

ZBA Minutes 16 December 2021
Town Hall 21 Main St.
Brimfield, MA 01010
5:30 pm

In attendance were members, Kevin Moore, Jon Fagerstrom, Paul Vandal and Jeff Fitzgerald. Debra Fagerstrom as clerk. In addition were: Joseph Bonneau, Mark Farrell, Steven Pikul, Donald Frydryk, Mike Woloshchuk, Mike Musomeci (Buckeye Pipeline), Mitch Woloshchuk, Chris DeBruin, Jim Learned and April Learned, Patrick and Lori Morrill, along with some other residents and abutters.

Call to order: 5:32 pm by Kevin.

Kevin motions to approve previous meeting minutes. Paul seconds. All in favor. Motion passes.

Begin continued hearing for Woloshchuck Enterprises, Inc. lots 2&3 Palmer Rd. Representing M. Woloshchuk is Donald Frydryk from Sherman and Frydryk Engineering of Palmer, MA.

Mr. Frydryk explains that the previous items that were requested from the Board, have been given, including prior Planning Board approval conditions, an original sound study and a revised sound study. The other item was regarding the pipeline. Mike Musomeci, a representative from the pipeline, is in attendance to give any effects the project would have on the pipeline. Board members asked questions regarding the various sounds and the effects of them, based on the findings in the sound study.

Discussion took place about where the pipeline is located as well as the easement. Mike Musomeci explained the pipeline has been abandoned for 7 years. They operate a pipeline that runs from New Haven to Ludlow. They decommissioned this particular pipeline 7 years ago. They purged it with a cleaning pick and nitrogen. Every crossing was filled with concrete, cut off and capped at every intersection. It was cut and capped from Providence to the Springfield terminal.

Kevin asked if they still own the easement there. Mike explained they do still own a four-foot easement but the pipeline is never operable there again. Jeff asked if they would still need to come by and check if the project will be within 10 feet. Mike explained it is something he could inquire about but feels they would say since it's abandoned, it is not necessary.

Kevin verifies with Mr. Frydryk that the project will stay within all of the bullets in the Planning Board approval letter. He further expressed concern about this project, while in the commercial zone, how it will affect those in residential and he stressed the need to abide by the order of conditions so that the neighbors will have some quiet time. Mention of trees being left instead of clearing them all was made.

Jeff confirmed the dates of the acoustic study we are paying attention to, dated July 30, 2020, and that this is only for building one. He asked if the exceeded limit is with the doors open only

and the distance of where that measurement was taken in regards to the site. Mr. Frydryk shared some information on the map regarding the closest residential structure. Jeff asked if the sound was generated at the proposed site. Mr. Frydryk explained that his understanding is that they took background levels and modeled the site based on what would be happening at the site.

Kevin asked about the number of businesses that will be taking place on the property. It was explained it will also include car detailing and upholstery. Jeff asked how the exhaust will be vented if the order of conditions say the doors must not be left open, and he assumes it will be with exhaust fans connected to tail pipes. Mr. Frydryk nodded, yes.

Chris DeBruin, 14 Sutcliff Rd, abutter, spoke of his concerns for the project. Specifically, regarding the noise study not being consistent with what the intended use is, as the noise study focuses on an automotive repair business. This was done because there is a single bay passenger repair business on the corner of Monson Rd. The difference is that Mr. Woloshchuk explained that he intends on having a diesel heavy equipment repair and storage facility, for his own vehicles, but Woloshchuk Enterprises is a site contractor that does septic work and owns heavy diesel equipment. The noise study makes it very clear that heavy diesel propelled vehicles at 25 feet far exceed the state requirement, which Mass DEP is 50 decibels. He also shared concerns about the pipeline and issues that have happened with pipelines and construction in Massachusetts recently. He suggests that the board should request a report from the actual easement owner and pipeline owner, which backs up everything that Mike Musomeci has stated. He also mentions that the lumination and lighting specifications have not been provided and that the applicant has had numerous opportunities to address resident concerns. He does not feel that the noise study and the representative from the pipeline is enough to address the resident concerns. Additionally, he is concerned because Woloshchuk Enterprises was subject to complaint in 2013 for DEP consent order for violations. Through this process, the abutters have had no confidence that the character of their residential neighborhood will be maintained and that Mr. Woloshchuk will mitigate the substantial affects. He believes the board has no other choice but to deny the permit for that particular end use.

More discussion took place regarding the lighting, zoning, pipeline, as well as the special permit process and potential order of conditions. Chris DeBruin expressed deep regard as the ZBA is the last line of defense for the residents of the neighborhood and that he feels order of conditions placed by other boards are not strong enough to protect the end use effects to the neighborhood.

Kevin motions to get the information on the pipeline and that, if approved, we will be adding a condition about the lighting that have not been put in yet.

Jeff asks to include idle limits as part of the order of conditions.

Kevin amends the motion to have the pipeline information sent to us and information about who signed off on it. He'd like to speak with the Planning Board about the lighting issues. After getting the information, the board can vote. Paul seconded.

Further discussion took place on if they could vote on the Special Permit now, while waiting for the information but it was decided to wait until the pipeline information has been received. No further vote was taken regarding the motion.

James and April Learned of 7 Second St – review application and denial letter from Building Dept for a 20x8 screen porch and deck addition, which would not become more non-conforming.

Kevin motions to approve this project as it does not make their lot more non-conforming. Jon seconds. All in favor.

Review application for 45 Seventh St. for Patrick and Lori Morrill, represented by Steven Pikul from Bertin Engineering. (correction was made to state agenda said 48 7th St, but it is in fact, 45 7th St.) Proposing a 24-foot square garage and driveway to connect garage. Requesting variance for front and side yard.

Kevin motions to schedule a hearing, Jan 26 at 5:30. Jeff seconds. All in favor.

Review revised survey plans for Paul Vandal's proposed garage at 49 Seventh St. Discussion took place regarding amending our prior approval for the garage project, which has since been modified based on newly found survey pin or the need to have a new hearing. Discussion continued regarding legality of needing a new hearing because garage would be closer to lot line than originally thought.

Paul Vandal exited the meeting.

There was no new business to be discussed and FY23 budget was bumped to the next meeting.

Motion to adjourn at 7:05 pm by Kevin. Seconded by Jeff. All in favor.

Meeting adjourned at 7:05 pm.

Respectfully submitted,

Debra Fagerstrom, ZBA Clerk

Kevin Moore, Chair _____ Date signed: _____