

MINUTES
REGULAR BUSINESS MEETING
Wednesday, July 23, 2008

Meeting was called to order at 7:00 PM.

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

Sign-in sheet attached.

Minutes: *M. Martin made a motion to accept the minutes for the 7/10/08 Regular Business Meeting as amended. Her motion was seconded and approved unanimously.*

D. Smith Sr. made a motion to accept the minutes for the 7/10/08 Special Permit Hearing as presented. His motion was seconded and approved unanimously.

Natural Habitat's Application for a Sign Special Permit: This business is located at 725 N. Main St. Representative Mike Prentice submitted the application with a \$250 check. The Board reviewed the contents of the application. The primary signs by the road would be 29.75 square feet. The secondary signs on the building would be 11 square feet and 9.25 square feet respectively. The Board assigned case number 072308 to the application and all Board members signed the application. *D. Smith Sr. made a motion to accept Natural Habitat's application. His motion was seconded and approved unanimously.* The hearing on the application was scheduled for Thursday, August 28 at 8:00 PM.

Secretarial Assistance for ZBA: C. Tomich mentioned that the ZBA needs Rhonda La Bombard's secretarial assistance. Joe Kellogg, Town Administrator, wants to know if Rhonda can do work for the ZBA with Planning Board funds. A. Gulotta said that the Planning Board can do that and that if the Planning Board has a shortfall it could request more money from the town. C. Tomich will ask Joe Kellogg to make sure the ZBA accounts for the secretarial hours they use as the calendar year progresses so that all Boards know where they stand financially. At the end of the fiscal year the Planning Board would like a comprehensive accounting of ZBA and Planning Board secretarial use and costs for budget purposes.

Mail: Included the following:

- ❖ Notice of a hearing from the town of Great Barrington.

- ❖ Letters from the Building Inspector denying applications for signs from a) Greta's b) Torrico's Solar Store c) Linda Steinacker
- ❖ General information from the mail will be in Rhonda's box.

Deliberations on Todd Mack's Special Permit Application for a Sign: M. Martin read the applicable bylaws and the Board proceeded through the template for the Special Permit Deliberations.

At 7:52PM, D. Smith Sr. made a motion, seconded and approved 5-0, to suspend the Regular Business Meeting.

At 8:23PM, A. Gulotta made a motion, seconded and approved 5-0, to re-open the Regular Business Meeting.

Continued Deliberations on Todd Mack's Special Permit Application for a Sign:

The Board voted to Grant the Special Permit Application with the condition of low impact lighting. The Board directed C. Tomich to work with Rhonda La Bombard to complete the detailed record.

Name of Applicant:	Todd Mack–Off the Beat N Track Recording Studio
Address of Applicant:	28 South Main Street
Purpose of Special Permit:	Primary and Secondary Signs
Per By-Law Section:	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 28 South Main Street, referred to on Tax Map No. 19, Block & Lot 2-10, Book 1723 & Page 160. (The Special Permit Application and subsequent additional application documentation are found in Exhibit #1.)

The Special Permit application was dated 5/21/08, stamped by the Town Clerk 5/28/08 and accepted by the Board on 6/12/08, as case # 061208A. The property is located in the Village Center District.

The applicant requested a Special Permit under Sections 6.2.5.1.1 and 6.2.5.2 of the Town of Sheffield Zoning By-Laws for the purpose of usage of signage 50% larger- size 29.98 sq ft. The applicant's representative, Michael Cittlin, presented the application and oral presentations to the Board at a public hearing on 7/10/08 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: 6/20/08 issue and 6/27/08 issue.

2. Notice was posted in a conspicuous place in the Sheffield Town Hall at least 14 days before the public hearing on 7/10/08 at 8 PM.
3. Notice of Public Hearing were mailed, postpaid, on 5/27/08, 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 7/10/08 and distributed on the same date.

Also identified at the Todd Mack deliberations were:

Documentation entered into the public record:

- Special Permit application and cover letter and all documents submitted with the initial application dated 5/28/08 accepted 6/12/08.
- Description siting by-laws
- Photo of signs with dimensions
- Check for \$250

The board noted that the Special Permit hearing began on 7/10/08 and was closed on 7/10/08.

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. Todd and Carrie Mack own the property located at 28 South Main Street, Sheffield, MA 01257. It is in the Village Center District. The site has 2 buildings

The Board reviewed section 6.2.5.2

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:

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

The SPGA, by a 5-0 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.

The SPGA, by a 5-0 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.

The SPGA, by a 5-0 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.

The SPGA, by a 5-0 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.

The SPGA, by a 5-0 vote, found that the above by-law section is true.

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

The SPGA, by a 5-0 vote, found that the above by-law section is true.

The Board may not grant a Special Permit for any sign more than 50% larger than that permitted under 6.2.4 1 above or for more than four signs to be placed upon any lot. Further, the Board may not grant a Special Permit for a combined square footage of all signs exceeding 50 square feet.

Section 3.1.3.D.5 Requirements:

Section 9.4.2.2 Requirements:

The board next reviewed the proposed use, one 50% larger @29.98 sq ft. and secondary sign @12 sq ft. 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.**

Business and tax base, suite the community's needs

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.**

N/A

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

N/A

- **9.4.2.2.4: Appropriateness to the proposed location, the neighborhood character and town land use objectives.**

Suitable

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.

Good looking sign & fits location

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.**

Favorable – brings in artists

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:

Low Impact Lighting

Waivers: No waivers were requested or given.

Final Vote:

In keeping with its authority, on July 23, 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 Todd Mack – Off the Bean – N- Track Recording Studio as documented in the special permit application.

Rules and Regulations: The Board will review these at their 8/14 meeting.

At 8:32 PM, A.Gulotta made a motion, seconded and approved 5-0, to adjourn the meeting.

Respectfully submitted,

Nadia Milleron,
Secretary to the Planning Board

