

**TOWN OF SHEFFIELD  
ZONING BOARD OF APPEALS  
MARCH 27, 2014  
UPSTAIRS MEETING ROOM  
7:00 PM**

Board Members Present: Bart Elsbach, Chairman  
Eric Carlson  
Allison Lasso  
Trudy Weaver Miller  
Greig Siedor

Others Present: Jill Hughes, Recording Secretary  
Members of the Public

Chairman Bart Elsbach called the meeting to order at 7:02 pm and informed the public that the meeting was being recorded.

Chairman Elsbach read the following items to the Board: FY2015 Budget letter dated 3/4/14, 2/21/14 Housing letter, Letter from the Building Inspector dated 1/14/14 to Larkin Ltd and two letters dated 1/23/14 to the Butlers and Letters dated 1/26/14 and 1/27/14 from the Butlers to the ZBA.

The Board reviewed draft meeting minutes from January 7, 2014. **Trudy Weaver Miller motioned, seconded by Eric Carlson to approve the January 7, 2014 minutes as written. The motion passed 5-0.**

The Board reviewed two sets of draft Executive Session minutes from March 3, 2014. **Trudy Weaver Miller motioned, with a second from Eric Carlson to approve both sets of Executive Session minutes from March 3, 2014 minutes as written. The motion passed 4-0. Greig Siedor abstained from the vote because he was not present at the meeting.**

Chairman Elsbach opened the public hearing for Old Castle Retail, Inc. at 7:15 pm. George Johannesen of Allied Engineering was present to represent Old Castle Retail, Inc. (a division of Bonsal American) for a Special Permit under the provisions of Section 5.2.1 of the Town's Zoning Bylaws for an continuation of a non-conforming use to erect an additional silo and a Variance under the provisions of Sections 9.2.2.2 and 4.2.1 (height restriction) of the Town's Zoning By-laws to erect an additional silo. The property is located off Clayton Road in the Rural District.

George Johannesen explained that they had previously come before the Board but there were not enough legal reasons to approve the Variance so Old Castle withdrew their application. He then explained that according to MGL 40A Section 10 criteria for a Variance are the soil conditions, shape and topography of land and structures. He informed the Board the research he did to determine what topography is and cited case law that he found and also mentioned the past height variance the Board granted to the Sheffield Water Company for their water tower as well as other height variances granted in Massachusetts. He also pointed at that a neighbor was opposed to that project, but that Old Castle's neighbors are not opposed. George Johannesen presented the Board with six

letters from neighbors of Bonsal American who are in favor of the Board granting approval and one from a neighbor who is not opposed of the Board granting approval.

George Johannesen explained that the silo will have no detriment to the public and that the only affect would be visual. He then showed photos of what the existing silos look like from several points of view. He also pointed out that the new silo will be shorter than some of the existing silos.

Chairman Elsbach asked if the public had any comments. Tom Zetterstrom read a statement to the Board that he wanted entered in to the record. He stated that while the proposed silo would have minimal visual impact on the neighborhood, downwind residents are concerned and have questions about possible increased or amplified impact of noise, fugitive dust and truck traffic. He asked that if the Board grants an approval for this Variance that they make conditions that there be no additional adverse impact on the residential neighborhood. Tom Richard from Bonsal America spoke about there being no increase in noise, the volume of product will increase but hours of operation will not and that there will be no additional truck traffic with the new silo. He went on to explain that with the new silo will streamline the production of their new product line and support a safer work environment because the silo will not have to be cleaned.

Greig Siedor asked if the existing silos in Connecticut have an operating permit from the DEP. Tom Richards responded they are under the legal threshold and do not need a permit. He also informed the Board that DEP inspects dust and air emissions regularly. Eric Carlson spoke about dust from material being moved around and how he noticed in the past that a lot of material is left on the road from trucks exiting the plant. Tom Richards explained that they do water the parking lots to prevent excess dust and that they could increase watering of those areas. David West spoke about topography and gave his opinion on variances.

Chairman Elsbach announced that the public hearing was closed and the Board would deliberate on the Special Permit application first. A discussion ensued about the visual impact of the proposed silo and the advantages for the business.

**Greig Siedor motioned, with a second from Trudy Weaver Miller to grant the Special Permit as applied for by Old Castle Retail, Inc. The motion passed 5-0.**

The Board began to deliberate on the Variance application. Greig Siedor referenced Mark Bobrowski's book and the chapter for granting a Variance and spoke about the issue of topography, soil conditions and the shape of the land. Chairman Elsbach stated that the Board had the same issues at the last hearing and explained what Town Counsel mentioned about granting a Variance. A discussion ensued about the Variance that was granted to the Sheffield Water Company. Trudy Weaver Miller also referenced Bobrowski's book and stated that she appreciated George Johannesen's work, but does not agree that shape and topography apply to a structure. Allison Lasso stated that the existing silos are the same height and this new silo is going at a height to match them and that the silos will be tied together physically and mechanically. Greig Siedor read the definition of topography and thinks that according to that definition that topography of a site includes the buildings.

The Board discussed the neighborhood concerns about increased dust, noise and truck traffic. Greig Siedor proposed that the Board make conditions for reasonable watering and no increase in operating hours.

Trudy Weaver Miller motioned, with a second from Allison Lasso to grant the Variance for Old Castle Retail, Inc. based on the unique topography of the existing silo structures and with the following conditions:

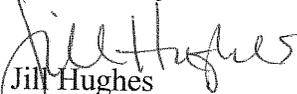
1. No increase in operating hours may take place based on the construction of this silo.
2. It is the applicant's responsibility to make sure that increased watering of unpaved areas takes place on a regular schedule to prevent dust accumulation and blowing.

The motion passed 5-0.

Greig Siedor motioned, with a second from Trudy Weaver Miller to adjourn the meeting. The motion passed 5-0 and the meeting adjourned at 9:25 pm.

The following documents were reviewed during the Board's meeting and have been retained as required by the Massachusetts Public Retention Policy: Sign in sheet; Draft meeting minutes 1/7/14 and 2 sets of Executive Session draft meeting minutes 3/3/14; FY2015 Budget letter dated 3/4/14, 2/21/14 Housing letter, Letter from the Building Inspector dated 1/14/14 to Larkin Ltd and two letters dated 1/23/14 to the Butlers and Letters dated 1/26/14 and 1/27/14 from the Butlers to the ZBA; Special Permit and Variance applications for Old Castle Retail, Inc.

Respectfully submitted by:

  
Jill Hughes  
Recording Secretary