



TOWN OF WILBRAHAM

Zoning Board of Appeals
240 Springfield Street
Wilbraham, Massachusetts 01095

MINUTES OF THE WILBRAHAM BOARD OF APPEALS MEETING THURSDAY, AUGUST 23, 2018

In Attendance: Edward Kivari Jr., Chairman
Mark Albano, Member
Betsy Johnsen, Associate Member

Staff: Lance Trevallion, Zoning Enforcement Officer
John Pearsall, Planning Director
Heather Kmelius, Administrative Assistant

The meeting was called to order at 5:51 PM by Chairman Kivari.

1. **Approval of Minutes**

Chairman Kivari called for a motion to approve the minutes of June 7, 2018 as submitted and the Board unanimously agreed.

Materials referenced: Draft of the ZBA's Meeting Minutes from 6.7.18 submitted to the Board members by H. Kmelius, Administrative Assistant.

2. **Administrative Review – Requested Name Change**

Tadpole Development Corporation & Hillside Brewing Company, LLC
2343 Boston Road

The Zoning Board of Appeals approved a Special Permit on June 7, 2018 to Petitioners Tadpole Development Corporation, Prospective Owner and Hillside Brewing Company, LLC, Prospective Tenant of 2343 Boston Road. The decision was filed with the Town Clerk's office on June 13, 2018 and the Town Clerk certified that no notice of appeal was received during the twenty days that elapsed after the filing of the decision. On July 16, 2018, the Zoning Board of Appeals received a letter from Attorney Rebecca Thibault representing Catch 22 Brewing Company, LLC, formerly known as Hillside Brewing Company, LLC. The letter requested that the Board administratively approve the name change on the existing decision without requiring a new filing or new public hearing. The name change was filed with the Secretary of the Commonwealth on June 28, 2018. The Board also received a letter from Attorney Rebecca Thibault on August 16, 2018 revising the previous request. As a result of federal trademark protection issues, Catch 22 Brewing Company, LLC filed an amendment with the Secretary of State on August 10, 2018 changing its name from Catch 22 Brewing Company, LLC to Fieldcrest Brewing Company, LLC. Attorney Thibault outlined her request that the Board administratively approve the name change from Catch 22 Brewing Company, LLC to Fieldcrest Brewing Company, LLC on the existing decision without requiring a new filing or new public hearing. The Board reviewed the letters and determined the administrative request to amend the Special Permit granting the petitioner's name change from Hillside Brewing Company, LLC to Fieldcrest Brewing Company, LLC to be a de minimis change.

MOTION (ALBANO, JOHNSON): To administratively approve the Petitioner's name change request as submitted. Approved (3-0, Albano, Kivari, and Johnsen)

Materials referenced: ZBA Special Permit dated June 7, 2018 to Petitioners Tadpole Development Corporation, Prospective Owner and Hillside Brewing Company, LLC, Prospective Tenant of 2343 Boston Road. Letters received by the ZBA Office on 7.16.18 and 8.16.18 from Attorney Rebecca Thibault.

3. **Public Hearing (Continued from June 7, 2018)**

Special Permit Amendment

Salvatore Minniti d/b/a/ R and S Realty, LLC – 740 Ridge Road

(Digitally recorded)

Chairman Edward Kivari re-opened the public hearing that was continued from June 7, 2018 and re-read the legal notice. Mr. Salvatore Minniti of R and S Realty, LLC and Mr. Kurt Jackson, co-owner and manager of the tower presented plans to alter the pre-existing non-conforming use of the property and to make modifications to the pre-existing non-conforming structures on the pre-existing non-conforming lot. The petitioner is seeking permission to upgrade equipment on the communication tower. The petitioner is also seeking to remove an existing 10' x 10' shed to be replaced with a 10' x 20' shed. Chairman Kivari gave an overview of the site walk that took place on August 20, 2018 at 4:00 PM. The Board observed that the reported trash had been removed from the site. The Board also noted the presence of an unlicensed propane tank and unregistered vehicle on the property. Planning Director John Pearsall prepared and presented a document distributed to the Board giving an overview of the past special permit decision conditions for review. Planning Director Pearsall clarified that the petitioner is not requesting permission to terminate the use of the premises as a low-power TV broadcasting facility as it was stated in the legal notice. Chairman Kivari read the letter dated August 21, 2018 from the Fire Chief Fire Chief Boucier and Technology Director Nate DeLong into the record as Exhibit 15. Abutting resident Raymond Cavallini from 688 Ridge Road stated that he would like to see the unpermitted propane tank and the unregistered vehicle removed from the site. The Board agreed that both shall be removed by the petitioner

MOTION (ALBANO, JOHNSON): To grant the petition of Salvatore Minniti d/b/a R AND S REALTY, LLC, for an amendment to the special permit issued July 26, 2007 and subsequently amended April 24, 2008, May 20, 2010 and October 21, 2010, under the provision of Section 3.3 of the Wilbraham Zoning By-Law and pursuant to M.G.L Chapter 40A Section 3, to allow further alterations to the operation of the pre-existing non-conforming use and the non-conforming use and the non-conforming structures erected on the pre-existing non-conforming lot owned by R AND S REALTY, LLC located at 740 Ridge Road; by granting the Special Permit the Petitioner shall be authorized to continue to operate and lease the premises as a communications tower with co-location provided for multiple users, and to make various site alterations including the installation of new and/or upgraded equipment on the communications tower, the removal of an existing 10 foot by 10 foot equipment building and the installation of a new prefabricated 10 foot by 20 foot equipment building as further specified in the application on file with the Board of Appeals subject to the following conditions: the removal of the unpermitted propane tank and unregistered vehicle by end of September 2018 and full compliance with the Fire Department and Information Technology Department's memo dated August 21, 2018. Approved (3-0, Albano, Kivari, and Johnsen)

Materials referenced: Exhibits#1-#11, submitted by Salvatore Minniti to the ZBA Office on 4.6.18. Exhibit #12 submitted by Fire Chief Bourcier to the ZBA Office received on 6.5.18. , Exhibit #13 submitted by IT Director N. DeLong presented during the public hearing. Exhibit #14 submitted by Assistant Town Administrator for Budget and Finance, Treasurer / Collector T. Sullivan presented during the public hearing. ZBA Special Permits for 740 Ridge Road from 2007, 2008, 2010 and 2010 presented by Planning Director J. Pearsall. Exhibit #15, Letter from Fire and IT Departments dated and received by the ZBA Office 8.21.18.

4. **Public Hearing**
Special Permit – New Retail Store

SSD Tactical Training, Inc. & David and Crystal Williams – 2400 Boston Road, Unit #1

(Digitally recorded)

Chairman Edward Kivari opened the public hearing by reading the legal notice. Crystal and David Williams d/b/a SSD Tactical Training, Inc., stated that they are seeking a special permit under the provision of Sections 3.4.5.3 and 3.4.5.4 of the Wilbraham Zoning By-Law to operate a security and self-defense business including retail sales and training services on property owned by Palazzesi Realty, LLC located at 2400 Boston Road, Unit #1 as further detailed in their application on file with the Zoning Board of Appeals. The proposed business would include the retail sale of a limited inventory firearms and ammunition in accordance with federal and state law and the Applicant has reached out to the Wilbraham Police Department and the Police Chief has expressed no law enforcement/public safety concerns with the proposed business.

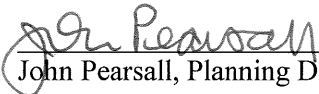
MOTION (ALBANO, JOHNSON): To grant the petition of Crystal and David Williams d/b/a SSD Tactical Training, Inc., prospective tenant, for a special permit under the provisions of Sections 3.4.5.3 and 3.4.5.4 of the Wilbraham Zoning By-Law to allow the operation of retail sales and training services on the premises owned by Palazzesi Realty, LLC located at 2400 Boston Road, Unit #1 as specified in the application on file with the Board of Appeals subject to approved hours of operation and the installation of a Knox Box for emergency access purposes.

Approved (3-0, Albano, Kivari, and Johnsen)

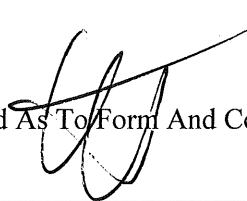
Materials referenced: ZBA Legal Notice stamped by the Town Clerk 8.31.18; Application for Hearing received by the ZBA Office 7.23.18; Fire Department comments submitted by email from Fire Captain William Manseau on 8.8.18.

Having no further business, the meeting was adjourned at approximately 6:58 PM. The Board of Appeals will reconvene at a date to be determined.

Submitted:


John Pearsall, Planning Director

Approved As To Form And Content:



Edward Kivari Jr., Chairman

Date: 11/29/18