

Approved April 28th, 2022

Zoning Board of Appeals Meeting Minutes
April 14, 2022 7:00 p.m.
Public Hearing
Northfield Town Hall

Members Present: Jennifer Cox, Chair, Erin Jaworski, Shawn Foster, Al Dietrich, Timothy Rogers, Michael Bird and Vivien Venskowski, administrative assistant.

Representatives for applicant: Ronald Barfitt, Crystal Barnes, Attorney for Stephen Hall, (Stephen Hall, not present)

Audience members present: See attached sign in sheet.

Jennifer Cox, Chair opened the meeting at 7:05 p.m. She noted she had the certified mail receipts. There was an issue printing the tear sheets for this public hearing but she had the invoice and confirmation of dates run in the Recorder. Copies would be available at the next meeting. She read the public hearing notice - The Zoning Board of Appeals of the Town of Northfield will hold a public hearing at 7:00 p.m. on Thursday, April 14, 2022 at the Town Hall, 69 Main Street, Northfield on the application by Stephen Hall, 20 Millers Falls Road, for a Special Permit or whatever relief is needed to amend a special permit for vehicle repair at 54 Warwick Ave, Northfield, MA 01360 (Assessor's Map Parcel ID 23A-D5.1) as required by the Northfield Zoning Bylaws, Section 5.4.

The Chair asked the applicant to present information regarding this application. Mr. Hall was no present. Attorney Barnes stated that she was there to represent Mr. Hall. Barnes noted that Hall was planning to repair small motor vehicles not larger vehicles, there would be no painting, there is no detrimental increase, there would be 4 unregistered vehicles on the property, days/times of operation Monday – Sunday (8:30am-9:00 pm Monday – Saturday/Sunday 10:00am – 5:00pm), and there would be tow truck hours. She noted the taxes would be paid as part of the purchase and sale agreement. The original special permit had been filed with the Registry of Deeds in October 1997. A comment was made that this was a non-transferable special permit and Hall was requesting a transfer. Barnes responded that Hall was requesting a new special permit and he had not filled out the application with her assistance. The Board noted the application was not filled out properly. She also noted that she did not have all of the details of Hall's plan.

Mr. Barfitt responded to questions. He had health issues in 2019, the business was still operational but not full time from that time 2020 - 2021. He would need the special permit as part of the agreement for the sale of the property to Hall. He noted that currently there are two trucks on the property and are being sold. Tires had been removed by Hall. All work had been done inside the building. He said he had not received notifications from the ZBA regarding the need to renew the special permit and had been advised by a previous member it was not an issue He had two business at that location (a freight and a leasing company). He noted that Hall may have one employee, this would be a full time occupation, he was planning on doing work on the building and that he had done repair work in the past. Barfitt stated that the Judge had noted the area around the building was a swamp not a wetland.

The Board expressed concern that Mr. Hall did not appear at the meeting to discuss his plans in person.

The Chair opened the meeting to comments from the public.

Comments included:

- Abutters present opposed the transfer
- A petition was presented and read at the meeting (attached to minutes)
- The Recorder Montague Police log contained a drug possession arrest for applicant
- Past complaints that had been filed
- Barfitt has put trash/junk in stream
- More vehicles on site than allowed
- Tractor-trailers, snowmobile, boat, recreation vehicle had been left on property
- The drawing submitted with application did not contain lot lines
- Concerns about impact on environment/water
- Support for local businessman
- Hall should be given an opportunity
- This type of business isn't appropriate for this location
- Potential contamination in water putting people at risk
- Bylaws protecting water supply
- Concern that septic system on site is not functioning
- Lack of fencing around site and concern for safety of children in neighborhood
- Hours of operation excessive
- Not a feasible business model long hours vs amount of traffic it would require to recoup return
- Right of way being blocked

The Chair temporarily closed the public comment portion of the meeting. The Board members briefly reviewed the following:

- The need for a site visit, Mr. Barfitt approved a site visit
- As this is Mr. Hall's application he should be in attendance
- The Board will discuss if the applicant should provide an amended or new application. The Chair will speak with Town Council
- Taxes due, Town process and time frame
- Abutter complaints and concerns
- Grandfather status the burden of proof is on the applicant
- Current special permit conditions
- Photos from abutter will be provided

The meeting was suspended and will reconvene at 6:45 on April 28th. At that time the Board will meet, suspend the meeting for the site visit and return to the Town Hall to reopen the public hearing. The audience members were advised that as this is private property the site visit would be limited to members of the Board. The Board will only ask Mr. Barfitt questions at the site visit and will deliberate information given when they return to the public meeting.

Old Business

The Mitchell application had an error and will need to be republished as a new public hearing. Mitchell and Parsons have been notified.

On a motion by Jaworski, seconded by Dietrich, it was unanimously voted, to accept the minutes of March 31st, 2022 as amended.

On a motion by Jaworski, seconded by Bird it was unanimously voted to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Vivien Venskowski
Administrative Assistant to
The Zoning Board of Appeals