

MINUTES  
SPECIAL PERMIT HEARING CONTINUED FROM 11/08/07  
APPLICANT: BERKSHIRE FENCE

Wednesday, November 28, 2007

The hearing was opened at 8:05 PM.  
Sign-in sheet attached

Members present were: Rene Wood, David Smith Sr., Margaret Martin and Christopher Tomich. Anthony Gulotta was absent and R. Wood recorded the hearing.

*D. Smith Sr. made a motion to open the hearing. M. Martin seconded the motion and it was approved.*

R. Wood stated that 2 open items remaining were the signs and the major commercial development zoning guideline. Attorney Ellen Doucette submitted the attached letter on accessory and incidental uses. Regarding page 2 of the letter, R. Wood indicated that she took issue with it and let Atty. Doucette know that the applicant at the last meeting had said that the tenant, Nora Hayes, has requested a tub and that she brushes and detangles in addition to nail clipping.

R. Wood asked the Board to look at the materials from the last meeting, the schematic and the Detailed Development Analysis and offer their comments. C. Tomich stated that the applicant really should have “grooming” in the Detailed Development Analysis, because that is what they are basing their application on. R. Wood suggested an addendum could be filed by the applicant.

C. Tomich asked that in part D on the second page “lighting will be discreet and minimal” that the applicant please add how it will be directed downward. C. Tomich was concerned from a neighbor’s and an aesthetic point of view. Todd Driscoll noted that the lighting was for showing the display areas and that given his experiences, it does not provide security and he suggested shortening the time that the lights are on. He could leave them off entirely in the summer. C. Tomich pointed out that in Pittsfield many businesses are lit the way that Berkshire Fence is now lit in Sheffield. However, in that area of Sheffield his is the only business lit that way. C. Tomich stated his preference for the traditional aesthetic and said he felt the same way on the sign issue. C. Tomich noted

that the sign proposed is still oversized. The application indicated that he will cut it down to the required size.

R. Wood said she found that the Detailed Development Analysis was confusing and that she had to figure out whether things had happened or not because the person wrote it as if the building hadn't been built.

R. Wood stated that the noise from the dogs had not been brought up and that the applicant should think about that when writing an addendum.

R. Wood brought up the issue of vehicle trips daily and stated that she needs to know an average or maximum number whereas the Analysis merely presented a minimum number of 15-20 vehicle trips daily. She pointed out that if there are 10 dogs at the day care there will be more than 20 vehicle trips daily. She stated that there is no discussion of the number of delivery trucks.

R. Wood asked Atty, MacDonald if the author of the Detailed Development Analysis is working from the same site plan and if the lighting was the same in his site plan. Atty. MacDonald answered yes, the author of the Detailed Development Analysis did the site plan.

R. Wood asked if the sewer disposal system is designed for what is there now. She asked if someone in an official capacity say that this system handles the bathrooms you have now. Todd Driscoll said he would get a certification to that effect.

R. Wood said she would like to make sure the negative impact on property values is minimized. She asked that the applicant clarify how many businesses will be at the site. The application clarified that the separate office spaces on the 2<sup>nd</sup> floor actually equal one rental space.

Responding to questions, Todd Driscoll confirmed that shade trees and landscaping have been put in, that Ms. Hayes has about 750 square feet , he then changed the number to 1000 square feet and takes care of an average of 10 dogs at a time. He did not know how long the dogs spend outside or what Ms. Hayes' plans are for a maximum number or dogs. He stated that Ms. Hayes employs 2 part time workers. Mr. Driscoll stated that he has fenced the whole property line shared with his neighbor Sarah. He confirmed that he has 1 shade tree for every 10 parking spaces.

R. Wood and C. Tomich want to make sure that what is on the schematic is what will be put in place. Todd Driscoll stated that he may need to add sheds in a certain area. R. Wood asked him to add that to the schematic.

R. Wood has a question regarding a June 2, 2005 letter from SK Designs to Todd Driscoll. She asked about the opening of the building to the public. Todd Driscoll said he completed the punch list and got a temporary C. O.

R. Wood asked if Mr. Driscoll had ever appealed any of the Building Inspector's decisions to the Zoning Board of Appeals. He said he had not.

R. Wood asked the applicant what he would like to do about information missing from the Building Inspector. She asked if the applicant would favor continuing the hearing? Atty. MacDonald stated that the applicant needed to have the hearing continued to have everything in the public record.

R. Wood said she would talk to the Building Inspector about information due from him and fax the documents she received to Atty. MacDonald.

R. Wood asked that the hearing be continued until December 13 at 8:00 PM.

M. Martin asked that the hearing be recapped for clarity. R. Wood stated that they had questions on the Detailed Development Analysis, on Nora's business, how many dogs are outside and what the noise impact is on the neighborhood. The Board had questions on lighting, landscaping and enclosures. She stated that the applicant can choose to make comments on these questions or any other comments or additions they would like to.

*At 9:08 PM, D. Smith Sr. made a motion to close this portion of the hearing. The motion was seconded by M. Martin and approved.*

Respectfully submitted,  
Nadia Milleron, Secretary to the Planning Board