



**Roxann Wedegartner
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.

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

**ZONING BOARD OF APPEALS
Minutes of January 13, 2022
Via Webex**

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 Julia Popkin Walter Boyd

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 Sandy Skuse for property located at 150-154 School Street (Assessor’s Tax Map 68, Lot 5), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-4.4(C3); 200-6.1(C); 200-7.2; 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the conversion of an existing barn structure into a 4th dwelling unit at this location.

At a public meeting on Thursday, January 13, 2022 at 7:00 p.m., via Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Sandy Skuse for property located at 150-154 School Street (Assessor’s Tax Map 68, Lot 5), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-4.4(C3); 200-6.1(C); 200-7.2; 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the conversion of an existing barn structure into a 4th dwelling unit 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, Clerk; Peter Wozniak; David Singer; and Debra Gilkes. The following project proponents were present: Eric and Sandy Skuse, 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.
- Ms. Skuse Presented the proposed project to the Board.
- Maloney Inquired on how long they have owned the property.
- Mr. Skuse Responded 12 years.
- Maloney Inquired on the work already completed on the barn structure.
- Mr. Skuse Responded that the existing barn structure was in disrepair and needed to be stabilized so all work currently done was for this purpose.



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Maloney Inquired if they currently live at the property.

Mr. Skuse Responded no, that they currently live at 146 School Street but want to move into the renovated barn was completed.

Maloney Inquired how far the barn structure is from the property line.

Mr. Skuse Responded approximately three (3) feet.

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

Winn No questions at this time.

Wozniak No questions at this time.

Singer Asked if the barn structure will be a single family unit.

Mr. Skuse Responded yes.

Singer Stated that the existing home is a three-family dwelling and that the Applicant is requesting a fourth unit in the barn structure which requires a special permit from the ZBA to allow multi-family defined as four (4) or more dwelling units. He stated that two special permits are required for this application, one for multi-family and the other to allow the expansion, alteration, or extension of a legal nonconforming structure as the barn structure does not meet current setback requirements.

Gilkes No questions at this time.

Winn Read review comments from the Fire Prevention Officer and Board of Health, who both had no comments or issues with the proposed project; Engineering Superintendent; and from the Planning Board that provided a positive recommendation for the project.

Chairman Maloney opened up the public hearing to public comment at 7:15 p.m.

Shannon Kinney, 142 School Street, Greenfield

Ms. Kinney stated that she objects to the project. She stated that she has lived next to them for about ten (10) years. In that time, the Skuses bought three properties next to her and with each additional property; there are more calls to the Police Department, the Fire Department, the Health Department, and the Environmental Police either for them, their tenants, or others related to them or their tenants. She stated that there is a sanitation problem there as they are using the same size dumpster with two added properties so it is chronically overflowing. She stated that the noise level with people yelling is also an issue. She stated that adding another unit to the property is not a good solution. She stated that when the work was done on the barn structure, it always looked like it would be a rental unit.



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Chairman Maloney closed the public hearing to public comment at 7:16 p.m.

Chairman Maloney closed the public hearing at 7:17 p.m.

The Board asked for clarification on the number of units they own.

Mr. Skuse Responded that they own 144-146 School Street which consists of three (3) dwelling units; they own 144 ½ School Street which is a single family dwelling, and they own 150-154 School Street which consists of three (3) dwelling units.

Maloney Inquired on sanitation services.

Mr. Skuse Responded that they have hired a dumpster company to empty the dumpster on a regular basis.

Maloney Inquired on any new lighting.

Mr. Skuse Responded no new lighting is proposed.

Maloney Asked about any windows in the barn structure that are facing abutting properties.

Mr. Skuse Responded that there are windows on all sides of the barn structure.

Maloney Inquired on any off-street parking and asked how many cars per unit is typical.

Mr. Skuse Responded that there is no off-street parking for the properties and that typically each unit has between 1-2 cars.

Winn Asked if they would be willing to increase dumpster services for the property.

Mr. Skuse Responded that they could do that.

Wozniak Asked if they talked to their neighbors which are three feet from the property line about the proposed project.

Mr. Skuse Responded no.

Singer No additional questions at this time.

Gilkes No additional questions at this time.

b. **7:15 p.m.:** Application of Clara Lopez and Margaret Pucino for property located at 36 Birch Street (Assessor’s Tax Map 89, Lot 48), which is located in the Urban Residential (RA) Zoning District, for a variance pursuant to Section 200-8.7 of the Zoning Ordinance, in order to allow the installation of a carport that does not meet the setback requirements for an accessory structure at this location.



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At a public meeting on Thursday, January 13, 2022 at 7:15 p.m., via Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Clara Lopez and Margaret Pucino for property located at 36 Birch Street (Assessor's Tax Map 89, Lot 48), which is located in the Urban Residential (RA) Zoning District, for a variance pursuant to Section 200-8.7 of the Zoning Ordinance, in order to allow the installation of a carport that does not meet the setback requirements for an accessory structure 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, Clerk; Peter Wozniak; David Singer; and Debra Gilkes. The following project proponent was present: Clara Lopez, 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.
- Lopez Ms. Lopez explained her request to the Board. She stated that she and her partner, Margaret Pucino, have lived in the house for about 24 years. They have recently turned 60 years of age and no longer want to dig out their car during winter months. They bought a carport structure for this reason but were not aware that it needed to meet setback requirements for an accessory structure. She stated that there is no other place to put up a carport on the property.
- Maloney Stated that in order for the Board to approve a variance request, all three (3) criteria under MA state law need to be met.
- Chairman Maloney asked if the Board members have any questions at this time.
- Winn Stated that he visited the property and that it is a very small lot. He has no questions at this time.
- Wozniak Inquired if there would be any overhang facing the road or neighbor from the carport structure.
- Lopez Responded that there would be no overhang.
- Wozniak Asked if any footings for the carport structure would have any impact on the neighbor's property.
- Lopez Responded no, that they will be using anchors designed for the carport structure using an auger.
- Gilkes No questions at this time.
- Singer Stated that he is sympathetic to their situation but must ask about the three criteria and how they are being met. He stated that the first criterion is substantial hardship including financial hardship if the variance is not granted.
- Lopez Responded that there would be no financial hardship now but in the future there would be. They would have to pay for snow removal services in the future. Also, they would have to sell the carport structure as they already purchased it.



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- Singer Stated that the second criterion deals with topography and the layout of the property. They do in fact have a back yard area that could be used for the carport structure.
- Lopez Responded that when they purchased the property, there was a garage structure in the back yard. They demolished the garage structure because it was seriously dilapidated.
- Boyd Asked what other substantial hardship(s) there would be if the variance is not granted.
- Lopez Responded that the gardens on the property that are meticulously cared for would have to be removed for the carport structure.
- Winn Read review comments from the Inspector of Buildings and the Engineering Superintendent who had no comments or issues.

Chairman Maloney opened up the public hearing to public comment at 7:45 p.m.

Philip Burrows, 34 Birch Street, Greenfield

He stated that he submitted written comments to the Building Department. He has no objections to the variance request and has talked to Ms. Lopez about the location and installation of the carport structure.

Chairman Maloney closed the public hearing to public comment at 7:47 p.m.

Chairman Maloney closed the public hearing at 7:47 p.m.

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

- Winn No additional questions at this time.
- Wozniak Inquired on the material that the carport is made of.
- Lopez Responded that the cover is a polycarbonate arched roof covering with six side posts and that the posts are aluminum.
- Singer No additional questions at this time.
- Gilkes No additional questions at this time.
- Boyd Asked if the other abutters to the property were notified of the project.
- Lopez Responded only to let them know of the proposed project.

Board Discussion/Decision

Sandy Skuse for property located at 150-154 School Street (Assessor’s Tax Map 68, Lot 5)



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Maloney Stated that the property owners would be living in the renovated barn structure and that the barn structure has been there for a long time. A potential condition of approval in addition to the recommendations of the DPW would be to require a larger dumpster with more frequent service.

Winn Stated that he agrees with the recommendations of the DPW. He would like to see a larger dumpster for the property with more frequent pickups.

Wozniak Stated that he agrees with the recommendations of the DPW and with a larger dumpster for the property.

Singer Stated that he agrees with the recommendations of the DPW and with a larger dumpster for the property. He stated again that two (2) special permit approvals are required and that another condition of approval that he would like to see is limiting the barn structure to one (1) dwelling unit.

Boyd Stated that he agrees with all proposed conditions of approval.

Popkin Stated that she agrees with all proposed conditions of approval and has no questions.

MOTION: Moved by Singer, seconded by Wozniak, and voted 5:0:0 to approve the application of Sandy Skuse for property located at 150-154 School Street (Assessor’s Tax Map 68, Lot 5), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-4.4(C3); 200-6.1(C); 200-7.2; 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the conversion of an existing barn structure into a 4th dwelling unit at this location with the following conditions:

- 1) All requirements and recommendations of the Department of Public Works as stated in their review memo dated November 29, 2021 shall be met;
- 2) The Applicant shall provide a larger dumpster for the four (4) dwelling units and emptied on a regular basis;
- 3) The barn structure shall be limited to one (1) dwelling unit.

Board Discussion/Decision

Clara Lopez and Margaret Pucino for property located at 36 Birch Street (Assessor’s Tax Map 89, Lot 48)

Winn Stated that he cannot support the project as it does not meet all three criteria in order to grant a variance.

Wozniak Stated that he cannot support the project as it does not meet all three criteria in order to grant a variance.

Gilkes Stated that she cannot support the project as it does not meet all three criteria in order to grant a variance.



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Singer Stated that one could argue the third prong but that the first and second prongs have not been shown to have been met. He stated that he cannot support the project as it does not meet all three criteria in order to grant a variance.

Boyd Stated that due to his lack of experience on variances, that he will defer to the deference of the Board.

MOTION: Moved by Singer, seconded by Maloney, and voted 0:5:0 to approve the application of Clara Lopez and Margaret Pucino for property located at 36 Birch Street (Assessor’s Tax Map 89, Lot 48), which is located in the Urban Residential (RA) Zoning District, for a variance pursuant to Section 200-8.7 of the Zoning Ordinance, in order to allow the installation of a carport that does not meet the setback requirements for an accessory structure at this location. The motion fails by unanimous vote.

Planning Board Recommendations:

- a. Application of Douglas P. Arey for property located at 128 Conway Street (Assessor’s Tax Map 70, Lot 17), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-4.4(C20); 200-6.1(C); 200-7.18; 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the conversion of an existing carriage house structure into a detached Accessory Dwelling Unit at this location.

Maloney read the agenda item into the record and asked the Applicant to present the project to the Board.

Arey Stated that he bought the property in 1985 which contained an old carriage house that he used to store a car. The carriage house needed to be shored up which was done and over the last 15 years, they have made improvements to the carriage house to one day convert it to a residence. They were advised by the City that in order to make it a two-family home, they would have to connect the primary house to the carriage house. They did not want to do that as it would negatively impact the neighborhood. The only other option is to request a special permit to allow a detached accessory dwelling unit (ADU).

Maloney Asked what the distance is from the carriage house to the western property line.

Arey Responded approximately 17 feet.

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

Winn Stated that this a great project and that he has no questions.

Wozniak Stated that this a great project and that he has no questions.

Singer Stated that this is a great renovation project. He asked about the windows in the carriage house.



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- Arey Responded that the windows were there when it was a carriage house.
- Gilkes Stated that she doesn't have the packet materials for this application so she will not participate in the vote.
- Boyd Asked who will live in the carriage house.
- Arey Responded that they will live in the carriage house.
- Maloney Inquired on any new lighting.
- Arey Responded that no new lighting is proposed.

Board Discussion/Decision

Douglas P. Arey for property located at 128 Conway Street (Assessor's Tax Map 70, Lot 17)

- Maloney Stated that he is in favor of the project as presented.
- Winn Supports the project.
- Wozniak Supports the project.
- Singer Supports a positive recommendation to the Planning Board.
- Boyd Supports a positive recommendation to the Planning Board.
- Popkin Supports a positive recommendation to the Planning Board.

MOTION: Moved by Maloney, seconded by Boyd, and voted 5:0:0 to forward a positive recommendation to the Planning Board on the application of Douglas P. Arey for property located at 128 Conway Street (Assessor's Tax Map 70, Lot 17), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-4.4(C20); 200-6.1(C); 200-7.18; 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the conversion of an existing carriage house structure into a detached Accessory Dwelling Unit at this location as presented.

Approval of Minutes:

MOTION: Moved by Wozniak, seconded by Singer, and voted 5:0:0 to approve the meeting minutes of December 9, 2021.

Adjournment:

MOTION: Without objection the meeting was adjourned at 8:33 p.m.



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Respectfully Submitted,

Eric Twarog, AICP, Director of Planning and Development