



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.

Allis, Brickett (2018)  
Joseph, Christopher (2014)  
Killeen, Christopher (2019)  
Maloney, Mark (2019)  
Winn, James (2017)

**ZONING BOARD OF APPEALS**  
**Minutes of September 7, 2016**  
**Department of Planning & Development**  
**114 Main Street**

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

**PRESENT:** Mark Maloney, Chairman Christopher Joseph Brickett Allis  
James Winn Andrew Killeen

**ALSO PRESENT:** Applicants

**ABSENT:** James Winn

**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:

Application of Raymond Harris & Amy Huff Harris for property located at 159 Chapman Street (Assessor’s Map 69, Lot 37), which is located in 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 erect a fence within thirty (30) inches to the public sidewalk at this location.

Chairman Maloney explained the public hearing process to the applicant. Joseph read the public notice into the record. Members sitting were Mark Maloney, Chair; Christopher Joseph, Clerk; James Winn; Brickett Allis; and Andrew Killeen. Also in attendance was the Applicant, James Goodwin, CHD President; representatives to the Applicant, Felicity Hardy, Attorney; Robert Haveles, AIA from Architectural Insights; Joe McRoy, Manager of the LLC that currently owns the property and members of the public.

**Maloney** 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.

**Harris** Stated he resides in Boston with his wife, Amy Huff Harris. Stated he purchased the property located at 159 Chapman Street for his daughter, Desiree Harris. Stated Desiree has three children and is pregnant with her fourth child. Stated Chapman Street is a very busy road with vehicles speeding. Stated he took a 2-minute video showing the traffic. Stated the video shows 14 cars driving past the house. Stated he wants to erect a fence to ensure safety of the young children playing in the yard. Stated he does not want the children to be able to run onto the road.

Stated they need to request the special permit in order to erect the fence within the 30-inch front yard setback. Stated if they erected the fence outside of the setback, they would need to remove



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existing shrubs and 2 trees. Stated there would be two gates, with one entrance in front of the house and a second entrance on the side of the house.

- Huff Harris Stated the house is very close to the sidewalk. Stated if the fence was moved back outside the 30-inch front yard setback, it would be seen as an eyesore. Stated given the location, it makes more sense to erect the fence in front of the shrubs and trees.
- Joseph Inquired the distance of fence going across the front yard.
- Harris Responded the 4-ft high, white vinyl picket fence will span from the northwestern corner of the property line, across the front of the house, wrap around the driveway, reach the southwestern corner of the property, and wrap along the side yard on the south side of the property.
- Joseph Stated there are a lot of reasons for having a 30-inch setback, such as providing a snow shelf and for providing a clear line of sight for passersby. Stated he is concerned the applicant will push the snow onto the road instead of piling it onto the property. Stated if the applicant does shovel the snow over the fence, it will pile on the shrubs and likely damage and/or kill them. Therefore, questions the need to erect the fence in front the shrubs if they will likely be negatively impacted. Inquired if the shrubs are 3-4 feet high, then why does the applicant need a fence.
- Harris Responded, her children can sneak through the shrubs. Stated she intends to shovel the snow over the fence or will shovel the snow around the fence.
- Allis Inquired whether the applicant intends to end the fence at the Town of Greenfield's sewer right-of-way.
- Harris Responded he was not aware of the Town of Greenfield's sewer right-of-way on the property.
- Allis Showed the applicants the right-of-way on the assessor's map. Stated he wanted to bring this to the applicants' attention. Stated if the applicant chooses to build over the right-of-way, the Greenfield Department of Public Works has the right to rip the fence out if they need to access the sewer line.
- Allis Inquired whether the applicant intends to fence off the slanted parking area and/or the elevated parking area.
- Harris Responded, he intends to fence off the slanted parking area only.
- Joseph Read correspondence from the Board of Health, Department of Public Works, and Fire Department.
- Joseph Inquired whether the house will be a single family house.
- Huff Harris Stated, yes. Stated the house will be a single family house



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Maloney Inquired whether the applicants' desire is to erect a fence starting at the neighbor's wooden fence located at the northwestern corner of the property, go along the front yard property line, to the driveway, somehow exclude the fence at the level driveway, then pick up the fence at the south side of the driveway to the corner of the southwest property line, and then wrap it 240 inches along the southern property line.

Harris Stated, that is correct.

Joseph Stated he understands the reasons why they want to erect the fence within 30 inches to the sidewalk for the portion in front of the house. Stated there are existing shrubs and trees that would need to be removed. Inquired whether there are reasons other than aesthetics to not set back the fence at least 30 inches south of the driveway and shrubs.

Harris Responded if the fence portion after the driveway and shrubs was not at the same setback, it would look weird. Stated he wants the fence to have conformity.

Winn Inquired if the fence installation will be done by a professional fence installer.

Harris Responded, yes.

Chairman Maloney opened up the hearing for public comment.

None

Public Hearing closed at 7:22 p.m.

**Discussion/Decision**

**Raymond Harris & Amy Huff Harris for property located at 159 Chapman Street  
(Assessor's Map 69, Lot 37)**

Maloney Stated the applicant cannot intrude on the Town's sewer right-of-way. Stated the issue with the shrubs is not a concern of the Board. Stated the applicant can keep the trees or get rid of them. Stated the house is old, so the house was built close to the road. It was likely built 100 years ago.

Stated that from the applicants' perspective, it makes sense why they would want to build a 4-ft high fence. However, the Board needs to consider line of sight impacts to the drivers passing by, for the applicants pulling out of the driveway, and for the safety of the children. Also, the Board needs to think about the snow shelf. The 30 inch setback provides an area for property owners to pile snow.

Killeen Stated he is concerned with the line of sight issues for drivers that may result from the fence's height. 4 feet is high. Also, it will be difficult to see children who are shorter than 4 feet.



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Allis Stated he understands the concerns about backing out of the driveway. Stated he believes that there are no line of sight issues from School Street. Stated he feels that the fence south of the driveway could be setback 30 inches. Stated where matters can conform to the Zoning Ordinance, they should. Stated where the property does not conform, the Board should be agreeable to requests.

Stated there are steps at the elevated portion of the parking area. Stated that a railing or fence should be considered at the level parking area. Stated that the property is a well known cut through, so erecting a fence makes sense. Stated the fence along the southern property line could be 6 feet high.

Winn Stated he is fine with the fence location in front of the house. Stated the fence located south of the driveway needs to conform to the Zoning Ordinance.

Joseph Stated he understands the need for a fence. Stated the fence will protect the house and property. Stated he wants the fence south of the driveway to conform.

Maloney Stated the fence would be erected within the 30 inch front yard setback for the areas in front of house to driveway and would have to end at the Town's sewer right-of-way.

**MOTION:** Moved by Allis, seconded by Killen for the application of Raymond Harris & Amy Huff Harris for property located at 159 Chapman Street (Assessor's Map 69, Lot 37), which is located in 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 erect a fence within thirty (30) inches to the public sidewalk at this location, with the following conditions:

1. The fence within thirty (30) inches to the public sidewalk shall be only for portions from the northwestern corner of the property line to the southern end of the driveway; portions of the fence south of the driveway shall conform to Zoning Ordinance regulations;
2. The fence shall not be erected over the Town of Greenfield sewer right-of-way.
3. The portion of the fence along the side yard setback may have a height up to 6 feet.

Killeen Stated the Board does not need to infringe on whether the applicant may build over the Town's sewer right-of-way because they are allowed to do so by-right. That being said, if the Town's Department of Public Works (DPW) needs to access the sewer line, they have the right to rip out the fence and do not have to replace or repair the fence.

Allis Stated he agrees with Killeen. Stated the Board should not deny the applicant from erecting the fence over the right-of-way.

Maloney Stated he agrees. Stated it should just be advisory to not build the fence over the right-of-way. If the Town's DPW needs to access the right-of-way; however, the Town can rip out the fence and is not responsible for repairing and/or replacing the fence. Stated the applicant wants a non-



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conforming fence in front of the house, but the fence after the driveway and on the southern property line needs to conform.

Allis withdrew motion.

- MOTION:** Moved by Allis, seconded by Killen, and voted 5-0 to approve the application of Raymond Harris & Amy Huff Harris for property located at 159 Chapman Street (Assessor's Map 69, Lot 37), which is located in 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 erect a 4-ft, white vinyl, picket fence within thirty (30) inches to the public sidewalk from the northwestern corner of the property along the front of the property to the northwestern corner of the parking area, as submitted with the following conditions:
1. The fence to the south of the north corner of the driveway shall be in conformance with the current Greenfield Zoning Ordinance;
  2. The fence shall be maintained at the property owner's expense;
  3. The fence shall be erected to ensure the safety and security of the property.

Discussion Items

Permit Fees

- MOTION:** Moved by Joseph, seconded by Winn, and voted 5-0 to approve the ZBA permit fees with the following: "Residential Projects: \$100.00 dollar fee to cover the application fee plus the cost of publication of two (2) legal notices and post card mailings to all abutters within 300' of the property. Commercial/Industrial/Manufacturing: \$200.00 dollar fee to cover the application fee plus the cost of publication of two (2) legal notices and certified mailings to all abutters within 300' of the property."

Approval of Minutes:

- MOTION:** Moved by Allis, seconded by Joseph, and voted 5:0 to approve the Minutes from July 14, 2016.

Adjournment:

- MOTION:** Moved by Joseph, seconded by Winn, and voted 5-0 to adjourn the meeting at 8:30 p.m.

Respectfully Submitted, Maureen Pollock, Assistant Planner & Conservation Agent