



COMMONWEALTH OF MASSACHUSETTS

# **Town of Southwick**

## **Board of Appeals**

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## **Board of Appeals**

### **Meeting Minutes**

**January 28, 2019**

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

**Absent:** William Lis and David Methe

**7:03 PM** Mr. Grégoire opened the meeting. The Board signed the hearing notice bills. The Meeting Minutes were reviewed and Mr. Stapleton made a motion to accept with changes and Mr. Parent second, all were in favor.

### **7:15 PM 2 Klaus Anderson Road**

Mr. Nicholas Cannon, Attorney Tim McCurry and Robert Davis appeared before the Board to discuss the application and what further investigation revealed. Mr. Grégoire read a definition of a trailer in the town of Southwick. A trailer a mobile unit or structure which is capable of being used for living quarters. Mr. Mastroianni stated in the beginning of that it states a trailer, excluding mobile homes... But not trailer may be occupied or used for living the first permitted use is for farm. Section B5 stated any use for a farm Mr. Mastroianni stated. It sounds like you can't have a farm tractor or a boat trailer. Mr. Grégoire did state that the Building Inspector did follow up on a complaint and cited 185-12 to apply to this particular case. Mr. Stapleton stated the attorney is supposed to counsel us on this matter and he feels that the information he provided did not clearly state what should be done. Mr. Mastroianni agreed with Mr. Stapleton's statement. Mr. Deedy, Board of Selectmen, yes the zoning was written so bigger trucks would not be parked at residences. Allow the truck to sit on a farm. He does agree it can be interpreted differently by each individual. Mr. Deedy says it comes down to is the Building Inspector correct or not so what does the Board do with this appeal. He stated the idea was to not have it on a residential property. The truck may be used as a farm vehicle once in a while. Mr. Parent stated he believes if it is not written there you can't do it. Mr. Grégoire agrees and understands the applicant may wish to pursue further action. Mr. Davis asked if someone went around town and gave a list of all

address to the Building Inspector would the Building Inspector pursue further action. Mr. Deedy stated that the Building Inspector would indeed look into all the addresses presented.

Attorney McCurry stated he feels this is a very political decision. Mr. Parent did offer a withdrawal but Mr. Grégoire states that will not apply to an appeal. Attorney McCurry asked for a continuation. Mr. Moglin, former planning Board member, and current selectmen states it is the responsibility of the board to make a finding to either uphold the Building Inspectors letter or not. Finding is this accessory use to an agricultural use or not. R40 parking is not allowed. Mr. Stapleton agreed and stated the truck is used occasionally for the farm but the majority of the use is commercial. Customary and incidental use. Mr. Cannon did state it does get used for the farm not during the week but during the weekend. Mr. Parent stated that Mr. Cannon does not own the truck and if Mr. Davis owned the truck it would be different but it is owned and used for a business. Attorney Tim McCurry is looking for a continuation. Mr. Stapleton states it seems reasonable for the attorney to request more time and agrees a continuation should be considered.

Mr. Davis signed the continuation, along with Mr. Grégoire and the meeting was continued to February 25<sup>th</sup>. Mr. Parent made a motion for a continuation until February 25<sup>th</sup>, Mr. Mastroianni second and all were in favor.

#### **7:45 PM 813 College Highway**

Mr. Randal Brown, Richard Grannells DPW Engineer, appeared to further discuss the pump station location. He advised that the Whip City Tool & Die wants to further expand the business in the future and the leeching tank may need to be expanded due to roof runoff and business expansion. Mr. Mastroianni asked about the runoff tank and Mr. Brown advised that the piping for the pump station will actually assist in keeping water away from the business. Mr. Brown presented a list that shows the town's current pump stations and the distance from property line to front of building. Mr. Grégoire asked if they are all measured from the property line. Mr. Stapleton surmised that it sounds like there is no where to go and the station can't be moved further back. Mr. Stapleton stated the old plan looked like it would not be a problem to move the building further back and with the new indications he sees that is not the case. He would like to see, going forward, the departments working together on town project plans. Mr. Parent asked about a box drawn on plan and Mr. Grannells stated it is a leechfield for septic system on property. Mr. Grégoire asked if arborvitae can be placed along the roadway for further screening from the building. Mr. Grannells advised the building will be visually pleasing and Mr. Brown stated that he is concerned with the arborvitae screening someone who might wish to vandalize the building. Mr. Stapleton asked if the old pump station can come down since it is in a residential area. Mr. Grannells stated it will be disconnected from water system and the building may be repurposed for town use.

Mr. Mastroianni noticed that the frontage is 199 feet and the requirement is 200 feet.

Mr. Mastroianni made a motion to grant the variance for 813 College Highway lot frontage of 1 foot and a front setback variance on Jarry Drive of 60 feet. Mr. Parent second and all were in favor.

#### **8:00 PM 74 College Highway**

Mr. Goddard and Mr. Fontaine presented new plans for the facility and he understood fire and police safety requirements. They reworked the plan and may have come up with an acceptable plan. Mr. Goddard states that they were able to eliminate the driveway in the rear gaining another 10 feet in order to keep development minimal. 10 feet at the front and 5 feet in the rear. Mr. Stapleton asked if he feels they are meeting the fire code requirements. Mr. stated that it needs to have a fire suppression system and it therefore complies with requirements. Mr. Moglina and Mr. Deedy also reviewed the plans. Mr. Mastroianni asked if the loading dock was brought to the front and they stated yes that way it lessens the footprint. Mr. Stapleton asked from the street what is the visual going to be. Mr. Goddard showed the plan and location of the loading dock. Mr. Mastroianni wanted to see the entrance for the facility and Mr. showed on the plan the areas that were shifted to further condense the footprint. Mr. Parent asked what the elevation was and what would be seen from the road. Mr. Lalli stated at the roadway you would see just about a cars length of the building since it is sunk down and a retaining wall has been added. Mr. Grégoire asked how far from property line and Mr. Goddard stated 30 feet. And property line from road to property line. Mr. Grégoire concluded that to be 50 feet. Mr. Parent liked the barn like look of the structure.

Mr. Parent asked how many cars can the lot hold and was told about 20 – employee numbers will be 12 including the partners. Mr. Parent asked the pitch of parking lot – Mr. Goddard stated it will be down below about 5% anything deeper with compromise side slope. Mr. Grégoire states it sounds like the cars may not even be seen from the road.

Mr. Mastroianni made a motion to grant a front setback variance 45 feet for construction of a commercial greenhouse and processing facility as shown on plan S1 revision B dated 01/28/2019, Mr. Parent second and all were in favor.

#### **8:20 PM Old Business**

6 Two States Avenue, Ron Hess, Mr. Grégoire spoke with Building Inspector and he agrees that an extension is not needed since work was started some time ago and Mr. Lawler will contact Mr. Hess.

#### **8:22 PM New Business**

A new application has been received for 365 College Highway. The applicant wants to add a storage shed to the property. The Board determined the variance dimensions that will be needed and the hearing will be held on February 11<sup>th</sup> at 7:15 pm.

Mr. Mastroianni made a motion to close the meeting and Mr. Parent second, all were in favor.

Respectfully Submitted,

Paul Grégoire  
Chairman