

TOWN OF SHELBURNE
Minutes OF MEETING
Zoning Board of Appeals
Thursday, May 2, 2013

A duly posted regular meeting of the Zoning Board of Appeals of the Town of Shelburne MA was held at 7:00 PM in the Town Hall Meeting Room, 51 Bridge St., Shelburne Falls on May 2, 2013.

Purpose: Regular Monthly Meeting

Present: Joe Palmeri, Chair
Lowell Laporte
John Taylor, Clerk
Mike Parry

Absent: Ted Merrill

Audience: Robin Provost, Joseph Mattei, Karen Fairbrother, Denise Coyne, Larry Jarvis, Chris Macek, Richard Andrew

The meeting was called to order by Chairman Joe Palmeri at 7:07pm.

Read and Approve Minutes: As there were only two of the 3 present at the 3/7/2013 meeting there was concern whether the minutes should be approved. The minutes were held for future approval.

Reviewed minutes of the 4/4/2013 regular meeting. Minor corrections were noted. Taylor moved, and Parry seconded to approve the minutes as corrected. So voted unanimously.

Reviewed minutes of the 4/4/2013 Public Hearing for New England Power Company (NEPCO) dba National Grid. Minor corrections were noted. Laporte moved, and Taylor seconded to approve the minutes as corrected. So voted unanimously.

New Business:

Due to a possible conflict of interest, as Palmeri does electrical work for Greenfield Savings Bank, Palmeri recused himself from Board discussion and Taylor served as Chair Pro Tem.

At 7:37PM the Board met with Architect Joseph Mattei representing Greenfield Savings Bank. Mattei and representatives from the Bank and general contractor brought revised plans for the bank renovation at 58 Bridge Street for the Board's consideration. The Board had found on 5/10/2012 under the rules of Section 10.1.2. that the project, as originally proposed, would not be substantially more detrimental to the neighborhood. However the scope and design of the project changed substantially due to cost considerations and was referred back from the Building Inspector. Mattei reviewed new plans with the Board, and in his presentation and in response to Board questions described that: the front plane of the building would not extend closer than other buildings on Bridge Street; the entire front wall of the building would no longer be brought out flush to the sidewalk, only a new tower element was being added in the front; the façade would be brick faced and concrete-looking accents would mimic the colors found in the library building; new offices will be added inside to accommodate more employees; the building will be heavily insulated; town sidewalks would be replaced; the one street tree in front of the building would be replaced by 2 meeting the Town's new tree plan; the tower is designed to catch water, ice and snow such that it would not fall on the sidewalk; the Town's benches and trash receptacles will be reinstalled; the tower and front façade are both lower than the previous plans and will have less a visual impact on the street; there will be upgrades to the drive through in the rear as previously described; and numerous planting areas are designed on both the Bridge and Main Street sides of the buildings. Mattei stated that the project will be a positive addition to the downtown. Denise Coyne representing the bank asked that the Board affirm its decision that the modifications to the building would not be more detrimental to the neighborhood. Contractor Robin Provost described the efforts being made to keep sidewalks and parking available during the project and stated she is working closely with the Police Department.

Approved: _____ Date: _____ 1

The Board briefly discussed the process, and Laporte moved to accept the revised plans for the Greenfield Savings Bank's renovation project at 58 Main Street and that, based on the updated information and plans presented tonight to the Board by Joseph P. Mattei & Associates, the Board vote to affirm its previous FINDING of May 10, 2012, pursuant to Sections 10.1.2 of the Town of Shelburne Zoning Bylaws, that the proposed work to renovate the existing Greenfield Savings Bank building at 58 Bridge St (Map 41, Lot 85), shall not be substantially more detrimental than the existing non-conforming structure or use to the neighborhood, Parry seconded the motion.

Voting to approve: John Taylor, Lowell Laporte, Michael Parry

Opposed: None.

Abstentions: Joe Palmeri.

The meeting was briefly recessed and Palmeri returned to chair the regular meeting at 8:00PM.

The Board met with property owners Richard Andrew and Larry Giard. Andrew presented a preliminary application for a Special Permit and Variance relative to his plan to construct a new facility for auto repairs and used car sales adjacent to 1443 Mohawk Trail. Andrew reviewed his business, proposal, and explained he has had difficulty in obtaining the needed signatures from Board on the Special Permit application, and stated that the Town should have more explicit instructions on the process and a contact person at Town Hall. He requested a hearing scheduled for June 2nd and discussed with the Board whether his submission met the required documentation. There was lengthy discussion and the consensus of the Board was that for a commercial project the Board hesitated to waive requirements for plans prepared by a surveyor, architect, etc as stated in the rules and regulations, in lieu of drawings from the applicant. There was further discussion to assist the owners with the next steps to submit an application. It was understood that a hearing could not be scheduled until all the required Boards were notified, and there was discussion on the criteria which the Board must address relative to a Special Permit and/or a Variance.

The Board's regular July meeting will be moved from July 4th to July 11th. The Chair will secure Town Hall or an alternate location.

Mail: The Board reviewed mail that had been received in the last month.

Old Business:

Palmeri reported that the requested stamped engineering site plans requested from NEPCO were received on April 29th and placed in that application file.

Palmeri also asked that the Board determine a means to follow up on the required sound study from NEPCO, which will be conducted when their project is completed.

Board membership: Chris Macek reported that he has been asked to meet with the Selectmen to discuss his interest in serving on the Board. The Board needs some clarification on member's terms. Susan Flaccus has also expressed an interest in learning more about the ZBA.

Fees and postage: The Board discussed research Liz Kidder completed about costs of advertising versus the income from application fees, and whether applicants should pay for advertising directly. Parry asked that the Board seek out how this is done in other Towns. Further discussion tabled.

Funding for Administrative Assistant: Taylor is taking minutes as the funding for the Administrative Assistant has run out until July 1st. Palmeri will do more research into funding plans for next year.

Approved: _____ Date: _____ 2

Palmeri reviewed email discussion with Town Counsel Donna MacNicol concerning “findings” of the Board, and that (paraphrasing the information): findings need not be recorded at the Registry of Deeds, a finding does not require a Special Permit in Shelburne, meetings for findings should be conducted similarly to Special Permits but it is not required by law, and findings may be conditioned but only relevant to that Section and not to meet Special Permit criteria since it is not a Special Permit.

Other Business not reasonably foreseen 48 hours prior to the meeting: none presented.

Public Comments: none presented.

Schedule next meeting: Thursday, June 6th, 2013 7:00pm.

Motion to adjourn the meeting was made by Laporte, seconded by Parry, and it was so voted unanimously at 10:15PM.

Respectfully submitted by,

John E Taylor
Clerk