



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 November 13, 2014
Department of Planning & 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 Mark Maloney, Clerk
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 Buckley Health Center for property located at 95 Laurel Street (Assessor's Map R24, Lot 5), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-6.5 and 200-8.3 of the Zoning Ordinance in order to allow parking and access improvements behind the existing Buckley Health Center.

Members sitting were Tom McLellan, Chair, Mark Maloney, Clerk; Christopher Joseph; and Steve Ronhave. Also in attendance were John McGuire, Applicant; Anthony Wonseski Jr. of SVE Associates, 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.

Wonseski Stated the Buckley Health Center have a parking issue. The Center needs more parking spaces.

McLellan Inquired if Buckley Health Center is under the amount of parking spaces required.

Wonseski Responded yes.

Stated there are 120 beds at the Buckley Health Center. There are 170 employees, with up to 60 employees working during the same shift. Buckley Health Center needs 90 parking spaces to meet the required amount. Currently, there are 70 regular parking spaces and 5 ADA parking spaces. The 12 added parking spaces would be located on the west side of the building. A dry well will be constructed at the northwest corner of the parking lot. The dry well will help infiltrate stormwater into the soil coming off of the parking lot. There will be some minor grading to facilitate the parking area and dry well.

McLellan Inquired if any contamination from the Bendix site has been found on the property.



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- Wonseski Responded, not sure. Stated he has not read any reports regarding contamination on-site.

Stated the 3 crabapple trees along the west side of the building will be protected. About 3-4 other trees will need to be removed for the construction of the new parking spots. The Applicant intends to replace those trees.

Stated the added parking spaces and re-alignment of the parking lot will help with the flow of traffic traversing the parking lot. The one-way direction around the building will remain.

Stated there is no exterior lighting proposed for this project. The dumpster will not be enclosed, because it is not visible from the road.
- McGuire Stated that John Whitney, the Fire Department’s Fire Prevention Captain is happy with the proposed plans, because it will improve the safety in an event of a fire.
- Maloney Read correspondence from the Planning Board, Department of Inspections & Enforcement, and the Department of Public Works.
- Ronhave Inquired if the dry well was a requirement from the Department of Inspections & Enforcement.
- Wonseski Responded, no. Stated the Applicant is voluntarily installing the dry well in order to alleviate any drainage issues.

Chairman McLellan opened up the hearing for public comment.

No comments

Public Hearing closed at 7:16 p.m.

Discussion/Decision

Buckley Health Center, 5 Laurel Street (Assessor’s Map R24, Lot 5)

The Board has no issues with this project.

MOTION: Moved by Maloney, seconded by Joseph, and voted 4:0 to approve the application of Buckley Health Center for property located at 95 Laurel Street (Assessor’s Map R24, Lot 5), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-6.5 and 200-8.3 of the Zoning Ordinance in order to allow parking and access improvements behind the existing Buckley Health Center, with the following conditions:
1. Adequate number of handicap parking spaces shall be provided;
2. All exterior lighting shall be down cast and shall not shine onto adjoining properties.



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2. 7:15 p.m.: Application of Daniel Fisher for property located at 37 Columbus Avenue (Assessor's Map 73, Lot 28), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-4.4(C17) and 200-8.3 of the Zoning Ordinance for a kennel license to allow four (4) dogs 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; Christopher Joseph; and Steve Ronhave. Also in attendance were Daniel and Lauren Fisher, 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.
- Fisher Stated he owns four (4) dogs at his home located at 37 Columbus Avenue.
- McLellan Inquired how long has the Applicant owned the 4 dogs.
- Fisher Responded, one year.
- Stated all four dogs are Golden Retrievers, which is a family composed of a mother, father, and two puppies.
- McLellan Inquired what the height of the kennel of the fence surrounding the interior kennel.
- Fisher Responded the 27' x 16' outdoor kennel fence is 6 feet high. The chain link fence is 4 feet high. Stated he plans to continue the 6 feet high privacy fence in the front spring 2015. Stated there is a tarp over the outdoor kennel to provide privacy and shelter.
- Joseph Inquired whether the Applicants intend to breed the dogs to sell.
- Fisher Responded no. Stated he and his wife are asking for a personal kennel not a commercial. Stated the dogs are their pets.
- Maloney Read correspondence from the Planning Board, and Department of Inspections & Enforcement.
- Maloney Read letter of concern from Trevor and Julianne Boeding, 35 Grove Street.
- McLellan Stated he spoke with the Calin Giurgiu, Animal Control Officer. Mr. Giurgiu drove by the Applicants' property. The only issue he had with the property was the 4 feet high fence in the back. Mr. Giurgiu would like to this be a 6 foot high fence.
- Maloney Inquired how has noise issues been dealt with.
- Fisher Responded they haven't had any noise complaints.



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Maloney Inquired how does dog waste handled.

Fisher Responded he scoops up the waste and throws it away a few times per week.

Chairman McLellan opened up the hearing for public comment.

No comments

Public Hearing closed at 7:40 p.m.

Discussion/Decision

Daniel Fisher, 37 Columbus Avenue (Assessor's Map 73, Lot 28)

The Board has no issues with this project.

MOTION: Moved by Maloney, seconded by Joseph, and voted 4:0 to approve the application of Daniel Fisher for property located at 37 Columbus Avenue (Assessor's Map 73, Lot 28), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-4.4(C17) and 200-8.3 of the Zoning Ordinance for a kennel license to allow four (4) dogs at this location, with the following conditions:

1. The Applicant may keep the existing four (4) 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. The six (6) foot high vinyl fence across the front of house shall be extended the full width of the property. This shall be completed no later than May 31, 2015;
3. All existing weakened fences shall be strengthened. In particular, the weakened fence section by the existing compost bin shall be strengthened;
4. The Animal Control Officer shall conduct an annual site visit 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 Fishers shall come before the ZBA during their next regularly scheduled meeting.

3. 7:30 p.m.: Application of Robert Savage for property located at 38 Haywood Street (Assessor's Map 91, Lot 44), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-6.1; 200-8.3; and 200-8.4 of the Zoning Ordinance for the expansion of legal nonconforming uses related to manufacturing and associated industries 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; Christopher Joseph; and Steve Ronhave. Also in attendance were Robert Savage, Applicant; George Dole of Jones Whitsett Architects, 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.



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Dole Stated the building along Haywood Street was built in 1912, and the building along Hastings Street was built in 1991. Currently, the building is used for Use Group B, business; Use Group F-1, factory; Use Group S-1, storage of moderate hazard; and Use Group S-2, storage of low hazard. The Applicant is asking for the continued use of the mixed use of these described groups.

Joseph Inquired if there are any proposed exterior changes.

Dole Responded the only exterior changes include two a/c units and shrubbery surrounding them at the south-east corner of the building along Hastings Street.

Maloney Read correspondence from the Planning Board.

Savage Stated his business makes small cutting tools. He plans to have an UPS truck pick-up stock once in the morning and once in the afternoon Monday through Friday. A UPS tractor trailer will make stops about 2-3 a week. All pick-up and deliveries will take place at the 2 loading docks.

Stated there will be a business sign on the Hasting Street side of the building, which will not be illuminated. Stated no exterior lighting will be proposed.

Joseph Read letter of concern from Charles V. Olchowski, 28 Smith Street.

Chairman McLellan opened up the hearing for public comment.

Tarsis Theofanidis, 29 Hastings Street

Inquired what the hours of manufacturing are and what the hours of office are.

Savage Responded the manufacturing will operate Monday through Friday from 8:00 AM until 3:00 PM. The office will be open Monday through Friday from 7:00 AM until 5:00 PM.

Marilyn Burns, 40 Hastings Street

Stated the property is zoned for a densely settled residential neighborhood. Stated her concerns regarding noise, increased traffic, re-sale value of her property; and the proposed a/c units. Stated she resides across the street from the proposed business. Stated she likes to sleep with the windows open during the summer months, and is concerned that the a/c units may run all night.

Inquired whether industrial waste will be stored on the premises.

Savage Responded industrial waste will be stored inside. It will be professionally managed and recycled. The waste will be removed off-site twice per year. Stated there will no metal particles that will go into the air.

McLellan Inquired whether heat treatment will be performed on-site.



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Savage Responded heat treatment is performed in Detroit.

Jeffrey Lapointe, 49 Hastings Street
Inquired whether the a/c units will be running 24/7.

Savage Responded the a/c units will typically not run all night. As the air cools through the night, the a/c unit will shut off.

Amy Holick, 46 Hastings Street
Inquired whether the signage be illuminated.

Savage Responded, no.

Vicki Fiske-White, 38 Hastings Street
Inquired whether the proposed dumpster will be located.

Dole Responded the new dumpster will be located along the western boundary of the property.

Ronhave Stated the business currently operates in the industrial park in Turners Falls, which is well suited for manufacturing. The business wants to move to a residential zoned district in Greenfield. Inquired whether the a/c units have been tested for noise.

Savage Responded the proposed a/c unit are brand new and high technological. They will be quiet. Additionally, there is sound baffling proposed around the a/c units which will sound proof the units.

Stated his manufacturing business will produce minimal noise; it is a low volume of business with only 12 employees working on-site.

Joseph Inquired how the location of the a/c units was decided.

Savage Responded the location was decided by his close proximity to the building entrance.

Public Hearing closed at 7:20 p.m.

Discussion/Decision

Robert Savage, 38 Haywood Street (Assessor's Map 91, Lot 44)

The Board has no issues with this project.

MOTION: Moved by Maloney, seconded by Joseph, and voted 4:0 to approve the application of Robert Savage for property located at 38 Haywood Street (Assessor's Map 91, Lot 44), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-6.1; 200-8.3; and 200-8.4 of the Zoning Ordinance for the expansion of legal



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nonconforming uses related to manufacturing and associated industries at this location, with the following conditions:

1. Deliveries shall occur in the off-street parking lot and shall only occur between the hours of 7:00AM and 5:00PM;
 2. All signage shall conform as presented and shall not be illuminated;
 3. All employees shall park in the off-street parking lot;
 4. A sound baffle shall be constructed around the exterior a/c units;
 5. Shrubbery shall be planted around the exterior a/c units. The shrubbery shall be the same height as the sound baffles;
 6. All windows and doors shall remain closed during manufacturing operations.
4. **7:45 p.m.:** Application of James Renaud for property located at 261-265 Federal Street (Assessor's Map 91, Lot 28), which is located in the Limited Commercial (LC) Zoning District, for a special permit pursuant to Sections 200-4.8(C5); 200-8.3; and 200-8.4 of the Zoning Ordinance for the conversion of a mixed-used building into a five (5) 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; Christopher Joseph; and Steve Ronhave. Also in attendance were James Renaud, 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.
- Renaud Stated he recently purchased 261-265 Federal Street. Stated the first floor of building is an office space, and he would like to convert it into apartments. The third floor was previously converted into an apartment by the former property owner without any required permits. Stated he would like to include the 3rd floor apartment with this application.
- Maloney Stated each unit needs two parking spaces. There are 5 units; therefore, 10 parking spaces are required.
- Renaud Stated the submitted plan includes ten parking spaces and one handicapped space.
- Maloney Inquired if there is any exterior lighting or signage proposed.
- Renaud Responded, no.
- Maloney Inquired where the dumpster is located.
- Renaud Responded, the dumpster is located at the abutting property located at 267 Federal Street, which he also owns.
- Maloney Read correspondence from the Department of Inspections & Enforcement and Planning Board.



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Joseph Inquired who manages the property.

Renaud Responded he manages the property himself.

Chairman McLellan opened up the hearing for public comment.

No Comments

Public Hearing closed at 8:34 p.m.

Discussion/Decision

James Renaud, 261-265 Federal Street (Assessor's Map 91, Lot 28)

The Board has no issues with this project.

MOTION: Moved by Maloney, seconded by Joseph, and voted 4:0 to approve the application of James Renaud for property located at 261-265 Federal Street (Assessor's Map 91, Lot 28), which is located in the Limited Commercial (LC) Zoning District, for a special permit pursuant to Sections 200-4.8(C5); 200-8.3; and 200-8.4 of the Zoning Ordinance for the conversion of a mixed-used building into a five (5) unit multi-family dwelling at this location, with the following conditions:

1. All permits required by the Building and Inspection Department shall be sought and obtained;
5. **8:00 p.m.:** Application of the Community Builders Leyden Woods Limited Partnership for property identified as Assessor's Map R28, Lot 27A, which is located in the Suburban Residential (RB) Zoning District, for a modification of an existing special permit pursuant to Sections 200-5.3(E2); 200-6.5(A4); and 200-8.3 of the Zoning Ordinance in order to allow the following amendments to the original special permit, including the reduction of required parking spaces; reduction in required building separation to fifteen feet; and reduction of the required front, side, and rear yard setbacks 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; Christopher Joseph; and Steve Ronhave. Also in attendance were Zan Bross, Applicant; Representatives to the Applicant, including: Frank Holmes of Stantec, Kevin Mowatt of Davis Square Architects, and Attorney David Bloomberg; 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.

Bross Stated the existing, modular residential units were built in 1970. The units are in poor condition and have major drainage issues. The replacement units will provide new fire protection with sprinklers in every unit; increased air quality; site accessibility throughout the development; increased aesthetics; and many energy upgrades. The new units will overhang the existing foundations.



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- Holmes Stated under the original 1970 approved special permit, the ZBA permitted the separation between buildings to be 25 feet. In some cases the separation was later to be found to be 23 feet. The Applicants would now like to ask the ZBA to reduce the distance of separation between buildings to 15 feet. The reason for this reduction is because of the overhang of building foundations. The reduction will only be needed to accommodate three buildings.
- McLellan Stated under the current local Zoning Ordinance 200-7.2(B4), each structure shall be separated by a minimum of forty (40) feet. The State Building Code bases separation between structures on construction and fire protection.
- Holmes Stated there are currently 1.75 parking spaces per unit. The Applicant would like to request 1.1 parking spaces per unit.
- McLellan Inquired what the reasons for a reduction of parking spaces are.
- Holmes Responded nearly half of the parking lot is empty. Stated he recently did a parking count once in the evening and once in the early morning to figure out the ratio of parking needs. At 7:30PM on October 9, 2014 there was a ratio of .62 parking spaces occupied. At 5:30AM on October 10, 2014 there was a ratio of .72 parking spaces occupied. Leyden Woods has 90% occupancy; therefore, based from the parking count, .75 parking spaces are needed per unit. The Applicant is requesting for 1.1 parking spaces per unit.
- Stated the proposed plan include ADA accessible sidewalks and increased landscaping throughout the development. The amount of impervious surfaces will be decreased, which will decrease the amount of stormwater runoff. Stated the foundation will have a higher elevation, which will help with drainage.
- Maloney Read correspondence from the Planning Board and Department of Inspections & Enforcement.
- Joseph Inquired how residents travel to and from the development.
- Holmes Responded, by bus.
- Joseph Inquired whether there are sidewalks or bike lanes on Leyden Road to connect residents to Downtown Greenfield.
- Maloney Responded, no.
- Holmes Stated the Applicant can provide a covered bus shelter at the on-site bus stop and provide bike sheds at each court, as recommended by the Planning Board.
- Maloney Stated he does not like that the buildings will be closer together, but sees the need for this project to move forward.



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- Holmes Stated there will be a reduction of 19 units. There will be two phases of the project. The first phase, which is funded, will be for the construction of 113 units. The Applicant hopes to start Phase I in 2015. Phase II, which is still awaiting funding from the State, hopes to start in 2016. Phase II will be for the construction of 68 units. The total amount of units will be 181.
- Ronhave Inquired whether the Applicant will be installing solar PV or solar hot water.
- Bross Responded they are currently looking at solar options.
- Ronhave Stated he encourages the Applicant to consider installing solar.
- Bloomberg Stated the Applicant did not build the 1970 modular homes; therefore, any issues or violations related to the original development were not the fault of the applicant. The applicant requests a slight reduction of separation from the buildings, so they can rebuild units which are currently in poor condition. The proposed re-development project will increase the quality and safety for all residents.

Chairman McLellan opened up the hearing for public comment.

No comments

Public Hearing closed at 9:17 p.m.

Discussion/Decision

Community Builders Leyden Woods Limited Partnership, Property Identified as Assessor's Map R28, Lot 27A

- Joseph Stated the proposed project is not perfect, but it is better than what is there now. Keeping the property as it is now would be worse.
- McLellan Stated he is saddened that Phase II has not secured funding yet.

MOTION: Moved by Maloney, seconded by Joseph, and voted 4:0 to approve the application of Community Builders Leyden Woods Limited Partnership for property identified as Assessor's Map R28, Lot 27A, which is located in the Suburban Residential (RB) Zoning District, for a modification of an existing special permit pursuant to Sections 200-5.3(E2); 200-6.5(A4); and 200-8.3 of the Zoning Ordinance in order to allow the following amendments to the original special permit, including the reduction of required parking spaces; reduction in required building separation to fifteen feet; and reduction of the required front, side, and rear yard setbacks at this location, with the following conditions:

1. All exterior lighting fixtures shall have a maximum height of 15 feet and shall be LED and downcast;



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2. **The Applicant shall provide screening between South Village Drive and the eastern property line as depicted on a plan dated December 9, 2009 provided by the Applicant. This screening shall consist of an eight (8) foot high wooden stockade fence and a mixture of deciduous and coniferous trees and shrubs to include dogwoods, arborvitae, and pine such as white pine. The wooden stockade fence shall be maintained in good condition at all times.**
3. **Bicycle racks and/or bicycle sheds shall be provided at each court for Leyden Woods residents;**
4. **A covered bus shelter shall be constructed at the Leyden Woods bus stop; Phase I shall include the construction of 113 units; and Phase II shall include the construction of 68 units, totaling 181 units.**

Approval of Minutes:

MOTION: Moved by Maloney, seconded by Joseph, and voted 4:0 to approve the Minutes from September 11, 2014.

Adjournment:

MOTION: Moved by Maloney, seconded by Joseph, and voted 4:0 to adjourn the meeting at 10:09 p.m.

Respectfully Submitted,

Maureen Pollock
Assistant Planner & Conservation Agent