



William F. Martin
Mayor

City known as the Town of
GREENFIELD, MASSACHUSETTS

PLANNING BOARD

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

Members:
Twarog, Eric
Director, Planning & Dev.

Desorgher, Virginia (2019)
Moscaritolo, David (2019)
Pottern, Jamie (2018)
Roberts, Charles (2017)
Smith, Linda (2019)
Touloumtzis, George (2018)
Wedegartner, Roxann (2017)

GREENFIELD PLANNING BOARD
Minutes of November 17, 2016

Department of Planning and Development
114 Main Street, Greenfield

The meeting was called to order by the Planning Board Chairperson at 7:00 p.m.

PB MEMBERS PRESENT: Roxann Wedegartner, Chair; Linda Smith, Vice-chair; Virginia Desorgher; Jamie Pottern; George Touloumtzis, Clerk; and Alternates David Moscaritolo and Charles Roberts

ALSO PRESENT: Eric Twarog, Director of Planning and Development, Aviva Luttrell of the Greenfield Recorder, Susan Laing of GCTV, and members of the public

Approval of Minutes:

MOTION: Moved by Touloumtzis, seconded by Roberts, and voted 3:2:0 (Wedegartner and Pottern abstained) to approve the meeting minutes of September 1, 2016.

MOTION: Moved by Smith, seconded by Desorgher, and voted 4:1:0 (Touloumtzis abstained) to approve the meeting minutes of October 6, 2016 as amended.

MOTION: Moved by Pottern, seconded by Moscaritolo, and voted 4:1:0 (Smith abstained) to approve the meeting minutes of October 20, 2016.

Site Plan Review

- a. Continued from October 6, 2016: Application of Jim's Tree Service, Inc. for property located at 275 Wells Street (Assessor's Map 88, Lot 23), which is located in the General Industry (GI) Zoning District, for site plan review and approval pursuant to Sections 200-4.11(B14) and 200-8.4 of the Zoning Ordinance in order to allow the operation of a tree service facility at this location.

Wedegartner read a request for continuance from Attorney Scott Cote.

MOTION: Moved by Smith, seconded by Pottern, and voted 5:0 to continue the site plan review for Jim's Tree Service to December 15, 2016.



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Public Hearing:

- a. **7:00 p.m.** (Continued from October 6, 2016): 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.

Wedegartner moved Alternate Moscaritolo up as a voting member. Wedegartner announced that this meeting is being recorded; if any other persons present are doing the same you must notify the chairperson at this time. Patrick Devlin and Susan Laing of GCTV responded yes.

The following were present for the public hearing: Marcia Vincent, Applicant; Lynne Ballard, Patrick Devlin, and their attorney Alan Seewald; and members of the public. Wedegartner opened the continued public hearing at 7:08 p.m.

Public Input

Attorney Alan Seewald, 71 King Street, Northampton

Attorney Seewald passed out two handouts to the Board, one being a table of plan requirements and the other being Section 200-8.3(F) special permit criteria which are hereby made a part of these meeting minutes. Attorney Seewald also handed out a written statement from Lynne Ballard and Patrick Devlin which are hereby made a part of these meeting minutes. Attorney Seewald stated that his clients are not against a second dwelling unit at 907 Bernardston Road and would not object if the proposed detached Accessory Dwelling Unit (ADU) were moved behind Ms. Vincent's existing house. Attorney Seewald stated that his clients would walk away from the issue of the septic system if the proposed detached ADU were moved behind Ms. Vincent's existing house.

Wedegartner asked Director Twarog if site plan review is required for single family homes. Director Twarog responded no. Wedegartner referenced Northampton's ADU ordinance and their experience with them to include Wayne Feiden's written response to the Board's inquiry on Northampton's experience in dealing with ADUs. Touloumtzis asked for clarification from Attorney Seewald on his statement about "walking away" from the septic issue if the proposed ADU is moved. Attorney Seewald reiterated that his clients would not pursue the issue of the septic system requirement in Section 200-7.18(D14) of the Zoning Ordinance if the proposed ADU were moved behind Ms. Vincent's house. Wedegartner read additional review comments from the Department of Planning and Development, Health Department, and the Fire Department.

Barbara Morris, 741 Country Club Road, Greenfield

Ms. Morris stated that Greenfield is different from Northampton in terms of the fabric of the community and ADUs. She expressed concerns about property values and so is against detached ADUs.



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Margaret Corey, 39 Freeman Drive, Greenfield

Ms. Corey stated that in her opinion the Recorder article about this was biased against her mother Marcia Vincent. She stated that her mother was harassed over this proposal and that the whole experience has been very unpleasant.

Susan Laing, 47 Phillips Street, Greenfield

Ms. Laing stated that there are flooding and drainage concerns in this area due to the lay of the land and expressed concerns about the proposed ADU exasperating the situation. She stated that Ms. Vincent's unwillingness to move the ADU to another location on her property to mitigate the visual impacts is not fair to Lynne Ballard and Patrick Devlin. She spoke against the project.

MOTION: Moved by Pottern, seconded by Desorgher, and voted 5:0 to close the public hearing at 7:56 p.m.

Board Deliberation

Pottern asked Ms. Vincent if she will be living in the detached ADU. Ms. Vincent responded that she submitted the required notarized statement that she will be living in either the existing home or the ADU. She further stated that she may live in the ADU or the existing home depending on her family circumstances in the future. Touloumtzis inquired about the proposed walkway lighting. Ms. Vincent responded that she plans on installing motion sensor lighting for the walkway. Touloumtzis inquired on the height of the light poles. Ms. Vincent responded that the height would be the standard height for a residential light pole. Pottern expressed concerns about the lack of information on drainage. Ms. Vincent responded that her engineer stated to her that drainage is not an issue and that she would be able to do a full walk-in basement and there would be no drainage problems. Ms. Vincent stated that it is not her intent to do a full basement but to do a crawl space instead. Moscaritolo stated that it is his opinion that the drawings received are inadequate. Director Twarog informed the Board that the site plan review regulations in the Zoning Ordinance do not require site plans to be prepared an engineer and/or registered land surveyor. Moscaritolo asked Ms. Vincent why she located the ADU where it is. Ms. Vincent responded that she located the ADU where it is because she wanted to save several large trees as well as an existing shed. Also, the leach field for the existing septic system limits where she can place the ADU. Moscaritolo stated that he supports ADUs but that he is concerned about views. He feels that the proposed location of the ADU is not the best location. Touloumtzis stated that the preferred location would be directly behind the exiting garage because there is a plateau in that area as well as existing trees for screening. Wedegartner stated that it is her opinion that the proposed location is a good location and moving it as suggested would make it higher and more visible to neighbors. She stated hat both locations have their pros and cons. Desorgher agreed that moving it as suggested would make it higher and more visible. Desorgher stated that the original intent was to allow all ADUs by right but that this was changed through the drafting process of the ordinance. She stated that of the 351 municipalities in Massachusetts, about 180 have an ADU bylaw or ordinance and of those over half allow for detached ADUs. She stated that the Board should think about why the ordinance was passed in the first place. Wedegartner reiterated Desorgher's



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points and stated that the Board in the past has approved site plans with less detail than what was submitted for this application. Ms. Vincent stated that there are structures being built that do not require a special permit that have more impacts than what she is proposing. Wedegartner inquired on the proposed screening. Ms. Vincent confirmed that she is proposing to plant arborvitae four (4) feet apart for a distance of forty (40) feet along the northern side property line. Wedegartner inquired on the proposed height of the arborvitae and suggested that they need to be a minimum of four (4) feet in height. Wedegartner stated that the proposed screening would mitigate any negative visual impacts of the ADU if kept in its proposed location. Wedegartner stated that the proposed lighting would impact Ms. Vincent more than her neighbors and so will provide appropriate lighting. Moscaritolo inquired on the location of the ADU as suggested by Touloumtzis. The Board reviewed the suggested location. Touloumtzis asked for clarification from Director Twarog on #2 and #3 on the draft finding of fact. Director Twarog responded that there are no resources in the area protected under the MA Wetlands Protection Act or River Protection Act. Further that drainage from the roof top of the proposed ADU will be addressed during the construction level drawings at the Building Permit phase of the project. Director Twarog also stated that Chapter 695 of the Town code (Stormwater Regulations) must be adhered to as well which doesn't allow projects to increase drainage on neighboring properties. The Board discussed the special permit process and reviewed the draft findings of fact prepared by Director Twarog.

MOTION: Moved by Desorgher to approve 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 with the condition that the proposed arborvitae be a minimum of four (4) feet in height.

There was no second to the motion so the motion failed.

MOTION: Moved by Pottern to deny 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.

There was no second to the motion so the motion failed.

MOTION: Moved by Touloumtzis, seconded by Moscaritolo, and voted 5:0 to approve 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 with the following conditions:



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1. **The detached ADU shall be moved from thirty (30) feet to sixty (60) feet from the northern property line;**
2. **The proposed arborvitae shall be a minimum of four (4) feet in height; and**
3. **All exterior lighting shall be downcast with caps and shall not exceed six (6) feet in height.**

Adjournment:

MOTION: Moved by Desorgher, seconded by Pottern, and voted 5:0 to adjourn the Planning Board meeting at 10:16 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning & Development