



City 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 March 8, 2018

**Department of Planning and 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 Andrew Killeen, Clerk James Winn
Brickett Allis Peter Wozniak

ALSO PRESENT: Eric Twarog, Director of Planning and Development; Applicants; and members of the public

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 Guiding Star Grange Building Association, Inc. for property located at 401 Chapman Street (Assessor’s Map 111, Lot 36), which is located in the Urban Residential (RA) Zoning District, for a Special Permit pursuant to Sections 200-6.1(C) and 200-8.3 of the Zoning Ordinance in order to allow the expansion of a legal non-conforming use by allowing the Grange Hall to expand the use of its commercial kitchen facilities at this location.

Chairman Maloney explained the public hearing process to the Applicant. Killeen read the public notice into the record. Members sitting were Mark Maloney, Chair; Andrew Killeen, Clerk; James Winn; and Peter Wozniak. Also in attendance were David Cantieni, Grange Hall Master; Richard Henry; Tom and Rebecca Easton; 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.
- Cantieni Stated that due to the increased use of their commercial kitchen facilities, Mark Snow, Inspector of Buildings, required that they proceed with a special permit from the Zoning Board of Appeals.
- R. Easton Stated that her and her husband have a catering business and also serve as the kitchen mangers for the Grange Hall. Stated that their intent is to allow start-up businesses to use the facilities at the grange Hall. Stated that Our Daily Bread is the business that sought a Business Certificate form the Inspector of Buildings.
- Wozniak Inquired about hours of operation.
- R. Easton Responded two (2) days per week. Only a limited number of entities would be able to utilize their commercial kitchen facilities. Stated that they are not a wholesale kitchen so cannot sell to supermarkets. They mostly deal with farmer’s markets.



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- T. Easton Reiterated that they are trying to act as a springboard for local businesses because of the high cost of start-up.
- R. Easton Stated that currently, there are two (2) businesses utilizing their commercial kitchen but that the kitchen could handle 5-6 small businesses.
- Allis Inquired on how long the commercial kitchen has been running and inspected by the Town.
- Henry Responded since 1936.
- Allis Inquired if they are charging for the use of the commercial kitchen.
- Cantieni Responded yes.

Chairman Maloney opened up the hearing for public comment at 7:15 p.m.

Francine Sharock, Owner of Our Daily Bread, Greenfield

Ms. Sharock praised the Grange Hall and asked for a positive approval from the Board. Stated that they will eventually move to the CDC's Venture Center.

Public comment closed at 7:17 p.m.

- Cantieni Stated that due to the limited use and scheduling for the commercial kitchen, that he does not foresee any increased traffic or negative neighborhood impacts.
- Maloney Clarified that the purpose of their application is not to increase uses but to allow start-up businesses to utilize their commercial kitchen facilities and that they will not act as a restaurant.
- Cantieni Responded that is correct.
- Killeen Read department review comments from the Planning Board, City Engineer, Health Department, and Inspector of Buildings.
- R. Easton Stated that they have been working with the Health Department on proper procedures for the commercial kitchen.
- Wozniak Inquired if town officials are aware of the number of people dining at the Grange Hall.
- R. Easton Stated that they are required to be inspected by the Board of Health.
- Maloney Inquired if there are further questions from the Board.
- Board Members Responded no.

Public Hearing Closed at 7:20 p.m.



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Discussion/Decision

Application of Guiding Star Grange Building Association, Inc. for property located at 401 Chapman Street (Assessor’s Map 111, Lot 36)

Maloney Stated that he thought the written narrative included with the application was poorly done in terms of describing their intent. The verbal statements of Tom and Rebecca Easton did a better job of explaining their intent with this application.

The Board discussed why this application is before them. Maloney reviewed Section 200-6.1 of the Zoning Ordinance with the Board. Director Twarog stated that he met with the Inspector of Buildings, Mark Snow, about this and Mr. Snow felt that since their Commercial Kitchen is being advertised on their website and Our Daily Bread has applied for a Business Certificate, that there is a “change, extension, or alteration” of this legal non-conforming use within a residential zoning district. Director Twarog stated that the Inspector of Buildings as Code Enforcement Officer has the legal discretion to require a special permit for the expanded use. Maloney stated that this was similar to the home daycare centers that the Board dealt with about ten years ago.

Allis Asked for clarification on where in the Zoning Ordinance it states that the Grange Hall cannot utilize their kitchen as they have always done in the past. He stated that not all kitchens for fraternal organizations like the Moose Lodge and the Elks Club are commercial level kitchens. One has to apply for the extra level for a commercial kitchen. He stated that they have been inspected and approved by the Town for the commercial kitchen. He referenced a lot on Wells Street as an example of a situation where the Board should not have gotten involved as it was not a change of use.

Maloney Stated that if the Board were so inclined as to approve this application, it would be setting a precedent for the use of their commercial kitchen for off-site sales for other organizations such as the Moose Lodge, Elks Club, churches, etc.

Allis Concurred with Maloney’s comments and that he believes that a precedent has already been set because of Jim’s Tree Service on Wells Street. The only way entities can sell food is by preparing the food using a commercial kitchen. He stated that even if they are using their commercial kitchen to generate revenue, he doesn’t understand how this is outside their current use of the property.

The Board discussed when is the line crossed for a non-profit to make some profit. The Board discussed the difference between a commercial kitchen and one that is not.

Killeen Asked for clarification on whether the concern is that if the Board were to approve this application, it would be setting a precedent for commercial entities to utilize a commercial kitchen in a residential neighborhood.

Maloney Responded yes.

Killeen Suggested that the Board define what uses the Board would not want to see happen on the property by creating a template.

The Board discussed continuing Board deliberation on this application to the next available meeting of the Board.



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- Allis Stated that if the Board continues this, he would want something from the Inspector of Buildings Mark Snow on why he required the Grange Hall to go before the Board in writing.
- Maloney Stated that he would like to learn more about how other communities have dealt with the expansion of legal non-conforming uses that are non-profits. He would also like additional information on any complaints that have been received concerning the use of the Grange Hall. He stated that he believes that there are too many unknowns in order for the Board to make a decision at this time.
- Killeen Stated that he has enough information at this time to make a decision on the application without having research into what other towns have done. He doesn't see the need to continue the public hearing.
- Allis Stated that he looked at the Grange Hall website and believes that they are only advertising their facility as a whole, not specifically for the commercial kitchen. He stated that he does not believe that there is a change of use or expansion of the use at the Grange Hall.

The Board without objection reached consensus to continue Board deliberation to their next meeting.

- b. **7:15 p.m.: Application of Robert Haigh for Parcels 127-34 and 127-35, which are located within the Urban Residential (RA) 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 a twenty (20) percent reduction of the required road frontage from 65 feet to 52 feet, and to allow a gravel road extension of 16.5 feet to the existing 35.5 feet of asphalt for access to a single family home at this location.**

Chairman Maloney explained the public hearing process to the Applicant. Killeen read the public notice into the record. Members sitting were Mark Maloney, Chair; Andrew Killeen, Clerk; James Winn; and Peter Wozniak. Also in attendance was Robert Haigh, Applicant; and Joseph Ruggeri, Realtor.

- Maloney Introduced the Board members sitting and asked the Applicant to introduce himself and explain what he want to do, where he wants to do it, and why.
- Ruggeri Stated that Mr. Haigh is seeking a twenty (20) percent reduction of the required road frontage from 65 feet to 52 feet and to allow a gravel road extension of 16.5 feet to the existing 35.5 feet of asphalt for access to a single family home at this location.
- Haigh Stated that he is combining two existing lots into one lot for a single family home.
- Maloney Asked for clarification if the gravel portion of the road frontage is not expected to be plowed or maintained by the Town.
- Haigh Responded yes.
- Killeen Read department review comments from the Fire Department, Inspector of Buildings, City Engineer, and the Planning Board.

Chairman Maloney opened up the hearing for public comment at 7:38 p.m. None



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Maloney Inquired if there are further questions from the Board.

Board Members Responded no.

Public Hearing Closed at 7:39 p.m.

Discussion/Decision

Robert Haigh for property located off Summer Street (Assessor’s Map 127, Lots 34 and 35)

MOTION

Moved by Killeen, seconded by Wozniak, and voted 4:0:1 (Allis abstained) to approve the application of Robert Haigh for Parcels 127-34 and 127-35, which are located within the Urban Residential (RA) 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 a twenty (20) percent reduction of the required road frontage from 65 feet to 52 feet, and to allow a gravel road extension of 16.5 feet to the existing 35.5 feet of asphalt for access to a single family home at this location with the following conditions:

- 1. The driveway for the new single family home shall come off of the existing asphalt portion of the required road frontage; and**
- 2. The Department of Public Works shall not maintain the gravel portion of the required road frontage.**

Winn Stated that he has no issues with the request and that it fits in with the neighborhood.

Maloney Stated that the Fire Department has no issues so he is okay with this request.

Wozniak Stated that he has no issues with the request.

- c. **7:30 p.m.: Application of Lani Morton for property located at 74 Homestead Avenue (Assessor’s Map 42, Lot 8), which is located in the Suburban Residential (RB) Zoning District, for a special permit pursuant to Sections 200-4.3(C1) and 200-8.4 of the Zoning Ordinance in order to allow the keeping of six (6) sheep at this location.**

Chairman Maloney explained the public hearing process to the Applicant. Killeen read the public notice into the record. Members sitting were Mark Maloney, Chair; Andrew Killeen, Clerk; James Winn; and Peter Wozniak. Also in attendance was Lani Morton, Applicant; Daniel Lashtuv, Sheep manager; and members of the public.

Maloney Introduced the Board members sitting and asked the Applicant to introduce herself and explain what she wants to do, where she wants to do it, and why.

Morton Reviewed her request with the Board.

Maloney Inquired on how much land the Applicant owns.

Morton Responded one (1) acre.



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- Maloney Inquired if there are any existing outbuildings for the sheep on the property.
- Morton Responded not yet but will have a 3-sided shed for the sheep. Stated that there is an existing garage on the property.
- Maloney Inquired if she has the sheep now.
- Morton Responded yes and that they are currently being housed in the existing garage.
- Winn Inquired if the field for the sheep is at the back of the property and if there any fencing for the sheep. If no fencing, will the fencing be electric or galvanized fencing.
- Morton Responded that there is not existing fencing but new galvanized fencing would be installed.
- Maloney Inquired on how waste from the sheep will be handled.
- Morton Responded that the sheep excrete waste directly to the ground which is not an issue because of the nature of the waste.
- Morton Clarified to the Board that instead of six (6) sheep, she would like to have five (5) sheep and one llama. The purpose of the llama is to protect the sheep from coyotes.
- Maloney Asked Director Twarog if he knew about the proposed llama.
- Twarog Responded no.
- Killeen Read department review comments from the Health Department, Fire Department, Inspector of Buildings, Planning board, and City Engineer, and the MA Department of Agricultural Resources.
- Killeen Asked if the submitted drawing is to scale.
- Morton Responded yes and that the field is about half an acre.

Chairman Maloney opened up the hearing for public comment at 7:57 p.m.

Randie Handleman/Carole Ball, 124 Thayer Road Ext., Greenfield

They stated that they would be able to see the sheep from their property but that they know Ms. Morton and support her request.

Eric Hallowell, 81 Homestead Avenue, Greenfield

Expressed concerns that the ½ acre would be too small for 6 sheep.

Edward Dowd, 131 Thayer Road Ext., Greenfield

Stated that he fully supports the request.

Teresa Dionne, 117 Thayer Road Ext., Greenfield



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Spoke against the project. Stated that her door is about 75 feet from the ½ acre field. Expressed concerns about noise, odors, and watershed/floodplain issues.

John Lyons Jr., 135 Thayer Road Ext., Greenfield

Stated that he fully supports the request.

Public Hearing Closed at 8:15 p.m.

- Morton Responded that she too has flood insurance for her property and that prior to submitting an application, she reviewed maps and the floodplains not part of the field.
- Killeen Google research shows six sheep per acre so the request is for six sheep on a half an acre.
- Morton Responded that the sheep are Scottish blackface sheep which are smaller sheep so she doesn't see an issue with the ½ acre.
- Wozniak Inquired on sheep grazing, will the sheep eat all the grass to the dirt?
- Morton Responded that she will be doing rotational grazing to avoid this issue.
- Winn Stated that an internet search shows that a llama needs about 5-7 acres of land for grazing.
- Maloney Inquired of the Applicant what she would do if they only granted approval for three sheep.
- Morton Responded that she would need to find homes for the remaining sheep.
- Killeen Inquired if the Applicant would proceed without the llama.
- Morton Responded that she would be willing to proceed without the llama but restated that the purpose of the llama would be to protect the sheep from coyotes.
- Allis Inquired on how long the sheep would be rotated for grazing using just 1/8 acre.
- Morton Responded once every two weeks. The sheep tend to herd together and use only a small area at a time.
- Morton Asked for a continuance of the Board's deliberation on the application to the next available meeting.

The Board without objection reached consensus and continued the Board's deliberation on the application to the next available meeting.

Approval of Minutes:

MOTION: Moved by Winn, seconded by Wozniak, and voted 5:0:1 (Allis abstained) to approve the Minutes from January 11, 2018.



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Adjournment:

MOTION: Moved by Killeen, seconded by Winn, and voted 5-0 to adjourn the meeting at 9:17 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning and Development