



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)
Killeen, Andrew (2019)
Maloney, Mark (2019)
Winn, James (2020)
Wozniak, Peter (2020)

ZONING BOARD OF APPEALS
Minutes of November 16, 2017
Town Hall, 2nd Floor Meeting Room
14 Court Square

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

PRESENT: Mark Maloney, Chairman Brickett Allis
James Winn Peter Wozniak

ALSO PRESENT: Applicants;

ABSENT: Andrew Killeen

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 A. R. Sandri, Inc. for property located at 400 Chapman Street (Assessor’s Map 102, Lot 18), which is located in the General Industry (GI) Zoning District, for a Special Permit pursuant to Sections 200-4.11(C14) and 200-8.3 of the Zoning Ordinance in order to allow the installation of a 30,000 gallon propane storage tank at this location.

Chairman Maloney explained the public hearing process to the Applicant. Winn read the public notice into the record. Members sitting were Mark Maloney, Chair; James Winn; Brickett Allis; and Peter Wozniak. Also in attendance were the applicants, Michael Behn, President of A.R. Sandri, Inc. and Sharon Abbott; Representatives to the Applicant, David Frothingham, Professional Engineer from Wilcox & Barton and Jack Murdock, Propane Marketing representative for NGL Supply, Associate of the Propane Gas association of New England; and members of the public.

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.

Frothingham Stated A. R. Sandri, Inc. would like to construct a 30,000 gallon propane above ground storage tank at their 400 Chapman Street parcel. Stated the Sandri parcel is located within the General Industrial Zoning District which requires a special permit for bulk fuel storage.

Stated the Sandri parcel is an existing developed parcel. The northern two thirds of the parcel is developed with a building, drives, and parking areas. The uses on-site include the Sandri Corporate office, bulk fuel (heating oil & diesel) storage, and fleet vehicle storage. The southern third of the parcel consists of a solar panel installation and an undeveloped field which was previously used by the Town of Greenfield as a



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baseball field. The project is located in area of similar uses consisting of commercial, industrial, bulk fuel storage and residential uses.

Stated the above ground tank is 8-feet in diameter. Stated the tank will sit on a concrete pad. On the submitted plan, Frothingham showed Board members where trucks would turn in and out of the property, where loading would occur, and where the dry pond for stormwater runoff will be located on-site.

- Maloney Inquired whether there will be fencing around the tank.
- Murdock Responded, yes the new above ground storage tank will be enclosed by a 6-foot chain-link fence, with a section of fencing adjacent to Chapman Street to be with slats to create an opaque fence. Stated landscaping along the fence will consist of trees and shrubs not less than 5 feet on center providing for the interruption of views into the site. The adjacent residential property to the south of the project location is buffered from the site by an existing 50-foot wide wooded buffer on the Sandri Parcel. No new landscaping is proposed between the new above ground storage tank and the residential property. The wooded buffer is proposed to remain undisturbed.
- Maloney Inquired about proposed exterior lighting.
- Frothingham Responded, there will be 4 exterior LED shielded light fixtures.
- Maloney Inquired about the hours of operation.
- Murdock Responded, the hours of operation would be the standard hours of operation, Monday – Friday. Stated hours could expand only for emergencies.
- Wozniak Inquired about security.
- Frothingham Responded, yes there is a gate to access the tank. Stated the gate is activated by employees inside the Sandri building. Stated the tank will not be open to the general public.
- Maloney Inquired whether there will be on-site inspections of the tank.
- Murdock Responded, the tanks will be inspected every time there is a delivery. Stated the tank has a redundant fail safe system. Stated Massachusetts does not require an inspection for above ground storage tanks but they will inspect it anyways.
- Maloney Inquired the reasons for building this above ground opposed to below ground.
- Murdock Responded it is not financially feasible to build below ground due to the on-site bedrock. Stated blasting bedrock would be too costly.
- Maloney Inquired why the tank is not proposed near the existing tank on-site.
- Abbott Responded, there is not available space near the existing tank.
- Winn Read correspondence from the Planning Board, Board of Health, Fire, Licensing Commission, and Town Engineer.



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Chairman Maloney opened up the hearing for public comment.

Jack Curtiss, Attorney

Stated he is representing his client, Phillip Drumheller, owner of WIZZ Radio. Stated Drumheller owns the adjacent parcel, 346 Chapman Street which has two radio towers located on it and is concerned about potential interference with radio transmission caused by the proposed above ground metal tank. Stated Mr. Drumheller is concerned that WIZZ Radio could lose their license. Stated the radio station can transmit north to south, but not to the west towards Albany, NY. Inquired whether the applicant could further explore the feasibility for building the tank below ground.

Name Not Provided, Engineer

Stated the metal may interfere with the radio transmission. Stated he is familiar with FCC ruling. State anything within 2 kilometers of a radio tower could cause interference.

Maloney Stated that perhaps there are similar situations like this around the country in respect of a radio tower near an above ground storage metal tank.

Michael Behn, President of A.R. Sandri, Inc.

Stated he wonders if Mr. Drumheller has the legal right to restrict uses around the radio towers.

Murdock Stated the proposed tank will not be more than 12 feet high from the finished grade to the top of the tank. Stated there are probably houses in the neighborhood with metal that are taller than the proposed tank and they do not interfere with the towers. Stated the existing propane tanks at Rice Oil located at 334 Chapman Street do not interfere.

Wozniak Inquired if interference is only caused by metal.

Engineer Responded, yes.

Wozniak Stated practitioners from the church across Chapman Street, Greenfield Alliance Church park at the Sandri property during Sunday service. Inquired whether that will remain.

Abbott Responded, yes.

Public Hearing Closed at 7:34 p.m.

Discussion/Decision

A.R. Sandri, Inc. for property located at 400 Chapman Street (Assessor's Map 102, Lot 18)

Winn Read aloud the § 200-8.3.F Special Permits, Criteria for approval.

Criteria for approval. The Special Permit Granting Authority shall grant a special permit only after finding that the proposed use or structure will not adversely impact adjacent properties, the neighborhood, the Town, or the environment. The following criteria shall be considered:

- (1) Provision shall be made for convenient and safe vehicular and pedestrian circulation within the site and in relation to adjacent streets and property. The service level of adjacent streets shall not be significantly reduced due to added traffic volume or type of traffic in accordance with the most recent edition of the Highway Capacity Manual;*



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- (2) *The proposed use shall not overload the capacity of water and sewer systems, storm drainage, schools, solid waste disposal facilities, and other public facilities;*
- (3) *The design of the project shall provide for adequate methods of disposal of sewage, refuse, or other wastes generated by the proposed use;*
- (4) *The proposed project shall not increase erosion, flooding, or sedimentation either on-site or on neighboring properties and shall be consistent with the Massachusetts Wetlands Protection Act (MGL c. 131, ~ 40);*
- (5) *The proposed project shall not create a significant adverse impact on the quality of the natural environment including wildlife, vegetation, air, surface and groundwater, during or after construction;*
- (6) *The design of the project shall minimize earth removal, volume of cut and fill, grade changes, and the removal of existing trees and vegetation;*
- (7) *The proposed project shall not have a significant adverse fiscal impact on the Town in terms of balancing as near as possible the cost of public services and public revenue provided through taxes and other income;*
- (8) *The project shall be compatible with existing uses and other uses allowed by right in the district, and shall not detract from the character and scale of neighboring properties;*
- (9) *The design of the project shall minimize the visibility of visually degrading elements and maximize the use of screening, vegetated buffer zones, and open space;*
- (10) *The proposed project shall be consistent with the purposes and intent of this ordinance.*

Maloney Stated that the special permit request was well written. Stated the Applicant has addressed all criterion from § 200-8.3.F.

Stated the proposed above ground propane storage tank is to be located in the General Industry Zoning District. Stated the Applicant is providing landscaping, screening, a stormwater conveyance, safe access, and no new curb cuts. Stated he does not believe Mr. Drumheller’s concerns are in the purview of the Board’s jurisdiction. Stated that given the close proximity of other existing metal structures near the radio towers, questions the likelihood of potential interference caused by the proposed tank.

Allis Inquired whether the radio station, including towers will interfere with the propane tanks operations.

Murdock Responded, no.

Allis Inquired if the propane tanks interfere with the towers’ transmission signal patterns, can they be fixed.

Engineer Responded, yes.

Allis Stated that the tank would need to be adjusted at the 400 Chapman Street parcel, and that it would be at the cost of the radio station. Stated the Board cannot make conditions regarding the signal of the tower.

Maloney Stated that in the event that something needs to be adjusted that hopefully the two owners can be good neighbors and work together regarding any potential signal problem.

Allis Inquired whether the propane tank will act as a receiver to the radio station, acting as a transmitter to the signal. Inquired if this can happen and what can the Board do.

Maloney Responded, the Federal Communications Commission (FCC) would handle that and stated that is not in the purview of the ZBA.



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Maloney Inquired whether the applicant would like a fence higher than 6 feet. Stated the Applicant indicated a 6-foot fence in the application.

Abbott Stated the State Fire Marshall requires a 6-foot fence.

Allis Stated that the tank may be seen from the Chapman Street right-of-way. Stated he would like to give the Applicant an option to build a taller fence.

Maloney Stated he would like to give the Applicant an option to build a taller fence. Stated he would like to condition the lighting to have a maximum height of 15-feet and be down-cast and shielded.

Winn Stated he has no issues with the application, as submitted.

Wozniak Stated he has no issues with the application, as submitted.

MOTION Moved by Allis, seconded by Winn, and voted 4:0 to approve the application of A. R. Sandri, Inc. for property located at 400 Chapman Street (Assessor’s Map 102, Lot 18), which is located in the General Industry (GI) Zoning District, for a Special Permit pursuant to Sections 200-4.11(C14) and 200-8.3 of the Zoning Ordinance in order to allow the installation of a 30,000 gallon propane storage tank at this location, with the following conditions:

- 1. The exterior lighting shall be down-cast and shielded with a maximum height of 15 feet;**
- 2. The fence along Chapman shall have a minimum height of 6 feet and a maximum height of 9 feet.**

b. **7:15 p.m.: Application of Noah Modie for property located at 134 Hope Street (Assessor’s Map 24, Lot 2), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(C11); 200-7.10; 200-6.5(A6); 200-8.4; and 200-8.3 of the Zoning Ordinance in order to redevelop an existing building into a mixed residential/business use and to allow a parking reduction from 8 required parking spaces to 5 at this location.**

Chairman Maloney explained the public hearing process to the applicant. Winn read the public notice into the record. Members sitting were Mark Maloney, Chair; James Winn; Brickett Allis; and Peter Wozniak. Also in attendance was the applicant, Noah Modie; Melissa & Stephen Prichard, property owners of 134 Hope Street; and members of the public.

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.

Modie Stated the house located at 134 Hope Street was bought by Melissa and Steve Pritchard after several years of neglect by previous owners. Stated the Pritchard’s plan is to re-develop the structure to include two-dwelling units and a professional office. Stated the Greenfield Zoning Ordinance requires that this project have a total of 8 parking spaces, including at least 1 ADA accessible parking space. Stated a review of the site plan indicates that 8 parking spaces would consume nearly the entire site, create insurmountable access issues, and impose an unreasonable burden on the property owners. Therefore, the applicant requests a



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parking reduction based on the specific nature of the building program and the likely schedules and snow emergency procedures of the occupants. The applicant proposes 4 parking spaces, including 1 ADA accessible parking space in front of the building. Stated that he believes this will satisfy the parking requirements for either the residences or the business, but, of course, not both. Stated he anticipates that the residents and the occupants of the business space would not have overlapping schedules, as the business occupants will inhabit their space primarily during business hours, and the residents will likely be home at night, but recognize that cannot be guaranteed. In the case where the schedules of the various programs do not overlap there will be no increased burden due to on-street parking. In cases where they do overlap, on-street parking will only occur at times when it is not burdensome. During snow emergencies, the residents will park in the off-street parking spaces allotted, and the business occupants can park at the adjacent Hope Street Municipal Parking Lot.

Stated another clear issue that arises is that the proposed parking spaces impose on the lot line setbacks. It is also apparent that the existing house is not within the prescribed building envelope, and that the lot line is drawn in such a way that the only place where parking would fit within the building envelope is on the north side of the house. Unfortunately, moving the parking to the north side of the house would require the construction of a retaining wall, create an imposition on the neighbor's side yard, require that several windows in the house be closed off, and only yield 2 parking spaces. Given the fact that the lot abutting the south side of the site is empty, owned by an entity that is unlikely to build, and not affected by the imposition on the lot lines, the proposed location of the parking is the most favorable.

Stated after conversations with Nic Reitzel, Town Engineer, the site plan has been revised. Stated the revisions made include reconfiguration of the parking lot such that it fits completely within the lot lines as they're currently drawn, which eliminates one of the parking spots that was in the original site plan. Stated he is only requesting a driveway easement rather than attempting to engage in the purchase of land either from the town or the MassDOT. Stated he is willing to add a swale to the rear of the yard if that relieves him of the requirement of submitting a complete drainage report. Stated when he applies for a building permit, his set will be complete with details for the planned retaining wall, and complete construction documents for the house. Stated he is delaying creating those documents for the time being in order to avoid incurring the expense of creating construction documents for a project that runs the risk of not being approved.

- Winn Inquired whether anything can be constructed on the north side of the house.
- Modie Responded, no. Stated nothing can be built on the north side of the house, as it would be cost prohibitive.
- Wozniak Inquired what the area size of the units will be.
- Prichard Responded, the basement 1-bedroom apartment will be 700 square feet; the first floor office space will be 1,000 square feet; and the second floor 1-bedroom apartment will be 1,100 square feet.
- Winn Read correspondence from the Planning Board, Board of Health, and Fire.

Chairman Maloney opened up the hearing for public comment. None

Public Hearing Closed at 7:56 p.m.

Discussion/Decision



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A.R. Sandri, Inc. for property located at 400 Chapman Street (Assessor's Map 102, Lot 18)

The Board has no issues with the application, as submitted

MOTION Moved by Allis, seconded by Winn, and voted 4:0 to approve the application of A. Noah Modie for property located at 134 Hope Street (Assessor's Map 24, Lot 2), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(C11); 200-7.10; 200-6.5(A6); 200-8.4; and 200-8.3 of the Zoning Ordinance in order to redevelop an existing building into a mixed residential/business use and to allow a parking reduction from 8 required parking spaces to 4 at this location.

Approval of Minutes:

MOTION: Moved by Allis, seconded by Winn, and voted 4:0 to approve the Minutes from September 14, 2017

MOTION: Moved by Allis, seconded by Winn, and voted 4:0 to approve the Minutes from October 12, 2017

Adjournment:

MOTION: Moved by Allis, seconded by Winn, and voted 4-0 to adjourn the meeting at 8:34 p.m.

Respectfully Submitted,

Maureen Pollock, Assistant Planner & Conservation Agent