



# Town of Sheffield

## *Planning Board*

*P.O. Box 325  
Sheffield, MA 01257*

*Fax (413) 229-7010  
TTY 800-439-2370*

**Public Hearing  
Proposed Amendment to Zoning Bylaw  
Table of Use Regulations 3.1.3 d 10 Farm Supply Store**

**Wednesday, March 23, 2016, 7:00 PM**

**TOWN HALL – 1st FLOOR MEETING ROOM**

Planning Board Members Present: James T. Collingwood Jr., Chair  
Anthony Gulotta  
Daniel Watson  
David Smith Sr.

Planning Board Members Absent: Marie Massini-Reynolds

Members of the Public present: Matthew Darling, New England Retail Properties CT  
Rene Wood  
Jeff Waingrow  
Ken Smith  
Stephen Ullrich  
David Smith Jr.  
Dominic Lydon

Chair J. Collingwood Jr. opened the Public Hearing on the Proposed Amendment to Zoning Bylaw Table of Use Regulations 3.1.3 d 10 Farm Supply Store. He explained that this Amendment would change the Table of Use Regulations 3.1.3 d 10 Farm Supply Store, from permitted by right, to “allowed by Special Permit from the Planning Board.” Chair Collingwood Jr. said that notice was published, pursuant to chapter 40A Section 5 of MA General Laws, in the Berkshire Record on March 4<sup>th</sup> and March 11<sup>th</sup>. He explained that in the Table of Use, under the Rural Section, a farm store is currently allowed by right and that the Board is proposing to allow a farm store only by permit by the Planning Board. This will allow the public to be aware of what is going on and to have input via the required Public Hearings for any Special Permit.

Rene Wood said she is curious as to why this use is different from every other commercial use allowed in the Rural District and is not subject to the provisions of 3.1.4 which provides limits for the size of a lot, 3000 square feet or less, on a lot of 5 acres or more, and lists façade requirements as well as requiring that parking be located to the rear. She emphasized that she doesn’t understand why this one use will be unrestricted. Ms. Wood said that if a business does come forward, believing they will be unrestricted because there are no restrictions outlined in the bylaws and faces restrictions by the Planning Board through a Special Permit Process, that puts

the burden of monitoring each case unfairly on the community and the Board. This would be the only unrestricted commercial use in the Rural District.

J. Collingwood Jr. explained that the Planning Board received the assistance of the Berkshire Regional Planning Commission (BRPC), in particular from Brian Domina, on this proposed bylaw change and the Commission approved the Board to go forward with this change. Rene Wood objected that BRPC does not sit on the Sheffield Planning Board, nor do they vote in Sheffield. The Chair explained that BRPC, as Ms. Wood knows very well, often advises the Planning Board. He emphasized that every Planning Board proposed bylaw change comes before the public, but in preparing a proposed change the Board asks BRPC to look at it and give recommendations.

A. Gulotta said that the Board had discussed the proposed bylaw change in depth. He said that requiring a Special Permit allows the Planning Board to review the particulars of a proposed Farm Supply Store. He explained that putting restrictions on a proposal right out of the gate was not inviting to any business, that would be just like saying "No" to a business. He said that this Board doesn't want to increase restrictions on businesses.

Ms. Wood said that she would check with Brian Domina. Chair Collingwood Jr. said he would take it upon himself to check with Brian Domina regarding this proposal put forward by the Planning Board. Rene Wood said that the bylaws have not been updated since 2012, which is not the role of this Board, it is the role of the Town Administrator, she doesn't know how anyone can deal with zoning bylaws that are 4 years out-of-date. As a result of the out-of-date bylaws, she truly does not know what the size limitation is for a commercial business in the Rural District, because it's been restricted to 3000 square feet. At the last Town Meeting there was a change enacted which affected the size of a lot for businesses in Sheffield.

The Chair read the bylaw restrictions for the General Business and Commercial Districts. D. Watson said he thinks the lot size for a business is unrestricted in the Rural District.

Rene Wood said that the Rural District is supposed to be mainly residential, so now we are looking at an un-restricted size business and this is part of her whole concern.

Jeff Waingrow asked, "What are your standards? There are no standards. What is the basis on which you would judge?"

Chair Collingwood Jr. reviewed some of the parameters the Board must address when addressing a Special Permit Application.

Mr. Waingrow asked and made a comment, "Don't you have to justify it in some way? In all other situations if you have clear statutory language then you will be on firmer ground."

J. Collingwood Jr. said, yes, the Board does have parameters to consider when looking at whether to grant a Special Permit Application.

Jeff Waingrow asked what was the reasoning and motivation behind making an exception to allow a Farm Supply Store in the Rural District with no restrictions?

A. Gulotta explained that right now a Farm Supply Store is allowed by right, there are no restrictions or standards.

Jeff Waingrow said that if there are no specific standards, the Board will leave themselves open to a law suit because they could be accused of being arbitrary. He said, "If you have clear statutory language you will be on much firmer ground than if you have it vague and you make a decision that others could say is arbitrary. It would be very difficult to defend that kind of thing, whereas if you have specifics, no it's not allowed because ...."

The Chair said the Board is only working with what is being presented tonight.

Mr. Waingrow suggested they make a better bylaw.

D. Watson said he doesn't agree with putting any restrictions on a farm store in the Rural District. He is not in favor of the proposed bylaw change, he would like to leave it like it is and not bring it to the Town Meeting.

A. Gulotta said that D. Watson is making a good point.

D. Watson said "We welcome a farm store to our community."

Rene Wood said that she is not against a farm store. However, she said, the Rural District is not a commercial district. She pointed out that we have specific Districts for commercial activity. She was shocked to see that this proposal had slipped through the cracks and has no specific standards. She said she will feel very bad if the Board decides not to put this forward. She said her agreement with the Board in December was that if the Board did not want to handle this, she would bring this forward directly to Town Meeting, but she has now lost the opportunity to bring this matter forward on her own so if the Planning Board does not go forward, then she will feel a trust has been broken. She said that if the Board feels they want to go forward with the proposed bylaw as is, that will be fine and can be sorted out at Town Meeting. That would be better, she thought, than presenting nothing at all. She suggested they might wish to put this proposed bylaw change forward for Town Meeting but not endorse it. That would give a message to the voters and then she would have the opportunity to present her proposal.

Chair J. Collingwood Jr. said that the Board took the proposed bylaw Ms. Wood offered and felt that it was taking it out of the hands of the Building Inspector and that we might as well put "no" there. He said, "you brought it to us, we looked at it as 5 members and this is what we came up with. We had both sides of the argument, this is what we came up with and that is why we are here tonight."

Rene Wood said she appreciates what they have done, and she was just worried, based on what D. Watson said, that the Board would now not bring it to Town Meeting. She thought maybe they were considering not taking it forward and then she would feel that the trust has been broken.

J. Collingwood Jr. said the Board is trying to go forward, but if her points are correct, that it needs to have specific restrictions, then the Planning Board can't go forward with it either.

Rene Wood said she would rather have this go forward to Town Meeting exactly as it is. Otherwise we will lose the opportunity to bring this to the voters. I will make my case at Town meeting. The hurdle for a bylaw change is very high. Voters will either approve it or allow it to be amended or it will not pass.

Jeff Waingrow asked if there is a statutory definition of a farm store? He is concerned about a big building, as tall as a silo, being created as a farm store. J. Collingwood Jr. said yes, there is a definition, there is a height limit.

Ken Smith asked if the proposed bylaw change is amendable at Town meeting? J. Collingwood Jr. said that amendments can be added at Town Meeting and that it sounds like Rene Wood will try to add the portion she wrote that was deleted.

D. Watson said that the original committee who wrote these bylaws had this in mind. There were a number of Farm Stores in our town, it would be a good thing for the community to have one. He said that the people who wrote the bylaws wanted there to be such stores in the Rural District.

Rene Wood said that things have changed and that it has been a lot of years since there was such a store in the Rural District.

D. Watson responded that Sheffield needs such a store. He said people go to Pittsfield or Torrington, to have one here would be wonderful for everybody. He pointed out that if you restrict that to 3000 square feet you will not get a farm supply store.

Rene Wood pointed out that such a business could locate in another District.

D. Watson said it would be welcome in the Rural District. He talked to a lot of people who agree.

Rene Wood said she does want a farm supply store, just not in her own personal view. She suggested that maybe the restriction to 3000 feet is wrong.

A. Gulotta remembered Bud West's store on Silver Street, he said 3000 square feet is not enough.

Rene said she will go talk to Brian Domina at Berkshire Regional Planning Commission. She said we don't have those small farm stores anymore, she is concerned that big stores don't fit in a residential area. She said when it comes to this Board and they go through their criteria, how do they evaluate whether a proposed 15,000 square foot building fits in the character of a neighborhood if there are no parameters. How do you protect yourself from suit?

D. Watson, evaluating these questions is common sense. You're not going to allow a 15,000 square foot building on Hewins or Boardman streets, but maybe on Route 7 you would.

Rene Wood thought, that without restrictions, it would open up the possibility of big stores in the

Rural District.

J. Collingwood Jr. said he will do his homework as to whether making that change puts us in a difficult situation, we are on deadline for the warrant

A. Gulotta says he believes strongly that the endangered species in this town are our children. We can't keep saying no to business. He believes in the Special Permit process. We have to find ways to make revenue or we will not have the schools, fire department or police department.

Rene Wood says she has helped move the bylaws from "no" to "Special Permit." She is not against Special Permits. She is concerned about how the Special Permit process is framed.

Jeff Waingrow pointed out that there are characters that have come to this town that wouldn't hesitate to sue and that would be a loss of revenue. The Board and the Town don't need that.

Chair J. Collingwood Jr. said that the draft proposed bylaw presented to the Board was too restrictive. We checked into making changes. If it has to go to amendment on the floor, then at that point it goes to the people. We're trying to keep the town open for business, but if it's going to create a jam with what's in place then we have to go back and change it. We'll look into it and figure out where we are.

D. Smith Sr. said M. Massini-Reynolds should have her input from the recording. Chair J. Collingwood said he would get the recording to her.

***At 7:27 PM D. Watson made a Motion to close the Public Hearing on the Proposed Amendment to Zoning Bylaw Table of Use Regulations 3.1.3 d 10 Farm Supply Store. A. Gulotta seconded his Motion and it was unanimously approved.***

Respectfully submitted,



Nadia Milleron  
Secretary to the Planning Board