

Town of Deerfield

Zoning Board of Appeals

July 15, 2004

Minutes

- I. Meeting convened at 7:00 p.m., Main Meeting Room, Municipal Offices, South Deerfield.

Present: F. Olszewski (Chair), R. Bohonowicz, R. Calisewski, and R. Sadoski, L. Grybko, Sr., S. Barrett

Absent: G. Friary

- II. Chair Olszewski opens the public hearing on an application by Adella Wroblewski / Pioneer Valley Humane Society (PVHS) for a special permit to build a 25,000 +/- square foot facility for the Pioneer Valley Humane Society of Parcel #127 on Plain Rd. and abutting Parcel #126 on Greenfield Rd. South Deerfield, MA 01373 (Assessors Map 15, Lot 127 [new mapping system = Assessors Map 132, Lot 5])

Chair Olszewski explains process of hearing: first, the petitioner is invited to speak; second, the Board welcomes comments in favor of the petitions; and last, comments in opposition of the petition. L. Grybko speaks stating he is an elected member of the ZBA and also an abutter to the property and that he has no interest in this application.

Rick Klein, a principle with the Berkshire Design Group, Inc., in Northampton, is acting on behalf of Pioneer Valley Humane Society. He states that the PVHS has been offered a piece of land and then presents a map / plan detailing the location of the parcel. The Building Inspector has been consulted as to whether the parcel in question can house proposed facility but no determination has been made. He is approaching the ZBA to determine if the project and proposed uses of the facility align with any of the special permit criteria. R. Klein concludes his portion of the presentation and then introduces Sukie Kindwall, a member of the PVHS.

Sukie Kindwall and R. Klein point to board containing images pertaining to the proposed project and distribute copies of these images as well. S. Kindwall introduces others present from the PVHS Board of Directors. S. Kindwall then provides a brief history of the organization:

- Opened in 1968 as Greenfield Animal Shelter as mainly a volunteer program with a budget of \$2000.00.
- In 2002, the organization's name changed to the Pioneer Valley Humane Society to reflect the change in services. Now it has 8

full-time and 6 part-time employees and hundreds of volunteers annually.

- It is the largest comprehensive animal welfare organization serving the region from the Vermont border to Springfield.
- Some of the programs PVHS offers and some of the proposed ideas / plans are:
 - a. Animal Adoption Program
 - b. Humane Education Program
 - c. Outreach Programs
 - d. Classroom and library presentations (The plan is to offer these programs in classrooms in the new facility as well as in schools)
 - e. Would like to offer summer camp in the new facility
 - f. Collaborated with area social services and law enforcement to create a program to protect children and animals in domestic abuse situations.
 - g. Senior Visitation Program (would like to accommodate senior activities in new facility).
 - h. Wildlife Referral Services
 - i. Would like to create a Resource Room.
 - j. Pet Aid Food Program – provide food for animals of elderly, ill and those in need.
 - k. Work with local animal behavioral experts.
 - l. Would like to have an animal resource library in new facility
 - m. In collaboration with the Franklin Regional Council of Government and animal control officers offer a lecture series on animal related topics (envision lecture series taking place in new facility).

ZBA members request at this time that those who wish to speak should write their names and any agency affiliation on the sign-in sheet.

Adella Wroblewski, present landowner of the property, states that she has decided to sell the property. She continues to say that many businesses such as AT&T as well as another communication company have approached her. At the time, she and her late husband felt that a switching station, as proposed by AT&T or a communications tower would not suit the neighborhood. Ms. Wroblewski states that she was informed of this project and thought it would be beneficial to others, as well as something in which her family would approve. She continues to state that when this property is sold and if it is for this project, she would like to establish a scholarship program in her husband's name for a Frontier Regional High School student from Deerfield and interested in athletics.

R. Klein states that there is no proposal yet to present to the Board. The

petitioners are asking the ZBA for a finding if their proposed uses align with the Use Table of Regulations for a special permit. R. Klein states that the proposed uses could apply under Table B, *Extensive Uses in Community Facilities* as the following:

- An educational use not exempt by Massachusetts General Law.
- Raising animals not exempt by Massachusetts General Law.
- Other agricultural use.
- Place of assembly or a research laboratory

D. Calisewski asks which district the Building Inspector found this to be in. R. Klein responds that it is C3 District. D. Calisewski points out that this application is asking to build a 25,000 square foot facility, not for clarification of zoning bylaw and that the Board should focus on the application. R. Klein asks to see how the application is worded. After reviewing the application, R. Klein then states that the petitioners would like a continuation of the hearing to allow them to gather more information regarding building size, roadways and parking. R. Klein also questions if abutters would need to be notified again in the case of a continuation. D. Calisewski responds that unless the application has been changed, abutters do not need to be notified again. R. Sadoski states that the ZBA does not decide whether the petitioners can build the proposed building but whether it is a special permit or if it falls within the usage outlined.

R. Klein states that the petitioners would like more information from the Board to better support their application. D. Calisewski states that the petitioners are trying to lead the Board into disclosing what is acceptable or not acceptable. There are the issues of sewer, water, roads, and septic system that need to be addressed. He also states that he has spoken to many groups, including the Board of Selectmen, who are all against this project.

An attendee speaks stating that the Board should not say if they are against or for the project because there is not enough information.

S. Barrett agrees with D. Calisewski in that a continuation of the hearing really would not be helpful. The applicants need to apply for a variance or ruling whether the application fits into the zone or not. Currently, the petitioners are asking the Board to make a ruling on the building itself. R. Klein requests permission to respond, but Chair Olszewski states that portion of the hearing has ended. R. Klein states that the applicants just want some indication if the project is feasible before they commit more money and time. The Board responds that the applicants should have petitioned for a ruling if that is what is needed.

R. Klein asks to withdraw the petition without prejudice so they can resubmit it later for a ruling. Chair Olszewski states that a withdrawal without prejudice must be voted on by the Board. R. Klein questions as to how to apply for a ruling; there is no application for this. A Board member explains that the application would need to indicate that a finding is necessary on the uses allowed

in the district or whatever relief or variance is necessary to allow a project in this type of area. Another Board member mentions that the Building Instructor has helped petitioners determine the uses allowed in areas.

A motion is made to allow the petitioners to withdraw without prejudice; it is seconded, and all are in favor.

A motion is made to adjourn; it is seconded, and all are in favor.

An attendee requests to make a statement regarding the case. The Board declines stating that the application has been withdrawn and that it is not in their realm to continue with this situation at this point.

Meeting adjourned.

Respectfully submitted,

Barbara D. Sussbauer
Substitute Clerk to the Zoning Board of Appeals