



**William F. Martin**  
Mayor

City known as the Town of  
**GREENFIELD, MASSACHUSETTS**

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**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 May 30, 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      Howard Barnard  
Scott Conti      Christopher Joseph      Alternate Steve Ronhave

**ALSO PRESENT:** Eric Twarog, Director of Planning & Development and Applicants.

**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.

Public Hearings:

- a. **7:00 p.m.:** Application of Dawn Jenner for property located at 451 Davis Street, which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-6.2(E) and 200-8.3 of the Zoning Ordinance in order to allow a six (6) foot high fence along a portion of the front yard along Harrison Avenue.

McLellan explained the public hearing process to the Applicant. Maloney read the public notice into the record. Members sitting were Mark Maloney, Clerk; Howard Barnard; Scott Conti; Christopher Joseph; and Steve Ronhave. Also in attendance were Dawn Jenner, Applicant, and Susan Bradford.

McLellan      Introduced the Board members sitting and asked the Applicant to introduce herself and explain what she wants to do, where she wants to do it and why.

Jenner      Explained her request to allow the installation of a six (6) foot high cedar stockade fence along a portion of Harrison Avenue for privacy purposes.

Maloney      Asked if what is shown on the submitted plan is the only fencing proposed.

Jenner      Responded yes.

Joseph      Asked if the existing fencing along the property line is hers or is owned by the abutting property owner.

Jenner      Clarified that the existing fencing is for 447 Davis Street.

Maloney      Read correspondence from the Planning Board, Fire Department, and the Town Engineer.



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McLellan Inquired how far from the property line the fence will be installed.

Jenner Responded about ten (10) feet.

Maloney Asked if there are sidewalks along the property.

Jenner Responded no.

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

**Public Hearing closed at 7:08 p.m.**

**Discussion/Decision**

**Dawn Jenner, 451 Davis Street**

Maloney Has no issues with this request but suggests that a condition be placed on any approval that the Applicant be required to obtain an Excavation Permit from the Department of Public works prior to the installation of the fencing.

Barnard Concurs with Maloney, has no issues with this request.

Conti Stated that the request is in scale with the neighborhood so he has no issues with this request.

Joseph Since the existing fencing that isn't being maintained is the abutting property owners at 447 Davis Street, has no issues with this request as there is no reason why this fencing wouldn't be maintained.

Ronhave Concurs with previous comments and so has no issues with this request.

Maloney Inquired why a four (4) foot fence wouldn't work since this would not require a special permit.

Jenner Responded that a four foot fence wouldn't provide the privacy that she is seeking.

**MOTION:** Moved by Maloney, seconded by Barnard, and voted 5:0 to approve the application of Dawn Jenner for property located at 451 Davis Street, which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-6.2(E) and 200-8.3 of the Zoning Ordinance in order to allow a six (6) foot high cedar stockade fence along a portion of the front yard along Harrison Avenue with the condition that the Applicant obtain an Excavation Permit from the Department of Public Works prior to the installation of the fence.

Approval of Minutes:



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**MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to approve the Minutes from April 11, 2013.**

- b. **7:15 p.m.:** Application of Studio Junction, LLC for property located at 56 Bank Row, which is located in the Central Commercial (CC) Zoning District, for a special permit pursuant to Sections 200-4.7(C10), (C16) and 200-8.3 of the Zoning Ordinance in order to allow either “wholesale trade and distribution” or a “trade shop” 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; Howard Barnard; Scott Conti; and Christopher Joseph. Also in attendance were Tom Douglas, Architect; and Brad McCallum, Applicant.

McLellan Introduced the Board members sitting and asked the Applicant to introduce himself and explain what he wants to do, where he wants to do it, and why.

Douglas Introduced himself as the Architect who worked on both Jordi Herold’s buildings on Bank Row and Mark Zaccheo’s buildings on Olive Street and Allen Street. He also introduced the owner Brad McCallum and presented the plan to the Board clarifying that the current request is just for the first floor.

McCallum Reviewed the previous uses of the building and stated that he has owned the building for about five years.

McLellan Inquired on whether he owns the abutting lot as well and if so, would the Energy Park sign come down when the parking area is constructed.

McCallum Responded that he does own the abutting parcel but that he would work with the Town to retain the Energy Park sign when the parking area is constructed.

McLellan Inquired on whether the building has an elevator.

Douglas Responded no.

McLellan Inquired about truck traffic.

McCallum Responded that they have found a way to maneuver the trucks for minimal impact to traffic flow on Bank Row.

Maloney Asked if the owner would consider the proposed use for the first floor to be light manufacturing or assembly.

McCallum Responded that he would consider the proposed use of the storage and assembly of outdoor showers to be assembly not light manufacturing. Stated that the trade shop option would work best in terms of obtaining a tenant and for his own trade as an artist/furniture maker. Stated that



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he received a Façade Improvement Grant from the Department of Planning and Development which he used to paint up the front façade and part of the side of the building. Stated that he has received approval for both state and federal historic tax credits for renovation of the building. Also stated that in about a year or two, he would be in a position to further develop the building.

McLellan Inquired on parking.

McCallum Responded that Oberain, proposed tenant for first floor, would park in front of the building and would move their vehicles if a truck needs to make a delivery.

A clarification was made that parking isn't required within the Central Commercial Zoning District.

Maloney Inquired on whether there would be any retail for either use.

McCallum Responded no.

Maloney Read correspondence from the Planning Board, Fire Department, Historical Commission, and the Building Inspector.

Maloney Inquired on ADA requirements.

Douglas Responded that any new entrance would need to be ADA compliant. Stated that any renovations to the building worth more than 30 percent of the value of the building would trigger ADA compliance for the entire building.

Maloney Inquired on rest rooms.

Douglas Responded that any new rest rooms would need to be ADA compliant.

Barnard Inquired on how much space there is before the slope.

McCallum Responded about six (6) feet.

Maloney Asked if historic tax credits could be used to restore the existing signage on the side of the building.

McCallum Responded that he doesn't plan on restoring the existing signage.

Douglas Stated that windows have been approved for that side of the building which will break up the existing signage. The windows meet National Park standards even though they will not exactly match the existing windows.

Conti Expressed concerns about the lack of parking in the area as the on-street parking on Olive Street was removed for safe bus turning for the John W. Olver Transit Center.



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The Board discussed parking in this area of Town and the plans for a parking garage in this location.

McLellan Inquired on shrubbery.

McCallum Responded that he likes well-done shrubbery and plans on re-doing the shrubbery on the property as the existing shrubbery is shabby in his opinion.

Joseph Inquired on trash removal.

McCallum Responded that trash removal will be the responsibility of the tenant.

Joseph Inquired about a dumpster along Bank Row.

McCallum Responded that trash hasn't been an issue and that any future dumpster would be on the north side of the property and not along Bank Row.

Joseph Inquired on whether there would be any noise, odors, or hazardous waste resulting from the proposed use.

McCallum Responded no.

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

**Public Hearing closed at 7:42 p.m.**

**Discussion/Decision**

**Studio Junction, LLC, 56 Bank Row**

Maloney Stated that since historic tax credits are not their concern and town boards and departments had no major concerns on the proposed use, he has no issues with the request but suggests a condition be placed on any approval that the Applicant upgrade the old city box with a new radio alarm box or have the fire alarm system monitored by a central station as per the Fire Department's memo dated May 7, 2013.

McLellan Stated that he is glad to see a positive re-use of the building and so has no issues with the request.

Barnard Stated that he is glad to see a positive re-use of the building as well and so has no issues with the request.

Conti Stated that he is glad to see a positive re-use of the building as well and so has no issues with the request.

Joseph Stated he has no further comments.



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- MOTION:** Moved by Maloney, seconded by Barnard, and voted 5:0 to approve the application of Studio Junction, LLC for property located at 56 Bank Row, which is located in the Central Commercial (CC) Zoning District, for a special permit pursuant to Sections 200-4.7(C10), (C16) and 200-8.3 of the Zoning Ordinance in order to allow either “wholesale trade and distribution” or a “trade shop” at this location with the condition that the Applicant upgrade the old city box with a new radio alarm box or have the fire alarm system monitored by a central station as per the Fire Department’s memo dated May 7, 2013.
- c. 7:30 p.m.: Application of Nathan Brown for property located at 258-260 Chapman Street, which is located in the Urban Residential (RA) Zoning District, for a variance pursuant to Section 200-8.7 of the Zoning Ordinance in order to allow a reduction in the existing frontage from 47.89 feet to twenty (20) feet in order to facilitate a land swap.

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; Howard Barnard; Scott Conti; and Christopher Joseph. Also in attendance were Dan Werner, Surveyor; Nathan Brown, Applicant; and Michael and Jennifer Perreault, owners of 258 Chapman Street.

McLellan Introduced the Board members sitting and asked the Applicant to introduce himself and explain what he wants to do, where he wants to do it, and why.

Werner Handed out full-size plans of a revised survey showing the location of driveways and buildings to the Board and explained the variance request to the Board. Stated that Mr. Brown would like to put up a detached garage but cannot put up a structure on the easement area (Easement Area A on submitted survey plan).

Maloney Inquired on where Mr. Brown would like to construct the detached garage.

Brown Responded that he would like to put the detached garage in Easement Area A.

Maloney Inquired on how far back from the street would the garage would be.

Brown Responded about 30 feet.

Maloney Inquired of the property owners of 258 Chapman Street on the addition that they desired when they appeared before the Board five years ago.

Perreault Responded that the addition has already been constructed.

Board clarified for the Applicant that the request is a variance request and not a special permit request.

McLellan Read the three required criteria that need to be met before a variance could be granted and stated that five years ago the Board had issues with criteria #1 being met.



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- Joseph Stated that five years ago Chairman McLellan voted against the variance request.
- McLellan Confirmed that he did vote against the request the first time around due to concerns about meeting Criteria #1.
- Brown Stated that granting the variance request would facilitate the sale of either property if needed in the future.
- Joseph Inquired on the frontage requirement for this district.
- Twarog Responded 65 feet for the Urban Residential Zoning District.
- Joseph Inquired on why the 65 foot requirement was adopted.
- Maloney Responded that the 65 foot requirement facilitated single family home development in the urban core.
- McLellan Asked why the Applicant waited five years to come back before the Board.
- Brown Responded that he has finally decided that he wants a garage for the property. He also stated that that he knew that there are new Boards members on the ZBA since the last time he appeared before the Board.

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

**Public Hearing closed at 8:00 p.m.**

**Discussion/Decision**

**Nathan Brown, 260 Chapman Street**

- Maloney Stated that granting the variance request would clean up an existing odd situation. Argued that the three required criteria for granting a variance have been met in this case.
- McLellan Concurs with Maloney.
- Barnard Concurs with Maloney.
- Conti Concurs with Maloney.
- Joseph Concurs with Maloney.

**MOTION:** Moved by Maloney, seconded by Barnard, and voted 5:0 to approve the application of Nathan Brown for property located at 260 Chapman Street, which is located in the Urban Residential (RA) Zoning District, for a variance pursuant to Section 200-8.7 of the Zoning



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**Ordinance in order to allow a reduction in the existing frontage from 47.89 feet to twenty (20) feet in order to facilitate a land swap with 258 Chapman Street.**

Action Item:

Board Recommendation to the Planning Board on the Proposed Moratorium on Medical Marijuana Dispensaries/Treatment Centers

The Board discussed the proposed moratorium and had no issues with it other than the one-year time period. The Board reached consensus that the moratorium should be no longer than six (6) months from the date of adoption.

Adjournment:

**MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to adjourn the meeting at 8:15 p.m.**

Respectfully Submitted,

Eric Twarog, AICP  
Director of Planning and Development