a commercial area will need a special permit from the zoning board.

Approval of Minutes:

It was moved by Kenneth Pacheco seconded by Robert Adams Sr. and VOTED to approve the meeting minutes of December 16, 2015.

Vote:

UNANIMOUS

It was moved by Robert Adams Sr. seconded by Brett Zografos and VOTED to approve the minutes from site visit at 1209 Somerset Avenue, January 9, 2016.

Vote:

UNANIMOUS

Vice-chairman Kenneth Pacheco stated he had a question about the changes in the ZBA fee schedule. He asked if the Board had to follow the same process as the selectmen and read the revised fee schedule at 3 consecutive meetings before the fees can be adopted.

Chairman Caron stated that in the past when the current fee was raised to \$300, Joe Pacheco made a motion and the board approved it. The ZBA is an autonomous board. I will discuss it with our attorney.

Kenneth Pacheco also stated that the increase in fees for 40B applicants was pretty high.

Peter Caron: 40B applicants cannot be discriminated against with paying more than a typical applicant however the additional fees for solar applications still apply because they are not typical special permits and variances.

ZBA Budget: Discussion- The FY17 budget for the zoning board, Chairman Caron stated that when he met with the selectmen the only change they requested in the proposed budget was to change the sick leave bonus for the clerical help from \$500 to \$300. Peter explained that the sick bonus was at \$250 and where the position would now be full time he increased it to \$500 but it turns out that it is a \$300 Maximum. He explained that he requested the clerical hours be increased to 35 at a grade 6 and he also requested changing the position to administrative assistant instead of a clerk. He stated the Selectmen had no opinion on any changes / increases that were added to this year's budget. Now he will meet with the Finance Committee.

They also discussed the semi-annual payroll for the board members, online permitting and electronic archiving of case documentation. The board decided that they would prefer to be paid monthly instead of semi-annually and a letter to the accountant will be drafted requesting the change in payroll to now be monthly.

PUBLIC INPUT;

None

ADJOURNMENT:

It was moved by Zachary Caron, seconded by Brett Zografos and VOTED to adjourn the meeting at 8:15 P.M.

Vote: UNANIMIOUS