



City known as the Town of
GREENFIELD, MASSACHUSETTS

ZONING BOARD OF APPEALS

Town Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1549 • Fax 413-772-1309
EricT@greenfield-ma.gov • www.greenfield-ma.gov

William F. Martin
Mayor

Members:
Twarog, Eric
Director, Planning & Dev.

Allis, Brickett (2018)
Conti, Scott (2016)
Joseph, Christopher (2014)
Maloney, Mark (2016)
Winn, James (2017)

ZONING BOARD OF APPEALS
Minutes of March 23, 2016
Department of Planning & Development
114 Main Street

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

PRESENT: Mark Maloney, Chairman Scott Conti Christopher Joseph
James Winn Brickett Allis

ALSO PRESENT: Applicants

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:

Application of Alain Mollard for property located at 19 Church Street (Assessor's Map 67, Lot 6), which is located in the Semi-Residential (SR) 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 change, extension or alteration of a legal nonconforming use at this location.

Members sitting were Mark Maloney, Chair; Scott Conti; Christopher Joseph; James Winn; and Brickett Allis. Also in attendance was the Applicant, Donna Mollard; and members of the public.

Maloney Introduced the Board members sitting and asked the Applicant to introduce himself and explain what he wants to do, where he wants to do it, and why.

Mollard Stated she is planning to change the exterior staircase from a 2-ft deck to a 5-ft deck so it will be safer for her tenant to exit and to make it compliant with the building code. The footprint will be extended by 3-feet which is 1-foot larger than what currently exists. It is currently 7-feet, and the proposed footprint would be 8-feet. Currently, the back entrance is 18-feet from the street. The new entrance would become 15-feet from the street. Stated she is requesting the special permit because the staircase would be located within the 25-ft front setback.

Maloney Stated he has no issues with this request.

Conti Read correspondence from the Board of Health, Planning Board, Fire Department, Department of Public Works, and the Licensing Commission.

Winn Stated the new staircase will make it safer for the tenants. Stated he has no issues with the request.



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Chairman Maloney opened up the hearing for public comment.

None

Public Hearing closed at 7:06 p.m.

Discussion/Decision

Alain Mollard for property located at 19 Church Street (Assessor's Map 67, Lot 6)

The Board had no issues with this request.

MOTION **Moved by Joseph, seconded by Conti, and voted 5-0 to approve the application of Alain Mollard for property located at 19 Church Street (Assessor's Map 67, Lot 6), which is located in the Semi-Residential (SR) 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 change, extension or alteration of a legal nonconforming use at this location (replacement of deck and stairs at rear entrance).**

Application of Carl Kingsley III for property located at 707 County Club Road (Assessor's Map R17, Lot 61), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-7.16 and 200-8.3 of the Zoning Ordinance in order to allow the installation of a 20 panel 5.2 kW ground-mounted solar photovoltaic system at this location.

Members sitting were Mark Maloney, Chair; Scott Conti; Christopher Joseph; James Winn; and Brickett Allis. Also in attendance was the Representative to the Applicant, Brendon Turner; and members of the public.

Maloney Introduced the Board members sitting and asked the Applicant to introduce himself and explain what he wants to do, where he wants to do it, and why.

Turner Stated the Applicant would like to install a 20 panel 5.2 kW ground-mounted solar photovoltaic (PV) system at their property. The piped structure will be cemented into the ground and the panels will be fixed mounted onto that. There will be a piping trench back to the house, approximately 200-feet from the street.

Maloney Inquired where in the yard will the PV system be located.

Turner Responded the PV system will be located on the eastern section of the yard. It turned out that other portions of the property were not ideal for PV placement.

Stated the PV system meets all dimensional requirements.

Joseph Inquired what the system's highest height is.



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- Turner Responded 10-feet.
- Joseph Inquired what the depressed area shown on the aerial is.
- Turner Stated the depressed, shallow area was like that when the Applicant purchased the property. Brush and compost had been dumped in this area for many years. That area is sloping a little bit to the south. The plan is to will level this area which will set this system down so from the north of the system, it will not look 10-feet tall.
- Joseph Inquired why the PV system is not going onto the roof.
- Turner Responded the Applicant's roof is not an ideal location for solar. Although the roof is oriented east-west, there is vent pipes and an exhaust system on the eastern portion of the roof.
- Joseph Inquired why the selected area is the most optimal location for the ground-mounted PV system.
- Turner Responded if the PV system was moved closer to the house, there would be some shade issues. If it was moved further from the house, then that would require more wiring. Stated there is pine trees located to the north of the property, which will provide natural screening.

Chairman Maloney opened up the hearing for public comment.

Richard & Joy Pelc, 701 Country Club Road

Stated he has no issues with the request

- Conti Read correspondence from the Inspector of Buildings, Board of Health, Planning Board, Fire Department, Department of Public Works, and the Licensing Commission.
- Joseph Read correspondence from James Kittredge, 695 Country Club Road, who expressed his concerns regarding the project. Stated the panels will be in view from his windows on the east northeast side of his house, as well as from other abutters along Barton Road. Would like the Board to change the location of the panels and mandate natural screening.
- Joseph Stated the Applicant explained why the PV system cannot go on the roof, why it is setback, and that there is natural shading to the north but not to the south.
- Inquired whether the panels will face north or south
- Turner Responded it will face the south.
- Joseph Inquired whether 695 Country Club Road will see the panels.
- Turner Responded they will see the panels from an angle from their property.



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Maloney Stated the Board could require screening on the south-west side of the property.

Winn Inquired whether the panel had an anti-glare component.

Turner Responded, yes.

Public Hearing closed at 7:35 p.m.

Discussion/Decision

Carl Kingsley III for property located at 707 County Club Road (Assessor's Map R17, Lot 61)

Allis Stated his only concern would have been possible glare issues, but is happy to hear the panels will not produce glare problems. Stated he would be open to condition screening if the other Board members want it.

Winn Stated he has no issues with this request, given that the PV system will be 200-feet from the street and the direct abutters are in support of the project.

Joseph Stated he does not see how the screening could successfully be done for two properties over from the project site.

Conti Stated PV solar systems are an eye sore and there will be end of life disposal issues.

MOTION Moved by Joseph, seconded by Winn, and voted 4-1 (Conti opposed) to approve the application of Carl Kingsley III for property located at 707 County Club Road (Assessor's Map R17, Lot 61), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-7.16 and 200-8.3 of the Zoning Ordinance in order to allow the installation of a 20 panel 5.2 kW ground-mounted solar photovoltaic system at this location.

Application of Summit Distributing, LLC C/O Thomas J. Frawley for property located at 109 Mohawk Trail (Assessor's Tax Map 46, Lot 42), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-6.1(C), 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the existing service station to be converted to a convenience store with the addition of a drive-thru window for a donut shop at this location.

Members sitting were Mark Maloney, Chair; Scott Conti; Christopher Joseph; James Winn; and Brickett Allis. The Applicant was not in attendance.

Conti read correspondence from the Applicant requesting a continuance to the next regularly scheduled meeting.

Discussion Items



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Permit Fees

The Planning Department is requesting the Board to consider raising the permit fees, as the current fees are not covering the costs. The Planning Board recently increased their fees from \$150.00 to \$200.00.

The Board would like to compare permit fees in other towns and discuss whether to have a two-tier system based on the monetary value of the project.

Request to Extend the Special Permit for Patriot Care Corp, 7 Legion Avenue

Conti read correspondence from Patriot Care Corp requesting a nine month special permit extension.

Applicants, Robert Mayerson and Dennis Kunian of Patriot Care Corporation were present to discuss their request.

Mayerson Stated they purchased the Legion building. Unbeknownst to them the Legion building was in worse shape than original due diligence revealed. In order to improve the Premises to the extent necessary to operate the Dispensary, more work is necessary than originally thought. PCC has been working to value engineer necessary work to reduce the build out cost. This process has been more complicated and time consuming than originally planned.

MOTION: Moved by Conti, seconded by Winn, and voted 4-0-1 (Maloney abstained) to extend the approved special permit for Patriot Care Corp. for property located at 7 Legion Avenue (Assessor’s Map 58, Lot 55) in order to allow a Registered Medical Marijuana Dispensary at this location until December 31, 2016.

Adjournment:

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

Respectfully Submitted,

Maureen Pollock
Assistant Planner & Conservation Agent