

Brimfield Zoning Board of Appeals

Minutes, Wednesday, June 19, 2019

1. The first hearing for Cumberland Farms, was a request to extend the Special Permit granted to Cumberland Farms on October 24, 2017, for properties at 3, 7, 9, and 11 Main Street, Parcel ID Map 13A, Lot 10 (7 Main), Lot 11 (3 Main), Lot 9.1 (9 Main), and Lot 9 (11 Main). In attendance were Mike MacFadden, Don Damon, Kevin Moore, Kim Adams, and Pam Engberg for the ZBA, Philip Lombardo, attorney/representative for Cumberland Farms, abutters Lori Meyers and Wayne Phaneuf and Robert and Charlotte Corry. Members of the Selectboard and Harold Leaming were also present. The hearing began at 7:15 PM.

Mr. Lombardo reviewed the permitting process to date which included, besides multiple hearings with the ZBA, negotiations with Country Bank regarding property to be purchased, review by the State and Conservation Commission regarding the 100' clearance required for a well determined to be a public water supply, and discussions with Jonas and Trisha Noble regarding property at 6 Wales Road. The applicant requested a one-year extension of the permit, to October 28, 2019. Ms. Meyers asked whether the process had been planned for. Mr. Lombardo explained that the process, while expected, took longer than anticipated.

A motion to grant the extension to October 28, 2020 was made by Mr. Moore, seconded by Mr. Damon; the motion passed with Ms. Adams, Mr. Damon, Mr. Moore all voting yes. A motion to close the hearing was made by Mr. Damon, seconded by Mr. Moore; the motion passed with Ms. Adams, Mr. Damon, Mr. Moore all voting yes. The hearing was closed at 7:20 PM.

2. The second hearing, for Cumberland Farms, was regarding the property at 6 Wales Rd., Brimfield, Owners Jonas E. Noble and Trisha Noble, Parcel ID Map 13A Block A Lot 14. The applicant, represented by Phil Lombardo, requested the Board to make a Determination as to whether a reduction in the size of the already nonconforming lot would be detrimental to the neighborhood. The same persons were present as listed above for Hearing 1. This hearing began at 7:22 PM.

Cumberland Farms has negotiated with the Nobles to purchase an area adjacent to the CF property, 1,261 square feet, to be joined with Parcel 13A 11. An easement would be granted for the Nobles to retain rights to continued same use of the property. This transfer would reduce the size of the Noble's property, which is already a non-conforming lot. This would give Cumberland Farms a 40' setback for their project.

At this point Mr. Leaming, acting as a private citizen and speaking with the Chair's permission, stated that he was not sure that it was in accordance with MGL that an already nonconforming lot could be made more nonconforming. Some discussion ensued with Mr. Lombardo. Mr. MacFadden read from the Zoning Bylaws regarding nonconforming lots. Mr. Leaming indicated that he would like to research the question and requested that the hearing be continued to another date in the meantime. Mr. Damon motioned, and Mr. Moore seconded, that the second and third hearings be continued to Wednesday, June 26, 2019 at 7 PM, in the Town Hall. The motion passed with Ms. Adams, Mr. Damon, Mr. Moore all voting yes. A subsequent motion by Mr. Damon, seconded by Mr. Moore, was to end the hearing. The motion passed with Ms. Adams, Mr. Damon, Mr. Moore all voting yes. The hearing was closed at 7:45 PM.

3. (The third hearing was continued to June 26, 2019 PM. See motion above.)

The business meeting opened at 7:55 PM.

4. The minutes from 2/26/2019 were reviewed. Mr. Damon requested an amendment to Item 4, "that the hearing fee be raised effective July 1, 2019" to "total allocation per hearing be raised to \$300 effective July 1, 2019". The motion was seconded by Mr. Moore; the motion passed with Ms. Adams, Mr. Damon, Mr. Moore all voting yes. Mr. Damon motioned that the minutes be accepted as amended; Mr. Moore seconded, the motion passed with Ms. Adams, Mr. Damon, Mr. Moore all voting yes.

5. Discussion and decisions deferred until June 26, 2019.

6. Clerk Turnover. Ms. Engberg reminded the Board that her term as clerk ends on June 30, 2019. She explained that all of the clerical functions and records are now computerized and that all correspondence is being done by email. It is therefore important that someone be made familiar with the new procedures, including email, storage of records on One Drive, and use of the My Town Government software for scheduling and uploading minutes and agendas. Ms. Adams and Mr. Moore each had possible candidates.

Ms. Engberg informed the Board that the documentation supporting the Application for Special Permit by Woloschuk Enterprises was complete. The Board decided on a hearing date of July 17, 2019 at 7 PM.

The vote to adjourn was proposed by Mr. Damon, seconded by Mr. Moore; Ms. Adams, Mr. Moore, Mr. Damon each voted yes; the motion was passed 3-0. The Business meeting concluded at 8:20 PM.

Respectfully Submitted

Pamela Engberg
ZBA Clerk

Kim Adams

Don Damon

Kevin Moore

Michael MacFadden