

PLANNING BOARD
MINUTES
REGULAR BUSINESS MEETING
Thursday, June 25, 2009

Meeting was called to order at 7:00 PM.

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

Sign-in sheet attached.

Form A Application:

Full name of applicants/deeded owner(s): Town of Sheffield Fire Station.

Brief explanation of application and fee paid: Transfer of land from a non-conforming lot to the Fire Station lot to facilitate the new firehouse. Check for \$100 submitted.

Physical address / location as it appears in the Registry of Deeds (Map# & Lot#): . Southern Berkshire Registry of Deeds Book 1867, Page 307

Name of civil engineer company and representative presenting Form A: Mark Reynolds from Kelly, Granger, Parsons and Assoc. Inc.

Form A determination / Board member voting outcome: The Board received a corrected Form A Application and noted that the Zoning Board of Appeals granted a variance for this non-conforming use. Board members signed the stamped plans in approval.

Minutes: *P. Cherneff made a motion, seconded and approved, to accept the minutes of the Regular Business Meeting on June 11, 2009, as corrected.*

D. Smith Sr. made a motion, seconded and approved, to accept the minutes of the Public Hearing on June 11, 2009, as written.

Deliberations on Cavanaugh Special Permit Application: The Board approved the Application with conditions.

**DETAILED RECORD SPECIAL PERMIT APPLICATION
FOR Jim Cavanaugh, JCAVCO II, LLC**

Use sought: Sign, larger than permitted by right

Name of Applicant: Jim Cavanaugh

Address of Applicant: 8 Haley Road, Great Barrington, MA

Purpose of Special Permit: Sign, larger than permitted by right

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 719 North Main Street, Sheffield, referred to on Tax Map No. 32, Block & Lot 4-9, Book 1840 & Page 27. (The Special Permit Application and subsequent additional application documentation are found in Exhibit #1.)

The Special Permit application was dated April 23, 2009 stamped by the Town Clerk on

April 23, 2009 and accepted by the Board on April 23, 2009, as case #042309. The property is located in the Commercial District.

The applicant requested a Special Permit under Section 6.2.5.2 of the Town of Sheffield Zoning By-Laws for the purpose of a sign larger than permitted by right. The Board held a public hearing on June 11, 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: May 29, 2009 and June 4, 2009 issues.
2. Notice was posted in a conspicuous place in the Sheffield Town Hall at least 14 days before the public hearing on June 11, 2009 at 8:00 PM.
3. Notice of Public Hearing were mailed, postpaid, on May 19, 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 May 19, 2009.

Also identified at the June 25, 2009 deliberations were:

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

- Special Permit application, cover letter, application fee and all documents submitted with the initial application dated 4/23/09.
- Elevation drawing, plan view sketch
- Notice of Public Hearing

The board noted that the Special Permit hearing began on June 11, 2009 and was closed on June 25, 2009.

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

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

List all Findings:

- 1 JCAVCO II, LLC, owns the property located at 719 North Main Street, Sheffield. It is in the Commercial District, the site has one building.
- 2 Two signs were noted to have more square footage than allowed by right thus the Special Permit.

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:

6.2.5.2.2 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 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.

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.**

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.**

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.**

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.**

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:

Lighting for sign and building to adhere to Dark Sky standards.

Final Vote:

In keeping with its authority, on June 25, 2009 during its normal business meeting, the SPGA voted as follows:

Christopher Tomich:	GRANT
David Smith, Sr.:	GRANT
Margaret Martin:	GRANT
Tim Fulco:	GRANT
Peter Cherneff:	GRANT

By a 5-0 vote, the Board vote unanimously to GRANT the special permit application of Jim Cavanaugh, JCAVCO II, LLC for a sign larger than permitted by right as documented in the special permit application.

On July 2, 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 July 2, 2009.

At 7:45, Peter Cherneff and Anthony Gulotta left the meeting.

Mail:

- ❖ Bill for a reimbursement for postage meter required for mailing to abutters in Cavanaugh.
- ❖ BRPC sent a notice asking the Board to appoint a member and an alternate member. D. Smith Sr. will check to make sure they know that the Planning Board has appointed himself and Rene Wood.
- ❖ Bill from Rhonda LaBombard.
- ❖ All other notices will be kept in the box upstairs.

D. Smith Sr. made a motion, seconded and approved, to assign the task of writing the Planning Board update for the Sheffield Times to Nadia Milleron as part of her secretarial duties.

ZBA and Request to Build in 100 Year Floodplain: Eric Carlson and Bart Elsbach appeared to explain that a family appeared before the Zoning Board of Appeals looking for a variance that would allow them to build in a 100-year floodplain. The ZBA is not allowed to issue such a variance.

At 8:10 PM, D. Smith Sr. made a motion, seconded and approved, to adjourn the meeting.

Respectfully submitted,

Nadia Milleron,
Secretary to the Planning Board