



TOWN OF DIGHTON

ZONING BOARD OF APPEALS

Regular Meeting Minutes

June 15, 2016

Members Present:

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

Call to Order:

Acting Chairman Kenneth Pacheco called the meeting to order at 7:00 P.M.

Old Business:

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

Peter Caron Kenneth Pacheco Zachary Caron

Discussion: The decision was mailed Monday morning in Taunton but has not been received yet. The extension letter was reviewed and it extended the Board's the time allowed through July 21, 2016.

It was moved by Peter Caron seconded, by Robert Adams Sr. to replace Zachary Caron with Greg Logan as a voting member.

All in Favor

Aye

It was moved by Peter Caron seconded, Robert Adams Sr. to continue the meeting until July 20, 2016

All in Favor

Aye

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BY

Case # 05-16 & 06-09 Stoney Ridge Estates: Release of lots #9 & #45 and the return of previously released lot #11 to covenant

It was moved by Peter Caron seconded, Greg Logan to replace Zachary Caron with Robert Adams Sr. as a voting member.

All in Favor Aye

Discussion: Concern about the language in the previously drafted F1 form. A revised F1 form was read into record and signed by the board, see attached.

It was moved by Robert Adams Sr seconded, Greg Logan to approve the revised F1 form.

All in Favor Aye

Case # 03-16 1209 Somerset Avenue Signage Variance

Discussion: Attorney Mitchell is still waiting on more information to be submitted regarding the zoning relief being requested for the proposed signage. A letter of extension was submitted June 14, 2016 by Attorney Robert Fredericks giving the Board until July 22, 2016 to sign the decision.

Case # 07-16 The Pines Modification Request Lot #28:

Robert Adams Sr. Jason Quinn Kenneth Pacheco

Developer Bisher Heshim presented the case requesting the Board grant relief from the foundation setback line. The bulkhead on the foundation on lot #28, 35 Silvia Way is encroaching on the setback line with lot #29. The request is to be 8.7' rather than the required 10' from the lot line.

Discussion: Is this a substantial or insubstantial change?

It was moved by Kenneth Pacheco seconded Robert Adams Sr. this request is not a substantial change.

Greg Logan asked if lot #29 was built yet and if the developer could maintain the 20' setback between the houses. The lot lines would not need to

be changed just the location of the foundation on lot #29 might need to be moved slightly to maintain the 20' distance between the homes.

All in Favor

Aye

It was moved by Kenneth Pacheco seconded, Robert Adams Sr. to approve the variance request that would allow the house on lot #28 to be built 8.7' from the lot #29 and the house on lot #29 has to be 20' away from the house on lot #28.

All in Favor

Aye

Case # 12-15 & 16-15 1458 Somerset Avenue: Variance Extension Request

Peter Caron

Kenneth Pacheco

Greg Logan

Kenneth Pacheco read a letter submitted June 14, 2016 requesting a 6 month extension of the approved variance for 1458 Somerset Avenue signed September 16, 2015 and recorded with the Town Clerk September 17, 2016 be extended through March 17, 2017. The second variance was signed January 20, 2016 and recorded with the town clerk January 21, 2016 be extended through July 21, 2017.

Discussion: At the Annual Town meeting Monday night it was discussed that the town would not be starting the project until the fall of 2017.

Building Commissioner, James Aguiar explained if that time frame is accurate one of the variances will lapse prior to issuance of a building permit. The board stated that they will need to come back for another variance.

Building Committee member Joseph Pacheco: stated that the building committee will probably need to come back before the board because the site plan has changed.

It was moved by Kenneth Pacheco seconded Greg Logan to extend case # 12-15 variance for 1458 Somerset Avenue until March 17, 2017.

All in Favor

Aye

It was moved by Kenneth Pacheco seconded, Greg Logan to extend case # 16-15 until July 21, 2017.

All in Favor

Aye

Approval of Minutes:

It was moved by Kenneth Pacheco second Peter Caron and VOTED to approve the regular meeting minutes of May 18, 2016.

All in Favor

Aye

Discussion: Kenneth Pacheco explained to the board that even though they “the board” increased the filing fees to incorporate the fee for drafting the decision the money cannot used to pay for the decision. The hearing filing fees go into the reserve fund and cannot be touched. We will need to ask for an increase to our professional & technical budget line to cover the cost of drafting the decisions at the special town meeting in the fall.

Peter Caron stated we raised those fees to cover the cost of the decisions. Those costs were incorporated into the FY17 professional & technical budget lines we will need to review the approved budget and revise in the fall if needed.

They also discussed the requested salary increase for the Board and noted that the selectmen and finance committee did not support it. It was noted that Dighton was compared to Raynham and that is not a fair comparison. If the town is at building capacity then there zoning relief requests will be minimal. We are not maxed out we need to be compared to other towns that still have open land to be developed.

If they don't have 40B's because they are at capacity and we have (3) three, 40B's coming in where do you expect that time and effort to come from. Raynham is not growing at the rate we are, they are maxing out. Where is that the information the Finance Committee used to make that determination?

Public Input:

Building Commissioner, James Aguiar wanted to bring to the board's attention that there would be two ground mounter solar applications coming before them and the requirement of a site plan was questioned by one of the solar installers. He stated the by law clearly states that a site plan must be

submitted to the board prior to the meeting. He was trying to get away from the engineering requirements.

Adjournment:

It was moved by Robert Adams Sr. seconded, Jason Quinn and VOTED to Adjourn the meeting at 7:36 PM

Vote:

UNANIMIOUS

Respectfully Submitted
Rosalind Grassie