

ZONING BOARD OF APPEALS

TOWN OF GREENFIELD, MASSACHUSETTS
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ZONING BOARD OF APPEALS
Minutes of June 14, 2012
Department of Planning and Development
114 Main Street

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

PRESENT: Tom McLellan, Chairman
Scott Conti
Christopher Joseph
Howard Barnard
ABSENT: Mark Maloney
ALSO PRESENT: Laura DiNardo, Conservation Agent, and members of the public.

7:00 p.m. Application of A.R. Sandri, Inc. for property located at 400 Chapman Street, which is located within the General Industry (GI) Zoning District, for a special permit pursuant to Sections 200-4.11 (C14) and 200-8.3 of the Zoning Ordinance in order to allow the parking of a propane delivery truck at this location.

McLellan explained public hearing process to applicant and the need for four out of the five members to vote in favor to have project approved. In Maloney's absence, all members must vote in favor. Applicant chose to continue.

McLellan read the notice of hearing.

Representatives: Sharron Abbot and Jonathan Fowler

McLellan asked representatives why they would like to park a vehicle at this location. Abbot stated it was for dispatching and maintenance convenience.

McLellan asked if the truck would be parked with a full tank of propane. Abbot stated it would be partially full; they do not re-fill until the morning. It will be locked in a fenced area with other fuel trucks.

Joseph asked the Board to clarify why the ZBA needed to review/approve this application. The Board explained that it was needed for the storage of fuel.

McLellan read Correspondences.

No comments from members of the public.

The hearing was closed at 7:10 p.m.

The Board had no issues or concerns with request.

MOTION: Moved by Conti, seconded by Barnard, and voted 4:0 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 the parking of a propane delivery truck at 400 Chapman Street.

7:15 p.m. Application of Olive Street Development, LLC for property located at 51 Allen Street, which is located within the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-4.4 (C3), 200-5.3 (E2), 200-6.5 (A6), and 200-8.3 of the Zoning Ordinance in order to allow 1) the redevelopment of the former Conway Street School into twelve (12) energy efficiency residential apartments, 2) to allow the reduction in the specified dimensional requirement of lot area from 30,000 square feet to 28,065 square feet which is a 6 percent reduction, and 3) to allow the reduction of the required off street parking from two (2) spaces per unit to one and a half (1.5) spaces per unit.

McLellan explained public hearing process to applicant and the need for four out of the five members to vote in favor to have project approved. In Maloney's absence, all members must vote in favor. Applicant chose to continue.

McLellan read the notice of hearing.

Representatives: Dan Bonham and Mark Zaccheo, Olive Street Development.

Members of the Public: Bruce Wallace, 44 Allen Street
Jeanette Wallace, 44 Allen Street
Kelly Wallace, 44 Allen Street
John Bross, 51 Birch Street
Karen Bross, 51 Birch Street
Cameron Ward, 39 Nichols Drive
Tom Dion, 50 Allen Street
Jim Toth, 52 Allen Street

Zaccheo presented the Board and Member of the public with a PowerPoint Presentation:

- Displayed before and after pictures of a project at 30 Olive Street completed about one year ago.
- Displayed Level 1, 2, and 3 plans for proposed project displaying layout and size of new dwellings.
- Displayed 'proposed site plan' highlighting one (1) handicap parking spot, one (1) visitor spot, and a fenced in area for the dumpster/recycling.
 - Barnard inquired about the fence. Zaccheo stated the proposed fence would be wooden. The current fence is chain-link, will use same support poles.
 - McLellan inquired about the lots. Zaccheo stated it was bought as two (2) lots.
- Displayed solar parking canopy.
- Explained their requests:
 - Allow multi-family
 - Twelve (12) high-end energy efficient units.
 - Drastic improvement to current conditions
 - More local business
 - Off-street parking reduction
 - Decrease from two (2) spaces to 1.5 spaces per unit.
 - Apartments small – medium sized
 - Green – increases walking/biking potential.
 - Reduction in dimensional requirements
 - Only 6.5% reduction of the allowable 20%.

- Reduce maintenance.
 - Increase income assisting project feasibility.
 - Barnard asked why they did not create a larger parking area to avoid the need for a special permit. Zaccheo stated that they kept a certain amount of green space to help with drainage issues and to cut back on paving expenses.
 - McLellan verified that there were three (3) two (2)-bedroom units and the rest single units. One is labeled with office; Zaccheo confirmed that is a personal residential office.
- Explained their responses to Department feedback.
 - DPW
 - Topographically survey, lot is flat.
 - Drainage areas added
 - Video inspection on sewer service.
 - Planning & Development
 - Lighting
 - Fencing – dumpster area and north side of property.
 - Visitor parking spot
 - Certified as-built plan upon completion

McLellan asked why more parking was not added to open space abutting proposed parking spaces. Zaccheo stated that it was possible for one or two more spaces to be added. They are concerned with paving costs and believe parking is sufficient as proposed.

Conti asked about snow removal. Zaccheo stated that snow would be moved to grass areas to the east and south of parking areas.

The following correspondences were read by Conti and McLellan:

Historical Commission, no jurisdiction
 Planning Board, Positive recommendation, issue with visitor parking.
 Eric Twarog, Director of Planning and Development, supports with recommendations. (1) comply with DPW, (2) lighting, (3) as-built upon completion, (4) garbage area fenced.
 Mark Snow, Inspector of Buildings.
 Board of Health
 Fire Department
 Sara Campbell, DPW, Town Engineer

Barnard inquired about the open space in parking area with support posts, could mopeds or motorcycles park there. Zaccheo stated there would not be enough room with the support posts.

McLellan asked how the solar would be used. Zaccheo stated it would be used for heating and cooling with net-zero being the ultimate goal.

Bonham stated that if this project waits any longer the building would be unsalvageable.

Conti asked about fire suppression. Zaccheo stated there were sprinklers.

Public Comments:

Ward stated he was very impressed and pleased with project. Much better than existing conditions.

Toth supports the project with a few reservations. (1) why is two parking spaces the requirement and why should the ZBA waive this, (2) if there were less units the parking issue could easily be solved, (3) will all units receive the required amount of natural light, (4) traffic will most likely increase.

Zaccheo stated that two spaces was a benchmark, parking needs to be applied to each project individually. Residents will be functioning at different times.

Ward stated his concerns about the proposed parking. They have room for more parking why are not they required to use it. If paving is too expensive, why not use other material.

Zaccheo stated they needed to create averages; some people will have two cars, some will have one.

The Wallace's asked about the green space.

Zaccheo stated that it will remain but will be slightly shrunken for parking.

The Public Hearing was closed at 8:10 p.m.

Board Discussion:

Barnard stated that the two addition parking spaces the applicant mentioned would be ideal.

Joseph stated that there are twelve (12) units but fifteen (15) beds. He is not concerned with parking. Joseph stated that bus pull-off would be removed during sidewalk redevelopment. In incidences where people have many guests, Foster's might be willing to allow people to park as over-flow.

Conti stated he would also be happy with two additional parking spaces.

Joseph stated he does not want to sacrifice green space for parking, sidewalks on both sides of street.

McLellan stated that the distance from Conway Street to the driveway would be around 120-feet.

- MOTION:** Moved by Joseph, seconded by Conti, and voted 4:0 approve the request for a special permit pursuant to Sections 200-4.4 (C3), 200-5.3 (E2), 200-6.5 (A6), and 200-8.3 of the Zoning Ordinance in order to allow: 1) the redevelopment of the former Conway Street School into twelve (12) energy efficiency residential apartments, 2) to allow the reduction in the specified dimensional requirement of lot area from 30,000 square feet to 28,065 square feet which is a 6 percent reduction, and 3) to allow the reduction of the required off street parking from two (2) spaces per unit to one and a half (1.5) spaces per unit with the following conditions:
1. Two additional parking spaces shall be created for a total of twenty-one (21) parking spaces.
 2. Applicant shall comply with the requirements of the memo from the Department of Public Works dated April 19, 2012.
 3. Exterior lighting shall be down cast to prevent glare on neighboring property.
 4. Dumpster shall be screened.

5. Applicant shall submit a certified as-built plan upon completion of the project.

7:30 p.m.

Application of Brandon Stohlberg for property located at 104 Norwood Street which is located within the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-6.2 (E) and 200-8.3 of the Zoning Ordinance in order to allow a 3.5 foot high fence in the front yard to be closer than thirty (30) inches to the public sidewalk.

McLellan explained public hearing process to applicant and the need for four out of the five members to vote in favor to have project approved. In Maloney's absence, all members must vote in favor. Applicant chose to continue.

McLellan read the notice of hearing.

Representatives: Brandon Stohlberg and Amy Noyes, homeowners

Member of the Public: Joe Otto, 53 Vernon Street

Stohlberg explained they have a very small yard and would like a fenced in area for their nieces and nephews to play. They also wanted the area for their dog to be blocked in and for other dogs to stay off their lawn. They were unaware of the setback requirements and began the project about two months ago; they were contacted by Rick Germano, Building Inspector. They were told the 30-inch setback requirement was for snow removal and that the fence should only be 3-feet tall.

McLellan verified there were two problems: (1) the fence should only be 3-feet tall not 3.5-feet tall, (2) the fence should be 30 inches from sidewalk, not three inches.

McLellan read Correspondences.

Barnard asked what was left to do for the fence construction. Stohlberg stated they needed to paint and finish.

Public Comments:

Otto stated that there is plenty of room for snow removal and that with his Harley he has no visual obstruction due to the fence.

Conti read an abutter letter from 49 Vernon Street stating the following concerns:

- (1) Goes against zoning guidelines
- (2) The fence is wooden, could cause injury
- (3) There was no building permit
- (4) Violates rules which creates exemptions
- (5) Blocks view
- (6) Aesthetics
- (7) Snow removal

Stohlberg stated that he is willing to work with the neighbor and has tried to confront her; she will not admit that she is upset or that she called the Town.

Public Hearing is closed at 8:30 p.m.

Board Discussion:

Joseph asked what has been done in the past in these instances. McLellan stated there was no standard.

Conti stated that the fence adjoins and will be difficult to relocate.

McLellan stated that the fence was too close to sidewalk and too high. He did feel there was some obstruction while driving. It seems imposing to ask them to move the fence back 27 inches but the applicant could saw the fence down to three-feet.

MOTION: Moved by Conti, seconded by Barnard, and voted 4:0 approve the request for a special permit pursuant to Sections 200-6.2 (E) and 200-8.3 of the Zoning Ordinance in order to allow a 3.5 foot high fence in the front yard to be closer than thirty (30) inches to the public sidewalk with the following condition:

- 1. The fence shall be reduced to three feet within the triangle of clear site to prevent obstructed visibility at the intersection to not jeopardize the safety of vehicles and pedestrians.**

7:45 p.m. Application of Vincent DeMaria for property located at 19 Cleveland Street, which is located within the Urban Residential (RA) Zoning District, for a variance pursuant to Section 200-8.7 of the Zoning Ordinance in order to allow a 12' x 16' shed to be located within the required ten (10) foot side yard setback, specifically six (6) feet from the side property line.

McLellan explained public hearing process to applicant and the need for four out of the five members to vote in favor to have project approved. In Maloney's absence, all members must vote in favor. Applicant chose to continue.

McLellan read the notice of hearing.

Representatives: Vincent DeMaria and Crystal DeMaria, homeowners

DeMaria stated that he bought the house four years ago, at that time the shed would have been permitted but the Ordinance has since changed. The applicant presented a letter from his neighbor with a positive recommendation. Mr. DeMaria stated that he has already began the shed construction, and that his lot is very small, it only has 6-feet from back door to Shattuck Park.

McLellan stated that the structure seems to be less than 6-feet from property line.

Barnard stated that the shed is at the end of the driveway on side of house.

McLellan asked why they needed the shed. DeMaria stated that they need a place to store three (3) motorcycles and lawn equipment.

McLellan read correspondences.

Barnard asked if they could use front porch as shed. DeMaria stated that they would be able to park motorcycles.

McLellan asked if they would construct a smaller shed. DeMaria stated they needed this size for equipment but that they could move the shed, there is no foundation.

McLellan asked about the finishing. DeMaria stated the wood is ribbed (T1-11), shingles and paint will match house.

The Board discussed alternatives; could it be moved 8-ft from property line. That would bring it closer to house and would block front porch. There would be no room if moved to west.

Public Hearing closed at 8:45 p.m.

Board Discussion:

McLellan described the three (3) conditions of a variance:

- (1) There is a financial hardship – cost of storage rental and appearance/value of lot.
- (2) There is a hardship with the lot size, no other viable alternative.
- (3) The shed seems to destroy the character of the neighborhood whether it is left in place or move closer to house. Zoning should be used to protect neighborhood characteristics.

McLellan suggested denying variance and for them to create a smaller storage area. They could conform with an 8' x 16' structure.

Joseph stated he is inclined to approve the variance while the other members are inclined to deny.

MOTION: Moved by Barnard, seconded by Conti, and voted 3:1 (Joseph opposed) to deny the request for a variance pursuant to Section 200-8.7 of the Zoning Ordinance in order to allow a 12' x 16' shed to be located within the required ten (10) foot side yard setback, specifically six (6) feet from the side property line.

Planning Board Recommendation

- a. Application of James P. McHugh for property located at 375 Barton Road, which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-7.8 and 200-8.3 of the Zoning Ordinance in order to allow a flag lot with two frontage lots at this location.

The Board has no objections to proposal; a letter will be sent from ZBA to the Planning Board.

MOTION: Moved by Barnard, seconded by Conti, and voted 4:0 to forward a positive recommendation to the Planning Board on the application of James P. McHugh for property located at 375 Barton Road, which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-7.8 and 200-8.3 of the Zoning Ordinance in order to allow a flag lot with two frontage lots at this location.

Correspondence

Approval of Meeting Minutes from April 12, 2012

MOTION: Moved by Barnard, seconded by Conti, and voted 4:0 to approve the minutes from April 12, 2012 as written.

Adjourn

MOTION: Moved by Conti, seconded by Barnard, and voted 4:0 to adjourn at 9:30 p.m.

Respectfully Submitted,

Laura DiNardo
Conservation Agent