



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 September 12, 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: Maureen Pollock, Assistant Planner & Conservation Agent 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.:** (Continued from July 25, 2013) 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 Tom McLellan, Chair, Mark Maloney, Clerk; Howard Barnard; Scott Conti; and Christopher Joseph. Also in attendance was Steven R. McCabe, Applicant, and members of the public.

McLellan At the last public hearing, the Board suggested the applicant to continue the hearing, so he could gather more information, and the Conservation Commission could comment. The Conservation Commission has now submitted a letter stating a site visit was conducted, and concluded the property in mention is not within any wetland resource areas and their associated buffer zones; therefore, the Conservation Commission does not hold any jurisdiction or authority over the property. The Board has received a photo of a proposed single family house design with a proposed floor layout. The two documents do not completely match up.

McCabe Explained he hand drew the proposed floor layout; the photo shows what type of house that is being proposed, and so it is not supposed to be an exact replica. There will be no chimney; instead the house will have a pellet stove that will come out of the roof with a small pipe. There will be an attached garage, small porch in front, and a handicapped accessible deck in the back of the house. The roof will have southern exposure, which will allow solar arrays to be installed. The house dimensions are 35' X 30', totaling 1,050 square feet. McCabe may add an additional 15 feet if the house needs to be bigger. The house will not have a basement, it will be a slab design. The dimensions of the house meets the town's set back requirements.



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A commercial lot does not seem marketable, considering the property size is small, and the parcel is between existing residential properties. It seems the property would be a better fit if it became zoned as residential.

- McLellan Asked if the commercial land for sale sign is still posted on the property
- McCabe Responded the commercial land for sale sign is still posted, but hopes to replace the sign with a residential land for sale sign if the Board approves his special permit. If no one purchases the land by spring 2014, McCabe will construct the single family house.
- Joseph During the last public hearing, there were a lot questions that needed clarification; they have now been clarified by McCabe and the Conservation Commission. Joseph does not have any more questions, though he still has some concerns about using commercial zoned property for residential use.
- Barnard Asked if the house is 35 feet from the front property line or the road surface
- McCabe Responded the house is 35 feet from the front property line, which is beyond the sidewalk.
- Barnard Asked how this distance from the road compared to the abutting houses affects the noise
- McCabe Responded the house to the north has a longer setback from the road, and the house to the south is setback closer to the road, approximately 15 feet from the sidewalk. The town's rear setback requirement is 30 feet, so McCabe has space to build a house farther back from the road.
- McLellan Inquired if there would be room to park two cars outside of the garage.
- McCabe Responded there would be room to park two cars in front of the house. There will be a 930 square feet paved driveway. The proposed house design allows 75% open space; the town only requires 40% open space, so there is space to expand the driveway, if needed.
- McLellan Read correspondence from Planning Board which had a negative recommendation, their opinion stating that commercial zoned properties should be used for commercial uses only and not for residence use
- McLellan Read correspondence from the Inspections and Enforcement Department, which had no issues with the request.
- Ronhave Inquired if McCabe would change the direction of the garage, toward the house and not the street
- McCabe Responded he would difficult to change the direction
- Conti Inquired about the sewer line beyond property



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McCabe Responded the sewer is located east-west of the property. DPW told McCabe he can pave over the sewer line, but he cannot build over it.

Chairman McLellan opened up the hearing for public comment.

None

Public Hearing closed at 7:15 p.m.

Discussion/Decision

Steve McCabe, 44 French King Highway

Joseph States it was right to continue the public hearing, so all questions could be answered. The proposed house design will help make the area look better there. It makes sense to permit a residential house between two existing residential houses, though there are still some concerns about putting residential use in a commercial zoned district.

Barnard States that he is very reluctant to allow residential use in a commercial zoned district, but because the property is between two existing residential houses, and the property is oddly shaped, residential use seems to make sense

Conti Concurs with previous comments

Maloney States zoning allows the residential use of the property by special permit. The construction of a single family house will do no harm of the area.

McLellan Agrees with the Planning Board's recommendation, that the property should only be used for commercial use, though the property size is really small

Conti The proposed house will fit better in the Court Overlay District than the sprawling development currently occurring along Mohawk Trail.

McLellan States he is confused that a commercial land for sale sign is still present on the property.

MOTION: Moved by Maloney, seconded by Barnard, and voted 4:1 (McLellan opposed) to approve the 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.



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- b. 7:15 p.m.: Application of ViewPoint Sign & Awning, for property located at 137 Federal Street (CVS Pharmacy), which is located in the Limited Commercial (LC), 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 square footage allowed, specifically one (1) window box sign of 9.36 square feet.

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 Ann Ramsey, 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.

Ramsey Introduced herself and explained her request to the Board. All the CVS signs have already been approved by the town, except for the illuminated Minute Clinic window box sign. The sign exceeds the maximum square footage allowed

Maloney Inquired what a Minute Clinic is

Ramsey Explained a Minute Clinic offers customers to see a nurse for minor medical attention, i.e. sore throat or ear ache instead of going to the hospital.

Maloney Inquired whether the Minute Clinic hours are the same as the CVS hours of operation

Ramsey Responded CVS is currently figuring out the Minute Clinic hours of operation

Maloney Inquired why this window sign was not included when CVS requested approval for the other signs earlier this year

Ramsey Responded she does not know

Maloney Inquired if the illumination will be shut off when the Minute Clinic is not in operation

Ramsey Responded the illumination will be shut off when the Minute Clinic is not in operation

Maloney Read correspondence from the Planning Board, Fire Department, and Police Department, which have no issues with the request

Conti Inquired whether the use of the Minute Clinic needs approval from the Board of Health or from the Planning Board

McLellan Responds the Board will ask Eric Twarog whether the use of the Minute Clinic needs approval

Chairman McLellan opened up the hearing for public comment.



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None

Public Hearing closed at 7:30 p.m.

Discussion/Decision

ViewPoint Sign & Awning, 137 Federal Street (CVS Pharmacy)

The Board had no issues with this request.

MOTION: Moved by Maloney, seconded by Ronhave, and voted 5:0 to approve the application of ViewPoint Sign & Awning, for property located at 137 Federal Street (CVS Pharmacy), which is located in the Limited Commercial (LC), 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 square footage allowed, specifically one (1) window box sign of 9.36 square feet with the following conditions:

1. Shut off the illuminated window box sign when the Minute Clinic services are not offered

Other Business:

Licensing Commission is holding a hearing for Lundergan regarding the continuous parking of cars on the corner of Federal Street and Silver Street. Board members are welcome to come to this meeting, to comment on the cars and signage creeping. The hearing will held at 4:00pm Tuesday, September 17, 2013 on the second floor of the Town Hall.

The next regularly scheduled Zoning Board of Appeals meeting has been canceled. The next meeting will be held on October 24, 2013

Adjournment:

MOTION: Moved by Joseph, seconded by Maloney, and voted 6:0 to adjourn the meeting at 7:52 p.m.

Respectfully Submitted,

Maureen Pollock
Assistant Planner & Conservation Agent