

**TOWN OF SHEFFIELD**  
**ZONING BOARD OF APPEALS**  
**JUNE 9, 2022**  
**TOWN HALL – SECOND FLOOR MEETING ROOM**  
**7:00 PM**

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

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

7:00 PM - Public Hearing - SBC Holdings LLC for a Variance for Front Yard Set Back Requirements.

Chairman Carlson opened the hearing and read the notice, then introduced the Board.

Attorney Courtney Lane addressed the Board. She introduced the member present from SBC Holdings, LLC. The property consists of approximately 15 acres, of which most cannot be used because of wetland restrictions. The applicants were told by the Building Inspector that there is a 40' setback and that no survey was required. The applicants measured from the edge of the roadway. There is a concrete island in the parking area that is now known to be in the right of way of the state road set back. The applicants needed a plot plan for their financing and it was then realized that the building is within the state set back.

Attorney Lane stated that a second surveyor indicated that the set back is difficult along Route 7 because the right of way is not consistent. Other buildings along the highway are in line or closer than the building in question. All permits, local and state, have been received and it would impose a significant hardship if a variance is denied. She also pointed out that a survey has not been done, the document that shows the setback is a plot plan only.

A Lasso asked - what is the distance difference between the old building that was on the property and the newly constructed building. The reply was the new building is 1.5' closer to the road than the old building and that this was the only spot for the building due to wetland issues and the location of the septic system.

M. Bachetti asked if the building could have been constructed back further from the road, reply was no, due to wetlands, septic location and to also help with odor mitigation for the closest neighbor.

C. Miller stated that she talked with MassDot regarding the setbacks and was told that they are inconsistent, going south the set back is 35' and going north it is 30'. There is a need to get the exact set back on this section of highway. The current building is 49' 10" back from Route 7.

Chairman Carlson asked if any abutters had comments or questions. Elizabeth Garcia expressed her concern that there are too many Marijuana business in this area and that the building was ugly.

M. Bachetti moved to close the public hearing, seconded by C. Miller. The motion carried unanimously.

Chairman Carlson stated that the Board would begin deliberations.

M. Bachetti stated that the Board does not have the authority to grant this variance, since it does not meet any of the guidelines.

Chairman Carlson stated that it is up to the applicant to measure the set-back correctly, it is not up to the Building Inspector.

M. Bachetti read the bylaws stating how variances may be granted and again stated that he did not see how this would be allowed.

Chairman Carlson stated that this issue should have come before the Board before the building was constructed. A. Lasso agreed and stated that the unknown factor of the set-back does create a hardship.

M. Bachetti read a section of MGL that states that the unique circumstances to grant a variance are soil, shape or topography and this project does not fit any. He also expressed his concern that if a variance was granted it would set a precedent that anyone could do whatever they wanted and then apply for variance.

Chairman Carlson asked if the Board was open to clarification from Town Counsel. The first question would be does the Board have the authority to allow the variance. It was the consensus of the Board to ask Counsel for clarification.

N. Chase made a motion to continue the deliberations until June 23, 2022 at 7:30 pm, seconded by M. Bachetti. The motion carried unanimously.

SBC Holdings LLC asked what happens if the variance is not granted. The Board's reply was – we don't know.

There was discussion regarding the scheduling of a future meeting.

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

Chairman Carlson adjourned the meeting at 7:50 PM.

Respectfully submitted:



Rhonda LaBombard  
Town Administrator

Documents Reviewed at this Meeting:  
Application from SBC Holdings LLC