

Approved 6/9/2022

**Zoning Board of Appeals Meeting Minutes**  
**April 28, 2022 7:00 p.m.**  
**Public Hearing**  
**Northfield Town Hall**

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

Absent: Timothy Rogers

Representatives for applicant: not present

Audience members present: See attached sign in sheet.

Jennifer Cox, Chair opened the meeting at 7:05 p.m. She noted this was a continuation of Hall/Barfitt public hearing and she did have copies of the Recorder tear sheets. She read a letter from Ronald Barfitt withdrawing the application for this special permit without prejudice due to health issues. The Board discussed the implications of the letter and that the application was in Stephen Hall's name. The owner of the property withdrew his support for the application. Therefore Stephen Hall's application could be not considered. There was no site visit. The Board also noted that no representatives for this application were present and the Board could not proceed with the public hearing.

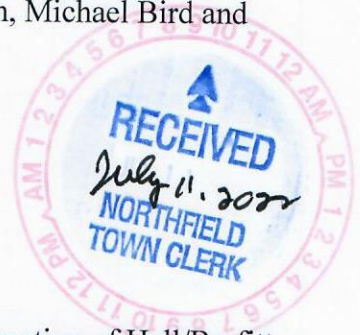
It was noted that Cox had not heard back from the Town Attorney.

Per Mass General Laws Chapter Part 1 Title 7 Chapter 40A Section 16 once a public hearing process has started thereafter only the ZBA can approve. The Board discussed prejudice vs without prejudice to deny or accept.

The Board noted the following facts discussed by members and comments from the audience

- The applicant did not appear or plead his case on the 14<sup>th</sup> or tonight
- Mr. Hall's Attorney Barnes was present on April 14<sup>th</sup> but could not provide all details requested
- Mr. Barfitt withdrew his support as owner of the property
- Mr. Barfitt spoke on behalf of the application
- A vote with prejudice would prevent Hall from reapplying for this property
- ZBA is not the enforcement agency
- Issues should be referred to the Building Inspector or other Town Committees/Boards
- A copy of minutes could be supplied to the Building Inspector

**On a motion by Dietrich, seconded by Foster it was unanimously voted (yes/Cox, yes/Jaworski, yes/Foster, yes/Dietrich, yes/Bird) move to dismiss with prejudice the application by Stephen Hall dated February 22, 2022 to operate a vehicle repair shop at 54 Warwick Road.**





### Public Forum

Members of the public wished to comment on the Hall public hearing process. Audience comments are below:

- ZBA has the power to revoke a permit for non-payment of taxes
- It was alleged that the permit has lapsed due to non-use
- Photos of the state of the property were submitted
- It was noted that lots of junk has been moved in the last two weeks
- Requested that the permit be revoked
- Right of way was not attended for tractor trailers
- Negative impact on the Water District/impact
- Environmental issues
- Property condition had deteriorated over the years
- It is suspected that junk is being moved to another location in Northfield
- Thanks were given to members for hearing audience concerns

The Board discussed the comments made by abutters and audience members. And noted that an individual has a right to submit an application for a public hearing. The Board's responsibility is to apply the Bylaws and make a decision. After discussion the Board determined they would hold a public hearing on May 26<sup>th</sup>, 2022 to review the special permit for non-payment taxes. Notice is to be given to the public via legal notice in Recorder and to Mr. Barfitt via certified mail/return receipt.

(Michael Bird left the meeting at 7:36pm)

### New Business

A member of the audience wished to speak with the Board regarding the purchase of land listed for sale on Main Street and permit requirements.

The Board reviewed minutes of April 14<sup>th</sup>, 2022.

**On a motion by Foster, seconded by Jaworski it was unanimously voted to accept the minutes of April 14, 2022 as amended.**

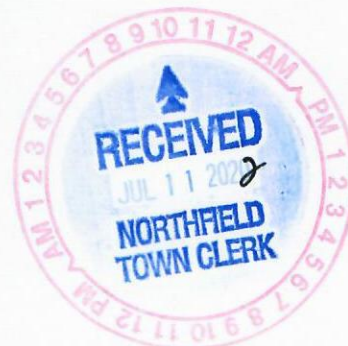
### Mail

A letter was received regarding the Mitchell public hearing. The letter will be held until the meeting date of May 5, 2022.

**On a motion by Foster, seconded by Jaworski it was unanimously voted to adjourn the meeting at 8:15 p.m.**

Respectfully submitted,

Vivien Venskowski  
Administrative Assistant to  
the Zoning Board of Appeals



4/28/22

Daryl Cornwell

68 Warwick Rd

Dianne Cornwell

68 Warwick Rd Nfld

JAMES TRILL

34 Depot Street, Bernardston, MA

Tommy Pelletier

122 Warwick Rd

Scott Johnson

84 Warwick Rd.

Tracey Glazier

110 East St Northfield Ma

