



William F. Martin
Mayor

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

Members:
Twarog, Eric
Director, Planning & Dev.

Killeen, Andrew (2019)
Maloney, Mark (2019)
O'Neill, Robert (2021)
Singer, David (2021)
Winn, James (2020)
Wozniak, Peter (2020)

ZONING BOARD OF APPEALS
Minutes of September 13, 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 Peter Wozniak
David Singer Robert O'Neill

ABSENT: James Winn

ALSO PRESENT: Eric Twarog, Director of Planning and Development

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 Michael Terounzo for property located at 171 Log Plain Road (Assessor's Map R11, Lot 75), which is located in the Rural Residential (RC) 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 reduction of the side yard setback requirement from twenty (20) feet to sixteen (16) feet for an addition to the existing single family home at this location.

At a public meeting on Thursday, September 13, 2018 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 Michael Terounzo for property located at 171 Log Plain Road (Assessor's Map R11, Lot 75), which is located in the Rural Residential (RC) 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 reduction of the side yard setback requirement from twenty (20) feet to sixteen (16) feet for an addition to the existing 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; Peter Wozniak, David Singer; and Robert O'Neill. Also in attendance was Michael Terounzo, Applicant.

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.

Terounzo Explained the project to the Board stating that the original location of the addition had to be moved due to the location of the existing septic system. The septic system will be 10 feet from the new location of the addition.



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- Maloney Inquired on whether there is any existing fencing on the property.
- Terounzo Responded yes.
- Killeen Inquired on the type and height of the existing fencing.
- Terounzo Responded that the fence is a stockade fence six (6) feet in height along the easterly side of the property and four (4) feet in height along the westerly side of the property.
- Wozniak Inquired if the Applicant talked to his abutters about the addition.
- Terounzo Responded yes and that they have no concerns about the addition.
- Singer Inquired on the process for this request.
- Terounzo Responded that in his case, the ZBA special permit approval is the last step required to move forward with the project.
- Twarog Clarified that typically the ZBA special permit approval for such a project is the first step in the process. If approved the next step is to apply for a building permit.

Maloney inquired of the Board members if they have any additional questions at this time. The Board members responded no.

Chairman Maloney opened up the public hearing for public comment at 7:10 p.m. – No public comment.

The public hearing was closed at 7:10 p.m.

Killeen Read review comments from the Planning Board which forwarded a positive recommendation to the Board. Comments in the form of “no comments or issues” were received from the Board of Health, Town Engineer and Fire Department.

Discussion/Decision

Application of Michael Terounzo for property located at 171 Log Plain Road (Assessor’s Map R11, Lot 75)

- Killeen Stated that he supports the project but a potential condition would be no lighting on the easterly side of the new addition.
- Wozniak Stated that he agrees with Killeen’s suggested condition and also supports the project.
- Singer Stated that he has no issues and supports the project.



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O'Neill Stated that he has no issues and supports the project.

Maloney Stated that he supports the project and suggested a condition that the Applicant maintains the existing fence.

MOTION Moved by Killeen, seconded by Wozniak, and voted 5:0 to approve the application of Michael Terounzo for property located at 171 Log Plain Road (Assessor's Map R11, Lot 75), which is located in the Rural Residential (RC) 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 reduction of the side yard setback requirement from twenty (20) feet to sixteen (16) feet for an addition to the existing single family home at this location with the following conditions:

1. The Applicant shall not install exterior lighting on the easterly side of the new addition; and
2. The Applicant shall maintain the existing fence.

b. 7:15 p.m.: Application of David Pederson for property located at 26 Verde Drive (Assessor's Map R17, Lot 17), which is located in the Rural Residential (RC) Zoning District, for a Special Permit pursuant to Sections 200-5.3(E2); 200-7.16; and 200-8.3 of the Zoning Ordinance in order to allow the installation of two (2) AllEarth Trackers (13 kW DC, multi tracker solar PV array) and to allow a 20% increase in height from 15 feet to 18 feet of the solar PV array at this location.

At a public meeting on Thursday, September 13, 2018 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 David Pederson for property located at 26 Verde Drive (Assessor's Map R17, Lot 17), which is located in the Rural Residential (RC) Zoning District, for a Special Permit pursuant to Sections 200-5.3(E2); 200-7.16; and 200-8.3 of the Zoning Ordinance in order to allow the installation of two (2) AllEarth Trackers (13 kW DC, multi tracker solar PV array) and to allow a 20% increase in height from 15 feet to 18 feet of the solar PV array at this location. Chairman Maloney explained the public hearing process to the Applicant. Members sitting were Mark Maloney, Chair; Andrew Killeen, Clerk; Peter Wozniak, and Robert O'Neill. Due to a conflict of interest, David Singer recused himself from this public hearing. Killeen read the public notice into the record. Also in attendance were Michael Terounzo, Applicant; and John Ward and Claire Chang of the Solar Store. Chairman Maloney explained to the Applicant that the issuance of a special permit requires a super majority vote of the ZBA which is 4 affirmative votes. Chairman Maloney gave the option for the hearing to be continued to their next meeting when all five members are present. Mr. Pederson elected to be heard at this meeting.

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.

Ward Explained the project to the Board stating that they are seeking a 20% increase in height from 15 to 18 feet. He also stated that the array has been placed to minimize impacts to abutting properties. The property to the north is currently vacant.



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- Killeen Inquired on why they are seeking an increase in height.
- Ward Responded that the proposed increase in height reduces the number of panels required for the desired output. Tracker array systems are either 18 or 20 feet in height.
- Wozniak Inquired on whether they have reached out to existing neighbors about the project.
- Ward Responded that only one direct abutter currently exists and that they have talked to them about the project.
- Wozniak Inquired on whether new neighbors would be negatively impacted and whether plantings could be done to minimize future impacts.
- Ward Responded yes they could do some plantings to minimize impacts.

Maloney inquired of the Board members if they have any additional questions at this time. The Board members responded no.

Chairman Maloney opened up the public hearing for public comment at 7:29 p.m. – No public comment.

The public hearing was closed at 7:29 p.m.

- Killeen Read review comments from the Planning Board which forwarded a positive recommendation to the Board. Comments in the form of “no comments or issues” were received from the Board of Health, Town Engineer and Fire Department.

Discussion/Decision

Application of David Pederson for property located at 26 Verde Drive (Assessor’s Map R17, Lot 17)

- Killeen Stated that he supports the project but a potential condition would be to require screening along the northern property line.
- Wozniak Stated that he agrees with Killeen’s suggested condition and also supports the project.
- O’Neill Stated that he agrees with the rest of the Board members and supports the project.

MOTION Moved by Killeen, seconded by O’Neill, and voted 4:0 to approve the application of David Pederson for property located at 26 Verde Drive (Assessor’s Map R17, Lot 17), which is located in the Rural Residential (RC) Zoning District, for a Special Permit pursuant to Sections 200-5.3(E2); 200-7.16; and 200-8.3 of the Zoning Ordinance in order to allow the installation of two (2) AllEarth Trackers (13 kW DC, multi tracker solar PV array) and to



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allow a 20% increase in height from 15 feet to 18 feet of the solar PV array at this location with the following condition:

1. The Applicant shall screen the northern property line by planting arborvitae.

- c. **7:30 p.m.:** Application of Tapestry Health Systems, Inc. for property located at 278 Main Street (Assessor's Map 51, Lot 50), which is located in the Central Commercial (CC) Zoning District, for a Special Permit pursuant to Sections 200-4.7(C7) and 200-8.3 of the Zoning Ordinance in order to allow the operation of a medical center/clinic at this location.

At a public meeting on Thursday, September 13, 2018 at 7:30 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 Tapestry Health Systems, Inc. for property located at 278 Main Street (Assessor's Map 51, Lot 50), which is located in the Central Commercial (CC) Zoning District, for a Special Permit pursuant to Sections 200-4.7(C7) and 200-8.3 of the Zoning Ordinance in order to allow the operation of a medical center/clinic 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; Peter Wozniak; David Singer; and Robert O'Neill. Also in attendance was Cindy Miller of Tapestry Health.

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.

Miller Explained the request to the Board and stated that Tapestry Health has been operating in Greenfield for over 30 years and about 45 years in the Pioneer Valley region.

Killeen Inquired on if the 700 people seen per year by Tapestry Health is for this location.

Miller Responded yes.

Killeen Inquired on whether any biomedical waste is produced at this site.

Miller Responded yes and that it is disposed of per OSHA requirements.

Maloney Inquired on the hours of operation.

Miller Responded 11 AM to 7 PM on Mondays and Wednesdays and from 9AM to 5 PM on Fridays. They do not operate at this location on weekends.

Maloney inquired of the Board members if they have any additional questions at this time. The Board members responded no.

Chairman Maloney opened up the public hearing for public comment at 7:38 p.m. – No public comment.



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The public hearing was closed at 7:38 p.m.

Killeen Read review comments from the Planning Board which forwarded a positive recommendation to the Board. Comments in the form of “no comments or issues” were received from the Board of Health, Town Engineer and Fire Department.

Discussion/Decision

Application of Tapestry Health Systems, Inc. for property located at 278 Main Street (Assessor’s Map 51, Lot 50)

Killeen Stated that he has no issues and supports the project.

Wozniak Stated that he has no issues and supports the project.

Singer Stated that he has no issues and supports the project but suggested that the permit be tied with the business and not the building.

O’Neill Stated that he has no issues and supports the project.

MOTION Moved by Killeen, seconded by O’Neill, and voted 5:0 to approve the application of Tapestry Health Systems, Inc. for property located at 278 Main Street (Assessor’s Map 51, Lot 50), which is located in the Central Commercial (CC) Zoning District, for a Special Permit pursuant to Sections 200-4.7(C7) and 200-8.3 of the Zoning Ordinance in order to allow the operation of a medical center/clinic at this location with the clarification that the permit is for Tapestry Health Systems, Inc. at 278 Main Street and not for the building.

d. **7:45 p.m.:** Application of Valley Solar, LLC for property located at 28A Old Albany Road (Assessor’s Map R39, Lot 4), which is located in the Rural Residential (RC) Zoning District, for a Special Permit pursuant to Sections 200-7.16 and 200-8.3 of the Zoning Ordinance in order to allow the installation of a 24 panel, 2-axis, 8.64 kW DC, solar tracker PV system at this location.

At a public meeting on Thursday, September 13, 2018 at 7:45 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 Valley Solar, LLC for property located at 28A Old Albany Road (Assessor’s Map R39, Lot 4), which is located in the Rural Residential (RC) Zoning District, for a Special Permit pursuant to Sections 200-7.16 and 200-8.3 of the Zoning Ordinance in order to allow the installation of a 24 panel, 2-axis, 8.64 kW DC, solar tracker PV system 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; Peter Wozniak; David Singer; and Robert O’Neill. Also in attendance were Louise Reardon of Valley Solar, LLC; and Shaun and Sara Schofield, property owners.

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.



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Reardon Explained the request to the Board and stated that they are seeking an approved height of twenty-one (21) feet.

Discussion ensued on whether the application requested an increase in height to 21 feet. Singer asked for clarification on Section 200-7.16(C7). Twarog clarified that 200-7.16(C7) of the Zoning Ordinance allows the Board to approve an increase in height for the solar array without the need for a variance.

Singer Inquired if the Applicant is seeking relief from the setback requirements.

Reardon Responded no.

Singer Inquired on why a height of 21 feet is necessary.

Reardon Responded that each system is sized for the specific demand of the customer. Decreasing the height would require additional panels to meet the demand. Solar tracker systems come in two sizes, 18 feet and 20 feet based on the design of the frame system.

Maloney inquired of the Board members if they have any additional questions at this time. The Board members responded no.

Chairman Maloney opened up the public hearing for public comment at 8:01 p.m. – No public comment.

The public hearing was closed at 8:01 p.m.

Killeen Read review comments from the Planning Board which forwarded a positive recommendation to the Board. Comments in the form of “no comments or issues” were received from the Board of Health, Town Engineer and Fire Department. Killeen also read a letter of support for the project from the abutter at 28B Old Albany Road, Lily Fariborz.

Discussion/Decision

Application of Valley Solar, LLC for property located at 28A Old Albany Road (Assessor’s Map R39, Lot 4)

Maloney Inquired on the trench distance.

Reardon Responded about 100 feet.

Killeen Stated that he has no issues and supports the project.

Wozniak Stated that glare and other potential impacts to neighbors need to be made more clear to the board in the future by solar developers.



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Singer Stated that he has no issues and supports the project. He stated that he was on the City Council when this ordinance was adopted and was on the committee that worked with the Planning Board on writing the ordinance. He supports the increase in height to 21 feet for this project because of its location and the size of the property. He stated that for future projects that fall under this ordinance, he may not support an increase in height. Each case will have to be reviewed on its own merits as well as the provisions under Section 200-8.3 on special permits.

O'Neill Stated that he has no issues and supports the project.

MOTION Moved by Killeen, seconded by Wozniak, and voted 5:0 to approve the application of Valley Solar, LLC for property located at 28A Old Albany Road (Assessor's Map R39, Lot 4), which is located in the Rural Residential (RC) Zoning District, for a Special Permit pursuant to Sections 200-7.16 and 200-8.3 of the Zoning Ordinance in order to allow the installation of a 24 panel, 2-axis, 8.64 kW DC, solar tracker PV system at this location with an approved height of twenty-one (21) feet.

Approval of Minutes:

MOTION: Moved by Wozniak, seconded by Killeen, and voted 3:0:2 (Singer and O'Neill abstained) to approve the Minutes from July 26, 2018.

MOTION: Moved by Wozniak, seconded by Killeen, and voted 3:0:2 (Singer and O'Neill abstained) to approve the Minutes from August 13, 2018.

Adjournment:

MOTION: Moved by Killeen, seconded by Wozniak, and voted 4-0 to adjourn the meeting at 8:30 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning and Development