



TOWN OF WILBRAHAM

Zoning Board of Appeals
240 Springfield Street
Wilbraham, Massachusetts 01095

MINUTES OF THE WILBRAHAM BOARD OF APPEALS MEETING THURSDAY, MAY 26, 2016 5:15 PM

In Attendance: Edward Kivari Jr., Chair; Mark Albano, Charles Pelouze
Staff: Lance Trevallion, Zoning Enforcement Officer
John Pearsall, Planning Director
Heather Kmelius, Administrative Assistant

The meeting was called to order at 6:11 PM by Chairman Kivari.

1. **Approval of Minutes**

Chairman Kivari called for a motion to approve the minutes of the April 21, 2016 meeting as submitted.

The Board reviewed and accepted the minutes as submitted and Chairman Kivari signed the minutes.

2. **Public Hearing (Continued from April 21, 2016)**

**Special Permit Amendment – Kid’s Dentist Realty, LLC, 1984 Boston Road
Allow Additional Accessory Overflow/Employee Parking at 40 Dumaine Street**

(Digitally recorded)

Chairman Kivari opened the public hearing continuance and read the legal notice into the record. Dr. Robert Matthews requested an amendment to the Special Permit issued on January 8, 2015 to allow overflow and employee parking accessibility at 40 Dumaine Street, a non-adjacent 7,300 square foot parking lot with twenty-three parking spaces that would be accessed by a crosswalk. The practice at 1984 Boston Road was recently opened by Dr. Matthews. He anticipated the need for use of this parking lot as he is running a similar adult and pediatric practice in West Springfield, MA. In his experience, the additional people attending an adult and pediatric practice increase the demand for parking as the practice grows in size.

Craig Swietzer, Contractor, Don Frydryk of Sherman & Frydryk, LLC and Dr. Robert Matthews, DMD, business owner, appeared before the Board to present the revised project plans allowing employees and patients access to the non-adjacent parking lot. Mr. Frydryk stated that the plans remain the same as previously presented with the improvements that the Board suggested at the April 21, 2016 hearing. The revised plan includes a solar powered crossing signal, costing about \$5,000, to address concerns regarding the estimated 40-60 people crossing Dumaine Street daily from the new parking lot to the dental practice. The revised plans also include a fence along the back side of the parking lot that abuts the train tracks. The revised plans include the addition of a flood light in the Dumaine Street lot to be installed on the existing utility pole. The new plans were not able to add speed limit signs as suggested by the Board as that is not an issue the engineer has the authority to implement.

Dr. Matthews agreed that the parking lot adjacent to the practice would be deemed the primary lot and the Dumaine Street parking lot would be for overflow and employee parking. He will post signage inside and outside of the office alerting patrons about the additional parking available. The practice has just opened recently in Wilbraham and Dr. Matthews hopes that it successfully grows over time similarly to his West Springfield office. There is an unoccupied lower level in the building that he intends to develop as necessary in the future. The Board commended the petitioner and those that worked on this proposal with him as the plans exceed the Board's expectations.

The public hearing was closed at 6:34 pm.

MOTION (Albano, Kivari): To approve the special permit amendment subject to conditions. Approved (3-0).

3. **Enforcement Order Update – Family Day Care**
Gore Residence, 57 Bartlett Ave.
Zoning Amendment Approval at Town Meeting

Zoning Enforcement Officer Lance Trevallion updated the Board that the petitioned Zoning Amendment change to allow family home daycare to have ten children enrolled instead of six was approved at the Town Meeting and would be effective approximately ninety days after Town Meeting following the Attorney General's confirmation of acceptance. On May 20, 2016, ZEO Trevallion spoke with Ashley Walker regarding the next steps in the enforcement process based on the Town Meeting outcome. Mrs. Walker stated that the family home daycare at 57 Bartlett did not intend to file a special permit application in order to allow ten children. She and her spouse intend to buy a home in Wilbraham and open a new family home daycare to take the place of the daycare at 57 Bartlett Avenue. Ms. Walker was asked to report to ZEO Trevallion with a timeline for her move by May 26, 2016 but failed to do so.

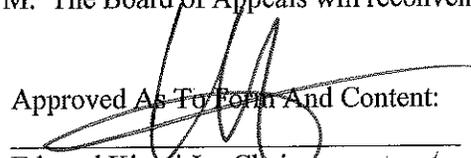
Rhonda Lozinski of 53-55 Bartlett Avenue and the Paquettes of 59 Bartlett Avenue were present with the intent of discussing their opposition to the home day care. Ms. Lozinski presented photos of the easement from her property leading to the daycare and photos of the involved parties' homes. Ms. Lozinski started to explain her complaints about the daycare and its negative impact on the Lozinski's home and way of life. The Board stopped the discussion and refused to discuss the matter further without all parties being present. The Board recognized that the zoning enforcement process had been stayed anticipating the results of the Town Meeting. The Board agreed that the issue must move forward at this time. ZEO Lance Trevallion will follow up with the Gore daycare and proceed accordingly.

Having no further business, the meeting was adjourned at 7:14 PM. The Board of Appeals will reconvene on July 21, 2016 at 5:15 PM.

Submitted:


Heather Kmelius, Administrative Assistant

Approved As To Form And Content:


Edward Kivari Jr., Chairman

Date:

6-30-16