



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.

Conti, Scott (2016)
Joseph, Christopher (2014)
Maloney, Mark (2016)
McLellan, Thomas (2016)
Ronhave, Steven (2015)

ZONING BOARD OF APPEALS

Minutes of July 31, 2014
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 Scott Conti
Christopher Joseph Steve Ronhave

ALSO PRESENT: Maureen Pollock, Assistant Planner & Conservation Agent and 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:

1. 7:00 p.m.: Application of Mathew Beaudoin for property located at 30 Warner Street (Assessor's Map 108, Lot 25), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-6.1(C) and 200-8.3 of the Zoning Ordinance in order to allow the construction of a garden shed onto the rear of the existing garage.

McLellan explained the public hearing process to the applicant. Maloney read the public notice into the record. Members sitting were Tom McLellan, Chair, Mark Maloney, Clerk; Scott Conti; Christopher Joseph; and Steve Ronhave. Also in attendance was Mathew Beaudoin, Applicant; and members of the public.

McLellan 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.

Beaudoin Stated he wants to build an attached garden shed onto the rear of the existing garage in order to store his garden tools and equipment. The proposed shed will follow the existing property line.

McLellan Inquired whether there is already a shed on the property.

Beaudoin Responded, yes. There is a detached shed on the property, which will be moved to the back of the property.

McLellan Inquired if the existing garage is within the side yard setback.

Beaudoin Responded, yes. The distance is 3 feet 6 inches from the side yard property line.

McLellan Inquired what the distance of the shed will be from the side yard property line.



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- Beaudoin Responded, the shed will be 3 feet 6 inches from the side yard property line.
- Maloney Stated the submitted plan indicates the depth of the proposed shed will be 11 feet. Inquired what the width of the garage is.
- Beaudoin Responded, 22 feet.
- Maloney Stated the shed will be 22 feet by 11 feet, which is big enough to require a building permit.
- Maloney Inquired when the house was built.
- Beaudoin Responded the house was built in 1957.
- Maloney Stated it makes sense that the house was built close to the property line. The house was built before the Zoning Ordinance went into effect, so the setbacks have been grandfathered in.
- Maloney Inquired whether there will be any electricity or plumbing will be installed in the proposed shed.
- Beaudoin Responded, no.
- Maloney Read correspondence from the Board of Health, Planning Board, and Department of Inspection and Enforcement, which had no issues with the request

Chairman McLellan opened up the hearing for public comment.

No Comments

Public Hearing closed at 7:07 p.m.

Discussion/Decision

Mathew Beaudoin, LLC, 30 Warner Street (Assessor's Map 108, Lot 25)

- Maloney States he has no issue with the project, because the house was built before the Zoning Ordinance went into effect, the proposed shed will follow the existing line, and the abutters have not expressed any concern regarding the project.
- Conti States he has no issue with the project.
- Joseph States he has no issue with the project.
- Ronhave States he has no issue with the project.
- McLellan States he has no issue with the project.



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MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to approve the applicant of Mathew Beaudoin for property located at 30 Warner Street (Assessor's Map 108, Lot 25), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-6.1(C) and 200-8.3 of the Zoning Ordinance in order to allow the construction of a garden shed onto the rear of the existing garage.

2. 7:15 p.m.: Application of Just Roots Inc. for property located at 22 Eunice Williams Drive, (Assessor's Map R31, Lot 8), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-6.7(C) and 200-8.3 of the Zoning Ordinance in order to allow the installation of an off-premise sign at this location.

McLellan explained the public hearing process to the applicant. Maloney read the public notice into the record. Members sitting were Chairman Tom McLellan, Chair; Mark Maloney, Clerk; Scott Conti; Christopher Joseph and Steven Ronhave; Also in attendance was Jay Lord, Applicant; and members of the public.

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

Lord Stated Just Roots, which holds an office and operates the Greenfield Community Farm at Glenbrook Drive, off of Leyden Road, holds festival events and school groups at the farm throughout the year. Just Roots presently does not have a sign, and requests the installation of an office-premise sign at 22 Eunice Williams Drive be allowed. Just Roots hopes the sign will serve as a public convenience that provides directional information for the farm.

Maloney Inquired what the distance is from road to the sign.

Lord Responded, 24 feet.

Maloney Inquired what the height of the sign will be.

Lord Responded, 7 feet tall.

McLellan Inquired who will maintain the property as a way to prevent vegetation from overgrowing and blocking the sign.

Lord Responded, Carol Doerpholz of Glenbrook Gardens will maintain the property conditions.

Maloney Inquired whether the sign will be illuminated.

Lord Responded, no.

Joseph Inquired what materials will be used to make the sign.



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Lord Responded, the sign will be made of plywood.

Maloney Read correspondence from the Planning Board and Department of Inspection and Enforcement, which had no issues with the request

Chairman McLellan opened up the hearing for public comment.

No Comments

Public Hearing closed at 7:22 p.m.

Discussion/Decision

Just Roots Inc., 22 Eunice Williams Drive, (Assessor's Map R31, Lot 8)

The Board has no issues with this project.

MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to approve the applicant of Just Roots Inc. for property located at 22 Eunice Williams Drive, (Assessor's Map R31, Lot 8), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-6.7(C) and 200-8.3 of the Zoning Ordinance in order to allow the installation of an off-premise sign at this location, with the following conditions:

1. The sign shall confirm to the submitted application, dated June 14, 2014; and
2. The sign shall not be illuminated.

3. 7:30 p.m.: Application of West Street Properties Inc. for property located at 53 Pleasant Street (Assessor's Map 69, Lot 2), which is located in 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 a reduction of the required front yard setback from twenty-five (25) feet to twenty-two (22) feet and a reduction of off-street parking spaces from twelve (12) to nine (9) spaces and for the construction of a six (6) unit multi-family dwelling at this location.

McLellan explained the public hearing process to the applicant. Maloney read the public notice into the record. Members sitting were Tom McLellan, Chair, Mark Maloney, Clerk; Scott Conti; Christopher Joseph; and Steve Ronhave. Also in attendance were Roy and Pat Giangregorio, Applicant; and members of the public.

McLellan 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.

Giangregorio Stated there is currently a three (3) unit multi-family dwelling at this location. He would like to tear down the building and would like to build a six (6) unit multi-family dwelling on the same building footprint. Stated he held an informal meeting with the abutters to discuss issues related



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to the trees in the back of the property and parking. The front setback requirement is 25 feet. The existing setback for the building is 15 feet. The proposed plan is to remove the front porch and square off the building which will give a front setback of 22 feet. All other setbacks will remain the same as existing.

Stated the plan includes nine (9) parking spaces, instead of the required twelve (12) spaces; therefore, would like to ask for a 25% reduction of required parking. Stated he feels that given the proximity to the downtown area, some of the occupants will only have one car or even no car. Currently, the parking lot is a common driveway with 61 Pleasant Street and 51 Pleasant Street.

- Maloney Inquired the reasons to not provide more parking spaces
- Giangregorio Responded there is a major elevation drop in the back of the property. However, he could probably add three more parking spaces to the plan.
- Maloney Inquired if there is a section elevation drawing showing the elevation from the frontside of the proposed building.
- Giangregorio Responded he did not bring the section elevation drawing to the public hearing.
- Maloney Inquired where will visitors park. Stated there is no room for visitors to park in the proposed plan.
- Maloney Inquired about the exterior lighting.
- Giangregorio Responded there is no exterior lighting proposed. Stated post lamps will be installed.
- Joseph Inquired what the distance is between the two proposed parking spaces for 51 Pleasant Street and the Pleasant and Davis Street intersection.
- Giangregorio Responded approximately 90 feet.
- Giangregorio Stated the landscaped open space for the property exceeds the 40% requirement.
- Ronhave Inquired where the dumpster will be located.
- Giangregorio Responded the dumpster will be located in the back of the parking lot.
- McLellan Stated he would like to see the plan revised to include more parking spaces, a planting plan, screening from the abutting properties, and the dumpster location.

Chairman McLellan opened up the hearing for public comment.

Edward Evans, 61 Pleasant Street



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Stated he has issues with the drainage coming off of 53 Pleasant St. Stated he would like a privacy fence and planting. Stated he would be agreeable to abandon the easement, and separate the driveway with the applicant. Stated he has been taking care of the snow removal of the common driveway, although it's the responsibility of 53 Pleasant Street.

Eric Jenks, 51 Pleasant Street

Stated he does not know whether the proposed plan to move his two parking spaces and discontinue plowing of the parking spaces will de-value his property. Stated he is trying to sell his property, and the new location of the parking spaces would not be easy for an older person or for person who is handicapped. Stated he is generally concerned with the easement that he holds with 53 Pleasant Street as it pertains to his sewer, electrical, and utilities lines, as well as his two parking spaces.

Allen Constantine, 160 Chapman Street

Stated he does not know whether a six (6) unit multi-family dwelling is a good fit for the neighborhood. Stated he is happy that the applicants wants to fix up the property, but believes 6 units are too much. Stated he is concerned with the proposed parking.

Maloney Read correspondence from the Planning Board, Department of Planning and Development, Board of Health, and Department of Inspection and Enforcement. Read the property deed for 53 Pleasant Street.

Maloney Stated he does not have enough information to make a decision. Stated he would like to see the plan revised to include more parking, fencing, and a planting plan. Stated the applicant should be provided all department memos. Stated the deed easement is not the purview of the ZBA.

MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to continue the public hearing for 53 Pleasant Street until the September 11, 2014 ZBA Meeting.

4. 7:45 p.m.: Application of Montague City Road Terminals, LLC for property located at 34 Montague City Road (Assessor's Map 6, Lot 4), which is located in the General Industrial (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 installation of two 30,000 gallon propane storage tanks at this location.

McLellan explained the public hearing process to the applicant. Maloney read the public notice into the record. Members sitting were Chairman Tom McLellan, Chair, Mark Maloney, Clerk; Scott Conti; Christopher Joseph; and Steve Ronhave. Also in attendance were representatives to the Applicant, including Robert Coluccio, Web Engineering; and Bruce Montague, Sumner Oil and Montague City Road Terminals, LLC; and members of the public.

McLellan 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.



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Coluccio Stated Sumner Oil currently operates a bulk storage facility and distribution of gas and diesel/number 2 fuel. They also operate a propane distribution. Sumner would like to be able to install two 30,000 gallon propane tanks at this location. The plan is to mound the two new tanks in the back of the property, which is safer than placing the tanks above ground.

McLellan Inquired whether the tanks will be completely underground.

Coluccio Responded, no. The tanks will be completely mounded with earth but not completely underground.

Coluccio The two new tanks will not significantly add more traffic to the property because propane trucks come to the property in the morning and evening already. There will be one more additional trip to the property, which will take place midday during the winter months only. Trucks will use the same existing driveway and will use the same traffic patterns.

Coluccio Stated that propane storage tanks in the General Industrial Zoning District is an allowed use by special permit, and that is why Sumner is asking.

Maloney Stated Sumner intends to install one 30,000 gallon propane tank now, and then install the second 30,000 gallon propane tank later. Inquired whether this was correct.

Coluccio Responded, that is correct. Sumner hopes to install the second tank next year, so Sumner decided to request both tanks at the same time.

Joseph Inquired what the benefit from mounding a tank versus putting the tank completely underground is.

Coluccio Responded it is safer to place a tank above the water table.

Robert Williford, 97 Homestead Avenue

Inquired what kind vehicle transports propane to the storage tank.

Coluccio Responded, transport trucks carry the propane.

Maloney Read correspondence from the Department of Inspection and Enforcement, Board of Health, Planning Board, and Licensing Commission, which had no issues with the request.

Conti Inquired if there will be any storage or delivery service for customer propane cylinders.

Montague Responded, currently there are empty, steel cylinders stored on the property. Sumner plans to offer storage and delivery service for customer propane cylinders. Sumner has a 15,000 gallon of propane storage license through the Licensing Commission.



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Public Hearing closed at 8:37 p.m.

Discussion/Decision

Montague City Road Terminal, LLC, 34 Montague City Road (Assessor's Map 6, Lot 4)

Maloney Stated all his questions have been answered.

Conti States he has no issue with the project. States the proponent will need to submit a permit request for the first one 30,000 gallon propane storage tank in which they intend to install now with the Licensing Commission. Once the proponent intends to install the second 30,000 gallon propane storage tank, then they will need to amend the request with the Licensing Commission to include the second 30,000 gallon propane storage tank. The reason why the proponent needs to go through the Licensing Commission twice is because the Fire Department needs to sign off on each of the tanks separately.

Joseph States he has no issue with the project.

Ronhave States he has no issue with the project.

McLellan States he has no issue with the project.

MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to approve the application of Montague City Road Terminals, LLC for property located at 34 Montague City Road (Assessor's Map 6, Lot 4), which is located in the General Industrial (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 installation of two 30,000 gallon propane storage tanks at this location.

Action Items

1. Annual Reorganization

MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to keep the existing officers for fiscal year 2015.

ZBA Deliberations:

1. Application of Larry and Sue Channel for property located at 9 Holland Avenue (Assessor's Map 43, Lot 10), which is located in the Suburban Residential (RB) Zoning District, for a special permit pursuant to Sections 200-4.3(C16) and 200-8.3 of the Zoning Ordinance for a kennel license to allow nine (9) dogs at this location.



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Members sitting were Tom McLellan, Chair, Mark Maloney, Clerk; Scott Conti; Christopher Joseph; and Steve Ronhave. Also in attendance were Larry and Sue Channel Applicants; and members of the public.

MOTION: Moved by Maloney, seconded by Ronhave, and voted 5:0 to take the “motion to table the decision for the application of Larry and Sue Channel for property located at 9 Holland Avenue (Assessor’s Map 43, Lot 10), which is located in the Suburban Residential (RB) Zoning District, for a special permit pursuant to Sections 200-4.3(C16) and 200-8.3 of the Zoning Ordinance for a kennel license to allow nine (9) dogs at this location” from the table.

McLellan Stated the purposes for zoning is to prohibit uses in certain areas that are onerous and to protect neighborhoods. For example, the Board would not want to allow a pornographic store to operate next to a church or a school district, or allow a significant amount of dogs that are deemed unruly, noisy, or odorous in a neighborhood. MA created a State law that states a kennel license must be obtained if any person seeks to own 4 dogs or more. In Greenfield, a person seeking a kennel license must also seek a special permit from the Zoning Board of Appeals. Stated he is not sure if the Channels were misinformed, mislead, or naïve in thinking that getting a kennel license by special permit would just be a formality, because it is not.

Stated he does not like the connotation of the word “kennel,” which he does not believe applies to the Channels’ request. Stated over his 15 years on being on the Board, a lot of kennel licenses for 4 dogs or more have been granted by special permit, but none of them were for real kennels, like a boarding kennel. Stated he does not believe the Channels want a boarding kennel

Stated the Channels have put in a huge investment at their property. They have put up a privacy fence all around their property. Their garage is insulated, air conditioned for the summer months, and heated during the winter. Stated he has high expectations that the Channels will take very good care of the dogs. Stated if the Channels were granted the special permit, he thinks the Channels would ensure to protect the neighborhood from any nuisance, and would be very quick to remedy any situation that might arise. The Animal Control Officer stated he was very impressed of how the dogs were kept on the property.

Stated if the Channels’ special permit is denied, he believes that the Channels will not reduce the number of dogs at the property, but would move out from their property. Stated that would be a sad commentary on how Greenfield treats new residents.

Stated for the reasons just expressed, he is in support of the Channels’ request.

Ronhave Stated during the June 19, 2014 meeting, he objected the Channels’ request. After careful thought and observation from driving around the property and neighborhood, feels this property is the exception rather than the rule. Stated he is impressed in the manner that the Channels keep their dogs. Stated people have called him over the last month expressing support of the special permit. Stated the Board has received letters of support from Greenfield residents and elsewhere. Stated he reserves his right to change his opinion to support the Channels’ request.



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Conti Stated he has supported the Channels' request from the very beginning. Stated he believes that the Channels will take excellent care of their dogs. Stated the State differentiates between the term "kennel" and "personal kennel." Believes it is unfortunate that the Zoning Ordinance does not include the definition of "personal kennel." Stated he would like the Zoning Ordinance amended so the definition of "personal kennel" is included.

Stated he believes the approval of the personal kennel license should be granted by the Animal Control Officer, not by the Zoning Board of Appeals. Stated commercial kennel license should continue to be granted by special permit through the Zoning Board of Appeals.

Stated he continues to support the Channels' request.

Maloney Read correspondence from the Board of Assessors Office, dated July 22, 2014.

McLellan Stated the Zoning Ordinance was written to protect a neighborhood from odorous, noisy, or unruly dogs. Stated he does not believe these adjectives apply to this special permit request. Therefore, that is why he supports the request.

Joseph Stated one of the key questions he likes to ask is 'what do the neighbors think.' During the public hearing, the neighbors expressed opposition to the request. During the last meeting's discussion, the Board opposed the request 1:4. Since then, the Channels have done a terrific job rallying enough support from the community to overwhelm the opposition. Stated he is in support of this request, with the following conditions: that the Animal Control Officer shall conduct an annual inspection; if there are any complaints regarding the dogs, the Animal Control Officer shall inspect and report back to the ZBA; the existing 9 dogs shall be allowed until the natural reduction in the number of animals as they pass away; and that dog replacements shall not be allowed.

Maloney Stated he disagrees with Conti regarding giving the Animal Control Officer the authority for granting kennel licenses. Stated all kennel license requests should continue to come before the ZBA. Stated he does believe the term, "personal kennel" should be written into the Zoning Ordinance.

The reason why this came before the Board is because the number of dogs at the property exceeded the 4 or more dog threshold for State Law for kennel licenses. The Board has issued kennel licenses for boarding kennels, but this request is not the case. The neighbors do have the right to expect when purchasing their home that their property value will be protected as much as possible. This is an arbitrary criterion to measure. Stated in his neighborhood, which is densely populated, there are two apartments and one house. One of the apartments has three dogs and the other apartment has one dog. The apartment with the three dogs frequently barks. Because the three dogs do not exceed the kennel license threshold, there is nothing to remedy the noisy situation. The Channels' case is not the same situation.



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Stated he has visited the property since the close of the public hearing, and has observed all the efforts the Channels have made to the property.

Stated the other issue to address here is fear. A lot times, people's reactions to special permits and the Zoning Ordinance are not based on actual events, but rather based on the fear of what may happen.

Stated he believes the Board can amend the motion to permit the kennel license with conditions, which is to give the Channels a chance.

McLellan

Stated he wanted to point something out before the Board makes a motion. Per the Zoning Ordinance, the Board has a 90 day window following the close of the public hearing to make the decision. The Board stretched out that window to make the decision, because the Board wanted to give the neighborhood a chance to see what it would be like to have 9 dogs in the neighborhood.

Stated the MA State Law also states that a decision must be reached within the 90 day window following the close of the public hearing. However, if a mutual agreement is reached between the Board and the applicant, the window to make a decision may be stretched almost indefinitely. The Town Attorney cautioned, however, that if there are concerned neighbors, the Board should only use exceed the decision period for 3-6 months, and not longer than in 1 year.

Stated he would like the MA State Law regarding extending the window to make a decision included in the Zoning Ordinance.

MOTION:

Moved by Maloney, seconded by Ronhave, and voted 5:0 to approve the application of Larry and Sue Channel for property located at 9 Holland Avenue (Assessor's Map 43, Lot 10), which is located in the Suburban Residential (RB) Zoning District, for a special permit pursuant to Sections 200-4.3(C16) and 200-8.3 of the Zoning Ordinance for a kennel license to allow nine (9) dogs at this location, with the following conditions:

1. The applicants may keep the existing nine (9) dogs with the condition that with the removal or expiration of any of the existing dogs in excess of three (3), that they shall not be replaced;
2. 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 Channels shall come before the ZBA during their next regularly scheduled meeting;
3. The existing privacy fence shall be maintained in current condition;
4. The indoor habitat for the dogs shall be maintained in current condition; and
5. The existing nine dogs shall be maintained in a manner in their current condition.



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Approval of Minutes:

MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to approve the Minutes from June 19, 2014, as amended.

Adjournment:

MOTION: Moved by Maloney, seconded by Joseph, and voted 5:0 to adjourn the meeting at 9:12 p.m.

Respectfully Submitted,

Maureen Pollock
Assistant Planner & Conservation Agent