



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

William F. Martin
Mayor

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 July 25, 2013
Police Station Meeting Room
321 High Street

The meeting was called to order by Chair, Tom McLellan at 7:03 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 William Callahan, M.D., for property located at 38 Church Street, which is located in the Semi-Residential (SR) 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 expansion of a legal non-conforming use at this location, specifically the Meadow Green Nail Center.

McLellan explained the public hearing process to the Applicant. Maloney read the public notice into the record. Members sitting were Tom McLellan, Chair, Mark Maloney, Clerk; Howard Barnard; Scott Conti; and Christopher Joseph. Also in attendance were Dr. William Callahan, Applicant, Pat Senf, owner of the Meadow Green Nail Salon; and members of the public.

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.

Callahan Explained his request to the Board. Stated that his address is actually 34 Church Street, not 38 Church Street and that his mailing address is 5 Park Street.

McLellan Asked what is unique about the Meadow Green Nail Salon over traditional nail salons and how it ties to a medical office.

Senf Responded that she has had this nail salon business for twenty years. Prior to that she was in medicine for twenty-five years as an x-ray technician. Ms. Senf stated that she has worked hard over the years to make Meadow Green Nail Salon a unique business that is different from traditional nail salons. She works with patients who have had hip and knee surgeries because it is difficult for such people to take care of their feet while recuperating. She works with people with arthritis, diabetes, multiple sclerosis and other physically and mentally challenged people. Local



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doctors trust sending their patient to her because of her experience. Stated that she does do regular pedicures as well.

- Maloney Asked if walk-in traffic is allowed.
- Senf Responded that she does allow walk-ins but at this time she is fully booked so there are no walk-ins.
- Maloney Inquired on the number of employees.
- Senf Responded no employees, just herself.
- Maloney Inquired what other businesses are in the building.
- Callahan Responded Ideal Weight Loss Center, Home Health Aid Group, and Accupuncture.
- Barnard Inquired on whether the Meadow Green Nail Salon accepts insurance.
- Senf Responded no, people pay out of pocket.
- Maloney Inquired on hours of operation.
- Senf Responded Monday through Friday from 9:00 a.m. to 7:00 p.m.
- McLellan Read correspondence from Fire Department which had no issues with the request.
- Maloney Read correspondence from the Planning Board, Health Department, Inspections and Enforcement Department, Department of Public Works, and the Historical Commission.
- McLellan Inquired about additional signage for the business.
- Callahan Responded that there will be another smaller sign that meets the requirements of the Zoning Ordinance.

Chairman McLellan opened up the hearing for public comment.

Eric Green, 40 Church Street, Greenfield

Mr. Green stated that he has been neighbors with Dr. Callahan since he moved in and has never seen any issues with traffic. He supports the request.

Rick Miller, 69 Franklin Street, Greenfield

Stated that he moved in seven years ago and knows Dr. Callahan personally. Dr. Callahan's business is well maintained as well as his residence. He supports the request.



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Teresa Conti, 46 French King Highway, Greenfield
Stated that she supports the request.

Jane Markoski, 443 Green River Road, Greenfield
Stated that she went to a Main Street nail salon and had to report it to the Board of Health because it was so bad. They reused the instruments without sanitization. She supports the request.

Ronhave Stated that the proposed use conforms to the neighborhood.

Public Hearing closed at 7:32 p.m.

Discussion/Decision

William Callahan, M.D., 38 Church Street

Maloney Has no issues with this request but suggests that a condition be placed on any approval that the approval runs with the business (Meadow Green Nail Salon) and not his property. Stated that the Board has approved such requests in the past including a business in this neighborhood. There are existing businesses in the neighborhood as well. Stated that the Board can set hours of operation and that parking is not an issue.

Joseph Made a statement that the Board can use discretion in their decisions in addition to following the rules.

Board discussed the issue of nonconforming uses in general.

Joseph Stated that he supports this request especially given that the outspoken support from the neighborhood.

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

Conti Stated that he has no issues with this request since the majority of clients are by appointment.

MOTION: Moved by Maloney, seconded by Barnard, and voted 5:0 to approve the application of William Callahan, M.D., for property located at 38 Church Street, which is located in the Semi-Residential (SR) 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 expansion of a legal non-conforming use at this location, specifically the Meadow Green Nail Center with the following conditions:

1. This approval shall run with the business Meadow Green Nail Salon. Any business proposed to replace the Meadow Green Nail Salon shall require approval from the Zoning Board of Appeals;



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2. **The hours of operation shall be Monday through Friday from 7:00 a.m. to 7:00 p.m.; and**
 3. **Any additional signage shall meet the requirements of the Zoning Ordinance.**
- b. **7:15 p.m.:** Application of Debra Wysocki, for property located at 32 Eunice Williams Drive, which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C13) and 200-8.3 of the Zoning Ordinance for a kennel license to allow five (5) dogs at this location.

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 Steven Ronhave. Also in attendance was Debra Wysocki, Applicant; and members of the public.

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.

Wysocki Introduced herself and explained her request to the Board. Stated that she has five (5) small dogs with a combined weight of about 145 lbs.

Maloney Inquired on how long she has owned these dogs.

Wysocki Responded 13 years, 12 years, 6 years, and 4 years.

Maloney Inquired about fencing for the dogs..

Wysocki Responded that she has a 30' x 40' fenced in area for the dogs.

Maloney Asked if when these dogs expire, does she plan on replacing them.

Wysocki Responded that it is not her intent to replace the dogs.

Maloney Read correspondence from the Planning Board and Inspections and Enforcement Department.

McLellan Read correspondence from the Department of Public Works, Health Department, and Fire Department who all had no issues with the request.

Chairman McLellan opened up the hearing for public comment.

Jane Markoski, 443 Green River Road, Greenfield

Stated that she is an abutter and has never had any issues with her neighbors' dogs. She supports the request.

Peter Sheridan, 427 Green River Road, Greenfield

He supports the request.

Public Hearing closed at 7:39 p.m.



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Discussion/Decision

Debra Wysocki, 32 Eunice Williams Drive

The Board had no issues with this request.

MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to approve the application of Debra Wysocki, for property located at 32 Eunice Williams Drive, which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C13) and 200-8.3 of the Zoning Ordinance for a kennel license to allow five (5) dogs at this location with the following conditions:

1. The maximum number of dogs allowed under this approval shall be five (5) dogs;
2. The existing fenced area shall be maintained; and
3. The Applicant shall come back before the Board with any changes for approval by the Board.

c. 7:30 p.m.: Application of Stephen R. McCabe, for property located at 44 French King Highway (Parcel 119-10), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(C6) and 200-8.3 of the Zoning Ordinance in order to allow the construction of a single family home within the General Commercial Zoning District 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 was Steven R. McCabe, Applicant, and members of the public.

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.

McCabe Explained his request to the Board. Stated that he purchased the property, about two acres, with two existing buildings, one commercial and one residential. He subdivided the property through the ANR process to create 46 French King Highway in order to separate the residence from the commercial building. The lot in question already existed. His desire is to build a single level, energy efficient single family home at this location. He stated that he thinks this is the best use of this property.

Maloney Read correspondence from the Planning Board and the Inspections and Enforcement Department.

McLellan Read correspondence from the Fire Department, Health Department, and Department of Public Works who all had no issues with the request. Read a letter from the abutter Teresa Conti who lives at 46 French King Highway. Ms. Conti is against the proposal.

Twarog Clarified a point made in Ms. Conti's letter by stating that Ralph Kunkel has been retired as Conservation Agent with Greenfield for over four years and that there is nothing in the records



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that show that such a determination was made as indicated in Ms. Conti's letter. Stated that the GIS data layers on environmental constraints show no such constraints on the property.

McLellan Inquired whether timing is an issue with this project.

McCabe Responded no, but would like to start construction in the spring.

Board discussed the issue of Conservation Commission involvement as well as the lack of information submitted.

Twarog Stated that a site visit could be scheduled for the Conservation Commission to make a determination on whether there are Conservation Commission issues with the lot.

Maloney Explained to the Applicant that 4 out of 5 votes is required to approve the special permit request and suggested that Mr. McCabe consider requesting a continuance.

McCabe Asked for clarification on what additional information the Board would need. Mr. McCabe made the statements in response to Ms. Conti's letter. He stated that he did not bury anything as stated in Ms. Conti's letter. He has followed all permit requirements and has an affidavit showing that he hauled 42 square yards of junk and construction debris from the property.

Maloney Stated that he would like to see at a minimum the proposed footprint of the house.

Conti Also stated that he would like to see at a minimum the proposed footprint of the house because of the small size of the lot.

Barnard Inquired of Ms. Conti whether noise is an issue at her location.

Ms. Conti Responded that noise is not an issue.

Barnard Expressed concern that the lot is small and that setbacks have to be met. Can the house be set back far enough so that noise is not an issue.

McCabe Requested a continuance to the next meeting.

Board requested that a site visit be conducted by the Conservation Commission and that a letter be sent to the Board on whether or not there are any environmental concerns.

MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to continue the public hearing to September 12, 2013 at 7:00 p.m.

d. **7:45 p.m.:** Application of Laurie Ellis, for property located at 76 French King Highway, which is located in the General Commercial (GC) and Corridor Overlay Zoning Districts, for a special permit pursuant to



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Sections 200-6.1(C) and 200-8.3 of the Zoning Ordinance in order to allow the expansion of a legal non-conforming use, specifically a mobile food cart operation.

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 was Laurie Ellis, Applicant, and members of the public.

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.

Conti Stated that the Applicant received approval from the Licensing Commission for a mobile food cart.

Joseph Asked for clarification on the number of picnic tables requested as the application states six and she mentioned four.

Ellis Responded 4 maybe 5 picnic tables.

McLellan Read correspondence from the Fire Department which requires an inspection of the hood and fire extinguishers.

Ellis Stated that the Fire Department inspected these on July 24, 2013 and they passed inspection.

McLellan Read correspondence from the Health Department requiring restrooms for the use.

Ellis Responded that they now have a handicap port-a-potty on site.

Conti Read correspondence for the Licensing Commission stating that all requirements of the Commission have been met.

Maloney Read correspondence from the Inspections and Enforcement Department.

McLellan Inquired about signage for the business.

Ellis Responded that there is an existing small sign on the mobile trailer with no additional signage planned.

McLellan Inquired on vehicular traffic.

Ellis Responded that there is not a lot of vehicular traffic and that they have enough space for such traffic.

McLellan Inquired on hours of operation.



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Ellis Responded Monday through Friday from 11:00 a.m. to 7:00 p.m. and Saturdays from 11:00 a.m. to 4:00 p.m.

Maloney Inquired about a dumpster on site.

Ellis Responded that she does not have a dumpster and that she removes all trash from the site daily.

Public Hearing closed at 7:22 p.m.

Discussion/Decision

Laurie Ellis, 76 French King Highway

The Board had no issues with this request.

MOTION: Moved by Maloney, seconded by Barnard, and voted 5:0 to approve the application of Laurie Ellis, for property located at 76 French King Highway, which is located in the General Commercial (GC) and Corridor Overlay Zoning Districts, for a special permit pursuant to Sections 200-6.1(C) and 200-8.3 of the Zoning Ordinance in order to allow the expansion of a legal non-conforming use, specifically a mobile food cart operation with the following conditions:

1. The Applicant shall meet of all requirements of the Health Department; and
2. The number of picnic tables shall not exceed six (6).

Action Item:

a. Annual Reorganization

MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to keep the existing officers for fiscal year 2014.

Chairman McLellan stated to the Board that he will be away when these decisions are typed up and so authorized Mark Maloney to sign the decisions on his behalf.

Approval of Minutes:

MOTION: Moved by Maloney, seconded by Joseph, and voted 5:0 to approve the Minutes from May 30, 2013.

Adjournment:

MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to adjourn the meeting at 9:10 p.m.

Respectfully Submitted,



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Eric Twarog, AICP
Director of Planning and Development