

**TOWN OF GREENFIELD**  
**ZONING BOARD OF APPEALS**  
**FEBRUARY 7, 2006**

**PUBLIC HEARING**

A public hearing is opened at 7:25 p.m. in the case of Daniel Mullan for an area variance for a left side yard setback. There being no public comment, this public hearing is closed at 7:26 p.m.

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**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. T. Conard welcomes the two new members to the Zoning Board and thanks them for their service to the Town. On roll call the following members are present: Taylor Conard, Michelle Granger, Paul Lunde, Kevin Veitch, Stanley Weeks and Stefan Strakos, Alternate. Gerry McKenna, Zoning Administrator, is present.

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**JANUARY 3, 2006 MINUTES:**

MOTION: P. Lunde

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of January 3, 2005 as submitted.

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

Noes: None

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**NEW BUSINESS**

**DAVID ENGLEHART – Area Variance, Case #742**

Locust Grove Road

No one is present representing this application. The applicant would like to build a front and side porch and is seeking area variances of 16' front yard setback and right side yard setback of 10'. K. Veitch states that he would like to see additional information on the neighboring property – where the house is located next door to the property line. T. Conard states that he would like to see where the applicant's house is located on his own property. S. Weeks states that he would also like to see that information in addition to the adjacent landowners names.

**RESOLUTION – D. Englehart, Case #742**

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals accepts the application of David Englehart for an Area Variance for property located at 417 Locust Grove Road, TM#138.-2-89 and sets a public hearing for March 7, 2006 at 7:25 p.m. contingent upon:

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- **The receipt of additional information requested**

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks  
Noes: None

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**RICHARD AND DIANE EULER – INTERPRETATION, Case #743**

Richard Euler and his attorney, Michael Toohey are present. The applicant is requesting an Interpretation from the Zoning Board of the Zoning Administrator's determination that the uses being requested in an application for a Special Use Permit by D. Fellows and K. Rohling fall under recreational facility. T. Conard asks G. McKenna if he has issued a written interpretation. He states that he feels that the Board needs a written ruling before making any determinations and states that the Board should set a public hearing on this case. M. Toohey states that he did not believe that was the procedure. T. Conard states that the Town Attorney has suggested that the Board hold a public hearing and reiterates the need for a written rationale for the recreational facility, which needs to be submitted to the Planning Board. M. Toohey states that the only Board in the Town that has the ability to do an interpretation is the Zoning Board. T. Conard agrees and states that the ZBA likes to get the Planning Board's recommendation. M. Toohey asks if the applicant can be informed as to when the Planning Board will have this before them. G. McKenna states that the Planning Board's next meeting will be February 28, 2006.

**RESOLUTION – R. and D. Euler, Case #743**

MOTION: K. Veitch

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals accepts the application of Richard and Diane Euler for an Interpretation and sets a public hearing for April 4, 2006 at 7:25 p.m. contingent upon:

- **Written interpretation by the Code Enforcement Officer**

Discussion takes place that 30 days are required for the Planning Board's recommendation and therefore the motion is amended as follows:

RESOLVED, that the Zoning Board of Appeals accepts the application of Richard and Diane Euler for an Interpretation and sets a public hearing for April 4, 2006 at 7:25 p.m. contingent upon:

- **Written interpretation by the Code Enforcement Officer**

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks  
Noes: None

D. Fellows asks what happens after the April 4th meeting. She states that this has been going on for months and that a threat has been made to destroy them financially and personally - as long as it would take. She asks how to go about planning around this. T. Conard states that on April 4<sup>th</sup> the ZBA will have a public hearing and then depending on what they find they will make a decision on that night. He states that they could actually delay the decision if more information is needed. He states that once the public hearing is closed, the Board has 62 days in which to make a decision. Chances are that if it is straightforward, they will make a decision that night or they have the option of tabling it for up to 62 days. The Board also has the option of reopening the public hearing at a later time, but he does not see that as being a factor. D. Fellows asks the subject matter of the public hearing. T. Conard states that would be the interpretation of the Zoning Administrator's ruling that the project is a recreational facility under the Special Use Permit. M. Toohey

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confirms that the two dates are February 28<sup>th</sup> for the Planning Board and April 4<sup>th</sup> for the public hearing at the ZBA.

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**DARLENE DUGUAY – Area Variance, Case #744**

Southwest Pass

D. Duguay is present. T. Conard reviews that the applicant would like to install an above ground pool and due to the location it would be too close to the rear property line so she would need a 45' rear yard setback variance. G. McKenna states that this is based on a 24' pool. T. Conard asks about putting the pool to the side of the garage. D. Duguay states that there is a steep grade to the side yard and it is flat behind the house. T. Conard asks what is behind her house. D. Duguay states that it is woods. K. Veitch states that the reason for keeping it behind the house is more for privacy. D. Duguay states that is true and it is flat.

**RESOLUTION – D. Duguay, Case #744**

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals accepts the application of Darlene Duguay for an Area Variance for property located at 33 Southwest Pass, TM#163.05-1-34 and sets a public hearing for March 7, 2006 at 7:25 p.m.

Discussion: S. Weeks asks if the pool will be far enough away from the house foundation. G. McKenna states that if the pool is placed directly behind the garage, it should be okay, and the applicant may also only install a 21' pool which will give her a little extra room.

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks  
Noes: None

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**TOM ELLIS – Area Variance, Case #745**

Maple Avenue

T. Ellis is present. T. Conard reviews that the applicant is seeking an area variance for front yard setback to install a handicap ramp for a new office. He will need a front yard variance of 54'. M. Granger asks about the front yard requirements in this zone. G. McKenna explains the requirement, that there is a section in that particular code that states that buildings should be uniformly setback with buildings next to it. He explains what is in the area of this parcel.

**RESOLUTION – T. Ellis, Case #745**

MOTION: K. Veitch

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals accepts the application of Tom Ellis for an Area Variance for property located at 422 Maple Avenue, TM#153.17-2-25.1 and sets a public hearing for March 7, 2006 at 7:25 p.m.

VOTE: Ayes: Conard, Granger, Lunde, Veitch, Weeks  
Noes: None

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**OLD BUSINESS**

**DANIEL MULLAN – Area Variance, Case #741**

Coy Road

Daniel Mullan is present and is seeking a 30-foot left side yard variance due to the topography to build a new house. D. Mullan explains that there is a gradual slope and the area variance would allow his daughter to have the house built on the highest point on the property. T. Conard asks about the lot next to it. D. Mullan states that he owns the lot to the left of this one and also to the right of it. D. Mullan states that the lot to the left is for his son to build on in a couple of years.

**RESOLUTION – D. Mullan, Case #741**

MOTION: K. Veitch

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals grants an Area Variance to Daniel Mullan for property located at 301 Coy Road, TM#149.-2-10.1 as follows:

- **30-foot left side yard variance**

This variance is based on the following criteria:

- **There will be no negative impact to the neighborhood**
- **There will be no environmental impact**

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

Noes: None

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**GERALD & RHONDA MAHAY – Area Variance, Case #708**

Lake Desolation Road

No one is present representing this application. A letter was received from the applicant's attorney requesting that this application be tabled indefinitely. Discussion takes place that the Board is uncomfortable tabling this from month to month, and T. Conard states that it is within the ZBA's rights to not table this. The ZBA must agree to table this and could actually vote on it tonight. This application was received on February 14, 2005 and was first before the Board for the March 2005 meeting. K. Veitch states that he would like to see the applicant come back before the Board and find out what their plans are. T. Conard states that the Board is aware that this is tied up in Court, but that is not the fault of the ZBA. Suggestion is made that the applicant can withdraw the application and then reapply once they have a court decision. S. Weeks questions that we have had a public hearing on this application and asks whether we should reopen the public hearing. T. Conard states that we probably should since so much time has passed and there may even be new neighbors. P. Lunde suggests tabling this to the next meeting and suggesting that someone attend the next meeting or withdraw the application. T. Conard states that we might want to check with the Town Attorney. K. Veitch comments that had this application been denied last year, they could be reapplying at this time. M. Granger asks if the Board has the option to deny it. T. Conard states that the Board could and that the extension has to be by mutual agreement. The ZBA does not have to go along with an extension, but he is unsure that he wants to approach it that way. He suggests that to cover our bases, we should reopen the public hearing and then dispose of it next month or the applicant could withdraw it. Discussion takes place that the application is requesting frontage on a right of way through some else's property. P. Lunde questions that if we have already had a public hearing why we need to have another. T. Conard states that it is out of fairness to everyone including the two new Zoning Board members. A letter is

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to be sent to the applicant's attorney, John Arpey, requesting that there be representation at the meeting as the Zoning Board intends to make a determination on the application after the public hearing.

**RESOLUTION – G. & R. Mahay, Case #708**

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals tables the application of Gerald and Rhonda Mahay for an area variance for property on Lake Desolation Road, TM#149.-1-1 to the March 7, 2006 meeting and will be reopening the public hearing at 7:25 p.m.

VOTE: Ayes: Conard, Lunde, Veitch, Weeks

Noes: None

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Meeting adjourned 8:00 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary