



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

May 17th, 2018 Meeting Minutes

Those present: Chairman Donald Thurston, Member David Levesque, Member Robert Clewell,
Member Donna Thibodeau and Lisa Lozzi. Clerk Thomas Heidgerd is not in attendance.

Public Audience: See attached sheet

I. Call to Order

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

Chairman Thurston reads the 'request for continuance' email for case #18.07 for the record.

Chairman Thurston asks for a motion to accept the request to continue email and continue the hearing to June 21st, 2018. Levesque so moves. Thibodeau seconds. All in favor.

II. Misc.

Vote to approve the April 19th, 2018 minutes

Chairman Thurston asks for a vote to approve the April 19th, 2018 minutes.

Clewell so moves. Levesque seconds. All in favor.

Vote to rescind a previous Vote taken

Chairman Thurston asks for a motion to rescind a vote made at last meeting on the 'withdrawal' form for ZBA case #18.09 to change from 'with prejudice' to 'without prejudice'. **Levesque so Moves. Thibodeau seconds. Clewell asks for Board discussion.**

Roll call vote taken: Levesque-Yes, Thurston-Yes, Clewell-No, Thibodeau-Yes.

III. Decision

Accept and vote - #18.10 Decision – Steve Pierro – American BBQ

Chairman Thurston reads letter/email from Mike Cerbone of Savoi Nolan Architects, LLC dated 5.16.18 for the record.

Chairman Thurston asks for a motion to accept the Decision. Levesque so moves to accept Decision as presented. Thibodeau seconds. Due to only four members attending: The Ayes have it. All four in favor.

IV. New Business-Public Hearing

7:27 pm - #18.11 – David Jaquith – 77 Railroad Ave

Board Members working on the case are Donald Thurston, David Levesque, Robert Clewell, Donna Thibodeau, Thomas Heidgerd. Chairman Thurston opens the hearing and reads the PHP, ZBA Application, IB letter and ConCom memo for the record. Asks if there is any conflict of interest with the Board Members and there is none. Chairman Thurston makes mention of the comment letters received from PB, BOH, BOS, and FD town depts which were previously viewed. Copies of all letters/memos were made and given to Applicant.

Levesque questions the 'height' (non-depicted in plans) and Mr. Jaquith states the confirmation of the building height is correctly measured. Says it's well under the 35' on the front of the building. Says the back is taller but like many other buildings on the street such as #81 is much taller and it

was never an issue. Levesque mentions the FD comments how the 'ladder' will not reach and is a concern. Applicant says he'll be glad to talk to the Fire Chief.

Mr. Jaquith stands before the Board and explains his project and displays a 'model' of the proposed building (s). Produces picture board with easel and continues to describe the project. It is a three-bedroom house and will continue to be a three-bedroom house. The Lot is a hardship lot - only 40' wide. Encroachments will be 3.25' on one side and 5' on the other.

For the second part of the proposed project, Applicant states there's an additional 20' x 22' concrete foundation which he wants to build a storage shed for kayaks, etc. Says he will talk to ConCom about their comments. (in opposition) Mr. Jaquith hands 'existing' photos to the Board Members for their review. Levesque asks how many years has it been since garage was torn down and applicant says 6-7yrs.

Applicant and Board Members discuss and view model of proposed structures, discuss septic system height, and leach field location, etc. Levesque questions the percentage of adding on to existing house. App says 98%. Board Members question the square footage and Mr. Jaquith states existing building is 980 sq.ft. and the finished project will be 2,000 sq.ft.

Chairman Thurston says he's concerned regarding FD comments and asks how a fire engine is going to get down to the building. Applicant says it could cross over the Railroad land-approx 15' wide and that the area will be cleaned up and could certainly be used for man power.

Clewell says he has concerns regarding the Fire Chief's comments. Says the FD equipment can't fight a fire at that location potentially putting the FD at risk. Says before he votes he wants to hear that the Fire Chief is satisfied because his opinion is what counts. Says as far as ConCom is concerned, when a Town Board says your application is disingenuous, that raises some pretty red flags. It's a misrepresentation on the application. Applicant says his next step will be to go see ConCom.

Board Members and the Applicant agree to continue the hearing to June 21st, 2018 to enable the applicant to meet with other Town Depts to discuss their (town dept) comments.

8:10 pm - Break is taken for seven minutes.

V. Cont'd Public Hearing (s)

#18.05 – Wethersfield Road – Montessori School

8:18 pm - Members working on case are Donald Thurston, David Levesque, Robert Clewell, Donna Thibodeau and Thomas Heidgerd. Chairman Thurston reads Town Counsel letter for the record. Chairman Thurston states the question before the Board is to remove the Cease & Desist order and mentions needing four votes. Clewell says he is concerned with the driveway and having school events at the school. Applicant's Attorney Meade, says changes were made with the FD and PD signing off on them. Says at the request of the PD and FD changes were made regarding the 'safety' area. Says there's a limitation to no more than 60 student capacity on the site per the PB and all school events take place 'off site'. The 20' wide driveway meets the state fire code.

Applicant's Attorney Meade states the Certificate of Occupancy will not be issued until all the changes have been made and site work is completed per the Rowley Fire Department. Clewell says to include the above in the Decision.

Chairman Thurston asks for a motion. Clewell so moves to approve the application. Levesque seconds. All in favor. Voted: Thibodeau-Aye, Clewell-Aye, Thurston-Aye, Levesque-Aye.

Levesque motions to close the hearing. Thibodeau seconds. All in favor.

#18.06 – Marion Way

8:32 pm - New/Revised plans are produced and discussed. BM view 'new' large plans.

Chairman Thurston asks about changes and Decoulos says the changes are minor with the infiltration lowered a foot to allow the construction of the catch basin on opposite side of road. Applicant says reconfigured the lot sizes and additional soil testing has been done by BOH. Questions are asked about open space, (back of houses), width of Daniels road will increase from 18' to approx. 25'-26', sidewalks will be 4' on left side, hydrants off sidewalk, affordable housing price will be approx. \$250K, and all homes will be 4 bedrooms.

Chairman Thurston mentions to Applicant and Decoulos the Application needs to be stamped by the Town Clerk and the P&S needs to be changed to reflect '12' single family homes instead of 10 duplex units and to produce these changes for the next meeting. Decoulos says ok.

Applicant asks if he could visit the Town Departments for feedback and Chairman Thurston says he doesn't object. Applicant asks if there's any other data to provide. Chairman Thurston responds not at this time.

Chairman Thurston asks for a motion to continue the hearing to June 21st, 2018. Clewell so moves. Levesque seconds. All in favor.

VI. Adjourn

Chairman Thurston asks for a motion to adjourn. Levesque so moves. Clewell seconds. All in favor. Meeting adjourns at 9:40 pm.

Respectfully Submitted by Lisa Lozzi

Minutes accepted at the _____ meeting.

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

Meeting Agenda

Meeting Sign-In Sheet

4.19.18 Minutes

18.06 Continuance Form

18.11 Continuance Form

18.07 Continuance Request Email

18.11 Neighbor Petition

18.11 Applicant Application

18.06 New/Revised project plans

18.09 Withdrawal Form

18.10 Decision

18.11 Existing Pictures of Structures

18.10 Letter/email from Mike Cerbone

18.05 Town Counsel Letter

PB, BOH, BOS, FD, & ConCom Dept Comments