



## TOWN OF WILBRAHAM

Zoning Board of Appeals  
240 Springfield Street  
Wilbraham, Massachusetts 01095

### MINUTES OF THE WILBRAHAM BOARD OF APPEALS MEETING THURSDAY, JUNE 30, 2016

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 5:43 PM by Chairman Kivari.

1. **Approval of Minutes**

Chairman Kivari called for a motion to approve the minutes of the May 26, 2016 meeting as submitted.

**MOTION (Albano, Pelouze): To approve the minutes of May 26, 2016 as submitted. Approved (3-0).**

2. **Public Hearing**

**Special Permit – Jay Scott Howe, Jr.**

**E-Liquids & Vaping Devices Retail Store, Demers Family Realty, LLC, 2110 Boston Road**

(Digitally recorded)

Chairman Kivari opened the public hearing and read the legal notice into the record. Mr. Jay Scott Howe, Jr. has petitioned the Board for a special permit to operate an e-liquid and vaping device retail store as a prospective tenant at 2110 Boston Road, the former Family Wireless business location. A new special permit is required as the one held by Family Wireless was non-transferrable. The building has been vacant for three years and is properly zoned for retail business. It is a non-conforming lot with 100 feet of frontage and a total area of 7,000 square feet. Mr. Howe presented his signed one year lease and stated he has the promise of the first offer of lease extension at the successful conclusion of the first year rental term period.

Mr. Howe was a chef in the local area for about fifteen years. He suffered back pain and injuries requiring multiple surgeries. Following the birth of his child three years ago, Mr. Howe quit smoking. Vaping has helped Mr. Howe not return to smoking cigarettes and he would like to similarly help others with his new vaping retail store, All Day Vapors. Mr. Howe insists vaping is a better health choice and a better economical choice than smoking. He spent an average of about \$500.00 per month on smoking and now only spends about \$120.00 per month on vaping. The vape shop will donate money to cancer research and will not sell cigarettes or allow smoking on the property.

The state of Massachusetts regulates that you must be a minimum of eighteen years old to purchase e-cigarettes and vaping supplies. Mr. Howe plans to sell vaping devices, batteries, e-juice, coils and other products related vaping necessities. Mr. Howe will require anyone entering the store to be eighteen years old or older requiring all patrons to present proper age identification upon entrance. The target sales market for his products is people ages 25-40 years old. He is aware that there are two existing vaping retail stores on Boston Road in Wilbraham and believes that he will be successful because he is able to offer the lowest cost to customers. He will have an informal lounge area with a television where vaping will be allowed in the store, although Mr. Howe will not

allow customers to sample his products in the store and he will limit the vaping on site to a minimum. The retail shop will occupy nine hundred square feet solely on the first floor of the building. The proposed store hours are Monday through Friday 7:00 AM – 9:00 PM, Saturday 9:00 AM – 8:00 PM and Sunday 11:00 AM – 7:00 PM. Mr. Howe will run the store himself along with one other employee. Mr. Howe estimates about five to ten customers visiting the store per hour, each spending an average of \$50.00 per visit. The average vaping startup costs range from \$60.00 up to \$300.00. He will grow his business through radio advertising and developing an online business. Mr. Howe estimates his store will generate approximately \$26,000 per month in revenue.

Mr. Howe anticipates the current parking lot design is adequate for his business needs and he is committed to painting the parking lines in the lot to improve visibility. The proposed sign will fit the existing sign post formerly used by the last retailer. Mr. Howe hired Vivent to install a security alarm system, including motion sensors and cameras in the near future. The Board explained that the area by the railroad tracks infamously attracts unfavorable behavior by those that frequent the train track area and that the unsecured detached garage Mr. Howe uses for storage should have additional security implemented. The space between the retail building and the train tracks was described as an overgrown impenetrable swamp helping to relieve some security concerns. The Board also insisted that Mr. Howe develop an outdoor lighting plan considering his extended hours of operation. The Board confirmed that Mr. Howe was responsible for compliance with all State and Federal laws regulating vaping in Massachusetts. The Board was optimistic that new business was attracted to the Boston Road area that has been vacant in recent years.

**The public hearing was closed at 6:28 pm.**

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

3. **New Application for Public Hearing to be Scheduled**  
**Special Permit – Motor Vehicle Repair Services/Inspections**  
**Joseph T. Mascaro, 2423 Boston Road**

The Board agreed to meet for a Public Hearing in this matter on Thursday July 21, 2016 at 5:30 PM.

4. **Enforcement Order Update – Family Day Care**  
**Gore Residence, 57 Bartlett Ave.**

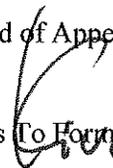
Zoning Enforcement Officer Lance Trevallion updated the Board regarding his zoning enforcement actions in this matter. ZEO Trevallion sent a Cease and Desist letter to Mrs. Gore on June 16, 2016 giving her fourteen days to stop running her business for failing to operate her Family Day Care Home Business with a Special Permit as required. Alternatively, she was given seven days to submit a special permit application with the Zoning Board of Appeals which would hold enforcement action pending the Zoning Board of Appeal's decision. The Gores, to date, have failed to respond to this letter's request. ZEO Trevallion will speak with the Gore's legal counsel July 1, 2016 to determine further action.

Having no further business, the meeting was adjourned at 6:41 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: 7.4.16