

ZONING BOARD OF APPEALS

TOWN OF GREENFIELD, MASSACHUSETTS
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ZONING BOARD OF APPEALS
Minutes of January 12, 2012
Police Station Meeting Room
321 High Street

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

PRESENT: Tom McLellan, Chairman
Mark Maloney, Clerk
Howard Barnard
Scott Conti
Christopher Joseph

ALSO PRESENT: Laura DiNardo, Conservation Agent, Mark Snow, Building Inspector, Michael J. Winn, Fire Chief, and members of the public.

Public Hearings:

7:00 p.m.: Mark A. Wisniewski, 78 Country Club Road – Request for a special permit pursuant to Sections 200-6.7 (F) and 200-8.3 of the Zoning Ordinance in order to allow a free-standing sign and wall sign that exceed the current standards for such signage within the Urban Residential Zoning District.

McLellan explained the public hearing process to the applicant.

Maloney read public hearing.

Members of the Board and applicant introduced themselves, Mark Wisniewski.

Wisniewski explained to the Board that the current name of business is changing. While he liked the old sign, it was very difficult for people to see. Maloney asked applicant how big the new sign would be. Wisniewski stated three (3) feet radius. Maloney confirmed that the application states three (3) feet diameter. The applicant had a misunderstanding with Planning Department but confirmed that he would like the sign to be larger than three (3) feet diameter. The Board discussed the new design; round, mostly black with some gold.

McLellan invited members of the public to speak/ask questions. No members of the public had concerns.

Maloney and McLellan read correspondences.

Wisniewski stated again that three (3) feet radius would be more ideal than three (3) feet diameter.

Barnard asked applicant how far the sign would be from the road and where the existing sign is now. Wisniewski stated around 40 yards from the road. The existing sign was moved.

Public hearing closed at 7:12PM.

Maloney stated he had no issues with where the existing sign was moved or with the proposed new sign but three (3) feet diameter is very small and three (3) feet radius is very large. Barnard, Conti, and Joseph agreed.

MOTION: **Moved by Maloney, seconded by Barnard, and voted 5:0 approve the request for a special permit pursuant to Sections 200-6.7 (F) and 200-8.3 of the Zoning Ordinance in order to allow a free-standing sign and wall sign that exceed the current standards for such signage within the Urban Residential Zoning District with the following conditions:**

- 1. The current, freestanding sign, is to be removed.**
- 2. Wall signage no larger than 4.5 feet diameter.**

7:15 p.m.: Susan Peck, 741 Bernardston Road – Request for a special permit pursuant to Sections 200-4.3 (C16) and 200-8.3 of the Zoning Ordinance in order to allow an animal hospital at this location.

McLellan explained the public hearing process to the applicant.

Maloney read public hearing.

Members of the Board and applicant introduce themselves, Jonathan Dane & Susan Peck.

Dane explained the history of the building. Building has been a Vet office since 1957, a vet specialist wants to buy vacant building. There was a grooming business there prior for two (2) years and it has been vacant since. The specialist proposes to be there once a week, each appointment lasts an hour. Specialist does not expect to do surgeries there but there might be emergencies and the animals will rarely be Boarded. The specialist might allow other specialists to use the space periodically. Parking consists of four (4) spaces plus garage; current structure will not be changed.

McLellan asked about the Boarding. Dane stated that this was occasional. When Susan's father owned the building, he always used it for Boarding. Peck stated the specialist(s) would only be there around one (1) day a week. McLellan asked about the other practitioner. Peck stated they were looking into it to defray from costs of satellite office. Joseph expressed concern about their language in voting; doesn't want this to sound like a Boarding kennel. Dane stated he is okay with whatever language they choose. Vet office permit and Boarding kennel permit are separate. Board inquired about residency. Peck stated that they do not live there, it is rented out.

McLellan invited members of the public to speak/ask questions. No members of the public had concerns.

Maloney and McLellan read correspondences.

Board asked about parking, signage, and lighting. Dane stated he is assuming the sign will remain the same. The parking will remain the same, not changing curbing. They have floodlights and shrubs and large trees as fencing.

Alice Bobard, neighbor, asked if the office would be open during daytime or nighttime. Peck stated daytime.

Public hearing closed at 7:32 PM.

MOTION: Moved by Conti, seconded by Maloney, and voted 5:0 approve the request for a special permit pursuant to Sections 200-4.3 (C16) and 200-8.3 of the Zoning Ordinance in order to allow an animal hospital at this location with the following condition:

- 1. This facility shall not a Boarding facility; boarding shall only be in conjunction with medical surgeries/procedures.**

7:30 p.m.: A.R. Sandri, Inc., 48 Montague City Road - Request for a special permit pursuant to Sections 200-4.11 (C14) and 200-8.3 of the Zoning Ordinance in order to allow bulk storage of fuel at this location.

McLellan explained the public hearing process to the applicant.

Maloney read public hearing.

Members of the Board and applicants introduced themselves, Shaun Thrasher (Quality Gas Service), Jonathan Fowler (Sandri), F.M. Skip Dunnell (Sandri), Sharon Abbott (Sandri). Michael J. Winn, Fire Chief, also present for this hearing.

Abbott briefly explained the project.

Barnard spoke about the Amerigas gas leak around six (6) years ago. Sandri has a high reputation but as a neighbor to the site and a Greenfield resident, he expressed concerns about evacuation and public safety.

Maloney stated that the applicant was looking to store thirty thousand gallons of propane on site with the option to install an additional thirty thousand gallon storage tank. Tanks would be at 80% capacity (which is standard). There would also be a place to deal with extra residential tanks, customers would pick up and drop off.

Abbott stated that the site is not currently being used for fuel storage just maintenance equipment storage.

Chief Winn introduced himself and explained that Eric Twarog, Director of Planning and Development, and the Mayor requested his presence. In 2006 he was Captain with the Greenfield Fire Department so he is very familiar with the Amerigas leak. Since 2006, the level of training, including hazardous materials, has increased and he feels very comfortable with their ability to respond to places like Sandri/Amerigas.

Chief Winn discussed the community wide reverse 911 calling system that the town is currently working on implementing; believes this is the key to move public safety forward. Barnard asked if the community would be notified of this change through water bills. Chief Winn stated yes. The system allows residents to enter their data in a 'code red' site and they will be emailed, texted, or called (cell/home) in an emergency event. Barnard expressed concern about residents throwing these notifications away. Chief Winn stated there will be additional press releases and the system allows them to know what percent of town has entered data; even if your data is not entered, it is possible for you to be notified via cell phone tower. This is still a work in progress. Barnard asked if you could alert people based of geographical area. Chief Winn stated yes, you could alert street by street. Even with the best technology, the Fire Department is still prepared to use man power, as always. Chief Winn explained the application process. Sandri will need a License from the Licensing Board, approval from ZBA, and then the application is sent to the State Department of Fire Service/Fire Marshall, if that is approved Sandri will be required to have yearly inspections.

Barnard expressed concerns about the ignition of flammable materials; concerned with ignition cloud and people becoming trapped during evacuation, not many exits in that neighborhood. Chief Winn stated that these concerns would never 100% go away but they are preventable to some degree through proper monitoring and safety. Barnard stated concerns about the school across the street, how will they evacuate that many children. The school was closed for summer during the last event but it could be worse next time. Chief Winn stated that the school systems were part of the emergency evacuation plan. Sometime the reality is that walking is the best evacuation. Barnard expressed concern with the wetlands, mountains, railroad tracks, and forests in that area; what if walking is not an option. Thrasher (Quality Service Gas) added that any vapor ignited would not continue burning, it would quickly flash. Vapor wouldn't damage a house unless there was a gas leak in the home. Vapor would not be a long-term source of ignition.

David Singer, member of the public, expressed his concerns. Stated there was nothing completely preventing only minimizing during a catastrophe. Amerigas had grandfathered uses, Sandri does not. Conti stated that fuel has been on property since 1926 and then it was in greater quantities and it was number 2 oil not propane. This is not a new use of property, actually a large reduction. License is in the process of being issued to applicant. Singer stated that there probably should never have been a school built across the street, but there is one now, and now is the opportunity to prevent this again. The site doesn't matter 60-70 years ago, it matters now.

McLellan and Maloney read correspondences.

Dunnell (Sandri) stated that this new facility would be state of the art. Human failure will be drastically minimized. Stated he was a Fire Chief in another town and he is very impressed by the 'code red' system. Thrasher (Quality Gas Service) stated that this plant would be to 2011 code, involves education, training, and prevention methods.

Chief Winn stated that whatever direction the ZBA votes, the fire department will meet the challenge. Maloney asked Chief Winn if there was anything that could not be overcome or makes this plan unsafe. Chief Winn stated no. Maloney stated there was hazardous waste all over town, anything can happen and this is only one-step in the process, need to trust state fire marshal.

Joseph asked if there were currently employees onsite. Fowler (Sandri) stated, not now, only for transfer of product. Joseph asked where the trucks were going/coming from. Fowler stated existing customer base, expanding their customer base, actually more efficient, less travel.

Applicant has not yet decided if they will put up a sign, if so they will apply. There will be sensor lights and a locked electronic gate.

Public hearing closed at 8:36 PM.

Joseph stated pro vs. cons., safety vs. use/local business. Pros outweigh cons.

Conti stated that there would be less travel and that propane is much safer than No 2 oil. No abutters showed up, no issues from neighbors.

Barnard stated he was impressed by new standards but that his previously expressed concerns remain.

Maloney stated they needed to think like a zoning Board and think about people's property rights. Need to trust the Fire Marshall to do his/her part of the safety aspect.

MOTION: Moved by Maloney, seconded by Conti, and voted 4:1 (Barnard no) approve the request for a special permit pursuant to Sections 200-4.11 (C14) and 200-8.3 of the Zoning Ordinance in order to allow with the following conditions:

1. The applicant shall meet all the requirements of Mark Snow, Building Inspector, and the Department of Public Works with the exception of the parking lot exit/entry footage requirements.
2. Lighting shall be directed onto property and no higher than fifteen (15) feet.
3. The Greenfield Fire Department, Michael J Winn, Fire Chief, shall have the authority to approve all Sandri employee yearly training to meet his/the department's expectations.

7:45 p.m.: Dalton Athey, 119-121 High Street – Request for a special permit pursuant to Sections 200-6.1(C) and 200-8.3 of the Zoning Ordinance in order to allow the expansion of a pre-existing nonconforming two-family home.

McLellan explained the public hearing process to the applicant.

Maloney read public hearing.

Members of the Board and applicant introduce themselves, Dalton and Margarita Athey.

Dalton explains reasons for request. Have lived in home for 20 years and would like to bring house to state code for 16-year-old handicapped daughter. They thought about purchasing a new house but decided to renovate this one. They need improvements to the kitchen, bathroom, entry-exits, remove steps, and add deck (which provides outdoor space that is even grade and safer than grass lawn). House is already non-conforming. Board inquired about zoning setbacks. House has two fronts (side lot). Mark Snow, building inspector, verified difference between front setback and frontage (width different than length).

McLellan and Maloney read correspondences.

Board members have no issue with proposal; no members of the public had concerns.

Public hearing closed at 8:53 PM.

MOTION: Moved by Maloney, seconded by Joseph, and voted 5:0 approve the request for a special permit pursuant to Sections 200-6.1 (C) and 200-8.3 of the Zoning Ordinance to allow the expansion of a pre-existing nonconforming two-family home located at 119-121 High Street with the following condition:

1. The applicant shall meet all requirements of the Building Inspector.

8:00 p.m.: Craig Sessions of West County Equipment Rentals, LLC, 8 Greenfield Street – Application to appeal for denial of use for renting and repairing compact/heavy construction equipment along with retail sales of construction supplies within the Planned Industry (PI) Zoning District pursuant to Section 200-8.6 of the Zoning Ordinance.

McLellan explained the public hearing process to the applicant.

Maloney read public hearing.

Members of the Board and applicant introduce themselves, Craig Sessions, current property owner, and Mark Snow, building inspector.

Sessions explains they are looking for a change of use, proposing rental facility. McLellan asked applicant what kind of equipment. Sessions stated just compact equipment that homeowners would use, some contractors. Current owner is looking to retire and sell.

Mark Snow stated that there is a table of uses in the Zoning Ordinance that states this use is not allowed. Applicant states that the industrial park has many other businesses that should not be allowed and that the property abuts three (3) residences and there have been no issues or complaints. Sessions will not buy property unless this permit is obtained.

Snow stated that there are many inconsistencies in the Industrial Park. They did not want a car dealership or type A retail. In his mind, this is not considered 'heavy equipment'. Unfortunately, whether it makes sense or not, it is in the Ordinance.

Sessions tells the Board that he will not be leasing the equipment, just renting.

McLellan suggests the possibility of the Ordinance changing.

John Mackin, member from the public, states that this would be a great use for this property and a good moneymaker for the Town.

Public hearing closed at 9:12 PM

Maloney stated that this permit could be issued with no ill feelings towards the Building Department because they are renting not selling or leasing the equipment. Barnard agreed that if there was a way to allow it, they should. Conti expressed concern that the Industrial Park was being filled with things that aren't building industry and that they need to think of what it best for Greenfield. Joseph stated that there is a legal distinction between leasing and renting. Maloney expressed concern that the town does not want large industry; this upsets residents each time it is proposed.

MOTION: Moved by Maloney, seconded by Barnard, and voted 5:0 approve the previously denied request for a special permit pursuant to Sections 200-8.6 of the Zoning Ordinance.

Approval of Minutes:

MOTION: Moved by McLellan, seconded by Conti, and voted 4:0, with one abstention, to approve the Minutes from November 10, 2011.

Adjournment:

MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to adjourn the meeting at 9:55 p.m.

Respectfully Submitted,

Laura DiNardo
Conservation Agent