

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 November 10, 2011
Police Station Meeting Room
321 High Street

The meeting was called to order by Chair, Tom McLellan at 7:05 p.m. with the following members:

PRESENT: Tom McLellan, Chairman Mark Maloney, Clerk Scott Conti
 Christopher Joseph

ALSO PRESENT: Laura DiNardo, Conservation Agent and members of the public.

ABSENT: Howard Barnard

CHAIRS STATEMENT: This meeting is being recorded. If any other persons present are doing the same you must notify the chairperson at this time.

Public Hearings:

7:00 p.m. Alain and Donna Mollard, 19 Church Street – Request for a special permit pursuant to Sections 200-4.5 (C9), 200-7.2, and 200-8.3 of the Zoning Ordinance to allow the conversion of a mixed two-family/business building into a three (3) unit residential building located in the Semi Residential (SR) Zoning District.

McLellan explained that the hearing requires a super majority affirmative vote (requires 4/5 vote). Because the Board is short one person, they need all present members to vote affirmative. It is the applicant's decision whether to proceed with hearing or postpone to next meeting. If they are denied they cannot come forward for another two (2) years with same proposal. McLellan continued to explain the hearing process to applicants prior to opening the hearing. Applicant chose to proceed with hearing.

Mark read public hearing.

Members of the board and applicants introduced themselves, Alain and Donna Mollard.

Mollard explained the current structure of building. The first floor is an office, the second floor is an existing apartment, and the third floor is attic space. Applicant would like to convert the attic and the first floor to apartment space.

McLellan asked is the office space is being used. Applicant verified no.

Maloney stated that the applicant must adhere to the building code. Maloney asked is at one time the first floor was a residence. Applicant stated yes. Maloney asked if third floor been redone. Applicant stated that the sheet rock was just finished and there is a heating system but there is no bathroom or kitchen. Maloney asked if applicant would be living there. Applicant stated yes, in one unit.

McLellan asked about the parking; two (2) parking spaces per unit required. Board Look at diagram; nine (9) spaces shown including garage space.

Mark read the correspondence from Mark Snow, Building Inspector.

McLellan asked if parking area was enclosed on three sides. Applicant stated yes, enclosed by garage, fence, and house.

McLellan asked about streetlights. Applicant stated there was a street light. Maloney stated it is most likely on the telephone company's side of road

Conti asked about lighting on garage/parking area. Applicant stated there is no lighting at this time. McLellan asked if the garage has power. Applicant stated yes.

Conti asked about snow storage. Applicant is not concerned because of extra parking spaces.

Maloney read correspondence from Fire Department.

Maloney read correspondence from Nicole Zabko, Health Dept.

McLellan invited member of the public to speak. No one present for this hearing.

Maloney read correspondence from Sandra Roberts, Department of Public Works.

McLellan suggested applicant stop by Planning Department to receive the correspondences from Eric Twarog, Director of Planning.

Maloney asked if any of the suggestions were hardships. Applicant stated no.

Public Hearing closed at 7:22 PM

Maloney stated he had no issues, and that all issues can be addressed. Conti stated he had no issues. Joseph stated he had no issues. Maloney stated the parking area lighting should be a condition.

MOTION: Moved by Maloney, seconded by Conti, and voted 4:0 approve the request for a special permit pursuant to Sections 200-4.5 (C9), 200-7.2, and 200-8.3 of the Zoning Ordinance to allow the conversion of a mixed two-family/business building into a three (3) unit residential building located in the Semi Residential (SR) Zoning District with the following condition:

- (1) Lighting of the parking area shall conform to the request from the Inspector of Buildings dated November 2, 2011 and that all other requests per code be adhered to.**

7:15 p.m. Carl and Patricia Sensor, 36 Newcomb Lane – Request for a special permit pursuant to Sections 200-4.3(C16) and 200-8.3 of the Zoning Ordinance in order to allow the existing animal kennel to increase the number of dogs from 20 to 25 and to allow up to ten (10) dogs for boarding located in the Suburban Residential (RB) Zoning District.

McLellan reiterated the super affirmative vote (4/5) and gave applicant option to postpone until next meeting. Applicant chose to proceed with hearing

Mark read public hearing.

Members of the board and applicants introduced themselves, Carl and Patricia Sensor.

Applicant explained the current and proposed use of building, currently they have 20 dogs used for breeding, and they would like to increase that to 25 adult dogs. In addition, they would like to put up 12x24 insulated building with back enclosure (10x24) in backyard. Applicant presented photos of neighborhood and property to the Board. Applicant also stated 72-feet of fencing for privacy would be erected.

McLellan stated that the fence could go to property line if it is not part of kennel.

Board stated that in RB zone the building would need a 30-foot setback in backyard.

Mark asked what the purpose of the building would be. Applicant stated boarding.

Applicant stated that they already have the permit for the building but they have not started yet. The boarding would be in the new building. The breeding dogs are inside the house.

McLellan asked how many cages would be in new kennel. Applicant stated ten (10). Cages are enclosed on three sides.

Maloney asked how many dogs on property. Applicant stated Twenty-two (22) but two (2) are puppies previous permit is for twenty (20) adult dogs. Applicant stated the breeding dogs are Miniature Schnauzers.

Maloney asked if boarding would be open to all dogs. Applicant stated yes.

Applicant stated they use soft muzzles to control barking.

Conti asked where they planned to place the new building. Applicant stated they are not connecting the new kennel to the house. They have room to make setback requirements.

Maloney asked if applicant expanded property. Applicant stated they bought more property two (2) years ago.

Maloney read correspondence from Mark Snow, Building Inspector.

McLellan read correspondence from Fire Department.

McLellan verified that the boarding was separate and that it was possible to have 35 dogs on site if approved.

Maloney verified the applicant was looking to amend the amended permit to breed 25 dogs instead of 20 and to erect a new building, which was already approved, to board ten (10) dogs.

Applicant stated that this has been an ongoing issue for the last 10 years and they have not received any complaints.

McLellan invited member of the public to speak.

Michael Gabriel, 28 Newcomb Lane resident, stated he has lived there for ten (10) years and has never had a problem. They can hear the dogs for a few hours during the day but not at night.

Maloney asked what they currently have for a run.

Applicant stated they have a 100- foot run along the house which extends 24-ft out. Run is in the back of the house. Dogs have problems with sirens but the highway creates a buffer. Dogs only go outside to use their run, otherwise they are inside.

Kim and Brian Monard, former neighbor (11 Newcomb Lane), stated they lived next door for ten (10) years, from 1996-2005, and never had problems.

Maloney verified that an 18x40 building was approved in 2002 but was never put up. The applicant spoke with Eric Twarog, Director of Planning, and he confirmed that permit is still valid. They bought a smaller building 12x24 but the purpose of the building has changed.

Joseph requested the original permit and the amended permit for review

McLellan expressed concern about the removal of dog waste. Applicant stated he bags it in the house and bring it to dump and that is what he will continue to do.

McLellan asked what was considered an adult dog. Applicant stated a veterinarian would consider one (1) year an adult but at six (6) months you need to buy a dog license with the town. Tom would consider a six (6) month dog an adult.

Joseph inquired about the permitting process and the procedures taken for amended permits. Joseph inquired about the bark deterrent collars. Applicant verified they used the soft muzzles but would not use shock collars for health reasons.

Adam Sensor, son of the Applicant, verified that the dogs are not out as much during the winter.

Applicant stated they sent out around twenty (20) notices to abutters, no issues were reported, and they have been in the business for around twelve (12) years. Verified street was private.

Joseph stated that the amount of dogs on site is almost doubling because there are two different requests (boarding/breeding).

Maloney asked applicant is they are willing to remove waste from site weekly. Applicant can adhere to that condition.

Maloney asked what new building is made off – vinyl siding with similar look as existing house. Applicant verified that the walls would be insulated with foam insulation, sheet rock, and tile for sound insulation.

Joseph mentioned that in 2002 some abutters did state concerns. Applicant verified they were re-notified and did not express concerns.

Public hearing closed at 8:02 PM

MOTION: Moved by Maloney, seconded by Conti, and voted 4:0 to approve the request for a special permit pursuant to Sections 200-4.3(C16) and 200-8.3 of the Zoning Ordinance in order to allow the existing animal kennel to increase the number of dogs from 20-25 and to allow up to ten (10) dogs for boarding located in the Suburban Residential (RB) Zoning District with the following conditions:

- (1) Boarding business cannot proceed until the building is erected and finished.
- (2) New building shall be sound insulated.
- (3) Waste shall be disposed off-site on a weekly basis.
- (4) Lighting shall be provided for safety and access to kennel building
- (5) Adult dog is defined as 6 months or older
- (6) Bark Deterrent devices shall be used as needed.
- (7) Construction of new building shall adhere to zoning setbacks and all required codes.

Approval of Minutes:

MOTION: Moved by Maloney, seconded by Conti, and voted 4:0 to approve the Minutes from September 8, 2011.

Adjournment:

MOTION: Voted 4:0 to adjourn the meeting at 8:10 p.m.

Respectfully Submitted,

Laura DiNardo
Conservation Agent