

## PLANNING BOARD

### MINUTES

#### DELIBERATION OF Sheffield Water Co. SPECIAL PERMIT APPLICATION

Tuesday, August 31, 2010

2:00 p.m.

**Planning Board Members Present:** Christopher Tomich, Peter Cherneff, David Smith Sr., and alternate member Anthony Gulotta. Margaret Martin was absent

C. Tomich read the purposes of the deliberations and led the Board in making findings on the application. The result was the following detailed record:

The members of the Town of Sheffield Planning Board, which is also the Special Permit Granting Authority (SPGA) hereby certify that the following is a detailed record of all the board's proceedings for the above named applicant. The property, which is the subject of this special permit application, is located on Sheffield Business Park, referred to on Tax Map No.267/022, Block 3 & Lot 30, Book 319 & Page 179. (The Special Permit Application and subsequent additional application documentation are found in Exhibit #1.)

The Special Permit application was dated July 19, 2010 stamped by the Town Clerk on 7/19, 2010 and accepted by the Board on July 22, 2010 as case # 72210. The property is located in the Rural District.

The applicant requested a Special Permit under Sections 3.1.3.c.6 and 9.4.10 of the Town of Sheffield Zoning By-Laws for the purpose of a public utility facility. The applicant Sheffield Water Co. and their representative, Edward McCormick, presented the application to the Board at a public hearing on August 26, 2010 at 8:00 PM.

Notices of Public Hearing on this Special Permit were made as follows: (see exhibit #3)

1. Notices of the public hearing were published in The Berkshire Record, a weekly newspaper of general circulation in the Town of Sheffield, in editions as follows: August 6-12 and August 13-19 issues.
2. Notice was posted in a conspicuous place in the Sheffield Town Hall at least 14 days before the public hearing on August 26, 2010 at 8:00 PM.
3. Notice of Public Hearing were mailed, postpaid, on August 6, 2010, at least 14 days before the hearing, to the applicant, abutters to the property in question, owners of land directly opposite from the property in question on any private or public street or way as supplied by the town assessors Certified Abutter List and to the Planning Boards of the abutting towns of Great Barrington, Alford, Mt. Washington and New Marlborough.

4. Notice of Public Hearing and site plan were delivered to the Board of Selectmen, Fire Department, Highway Department, Police Department, Board of Health and Conservation Commission at the Town Hall for review and feedback. Notice was dated August 6, 2010 and distributed on the same date.

Also identified at the August 31, 2010 deliberations were:

Documentation was entered into the public record and included the following:

- Special Permit application, cover letter, \$250 application fee and all documents submitted with the initial application dated July 19, 2010. Also included were a letter to the planning Board from David West and an opinion by Town Counsel Sally Bell both letters indicating that this matter would properly come before the ZBA not the planning Board.

The board noted that the Special Permit hearing began on August 26, 2010 and was closed on the same day.

It was reviewed that SPGA members present during all of public hearings were; Christopher Tomich, David Smith Sr., Peter Cherneff. and alternate member Anthony Gulotta.

**Findings:**

The board reviewed the application:

Sheffield Water Co. owns the property in question on the east side of Water Farm Rd., lot 30 in the Rural District.

3.1.3.c.6 public utility facility.

Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.

- **9.4.2.2.1: The Social, economic or community needs which may be served by the proposed use.**

Will allow for greater fire protection, water supply and pressure. Cleaner water will be more easily maintained. These measures will increase

The SPGA, by a 4-0 vote, found that the beneficial effects of the proposed use DO outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.

- **9.4.2.2.2: Traffic impact, flow and safety, parking and loading and accommodation to pedestrian and non-automotive transportation.**

There will be no effect on traffic.

The SPGA, by a 4-0 vote, found that the beneficial effects of the proposed use DO

outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.

· **9.4.2.2.3: Adequacy of utilities and other public services.**

This will allow Sheffield to conform with state mandated requirements for public utilities.

The SPGA, by a 4-0 vote, found that the beneficial effects of the proposed use DO outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.

· **9.4.2.2.4: Appropriateness to the proposed location, the neighborhood character and town land use objectives.**

The proposed tank blends into surrounding landscape and will be virtually invisible.

The SPGA, by a 4-0 vote, found that the beneficial effects of the proposed use DO outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.

· **9.4.2.2.5: Environmental impacts, including, but not limited to, visual effects, noise, odor, dust, vibration, fumes, smoke, light intrusion, glare, impacts on natural habitats, views, water pollution, erosion and sedimentation.**

The topographical site plan indicates that... Wilkinson excavating.

The SPGA, by a 4-0 vote, found that the beneficial effects of the proposed use DO outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.

· **9.4.2.2.6: Potential fiscal impact, including impact on town services, tax base and employment.**

This project will increase the tax base and employment.

The SPGA, by a 4-0 vote, found that the beneficial effects of the proposed use DO outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.

**Conditions:** None

**Waivers:** None

**Final Vote:**

In keeping with its authority, on August 31, 2010, the SPGA voted as follows:

Christopher Tomich: GRANT  
David Smith, Sr.: GRANT  
Anthony Gulotta: GRANT  
Peter Cherneff GRANT

Margaret Martin and Tim Fulco were not present. The applicant agreed to allow deliberations by only 4 members.

By a 4-0 vote, the Board vote unanimously to GRANT the special permit application of the Sheffield Water Co. as a public utility facility, as documented in the special permit application.

On August 31, 2010 the SPGA filed its Notice of Decision of Special Permit with the Town Clerk who certified its receipt and release date. A true copy of the Notice of Decision is filed under Exhibit #4.

Notice of Decision of Special Permit was sent to the applicants, all abutters, all Town of Sheffield boards and/or commission, which received notice of the Public Hearing and to the Planning Boards of adjacent towns. Notices were sent or delivered on September \_\_\_\_, 2010.

Town of Sheffield SPECIAL PERMIT GRANTING AUTHORITY  
(SPGA), also known as the Town of Sheffield Planning Board

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Christopher Tomich, Chairman  
August 31, 2010

The board directed Christopher Tomich to work with Rhonda LaBombard to complete the required documentation within the 14 days after the board's decision, as required by law.

*At 3:00 p.m., D. Smith Sr. made a motion, seconded and approved, to adjourn the meeting.*

Respectfully submitted,

Nadia Milleron,  
Secretary to the Planning Board