

Town of Sheffield

Planning Board

P.O. Box 325

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Regular Meeting

Wednesday, August 28, 2013, 7:00 PM

TOWN HALL – 2nd FLOOR MEETING ROOM

Planning Board Members Present: Chair, David A. Smith Sr.
James T. Collingwood Jr.
Maria Nation
Peter Cherneff

Absent Planning Board Members: Margaret Martin

Public Present: David West, 636 Silver Street
Michael Advocate, 254 S. Undermountain Road

Filming Meeting: David West asked the Chair, David Smith Sr., if he could film the Planning Board Meeting this evening. The Chair allowed Mr. West to film the meeting.

Review of Minutes:

P. Cherneff made a Motion to accept the Regular Meeting Minutes of August 1, 2013, as amended. J. Collingwood seconded the motion and the minutes were approved by all: D. Smith Sr., M. Nation, P. Cherneff and J. Collingwood Jr.

Cushwa Special Permit Application: Michael Advocate asked about the status of the Cushwa application. The Board explained that although they made a decision denying the Cushwa Special Permit Application, they have not submitted the decision to the Town Clerk. The Board explained that the Chair learned from the Town Attorney that the Cushwas would have to go to the Superior Court rather than the Zoning Board of Appeals, if they wanted to appeal the Planning Board decision. If they did not prevail in their appeal, they would have to wait two years before they could apply for a Special Permit for the same type of business. Therefore the Planning Board would like to give the Cushwas the opportunity to withdraw their application, so that they would have the ability to revise it and re-submit it rather than waiting two years. The Chair reported that he called the Cushwas and drove to their home in hopes that they would attend tonight's meeting, but he was not able to reach them. He will try to contact them again before the next Planning Board Meeting. He stated that the Board has 60 days from the time the decision is made before they must file the decision with the Town Clerk.

Posting Minutes: D. Smith Sr. noted that many approved minutes have not yet been posted. He asked Nadia Milleron when they will be submitted and she said within 24 hours. Ms. Milleron noted that Planning Board Member Margaret Martin spent time today helping to prepare minutes

for posting.

Building Inspector Publication of Decisions: The Board discussed whether Building Inspector decisions are appealable. They discussed how difficult it would be for townspeople to appeal a decision if they don't know about it and discussed how those decisions could be published on the web.

James Collingwood made a motion to adjourn the Planning Board meeting. Maria Nation seconded his motion and the Board Members present: D. Smith Sr., P. Cherneff, M. Nation and J. Collingwood Jr., approved the motion.

At 7:45 PM the Planning Board adjourned their regular meeting.

Respectfully submitted



Nadia Milleron
Secretary to the Planning Board

Town of Sheffield Planning Board

Regular Meeting

Date: Wednesday, Aug 28, 2013

Time: 7:00

Name _____ Address _____ Representing _____

Michael Advocate 254 S. Undermountain Rd - self
David Wes 636 Schuyler St Myself

Aug 28 2013
Attachment
Planning Board
Meeting

DOLLAR GENERAL SIGN QUESTIONS FOR THE PLANNING BOARD

Page 1 "...and it is not permanently embedded in the ground..."
How about the majority of signs on posts buried in the ground?
Like the ladder signs in various locations? Are they "permanently
embedded"?

"..not intended to be a permanent sign" (last sentence on page 1).
Since the by laws do not define "permanent" nor does the permit
form for a sign require the applicant to identify the sign as
"permanent" or "temporary" is it not within the granting
authority to make that decision? The sign in question, in regard
to its' construction, is more permanent than other "permanent"
signs in town as far as the life expectancy estimation. *See
definition of "permanent" below.

Mr. Webster says "Permanent -1) existing perpetually" (forever?)
2) intended to serve, function, etc, for a long, indefinite
period. (that fits better)

Mr. Webster - "indefinite"-1) having no fixed limit. 2) not clearly
defined or determined. 3) uncertain, vague (choose any
of the three)

CONCLUSION – It is NOT temporary

Page 2- 6.2.6.1- that don't work because the premise is not
advertising it is for sale or lease

6.2.6.2- renovation or repairs by tradesmen are NOT being
performed

6.2.6.1 and 6.2.6.2-“exceeds 5 square feet”- It IS NOT TEMPORARY!!!

*The Board seems to have found something I can't find in the by-laws. Page 2, 5th paragraph, last sentence: “It therefore.....
...but does not qualify as a Temporary Sign that would be permitted in the Commercial District.” Where in heavens does this “Commercial District” nonsense come from? Could your Board please identify where this rule is?*

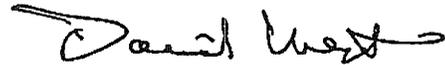
“..the sign advertises an activity not being conducted on the premises..” The first two lines of the sign are “ Coming Soon” and “Dollar General”. What part of this do you question? Dollar General does intend to build on the premises as soon as possible – “soon”. Apparently you haven't seen local contractors taking measurements or site inspecting of the premises prior to their submitting bids for the new building and grounds. I'd call that “activity on the premises”.

Since the above covers “on premises” why would they apply for an off-premises sign?

Request for Zoning Enforcement Officer “to take appropriate enforcement action..”- Once again, please read the letter he sent to you which was read out loud at the Planning Board meeting on August 14, 2013 where Mr. Carmody stated that anyone having questions about this sign should be directed to his office and he will discuss it. Have you done so?

Relative to the Board being unsure if the Building Commissioner can legally issue sign permits as discussed at your meeting Aug. 14th and it was decided that you would request Town Counsel to check this out. Please read the Sheffield Zoning By Laws again and check out 9.1 Administration and 9.1.1 Permits. Notice that "signs" is written/identified in the second sentence. Also note that reference is made of the "State Building Code" and "compliance". There is only ONE town employee authorized to enforce the State Building Code and that is Mr. Carmody.

Submitted by David West

A handwritten signature in black ink that reads "David West". The signature is written in a cursive style with a long horizontal stroke at the end.