



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 March 9, 2017

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 Maureen Pollock, Assistant Planner

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 Laura Liebenow for property located at 278 Barton Road (Assessor’s Map R17, Lot 6N), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C1) and 200-8.3 of the Zoning Ordinance for a kennel license to allow seven (7) dogs 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 were the Applicant, Laura Liebenow; 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.

Liebenow Stated she formerly was a show dog professional and an Australian shepherd dog breeder. Stated she moved back to her parents’ house, located at 278 Barton in October 2016. She stated she is no longer a breeder. She currently owns 7 Australian shepherd dogs at the 278 Barton Road location. She used to have 15-23 dogs at this location in December 2015 but then moved out. Stated she moved back to her parents’ home in October 2016 with 7 dogs. Stated she will install an electric fence with electric collars for the dogs. Currently, there is a small fenced in area, 6 feet in height, behind and besides the pool, making a “L” shape. There are three 4x4 kennels, 5 feet in height in the garage. All dog feces are scooped daily and removed from the property by trash disposal. Each dog wears a collar with the home phone number written on them. For safety reasons, while the dogs are in the kennels in the garage or within the fenced area, the dogs wear “break-away” collars in case they get caught on a fence or while playing with each other. The dogs’ ages are 5 months, 2 ½ years, 5 years, two 8 ½ years, 10 ½ years, and 11 ½ years.

Allis Inquired whether she considers the dogs as pets.

Liebenow Responded, yes.



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)

- Winn Inquired whether the dogs at this location are a permanent or temporary situation.
- Liebenow Responded, this is a temporary situation. Stated she hopes to no longer live at 278 Barton Road by December 2017.
- Maloney Inquired how she found out that she needed a kennel license.
- Liebenow Responded, in 2015 the animal control officer told her that she needed a kennel license but she told the officer that she was moving so a kennel license would not be needed. At this time she had 15-23 dogs at this location. She moved back in October 2016 with 7 dogs and therefore requesting the kennel license.
- Joseph Read correspondence from the Fire Department, Inspector of Buildings, and Planning Board.
Read letter of opposition from James Killeen of 286 Barton Road.
Read letter of opposition from James Kittredge of 34-695 Country Club Road.
- Killeen Inquired whether the special permit request for the kennel license is for commercial purposes.
- Maloney Responded, no. The purpose of the requested special permit for the kennel license is not for commercial purposes.
- Killeen Inquired whether a condition could be required that prohibits commerce related to the kennel license at this property.
- Maloney Responded, yes. Stated the Board can require conditions to the special permit.
- Killeen Stated James Killeen of 286 Barton Road is a family relative and his business partner. Stated he spoke with James Killeen since he submitted his letter to the Board and he has dropped his objections to this application.

Chairman Maloney opened up the hearing for public comment.

Carl Kingsley, 707 Country Club Road

Stated he has been startled by the dogs a few times. Stated he is happy with the installation of the electric fence.

Liebenow Stated if the electric fence does not work then she will erect a real, physical fence.

Christine Forgey, 290 Barton

Inquired whether an approved special permit can be rebuked.

Maloney Responded, if the applicant does not comply with the special permit conditions, then it can be rebuked. Stated once there are less than 4 dogs on the premises then the applicant does not need a kennel license and does not need to follow the special permit conditions.

Hebert Forgey, 290 Barton

Stated he has been neighbors with the Liebenows for years. Stated the dogs have never been a problem.



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)

Allis Inquired whether there has ever been a noise problems caused by the dogs.

Forgey Responded, there has never been a noise problem.

Kingsley Responded, there has never been a noise problem.

Public Hearing closed at 7:22 p.m.

Discussion/Decision

Laura Liebenow for property located at 278 Barton Road (Assessor’s Map R17, Lot 6N)

The Board had no issues with this request.

MOTION: Moved by Allis, seconded by Joseph, and voted 5-0 to approve the application of Laura Liebenow for property located at 278 Barton Road (Assessor’s Map R17, Lot 6N), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C1) and 200-8.3 of the Zoning Ordinance for a kennel license to allow seven (7) dogs at this location, with the following conditions:

1. All dog feces shall be properly disposed of off-site on a routine basis;
2. The applicants may keep the existing seven (7) 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;
3. 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 Applicant shall come before the ZBA during their next regularly scheduled meeting;
4. A barrier sufficient to contain the dogs, such an electric fence with control collars shall be erected and maintained;
5. The existing dog run shall be maintained as drawn in the submitted application;
6. This kennel license is not for the purposes to maintain a dog related business.

Application of Leftys Brewing Company for property located at 301-307 Wells Street (Assessor’s Map 88, Lot 18), which is located in the General Industry (GI) Zoning District, for a special permit pursuant to Sections 200-4.1(D4) and 200-8.3 of the Zoning Ordinance in order to allow a pouring room 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 were the Applicants, Bill Goldfarb; 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.

Goldfarb Stated he would like to open up a pouring room at his brewery where he manufactures beer. Stated he has a farmer brewer license which allows him to manufacture and distribute beer in Massachusetts. In 2013, the MA Alcoholic Beverages Control Commission (ABCC) established the farmer series pouring permit that allows anyone with a farmer-brewery license to open up a pouring room by right. The pouring permit



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)

allows breweries to sell and allow samplings of the beverages they manufacture on-premise only. However, municipalities maintain jurisdiction over zoning. Therefore, he needs to request a special permit. Stated when he originally established Leftys he never wanted to open a bar, but over the years, more and more people coming to Franklin County to visit local breweries stop at the brewery. The state farmer-brewery license that Lefty's currently holds allows the brewery to give out free 2-ounce samples, but stated many of the people who stop by Lefty's are disappointed they can't buy a pint of beer or a flight.

Stated he has received letters from the abutting businesses to say they will happy to share their parking lot when not in use.

- | | |
|----------|---|
| Maloney | Inquired whether he brews on-site. |
| Goldfarb | Responded, yes. |
| Maloney | Stated the proposed use is incidental to the permitted use – manufacturing and distributing beer. |
| Goldfarb | Stated there will be no food served on the premises, but they would allow customers to bring their own food into the pouring room. |
| Killeen | Inquired whether the beer samples are currently serves on the premises. |
| Goldfarb | Responded, yes. |
| Allis | Inquired what the current hours of operation are for serving beer samples. |
| Goldfarb | Responded, the current hours of operation are for serving beer samples are from 4:00pm to 7:00pm on Fridays and from 12 noon until 6:00pm on Saturdays. |
| Allis | Inquired how the shared parking will work. |
| Goldfarb | Responded the other businesses located on the property have agreed in writing to allow Lefty customer to use their parking spaces when not in use. |
| Maloney | Inquired whether more staff will be hired as result of the pouring room. |
| Goldfarb | Responded, yes. Three part-time workers would be hired. |
| Winn | Inquired how the number of seats (39) indicated in the floor plan were proposed. |
| Goldfarb | Responded, the 39 seats is just a rough estimate. Stated he would be open to whatever number the Board feels is appropriate. |
| Killeen | Inquired whether there is a beer limit. |
| Goldfarb | Responded, all staff pouring beer will be tip certified and will follow state law which is one beer per hour. |
| Joseph | Read correspondence from the Board of Health, Planning Board, Inspector of Buildings, and Department of Public Works. |



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)

Goldfarb Submitted letters from Ab Fab Hair Salon, 305-307 Wells Street; Facey Plumbing and 305-307 Wells Street;

Chairman Maloney opened up the hearing for public comment.

Matthew Dupont of The duMONT Company, 289 Wells Street
Stated he has no issues with the project and is 100% supportive of it.

Joseph Inquired whether the number of seats could be reduced. Stated he likes the idea of the pouring room but thinks 39 seats is too many for this location, as it abuts a residential neighborhood.

Maloney Inquired whether there is any exterior lighting.

Goldfarb Responded there is a front light, mounted to the building at head level, next to the door. Stated there is a street light in the parking lot, at the corner of the property near Real Pickles.

Maloney Stated the Board may require more exterior lighting.

Maloney Inquired whether there will be signage for the pouring room.

Goldfarb Responded, yes. Stated any proposed signage will conform to the Zoning Ordinance.

Public Hearing closed at 8:00 p.m.

Discussion/Decision

Lefty's Brewing Company for property located at -307 Wells Street (Assessor's Map 88, Lot 18)

Maloney Stated the intention of the special permit application is honest; however, it is different so the Board needs to be cautious. Stated the Board can approve the application as incidental to the permitted use – manufacturing and distributing beer. Stated the proposed parking will work. Stated he would like the amount seats reduced. Stated he wants a lighting plan which can be conditioned to the satisfaction of the Building Inspector.

Killeen Stated he is fine if the seating is reduced to 20 to 25 seats. Stated he does not believe lighting is an issue as there is industrial lighting by door.

Maloney Stated the Board could require pedestrian scaled downcast lighting over the doorway to the pouring room.

Maloney Stated the pouring room will allow patrons to bring their own food into the pouring Stated the Board does not need to discuss food delivery.

Killeen Inquired whether there is concern about that the proposed pouring room would be adjacent to a residential district.

Maloney Responded, yes.

Killeen Inquired whether there would be traffic queuing in the parking lot on very busy days.



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)

- Allis Responded, there is a significant amount of on-street parking along Wells Street. Stated he lives directly across the streets from Leftys Brewing Company and the most he has seen at the premises on a given Saturday is 30 people and sometimes beer buses.
- Maloney Stated the Board cannot count the on-street parking as part of the parking requirements for this application.
- Killeen Stated he likes the idea of a business growing and expanding.
- Winn Stated he supports the project but would like to see the number of seats reduced.
- Joseph Stated he sees a lot of positives regarding the proposed project, but feels weird that the applicant is opening a bar in an industrial zone. Stated he does not want a television, pool table, or entertainment in the pouring room.
- Allis Stated he is fine with the project but does not want to see entertainment in the pouring room.

MOTION: **Moved by Joseph, seconded by Allis, and voted 5-0 to approve the application of Lefty’s Brewing Company for property located at 301-307 Wells Street (Assessor’s Map 88, Lot 18), which is located in the General Industry (GI) Zoning District, for a special permit pursuant to Sections 200-4.1(D4) and 200-8.3 of the Zoning Ordinance in order to allow a pouring room at this location, with the following conditions:**

1. **Entry door to the pouring room shall be lit for pedestrian safety;**
2. **Exterior lighting in the parking lot shall be sufficient for travel safety’**
3. **The number of seats shall not exceed twenty-five (25);**
4. **No entertainment shall be provided or promoted;**
5. **No food shall be provided by the establishment.**

Application of Elizabeth Shurman for property located at 128 Mountain Road (Assessor’s Map R02, Lot 2), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-6.2(E2) and 200-8.3 of the Zoning Ordinance in order to allow a fence that exceeds four (4) feet in height along the front property line and that portion of the side lot line between the front lot line and the minimum front setback line 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 were members of the public. The Applicant was not present.

Public Hearing closed at 9:10 p.m.

Discussion/Decision

Elizabeth Shurman for property located at – 128 Road (Assessor’s Map R02, Lot 2)

The Board agreed to discuss and deliberate this request at the next scheduled meeting.



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.

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

Discussion Items

Approval of Minutes:

MOTION: Moved by Winn, seconded by Allis, and voted 5:0 to approve the Minutes from October 13, 2016.

Executive session was called at 9:10pm

Adjournment:

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

Respectfully Submitted, Maureen Pollock, Assistant Planner & Conservation Agent