ZONING BOARD OF APPEALS

Minutes of October 17, 2019
2nd Floor Meeting Room
City Hall, 14 Court Square

The meeting was called to order by Chair, Mark Maloney at 7:04 p.m. with the following members:

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

ABSENT: James Winn

ALSO PRESENT: Liz Whynott of Tapestry Health, Inc., Bruce Montague of Surner Heating, Troy Phillips of Trask Petroleum; 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.

Chairman Maloney announced that the Applicant for 55 Pierce Street has submitted a letter requesting to withdraw the special permit application and that the Board will vote later to accept the withdrawal.

Public Hearings:

a. 7:00 p.m.: Application of Tapestry Health, Inc. for property located at 73 Federal Street (Assessor’s Tax Map 56, Lot 19) for a special permit pursuant to Sections 200-4.7(C7), 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the operation of a medical center/clinic in the parish hall basement of Saint James Episcopal Church at this location.

At a public meeting on Thursday, October 17, 2019 at 7:00 p.m., in the 2nd Floor Meeting Room of City Hall at 14 Court Square, the Greenfield Zoning Board of Appeals held a public hearing on the application of Tapestry Health, Inc. for property located at 73 Federal Street (Assessor’s Tax Map 56, Lot 19) for a special permit pursuant to Sections 200-4.7(C7), 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the operation of a medical center/clinic in the parish hall basement of Saint James Episcopal Church at this location. Chairman Maloney explained the public hearing process to the Applicant. Chairman Maloney explained to the Applicant that the issuance of a special permit decision 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 the Board will have five members present. Maloney explained that they could present the project to the Board and then decide later to ask for a continuance. The Applicant elected to present the project to the Board and then decide on whether to request a continuance or not. Wozniak read the public notice into the record. Members of the Board sitting were Mark Maloney, Chair; Peter Wozniak; David Singer; and Debra Gilkes. Also in attendance were the following project proponents: Liz Whynott, Tapestry Health, Inc.
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.

Whynott Reviewed the project with the Board. She stated that Tapestry Health provides testing services for HIV, hepatitis C, and STIs. This involves staff taking blood and urine samples, processing them, and sending them to the lab. Tapestry Health is seeking a special permit to do this testing at this site. They currently do this testing at all of their other sites to include the site on Main Street.

Maloney Inquired if Tapestry Health has been providing other services at the Saint James Episcopal Church for the past two years.

Whynott Responded yes.

Maloney Inquired where they currently provide services at the church.

Whynott Responded in the basement of the church.

Maloney Inquired if the area in the basement on the submitted floor plan is already built.

Whynott Responded yes.

Maloney Inquired on hours of operation.

Whynott Responded Monday through Friday from 8:30 a.m. to 4:30 p.m.

Maloney Stated that the submitted application materials doesn’t show any proposed renovations or additions to the existing building and asked if this is the case.

Whynott Responded no renovations or additions to the existing building.

Maloney Stated that the submitted application materials goes in detail on their services and inquired who has oversight of their operations.

Whynott Responded the MA Department of Public Health (DPH) as their funding comes from the state.

Maloney Inquired on how often they inspect their operations.

Whynott Responded generally once per year but on occasion more than once per year.

Maloney Inquired if the state has to notify them before they come.

Whynott Responded no.
Wozniak  Asked if there any certifications or licenses required for staff to provide such services.  

Whynott  Responded no.  Approval from DPH allows staff members to provide these services without individual licenses.  Tapestry Health provides the necessary training for drawing blood at their facilities for staff members.  The training program gets approved by DPH.  

Maloney  Inquired on how often Tapestry Health Headquarters inspects the facility.  

Whynott  Responded that this occurs at different levels.  She herself will inspect the facility to ensure that it is operating correctly.  Also, the Director of Operations deals with policies and procedures for their facilities.  They have a Director of Quality Assurance as well.  It is also not uncommon for the CEO of Tapestry Health to make trips to the site.  

Maloney  Inquired if Tapestry Health is a lessee of the property.  

Whynott  Responded yes.  

Maloney  Inquired if the lease is monthly or yearly.  

Whynott  Responded yearly.  

Singer  Clarified that Tapestry Health as an organization as licensed by DPH can provide such services at any facility they establish.  

Whynott  Responded yes and that their contract with the state allows them to provide such services.  

Singer  Inquired if the local Board of Health gets involved at all.  

Whynott  Responded that the local Board of Health has no oversight of their facilities.  She stated that they do collaborate with local Boards of Health especially during the opening of a new facility.  

Gilkes  Inquired on what if anything if different in terms of services at this location as opposed to their Main Street location.  

Whynott  Responded that they do the same services in additional reproductive health care services.  She stated that if a test comes out positive for STIs, then they would refer them to the Main Street location for treatment.  

Maloney  Inquired that in addition to sharps collection, do they do sharps dispensing.  

Whynott  Responded yes.
Maloney Inquired on how Tapestry Health ensures that these materials stay inside and properly disposed of.

Whynott Responded that they have syringe disposal bins and very clear protocols around the handling of used syringes that get picked up monthly by Star Cycle.

Maloney Inquired if they had experiences of clients disposing of syringes outside.

Whynott Responded no.

Wozniak Read review comments from the Planning Board that provided a positive recommendation to the ZBA; and the Fire Prevention Officer who requested key to the facility for the Knox Box.

Chairman Maloney explained what a Knox Box is for the Applicant.

Chairman Maloney opened up the public hearing for public comment at 7:17 p.m.

Dennis LeBlanc, 68 Franklin Street
He stated that they are an abutter to the parking lot area. They are aware of Tapestry’s existing services and came to this meeting to learn the scope of the proposed expanded services. He asked if the facility is in the basement of the parish hall or the other building. Ms. Whynott responded in the parish hall. He also asked if this space is still used as church school space. Ms. Whynott responded yes but that the activities that happen there take place outside of their hours of operation. Mr. LeBlanc expressed concerns about shared space with youth and how that will be monitored. He stated that they have found drug related items on their property but not recently. He stated that they also experienced a situation in which they found someone in one of their parked vehicles that he had to run off. He stated that they are very supportive of the type of services that Tapestry Health provides but he is concerned about monitoring and communication with abutting properties.

Joy _______, Works at Tapestry Health Main Street Location
Expressed support for the expanded services at the Saint James Episcopal Church.

Chairman Maloney asked the Board members if they have any additional questions.

Singer Asked for more information on the shared use of the space.

Whynott Stated that they are the only tenants in the basement. At the entry are of the parish hall, various activities happen t include after school activities so there are various activities that occur at different locations of the church but not in the rooms for Tapestry Health services. She stated that they will be holding an open house of the facility on Wednesday, October 23, 2019 and that she will be there.

Maloney Clarified that the rooms used by Tapestry Health are not used for Sunday school classes.
William F. Martin
Mayor

City of
GREENFIELD, MASSACHUSETTS

ZONING BOARD OF APPEALS

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Members:
Twarog, Eric
Director, Planning & Dev.
Gilkies, Debra (2022)
Maloney, Mark (2022)
Singer, David (2021)
Winn, James (2020)
Wozniak, Peter (2020)

Whynott
Responded no they are not.

Singer
Further clarified that no one else uses this space even when the facility is closed.

Whynott
Responded that that is correct and that there is a door that is locked preventing access to the basement.

Maloney
Inquired if the elevator can also be locked.

Whynott
Responded that she doesn’t know if the elevator can be locked.

Maloney
Inquired if any exterior lighting was added when they opened two years ago.

Whynott
Responded no.

Wozniak
Asked if there will be increased parking requirements for the facility.

Whynott
Responded no.

Maloney
Inquired how many people per week the facility sees.

Whynott
Responded that it varies but anywhere from 20 to 50 visits per week.

Maloney
Inquired on how many employees there are on site.

Whynott
Responded three, two full-time counselors and one full-time manager.

Maloney
Inquired how many of these will be able to draw blood.

Whynott
Responded all three of them.

Chairman Maloney closed the public hearing at 7:26 p.m.

Approval of Minutes:

The Board reached consensus to approve the meeting minutes at the next meeting.

b. 7:30 p.m.: Application of Montague City Road Terminals, LLC for property located at 34 Montague City Road (Assessor’s Tax Map 6, Lot 4) for a special permit pursuant to Sections 200-4.11C14), 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the installation of a 30,000-gallon bulk propane storage tank at this location.

At a public meeting on Thursday, October 17, 2019 at 7:30 p.m., in the 2nd Floor Meeting Room of City Hall
at 14 Court Square, the Greenfield Zoning Board of Appeals held a public hearing on the application of Montague City Road Terminals, LLC for property located at 34 Montague City Road (Assessor’s Tax Map 6, Lot 4) for a special permit pursuant to Sections 200-4.11C14), 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the installation of a 30,000-gallon bulk propane storage tank at this location. Chairman Maloney explained the public hearing process to the Applicant. Chairman Maloney explained to the Applicant that the issuance of a special permit decision 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 the Board will have five members present. Maloney explained that they could present the project to the Board and then decide later to ask for a continuance. The Applicant elected to present the project to the Board and then decide on whether to request a continuance or not. Wozniak read the public notice into the record. Members of the Board sitting were Mark Maloney, Chair; Peter Wozniak; David Singer; and Debra Gilkes. Also in attendance were the following project proponents: Bruce Montague, Surner Heating Co.; and Troy Phillips, Trask Petroleum.

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.

Montague

Mr. Montague explained the project to the Board. He stated that in 2014, the ZBA approved a special permit to allow for two (2) 30,000 propane tanks, mounded. At that time, a direct abutter was the railroad. This land was considered buildable dictating the placement of the proposed tanks. Since that time, MassDOT purchased the land which is now considered unbuildable. They would now like to proceed with one 30,000 above ground propane tank. The tank would be placed on a new concrete pad that would replace existing asphalt so there would be no net increase in impervious surface. He stated that they have approvals from the state Fire Marshall, local Fire Department, and Planning Board. He stated that the relevant fire hydrant in the street has been tested for flows. He stated that the same system was designed by Troy from Trask Petroleum built the facility for the Town of Belchertown and that system has had no issues. He stated that they have also done work for their facility.

Maloney

Inquired on lighting.

Montague

Responded that they will be installing lights around the tank.

Maloney

Inquired on fencing around the tank.

Montague

Responded that there is an existing fence along the entire property with a mobile gate with a key access code to get in. He stated that prior to them purchasing the property from Tim Rice, there was a chain link gate entrance. They since added a motorized gate. He stated that the symbol on the plan shows bollards around the tank as required by the State Fire Marshall.

Maloney

Inquired if the smaller tanks will remain.

Montague

Responded that the smaller 20,000 gallon tanks are for oil and will remain.
Maloney stated that there is an existing concrete berm around these tanks.

Montague responded yes, that there is an existing concrete containment berm around these tanks.

Maloney inquired on hours of operation.

Montague responded 7:00 a.m. to 5:00 p.m. typically but that sometimes there is evening activity.

Maloney clarified that the hours of operation are 7:00 a.m. to 5:00 p.m. Monday through Friday with occasional evening activity.

Gilkes asked for clarification on when the trucks are loaded. The submitted materials stated 8:00 but didn’t specify AM or PM.

Montague he clarified that they load the trucks typically around 7:00 a.m. but depending on weather could be 6:30 a.m.

Maloney inquired on security for the facility, who monitors the security cameras.

Montague responded that they don’t use an external monitor, he monitors the system himself.

Maloney inquired who the neighbor to the north of their facility is.

Montague responded Amerigas which has a 60,000 gallon tank. He stated that their other neighbors are Sandri and WTE.

Maloney inquired on why MassDOT purchased the property.

Montague responded that he doesn’t know but it could be for freight rail expansion.

Maloney summarized that Pan AM sold the property to MassDOT so now the tanks can be moved further back on the property.

Montague responded yes. Now that MassDOT owns the property, it is now considered unbuildable. When Pan AM owned it, it was considered buildable which required 50 foot setbacks which they meet on both sides. The current placement of the tank is much safer in terms of truck flow through the site as well as additional room for snow storage.

Maloney inquired on whether they truck the snow off site.

Montague responded that they haven’t had to do that but will if necessary.

Maloney asked how much propane they currently have on site.
Phillips  Responded that they have licensing for propane truck storage and the 30,000 gallon propane tank from the Greenfield Licensing Commission. The licensing is good for life but if the facility isn’t built, local zoning approvals expire.

Maloney  Stated that since they came before the Board previously for approval, the City has reverse 911 which was just starting in Greenfield at that time. Inquired on what their protocol is for any leaks or hazardous situation.

Phillips  Responded that with the new codes for propane tanks now, there hasn’t been a catastrophic event for such facilities in New England since 2011. There are now redundant features on the tank to deal with leaks. Also there are excess flows valves that are installed. Also through code, there will be a remote station from the tank.

Singer  Asked for clarification on what the business at 34 Montague City Road does.

Montague  Responded that they deliver heating oil, diesel, and propane fuels to customers.

Singer  Asked if wholesalers deliver the fuels to their facility.

Montague  Responded yes. He stated that they bought the property from Tim Rice who had the same type of operation at the site. The tanks have been there since the 1930s. In terms of the propane, there are little guys coming to the site to load tanks.

Gilkes  Asked for clarification on the 1,000 gallon propane tank shown on the plans.

Montague  Responded that this tank is for their facility use only. They use this tank to fill up small tanks to take to customers to get their systems running. Later that day, a truck would arrive to fill the tank up completely. They use this tank for “purging” purposes before they go out.

Maloney  Summarized that they are not doing retail sale of the propane on site.

Montague  Responded that is correct.

Singer  Asked for clarification that there are no propane tanks on site currently.

Montague  Responded that is correct.

Wozniak  Asked if they would ever be willing to use freight rail for fuel delivery to their site.

Montague  Responded no, that it is not feasible. A rail car is 30,000 gallons.

Maloney  Inquired if any of their trucks ever had an issue getting stuck from the rail crossing over Montague City Road.
Montague  Responded no, that their tractor trailer trucks are below the height limit. They are 11 feet in height.

Maloney  Asked about their propane trucks.

Montague  Responded that their propane trucks are less than 11 feet in height.

Maloney  Inquired on the bridge work occurring on the bridge from Greenfield to Montague and the time frame for completion.

Montague  Responded that he doesn’t know.

Maloney  Inquired if their delivery trucks can cross the bridge which is down to one lane.

Montague  Responded yes, but that their tractor trailer truck cannot as the weight limit of the bridge has been reclassified as it is being repaired. They are using a different route for the tractor trailer truck.

Wozniak  Read review comments from the Planning Board which forwarded a positive recommendation to the ZBA, and Fire Prevention Officer.

Chairman Maloney opened up the public hearing for public comment at 7:53 p.m. No public comment.

Chairman Maloney closed the public hearing at 7:53 p.m.

Chairman Maloney asked if there are any further questions from the Board.

Gilkes  Stated that she has a curiosity question. The original approval was for a mounded system for the tanks and now it is above ground. What is the reason for this?

Montague  Responded that due to the setback requirements when Pan Am owned the abutting property, they were required to do a mounded system. Once MassDOT purchased the property, they can now do an above ground system. Without the mounded system, they have more room for trucks. The above ground tank is better for maintenance purposes. He explained that the thickness of the propane tank is about one inch which is about three times thicker than the oil tanks.

No further questions from the Board.

Maloney  Asked the Applicant at this time if he would like to proceed with four Board members.

Montague  Responded yes, he would like to proceed.
Board Discussion/Decision
Montague City Road Terminals, LLC for property located at 34 Montague City Road (Assessor’s Map 6, Lot 4)

Gilkes  No additional comments or issues with the proposal.
Singer  Supports the proposal but would like to see a condition stating that the project be built as presented and shown on the submitted plans.
Wokniak  No additional comments or issues with the proposal.
Maloney  Asked the Applicant that if the flow test for the fire hydrant is insufficient, who pays for the upgrade?
Montague  Responded that the flow test already passed. If it didn’t they wouldn’t be before the Board.

MOTION: Moved by Wozniak, seconded by Singer, and voted 4:0:0 to approve the application of Montague City Road Terminals, LLC for property located at 34 Montague City Road (Assessor’s Tax Map 6, Lot 4) for a special permit pursuant to Sections 200-4.11C14), 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the installation of a 30,000-gallon bulk propane storage tank at this location as submitted with the following condition:
   1) All local, state, and federal regulations shall be met.

Montague  Stated that the concrete pads for the tank requires a building permit. The Inspector of Buildings will not issue a building permit until the ZBA grants the special permit. There is a 20-day appeal period. Do they have to wait for this period to end?
Maloney  Responded that they can proceed at their own risk but given that 20 or so abutters were notified of the public hearing and no one came, this shouldn’t be an issue.

Board Discussion/Decision
Tapestry Health, Inc. for property located at 73 Federal Street (Assessor’s Map 56, Lot 19)

Maloney  Stated given that they have already been in operation for two years, do not plan on making any renovations to the building, and are overseen by the MA Department of Public Health, and that the hours of operation are appropriate with no weekend hours, he supports the project but would like to see a condition of approval on dealing with medical waste on the property. He also would like a condition that the elevator needs to be locked and a key for the Knox Box.

Wozniak  No issues or concerns.
Singer Stated that he would like to see a condition incorporating the submitted guidelines for the facility.

Gilkes No issues or concerns.

MOTION: Moved by Singer, seconded by Wozniak, and voted 4:0:0 to approve the application of Tapestry Health, Inc. for property located at 73 Federal Street (Assessor’s Tax Map 56, Lot 19) for a special permit pursuant to Sections 200-4.7(C7), 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the operation of a medical center/clinic in the parish hall basement of Saint James Episcopal Church at this location according to the documents submitted to the Zoning Board of Appeals with the following conditions:
1. The Applicant shall supply a key to the facility in the existing Knox Box; and
2. The Applicant shall lock the elevator when the facility is not in operation.

Adjournment:

MOTION: Without objection the meeting was adjourned at 8:09 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning and Development