



**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](mailto:zoning@townofrowley.org)

**January 21<sup>st</sup>, 2016 Meeting Minutes**

Those present: Chairman Donald Thurston, Clerk Thomas Heidgerd, Robert Clewell, David Levesque, Peter Carpentier and Administrative Assistant Lisa Lozzi.

**I. Call to Order**

Chairman Thurston calls the meeting to order at 7:03pm.  
Chairman Thurston reads Agenda for the record.

**II. Approval of Minutes – December 17<sup>th</sup>, 2015**

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

**III. New Business**

**Case #16.01 – 524 Newburyport Turnpike – Antonelli**

Members acting on the case are Chairman Thurston, Clerk Heidgerd, Member Clewell, Member Levesque and Assoc Member Carpentier. Chairman Thurston appoints Carpentier to Member status to act on this case.

Chairman Thurston reads the Public Hearing Procedure, Applicants Application and the ConCom, BOH, PB, and BOS comments, for the record. Board Members view several pictures from the ConCom dept. which were attached. Chairman Thurston asks the applicant to clarify (ascertain) what/where such materials are located concerning ConCom's comments and applicant explains.

Chairman Thurston asks the applicant (Mr. Antonelli) to explain what he proposes to do. Mr. Antonelli proceeds to explain he wants to purchase the property and change the property/business from landscaping & power equipment to landscaping & fencing. Says there's an order of conditions that have to be met and within his P&S.

Heidgerd asks the property owner's representative (daughter) to clarify the 'ownership' of said property and she explains. Heidgerd says (for his own clarification) Agawam Asteria is actually representing both the property owner and business owner. Two different legal parties. AAK owns the real estate and Agawam Asteria LLC owns the business part. The business part of it leases off of AAK. Heidgerd says he wants to know who's selling what to whom. Property owner's representative states the applicant is purchasing both.

Heidgerd says he doesn't think there's any issue with the 'use' but that there's things undone by the people who purchased the property prior to the existing owners that he has questions about.

Questions if the Board needs to be bound by those conditions specifically developed for a business and an enterprise that doesn't operate there anymore. How much of those conditions if any, that ConCom originally put on the permit that the ZBA granted that we really have to be concerned about. Chairman Thurston says he thinks it's not up to the ZBA to worry about that. Says we'll put in our Decision that he'll have to meet whatever ConCom wants. We're working under zoning, not the Conservation Commission.

Heidgerd tells the applicant to help the Board understand what he wants to do with the property and the kind of equipment. Applicant says he's basically a landscape care company, grounds care and he does landscape construction for patios, walkways, walls, etc. and then hardscaping, fencing as far as arbor ways, etc. We don't do decks.

Heidgerd asks if he keeps the materials on site and applicant says when he needs it he goes and purchases it such as hardscaping and bulk materials frequently dealing with Wolf Hill. Most materials are brought in for jobs and taken back out. Primarily special orders. When we get a job, the material is ordered and dropped off to the customer site. There's really not much stock stored. We send crews out, they're out all day, and then come back and some park their equipment for the night. Others take home. We're not operating as a retail site.

Heidgerd asks how many pick-up trucks and if any eight (8) wheelers and applicant says' mostly six (6) wheelers. Says couple of dump trucks but nothing over CDL. All lightweight trucks. Anything larger than that, we order from Bentley Moore or TW Excavating and just bring it to the site.

Chairman asks about storage facilities for bark mulch and such and applicant says he'll have small quarters but nothing largely stocked and for his use only. Not for resale. Waste is recycled at the Ipswich Town dump. Says there's eight (8) guys plus himself for staff and is really not looking at getting much bigger. Says he's pretty comfortable where he's at right now and looking forward to incorporating the fencing part which will encompass probably a 12 guy staff. Says most of his guys for landscaping take their trucks home. We usually only have 2-3 vehicles extra a day.

Heidgerd asks about hours of operation and applicant says landscaping 6:30-7am usually out the door and back by 4-5pm. Fencing is like 8-5pm. Saturdays we really work on landscaping and it will be 8-12 in the spring and possibly the same for fencing. Says he won't run trucks or work on Sundays.

Carpentier states to the Board to reinforce the fact that Zoning is subject to conditions which will also help the applicant in terms of his P&S.

**Heidgerd makes a motion that the ZBA draft a Decision in support of the applicant's request to continue the non-conforming uses associated with the landscaping business and further to identify the fencing business as an allowed non-conforming use at the location as requested subject to the conditions of any other Boards. Most of the concern is with ConCom and that the Decision is granted under section 5.2 finding that the added use is not in any way detrimental to the existing uses and therefor the Board finds it acceptable.**

Levesque asks about setting a 'time' for hours at this meeting. Heidgerd suggests 6am to 6pm Mon-Fri and 6am to 12noon on Sat and asks if that's sufficient of the applicant and applicant agrees.

Chairman Thurston suggests a parking provision in the case of customers stopping by to view different types of fencing. Discussion on parking spaces proceeds. Clewell states if customers are stopping by, there needs to be parking even if it's not for retail purposes.

Applicant states there's plenty of parking spaces. Levesque mentions it is stipulated on a previous

property owner's 'plan'. Thurston says the Decision should address parking spaces. Applicant states the only area for parking is on the right and is already established. Due to the septic system there's not enough space to fit more spaces. There is discussion and the applicant points out on the prior owners 'proposed' plan where the handicap spaces could be located while also viewing an ariel view with the Board Members.

Heidgerd suggests signage and painted lines for better view ability.

Applicant shows Board Members the 'as built' plan which is on file at Town Hall depicting the 'pavement and gravel' areas.

Discussion on where 'well' is if any and applicant points to location and says the well feeds one (1) outside spigot in front of the building. Rest of the building is on town water.

Heidgerd asks Board Members if the Board should specify the amount of spaces and their location along route one to include one (1) handicap space. The applicant says what he proposes to do is move a few of the 'displays' and put a few parking spots in that location for employees and leave the existing for the general public.

**ADDED to MOTION ABOVE – Heidgerd says the ZBA could notate to leave the 'as built' plan description of parking on the North side of the building intact. Heidgerd suggests putting a handicap sign. Levesque seconds the motion. All in favor.**

Heidgerd asks the applicant if and when he needs a document and applicant says asap due to a closing date of 2/29. Heidgerd says the draft document will be ready on Monday.

Clewell says the Decision should reference ALL the plans.

#### **IV. ZBA Rules & Regulations – Discuss**

Board Members are given copies of the '1<sup>st</sup>' round of draft revisions to the new proposed ZBA Rules. Board Members are instructed to review and examine the pages for further revisions which will be discussed at the next ZBA meeting.

#### **V. Adjourn**

**Heidgerd motions to adjourn. Levesque seconds. All in favor. Meeting adjourns at 8:36 pm.**

**Minutes accepted at the \_\_\_\_\_3.24.16\_\_\_\_\_ meeting.**

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

Meeting Agenda

Minutes of December 17<sup>th</sup>, 2015

Case #16.01 Applicant Application

Proposed New ZBA Rules & Regulations - Draft Copy-1<sup>st</sup> Revision