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**ADAMS ZONING BOARD OF APPEALS  
MEETING MINUTES**

CLERK \_\_\_\_\_ **TUESDAY, FEBRUARY 13, 2018**

**MEMBERS PRESENT:** Chairman Peter West, Vice-Chairman Brian Tenczar and Members Anthony Donovan, Francie Riley, Michael Mach and Jacob Levesque

**MEMBERS ABSENT:** Members Rob Krzanik and Glen Diehl

**OTHERS PRESENT:** Adams Selectboard, Chairman John Duval, Christine Hoyt; Peter Greenbush; Jamie Zdon; Pierre Kareh; Marie Greenbush; Marion Horton; John Cardonnel; Building Commissioner Don Torrico and Recording Secretary, Pam Gerry

**CALL TO ORDER:** Chairman West called the meeting to order at 6:00 P.M.

Chairman West stated to the members that he would request that Alternate member Anthony Donovan sit in on the meeting to replace absent member Glen Diehl who could not attend.

**Application of E-pod Transportation LLP for property located at 26 Overlook Terrace, requesting a Special Permit under §125 Att. 1:4; "Business Non-industrial Use" of the Adams Zoning Bylaw to operate a private livery business in a B-2 Zoning District.**

Chairman West invited the applicant's to address the board members with their Special Permit request. Peter Greenbush, and Mr. Zdon addressed the members. Mr. Zdon stated to them that they operate the livery service which provided non-emergency transportation year round to customers who had doctor or medical appointments, adding that they had been in business for three years. Chairman West stated to the applicant's that they should have been informed by Mr. Levesque whom they rented the building from, that they required a Special Permit to operate their livery business.

Mr. Greenbush wanted the board members to know that Building Commissioner Torrico required them to provide a written agreement from their engineer stating that their oil separator test passed due to vehicles being stored in the building. He submitted the contract to them from Trinity Engineering for their review. Chairman West asked the applicants if the test failed, would they be prepared to install an oil separator in the building. Mr. Greenbush assured the members that they would comply with any regulations required of them.

Chairman West asked the applicants if they would clarify what "E-pod Transportation" stood for. Mr. Zdon addressed the Board members to let them know that it stood for "Early pick up on time delivery." He told them that they subcontract with the BRTA (Berkshire Regional Transit Authority) transporting Berkshire County residents to their medical appointments on a daily basis. Mr. Greenbush added that their drivers arrive on site between 3:30 a.m. and 4:00 a.m. and "99 percent of vehicles" vacated the property by 5:30 a.m. and returned to the site throughout the day between the hours of 10:00 a.m. to 6:00 p.m. Chairman West wanted the applicants to tell the board members the total number of vehicles that were kept on the property. He stated that they housed 18 minivans and one vehicle,

while reminding the board members that they had expanded the business during the past year. Mr. Greenbush stated to them that they had 35-40 employees with 4 office staff. Mr. Zdon wanted the members to know that the employees are the only people who access their property each day. Chairman West asked the applicants how many vehicles on average were left on the property while the other drivers were transporting their customers to their perspective appointments. Mr. Zdon stated that eleven vehicles are parked inside the building with the remainder of them being kept outside.

Chairman West asked the Board members if they had any further questions regarding the applicant's request. Vice-Chairman Tenczar asked the applicants if adequate parking was provided for their vehicles. Mr. Greenbush stated that on occasion, they are required to park their vehicles in the street or on a vacant lot abutting their property. He explained to them that their employees occupy six parking areas and are required to follow certain rules when accessing the property to begin their transportation service each day. Mr. Zdon stated that they have installed a 24 hour security system.

Mr. Greenbush stated that they had some issues with their abutter, Mrs. Greenbush who resided in the rear of the businesses property. He let the Board members know that she was unhappy with the number of vehicles that are being parked at their location. He also mentioned to the board members that a plow service they hired to maintain their parking lot plowed past the property line onto Mrs. Greenbushes' property. He told them that he had reached out to Mrs. Greenbushes family to let them know if there was any damage caused to her property that they would take total responsibility in taking care of the situation. Member Mach told the board members that they were "being good neighbors." He stated that they he felt the applicants were very quiet and attempted to keep the property neat.

Building Commissioner Torrico stated that "vehicle repair and storage required a water and sand separator in case oil and gas was present", adding that "you would not want that to get into the municipal system." He stated to them that this was the reason he suggested that they hire an engineer. He also wanted the board members to know that screening was required to protect the residential abutters in this district, as well as addressing the idling of their vehicles and snow storage. Mr. Torrico emphasized to the members that there had been no history of complaints that were ever made to his office regarding the applicants' livery business. In response, Mr. Greenbush wanted the members to know that vehicle idling was not allowed.

Member Mach addressed Mr. Greenbush asking him if he would consider screening his property. He addressed Member Mach by stating to him that he would like to install a fence to separate his business from the abutter's property.

Chairman West asked the board members if they had any further questions regarding the applicant's request. Building Commissioner Torrico stated to the board members that "it's an added bonus to the town" having 18 vehicles paying excise tax.

Chairman West asked if there was any correspondence with the Special Permit request. There were none.

Chairman West opened the meeting to the public.

**Marie Greenbush, a resident of 2 Arnold Avenue**, addressed the board members stating that she and Mr. Greenbush were related. She began by letting the members know that she had witnessed 29 vehicles on the property including five trucks. She told them that the livery business operated "24-7

with spotlights shining in her home and cars coming in and out.” She stated to them that she had taken pictures to show to the board members. Chairman West was curious to know how long Mrs. Greenbush had resided on 2 Arnold Avenue. She answered him by stating to him that she had lived there for eleven years. Chairman West asked Mrs. Greenbush if she was aware that her property abutted a business zoning district prior to purchasing her home. She explained to Chairman West that she knew “Degere had owned it but nothing was going on there,” at that time. Mrs. Greenbush addressed the board to ask them if there was a Special Permit granted to the applicant’s for their livery business. Chairman West suggested to her that she inquire with Town Clerk, Haley Meczywor who issued Business Certificates.

She asked the board members if they knew how many vehicles were allowed to park on the property. Chairman West stated to her that “there was no restriction” to that. Mrs. Greenbush continued by asking the board members what the hours of operation were for the livery business. Mr. Greenbush addressed her by stating that his contract with BRTA stated hours of operation were 5:00 a.m. to 7:00 p.m. He told her that in the past six months, they did not have more than “four or five vehicles accessing the property after 7:00 p.m.” Mrs. Greenbush stated to Mr. Greenbush that “cars are coming and going all night,” questioning him for the reasons for this activity. He told her these “cars are not ours.” He explained to her that this was the reason they installed security cameras on the property. Mr. Greenbush came forward to show the footage from his cell phone of his property to Mrs. Greenbush and the board members. Mrs. Greenbush asked the board members if they knew “what the long range plans were for the building?” She wanted to know if they were planning to expand their vehicle business at some time such as limousine rides to the airport. Mr. Greenberg stated that they would most likely expand the business in the future. Mrs. Greenberg was curious to know if an additional permit would be required for the expansion of this business. Chairman West stated that they most likely would not need another permit. He told them that his livery business has “predetermined rides that are given to them by MA Health from the BRTA.”

Mrs. Greenbush further noted that she would be interested in having the owner install a privacy fence which would block her view of the vehicles on his property. Mr. Greenberg stated to the board members that putting up a privacy fence “would be no problem at all.” Mrs. Greenbush stated that she would like to emphasize to them that the number of vehicles was still a problem. She let the members know that due to the immense number of vehicles on this property, vehicles are parked in the street at times which could cause problems for emergency vehicles traveling on the street. Chairman West stated to her that the Traffic Commission would have to be notified when vehicles are on the public way. Mrs. Greenbush told them that she had photos of 29 vehicles on the property. Vice-Chairman Tenczar stated to her that he was allowed to have those vehicles on his property since he was operating a business. Mrs. Greenbush continued to let them know that the lights on the property are operating continually. Chairman West stated that motion sensor lights can operate even when promoted by wind. Mr. Greenberg assured her that they were motion lights on the property.

**John Cardonnel, a resident of 86 Alger Street**, addressed the board members asking them if they had performed a site visit to the applicant’s property. Chairman West stated that he had been to the property, as well as Member Riley. He stated that he hoped that the existing owners did not plan to expand their business in the future by stating that “there is no room to expand.” He told them that vehicles are out in the road at times. Mr. Cardonnel stated to them that he witnessed 18 cars parked outside one night as he drove by. He wanted the board members to know that a greenbelt was to be installed according to the conditions of the original permit request by the previous owner but he stated to them that it never was completed. Mr. Cardonnel told them that the lights on property do shine

towards the road when a vehicle drives by. He stated to them that perhaps the owner could have these lights adjusted so they are not aimed at the road. Chairman West thanked Mr. Cardonnel for addressing the board members with his concerns.

Chairman West asked if there were any abutters in the audience who had any further questions in response to the applicant's request or correspondence. Building Commissioner Don Torrico addressed the board members to suggest they table the meeting and conduct a site visit to the property with the business owners and the abutting homeowner. Mr. Cardonnel suggested that they check the original permit granted for the property in the 80's regarding the requirement to screen the property.

A motion made by Member Mach, seconded by Member Riley to continue the meeting to perform a site visit at property located at 26 Overlook Terrace, passed unanimously.

A motion made by Member Mach to amend the original motion to continue the site visit meeting at property located at 26 Overlook Terrace on Wednesday, February 21, 2018 at 5:00 P.M., passed unanimously.

**Application of Pierre K. Kareh for property located at 160 Howland Avenue, requesting a Special Permit under §125-15 A. (2) of the Adams Zoning Bylaw to install a freestanding sign in an Industrial Zoning District.**

Mr. Kareh addressed the board members with his Special Permit request. He explained to them that his business would have a total of three signs on the property. Building Commissioner Torrico wanted to clarify this for the board members by stating to them that two of the three signs were building signs and a "matter of right." He explained to them that the business had a small sign on the main building along with the two small signs on the canopies. Chairman West asked Mr. Torrico if the total amount of square footage allowed for signage was under the required 32 sq. feet allowed in the town's bylaws. Mr. Torrico responded by stating that that would be correct.

Chairman West asked if there were any abutters in the audience who had any further questions in response to the applicant's request or correspondence. Building Commissioner Torrico stated to the board members that he received some emails from the Traffic Commission members stating that they "had no issues with the signs location."

Chairman West asked the board members if they were satisfied with the answers to the applicant's request for a Special Permit. The Board determined that the applicant satisfactorily answered all questions pertaining to the Special Permit request.

A motion made by Member Riley, seconded by Member Mach to grant a Special Permit to Pierre K. Kareh, for property located at 160 Howland Avenue under §125-15 A. (2) of the Adams Zoning Bylaw to install a freestanding digital pylon sign in an Industrial Zoning District, as proposed in the plans, passed unanimously.

Chairman West explained that the Town will prepare within fourteen (14) days, the Decision Notice to the Town Clerk's Office and following this, there is a twenty (20) day appeal period before the applicant may obtain the final Decision Notice.

**OLD BUSINESS/NEW BUSINESS:** Chairman West stated to the members that a letter was submitted to the Traffic Commission regarding a truck being parked on North Summer Street which the Zoning Board determined that no action be taken at this time.

Chairman West thanked members of the Selectboard seated in the audience for the newly appointed members to the Zoning Board of Appeals. Member Mach stated that he would like the Board of Selectmen to consider removing one of the board's alternate members who had not appeared for meetings in several years, to create an opportunity for them to appoint an active member. Chairman Duval addressed him by stating that they would address this matter in the month of June, 2018 when they address the town's new appointments. Chairman West welcomed Alternate member Jacob Levesque to the Zoning Board of Appeals.

Chairman West stated that Holy Cross College would be offering a Citizens Planner Collaborative for members who may be interested taking place on March 17, 2018.

Chairman West asked the Board members if they had any further discussion in response to the applicant's request. There were none.

**APPROVAL OF MINUTES:** A motion made by Member Donovan, seconded by Member Mach to approve the minutes of November 28, 2017, passed unanimously as written.

**ADJOURN:** A motion made by Member Mach, seconded by Vice-Chairman Tenczar to adjourn the meeting at 7:05 P.M., passed unanimously.

Respectfully Submitted,

  
Pamela Gerry, Recording Secretary

4-10-18  
Date