



William F. Martin
Mayor

City known as the Town of
GREENFIELD, MASSACHUSETTS

ZONING BOARD OF APPEALS

Town Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1549 • Fax 413-772-1309
EricT@greenfield-ma.gov • www.greenfield-ma.gov

Members:
Twarog, Eric
Director, Planning & Dev.

Barnard, Howard (2015)
Conti, Scott (2013)
Joseph, Christopher (2014)
Maloney, Mark (2013)
McLellan, Thomas (2013)
Ronhave, Steven (2015)

ZONING BOARD OF APPEALS
Minutes of February 14, 2013
Police Station 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

ABSENT: Howard Barnard and Alternate Steven Ronhave

ALSO PRESENT: Eric Twarog, Director of Planning and Development; Peter and Samantha McIver; Carolyn A. Parker representing CVS Pharmacy; and members of the public.

CHAIRS STATEMENT: This meeting is being recorded. If any other persons present are doing the same you must notify the chairperson at this time. No one responded.

Chairman McLellan explained to the two applicants present that the approval of a special permit requires a super majority which is 4 out of 5 votes in the affirmative. Since there are only four members present, Chairman McLellan gave the applicants the option of waiting for the next meeting at which there may be 5 members present. Both applicants agreed to proceed with only four members present.

Public Hearings:

- a. **7:00 p.m.:** Application of Samantha McIver, for property located at 234 Conway Street, which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-4.4(C7) and 200-8.3 of the Zoning Ordinance in order to allow the establishment of a Family Day-Care Home at this location.

McLellan explained the public hearing process to the applicant. Maloney read the public notice into the record. Members sitting were Thomas McLellan, Chairman; Mark Maloney, Clerk; Scott Conti; and Christopher Joseph. Also in attendance were Peter and Samantha McIver, Applicants.

McLellan Introduced the Board members sitting and asked the Applicant Samantha McIver to introduce herself and explain what she wants to do.

McIver Explained her proposal of a Family Day Care Home at 234 Conway Street to the Board. She stated that she received approval from the state for up to six (6) children at this time with the potential to expand to ten (10) children.

Joseph Asked if the state approves up to ten (10) children, if she would stay at 234 Conway Street.



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- McIver Responded that it is their hope to move from this location so that if the state approves up to ten (10) children, it would likely be at another location.
- McLellan Inquired about the hours of operation.
- McIver Responded 7:30 a.m. to 5:30 p.m.
- McLellan Inquired about drop offs and pick ups because the driveway at 234 Conway Street would only allow for a few cars to be parked.
- McIver Responded that people typically take about 5 minutes to drop off and pick up their children.
- Maloney Inquired whether the driveway allows one to turn around.
- McIver Responded no.

Chairman McLellan opened the hearing for public comment. No public input.

Maloney read review comments from the Planning Board and Inspections Department.

Public Hearing closed at 7:08 PM

Discussion/Decision

Samantha McIver, 234 Conway Street

- Maloney Stated that he has no issues with the application because she received state approval. Parking is somewhat of an issue but since it is only an additional five vehicles or less, he has no concerns.
- Conti Concurs with Maloney.
- Joseph Stated that it is good to have a new business in town and that he has no issues with the proposal.

MOTION: Moved by Maloney, seconded by Conti, and voted 4:0 to approve the application of Samantha McIver, for property located at 234 Conway Street, which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-4.4(C7) and 200-8.3 of the Zoning Ordinance in order to allow the establishment of a Family Day-Care Home at this location.

- b. 7:15 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(F1) and 200-8.3 of the Zoning Ordinance in order to allow the installation of interior styrene panels with and without text to the windows.



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McLellan explained the public hearing process to the applicant. Maloney read the public notice into the record. Members sitting were Thomas McLellan, Chairman; Mark Maloney, Clerk; Scott Conti; and Christopher Joseph. Also in attendance was Carolyn A. Parker representing CVS Pharmacy.

- McLellan Introduced the Board members sitting and asked the Applicant's representative, Carolyn A. Parker, to introduce herself and explain what CVS Pharmacy wants to do.
- Parker Explained to the Board that CVS has done some interior modifications to the store at 137 Federal Street so that there now exists white panels in the interior of the store that are placed behind the cash register, photo shop, and cigarette areas which blocks these areas from being seen from the windows on the outside of the store. The request before the Board is to allow CVS to place styrene panels in mullions attached to the windows with photographs of historic places in Greenfield in order to block the view of the white panels which currently exist in the interior of the store. CVS is asking for a special permit to increase the maximum coverage of the windows allowed in the Zoning Ordinance from twenty (20) percent to forty (40) percent. Ms. Parker further explained that the only text being requested is the "Open 24 Hours" text.
- Maloney Inquired why CVS didn't choose to cover the white panels directly.
- Parker Responded that CVS would prefer to put the proposed historic photos in mullions attached to the windows for aesthetic purposes.
- McLellan Inquired how far the existing white panels are from the window.
- Parker Responded about twelve inches.

The Board discussed whether a special permit was necessary for this request. Ms. Parker explained to the Board that after consultation with the Department of Planning and Development and CVS that it wasn't totally clear whether a special permit was required or not so the consensus was to go before the Board for a decision. Director Twarog stated that he was leaning toward the conclusion that a special permit was not required but that CVS Pharmacy made the final call to proceed with the special permit request.

Chairman McLellan opened up the public hearing for public comment.

Richard Paige, 11 Maple Street, Greenfield

Mr. Paige stated that he was not able to review the proposed plans and so asked the board if he could look at the plans before them. The Board allowed Mr. Paige to review the proposed plans. After reviewing the plans, Mr. Paige stated that he has no issues with the proposal.

Maloney read review comments from the Planning Board. McLellan read review comments from the Fire Department and the Inspections Department. The Board discussed the Building Inspectors comments and reached consensus that the proposed styrene panels do not fall under the State Building Code. The Board requested that Director Twarog provide Ms. Parker a copy of the Building Inspector's comments.



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Public Hearing closed at 7:33 PM

Discussion/Decision

CVS Pharmacy, 137 Federal Street

Maloney Stated that there should be a condition if approved that the styrene panels be no larger in area than the existing white panels in the interior of the store.

Joseph Stated that there should also be a condition that there is to be no advertising allowed on these styrene panels.

McLellan Stated that there should be a condition that the only text allowed is the "Open 24 Hours" text as proposed.

MOTION: Moved by Conti, seconded by Joseph, and voted 4:0 to approve the 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(F1) and 200-8.3 of the Zoning Ordinance in order to allow the installation of interior styrene panels to the windows with the following conditions:

- 1) The styrene panels, the purpose of which is to cover the existing white panels in the interior of the store from view from the outside of the store, shall be no larger in area than these existing white panels;
- 2) No text shall be allowed on the styrene panels with the exception of the text "Open 24 Hours";
- 3) No advertising shall be allowed on the styrene panels.

Approval of Minutes:

MOTION: Moved by Conti, seconded by Joseph, and voted 4:0 to approve the Minutes from November 8, 2012.

Adjournment:

MOTION: Moved by Maloney, seconded by Joseph, and voted 4:0 to adjourn the meeting at 7:45 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning and Development