



**Town of Rowley
Massachusetts**

ZONING BOARD OF APPEALS

39 Central Street, PO Box 275, Rowley, MA 01969
Phone 978.948.2657 Email zoning@townofrowley.org

April 17th, 2019 Meeting Minutes

Those present: Chairman Donald Thurston, Vice Chairman Thomas Heidgerd, Member Robert Clewell, Member Donna Thibodeau, Associate Member Kevin Reilley and Member David Levesque. Associate Member Guillaume Buell is absent.

Public Attendance – See sign-in sheet

I. Call to Order

7:02 pm – Chairman Thurston called the meeting to order and reads the Agenda for the record.

II. Misc.

Approve March 20th, 2019 Minutes

Levesque motions to accept. Clewell seconds. All in favor.

III. New Public Hearing

7:05 pm - #19.07 – Michael Bontos/Rowley Auto Parts – Appeal - 164 Boxford Road

Board Members working on the case are Chairman Donald Thurston, Vice Chairman Thomas Heidgerd, Member Robert Clewell, Member Donna Thibodeau, and Member David Levesque.

Chairman Thurston reads applicant's application, IB cease and desist order, and the BOS, WD, FD, IB dept memos for the record.

Attorney Peter Ross stands, addresses the Board and speaks of a previous 2015 ZBA Decision its conditions.

Chairman Thurston questions the fencing, the time frame of junk car storage and their location. Mr. Bontos says they're being stored on the hot top. Clewell addresses the Chairman and states the relevant time is when the Inspector of Buildings issued the Cease and Desist order.

Questions are asked if vehicles are stored currently (as of this meeting) and Atty Ross states he "doesn't know if any are store there now." Mr. Curtis Bryant, 80 Boxford Road speaks and says there are vehicles stored there now and it's two months after the cease and desist.

Heidgerd asks Atty Ross what the relationship is between Mr. Bontos and CoPart. Mr. Bontos says they lease the property from him since the beginning of 2019. Heidgerd questions the 1,000 vehicles appearing and disappearing in 80-90 days and Bontos says it was requested by the town.

James Garner (Mr. Bryant's Atty) stands, speaking on behalf of his client and states not only can it not (the prior use) be resurrected, it is specifically prohibited.

Mr. Bryant, 80 Boxford Rd says the cars are in various states of disrepair and mentions the CoPart website and how the vehicles are up for sale or auction for parts. Says he also wants the Board to know that almost half the land is protected wetlands bordering vegetated wetlands and water bodies.

Mr. John Beard, 167 Boxford Rd says he's concerned about the water supply and 'storage' in the watershed area. Says it's the third time applicant has changed businesses without telling the town.

Clewell moves to close evidence. Levesque seconds. All in favor.

Chairman Thurston states the cease and desist should be upheld and Clewell says he concurs and the decision for the cease and desist should stand.

Heidgerd states that all the discussions about various issues that relate to Mr. Bontos's use are not the subject for this hearing. States how actively involved Mr. Ross and Mr. Bontos were in helping the ZBA Board draft the prior ZBA Decision back in 2015. Says the verbiage the Board ended up with was essentially verbiage which Mr. Ross and Mr. Bontos found acceptable. Therefore, the violations that are clear here, are junk cars were put there and they weren't supposed to be there, and if Mr. Bontos had any intention of changing what was allowed or not allowed and his interpretations were different of what that Decision said, Mr. Bontos was supposed to come before the Board. He didn't do that.

Heidgerd motions to uphold the cease and desist order as issued. Levesque seconds. All in favor. Clewell motions to close the hearing. Levesque seconds. All in favor.

IV. Cont'd Public Hearing

7:30 pm - #19.06 – Vorrias – 491 Main Street

Chairman Thurston reads for the record a 'withdrawal' email from the applicant.

Heidgerd motions to accept. Reilley seconds. All in favor.

V. Adjourn

Chairman Thurston asks for a motion to adjourn. Clewell so moves. Levesque seconds. All in favor. Meeting adjourns at 8:00 pm.

Minutes accepted at the _5.24.19_____meeting.

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

Meeting Agenda

Sign-in Sheet

March 20th, 2019 Minutes

Missed Hearing Document

#19.07 ZBA Application

FD, IB, WD, BOS Dept Comments

#19.06 Withdrawal email

IB Cease & Desist order

Respectfully submitted by Lisa Lozzi