

TOWN OF DEERFIELD

ZONING BOARD OF APPEALS

MEETING MINUTES

FEBRUARY 19, 2004

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

Members Present: Ronald Bohonowicz, Chair Francis Olszewski, Roger Sadoski, Leonard T. Grybko, Sr, and Grace Friary

Members Absent: Stephen Barrett and Richard Calisewski.

- II. Chair Olszewski opened the meeting by reading the application for a special permit for the Rice Oil Company Inc. dba Deerfield Neighbors to purchase and sell alcoholic beverages (wine & malt), during the hours designated by Selectmen at Deerfield Neighbors Store, located at #1 Greenfield Road, South Deerfield.

Questions were raised about the affect of the proposal on; utilities, characteristics and social structure of town and the Bylaws

Paul Decarlo, representative of the Rice Oil Company and Donna MacNICOL, Attorney and representative for Rice Oil Company approached the Board. She had a presentation that she believes covers the 6 criteria for a special permit that Attorney Pepyne brought forth. She discussed the ample parking, wide drive, special permit and that the Selectmen have granted a beer & wine only package store liquor license, pending ZBA special permit to sell alcohol beverages in a Commercial Zone.

MacNICOL began by addressing the social and economic criteria - this is a benefit to the Town. This keeps business in the community; customers would like the convenience of purchasing beer & wine. The ability to sell beer and wine would create 10% addition in sales, but only a minimal increase of traffic with perhaps an increase in employment.

Several questions were raised regarding the age and number of employees, relative to the liquor sales, cigarette sales and the fees the Town would benefit by granting this liquor license. MacNICOL stated that employees must be 18 years of age to sell liquor, but they already address this issue because they sell cigarettes.

MacNICOL presented a traffic study, based on State guidelines. This indicates no negative traffic impact; Exhibit B shows parking lot/pumps area is adequate for good traffic flow. There are 42 parking spaces and there would only need to be one truck doing deliveries per week.

Grybko Sr. asked who paid for traffic study? MacNICOL said it was the Rice Oil Company.

Ronald Bohonowicz commented on traffic problems he had observed with this location; near misses/dangers on road because of existing traffic, parking may need to be increased, not easy to access/exit. MacNICOL responded with sales will increase by 10%, but traffic will not significantly increase. The store is 200 feet back from road.

Bohonowicz mentioned the number of places to purchase alcohol currently. Whom will this serve? MacNICOL mentioned the draw of Dunkin Donuts, Mobil Gas, and Baskin Robins and stated it was for the convenience of people already coming to the store making it convenient.

Bohonowicz feels the majority of traffic is coming from tourists. MacNICOL feels it is local patronage.

Pepyne advised the members to study the information to make a decision.

MacNICOL stated the Monument sign would not change. Liquor sales will not be noted on sign. After being questioned by a board member she also stated that the add-on purchases will be approximately \$52,000 in sales, but it is as an add-on purchase not new or additional numbers of shoppers. This would add approximately 24 cars per day in addition to the current count of approximately 1,200 cars per day. It is not destination shopping.

MacNICOL reviewed the utilities criteria by commenting that the company uses town water & sewer and pays for it. No additional services, including police department services would be necessary. They have used police services for shoplifters in the past.

In response to a question by Bohonowicz, MacNICOL stated that employees are required by Rice to take the TAN course. This educates and trains employees how to handle not selling to underage persons, checking identification, and to observe if a person is under the influence of alcohol and should not be allowed to purchase any more.

A question was posed regarding the store being a recycling center also, MacNICOL answered that the store will take back containers for what they sell.

The issue of school buses both public and private driving by the Neighbors Store was brought up for discussion. MacNICOL responded, that during bus run hours there would be little additional traffic impact relative to the beer and wine sales.

She continued by commenting on the neighborhood character and structure criteria. It is a commercially zoned location, there are no objecting abutters and it will not affect the local neighborhood. Bohonowicz noted characteristics are tourism and schools.

She also commented when questioned that the site is cleaned regularly, no on site drinking allowed.

McNichol advised that the potential fiscal impact on the town included 30 jobs, a \$300,000 payroll, and a \$750.00 annual fee for the package store liquor license, and because of improvements, the assessment has increased and that brings in more tax contributions to town.

Grybko asked if the success of this business would put other stores out of business? MacNICOL responded that there was no indication that the success of this store would harm other business.

Friary asked, why sell alcohol, why not sell something else? Can you get something else to sell to make up the 10% of sales? MacNICOLs stated beer and wine sales are part of a convenience store. Training is given to employees to deal with liquor sales. The convenience includes Dunkin Donuts, Baskin Robbins, Mobil gas station and beer and wine in one stop.

MacNICOLs noted court cases and the basis for denying the special permit. The decision can't be based on what may happen only on the facts presented. The ZBA can place conditions on the special permit and review can also be put on this liquor license. We are open to addressing these concerns.

Friary commented on the importance of the corridor.

- III. It was voted to reconvene the hearing until March 18, 2004 at 7:00 pm.
- IV. Members were put on notice that the issue of Magical Wings will be revisited.

Chair Olszewski made a motion to close the meeting and it was so voted.

Meeting adjourned.
Respectfully submitted,

Vivien Venskowski
Zoning Board of Appeals Clerk