

**TOWN OF SHEFFIELD
ZONING BOARD OF APPEALS
SEPTEMBER 22, 2016
SECOND FLOOR MEETING ROOM
7:00 PM**

Board Members Present: Eric Carlson, Chairman
Allison Lasso
Stephen Leining
Mark Bachetti
Kenneth Smith, Alternate

Board Members Not Present: John Reilley

Others Present: Jill Hughes, Recording Secretary
Members of the public (see sign in sheet)

Chairman E. Carlson called the meeting to order at 7:00 pm.

Reorganization of the Board: M. Bachetti motioned, with a second from S. Leining to appoint Eric Carlson as Chairman of the Zoning Board. The motion passed 4-0. K. Smith abstained from the vote.

E. Carlson motioned, with a second from A. Lasso to appoint Mark Bachetti as Vice Chairman and Secretary of the Zoning Board. The motion passed 4-0. K. Smith abstained from the vote.

Public Hearing: George Soudant, 1375 North Main Street for a Special Permit to continue the pre-existing, non-conforming front yard setback and to allow parking within 20-feet of property side lines, under Section 5.2 and 6.1.3.13 of the Zoning By-Laws.

Attorney Richard Dohoney, Engineer Jeffrey Collingwood and George Soudant were present. Mr. Dohoney explained that the proposed building location is less non-conforming with a 40-ft front yard setback versus the original building that had a 25-ft front yard setback. He further explained that Mr. Soudant is requesting that parking be allowed within 20-ft of property sidelines and that the original building had parking between the front of the building and Route 7.

Mr. Collingwood reviewed the site plans and photos of the property with the Board. He gave a brief overview on the history of the property. The former building (a restaurant) has been demolished for safety reasons, which was required by the insurance company. Most of the property is in the FEMA 100-year flood plain. The original building and parking lot was considered above the flood plain. To construct a commercial building further back from the property line would create a financial hardship on the owner because of the requirement for flood plain compensation. A discussion ensued.

M. Bachetti asked George Soudant if he could live with moving the building back 5-ft, so that it's 45-ft and the parking lot 25-ft from the side setback. Mr. Soudant stated that he would be okay with that.

Chairman Carlson closed the hearing at 7:16pm.

The Board began their deliberations. They reviewed the Zoning By-Laws and Massachusetts General Law Chapter 40A, section 6. M. Bachetti stated that he had an issue with the setback numbers because the property is in the General Business District not the Commercial District and that General Business is more restrictive than Commercial. A discussion ensued.

S. Leining motioned, with a second from A. Lasso to grant the Special Permit application of George Soudant as presented.

The motion passed 5-0.

Approval of Minutes: The Board reviewed draft meeting minutes from May 26, 2016. **E. Carlson motioned, with a second from A. Lasso to approve the May 26, 2016 minutes as written. The motion passed 4-0.** K. Smith abstained from the vote as he was not present at the meeting.

Review Mail: The Board reviewed a letter dated 8/11/16 from the Building Inspector regarding 356 South Main Street and a Judgment from the Land Court regarding John Hanlon.

Bills Payable: There were no bills to approve.

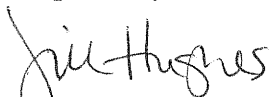
M. Bachetti talked about the upcoming training being offered at Berkshire Regional Planning Commission. He encouraged the other members to attend. A discussion ensued.

M. Bachetti motioned, with a second from K. Smith to adjourn the meeting. The motion passed 5-0.

The meeting adjourned at 7:41 pm.

The following documents were reviewed during the Board's meeting and have been retained as required by the Massachusetts Public Retention Policy: Sign in sheet, Draft meeting minutes 5/26/16; Application for Special Permit for George Soudant; 8/11/16 letter from Building Inspector; Land Court letter.

Respectfully submitted by:


Jill Hughes
Recording Secretary

Sheffield Zoning Board of Appeals

Date: September 22, 2016

Name – PLEASE PRINT

Street, Town

1. Richard Dehovey

2. Jeffrey Counswood, PE

3. George Soudent Jr

4. Arthur J Bataekit

5. [Signature]

6. [Signature]

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____