

**TOWN OF SHEFFIELD  
PLANNING BOARD  
September 28, 2011  
TOWN HALL – 1<sup>ST</sup> FLOOR MEETING ROOM  
7:00 PM**

Board Members Present: David A. Smith Sr.  
James T. Collingwood Jr.  
Peter R. Cherneff  
Margaret Martin

Others Present: Kathy Orlando, Sheffield Land Trust  
Tim Lovitt, Hillman/Rudnick  
Attorney Alexandra Glover  
Susan Delmolino  
Mike Parsons, Kelly Granger and Parsons  
Susan Butler, 481 Shunpike Rd, Sheffield  
Robert Butler, 481 Shunpike Rd, Sheffield

Meeting was called to order at 7:00 PM.

**Form A:** The Board reviewed a Form A application submitted by Tim Lovitt, on behalf of Ben Hillman of Ben Hillman and Company. They bought a property next door to their current property and are changing the lot lines. Mr. Lovitt presented a map to exhibit what was proposed regarding the lot lines. After examination, Board members physically signed the maps provided by Mr. Lovitt, signifying acceptance of the Approval Not Required.

**Complaint re Private Air Strip:** Susan Butler, of 181 Shunpike Road, said she and her husband are unable to sell a 26 acre building lot because of an abutting property landing strip. The abutting parcel has a private residential landing area (PRLA) existing since 1986. John Hanlon owns the abutting parcel. Ms. Butler complained that Mr. Hanlon has not received a “cease and desist” order from the Town of Sheffield. She requested that the Planning Board put the issue before the voters in May 2012, directing the Board of Selectman to issue such a cease and desist order. Mr. Cherneff asked whether this was a matter to take to the Selectman, but Mr. Smith advised that the Selectman sent the matter to this Board. Mrs. Butler presented the Board with a written summary of her issue, which was received by the Board. Mr. Smith indicated that the Board would review the matter.

**Form A.** Mike Parsons presented a map on behalf of Barbara Delmolino with regard to a series of APRs arranged in conjunction with the Sheffield Land Trust and the Department of Fish & Game. There will be an APR placed on open meadow and wet pasture of 21 acres, another APR on 22.5 acres and another APR on 15 acres. Yet another parcel will be sold to Fish & Game. A two acre lot, with out-buildings, will be excluded. Two other one acre parcels will also be excluded. The parcel is currently one piece. Kathy Orlando

noted that the current ANR rules require that the full parcel be surveyed and that any excluded parcels be surveyed. Mr. Cherneff asked whether the frontages and the setbacks are sufficient because those are the issues that concern this board. Upon examination, it was shown that the frontages and setbacks on the relevant parcels were compliant with the bylaws.

Mr. Cherneff made a motion, seconded by Mr. Collingwood and approved by all, to approve the Form Approval Not Required.

Mr. Cherneff made a motion, seconded by Mr. Collingwood and approved by all, to suspend the meeting to open the Public Hearing for Special Permit at 7:30 pm.

Mr. Smith reconvened the Regular Meeting at 8:21 pm.

**Review of James Iulo's Special Permit Application:**

Mr. Cherneff discussed the Board findings to be reflected in the written findings.

- First that the lot falls under Bylaw 4.3.3 alternative lot dimensions provision.
- Second that the lot has 22.9 acres which is approximately 45 half-acres, permitting them to reduce the lot frontage from 100 feet to 25 feet.
- Third, that this is not a “new” lot.
- Fourth that there has been a reduction in the minimum frontage of 75 feet.
- Therefore the minimum front setback requirement for any structures will increase 1.5 feet for each foot of reduction, which is an increase of 112.5 feet over the 40 foot minimum which is a minimum front setback of 152.5 feet.
- The lot was in existence prior to January 4, 1994.
- The lot complies with Bylaw 4.3.2. The applicant said that the lot meets all other dimensional requirements within the Bylaws.

The Board further discussed the Special Permit application.

Mr. Cherneff moved to grant the Special Permit, seconded by Mr. Collingwood, and approved.

**Minutes:** The Board reviewed the minutes of August 24, 2011. “Eric” should be changed to Eric Carlson. And “Tomich” should be changed to “Chris Tomich”. Under Mail, the second bullet point should read “A letter from the lawyer from Century Acquisitions” because the purpose is to list what is received.

Mr. Cherneff moved to approve the regular meeting minutes of August 24, 2001, with the above amendments. Ms. Martin seconded. The motion was approved.

Mr. Collingwood moved, Mr. Cherneff seconded a motion to approve the August 24, 2011 Public Hearing minutes without changes. The motion was approved.

Mr. Cherneff moved, Mr. Collingwood seconded a motion to approve the September 7, 2011 Regular Meeting minutes without changes. The motion was approved.

**Mail:**

- A decision from Great Barrington Planning Board approving a special permit for Al and Laura DuPont.

Next Planning Board meeting is October 12, 2011 at 7:00 pm.

At 8:40 p.m., a motion to adjourn was made by Ms. Martin, seconded by Mr. Collingwood and approved.

Respectfully submitted,

Nadia Milleron  
Secretary to the Planning Board