



# Town of Sheffield

*Planning Board*  
P.O. Box 325  
Sheffield, MA 01257

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TTY 800-439-2370

**Public Hearing Minutes**  
**Regarding the Special Permit Application of Frank, Rhonda and Adrian Cushwa for an**  
**Event Planning Business.**

**Wednesday, July 24, 2013, 7:30 PM**

**TOWN HALL – 2nd FLOOR MEETING ROOM**

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

Members of the Public Present:

Dave Smith, Jr., Cooper Hill Rd.  
Megan Seward 247 S. Undermountain Rd.  
Adrian Cushwa 247 S. Undermountain Rd.  
Rhonda Cushwa 247 S. Undermountain Rd.  
Frank Cushwa 247 S. Undermountain Rd.  
B. J. Dahl 276 S. Undermountain Rd.  
Ed Surjan, 276 S. Undermountain Rd.  
Shirley Smithberg, 204 S. Undermountain Rd.  
Michael Advocate, 254 S. Undermountain Road, representing self & wife  
Lynne Posner, Water Farm Road

Chairman David Smith Sr., explained that the purpose of this hearing is to obtain public input on the Special Permit Application of Frank, Rhonda and Adrian Cushwa. This hearing is continued from July 10, 2013.

Maria Nation, Secretary of the Planning Board, read the published notice of the Public Hearing, published in the *Berkshire Record* on May 24<sup>th</sup> and May 30<sup>st</sup>, 2013.

Chairman David Smith Sr., explained the procedure to be followed during the hearing.

Adrian Cushwa stated that he is changing the parking plan so that the triangular piece on the west side will not be used at all for this business.

David Smith Sr. stated that he, Peter Cherneff and the Chief of Police visited the site of the

proposed business yesterday, July 23. The only concern they had was traffic entering and exiting on Route 41. The Police Chief said that he would most likely post a police officer on the road to direct traffic when an event occurs.

Michael Advocate said he believes the only way the Board can issue a Special Permit for the proposed Cushwa business in a Rural Zone is if they determine that the business proposed will be a "country club." Mr. Advocate stated that since there will be no members, the business cannot be a country club. He was also concerned that the leaching fields for the Cushwa's septic system would be damaged by the weight of the people and vehicles above them. Mr. Advocate voiced a concern about the traffic hazard and nuisance and repeated his concern about loud parties and the fact that the Cushwa's have not responded to police requests to quiet down in the past. He also was concerned that the Cushwa's have no sprinkler system in case of a fire. He thought that if the Board would approve this application the Board would be exceeding its authority.

Adrian Cushwa stated that he would not be using the septic system for the business, he stated that they will be using porta-potties. He noted that the bylaw says nothing about membership or board members.

Michael Advocate read the Wikipedia definition of a country club, which included hospitality to members or guests.

Shirley Smithberg reminded the Board that she stated her concerns in her letter that she has submitted.

D. Smith Sr. said that a Certificate of Occupancy would have to be issued by the building inspector for the barn before it could be used for the business. He stated that the limitation of a "country club" is a serious issue. He also pointed out that Rural Business on an acreage not less than 5 acres. Will deliberate, not tonight but another time. It is likely that this would have to go before the Zoning Board of Appeals because it is non-conforming.

Margaret Martin stated that it is clear that this business is not a country club. The Applicants, Adrian and Rhonda Cushwa read part of the zoning bylaws aloud and argued that the proposed business is a country club, not included in the list of businesses required to have more than 5 acres.

*P. Cherneff moved to close this public hearing. His motion was seconded by J. Collingwood. The motion was approved unanimously by M. Martin, D. Smith Sr., M. Nation, P. Cherneff and J. Collingwood.*

At 8:02 PM The Public Hearing was closed.

Respectfully submitted,



Nadia Milleron  
Secretary to the Planning Board

Town of Sheffield Planning Board

Special Permit Hearing on Application of: Cushwa

Date: July 24, 2013 Time: 7:30pm

Name Address Representing

Dave Smith, Jr	Coynton	
Megan Seward	247 S. Undermountain Rd	self
Adrian Goshwa	47 S. Undermountain Rd	self
Rhonda Goshwa	" " " " "	self
Frank Goshwa	" " " " "	self
BJ Dahl	276 S. Undermountain Rd	self
Ed Surjan	276 S. Undermountain Rd	self
Shirley Smithberg	204 S. Undermt. Rd.	"
Michael Advocate	254 S. Undermountain Road	
Lynne Posner	Wacker Farm Rd	