

ZONING BOARD OF APPEALS

TOWN OF GREENFIELD, MASSACHUSETTS
14 Court Square, Greenfield, MA 01301

413-772-1548
413-772-1309 (fax)



Zoning Board of Appeals Minutes of September 9, 2010 Police Station Meeting Room 321 High Street

Acting Chairman McLellan called the regular meeting to order at 7:30 p.m. with the following members present:

PRESENT: Tom McLellan, Clerk Mark Maloney Scott Cote
 Howard Barnard Scott Conti

McLellan made an opening remark that this is the first meeting of the ZBA since Roy Cowdrey has passed away and that he feels the impact of the loss of Roy more this evening than over the past several weeks. McLellan also stated that Susan Welenc is not longer with the Board as she has resigned. He contacted the Mayor's office to find out if a letter was sent out to Susan thanking her for her years of service on the ZBA. He stated that a letter was not sent out. He requested that the Mayor's office do so and notify him once it has been sent out.

Public Hearings:

7:30 p.m. (Continued from July 8, 2010) Vitaliy & Fevroniya Mikhaylichenko, 31 Mill Street – Application for a special permit to allow: 1) a two-family dwelling within the General Commercial (GC) Zoning District pursuant to Section 200-4.9(C7) of the Zoning Ordinance, and 2) to allow the change, extension or alteration of a nonconforming use pursuant to Section 200-6.1(C1) of the Zoning Ordinance.

MOTION: **Moved by Maloney, seconded by Conti and voted 5:0 to grant the application of Vitaliy & Fevroniya Mikhaylichenko, for a special permit to allow: 1) a two-family dwelling within the General Commercial (GC) Zoning District pursuant to Section 200-4.9(C7) of the Zoning Ordinance, and 2) to allow the change, extension or alteration of a nonconforming use pursuant to Section 200-6.1(C1) of the Zoning Ordinance for property located at 31 Mill Street, which is located in the General Commercial (GC) Zoning District as presented in the updated materials the board received for September 9, 2010.**

7:45 p.m. (Continued from July 8, 2010) Neisha Wright, 158 Davis Street - Application for a special permit to allow: 1) a three-family dwelling within the Urban Residential (RA) Zoning District pursuant to Sections 200-4.4(C3), 200-7.2, and 200-8.3 of the Zoning Ordinance, and 2) to allow a twenty (20) percent reduction of dimensional requirements (lot area) pursuant to Sections 200-5.3(E2) and 200-8.3 of the Zoning Ordinance.

McLellan stated to the Board that Director Twarog received a verbal request from Neisha Wright that she wants to withdraw her request for a special permit at 158 Davis Street. Twarog requested this in writing but has not received anything in writing. McLellan stated that the Board has several options to deal with this:

- 1) Close the public hearing and deny the application. This would prevent Ms. Wright from acting on this for a 2-year period;
- 2) Continue the public hearing to another date and time;

Board discussed continuing the public hearing. Board reached consensus to table the matter until the next ZBA meeting.

MOTION: Moved by Maloney, seconded by Cote and voted 5:0 to table the application of Neisha Wright for a special permit to allow: 1) a three-family dwelling within the Urban Residential (RA) Zoning District pursuant to Sections 200-4.4(C3), 200-7.2, and 200-8.3 of the Zoning Ordinance, and 2) to allow a twenty (20) percent reduction of dimensional requirements (lot area) pursuant to Sections 200-5.3(E2) and 200-8.3 of the Zoning Ordinance until the next regularly scheduled meeting of the ZBA.

Planning Board Recommendation

Greenfield Investor's Property Development, LLC, Proposed 135,000 square foot retail store off French King Highway (Tax Map R04, Lot 44; Tax Map R05, Lot 23)

Board discussed whether the proposed use is an appropriate use for the General Commercial zoning district. Maloney stated that he believes that it is and his only concern from the materials the Board received is the proposed height of thirty (30) feet for the light poles. He stated that traditionally the Board has shortened the height of light poles to reduce the amount of night glare which the Board did for the Applebee's project. He stated that shortening the height of the light poles would necessitate more of them. The only other issue he had was the landscaping, particularly the caliper and maintenance of the proposed trees.

MOTION: Moved by Maloney, seconded by Barnard, and voted 5:0 to forward the following comments to the Planning Board based on the information received by the Board (11" x 17" Plan Set):

- The land is legally zoned for the proposed use;
- It is a proper use for the General Commercial district;
- The plan as presented looks proper;
- The proposed drainage is adequate;
- The proposed parking is adequate;
- The revised intersection of Gill Road and French King Highway as the entryway into the property and the discontinuance of Gill Road is in keeping with the plan;
- The height of the proposed lighting towers should be lowered to reduce light spillover on neighboring properties. A reduced height of 24 feet should be more than adequate with shielded lights;
- The caliper of trees to be planted should be a minimum of 3-3 ½ inches and permanently maintained by the developer in accordance with the landscaping standards of the Zoning Ordinance;
- The Board understands that there will be a peer review of the Traffic Study so cannot comment on traffic impacts at this time.

Election of Officers:

MOTION: Moved by Maloney, seconded by Barnard, and voted 5:0 to nominate Thomas McLellan as Chair of the Board.

Adjournment:

MOTION: Moved by Maloney, seconded by Cote, and voted 5:0 to adjourn the meeting at 8:20 p.m.

Board discussed its meeting time and reached consensus to hold their meetings at 7:00 PM at the Police Station Community Meeting Room.

Respectfully submitted,

Eric Twarog, AICP
Director of Planning and Development