

PLANNING BOARD MINUTES
SPECIAL PERMIT HEARING: MICHAEL AND CYNTHIA DUTTON
Thursday, July 26, 2007

The meeting was called to order at 8:00 PM. R. Wood opened the meeting and commenced recording. She stated that the purpose of the hearing was to obtain public input on the Special Permit Application of Michael and Cynthia Dutton for the proposed use of a single family dwelling. Sign in sheet attached.

Members present were: Rene Wood, Anthony Gulotta, David Smith Sr. and Margaret Martin. Christopher Tomich was absent due to illness. He will listen to the complete audio tape, attest to that and then may participate in decision-making with the rest of the Board.

D. Smith Sr. read the notice of the public hearing into the record.

Nick Parsenious, attorney for the applicant, explained that his client is seeking permission to use an apartment space as a dwelling unit pursuant to bylaw 3.4.7. Previously this was an occupied apartment, but it has been unused. In the front portion the plumbing has been shut off for some time.

M. Martin asked if the plumbing will be restored.

Mr. Parsenious stated that with respect to the back space at issue, the bathroom is the only plumbing and it currently functions.

R. Wood asked how this can meet the requirements of a dwelling unit without a kitchen.

Mr. Parsenious stated that the building inspector, Tom Carmody, was satisfied with its use as a habitable dwelling.

R. Wood stated that her concern is that the Duttons would be able to rent the apartment and in its current status, without a kitchen, it does not meet the definition of a dwelling unit.

Mr. Dutton stated that he has a fridge, toaster microwave and cupboard in the unit.

R. Wood stated she felt the definition of a dwelling unit must be met.

Mr. Parsenious read bylaw Section 9.4.7, which states that reasonable limitations or conditions could be restricted to the owners of the facility.

R. Wood explained that any time a Special Permit has a restrictive use, it creates headaches for enforcement.

George Oleen, a resident of Sheffield and former member of the Board of Health, said that using a restaurant kitchen for family meals would have to go before the Board of Health and commented on other issues, including a fire-proof door. A. Gulotta said these were issues for the Building Inspector and the Fire Chief.

M. Martin asked if the bathroom works. Mr. Dutton said yes.

R. Wood said that it sounded like the use was abandoned over the years. She complimented the Duttons on bringing their establishment up to code.

George Oleen stated that it was necessary to specify that the permission would be for 1 apartment only. R. Wood explained that was all that has been applied for.

Nick Parsenious submitted a written "Summary of Applicant's Position," attached. He reviewed his summary aloud.

A. Gulotta wished to know if the apartment shares the heating system with the restaurant. Mr. Dutton explained that it shares the heating system but has a different thermostat.

R. Wood wanted to know if there was a second exit. Mr. Dutton said yes and that this exit would normally be the door used by other than the owners.

R. Wood stated that she wanted the definition of a dwelling unit met and stated that a kitchen must have a sink.

A. Gulotta asked if that was a Board of Health issue.

R. Wood stated that in addition to adding a sink to the kitchen to comply with the definition of dwelling unit, she also wants the applicant to mark the kitchen and second exit on the drawing of the apartment and present a revised drawing to the board.

August 9 was discussed a possible date to continue the hearing. Mr. Parsenious said his client may not be able to attend the hearing on that date and time. The Board said that Mr. Dutton does not have to be present.

R. Wood asked if anything else needed to be discussed.

A. Gulotta said that the Building Inspector has talked with Chief Boardman.

George Oleen would like to go on record as “going for it”.

The hearing was continued to August 9 at 9:00 PM.

At 8:35 PM, D. Smith Sr. made a motion to adjourn. The motion was seconded and approved.

Respectfully submitted

Nadia Milleron
Secretary to the Planning Board