



**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

March 24th, 2016 Meeting Minutes

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

Audience Attendees: John Morin of 447 Boston St., Topsfield, Nancy McCann of 89 Newbury St., Danvers, Applicant Daniel Destefano, Frank Bertolino of 10 Maple Terrace, Newbury, Bertram & Carol Cole of 800 Haverhill St., Rowley.

I. Call to Order

Chairman Thurston calls the meeting to order at 7:07pm.
Chairman Thurston reads Agenda for the record.

II. Approval of Minutes – January 21st, 2016

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

III. New Business

Case #16.02 – 804 Haverhill Street - Destefano

Members acting on the case are Chairman Thurston, Clerk Heidgerd, Member Clewell, and Member Carpentier.

Chairman Thurston reads the Public Hearing Procedure for the record and asks the Board Members if there is any conflict of interest and there is none. Chairman Thurston reads the applicant's application, 'exhibit A' document and the department memos from the FD, BOS, BOH, CONCOM and PB for the record.

Chairman Thurston calls on applicant's attorney, Ms. Nancy McCann and she proceeds to explain to the Board Members her client's intentions for a change of use for the property and says the interior of the building will be used for storage of vehicles as well as an office. There will be one (1) full time employee on site. Everyone else will come in in the morning, (6:30-7:00) get their assignments and go to the job sites. Says there will be no work going on at the site (property). Says she thinks there will be a decrease of activity on the site.

Attorney McCann says the outside of the building will be storing some mulch and landscaping materials with proposed screening with fencing as well as containment for the salt and the mulch areas.

Mr. John Morin of the Morin Cameron Group of 447 Boston St., Topsfield, MA comes before the Board and sets up his easel with his drawing and explains his proposal for the applicant's intentions. (parking, materials, dumpster location, infiltration trenches, etc) Mr. Morin produces photos for the Board Members to view the locations of the newly proposed garage doors. Says

they are not proposing any changes to the exterior of the building with the exception of the garage doors.

Building is currently serviced by overhead electricity. Heidgerd asks if the electricity is enough for the applicants needs and the applicant says yes. Questions are asked of the parking and it is said there are ten employees and that they go directly to the job site.

Heidgerd asks to be more specific on the amount of vehicles and Applicant says pickups and 1 ton dump trucks (6 wheel) skid trailers, enclosed lawn mower trailers, front end loaders, and says he doesn't have any enormous tractor trailers. Attorney McCann states all would be stored in the enclosed fenced area on the existing parking area.

Heidgerd asks about single storage area or multiple bins and Applicant says he has another storage facility where he stores his mulch and salt but should the need arise to store at new location would like to be able to. In the future may need to keep the product here. I don't keep more than what we would use. A lot of the supplies get delivered to the sites.

Heidgerd asks applicant if he plans to give up existing storage location (Ferncroft Country Club) when he acquires new property and he says no. He will operate out of both locations

Heidgerd says he doesn't have a problem with the use – but that there are issues with using the 'salt' safely. Wants to know how much is needed to store, want to store, would store, and how often does it get replenished. Applicant says it's delivered on per storm basis – 200 ton easily and would be stored outside in a covered bin. Says during snow events it would be used as fast as it was delivered. Says we keep it stored somewhere else and sometimes we're sitting on 10 – 20 ton at the end of a season but can pretty much gauge how much we'll need for the season. At \$100 a ton, we make pretty sure it doesn't come in contact with the rain. It's very important to us it stays dry and protected.

Heidgerd explains the Board would specify the conditions of the ConCom for approval in the decision and would specify pretty clearly the number of vehicles in the decision.

Heidgerd asks how big the building is and 6,000' is answered. Heidgerd states he would want to see more of a floor plan – would want to know what you're putting in the building such as what vehicles would be inside. McCann says she'll be more than happy to supply.

Carpentier asks if Applicant is in the business of going out at night and Applicant says he could be operating at any given time in the snow season but the snow is a good insulator as well as a 'buffer' for sounds.

McCann says three (3) seasons - fall spring summer would basically operate 6:30 to 5 – 6 days a week. Applicant says on raining days sometimes work on Saturdays. McCann says in the winter with a snow storm and a larger job the equipment may be left on site. The guys would come and pick-up the equipment outside of the normal working hours.

Clewell asks if the snow removal is private such as no town contracts, no state contracts and Applicant says just commercial private such as condos, office buildings, parking lots. Says he has an obligation to keep the areas safe. Says he also services the multiunit properties that about the property. Clewell asks about plowing public streets and Applicant says no. Heidgerd asks how many snow related trucks are operated and the Applicant says approximately ten (10).

Applicant says all the equipment is new and really looking for a place to call home and a place for security for equipment for the snow blowers, lawn mowers, and goal is to become organized with shelving, etc.

Heidgerd asks about auto repairs, truck repairs, equipment repairs on site and Applicant says yes, minor repairs and preventative maintenance and hasn't thought much of welding but would be done inside if needed.

Heidgerd tells Applicant that in regards to storage, the Board is inclined to say 'storage of mulch' or 'storage of stone and mulch' in the decision and seasonally it would be salt and asks Applicant what he does with the salt and Applicant says in the past he's always kept in storage with a tarp over it.

Clewell asks Applicant if lawn care chemicals are stored and Applicant says normally he doesn't store fertilizing materials- whatever was left over from a job site.

Heidgerd asks how frequent deliveries are made and Applicant says salt dump truck is weather dependent and mulch delivery would be sporadic. A lot is direct shipped. Ups may drop off parts for a lawnmower or of that nature but we're not going to be storing products such as paving, curbing, etc. Says he's a maintenance company, not a construction co. All secured from the public and contained inside the building. We are required to be compliant.

Neighbors, Mr. & Mrs. Cole- concerned with the view, the size of the storage structures, the noise, and hazardous materials. Ask what is being stored, hazardous, flammable, and where it's a change in use will it affect their property. Neighbors want to know the height of storage area-Mr. Morin says 140' off lot line 170 from building itself. 6' high storage bin on top would be a 12' shelter. Applicant states his goal is to keep vehicles on the property and will keep as neat as possible. McCann shows the diagram to the neighbors and explains the height of the storage, the chain link fencing and the vehicle driving direction.

Heidgerd says the ZBA will likely restrict delivery hours. Applicant says salt companies deliver 8-3.

Clewell says Snow trucks would potentially be 24/7

Frank Bertolino of Newbury, MA (realtor) stands and says it's much easier to sell a residential property near a property like this than a machine shop.

Discussion amongst Board Members, Applicant and Mr. Morin on the underground electricity is discussed; some underground and some above.

Heidgerd requests a layout showing dimensionally where the office space is inside the building and the listing of what the applicant wants to park inside as well.

Discussion amongst Board Members on next meeting dates is discussed and decided.

Lozzi is asked to copy the dept. memos of comments and gives to the applicant's attorney.

Lozzi is instructed to notify Member Heidgerd and Attorney McCann when the Decision has been signed and recorded at town hall and to send her a copy as well.

McCann says she will supply the ZBA with:

1. Floor plan of inside building with dimensions which also reflects the garage doors.
2. How many vehicles will be inside the building
3. Types of vehicles going inside the building.
4. Materials stored
5. Number of vehicles stored on site
6. Number of employee vehicles
7. Will talk to Planner about the storage of salt
8. Types of vehicles planned for storing outside.

9. Will communicate with all the dept. who commented, who are satisfied, and will get that info to ZBA.

Chairman Thurston asks for a motion to continue the hearing to April 7. Heidgerd moves to continue the hearing to April 7th, 2016 at 7pm. Clewell seconds. All in favor.

Clewell requests a 2 minute recess.

Recess is taken: 8:50pm

Return: 9:00pm

IV. ZBA Rules & Regulations – Discuss

Heidgerd proposes to shift and pick up the conversation to the April 7th, meeting.

Heidgerd motions to continue discussion of modifying the ZBA Rules & Regulations to the April 7th, 2016 meeting. Carpentier seconds. All in favor.

V. Adjourn

Clewell motions to adjourn. Heidgerd seconds. All in favor. Meeting adjourns at 9:04 pm.

Minutes accepted at the _____4.28.16_____meeting.

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

Meeting Agenda

Minutes of January 21st, 2016

Sign-In Sheet

Comment Memos from PB, ConCom, FD, BOH, BOS

Case #16.02 Applicant Application

Photos of proposed new garage doors locations

Proposed New ZBA Rules & Regulations - Draft Copy-1st Revision