



**Town of Rowley
Massachusetts**

ZONING BOARD OF APPEALS

39 Central Street, PO Box 275, Rowley, MA 01969
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April 28th, 2016 Meeting Minutes

Those present: Thomas Heidgerd, Robert Clewell, Peter Carpentier, David Levesque, and Administrative Assistant Lisa Lozzi. Chairman Donald Thurston was not in attendance.

Audience Attendees: Roland Madden, 135 Wethersfield St; James Dunn, 968 Haverhill St; Stephanie Lineman, 5 Walnut Dr; Steven Vaccaro, Jr., 5 Walnut Dr; Donna Thibodeau, 41 Wethersfield St; Marylee Parsons, 971 Haverhill St; Robert Campbell, 971 Haverhill St; Robert Snow, 7 Saunders Ln.

I. Call to Order

Clerk Heidgerd opens the meeting at 7:03pm with introducing himself and begins to explain the Chairman's absence as well as recommending the Board temporarily appoint Member Robert Clewell as acting Chairman.

Heidgerd makes a motion to appoint Member Clewell as the acting Chairman. Levesque seconds. All in favor.

Acting Chairman Clewell reads the meeting's agenda for the record.

II. Approval of Minutes – March 24th, 2016

Acting Chairman Clewell asks for a motion to accept the minutes. Levesque motions. Carpentier seconds. All in favor.

III. Cont'd Public Hearing

• 16.02 – Daniel DeStefano – 804 Haverhill St – (Decision Review and Vote)

Heidgerd states Member Levesque needs to be statutorily approved to act on the Decision. Levesque states he has read the 'minutes,' has conducted a site visit and is familiar with all the elements of the case to date. Acting Chair Clewell requests and appoints Levesque to act on the case. Board Members acting on this case are Clerk Heidgerd, Member Levesque, Member Carpentier and Acting Chair Clewell.

John Morin of Morin & Cameron Group displays his easel boards and continues to talk of the salt storage area with regard to adding additional detail and complying with Mass 'standards'. (e.g. concrete block, covered roof, not tarp, etc.)

Heidgerd mentions the follow-up comments/letters from each of the departments, the applicant, and the ZBA requests for information were satisfied. Essentially all the matters the ZBA wanted addressed were met.

Acting Chair Clewell suggests closing the taking of evidence and see if anyone has anything further to offer on the case. There is no response from the audience.

Acting Chair Clewell entertains the motion to close the evidence. Heidgerd motions to close the hearing. Levesque seconds. All in favor.

Heidgerd states that in an effort to be responsive to the applicant who was facing a deadline associated with actually being able to 'close' on his acquisition of the property, the Board had actually juxtaposed the original monthly regular meeting and when the applicant found it was going to be more work than they anticipated, the Board created tonight's meeting as a regular meeting. At that point, based upon the ZBA's last hearing, the Board also concluded that there were not issues sufficient to doubt that the Board would grant the permit. As Clerk, Heidgerd took the information the Board had and prepared a 'draft' of the case so the Board could review since the information the Board asked the applicant to submit was actually done in a timely fashion so the Board could review prior to tonight's meeting.

Acting Chair Clewell advises the Board Members taking a couple of minutes to review the 'draft' decision and Board members comply.

Heidgerd reads the 'conditions' of the draft Decision for the record. The Board decides to amend condition #3 to include snow plowing. Acting Chair Clewell says to amend to say winter snow plowing as customary and reasonable is allowed. And condition #2 with adding the additional revised plan date.

Clewell asks for a motion to adopt the proposed Decision as amended. Levesque so moves. Carpentier seconds. All in favor.

IV. New Business

- **16.03 – Roger LeBlanc – 9 Walnut Dr - Special Permit**

Members acting on this case are Acting Chair Clewell, Clerk Heidgerd, Member Levesque, and Member Carpentier. Acting Chair Clewell opens case #16.03 and continues to read from the ZBA Public Hearing Procedure sheet for the record.

Roger LeBlanc, the applicant, explains his intent to the Board. Says he purchased the property from the Town of Rowley last year and proposes to tear down the existing building and construct a new three (3) bedroom structure. Says he's coming before the Board due to the frontage requirements. (currently a 9' frontage - proposing 15')

Acting Chair Clewell reads the applicant application for the record.

Heidgerd says he would like the applicant to provide the Board with a hard copy plan of the current site.

Board Members discuss property location on the street, use, footprint, and non-conformity.

Stephanie Lineman of 5 Walnut Drive says she would like clarification on being notified as to the construction project that will impact her daily life such as water, electricity having to be shut off.

The Applicant says the main issue is the water line and says he will be working with the neighbors. Says once he has a building permit he will give them a schedule of what he will be doing. Acting Chair Clewell advises putting in the decision under conditions of notifying the neighbors at least 48 hrs. in advance.

Robert Snow of 7 Saunders Lane says he has concerns of any blasting and being notified of such, and with the settling of the property and drainage. Leblanc (applicant) says he didn't experience any ledge and doesn't anticipate any ledge.

After discussion between Heidgerd and Leblanc (applicant), Leblanc suggests putting a condition in the decision of 'No blasting on the property.'

Acting Chair Clewell reads the PB, FD, and BOH dept. memos for the record.

Levesque motions to accept application as presented. Carpentier seconds. All in favor

Acting Chair Clewell asks Clerk Heidgerd to prepare a draft decision.

Acting Chair Clewell requests a recess.

Recess is taken: 8:50pm

Meeting resumes at 9:00pm

• **16.04 – JM Dunn, LLC – 968 Haverhill St – Special Permit**

Board Members acting on this case: Clerk Heidgerd, Acting Chair Clewell, Member Levesque, and Member Carpentier. Acting Chair Clewell opens hearing and reads the applicant application for the record.

John Morin of the Morin & Cameron Group representing the applicant comes before the Board and describes the property via easel boards and the proposed intent. Discussion on stormwater, water runoff, infiltration basins, and mentions the property has a very high water table.

Morin says he's already met with ConCom, and PB – both permits are still open and will be filing the storm water permit and with the BOH for septic system. Says are proposing as required by the zoning - Says he has to provide landscaping and proceeds to describe the landscaping plans along with easel board displays. Morin says only mulch will be stockpiled and bins are not needed.

Heidgerd asks about the footage of the impervious area and Morin says approx. 10-11,000sq ft.

Morin says it's considered a landscapers building-contractors yard consisting of a compressor, 2016 vehicle, leaf blower, tool box, hand tools, workbench, sander, leaf vacuum and two hand spreaders. Says will not be storing salt.

Levesque asks how many trucks outside and Morin says 4 dump trucks/6 wheelers.

Levesque asks about the lot, street to building dimensions (50'), the street to building screening,

Marylee Parsons of 971 Haverhill Street asks questions concerning mixed use, the definition of light industrial district, (Acting Chair Clewell reads from 4.7.2F of the bylaws), and the landscape plan. Board Members suggest she go to the Town Hall's Assessors office for more information concerning the multiple districts and their locations. Marylee says she's all for the project.

Robert Campbell of 971 Haverhill Street asks questions on the time frames, demo, construction, and will the building be lighted 24hrs a day. John Morin produces a lighting plan and explains all the light will be motion sensors.

Acting Chair Clewell asks Applicant if he has expectations of getting larger and Applicant says it's as big as its going to get.

Acting Chair Clewell reads the dept. memos for the record. PB says it would like a condition prohibiting specific uses should be included in the approval decision perhaps mirroring a list of uses prohibited in the watershed protection district by zoning bylaw such as repair, maintenance or washing motor vehicles, mass storage of fuels, chemicals, stockpiles of snow from the roofs and streets. The applicant should provide the information required by the zoning bylaw section 4.11.4.1. Acting Chair Clewell advises condition the decision on what the FD & PB have said based on the bylaw number. (listing it)

Acting Chair Clewell asks for the building sq ft and John Morin says 40 x 60+/- Acting Chair Clewell asks for the total impervious area including the building and John Morin says 12,000 sq ft+/-

Heidgerd motions and says he thinks it's an improvement for the site and the town. Says the Applicant has been in town operating for many years and is making a commitment to the town. Those are all good things. Motion was made to approve. Levesque seconds. All in favor.

Acting Chair Clewell asks Clerk Heidgerd to prepare a draft decision.

Acting Chair Clewell asks for a motion to close the hearing. Carpentier motions. Levesque seconds. All in favor.

V. ZBA Rules & Regulations – Discuss

Acting Chair Clewell says in view of the fact that Chairman Thurston isn't in attendance it would be more appropriate to post pone until he returns.

Heidgerd motions to postpone. Levesque seconds. All in favor.

VI. Adjourn

Acting Chair Clewell asks for a motion. Carpentier motions to adjourn. Levesque seconds. All in favor. Meeting adjourns at 9:20 pm.

Minutes accepted at the 6.16.16 meeting.

Documents and exhibits provided/used at meeting and are available in the ZBA office:

Meeting Agenda

Minutes of March 24th, 2016

Sign-In Sheet

Form for Certification of a Board Member Missing a Single Hearing – Signed by Mr. Levesque

Draft Decision for #16.02

Letter from FD dated 4.27.16 for 16.02

Letter from CONCOM dated 4.28.16 for 16.02

Letter from Morin-Cameron Group dated 4.21.16 for 16.02

Letter from Morin-Cameron Group dated 4.21.16 for 16.02 for ZBA

Public Hearing Procedure Sheet – 16.03

Legal Ad – 16.03

Applicant Application – 16.03

Memo from PB dated 4.27.16 – 16.03

Email from FD dated 4.7.16 – 16.03

Memo from BOH dated 4.14.16 – 16.03

Applicant Application – 16.04

Plant List and Specs – 16.04

Legal Ad – 16.04

Letter from Morin-Cameron Group dated 3.31.16 for 16.04

Email from BOS dated 4.26.16 for 16.04

Memo from BOH dated 4.14.16 for 16.04

Letter from FD dated 4.14.16 for 16.04

Memo from PB dated 4.27.16 for 16.04

Letter from CONCOM dated 4.28.16 for 16.04