

TOWN OF DEERFIELD  
ZONING BOARD OF APPEALS

MEETING MINUTES

October 21, 2004

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

Members Present: Francis Olszewski, Chair, Leonard Grybko, Sr., Richard Calisewski; Stephen Barrett

Members Absent: Ronald Bohonowicz, Grace Friary, Roger Sadoski

- II. Chair Olszewski opened the meeting by reading the public hearing notice on the application of Bela Breslau and Stephen W. Billias who are requesting permission to receive a variance in order to have a shared driveway at their primary residence located at 595 River Road, Deerfield, MA 01342. The existing driveway would continue to be used for existing house (lot #1) and would also be used for a second house (lot #2).

A letter from the Deerfield Building Commissioner, Brien Laporte was read. Mr. Laporte supports the shared driveway. The Deerfield Planning Board has already approved the second parcel subdivision to allow for one house and barn to be built and the current driveway to be extended. There is no plan for the new house to be sold.

Mr. Grybko stated that he wants an interpretation of what a home business is. He also mentioned a home business permit.

One concern that was brought up is what if either home ever gets sold? Would the new owner have issues with the shared driveway? It is necessary to make sure that such issues do not arise in the future.

Mr. Billias stated for clarification that the home business might never actually make any money. Ms. Breslau and Mr. Billias both work full-time jobs. They want to hold very small classes to teach martial arts. There may also be occasional daylong workshops. This is more of a hobby than a small business. Mr. Billias elaborates stating that there are only 150 people in the entire United States interested in this form of martial arts and there are only 4 or 5 in the Greenfield/Northampton area. It will be very low key.

The reason that the applicants prefer not to add a separate driveway is because it is a beautiful field. It would be a shame to add a driveway through it. The field is

going to be farmed for the next two years, rent-free, by Gideon Porter. They feel that they are trying to be good stewards.

The applicants would be happy to stipulate that they would never go through APP. They would consider having land trust protection as well.

A driveway is possible according to Ward Smith, an engineer who viewed the land. Ms. Breslau has a letter from Mr. Smith. Mr. Smith even thought that the Deerfield Conservation Commission would require a shared driveway. Mr. Grybko stated that if all this information were true, he would be receptive to their request for a shared driveway.

The applicants have no interest in developing the land.

Stephen Barrett moved to (1) restrict development in the back lot #2 to one house and outbuildings; to deed restriction or sale to the Land Trust or similar agency.

(2) Driveway maintenance agreement to be drawn up if and when lot #1 and/or lot #2 are ever sold and/or transferred. Mr. Olszewski summarized to grant a variance for a shared driveway to accommodate their new home with the above-mentioned conditions that must be met. Mr. Calisewski seconded the motion. Driveway extension variance granted. Vote unanimous (4-0).

- III. Chair Olaszewski begins the hearing by reading the public hearing notice on the application of RCC Atlantic, Inc. d/b/a Unicel. This hearing is a continuance from October 7, 2004. They have applied for a special permit for a Communications Facility Upgrade. Their request is to modify an existing communications tower by adding two whip antennas and two additional runs of 7/8" coaxial cable, as an extension/modification of a variance dated October 30, 1997, recorded on Book 3295, Page 317 on December 17, 1997. Mr. Will Dodge is representing RCC Atlantic.

Chair Olaszewski states that at this time, the Town of Deerfield has a lease agreement with RCC Atlantic at the South Deerfield Fire Station but in order to enhance the phone service and the 9-1-1 locations, they are proposing to put two more whip antennas identical to the two that were installed in 1997. They will have the same horizontal and the same vertical footprint.

Mr. Dodge explains that the primary purpose is to add more coverage to enable the use of some newer technology – called GSM – which allows us to use text messaging, get a clearer signal and enable the use of E 9-1-1 services.

Mr. Calisewski moves to grant the special permit. The vote passed unanimously (4-0).

IV. New Business

- (a) Mr. Barrett makes a motion to accept previous minutes. Motion was seconded. Vote passed unanimously to accept the minutes (4-0).
- (b) A letter from Frank Karas was read. Mr. Karas requested the withdrawal of his application from September 2004. Mr. Calisewski made a motion to accept Mr. Karas application withdrawal. Motion was seconded. The vote passed unanimously (4-0).

Meeting Adjourned.

Respectfully submitted,

Patricia Kroll  
Zoning Board of Appeals