

Approved 7/25/2007

**Minutes of Public Hearing Continuation
July 11, 2007
Town House 7:00**

Members Present: Charlie Dolben, Chair, Laurie Niles, Neil Flynn, John Matthews, Joseph Kruzel, Anthony Bongiorno, Associate

Members Absent: None

The Continuation of the Public Hearing of June 27th was opened at 7:00 p.m. with a reference to the Special Permit Application. The Public Hearing had been continued to allow Board members to conduct site visits.

John Matthews reported that he visited the properties of Joan Corbin, Edward Haluch, and Lauer. His concerns in regard to the Home Occupation Bylaw 7.121,6 included that there was exterior storage, there were trucks parked on site; evidence of a business at the location of 33 Isaac Bradway Road. He stated that no noise was produced at the time of his visit and he was informed by Mr. Haluch that there was no more chipping being done at the site. In fact, the large chipper had been removed from the property. There were two chippers on the site that are towed to sites where Mr. Haluch is working.

Joseph Kruzel had visited the Corbin and Haluch sites and noted that the equipment on the Haluch site could be visible from the property line of the abutter. He confirmed that the use of an accessory building to maintain equipment required a Special Permit if Home Occupation was allowed. Joseph Dolben added that both the Special Permit and Site Plan Approval were included in this process.

Mr. Dolben visited the Corbin and Haluch sites. He commented that it was a sizeable operation, and there was no clear definition of the limits in the interpretation of the Bylaw. The home was well maintained and certainly the primary use of the property, but there was some concern with the size of the business.

Neil Flynn, who visited both sites as well agreed with Mr. Dolben, his observation was that the property seemed like it was half residence, half business; the business was clearly sizeable and not secondary to the home.

During the time of Mr. Matthews site visit a neighbor mentioned construction was in progress on a nearby property, not on Haluch's, which could be contributing to the noise.

Mr. Kruzel asked Ms. Corbin to reiterate her concerns. Ms. Corbin stated that although the noise has quieted down, work is still going on during the day and is unbearable to the point that they don't want to stay. Mr. Kruzel questioned whether the noise was relative to home activity or work activity, and was noise still at an unacceptable level, to which Ms. Corbin replied yes.

Mrs. Haluch spoke up to say that all their vehicles are diesel, they have ATV's and motorcycles, their friends come over and they have motorcycles and drive diesel vehicles; there is a lot of activity at their house with swimming, etc. The noise is not business related. Mr. Haluch stated that he sold the equipment that was used for business and made noise, including the saw mill, as well as discontinued target practice in the yard because of complaints about sound of gunshots. Ms. Haluch referred to the many police records of complaints.

The Haluchs referred to their practice of leaving the property in the morning to conduct their business elsewhere, returning in the evening. Their business did not take place at the home. They do some work on the property such as chipping their own logs in the back.

There were questions from Bonnie Geromini of the Conservation Committee regarding a small spring that runs in back as well as the nearby pond. The Haluchs stated they do not do anything near those locations.

Mr. Dolben inquired if the Board had all the information needed to discuss the issue and make a potential decision? Mr. Kruzel commented that the decision should mutually benefit all parties.

Mr. Haluch asked if a sound barrier, perhaps planting trees, with Ms. Corbin's permission, would be helpful. Mr. Matthews felt that what made it difficult was the fact that her location is higher than other abutting properties. The Haluchs stated that was why they moved the placement of the garage - to help block the noise.

Members of the Board questioned if the noise was from the trucks coming and going, the loading and unloading of equipment, and Ms. Corbin stated that noise was generated throughout the day, which seemed to be coming from trucks backing up, and there were clearly piles of sawdust, loam, gravel, logs, on the property.

The Board discussed sound decibels, and the travel and projection of sound waves. Mr. Matthews re-stated the by-law on home occupation, that there was to be no exterior storage of materials or equipment, and no evidence of non-residential use of property.

It was determined after additional discussion of noise levels, that the main issue was the noise generated on the property. Mr. Kruzel inquired if it would be beneficial to take readings at the property lines over a period of time to get the facts and the Board

members agreed. The Board members would conduct sound research before making their decision.

Mr. Dolben asked for a motion to close the Public Hearing with decision pending further research and Board discussion. Mr. Kruzel made a motion, Mr. Matthews seconded. All Board members were in favor, and the Public Hearing was closed.

Submitted by Kathleen Foster, Clerk