



Deerfield Zoning Board of Appeals

Thursday, March 16, 2023 6:30 pm

8 Conway Street, South Deerfield MA 01373

Pursuant to a notice duly filed with the Town Clerk, a meeting of the Zoning Board of Appeals was held on Thursday, March 16, 2022 at 6:30 pm will be held in a hybrid fashion with the opportunity for both in-person attendance and remote participation in accordance with Chapter 107 of the Acts of 2022 which extended the Governor's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, M.G.L. c.30A § 20, until March 31, 2023. (Meeting will be recorded by FCAT and or Town of Deerfield and available on the Town of Deerfield's YouTube Channel <https://www.youtube.com/watch?v=eacWppvz25M>)

Board members present: Adam Sokoloski, Chairman; David Potter, Robert Decker III, Gaby Richard-Harrington, Alex Herchenreder (Alternate),

Also Present: Bob Walden, Building Commissioner; Amy Hahn, Building Assistant; Jason & Desire Kieza; Mary Phillips, Danielle Sullivan-Beck; John Cunningham; and other members of the public.

1. Chairman Sokoloski opened the meeting at 6:31 pm
2. New Business-
3. Roll Call
4. Minutes -10/13/2022

Motion to approve the minutes October 13, 2022 with the recording links- Potter

Second. Sokoloski Vote: Sokoloski – aye, Potter- aye, Decker – abstain, Herchenreder-aye. Richard-Harrington – abstain. Vote Passes (3-0-2)

- **Public Hearing-** Hearing convened at 7:24 pm with notice read into the record Pursuant to MGL Chapter 40A section 9 & 10 a Variance application filed by John Cunningham for property located at 94 Sugarloaf St. (Map 183 Lot 20B) for a Variance of the 125-foot frontage dimensional requirement in order to receive a two family home zoning designation for Parcel 20B in a CRVD district pursuant to Zoning Bylaw c.179 §2320.

Mr. Decker recused himself for this hearing.

- Cunningham described the proposed two family project at 94 Sugarloaf Street noting that he was requesting a Variance from the 125ft. frontage dimensional requirement. The Two Family would allow his family to stay together and provide housing support if granted.

- Walden discussed the ability for a single family home to be created after meeting all requirements for a building permit. Plans presented to the board show a Two Family layout, if not permitted a shared kitchen would be removed to retain the Single Family Home.

Jean Gromacki, Abutter: Provided background on the property including the strip of land between Mr. Cunningham’s property and Gromacki Ave. The previous owner did not want access to the street and a strip was left to divide the two. Additionally, expressed concerns whether the lot in question would be creating a Flag Lot.

Kip Komosa: Expressed his opinion on additional Variance request needed for this lot as the plans show a minimum width of 36-37ft where the CVRD District requires 50ft. In Section 2230 Footnote 6, definitions outline calculations for minimum width.

- The Board noting the higher standards necessary for granting a Variance and concerns over the interpretation of dimensional requirements would seek guidance from Counsel prior to issuing a decision.

Motion to continue the hearing to March 27, 2023 at 6:30 pm- Sokoloski

Second. Herchenreder Vote: Sokoloski – aye, Potter- aye, Richard-Harrington – aye, Herchenreder-aye. Vote Passes (4-0-0)

- **Public Hearing-** Hearing convened at 6:32 pm with notice read into the record Pursuant to MGL Chapter 40A section 9 & 11 for Special Permit application filed by JELB properties, LLC for property located at 14 Sugarloaf St. (Map 168 Lot 6) for use as a live in office or residential housing in a C-I district, as provided for in the Zoning Bylaw c.179 §2230.

- Ketzka described the project as currently being used as an office with living space for one bedroom. Noting the commercial code improvements to the building structure in their remodel of the property, Ketzka proposed the flexibility of a mixed use location to allow for office space/an AirBnB location.

Frank Moro, Abutter: Expressed his opinion regarding the location as it had been rented out and was unclear as to why the application did not specify an AirBnB use.

- Richard-Harrington asked clarifying questions about fire separation between the living space and office. Ketzka and Walden assured proper fire suppression systems within the location. Decker clarified the number of off-street parking spaces with the applicant and the ability for additional spaces on the street as applicable.

Motion to close the public hearing -Sokoloski

Second. Potter Vote: Sokoloski – aye, Potter- aye, Richard- Harrington– aye, Decker – aye, Herchenreder-aye. Vote Passes (5-0-0)

The board is overall in support of the Special Permit as presented and the benefits outweigh the detriments pursuant to the purpose and intent of the Zoning Bylaw.

The following is quoted from the Special Permit Application submitted to the board. Dated 02/23/23 and as requested to be entered into the minutes as evidence of findings.

“5321. Social economic, or community needs which are served by the proposal;

**There is currently a shortfall of housing for those visiting the area on a short-term basis. Our hope is to provide an option (other than a hotel) for those visiting the area.*

5322. Traffic flow and safety, including parking and loading;

**Traffic flow will not be affected. Our property has off street parking which provides adequate space to unload.*

5323. Adequacy of utilities and other public services;

**Property already features up to date utilities and should not require any public services, unless police or fire are ever necessary.*

5324. Neighborhood character and social structures;

**This use should not impact the neighborhood, but yet fit in perfectly. The building overall, was extensively renovated over the last two years with extensive effort to keep the building looking as period as possible. Its obvious that there’s a vast mix of residential and commercial uses in downtown South Deerfield (we own three mixed use buildings within sight of this property) as well as others that are just residential and or commercial.*

5325. Impacts on the natural environment;

**None*

5326. Potential fiscal impact, including impact on town services, tax base, and employment.

**This use should not have any impact on town services or the tax base. It may be beneficial to local employment as potential guests may eat locally, visit tourist attractions etc.”*

The Board discussed the following conditions of approval:

1. The Special Permit shall remain with the Applicant as stated on the stamped application by the Town Clerk.
2. The Applicant shall provide contact information to be on file with the town for emergency purposes.

3. The Applicant shall obtain all necessary permits, licenses, and other approval from any Board, Commission, Official, or other Agency or Agent of the Town of Deerfield, Commonwealth of Massachusetts, and or Federal Government.
4. The within Decision shall be recorded with the Franklin County Registry of Deeds; and proof thereof provided to the Town in writing.
5. The Applicant shall not expand the building footprint.

Motion to approve the Special Permit with the conditions discussed– Decker

Second. Sokoloski Vote: Sokoloski – aye, Potter- abstain, Richard - Harrington– aye, Decker– aye, Herchenreder-aye. Vote Passes (4-0-1)

Motion to authorize the Chairman to sign necessary paperwork- Decker

Second Sokoloski Vote: Sokoloski – aye, Potter- aye, Richard - Harrington– aye, Decker– aye, Herchenreder-aye. Vote Passes (5-0-0)

- **Public Hearing-** Hearing convened at 7:00 pm with notice read into the record Pursuant to MGL Chapter 40A section 9 &11 for a Special Permit application filed by Danielle Sullivan-Beck for property Located at 8B Elm Street (Map 168 Lot 124) for Medical Use in a C-I district, as provided for in the Zoning Bylaw c.179 §2230.
 - Sullivan-Beck and Phillips discussed the proposed change of use to include medical injections, permanent make up, and other cosmetic services to be added in a separate section of the salon currently. Walden noted the Medical Use after discussions with the Health Agent and the use would necessitate a Special Permit. The Applicant stated services would start out with one day a week and continue to grow as demand increases. Philips is a licensed practitioner and would be renting a separate section and running her own business within the salon.
 - The Board discussed parking challenges and the Applicant is supportive of being creative with finding spaces for customers and employees. Hours of operation would be typically Monday through Thursday with occasional Friday and Weekends 9 am to 8pm. Richard-Harrington asked clarifying question regarding rental of space on weekends and the Applicant did not rule this out as they are in their formative years of the business.

The Board was overall in support of the Special Permit as presented and the benefits outweigh the detriments pursuant to the purpose and intent of the Zoning Bylaw.

The following is quoted from the Special Permit Application submitted to the board. Dated 02/23/23 and as requested to be entered into the minutes as evidence of findings.

“5321.

Hair Apothecary is looking to create a special place for people in our community as well as outside of the community the ability to have noninvasive cosmetic services done locally. The registered nurse that we have been in contact with is very dedicated to her career. As a cancer survivor herself, she is looking to permanent makeup services. This service focuses mainly on eyebrows. Cosmetic Make Up allows a client with little, to no eyebrow hair left the ability to have a more permanent option. By using a special tool, Permanent Cosmetic Make Up creates hair-like strokes along your brows while depositing pigment into your skin. You are left with realistic looking brow hair that does not fade or wash off for a year or more! We see this becoming a positive and supportive service for all guests, especially those fighting, or winning their battle with cancer, and hair loss. This is not just a social need, but a community need. There is no option locally for this service. Which leads us to the ability to have someone in the C1 District of South Deerfield to offer Botox and Filler. Over the last few years this service has become a very popular and in demand search. By providing these services locally, we believe it will attract a positive flow. Our current clientele would be very happy with this addition to the salon, for one stop appointments. We are huge advocates for local businesses supporting each other. We steer our clients in the direction of our awesome local restaurants before or after their services are complete d. By adding a new and exciting service to our business will bring in new clients, who may not even know the town of south Deerfield has so much to offer!

5322.

We will not be substantially increasing traffic flow or parking problems in town. These services are done by appointment only. There will only be one client at a time in the salon, as well as one professional providing the service.

5324.

There will be no significant change to the character or social structures. We are just offering a new service related to our own, within the beauty industry.

5325.

Because the practice has to have a medical director to perform services, our licensed professional will have the ability to dispose of all medical waste materials to DPH and OSHA standards. (Red, safety sharps containers, etc.)

5326.

In 2020 injectables performed such as Botox or fillers such as Juvaderm totaled over 3+ million injections versus 2022 where 7+ million received injections. Botox generally costs \$12.50-\$16.00 per unit. With the average cost per area requiring 10-20 units or more totaling \$125-\$320, and this is conservative. Lip fillers such as Juvaderm are charged by the syringe. They run from \$350-\$650 per syringe. Botox is nontaxable but fees are added into account for my expertise and supplies. Given the projected growth potential, these services alone could bring in as little as \$200 a week to start, to as much as \$3000 or more when the practice grows its clientele base. Annually this is \$10,080 to \$151,200.”

Motion to close the public hearing– Decker

Second. Potter Vote: Sokoloski – aye, Potter- aye, Richard-Harrington – aye, Decker – aye, Herchenreder-aye. Vote Passes (5-0-0)

The Board discussed the following conditions:

1. The Special Permit shall remain with the Applicant as stated on the stamped application by the Town Clerk.
2. The Applicant and the Licensed Practitioner shall provide contact information to be on file with the Town for emergency purposes.
3. The Applicant shall obtain all necessary permits, licenses, and other approval from any Board, Commission, Official, or other Agency or Agent of the Town of Deerfield, Commonwealth of Massachusetts, and or Federal Government.
4. The within Decision shall be recorded with the Franklin County Registry of Deeds; and proof thereof provided to the Town in writing.
5. The Applicant shall limit the medical space to a room designated within the location.
6. Employees shall find parking off street, as much as is feasible.

Motion to approve the Special Permit with the conditions discussed and chairman to sign– Decker

Second. Potter ***Vote: Sokoloski – aye, Potter- aye, Richard – aye, Decker– aye, Herchenreder-aye. Vote Passes (5-0-0)***

5. Old Business
6. Review Mai
 - Public Notification for Mail regarding abutting Town Zoning Hearing(s)
7. Items Unanticipated 48 Hours Prior to Posting
8. Adjourn

Motion to adjourn at 8:02 pm - Potter

Second. Sokoloski ***Vote: Sokoloski – aye, Potter- aye, Decker – aye, Richard-Harrington– aye, Herchenreder-aye. Vote Passes (5-0-0)***

Respectfully Submitted,

Alex Herchenreder, Zoning Board of Appeals Alternate Member.