

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

May 7, 2013

REGULAR MEETING

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

April 2, 2013 MINUTES

MOTION: K. Veitch

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of April 2, 2013, as submitted

VOTE: Ayes: Conard, Eskoff, Lunde

Noes: None

Abstain: Granger, Veitch

Absent: Szpak

NEW BUSINESS

COREY & ADRIENNE FREEMAN-GALLANT – Case#913, Area Variance

Allen Road

Adrienne Freeman-Gallant is present. T. Conard reviews that the applicants would like to add a garage and mudroom. The house sits sideways in the yard and they would like to add the garage towards the road. It requires a 75' front yard setback and they need a variance of 27-feet. M. Granger states that it looks very complete.

RESOLUTION – C. & A. Freeman-Gallant

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals accepts the application of Corey and Adrienne Freeman-Gallant for an area variance for frontage as complete for property located at 460 Allen Road, TM#124.-2-40.3 and sets a public hearing for June 6, 2013 at 7:30 p.m.

VOTE: Ayes: Conard, Eskoff, Granger, Lunde, Veitch

Noes: None

Absent: Szpak

WILLIAM A. DENNISON – Case#914, Area Variance

Brigham Road

William Dennison is present. T. Conard reviews that the applicant would like to start a doggie day care, Home Occupation Type 2, which requires 8 acres and 250-feet of road frontage. The applicant has no road frontage and a lot size of 5.3 acres. The applicant needs a 2.7-acre area variance and a 250' frontage variance. M. Granger asks if the applicant can provide distances to any surrounding structures. W. Dennison

states that it is approximately 450' to his son's house. K. Veitch explains that we would like to see that drawn on a map. D. Eskoff asks if the dog fence and the barn are in existence or proposed. W. Dennison states that is where he is going to put the fence and that the barn is there. P. Lunde asks how many horses are on the property. W. Dennison states that right now there are none and that they have had horses there for years. M. Granger asks if currently he has any. W. Dennison states that he sold the last one. D. Eskoff asks if there is some sort of grandfathering. W. Dennison states that he has had horses here since around 1982. M. Granger questions when he sold the last horse. W. Dennison states that he sold the last racehorse in the last year. T. Conard asks if this is a shared driveway. W. Dennison states that it is, with his son. D. Eskoff asks if the applicant is planning on any type of housing for the dogs or just fencing. W. Dennison states that he would be using the barn.

RESOLUTION – W. A. Dennison, Area Variance

MOTION: K. Veitch

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals accepts the application of William A. Dennison for an area variance as complete for property located at 364 Brigham Road, TM#126.-1-47.21 and sets a public hearing for June 6, 2013 at 7:30 p.m., contingent upon:

- **Measurements from boundary lines of proposed fenced in area**
- **Distance to any neighboring structures**

VOTE: Ayes: Conard, Eskoff, Granger, Lunde, Veitch

Noes: None

Absent: Szpak

OLD BUSINESS

ALAN & INA EICHORST – Case #910, Area Variance

Hyspot Road

Alan Eichorst is present. T. Conard reviews that the applicant would like to build a storage building and needs a 15' area variance for front setback. A public hearing is opened at 7:40 p.m. There being no public comments, this public hearing is closed at 7:41 p.m.

The applicant would like to replace an old barn that was destroyed by fire some time ago. The property drops off to the rear. T. Conard states that the new structure will be further from the road than the old structure was.

RESOLUTION – A. and I. Eichorst, Area Variance

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals approves the application of Alan and Ina Eichorst for an area variance for property located at 311 Hyspot Road, TM#150.-2-47.21, as follows:

- **Front setback variance of 15-feet**

This approval is based on the following:

- **No negative impact to surrounding property or the neighborhood**
- **No environmental impact**
- **Hardship was not self-created**
- **This will have less impact on zoning than the previous structure**

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VOTE: Ayes: Conard, Eskoff, Granger, Lunde, Veitch
Noes: None
Absent: Szpak

CORNELL DEVELOPMENT– Case#911, Area Variance
South Greenfield Road

Casey Cornell and Jim Vianna, Surveyor, are present. T. Conard reviews that the Planning Board approved a minor subdivision of this property in December 2012 with a contingency that the applicant was purchasing the additional 37' of frontage from the neighbor. That property is tied up in all sorts of problems. Therefore the applicant is seeking a 37' frontage variance. A public hearing is opened at 7:44 p.m. A letter has been submitted in favor of this variance signed by Stephan Rowland, Dominique Rowland, Stephanie Rowland and Nicholas Chandler, basically stating that this is a unique piece of property, they did not feel it was a self-created hardship and would be in no way detrimental to the neighborhood. There being no further public comments, this public hearing is closed at 7:45 p.m.

M. Granger asks if there is any update on the purchase of property from the neighbor. C. Cornell states that they have had some contact from the lawyer saying that they were working on clearing up the issues, but he has not heard from them in some weeks. He thinks that they have cleaned up some of the liens but not all. K. Veitch clarifies that because the applicant is unable to purchase that property that is why he is seeking the variance. T. Conard states that the other neighbor would not sell. D. Eskoff asks if this is granted, it will still need to go back to the Planning Board who will have to decide on the subdivision. K. Veitch states that a ZBA approval would have to be contingent upon the Planning Board, also. P. Lunde asks for clarification on the lots and that the house is in existence. T. Conard states that this is not a self-created hardship. P. Lunde comments that the applicant is over the minimum lot size on all three lots. M. Granger states that she has no problem with this. She does think that it is reasonable to say that it is contingent upon the Planning Board's approval. From the ZBA's perspective, we are not creating a non-conforming lot if they were to purchase the 37' from the adjoining lot and that the subdivision as it is will still be in compliance with the current zoning of minimum lot sizes of 3 acres. She does not feel that this is substantial. D. Eskoff asks if the purchase is off the table. J. Vianna states that it is, this could go on for years.

RESOLUTION – Cornell Development, Case #911, Area Variance

MOTION: K. Veitch

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals grants the request of Cornell Development for an area variance for property located at 77 South Greenfield Road, TM#138.-1-51.11, as follows:

- **Frontage Variance of 37-feet**

This approval is based on the following:

- **This is a unique property**
- **The lots will not be substandard**
- **This is not a self-created hardship because of the uniqueness of the property**
- **This is not a substantial variance request**
- **No undesirable change to the neighborhood character or adjoining properties**
- **Any other feasible options have been ruled out**

This approval is contingent upon:

- **Planning Board approval for the changes that have come to light.**

VOTE: Ayes: Conard, Eskoff, Granger, Lunde, Veitch

Noes: None

Absent: Szpak

CASEY CORNELL – Case #912, Area Variance

South Greenfield Road

Casey Cornell and Jim Vianna, Surveyor, are present. T. Conard reviews that this is a pre-existing, non-conforming lot and that the applicant is requesting a 10-foot frontage variance and a 1.71-acre area variance. A public hearing is opened at 7:53 p.m. A letter was received from Stephan Rowland, Dominique Rowland, Stephanie Rowland and Nicholas Chandler in favor of the request. There being no other public comments, this public hearing is closed at 7:54 p.m.

P. Lunde states that we had discussed at the last meeting joining these two properties together. C. Cornell states that he has not done that yet, but can. T. Conard states that this will be going to the Planning Board for Site Plan Review and they will need that lot for parking. C. Cornell states that they tried to look at the numbers before coming to the Town. If it wouldn't work, he would not be here. They will need that lot, but there will be an adequate number of spots. P. Lunde asks if there is anything that could be done with that lot as it sits. C. Cornell states not without variances. P. Lunde asks the applicant if he would be upset if the Board granted a variance contingent upon joining the two lots. C. Cornell states that he would not. Discussion takes place as to the acreage of the combined lots. C. Cornell states that the tax bill indicates that the second lot is .45-acres. M. Granger states that the variance needed would be 1.26 acres with the lots combined and no frontage variance would be needed. Board concurs that this lessens the variance being requested and that it is good to see the property being used.

RESOLUTION – C. Cornell, Area Variance

MOTION: M. Granger

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals grants the request of Casey Cornell for an area variance for property located at 14 South Greenfield Road, TM#138.3-1-1, as follows:

- **Area Variance of 1.26 acres**

This approval is contingent upon:

- **Lots TM#138.3-1-1, 14 South Greenfield Road, and TM#138.3-1-3.2, 12 South Greenfield Road, are to be combined**
- **Meeting Planning Board requirements as to parking and the Site Plan Review**

This approval is based on:

- **The use is consistent with the surrounding neighborhood, therefore there is no undesirable change**
- **Benefit cannot be achieved by other means**
- **No adverse physical or environmental impacts**
- **Hardship is not self-created, it is a pre-existing, non-conforming lot**

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VOTE: Ayes: Conard, Eskoff, Granger, Lunde, Veitch
Noes: None
Absent: Szpak

Meeting adjourned 8:10 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland
Secretary