

MINUTES
REGULAR BUSINESS MEETING
Wednesday, February 18, 2009

Meeting was called to order at 7:30 PM.

Members present were: Christopher Tomich, Tim Fulco, David Smith Sr. and Anthony Gulotta

Sign-in sheet attached.

The Board began deliberations on Jared Smith's Special Permit Application: The Board agreed that C. Tomich will send a letter to the Zoning Board of Appeals explaining their conditional decision. The Board also agreed that A. Gulotta would talk to David West and Eric Blackburn regarding the Planning Board decision on this application.

The Board discussed the conditions they would implement to make sure drainage flows away from the building and Route 7, to make sure the dumpster is out of public view and to make sure there is no outdoor storage

Detailed Record, Special Permit Application for Jared Smith; Use sought: Light Manufacturing and Sign

Address of Applicant: P.O. Box 253, Otis, MA

Per By-Law Section: 7.2 and 6.2.5.1

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 690 North Main Street, Sheffield, referred to on Tax Map No. 32, Block & Lot 1-4, Book 882 & Page 251. (The Special Permit Application and subsequent additional application documentation are found in Exhibit #1.)

The Special Permit application was dated January 20, 2009, stamped by the Town Clerk on January 20, 2009 and accepted by the Board on January 22, 2009, as case # 012209. The property is located in the Commercial District.

The applicant requested a Special Permit under Sections 7.2 and 6.2.5.1 of the Town of Sheffield Zoning By-Laws for the purpose of light manufacturing and sign larger than permitted by right. The applicant, Jared Smith presented the application and oral presentations to the Board at a public hearing on February 18, 2009 at 7:00 PM, at which meeting the hearing was closed.

Notices of Public Hearing on this Special Permit were made as follows: (see exhibit #3)

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: January 30, 2009 issue and February 6, 2009 issue.
2. Notice was posted in a conspicuous place in the Sheffield Town Hall at least 14 days before the public hearing on February 18, 2009 at 7:00 PM.
3. Notice of Public Hearing were mailed, postpaid, on January 27, 2009, 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 January 27, 2009, and distributed on the same date.

Also identified at the February 18, 2009 deliberations were:

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

- Special Permit application, cover letter, \$250 application fee and all documents submitted with the initial application dated 1/20/09.
- Revised Plot Plan #2
- Sign Blueprint
- Approval letters from Fire Chief Richard Boardman and Police Chief James McGarry.

The board noted that the Special Permit hearing began on February 18, 2009 and was closed on February 18, 2009.

It was reviewed that SPGA members present during all of public hearings were; Christopher Tomich, David Smith Sr. Anthony Gulotta and Tim Fulco. Margaret Martin was absent. Jared Smith was given the option to have five members deliberate given that there were only four members present. Jared Smith opted to allow four members to deliberate, knowing that it would have to be unanimous decision.

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

List all Findings:

- 1 Rosemary Offner, Anne Schnesel and Natalie Newman own the property located at 690 North Main Street, Sheffield. It is in the Commercial District, the site has one building with the following size: 40' x 40'.
- 2 Building along with its property lines in nonconforming parking is a problem considering minimum side and front setbacks.
- 3 State Highway considers a setback requirement of 30' from white line when nothing happen within that setback. Side setback is 20', see plot plan #2 for proper dimensions, which creates a parking challenge as well.

The board reviewed Section 3.1.3.D (34)

Section 9.4.2.2 Requirements:

The board next reviewed the proposed use, light manufacturing and sign larger than permitted by right, granting authority 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:

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

Great tax base, additional employment providing a great service for Town of Sheffield

The SPGA, by a 4-0 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.**

Refer to Planning Board findings having to do with the nonconforming nature of building as it relates to lot front and side setbacks – will need to see the Zoning Board of Appeals (ZBA) for a variance. The plot plan #2 for parking becomes a conditional approval and refer to the letter comprised by the Planning Board to the ZBA giving its approval of the parking as designed on exhibit plot plan #2.

The SPGA, by a 4-0 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.

- **9.4.2.2.3: Adequacy of utilities and other public services.**

Has proper electrical and gas power infrastructure.

The SPGA, by a 4-0 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.**

Great use for Town of Sheffield it enhances the rustic nature of Town.

The SPGA, by a 4-0 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,**

order, dust, vibration, fumes, smoke, light intrusion, glare, impacts on natural habitats, views, water pollution, erosion and sedimentation.

New driveway and parking make sure drainage sheet flows away from building and Route 7. Dumpster located out of public view as seen in plot plan #2.

The SPGA, by a 4-0 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.**

Favorable with employees up to 3 persons.

The SPGA, by a 4-0 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.

6.2.5.2 Signs related to Commercial Activities.

Permitted by Special Permit. The Planning Board may grant a Special Permit for a greater number of signs or for signs larger than those permitted by right in Section 6.2.5.1 if the Board finds that additional or larger signs meet the following design criteria:

- 1 **The proposed signs will be consistent with the character and use of the areas in which they are placed.**

It is consistent with character of town made of wood engraved script structure is made of Douglas-fir as is sign itself.

The SPGA, by a 4-0 vote, found that the above by-law section is true.

6.2.5.2.2 Every sign will have appropriate scale and proportion in its design and in its visual relationship to buildings and surroundings.

Right at 30 sq. ft. we feel the sign in its design height and width is in scale and proportion with the building and its surroundings.

The SPGA, by a 4-0 vote, found that the above by-law section is true.

6.2.5.2.3. Every sign has been designed as an integral architectural element of the building and site to which it principally relates.

Yes, it has.

The SPGA, by a 4-0 vote, found that the above by-law section is true.

6.2.5.2.4 The proposed colors, materials and illumination, which shall not be internal, of every sign proposed is restrained and harmonious with the building and site to which it principally relates.

If lighting is included applicant shall adhere to Dark Sky standards, please find website under Dark Sky.

The SPGA, by a 4-0 vote, found that the above by-law section is true.

6.2.5.2.5. The number of graphic elements on each sign has been held to the minimum needed to convey the sign's major message and is in proportion to the area of the sign face.

Sign is simple and straight forward.

The SPGA, by a 4-0 vote, found that the above by-law section is true.

6 Each sign will be compatible with, and will not compete for attention with, signs on adjoining premises.

The sign will be compatible with surrounding signs.

The SPGA, by a 4-0 vote, found that the above by-law section is true.

7.2 Performance Standards for Light Manufacturing Uses

Any Light Manufacturing uses permitted in the Table of Use Regulations shall be required to meet the following minimum performance standards:

- 1 **Noise.** A maximum permitted sound level of 55 decibels (dB(A)) during the hours of 7 a.m. to 7 p.m. and 50 decibels (dB(A)) during the hours of 7 p.m. to 7 a.m. as measured at any point beyond the boundary line of the lot where the use is located. Intermittent, irregular noise and noise resulting from temporary construction activities occurring between the hours of 7 a.m. and 7 p.m. shall be exempt from the requirements of this section.

Operation will be conducted inside, exterior sound level will be less than the permitted decibels

The SPGA, by a 4-0 vote, found that the beneficial effects of the proposed use DO / DO NOT 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.

7.2.2 Vibration. No ground-transmitted vibration shall be perceptible to the human sense of touch measured at any point beyond the boundary line of the lot where the use is located.

The SPGA, by a N/A vote, found that the beneficial effects of the proposed use DO / DO NOT 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.

7.2.3 Odor. No concentration in the air of a gas, vapor or particulate matter that can be detected by the olfactory systems of a panel of five healthy unbiased observers on a calm day at any point beyond the boundary line of the lot where the use is located.

If finishing products would be considered the products would be used in a contained enclosed separate room within the footprint of the enclosed building.

The SPGA, by a 4-0 vote, found that the beneficial effects of the proposed use DO / DO NOT 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.

7.2.4 Smoke. As measured at the point of emission of the smoke, no light manufacturing use may emit from a vent, stack, chimney or combustion process any smoke that exceeds a density, or equivalent capacity of Ringlemann No. 1, except that an emission that does not exceed a density or equivalent capacity of Ringlemann No. 2 is permissible for a duration of not more than four minutes during any eight-hour period if the source of such emission is not located within 250 feet of a Rural District.

The SPGA, by a N/A vote, found that the beneficial effects of the proposed use DO / DO NOT 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.

7.2.5 Electrical Interference. Electro-magnetic waves shall not cause, create or contribute to the interference with electronic equipment (including radio, television and computers) located beyond the lot line of the lot where the use is located.

The SPGA, by a N/A vote, found that the beneficial effects of the proposed use DO / DO NOT 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:

- 1 Applicant realized all items and dimensions exhibited on plot plan #2 will be adhered to. No additional elements of storage, lumber, building debris can be stored outside of the building.
- 2 Lighting for sign and building to adhere to Dark Sky standards.
- 3 Parking will conform to State Highway setback regulations. The applicant will also apply for a variance for parking to the Zoning Board of Appeals (ZBA) because of hardship presented by the lot size and nonconforming configuration of the building and its relationship to front and side setback issues.
- 4 If and when approved by the ZBA driveway shall be of a compactable material built with a 24' wide curb cut and be approved by the Sheffield Highway Superintendent.

Waivers: None

Final Vote: In keeping with its authority, on February 18, 2009 during its normal business meeting, the SPGA voted as follows:

Anthony Gulotta: GRANT

David Smith, Sr.: GRANT

Christopher Tomich: GRANT

Tim Fulco: GRANT

By a 4-0 vote, the Board vote unanimously to GRANT the special permit application of Jared Smith for a light manufacturing and sign larger than permitted by right as documented in the special permit application.

On February 24, 2009 the SPGA filed its Notice of Decision of Special Permit with the Town Clerk who certified its receipt and release date. A true copy of the Notice of Decision is filed under Exhibit #4.

Notice of Decision of Special Permit was sent to the applicants, all abutters, all Town of Sheffield boards and/or commission, which received notice of the Public Hearing and to the Planning Boards of adjacent towns. Notices were sent or delivered on February 24, 2009.

Town of Sheffield SPECIAL PERMIT GRANTING AUTHORITY

(SPGA), also known as the Town of Sheffield Planning Board

Christopher Tomich, Chairman

February 18, 2009

The board directed Christopher Tomich to work with Rhonda Labombard to complete the required documentation within the 14 days after the board's decision, as required by law.

Exhibit #1

True Copy of the Special Permit Application and Documents Received Relative to This Application

Exhibit #2

True Copy of Notices of Public Hearing

Exhibit #3

True Copy of the Public Hearing Minutes & Meeting Minutes where the Special Permit Application use was Deliberated & Voted

Exhibit # 4

True Copy of the Notice of Decision

At 8:55 PM, A.Gulotta, made a motion, seconded and approved 4-0, to adjourn the meeting.

Respectfully submitted,

Nadia Milleron,
Secretary to the Planning Board