



**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

December 18th, 2019 Meeting Minutes

Those present: Chairman Donald Thurston, Vice Chairman Thomas Heidgerd, Member Robert Clewell, Member Kevin Reilley, Member Donna Thibodeau and Assoc. Member Karla Chaffee.

I. 7:05pm Call to Order

Chairman Thurston called the meeting to order and reads the Agenda for the record.

II. Misc.

- Vote to Approve November 20th, 2019 Minutes

Chairman Thurston asks for a motion to approve.

Clewell so moves to accept. Heidgerd seconds. All in favor.

III. New Business

- 7:07pm #20.03 - GTS Realty, Inc., George Speropoulos, 285 Newburyport Turnpike.

Board Members working on the case are Chairman Donald Thurston, Vice Chairman Thomas Heidgerd, Member Robert Clewell, Member Donna Thibodeau, and Member Kevin Reilley. Chairman Thurston opens the hearing and reads applicant's application, and the PHS for the record. Thurston mentions the dept memos received for the record.

Clewell discusses a procedural question referencing a special permit vs. variance. Bylaw states the ZBA cannot do. It is determined the applicant needs to apply for a variance from the bylaw. There is discussion between Board members and Applicant. Applicant decides to **withdraw without prejudice**. **Chairman Thurston asks for a motion to approve to withdraw without prejudice. Clewell so moves to withdraw. Heidgerd seconds. All in favor.**

- 7:40pm #20.04 - Mr. Steve Pierro-American BBQ - 5 Railroad Avenue

Board Members working on the case are Chairman Donald Thurston, Vice Chairman Thomas Heidgerd, Member Robert Clewell, Member Donna Thibodeau, and Member Kevin Reilley. Chairman Thurston opens the hearing, reads applicant's application, the PHS and mentions the dept memos received from BOH, IB, BOS for the record.

Applicant stands and explains his intent before the Board Members. Says the 125 is for the overflow-which is already allowed from prior decision. Heidgerd says ZBA approved the 125 internal seating previously and the 125 is in fact in place. Reduced seating on inside-max-80 from what currently have. Heidgerd asks about serving both liquor and food. Applicant states fence has been installed. Chairman Thurston questions patrons access accessible only from restaurant? Applicant's response is yes. Applicant states there will be head waiters and waitresses.

Clewell states the Board needs the Fire Chiefs blessing and asks the applicant to contact the Fire Dept. Heidgerd states the Board has to continue the hearing because the Board is unable to vote tonight. Heidgerd suggests to applicant to visit the BOS to find out what their issue is. Says if it is capacity, the ZBA could draft a note referencing to seat 125. Splitting 125 with some inside and some outside but will stay at a 125 combination. Heidgerd says the ZBA will work off new plan and write a new Decision as an amendment. Clewell says one is replacing the other. Not adding to it. One permit amending another permit.

8:13pm Applicant's sign on building- will be raised lettering adhering to building separately. Sign will be approx. 11 sq.ft. (12 sq ft per bylaw) -Board Members determined applicant does not need a special permit for the proposed sign due to size coming in under the bylaw requirements.

Heidgerd motions to continue the hearing to January 15, 2020 subject to getting further information from the applicant regarding the Fire Dept. Clewell Seconds. All in favor.

III. Adjourn

Clewell makes a motion to adjourn. Heidgerd seconds. All in favor. Meeting adjourns at 8:18 pm.

Minutes accepted at the _____ meeting.

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

Meeting Agenda

11.20.19 Minutes

Sign-in sheet

#20.03 Withdraw Form

#20.04 Continuance Form

Respectfully submitted by Lisa Lozzi