

**THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF LANESBOROUGH  
ZONING BOARD OF APPEALS**

11 Sept 12

Decision of the Board of Appeals on the appeal and petition of J.Sinopoli for a Special Permit for a Gravel Permit on property located at 69 Swamp Road.

**Notice of Special permit: DENIED**

Background Information

- Zone:R-A
- Map and Lot:243 lot 5
- .Deed Book no.949 page 140
- 1096 Form received 26 Jul 12
- Letters to abutters as defined by Assessors; completed
- Legal notices: completed
- Pre-requisites required prior to hearing - completed

Board members in attendance:

Harley Phelps, Gordon Zaks, Ron Tinkham, & Bob Sampson

Meeting called to order at 7:00 p.m.

Reviewed background information

- Proposed site plan and petition reviewed.  
Personnel representing Mr Sinopli were  
Pat McColgan Taconic Land Consultant  
Mr.M Boraski Attorney.  
Pat presented the application equal to the 1998 application.  
ZBA chairman Tinkham questions  
-Past performance-status of site-ref to permit issued in 1998 expired in 2001-proposed operations- violations of laws-town problems with site /complaints -many not supported by documentation at least not available to ZBA.  
-History reviewed.
- The hearing was opened to ZBA members for questions.  
A helpful exchange of information and data took place.
- The hearing was opened to meeting attendees.  
Attendees with questions were  
Helen Horton -Marian Gennett -Mr & Mrs Christorpher -Pat Davis-  
Erica Welton -MR & Mrs Ouellette-Mrs Galord - Joe Szczepaniak-Paul  
Vallee - Mr Obrian + others

Questions & comment included:

- Material being brought to site -brush-stumps-woodchips-  
construction debris-cement-plastic(funny smelly stuff smells like  
plastic when burned)-snow-wood debris-logs- +
- Pictures presented showing 3 different Co.trucks at site-stumps-  
material very close to property line(operations setback from  
property line unclear).
- Ongoing operation for multi years without permits.

- Wells & water contamination-responsibilities-depths 100 to 400 ft.
- Early morning noise -prior to 8am
- Health issues-dust-toxic smoke (burnt plastic) diesel fuel
- safety for kids
- vibration shaking homes
- Road damage conditions & responsibility for repair
- Speed
- Signage restricting vehicles-weight limitations 2.5 tons have been exceeded his truck weight loaded 43,000 lbs unloaded 11,000 lbs.
- dangerous intersections swamp - old state - summer st
- Past town involvement -Bd.of health restricted from property ( Jack Kirby)
- Burning of multi material
- Operations close to homes and lot lines-operation buffer Zone unclear
- Screening & grinding operations
- Burial of debris
- Access potential easement to old state rd.
- Driveway (road) to site 20 ft residential use only
- Refueling on site (100 gallon storage)
- Completeness of application & map depth of material unclear
- Finding of ledge on property reducing area available for gravel removal Pat identified locations
- Future use of land
- Governing authority-inspection schedules
- Authority for fines & shut down -penalties
- Operation request 10 years to long

Some of comments and questions were addressed-some not

A helpful exchange of data & information was accomplished.

Questions required by Law were addressed by Mr Boraski

- Is in compliance with all provisions and requirements of the Town of Lanesborough Zoning By-Laws and is in harmony with its general intent and purpose.
- Is essential or desirable to the public convenience of the welfare at the proposed location.
- Will not be detrimental to adjacent uses or the established or future character of the neighborhood. The lot is unique being abutted by State property.
- Will not create undue traffic congestion, or unduly impair pedestrian safety.
- Will not overload any public water, drainage or sewer system or any other municipal facility to such an extent that the

proposed use or any existing uses in the immediate area or in any other area of the Town will be unduly subjected to hazards effecting public health , safety or general welfare.

Building Inspectors input:

A list of potential special permit conditions were reviewed (received verbal prior to meeting)

- Registered Engrg report yearly reporting status
- Divide property in to section permit sections not total property
- Permit issued yearly based on performance
- Conservation comm. involvement
- No processing plant or screening
- No materials brought to site -not allowed per lanesboro requirements.
- Develop a new entrance existing not to be used
- Reclaim yearly
- Consider past performance
- large Bond \$\$

Notified aggrieved personnel of their right to appeal Zoning Board decision in accordance with Chapter 40A Section 17 with a copy to the Town of Lanesboro Town Clerk.

Closed Public Hearing at 8:45 pm

Zoning Board of Appeals began a session to render a decision

Findings: Reviewed data presented at meeting.

A draft of a motion was formulated: Denial

The above motion was made by B Sampson seconded by G Zakes

The motion was reviewed.

Called for a vote.

Vote:Vote 3 for 1 no

The Special permit is DENIED .

The Zoning Board of Appeals meeting terminated at 9 pm.

Petitioners were notified of decision and the procedure required.

- Decision filed with Town Clerk
- Wait 21 days - appeal requirement

R.W.Tinkham  
Acting Recording Agent  
Lanesborough Zoning Board of Appeals

cc: Appellant	Assessors
Board of Health	Building Inspector
Conservation Commission	Highway Department
Fire Association	Town Administrator
Police Department	Selectmen
Town Clerk	Water Department
Town Counsel	Fire Dept.
ZBA File & Members	Abutters
Registry of Deeds (via Town Clerk)	
Planning Boards - Cheshire, Dalton, Hancock, Lanesborough, New Ashford, Pittsfield	

**Appeal:**

The ZBA decision was received on . The Appeal period has expired per M.G.L. Chapter 40A Section 17. No appeal notice has been received by the Town of Lanesboro Town Clerks office as of

**Town Clerk, Lanesboro, Mass**

**Registry of Deeds recording**

**Book \_\_\_\_\_ Page \_\_\_\_\_**

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