



COMMONWEALTH OF MASSACHUSETTS

Town of Southwick

Board of Appeals

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Board of Appeals

Meeting Minutes

January 14, 2019

Attendees: Paul Gregoire, Chairman, Thomas Stapleton, Chris Mastroianni, Dave Methe and Michael Parent

Absent: William Lis

7:02 PM Mr. Grégoire opened the meeting. The Meeting Minutes were reviewed. Mr. Mastroianni suggested a revision in paragraph one to strike out an entire sentence and Mr. Stapleton suggested a revision in paragraph three to strike out an entire sentence. A motion was made to accept, with revisions, by Mr. Mastroianni, Mr. Parent second and all were in favor. The Board reviewed and discussed all new mail and bills.

7:15 PM 27 Depot Street

The Chairman read the hearing notice. Mr. James Karetka and Mr. Olson, Contractor, presented the plan to add a three season room to the existing home. The property is listed as agricultural. The existing house is set back 50 feet from the front property line and the addition will be set back 60 feet. Mr. Methe asked how much bigger the new room will be from what was originally there. Mr. Olson advised the new one is about 8 feet larger. Mr. Grégoire advised that a 15 foot variance will be needed for the project. Mr. Parent asked how high the roofline would be and was advised the same as the current house. Mr. Mastroianni asked if the measurements were determined from the pins and Mr. Olson advised he used the plan from town hall and measured back from the street.

A motion was made by Mr. Mastroianni to grant a lot area variance of 39,200 square feet, a frontage variance of 79 feet and a front setback variance of 15 feet, Mr. Parent second and all were in favor.

7:24 PM Old Business

Mr. Gregoire presented the Board with a letter from Mr. Ron Hess of 6 Two States Avenue. Mr. Hess is requesting a six month extension since more time is needed to finish the project and the majority of the work has been completed. Mr. Grégoire stated that the Board does not need to vote on this issue since the work was started when the original variance was granted. Mr. Hess will be contacted and advised.

7:30 PM 2 Klaus Anderson Road

This hearing is continued from 12/10/2018. Mr. Cannon and Mr. Davis appeared before the Board. Mr. Grégoire advised the applicants that more research was done and the town lawyers were contacted. They advised that truck parking is not permitted according to Chapter 185-12. Mr. Parent also spoke with the Building Inspector and he advised that if it is not listed under 185-12 it cannot be done. Mr. Methe stated Chapter 185-12 talks about permitted uses of the residence and feels that it does not make sense nor fit into this hearing about truck parking. Mr. Stapleton agrees with Mr. Methe on the fact that it states the uses of the lot. The lawyers will be contacted again regarding 135-32.

Mr. Moglin stated he was a member of the Planning Board when 135-32 came in. He said it focused on a business bringing in unregistered trailers. Mr. Methe appreciates the history but feels since this trailer is not being used for sleeping and cooking it does not apply. Mr. Stapleton feels that the Chapter is very vague and does not agree that if it is not in there it can't be done. He states that the Board is here to consider whether a variance should be granted so the truck can be there. Mr. Methe is concerned with the truck taking a three point turn in the roadway, he feels since there are 70 acres maybe he can turn around on the property. Mr. Cannon stated that the layout of the lot will prevent that.

Mr. Grégoire suggested a Continuation until he can further research Chapter 135-32. Mr. Cannon and Mr. Grégoire signed a Continuation until January 28th. Motion was made by Mr. Stapleton to accept the continuation, Mr. Parent second and all were in favor.

7:54 PM 813 College Highway

The Chairman read the hearing notice. Mr. Randal Brown, DPW Director, presented his plan for the town to install a water pump station which will replace an existing pump station a short way down the road. Mr. Brown presented a letter from Whip City Tool and Die that they will give an easement for the town project. The existing pump station does not allow town water to be delivered to residences north of the station. Mr. Stapleton asked what will happen with the existing station and Mr. Brown advised it will remain for possible alternate use in the future. The station is 15 feet from right of way and another 15 feet from roadway for an estimate of 30 feet back from road. Mr. Stapleton asked if another location on the property can be used and Mr. Brown advised that the Whip City septic system prevents them from locating it further away from the roadway. Mr. Brown pointed out on the plan the septic location.

Mr. Stapleton asked for clarification of another tank located on the property. Mr. Parent asked about parking and sidewalk and was shown on the plan the location. Mr. Grégoire asked about the discharge pipe and Mr. Brown showed him the location on the building.

Mr. Grégoire wanted clarification on how close the residences are and Mr. Brown indicated the location of the first residence which is set back behind the community center for the property. Mr. Mastroianni asked about lighting and to be sure it does not flood into residences. Mr. Methe asked if it will be the same size as the one on Granville Road and Mr. Brown states that it is a little larger and a row of arborvitaes will screen the building.

This corner lot will require two front setbacks and a variance of 60 feet will be needed to maintain the 15 feet. Mr. Stapleton asked if the building could be set back any further and Mr. Brown advised that the project is \$5 million dollars and costs will increase with moving the building, electrical and piping so the current location is the best area for the pump station.

Brian Iserman, President of Whip City Tool and Die asked what does it do to property value if the easement is granted. Mr. Brown could not answer that question but feels the easement is the best for the town and Whip City Tool and Die. He also pointed out a water collection system near the leachfield. Mr. Deedy thinks the project should remain in the proposed location for the best interests of all parties involved. Mr. Stapleton argues that the Board is trying to locate this building in the best area for the residents. He feels that a modification would not be very costly and should have been presented to the Board. Mr. Methe asked about the structure on Granville Road and how close to the road it is. It was several years ago and the exact setback amount could not be recalled. Mr. Methe suggests maybe the hardship would be that the owner is impacted further if the station is moved back. Mr. Brown advised that back in May the subject went before the town in article 27 of annual town meeting. Mr. Grégoire asked the area of the easement and Mr. Brown indicated the location on the plan. A continuation was signed by both parties and a motion was made by Mr. Grégoire, Mr. Mastroianni second and all were in favor.

8:27 PM 74 College Highway

This is a continuation from a previous hearing. Mr. Jon Goddard presented the plan and an analysis of the footprint and exterior. He stated they are looking for permitability to encroach on the wetlands. He presented some plans of previous wetland cases. He advised that variances were granted for for 32 Sam West Road an industrial building and O'Reilly Auto Parts which also encroached on the wetlands. Mr. Goddard advised a retaining wall in rear of property and the slope prevents much movement of the building. They also sank the building as much as possible to make it visually appealing. Mr. Goddard and Mr. Siegfried Porth, contractor, showed plans and discussed how each area of the building will work and what will be contained therein. Tier 1 permit defines the 5,000 square feet of growing area. The production area is 14 feet from grade and the office area is 11 feet from grade. Mr. Stapleton asked about an area in the rear of building and was advised that it is a covered loading dock. Mr. Stapleton finds the aesthetics of the building appealing to the eye and feels it is a much better plan.

Mr. Parent asked about the water table and was advised they are 200 feet from the bank but only 12 inches from groundwater. Mr. Parent asked Denis from Conservation what he thinks about the plan and was advised that Conservation is willing to compromise and will ask for plantings to help

protect the wetlands. Mr. Chris Pratt (Conservation) also advised that they are trying to keep wetlands intact with little impact from the business.

Mr. Goddard states they will try to jumpstart the re-growth of area plantings in order to reverse any impact during construction. Mr. Grégoire went to the property during the last rainstorm and the property was underwater. Mr. Stapleton asked about the potential to grow with this long structure could the conference room and offices go away to allow the room to grow. The only office area is a 12 foot strip all the rest is necessary to the growing process. A tier 1 is the smallest facility allowed by law. Mr. Stapleton thought he heard in the earlier meeting that the variance would need to include any future expansion area. He was educated in the fact that any future expansion will also need a variance from the Board. Mr. Methe asked to be shown where parking and roadway are located and why a double wide roadway. Mr. Goddard stated that is necessary to get trucks in and turned around.

Mr. Parent also stated the building is more visually appealing than the previously presented structure. Mr. Grégoire asked if it is a metal building and Mr. Porth advised yes with any siding desired. Windows on front will be fake as per state law. Mr. Methe asked how many employees and was advised 10 – 12. Mr. Stapleton asked about the 16 foot overhang in the back Mr. Goddard stated it does not go the whole length of the building. Police and fire wanted a driveway all the way around for access of emergency vehicles. The stand of trees will remain. Structure will be 40 feet from roadway. Mr. Grégoire asked how much is encroaching into the buffer zone and would like it moved back another 10 feet. Mr. Goddard indicated on the plan. Mr. Mastroianni indicated that it is better to have a flat surface than a building in the buffer zone. Mr. Goddard has concerns with moving further into the buffer zone. Mr. Moglin asked what the requested variance is and Mr. Mastroianni advised 55 feet. Denis of conservation states if the plan is moved back the Conservation Commission would not be able to support this plan.

Mr. Grégoire does not support the application with the wetlands being impacted in the project. Mr. Goddard states the hardship is a small strip of land abutting the wetlands. Mr. Goddard wants to know how this property is different from other properties in town. Mr. Stapleton stated having purchased the property and then deciding to put a business on it is creating your own hardship. Mr. Grégoire advised that even a house would be denied that close to the roadway in this area.

Mr. Goddard appreciates the time for this but feels we are at an impasse. Mr. Parent advised what a withdrawal without prejudice is and Mr. Goddard asked for a continuation. Both parties signed the continuation. A motion was made to accept the continuation by Mr. Grégoire, Mr. Parent second and all in favor.

9:34 PM Mr. Stapleton made a motion to close the meeting and Mr. Mastroianni second, all were in favor.

Respectfully Submitted,

Paul Grégoire
Chairman