

**TOWN OF DEERFIELD
ZONING BOARD OF APPEALS
July 9, 2015
MINUTES**

Meeting convened at 7:00PM in Room 107, Municipal Offices, 8 Conway St, S. Deerfield, MA

Present: Ron Bohonowicz, Chair, Bob Decker, III, Chris Pichette, Ben Wadham, Jamie Hartwright.

Also present: Richard Calisewski, Building Commissioner

Hearing:

1. **Ann-Mary Cloutier** - The Zoning Board of Appeals of the Town of Deerfield will hold a public hearing on July 9, 2015 at 7:00 p.m. in Room 107 at the Town Offices, 8 Conway Street, South Deerfield, MA 01373 on the application of Ann-Mary Cloutier for a special permit to post one room in her home located at 17 Sugarloaf Street, South Deerfield, MA on the website *airbnb.com* and rent to guests on a short-term basis. (Assessors Map 169, Lot 120)

Ann-Mary Cloutier and son, Oscar would like to rent the use of one bedroom and bathroom in their home located at the corner of Eastern Avenue and Sugarloaf Street for short-term stays. Deerfield Zoning Bylaw allows B&Bs a maximum stay of 30 days. They would do so by advertising on the *airbnb.com* website. There is plenty of parking available and there will not be any sign erected to advertise.

Ms. Hartwright made a motion to grant the special permit to Ann-Mary Cloutier to post one room in her home located at 17 Sugarloaf Street on the *airbnb.com* website and rent to guests on a short-term basis with the condition that she follows all applicable state and federal laws.

2. **Michael Killeen** - The Zoning Board of Appeals of the Town of Deerfield will hold a public hearing on July 9, 2015 at 7:00 p.m. in Room 107 at the Town Offices, 8 Conway Street, South Deerfield, MA 01373 on the application of Michael Killeen for a special permit to allow an annual sign not to exceed 32 square feet for an agricultural type business. Sign to be located at 112 Sunderland Road, South Deerfield, MA. (Assessors Map 184, Lot 14)

James Olszewski came in support of Mr. Killeen's sign. Steven Pistrich came in opposition to the sign.

Mr. Killeen started by stating that he spent a total of \$308.56 on this hearing and he doesn't even know why because he did this on September 16, 2010. Mr. Calisewski approached the table and showed the Board his stack of over 70 written complaints and stated that he has received 150 or more visits to Town Hall complaining over this sign, some legitimate and some are not. The zoning bylaw allows 32 square feet of off-premise agricultural sign. One question mentioned in the complaints has to do with the creamy and the other is the part having to do with it being a business that is not in Deerfield. Mr. Calisewski wants to know "Is the content of the sign acceptable?" Mr. Bohonowicz asked Mr. Killeen why he wants the sign on his property since the business has nothing to do with him. Mr. Killeen stated that he is getting nothing in return for it. He wants it there because Jimmy treats him well and the sign has been there for 30 something years. He said he has owned the property since 2006 and the permits date back 13 years before that.

Mr. Pistrich feels that Mr. Pasiecznik's advertising billboard has no place in his residential neighborhood. He also feels that Mr. Pasiecznik has been incrementally expanding upon his

business for years and now it is essentially an ice cream / restaurant business rather than a farm stand. He feels that once he has more of a foot hold and better advertising, he will expand his business further. As it is, he has two state approved blue DOT signs along the state highway. He feels this is excessive and unnecessary. With the last ZBA hearing, the Chairman said no ice cream cones, no hanging chads. Within two weeks, the sign was altered anyway and was in violated of the ZBA order. After further discussion the following decision was made. Mr. Calisewski will

Ben Wadham made a motion turning this back over to the Building Commissioner to allow a temporary agricultural sign that complies with the rules and regulations of the zoning bylaws and to petition the Planning Board to look at the town bylaw in order to create definitions for an "off-premise sign", "billboard" and "agricultural" and request that they bring it to town meeting. Jamie Hartwright seconded the motion. Vote passed unanimously (5-0-0).

Mr. Calisewski said he will put in writing the conditions of the sign for Mr. Killeen. He will write down the rules that Mr. Killeen will have to follow to keep him in compliance.

3. **901 River Road** - The Zoning Board of Appeals of the Town of Deerfield will hold a public hearing on July 9, 2015 at 7:00 p.m. in Room 107 at the Town Offices, 8 Conway Street, South Deerfield, MA 01373 on the application of LSDP 11, LLC for a use variance to allow an Extra-Large-Scale Ground-Mounted Solar Electric Installation to be located off of River Road, which is in the Commercial (CII) zoning district. The address of the property affected is 901 River Road, Deerfield, MA. (Assessors Map 21, Lot 1)

Marnon Lebowitz, Zachery Schulman, Michael Marcus – NEE, Ruth Silman – Nixon & Peabody

This is a proposed 18 acre project on a 200 acre parcel zoned CII. There is access to the site from Keets Road. It is likely they will use access from River Road through the Quarry's gated access. There is an NOI in with the Conservation Commission and an application is also filed with the Planning Board. The use variance is necessary because of the size and the zone. The site is not easily developed because there is no easy access to it. This use will not interfere with the current use. There will be no demands on services. It will be a good source of income for the town.

Ms. Hartwright made a motion to grant a use variance to LSDP 11 to allow an Extra-Large-Scale Ground-Mounted Solar Electric Installation to be located at 901 River Road. The conditions of the variance are (1) that the Planning Board approve decommissioning costs and (2) plan to be approved by Planning Board. Mr. Pichette seconded the motion. Vote passed unanimously (5-0-0)

Mr. Bohonowicz made a motion to adjourn. Ms. Hartwright seconded the motion. Meeting adjourned.

Respectfully submitted,

Patricia A Kroll
Administrative Assistant