

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

APRIL 7, 2009

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, Michelle Granger, Paul Lunde, Kevin Veitch, Stanley Weeks and Stefan Strakos, Alternate. Gerry McKenna, Zoning Administrator is absent.

MARCH 3, 2009 MINUTES:

MOTION: M. Granger

SECOND: P. Lunde

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of March 3, 2009 as submitted.

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

Noes: None

NEW BUSINESS

JILL CUNNINGHAM – Case #823, Area Variance

Locust Grove Road

T. Conard states that this is a request for an area variance to subdivide a lot. The lot is 10 acres in the LDR zone, which requires a minimum of 6 acres per lot. One lot would be a keyhole lot with 40 feet of frontage and lot #2 would have 278 feet of frontage. The applicant would need a 2 acre variance. K. Veitch would like to see a new map with the location of any existing structures. M. Granger would like clarification of the surrounding properties and property lines.

RESOLUTION – J. Cunningham, Area Variance

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals accepts the application of Jill Cunningham as complete for property located at 525 Locust Grove Road, TM# 125.-2-40.2 and sets a public hearing for May 5, 2009 at 7:30 p.m. contingent upon receipt of:

- **New map with locations of any existing structures on adjoining properties to be received two weeks prior to the next meeting**

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

Noes: None

BARRY & JAIME GUSTAFSON – Case # 824, Area Variance

Malloy Road

April 7, 2009

T. Conard reviews that the applicant is seeking an area variance to install a solar electric system and they have already cleared out to the area that is necessary. In order to get it in a good sun location, they need to move it closer to the side yard. M. Granger asks what the height of the panels is. Mark Bomba states that they are about 6' to the intersection point and each one of the groupings of panels is about 10' by 10'. K. Veitch questions that the panels flex on the bases. M. Bomba states that they do to provide different angles through the seasons. K. Veitch questions that another 5' could have an impact on the height. M. Bomba states that they will get up to a maximum of about 10' maybe. In the winter months they would be about 10' high and in the summer about 7 ½' high. S. Strakos states that he has been to the property and there is nowhere else to put these. K. Veitch states that there is a mention in the application that a neighbor does not have a problem with this. The Board would like to see distances to surrounding structures. M. Granger asks B. Gustafson if they have a grouping of 6 of the panels and are they going to run in one single line. There will be 6 poles running in one single line with 14' of space between each pole. The overall area will be approximately 80' in length.

RESOLUTION – B. & J. Gustafson, Area Variance

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals accepts the application of Barry and Jaime Gustafson as complete for property located at 10 Malloy Road, TM#125.-2-13 and sets a public hearing for May 5, 2009 at 7:30 p.m., contingent upon receipt of:

- **Additional diagram with the measurements to adjoining structures to be received two weeks prior to the next meeting**

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

Noes: None

HABITAT FOR HUMANITY – Case #825, Area Variance

Medbury Road

Tonya Yasenchak, Engineering America, is present. T. Conard states that they have a pre-existing, non-conforming lot that was subdivided years ago. The lot is roughly ½ acre in the 6 acre LDR district. Frontage and lot size are existing so no variance is required for that. The applicant needs a front setback variance of 25'; a right side yard setback variance of 8' and a left side yard variance of 10'. M. Granger would like to see a map showing the surrounding lot sizes with the locations of buildings. T. Yasenchak states that they have just had a survey completed and she will provide that information.

RESOLUTION - HABITAT FOR HUMANITY, Area Variance

MOTION: K. Veitch

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals accepts the application of Habitat For Humanity as complete for property located at 17 Medbury Road, TM# 137.6-1-4 and sets a public hearing for May 5, 2009 at 7:30 p.m., contingent upon the receipt of:

- **Map showing surrounding properties and the location of adjoining buildings to be received two weeks prior to the next meeting**

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

Noes: None

April 7, 2009

OLD BUSINESS

MICHAEL & KAREN BERNSTEIN – Case #822, Area Variance

Wilton Road

Michael and Karen Bernstein are present. T. Conard reviews this is for an area variance on Wilton Road. It is an LDR district and the applicant is seeking a front yard setback variance. The original subdivision was under the old code and zoning has changed.

A public hearing is opened at 7:46 p.m. There being no public comment this public hearing is closed at 7:47 p.m.

M. Granger states that the property does seem to have a significant slope, which makes it difficult to put it any place else. T. Conard states that it doesn't seem that anyone else would be bothered by it.

RESOLUTION – M. & K. Bernstein, Area Variance

MOTION: M. Granger

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals grants an area variance to Michael and Karen Bernstein for an area variance for 225 Wilton Road, TM# 139.-1-3.22, as follows:

- **Front yard setback variance of 35'**

This is based on the following criteria:

- **The benefit cannot be achieved by any other means**
- **There will be no undesirable change to the neighborhood**
- **Given the topography of the area, there is no other option available to the applicant**
- **With the location of the septic and the well there is no option to move the house in another direction**

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

Noes: None

TERI & WILLIAM CROWE – Case #814, Area Variance

Old Stone Ridge

No one is present for the application. The variance being requested is for an outdoor wood boiler and the applicants are waiting for the new legislation to be put into place. The applicant has asked to have their application tabled.

RESOLUTION – T. & W. Crowe, Area Variance

MOTION: P. Lunde

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals tables the application of Teri and William Crowe for an area variance for property located at 10 Old Stone Ridge Road, TM#164.6-1-7, to May 5, 2009 at 7:30 p.m.

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

Noes: None

April 7, 2009

MICHAEL VINCENT – Case#782, Area Variance
Allen Road

Michael Vincent and Barry Guild are present. T. Conard reviews that this variance needs to be extended as it is about to expire. This is in the LDR district. T. Conard states that work has been done to remove more of the bank in order to get a proper sight distance so that the applicant can put in a driveway. P. Lunde states that he has seen the property, the applicant has done quite a bit of work and their time and money has been well spent. T. Conard states that they have been working with the Town since before the zoning changed. M. Vincent states that the speed limit has been changed. B. Guild states that they now have to get an engineer's report to prove that they have achieved the correct sight distance.

RESOLUTION – M. Vincent, Area Variance

MOTION: M. Granger

SECOND: K. Veitch

RESOLVED, that the Zoning Board of Appeals extends the application of Michael Vincent for an area variance for property located at 430 Allen Road, TM# 124.-2-1, as follows:

- **One (1) year extension of Area Variance to June 5, 2010**

This variance is granted based upon the same contingencies as originally approved:

- **Applicant must get sight distance review so that the only way this property can be split is with that approval**

This is based on the same criteria as originally approved:

- **The applicant has shown a history on this lot since October 8, 2002**
- **There is no other case, that the ZBA is aware of, of an applicant who has been before the Planning Board for a period of 5 years**
- **Unfortunately during that period of time the zoning changed**
- **The applicant did not go to the Planning Board with different proposals over those years**
- **The applicant met 7 times with the Planning Board from 2002 – 2007, with no change to the request only changes to allow the sight line to work**
- **There will be no change to the neighborhood as there are lots less than 6 acres**

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

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

Respectfully submitted,

Rosamaria Rowland
Secretary