

ZBA Minutes

July 21, 2020 6:00pm

Brimfield Acres Winery (due to Covid-19)

In person and remote meeting via zoom

Present were Kevin Moore, Pat Leaming, Jon Fagerstrom, Paul Vandal, Deb Fagerstrom (clerk), Alan and Molly Harwood, Seth Mitchell, David Coyne, Edward Tremblay, Maura Doyle, Josh Silver and Chris Kenny for Webber Rd project.

6:00 pm - Call to order

PL read Governor Baker's March 12, 2020 order suspending certain provisions of the OML, GL c. 30A, s.18 and the Governor's March 15, 2020 order imposing strict limitations on the number of people that may gather in one place, this meeting of the Brimfield ZBA is being conducted in person as well as offering remote participation to the best of our abilities. Members of the public will be permitted but social distancing rules will apply. For those not comfortable coming out, every effort will be made to offer this meeting remotely.

PL introduced new board, PL chair, KM vice chair, JF member, PV associate. (Jeff Fitzpatrick absent)

PL asked Mr. and Mrs. Harwood (46 First St) to come up, keeping socially distant. The Harwood's handed out packets and plans for each member of the ZBA and the clerk. PL apologized for the amount of time it took to get together due to Covid-19. Mr. Harwood explained his plans for garage rebuild, showing current garage and his desire to build and place the new garage on same footprint. He also shows pictures of current 90 year old garage with dirt floor. They have been pursuing this for several years. ZBA members review and ask about the difference in distances of property line. Current distance is 9.4 feet from the property line and the new plan would make it 7.4 feet. This would make it more nonconforming. Kevin Moore made a suggestion and asked if they can move (twist) it so that it doesn't change current set back which would not make it more non-conforming. Asks if Harwood's could revise current design just moving this slightly (Kevin is showing on paper how this could be done) Mr. Harwood explained he could certainly do that and agrees to have new point of garage to be same dimension. Will come back to us after changes made showing lot will not be more non-conforming. PL motioned to have no action, KM seconded. All in favor. Hand Sanitizer used between applicants.

Next is Mr. Seth Mitchell of 31 7th St. Deck plan - Mr. Mitchell shared his denial letter from BC. ZBA looks over plans presented. He would like to build a 10 ft x 28.5 ft deck on rear of house. KM, do you have plans to increase size of dwelling? SM, no. PL says plans say this is a mortgage inspection plan and that concerns him. Refers this to Jon Fagerstrom as a PLS. JF explains that a mortgage inspection plan is often an estimate, not an actual land survey of the property. Additionally, this mortgage inspection is 10 years old so there is no way for us to verify. PL stated from looking at this, it appears the proposed deck would be closer to the property line. JF and PL explained that he will need a formal land survey done and then come back to us for a special permit. SM asked for verification of setback, KM and PL explained it's 15 feet. PL motion to take no action. KM seconded. All in favor, yes. Hand Sanitizer used between applicants.

Next is David Coyne, 137 Little Alum for Edward Tremblay - Handicapped accessible ramps on front and rear of house for veteran, Mr. Tremblay. Construction plans do not show that this plan

will make the lot more non-conforming. PL refers to Jon Fagerstrom to assess. 100 feet of extra feet to work with and proposed plans are only using 40. PL disclosed that he does in fact know Mr. Tremblay and has seen the property. PL motioned that we vote to determine that these plans will not make the property more non-conforming and we will send a letter to BC. KM seconded. All in favor. Hand sanitizer used between applicants.

Motion by PL to expedite Webber Rd, LLC, 275 Sturbridge Rd half hour early. KM seconded. Maura Doyle. Josh Silver, Chris Kenny. Preliminary to see what direction we need to go. PL asks who the owner of property is. Josh explained he is a partner of Webber Road, LLC, PL asked if they would provide documents of closing on property, they agreed to send them. Josh explained that the owner is not the applicant and this is relevant to how they want to approach. PL offered disclosure that he had been on the Mass cannabis advisory board. Josh explains that the CCC regulations and our zoning bylaws, which state applications can not be approved until they have received CCC approval, are problematic. Josh explained that they applied last week and it could be six months before approval. Josh then explains they now plan to apply for a retail storefront instead of cannabis retail through the Planning Board because they will not have to wait for cannabis license. Once a store front is approved, and then when the license comes for cannabis, they can then come forward to apply to town for cannabis. KM, asks, so they just want to build a commercial building? Yes. Then they will apply for cannabis afterwards. PL motions to take no action on this application until a later date. Josh said, actually, we would like to withdraw at this time. PL said please send in writing that you'd like to withdraw. Agreed. KM asks about traffic study plans and concerns about the dangers of Rt 20. Josh said they may not have to do one at all because a preliminary was done when the state recently widened the road (Route 20) and KM said, no, they actually shrank it as it used to be four lanes. Josh says, he'd request that a traffic study be waived since they will have lots and lots of parking. He then said that at their Brimfield Public Info hearing, there were concerns about the traffic with their two entrances but he doesn't think the rest of the public shares that same concern. Deb (clerk) asked to say something. "I share that same concern. That road and turn is much more dangerous than you think. It's scary to turn into it right now and you have to consider when teenagers just get out of school. People are always flying up and down route 20 whether they are supposed to or not. They do. If you don't live around here you can't understand route 20." PL mentioned the young children that were killed not too long ago. Chris Kenny tried to explain that this is why they designed a big parking lot. PL explained we will have to refer to the highway surveyor and that Webber Rd, LLC should plan to have a traffic study in their budget. Josh asked for a name at DOT to call about this. PL, we can not refer anyone or give out any names and advised him to just call Mass DOT Highway and they will connect you with the appropriate people. Josh said, I'll have my guy call them. Clarification took place that an official letter of withdrawal of their application needs to be sent to Deb. All in agreement. PL motions we vote for no action taken on Webber Rd. KM seconded. All agree.

Business Meeting Begins -

PL explained just yesterday something new came up and didn't have time to get on agenda. But we will start with item A, review of minutes from June 30. PL motioned to accept minutes as written. KM seconded.

B - Any new business. PL new business. Unfortunately came within the last 48 hours so not on agenda. He motions that when ever we get documents and checks, that we deposit checks right away. KM seconded. JF says this makes sense. Deb explains that sometimes checks are not written out for the accurate amount and that it's not always that simple to just deposit them. KM says this is what we do in real estate. Checks are immediately deposited and it is a contract with that individual. It needs to be recorded this way. Deb says she was told by previous ZBA clerk that a hearing is supposed to be held within 30 days of depositing checks

and that a hearing was not possible during Covid so it's not always that easy. PL stated that 24 hours might be a little harsh but when we receive checks, deposit as soon as reasonable. Deb explains that it's not always possible to know when a hearing can be scheduled and I worry about the time restraint (30 days) I have to get it done. I can't say when all board members, applicants and town hall will be available. Deb asks if we can change the 30 day window. JF asks if we can re-word the 30 days. PL says if it's written this way in our by-laws, we can't just change it. Deb says Ok, but she is not comfortable doing this because she can not guarantee it can be done in 30 days and it's on her. PL says, if they give you a check, you are supposed to deposit immediately. She explained, for instance, SM gave us checks with his application but they are the wrong amount (2 for \$75 instead of 2 for \$150) but now it appears he may not need a hearing anyway. PL says, you can tell him we deposited the checks but he still owes X amount if he wants to go forward. KM said but if his deck plans turn out properly after the land survey, he won't even need the hearing. PL stated that we should not be holding on to checks. Jon F suggests, maybe we shouldn't be taking checks right away. PL says, maybe that's the right answer. KM says, don't take checks until you are ready for them. PL says I've always been told that if you are given a check to deposit it right away. KM asked, did SM give us a complete application? Deb says, yes, I have it right here along with the checks. KM says, so, now that he may not need it, what then? Deb says, what if I say, I won't take checks until we have a hearing date picked out. PL says that could work. KM asked if we check with assessors office if anyone is behind in their taxes when they come to us. PL explains the law states someone has to be behind for one year before they are denied any sort of license. PV says that the Building Official checks that. PL asks if we should table depositing checks. Deb suggests she will start writing up proposed SOP regarding checks and bring to next meeting so that we can discuss and see how it fits with bylaws etc.

PL said Mike Doyle asked why we were meeting at the winery again and that Pat explained, we couldn't be assured that the town hall would be open yet. There is a fire code etc. With several applicants planning to come, we could not be scrambling last minute for a place to meet.

Pick Date for new meeting. August 25, potentially for next meeting unless we need to convene earlier to review Harwood's revised plans.

KM made a motion to adjourn meeting at 7:20 pm. PL seconded. All in favor.

Meeting Adjourned.

Respectfully submitted,

Debra Fagerstrom
ZBA Clerk

_____ Pat Leaming, Chair

_____ Kevin Moore, Vice Chair

_____ Jon Fagerstrom

_____ Paul Vandal