

SOUTH HADLEY PLANNING BOARD VIRTUAL PUBLIC HEARING:

Special Permit application filed by Edward Courchesne for expansion of preexisting, nonconforming maintenance garage at 1 Wood Ave, Assessor's Map 27 Parcel 280 & 287

MEETING MINUTES OF FEBRUARY 7, 2022 As Approved

Present: Brad Hutchison, Chair; Diane Mulvaney, Vice-Chair; Joanna Brown, Clerk; Nate Therien, Member; Michael Davis, Member; Michael Adelman, Associate Member; Anne Capra, Director of Planning and Conservation; and Colleen Canning, Planning/Conservation Coordinator

Chair Hutchison called the public hearing to order at 7:30 PM.

Clerk Brown read the public hearing notice out loud as follows:

The South Hadley Planning Board will hold a virtual public hearing on Monday February 7, 2022 at 7:30 p.m. to discuss a Special Permit application filed by Edward Courchesne for the expansion of a preexisting, nonconforming maintenance garage currently used for minor boat repairs located at 1 Wood Ave pursuant to Section 255-19 of the Town's Zoning Bylaw.

The public hearing will be conducted virtually/online using the Zoom Webinar platform and persons may join the meeting by either joining Zoom Webinar or by phone. The log-in information is as follows:

*URL to join: <https://us02web.zoom.us/j/86921922032?pwd=akU0ZGJZRGRzcWJtNHkveHUxTjVTdz09>
Or join by phone: +1 312 626 6799
Webinar ID: 869 2015 4414 Passcode: 194328*

Interested persons can review the meeting agenda which will be posted on the Town's website no later than Thursday February 3, 2022.

The subject property is located at 1 Wood Ave and is identified on Assessor's Map 27 Parcels 280 and 287. The property is located within the Residence A-2 zoning district and is an existing single family home with detached garage.

The application is on file in the Planning & Conservation Department Office (Room U6) in Town Hall and are posted on the Department website www.southhadley.ma.gov under 'Project Plans' - 'Special Permits' under section 'Wood Ave (I) - 2022'. Alternatively, you can view the documents at the following link: <https://www.southhadley.org/1108/Special-Permits>. Any person interested in, or wishing to be heard, regarding this application should appear/join the hearing at the time and in the manner designated. The public hearing is being conducted in accordance with the provisions of Chapter 40-A, Section 11, Massachusetts General Laws as modified by Chapter 53 of the Special Acts of 2020 and the Governor's Executive Orders pertaining to public gatherings during the COVID 19 State of Emergency.

*Joanna Brown, Clerk
South Hadley Planning Board*

*Publication: Friday, January 21, 2022
Friday, January 28, 2022*

The applicant, Edward Courchesne, was present at the hearing.

A Special Permit application had been received which sought to retroactively permit expansion of a preexisting, non-conforming garage for boat maintenance at 1 Wood Ave. The Special Permit application was the result of a cease and desist notice from the Building Commissioner for operating a business on the property. Subsequently, the property owner filed an Administrative Appeal of the Building Commissioner's decision with the Zoning Board of Appeals who upheld the Building Commissioner's decision by a vote of 1(uphold decision)-2 (overturn decision). The appellant was instructed that a Special Permit could be received from the Planning Board to allow operations to continue as the garage had been used as a business prior the adoption of the zoning bylaw. As such, the only standard the Board could consider for approval was evaluating if the alteration/expansion was substantially more detrimental to the neighborhood.

The materials from the Administrative Appeal filed through the Zoning Board of Appeals included a number of letters from abutters who were supportive of the application and also included letters from customers of the business who identified how long the business had been in operation.

In reviewing the application, Member Therien questioned if hazardous materials, such as gel coating or bottom painting, were used in the repair of the boats. Edward Corchesne stated that no such chemicals were used and only one boat would be repaired at a time. Additionally, members noted that the existing garage, which had expanded overtime, shielded the operation from neighbors and allowed the boats to be stored on site.

Clerk Brown stated that a site plan showing the dimensions of the garage and its proximity on site had not been received. This information could help determine impact. Additionally, no local business license through the Town Clerk's Office could be found for the business. Director Capra stated that the Assessor's Office sent the owner a tax bill reflecting the property's business-use. However, the Planning Board was only being asked to make a determination as to whether the business operation had a substantial detriment to the existing neighborhood. Any permit issued by the Planning Board would not negate the need for additional local approvals or licenses. In response to Clerk Brown's desire for a plot plan, Chair Hutchison solicited the opinions of each Board member. A quorum of members stated that a plot plan was not needed to allow them to make a determination on the business's impact to the neighborhood.

No members of the public submitted requests to speak during the hearing. However, letters indicating support for the application from neighbors were included in the application materials.

Motion: Member Therien moved to find that expansion of the preexisting, nonconforming boat maintenance garage at 1 Wood Ave created no new substantial detriment to the existing neighborhood as the applicant identified that no gel coating or bottom painting, or otherwise toxic chemicals, were used during repairs. Therefore, Member Therien moved to approve the

Special Permit for alteration/expansion of the preexisting, nonconforming use and authorized the Director of Planning and Conservation to sign the permit due to the COVID-19 state of emergency. Vice-Chair Mulvaney seconded the motion. Five (5) out of five (5) members voted infavor of the motion through roll call.

Motion: Vice-Chair Mulavney moved to close the meeting. Member Therien seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

The public hearing closed and the regular meeting reconvened at 8:32 PM.

Respectfully submitted,

As Approved

Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
No 'Q&A' Report	—
Special Permit Application	Planning Files
Administrative Appeal of Building Commissioner's Decision	Planning Files