

ZONING BOARD OF APPEALS

TOWN OF GREENFIELD, MASSACHUSETTS
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ZONING BOARD OF APPEALS Minutes of July 12, 2012 Police Department Meeting Room 321 High Street

The meeting was called to order by Chair, Tom McLellan at 7:00 p.m. with the following members:

PRESENT: Tom McLellan, Chairman
Mark Maloney, Clerk
Scott Conti
Christopher Joseph
Howard Barnard

ALSO PRESENT: Laura DiNardo, Conservation Agent, and members of the public.

Public Hearings

7:00 p.m.: Application of CVS Pharmacy for property located at 137 Federal Street, which is located in the Limited Commercial (LC) Zoning District, for a special permit pursuant to Sections 200-6.7(F) and 200-8.3 of the Zoning Ordinance in order to allow signage that exceeds the maximum allowed signage within the LC Zoning District.

McLellan explained public hearing process to applicant – procedure/appeal period.

Maloney read the notice of hearing.

Representatives: Gary McCoy
Members of the Public: Christene Libbares, 74 Oakland Street
Margaret Fasulo, 11 Maple Street
Doris McLeod, 23 Maple Street
Don McLeod, 23 Maple Street

McCoy presented the drawing package to the Board and briefly explained the expansion/renovation of existing store. They are requesting new signage for the renovations and the new drive-thru. Within the last few hours, McCoy visited the site to assess in person and realized the proposal needed some edits; he explained that some things look great on paper and different in person.

McLellan asked if this was his first time in Greenfield for this project. McCoy confirmed it was his first time.

McCoy explained the two existing variances:

2005 – Sign to identify 24-hour operation; not part of tonight’s discussion.

2010 - Front wall sign permitted not to exceed 54 inches; presenting sign at 48 inches therefore not part of tonight’s discussion.

McCoy explained the signs they are seeking approval on:

(1) Drive-Thru Pharmacy sign, internally lit channel with letters 18 inches high.

McLellan asked what direction the traffic would enter the Drive-Thru. McCoy stated that cars could enter off the curb cut on Maple Street, off Federal Street, through the parking area, or from Franklin Street.

McCoy stressed the importance of this sign.

McLellan asked if two of these signs were actually being requested, one in front and one in rear.

McCoy stated that there was one in the front and one on the canopy in the back. The canopy sign is similar to signs at a bank, more for directional use than advertising. After seeing the site in person, Mr. McCoy would like the sign on the east elevation removed from the request; as it no longer seems appropriate.

McLellan asked if the sign would be completely removed. McCoy stated yes, he could see no benefit.

Maloney confirmed that the applicant would like to retain the Drive-Thru Pharmacy sign on the canopy but remove the rest of the CVS 24 Hour sign requests.

McCoy confirmed yes.

- (2) North elevation sign at corner has value to people entering the site from Maple Street.

Maloney stated that the applicant is also requesting a substantially sized monument sign off Maple Street.

McCoy stated that after visiting the site in person he is not sure if the monument sign would be appropriate.

Maloney stated that he would be more inclined to approve one sign but not the other, need a trade off.

McCoy agreed that the Maple Street entrance was becoming a little crowded.

Maloney stated that it could create a problem to the line of sight and would make a huge difference to Maple Street.

McLellan confirmed that the monument sign would be removed from plans.

- (3) Replace the freestanding sign with a 30-foot pylon sign.

McLellan asked how tall the existing sign is. McCoy stated around 30-feet.

Maloney stated that there are no signs in the LC District that exceed 16-feet. McLellan added that the Walgreens Pharmacy sign is 15-feet.

McLellan asked if they planned to relocate to the center of property. McCoy stated that they proposed to put the new sign in the 'landscaped area' marked on plans.

McLellan expressed concern about them losing four (4) parking spaces for the sign. McCoy stated that the site plan has been approved by the Planning Board; someone else proposed and approved that change.

The Board expressed concern about the size of the new sign. McCoy agreed that 30-feet would not be necessary but he stressed the importance of the static message board. The message board would not flash and/or stream.

McLellan stressed that the sign would not flash or stream; it would remain static.

McLellan asked if the new sign is approved would the old sign definitely be removed. McCoy stated yes.

McCoy would like to see the sign around 20-feet high; he believes aesthetically that would be best.

Barnard suggested that the sign would be more visible if it was lower than the proposed 30-feet.

McCoy agreed, the design was probably decided based on the existing sign height.

Maloney expressed concerns. The Walgreens sign is on a pole, they are proposing a substantial structure/monument. He is concerned overall with the size, the line of sight for cars turning on Federal Street, and the message board (although he is glad it is static). He understands the arching structure is designed to help sight but it is still more obstructive than a pole or two poles. McCoy agreed that these concerns are reasonable.

McLellan asked how far the sign would be from the curb.

McCoy confirmed that the size of the 'landscaped area' is 17' 19".

Maloney asked if the island existed now. McCoy stated no.

Maloney asked if the sign were reduced from 30 feet to 20 feet in height would the structure shrink in proportion.

McCoy confirmed that the sign would be around 14 feet back from the street. Front edge of pylon would be around 14-feet from travel lane. His guess is the sidewalk area is around 4-4.5 feet wide.

Maloney expressed concern about the on-street parking in that location, the sign would add to obstruction.

Maloney asked if he was willing to shrink the sign by one third. McCoy answered yes.

McLellan stated he was willing to allow a sign greater than Walgreens (15 feet) because the building is positioned on a hill.

Barnard added that there was a school on top of the hill. Maloney asked how wide the message board would be. McCoy stated 3-feet and 8-inches high. The message board was bought not made so the dimensions of the message board were less negotiable. Maloney stated that they might make smaller boards. The Board discussed the size of Walgreen's board. McCoy thought it would be around the same size as Walgreens.

The Board recapped:

Canopy "Drive-Thru pharmacy" Franklin Street side - OK

McLellan asked if this would be internally illuminated. McCoy stated no, it had been changed to non-lit.

In front, "Drive-Thru pharmacy" Federal Street side OK

Maloney asked if the letters were 9-inches high. McCoy stated the capital letter is 18-inches high.

McCoy stated the canopy letters were 9-inches high.

McLellan stated he was less concerned with the front of building.

The monument sign is removed completely from plan, Maple Street side - OK

The north 24-Hour sign will be internally lit - OK

Barnard asked if the west-side canopy would also have a sign. McCoy stated yes, the side and entrance of canopy have signs but there will be no sign on exit portion of canopy.

Conti confirmed that when customers leave the drive-thru they would be facing Federal Street.

McCoy stated that the signs on the front of building (facing Federal St) are all internally illuminated including the sign on the North.

Members of the Public:

Margaret Fasulo, 11 Maple Street – Would like clarification on the canopy. McLellan stated canopy is covering over Drive-thru. Fasulo asked if that expansion was where the old movies used to be. McLellan confirmed no other side of building, customers would always drive from east to west through drive-thru.

Don McLeod, 23 Maple - stated that he was comfortable with where the discussion was going.

Christine Libberes, 74 Oakland – grew up around the Maple Street area; owns 145 Federal Street and has had water problems on property. Run-off from parking lot and snow storage melt has caused drainage problem on her property. Damage to property has been substantial. McLellan stated he would bring attention of the issue to the DPW. McCoy told Libberes that he would forward the request to CVS, McCoy does not work for CVS but he will pass along message.

McLellan stated that they were only permitting the signs, not landscaping.

Correspondence:

Mark Snow, Building Inspector – read by McLellan, no comments

Letter from Terry Reynolds, T Reynolds Engineering, dated July 12, 2012, owns multi-family house off Maple Street. He is concerned about the possible decrease in his property value due to decrease in tenants. The sign he is concerned about (monument on Maple Street) has been removed from plan.

Pylon sign discussion:

Maloney discussed decreasing the sign by 10-feet in height; expressed concern about the arch opening.

McCoy stated that the whole structure would shrink uniformly, currently 13 feet-from ground to arch.

Board discussed that the opening would shrink to around 8 feet; concerned about line of site.

McCoy stated that the whole structure would shrink by one-third except the message board, which would remain the same.

McLellan asked if the sign could be a maximum of 20-feet high with all other dimensions reduced in-kind except for the height of the message board. McCoy stated that would make sense and would work.

Barnard asked if that left enough room to see through the arch. Board confirmed that the arch would be around 10-feet (one-third of 13.2 ft).

Maloney asked if the front edge of pylon sign could be moved back off the sidewalk in the 17.9-foot area; maybe 10-inches off the back of landscaped area. McCoy stated that would work fine.

Maloney asked if the landscaped area was just grass or if there was shrubbery. McCoy stated that the landscaped area was usually grass.

Maloney reminded Board that they must remove the existing freestanding sign

Hearing is closed 7:40 p.m.

Board Discussion:

Maloney stated he has no problems as long as we set conditions.

Remove monument sign n Maple Street

Shrink pylon sign

West elevations – OK

Non-illuminated drive thru signs on canopy - OK

Move pylon to back of landscaped area (12 inches)

Joseph had concerns about message board, very close to elementary school

Barnard and Conti had no concerns.

McLellan stated that the message board must be non-flashing and non-streaming.

MOTION: Moved by Maloney, seconded by Joseph, and voted 5:0 approve the request for a special permit pursuant to Sections 200-6.7(F) and 200-8.3 of the Zoning Ordinance in order to allow signage that exceeds the maximum allowed signage within the LC Zoning District with the following conditions:

1. The proposed monument sign at the corner of Maple Street and CVS shall be removed in its entirety.
2. The signage of the east elevation (Franklin Street) shall be removed in its entirety except for the non-illuminated nine-inch high Drive-Thru Pharmacy letters on the canopy.
3. The signage on north elevation shall be allowed and shall be illuminated.
4. The thirty-foot high internally illuminated pylon sign shall be reduced to twenty-feet in height, at maximum, with all other dimensions reduced proportionally except for the height of the electronic message board. In addition, the pylon sign shall be moved back within 12-inches of the proposed landscape area. The electronic message board shall be non-flashing, non-streaming, and non-scrolling.
5. The current existing freestanding pylon sign shall be removed in its entirety.

7:15 p.m.: Application of Howard Natenshon for property located at 746 Colrain Road, which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-7.5 and 200-8.3 of the Zoning Ordinance in order to allow a two-bedroom Bed and Breakfast at this location.

McLellan explained public hearing process to applicant –procedure/appeal period.

Maloney read the notice of hearing.

Representatives: Rosemary C. Natenshon

Members of the Public: None

Natenshon explained she would like to have guests stay over and enjoy home; they have a large backyard, tennis courts, maintained lawn/house, swimming pool, driving range, they host events, and entertain. Their children went to the Deerfield academy. With the Deerfield Inn closing, they feel the need to help with overflow from parent’s weekend, etc.

Maloney stated that they received a parking plan. The parking spaces would be in front of the garage. The applicant is only asking for two rooms. The garage holds two cars. Parking is fine as presented.

Correspondence:

Board of Health, Nicole Zabko – read by Maloney, multiple conditions/comments.

McLellan asked if applicant had a copy of letter. Natenshon had not seen letter; she will visit Health Department to discuss further.

Planning Board – read by McLellan, positive recommendation.

Mark Snow, Building Inspector – read by Maloney.
Natenshon will not be posting signs, word of mouth for advertisement.
Historical Commission – read by Maloney, no jurisdiction.

Natenshon asked the Board about the check she owed. Natenshon submitted the check she owed and DiNardo gave Natenshon the check she had originally submitted.

McLellan asked how many bathrooms were in the house. Natenshon stated three full bathrooms. McLellan stated one bathroom needed to be dedicated to the Inn. Natenshon stated that was no problem.

Hearing Closed 7:55 p.m.

Board Discussion:

Board looked at pictures of the B&B submitted by applicant.
Board sees no issues with issuance of permit.

- MOTION:** **Moved by Maloney, seconded by Barnard, and voted 5:0 to approve the request for a special permit pursuant to Sections 200-7.5 and 200-8.3 of the Zoning Ordinance in order to allow a two-bedroom Bed and Breakfast at 746 Colrain Road with the following conditions:**
- 1. The Applicant must comply with all conditions stated in the Town of Greenfield Board of Health letter dated July 5, 2012; and**
 - 2. The Fire and Health Departments shall inspect and approve the location prior to the opening of facility to the public.**

7:30 p.m.: Application of Michael Swain for property located at 56 Newell Pond Road, which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-6.1(C) and 200-8.3 of the Zoning Ordinance in order to allow the construction of a replacement garage that currently does not meet the side yard setback.

McLellan explained public hearing process to applicant.

Maloney read the notice of hearing.

Representatives: Michael Swain, Homeowner
Members of the Public: None

Michael Swain stated his garage is in bad shape, the size of the current structure restrains him from parking his truck in all the way and shutting the door. He plans to put a 12-foot addition on back of garage so he can accommodate vehicles.

Maloney asked what the setback restrictions were. Swain stated there was a 20-ft side yard setback. He hired a surveyor to check the property, thinks it was around 13-feet.

McLellan stated that the new structure will not be closer to side.

Maloney stated that his is a pre-existing non-conforming structure.

Joseph stated that Swain was not going to make the structure more non-conforming.

Correspondence:

Board of Health – read by McLellan, no comments
Planning Board – read by McLellan, positive recommendation
Fire Department – read by McLellan, no issues
Mark Snow, Building Inspector – read by McLellan, no issues
Historical Commission – read by Maloney, no jurisdiction

Conti asked if this would interfere with the septic. Swain stated that the garage extension would not interfere.

Hearing is closed at 8:01 p.m.

Board Discussion:

Maloney stated Swain is not extending the non-conforming end of garage, has no concerns.
The Board could not think of any conditions.
The Board had no further comments.

MOTION: Moved by Maloney, seconded by Barnard, and voted 5:0 approve the request for a special permit pursuant to Sections 200-6.1(C) and 200-8.3 of the Zoning Ordinance in order to allow the construction of a replacement garage that currently does not meet the side yard setback at 56 Newell Pond Road.

Correspondence

McLellan read letter from Ethier Management Inc. regarding the condominium project in Greenfield.

Proposed changes:

Building Five was approved as a two-story building with four two-bedroom units.

They are now proposing to build a one-story building with two two-bedroom units.

They will be built of the same foundation and location as originally submitted.

There is a demand for one-floor living.

Building Four was approved as a two-story building with three three-bedroom units and one two-bedroom units.

They are now proposing to build all four units as three-bedroom units.

They have also requested a two-year extension, which would extend them to February 22, 2015. Will submit final plans with building permit application.

Some members of the Board did not receive the information prior to the meeting.

The Board will not meet again until September.

Maloney has no problem with the extension at this time.

McLellan suggested approving the extension. The Board would like Eric Twarog, the Director of Planning and Development, to submit information to all members before the September meeting. The changes can be decided at the next meeting.

The Board would like the applicant to attend the September meeting.

MOTION: Moved by Barnard, seconded by Maloney, and voted 5:0 to approve the extension of the Ethier Management Inc. permit to February 22, 2015.

Approval of Meeting Minutes from June 14, 2012

MOTION: Moved by Barnard, seconded by Conti, and voted 5:0 to approve the minutes from June 14, 2012 as written.

Annual Reorganization

MOTION: Moved by Maloney, seconded by Barnard, and voted 5:0 to have Tom McLellan as Chairman of the Zoning Board of Appeals.

MOTION: Moved by Barnard, seconded by Conti, and voted 5:0 to have Mark Maloney as Clerk of the Zoning Board of Appeals.

Adjourn

MOTION: Motion to adjourn at 8:30 p.m.