



**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

September 15th, 2016 Meeting Minutes

Those present: Chairman Donald Thurston, Peter Carpentier, David Levesque, Donna Thibodeau, Robert Clewell, and Administrative Assistant Lisa Lozzi. Thomas Heidgerd was absent.
(Public Audience: Kathleen Gawrys)

I. Call to Order

7:00 pm - Chairman Thurston calls the meeting to order and reads the Agenda for the record.

II. Misc.

- Approve August 18th, 2016 Minutes

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

- Financials

Chairman Thurston and the Board review report.

- Temporary Appointments-Chairman & Clerk for October Meeting

Chairman Thurston explains he will be on vacation for next month's meeting and appoints Member Robert Clewell as Chair and Associate Member Donna Thibodeau as Clerk if Member/Clerk Thomas Heidgerd is unavailable.

III. New Business

- 7:10 pm - #17.02 – Michael Young - 759 Main St.

Board Members serving on this case are Chairman Thurston, Member Levesque, Member Clewell, and Member Carpentier. Chairman Thurston states for the record Associate Member Thibodeau will serve on this case as well. Chairman Thurston opens this case and reads for the record the Public Hearing Procedure, Applicants application and the dept. memos from the PB, ConCom, FD, BOH, and BOS.

The Applicant, Mr. Young stands before the Board and introduces himself. Mr. Young says he purchased the property in 2014 and begins to explain to the Board his intention to take down the existing 'barn like' building and build a new structure with a permanent foundation. Says the only utility will be electricity which was previously at the site but is not presently. Says it will store traditionally 'home goods' such as canoes, kayaks, dry storage, etc. and without owning a garage this would be a more permanent place of storage.

Board Members view pictures and plans and the applicant states he's looking for 8' 8" one way and 5' 8" off the back. Thibodeau asks about tree removal and applicant states one will be taken down and one may have to be replanted at the request of ConCom. Applicant states there was all kinds of junk on the property which has since been cleaned up as seen in the current pictures. Chairman Thurston asks about the 'fence' and Mr. Young states his plan is to take down the fence and leave it (area) open for a more appealing visual across the marsh.

Mr. Young continues to explain he is under the category as an 'accessory' building and as such, ConCom will be getting back to him as to the 'requirements' for a 'permanent' foundation.

Mr. Young says he understands he still has to go before the Planning Board and the ConCom and meet their requirements.

Clewell asks about 'other' in regards to storage items and Mr. Young says he has no 'hazardous' materials to store, no running water, no oil tanks, no septic and no office. Clewell asks, for the record, if any 'propane', or oil petroleum products, and applicant says no.

Carpentier makes a motion to accept the application subject to appropriate compliance and conditions particularly the Conservation Commission and the Planning Board. Levesque seconds. All in favor.

- 7:31 pm - #17.03 -- Vincent D'Amato, Jr. - 52 Christopher Rd.

Board Members serving on this case are Chairman Thurston, Member Levesque, Member Clewell, and Member Carpentier. Chairman Thurston states for the record Associate Member Thibodeau will serve on this case. Chairman Thurston reads for the record the Public Hearing Procedure opening this case, Applicants application and the dept. memos from the PB, ConCom, FD, BOH, and BOS.

The Applicant, Mr. D'Amato stands before the Board, introduces himself and begins to explain how he received a letter from the Building Inspector concerning a complaint. He says he didn't know about the 'set back' and it's (the shed) as far back as he could put it. He says the only thing he could do is move it (shed) to the middle of the yard. Says he spoke to the neighbor (Mr. Hagle) who made the complaint. Applicant says he's before the ZBA to get either a special permit or a variance to leave the shed where it is or if he has to, move it.

Board Members view pictures and Chairman Thurston asks if it's on a cement slab and applicant says no. Says it is a pre-fab set on cinder blocks. Questions are asked about views, neighbor's views and distances. (i.e. what neighbors see)

Chairman Thurston asks abutter, Kathleen Gawrys if she has a problem with where the shed is and she says she has no problem. She says he's (applicant) already put it up and it's a beautiful building and doesn't have a problem with it.

Clewell states the applicant's problem is he's caught between wetlands jurisdiction which comes from one end and zoning comes from the other and the applicant can't comply with both. Says Applicant has a zoning problem where it (shed) is, and if he moves it he'll have a wetlands problem. Someone has to make a decision as to whether or not he'll be allowed to either leave it where it is which violates the zoning law or move it closer to the wetlands which would violate the wetlands bylaw. Clewell states for the record for the abutter, the alternative is, the ZBA could say he (Applicant) can't have anything there because he can't violate both.

Presently the shed is 25' from wetlands and 13' in front setback violation.

Applicant states he lives at 46 Christopher Road and plot delineations of both lots are discussed between Board Members. Chairman Thurston asks about the motion sensor light and applicant says he put it up because of vandalism a few years back.

Applicant questions moving the shed, it will then be in violation of the 15' side setback of his 46 Christopher Road lot and someone could complain about that as well. Says his property 'lines' are directly in the middle of his yard. Board Members view the plot plan and discuss that issue as well.

Board Members determine the 'shed' is back as far as it can go. Clewell says the clearer it is the applicant can't do anything, the easier it is for the ZBA to give relief.

Chairman Thurston tells applicant to make his sensor light on the shed shine 'down' and applicant agrees to do so. Says he'll put smaller lenses in also whereas currently he has equivalent to 100 watts bulbs.

Chairman Thurston states - two of the conditions will be having the sensor lights shining 'down' and getting an Electrical permit.

Member Clewell makes a motion that, in view of the evidence, it appears the applicant has almost no use of this lot except as he's already used it and moves that the ZBA allow the application as requested subject to reasonable lighting restrictions. Levesque seconds. All in favor.
Thurston states - approval has been made for location as it (shed) stands.

IV. Decision Review and Vote

- 8:24 pm - #17.01 – Kevin Dahlke – 37 Hammond St.
Chairman Thurston asks for a motion to accept the Decision. Clewell so moves. Carpentier seconds. All in favor.

V. Adjourn

Levesque moves to adjourn. Clewell seconds. All in favor. Meeting adjourns at 8:26 pm.

Minutes accepted at the **December 15, 2016** meeting.

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

Meeting Agenda

Minutes of August 18th, 2016

#17.01 Decision

#17.02 Case Docs

#17.03 Case Docs

ZBA Financial Report

Pursuant to the 'Open Meeting Law,' G.L. 39, S.23B, the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.