

Zoning Board of Appeals

Special Meeting Minutes

Wednesday, May 4th, 2022

Those present: Chairman Thomas Heidgerd, Vice Chairman Donald Thurston, Member Robert Clewell, Member Kevin Reilley, Assoc. Member Karla Chaffee and Assoc. Member Joseph Anderson. Member Donna Thibodeau is not in attendance.

I. Call to Order

II. Continued Hearing

7:05 - #22.05 – Timothy Toomey -366 Central Street – Appeal of Insp of Bldg. Decision

Board Members serving on the case: Chairman Heidgerd, Vice Chair Thurston, Member Reilley, Member Clewell, Assoc Member Chaffee. Chairman Heidgerd addresses the public and explains the difference between the meeting two weeks ago and tonight's meeting, i.e. no further public comment; no further public participation in the Board's discussion.

Chairman says nothing this Board does tonight, tomorrow, next week, a month from now could close any business down or close the farm down or any other entity in Rowley. The Board does not have the authority to actually close a business down. The issue in fact depending on the Board's findings in any case are that it would go back in this instance to the Building Inspector. He would then have an opportunity to review and then typically would approach the party that was the subject of that review in an attempt to get that party to comply with whatever the decision was. Chairman Heidgerd further continues to explain the appeal process.

Chairman Heidgerd states the Board is going to focus exclusively on the Applicant's specifically stated concerns as he's stated in his original appeal and go through them on a one to one basis. Says the Board isn't issuing a special permit so not looking for certain conditions for the farm to operate. The Board discovered there were issues or matters of other Boards actions and not the Zoning Board.

Thurston says he would like to say this hearing is not against the farm or for the farm. It's an appeal from the decision that the Building Inspector made. It has nothing to do with the farm itself. Says it is his personal hope as the Board goes through the process, that we will uphold the Building Inspectors decision.

Chaffee proposes the Board going through each item-allegation one by one from the Points sheet.

1. Qualifies for the exception from Zoning. Reilley-well over the threshold of 60%.
Clewell agrees and says doesn't see an issue.
2. The bylaw says it shall not be governed by zoning. Andersen says no issue on that point.
No need to further debate. Chair says meets the letter of the law.
3. Not within Zoning jurisdiction
4. Yes; but illumination not in jurisdiction; exempt and existing
5. Not within Zoning jurisdiction
6. Yes; incidental; supplemental and accessory to farming activities.
Clewell says put a footnote of selling wood before 1985 in decision.
7. Already answered above.

Chairman Heidgerd states recognizing the intent of the right to farm law. Says a lot of the material is not with the Board jurisdiction. Not matters for this Board to consider. Not relevant to zoning.

Chairman Heidgerd asks for a motion for the Zoning Board to draft a decision. Thurston so moves to draft a decision upholding the building inspector decision. Clewell seconds. Roll call vote: Reilley, aye; Chaffee, aye; Thurston, aye; Clewell, aye, Heidgerd, aye. All in favor and the aye's have it.

III. Adjourn

Chairman Heidgerd asks for a motion to adjourn. Clewell so moves. Chaffee seconds. All in favor. Meeting adjourns at 7:48 pm.

Attachments

Agenda

Chairman's Points Sheet

Respectfully submitted, Lisa Lozzi