



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 April 12, 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 Jinbyoung Nam for property located at 253 Mohawk Trail (Assessor's Map R25, Lot 12), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to the Table of Uses and 200-8.3 of the Zoning Ordinance in order to allow the operation of a commercial daycare center at the U.S. Taekwondo Center 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 Jinbyoung and Sarah Nam, and members of the public.

- Maloney Introduced the Board members sitting and asked the Applicants to introduce themselves and explain what they want to do, where they want to do it, and why.
- Ms. Nam Stated that they opened the U.S. Taekwondo Center at 253 Mohawk Trail in October 2017. They were not aware that their new school was a change of use and that the proposed daycare center requires a special permit. The Inspections Department forwarded them to the Department of Planning and Development for proper approvals after the fact. At this stage they need approvals in order to new restrooms for the daycare use. They are applying at the state level for an EEC license.
- Maloney Inquired if they currently have daycare children now.
- Ms. Nam Responded no.
- Mr. Nam Explained that his intent is to help low income children in the area.

Chairman Maloney opened up the meeting for public comment at 7:10 p.m.

No public comment.



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Chairman Maloney closed the meeting for public comment at 7:11 p.m.

Killeen Read department review comments from the Planning Board, City Engineer, Board of Health, and Inspector of Buildings.

Allis Inquired if the Taekwondo school and daycare are required to work together.

Ms. Nam Responded no.

Allis Inquired on the age group for the daycare center.

Ms. Nam Responded age 6 and above.

Allis Asked if a condition limiting the age to older than 2 ½ years old would be an issue.

Ms. Nam Responded no.

Wozniak Inquired if their architect knew of the proposed uses for the space when they drew up the plans.

Ms. Nam Responded no.

Maloney Asked when their architect met with the Inspector of Buildings.

Ms. Nam Responded about a month ago.

Allis Inquired on a dumpster.

Ms. Nam Responded that they currently share a dumpster.

Winn Inquired on signage.

Ms. Nam Responded that they have already installed a sign for the U.S. Taekwondo Center using the existing sign frame.

Maloney Inquired if they have contacted the Plumbing Inspector Andy French.

Ms. Nam Responded that a plumber did come out to inspect the property.

Public Hearing Closed at 7:26 p.m.

Discussion/Decision

Jinbyoung Nam for property located at 253 Mohawk Trail (Assessor's Map R25, Lot 12)

Allis Stated that he doesn't see any issues with this request.

Killeen Stated that he doesn't see any issues with this request.



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Winn Stated that he doesn't see any issues with this request.

Maloney Inquired if the Board is okay on the following relative to Mark Snow's review comments:
- Adequate lighting: Board responded yes;
- Disposal of daily garbage: Board responded yes;
- Signage: Board responded yes;
- Contacting the Plumbing Inspector: Board responded yes.

MOTION Moved by Allis, seconded by Killeen, and voted 5:0 to approve the application of Jinbyoung Nam for property located at 253 Mohawk Trail (Assessor's Map R25, Lot 12), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to the Table of Uses and 200-8.3 of the Zoning Ordinance in order to allow the operation of a commercial daycare center at the U.S. Taekwondo Center at this location with the following conditions:

1. The daycare center shall not accept children under the age of 2 ½ years;
2. The Applicant shall contact he Plumbing Inspector Andy French, for the installation of the required restrooms and other plumbing fixtures; and
3. The Applicant shall meet all requirements of the State Building Code.

a. (Board deliberation continued from March 8, 2018): 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.

Also in attendance were Richard Henry; Ruth Ellen Henry, Grange Hall Secretary; Tom and Rebecca Easton; and members of the public.

Killeen Read new correspondence from the Inspector of Buildings, Mark Snow.

Maloney Clarified for the Board that the question at hand is: will the proposed use be substantially more detrimental to the neighborhood.

Allis Inquired on the issue of previous complaints. Stated that since it wasn't mentioned in the new correspondence, he has to ignore that issue.

Wozniak Expressed concerns about parking.

Killeen Brought up the issue of setting a precedent if they approve this request. Inquired of the Grange Hall is a non-profit organization.

Mr. Henry Responded yes.

Killeen Inquired if the businesses wanting to use the Grange's commercial kitchen are for-profit businesses.

Mr. Henry Responded yes.



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Killeen Stated that he believes that with the proposed expansion of the business incubator use of the Grange Hall, that the use of the property is no longer a club.

The Board discussed the issue of having a business incubator within the Urban Residential Zoning District.

Wozniak Inquired if the 7 businesses that previously used the commercial kitchen sold their products on-site.

Mr. Henry Responded no.

The Board asked for clarification on the number of businesses currently using the commercial kitchen.

Mr. Henry Responded two (2).

Maloney Stated that the Board needs to ensure that the property doesn't become a restaurant or take-out restaurant.

The Board discussed possible conditions of approval and reached consensus to move on to the next deliberation and come back to this one later.

- b. **(Board deliberation continued from March 8, 2018): 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 summarized where the Board left off. In attendance was Lani Morton, Applicant; and members of the public.

Morton Handed out a revised layout of her property where the sheep would be grazing. Has more area on the side yard and the back yard. Will be using cattle fencing in those areas for rotational grazing. Stated that she supplements the grazing with food pellets and other foods.

Maloney Inquired on the number of sheep currently on the property.

Morton Responded five (5) ewes and seven (7) lambs. It is her intent to get rid of the lambs prior to them coming of age.

Eric Hallowell of 81 Homestead Avenue handed out several article from various sources on the carrying capacity of land for the keeping of sheep to the Board. The Board discussed the carrying capacity of the property for sheep.

Wozniak Inquired on how far back from the drainage area will the sheep graze.

Morton Responded about six (6) feet.

Wozniak Inquired on how the soil will be protected from erosion due to the grazing.



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Morton Responded by rotational grazing. In the winter months, they would be kept in the barn and fed with supplemental foods.

Killeen Inquired on why she wants to keep sheep.

Morton Responded that she loves animals and has land for keeping such animals. Stated that she is not in it for commercial purposes.

Killeen Asked if the wool from the sheep is harvested and sold.

Morton Responded yes.

Peter Dionne of 117 Thayer Road handed out photos of 74 Homestead Avenue from different properties.

Killeen Expressed concerns about the number of sheep proposed for the property. The land area for grazing is approximately 0.8 acres so 6 sheep may be too much.

Winn Stated that based on the Board's research and the information received by the Board, he suggests two (2) sheep and have her come back after one year to see how it is working.

Allis Concurred with Winn, concerned about the number of sheep proposed for the property.

Wozniak Concurred with Winn and Allis on the number of sheep.

Morton Stated that the herding instinct of the sheep may be jeopardized by reducing the number to two sheep.

The Board discussed the carrying capacity of the property for sheep.

MOTION Moved by Winn, seconded by Killeen, and voted 5:0 to approve the 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 two (2) ewe sheep at this location with the following conditions:

- 1. The Applicant must come back before the Board in one year for the Board to evaluate how things are working out with the sheep on the property;**
- 2. The Animal Inspector shall inspect the property two times during that year;**
- 3. The sheep must be contained on the property by fencing;**
- 4. No more than 3 lambs shall be allowed on the property at one time;**
- 5. The Applicant shall meet all requirements of the MA Department of Agricultural Resources and the Greenfield Board of Health.**

Continued Board deliberation on the application of Guiding Star Grange Building Association, Inc.

The Board discussed potential conditions of approval to address potential impacts to the neighborhood.



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MOTION Moved by Allis, seconded by Winn, and voted 5:0 to approve the 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 with the following conditions:

1. Only one (1) commercial entity shall be allowed to use the commercial kitchen at a time;
2. No deliveries to the property shall occur between the hours of 10:00 p.m. and 9:00 a.m.;
3. No on-site sales of goods produced in the commercial kitchen rented as a business shall be allowed; and
4. The Applicant shall not rent the commercial kitchen to any entity without a Business Certificate issued by the City of Greenfield.

Approval of Minutes:

MOTION: Moved by Winn, seconded by Wozniak, and voted 5:0 to approve the Minutes from March 8, 2018.

Adjournment:

MOTION: Moved by Killeen, seconded by Winn, and voted 5-0 to adjourn the meeting at 9:55 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning and Development