

**TOWN OF SHEFFIELD
ZONING BOARD OF APPEALS
MAY 12, 2022
TOWN HALL – SECOND FLOOR MEETING ROOM
7:00 PM**

Board Members Present: Eric Carlson, Chairman
Allison Lasso
Nicole Chase
Catherine Miller

Board Members Absent: Pat Levine

Others Present: Members of the Public-Sign In Sheet Attached

7:00 pm Continuation of Public Hearing Administrative Appeal filed by John Muller. Chairman Carlson opened the hearing at 7:00 PM and introduced the Board. He further stated that P. Levine was not present but would listen to the recording before the next meeting.

Chairman Carlson stated that any documents for inclusion in the public file that are submitted tonight should be left with the Board.

Chairman Carlson stated that the dismissal request submitted by Attorney McCormick regarding her clients Kevin and Darleen Wilkinson would be tabled.

The Board each announced their disclosure statements that were filed.

Attorney McCormick requested permission to address the Board on the behalf of the Wilkinson's. Attorney McCormick expressed her concerns with the notice that only included the address of 1515 Boardman Street and she asked the Board not to take any testimony regarding 1551 Boardman Street. She further stated that in her opinion the notice was flawed and did not meet the requirement of 40A. Chairman Carlson responded that the Board would listen to testimony tonight and then adjourn with a continuation.

Attorney Belcher-Timme addressed the Board on behalf of John Muller. In his opinion both property addresses are subject to the complaint. He further stated that the burden is on the property owner to defend the claims that commercial activity is taking place at 1515 Boardman Street and that the business at 1551 had expanded over the years. Attorney Belcher-Timme submitted a letter from a neighbor.

Attorney McCormick again stated that 1551 was not noticed and that the notice was flawed. She further stated that there is a standard three part test for proving expansion and that 1551 has met the requirements. Chairman Carlson stated that the Board would continue with testimony. Attorney McCormick stated that this was not an enforcement action but an appeal of the Zoning Enforcement Officer's decision and it was up to the appellant to prove his appeal, not her clients to prove and she then asked for a continuance if the Board was going to continue with testimony regarding 1551 Boardman Street.

Chairman Carlson stated that the Board would begin with 1515 Boardman Street. Attorney McCormick stated that 1515 Boardman Street is the residence of Kevin Wilkinson and that there was no commercial activity on the property. She submitted pictures of the inside of

the garage, showing boats and recreational vehicles. The garage was expanded after the purchase of the property.

N. Chase asked attorney Belcher-Timme why the application only stated 1515 Boardman Street. He replied that Mr. Muller also stated "and other complaint submitted" on his application, so Attorney Belcher-Timme feels that this is a valid appeal to both addresses.

Board members asked if a site visit could be set up and Attorney McCormick replied yes, as soon as the board was ready.

Chairman Carlson asked if there was storage of sand on 1515 Boardman Street. K. Wilkinson replied yes, salt was stored at this property, but he is trying to move as much as possible to another site.

C. Miller asked if the material was being excavated from the site or was the material being trucked in. K. Wilkinson replied that it was trucked in.

A. Lasso asked if material was on both properties. K. Wilkinson replied that a limited amount was kept on 1515 Boardman Street.

Chairman Carlson asked J. Muller if it was the activity of the trucks that created the largest percent of his problem. J. Muller replied that the noise was the largest part of his complaint and stated that the truck noise was constant including holidays. K. Wilkinson replied that trucks are only present on holidays if there was an emergency.

J. McGarry asked why the Zoning Enforcement Officer was not present to defend his decision or at least explain how he made his decision.

Chairman Carlson asked if all of the activity would be moved to the Lime Kiln Road property that was recently purchased. Attorney McCormick replied no, that there was a limited supply of salt stored at 1515 Boardman Street and that no equipment was stored on that property.

N. Chase asked J. Muller if his main complaint was the noise and if he had ever approached his neighbor to discuss or tried to solve the issue. J. Muller replied yes, the noise is constant. Chairman Carlson asked which property the noise was coming from. J. Muller replied both and that a natural berm was removed between the properties and after that the noise got worse. Attorney McCormick stated that there was no berm removed between the properties.

A. Lasso asked if 1515 Boardman Street was only used as a residence and if any commercial activity took place on that property. K. Wilkinson replied that he has his own machines for personal use, such as cutting wood and that there was a small amount of salt stored at the rear of the property for Joe Wilkinson Excavating.

Attorney McCormick stated that in 1993/1994 the state took 5 to 6 acres of the Wilkinson property by eminent domain to expand the Appalachian Trail, which created a drastically tight site and that there was not expansion only movement of the materials.

Attorney Belcher-Timme stated that J. Muller had no problem with the garage at 1515 Boardman or with anything that was stored in the garage.

C. Miller stated – "to be absolutely clear, the principle concern is noise". J. Muller replied, correct.

A. Lasso stated that the letter from the Zoning Enforcement Officer combines the two properties and asked if 1515 Boardman Street was taxed as mixed use. K. Wilkinson replied that it was taxed as a residential property.

G. Ovitt asked what year the Wilkinson business started and how long J. Muller has lived in his house. J. Wilkinson stated the business started in 1974 on that property. J. Muller responded that he had lived there for 40 years, he rented the house before purchasing it.

C. Miller moved to continue the hearing to June 2, 2022 at 7 pm, seconded by N. Chase. The motion carried unanimously.

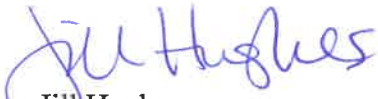
The Board discussed the site visit schedule. Chairman Carlson stated that the Town Administrator's office would coordinate the visits. Attorney McCormick stated that 5 pm would be the best time.

M. Bachetti joined the meeting for discussion of approval of minutes. M. Bachetti moved to approve the minutes from the April 28, 2022 meeting, seconded by N. Chase. The motion carried unanimously. Catherine Miller did not vote, as she is an alternate member who was not in attendance at that meeting.

C. Miller moved to adjourn the meeting, seconded by M. Bachetti. The motion carried unanimously.

Chairman Carlson adjourned the meeting at 8:09 PM.

Respectfully submitted:



Jill Hughes
Assistant Town Administrator

Documents reviewed at this meeting:
Draft Meeting Minutes
Administrative Appeal Documents

Sheffield Zoning Board of Appeals

Date: May 12, 2022

	Name – PLEASE PRINT	Street, Town
1.	Cadine Haeuer	9 Park Ln Sheffield
2.	Sean H. Ryan	102 Banks Lane, Springfield
3.	Martini Mitsoff	50 Underhill Rd, Sheffield
4.	Ken Smith	465 Silver St.
5.	Jesse Belcher-Tinne	6 Fairfield Ave, Easthampton, MA
6.	John R. Muller	1499 Boardman St. Sheffield
7.	Tina F. Decker Fries	118 Valley Rd.
8.	Darleen Wilkinson	1551 Boardman
9.	Joe Wilkinson	1551 Boardman
10.	Laci Wilkinson	1515 Boardman, Ma
11.	Nathan Zani	56 Nancy Lane
12.	Gwen Gora	1778 Boardman St
13.	Ken Wilkinson	1515 Boardman St
14.	Steve March	45 Park Lane

15. Mark Bachellet 1260 County Road
16. Mary Bartholomew 1050 S Underhill Rd
17. Bill Tighe 19 Soume LAKE
18. George Sordani 1591 HOME RD
19. David Emprino 400 Hearn's ST
20. James McGarry
21. Andy Mott 1257 County RD
22. Kathleen McCormick McCormick Murtagh + Marcus.
23. David S. Oers 150 Boardman ST
24. Wm W. M. 171 Cook RD.
25. Pete Batachi 123 Root RANE
26. Frank W. M. 7500 Boardman ST
27. Corrycutt 941 Claster Rd
- 28.
- 29.
- 30.
- 31.
- 32.
- 33.