

Zoning Board of Appeals-Town of Wales, Massachusetts

**Open Meeting Minutes, Thursday March 31, 2022**

Wales Senior Center

Old Stafford Rd., Wales, MA 01081

**Members Present:** Committee Member: Joel Jette (**JJ**), Committee Member: Adam Brassard (**AB**), Alternate Committee Member: Ed Boyce, ZBA Clerk- Sarah Ryan (**SR**)

**Members of the public present IN PERSON:** Robert Marchand (applicant), Wendy Aquino (Representative of the club), Tim Baer, Michael & Alexis Whalen, Robyn Chrabascz, Rodney Aldrich, Brian & Patty Potter, David Foote, Bill Matchett, Leona & James Gregoire

**Members of the public present VIRTUALLY:** Becky Smith, Bernard St.George, Jill Cafarelli, Kerrie Manchester, Analia (No last name), Lynn Greene, Board of Health Clerk, Computer (out of Chicago)

**JJ** made a motion to open the meeting at 6:00 PM.

**\*\* Agenda Item: Review the Application of 67 Main Street – Robert Marchand – Change of Use**

**JJ** begins with explaining the nature of the application, the reason why the applicant has submitted an application for a change of use is explained in section 4.2.2 of our zoning bylaws.

**4.2.2** Extension/Alteration or Change A pre-existing non-conforming use or structure may not be extended, altered or changed except by a special permit from the Zoning Board of Appeals (ZBA). The proposed extension, alteration, or change of a non-conforming structure must meet the following criteria:

**4.2.4.1** The proposed extension, alteration, or change must not increase the non-conformity (if any) with open space, yard, height, and off-street parking requirements.

**4.2.4.2** If the proposed extension, alteration, or change complies with Section

**4.2.4.1**, the ZBA must determine whether or not the proposed project would be substantially more detrimental to the neighborhood than the existing use or structure.

Because the lot is non-conforming, any proposed change requires a public hearing with the Zoning Board of Appeals. The board needs to determine if the proposed use increases the non-conformity and if the proposed use is a detriment to the town.

**SR** explains how the meetings will operate, explaining that the board will begin with asking questions they feel are necessary to make a decision, then members of any other boards or committees present on behalf of the town can ask questions, and then discussion will be open to the public.

*Robert Marchand* begins by explaining why he has applied for the change of use, that his property at 67 Main St. was previously occupied on the ground level as a store, and he would now like to rent the space to a female bike club. The Zoning Board along with Board of Health, David Foote, ask several questions about the club itself, such as how many members, meeting times and overall intentions of the club. *Wendy Aquino*, president of the Iron Mermaids, female bike club is present to answer specific questions as it relates to the club. *Ms. Aquino* explains that they have been established since 2019, the club consists of 5 members currently with the hopes to grow, but currently they have no more than 10 members meeting at one time. Currently the club meets biweekly on Monday evenings from 6:30PM to 7:00PM. *Ms. Aquino* explains that they are in the process of getting a 501-c-7, which is a tax-exempt status that has many requirements to be classified as a social club. This club was previously set up in Palmer, but due to an increase in rent they were unable to stay at that location and they felt that a location in Wales was centrally located for its members. The board asks about a heat source in the building and any work that has been done inside, *Ms. Aquino* said that they have done cosmetic work to include cleaning, painting, and installing piping for a pellet or wood stove but nothing has been installed at this time.

The board then opens for public comment where several members of the public who attended in person feel that seeing the store being used for something instead of a vacant space would be a benefit to the town. A few concerned residents ask specifically about the motorcycle rides that are sometimes orchestrated with a recreational bike club. Due to the location of Mr. Marchand's building the club would have limited space at the front of the property, but does have an upper parking area, but that would also be limiting to the number of bikers that could congregate there. Robyn Chrabascz specifically had concerns about this group being classified incorrectly based on the proposed use and also asked specifically if there were tenants living in a possible upstairs apartment. Mr. Marchand confirmed that tenants did occupy the space above the main floor.

The ZBA would like to consult with the Code Enforcement Officer regarding the correct use, and if the building serving as a dwelling will change anything that would be required for this change. The board would also need to confirm that the use stays with the property, if it does stay with the property then any potential future owner would either need to stay within the same use of the building or reapply for a change. If a new owner decides to keep it recreational for a social club, will that new owner be required to have a hearing for that specific club, these are questions that the Zoning Board of Appeals needs clarification on before making a decision.

The ZBA will review all information presented from Mr. Marchand and Ms. Aquino, considering concerns other departments may have along with the public.

**Motion 033122-01** by **EB** to continue the public hearing to **April 7, 2022, at 6:00 PM**, Seconded by **AB**, no discussion, all in favor.

**Motion 033122-02** by **EB** to accept the minutes from *January 10, 2022*, as presented, Seconded by **AB**, no discussion, all in favor.

JJ made a motion to adjourn at 7:00 PM.

