

**TOWN OF SHEFFIELD
ZONING BOARD OF APPEALS
DECEMBER 10, 2018
SECOND FLOOR MEETING ROOM
7:00 PM**

Board Members Present: Eric Carlson, Chairman
Mark Bachetti
Allison Lasso
John Reilley
Paul Nardi

Others Present: Renee LeClair, Recording Secretary
Members of the public (see sign in sheet)

Chairman E. Carlson called the meeting to order at 7:00 p.m.

Chairman E. Carlson explained that the Board needed to reorganize. A brief discussion ensued. **M. Bachetti motioned to re-elected Eric Carlson as Chairman and Mark Bachetti as Vice Chairman of the Zoning Board, with a second from J. Reilley. The motion passed 5-0.**

Public Hearing: Concerning the application of Robert Krol for an Administrative Appeal, to Appeal the Decisions of the Building Inspector issued on October 4, 2018 and November 7, 2018, allowing horses to be kept at 275 Berkshire School Road. The public hearing was read aloud by the clerk. Chairman E. Carlson then invited Mr. Robert Krol, the applicant of the Appeal to the Building Inspector's decision, to speak. Robert began by explaining his pursuit to have the horses removed within the departments of Town Hall. He expressed his concern to the Board that the owner of the horses did not request written permission from the Town prior to bringing them onto the property in the first place. He stated that the Town has failed to do their job and remove these horses. A discussion ensued. Chairman E. Carlson explained that the Town does not have any specific bylaws for this situation therefore the Town would not request that the owners to remove the horses because there are no bylaws restricting them. At this time the occupants of 275 Berkshire School Road, Spencer Bousquet and Al Miranda were invited to speak. The occupants stated that since the beginning of the attempts to have the horses removed from their property the Agriculture Commission, Animal Control Officer, Samantha Butler and the Building Inspector, Paul Greene have all visited their property. Spencer said that both the Agriculture Commission and Samantha have deemed that the horses are well cared for and the manure is being managed. Al Miranda then stated that a protection order has since been put into place against the Krols. A discussion ensued. M. Bachetti asked Al and Spencer a series of questions about the horses and the land the horses occupy. Al and Spencer stated that they do not make any profit from their land or from the horses and that the horses are just pets for their enjoyment. M. Bachetti then read the definition of a farm from a Webster's Dictionary; a farm is a plot a land devoted to raising domestic animals. A discussion ensued. Chairman E Carlson stated Town Counsel has made it clear that it is by right that animals are allowed in all zones of Sheffield. Town Counsel has also clarified for the Board that the Right to Farm is not applicable in this case. A discussion ensued. M. Bachetti said that he has established that 275 Berkshire School Rd is being used as a farm since the horses are being raised there. M. Bachetti stated with the tools he has been given he feels the property should be

restricted to the regulations of agricultural use and be required to have at least five acres to raise these horses. A discussion ensued. **M. Bachetti motioned, with a second from P. Nardi to close the public hearing. The motion passed 5-0.** Chairman E. Carlson stated to the public that they will be discussing amongst themselves at this point. He explained that the Board may ask questions but that no one is to participate unless asked a question. A discussion ensued. The Board decided that they would continue the public hearing to consult with Town Counsel to get some clarification. M. Bachetti stated he was ready to make a decision today but that he was willing to continue to gain more information. **M. Bachetti motioned, with a second from A. Lasso to re-open the public hearing. The motion passed 5-0.** A brief discussion ensued. Selectman Hawver respectfully suggested to the Board that they forward all questions to the clerk to get them to Town Counsel before the next meeting. A discussion ensued. Chairman E. Carlson asked that the Board submit questions for Town Counsel to the clerk as soon as possible to have answers ready for the next meeting. **M. Bachetti motioned, with a second from A. Lasso to continue the public hearing to December 20, 2018 at 7pm. The motion passed 5-0.**

Approval of Minutes: The Board reviewed draft meeting minutes from May 17, 2018. **M. Bachetti motioned, with a second from J. Reilley to approve the May 17, 2018 minutes as written. The motion passed 5-0.**

Review Mail: Letter from Board of Selectmen dated 11/26/2018 appointment letter for Paul Nardi to the Zoning Board of Appeals.

Board Member Items: There were no member items to discuss.

Public Comment: There was no public comment.

Adjournment: There being no further business before the Board this evening, **M. Bachetti motioned, with a second from J. Reilley to adjourn the meeting. The motion passed 5-0.**

The meeting adjourned at 8.06 p.m.

The following documents were reviewed during the Board's meeting and have been retained as required by the Massachusetts Public Retention Policy: Sign in sheet, Draft meeting minutes 5/17/18, Letter from Board of Selectmen dated 11/26/18.

Respectfully submitted by:



Renee LeClair
Recording Secretary

Sheffield Zoning Board of Appeals

Date: December 6, 2018

Name – PLEASE PRINT

Street, Town

1. ELIZABETH NARDI NEWICKS ST ASHLEY FALLS
2. Pamela Krol Spring Hollow Ln,
3. Robert Krol "
4. Spencer Bousquet Berkshire School Rd
5. Al Miranda "
6. Nadia Hewan 9 Park Lane
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____