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## **ZONING BOARD OF APPEALS**

### **Decision to Amend Special Permits**

**Harrington Farm, 178 Westminster Road  
November 18, 2020**

The Princeton Zoning Board of Appeals held a public hearing on Wednesday, November 18, 2020, at 7:00 PM, to consider an application by John Bomba, Jr., with a mailing address of 178 Westminster Road, Princeton, MA, to amend four Special Permits issued for the property known as Harrington Farm, 178 Westminster Road, to remove conditions requiring that those decisions run with the applicant rather than running with the land. The property is located in the Residential-Agricultural Zoning District; Assessors Map #3, Lot 5-4, 11, 11-3, and is the site of a preexisting nonconforming use, specifically a restaurant and event venue.

The public hearing was held by remote access in accordance with Section 17(d) of Chapter 53 of the Acts of 2020 and "An Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20" issued by Governor Charles D. Baker on March 12, 2020. By using the "Go to Meeting" platform, members of the Board, members of the public, and the Applicant were able to attend and participate in the public hearing through real-time audio and video conferencing. Board members present at the public hearing were Chairman Jesse Weeks, Bill Lawton, and Larry Greene, Jr. The chair opened the hearing online at 7:00 PM. He explained the procedure for a public hearing and read the public hearing notice.

Applicant John Bomba and his attorney, Brian Falk, were present along with abutter Rick Gardner and Planning Board members Tom Sullivan, Ann Neuburg, and Ian Catlow, and alternate Planning Board members Lisa Drexhage and Corey Burnham-Howard.

John Bomba introduced his attorney Brian Falk, who outlined how Mr. Bomba purchased the property in 1989 with a pre-existing, non-conforming use in a R-A zoning district. Four special permits issued by the Board for the property over the years include a condition limiting the permit to the applicant. Mr. Falk pointed out that Special Permits (for other properties) do not typically include this condition and that it has impeded attempts to secure financing for Mr. Bomba. He noted that the entire operation would be non-compliant and have to shut down if Mr. Bomba were suddenly absent—an untenable position given that events at the property are scheduled months ahead of time. He also pointed out that removing this condition would not impact the town's oversight, since any modification or expansion of the business or property would still require a Special Permit and Site Plan Review—regardless of ownership.

The chairman opened the hearing to public comment. Abutter Rick Gardner said that he is happy with the way the venue has been operated and that Mr. Bomba has done a fantastic job. A message was relayed from ZBA Alternate Edith Morgan, who was not in attendance, stating that she supported the applicant's request. Corey Burnham-Howard asked why the condition was included in the first place. Mr. Falk explained that it is a land use planning tool usually associated with (residential) in-law/accessory apartments. Sometimes a board may include this condition when a business is new and being tested.

At 7:20 PM the Board voted all in favor to close the public hearing portion of the meeting and begin deliberation. Board members considered the facts as presented.

At 7:25 PM, the Board members **voted unanimously to approve an amendment to the four Special Permits** by removing conditions requiring that the Special Permits run with the applicant, said Special Permits and conditions being amended as follows:

1. Special Permit dated March 9, 1987, recorded with the Worcester District Registry of Deeds (the "Registry" in Book 10338, Page 152, removing Condition (a) ("This Special Permit is limited solely to the Applicants themselves.")
2. Special Permit dated October 5, 1993, recorded with the Registry in Book 16563, Page 367, removing Condition (a) ("This Special Permit is limited solely to the Applicant, John Bomba, Jr.")
3. Special Permit dated December 20, 1994, recorded with the Registry in Book 16938, Page 103, removing Condition (a) ("This Special Permit is limited solely to the Applicant, John Bomba, Jr.")
4. Special Permit dated March 4, 1997, recorded with the Registry in Book 19484, Page 228, removing Condition (a) ("This special permit is limited solely to the Applicant John Bomba, Jr.")


The Board members voting in favor were Jesse Weeks, Bill Lawton, and Larry Greene, Jr.

The Planning Board later voted in a separate action to approve a similar amendment to a Special Permit Site Plan Approval dated April 25, 1997.

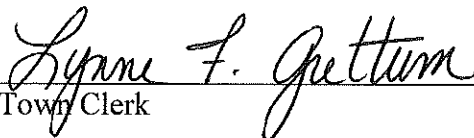
Appeals, if any, should be made pursuant to Section 17, of the Massachusetts Zoning Act, Chapter 40A and shall be filed within twenty (20) days after the date of the filing of this decision with the Town Clerk.

*Princeton Zoning Board of Appeals*

Dated: 11/25/20

  
Atty. Jesse Weeks, Chairman and Representative of  
the Zoning Board of Appeals

A copy of this decision was filed with the Office of the Town Clerk on 11/25/20 (date)

  
Town Clerk

The Town Clerk hereby certifies that twenty (20) days have elapsed after the decision was filed with the Office of the Town Clerk and no appeal has been filed as provided by Section 17 of the Massachusetts Zoning Act, Chapter 40A.

  
Town Clerk