

MINUTES
REGULAR BUSINESS MEETING
Thursday, April 17, 2007

Meeting was called to order at 7:00 PM. Members present were: R. Wood, (chair), A. Gulotta, B. Gillooly and C. Tomich. Bart Elsbach joined the meeting at 7:10PM. Nadia Milleron was unable to attend; R. Wood took minutes. Sign in sheet attached.

Information sought on Alternative Lot Dimensions (Section 4.3.3) Special Permit: Mike Parsons, representing clients Claire Anacreum & Greg Small, presented a parcel of land and asked whether it would be eligible for the above permit. Discussion ensued. It was noted that the body of the parcel is in Sheffield and that the frontage and access to the Sheffield portion of land are in New Marlborough. M. Parsons noted that New Marlborough does not have an alternative lot dimensions provision in its zoning by-laws. The board recommended the matter be taken to the Building Inspector for a determination and, when provided, the board would appreciate a copy of his written decision.

Signage discussion: Keith Hyatt brought the board up to date on his efforts re: his sign for property on Miller Avenue. (see previous minutes.) The ZBA, in hearing his administrative appeal, had upheld the Building Inspector in his determination that the sign proposed by K. Hyatt was oversized and not permitted. K. Hyatt, along with David West and Eric Carlson – as private citizens, discussed ambiguities in the current signage by-laws that may lead to differing language interpretations. K. Hyatt was seeking information on whether he should seek a special permit from the board for a larger than by-right sign as permitted in the by-laws or whether the board had other advice. Discussion ensued wherein options were discussed with the board making no commitment for its own possible handling of the matter should he file a special permit application. The board was also pointed out that it does not speak for nor can it predict the actions of the ZBA or Building Inspector in any such matters. The board decided the matter of signage by-laws warranted further discussion and R. Wood was authorized to invite the Building Inspector and the ZBA, through its chairman, to a special meeting to discuss signage issues to be held May 1st at 6PM. The meeting would be separately noticed. David West pointed out a typographic error in the Zoning By-Laws re: signage special permits. R. Wood was authorized to determine how this matter could be resolved.

Berkshire Fence Special Permit Application: R. Wood clarified that the Special Permit application was not a new application but in fact the one the board rejected at a previous meeting due to application incompleteness. The applicant's lawyer was notified of this and the board is

holding the prior documentation and mylar at the lawyer's request. A. Gulotta continues to hold the \$250 check from Berkshire Fence.

Special Permits complete appeal period: R. Wood reported that the special permits for Sumac Nominee Realty Trust LLC and Cog Brewing completed their 20-day appeal period at 4PM on 4/17 and no appeals were filed. The special permits are therefore granted. The board signed the mylar and paper copies of the revised site plan, (parking plan accepted by the board) , filed with the Sumac application.

Money expenditure: A. Gulotta noted the Berkshire Record bill presented at the 4/5 meeting was in fact in error and he paid only the board's portion of the bill or \$286.00 for legal notices. The board authorized the payment of \$71.50 to Kwik Print for board stationary. At the same time, A. Gulotta gave a Treasurer's report and noted that \$3134. or 62% of the board's \$5000. budget had been spent.

At 7:55 PM, the regular business meeting was suspended so the board could continue the special permit hearing for the Bartzsches. (See separate minutes.)

At 9:12 PM, the Board resumed its regular business meeting.

Minutes: The board reviewed and accepted as corrected minutes for both the regular business meeting and the Public Hearing on warrant articles, both of 4/5/07.

It was noted that the board during its 4/5/07 meeting did not actually have to open and then move to continue the hearing on the Bartzsches special permit application as the hearing continuation had been rescheduled to 4/17/07 at 8PM during the board's meeting of 3/21/07.

Other board business included: mail was reviewed; the board was asked to review an updated voter information handout for the next meeting as well as whether any board member wished to present a warrant article at the upcoming town meeting; T. Gulotta indicated he was able to add "area" to the 2nd warrant article in his discussion with Bob Weitz per the board's authorization; future meeting dates were reviewed; the board was asked to begin thinking about officer elections required at the 5/15/07 meeting; and B. Elsbach extended an invitation to board members for getting together after the 5/1 meeting;

Deliberations of the Special Permit application of Scott, Kurt & Lisa Bartzsch:

R. Wood started the deliberations by noting, that in contrast to the last two special permit applications the board had deliberated, no findings document had been presented to the board as part of the application. As such the board needed to develop its own findings. She suggested that the board might wish to consider the recap document she shared with board members during the continuation of the Bartzsches special permit hearing as part of the board's findings process.

Information presented by the Bartzsches prior to the 4/17/07 continuation was reviewed and additional findings added to reflect the new information provided on 4/17/07, such as the new parking plan, truck parking video and letter from Chief McGarry, as well as the board's

discussion with the applicant's and the building owner regarding protection of the propane / gas tank, landscaping, lighting conformance to Dark Sky standards and their relocation of the A-frame(s) to hold materials.

Discussion ensued and during its deliberations, the SPGA made the following findings:

1. TOMCAT LLC owns the property, which is the subject of this special permit application, located at 1347 North Main Street, Sheffield, MA. It is in the General Business District. The site has two buildings. The building, which is the subject of this special permit application, is the front building of approximately 2000 sq feet. The building in the back of the premises is not part of this special permit application.
2. Light manufacturing (including countertop fabrication), is a use permitted in the General Business District by special permit, per Section 3.1.3.E.6 and is appropriate to the site.
3. An office and showroom is a use allowed by right in the General Business District, per Section 3.1.3.E.2.
4. Chief of Police James M. McGarry approved the parking plan presented by the applicants on April 17, 2007, which included specifications for delivery vehicles entering the south entrance and specifications for delivery vehicles entering the north entrance.
5. The applicants stated they will obtain all necessary State, Federal and local permits, licenses and authorizations required for the operation of their business at this site.

The SPGA next reviewed the proposed use against the specifications of Section 7.2 Performance Standards for Light Manufacturing Uses, which requires that any Light Manufacturing uses permitted in the Table of Use Regulations meet the following minimum performance standards. During its deliberations and determination, the board reviewed all evidence, documents and testimony presented against each of the following and found:

7.2.1 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.

By a 5-0 vote found that the light manufacturing use presented in the application of Scott, Kurt and Lisa Bartzsch MEETS this minimum performance standard regarding noise.

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

By a 5-0 vote found that the light manufacturing use presented in the application of Scott, Kurt and Lisa Bartzsch MEETS this minimum performance standard regarding vibration.

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 (5) healthy unbiased observers on a calm day at any point beyond the boundary line of the lot where the use is located.

By a 5-0 vote found that the light manufacturing use presented in the application of Scott, Kurt and Lisa Bartzsch MEETS this minimum performance standard regarding odor.

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.

By a 5-0 vote found that the light manufacturing use presented in the application of Scott, Kurt and Lisa Bartzsch MEETS this minimum performance standard regarding smoke.

7.2.5 Electrical Interference: Such amount of electro-magnetic waves so as to 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.

By a 5-0 vote found that the light manufacturing use presented in the application of Scott, Kurt and Lisa Bartzsch MEETS this minimum performance standard regarding electrical interference.

The SPGA next reviewed the proposed use, light manufacturing (countertop fabrication), 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. The Planning Board 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. The Planning Board 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. The Planning Board 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. The Planning Board 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. The Planning Board 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. The Planning Board 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.

By a 5-0 vote, the SPGA attaches the following Conditions to this Special Permit:

1. The parking plan presented by the applicants on April 17, 2007 will be adhered to.
2. There will be a three-sided four-foot immovable barrier around the propane tank.
3. One appropriate shade tree, 2 ½” – 3” caliper, will be planted within six months and maintained. The area in the granite medians in front will be maintained. No invasive species shall be used in any landscaping.
4. All exterior lighting shall conform to the International Dark Sky standards (www.darksky.org).

No waivers were requested in this application and none are granted.

In keeping with its authority, on April 17, 2007 during its normal business meeting, the SPGA voted 5-0 to GRANT this Special Permit application, subject to the above conditions. SPGA members voted as follows:

Bart Elsbach:	Grant
William Gillooly:	Grant
Anthony Gulotta:	Grant

Christopher Tomich: Grant
Rene Wood: Grant

As the applicants and others were still in attendance, R. Wood reviewed the time lines now associated with the special permit decision: 14 days for completion of the documentation given to the Town Clerk and the then 20-day appeal period.

At 10:00 PM, it was motioned seconded and by 5-0 vote, the board approved adjournment.

Respectfully submitted,
Rene Wood