



TOWN OF WILBRAHAM

Zoning Board of Appeals
240 Springfield Street
Wilbraham, Massachusetts 01095

MINUTES OF THE WILBRAHAM BOARD OF APPEALS MEETING THURSDAY, OCTOBER 27, 2016

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

The meeting was called to order at 5:53 PM by Chairman Kivari.

1. **Approval of Minutes**

Chairman Kivari called for a motion to approve the minutes of the September 22, 2016 meeting as submitted.

MOTION (Albano, Kivari): To approve the minutes of September 22, 2016 as submitted. Approved (3-0).

2. **Public Hearing (Continuance)**

Special Permit – Appeal of Enforcement Order

Beverly Gore, 57 Bartlett Avenue

(Digitally recorded)

Chairman Kivari opened the public hearing continuance at 5:54 PM. Chairman Kivari read the email received October 27, 2016 from Attorney Rebecca Thibault representing Beverly Gore, requesting a withdrawal of the appeal. No parties were present. The Board granted the withdrawal and closed public hearing at 5:56 PM.

3. **Public Hearing**

Special Permit – Operate Indoor Recreational Obstacle Course/Fitness Center

Movement Terrain LLC, Brian Miller, 176 Cottage Avenue

(Digitally recorded)

Chairman Kivari opened the public hearing at 5:57 PM and read the legal notice into record. Brian Miller, Manager of Movement Terrain LLC, and Courtney Desmond of London Economics, the Building Manager, presented plans for a fitness center focusing on indoor obstacles and functional training stations in the old Collins Mill building. Ms. Desmond reviewed the overall building improvements and repairs that have been done to date with a \$750 thousand investment in the building making it suitable for tenants including an improved roof, overall ADA compliance requirements, and a repaired elevator.

The Board reviewed the site plan and confirmed that there would be adequate parking, building security, and fire protection measures implemented. Mr. Miller stated the rental space, with a building capacity of 90 people, will be properly secured from the remainder of the building. Mr. Miller stated there will be four restrooms available but no changing rooms or showers. Parking lot lights and security cameras will be installed for patron safety. Mr. Miller would like to open as soon as possible to customers ages 14 and older offering climbing walls, ropes, rope walls and access to functional fitness racks that he will purchase. Hours of operation will be 6:00 AM to 11:00 PM Monday through Saturday and 9:00 AM to 2:00 PM on Sundays. Mr. Miller, his wife, and one staff person will staff the business at its inception. All staff will be CPR and First Aid certified. He has

signed, and will provide the Board with a copy of his three year rental lease with a five year extension. The Board had no issues with this project and is pleased to see a new tenant in this location. The public hearing was closed at 6:33 PM.

MOTION (Abbott, Pelouze): To approve the special permit subject to conditions outlined in the draft decision. Approved (3-0).

4. **Public Hearing**
Appeal of Zoning Enforcement Determination
Leon Charkoudian, 19 Peak Road

(Digitally recorded)

Chairman Kivari opened the public hearing at 6:35 PM and read the legal notice into record. Zoning Enforcement Officer and Building Inspector, Lance Trevallion, gave an overview of the issue stating that Mr. Charkoudian is appealing his determination from May 2016 that 19 Peak Road is a “buildable lot”. Mr. Charkoudian is appealing Lance’s determination with the hope of preventing the planned sale of the property to Joe Pelligrino, resident of 81 Springfield Street, who made an offer on the property when it was featured on MLS.

ZEO Trevallion described the property as formerly having a summer cottage for seasonal residential and recreational use by the Charkoudian family. The cottage at 19 Peak Road was destroyed by tornado in 2011. The status of Peak Road was discussed and is unclear. Peak Road was discontinued as a road and remains a bridle path according to Town records but the road is has been paved, is plowed by the town, and several new homes have been constructed that access the paved road. The property is owned by five Charkoudain family members, some of whom would prefer to sell the property as a buildable lot while Leon Charkoudian is opposed to selling it for development. ZEO Trevallion stated that he deems the lot “buildable” according to Wilbraham By-Law 3.3.3.

Mr. Charkoudian stated that his family bought the land for recreational use in the 1930s. The intent was to use 2-3 acres of recreation and leave 16-17 acres in its natural state. The summer cottage structure was built in 1939. Mr. Charkoudian also owns four abutting lots totaling 60 acres with the intent of maintaining his childhood experience and leaving the land in its natural state. Attorney Rebecca Thibault, representing Leon Charkoudian, stated that Wilbraham By-Law 3.3.4 is applicable in this matter.

The following documents were noted as Exhibits in this matter as follows:

Exhibit 1 – Cover letter Re: Application for hearing dated 9.27.16 (2 pages)

Exhibit 2 – Application for Hearing dated 9.27.16 (1 page)

Exhibit 3 – Notice of Appeal dated 9.21.16 (2 pages)

Exhibit 4A – Letter from ZEO Lance Trevallion to Attorney Schafer to dated 8.22.16 (1 page)

Exhibit 4B – “Exhibit B” Letter to Leon Charkoudian from Beverly Litchfield, Town Clerk dated 7.11.18 (1 page)

Exhibit 5 – Post Hearing Order dated 8.31.16 (2 pages)

Exhibit 6 – Letter from Attorney Shafer to Lance Trevallion with attachments (9 pages)

Exhibit 7 – Memorandum In Support of Building Commissioner’s Determination Dated August 22, 2016 from Attorney Schafer (8 pages)

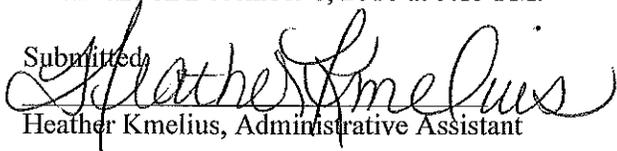
Exhibit 8 – Responding Memorandum from Attorney Thibault (3 pages)

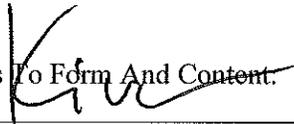
Exhibit 9 – Letter from Lance Trevallion to Leon Charkoudian dated 5.10.16 (1 page)

The Board reviewed the site plan and agreed to schedule a site walk before the next scheduled meeting.

MOTION (Abbott, Kivari): To continue the hearing to Thursday, December 8, 2016 following a proposed site walk to be scheduled. Approved (3-0).

Having no further business, the meeting was adjourned at approximately 8:30 PM. The Board of Appeals will reconvene on December 8, 2016 at 5:15 PM.

Submitted

Heather Kmelius, Administrative Assistant

Approved As To Form And Content.


Edward Kivari Jr., Chairman
Date: _____