

## PLANNING BOARD

### MINUTES REGULAR BUSINESS MEETING Thursday, July 10, 2008

Meeting was called to order at 7:00 PM.

Members present were: Christopher Tomich, Anthony Gulotta, Margaret Martin and Tim Fulco. David Smith Sr. arrived at 7:20 PM.

Sign-in sheet attached.

**Rene Wood** thanked the Board for their support of her as an alternate delegate.

She reminded the Board that they have a fund associated with the Master Plan and held by the Berkshire Regional Planning Commission. She wanted to know if they would allocate no more than \$300 out of that fund to make copies of a report by the Task Force on Economic Development for the Selectman meeting on Monday, July 21. *M. Martin made a motion to approve Rene's funding request. Her motion was seconded and approved unanimously.*

Planning Board Training is being organized. Attorney Dan Dubendorf will be on the panel for the training and some others have agreed to also.

BRPC is conducting their regular "Roles & Responsibilities" seminar Thursday, July 31, 2008.

**Budget:** A. Gulotta reported that the town re-appropriated \$4000 from the Planning Board. \$200 remains. The 6/30 bill from Berkshire Record will be paid from this amount.

**Howden Refund:** A. Gulotta submitted a letter to the town treasurer explaining that Mr. Howden is due \$100 rebate. He also spoke to Mr. Howden.

**Minutes:** *M. Martin made a motion to accept the minutes for the 6/26/08 Regular Business Meeting as amended. Her motion was seconded and approved unanimously.*

*A. Gulotta made a motion to accept the minutes for the 6/26/08 Special Permit Hearing as amended. His motion was seconded and approved unanimously.*

**Mail:** Included the following:

- ❖ A letter from the Governor's office encouraging best decisions for the environment and the economy. The letter included a survey. C. Tomich will fill it out.
- ❖ Records to be filed. M. Martin will give them to Rhonda.
- ❖ Notice from the ZBA that a Special Permit was granted to Sheffield Plastics.

**Special Permit & Form A forms:** D. Smith Sr. found that the Town Clerk is distributing both sides of the Special Permit Form. The Board agreed that Rhonda should email the correct forms to Surveyors that have come before the Board.

At 7:50PM, M. Martin made a motion, seconded and approved 5-0, to suspend the Regular Business Meeting.

At 8:15PM, M. Martin made a motion, seconded and approved 5-0, to re-open the Regular Business Meeting.

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**Deliberations on Sachs-Reisman Special Permit:**

Name of Applicant: Sachs-Reisman  
Address of Applicant: 25 Maple Avenue  
Purpose of Special Permit: Oversized Sign – Craft Person Shop  
Per By-Law Section: 3.1.3.D.5 and 6.2.5.2

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 at the address of 25 Maple Avenue, referred to on Tax Map No. 23, Block & Lot 1-15, Book 952 & Page 26. (The Special Permit Application and subsequent additional application documentation are found in Exhibit #1.)

The Special Permit application was dated 5/20/08, stamped by the Town Clerk 5/20/08 and accepted by the Board on 5/22/08, as case # 052208. The property is located in the Village Center District.

The applicant requested a Special Permit under Sections 3.1.3.D.5 and 6.2.5.2 of the Town of Sheffield Zoning By-Laws for the purpose of sign and shop. The applicant presented the application and oral presentations to the Board at a public hearing on 6/26/08 at 8 PM.

Notices of Public Hearing on this Special Permit were made as follows:

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: 6/13/08 issue and 6/20/08 issue.
2. Notice was posted in a conspicuous place in the Sheffield Town Hall at least 14 days before the public hearing on 6/26/08 at 8 PM.
3. Notice of Public Hearing were mailed, postpaid, on 5/20/08, 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 5/22/08 and distributed on the same date.

Also identified at the Sachs-Reisman deliberations were:

Documentation entered into the public record. (list all documents)

- Special Permit application and cover letter and all documents submitted with the initial application dated 5/20/08, including sign design and site plan; received 5/20/08 and accepted 5/22/08.
- Abutters List
- Locus Map
- Description of Intent

The board noted that the Special Permit hearing began on 6/26/08 and was closed on 6/26/08.

It was reviewed that SPGA members present during all of public hearings were: Christopher Tomich, David Smith Sr., Anthony Gulotta, Margaret Martin, and Tim Fulco. All five members were present during deliberations.

The board reviewed public testimony and the documents submitted during the hearing:

**List all Findings:**

1. Raymond Wells owns the property located at 25 Maple Avenue, Sheffield, MA 01257. It is in the Village Center District. The site has 1 building of the following size: 400 sq ft.
2. .43 acres
3. Representatives (husband and wife) Sachs-Reisman clearly presented their case.
4. No one from the public was present
5. See hard copies of the other evidence as submitted

The Board reviewed section 3.1.3.D.5 and 6.2.5.2

**Section 3.1.3.D.5 Requirements:**

**Section 9.4.2.2 Requirements:**

The board next reviewed the proposed use, over sized sign craft person shop per the requirements of Section 9.4.2.2, Decision, which states that a Special Permit shall be granted only upon the board's written determination that the beneficial effects of the proposed use 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. During its deliberations and determination, the board reviewed all the evidence, documents and all testimony presented against each of the following and found:

Out weighs the adverse effects

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

#### **Tax increase and increase in business fits the flavor of Sheffield**

The SPGA, by a **5-0** 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.**

#### **Only using space, adequate parking minimal effect on traffic**

The SPGA, by a **N/A** 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.**

The SPGA, by a **5-0** 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.**

#### **Building and sign fit the character of the Town of Sheffield – appropriate to Sheffield**

The SPGA, by a **5-0** 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.**

**Visual effects are pleasing**

The SPGA, by a **5-0** 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.**

**Beneficial tax base, minimal on services, low impact, solid commercial use**

The SPGA, by a **5-0** 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: No conditions were given**

**Waivers: No waivers were requested or given.**

**Final Vote:**

In keeping with its authority, on July 10, 2008 during its normal business meeting, the SPGA voted as follows:

Anthony Gulotta:	GRANT
Margaret Martin:	GRANT
David Smith, Sr.:	GRANT
Christopher Tomich:	GRANT
Tim Fulco:	GRANT

By a 5-0 vote, the Board vote unanimously to GRANT the special permit application of Sachs-Reisman Inc. for an over sized sign for craft person shop as documented in the special permit application.

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**Notices in the Newspaper:** The Board discussed the issue of making sure notices are published 2 weeks before a hearing. D. Smith explained that this technicality needs to be observed to avoid a potential problem.

**Rules and Regs:** A. Gulotta had a concern about the current rules which allow boards to hire consultants at the applicant's expense. He said this makes the process too expensive for many applicants and could prevent kids who grow up in Sheffield from being able to

stay in town. D. Smith Sr. suggested putting the consultant provision under major commercial development. Discussion ensued.

T. Fulco had a concern about using the word “should” in regulations. He gave the example of the regulations stating that the web site darksky.com “should” be used. T. Fulco thought the regulation either ought to mandate such use or not require it.

*At 9:10 PM, D. Smith Sr. made a motion, seconded and approved 5-0, to adjourn the meeting.*

Respectfully submitted,

Nadia Milleron,  
Secretary to the Planning Board