



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 (2017)
Killeen, Christopher (2019)
Maloney, Mark (2019)
Winn, James (2017)

ZONING BOARD OF APPEALS

Minutes of May 11, 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; and 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:

- a. **7:00 p.m.:** Application of the Town of Greenfield for property located a 19 Olive Street (Assessor’s Map 51, Lots 16, 20, 21, 22, & 23), which is located in the Central Commercial (CC) 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 up to a twenty (20) percent increase of the maximum height allowed from fifty (50) feet to fifty-seven (57) feet for the construction of the Olive Street Parking Facility at this location.

At a public meeting on Thursday, May 11, 2017 at 7:00 p.m., at the Department of Planning and Development, 114 Main Street, the Greenfield Zoning Board of Appeals held a public hearing on the application of the Town of Greenfield for property located at 19 Olive Street (Assessor’s Map 51, Lots 16, 20, 21, 22, & 23), which is located in the Central Commercial (CC) 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 up to a twenty (20) percent increase of the maximum height allowed from fifty (50) feet to fifty-seven (57) feet for the construction of the Olive Street Parking Facility 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. The following project proponents were present: Tony Wonseski, Engineer from SVE Associates; and Margo Jones, Architect from Jones Whitsett Architects.

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

Wonseski Explained to the Board that they are asking for a special permit on behalf of the Town to exceed the maximum height of fifty (50) feet in the Central Commercial District by seven (7) feet. Explained to the Board that the Planning Board gave site plan approval last year for a funding application for the parking garage. He further explained that they received site plan



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approval from the Planning Board on April 20, 2017 and that this project did not trigger Major Development Review. He reviewed the layout plan of the parking facility with the Board via a projector. He explained that there is a twelve (12) foot drop along the frontage area of the parking garage and that there is a 20-30 foot deep stone culvert that goes through the project site which will be relocated with the other utilities through the Recorder lot. Stated that there are three (3) municipal parking lots within the project site. Vehicle entry to the parking garage will be through Olive Street. There will be a pocket park along Bank Row at the northwest entrance of the parking garage which will be landscaped with benches and a trash barrel.

- Jones Explained to the Board that the parking garage will have five (5) levels with 352 spaces with a stairway and elevator. Showed elevation views of the parking garage from different directions. Stated that they are complying with the MOA between the Massachusetts Historical Commission and the Greenfield Historical Commission by installing the transportation bas reliefs taken from the former Sweeney Ford building.
- Wonseski Explained to the Board that the average height at the corners is 56.8 feet. One corner is 66.8 feet in height due to the elevator shaft. The roof of the stairwell also exceeds the average of 56.7 feet. Explained that at this time the Town will not be installing solar PV on the roof but the structure has been designed to handle the increased load for future installation.
- Maloney Inquired whether there will only be one ingress and egress.
- Wonseski Responded yes.
- Maloney Inquired about pedestrian access.
- Wonseski Responded that there will be pedestrian access at the northwest corner.
- Maloney Inquired if the pocket park will be fenced.
- Wonseski Responded no.
- Maloney Inquired if the two buildings along Bank Row will remain.
- Wonseski Responded yes.
- Maloney Stated that the parking garage will be set back by 90 feet from Bank Row.
- Joseph Inquired on the height of the lighting on the roof.
- Jones Responded sixteen (16) feet.



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- Wonseski Stated that the lighting will be shielded LED lighting.
- Joseph Inquired on whether there are intentions to do advertisement on the structure.
- Wonseski Responded no, will just have signage.
- Maloney Inquired whether lighting measurements were taken on the roof.
- Jones Responded that the electrical engineer did and there will not be light spillover.
- Killeen Inquired on why the fifty (50) height restriction was put in place.
- Maloney Responded because of aesthetics and matching the character of the Downtown.
- Winn Asked if the parking garage will handle the need for off-street parking.
- Wonseski Responded that there will be public parking as well as permit parking for the parking garage.

Public Hearing Opened at 7:30 p.m.

Karen O’Hara, 45 Bank Row (Karen’s Dance Studio)

Inquired on whether people can throw stuff over the garage onto her building and whether the levels will be open or covered.

- Jones Responded that there is a ten (10) foot gap between the garage and her building and that the first two levels will be covered with the rest of the levels being open.
- O’Hara Requested that all the levels be covered so that trash cannot be thrown onto her roof.
- Jones Responded that the Building Code requires some openness of the garage. Otherwise a sprinkler system would have to be installed which is very expensive.
- Joseph Inquired whether there will be security cameras and lighting.
- Jones Responded yes.

Public Hearing Closed at 7:33 p.m.

Discussion/Decision

Town of Greenfield for property located at 19 Olive Street (Assessor’s Map 51, Lots 16, 20, 21, 22, & 23)

- Winn Inquired on when construction will start.



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- Wonseski Responded July 2017, construction will take about one year.
- Joseph Has multiple questions but only asked about height. Not concerned about a difference of seven (7) feet from 50 to 57 feet if it gets an additional 70 spaces. No issues.
- Winn No issues.
- Allis Inquired if the Board can condition the abutter's concern by screening this area. No issues.
- Joseph Stated he would be happy with security cameras to deal with this issue.
- Allis Stated cameras and a way to prevent throwing trash in the first place.
- Wonseski Stated that they could put mesh on the two floors but this wouldn't address the roof.
- Joseph Inquired on additional trash barrels.
- Wonseski Responded that there will be one at the pocket park and maybe at the entrance of the garage.
- Allis Stated that if 16 foot high lighting makes the most sense and meets the edge but not spill over, then he is okay.
- Joseph Read review comments from the Planning board, Department of Public Works, Board of health, and Building Department.

MOTION: Moved by Allis, seconded by Joseph, and vote 5:0 to approve the application of the Town of Greenfield for property located a 19 Olive Street (Assessor's Map 51, Lots 16, 20, 21, 22, & 23), which is located in the Central Commercial (CC) 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 up to a twenty (20) percent increase of the maximum height allowed from fifty (50) feet to fifty-seven (57) feet for the construction of the Olive Street Parking Facility at this location, with the following condition:

1. Security cameras and screening shall be installed to prevent trash throwing onto the roof of the abutting property (Karen's Dance Studio).

- b. 7:15 p.m.: Application of the CG Greenfield Energy Development, LLC for property located a 36 Log Plain Road (Assessor's Map R17, Lot 6), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C18), 200-7.15, 200-8.3 and 200-8.4 of the Zoning Ordinance in order to allow the installation of a 7,488 panel 2.0 MW ground-mounted solar photovoltaic system at this location.



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At a public meeting on Thursday, May 11, 2017 at 7:15 p.m., at the Department of Planning and Development, 114 Main Street, the Greenfield Zoning Board of Appeals held a public hearing on the application of CG Greenfield Energy Development, LLC for property located at 36 Log Plain Road (Assessor's Map R17, Lot 6), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C18), 200-7.15, 200-8.3 and 200-8.4 of the Zoning Ordinance in order to allow the installation of a 7,488 panel 2.0 MW ground-mounted solar photovoltaic system 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. The following project proponents were present: Briony Angus, Senior Project Manager/Associate from Tighe & Bond; and Nick Stahl, Citizens Energy, LLC.

- Maloney Introduced the Board members sitting and asked the project proponents to introduce themselves and explain what they want to do, where they want to do it, and why.
- Angus The property is currently being used as a single family home and an ATV track. Kim and Alan Davis are the current owners of the property. There will be a 20-year lease on the property with a decommission plan. The proposed solar PV system will take up about ten (10) acres of the property. No waivers are being requested from the ZBA. There will be some tree clearing and stumping. The system will be mounted by steel driven posts. The Conservation Commission has approved the project and has issued an Order of Conditions. The Planning Board provided a positive recommendation to the ZBA. The solar PV system will not be fenced; there will be no visual impacts from the road.
- Maloney Inquired on whether there will be any signage.
- Angus Responded no.
- Maloney Inquired that there is no proposed gate or fencing because the system will be on private property.
- Angus Responded that there will not be a gate or fencing.
- Stahl Stated that he monitors the solar system through a cell phone application.
- Joseph Inquired on a site visit in 1-3 months. Inquired about the construction process and any noise issues.
- Angus Responded that it will be about a 2-3 month construction process to include installing silt fencing and land clearing. There are no grading needs and the only noise would be from the land clearing process.
- Stahl Stated that the construction period would be from the fall of 2017 to March 2018.



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- Maloney Asked how long the life of the solar PV system would be.
- Stahl Responded that there will be a 20-year lease with a 2 year extension option.
- Angus Stated that there is a decommissioning plan as part of the 20-year lease with the property owners. The materials are more expensive than the decommissioning so Citizens Energy will not be providing a security bond.
- Allis Asked the project proponents if it is in their best interest to fence the area and if there will be security cameras.
- Stahl Responded no, will monitor through the cell phone application previously described.
- Angus Reviewed with the Board how this project meets all the requirements of the Zoning Ordinance.

Public Input Opened

John Lepore, 30 Log Plain Road, Greenfield

Inquired if the land area to be cleared will be seeded. Also inquired on whether the area to be cleared will be chipped or logged out.

- Angus Responded yes on seeding and not sure yet on the chipping or logging.
- Lepore Inquired on whether the pole for conduit could be relocated as it is near his house.
- Angus Responded that this is a question for Eversource and the developer.
- Joseph Read review comments from the Planning Board, Building Department, Licensing, the Department of Public Works, and the Board of Health.

Public Hearing Closed at 8:02 p.m.

Discussion/Decision

CG Greenfield Energy Development, LLC for property located at 36 Log Plain Road (Assessor's Map R17, Lot 6)

The Board had no issues.

MOTION Moved by Allis, seconded by Killeen, and voted 5:0 to approve the application of CG Greenfield Energy Development, LLC for property located a 36 Log Plain Road (Assessor's Map R17, Lot 6), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C18), 200-7.15, 200-8.3 and 200-8.4 of the



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Zoning Ordinance in order to allow the installation of a 7,488 panel 2.0 MW ground-mounted solar photovoltaic system at this location.

- c. **7:30 p.m.:** (Continued) Application of the Charlie Fiechter/GTR Greenfield Millbrook Solar LLC for property located a 195 Mill Brook Road (Assessor’s Map R11, Lot 84), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C18), 200-7.15, 200-8.3 and 200-8.4 of the Zoning Ordinance in order to allow the installation of a 4,320 panel 1.468 MW ground-mounted solar photovoltaic system at this location.

The Applicant requested a continuance of the public hearing.

MOTION: Moved by Joseph, seconded by Killeen, and voted 5:0 to continue the public hearing to the next regularly scheduled meeting.

Deliberation Item:

- a. 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 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 Applicant, Alison Shurman; and members of the public.

Discussion/Decision

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

- Joseph Stated the Board asked for an updated memo from the Fire Department, a stock photo of what the proposed fence would look like, and a legal opinion whether the Mayor has the authority to allow the applicant to build on town land.
- Maloney Stated Eric Twarog, Planning Director provided his opinion stating the Mayor does have the authority as long as it does not conflict with the Zoning Ordinance or any other regulation or policy.
- Joseph Stated he reviewed the Zoning Ordinance and it does not address how to handle a proposed use on town land. Inquired whether the applicant spoke with the Fire Department.
- Shurman Responded, yes. The updated memo dated May 1, 2017 states: “The Greenfield Fire Department has one issue with the proposed project. At this time we are concerned about opening in the fence by the fire hydrant. There shall be a 5’ clearance around all sides of the



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hydrant unobstructed by the fence. Greenfield Fire would like meet with the contractor doing the installation to make sure all safety issues are considered at 128 Mountain Rd by applicant Elizabeth Shurman.”

- Pollock Stated she asked the DPW to visit 128 Mountain Road in person to review the application. Stated Alan Twarog of DPW went out and stated that DPW has no issues with fence being installed on town land.
- Stated there is a precedent case where the Town has allowed building on Town land without an easement, for fences, etc. Stated the Mayor allowed Silvercrest Condos to installing a stone wall on town land. Stated Silvercrest Condos had to go before the Licensing Board for approval.
- Killeen Inquired about the proposed height of the fence.
- Shurman Responded, the fence along the front lot line would be 6 feet high and the fence along the side lot line would be 8 feet.
- Killeen Stated the Mayor’s memo states “The Town of Greenfield reserves the right to remove the fence should it become hazardous or fall into an unsafe condition.” Stated the memo does not state what happens if the Town just wants to remove fence for reason.
- Winn States he does not support the fence being on town land.
- Allis Stated he would approve the fence if it was on the applicant’s private property.
- Joseph Stated if the applicant raised the ground with fill, the 8 ft fence would then become 6 feet. Stated he understands the request and their concerns about safety, privacy and noise issues. Stated he respects the opinions from the Mayor and the Fire Department. Stated he is not concerned with the fire hydrant since the Fire Department does not have any concerns. Stated the abutters are not concerned with the proposed project. Stated he is inclined to support the application, as presented. Stated there are some concerns about liability.
- Maloney Stated liability could become a problem.
- Killeen Stated if the Board accepts the letter from the Mayor as fact, then the Board is only approving the height difference of 2 feet. A 4-ft fence is allowed by right, the applicant is requesting a 6-ft fence along the front lot line.

MOTION: Moved by Joseph, seconded by Killeen, and voted 5:0 to approve the application of Elizabeth & Allison 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



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allow a fence to be erected on the Applicant's property with a 6 foot maximum height along the front property line and that portion of the side lot line between the front lot line and the minimum front yard setback line at this location, with the following conditions:

- 1. The fence shall be erected on the Applicant's property only;**
- 2. The fence along the front lot line shall have a maximum height of 6 feet;**
- 3. The fence along the front lot line may be erected up to the front lot line;**
- 4. The fence along the side lot line shall have a maximum height of 8 feet.**

Approval of Minutes:

The April 26, 2017 meeting minutes have not yet been completed.

Adjournment:

MOTION: Moved by Allis, seconded by Winn, and voted 5-0 to adjourn the meeting at 9:27 p.m.

Respectfully Submitted,

Maureen Pollock, Assistant Planner & Conservation Agent