



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.

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 June 9, 2022
Via Webex

The meeting was called to order by Chairman Mark Maloney at 7:02 p.m. with the following members:

PRESENT: Mark Maloney, Chairman James Winn, Clerk David Singer Debra Gilkes
Peter Wozniak Julia Popkin

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 Thomas Powers for property located at 80 Munson Street (Assessor’s Tax Map 39, Lot 2), which is located in the Suburban Residential (RB) Zoning District, for a special permit pursuant to Sections 200-6.2(E) and 200-8.3 of the Zoning Ordinance, in order to allow the installation of a six foot high wooden stockade fence within the front yard setback area along Champney Road at this location.

At a public meeting on Thursday, June 9, 2022 at 7:00 p.m., via Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Thomas Powers for property located at 80 Munson Street (Assessor’s Tax Map 39, Lot 2), which is located in the Suburban Residential (RB) Zoning District, for a special permit pursuant to Sections 200-6.2(E) and 200-8.3 of the Zoning Ordinance, in order to allow the installation of a six foot high wooden stockade fence within the front yard setback area along Champney Road 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: Thomas Powers, property owner.

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.

Powers Mr. Powers presented his request to the Board.

Maloney Inquired on where the edge of the new fence will be on Champney Road.

Powers Responded on the property line.

Maloney Inquired on the total length of the new fencing.

Powers Responded about 300 feet.



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Maloney Asked Mr. Powers if he understood that his property is a corner lot with two front yards and two side yards.

Powers Responded yes.

Maloney Inquired of the Board if anyone has seen a dimension on the length of proposed fencing.

Singer Summarized for the Board and asked for any clarification from the Applicant that the Applicant is seeking to install six (6) foot high wooden stockade fencing 106 feet along Champney Road from the northwest corner of his property and then turn south twenty (20) feet from the house. Also, 143 feet of fencing is proposed along the western property line, 85 feet of fencing is proposed along the southern property line, and another twenty-four (24) feet of fencing from that point to the existing garage structure.

Powers Responded yes.

Maloney Inquired on the distance between the twenty feet of fencing and the northerast corner of the property.

Powers Responded fifty-two (52) feet.

Maloney Stated that the Board has been to the property and that there would be no line of sight issues as a result of this request.

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

Winn No questions at this time.

Wozniak No questions at this time.

Singer No questions at this time.

Gilkes No questions at this time.

Popkin No questions at this time.

Winn Read review comments from the Planning Board which forwarded a positive recommendation to the ZBA, Health Department, Fire Prevention Officer, and the Engineering Superintendent who all had no comments or issues with this request. Also read public comment from Dennis Finnell of 20 Fairview Terrace.

Chairman Maloney opened up the public hearing to public comment at 7:12 p.m.



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Karen Regan, 64 Munson Street, Greenfield

Ms. Regan stated that she supports Mr. Powers’s fence request.

Chairman Maloney closed public comment at 7:13 p.m.

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

Winn No additional questions at this time.

Wozniak No additional questions at this time.

Singer No additional questions at this time.

Gilkes No additional questions at this time.

Chairman Maloney asked if the Applicant if he has anything to add at this time.

Powers Responded no.

Chairman Maloney closed public hearing at 7:15 p.m.

- b. **7:15 p.m.:** Application of Eben Bull for property located at 58 Deerfield Street (Assessor’s Tax Map 28, Lot 13), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(C6) and 200-8.3 of the Zoning Ordinance, in order to allow the continued use of the property as a single family home at this location.

At a public meeting on Thursday, June 9, 2022 at 7:15 p.m., via Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Eben Bull for property located at 58 Deerfield Street (Assessor’s Tax Map 28, Lot 13), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(C6) and 200-8.3 of the Zoning Ordinance, in order to allow the continued use of the property as a single family home 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 proponents were present: Eben Bull, prospective property owner; and Apple Berkery, current property owner.

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.

Bull Mr. Bull presented his request to the Board. He stated that 58 Deerfield Street used to be a church that was converted to a single family home in 2008. At that time, the Zoning Board of Appeals issued a special permit to allow this with four (4) conditions. One of the conditions required that a portion of the existing pavement be removed and planted with grass. Another condition required that the existing fence on the south side of the property and the screening on



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the north side of the property be required to be maintained and remain standing. It has been used as a single family home for about 14 years. He is in contract to buy the building. One of the conditions of the previous special permit approval was that it ran with the new owner at that time. He is now seeking approval to continue to use the property as a single family home. He stated that at this time, he is not planning on doing any changes or renovations to the building other than maintenance and would like to keep the status quo.

Maloney Stated that the property is located within the General Commercial (GC) Zoning District so the previous conditions make sense. He stated to the Applicant that if he decides in the future to do a commercial use, he would likely not need a special permit. He asked if the Applicant was planning on installing any additional exterior lighting.

Bull Responded no.

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 Inquired of the Applicant if he would prefer the permit to run with the owner or with the land.

Bull Responded that ideally it would run with the land. He stated that because there is a deed restriction on the property from the Catholic Church as well as the special permit, obtaining financing was not easy as banks were confused on what the property could be used for. This would be alleviated if the permit ran with the land and not the owner.

Gilkes No questions at this time.

Popkin No questions at this time.

Winn Read review comments from the Planning Board which forwarded a positive recommendation to the ZBA, Health Department, Fire Prevention Officer, and the Engineering Superintendent who all had no comments or issues with this request.

Chairman Maloney opened up the public hearing to public comment at 7:23 p.m.

Apple Berkery, 58 Deerfield Street, Greenfield

Ms. Berkery stated that she is the current property owner of 58 Deerfield Street and that her husband is dying so she is taking care of him in Deerfield and cannot maintain the property. She supports the current request.

Chairman Maloney closed public comment at 7:25 p.m.



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Board Discussion/Decision

Thomas Powers for property located at 80 Munson Street (Assessor’s Tax Map 39, Lot 2)

- Maloney Stated that he supports this request. Line of sight doesn’t appear to be an issue.
- Winn Stated that he also supports this request. He visited the property and can see why a fence is being requested and doesn’t believe that it will have any negative impacts on the neighbors.
- Wozniak Stated that he supports the project and doesn’t have any questions or issues.
- Singer Stated that he supports the project and doesn’t believe that the neighbors or traffic will be negatively impacted by the fencing as long as it is installed as presented.
- Gilkes Stated that she agrees with Singer and has no issues with this request as presented.
- Popkin Stated that she supports the project and doesn’t have any questions or issues.
- Maloney Stated that his only question for the Board is should they require 30 inches or more from the property line. He is concerned about pedestrians being able to get off the pavement if an erratic driver drives by.
- Singer Stated to the Applicant that one condition of approval will be that he ensures that the fencing is installed on his property and not within the City right-of-way.

MOTION: Moved by Singer, seconded by Winn, and voted 5:0:0 to approve the application of Thomas Powers for property located at 80 Munson Street (Assessor’s Tax Map 39, Lot 2), which is located in the Suburban Residential (RB) Zoning District, for a special permit pursuant to Sections 200-6.2(E) and 200-8.3 of the Zoning Ordinance, in order to allow the installation of a six foot high wooden stockade fence within the front yard setback area along Champney Road at this location with the following conditions:

- 1) The Applicant shall install all fencing as shown on the most revised site plan submitted and as presented;
- 2) The Applicant shall install all fencing on his property and not within city right-of-way land;
- 3) The Applicant shall maintain the fence in good condition.

Board Discussion/Decision

Eben Bull for property located at 58 Deerfield Street (Assessor’s Tax Map 28, Lot 13)

- Maloney Stated that he has no issues with the plan and has no issues if the special permit runs with the land.
- Winn Stated that he supports this request and has no issues.



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- Wozniak Stated that he supports this request and has no issues.
- Singer Stated that if this was the initial request for a single family home, he doesn't know how he would have voted since it is within the GC District. However, since it has been used as a single family home since 2008, he would like to see the permit run with the land.
- Gilkes Stated that she agrees with Singer that the permit should continue and run with the land and not the property owner. She stated that the deed restriction from the Catholic Church is not relevant to the ZBA's approval.
- Popkin Stated that she supports this request and has no issues.

MOTION: Moved by Singer, seconded by Wozniak, and voted 5:0:0 to approve the application of Eben Bull for property located at 58 Deerfield Street (Assessor's Tax Map 28, Lot 13), which is located in the General Commercial (GC) Zoning District, to continue the special permit pursuant to Sections 200-4.9(C6) and 200-8.3 of the Zoning Ordinance, in order to allow the continued use of the property as a single family home at this location with the following condition:

- 1) The special permit shall run with the property.

Approval of Minutes:

MOTION: Moved by Singer, seconded by Winn, and voted 5:0:0 to approve the meeting minutes of May 12, 2022.

Adjournment:

MOTION: Without objection the meeting was adjourned at 7:50 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning and Development