



**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)

### **April 16<sup>th</sup>, 2015 Meeting Minutes**

Those present: Chairman Donald Thurston, Clerk Thomas Heidgerd, Member David Levesque, Associate Member Philip Cressey, Associate Member Robert Clewell, Town Counsel Steve Fletcher and administrative assistant Lisa Lozzi. Member Nathaniel Dummer and Associate Member Peter Carpentier are not in attendance.

Public Audience: Curtis Bryant (Boxford Road); Emmaline Beard, John Beard, Nancy Beard (167 Boxford Road); Marcia Anderson (26 Mehaffey Lane); Jeff Dawson (200 Boxford Road); Peter Ross (20 Market Street, Ipswich); Michael Bontos (15 Independence Road, Salem, NH) Michael & Pamela Durkee (139 Boxford Road); Vin Pesaturo (161 Boxford Road); Stephen Kassiotis (109 Newbury Road); Numerous attendees who didn't sign sheet.

#### **I. Call to Order**

**Chairman Thurston calls the meeting to order at 7:04 pm.**

**Chairman Thurston reads Agenda for the record.**

#### **II. Miscellaneous Business**

- 7:06 pm: Approval of Minutes – March 16<sup>th</sup>, 2015  
**Chairman Thurston asks for a motion to accept the minutes as submitted. Levesque so moves. Heidgerd seconds. All in favor. The ayes have it.**
- 7:10 pm: Financial Report  
Board Members review report.

#### **III. Cont'd Public Hearing(s)**

- 7:15 pm: Case #A10.06 – Marion Way – Deliberation & Closing  
Members acting on case: Chairman Thurston, Clerk Heidgerd, Member Levesque.  
**Chairman Thurston asks for a motion to close case #A10.06-Marion Way. Heidgerd so moves. Levesque seconds. All in favor. The ayes have it. Chairman Thurston hereby declares the Marion Way project closed.**

A fifteen minute recess is taken.

#### **IV. New Public Hearing(s)**

- **7:30 pm: Case #15.07 – 164 Boxford Rd – Bontos (Appealing BI Decision, Special Permit)**  
Members acting on case: Chairman Thurston, Clerk Heidgerd, Member Levesque, Member Cressey and temporarily appointed as 5<sup>th</sup> Member-Associate Member Clewell. Chairman Thurston reads the public hearing script for the record and appoints Associate Member Clewell as a ‘temporary’ acting 5<sup>th</sup> Member to act on the case.

Chairman Thurston reads applicant’s application for the record.

Applicant’s attorney, Mr. Peter Ross is in attendance as well as Mr. Bontos. (applicant) Mr. Ross introduces himself and explains the nature of coming before the board due to Mr. Bontos appealing the Building Inspector’s decision and is seeking a special permit. Mr. Ross says the property has never been abandoned and his client (Mr. Bontos) has been operating an auto salvage business. Mr. Ross presents the Board with copies of receipts and copies of licenses issued by the Rowley Board of Selectmen dated from 2007 to the present.

Chairman Thurston asks if there’s been a change in business bringing in new cars from dealerships. Mr. Ross says it’s a use of storing vehicles. The cars are not being stripped. They’re being kept in tack and taken away. Not going away on trucks. They’re being driven away.

There is numerous abutter opposition in attendance with the conversation and discussion. Abutters are extremely concerned with the safety of their children, speed limit, hours of operation, abiding to town bylaws and the town’s responsibility of enforcement.

Curtis Bryant of 80 Boxford Road states he wants to go on record and proceeds to read the zoning protective bylaws 5.2.1, 5.2.2 as well as the MGL 310 CMR 22.21 §1(f).

**Heidgerd moves to continue the hearing subject to a site visit to May 21<sup>st</sup>, 2015. Levesque seconds. All in favor. The Ayes have it.**

At this time a ten minute recess is taken.

#### **V. Cont’d from above (#3) – Case #A10.06 – Marion Way – Deliberations**

Chairman Thurston and Attorney Fletcher discuss the interpretation of Mr. Decoulos’s letter in which he states he does not want to continue the hearing.

**Board Members deliberate and Chairman Thurston says he’s prepared to vote and asks for a motion. Heidgerd makes a motion to deny the application as submitted and that the Board produce a written Decision to that effect. Levesque seconds. Roll call – 3-0. The Ayes have it.**

Town Counsel Steve Fletcher recommends having a special meeting. Acting Board Members agree to meet on April 24<sup>th</sup>, 2015 at 9:00 am.

## **VI. Adjournment**

**Chairman Thurston asks for a motion to adjourn the meeting. Levesque so moves. Heidgerd seconds. All in favor. Meeting adjourns at 9:36 pm.**

**Minutes accepted at the \_\_\_\_\_June 18<sup>th</sup>,\_\_meeting.**

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

Minutes of March 16<sup>th</sup>, 2015  
ZBA Audience Sign-In Sheet  
ZBA Financial Report  
Email from Mr. Decoulos of 4.16.15  
Letter from Mr. Decoulos of 3.31.15  
Email from Mr. Decoulos of 3.23.15  
Public Hearing Script Case #15.07  
Case #15.07 Application  
PB Letter of 4.16.15  
CC Letter of 4.16.15  
FD Letter of 4.14.15  
BOS Memo of 4.14.15  
BOH Memo of 3.31.15  
BI Letter of 2.24.15  
Copies of Receipts and Licenses (42 pages) – Rowley Auto Parts  
Copies of aerial view pictures (9) – From PB & CC

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.