



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)
Joseph, Christopher (2014)
Killeen, Christopher (2019)
Maloney, Mark (2019)
Winn, James (2017)

ZONING BOARD OF APPEALS
Minutes of October 13, 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 Christopher Joseph Brickett Allis
James Winn Andrew Killeen

ALSO PRESENT: Applicants

ABSENT: Maureen Pollock, Assistant Planner

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

Patrick Devlin, 921 Bernardston Road stated he is recording the meeting.

Action Item:

Application of Matthew Brown for property located at 130 Leyden Road (Assessor’s Map R28, Lot 15A), which is located in the Suburban Residential (RB) 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 44 panel 12.76 kW ground-mounted solar photovoltaic system at this location.

Maloney Stated that no permanent installations can be built over town right-of-ways. Stated no permanent structures can be built in front yards. Stated the applicant submitted a request to withdraw without prejudice for this application.

MOTION: Moved by Allis, seconded by Winn, and voted 5-0 to approve the request to withdraw without prejudice for the application of Matthew Brown for property located at 130 Leyden Road (Assessor’s Map R28, Lot 15A), which is located in the Suburban Residential (RB) 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 44 panel 12.76 kW ground-mounted solar photovoltaic system at this location.

Planning Board Recommendation:

Application of Marcia L. Vincent for property located at 907 Bernardston Road (Assessor’s Map R12, Lot 1), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-7.18 and 200-8.3 of the Zoning Ordinance in order to allow the construction of a Detached Accessory Dwelling Unit at this location.



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Chairman Maloney explained the process for planning board recommendations to the applicant. Joseph read the public notice into the record. Members sitting were Mark Maloney, Chair; Christopher Joseph, Clerk; James Winn; Brickett Allis; and Andrew Killeen. Also in attendance were the Applicants, Marsha Vincent; and members of the public.

Vincent Stated she wants to build a detached accessory dwelling unit (ADU) on her property. Stated the ADU would be built 100 feet from her primary house and it would be 30 feet from the northern side yard property line. Stated the proposed ADU is located in an area on the property with the least visibility from Bernardston Road and all the abutting neighbors. Stated the total area of the proposed ADU is 882 square feet. Stated she submitted the site plan, a photograph of the proposed ADU, and the dimensions.

Joseph read correspondence from Board of Health, Department of Public Works, and Planning Department.

Joseph Inquired how the applicant heard about the allowable use of ADUs in Greenfield.

Vincent Responded she read about it in the Greenfield Recorder and from her parents. Stated she read the Greenfield Zoning Ordinance § 200-7.18, "Accessory Dwelling Units." Stated she met with the Eric Twarog, Planning Director several times about what steps and information would be needed for applying for a special permit for building a detached ADU.

Killeen Inquired where the applicant would live.

Vincent Responded, she will either live in the primary house or in the ADU. Stated she has not decided yet.

Killeen Inquired whether the applicant is planning to have family members live in the ADU or primary house.

Vincent Responded, yes, she wishes to have family members to live in either the ADU or the primary house.

Winn Inquired whether the applicant has performed a perc and deep hole test yet.

Vincent Responded, no. Stated she did not want to perform any more expenses on this project until she was granted a special permit. Stated she did meet with Nicole Zabko, Health Director and showed her the plan. Stated Zabko told her that given the property is about 2.5 acres, there should be area that will be able to perc; therefore, the project should be do-able.

Allis Stated that after reading through § 200-7.18, "Accessory Dwelling Units" and through the submitted application that the project meets all the requirements set forth in the Zoning Ordinance.



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Maloney Inquired why did the applicant choose the location that she did and why did the applicant choose to build a detached ADU opposed to an attached ADU.

Vincent Responded she wanted the ADU to be separate from the primary house. Stated she chose the location because there is a line of trees and a shed that blocks the view of the proposed ADU from Bernardston Road. Stated from the northern side of the proposed ADU to Mr. Devlin's property, she put a 30-ft side yard setback instead of the required 20-ft side yard setback. Stated there is no window on the northern side of the proposed ADU. Stated there is a distance of approximately 102 feet from the proposed ADU to Mr. Devlin's privacy fence. Stated that given the distance between the proposed ADU and the privacy fence and the trees blocking the view to Mr. Devlin's house that there wouldn't be an issue. Stated that Mr. Devlin has previously mentioned that there are dead trees between the proposed ADU and the privacy fence. Stated the dead trees are owned by Mr. Devlin as they are on his property. Stated there is a lot of shrubbery that is overgrown over his fence which blocks any views to the proposed ADU. Stated there is line of trees to the east of the property which blocks all views to her property. Stated there are trees to the south of her property which also blocks views.

Joseph read correspondence from Patrick Devlin and Lynne Ballard, property owners of 921 Bernardston Road.

Vincent Stated she would like to address Mr. Devlin's concerns outlined in his submitted correspondence. Stated there are no plans to construct an additional driveway. Stated there are plans to construct a paved walkway from the current driveway to the front door of the proposed ADU. In an emergency, fire apparatus can access the proposed ADU from entering the existing driveway and driving to the proposed ADU. Stated the proposed ADU is 100 feet from the primary house. Stated it is not possible to build the proposed ADU closer to the primary house because there are existing trees and a shed in the way, as well as an incline to the existing driveway. Stated she does not anticipate any blasting needed for the construction. Stated she has not performed a perc test yet. Stated if an expensive septic system is needed, she probably will not build the ADU. Stated she plans to get insurance for the ADU. Stated if a tree falls on the ADU, the insurance would cover it. Stated the proposed ADU is one-story high. Stated she has lived in her home for 8 years and there have been zero noise complaints. Stated she cannot predict the future about noise levels. Stated there is no lighting plan submitted, though she anticipates a sensor lighting system for persons walking to the ADU.

Attorney Michael Pill, 77 Pleasant St, Northampton

Stated the applicant needs to figure out the septic and drainage needs for this project before moving forward. Stated he recommends Douglas MacLeay, Professional Engineer to the septic design and installation. Stated a perc test and drainage analysis should dictate where the ADU will be located. Stated the applicant should not rely on the Building Inspector for guidance on drainage systems.

Vincent Stated she will not rely on the Building Inspector for guidance on drainage system. Stated the previous owner of the property constructed an addition to the existing house with a crawl space. Stated there have been zero drainage issues with the addition. Stated the proposed ADU would be



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built 100 feet from it. Stated a perc test cost at least \$1,000.00 and she does not want to invest the money until she has been granted a special permit.

Patrick Devlin, 921 Bernardston Road

Stated he had three water engineers come out to the site. Two of the engineers suggested that a large berm have been built along the property line to help with the drainage. Stated the trees that block the view from his property are deciduous, so all the leaves fall during non-growing months. Stated the ADU would be built on a hill, so the ADU will be at the same height as his privacy fence so it will be in his view.

MOTION: Moved by Joseph, seconded by Winn, and voted 5:0 to forward a positive recommendation to the ZBA on the application of Marcia L. Vincent for property located at 907 Bernardston Road (Assessor's Map R12, Lot 1), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-7.18 and 200-8.3 of the Zoning Ordinance in order to allow the construction of a Detached Accessory Dwelling Unit at this location.

In the opinion of the Zoning Board of Appeals, the above referenced application meets the legal requirements set forth in the Greenfield Zoning Ordinance for allowing a Detached Accessory Dwelling Unit.

Approval of Minutes:

MOTION: Moved by Allis, seconded by Killeen, and voted 5:0 to approve the Minutes from September 29, 2016.

Executive session was called at 7:56pm

Adjournment:

MOTION: Moved by Joseph, seconded by Winn, and voted 5-0 to adjourn the meeting at 9:05 p.m.

Respectfully Submitted, Maureen Pollock, Assistant Planner & Conservation Agent