

Town of Wilbraham
Zoning Board of Appeals
240 Springfield Street
Wilbraham, Massachusetts 01095

Edward Kivari Jr., Chairman
Mark Albano
Charles Pelouze
Jamil Eyvazzadeh, Associate
Sarah Fila, Associate



Michelle R. Buck, Planning Director
Heidi Burnham, Admin. Assistant

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WILBRAHAM ZONING BOARD OF APPEALS MEETING MINUTES
THURSDAY, SEPTEMBER 14, 2023

In attendance: Mark Albano, Acting Chair
Charles Pelouze
Jamil Eyvazzadeh, Associate
Sarah Fila, Associate

Staff: Michelle R. Buck, Planning Director
John J. Walsh Jr, Building Inspector

Associate member Sarah Fila attended via remote participation.

Acting Chair Mark Albano called the meeting to order at 5:30 PM.

1. **Public Hearing – Special Permit (ZBA23-04) - Continued from August 17, 2023**
To Allow a Gutter Business to be Operated as a Home Occupation in the Proposed Detached
Accessory Building on Property Owned by the Applicant, Marcel Verdon at 23 Pine Drive

Acting Chair Mark Albano opened the public hearing at 5:30 and read the legal notice into the record. Associate Member Jamil Eyvazzadeh will vote in Chair Ed Kivari's absence.

Mr. Albano announced that the meeting was a continuation of the August 17, 2023, public hearing to allow the Board an opportunity for a site visit of the applicant's property on August 31, 2023. Mr. Albano reported that he was not in attendance at the site visit and asked his colleagues to report on their observations.

Board members reported that there were no neighbors in attendance at the site visit; Mr. Verdon was asked to demonstrate the truck back-up alarm and members were surprised by the low decibel level (no louder than a UPS, FedEx or Amazon truck); property goes back about 290 feet, the area around the location of the proposed structure is heavily wooded and there are no abutters behind him; the existing vegetation will help obstruct the view from abutters.

Planning Director, Michelle Buck shared that the Planning Board conditionally approved the accessory building as applied for at their September 6, 2023 meeting. Conditions included a smaller accessory building if the Zoning Board of Appeals does not grant the home occupation; the arborvitae hedge be continued to the back property line; satisfy all Department of Public Works requirements.

Mr. Verdon was asked to confirm that all vehicles and equipment related to his gutter business will be stored in the proposed accessory building. Mr. Verdon assured the Board that this was his intent when applying for the special permit.

MOTION (PELOUZE, EYVAZZADEH): I move that we the Zoning Board of Appeals grant the application of Marcel Verdon for a Special Permit under the provisions of Section 3.9.2.13 of the Wilbraham Zoning By-Law to allow a gutter business to be operated as a Home Occupation in the proposed detached accessory building on property owned by Marcel Verdon at 23 Pine Drive and as further specified in the application on file in the Planning Office and posted for public viewing on the Zoning Board of Appeals page of the Town of Wilbraham website to include the following conditions: hours of operation to be Monday through Saturday from 8:00 AM – 6:00 PM, also to include the Planning Boards nine conditions from their September 6, 2023 meeting and any necessary requirements from the Department of Public Works for drainage issues.

DISCUSSION: Mr. Albano said change can be intimidating as is the size of the building for the neighbors. Mr. Albano feels this is good for both Mr. Verdon and his neighbors because the truck and all materials will now be inside the structure. Member Pelouze confirmed with Mr. Verdon that he has no employees working for him. Approved (3-0).

2. **Approval of Minutes – August 31, 2023**

Mr. Albano called for motion to approve the minutes of the August 31, 2023 Zoning Board of Appeals meeting. On motion made and seconded (PELOUZE, EYVAZZADEH) the minutes of August 31, 2023 were approved (4-0).

3. **Other Business**

Reserved for Matters the Chair Did Not Reasonable Anticipate at the Time of the Posting

Donald Flannery of 3 Springfield Street was in attendance at the meeting and asked to address the Board. Mr. Albano advised Mr. Flannery that since the topic was not posted on the agenda the Board is restricted by the open meeting law on what they can deliberate on.

Mr. Flannery showed the Board a picture of his house and described his proposal to put ground mounted solar in the front of his house. Ms. Buck shared that Mr. Flannery has been in Planning/Building office a few times and was advised that if he wants to pursue this proposal he needs a variance and to submit an application for the Board to act on.

Mr. Albano informed Mr. Flannery that the Board does not issue advisory opinions; need a real case before them to compare the zoning by-law with their obligation under the law. Mr. Albano advised Mr. Flannery to go through the application process with Mr. Walsh and Ms. Buck's assistance and suggested that he speak to his neighbors about the proposal before coming to a meeting.

Having no further business, the meeting was adjourned by unanimous consent at 6:02 PM.

Submitted:

Heidi Burnham
Heidi Burnham, Admin. Assistant

Date:

10/13/23

Approved As To Form And Content:

Mark Albano
Mark Albano, Acting Chair

Date: 11/16/23