



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 April 26, 2017
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
James Winn Andrew Killeen

ALSO PRESENT: Applicants Maureen Pollock, Assistant Planner

ABSENT: Brickett Allis

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.

Approval of Remote Participation:

MOTION: Moved by Joseph, seconded by Winn, and voted 4:0 to allow remote participation for Brickett Allis and other attendees.

Public Hearings:

Application of the Charlie Fiechter/GTR Greenfield Millbrook Solar LLC for property located a 195 Mill Brook Road (Assessor’s Map R11, Lot 84), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C18), 200-7.15, 200-8.3 and 200-8.4 of the Zoning Ordinance in order to allow the installation of a 4,320 panel 1.468 MW ground-mounted solar photovoltaic system at this location.

Chairman Maloney explained the public hearing process to the applicant. Joseph read the public notice into the record. Members sitting were Mark Maloney, Chair; Christopher Joseph, Clerk; James Winn; and Andrew Killeen. Also in attendance were the Applicants, Carole Collins, Paul Curran, William Jordan, and Charlie Fiechter; 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.

Curran Stated his company did the town solar project at the transfer station. Stated this project would be a 4,320 panel 1.468 MW ground-mounted solar at the town’s wellfield site. Stated there is perennial stream to the northeast of the project area on the other side of the train tracks; with a stream and wetlands to the west, south, and southeast of the project area. The solar panels will be installed on land currently not utilized



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Stated the solar modules are sealed silicon modules, which do not release chemicals or emissions of any kind. There will be no chemical stored on site.

- Collins Stated she and the applicant have been working closely with Mark Holley who is in charge of the town water facility. Stated he is fine with the tree removal at the site. Stated noise will not be an issue, given its remote location and its adjacency to the highway and the railroad.
- Joseph Inquired how long the site preparation and solar installation will take.
- Curran Responded, 4-5 months. Stated if the construction in July, it will be finished by winter 2017/2018. Stated WMECO will not do the interconnection until 2018.
- Win Inquired whether the applicant is concerned with contaminating the town's water supply.
- Curran Responded MassDEP Water Resources Division is currently reviewing the project in regards to the water supply. Stated the Conservation Commission and MassDEP Wetlands Division is also currently reviewing the project under a submitted Notice of Intent.
- Maloney Inquired whether the existing parking lot is within Water Supply Zone I or II.
- Curran Responded, he was not sure.
- Maloney Stated the Board did not receive a section elevation for the proposed solar. Inquired how the solar subsets framed.
- Curran Responded, they are driven in with steel pole. Stated there are no concrete pads.
- Killeen Inquired whether the applicant has a specification sheet for the solar.
- Curran Responded, he can provide the Board with spec sheets.
- Joseph Inquired whether leaching can occur if solar panel breaks.
- Curran Responded, no.
- Joseph Stated the applicant cannot just say it cannot leach because they do not know for sure.
- Curran Responded, he agrees with Joseph.
- Maloney Inquired about potential impacts to the well field in case of an accident or natural disaster.
- Curran Responded he can get more information, including a MSDP sheet about impacts to a wellfield in the event that the solar panels break into pieces.
- Stated grass grows better under solar due to the shade.



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Maloney Stated if the proposed project was not on top of a well field, than the Board would not have a lot questions and concerns.

Stated the Board could make a condition to provide vegetative screening so the property solar cannot be seen from Upper Barton Road.

Chairman Maloney opened up the hearing for public comment.

None

Public Hearing closed at 7:32 p.m.

Joseph Inquired who is responsible for ongoing maintenance.

Curran Responded the applicant would be responsible for the electrical inspections which take place about 4 times a year; mowing which will occur 3 times a year; and monitor production via the internet.

Fiechter Stated WMECO signed the interconnection agreement last month.

Maloney Stated the Zoning Ordinance requires the applicant to submit the signed agreement; therefore, that must be submitted.

Joseph Read correspondence from the Planning Board, Inspector of Buildings, Board of Health, Town Engineer, and the Licensing Commission.

Pollock Stated the Conservation Commission opened the applicant's public hearing for this project during their March 25, 2017 meeting. Stated the Commission requested that additional information be provided. Stated the applicant requested to continue their public hearing in order to gather the request information.

Maloney Stated he would like to hear from MassDEP, the Conservation Commission, and from the Town Engineer before voting on this project.

Curran Requested that he continue the discussion and deliberation for this project until the next regularly scheduled meeting.

MOTION: Moved by Killeen, seconded by Winn, and voted 5-0 to continue the discussion/deliberation for 195 Mill Brook Road until May 11, 2017.

Application of David & Janet Seredejko for property located at 569 Country Club Road (Assessor's Map R17, Lot 2C), 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 34 panel 11.39 kW ground-mounted solar photovoltaic system at this location.

Chairman Maloney explained the public hearing process to the applicant. Joseph read the public notice into the record. Members sitting were Mark Maloney, Chair; Christopher Joseph, Clerk; James Winn; and Andrew Killeen. Also in



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attendance was the Applicant, David Seredejko; Representative to the Applicant, Ian Tapscott; 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.
- Seredejko Stated he wants to install the solar array in order to go green. Stated the solar panels will provided 100% of his energy needs over time.
- Tapscott Stated the solar array would be pile drilled with steel posts. The height of the array is 9 feet from the top of the array to the ground. The height of the array is 3 feet from the below of the array to the ground.
- The array is located 190 feet from the front yard lot line; 10 feet to the side lot line to the north; 75 feet from the southern side lot line; and 155 feet to the rear lot line. The array is composed of 2 rows of 17 modules in portrait layout. The underground conduit connects to the rear of the garage, where the inverter is located.
- Joseph Inquired whether there would be any issues with the conduit as it relates to the septic or water.
- Tapscott Responded, no.
- Seredejko Stated his house uses town water and has a septic system. Stated the septic tank is behind the house and the leaching field is located along the southern side of the property. Stated there is plenty space between the solar array and the septic system.
- Maloney Inquired why the system is located so close to the side lot line to the north.
- Tapscott Responded, the array is located near the side lot line due to the line of trees to the rear of the property.
- Maloney Inquired whether the array could be located 15 feet to the side lot line instead of 10.
- Tapscott Responded, yes. Stated the location adjustment would likely not affect the productivity.
- Joseph Inquired why the applicant is not putting the solar on the roof.
- Seredejko Responded, the roof has an east-west aspect and there are trees.
- Maloney Inquired whether the applicant would be agreeable to put arborvitae along the side lot line to the north.
- Seredejko Responded, yes that would be fine. However, the neighbor north of the property is fine with the solar array and does not want any screening.

Joseph read correspondence from the Licensing Board, the Building Inspector, Fire Department, Department of Public Works, the Planning Board, Robert & Jennifer Wallner of 575 Country Club Road, and Walter Boyd of 574 Country Club Road.

Robert Wallner of 575 Country Club Road

Stated he supports the project. Stated that there is a fence along his property line and he would not want arborvitae planted as they get his way for grass mowing.



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Public Hearing closed at 8:00 p.m.

Discussion/Decision

David & Janet Seredejko for property located at 569 Country Club Road (Assessor's Map R17, Lot 2C)

- Joseph Stated if there are new neighbors, they may have issues with the distance from the solar array to the side yard lot line. Stated the current neighbors are fine with the distance and do not want arborvitae planted; therefore, he is fine to approve this project without conditions.
- Maloney Stated he like the solar array to be moved 5 feet back from the side yard lot line to the north.
- Killeen Stated he is fine to approve the project without conditions. Stated if the neighbors are fine with the solar project without having any conditions, such as moving the array or adding plants, then the Board should not add conditions. Stated the 10 feet distance from the side yard lot line is allowed by right per Section 200-6.2. B (2a).
- Winn Stated he agrees with Killeen. Stated there is a fence that will block the view and the neighbor is fine with the location and does not want arborvitae planted.
- Maloney Stated the Board has the right to add conditions, as the applicant is requesting a special permit. Stated the Board needs to considers how the project will affect the present day and in the future.
- Killeen Inquired if the 10 feet distance from the side yard lot line is allowed by right, then why is the Board asking for additional 5 feet. Stated he would like to amend the motion to allow the solar array to be built 10 feet from the side yard lot line.
- Joseph Stated the Board should use discretion will reviewing special permits. The applicant will need to get around the solar array for maintenance, and perhaps more space will be needed. Stated the Board need to consider future issues that could result from this project.

MOTION: Moved by Joseph, seconded by Killeen, and voted 4-0 to approve the application of David & Janet Seredejko for property located at 569 Country Club Road (Assessor's Map R17, Lot 2C), 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 34 panel 11.39 kW ground-mounted solar photovoltaic system at this location, with the following conditions:

1. The solar photovoltaic system shall be located no closer than fifteen (15) feet to the side lot line to the north.

Deliberation Item:

Application of Elizabeth Shurman for property located at 128 Mountain Road (Assessor's Map R02, Lot 2), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-6.2(E2) and 200-8.3 of the Zoning Ordinance in order to allow a fence that exceeds four (4) feet in height along the front property line and that portion of the side lot line between the front lot line and the minimum front setback line at this location.



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Chairman Maloney explained the process to the applicant. Joseph read the public notice into the record. Members sitting were Mark Maloney, Chair; Christopher Joseph, Clerk; James Winn; and Andrew Killeen. Also in attendance were Applicants, Elizabeth and Alison Shurman; and members of the public.

Discussion/Decision

Elizabeth Shurman for property located at – 128 Road (Assessor’s Map R02, Lot 2)

- Shurman Stated she would like to build a fence that exceeds 4 feet in height along the front yard lot line with sections on town land. Stated she has received written permission from the Mayor to install the fence on town land. Stated she wants the fence installed for safety reasons and to block sound from the road. Stated there are tracker trailer trucks that routinely drive up and down Mountain Road each day that are loud and cause her house to vibrate. Stated her house is close to the road. Stated she has a young child with a long baby on the way. There was a car accident in front of her house the other night. Currently there is no barrier between the road and her property. Stated there used to be a fence at this location, stated the proposed fence would be replacing the old fence.
- Joseph Inquired what the height of the fence would be along the front yard lot line.
- Shurman Responded, it would range from 6-8 feet high, depending on the existing topographic grading. Stated the land is not level, so the height will vary.
- Joseph Inquired about the fence along the side yard lot line.
- Shurman Responded, yes they would like to install a fence along the side yard, ranging from 6-8 feet. Stated the property is really unique due to the topography. Stated the fence would be 5 feet from the fire hydrant. Stated John Whitney from the Fire Department will meet with the contractor on-site to review the plans in relation to the hydrant. Stated the slope along the front is steep; therefore, they need to install the fence on town property. Stated the Mayor has given written to allow them to install the fence on town land pending ZBA approval.
- Shurman Stated the Mayor has given written to allow them to install the fence on town land pending ZBA approval.
- Joseph Inquired how long have they lived on the property.
- Shurman Responded, they have lived there for 2 years. Stated when bought the house, they live out of state and viewed the house on the weekend, when trucks were not using the road.
- Maloney Stated installing a 4-ft fence on their property is by right. Stated the applicants are asking to install a 6 feet fence in front of their house on town land and there are some concerns from the board regarding the fire hydrant.
- Joseph Stated there are some concerns about building on town land, the fire hydrant in relation to the fence, and what will happen with snow.
- Shurman Stated the Fire Department have addressed the concerns about the fire hydrant and the memo has authorized the installation of the fence, pending the ZBA approval. Stated the house is below with the road.



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Stated the traffic on Mountain Road is loud and problematic for them. Stated they planted arborvitae to create a visual barrier and sound barrier but it has been successful. Stated arborvitae is planted at the edge of the front lot property line. Stated the prior homeowner installed a fence at the exact location; therefore, this would be a replacement fence.

- Killeen Inquired whether the applicant would consider moving the fence back onto their property
- Shurman Responded, no. The ground is not level, there is a leaching field, and the distance from the road to the house would be problematic.
- Maloney Stated the board would like to see a stock photo of what the proposed fence would look like. Stated the Board would like to receive a legal opinion whether the Mayor has the authority to allow a private owner to install the fence on town land. Stated the Board would like to receive an updated memo from the Fire Department regarding the fence in relation the existing fire hydrant.
- Shurman Requested to continue the discussion/deliberation until the next regularly scheduled Board meeting.

MOTION: Moved by Killeen, seconded by Winn, and voted 4:0 to continue the discussion/deliberation until May 11, 2017

Approval of Minutes:

MOTION: Moved by Joseph, seconded by Killen, and voted 4:0 to approve the Minutes from March 9, 2017.

Adjournment:

MOTION: Moved by Joseph, seconded by Winn, and voted 5-0 to adjourn the meeting at 8:53 p.m.

Respectfully Submitted, Maureen Pollock, Assistant Planner