

# ZONING BOARD OF APPEALS

**TOWN OF GREENFIELD, MASSACHUSETTS**  
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**ZONING BOARD OF APPEALS**  
**Minutes of November 8, 2012**  
**Police Station Meeting Room**  
**321 High Street**

The meeting was called to order by Chair, Tom McLellan at 7:00 p.m. with the following members:

**PRESENT:** Tom McLellan, Chairman      Howard Barnard      Scott Conti  
                 Christopher Joseph      Alternate Steven Ronhave

**ABSENT:** Mark Maloney, Clerk

**ALSO PRESENT:** Members of the public.

**CHAIRS STATEMENT:** This meeting is being recorded. If any other persons present are doing the same you must notify the chairperson at this time. No one responded.

Public Hearings:

**7:00 p.m.:** Application of Walter H. Kleeberg, Jr. for property located at 576 Leyden Road which is located in the Rural Residential (RC) Zoning District, for a Special Permit pursuant to Sections 200-6.1(C) and 200-8.3 of the Zoning Ordinance in order to allow the parking of a tank truck and to allow the storage of portable toilets at this location.

McLellan explained the public hearing process to the applicant and read the public notice into the record. Members sitting were Thomas McLellan, Chairman; Howard Barnard; Scott Conti; Christopher Joseph; and Steven Ronhave. Also in attendance was Walter H. and Michele Kleeberg, Applicants.

Michele Kleeberg brought to the Board's attention that the public hearing notice sent out to abutters had the address of the meeting as 114 Main Street at the Department of Planning and Development. Chairman McLellan stated that the meeting was moved to the Police Station at 321 High Street. Michele Kleeberg asked the Board if they should wait to give time for people to come to the Police Station. McLellan asked how they know about the changed location of the meeting. Michele Kleeberg responded that when she went to the Planning Department to review the plans, she was told that the meeting location had changed. A member of the public stated that there is a large note on the door at 114 Main Street directing people to the Police Station Meeting Room.

Walter Kleeberg reviewed with the Board his proposed plans which is to lease the left two bays of the building on the property. The center portion of the building is being leased by another business. He stated that as of December 1<sup>st</sup>, they will be leasing the house on the property as well with option to buy. He stated that he has a portable toilet business which mostly serves construction sites but others as well such as for summer camps and parties, etc. This summer he had about 150 portable toilets out on sites. The toilets will mostly be stored indoors for ease of cleaning and keeping clean. Mr. Kleeberg stated that he has a ten foot tanker truck with a capacity of 1,100 gallons, 700 for septage and 400 for water. Mr. Kleeberg reviewed the process of the tank truck and cleaning the portable toilets. He stated that most of his business is within a fifty-mile radius of Greenfield, specifically in the Keene and Greenfield areas of New Hampshire. He stated that 90 percent of the business work is done on-site. Mr. Kleeberg stated that any work done on site would be 7:00 AM to 3:00 PM or from 8:00 AM to 4:00 PM. He reiterated that there would be little change from

what people see today especially since he is leasing the property with an option to buy. He wants to keep the area pristine.

Barnard Asked how the tank truck works.

Kleeberg Responded that the tank truck has a vacuum system to suck the waste form the portable toilets to store in the tank truck.

Barnard Asked what gets done with the waste in the tank truck.

Kleeberg Responded that he has permits to dump the waste at the Erving wastewater treatment plant. He is considering getting the proper permits from Greenfield since it is closer.

Barnard Inquired about the water from cleaning the portable toilets.

Kleeberg Responded that fresh water is used to clean dust and pollen from the units which flows on to the site.

McLellan Read correspondence from the Board of Health, the Planning Board, Inspections Department, and Fire Department.

Conti Inquired how the portable toilets are transported.

Kleeberg Responded that the tank truck is used to transport the units. He stated that he does have a custom utility trailer that can hold three units.

McLellan Inquired on whether there will be any lighting added.

Kleeberg Responded No.

McLellan Inquired on the level of automotive repair work proposed to be done on site.

Kleeberg Responded that he may change the oil and fuel filter and may grease the truck but that would be the extent of work done on site. Stated that he generally takes the truck to a service center for maintenance and repair work.

Conti Inquired where Mr. Kleeberg currently has his business.

Kleeberg Responded that his office is out of his home in Northfield and that the portable toilets are currently stored in Bernardston.

McLellan Inquired whether there are any permitting requirements from MA DEP.

Kleeberg Responded that he is not aware of any MA DEP requirements for his business.

Joseph Asked how many portable toilets could be stored on site.

Kleeberg Responded that he is currently in the process of purchasing the business as he is currently leasing both the tank truck and the portable toilets. He currently leases about 100 portable toilets with 60 out on sites and about 40 that would be stored on site during the winter months. In the summer months this would go down to about 25 units.

Joseph Inquired how many units could fit in the two bays that he will be leasing.

Kleeberg Responded about 43-45 units depending on whether there are handicap units being stored which are larger units.

Joseph Asked if there is a need to store some units outside, where would they be stored.

Kleeberg Responded that there is a spot behind the barn that he could use which is not visible from the road. He stated that he is willing to provide whatever screening the Board may deem necessary.

Public Input

Patricia Auchard and Joseph Sabella, 562 Leyden Road  
Inquired on the process of cleaning the portable toilet units.

Kleeberg Reviewed the process again.

McLellan Verified that the units are sanitized and deodorized.

Kleeberg Responded that what he uses is both a sanitizer and deodorizer, pine scented.

Auchard Inquired on what recourse the abutters will have if problems arise in the future such as orders coming from the property.

McLellan Responded that they would need to contact the Town's Code Enforcement Officer which is Mark Snow.

Auchard Asked for clarification on the current zoning of the property.

McLellan Responded that the request is to allow the expansion of a legal non-conforming use by special permit which is allowed by Greenfield's Zoning Ordinance.

Sabella Inquired whether the tank truck would ever be parked with waste in it.

Kleeberg Responded that in the busy season, the tank truck gets emptied about every day. In the slow season, it may be 3-4 days between emptying the tank truck at the wastewater treatment plant. He stated that the tank truck is a sealed unit so no smell gets out.

McLellan Inquired whether there will be a dumpster on site.

Kleeberg Responded that at this point in time, he doesn't plan on having one.

McLellan Stated that if he does get one in the future, it would have to be screened as per the Zoning Ordinance.

McLellan Asked the Applicant what a good number would be for him in terms of the number of units allowed to be stored on the property. Asked if 100 would be a good number.

Kleeberg Responded that that would definitely be enough. Inquired on future expansion.

Joseph Stated that he would have to come back before the ZBA.

Sabella Asked how many toilets would be stored on the property during the winter.

Kleeberg Responded between 25-40 units maximum.

**Public Hearing closed at 7:32 PM**

**Discussion/Decision**

**Walter H. Kleeberg, 576 Leyden Road**

- Conti Stated that he has no particular concerns about the application but that a condition on the number of units should be set as well as required screening for any future dumpster on the property.
- Barnard Concurs with Conti.
- Joseph Also concurs with Conti.
- Ronhave Also concurs with Conti but asked about how to make a condition on odor control.
- Conti Responded that the Zoning Ordinance has regulations controlling odor.

**MOTION: Moved by Barnard, seconded by Conti, and voted 5:0 to approve the application of Walter H. Kleeberg, Jr. for property located at 576 Leyden Road which is located in the Rural Residential (RC) Zoning District, for a Special Permit pursuant to Sections 200-6.1(C) and 200-8.3 of the Zoning Ordinance in order to allow the parking of a tank truck and to allow the storage of portable toilets at this location with the following conditions:**

- 1. A maximum of 100 portable toilet units shall be stored on the property;**
- 2. All portable toilet units not stored indoors shall be screened from neighboring properties;**
- 3. Any future dumpster unit to be put on the property shall be screened as per the Greenfield Zoning Ordinance; and**
- 4. Only clean and sanitized portable toilet units shall be stored on the property.**

Approval of Minutes:

**MOTION: Moved by Barnard, seconded by Joseph, and voted 5:0 to approve the Minutes from September 13, 2012 as amended.**

Chairman McLellan brought to the Board's attention that Laura DiNardo has moved on from Greenfield and that a new Conservation Agent has been hired. The new Conservation Agent is not available on Thursday evenings to take their meeting minutes. Director Twarog asked the Board to consider moving their meeting to another day of the week. The Board discussed this and reached consensus to keep the meetings as they currently are.

Adjournment:

**MOTION: Moved by Conti, seconded by Joseph, and voted 5:0 to adjourn the meeting at 8:10 p.m.**

Respectfully Submitted,

Eric Twarog, AICP  
Director of Planning and Development