



**William F. Martin**  
Mayor

City of  
**GREENFIELD, MASSACHUSETTS**

**ZONING BOARD OF APPEALS**

City Hall • 14 Court Square • Greenfield, MA 01301  
Phone 413-772-1549 • Fax 413-772-1309  
eric.twarog@greenfield-ma.gov • www.greenfield-ma.gov

*Members:*  
Twarog, Eric  
Director, Planning & Dev.

Gilkes, Debra (2022)  
Maloney, Mark (2022)  
Singer, David (2021)  
Winn, James (2020)  
Wozniak, Peter (2020)

**ZONING BOARD OF APPEALS**

**Minutes of September 18, 2019**

**2<sup>nd</sup> Floor Meeting Room**

**20 Sanderson Street**

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

**PRESENT:** Mark Maloney, Chairman James Winn Peter Wozniak  
David Singer Debra Gilkes

**ALSO PRESENT:** Eric Twarog, Director of Planning and Development; 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 Marina Leonovich for property located at 26 Holland Avenue (Assessor’s Map 43, Lot 18), which is located in the Suburban Residential (RB) Zoning District, for a Special Permit pursuant to Sections 200-4.3(C21), 200-7.18, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the construction of a 740 square foot Detached Accessory Dwelling Unit attached to the rear of the existing garage at this location.

At a public meeting on Wednesday, September 18, 2019 at 7:00 p.m., in the 2<sup>nd</sup> Floor Meeting Room of 20 Sanderson Street, the Greenfield Zoning Board of Appeals held a public hearing on the application of Marina Leonovich for property located at 26 Holland Avenue (Assessor’s Map 43, Lot 18), which is located in the Suburban Residential (RB) Zoning District, for a Special Permit pursuant to Sections 200-4.3(C21), 200-7.18, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the construction of a 740 square foot Detached Accessory Dwelling Unit attached to the rear of the existing garage at this location. Chairman Maloney explained the public hearing process to the Applicant. He stated that there is an abutter to the project on the Zoning Board of Appeals so the Board is required to disclose this. Winn read the public notice into the record. Members of the Board sitting were Mark Maloney, Chair; James Winn, Clerk; Peter Wozniak; David Singer; and Debra Gilkes. Also in attendance were the following project proponents: Dan and Marina Leonovich.

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.

Leonovich He reviewed the proposed project with the Board and stated that the purpose of the Accessory Dwelling Unit (ADU) is to use as a permanent residence for his mother-in-law. She is currently 55 years old and they desire to have her live with them while she ages. The proposed ADU includes an unfinished basement, a first floor, and a second floor loft. Winn



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inquired about parking availability.

Leonovich Responded that there is an existing 1-car garage and are available for four (4) vehicles.

Singer Pointed out that one of the requirements of Section 200-7.18 of the Zoning Ordinance is the requirement to record a notarized letter at the Registry of Deeds stating that the owner will live in either the ADU or the primary residence.

Winn Read comments from Rodney and Kathy Scott of 12 Holland Avenue in support of the project; Planning Board which forwarded a positive recommendation to the ZBA; Department of Public Works; Fire Prevention Officer (no comments or issues); and the Board of Health (no comments or issues).

Maloney Inquired on lighting.

Leonovich Responded that no new pole lighting is being proposed; only wall-pack mounted lighting along the existing garage.

Maloney Inquired on landscaping.

Leonovich Responded that shrubbery will be planted.

Chairman Maloney opened up the public hearing for public comment at 7:18 p.m.

Paula Winn, 27 Holland Avenue

She stated that she supports the project but suggests timelines for construction and the removal of construction debris.

Chairman Maloney closed the public hearing for public comment at 7:21 p.m.

Leonovich Responded that a licensed contractor will be hired for this project to include the provision of a large construction dumpster on-site for the removal of construction materials and debris.

Singer Inquired on why the ADU is classified as a detached ADU.

Maloney Responded that it is classified as detached because the garage is only connected to the primary residence by a breezeway. Also, both detached and attached ADUs require a special permit from the Zoning Board of Appeals.

Gilkes Inquired if the ADU could be rented out.

Maloney Responded that the Board could restrict this through a condition.



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- b. **7:15 p.m.:** Application of Greenfield High School c/o George VanDelinder for property located at Veteran’s Memorial Field House (Assessor’s Tax Map 110, Lot 14), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-6.7(F), and 200-8.3 of the Zoning Ordinance in order to allow the installation of a free-standing sign for the Greenfield High School at this location.

At a public meeting on Wednesday, September 18, 2019 at 7:15 p.m., in the 2<sup>nd</sup> Floor Meeting Room of 20 Sanderson Street, the Greenfield Zoning Board of Appeals held a public hearing on the application of Greenfield High School c/o George VanDelinder for property located at Veteran’s Memorial Field House (Assessor’s Tax Map 110, Lot 14), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-6.7(F), and 200-8.3 of the Zoning Ordinance in order to allow the installation of a free-standing sign for the Greenfield High School at this location. Chairman Maloney explained the public hearing process to the Applicant. Winn read the public notice into the record. Members of the Board sitting were Mark Maloney, Chair; James Winn, Clerk; Peter Wozniak; David Singer; and Debra Gilkes. Also in attendance were the following project proponents: George VanDelinder, Manager, Department of Central Maintenance; Karin E. Patenaude, High School Principal; Justin V. Gregory, Regional Manager of Go Graphix; and Michael Patenaude of Watchfire.

- Maloney Introduced the Board members sitting and asked the Applicant to introduce the project team and explain what they want to do, where they want to do it, and why.
- Patenaude Principal Patenaude explained the purpose of the sign for advertising both high school and community events at the school.
- Maloney Inquired on the size of the proposed sign.
- VanDelinder Responded that the sign consists of two parts. The top header reading “Greenfield High School” is a vinyl plastic light box measuring 2’ x 6’ and is lit internally with LED lights. The lower portion of the sign is an LED programmable graphics board measuring 3’ x 6’ with a daytime maximum brightness of 10,000 NITs and a nighttime maximum brightness of 750 NITs. The brightness can be adjusted from the maximum. The sign will be controlled by the high school through wireless technology.
- Patenaude Reviewed his company Watchfire with the Board and the construction of the proposed sign. The sign would have a 5-year parts warranty and a 10-year guarantee. He stated that the brightness level of the sign can also be adjusted from his company directly as well. Based on his experience, a sign like this in the proposed location could be adjusted down to 500 NITs during evening hours which would be appropriate.
- Maloney Inquired on vandalism to the sign.
- Patenaude He stated that typically such vandalism is in the form of spray paint. Spray paint is difficult to remove from any sign including the proposed sign.



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- Wozniak Inquired if the sign being represented at this meeting is the actual sign that would be installed.
- VanDelinder Responded yes.
- Wozniak Asked if there is sufficient time to read the sign given the placement of the existing trees and the proposed location of the sign.
- Patenaude Responded yes.
- Singer Inquired on total square footage of the sign.
- VanDelinder Responded thirty-three (33) square feet.
- Winn Read review comments from Mayor William Martin, Planning Board, and Principal Karin Patenaude.

Chairman Maloney opened up the public hearing for public comment at 7:47 p.m.

Michelle and Jeff Tirrell, 15 Vermont Street, Greenfield

Stated that they are concerned about lighting detracting from the residential neighborhood as well as the sign being on after 10:00 p.m.

**Chairman Maloney closed the Public Hearing at 7:50 p.m.**

Maloney Asked for clarification that the sign could be adjusted directly by the sign company.

Patenaude Responded yes.

The Board discussed the timing and illumination of the sign.

Planning Board Recommendations:

- a. Application of Pacifico Energy NA c/o Kris Pitney for property located at 1417 Bernardston Road (Assessor’s Tax Map R10, Lot 9) for a special permit pursuant to Sections 200-4.2(C18), 200-4.14, 200-7.15, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the installation of a large-scale, ground-mounted photovoltaic solar energy generating system with energy storage capacity at this location.

The following project proponents were present: Kris Pitney, Pacifico Energy; and Laura Lefebvre, TRC. Winn read agenda item into the record. Mr. Pitney reviewed the history of Pacifico Energy with the Board. The subject property is currently owned by Kittredge Industries with Pacifico Energy having an option on the property. He stated that there are four (4) parcels making up the project area totaling about 71.6 acres. One parcel is in Greenfield and the remaining three parcels are in Bernardston. The parcel in Greenfield consists of approximately 22.2 acres, of which the Project will use only 5.76 acres. The total Project area is 15 acres



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with the remaining 9.24 acres in the Town of Bernardston. The proposed project includes an up to approximately 4.5 megawatt (MW) alternating current (AC) ground-mounted PV solar facility with a 3-MW/6-megawatt hour (MWh) energy storage component. Mr. Pitney described the area of the proposed facility as one of both residential and commercial properties. He stated that the Project will have a limited impact on municipal services. Ms. Lefebvre of TRC further reviewed the Project with the Board. She stated that the solar panels will be less than 15 feet in height. There will be a gated security chain link fence surrounding the entire Project area. There will be a 6-inch gap at the bottom of the fencing to allow for small animal movement. She stated that as a result of the Conservation Commission review and approval, there is a total of a half acre of mitigation area. All setback and screening requirements are met. Ms. Lefebvre reviewed the wetland resource areas of the Project to the Board. Maloney inquired on the method of installation. Mr. Pitney responded that the panels will be pile driven with no concrete slabs except for the areas of battery storage. Maloney inquired on the required interconnection agreement. Mr. Pitney responded that the interconnection feasibility study has been completed but a final interconnection agreement has not yet been signed. Wozniak inquired on the batteries for energy storage and if any spillage could occur from the batteries. Mr. Pitney responded that the batteries have been designed to minimize impacts from any potential spillage. Maloney inquired on exterior lighting. Mr. Pitney responded that no exterior lighting is being proposed. Maloney read review comments from the Department of Planning and Development. Singer inquired on whether any active farming takes place on the subject property. Ms. Lefebvre of TRC responded that there is no active farming but that there are prime farmland soils in the project area. Singer asked if these soils will be impacted as a result of the Project. Ms. Lefebvre of TRC responded no due to a robust erosion and sedimentation control plan as well as the fact that no soil will be removed from the site. The access road will remain a gravel road. Maloney inquired if any comments were received from the Greenfield Fire Department. Director Twarog responded no.

**MOTION:** Moved by Singer, seconded by Wozniak, and voted 5:0:0 to forward a positive recommendation to the Planning Board on the application of Pacifico Energy NA c/o Kris Pitney for property located at 1417 Bernardston Road (Assessor’s Tax Map R10, Lot 9) for a special permit pursuant to Sections 200-4.2(C18), 200-4.14, 200-7.15, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the installation of a large-scale, ground-mounted photovoltaic solar energy generating system with energy storage capacity at this location. The Board recommends that the Planning Board approve the project subject to the recommendations of the Department of Planning and Development in its memo dated September 16, 2019.

**Board Discussion/Decision**

**Greenfield High School c/o George VanDelinder for property located at Veteran’s Memorial Field House (Assessor’s Map 110, Lot 14)**

- Wozniak Stated that the proposed sign including size is appropriate for its stated purpose and location.
- Winn Suggested 6:00 a.m. to 9:00 p.m. for sign hours with decreased illumination from a certain time to 9:00 p.m.



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Maloney Read a memo from the ZBA dated 2005 relative to the freestanding sign at Walgreens. The memo was addressing the no scrolling or flashing requirement of the Zoning ordinance. He stated that the proposed size and location is appropriate. The messaging of the sign needs to be addressed balancing driver safety with messaging needs.

Gilkes Stated that the Board could require a minimum time between message changes.

Singer Stated that the two main issues are safety and illumination. He doesn't want to limit the High School in terms of messaging but would like to see a condition to allow for permanent safety.

The Board discussed potential conditions of approval.

**MOTION:** Moved by Maloney, seconded by Wozniak, and voted 5:0:0 to approve the application of Greenfield High School c/o George VanDelinder for property located at Veteran's Memorial Field House (Assessor's Tax Map 110, Lot 14), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-6.7(F), and 200-8.3 of the Zoning Ordinance in order to allow the installation of a free-standing sign for the Greenfield High School at this location with the following conditions:

1. The Applicant shall adhere to the size and design of the sign as submitted and presented to the Board;
2. The Applicant shall adhere to location and method of installation as submitted and presented to the Board;
3. The hours of operation for the sign shall be no earlier than 6:00 a.m. and no later than 9:00 p.m.;
4. The brightness of the sign shall be no greater than 10,000 NITs during the day and no less than 500 NITs during evening hours;
5. There shall be a maximum of seven (7) different messages allowed per day with a minimum of fifteen (15) minutes in between messages/sign changes; and
6. The sign shall be maintained in good working order and repaired immediately if not working.

**Board Discussion/Decision**

**Marina Leonovich** for property located at 26 Holland Avenue (Assessor's Map 43, Lot 18)

Winn recused himself from the Board discussion and decision.

Maloney asked the Applicant if he would like to request a continuance or proceed with the Board discussion and decision. Dan Leonovich responded that he would like to proceed. The Board discussed potential conditions of approval.

Wozniak No issues or concerns.



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Singer Stated that his primary concern on the ADU ordinance is detached ADUs. However, in this case the proposed ADU is more like an attached ADU. He stated that the affidavit stating that the owner will live in whether the ADU or primary residence must be recorded at the Registry of Deeds prior to the issuance of a building permit.

**MOTION:** Moved by Wozniak, seconded by Singer, and voted 4:0:0 to approve the application of Marina Leonovich for property located at 26 Holland Avenue (Assessor's Map 43, Lot 18), which is located in the Suburban Residential (RB) Zoning District, for a Special Permit pursuant to Sections 200-4.3(C21), 200-7.18, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the construction of a 740 square foot Detached Accessory Dwelling Unit attached to the rear of the existing garage at this location with the following conditions:

1. Water service shall be extended from the primary residence to the Accessory Dwelling Unit;
2. Sewer connection shall be a separate sewer connection from the Accessory Dwelling Unit to the sewer main;
3. An off-street parking space shall be provided for the Accessory Dwelling Unit west and adjacent to the existing garage;
4. Construction shall be done by a licensed contractor in a timely manner;
5. No construction debris shall be burned on-site;
6. If any wall pack lighting is installed, it shall be downcast and not spill over to neighboring properties;
7. An affidavit stating that the owner(s) will live in either the Accessory Dwelling Unit or the primary residence shall be recorded at the Registry of Deeds prior to the issuance of a building permit; and
8. All construction debris shall be removed from the site prior to the issuance of a Certificate of Occupancy.

Approval of Minutes:

**MOTION:** Moved by Maloney, seconded by Winn, and voted 5:0:0 to approve the meeting minutes of July 30, 2019.

Adjournment:

**MOTION:** Moved by Singer, seconded by Winn, and voted 5:0:0 to adjourn the meeting at 9:11 p.m.

Respectfully Submitted,

Eric Twarog, AICP  
Director of Planning and Development