

**TOWN OF GREENFIELD**  
**ZONING BOARD OF APPEALS**

**January 4, 2011**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order Taylor Conard by at 7:30 p.m. On roll call the following members are present: Taylor Conard, Michelle Granger, Kevin Veitch, Stanley Weeks and Joseph Szpak, Alternate. Paul Lunde is absent.

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**December 7, 2010 MINUTES**

MOTION: S. Weeks

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of December 7, 2010, as submitted.

VOTE: Ayes: Conard, Granger, Veitch, Weeks, Szpak

Noes: None

Absent: Lunde

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**NEW BUSINESS**

**ROBERT CLUKEY – Area Variance, Case#865**

North Creek Road

Linda Clukey is present for the application. T. Conard reviews that this application is for an area variance to keep chickens. They have 1.52 acres and 5 acres are required for agricultural use. They need a 3.48-acre variance. The Board would like to see a map with locations and distances to neighboring structures. L. Clukey states that there is one house under construction to the left and one neighbor to the right. S. Weeks would like to know how far the house is off the road. L. Clukey states that their home is about 250' from the road. The Board would like to see that on the drawing also. J. Szpak would like to know how this came to be before the Board, if it was a citation. R. Rowland states that it was. K. Veitch states that he would like to get some feed back from the Code Enforcement Officer. J. Thorn is present and states that he is the complainant. K. Veitch would like to know what the records show.

**RESOLUTION – R. Clukey, Area Variance**

MOTION: J. Szpak

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals accepts the application of Robert Clukey for an area variance for property located at 517 North Creek Road, Tax Map # 150.-1-20 as complete and sets a public hearing for February 1, 2011 at 7:30 p.m., contingent upon:

- **Receipt of map showing distances to neighboring structures and distance from applicant's home to road**

VOTE: Ayes: Conard, Granger, Veitch, Weeks, Szpak

Noes: None

Absent: Lunde

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January 4, 2011

**DAREN & BONNIE MURTLOW – Area Variance, Case #866**  
Ormsbee Road, Rear

Daren and Bonnie Murtlow are present. T. Conard reviews that the applicants would like to build a camp on a 9.47-acre lot. There is no frontage so they are going to need a 250' variance for road frontage, as it is landlocked. D. Murtlow states that it is on an abandoned town road. M. Granger states that one of the questions she has is what is the status of the abandoned road. Does anyone have a legal right to have access to that and are there issues that the Zoning Board should be aware of? She asks if that is something that we can check with the Town Attorney or does G. McKenna know. J. Szpak asks if the applicant has a right of way or anything. D. Murtlow states that it was his understanding that when the Town gives a road back, the landowners assume the responsibility of the road as a right of way. He states that everyone uses it now – the paper company, snowmobilers, residents, etc. T. Conard states that it is probably a right-of-way now because of the use. K. Veitch states that the ZBA would not want to allow something and then have someone not be able to get across legally and cause additional problems. R. Rowland states that she will discuss with G. McKenna. B. Murtlow will call G. McKenna also. K. Veitch states that the applicant may need to get more information for the Board. D. Murtlow states that G. McKenna told them they needed to apply for the variance. K. Veitch states that because the Board is asking for more information on the legal side, G. McKenna may find something out from our Town Attorney that may require additional information from the applicant. He states that the more the Board knows, the better decision they can make. M. Granger states that the Board would like to make sure that they have the legal authority to grant a variance to the applicant because it is an abandoned town road. She states that she does not understand the legal basis for that. She states that we just don't want to create a problem; we want to make sure that everything is clear before we move forward. T. Conard states that the Board wants a clarification before they make an error and the applicant can't get there, unless they buy a helicopter. K. Veitch asks if there are other camps around there. D. Murtlow states that the closest neighbor is Gerry Feulner who has a year round residence. T. Conard states that they are pretty much rights-of-way because people have used them. S. Weeks states that when a town abandons a road, they have some legal description that goes with that. That is what we need to know and if they granted a right-of-way along with that. K. Veitch states that an abandoned road just means that they no longer service it. They still may have a right-of-way there that they can access if they want to.

**RESOLUTION – D. & B. Murtlow, Area Variance**

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Darren & Bonnie Murtlow for an area variance for property located at Ormsbee Road, Rear, Tax Map # 110.-1-7 as complete and sets a public hearing for February 1, 2011 at 7:30 p.m., pending:

- **Additional information from the Town Attorney and Code Enforcement regarding the abandoned road**

VOTE: Ayes: Conard, Granger, Veitch, Weeks, Szpak

Noes: None

Absent: Lunde

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**OLD BUSINESS**

**PAUL & JANE BOUCHARD – Area Variance, Case #864**

Denton Road

Paul & Jane Bouchard are present. T. Conard reviews that the applicant is seeking a 70' rear yard variance to install a photovoltaic array. A public hearing is opened at 7:43 p.m. T. Conard states that there

January 4, 2011

is a written statement from R. Hyndman, received at the last meeting, in favor of the request and a letter from Peter Goutos, in support of the application with additional boundary buffers. There being no further public comment, this public hearing is closed at 7:44 p.m.

T. Conard states that the Board granted something similar to this on Greene Road. K. Veitch states that we required additional buffering on that application also. P. Bouchard explains the views using the photos he submitted. J. Bouchard states that the existing tree line could be extended along P. Goutos property line. M. Granger questions if the Board needs to specify what is planted. P. Bouchard states that he was assuming that the same trees that are there would be planted. From their conversation, P. Bouchard thought that P. Goutos intended to do the planting. S. Weeks states that in reading P. Goutos letter, it almost sounds like he, P. Goutos, is going to do the planting. P. Bouchard states that P. Goutos had stated that he was going to do it. S. Weeks states that he reads it as P. Goutos stating that P. Bouchard would not object to P. Goutos planting more trees. M. Granger states that the approval could indicate that a visual buffer is to be installed that is mutually agreeable to both neighbors. J. Bouchard states that the existing trees are on P. Goutos side and if they planted new ones, they would be on their own side.

**RESOLUTION – P. & J. Bouchard, Area Variance**

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals grants the application of Paul & Jane Bouchard for an area variance for property located at 166 Denton Road, Tax Map # 152.-1-91, as follows:

- **70' rear yard setback variance**

This approval is contingent upon:

- **The applicant and neighbor, P. Goutos, agreeing on a visual buffer to be placed between the two properties of natural vegetation**

This approval is based on the following:

- **No negative impact to the neighborhood**
- **No other means to achieve relief**
- **Not a substantial request**
- **Not a self created problem**

VOTE: Ayes: Conard, Granger, Veitch, Weeks, Szpak

Noes: None

Absent: Lunde

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Meeting adjourned 7:54 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary