

TOWN OF DEERFIELD
ZONING BOARD OF APPEALS
MEETING MINUTES

MARCH 18, 2004

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

Members Present: Ronald Bohonowicz, Stephen Barrett, Roger Sadoski, Leonard T. Grybko, Sr., Grace Friary, and Richard Calisewski

Members Absent: Chair Francis Olszewski.

- II. **Bohonowicz opened the meeting by noting the request for a continuance from the Rice Oil Company Inc. dba Deerfield Neighbors until April 15th, 2004 as requested by the petitioner.**

On a motion by Bohonowicz seconded by Friary it was voted, 4 in favor – 0 opposed, to approve to continue Rice Oil process from March 18, 2004 to April 15, 2004 as requested by petitioner.

There being no further business until the next hearing at 7:30 p.m. a 15-minute recess was taken.

- III. **Bohonowicz opened the meeting at 7:30 p.m. by reading the application for a special permit for William K. Miller, Cumberland Farms to place a prefabricated shed (8x6) to house empty milk cartons, empty Coke/Pepsi shelves, bread racks, and other returnable items at 2 Sugarloaf Street, South Deerfield, MA. Assessors Map 18 Lot 75.**

Members Present: Ronald Bohonowicz, Stephen Barrett, Roger Sadoski, Leonard T. Grybko, Sr., Grace Friary, and Richard Calisewski

Members Absent: Chair Francis Olszewski.

William Miller came to the table and was advised by Bohonowicz how the process would work.

Miller stated the purpose of the shed was to clean up the site. There are stacked milk cartons outside in view of the public. The shed would be located near the environmental shed; there would be nothing of retail value in the shed. The shed measures 8 X 6 feet and it is approximately 10 feet tall. He presented an engineering plan of the area.

Calisewski stated that Miller was only here because of the set back, no building permit is needed for a shed less than 120 square feet.

Miller showed the plan to the board members, explained the street/road locations and noted the environmental shed location.

Questions raised were: how long with the environmental shed be there, the shed (size, what it is made of and the intended color)

Miller was not sure how long the environmental shed needs to be there, he would check on it. He also stated that it is necessary for an easement on the side of the environmental shed for the utility company's access. Their color choice was gray but they would paint it whatever color the town wanted. It was a wooden structure made, delivered and set up by Lamore Lumber.

Friary requested information on who takes the recyclables away.

Miller stated that individual companies come in.

Other questions posed were what other options have been looked into for storage of these items, where are they stored currently and if they had considered adding a second story to the store?

Miller stated they had considered expanding the store, but that there was no place to expand on that corner. Expansion was limited also because they were already on the property lines for 2 sides, the third is the point for the new electrical service for new store equipment. Miller stated the building, because of the cross members even though it is concrete, could not take it. It would also be cost prohibited because of constructions costs. Currently the racks are stored in the public view outside. Miller stated for as long as he been with the company. It is a very small store, no storage space inside the store and he is seeking an alternative to just letting them sit outside.

Bohonowicz asked about the ice machine out side of the store. Does it have to be out there during the months of November through April? How much ice is sold this time of year?

Miller stated it sits up next to the building and that would remain, and it is on the plan. Miller to vend ice the machine has to be there. Miller to vend ice I have to have some size ice box out there. This time of year I sell approximately 30 – 40 bags in a given 2-week period.

Bohonowicz noted the receipt of correspondence and digital photos from the Police Chief. He stated he has concerns.

The content of the memo from Police Chief Wozniakewicz is as follows “Relative to the request for a storage shed on the premises of Cumberland Farms, I would suggest a review of the attached photographs of the parking lot as it appeared on Wednesday, March 17th. Please note the locations where the snow is plowed and piled. I question where the snow will go with the requested shed in place. Also note: Tuesday's storm was only 7” of snow.

Further, it appears that the limited parking lot space with current trash bins, storage shed, customer vehicles and daily delivery trucks are causing sufficient congestion at this time.”

Bohonowicz he agreed with where the Chief is coming from. Snow piles can build up quickly on this property. If the ice chest were to go away could the shed be put against the building?

Calisewski responded the set back is 10 feet from boundary line, because it infringes on the side-line set back.

Discussion continued around the snow piles in this lot. Snow is a concern. An alternative would be to remove snow from the site right away. Currently, the snow melting between storms solve the problem per Miller.

Miller asked if it was possible to put the ice chest against the building and move the other shed all the way down?

Bohonowicz requested that the ice chest be removed from the lot for a period of time each year, bring it back in the summer when people need ice and put it on the other side.

There was discussion and concern about the dumpsters. And that they are partially on a neighboring property. A question was posed about the dumpsters being pulled back, they are not in the best spot. It is a tight spot and there must be odors, you need to rethink about what you are going to do. The reality is the lot is only a certain size. Grybko stated the trash takes up space too. The gas truck had a problem getting in.

A comment was made that sales would increase if the flow was better in the lot. Miller stated if, there was a way to change the traffic flow we would.

A member asked about the ice sales. Miller stated that ice sales are minimal except spurts during Thanksgiving New Year. January, February, March are slow sales for ice.

Questions posed about the dumpsters were: can dumpsters be relocated? Why are there two dumpsters?

Miller doesn't know any reason why they can't be moved unless there is a spill. The guard wire for the power supply has to be considered dumpsters are picked up-upwards to be emptied. There are two dumpsters, one for paper products/recycling and the other for trash. Miller stated that they recycle for environmental friendliness. The cost is \$120.00 for trash and paper recycling is \$30.00 both are per month costs.

A question was posed to Miller about conditions regarding a seasonable ice machine and rearranging the bins in the lot for safety reasons.

Miller stated the shed would allow the racks to be out of the public view, the property doesn't look good with the empties in view.

Discussion of snow removal issues continued. Plowing was discussed, not plowing over property lines and that the situation is reviewed by Miller if the snow fills up a parking space and should be removed from the lot..

Several members voiced the opinion that Miller needed to rethink the real limits of the property, snow complicates the issue, and even in summer it is a tight spot. If they vote tonight, and the permit is denied, Cumberland's can't come back for two years.

Calisewski stated that Miller could come back the next day as long as his plan meets set backs because he doesn't need a building permit for this structure. He can put shed anywhere he wants. When is the environmental shed coming out, this discussion may be a non-issue if it is coming out soon. The new shed is half the size of the old one.

There was discussion regarding: the size of the lot, the racks sitting outside, the amount of space the racks take up, how to condense the amount of space needed, and that the possible solution is to find out when the environmental shed is being removed.

The next meeting is scheduled for April 15th. The question was posed to Miller if that was an acceptable time frame for him to reconsider the lot flow and to find out when the environmental shed will be removed.

- ☐ When is the environmental shed going to be removed?
- ☐ Seasonal presence of an ice chest
- ☐ Scrutinize property: bet's use of space vis a vis placement of shed
- ☐ Improve snow removal techniques/and or procedures
- ☐ Meet with the Police Chief

There was discussion regarding the concrete wall near Wolfie's, snow plowing, the depression/drop off.

On a motion by Sadowski, seconded by Friary it was unanimously voted to convene the hearing until April 15, 2004 at 7:30 pm. to discuss the following:

- ☐ When is the environmental shed going to be removed?
- ☐ Seasonal presence of an ice chest
- ☐ Scrutinize property: bet's use of space vis a vis placement of shed
- ☐ Improve snow removal techniques/and or procedures
- ☐ Meet with the Police Chief

It was voted to take a recess, until the next public hearing at 8:00 p.m. Bohonowicz left the meeting, Calisewski will sit in as chair, due to a conflict.

IV. Acting Chair Calisewski called the meeting to order at 8:00 p.m. He opened the meeting by reading the application for a special permit for Candist, LLC to erect a 600 square foot sign on the west side of a building at 27 Yankee Candle Way, South Deerfield, Assessors Map 15, Lot 275.

Members Present: Stephen Barrett, Roger Sadoski, Leonard T. Grybko, Sr., Grace Friary, and Richard Calisewski

Members Absent: Chair Francis Olszewski, Ronald Bohonowicz

The two Yankee Candle Company representatives came forward, Judy Kundl and Bill Sawsey

For the record Steve Barrett stated he has an ongoing business relationship with Yankee Candle (and has been doing business for years) and he wants everyone to know. If this causes anyone concerns or problems he will leave. He asked the members, petitioners and the audience if any one had any objections or concerns. There were no objections made to Barrett. For the record Leonard Grybko, Sr. stated that he is an abutter to this property.

The Chair asked if anyone had any objections to these two members sitting in at this meeting? The response was no. We shall proceed.

The Chair asked if the two representatives were aware that the Planning Board is in the process of revising the sign bylaw? They stated no, they were not aware. The current zoning Bylaw states that the sign can not exceed 32 square feet, that it should not exceed 8% of the wall to which it is attached.

The members posed questions regarding location of sign, lighting and visibility.

The representatives stated that, except for a color change, the sign is exactly the same as in Whately. The sign will be located on 27 Yankee Candle Way, as you drive in it will be on the west-side of the building. It is not visible from Yankee Candle Way or 5 & 10 only from Route 91 (both north and southbound traffic will be able to see the sign). The sign will be lighted by 3 – 175 watt halite fixtures. The mount will be underground 20 feet away from building. The light will be adjusted to hit just the sign, it is a 12 foot high band of light. It is for visibility from Route 91. The sign is less than 5% (4.75%) of building size. The length of the building is 410 feet long. The sign size is approximately 54 feet wide with the words “Yankee Candle”, and 40 feet high words “Famous for Fragrance” on the second line. The candle jar is 9.5 feet wide. It is a 70 feet area. To our knowledge there is no issues with glare or reflection. Currently there are no neighbors just woods abutting this property.

Sadoski suggested a requirement might be that the light just hit the sign directly. He also posed several questions regarding the time frame for the sign to be lit and

if the representatives would object to a timer and shutting off the light at 11:00 p.m. or midnight? He stated that there are a limited number of cars on Route 91 at 2 or 3 a.m. This is also a habitat area for white-tailed deer. This is a run through for them and the lights might scare them away.

The response was that the light would be lit 24/7. It would be more expensive to install a timer, they are looking to light the building during non-occupied hours. They mentioned that Yankee Candle had just got approval and a rebate from Western Massachusetts Electric Company for a "Light Boss". The idea is to bring a non-occupied buildings' lights down to 60% to save energy. The parking lot lights are shut off by 2:00/3:00 a.m. The building has 4 lights on the side already one of these would be removed.

Discussion continued including stray light, light pollution and the high school lights because they were in the center of the village the ZBA dictated the time of operation of the lights. It was noted that there are no neighbors now but may be some in the future. The fact that when you are driving on a highway and come to a city it glows in the distance was brought up. There was concern about setting precedence in the Route 91 corridor. Currently no one could think of any lights in the 91 Corridor.

It was noted by one of the representatives that because of the amount they are spending they would like to keep the lights on as much as possible, it is up to the board however. He raised a question about Channing Bete or the Red Roof Inn or the Mobil station light hours of operation. It was noted that there was nothing in the Zoning Bylaws about light.

The response was that the Zoning Board of Appeals is taking it case by case regarding the light issue. This is precedence setting and we want to do what is reasonable. Candist LLC is spending a lot of money on this project and the ZBA does not want to penalize, just do what is reasonable. It was suggested that the hours be limited, 24 hours a day was objected to, that the lights be shut off 11:00 pm or midnight to 5:00 a.m. It was also noted that the Red Roof Inn lights did not shine on Route 91.

One of the representatives noted that it is a busy time of year and they are working 3 shifts.

Sadowski noted that it is the goal of the company to advertise with this sign, will that be accomplished with these hours? We want to be environmentally friendly, and when you look at the whole project the light/electricity you save will pay for the timer and should not hinder the project that much.

Friary asked the representatives if this sounded reasonable? She also stated that there would be conditions placed regarding stray lighting and the position of the 3 – 175 watt lights.

It was also suggested that the light size be smaller. And the members expressed concern about stray lighting, light pollution, and the glow of cities as your drive up to them. It was also mentioned to the representatives that they could come back to discuss the time restrictions being removed.

The chair asked if anyone had any objections.

The sign colors were discussed. It was mentioned that the only difference between would be the color of the candle jar. It would be red rather than white as in Whately.

No objections were noted and the following conditions were discussed:

- ❑ Adjusting the 3 lights to eliminate stray light
- ❑ Restriction of lights to be turned off at midnight to 5:00 a.m. due to the precedence setting nature

It was noted by acting Chair Calisewski that there would be no illumination after midnight.

On a motion by Friary seconded by Sadowski on a roll call vote it was unanimously voted to close the public discussion and application period.

The board members discussion included:

- ❑ The light on Yankee Candle building in center of Town is it on all night long?
- ❑ Need to address all signs – light pollution blocking viewing of the night sky/stars
- ❑ Precedence setting issue
- ❑ Control signs and lighting issues better.

On a motion by Friary seconded by Sadoski, on a roll call vote, it was unanimously voted to approve this request with the following restrictions: adjusting the 3 lights to eliminate stray light and the restriction of the time of the lights to be turned off from midnight to 5:00 a.m. (due to the precedence setting nature)

The requesters were advised that they there was a 21 days right of appeal once filed with the Town Clerk. If the sign was built before then it was at your own risk. They also needed a building permit.

V. Members were put on notice that the next meeting would be on April 15th to continue the hearings for Rice Oil/Neighbor's Store and Cumberland Farms.

On a motion by Sadoski seconded by Friary it was unanimously voted to close the meeting and it was so voted. Meeting adjourned.

Respectfully submitted,

Vivien Venskowski, Zoning Board of Appeals Clerk