



## Deerfield Zoning Board of Appeals

Thursday, March 24, 2022 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 24, 2022 at 6:30 pm in a hybrid fashion with the opportunity for both in-person attendance and remote participation in accordance with the Governor Baker's June 16, 2021 Act Extending Certain COVID-19 Measures Adopted During the State of Emergency, including an extension of the remote participation provisions of his March 20, 2020 Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A §20. Meeting recorded by FCAT and is available for review on the Town of Deerfield's Website (<https://www.deerfieldma.us/node/157/minutes>) & the Town of Deerfield's YouTube Channel (<https://www.youtube.com/watch?v=MAd54rfiNhs>)

**Board members present:** Adam Sokoloski, Chairman; Bernie Sadoski, David Potter, Robert Decker, John Stobierski, Alex Herchenreder (Alternate), and Jennifer Remillard (Alternate).

**Also Present:** Jennifer Gannett, Assistant Town Administrator; Bob Walden, Building Commissioner; Mary C. Clayton-Jones; Mike Pratt; Kirsten Baringer, Landscape Architect; Roger Sadoski; and other members of the Public.

1. Chairman Sokoloski opened the meeting at 6:41 pm
2. Roll Call
3. Review Minutes and vote from previous meeting:

*Motion to approve the minutes with the proposed changes - Remillard*

*Second. Sokoloski Vote: Sokoloski – aye, Sadoski - aye, Remillard - aye, Herchenreder - aye. Vote Passes (4-0-0)*

#### 4. New Business-

- ZBA Quarterly Meetings
  - The board is in support of this measure but would like to hear from other full time board members.
- Accessory Apartment Bylaw, Committee Representative

- Decker has volunteered to be the ZBA representative.
- Discussion on Meeting Type including In-Person-Remote-Hybrid
  - The board is flexible and will leave the choice up to the chair.

*The board recesses for 5 minutes*

**Public Hearing** – Hearing convened at 7:00 pm with notice read into record.

Pursuant to MGL Chapter 40A Section 11 a Special Permit application filed by Mary C. Clayton-Jones for Special Permit for property located at 477 Greenfield Road (Map 79 Lot 3) to allow a center for education and research that supports and enhances balance, with use of agricultural means in the RA district as provided for in the Zoning Bylaw c.179 §2230.

**Board members present:** Adam Sokoloski, Chairman; Bernie Sadoski, David Potter, Robert Decker, John Stobierski, Alex Herchenreder (Alternate), and Jennifer Remillard (Alternate).

Clayton-Jones provides a background on the proposal regarding the property and her concept to the business. Sokoloski asks a clarifying question regarding changes to the building, parking, garden space, etc. Responding Clayton-Jones & Barringer explain the potential for lifting the building, keeping the essence of the location. Barringer speaks to the existing footprint remaining the same but would raise the existing to be responsive to potential flooding. Greenhouses would be added as shown in

*The board begins discussion on the six criteria in which a finding will be made with the applicant to determine whether the proposed use will outweigh the detrimental impacts.*

*§5321 Social, Economic, or community needs which are served by the proposal*

Clayton-Jones speaks to assisting seniors and providing a location where space is available for rest and reflection. There will be a research component as well to the proposed use. Decker asks a question regarding the treatment rooms and the board discusses the applicability of them and the bylaws as medical centers are not allowed in the RA district. The focus remains on what the principal use of the location will be as presented.

*§5322 Traffic Flow and Safety, including parking and loading;*

Clayton-Jones describes 1 to 3 cars revolving and as stated in the application 14 total parking spaces and 10 overflow parking spaces would be available on site. The potential for stabilized turf to allow for two handicap accessible parking spaces and further strengthen the parking lot if necessary. The location will support parking and loading as presented. Sokoloski asks a clarifying question regarding the status of the current curb cut(s) if applicable. A member of the public speaks to the three curb cuts that used to exist between the two parcels and one was closed by the state.

*§5323 Adequacy of utilities and other public services*

Sokoloski asks a question regarding the septic system and whether the current system is adequate. Reading the comment from the BOH states a concern for the septic. The board discusses options on how to move forward with this information.

*§5324 Neighborhood Character and Social Structures*

Clayton-Jones speaks to the character of Route 5 and 10, the garden will enhance the beauty of the area as the property has been consistent for many years and will remain in line with the pre-existing garden center.

*§5325 Impacts on the natural environment*

Baringer describes the current lawn will become native plants in essence a continuation of the wetland. Potential for mounding and other stormwater management would be implemented. Decker and Sokoloski speak to concerns regarding whether the building would be raised or the entire grade around the building. Baringer describes focus would be on the foundation itself not the surrounding grade would increase to combat potential flooding.

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

Clayton-Jones describes hiring of gardeners and an additional few employee. Care will be taken to prevent seniors from falling as the business is focused on improving balance figuratively and physically of seniors. The connection to UMass and Nursing School will further strengthen the overall community.

Decker shares his concern regarding the proposed treatment room as medical centers are not allowed in the RA district. The board and the applicant discuss the true meaning of the treatment rooms in the context of the application.

*Remove treatment room from the application*

Public Comment Roger Sadoski, Old Deerfield Country Store: Expresses his opinion that the proposed project is a positive step forward for the community.

***Motion to close the public hearing - Stobierski***

***Second. Potter***                      ***Vote: Sadoski – aye, Potter - aye, Sokoloski - aye, Stobierski - aye, Decker - aye. Vote Passes unanimously (5-0-0)***

*The board begins deliberation and discusses potential for conditions if approved.*

The board is in support of the proposed application and with the discussion with the applicant during the public hearing. The benefits outweigh the detriments in the six criteria as per the Special Permit section of the Town of Deerfield Bylaws.

Decker reiterates conditions including board of health septic review, conservation commission approval, and potential for an additional curb cut. Stobierski is not in favor of a

second curb cut and Decker is agreeable to that. Sokoloski with suggestion from Gannett proposes conditions that special permit remains with the applicant, substantive change in use and or to the plans any changes the applicant would need to come back before the board, or changes from the Conservation Commission or Planning Board the applicant would have to return to the board. Decker suggests as built plans to be provided to the board. Subject to an approved septic system that is suitable for the premises and remove "treatment room" from the application are further conditions.

Conditions include the following:

1. The Special Permit remains with the applicant.
2. Any substantive change in use or to the presented plans shall require review by the board
3. The applicant shall obtain all necessary permits, licenses, or 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 board requests as built plans to be provided and asks for the removal of "treatment rooms" from the application.

***Motion to approve the special permit as presented with conditions as discussed - Stobierski***

***Second. Potter Sadoski – nay, Potter - aye, Decker - aye, Sokoloski - aye, Stobierski - aye, Vote Passes (4-1-0)***

5. Old Business
6. Review Mail – N/A
7. Items Unanticipated 48 Hours Prior to Posting
8. Adjourn

***Motion to adjourn at 8:35 pm- Potter***

***Second. Decker Sadoski – nay, Potter - aye, Decker - aye, Sokoloski - aye, Stobierski - aye, Vote Passes (5-0-0)***

**Upcoming Meetings:**

April 5, 2022, at 6:30 pm

Respectfully Submitted,

Alex Herchenreder, Zoning Board of Appeals Alternate Member.

Approved August 25, 2022