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ADAMS ZONING BOARD OF APPEALS

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MEETING MINUTES

TUESDAY, APRIL 11TH, 2023

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

OTHERS PRESENT: Isaiah Moore, Recording Secretary, Eammon Coughlin, Town of Adams, Deanna Morrow, Resident, Christina Lane, Taylor Harding, Jose Duran, Abutter, Charles LaBatt, Engineer/Petitioner, John R. Cowie Jr., Abutter, Craig Corrigan, Abutter, Jacob Schutz, Petitioner, Gina Suave, Abutter, Robert & Kristin Hinton, Petitioners, Joseph Nowak, Adams Selectboard Member, Deborah Nowicki, Neighbor, Juliette Wilk-Chaffee, Neighbor.

CALL TO ORDER: The meeting was called to order at 6:00PM

APPROVAL OF MINUTES: Approval of the minutes from the March 28th 2023 meeting.

Case #23-02 Continuation of application of Jacob Schutz for property located at 33 East Street (Map 116 Parcel 6) requesting a Special Permit under §125-4 of the Adams Zoning Bylaw to allow the raising of livestock (chickens) in an R-3 Zoning District.

Isaiah Moore read the agenda item.

Jacob Schutz announced himself as his own representative and requested that the Board ask him any questions they had for him.

The Board asked if Mr. Schutz planned on having any roosters, to which Mr. Schutz replied that he did not plan to.

The Board asked how near the chicken coop would be to the property line. Mr. Schutz responded that it would be 10 feet to the nearest property line.

Mr. Schutz then clarified where a South Road was located on the map provided to the Board.

Member Karns made a motion to approve Case #23-02 Continuation of application of Jacob Schutz for property located at 33 East Street (Map 116 Parcel 6) requesting a Special Permit under §125-4 of the Adams Zoning Bylaw to allow the raising of livestock (chickens) in an R-3 Zoning District with the following conditions:

- 1. The maximum number of chickens allowed on the property shall be no more than four, and no roosters shall be permitted.**

2. The coop shall be located as indicated on the plans submitted with the application at least 10 feet from the property line, less than 6 feet in height, it shall not exceed 50 square feet, and at least 30 feet from any abutting residents. A six-foot solid fence will be maintained to limit visibility of the coop from the nearest adjacent residence. The coop shall be constructed securely to exclude predators.
3. The chickens must be confined at all times within the coop and enclosure and must not be permitted to roam freely around the property.
4. The coop and enclosure shall be cleaned daily and maintained in such a manner as to prevent build up of waste material produced by the chickens. Adequate provisions will be required for the storage and disposal of chicken manure.
5. The chicken coop and all food sources must be constructed and stored so as to exclude pests and rodents. Chicken feed will be tightly covered and stored in vermin proof metal containers.
6. Odors from the chickens, chicken manure and any other chicken related materials shall not be perceptible outside the property boundaries.
7. Chickens are for personal use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.
8. In the event that there are complaints regarding possible violations of these conditions, the property owner shall permit access to the property by an appropriate town official during reasonable hours, 7:00AM-7:00PM to determine compliance.

The motion was seconded by Member Diehl. The vote was unanimous.

Case #23-05 Continuation of application of Christina Lane for property located at 16 Leonard Street (Map 122 Parcel 45) requesting a Special Permit under §125-4 of the Adams Zoning Bylaw to allow the raising of livestock (chickens) in an R-3 Zoning District.

Isaiah Moore read the agenda item.

Christina Lane spoke as her own representative and outlined the proposed use of chickens on her property.

Member Karns asked Ms. Lane if she already had side fences installed. Ms. Lane responded that she did have a fence going all the way around her property.

Member Karns asked how far the coop would be from the property line. Ms. Lane said that it would be about 50-100ft from the property line.

Eammon Coughlin asked how many chickens Ms. Lane was hoping to keep, which she replied would be about 4-5.

A motion made by member Karns to approve Case #23-05 Continuation of application of Christina Lane for property located at 16 Leonard Street (Map 122 Parcel 45) requesting a Special Permit under §125-4 of the Adams Zoning Bylaw to allow the raising of livestock (chickens) in an R-3 Zoning District with the following conditions:

1. **The number of hens allowed on the property shall be no more than five and no roosters will be permitted.**
2. **The coop shall be located as indicated on the plans submitted with the application in the existing building at the back of the garage at least 20 feet from any abutting residence. The existing privacy fence shall be maintained to limit visibility from the nearest adjacent residences. The coop shall be constructed securely so as to exclude predators. The enclosure shall be within the existing fenced yard that must be no less than 10 feet from any existing property lines.**
3. **The chickens must be confined at all times within the coop and enclosure and must not be permitted to roam freely around the property.**
4. **The coop and enclosure shall be cleaned daily and maintained in such a manner as to prevent buildup of waste material produced by the chickens. Adequate provisions will be required for the storage and disposal of chicken manure.**
5. **The chicken coop and all food sources must be constructed and stored so as to exclude pests and rodents. Chicken feed will be tightly covered and stored in vermin proof metal containers.**
6. **Odors from the chickens, chicken manure and any other chicken related materials shall not be perceptible outside the property boundaries.**
7. **Chickens are for personal use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.**
8. **In the event that there are complaints regarding possible violations of these conditions, the property owner shall permit access to the property by an appropriate town official during reasonable hours, 7:00AM-7:00PM to determine compliance.**

The motion was seconded by Member Diehl. The vote was unanimous.

Case #23-04 Continuation of application of Taylor Harding for the property located at 9 Hoosac Street (Map 112, Parcel 48) requesting a Variance from §125 Attachment A of the Adams Zoning Bylaw allow a one family detached dwelling in a B-2 Zoning District.

Isaiah Moore read the item aloud.

Taylor Harding represented the case and gave a brief overview of the property and the case for the Board.

Member Karns inquired whether the property had always been a commercial property, to which the answer was that it had been a residential property for a long period, until being converted to a B2 zoning by a prior occupant.

There was discussion on whether the area had been rezoned to B2, but it appeared that the area had always been zoned as B2.

Eammon Coughlin informed the Board that the property had been approved to be zoned as B2 after a Site Plan Approval in 2008, as the previous owner had used it for his profession as an architect.

Member Karns made a motion to approve Case #23-04 Continuation of application of Taylor Harding for the property located at 9 Hoosac Street (Map 112, Parcel 48) requesting a Variance from §125 Attachment A of the Adams Zoning Bylaw allow a one family detached dwelling in a B-2 Zoning District. There were no conditions attached to the variance.

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

Case #23-03 Continuation of application of Robert Hinton, on behalf of Hinton's Berkshire Homes LLC, for property located at 20 East Street (Map 116 Parcels 268 & 269) requesting a Special Permit under §125-4 of the Adams Zoning Bylaw to convert an existing structure into apartments in an R-4 Zoning District.

Isaiah Moore read the agenda item aloud.

Charlie Labatt from Guntlow and Associates, representing the Hintons Berkshire Homes gave an overview of the case. Mr. Labatt showed maps of the site and explained that the character of the neighborhood was residential, and this project would seek to add 9 residential units on the property.

Robert Hinton stood up and announced that they were open to questions on the project.

Member Karns questioned what the legal access to the property. Mr. Labatt answered that the access was a legal right of way.

Member Karns asked what the width of the Right of Way was. Mr. Labatt stated that it varied. He also stated that he did not know what the legally recorded width of the right of way was. The drive width was single lane. Mr. Labatt asserted that the width was sufficient as the former Community Center on the property had been host to many high traffic events in the past.

Member Karns reiterated that he was interested in what the recorded legal right of way width was. Mr. LaBatt again stated that he did not have that information.

Member Karns stated that the reason he was interested in the right of way was because, the entrance was shared with the neighboring property 18 East Street, and depending on the width of the right of way, 20 East Street's activities could cause abuse to the property at 18 East Street.

Jon Cowie the owner of 18 East Street weighed in on the matter saying that the driveway was only 12 feet wide and can only support one car in its width. When there is more than one car on the driveway, one car will drive on Mr. Cowie's lawn, causing damage to the lawn and his bushes.

There was discussion of about when the right of way was issued and what the legal requirements of the right of way were at that time. Mr. LaBatt stated that he did not know when the right of way had been created.

There was a concern raised in regard to opening a housing development on a right of way as opposed to a driveway.

Member Karns inquired as to what the rents would be for apartments on the property.

Mr. LaBatt responded that it depended on the industry, but currently the rates would be \$1,150-\$1,850.

Member Karns asked how long the Hintons had been in possession of the property. Mr. LaBatt answered he thought they had closed on the property in November of 2022.

Member Karns continued by asking if at the time of closing the Hintons were aware of any trespassing on the property. Mr. LaBatt answered that there was, but they have not seen any in the past few months.

Mr. Cowie affirmed that trespassing had been an issue in the area and that he informed the police whenever it occurred.

Member Karns stated that he had a conversation with Gerry Garner, the Adams building inspector early in the day who had also said that trespassing had been a major issue, as well as acts of vandalism. Member Karns worried that if the property was not owned and developed that it could become an attractive nuisance for the community.

Jose Duran an abutter located at 16 East Street raised the concern of the entryway again and was also worried about the increased traffic's effect on the nearby intersection.

It was then discussed that when the property was the Adams Community Center, the area experienced high bursts of traffic without too much impact.

There was discussion about the driveway's lack of lighting, Mr. LaBatt said that he and Mr. Hinton will discuss it.

Craig Corrigan of 11 Randall Street raised the concern of children running through abutting properties when the property was a youth center. Mr. Corrigan stated that with the addition of a chain link fence that issue was solved. Mr. Corrigan wants assurances that children will not be able to get into his yard.

Mr. Corrigan also raised the concern of people looking into his yard via the proposed balconies.

Mr. Cowie raised the concerns of snow plows piling up snow in front of the property's driveway to an extent that drivers would not be able to see the road when turning onto East Street in the winter.

Mr. Cowie also was not convinced as to the locations of water and gas lines within the right of way.

Member Karns finished the discussion by reiterating his concern that if nothing is done, the building will become an attractive nuisance to the community.

Member Diehl made a motion for the continuation of Case #23-03 Continuation of application of Robert Hinton, on behalf of Hinton's Berkshire Homes LLC, for property located at 20 East Street (Map 116 Parcels 268 & 269) requesting a Special Permit under §125-4 of the

Adams Zoning Bylaw to convert an existing structure into apartments in an R-4 Zoning District. The item will be continued until April 25th.

The motion to continue was seconded by member Gargan. The vote was unanimous.

OLD BUSINESS/NEW BUSINESS:

Member Karns started a discussion on some ZBA policies and procedures and suggested that members tag team with one another on agenda items before the meeting.

REVIEW MAIL:

APPROVAL OF MINUTES: Approval of the minutes from the March 28th 2023 meeting.

A motion to approve the minutes from March 28th, 2023 was made by member Karns, seconded by member Diehl. Member Rhinemiller abstained. The motion passed 4-0-1.

ADJOURN: Member Diehl made a motion to adjourn, seconded by Member Girgenti at 7:06PM.

Respectfully Submitted,

Isaiah Moore
Recording Secretary

Date: _____