

TOWN OF SHEFFIELD
ZONING BOARD OF APPEALS
JUNE 23, 2022
TOWN HALL – SECOND FLOOR MEETING ROOM
7:00 PM

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

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

7:00 PM - Public Hearing Continuation – Administrative Appeal filed by John Muller regarding 1551 and 1515 Boardman Street.

Chairman Carlson opened the hearing. Mark Bachetti did not participate in this hearing, Pat Levine was the sitting member for this hearing. N. Chase moved to continue the hearing to July 11, 2022 at 7 pm, seconded by P. Levine. The motion carried unanimously.

Pat Levine left the meeting.

Catherine Miller moved to approve the minutes from June 2, 2022 as submitted, seconded by N. Chase. The motion carried unanimously.

Mark Bachetti joined the Board.

M. Bachetti moved to approve the minutes from the June 9, 2022 as submitted, seconded by C. Miller. The motion carried unanimously.

Chairman Carlson opened the 7:30 pm deliberations for SBC Holdings, LLC and informed all present that the hearing was closed at the last meeting and that this meeting was for Board deliberations. There will be no public input unless a Board member has a question. N. Chase stated that the issue is that the building is within the set back from Route 7. A. Lasso stated that there has been much discussion regarding the set back and that the issue is really about the property line of land owned by MassDOT.

A Lasso further stated that in 2019 the Conservation Commission (Con Comm) approved a 40 x 100 building but it appears that the building was not placed exactly as shown on the map submitted to the Con Comm. If the building had been placed as the owners submitted on the Con Comm map and the later building application it would not be a problem. The plans submitted and approved show the building correctly placed 40' from the property line. She stated that this is a self-created problem and hardship because the building was not constructed in the approved location.

M. Bachetti stated that he agreed with the above points made by A. Lasso. In his opinion the Board has no latitude to grant a variance because the building was illegally and erroneously placed.

Chairman Carlson stated that he has spent time to try to find a way to grant this variance. Attorney Lane cited case law regarding self-created issues. She also stated that the guidance from the Building Inspector lead everyone to believe that the building was legal.

N. Chase asked why a survey was not done, the response was that it was not a requirement. She further stated that it would have been for their own protection. They now have a building that is 12.5' into the set back.

Chairman Carlson stated that it is not the Building Inspector's responsibility to measure distances from property lines. A survey would have been helpful to ensure the correct measurements. Attorney Lane again stated that the Building Inspector stated 40' back from the edge of the road and it should have been noticed when the building footings were inspected. Chairman Carlson again stated that it is not the responsibility of the Building Inspector.

M. Bachetti moved to deny the variance, seconded by C. Miller. The motion carried unanimously.

The applicants asked what that means for them. The Board stated that an appeal could be filed, but M. Bachetti stated that he couldn't see what the Land Court could do and the applicants should think about it before spending money on an appeal.

Chairman Carlson stated that one option may be to contact the state regarding purchasing a portion of the property and to have a survey.

The Board discussed the findings for the decision. It was the consensus of the Board to list the finding as Based on Chapter 40 Section 10 – This is a self-created hardship and that the building was placed illegally and erroneously on the property therefore the Board voted to deny the variance.

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

Chairman Carlson adjourned the meeting at 8:01 PM.

Respectfully submitted:



Rhonda LaBombard
Town Administrator

Documents Reviewed at this Meeting:
Application from SBC Holdings LLC

Sheffield Zoning Board of Appeals

Date: June 23, 2022

Name – PLEASE PRINT	Street, Town
1. John P. Mueller	1499 Boardman St.
2. COURTNEY LANE	623 Main Street, GT Bayton.
3. Mark Bachelth	1260 COUNTY Rd
4. Karen Chamberland	1260 COUNTY Rd.
5. Maura Stanton	110 Birch St Lee
6. William Stanton	110 Birch St. Lee
7. Robert Burnell	187 E. Center St. Lee
8. Robt Cullen	1592 Couny Rd, Sheffield
9. Elizabeth Garcia	505 S. Main St. Sheffield
10.	
11.	
12.	
13.	
14.	