

MINUTES
Town of Hubbardston Board of Appeals
Meeting Held March 1, 2018
Library Basement Meeting Room, 7 Main Street

Members Present: Chairman Scott Janssens, Gail Orciuch, William Homans, Albert Afonso and Secretary Joyce Green.

Absent: Andy Baum

Others Present: None

Meeting was called to order at 6:33pm by Chairman Scott Janssens.

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| Appeal of the Ruling of the Building Commissioner at 12 Upper Intervale Rd |
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Deliberation:

- Scott went to visit Larry Brandt (Building Commissioner) at his office on Tuesday and asked him what he considers a business and how did he view this particular property that made him rule there was a business there? Larry told Scott he considered it a business because business vehicles are being stored there, employees are going there to report to work, and company deliveries are being received there.
- Scott also asked Larry how this could impact other businesses in town. Larry responded that if other situations come up, they would be looked at one at a time.
- Scott stated that in his mind, the ruling by the Building Commissioner is correct and that we should not consider other possible scenarios, only what is before us.
- Bill agrees and is not comfortable in overturning Larry's decision. Larry told Bill he told the owner [Mark Johnson] several times that he could not operate a business out of the garage.
- Larry and Scott agree that the petitioner [Rachel Boutwell] is sincere in wanting to do things the right way and the possibility exists that the owner [the petitioner's brother, Mark Johnson] may not have informed Rachel of Larry's warning not to run the business out of the garage. Not all members agreed with this assessment.
- The official address of the business in question [All Saints Construction] is Phillipston however 12 Upper Intervale Road appears to be part of the business; sort of like a branch office.
- Al asked about a headquarters vs. a branch office; does that make a difference? For example, The Country Hen; should all deliveries be sent to one address and the company be responsible for transporting them to the "branch" office? Members dismissed this idea.
- Bill does not want to set a precedent by overturning this decision.
- Scott said he asked Larry if the information was conveyed to the petitioner [Rachel Boutwell] that a business was not allowed there. Larry said he did not discuss that with her, but he did with the owner.

Motion by Bill Homans to deny the appeal and uphold the decision of the Building Commissioner.

Second by Gail Orciuch.

Vote: 4-0 unanimous in favor.

Discussion continued on the wording of findings to be used on the decision and the secretary typed up a draft for the board members to review. The draft was found to be sufficient with minor corrections and the decision was printed. All members present signed the decision. Filing of the decision will occur next Monday when the Town Clerk's office is open.

8:11p.m. Motion to Adjourn made by Bill Homans, seconded by Albert Afonso and so voted 4-0 in favor.

Respectfully Submitted,

Joyce Green, Secretary

Approved by _____

Date: _____

[Signature]
7/8/19