



Virginia Desorgher
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 (2025)
Maloni, Mark (2025)
Moschella, Victor (2025)
Singer, David (2024)
Winn, James (2026)
Wozniak, Peter (2026)

ZONING BOARD OF APPEALS
Minutes of January 11, 2024
2nd Floor Meeting Room 20 Sanderson Street

The meeting was called to order by Chairman David Singer at 6:30 p.m. with the following members:

PRESENT: David Singer, Chairman Peter Wozniak, Clerk Debra Gilkes
Mark Maloni

ABSENT: James Winn and Victor Moschella

ALSO PRESENT: Eric Twarog, Director, Dpartment of Planning & 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. **6:30 p.m.:** Application of PV Squared for property located at 330 Leyden Road (Assessor’s Tax Map R29, Lot 2), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C17); 200-8.3, and 200-8.4 of the Zoning Ordinance, in order to allow the installation of a residential scale 17.01 kW DC ground-mounted Solar PV Array consisting of 42 panels at this location.

On Thursday, January 11, 2024 at 6:30 p.m., in the 2nd Floor Meeting Room of 20 Sanderson Street, the Greenfield Zoning Board of Appeals held a public hearing on the application of PV Squared for property located at 330 Leyden Road (Assessor’s Tax Map R29, Lot 2), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C17); 200-8.3, and 200-8.4 of the Zoning Ordinance, in order to allow the installation of a residential scale 17.01 kW DC ground-mounted Solar PV Array consisting of 42 panels at this location. Wozniak read the public notice into the record. Members of the Board sitting were David Singer, Chairman; Peter Wozniak, Clerk; Debra Gilkes; and Mark Maloni. The following was present: Bill Killough-Hill from PV Squared, Applicant. Chairman Singer explained to the Applicant that special permit and site plan approval requires a supermajority vote of the ZBA (4 out of 5 members). The ZBA currently only has four members. He asked the Applicant if he would like to proceed with just four members. The Applicant responded yes.

Singer 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.

Killough-Hill Mr. Killough-Hill presented the project to the Board and handed out photographs of the property from different views. He stated that due to the rural area and the topography of the area, no abutter will be able to see the solar array.



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

Maloni No questions at this time.

Gilkes Asked if the power generated from the solar array will be used by the property owners.

Killough-Hill Responded yes.

Gilkes Asked if the property owner has a contract with PV Squared for this project.

Killough-Hill Responded yes.

Wozniak No questions at this time.

Singer Inquired about the cut trees and the remaining trees along the northerly boundary of the property.

Killough-Hill Responded that the property owner had some trees cut for the solar array and for safety purposes. He stated that the property owner intends to keep the trees along the northerly boundary of the property.

Wozniak read review comments from the Fire Prevention Officer, Engineering Superintendent, and the Department of Planning and Development who all had no comments or issues with the project.

Chairman Singer opened the public hearing up to public comment at 6:41 p.m. No public comment.

Singer closed the public comment at 6:41pm.

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

Chairman Singer closed the public hearing at 6:42 p.m.

Chairman Singer stated that the Board has to wait until 6:45 p.m. to open the next public hearing.

Approval of Minutes:

MOTION: Moved by Wozniak, seconded by Gilkes, and voted 4:0:0 to approve the meeting minutes of October 19, 2023.

MOTION: Moved by Maloni, seconded by Wozniak, and voted 4:0:0 to approve the meeting minutes of November 9, 2023.



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- b. **6:45 p.m.:** Application of Carolyn Gargone for property located at 6 Power Court (Assessor’s Tax Map 30, Lot 12), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-6.1(C); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the continued use and renovation of a legal nonconforming structure as an Accessory Dwelling Unit at this location.

On Thursday, January 11, 2024 at 6:45 p.m., in the 2nd Floor Meeting Room of 20 Sanderson Street, the Greenfield Zoning Board of Appeals held a public hearing on the application of Carolyn Gargone for property located at 6 Power Court (Assessor’s Tax Map 30, Lot 12), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-6.1(C); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the continued use and renovation of a legal nonconforming structure as an Accessory Dwelling Unit at this location. Wozniak read the public notice into the record. Members of the Board sitting were David Singer, Chairman; Peter Wozniak, Clerk; Debra Gilkes; and Mark Maloni. The following were present: Erica Gees, Agent; and Carolyn Gargone, Applicant. Chairman Singer explained to the Applicant that special permit and site plan approval requires a supermajority vote of the ZBA (4 out of 5 members). The ZBA currently only has four members. He asked the Applicant if she would like to proceed with just four members. The Applicant responded yes.

- Singer 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.
- Gees Ms. Gees presented the project to the Board. She stated that the average density in this area is about ten (10) people per acre. She stated that the accessory structure has always been used as a residence. She showed photographs of the property and existing buildings from different views. Their plan is to energy efficiency improvements to the buildings as well as other improvements. She stated that there is enough parking for at least four (4) vehicles on the property. The impervious lot coverage of the existing buildings is about 23 percent and about 11 percent for the existing paving. The open space coverage is approximately 65 percent. There are two forms of egress for the accessory structure. The square footage for the residence in the accessory structure is 300 square feet which is good for a single person or couple.
- Wozniak Asked about the second egress and whether there will be a walkway.
- Gees Responded yes.
- Wozniak Expressed concerns about snow removal in that location and the property as a whole.
- Gees Responded that the second egress could be moved to the opposite side.
- Singer Inquired on how long the unit was not used as a residence.
- Gargone Responded that she purchased the property in April of 2022 and it has not been used as a residence since that time. She stated that she does not know how long it was not used as a residence before she purchased the property. She stated that when she purchased the property,



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the accessory unit had a bathtub, sink, heater, and other appliances indicating that it was previously used as a residence.

Gilkes Stated that it doesn't appear to be enough space for four vehicles using the existing driveway.

Gees Clarified that the existing driveway is a single lane driveway.

Gargone Stated that most of the existing driveway is paved and the rest is gravel.

Gees Stated that it was their intent to keep the gravel portion of the driveway for stormwater management and snow infiltration purposes.

Wozniak read review comments from the Fire Prevention Officer, who had no comments or issues with the project; Engineering Superintendent, the Department of Planning and Development; and Mary Figoli, 33 Power Square, who expressed concerns about parking and snow removal.

Chairman Singer opened the public hearing up to public comment at 7:28 p.m. No public comment.

Singer closed public comment at 7:28 p.m.

Board Discussion/Decision

PV Squared for property located at 330 Leyden Road (Assessor's Tax Map R29, Lot 2)

Chairman Singer asked the Board if they have any additional questions at this time. The Board had no additional questions or concerns.

MOTION

Moved by Wozniak, 2nd by Gilkes, and voted 4:0:0 to approve the application of PV Squared for property located at 330 Leyden Road (Assessor's Tax Map R29, Lot 2), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C17); 200-8.3, and 200-8.4 of the Zoning Ordinance, in order to allow the installation of a residential scale 17.01 kW DC ground-mounted Solar PV Array consisting of 42 panels at this location in accordance with the application materials submitted and as presented to the Board with the following condition:

- 1) The trees along the northerly boundary of the property as shown on Exhibit A shall remain unless they are an impediment to the functioning of the solar array or a safety hazard.**

Board Discussion/Decision

Carolyn Gargone for property located at 6 Power Court (Assessor's Tax Map 30, Lot 12)

The Board discussed the issue of discontinuance/abandonment versus dormancy. Gargone stated that the accessory structure has its own property card listing it as a residence. Chairperson Singer stated for the record that there are two factors that could indicate abandonment which are: 1) the accessory structure has not been used



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as a residence for many years, and 2) the water and sewer services have been cut off. He stated that in terms of dormancy, the record card lists the structure as a home and has been taxed as such.

MOTION Moved by Wozniak, 2nd by Gilkes, and voted 4:0:0 to approve the application of Carolyn Gargone for property located at 6 Power Court (Assessor's Tax Map 30, Lot 12), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-6.1(C); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the continued use and renovation of a legal nonconforming structure as a residence at this location in accordance with the application materials submitted and as presented to the Board with the following conditions:

1. The Applicant shall install an outside cleanout meeting the Massachusetts Plumbing Code within three (3) feet of the accessory structure as per the DPW memo dated November 21, 2023;
2. The second egress shall be moved from the west side to the east side of the unit;
3. No windows shall be allowed on the south side of the accessory structure;
4. The Applicant shall install a six (6) foot opaque fence as shown on Exhibit A;
5. The concrete step on the property shall be removed as shown on Exhibit A;
6. The Applicant shall submit a revised site plan to the Department of Planning and Development within 30 days of approval.

Adjournment:

MOTION: Moved by Wozniak, seconded by Gilkes, and voted 4:0:0 to adjourn the meeting at 7:57 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning and Development