

Approved

**ADAMS ZONING BOARD OF APPEALS
MEETING MINUTES**

TUESDAY, JULY 11TH, 2023

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TOWN CLERK
ADAMS, MASS.
CLERK

MEMBERS PRESENT: Chairman David Rhinemiller, Vice Chairman Glen Diehl and Members Raymond Gargan, and Aaron Girgenti, Nat Karns and Thomas Whalen

MEMBERS ABSENT: None

OTHERS PRESENT: Stephanie Melito, Recording Secretary, Anthony Arigoni, Applicant, Jay Hayes, Applicant, Lahcen Bamadi, Abutter to 25 Spring Street.

CALL TO ORDER: Chairman David Rhinemiller called the meeting to order at 6pm.

The board approved taking the agenda items out of order and hear the case of Anthony Arigoni first.

Case # 23-08 Application of Anthony Arigoni, on behalf of Zick Konte, for property located at 111 Columbia Street (Map 109 Parcel 112) requesting a Special Permit under §125-4 of the Adams Zoning Bylaw to convert an existing single-family home into two (2) apartments in the B-2 Zoning District.

Member Diehl recused himself from the hearing as an abutter to the project.

Member Girgenti mentioned the May meeting to Mr. Arigoni. The application for the 3 family wasn't heard due to there not being sufficient members to act on a special permit, Mr. Arigoni withdrew the original application for a Special Permit for a three-family dwelling and resubmitted for the current application.

Member Diehl commented that he liked the parking plan presented with this application. Member Gargan also commented that he liked the parking plan.

Mr. Arigoni spoke about the driveways and abutting property's driveway being and adequate width to accommodate traffic to both properties, as it is approximately thirty (30) feet wide.

Member Gargan mentioned that the shrubs along the property should be trimmed for better view of pedestrians in sidewalks. Mr. Arigoni commented that they are going to be thinned out to allow for a better sightline to the sidewalk and roadway. Member Karns stated that he wants to see 15 feet as rule of thumb as a sightline for seeing the sidewalk for pulling from driveway.

Chairman Rhinemiller asked about the plan for exterior lighting. Mr. Arigoni said they are detailed on the drawing. Currently, there is a spotlight on the driveway for security. Mr. Arigoni said they will be downward lighting without glare as to not have overflow onto abutting properties or onto public ways.

Member Gargan asked about trash. Mr. Arigoni stated the trash and recycling cans would be in a shed attached to the garage, out of view and contained within an animal proof structure.

Chairman Rhinemiller closed public comment.

Member Gargan made a motion on the stated findings and conditions-

Findings

1. *With the conditions stated below, we find that the minor change in the amount and nature of additional traffic generated by the proposed use does not create hazard, congestion, or substantial change to the neighborhood character.*
2. *With the conditions stated below, we find that the operation or development of adjacent properties will not be adversely affected by the proposed use.*
3. *The proposed use will not create detriments to the health, safety and / or welfare of the occupants or the citizens of town.*
4. *The proposed use does not impair the integrity of this B-2 zoning district or adjoining districts.*
5. *With the conditions stated below, we find that the rehabilitation of this structure will improve the overall appearance and character of the neighborhood.*
6. *The proposed use has no adverse effect on the natural environment.*
7. *All required public services are in place.*
8. *The proposed use will provide economic benefit to Adams by increasing the number of rental properties.*

Conditions

1. *The design of the parking area must provide adequate room to allow vehicles to turn around to egress from the property without backing out onto Columbia Street. This must include building service vehicles in addition to tenants' personal vehicles. In addition, the shrubbery parallel to the street should be cut back and maintained so as to provide vehicles exiting from 111 Columbia Street a clear view of the sidewalk before driving out onto the sidewalk.*
2. *Exterior lighting for the proposed use will provide downward illumination and not cast glare into surrounding buildings or passing vehicles.*
3. *Trash receptacles should be placed out of sight behind the building and secured against scavenging animals except on collection days, when they may be relocated to allow for easy collection.*

The motion was seconded by Member Karns. Vote was unanimous.

Case # 23-07 Application of Jay Hayes on behalf of Berkshire Gateway Investment Properties LLC, for property located at 25 Spring Street (Map 116 Parcel 71) requesting a Special Permit under §125-4 of the Adams Zoning Bylaw to convert an existing retail storefront into two (2) apartments in the B-2 Zoning District.

Stephanie Melito read the hearing notice.

Chairman Rhinemiller asked Jay Hayes to present his case. Said the building is currently vacant and consists of two (2) retail store fronts and an apartment on the second floor. He plans on converting the two (2) storefronts into two (2) studio apartments and rehabilitating the second-floor apartment.

Chairman Rhinemiller asked about parking. Mr. Hayes said there is no parking, but the owner made agreement for four (4) rental spaces at a nearby parking lot behind the armory building.

Member Girgenti asked if it was a requirement to have parking on the premises. Member Karns commented that it is a requirement in the bylaw, however the Special Permit will address parking off premises.

Member Karns said there is parking on street, however winter and snow removal will require off street parking for the building.

Member Whalen commented that as long as the parking is a short distance away. Member Gargan asked if the parking spaces would be in rental lease. Mr. Hayes commented that the studios would be assigned one (1) space for each unit and the second-floor unit would be assigned two (2) parking spaces. Member Karns commented that current bylaw requires two (2) parking spaces per unit, however with the size of the studio units, they wouldn't be conducive to more than one occupant. Mr. Hayes said the studio apartments are 600 square feet.

Member Gargan asked about trash and exterior lighting. Mr. Hayes stated the trash would be contained in rolling bins secured behind the building and there will be lighting at each of the exterior doors, at the top of the stairs, and back of the building.

Chairman Rhinemiller asked if there was additional public comment, there was none. He close public comment.

Member Gargan made a motion with the following findings and conditions.

Findings

- 1. The minor change in the amount and nature of additional traffic generated by the proposed use does not create hazard, congestion, or substantial change to the neighborhood character.*
- 2. The operation or development of adjacent properties will not be adversely affected by the proposed use.*
- 3. The proposed use will not create detriments to the health, safety and/or welfare of the occupants or citizens of the town.*
- 4. The proposed use does not impair the integrity of the B-2 zoning district or adjoining districts.*
- 5. The rehabilitation of this structure will improve the overall appearance and character of the neighborhood.*
- 6. The proposed use has no adverse effect of the natural environment.*
- 7. All required public services are in place.*
- 8. The proposed use will provide economic benefit to Adams by increasing the number of rental properties in the Town's downtown district.*

Conditions

- 1. Berkshire Gateway Properties, LLC will maintain a lease for at least four parking spaces in one or more neighboring parking areas.*
- 2. Exterior lighting for the proposed use will provide downward illumination and not cast glare into surrounding buildings or passing vehicles.*
- 3. Trash receptacles should be placed out of sight behind the building and secured against scavenging animals, except on collection days, when they may be relocated to allow for easy collection.*

Seconded by Member Girgenti.

Member Karns discussed the possibility of changing the language of Condition 1 to read "will maintain lease for four (4) parking spaces within 600 feet of premises." No motion was made pertaining to this discussion.

Vote taken to approve the motion. Vote was unanimous.

APPROVAL OF MINUTES: Approval of minutes from April 11, 2023 and April 25, 2023 meetings.

Member Karns stated there were clerical and spelling errors to be corrected on page 5 of the April 11th, 2023, minutes. Stephanie Melito stated she will make changes to the minutes.

Member Gargan made a motion to approve the minutes for April 11th, 2023, with changes. The motion was seconded by Member Diehl. Vote unanimous.

Member Karns made a motion to approve the minutes of April 25th, 2023 with alteration to spelling error. The motion was seconded by Member Gargan. Vote unanimous.

OLD BUSINESS/NEW BUSINESS:

-Discussion of Zoning Bylaw and ZBA policies and procedures-

Each board member was given a newly printed zoning by-law book for 2022.

REVIEW MAIL: *No mail came in to review.*

ADJOURN: *Member Karns made a motion to adjourn. Member Gargan seconded the motion. Meeting adjourned at 6:46 P.M.*

Respectfully Submitted,



Kevin Rayner, Recording Secretary

9/29/2023

Date