

**ADAMS ZONING BOARD OF APPEALS
MEETING MINUTES
TUESDAY, MARCH 27, 2018**

APPROVED

Continuance of 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.

Meeting called to order: 6:00 P.M.

Members Roll Call:

West: Present
Mach: Present
Diehl: Present
Tenczar: Present
Riley: Absent

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Alternates:

Donovan: Present – (Member Donovan sat in for Member Riley)
Levesque: Present

Others Present:

Attorney James Sisto; Peter Greenbush; Jamie Zdon; John Cardonnel; Donald R. Sommer and Building Commissioner Torrico

E-pod principles Peter Greenbush and Jaime Zdon, as well as Attorney James Sisto presented their application for a Special Permit to operate a livery business. This hearing was a continuation from the February 13, 2018 hearing and the February 21, 2018 Site Visit to 26 Overlook Terrace.

The company has 20 vehicles on site to conduct their livery business. Drivers come to the site and park their vehicles outside the structure and take a company vehicle from inside the structure. The board and the applicant's had a long discussion on the exterior parking.

Member Diehl commented that he scaled the perimeter of the property and felt that 19 vehicles could be parked on the exterior of the property with a maximum of two vehicles in the front of the structure. The board commented on setting a "cap" on the number of parking spaces.

The requirement for a "Greenbelt" was discussed as the B-2 District when abutting a residential use or the district requires a 30' buffer width. The board discussed plantings in a barrel for the front of the building that could be moved for snow removal and placed back again. The board also discussed the site visit and how the topography of the land was a barrier enough rather than require a fence.

The Chair asked if there were any comments from the public. John Cardonnel, an Easterly abutter commented on several issues. He was concerned with the board not requiring the Greenbelt. He wanted fencing to be required to provide a barrier. He

wanted the board to require plantings for the Greenbelt. He stated that the size of this business was too large for the property.

The members took his comments under advisement.

Chairman West read one letter into the record from abutter Marie Greenbush. This document was labeled "Exhibit: 1". Greenbush was opposed to the Special Permit due to the size of the business and hours of operation.

The chairman closed the public comment portion of the hearing.

The board continued to discuss the exterior parking and the maximum number of vehicles they felt the site would safely hold. Bylaw Section 125-13 A. (1) was cited and afforded the board to grant lesser provisions for parking by Special Permit approval. The board agreed to a maximum of 19 parking spaces on the exterior of the building with a maximum of 2 parking spaces in front of the building. They agreed that an engineered plan would be required to be submitted to the board to verify the bylaw required for the 350 square foot per parking space.

It was agreed to allow a blacktop paving to the South and West property boundary lines.

Two whiskey type barrels containing a minimum 3' height coniferous species tree would be required for a buffer for the front of the building. It was discussed to install the trees in barrels so that they could be movable to plow snow in the winter.

A motion was made by member Mach; seconded by member Diehl to grant the Special Permit with the following conditions:

1. **AN ENGINEERED SITE PARKING PLAN MUST BE SUBMITTED TO CONFIRM THE MAXIMUM NUMBER OF 19 VEHICLES TO BE PARKED ON THE EXTERIOR OF THE STRUCTURE. Two vehicles maximum to be parked in front of the structure.**
2. **Two three foot (3') diameter barrels containing a minimum height, three foot (3') coniferous species tree shall be installed in the front of the building for a buffer.**
3. **Blacktop has been approved to be installed to the boundary lines on the Westerly and Southerly sides of the property to accommodate parking.**

The board voted unanimously to approve the Special Permit with the above noted conditions.

Members Vote:

Mach: Approved

Diehl: Approved

Tenczar: Approved

Donovan: Approved

West: Chair

Continuance of Application of Donald R. Sommer for property located at 1 Sommer Hill Road, requesting a Variance under §125-3 B. (2) of the Adams Zoning Bylaws to construct an addition to an existing non-conforming utility structure.

Don Sommer represented himself at the Variance request. He stated that the current structure was ten feet (10') from the road and the structure was a non-conforming structure due to encroachment in the required front setback.

Mr. Sommer presented the board with a letter from Fire Chief Pansecchi (Labeled Exhibit: 1) in support of not moving the road as it would create a problem for the safe passage of fire trucks. The board also received the site and building plan labeled "Sommer Hill Barn Addition" drafted by Westall Architects and labeled it Exhibit: 2.

No abutters were present or correspondence received.

The board deliberated and determined that due to the letter from Fire Chief Pansecchi, noting the topography issues, a Variance could be granted.

On a motion from member Mach, seconded by member Tenczar the board unanimously granted a Variance for the addition to the existing non-conforming structure.

Members Vote:
West: Chairman
Mach: Yes
Tenczar: Yes
Diehl: Yes
Donovon: Yes

Minutes of the Feb. 13, 2018 meeting were reviewed and approved with a motion by Donovan; seconded by Tenczar. Diehl: Abstained

Minutes from the February 21, 2018 Site Visit to E-pod Transportation LLP were reviewed and approved by the board. Motion by Donovan; seconded by Tenczar. Mach: Abstained

Motion by Donovan; seconded by Mach to Adjourn – Unanimous

Time of adjournment: 7:14 P.M.