



William F. Martin
Mayor

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

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 September 11, 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 June & John Gregory Caloon for property located at 371 Green River Road (Assessor's Map R33, Lot 39), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-5.3(E2) and 200-8.3 of the Zoning Ordinance in order to allow a reduction of the required front yard setback from fifty (50) feet to forty nine (49) feet nine (9) inches for the potential approval of a flag lot at this location.

John Gregory Caloon submitted a letter to the ZBA dated September 15, 2014 requesting that the application presented before the Board be withdrawn at this time.

MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to accept the withdrawal of the Application of June & John Gregory Caloon for property located at 371 Green River Road (Assessor's Map R33, Lot 39), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-5.3(E2) and 200-8.3 of the Zoning Ordinance in order to allow a reduction of the required front yard setback from fifty (50) feet to forty nine (49) feet nine (9) inches for the potential approval of a flag lot at this location.

2. **7:15 p.m.:** Application of New Cingular Wireless PCS, LLC for property located at 10 Congress Street (Assessor's Map 52, Lot 14), which is located in the Semi-Residential District (SR) Zoning District, for a special permit pursuant to Sections 200-7.14 and 200-8.3 of the Zoning Ordinance in order to allow the installation of a Wireless Communications Facility on an existing rooftop structure to include 12 antennas, fiber optic and other misc. equipment, equipment shelter and generator at this location.



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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 Michael Elsier, representative to 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.

Elsier Stated AT&T (New Cingular Wireless PCS, LLC) wants to expand its wireless network in Greenfield. Currently, there is a coverage gap in downtown, and AT&T wants to fill the gap. The expansion will provide mobile coverage to each home. The wireless communication facility will be installed on top of an existing rooftop apartment building located at 10 Congress Street. The installation will include 12 antennas, fiber optic and other misc. equipment, equipment shelter and backup generator. None of the proposed equipment will exceed the height of the existing elevator shaft located on the rooftop. The proposed equipment is designed to keep visual impacts to a minimum. The equipment will be painted white in order to blend in and match with the building. There is no proposed lighting.

McLellan Inquired whether the project will diminish the quality of life for residents living in the apartment building.

Elsier Responded no. The backup generator is tested for approximately one hour per week. The generator could be programmed to run mid-day.

Conti Inquired whether the project will provide added coverage outside of Greenfield.

Elsier Responded this specific project will only provide added cover for Greenfield. AT&T may look to add coverage in Montague and Shelburne at a later date.

Maloney Read correspondence from the Planning Board and Board of Health, which had no issues with the request.

Joseph Inquired what the process will be for bringing equipment up to the rooftop.

Elsier Responded a crane will transport the equipment up to the rooftop.

Chairman McLellan opened up the hearing for public comment.

No Comments

Public Hearing closed at 7:30 p.m.

Discussion/Decision



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New Cingular Wireless PCS LLC, 10 Congress Street, (Assessor's Map 52, Lot 14)

The Board has no issues with this project.

MOTION: Moved by Maloney, seconded by Ronhave, and voted 5:0 to approve the applicant of New Cingular Wireless PCS, LLC for property located at 10 Congress Street (Assessor's Map 52, Lot 14), which is located in the Semi-Residential District (SR) Zoning District, for a special permit pursuant to Sections 200-7.14 and 200-8.3 of the Zoning Ordinance in order to allow the installation of a Wireless Communications Facility on an existing rooftop structure to include 12 antennas, fiber optic and other misc. equipment, equipment shelter and generator at this location, with the following conditions:

1. The weekly backup generator test shall only be conducted between the hours of 8:00AM to 5:00PM, Monday through Friday;
3. 7:30 p.m.: Application of Congfan Li for property located at 6 Verde Drive (Assessor's Map R17, Lot 45), which is located in the Rural Residential (RC) 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 the installation of a six (6) foot high fence along a portion of the front property line on a corner lot.

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 Congfan Li and Zhou Xu, Applicants; 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.

Li Told the story of what ultimately led him to apply for a special permit. Stated the fence was installed a few months ago. After the fence was installed, a complaint was made with the Department of Inspection and Enforcement. After Mark Snow, Department of Inspection and Enforcement and a representative from the Department of Public Works conducted site visit, it was determined the fence was in the road right-of-way. Therefore, Li was forced to immediately take the fence down. It was also determined that a special permit would be required due the height of the fence for a corner lot.

Stated he would like to install a 6 foot high wood stockade fence along the Country Club Road side of his property line on a corner lot located at 6 Verde Drive. The fence will be from rear lot line to the flow bed, which is about 176 feet long, and a distance of 13 feet from the edge of the pavement, behind the arborvitae trees. Stated he would like to install the fence in their yard for privacy and security for their young child.

Maloney Read correspondence from the Planning Board and Department of Inspection and Enforcement.



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Chairman McLellan opened up the hearing for public comment.

Walter Boyd, 574 Country Club Road
Stated he has no issues with this request.

McLellan Inquired whether Li could be consider requesting a 4 foot fence instead of the 6 foot fence

Li Responded he has already purchased the 6 foot fence.

Public Hearing closed at 7:48 p.m.

Discussion/Decision

Congfan Yi, 6 Verde Drive, (Assessor's Map R17, Lot 45)

The Board has no issues with this project.

MOTION Moved by Maloney, seconded by Joseph, and voted 5:0 to approve the application of Congfan Li for property located at 6 Verde Drive (Assessor's Map R17, Lot 45), which is located in the Rural Residential (RC) 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 the installation of a six (6) foot high fence along a portion of the front property line on a corner lot, with the following conditions:

1. The existing arborvitae trees shall be maintained in current condition;
2. The length of the fence shall not exceed 176 feet;
3. The fence shall be maintained in good safe condition at all times;
4. The approved fence shall not pose a line of sight issue from the road right-of-way.

4. **7:45 p.m.:** Application of Tina M. Schneider for property located at 65 Graves Road (Assessor's Map R12, Lot 36), which is located in the Rural Residential (RC) 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 a 5 kW ground-mounted solar system 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 was Glenn Tactin of Higgins Energy Alternatives, representative to the 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-

Tactin Stated the applicant would like to install a 5kW ground-mounted solar energy system at her property. Stated the applicant already installed the ground-mounted solar energy system



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- McLellan Inquired what the size of the solar energy system is.
- Tactin Responded the 5 kW solar energy system is 20 feet wide and 10 feet tall.
- Maloney Read correspondence from the Planning Board and Board of Health.
- Maloney Inquired what the distance from the solar energy system’s slab foundation to the septic tank and leaching trenches is.
- Tactin Responded the there is no slab foundation. The system will be at least 40 feet away from the septic tank and leaching trenches to the post and pier foundation.
- Maloney Inquired whether any consideration has been given to establish a reserve area within the property boundaries where a new septic system can be installed if/when the current septic system fails and is required to be upgraded.
- Tactin Responded no.
- Maloney Stated consideration of reserve land for septic system is not a ZBA issue. However, it would be wise of the applicant to look into that.

Chairman McLellan opened up the hearing for public comment.

No comments

Public Hearing closed at 8:04 p.m.

Discussion/Decision

Tina M. Schneider, 65 Graves Road (Assessor’s Map R12, Lot 36)

The Board has no issues with this project.

- MOTION:** **Moved by Maloney, seconded by Conti, and voted 5:0 to approve the application of Tina M. Schneider for property located at 65 Graves Road (Assessor’s Map R12, Lot 36), which is located in the Rural Residential (RC) 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 a 5 kW ground-mounted solar system at this location, with the following conditions:**
- 1. All permits required by the Building and Inspection Department shall be sought and obtained;**
 - 2. All requirements mentioned in the Board of Health memo dated, September 8, 2014 shall be met, which include the following:**



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- a. **The installation of the solar energy system shall meet Title 5 setback requirements, which are 10 feet from both the septic tank and leaching trenches from any slab foundation; and**
- b. **An accurate site plan shall be submitted as part of the building permit application in order for the Board of Health sign-off to occur;**

5. **8:00 p.m. (Continued from July 31, 2014): 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.**

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.

Giangregorio Stated the plan has been updated since the ZBA has last met on July 31, 2014. Parking spaces have been increased by 3 spaces, totaling 12 spaces. There are now 3 areas for snow storage on-site. There is planting in the front of the proposed apartment building along Pleasant Street. There is a 6 foot high stockade fence along the west property line abutting 61 Pleasant and along the east property abutting 51 Pleasant Street. There is a residential lighting plan. 7 lights are proposed along the west property line. These lights will be 5-foot high, post mounted behind the 6-foot high fence, so no glare will go onto the 61 Pleasant Street property. There are 4 building mounted lights that are 5-foot high proposed along the building.

Presented section-elevations which included the front facade and the side facades. There are no fire exits or porches proposed on either side of the building.

Maloney Inquired where will the people who reside at 51 Pleasant park their two cars.

Giangregorio Responded they could park in the 12 spaces provided.

Maloney Stated the 12 spaces are for the persons who will reside in the 6 unit apartment building. According to the 51 Pleasant property deed, 53 Pleasant Street is required to provide two parking spots.

Giangregorio Stated he could add two additional parking spots to the south-east of the building, totaling 14 parking spaces.

Chairman McLellan opened up the hearing for public comment.

No comments



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Public Hearing closed at 8:20 p.m.

Discussion/Decision

West Street Properties Inc., 53 Pleasant Street (Assessor's Map 69, Lot 2)

The Board has no issues with this project.

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

1. The revised site plan shall show the two parking spaces on the south-east side of building, which shall be added to the total number of parking spaces, totaling 14 parking spaces;
2. Three (3) copies of the revised plans which include the fourteen (14) parking spaces, fence locations; snow storage areas; lighting plan; planting plan; six (6) unit multi-family dwelling, and section elevations shall be submitted to the Department of Planning & Development.

Approval of Minutes:

MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to approve the Minutes from July 31, 2014.

Adjournment:

MOTION: Moved by Maloney, seconded by Joseph, and voted 5:0 to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

Maureen Pollock
Assistant Planner & Conservation Agent