

Town of Otis

Board of Appeals

Town of Otis, Massachusetts

ZONING BOARD OF APPEALS – Meeting Minutes June 4, 2026 (*Continuance from June 1, 2026*)

Meeting held at the Town Hall and via Zoom 7:00pm-8:30pm

ZBA Members (Present):

- Travis Ward, Chairperson
- Wayne Woczyna, Member
- Jim Kauffman, Member
- Terry Gould, Member
- RoseAnn DeRupo, Member - Zoom

ZBA Members (Absent):

- Gordon Middleton, Alternate
- Michele Zalot, Alternate

Lisa Crozier, ZBA Clerk

Larry Gould, Town of Otis Building Inspector

Public Attendees:

Humblebee Hatchery

Terri Robare, 10 Ryan Lane, Otis

Abutters:

Joshua & Lisa LaGrant, 14 Ryan Lane, Otis

Christin Tighe, Ryan Lane, Otis

Kirstin Curtin, 63 Ryan Lane, Otis

General Letter of Support from Heather Ferguson, Client and Employee

Berkshire Fabrication Solutions, LLC

Alex Nikituk, 11 Smith Road, Sandisfield

Angela Nikituk Fredsall, 8 Sandisfield Road, Sandisfield

Abutters Correspondence:

Peter & Gloria Teschner, 262 N. Beech Plain Road, Otis – in support

Local Letters of Support -78

North Beech Plain Road Letters of Support – 7

Otis Woodlands (OWL) Letters of Support - 9

Agenda item #1: Open Meeting/Introductions

Travis Ward, Chairperson, opened the meeting at 7:00pm. He discussed the process and had the Board introduce themselves. Travis welcomed Terri Robare of Humblebee Hatchery and Alex Nikituk and Angela Nikituk Fredsall of Berkshire Fabrication Solutions, LLC and all Public Attendees.

Agenda item #2:

1. Subjects of said hearing will be the applications of Humblebee Hatchery/Cadmor Realty and Berkshire Fabrication Solutions, LLC:

Humblebee Hatchery/Cadmor Realty, 10 Ryan Lane in Otis, is for a special permit under section 7.2 of the zoning by-laws for a homestead business chicken hatchery, specializing in Heritage, rare birds to the general public and will feature ten to twelve, 8'x 10'coops. The lot is listed in the Otis Assessor's records as Book 05636, page 271.

Terri Robare Presentation –

Currently are operating their Hatchery in Granville for 1-1/2 years. As the world has changed, people have become more interested in chickens. They specialize in different breeds and trying different breeds. They started the business because her husband, Chris, who was not in attendance, is a disabled vet and finds the chickens help his anxiety. He enjoys interacting with visitors and caring for the chickens. Their farm in Granville see people from city areas that come to learn about chickens. They chose the name Humblebee Hatchery because it works well on social media but they do not intend on becoming a huge business. They intend to focus on hatching and selling only certain breeds. They want to share with people something they love, do not have any retail hours and people come to their farm primarily March-September, weather dependent. They have "Family Farm Days" that are roughly every two months, usually on Sundays from 10a-2p or 10a-3p. People come to pick up whatever they ordered which is usually chicks so their numbers do not fluctuate wildly. As of this moment, they have 105 adult chickens. Their goal is to become part of Otis where people can come to visit and support local businesses.

Travis opened it up to The Board

RoseAnn DeRupo Questions and Terri Robare Answers –

- Q: *Number of Employees*
A: Right now she only has her friend, Heather, which comes 3 days per week. Would love to add a young person possibly from Smith Vocational. She also does occasionally have people who want to volunteer for a day to learn more about chickens. Primarily it will be Terri, Chris and their son. They have moved all of the tenants out of the building so it is just the 3 of them now.
- Q: *Events being on a monthly or weekly basis. There are restrictions.*
A: About every other month or 3 a year. Events are popular but Terri feels they will come regardless of how many she has. If she's limited to 3, that's totally fine. They may be bigger because she'll have less events with more people attending. She is open to doing whatever will make everyone happy. This is a passion project that she feels will help bring people to Otis and she really wants it to work.
- Q: *Parking*
A: They have a large lot that can accommodate about 20 cars, which can be increased.
- Q: *Extra Lighting*
A: Willing to put in extra lighting, if required.
- Q: *Noise Level*
A: Coops vary in sizes. All the breeds are different in size so tiny chickens will be in the smaller coops, there a giant chicken (3' tall) and there would only be 5 in a large coop. She currently has 10 coops total at her Granville location. When completing her application she wanted to give herself a little room in case she needed a quarantine coop or something else which is why she went with 12. Coops have an 8' run area as well as the housing part. They will not be outside of the coops, no free-range so will not be in the neighbor's yard. Due to the close proximity to Route 8 they installed a solid vinyl fence to prevent problems. Roosters do crow but she will have the bare minimum required for breeding

requirements which is roughly 2 roosters to 8 hens. They are open to keeping them housed inside the insulated coops until 7am or 7:30am but is willing to adjust that time. They use automatic coop doors. Terri added that once the chickens say “good morning” to the sun, they are quiet. They will alert to a predator or if scared by something but for the most part are quiet. They will talk to you as you walk by. She is open to whatever type of fence Lisa LaGrant would like on the ridge. Terri would also be open to putting up a fence on their property line which would have two fences separating their properties and Lisa LaGrant wouldn’t see anything.

Jim Kauffman – his questions regarding lighting, fencing, parking have all been answered.

Wayne Woczynna – RoseAnn covered everything well.

Terry Gould – explained the location was the old Gile Real Estate building so not unusual to have traffic in and out at times. Since the events will be during the day, lighting may not be an issue. Also, the events will be spread out during a 4-5 hours timeframe so 40 cars won’t be arriving at the same time. Terri Robare stated that the total amount of time guests stay is about 30 minutes to an hour. Orders are usually ready to go so pick up is quick.

Travis Ward – we don’t have a site plan so that we have a good relation where things are going on the property besides a verbal description. He asked Terri to provide that and she agreed. The lot size is 1.1 acres, they are using the back corner and the vinyl fencing they ran is about 250’. Travis asked about her being aware of all the regulations because of the close proximity of the stream to the planned coop area. Terri has spoken to MDNR several times and shared pictures and they approved but can do a site visit as well. Travis asked how far it is from 14 Ryan Lane. Using a plot plan not a survey, Terri determined that to the first hypothetical spot of the first coop, location would be 135’. From the last coop was 276’ but does depend on how they will be laid out. The Robare’s own the ridge along the pond so they are open to putting up a fence which will block their view completely. Travis asked if they were eligible for Farm Status or just treating this a purely a home-based business? Terri said only a home-based business as they don’t want it to get that large unless it was a Board requirement for more oversight.

Travis opened it up to the Public

Joshua LaGrant – *Immediate Abutter*

- Q: *They live on a private road that is already in rough shape, right off Route 8. There are a lot of potholes. What would it look like with event planning, waste removal with big trucks?*
A: Terri understands how terrible the road is, their plan was to grade it 2-3 times per year, up to their driveway, and they will absorb that cost.
- Q: *The layout of the actual property, using Google maps, the farthest point from their back yard to the road is 181’. The pond is an issue. Is all of this really going to fit in this spot?*
- Comment: Noise - roosters that would be 150’ from their back door. They’ve had 2 roosters and they made a lot of noise.
- Comment: As far as taking care of 105 adult chickens, he doesn’t feel there will be enough people.
- Q: *How many chicks can they have on the property at once? Who will police that? If this was for 40 birds, they wouldn’t be at this meeting but 100 birds is a lot.*
- A: During the hatching season which is March-September they are hatching 90-100 chicks a month, maximum. Most people order 5-6 chicks and most are sold before they are 6 days old so they hatched on a monthly basis. There is a shed that is 20’ long where they are housed – require heat. Hatching is 21 days total and then their people come pick them up. Humblee Hatchery does deliver to MA, CT, VT and NH because she doesn’t want random people at her house.

Travis – the road is a dirt road and inquired how many live on that road and how is it cared for? Joshua stated there are 6 houses and every few years they all chip in to have the road maintained. They are blue collar people that don't have a lot of extra money to spend on a road.

Lisa LaGrant – Immediate Abutter

Lisa stated that a reasonable amount of chickens on a reasonable amount of land and she wouldn't be at the meeting. Their concern is that 150 chicken is a large number of chicken. Being former chicken owners, their experience is that their coop needed cleaning each week.

- *Q: She is concerned about the odor from the coops which will be less than 200' from her back door. Will she not be able to open her windows? How often will they be cleaned?*
- *Q: Diseases they carry – salmonella, e coli, avian ringworm, histoplasmosis– These are diseases not generally looked at by MDNR so you'd have to have a vet for – will they be regularly checked?*
A: The diseases that were mentioned are super rare and not common in chickens. All their birds are State tested by MDNR for salmonella and e coli in order to sell eggs.
- Comment: Dust is a concern. Currently there is a lot of grass and vegetation but with 105 chicken that will be gone quick.
- *Q: State requirements for chickens is 5 square feet of pasture per chicken. After the coops are up, she doesn't feel there is enough footage for 105 chickens. Do they know the State requirements and are they going to follow them?*
- Comment: Noise – if she can't see, hear or smell 105 chickens, then they'll not have an issue but she doesn't think that will be the case.
- Comment: The number of chickens to the close proximity of her home is a concern. She came face-to-face with a mountain lion, in her yard and got rid of her chickens the next day. She does not want dangerous predators in her yard, as she has a child.
- Comment: Waste Management is a concern.
- *Q: She asked if the Board has checked with the Board of Health to determine if it okay to have 105 chickens, 200' from a house? Did anyone check with the Conservation Commission about the waterways because when she looked it up, it says chickens must be housed 100' from a water way and there is a pond and a brook.*
- *Q: They have a shared well so how can we ensure there's not going to be an excess of water drawn?*

Travis – you have a shared well with 10 Ryan Lane and 14 Ryan Lane? Someone spoke up that another person also shares this well, which is located on the LaGrant property.

Travis – asked Terri if she was aware of any other boards or regulations with the Conservation Commission or Board of Health that she has to go through or is she expecting that if the Zoning Board approves her application then she is all set?

Terri - is happy to talk to whoever she needs to talk to. She is not aware of any issues with waterways as they don't go in the water.

Travis – as the applicant is would be incumbent on Terri to be knowledgeable about everything they need to do professionally and advise us of that.

Terri - she will reach out to Conservation Commission. She had MDNR come to her house in Granville but there's no body of water so she didn't know to ask that question. MDNR told her that the Board of Health did not need to be involved and she is much closer to neighbors in Granville.

Travis – does your plan meet the space requirements that you think you'll need?

Terri – MDNR told her 2-1/2' per bird which is not pasture requirement but overall space within the coop itself. The coops chosen meet those requirements.

Christine Tighe – Abutter

Christine owns property on Ryan Lane. She feels that chickens have an odor and roosters make a terrible noise. She is against it.

Kirstin Curtin – Abutter

Kirstin lives at 63 Ryan Lane and has concerns on:

- The shared well.
- She is glad that the Robare's are willing to work with neighbors but there's no plan. *Approximately* 100 chickens and *approximately* 12 coops.
- The conservation issue as that area floods even though it was caused by a hurricane, but it does happen. What is the plan when there 4' of snow around the coops?
- There is already chickens being hatched on the property, inside where the people live? She assumes the Health Department may have an issue with that as well?
- Property values of her property as well as everyone on Ryan Lane. A chicken farm is not a good selling point – 100 chickens would deter a buyer and certainly have an impact on the value of her home.

Travis – asked Terri to specifically speak on the statement of the shared well, the property potentially being used for a home-based business use and amount of water being drawn for your use vs the other homeowners.

Terri – they removed all the other tenants from the house so it's only 3 people living there. They feel that offsets the pressure on the well. The pump is in their basement, so they maintain it. The chickens use 3 gallon waterers that last about 1-1/2 to 2 days.

Travis asked if anyone else wanted to speak for or against the issue. Hearing none.

Travis - *Hearing everything we've heard, he opened it up for additional questions from the Board.*

RoseAnn – nothing else.

Jim – nothing else.

Wayne – would like to see a plot plan with building and well locations as well as distance from the neighbors.

Terry Gould – feels there is enough pushback here for the applicants to withdraw without prejudice so that they could address some of issues in a way that is more palatable to the neighbors. Get a site plan, talk with the Board of Health, call Conservation and get answers to questions raised.

Travis – that is one option. Certainly, there is a lot here; would the Board like to continue the hearing rather than closing it given the level of interest? A Special Permit can be modified in so many different ways, in terms of criteria. If the Board was to vote in a positive way, there would have to be a very specific motion. With that, we do need more information besides a site plan and having Terri do more investigation. As a Board member, he would ask Terri to consider asking to have a Continuance, in which the public will stay involved instead of closing it, which would be his recommendation. This would also give them, as Terry Gould suggested, the option to withdraw without prejudice, depending on how Terri sees the meeting going. They wouldn't get harmed and would be able to come back.

Travis – *further comments:*

A Special Permit runs with the property, not just with the homeowner. So you could move in 3 years and anyone could have a home-based business. You do get a lot of credit for your flexibility with trying to do what you can to appease the neighbors or the Board, but once it's approved, you have no duty to make anyone happy. You could do whatever you want – you've got good people, you've got bad people. They could close the door and never talk to the neighbors. The approval runs forever so he wants that taken into consideration.

The other reasons for a Continuance would be to find out the definition of a home-based business and when does it become more than that? With visits coming in and out, and purchasing any product, it seems to be more than what the average person envisions for a home-based business. Not saying yes or no yet, just putting his thoughts out there. All of the things you describe seems like a very active, sizeable venture that is outside based, does have noise and could have smells. It is not just a real estate office with an employee talking to clients about buying a house. Very different, not negative or positive, just different. I'm getting the impression from everything that you've proposed, that it is larger than what I perceive is a home-based business. It's on a small piece of property on a dirt road that you don't control solely so there's a lot of things he has concerns with.

Terry Gould – she thinks the points that Travis brought up are very valid and would like Terri to have time to figure this out.

Travis – certainly recommends a Continuance to July (possibly).

RoseAnn – mentioned she would not be here for a July meeting.

Wayne – it seems to him that Terri has a lot to do to be able to make a July meeting. He recommends they withdraw without prejudice and then come back.

Terri – asked if she should have applied as a home-based business or as something else?

Larry – If you read the sections on home-based business and home occupation, this does fit the periodic with people in and out, steady retail are all covered.

Travis/Terry Gould – from the minutes we can put together a summary to give Larry of what we're looking for. We could get the minutes in draft form to Terri as well.

Travis – thanked Terri Robare for her presentation and her answers to their questions.

Motion to let her withdraw without prejudice: Jim Kauffman

Second: Wayne Woczyna

Role Call (5-0-0)

Alex Nikituk Presentation –

Alex and his sister Angela Nikituk Fredsall gave a history of the business, experience and family history – 6th and 7th generations to live in Otis. They are not developers and plan on being in Otis for a long time. Berkshire Fabrications started in his garage, in his house since 2019. They offer Professional Services – welding inspections, welding qualifications, consultation work-making sure customer are code compliant, general construction, mobile welding repair and metal fabrication (custom hand railings, metal sculptures, etc.). Currently have 2 full time employees and 1 part time employee, Alex and Angela. The building will be 4800 square feet so limits the number of employees that they can have.

The lot is 4.4 acres total, half in Sandisfield and half in Otis. Previously, it was used as a gravel pit for Otis Woodlands. They cleaned up the property, leveled it out for site improvement. Prior to doing any of the work, they met with Otis Conservation Commission, Sandisfield Conservation Commission, Sandisfield Board of Health, Sandisfield Select Board and had a professional survey done by SK Designs – they shared the plans with the Board and the Public. Alex explained the reason for the location which because much of the soil on the property was disturbed while it was a gravel pit and subsequently filled in with stumps, logs, rocks over 40 years. The area they've selected is the only area outside of the 200' buffer zone from the Farmington River; they are very limited on where they can put it. The existing driveway is located in Sandisfield so they had to get a driveway permit from Otis because you cannot get a building permit in Otis unless you have an approved plan for a driveway in Otis. The conservation areas left a limited area for this so they picked the site, had engineers develop it, come up with a detailed plan. The Otis Highway Superintendent signed off on it, Otis Planning Board was involved because of the 10% grade and it was approved. Sandisfield Select board approved the parking area. Mark Gilbert, President and Ken Schwartz, former Vice President were in attendance and Alex stated that he and Angela worked with them and the neighbors for the last 13 months and came up with an agreement that eliminated the idea of them creating a foundry or anything that would negatively affect the neighborhood. Alex and Angela went to the neighbors and got a total of 94 signed letters of support, one of which is direct abutters, Peter and Gloria Teschner. Alex then read the application – "the proposed project includes the development of a vacant lot at North Beech Plain Road, Sandisfield and North Beech Plain Road, Otis. The proposed project includes the construction of a steel shop in Otis with associated parking areas and driveways in Otis and Sandisfield, utilities and other site improvements. The lot is in the Residential R-40 district even though our direct abutting property across the street on North Beech Plain Road is in the Village zoning. For

whatever reason, our lot did not get included there. The proposed use requires a Special Permit Use from the Zoning Board of Appeals per section 3.1 and 10.0 of the Zoning Bylaws. We consider the proposed use a general service establishment and light industrial. In July 2025, the project received approval by the Otis Planning Board via special permit as it relates to the proposed driveway in Otis. The steepness of the proposed driveway required a special permit. In August 2025, the project received approval from the Sandisfield Select Board via special permit in the proposed commercial use in the residential district requiring a permit.” Alex then asked if there were any questions.

Travis thanked Alex for his presentation and stated it was very well done and opened it up to the Board for questions.

Jim – felt the application was very complete noted that they’ve been to every board that they could go to. Very well done.

Wayne, Terry and Travis – all agreed.

Travis then opened to Immediate Abutters.

Travis – hearing none. Travis asked Lisa about the letters of support.

Lisa – the total number of letters of support is 94 – 78 Local, 7 North Beech Plain Road and 9 Otis Woodlands (OWL). She read a letter of support from direct abutters, Peter and Gloria Teschner. These letters are all the same form letter with no negative comments.

Travis had a question for Larry – if it is a special permit, does the R-40 stay or does zone change as it’s industrial use?

Larry – it stays R-40. The special permit allows for the use.

Travis – asked Alex about the potential for expansion.

Alex - the area is boxed in. Without extensive geotechnical work, there is nothing that can be built there.

RoseAnn – in Alex’s information he states that the business operates with negligible discharge of fumes of vapors. What is the danger of the activity on the inside and how does that affect the outside? What gases or how do we know there won’t be any that will affect the area around you?

Alex – stated they use noble gases or inert gases that do not react. In order to prevent impurities from the atmosphere from entering into the welds, you need to shield that small molten puddle (the size of a pencil eraser) from the atmosphere. They use argon or argon-CO2 mix which are inert gasses, and no harm whatsoever.

RoseAnn – When you talk about having to not “unduly create a risk of fire or explosion by following standard safety practices”, she has a concern about fire in an area we have dry spells and trees all around. How is it contained within your building and also related to noise that may be emanating from the building from welding?

Alex – stated that the frying sound that you get from a skillet when cooking bacon, that is about as loud as welding is.

Angela Nikituk Fredsall – asked to speak to the question about potential fire hazard. The whole building structure is steel, and meet MA Code on the insulation which will prevent noise transmission outside of the building. On the inside of the insulation will be sheet steel to keep sparks from going toward the insulation. Our top priority is no combustibles on the floor or in the designated welding area.

RoseAnn – What are your hours of operation and how many people will be working.

Angela – 7am-5pm for Angela and Alex and 7am-3pm for employees.

RoseAnn – asked about outside traffic.

Angela – 5 vehicles in for the morning and 5 out in the afternoon. However, most of the time they are working out on construction sites. Their average steel delivery is 1 truck every 2 months. They are not a retail operation and don't plan on being retail. Traffic will be negligible compare to the traffic that already goes up the road.

Rose Ann –asked if this permit was approved, it would be only for this use and any other use.

Angela – that's correct.

Travis asked for last comments from the Board. None

Travis asked for any last comments from the Public. None

Motion to close the Public portion of the Hearing: Terry Gould

Seconded: Jim Kauffman

All voted Aye (5-0-0)

Motion to Approve as Presented: Jim Kauffman

Seconded: Wayne Woczyna

Role Call Vote Aye (5-0-0)

Travis - Your motion passes, you have your special permit and reads into record *““This permit will sit in abeyance for 20 days with the Town Clerk. The applicant can pick up the Notice of Decision and Notice for Filing on the 21st day. The applicant needs to file the permit with the Registry of Deeds in Pittsfield. Thereafter, bring proof of filing to the Building Inspector who will then issue the Building Permit. Failure to file or act upon the permit within two years will render the Special Permit null and void.”*

Agenda item #3: Approve minutes from May 4, 2026

Motion to Approve: Jim Kauffman

Seconded: Wayne Woczyna

All voted Aye (5-0-0)

Agenda item #4: Old Business and New Business, Items unanticipated by the Chair

Travis wanted to send condolences to the Middleton family on Marion “Noni” Middleton.

Agenda item #5: Update from the Building Inspector

There is nothing else.

Terry Gould – stated that this property is the last property on the town sewer line and it was never connected but it was agreed that if it was ever developed, the Town would hook up the sewer. There will be a Special Town Meeting – we have to fund it but there needs to be a meeting.

Agenda item #6: Next Meeting: Monday, July 6, 2026

Agenda item #7:

Adjournment -

Motion to Adjourn: All Board Members

Meeting adjourned: 8:30pm