

TOWN OF SHEFFIELD
ZONING BOARD OF APPEALS
JULY 25, 2022
TOWN HALL – SECOND FLOOR MEETING ROOM
7:00 PM

Board Members Present: Eric Carlson, Chairman
 Allison Lasso
 Nicole Chase
 Catherine Miller
 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 and read the hearing notice. He then asked the Board if they were ready to move to deliberations. P. Levine stated that she had more questions.

P. Levine stated that Attorney McCormick said that there was no commercial activity on 1515 Boardman Street (1515), isn't the sale of sand and salt commercial? Attorney McCormick replied that she had answered this at the previous meeting and stated that there is no commercial activity on the property except for the loading of sand and salt. That material is sold by Wilkinson's next door at 1551 Boardman Street (1551).

P. Levine asked about the natural berm that Mr. Muller stated had been removed by Kevin Wilkinson. She referred to pictures that she had obtained from the Town, which in her opinion, show significant changes and asked why they were made. Kevin Wilkinson replied that there was never a berm and that he has removed some brush near the property line. P. Levine continued discussion on the photos, one from 1990 and one from 2011, she shared them with Kevin Wilkinson and Attorney McCormick. Attorney McCormick replied that the brush was removed for easier access to the driveway.

P. Levine stated that the business has 35 employees now, what was the business in 1994. Attorney McCormick replied that the business had 35 employees in 1994, but has lessened by the number of employees and the number of equipment/trucks. P. Levine asked if any new lines of business have been added since the beginning, Attorney McCormick replied, no.

C. Miller asked if the customer base was still residential, commercial and municipal. Kevin Wilkinson replied yes, but municipal trucks are not loaded with sand and salt at this location.

A Lasso asked why there was a need to expand storage onto 1515 from the business at 1551. Attorney McCormick replied because 1551 lost 6.5 acres due to a taking of land for the Appalachian Trail.

N. Chase stated that at the site visit she saw an old sand and salt pit, was that still usable. Joe Wilkinson replied, no.

Chairman Carlson stated that photos sometimes make it hard to determine changes. Attorney McCormick stated that the photos submitted by P. Levine are not dated, not in color, time of year is not the same in both photos, they are not clear.

P. Levine stated it is not demonstrated that the Joe Wilkinson property doesn't meet the Powers criteria and she doesn't hear a clear rebuttal from Mr. Muller, but that it fails the Powers test on impact to the community. There is not much for the Board to go on.

N. Chase stated that she has driven through the neighborhood on several occasions, but at different times of day and has seen bikers and people walking seeming to enjoy the neighborhood. In her opinion the business has not harmed the neighborhood.

C. Miller agreed with P. Levine regarding the powers test, Kevin needs to apply for a Special Permit.

A Lasso stated that there is not enough information proving dramatic changes. She rides her bike on that road and has not noticed dramatic changes.

C. Miller asked the Board isn't Mr. Muller aggrieved by noise and dust, P. Levine agreed that he is and stated that any courtesy by the Wilkinson's regarding noise and dust would go a long way.

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

The Board began discussion 1515, C. Miller stated that this is in a rural area with a residential definition and taxed as residential and that commercial activity at this site requires a Special Permit. P. Levine agreed and stated that this is really clear.

A Lasso asked about the other material at 1515. P. Levine would like to have the Board issue a Cease and Desist until a Special Permit is obtained. Chairman Carlson stated that they could ask the owner of 1515 to obtain a Special Permit to continue. P. Levine stated that she wanted to be fair to Mr. Muller and have all activity stopped. Chairman Carlson stated his objection to setting a time limit on obtaining a Special Permit. Attorney McCormick asked to speak regarding process for obtaining a Special Permit, P. Levine objected to her speaking. P. Levine again stated that she would like to Board to issue a Cease and Desist and if it is found out later not to be within the Boards power to do so, it could be removed.

N. Chase stated that the sand and salt operations do need a Special Permit to continue, but the other material she doesn't see as a problem because most of it is temporary. P. Levine disagreed noise is created when it is dropped and then again when it is picked up. C. Miller stated that they might have had to use 1515 to make up for lost property. P. Levine stated that the major complaint is noise and use of the other materials causes noise. Chairman Carlson asked who would be the gatekeeper for any items put on that property. A. Lasso stated that the Board's job is to say that all commercial activities on 1515 must stop unless there is a Special Permit.

Chairman Carlson stated that 1515 needs a Special Permit for any activity that isn't lawful by right. P. Levine stated that they would have to stop until a Special Permit is obtained. Discussion regarding the right to appeal decisions and could the business continue while an appeal is taking place. P. Levine, let me understand the Board does not want to restrict activity until such time that they get a permit, A. Lasso, replied, no, she is not in favor of a cease and desist order. P. Levine questioned who would enforce the Special Permit and expressed her struggle over the idea of him delaying the permit application and just continuing. N. Chase stated that the Zoning Enforcement Officer (ZEO) has the responsibility to enforce. P. Levine stated that she is trying to provide Mr. Muller with some respite as a way to manage his complaint and further stated that it is hard to rely on the ZEO over which we have no control – will anything be done. N. Chase stated that this is not the Board's job, the ZBA makes the decision it is up to someone else to enforce it.

Discussion continued regarding the enforcement and Special Permit process. P. Levine again raised the issue with enforcement and the need to remind the Town to follow through. A. Lasso is not in favor of placing any restrictions and does not want to create a problem that may be grounds for an appeal and the decision being thrown out.


P. Levine made a motion that the Board finds that the uses that are not legal pre-existing, non-conforming at 1515 Boardman Street will require the owner to obtain permits, seconded by C. Miller. The motion carried unanimously.

N. Chase made a motion to uphold the Building Inspector's decision regarding 1551 Boardman Street and that the scope of the business as it exists today is at its maximum and can remain as it is as long as there is no more expansion without permission from the Planning Board, seconded by C. Miller. The motion carried unanimously.

P. Levine moved to adjourn the meeting, seconded by A. Lasso. The motion carried unanimously.

Chairman Carlson adjourned the meeting at 8:05 PM.

Respectfully submitted:



Jill Hughes
Assistant Town Administrator

Documents Reviewed at this Meeting:

Administrative Appeal filed by John Muller regarding 1515 and 1551 Boardman Street

Sheffield Zoning Board of Appeals

Date: July 25, 2022

Name – PLEASE PRINT	Street, Town
1. Martin Mitsoff	So. Underhill Rd. Sheffield
2. John R. Maller	1499 Boardman St.
3. Jesse Belcher-Timne	East Hampton, MA
4. Andy Backitt	1257 County RD
5. Kate McCormuck	McCormuck Murtogh + Marcus
6. Kevin Wilkinson	1515 Boardman ST
7. Laci Wilkinson	231 Hulet + Hill rd
8. Jenn Wilkinson	1500 Boardman St
9. Grace Soudant	1591 HOME RD
10. Tucker Wilkinson	1500 Boardman St
11. Darleen Wilkinson	1551 Boardman
12. Todd Wilkin	1500 Boardman St.
13. Sue Wilkin	102 PARK LAVE
14. Joe Wilkinson	1551 Boardman St

15. *Paula Inge Hansen* *9 Park Lane*

16. *Neil Wilson* *171 Cook Rd*

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