



**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)

**August 16<sup>th</sup>, 2018 Meeting Minutes**

Those present: Chairman Donald Thurston, Clerk Thomas Heidgerd, Member Robert Clewell,  
Member David Levesque and Member Donna Thibodeau.

Public Attendance: See Sign-In sheet

**I. Call to Order**

7:00 pm – Chairman Thurston called the meeting to order and read the Agenda for the record.

**II. New Public Hearing (s)**

• 7:02 - #19.01 – Rocco & Luci Ditullio – 137 Hillside St. – In-Law Apartment

Members working on this case are Chairman Donald Thurston, Clerk Thomas Heidgerd, Member Robert Clewell, Member David Levesque and Member Donna Thibodeau. Chairman Thurston reads for the record the PHP, the Applicant Application, and mentions the receipt of Town Departments comment emails/memos/letters. Chairman Thurston asks Board Members if there is any conflict of interest and the combined response is 'no'.

John Morin of Morin-Cameron Group representing the applicants, Mr. & Mrs. Ditullio stands before the Board and explains the in-law apartment project with his picture board plot/building plans. Mr. Morin states the addition will be a basement apartment with a wall of windows overlooking the back yard. The existing deck and porch will be removed for the addition and rebuilt thereafter. Thibodeau asks about egress and Chairman Thurston reads the in-law bylaw for the record.

**Chairman Thurston asks for a motion to approve. Levesque so moves to approve applicant's application as presented. Clewell seconds. All in favor.**

• 7:30 - #19.02 – Frank & Shirley Todd – 275 Main St. – Second Floor

Members working on this case are Chairman Donald Thurston, Clerk Thomas Heidgerd, Member Robert Clewell, Member David Levesque and Member Donna Thibodeau. Chairman Thurston reads for the record the PHP, the Applicant Application, and mentions the receipt of Town Departments comment emails/memos/letters. Chairman Thurston asks Board Members if there is any conflict of interest and the combined response is 'no'.

Applicant's attorney, Mr. Latham, representing the applicants in their absence, stands before the Board and reads from his narrative explaining the project. When completed reading his document, Mr. Latham hands the Board three bundles of reading/reference documents.

David Jaquith, Architect for the applicants stands before the Board with his picture boards and explains his architectural plans. The Board Members say they have no questions at this time. Chairman Thurston asks the audience if there are questions to be asked.

Michael Sabatini of Main Street reads the Inspector of Buildings & the BOH comments for the record. Dorothy Todd, Janet Todd, Debbie Strief of Kittery Avenue, Shirley Todd of Main Street commented /speaks on the case for the record. Sam Strief says zoning 'term' in bylaw is vague. Says he's in support of contacting Town Counsel.

Clewell questions Mr. Latham on whether the application is for an 'expansion' of an existing use or a 'change' from one existing use to another. Says if asking for an expansion, you've got to prove you have an existing kitchen or restaurant. You have to decide what it is you're asking for so we (the Board) can apply the appropriate standards whether it's a change or expansion.

Heidgerd states he thinks it's presumptuous to come to the Board with verbiage which implies that it's a forgone conclusion that there is a restaurant there. Suggests contacting Town Counsel. Says there's enough evidence to supply a flea market. Says if you're going to ask the Board for an expansion of an existing use, if that's what your request is, then the Board is going to ask Town Counsel if this is an existing use. If you're going to say you're changing the use-you can't put a restaurant in the Outlying district. Says he noticed the licensing documents submitted suggests it's a demonstrated previous use. Says there's a lot of gaps in the years.

Chairman Thurston states that a few years ago the PB designated the antique flea market overlay; prior to that it was a non-conforming use; now is a conforming use. A restaurant is not allowed. Whether its downstairs, upstairs or where ever it is.

Levesque mentions the state meal tax and if been paid.

Mike Robochuck of Main Street says he would like other town dept comment letters read for the record. Chairman Thurston proceeds to read the PB, BOH, FD, BOS, for the record.

**Clewell so moves for the Board to refer to Town Counsel and in doing so must be careful to make sure the definition is for the ZBA Board use asking for a suitable zoning definition which the Board could then apply to the facts. Heidgerd seconds. All in favor.**

**Chairman Thurston asks for a motion to continue hearing. Heidgerd so moves to continue the hearing to September 20<sup>th</sup>, 2018. Levesque seconds. All in favor.**

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

8:20 pm - #18.06 – Marion Way

Chairman Thurston reads the continuance email from Mr. Decoulos for the record. Chairman Thurston asks for a motion to accept the continuance email to continue the hearing to September 20<sup>th</sup>, 2018. **Heidgerd so moves. Levesque seconds. All in favor.**

### IV. Misc.

Approve July 19<sup>th</sup>, 2018 Minutes

**Levesque motions to accept. Clewell seconds. All in favor.**

### V. Adjourn

**Chairman Thurston asks for a motion to adjourn. Levesque so moves. Clewell seconds. All in favor. Meeting adjourns at 8:40 pm.**

Minutes accepted at the 9.20.18 meeting.

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

Meeting Agenda

July 19<sup>th</sup>, 2018 Minutes

Sign-in sheet

Three packets of paper work-Attorney Latham (copies of permits, licenses, maps, etc)

Email of 8.16.18 – Mr. Decoulos continuance email

Respectfully Submitted by Lisa Lozzi

