



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

ZONING BOARD OF APPEALS

Minutes of June 8, 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 Brickett Allis
James Winn Andrew Killeen

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:

- a. **7:00 p.m.:** (Continued) 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.

The applicant has made a request to continue the public hearing until the next regularly scheduled meeting.

MOTION: **Moved by Joseph, seconded by Winn, and vote 5:0 to continue the public hearing for 195 Mill Brook Road until the next regularly scheduled meeting.**

- b. **7:15 p.m.:** Application of Rachael Jaquay for property located at 17 Frederick Road (Assessor’s Map 86, Lot 26D), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-4.4(C17) and 200-8.3 of the Zoning Ordinance for an animal kennel license to allow daytime dog play groups of up to ten (10) dogs 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; Brickett Allis; and Andrew Killeen. Also in attendance were the Applicants, Rachael Jaquay and Myrtron Jaquay; and members of the public.

Maloney Introduced the Board members sitting and asked the project proponents to introduce themselves and explain what they want to do, where they want to do it, and why.



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- Jacquay Stated she owns a dog walking business, Happy Tails Pet Care and wants to offer playgroups at your property as part of her business. Stated she currently has play groups in her back yard with friends' dogs and she would like to offer it as part of business. Stated she proposes to pick up dogs from their home, offer 4-6 dogs in the playgroup at one time in her fenced yard and then would return the dogs to their home. Stated the total time from pick up to drop off would be 3 hours during daytime hours, only. Stated she personally owns 2 dogs. Stated she could handle up to 10 dogs at one time, with most of them being smaller dogs. Stated she is not planning to board dogs, just want to offer playgroups at the property.
- Joseph Inquired how the applicant found out that she needed a kennel license
- Jacquay Responded she found out that she needed a kennel license while she was acquire a business license. Stated her neighbors have been supportive of her business. Stated none of her neighbors that she spoke with had any concerns.
- Joseph Inquired what the applicant does about disposing of dog waste.
- Jacquay Responded she disposes dog waste on a daily into her trash barrel.
- Joseph Inquired about how she selects which dogs she will walk, etc.
- Jacquay Responded she has an application process and she meets the dog first before allowing them on her property with other dogs present. Stated she as rules and regulations regarding dog aggression. Stated the dogs need to receive certain vaccines. Stated there is a trial period for new dogs, so if a dog is aggressive than she can decide to not allow the dog to return.
- Joseph Inquired whether there have been any runaway dogs.
- Jacquay Responded, no. Stated the yard is fenced in and the only to enter/exit is through the garage.
- Killeen Inquired whether she will get liability insurance or would this be insured under her homeowners insurance.
- Jacquay Responded she is currently looking into insurance option.
- Maloney Inquired what the applicant plans to do during bad weather.
- Jacquay Responded they currently put dogs in half of their garage during rainy days. Stated the size of garage half is about 300 square. Stated they plan to use the entire garage which is about 600 square feet in size.
- Maloney Inquired about grates for separating dogs and whether there would be enough room in the garage for all the grates.



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Jacquay Responded she has grates and that there would be enough room in the garage.

Maloney Inquired about the hours of operation.

Jacquay Responded the playgroups would generally run between 10:00am to 3:00pm, which includes pick-up and drop-off but she is asking in this permit request to allow dog playgroups at this location between 7:00am until 6:00pm.

Chairman Maloney opened up the hearing for public comment.

Joseph Read correspondence from Joyce Karpinski of 21 Frederick Road; Edith Karpinski of 20 Frederick Road; Inspector of Buildings; Planning Board; and Town Engineer.

Public Hearing Closed at 7:35 p.m.

Jacquay Stated that she was informed that years back a property owner on Frederick Road applied for a kennel license for a grooming business and they were granted one and the neighborhood had no issues.

Discussion/Decision

Rachael Jaquay for property located at 17 Frederick Road (Assessor’s Map 86, Lot 26D)

Allis Questioned whether this business owner is required to obtain a kennel license, since they are not kenneling dogs overnight.

Winn Stated it is a dense neighborhood and would like to see the Animal Control Office visit the property at least twice a year. Stated he would like to see the applicant obtain an insurance to cover the dogs.

Joseph Stated he supports the request, along there are the following conditions, the dogs shall not exceed 10 dogs; the hours of operations shall be between 7am – 6pm; that no overnight boarding be allowed; the special permit is for the sole purposes for the applicant at 17 Frederick Road – if this applicant moves from the address, the permit would no longer be valid; the applicant shall submit 2 reports a year to the Animal Control Officer; 6-ft stockade fence shall be maintained; dogs shall be brought indoors during inclement weather; there shall be equal amount of kennels to dogs on the premise. Stated he is not concerned about having insurance as a condition from the Board.

MOTION Moved by Joseph, seconded by Allis, and voted 5:0 to approve the application of Rachael Jaquay for property located at 17 Frederick Road (Assessor’s Map 86, Lot 26D), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-4.4(C17) and 200-8.3 of the Zoning Ordinance for an animal kennel license to



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allow daytime dog play groups of up to ten (10) dogs at this location, with the following conditions:

- 1. The number of dogs allowed shall not exceed ten (10);**
- 2. The hours of operations shall occur between 7:00am and 6:00pm;**
- 3. Overnight boarding of dogs shall not occur;**
- 4. This special permit shall be for the sole purposes of Rachael Jacquay and her business “Happy Tails Pet Care” and shall not be transferable to another person or business;**
- 5. At the discretion of the Animal Control Officer, unscheduled site visits shall be conducted at the property. The Animal Control Officer shall submit a report to the Board within two weeks thereafter the site visit; If the Animal Control Officer submits two negative reports to the Board, the applicant shall come before the ZBA during their next regularly scheduled meeting;**
- 6. The existing 6-ft high stockade fence shall be maintained;**
- 7. Equal amount of dog kennels to dogs shall be provided at this location;**
- 8. The applicant shall provide a protected area for dogs in times of inclement weather.**

- c. **7:30 p.m.:** Application of Add-A-Sign, LLC for property located at 312 Federal Street (Assessor’s Map 95, Lot 20), which is located in the Limited Commercial (LC) Zoning District, for a special permit pursuant to Sections 200-6.7(F) and 200-8.3 of the Zoning Ordinance in order to allow building wall signage that exceeds the maximum standards of the Zoning ordinance for Aubuchon Hardware.

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; Brickett Allis; and Andrew Killeen. Also in attendance was the Representative to the Applicant, Tim Seymour of Aubuchon Hardware; and members of the public.

Maloney Introduced the Board members sitting and asked the project proponents to introduce themselves and explain what they want to do, where they want to do it, and why.

Seymour Stated Aubuchon Hardware made an addition to the store in 2016. Stated the new building addition has a facade on it. Stated wants to put a sign on the building façade. Stated the proposed sign exceeds the maximum square footage that the sign could be. Stated due to the angle of the new building, passersby cannot see the existing sign; therefore, the company would like to add the proposed sign.

Maloney Inquired if there is currently a free standing sign

Seymour Responded, yes.

Maloney Inquired whether the company would like to move the existing “Aubuchon Hardware” sign from the old building to the new building and whether the company would like to replace the existing “Benjamin Moore” with a new one over the front doorway.



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- Seymour Responded, yes. Stated the plan is to replace the existing “Aubuchon Hardware” channel letters/box with larger, separated 19.4” x 33’-1” LED Channel Letters and 42” x 84” LED Box sign to encompass new addition.
- Maloney Inquired whether the existing 2 signs are lit.
- Seymour Responded, yes.
- Maloney Stated the size of the 2 existing signs combined are 43.1 square feet and the size of the 2 proposed signs are 78 square feet – a net gain of 34.9 square feet.
- Maloney Inquired whether the applicant is asking for a change in lighting.
- Seymour No, not asking for a change of lighting, just asking to move the signs and for the increase of sign size for the purpose of more visibility.
- Killeen Inquired what does LED mean.
- Seymour Stated it means Light-emitting diode.
- Killeen Inquired whether LED is just for lighting and does it change colors.
- Mass Responded, the light shines through the plastic lettering. Stated he does not change color.
- Seymour Stated the letter signs are colored – the LED illuminate through
- Joseph Read correspondence from the Planning Board; Inspector of Buildings, Board of Health, and Town Engineer.

Chairman Maloney opened up the hearing for public comment.

Claire Chang, Gill

Inquired how much is the applicant exceeding the allowable square footage for the proposed signs.

Allis Responded, by about 20 square feet.

Public Hearing Closed at 7:49 p.m.

Discussion/Decision

Add-A-Sign, LLC for property located at 312 Federal Street (Assessor’s Map 95, Lot 20)



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Joseph Stated he has no issues with the overall request. Stated he does have a concern about the ‘Benjamin Moore’ sign as it is not specific to the store.

MOTION Moved by Allis, seconded by Killeen, and voted 5:0 to approve the application of Add-A-Sign, LLC for property located at 312 Federal Street (Assessor’s Map 95, Lot 20), which is located in the Limited Commercial (LC) Zoning District, for a special permit pursuant to Sections 200-6.7(F) and 200-8.3 of the Zoning Ordinance in order to allow building wall signage that exceeds the maximum standards of the Zoning ordinance for Aubuchon Hardware, as submitted.

d. **7:45 p.m.:** Application of Valley Solar 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 a 20 panel, 2 axis solar tracker installation 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; Brickett Allis; and Andrew Killeen. Also in attendance were the Applicants, Louise Reardon and Lauren Harris; property owners of 130 Leyden Road; and members of the public.

- Maloney Introduced the Board members sitting and asked the project proponents to introduce themselves and explain what they want to do, where they want to do it, and why.
- Harris Stated the property owner would like to install a 20 panel 2 axis solar tracker from helical pier in the ground, so it is less intrusive. Stated it is about 375 square feet in size. Stated the solar array meets all the dimensional setbacks.
- Maloney Inquired whether the solar panels are stacked 10 x 10.
- Harris Responded, they are panels stacked 4 across 5 high.
- Harris Stated the solar array rotates, following the sun. It has a 2 axis solar tracker. Stated the property owner is willing to plant some arborvitae along the side property line on the northerly side.
- Maloney Inquired how many feet is the array going to be from the common driveway, shared with 140 Leyden Road.
- Harris Responded, about 20 feet.
- Maloney Inquired about the location of the trench for the underground conduit.



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- Harris Responded, the trench will run from the solar array to the corner of the house, as indicated in the submitted site plan. Stated the trench will be about 20 feet deep. Stated the conduit will be a 2 inch wide.
- Maloney Inquired whether there will be sub-panel.
- Harris Responded, a sub-panel will not be needed.
- Winn Inquired what the height of the proposed solar array. Stated the maximum height allowed for small-scale, ground-mounted solar array is 15 feet.
- Harris Responded, the proposed height would be 17 feet. Stated he is requesting a 20% increase
- Joseph Inquired whether the solar array will make noise. Stated he has never seen a solar tracker in use.
- Harris Responded, the tracker moves every 7-10 minutes and there is barely any noise.
- Joseph Read correspondence from the Planning Board; Inspector of Buildings, Board of Health, and Town Engineer.

Chairman Maloney opened up the hearing for public comment.

Attorney Jack Curtis, representing Richard Rozak of 140 Leyden Road

Submitted photographs of views from 140 Leyden Road onto the 130 Leyden Road property where the solar would be installed. Stated the Rozaks currently rent their house. Stated the Rozaks are not against solar, but are opposed to the placement of the proposed solar at 130 Leyden Road. Stated the applicant's diagram shows that the solar array's height goes up to 20 feet. Stated the Rozaks will be staring at the solar array from their window. Stated there is a sewer easement through the property. States he questions whether the side of the house facing the common driveway would also be considered the front yard.

Richard Rozak, 140 Leyden Road

Stated the solar array will be an eyesore for his tenants that reside

Jane Rozak, 140 Leyden Road

Inquired whether any glare from the solar will bounce towards her house.

- Maloney Responded, no. Stated the solar panels will face southerly, which is in the opposite direction of 140 Leyden Road.
- Harris Stated the panels will never face the house located at 140 Leyden Road because that would be facing north.
- Harris Inquired whether any greenery will be planted to block the view of the solar from her house.



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Maloney Responded, the Board can make a condition to require greenery.

Public Hearing Closed at 8:15 p.m.

Discussion/Decision

Valley Solar for property located at 130 Leyden Road (Assessor's Map R28, Lot 15A)

Joseph Stated he understands the abutter's concerns. Stated the applicant meets on the requirements set forth in the Zoning Ordinance. Stated he is no issues with the request.

Winn Stated he would like to see arborvitae to the north of the solar array for screening purposes.

Allis Stated he would support the request. Stated the deed restriction on the property is outdated and would not be problem. Stated he could support moving the array further from the side lot line, if needed. Stated he would suggest the arborvitae as a condition.

MOTION: Moved by Allis, seconded by Killeen, and voted 4:1 (Allis abstained) to approve the application of Valley Solar 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 a 20 panel, 2 axis solar tracker installation at this location, with the following conditions:

- 1. Maximum height of the installation of the solar array shall not exceed seventeen (17) feet;**
- 2. The base of the solar array shall be shifted to the south by one (1) foot;**
- 3. Arborvitae shall be sufficiently planted and maintained along the back side of the solar array on the northerly side of the property;**

e. **8:00 p.m.: Application of Shelly and Daryl Beck for property located at 12 Birch Street (Assessor's Map 89, Lot 16), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-7.16 and 200-8.3 of the Zoning Ordinance in order to the installation of an 18-module, 5.94 kW DC multi pole mounted solar PV array 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; Brickett Allis; and Andrew Killeen. Also in attendance were the Applicants, Shelly and Daryl Beck; Representatives to the Applicant, John Ward and Claire Chang of the Solar Store of Greenfield; and members of the public.

Maloney Introduced the Board members sitting and asked the project proponents to introduce themselves and explain what they want to do, where they want to do it, and why.

Beck Stated she would like to install an 18-module, 5.94 kW DC multi pole mounted solar PV array in the back corner of her property.



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- Ward Stated the solar array will be mounted on 3 poles. Stated the height would 12 feet high. Stated there will be 18 panels with 3 rows of 6 panels.
- Maloney Inquired whether this will be a static array
- Ward Responded, the array will be seasonably adjustable, so it can be tilted more flat when the sun is higher in the summer months. It can be tilted higher during the winter months, so the snow can melt off. Stated the homeowner would adjust the arrays manually. Stated the adjustment would occur about 2-3 times per year.
- Winn Inquired whether the solar installers will instruct the homeowners how to properly adjust the solar array.
- Ward Responded, yes.
- Joseph Inquired why the applicant decided to install a ground-mounted array instead of putting the solar on the roof.
- Beck Responded, they have a very large, old tree blocking the house from the sun.
- Joseph Stated there are other similar solar arrays in the neighborhood. Inquired whether the applicant has seen any property values go down or seen any negative impacts in the neighborhood.
- Beck Responded, no he has not seen any negative impacts.
- Mass Stated he has not heard of any property values been lowered due to ground mounted solar arrays.

Chairman Maloney opened up the hearing for public comment.

Joseph read correspondence from Alyssa Larose and Dan Mickus of 10 Birch Street; Edward Burakiewicz of 20 Birch Street; Planning Board; Town Engineer; Inspector of Building

Public Hearing Closed at 8:30 p.m.

Discussion/Decision

Shelly and Daryl Beck for property located at 12 Birch Street (Assessor’s Map 89, Lot 16)

The Board has no issues with this request.

MOTION Moved by Allis, seconded by Joseph, and voted 5:0 to approve the application of Shelly and Daryl Beck for property located at 12 Birch Street (Assessor’s Map 89, Lot 16), which is



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located in the Urban Residential (RA) 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 an 18-module, 5.94 kW DC multi pole mounted solar PV array at this location

- e. **8:15 p.m.:** Application of Noah A. Modie, for property located at 134 Hope Street, which is located in the General Commercial (GC) Zoning District, for a variance pursuant to Section 200-8.7 of the Zoning Ordinance in order to allow a reduction in the required land area for a mixed use (residential/commercial) development 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; Brickett Allis; and Andrew Killeen. Also in attendance was the Applicant, Noah A. Modie, Architect; Stephen & Melissa Prichard, property owners of 134 Hope Street; and members of the public.

Maloney Introduced the Board members sitting and asked the project proponents to introduce themselves and explain what they want to do, where they want to do it, and why.

Modie Stated he is requesting a variance in order to allow a reduction in the required land area for a mixed use (residential/commercial) development at this location.

Maloney Asked for the applicant to describe the development.

Modie Responded, there would be residential units on the first floor and the third floor, with an office located on the second floor. Stated he wants to make the first floor ADA accessible. Stated the Board has been given a schematic design that shows the proposed building layout, parking, driveway, and drainage. Stated there is difficult topography with the site, and that he is doing the best to deal with the sheet flow coming off the site. Stated he provided written responses to how he meets the criteria requirement to seeking a variance.

Stated the building has been abandoned and has not been in use in many years. Stated the building needs a paint job but structurally the building is fine.

Stated he needs a variance because the lot size is half of what is required under the Zoning Ordinance and because of parking.

Maloney Inquired how many parking spaces are required under the Zoning Ordinance and how many parking spaces are being proposed.

Modie Responded, he will provide 1-2 ADA accessible parking spaces and 3-4 9'x18' parking spaces. Stated there is on-street parking along Hope Street as well. Stated the Zoning Ordinance requires 2 spaces per dwelling unit and 1 space for every 300 square feet of business area, which would be 4 spaces for the proposed office. Stated he does not meet the requirement by one parking space.



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Maloney Stated in order for the applicant to request a special permit for a specific use, site plan review and parking reductions, the applicant first needs a variance. Stated the Board needs to determine whether the applicant meets the requirements set forth in the Zoning Ordinance regarding the variance request.

Chairman Maloney opened up the hearing for public comment.

Myrtron Jaquay, 17 Frederick Road
Stated he supports the applicant's request.

Merrily Cane, Gill, MA
Stated she supports the applicant's request.

Public Hearing Closed at 8:38 p.m.

Discussion/Decision

Noah A. Modie for property located at 12 Birch Street (Assessor's Map 24, Lot 2)

Joseph Stated it is rare that a Board will approve a variance request. Stated the applicant must meet all 3 criteria requirements. Stated the applicant has met all three in this request.

Winn Stated he supports the request.

Allis Stated he would like to see this property redeveloped. Stated criteria must be met. Stated the applicant has met all criteria; therefore, he supports this request.

Killeen Stated he would like to see this property redeveloped. Stated criteria must be met. Stated the applicant has met all criteria; therefore, he supports this request.

Joseph Read correspondence from the Inspector of Building, Town Engineer,

MOTION Moved Allis, seconded by Killeen, and voted 5:0 to approve the application of Noah A. Modie, for property located at 134 Hope Street (Assessor's Map 24, Lot 2), which is located in the General Commercial (GC) Zoning District, for a variance pursuant to Section 200-8.7 of the Zoning Ordinance in order to allow a reduction in the required land area for a mixed use (residential/commercial) development at this location.

Approval of Minutes:

MOTION: Moved by Killeen, seconded by Winn, and voted 5:0 to approve the Minutes from May 11, 2017



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Adjournment:

MOTION: Moved by Allis, seconded by Winn, and voted 5-0 to adjourn the meeting at 9:49 p.m.

Respectfully Submitted,

Maureen Pollock, Assistant Planner & Conservation Agent