

MINUTES
REGULAR BUSINESS MEETING
Thursday, February 26, 2009

Meeting was called to order at 7:00 PM.

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

Sign-in sheet attached.

Minutes: *D. Smith Sr. made a motion, seconded and approved, to accept the minutes of February 12, 2008, as corrected.*

Status of Rock Solid storage materials set back issues: The Board discussed the possibility of a fence blocking view of materials. It was stated that such a fence could be 4” from the property line. C. Tomich understood from the Building Inspector, Tom Carmody, that the issue would be tabled until Spring.

Mail:

- Copy of a letter from the Building Inspector to the DeVries stating that their new building will have to meet set back requirements, but that all the proposed uses are by right.
- Notices of public hearings
- Bill for the engraving for Peter Cherneff

Chair’s Report: C. Tomich is writing a report on Planning Board Business for 2008. The Planning Board granted nine Special Permits. Eight of those were for signs. He will describe the need for a new sign bylaw.

Sign Bylaw Committee Meeting: Will be Wednesday, March 4, at 7:00 p.m.

Bill from Rhonda: *D. Smith Sr. made a motion to pay Rhonda LaBombard’s February bill. The motion was seconded and approved.*

At 7:55 PM *A. Gulotta made a motion to suspend the regular business meeting. His motion was seconded and approved.*

At 8:20 PM D. Smith Sr. made a motion re-open the regular business meeting. His motion was seconded and approved.

Deliberations on City Moves Special Permit Application:

DETAILED RECORD, SPECIAL PERMIT APPLICATION FOR John Trierweiler and Kevin Moran – CMR, LLC

Use sought: Moving and Storage Facility and Offices

Address of Applicant: 1435 County Road, Sheffield, MA

Purpose of Special Permit: Moving and Storage Facility and Offices

Per By-Law Section: 3.1.3E.8

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 Sheffield Business Park, East Stahl Road, Sheffield, referred to on Tax Map No. 8, Block & Lot 4-20.2, Book 1700 & Page 62. (The Special Permit Application and subsequent additional application documentation are found in Exhibit #1.)

The Special Permit application was dated January 12, 2009 stamped by the Town Clerk on January 14, 2009 and accepted by the Board on January 22, 2009, as case # 012209B. The property is located in the General Business District.

The applicant requested a Special Permit under Section 3.1.3E.8 of the Town of Sheffield Zoning By-Laws for the purpose of moving and storage facility (warehouse). The Board held a public hearing on February 26, 2009 at 8:00 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: February 6, 2009 and February 13, 2009 issues.
2. Notice was posted in a conspicuous place in the Sheffield Town Hall at least 14 days before the public hearing on February 26, 2009 at 8:00 PM.
3. Notice of Public Hearing were mailed, postpaid, on February 5, 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 distributed on February 5,

2009.

Also identified at the February 26, 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 1/12/09.
- 4/4/06 special permit and hearing information
- Letter from Town of Sheffield – extension agreement for purchase of lot

The board noted that the Special Permit hearing began on February 26, 2009 and was closed on February 26, 2009.

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

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

List all Findings:

- 1 CMR, LLC owns the property located at East Stahl Road, Sheffield. It is in the General Business District, the site has no building.

The board reviewed Section 3.1.3E.8

Section 9.4.2.2 Requirements:

The board next reviewed the proposed use, moving and storage facility (warehouse) and offices, 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.**

Tax base, employment base and adds space to the business park, business diversity

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.**

Self Contained

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.

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

Self Contained

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.**

Already prescribed for space

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

Already enhanced

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.**

Yes

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:

- 1 CMR, LLC adheres to the conditions formulated in the April 10, 2006 Planning Board decision.

Waivers:

1. Original mylar from 2006 application can be used as site plan, since no changes have been made to the plan or business plan (short and long term).

Final Vote:

In keeping with its authority, on February 26, 2009 during its normal business meeting, the SPGA voted as follows:

Anthony Gulotta: GRANT

David Smith, Sr.: GRANT

Christopher Tomich: GRANT

Tim Fulco: GRANT

Margaret Martin GRANT

By a 5-0 vote, the Board vote unanimously to GRANT the special permit application of John Trierweiler and Kevin Moran (CMR, LLC) for a moving and storage facility and offices as documented in the special permit application.

On March 4, 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 March 4, 2009.

Town of Sheffield SPECIAL PERMIT GRANTING AUTHORITY

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

Christopher Tomich, Chairman

March 4, 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 9:00 PM, A.Gulotta, made a motion, seconded and approved 3-0, to adjourn the meeting.

Respectfully submitted,

Nadia Milleron,
Secretary to the Planning Board