



**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

March 20th, 2019 Meeting Minutes

Those present: Chairman Donald Thurston, Vice Chairman Thomas Heidgerd, Member Robert Clewell, Member Donna Thibodeau, Associate Member Kevin Reilley and Associate Member Guillaume Buell. Member David Levesque is absent.

Public Attendance – See sign-in sheet

I. Call to Order

7:04 pm – Chairman Thurston called the meeting to order and reads the Agenda for the record.

II. Misc.

Approve February 20th, 2019 Minutes

Heidgerd motions to accept. Thibodeau seconds. All in favor.

III. New Public Hearing

7:10 pm - #19.06 – Paul Vorrias - Variance from RPZB sec. 7.1.2 & 4.10.4.1(h) - 491 Main Street

Chairman Thurston reads applicant's application for the record. Member Robert Clewell states he needs to recuse himself and steps out to the audience area. Chairman Thurston designates Associate Member Guillaume Buell to serve on this case on behalf of Member David Levesque and designates Associate Member Kevin Reilley to serve on this case on behalf of Member Robert Clewell. Therefore, members acting on this case are: Chairman Donald Thurston, Vice Chairman Thomas Heidgerd, Member Donna Thibodeau, Associate Member Kevin Reilley and Associate Member Guillaume Buell. Chairman Thurston mentions the PB, BOH, BOS, FD, dept memos/comments.

Applicant's Lawyer, Mr. Bingham from Topsfield, MA stands before the Board with his easel and picture plan and proceeds to explain the intent of his client. (applicant) Says he/his client has had previous meetings with other town depts. Says he's not certain he/they should even be before the ZBA. Says if a variance is required the requirements are met based on the topography of the parcel and asks the Board if in fact a variance is required. Chairman Thurston states and Heidgerd agrees on not knowing if a variance is required. Heidgerd says it seems like a technical discussion in terms of the need for the variance. Heidgerd and Chairman Thurston ask about the existing building, existing driveway and access to the building.

Deb Colbert, Hancock Engineering company talks about the driveway being a 'common' drive accessing both buildings with the necessary restrictions from the Planning Board. Driveway will stay graveled. The private way will be paved per the FD.

481 Main Street abutter has just bought their property and asks the Board to consider continuing the hearing to give her adequate time to obtain a lawyer. Says she's concerned with the paved road and water run-off.

Bill & Beth Dimento of 497 Main Street suggests the Board keep in mind with anything that is done may set a precedent. Heidgerd explains how difficult it is to obtain a variance. Says what happens to you may not be at all relevant to the next person. Says each case is on its own and the ZBA doesn't have a lot of room when granting a variance. What's relevant is - are the issues currently surrounding the zoning really significant enough to warrant the request or not. (for a variance) Purely just zoning.

Heidgerd says he'd like to feel comfortable that the applicant does not need a variance. Says the ZBA has to look at this closely so that we can justify granting the variance and doesn't think the ZBA can do it tonight.

There are questions and commentary concerning the elevation of the 'road' and Attorney Bingham states they're not changing the elevation, just improving it. It's what is there and what has been approved.

Chairman Thurston says he would like to consult with town counsel. **Heidgerd makes a motion to continue the hearing to April 17, 2019. Thibodeau seconds. All in favor.**

IV. Decision Review & Sign

7:15 pm - #18.06 – Marion Way

Document is passed and Board Members sign.

V. Adjourn

Chairman Thurston asks for a motion to adjourn. Clewell so moves. Thibodeau seconds. All in favor. Meeting adjourns at 8:05 pm.

Minutes accepted at the _____ meeting.

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

Meeting Agenda

Sign-in Sheet

February 20th, 2019 Minutes

Missed Hearing Document

PB, BOH, FD, BOS Dept memos

18.06 Decision

Respectfully submitted by Lisa Lozzi

