

TOWN OF DEERFIELD
ZONING BOARD OF APPEALS

Minutes of May 13, 1999

Members present: Ron Bohonowicz, Chair; Francis Olszewski, Grace Friary, Steve Barrett, Leonard Grybko, Sr., R. Sadowski; Town Counsel, Ed Pepyne

Hearing #1

Hearing called to order to hear application from Alan Rulewich to request a Special Permit pertaining to the Use Schedule and footprint size of combined buildings larger than 10,000 square feet. Steve Mason of Coler & Colantonio representing Mr. Rulewich, stated that Mr. Rulewich would like to construct a butterfly conservatory at 281 Greenfield Road adjacent to former Candle Light Restaurant. A Site Plan of the conservatory was approved by the Planning Board on May 10, 1999 subject to ZBA and Conservation Comm. approval and that he return to Planning Board if gravel parking lot is to be paved. The restaurant and apartment building would remain but would be refurbished and the conservatory would be built adjacent to them. The conservatory would be a 10,000 sq. ft. greenhouse constructed of steel and glass. It is a pre-designed and pre-approved building that goes up modularly. The present septic system is in failure. It would be replaced with a mounded system placed at the front of the lot and landscaped appropriately with gardens behind it. The conservatory would house butterflies, a waterfall, pond, plants and display areas. Existing parking lot would be extended on south side of property and behind that would be a gravel parking lot. There would be approximately 100 parking spaces. A detention basin would be built at south edge of property for runoff.

Mr. Pepyne explained that a letter from the Selectmen indicated that after reviewing the plan they noted that the proposed septic system crosses Clark Cross Road, a Town way. The Board unanimously voted that any construction or excavation within the Town way is subject to the following conditions: 1. All work will be supervised by the Highway Superintendent, and 2. The road sub-surfaces and surfaces will be returned to its original condition.

Mr. Asmann, Building Commissioner, stated that this business would include assembly, food establishment and retail sales uses. Mr. Rulewich stated that the conservatory would operate year round, 7 days a week from 9:00 to 6:00. There would be a café atrium where food would be brought in and served, art gallery for local artists to display their art and a retail sales shop. He hopes to be 70% operational by Fall. He stated that he has visited many other butterfly conservatories and all are doing well. His intention is to educate the public regarding butterflies in the New England area. Butterflies from other countries will not be brought in at this time and when they are, there are strict USDA rules that must be adhered to. There would also be a containment officer on duty at all times to see that no butterflies escape. There will be an alarm system and a generator back up for power failure.

Comments from public in favor were from Dottie, who expressed strong support hoping it would educate people. Phil and Jeanette Allard also spoke in favor of

conservatory. They visited a conservatory in Ontario, Canada and stated it was absolutely beautiful and would like to see one in the Town of Deerfield. No one spoke in opposition to conservatory.

The hearing was closed at this time. Discussion had by Board and members decided they would like more information before making decision. Motion made to continue hearing on June 3, 1999 at 7:00 p.m. Voting in favor of continuing hearing were Sadoski, Grybko, Bohonowicz, and Friary. Voting against continuation, Olszewski. Vote of 4-1 in favor of continuing hearing to June 3, 1999.

Hearing #2

Hearing called to order to hear application of William and Elizabeth Leno to request a Variance from By-laws pursuant to section 2320, frontage requirement, for a single family dwelling for a lot on Saw Mill Plain Road. Mr. Leno stated that the lot has the required lot size but not frontage requirement. It only has 143 feet frontage not the 200 feet required. He stated that properties located northerly to this lot are all about 130 ft. He also stated that he has been paying building lot taxes on this property since 1969. Mr. Asmann, Building Commissioner, stated that prior to the By-law changes of 1989, the lot was a conforming lot having over 125 feet frontage and town water. No comments were heard in favor or against from public. Hearing closed for discussion. Grybko made motion to grant Variance from frontage requirement of section 2320 to build on lot similar to surrounding lots. Sadoski seconded the motion. Bohonowicz, Sadoski, Barrett, Grybko, and Olszewski voted in favor of variance. Vote of 5-0.

Hearing #3

Hearing called to order to hear application of Sprint Spectrum, L.P. a/k/a Sprint PCS for a Special Permit pursuant to section 2252-nonconforming use and section 2253-nonconforming structure. Mr. Dan Finnegan, an attorney, representing Sprint Spectrum stated that they wish to attach an antenna at 60 to the existing tower and construct equipment cabinet at base of tower located off Pine Nook Road on property owned by Delta Materials. They also wish to be granted right of repairing tower if Omnipoint fails to follow through with completion of reinforcement of tower according to plan. He states that Sprint needs an antenna at this location as about 5 ½ miles in Deerfield are uncovered for continuous service for their customers. Mr. Dave Cerrati, an engineer for Sprint showed map of existing and proposed coverage that this antenna would cover. The antennas would be hung at 60' level. He had photos that depicted how antennas would look. These antennas would not be installed until the reinforcement of tower had been completed. He stated that an equipment cabinet would be constructed at base of tower. Elise, also representing Sprint, stated that a 15' x 25' concrete pad with power cabinets would be installed at base of tower. Mr. Finnegan asked that Sprint be given same Special Permit and Variance as Ominipoint requested. Mr. Asmann, Building Commissioner, stated that since the adoption of in 1998, all that was needed was a special permit to cover sections 2252 and 2253 of By-laws. No comments were heard in favor or against from public.

Hearing was closed and members had discussion regarding color of tower and actual cost of project in regards to taxes. Motion made to grant Special Permit pursuant to sections 2252 and 2253 of By-laws for nonconforming use and nonconforming

structure to install an antenna at 60 foot level of tower and construct equipment cabinet with the following conditions:

1. Reinforcement of tower completed prior to attachment of antenna
2. Effort made to maintain access road to tower
3. A project cost model to be submitted to Board of Assessors

Olszewski, Grybko, Barrett, Sadowski and Bohonowicz voted unanimously 5-0 in favor of granting Special Permit but with one more stipulation added that

4. Removal of any equipment once its use is discontinued

Unanimous vote of 5-0 in favor of granting Special Permit with above stipulations by above mentioned members.

Respectfully submitted by,

Julie Gray, Secretary