



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

Roxann Wedegartner
Mayor

Members:
Twarog, Eric
Director, Planning & Dev.

Gilkes, Debra (2022)
Maloney, Mark (2022)
Singer, David (2021)
Winn, James (2023)
Wozniak, Peter (2023)

ZONING BOARD OF APPEALS
Minutes of September 10, 2020
Webex Meeting

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, Clerk Peter Wozniak
David Singer Debra Gilkes

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 stated that the Applicant for 167 Log Plain Road has submitted a request to withdraw without prejudice so if anyone is present for that hearing, it will not be heard this evening.

Public Hearings:

- a. 7:00 p.m.: Application of Donna Wallace for property located at 95 Lunt Drive (Assessor’s Map R33, Lot 52), 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 a twenty (20) percent reduction of the side yard setback along the west side from 20 feet to 16 feet at this location.

At a public meeting on Thursday, September 10, 2020 at 7:00 p.m., through Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Donna Wallace for property located at 95 Lunt Drive (Assessor’s Map R33, Lot 52), 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 a twenty (20) percent reduction of the side yard setback along the west side from 20 feet to 16 feet at this location. Chairman Maloney explained the public hearing process to the Applicant. Maloney read the public notice into the record. Members of the Board sitting were Mark Maloney, Chairman; James Winn; Peter Wozniak; David Singer; and Debra Gilkes. The following project proponent was present: Donna Wallace, property owner.

- 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.
- Wallace Stated that she would like to build a 12’ x 18’ sunroom in the back of the property but needs a special permit to be able to build it because there is not enough room to meet the current side yard setback.
- Maloney Clarified that she is looking for a twenty (20) percent reduction of the side yard back from twenty (20) feet to sixteen (16) feet along the westerly boundary line.
- Wallace Responded yes.



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Chairman Maloney asked the board members if they have any questions.

- Singer Stated that it is his understanding that the reason that the 20 foot side yard setback cannot be met is the existing location of the septic system and the fact that the kitchen window would be blocked.
- Wallace Responded yes.
- Wozniak Asked for clarification of Section 200-5.3(E2), last paragraph.
- Maloney Clarified that this applies to a reduction of lot area, not setback requirements.
- Gilkes Asked for clarification on the proposed location of the sunroom. She stated that she didn't get to do a site visit so is looking at Google Earth and can see some fencing and bushes along the side of the proposed sunroom. She asked if the sunroom will be inside of the bush line.
- Wallace Responded that the fencing has been removed and that the arborvitaes are theirs. The sunroom will be attached to the house which is within the bush line.
- Gilkes Asked for clarification that the new sunroom will not be sticking out beyond the footprint of the house.
- Wallace Responded that the new sunroom will not go beyond the existing footprint of the house on that side.
- Maloney Summarized for the Board that the Applicant's existing house is shy of the 20 foot side yard setback because it was built that way. New zoning standards require a special permit to allow a reduction of the side yard setback for the sunroom that will be attached to the house in the back.

Winn read review comments from the Board of Health (no comments or issues), Inspector of Buildings (no comments or issues), Fire Prevention Officer (no comments or issues), Engineering Superintendent (no comments or issues), and the Planning Board (no comments or issues).

Chairman Maloney opened up the public hearing for public comment at 7:13 p.m. No public comment.
Chairman Maloney closed the public hearing for public comment at 7:14 p.m.

Chairman Maloney asked the Applicant if she has any additional questions at this time.

Wallace Responded no.

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

Gilkes No questions.



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- Singer No questions.
- Wozniak No questions.
- Winn No questions.
- Maloney Stated that he doesn't have any additional questions.

b. **7:15 p.m.: Application of Meredith and Erik Lively for property located at 87 Thayer Road (Assessor's Map R26, Lot 21B), which is located in the Suburban Residential (RB) Zoning District, for a Special Permit pursuant to Sections 200-4.3(18), 200-7.16, and 200-8.3 of the Zoning Ordinance in order to allow the installation of a 5.44 kW (1) pole mounted solar PV system at this location.**

At a public meeting on Thursday, September 10, 2020 at 7:15 p.m., through Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Meredith and Erik Lively for property located at 87 Thayer Road (Assessor's Map R26, Lot 21B), which is located in the Suburban Residential (RB) Zoning District, for a Special Permit pursuant to Sections 200-4.3(18), 200-7.16, and 200-8.3 of the Zoning Ordinance in order to allow the installation of a 5.44 kW (1) pole mounted solar PV system at this location. Chairman Maloney explained the public hearing process to the Applicant. Maloney read the public notice into the record. Members of the Board sitting were Mark Maloney, Chairman; James Winn; Peter Wozniak; David Singer; and Debra Gilkes. The following project proponents were present: Meredith and Erik Lively, property owners; and Claire Chang and John Ward of the Greenfield Solar Store.

- Maloney Introduced the Board members sitting and asked if the Lively's heard and understood his explanation of the public hearing process.
- Lively's Responded yes.
- Maloney Asked the Applicant's to introduce themselves and explain what they want to do, where they want to do it, and why.
- Chang She introduced herself and John Ward and stated that they will represent the Applicant and present the project to the Board.
- Maloney Responded okay and asked for an explanation of the project.
- Chang Stated that the Board members should have received a copy of the site plan materials. She stated that Meredith and Erik Lively have asked them to design a single pole mounted solar PV system to go in their yard. The maximum height of the system would be fifteen (15) feet which meets Greenfield's Zoning Ordinance. The picture of the system submitted to the Board shows a 20-panel module system but theirs would be a 16-panel module system. It would be four modules high and four (4) modules wide, not five (5) as shown in the picture submitted. She pointed out



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the location of the system on the site plan with setbacks shown. She stated that the only tight setback is along Keegan Lane which will still be fifteen (15) feet minimum. The properties in this area are all on city water and sewer so there is no septic system or leach field on this property to account for. They will be contacting Dig Safe to ensure there are no other utilities in the area. She pointed out the next page in the submitted site plan materials that shows the property line along Keegan Lane with the white fencing which starts the Lively's property. She pointed out the existing vegetation and structures in this area and stated that this with the fencing would partially obscure the solar array when driving down Keegan Lane. Only the top half of the array would be visible. When one passes the array, the back would be visible which is white with black framing. Some black wiring may also be visible. The solar array system would not be visible from Thayer Road. She stated that the last two sheets in the submitted materials are the spec sheets for the solar array system.

Maloney Inquired on how old the existing fencing is.

Lively's Responded that they put the fence in last summer in 2019.

Maloney Inquired if the solar array system is a tracker system.

Chang Responded no, it is a single pole mounted system. It does not move side to side. It will tilt up or down slightly twice per year.

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

Gilkes Stated that she does have a few questions. Stated that the house has a roof-mounted solar PV system and asked if this new system would be in addition to the existing system.

Chang Responded yes. This is to allow the Lively's to get enough electricity to cover their full needs.

Gilkes Asked if the system is fifteen (15) feet high and twenty-one (21) feet wide.

Chang Responded that the width is twenty (20) feet.

Gilkes Asked how big the house is to get a sense of scale.

Lively's Responded forty (40) feet.

Gilkes Expressed concern that when driving down Keegan Lane and looking left, one would see a solar array covering half the area of the house.

Chang Responded that this is why they submitted the pictures with the array shown. Page 3 of the submitted site plan materials shows that the existing dog house of the neighboring property would



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partially obscure the solar array system when driving north on Keegan Lane. Once you pass that structure, the array is angled to the side so that one would only see a narrow slice of the array.

Gilkes Held up Page 3 of the submitted materials to show that the solar array blocks the view of most the back of the house.

Chang Responded that it is possible that the array may block the view of the back of the house, but that would be the same if one installed a shed or other structure.

Gilkes Stated that she is concerned about the resale value of the house and wondered if the owners considered that.

Maloney Asked if the solar array would be pointing easterly or southerly.

Chang Responded southerly.

Maloney Asked for clarification if the roof-mounted system is already in place.

Chang Responded no.

Singer Pointed out on the spec sheet the listed total height with snow clearance of 13.5 feet and asked if that is the total height of this proposed system.

Chang Responded yes.

Wozniak Stated that he did a site visit to the property and thinks that the proposed system would fit in nicely with the neighborhood.

Winn Stated that he rode his bike to the property and thinks that the system would fit in with the neighborhood given the existing fencing. He inquired on whether there is any anti-glare material on the solar array.

Maloney Responded that he can answer that. All modern systems have anti-glare material. He has no questions at this time.

Winn read review comments from the Board of Health (no comments or concerns), Inspector of Buildings (no comments or concerns), Fire Prevention Officer (no comments or concerns), Engineering Superintendent (no comments or concerns), and the Planning Board (no issues or concerns).

Maloney Asked the Lively's if they would like to add anything at this time.

Lively's Responded no.



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Maloney Asked if Ms. Chang would like to add anything at this time.

Chang Responded no.

Chairman Maloney opened up the public hearing for public comment at 7:32 p.m. No public comment.
Chairman Maloney closed the public hearing at 7:33 p.m.

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

Gilkes No questions.

Singer No questions.

Wozniak No questions.

Winn No questions.

Maloney Stated that he doesn't have any additional questions.

- c. **7:30 p.m.:** Application of Martha and Jerry Ethier for property located at 18 Shattuck Street (Assessor's Map 95, Lot 26), which is located in the Urban Residential (RA) Zoning District, for a Special Permit pursuant to Sections 200-4.4(C17), and 200-8.3 of the Zoning Ordinance for an animal kennel to allow five (5) personal house dogs at this location.

At a public meeting on Thursday, September 10, 2020 at 7:30 p.m., through Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Martha and Jerry Ethier for property located at 18 Shattuck Street (Assessor's Map 95, Lot 26), which is located in the Urban Residential (RA) Zoning District, for a Special Permit pursuant to Sections 200-4.4(C17), and 200-8.3 of the Zoning Ordinance for an animal kennel to allow five (5) personal house dogs 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, Chairman; James Winn; Peter Wozniak; David Singer; and Debra Gilkes. No project proponents were present.

Singer Asked if the Applicant needs to be present in order for the board to proceed.

Maloney Responded generally yes. The Board could continue the public hearing. The Applicant would need to submit a request in order to withdraw the application.

Gilkes Stated that there is a caller user #4 attending the Webex meeting and wondered if they could identify themselves.

Winn Offered to call the Applicant using the telephone number on the application form.

Maloney Responded yes.



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- Julia Popkin Stated that she is caller user #4 and that she is a new member of the Board and was only going to listen in for this meeting.
- Maloney Responded that he has received no correspondence or communication from the Mayor's Office or anyone else on her appointment to the Board.
- Winn Stated that the Ethiers will be joining the Webex meeting and offered their apologies for being late.

The Ethiers joined the Webex meeting at 7:42 p.m.

- 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. Ethier Stated that they have five (5) rescue dogs that they would like to keep as house dogs. They have already installed fencing for the dogs in their yard and now need to obtain an animal kennel license as required by the Zoning Ordinance.
- Maloney Inquired if they own the property at 18 Shattuck Street.
- Ms. Ethier Responded that their son owns the property.
- Maloney Inquired if the owner is okay with the request.
- Ms. Ethier Responded yes.
- Maloney Inquired on how long they have owned these dogs.
- Ms Ehtier Responded that the oldest dog is twelve years old and the youngest is four years old. She stated that they have had five dogs for about a year and a half.
- Maloney Asked for clarification that the dogs will not be bred and are only for personal use.
- Ms. Ethier Responded yes and that they have all been neutered.
- Maloney Inquired if the yard is fenced in.
- Ms. Ethier Responded yes.
- Maloney Inquired if there is outdoor shelter for the dogs.



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Ms. Ethier Responded yes but that they are mostly indoors anyways.

Maloney Inquired on the breed of the five dogs.

Ms. Ethier Responded one is a Westie, three are Yorkies, and one is a Chihuahua.

Maloney Responded that these are small dogs. He explained to the Applicants that the Board would likely attach conditions to any approval such as not replacing dogs exceeding three once they expire.

Chairman Maloney asked the Board members if they have any questions at this time.

Gilkes Responded no questions at this time.

Singer Pointed out the location of fencing on the property as shown on the submitted site plan and asked if that is the area where the dogs will play.

Ms. Ethier Responded yes.

Wozniak Inquired on what they do with the dog droppings.

Ms. Ethier Responded that they get rid of the dog waste in the yard on a daily basis.

Winn Responded no questions at this time.

Winn read review comments from the Board of Health (no comments or concerns), Inspector of Buildings (no comments or concerns), Fire Prevention Officer (no comments or concerns), Engineering Superintendent (no comments or concerns), and the Planning Board (no issues or concerns).

Chairman Maloney opened up the public hearing for public comment at 7:50 p.m. No public comment. Chairman Maloney closed the public hearing at 7:51 p.m.

Chairman Maloney asked the Board members if they have any additional questions at this time. The Board members had no additional questions.

Board Discussion/Decision

Donna Wallace for property located at 95 Lunt Drive (Assessor’s Map R33, Lot 52)

Maloney Asked if the Board members have any additional comments, questions, or concerns.

Singer Stated that he believes that the criteria under Section 200-5.3(E2) of the Zoning Ordinance have been met. Also, the existing house does not meet the current setback requirement and no neighbors have come to speak against the proposal. He supports the request.



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Gilkes Stated that she has no additional questions or concerns.

Wozniak Stated that he has no additional questions or concerns.

Winn Stated that he has no additional questions or concerns and supports the request.

MOTION: Moved by Singer, seconded by Winn, and voted 5:0:0 to approve the application of Donna Wallace for property located at 95 Lunt Drive (Assessor’s Map R33, Lot 52), 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 a twenty (20) percent reduction of the side yard setback along the west side from 20 feet to 16 feet at this location.

Board Discussion/Decision

Meredith and Erik Lively for property located at 87 Thayer Road (Assessor’s Map R26, Lot 21B)

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

Gilkes No issues or additional questions.

Singer No issues or additional questions.

Wozniak No issues or additional questions.

Winn No issues or additional questions.

Maloney Stated that he thinks the presentation was okay and that the plan is okay. With the existing fencing, he stated he doesn’t see the need for additional screening. He stated that they did not receive any negative comments from the abutters and this is a dense area so many notifications went out. No abutters attended the Webex meeting to voice concerns so he supports the request.

MOTION: Moved by Singer, seconded by Gilkes, and voted 5:0:0 to approve the application of Meredith and Erik Lively for property located at 87 Thayer Road (Assessor’s Map R26, Lot 21B), which is located in the Suburban Residential (RB) Zoning District, for a Special Permit pursuant to Sections 200-4.3(18), 200-7.16, and 200-8.3 of the Zoning Ordinance in order to allow the installation of a 5.44 kW (1) pole mounted solar PV system at this location as presented with the following condition:

- 1) The Applicant shall comply with all requirements of Section 200-7.16 of the Zoning Ordinance.

Board Discussion/Decision



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Martha and Jerry Ethier for property located at 18 Shattuck Street (Assessor’s Map R26, Lot 21B)

Maloney Reviewed potential conditions of approval with the Board.

MOTION: Moved by Singer, seconded by Wozniak, and vote 5:0:0 to approve the application of Martha and Jerry Ethier for property located at 18 Shattuck Street (Assessor’s Map 95, Lot 26), which is located in the Urban Residential (RA) Zoning District, for a Special Permit pursuant to Sections 200-4.4(C17), 200-8.3, and the Definitions section of the Zoning Ordinance for an animal kennel to allow five (5) personal house dogs at this location with the following conditions:

- 1) All dog feces shall be properly disposed of off-site on a routine basis;
- 2) The applicants may keep the existing five (5) dogs with the condition that with the removal or expiration of any of the existing dogs in excess of three (3), that they shall not be replaced;
- 3) At the discretion of the Animal Control Officer, unscheduled site visits shall be conducted at the property. The Animal Control Officer shall submit a report to the Board within two weeks thereafter the site visit; If the Animal Control Officer submits two negative reports to the Board, the Applicant shall come before the ZBA during their next regularly scheduled meeting;
- 4) A barrier sufficient to contain the dogs, such as a fence shall be erected and maintained.

d. 7:45 p.m.: Application of Kelly and Philip Palasciano for property located at 167 Log Plain Road (Assessor’s Map R11, Lot 74), which is located in the Rural Residential (RC) 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 an addition to a single family home on a legal nonconforming property that does not meet the required frontage at this location.

Maloney stated that the Applicant has submitted a request to withdraw without prejudice and the Board needs to take a vote to except the withdrawal.

MOTION: Moved by Singer, seconded by Maloney, and voted 5:0:0 to except the request to withdraw without prejudice the Application of Kelly and Philip Palasciano for property located at 167 Log Plain Road (Assessor’s Map R11, Lot 74), which is located in the Rural Residential (RC) 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 an addition to a single family home on a legal nonconforming property that does not meet the required frontage at this location.

Approval of Minutes:

MOTION: Moved by Wozniak, seconded by Winn, and voted 4:0:0 to approve the meeting minutes of August 13, 2020.



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Adjournment:

MOTION: Moved by Singer, seconded by Gilkes, and voted 5:0:0 to adjourn the meeting at 8:06 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning and Development