

**TOWN OF SHEFFIELD
ZONING BOARD OF APPEALS
JANUARY 7, 2014
UPSTAIRS MEETING ROOM
7:00 PM**

Board Members Present: Bart Elsbach, Chairman
Eric Carlson
Allison Lasso
Trudy Weaver Miller
Greig Siedor

Others Present: Jill Hughes, Recording Secretary
Members of the Public

Chairman Bart Elsbach called the meeting to order at 7:16 pm.

David West requested permission from the Chairman to videotape the meeting. Chairman Elsbach granted permission.

The Board began their deliberation on the Special Permit application for Bayer Material Science LLC.

Chairman Elsbach asked the Board for any questions or thoughts they may have.

Greig Siedor spoke about Special Permit requirements and Variances and a discussion ensued.

Trudy Weaver Miller asked Bayer questions relating to the property line and setback, light manufacturing noise standards as she is concerned about the noise with the building being so close to Salisbury Road, the overhead door and the traffic. Bayer responded that the setback is 20 feet, they will meet the standards for noise, the overhead door will be insulated and all measures will be taken to insure that the noise be kept at a minimum and that the traffic will increase with the installation of the new machine. At the December 12, 2013 public hearing Bayer stated that the traffic flow would equal the years of 2006/2007 when the volume was higher. Two products were being made back then. One of those products they no longer make (the old machine is gone), but the new machine will be making more of one product; therefore the truck traffic will increase. Greig Siedor asked why they are not putting the new machine where the old one was. Bayer responded that the new machine needs a larger space and that they are using the freed up space as storage for raw materials.

Eric Carlson asked if they have any benchmarks for noise/vibration. Bayer does interior noise testing for safety, which is required by OSHA. They also stated that the new machine is less noisy and that the walls and doors will be sound proof. Greig Siedor inquired about whether employees wear hearing protection. Bayer responded that yes employees are required to wear hearing protection in all areas regardless of the noise level and that this is required by OSHA. A discussion ensued regarding noise testing.

Allison Lasso stated that the new section of the building will visually be more intrusive on Salisbury Road. She felt it did not flow with the rest of the building and wanted to see more pictures of what it would look like.

Chairman Elsbach informed the Board about Special Permits and Variances and what needs to be looked at in regards to the Town Bylaws and his conversation with Town Counsel.

A discussion ensued regarding conditions for granting the permit. *Eric Carlson motioned, with a second from Trudy Weaver Miller to grant the Special Permit for Bayer Material Science LLC with the following conditions as set forth:*

- 1. Upon the applicant arranging for a third party certified by the Commonwealth of Massachusetts to perform noise testing or a Professional Engineer conducting noise level tests to determine the facility's compliance with the noise performance standard set forth in Section 7.2.1 of the Sheffield Zoning Bylaws. One test will be performed during the hours of 7 AM to 7 PM and a second test will be performed during the hours of 7 PM to 7 AM. Both tests will be conducted at a time after the new construction covered by the Special Permit is completed, the machine intended to be installed in that new construction is installed and is operating at full capacity for the duration of the test.*
- 2. The new construction must meet all applicable setback requirements and the performance standards of Section 7.2 for Light Manufacturing Uses.*
- 3. Any new lighting added will conform to the International Dark Skies Association standards.*

The motion passed 5-0.

The Board began their deliberation on the Special Permit and a Variance application for Old Castle Retail, Inc.

Chairman Elsbach informed the Board that he spoke to Town Counsel about this application and he wanted to hear the Board's view. A discussion ensued regarding the criteria for a Variance (soil conditions, shape and topography).

David West asked the Board if this could be considered as a Special Permit rather than a Variance. A discussion ensued regarding height restrictions. Chairman Elsbach responded that the reason for the Variance request is that it is increasing the non-conformity of the property.

The Board felt that the applicant's reasons for seeking a Variance did not meet the requirements and a discussion ensued. George Johansson asked the Board if he could withdraw their application without prejudice. *Greig Siedor motioned, with a second from Trudy Weaver Miller to grant the applicant's request to withdraw Old Castle Retail's application without prejudice. The motion passed 5-0.*

The Board reviewed two sets of draft meeting minutes from December 9, 2013. *Eric Carlson motioned, with a second from Trudy Weaver Miller to accept both sets of minutes from December 9, 2013 as written. The motion passed 4-0. Greig Siedor abstained because he was not present at that meeting.*

The Board reviewed draft meeting minutes from December 12, 2013, Executive Session with the Selectmen. Trudy Weaver Miller would like the 12/10/13 conversation with Joel Bard attached to the minutes. *Eric Carlson motioned, with a second from Trudy Weaver Miller to accept the December 12, 2013 minutes as amended. The motion passed 4-0. Greig Siedor abstained because he was not present at the meeting.*

The Board reviewed two sets of draft minutes from December 12, 2013. *Greig Siedor motioned, with a second from Trudy Weaver Miller to accept both sets of minutes from December 12, 2013 as written. The motion passed 5-0.*

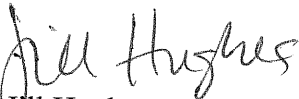
Allison Lasso left the meeting at 9:14 pm.

The Board discussed the budget for FY2015. *Bart Elsbach motioned, with a second from Trudy Weaver Miller to increase the budget to \$2,500.00 for Fiscal Year 2015. The motion passed 4-0.*

Trudy Weaver Miller motioned, with a second from Eric Carlson to adjourn the meeting. The motion passed 4-0 and the meeting adjourned at 9:24 pm.

The following documents were reviewed during the Board's meeting and have been retained as required by the Massachusetts Public Retention Policy: Meeting Agenda; Sign in sheet; Special Permit application for Bayer Material Science LLC; Special Permit and Variance application for Old Castle Retail, Inc.; 2 sets of draft minutes 12/9/13; 12/12/13 draft minutes Executive Session with Selectmen; 2 sets of draft minutes 12/12/13; Budget letter for FY2015.

Respectfully submitted by:



Jill Hughes
Recording Secretary

Sheffield Zoning Board of Appeals

Date: January 7, 2014

Name – PLEASE PRINT

Street, Town

1. MARK DICARLO , BAYER MATERIAL SCIENCE SALISBURY RD , SHEFFIELD
2. GEORGE JOHANNESSEN AOP MAIN ST, CANAAN, CT
3. DONALD FRIEFC SALISBURY RD SHEFFIELD
4. Jeff Randall - Hill Depot St Dalton MA
5. Ron Tannar Salisbury Rd, Sheffield
6. Tim RYAN SALISBURY ROAD, SHEFFIELD
7. David West 636 Silver St Sheffield
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