

**TOWN OF SHEFFIELD
PLANNING BOARD
MARCH 7, 2024
TOWN HALL SECOND FLOOR MEETING ROOM
7:00 PM
MEETING MINUTES**

Board Members Present: George Oleen, Chairman
Brittany Ebeling
Sari Hoy
Kenneth Smith
Robbie Cooper

Others Present: Pamela Tambourine, Board Administrator
Zoning Board of Appeals Board
Lawyer For Four One Tree-Dennis Egan

Public Present: See the sign-in sheet

Chairman Oleen called the meeting to order at 7:00 p.m.

Public hearing held by Zoning Board of Appeals concerning the Sheffield Planning Board's application for an Administrative Appeal of the Building Inspector's decision regarding Four One Tree, 142 Main Street. Chairman Carlson of ZBA called the public hearing to order at 7:00 PM and Chairman Carlson read the public hearing notice.

- The classification of a business in a Village Center was discussed, emphasizing the Planning Board's goal of clarifying the business's categorization according to zoning regulations.
- The public was concerned about the business, with public members approaching the board with questions and concerns about its compliance.
- Tree service and landscaping are not construction but services; they are allowed by right in the district.
- The Planning Board asked for the business plan but was provided a determination.
- Concerned about the property's appearance and potential impact on the neighborhood, the business's operations, including storing equipment and vehicles at a main location and utilizing woodchips for gardening, were questioned.
- Four One Tree clarified that their business does not store equipment long-term at its main office location, only small tools and supplies for daily use.
- Discussed dumping woodchips in floodplains and swamps, citing the lack of definition in zoning bylaws.
- Planning Board expressed frustration that the applicant did not consult the building inspector when starting the business, leading to confusion about zoning bylaws and setback requirements.
- Highlighted the importance of clarifying Zoning Bylaws in the Village Center.
- Discussed the proposed landscaping business does not fit the Village Center usage and suggested that it may be more suitable for another part of town.
- Discussed that the property owner is being punished for improving their property in accordance with the Zoning Bylaw and that the Planning Board should amend the bylaw if they don't like the use.
- Four One Tree's lawyer discussed that repair shops are allowed by right in the rural and Village Center districts and that the presence of cars or vehicles is not a valid reason to deny their use.
- Property owner's lawyer said they should not be penalized for a lack of definition in the zoning bylaws.
- Building Inspector classified business as a service business, and no town or state licenses were required.
- The Building Inspector is tasked with investigating the business, on behalf of the Planning Board.
- The lawn care business operates with 9 trucks, loaded/unloaded daily.

- The Business has a variety of vehicles and equipment stored on its property, including an excavator and a 100-foot spider (a mechanical bucket for reaching high places).
- They have up to 12 vehicles and 15 employees but keep them hidden from view by parking them in a designated area on the property.
- Planning Board concerned about the potential for the business to become unmanageable over time, citing examples from the past.
- Discussed the nuances of a town's bylaws regarding service industries, including the need for updates to reflect modern businesses like solar companies and other new services.
- This business falls under the category of a service establishment, as it provides a service to the public.

The Zoning Board of Appeals Began Deliberations:

- Debated the meaning of "service" in a zoning context.
- Discussed the definition of "service industry" and its implications for businesses.
- Declared the business as a "service" business.

N. Chase motioned n to deny the Planning Board Administrative Appeal and uphold the Building Inspector's determination on January 18, 2024, seconded by C. Miller. P. Levine abstained the vote. The motion carried 4-0, and deny the Appeal.

C. Miller moved to close the public hearing, seconded by N. Chase. The motion carried unanimously 5-0.

G. Oleen motioned to adjourn the meeting, seconded by R Cooper. The motion carried unanimously 5-0.

Chairman Oleen closed the meeting at 9:20 PM.

Respectfully submitted:



Pamela Tambourine
Board Administrator

Documents Reviewed at this Meeting: Town of Sheffield Zoning By-Laws