



TOWN OF DIGHTON
ZONING BOARD OF APPEALS
Regular Meeting Minutes

TOWN CLERK
DIGHTON, MA

2016 JUN 16 AM 8:08

RECEIVED

May 18, 2016

Members Present:

Peter Caron Kenneth Pacheco
Robert Adams Sr. Greg Logan
Zachary Caron Jason Quinn

Call to Order:

Acting Chairman Kenneth Pacheco called the meeting to order at 7:00 P.M. and introduced new board member Jason Quinn.

Old Business:

Case # 04-16 0 Elm Street Variance for Insufficient Frontage:

Peter Caron Kenneth Pacheco Zachary Caron

Robert Adams Sr. asked the board if they could have a discussion before the members vote on this application. It was decided that the board could discuss without the case without reopening the hearing. Bob stated that he drives by the property often and he brought the board's attention to the fact that the property was extremely wet. He then told the board that he had contacted the conservation commission and they would not allow a property owner to fill in wetlands if they could access the property another way.

Peter Caron brought the board's attention to a prior variance request April 2002 for this property and it was denied based on an abutter's objection. It was determined that there was no hardship on the land and it was also determined that it would be detrimental to the neighborhood. He explained that when the lot was divided someone intentionally left 60' feet of frontage to give access to the back land knowing that 250' feet of frontage was required.

KAC
6/15/16

Chairman Kenneth Pacheco stated that he spoke with Attorney Mitchell and she did not want a decision made tonight. She would like to revise the wording on the F1 form. Attorney Mitchell requested another cost to complete be done in phase 1 & 2. She also requested that phases 3, 4, & 5 have another cost to complete updated also. The developer explained that nothing has changed since the last cost to complete was done last fall. No work has been done to reduce that previous cost to complete. It is costly and time consuming. He requested the Board use the cost to complete from October 2015.

Building Commissioner, James Aguiar: Agreed, there is no substantial work has been done for a new cost to complete to be needed.

DISCUSSION: The town is holding 3 lots in phases 1 & 2. Lot #9, # 45 & #48. The Building commissioner has safety concernf for the neighborhood and would like the town to release the lots being held so that the developer will be able to complete phases 1 & 2. The value of the held lots was agreed to be \$120,000 each. The Board suggested the developer give to the back to the town released lot #11, which is the cut through lot between the Pines and Stoney Ridge and the town will continue to hold lot #48 but would release lots #9 & #45 to the developer so that he can complete phase 1 & 2.

Peter Caron asked retired chairman Joseph Pacheco why the town previously required the amount of the cost to complete plus 1 lot extra held in previous covenants?

Building Commissioner: The plus one rule has come into play when there has been the possibility of a downturn in the market. Where we have a reduction in appraised values. He stated that at this time there are no lots being sold in town for less than \$110,000. He added that there are some lots being sold in excess of \$160,000 in subdivisions. This may be where the plus one comes from.

It was moved by Peter Caron seconded by Zachary Caron and VOTED to continue the modification request until June 15, 2016

All in Favor

Aye

Case # 02-16 0 Winthrop Street Special Permit 2 Family

Dwelling: voting members

Kenneth Pacheco Robert Adams Sr. Zachary Caron

The decision was signed

Case #03-16 1209 Somerset Avenue Signage Variance

Robert Adams Sr. Kenneth Pacheco Greg Logan

Peter Caron gave a brief summary of this variance request and explained that the attorney representing this case, Robert Fredericks has been voted president of the Dighton Baseball League and has not been able to provide the Board with documents requested by the Towns Attorney Marguerite Mitchell. As soon as he does the decision will be drafted and signed by the board.

It was moved by Kenneth Pacheco seconded Zachary Caron and VOTED to continue this case until June 15, 2016

New Business:

Discuss & Act: Restructuring the Zoning Board.

Kenneth Pacheco asked clerk of the Board Robert Adams Sr. be interim acting vice-chairman and be allowed to sign bills and payroll in his absence. He also stated that chairman Peter Caron would be resume his responsibilities September 1, 2016

It was moved by Peter Caron seconded Greg Logan and VOTED to approve Robert Adams Sr. become acting vice-chairman in Chairman Peter Caron and acting chairman Kenneth Pacheco's absence.

All in Favor

Aye

Approval of Minutes:

It was moved by Zachary Caron second Peter Caron and VOTED to approve the regular meeting minutes of March 16, 2016.

All in Favor

Aye

It was moved by Zachary Caron second Peter Caron and VOTED to approve the regular meeting minutes of April 20, 2016.

All in favor

Aye

Public Input:

None

Discussion:

Peter Caron explained that Somerset Woods Village LLC. would be going up for auction and if it gets sold the approved but under appeal 40B comprehensive permit will follow the property.

Adjournment:

It was moved by Peter Caron seconded Zachary Caron and VOTED to Adjourn the meeting at 8:30

Vote:

UNANIMIOUS

Respectfully Submitted
Rosalind Grassie

