

PLANNING BOARD

MINUTES

SPECIAL MEETING FOR DELIBERATION OF LYDON DEVELOPMENTS LLC SPECIAL PERMIT APPLICATION

Thursday, March 4, 2010

M. Martin read the purposes of the deliberations and C. Tomich led the Board in making findings on the application. The result was the following detailed record:

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 on North Main Street, Sheffield, referred to on Tax Map No. 33, Block & Lot 2-4.4, Book 1733 & Page 320. (The Special Permit Application and subsequent additional application documentation are found in Exhibit #1.)

The Special Permit application was dated July 22, 2009 stamped by the Town Clerk on July 22, 2009 and accepted by the Board on July 23, 2009 as case # 072309. The property is located in the Commercial District.

The applicant requested a Special Permit under Sections 3.13.D.18 and 6.2.5 of the Town of Sheffield Zoning By-Laws for the purpose of a motor vehicle general repair and two signs larger than permitted by right. The applicant and their representative, Dennis J. Downing, Esq. presented the application and oral presentations to the Board at a public hearing on September 10, 2009 at 8:00 PM.

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: August 14, 2009, August 21, 2009, February 12, 2010 and February 19, 2010 issues.
2. Notice was posted in a conspicuous place in the Sheffield Town Hall at least 14 days before the public hearing on September 10, 2009 at 8:00 PM.
3. Notice of Public Hearing were mailed, postpaid, on August 17, 2009 and February 10, 2010, 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 August 17, 2009 and distributed on the same date.

Also identified at the March 4, 2010 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 7/22/09 and 2/24/10 site plan revised.
- Mass Highway Driveway Permit
- Negative Determination from the Conservation Commission
- Letter from Ernest P. Riva
- Berkshire Wetland Services Report
- Dimension of National Grid Right of Way
- Tape Recording of Public Hearing
- Well Construction Permit and Disposal Works Permit
- Building Permit (to be obtained)

The board noted that the Special Permit hearing began on September, 2009 and was closed on February 25, 2010.

It was reviewed that SPGA members present during all of public hearings were; Christopher Tomich, David Smith Sr., Tim Fulco and Peter Cherneff. Margaret Martin was not present for the September 10, 2009 hearing but listened to the tape recording of the hearing as per MGL, Chapter 39, Section 23D.

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

List all Findings:

1. Lydon Developments, LLC owns the property located on North Main Street just north of 1825 North Main Street It is in the Commercial District and has no building.

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.

Sign is very simple and will not compete negatively

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.

Simple and Crisp

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.

Simple, Not Loud

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.

Very Few Symbols

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.

3.13.D.18 Motor vehicle general repair:

Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.

- **9.4.2.2.1: The Social, economic or community needs which may be served by the proposed use.**

Will Employ and Increase Tax Base

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.**

Plan was designed professionally and has a good design serving proper function

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.**

Design Sufficient

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.**

Fits Nicely

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.**

Engineered and Designed Sufficiently

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.**

All a Positive for the Town

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: None

Waivers: None

Final Vote:

In keeping with its authority, on March 4, 2010, 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 Lydon Development, LLC for a motor vehicle general repair business and two signs, larger than permitted by right, as documented in the special permit application.

On March 9, 2010 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 9, 2010.

Town of Sheffield SPECIAL PERMIT GRANTING AUTHORITY
(SPGA), also known as the Town of Sheffield Planning Board

Christopher Tomich, Chairman
March 9, 2010

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.

D. Smith Sr. made a motion, seconded and approved, to pay Rhonda LaBombard's bill, dated March 9.

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

Respectfully submitted,

Nadia Milleron,
Secretary to the Planning Board