

TOWN OF DEERFIELD
ZONING BOARD OF APPEALS

Minutes of October 22, 1998

Members present: R. Bohonowicz, Chair; F. Olszewski; Grace Friary; S. Barrett,
L.Grybko, Sr., Charles Sakowicz; Town Counsel; Bud Pepyne

1st Hearing; Application of Henry Komosa for a variance from maximum building height from the Deerfield Zoning By-laws Section 2320 Table of Dimensional Requirements. Bohonowicz excused himself from this hearing as he works for Yankee Candle who is Mr. Komosa's competitor. Grybko, Sr. wanted to acknowledge his relationship to Selectman Grybko, Jr. due to a current dispute with Mr. Komosa and the Building Commissioner. Mr. Komosa said he had no problem with Mr. Grybko, Sr. sitting in on the hearing. Olszewski chaired the meeting and read the hearing notice. Mr. Komosa stated that the roofline for the new main building at 222 Greenfield Road is 22 feet, but that the cupola is 41 feet in height. There will be no public access to cupola. Olszewski asked if there were any objections from the audience. There were none. Hearing closed for discussion of Board members. Grybko stated that they had given variances like this before and had no objection to this variance. Olszewski made motion to grant the variance from Section 2320 of the Deerfield Town By-laws from 35.5 to 41 ft in height for construction of the cupola. Grace seconded the motion. Motion was approved unanimously 5-0.

Mr. Robert Decker appeared before the board to inform them that he would be changing his building on Sugarloaf Street into a 4 unit apartment building. Mr. Pepyne stated that Mr. Decker would be satisfied with 4 units as a matter of right. Mr. Asmann, the building commissioner, does not have a problem with the 4 units because Mr. Decker was entitled to 4 units as a matter of right at the time of the original hearing in the spring of 1997 and that this seemed a fair resolution of the current litigation. Mr. Asmann further stated that if this plan was starting fresh with no previous attempts or Appeals, that Mr. Decker would need a Special Permit from the ZBA due to the changes in the by-laws voted in the spring of 1998. Mr. Decker stated that the 4 unit plan has been approved by the Planning Board. There was no need for any votes as Mr. Decker was only informing the Board as to the current status of the potential resolution of the litigation with the Board.

2nd Hearing; Application of Carlos Allen for a Variance from 2230 Use Regulation Schedule for a 2nd single family dwelling on the same lot at 423 Greenfield Road. Mr. Allen stated that he has a parcel of land of about 22 acres that's been in the family since 1800. He has applied to the Agriculture Preservation Restriction Act to put all but 2.2 acres of the land in this Preservation program. There is presently a single family home on the 2.2 acres and he would like to construct another single family home in place of the existing garage on this parcel for himself as he is giving the existing home to a family member. There will be a shared driveway for the two homes. He would like to know if he could do this in the future. It was explained to him that a Variance is only valid for 1

year. The Board discussed different options that are possible as Mr. Allen would need to show hardship to obtain this Variance which was not apparent because there is adjoining land in common ownership. Mr. Asmann suggested that Mr. Allen have two separate lots with 20 feet between the single family dwellings to meet setback requirements and there would be no need for a Variance. Discussion continued regarding options and Bohonowicz suggested continuing the hearing to a further date so that Mr. Allen could look at all possible options and would possibly only need to go before Planning Board for an ANR.

Unanimous vote of 5-0 taken for continuation of Hearing at a later date.
Next meeting set up for November 19 at 7:00 for Continuation of Hearing. At that time Mr. Allen may pursue variance or inform Board that he has an approved ANR for a complying use.

Bohonowicz stated that notice had been received that ownership of the tower (South Deerfield Fire Station) had changed.

Bohonowicz made motion to close meeting and Grace seconded. Vote unanimous, 5-0.

Respectfully submitted by,

Julie Gray
Secretary