

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

**JUNE 3, 2008**

**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, Stanley Weeks, and Stefan Strakos, Alternate. Kevin Veitch is absent. Gerry McKenna, Zoning Administrator is present.

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**May 6, 2008 MINUTES:**

MOTION: P. Lunde

SECOND: M. Granger

RESOLVED, that the Zoning Board of Appeals waives the reading of and accepts the minutes of May 6, 2008, as submitted.

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

Noes: None

Absent: Veitch

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**NEW BUSINESS**

**DONALD & KATHLEEN KIEFFER – Case #811, Area Variance**

King Road

T. Conard reviews that the applicant is seeking a front yard setback variance to build a 24 x 22 garage and breezeway. P. Lunde asks if this will be attached to the existing dwelling. D. Kieffer states that it will. M. Granger states that she would like to see where the neighboring structures are in comparison to the applicant's.

**RESOLUTION – D. & K. Kieffer, Area Variance**

MOTION: M. Granger

SECOND: S. Weeks

RESOLVED that the Zoning Board of Appeals accepts the application of Donald & Kathleen Kieffer for property located at 16 King Road TM#150.-2-37.2 and sets a public hearing for July 1, 2008 at 7:30 p.m. contingent upon:

- **Additional information requested being provided two weeks prior to next meeting (June 17, 2008)**

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

Noes: None

Absent: Veitch

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**OLD BUSINESS**

**ANTHONY VACCARIELLI – Case #809, Area Variance**

Route 9N (Triple J Way)

T. Conard reviews that this is an application to subdivide into 4 three-acre lots in the LDR district which is a 6 acre minimum lot size. The applicant wishes to adjourn a ruling on this until the August 5, 2008 meeting, however, in order to keep this open the Board will keep the public hearing open and hear comments at each of the next two Zoning Board meetings.

A public hearing is opened at 7:35 p.m. Paul Male asks if he should be present for each of the meetings in case there are any questions. There being no further public comments, this public hearing is closed at 7:36 p.m. This case and public hearing are adjourned to July 1, 2008.

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**JAMES ZEIGLER – Case #810, AREA VARIANCE**

Grange Road

T. Conard reviews that this is an application for an area variance on Grange Road for a shed and the applicant needs a 25' front yard variance and a 5' side yard variance. A public hearing is opened at 7:36 p.m. There being no public comments, this public hearing is closed at 7:37 p.m.

M. Granger states that the photos submitted by the applicant were very helpful. J. Zeigler states that he spoke with his neighbors and they have no problem with this. He states that he is has moved the old shed and once the new one is built the old one will be removed. S. Weeks states that it should fit in there ok. J. Zeigler states that the new shed will resemble the old one and be just a little larger.

**RESOLUTION – J. Zeigler, Area Variance**

MOTION: P. Lunde

SECOND: S. Weeks

RESOLVED, that the Zoning Board of Appeals grants James Zeigler area variances for property located at 102 Grange Road, TM#138.19-2-14, as follows:

- **25' front yard variance**
- **5' side yard setback**

This is based on the following criteria:

- **No other place to put the shed to make it reasonable**
- **No change to the neighborhood since the applicant had a shed similar to this located close to this spot**

This approval is contingent upon:

- **The removal of the existing shed**

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

Noes: None

Absent: Veitch

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**JEFFREY & DEANNE PFEIL – CONCEPT DISCUSSION**

Braim Road

Jeffrey and Deanne Pfeil are present and ask to present a conceptual plan. They own 46 acres behind their home which they would like to develop at some point. This parcel was owned by Tim Halliday, the same developer who subdivided Copperfield Road, and it was presented for subdivision at that time. J. & D. Pfeil would like to do fewer lots without the major road going through. There is access from both Daniels and Braim Road. They find that a 60' Town road would decimate the whole landscape which is all wooded with stone walls and they would like to keep it as a little country lane going in, as a private drive instead of doing a Town Road. He states that it is not a matter of cost because they will not save a tremendous amount of money by doing it the way they are proposing. They started out presenting this to the Planning Board and were referred to the Zoning Board because their plans will require variances. He states that the Planning Board was very open to the idea. J. Pfeil presents an aerial photograph on which they have superimposed the sketch plan to show where the existing neighbors are and where the proposed lots roughly are. The wells and septs are taken from the plans that T. Halliday did years ago because he had perk tests done. The new plan would be for two private drives with 3 lots on each drive. This is just a sketch plan and it would have to be engineered to work, the roads would have to be engineered, etc. M. Granger asks how long the private drives would be. J. Pfeil indicates that the one would be about 1200 to 1300'. T. Conard asks how long, roughly, is the entrance coming from Daniels Road to the area where it branches,? That is approximately 800'. P. Lunde asks that even though these are not Town roads, would they have to be built like a town road. T. Conard states that it would have to be built to hold a fire truck. G. McKenna states that it would fall under the keyhole lot driveway requirement. The lot sizes are fine, they just don't have any frontage. S. Weeks states that he is not a huge fan of shared driveways. J. Pfeil questions that the Town has done some deed language for driveways. D. Pfeil states that the County does. J. Pfeil states that the real key to shared driveways working is very strong deed covenants that make it clear what is expected. T. Conard states that the other problem that you run into is that people sharing driveways don't necessarily agree on how much it should be maintained and that is where you get into more problems than anything else. J. Pfeil talks about owning a camp on Jenny Lake with basically a shared driveway with about 50 camps on it and everyone argues about how much maintenance is required. It all works out and they compromise. T. Conard states that his mother-in-law had a camp in Maine and there were problems with the people who wanted to make their camps rear round versus those that were seasonal. Turn arounds on these lots for the fire trucks is discussed. S. Weeks asks J. Pfeil to explain again why he prefers this over a Town road. J. Pfeil states that either way they bring in a Town road it decimates the property. He uses Maddy Groves Road as an example and states that it is wider than Locust Grove Road. That property was not wooded and this one is treed from both directions with a lot of mature trees and it would just decimate it. T. Conard questions if it is possible to make a loop road through. J. Pfeil states that they do not want to do that and would still end up with shared driveways off of the loop road. T. Conard states that it wouldn't be as long. J. Pfeil states that it would then become a shortcut through. T. Conard states that he does not think it would be a shortcut because of the configuration. G. McKenna questions getting fire insurance on houses built in here. J. Pfeil states that the plan would be to sprinkler all of these houses. D. Pfeil states that it is a very beautiful piece of land that they wanted to disturb as little as possible. S. Weeks asks the difference in width for a shared driveway versus a Town road. G. McKenna states that a Town road is 60' and there is not an actual spec on a shared driveway. J. Pfeil indicates that the dotted lines shown on the plans is for the driveways and the 60' is the solid line, so it is a highway which is wider than most of the existing Town roads. M. Granger states that she thinks that over time the assessment of needs and what is really appropriate has changed such as the changes in Zoning. S. Weeks states that he is thinking of the road off of Lester Park Road, which is a Town road, and he thinks that was done pretty well. M. Granger agrees. S. Weeks asks if the Planning Board has accepted the County's specs for shared driveways. G. McKenna states that the attorney for the applicant draws up the language and then it goes to the Town's attorney for review and approval. R. Rowland states that she does not think that it can be accepted as the only language because every situation is a little bit different. Some applicants have used the County's proposed language and customized it to the situation. It all goes to the Town Attorney for review. S. Weeks states that the variance that is being asked for here is because they are

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not proposing a Town road but a shared driveway and so he is very uncomfortable with shared driveways unless he sees something on paper that is going to communicate how this is going to function. Cul-de-sacs are discussed – size, reduced frontage, etc. S. Weeks states that the cul-de-sac at Moss Creek meets all the requirements. M. Granger states that part of the issue that the ZBA struggles with, in addition to S. Weeks comments, is that the ZBA is supposed to grant the minimum variance necessary and explore to see if there are other alternatives. There are other alternatives that exist even though they may not be ideal in terms of what the applicant is looking for, so that would be part of a consideration. D. Pfeil states that there certainly is some precedent for 2 lots sharing driveways because that was done while she was on the Planning Board. S. Weeks states that he is not thrilled with that, but the Planning Board has done that. The Planning Board always kind of shuffles their feet and nobody is saying that this is the ideal solution, but D. Pfeil is right and that is true. S. Weeks states that he thinks that there needs to be better language about shared driveways and how that is all going to function. When you get to more than two he thinks that really multiplies the issues. He states that he has seen a lot of new properties where they have tried to maintain as many trees as possible, but because of trees that they have taken down, those that are left are really susceptible to winds & storms, they backfill too much around them and the trees are dying and then people are paying \$500 to get a tree taken down. J. Pfeil comments that the Town cannot police all situations. T. Conard states that the applicant was looking for an opinion from the Planning Board and that this is a new type of proposal. P. Lunde states that the Board is not necessarily opposed to it, it's just how does it get done. J. Pfeil states that they did not want to spend a whole bunch of money on planning and get a formal application in before they gave it a dry run. He states that they know it is outside the box a bit, but some of the best developments that happen are outside the box. T. Conard states that his main concern is the length of some of those driveways. J. Pfeil states that these are no longer than the driveway on the house built by Rob Courtney on Braim Road and there are a lot of driveways on Braim Road that are this long and probably more susceptible too because they are on a steep slope. Neither of these are on a steep slope. M. Granger states that the applicant talks about having the well-worded deed and that the Town states that it is the property owners problem, which is fine until there is some sort of emergency and someone needs to get in there. Then the issue becomes very different if it has not been well maintained. She states that although it is outside the box, it is looking at overall for the community, what is best for the community, and those people who are living there and how do you guarantee that it is actually going to be maintained by the people. She states that she understands what the applicant is saying about the wording of the deeds, that you are aware of it when you buy the property and that it is your responsibility. Part of her discomfort is that if it is built to a certain standard to begin with and the expectation is there that it is a Town road, it is going to have to be maintained by the Town versus a 1200' driveway that the owner of lot 4 is going to have to maintain a certain amount. What is the difference to get back to lot 4 versus the lot next to it, so that the deed is going to be worded such that lot 4 has to maintain "X" number of feet, to what standard is that going to be maintained and how is that enforced. That is some of what her concerns are when initially being presented with this. J. Pfeil states that if this were a single family lot, there would be no language required whatsoever. There wouldn't even be a requirement for a fire truck. M. Granger states that she does not disagree with that, but a couple of months ago the fire department came in and made a presentation asking for the Town's support when things come before the Planning and Zoning Boards. J. Pfeil reiterates that these houses will have sprinklers which is unprecedented anywhere in Greenfield and that is what the fire department should be advocating for, because the fact of the matter is that when there is a volunteer fire department seldom are they ever going to get there in time to save the home. That is just a fact of life, not a criticism of the fire department. S. Weeks states that chances are good that all houses will have to be sprinkled somewhere in the near future. He states that he is just concerned that we are passing along an issue to 6 individual homeowners. This may be great for the Town, they are big lots and that is all very nice, but he sees 6 individual homeowners who are going to have to deal with this down the road. He comments on the shared driveway approved off of Greene Road and he cannot imagine the two homeowners trying to maintain that grade coming out of there onto Greene Road. He thinks we did a huge disservice accepting that for a shared driveway so he is really sensitive to not passing the problem on to individuals to make what seems like something really nice now, but as you go down the road, folks are going to be fighting that issue. J. Pfeil states that these are people, sort of like Courtney's house and whoever buys it knows that they are going to have a driveway maintenance cost. He states that we are

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not talking about \$100,000 homes here. You can't afford to build \$100,000 homes anymore so people who are buying these are going to know that there is going to be a maintenance issue. T. Conard states if we do make a ruling in favor of something like this, we would need good reasons as to why this is different than a lot of other lots. There has to be a good reason for us to say yes, because we are setting a precedent. If we are going to set a precedent, we have to have boundaries on that precedent and we have to be able to say we did this because... and it has to be defensible in court. He states that there are other property owners in Town that he could see coming in and he does not want to open it up to different types of development because we make a precedent in one, so we have to have some good reasons why it fits here specifically versus any place else in Town. J. Pfeil states that he is seeing that this concept is probably not worth bringing back in a formal fashion because he sees too much difficulty for the ZBA to approve it. He asks if it is easier if it is 4 lots – two lots per shared driveway because if there is precedent for two lots on a shared driveway, the magnitude is reduced greatly. He states that there would be deed restrictions regarding no further subdivision. They would be like conservation lots. That would take the burden off the Town. S. Strakos states that is fine at first and then they can disagree. J. Pfeil states that is not the Town's problem. S. Weeks states that he is saying that the Town is passing the problem on to individual homeowners and that is what makes him uneasy. He thinks that if the Town wants this done in a certain way, that is fine. If the Town says lets let them do this and let the homeowners deal with it, that bothers him. He thinks that the Town should take a position. S. Weeks asks how many lots were proposed on the initial proposal. T. Halliday had proposed 7 lots. T. Conard states that the impact of what the applicant is asking for is a lot less. The width of a Town road is discussed. S. Weeks questions that the applicant feels that would be way to disruptive for the landscape. J. Pfeil states that it is wider than Braim Road. It would be like putting something wider than Braim Road through their property. He believes that Braim is probably 40'. G. McKenna states that the actual pavement may be but the right-of-way is still 50'. S. Weeks questions how wide the pavement has to be now. G. McKenna states it is 30' without ditches. P. Lunde questions the possibility of putting a road with a cul-de-sac from Daniels Road. The high tension wires crossing the entrance from Daniels Road are discussed. S. Weeks suggests that applicant look at the cul-de-sac in Moss Creek as it is a good example.

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## **DISCUSSION**

S. Weeks questions that the public hearing, which was adjourned for Anthony Vaccarielli, should be re-advertised and consensus is that it should.

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Meeting adjourned 8:25 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary