



**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 October 24, 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.: Application of Bernard Dillensneider for property located at 325 Wells Street, which is located in the General Industry (GI) 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 a taxi establishment (About Town Taxi) with taxi repairs 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 Ronhave, Alternate; Bernard Dillensneider, 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.

Dillensneider Explained he has owned and operated his taxi establishment, About Town Taxi for approximately eight (8) years. He recently purchased the property located at 325 Wells Street, with the anticipation of relocating his business to this property. Since purchasing the property, Dillensneider has started to clean up the site to improve conditions.

McLellan Inquired if anyone will reside at this property.

Dillensneider Responded there is a two family house located on the property. If allowed, the house maybe rented

McLellan Responded the property is not zoned for residential; it is only zoned for General Industry



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- Maloney Read correspondence from the Inspections and Enforcement Department, which has issues with the request.
- McLellan Inquired what Dillensneider wants to do with the property.
- Dillensneider Responded he wants to operate his taxi establishment and wants to rent the house as a two family residential dwelling.
- McLellan Explained that he cannot rent out the house. The house has been abandoned for more than two years; therefore, it cannot be grandfathered as residential. The property is zoned for General Industry.
- McLellan Inquired if a floor plan has been submitted with the request
- Dillensneider Responded yes a floor plan has been submitted
- Joseph Lets get back to the request to allow a taxi establishment with taxi repairs at this location.
- Maloney Inquired whether Dillensneider wants to perform auto repairs at the site
- Dillensneider Responded yes. He wants to perform auto repairs only for his taxi fleet, and not for the general public
- Joseph Inquired whether any other business besides the taxi establishment will be conducted on this property.
- Dillensneider Responded no other business besides the taxi establishment will be conducted on this property.
- Joseph Inquired how many vehicles will be parked on the property
- Dillensneider Responded eight (8) vehicles will be parked on the property, but only for temporary periods of time
- Maloney Explained minor repair and storage of the taxi establishment's vehicles are allowed by special permit. Vehicle repair cannot be open to the general public. Taxi dispatch is not allowed by special permit.
- Maloney The Board will not get involved with the residential issues, and can only respond to the request. The Inspections and Enforcement Department will need to resolve the residential issues.
- McLellan Inquired whether Dillensneider will clean up the property and pave the parking lots.
- Dillensneider Responded he is not sure.



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- Maloney Read correspondence from the Board of License Commissioners and Planning Board.
- Ronhave Inquired if the taxi establishment will be jointly run from its existing location, 275 Wells Street and its new location, 325 Wells Street.
- Dillensneider Responded no. The taxi establishment will be only run at the 325 Wells Street location.
- Barnard Inquired if the taxi establishment will provide restroom(s)
- Dillensneider Responded there will be a restroom(s), but it will not be used by the general public.
- Conti Taxis in Greenfield do not "cruise" the streets looking for patrons. Considering how Greenfield taxi establishments currently operate, it becomes difficult to fit this context into the Massachusetts General Law (M.G.L.) on taxi establishments. Because this is a gray area in M.G.L. law on taxi establishments, the Board should only look at the specifics of this request.

Chairman McLellan opened up the hearing for public comment.

None

**Public Hearing closed at 7:38 p.m.**

**Discussion/Decision**

**Bernard Dillensneider dba About Town Taxi, 325 Wells Street**

- Conti States because he serves on the Board of License Commissioners, he has a long history with the applicant. The applicant tries to run a good business and has good business ethic; however, he consistently lacks attention to detail, especially when filling out paperwork. If the Board does approve this request, the Board needs to clearly state the Special Permit will only approve the taxi repair and storage with business office, and nothing more.
- Maloney States the applicant seems to run a reasonable business. All the Board is approving is for the repair and maintenance of the taxi fleet, which will not be opened to the general public; and use of an office for business purposes only. Taxi dispatch is not allowed in General Industry
- McLellan States if the Board approves this request, the conditions need to be clearly stated.
- Maloney States the Board could hold off deciding on this request, and ask Mark Snow, the Inspections and Enforcement Officer to come to the next hearing to clarify things, though it would not be necessary.



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- Conti States the Board would not be able to sort the Greenfield taxi establishment issues, because taxis in Greenfield do not fit into the M.G.L. on tax establishment. Taxis in Greenfield do not "cruise" the streets looking for patrons.
- Maloney States if the Board approves the Request, the Special Permit would only be approved for the specific business, About Town Taxi and would not extend for the life of the property. The issues concerning the stoves, bathrooms, and apartment will need to be resolved by the Board of Health, the Inspections and Enforcement Office, and the Planning Board.
- Joseph States the existing conditions of the property are horrible; to see any use there is better than what is there now. There may be compliance issues, specifically with number of vehicles parked.
- Maloney States the special permit will not include the house.
- Barnard States he has some concern with the potential use of taxi dispatch from the business office.
- Conti States the taxi establishment currently has possession and lease of a spot on Bank Row, but they do not use it. They will run the business the same way they are doing now. The applicant is just looking for a single location to store and to repair his taxis only.
- Barnard States special permit will need to state that it will not allow any residential use or any other business use.

**MOTION:** Moved by Maloney, seconded by Joseph, and voted 5:0 to approve the applicant of Bernard Dillensneider for property located at 325 Wells Street, which is located in the General Industry (GI) 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 a taxi establishment (About Town Taxi) with taxi repairs at this location with the following conditions:

1. Vehicle repairs shall be limited to the fleet of vehicles owned by About Town Taxi;
2. The business office shall be limited to the sole use for About Town Taxi business and automotive repair for taxi vehicles owned by About Town Taxi;
3. This Special Permit shall not allow any residential use nor any other business use;
4. A maximum of ten (10) registered vehicles may be kept on the premises; and a maximum of two (2) unregistered vehicles may be kept on the premises;
5. If a dumpster is provided, it shall be located in an enclosure;
6. Screening and/or landscaping shall be installed to prevent headlights and other exterior lights from shining/glaring onto adjoining properties;
7. A grease/oil separator shall be installed prior to the use of any vehicle repair;
8. Any signage proposed for this project shall conform with the current Greenfield Zoning Ordinance;
9. If a building permit is required for the proposed work, since this building exceeds 35,000 cubic feet, control construction shall be required. Controlled construction



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**requires a Massachusetts registered design professional to sign onto a project, oversee, and be responsible for work regulated by Massachusetts State Building Code;**

**10. This special permit only applies to Bernard Dillensneider dba About Town Taxi, and shall not be transferrable.**

- b. 7:39 p.m.: Application of Joseph and Barbara Ruscio, for property located at 298 Barton Road, which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-5.3(E2) and 200-8.3 of the Zoning Ordinance in order to allow a reduction of the required side yard setback from twenty (20) feet to sixteen (16) feet for the construction of an attached 20' x 24' garage and 16' x 18' porch 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 were Steven Ronhave, Alternate; Joseph and Barbara Ruscio, Applicants; and members of the public.

McLellan Introduced the Board members sitting and asked the Applicants to introduce themselves and explain what they want to do, where they want to do it, and why.

Ruscio Introduced each other and explained their request to the Board. The Ruscios wish to build an attached 20' x 24' garage and 16' x 18' porch. In order to build the garage, they need to obtain a special permit which will allow them a reduction of the required side yard setback from twenty (20) feet to sixteen (16) feet for the construction. The side yard setback for the northwest corner of the proposed garage is 16.6 feet and the side yard setback for the southwest corner of the proposed garage is 19.1 feet. They want to build the garage so they can park one (1) vehicle and store house equipment. The garage will be twenty (20) feet wide.

The 16' x 18' seasonal porch to be located behind the garage; it will be twenty (20) feet wide and sixteen (16) feet deep. The twenty (20) feet wide garage will not provide enough room to park two vehicles, a vehicle will be parked in the porch area in the winter, and the porch will be used seasonally. Like the garage, the porch will be ground level with concrete flooring.

Maloney Stated the setback where the porch meets the garage is 19.1 feet, which is close to the required twenty (20) feet setback. It appears the only setback issue is the northwest corner of the proposed garage, which is 16.6 feet.

Maloney Inquired whether a floor plan for the garage has been submitted

Ruscio Responded they just received a floor plan and shared it with the Board. The proposed garage and porch is single story.

McLellan Inquired whether there is a septic system on the property



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- Ruscio Responded yes
- McLellan Inquired whether they plan to build over the septic system
- Ruscio Responded they do not plan to build over the septic system. The Ruscios hoped to build further back on their property to take advantage of the setback requirements but due to the leaching field, they cannot.
- Maloney Read correspondence from the Inspection and Enforcement Department, Planning Board, which had no issues with the request
- Maloney Inquired what is the distance from the septic system to the proposed garage and porch
- Ruscio Responded the septic system is seventy-five (75) feet from the main house
- Conti Inquired if there will be access to get equipment around the house
- Ruscio Responded there will be sixteen (16) feet

Chairman McLellan opened up the hearing for public comment.

Christine Forgey, 290 Barton Road, Greenfield

Ms. Forgey stated the proposed plan is well done, and is supportive of the Ruscios to construct an attached garage and porch. There is ample space between her property and the Ruscios, so she does not have any issues with it.

**Public Hearing closed at 7:47 p.m.**

**Discussion/Decision**

**Joseph and Barbara Ruscio, 298 Barton Road**

The Board had no issues with this request.

**MOTION:** Moved by Maloney, seconded by Conti, and voted 5:0 to approve the application of Joseph and Barbara Ruscio, for property located at 298 Barton Road, which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-5.3(E2) and 200-8.3 of the Zoning Ordinance in order to allow a reduction of the required side yard setback from twenty (20) feet to sixteen (16) feet for the construction of an attached 20' x 24' garage and 16' x 18' porch at this location.

c. 7:48 p.m.: Application of Tom and Jay Dillon (Dillon Chevrolet), for property located at 54 Main Street, which is located in the Central Commercial (CC) Zoning District, for a special permit pursuant to Sections





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200-6.7(F) and 200-8.3 of the Zoning Ordinance in order to allow the signage that exceeds the maximum standards of the Zoning Ordinance for renovation of the dealership.

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 Steven Ronhave, Alternate; Tom and Jay Dillon, Applicants; John Lyman, Architect; and members of the public.

- McLellan Introduced the Board members sitting and asked the Applicants to introduce themselves and explain what they want to do, where they want to do it, and why.
- Dillon Introduced each other and explained their request to the Board. General Motors wants to renovate Chevrolet dealerships nationwide. As a result, the Dillons request a special permit allowing them to put up their new signs so they can stay in compliance with General Motors.
- Maloney Inquired where the signs will be located
- Dillon Responded the signs on the front of the building, facing Main Street include: Chevrolet Signature with Bowtie, and Dealership Name. The signs on the west side of the building, facing Fort Square include: Certified Service and Parts
- Maloney Inquired whether the signs will be illuminated
- Dillon Responded the Dealership Name, Chevrolet Signature and Certified Service signs will be illuminated. The Parts signs will not be illuminated.
- Maloney Read correspondence from the Inspection and Enforcement Department, Planning Board, Fire Department which had no issues with the request.
- Chairman McLellan opened up the hearing for public comment.
- Maloney Read letters of support from the following:
1. Jeffrey Koch of Koch's Automotive located at 44 Main Street, Greenfield;
  2. Wayne Gass, property owner of 91 Main Street, Greenfield;
  3. Kristie Faufaw and Peter White of Ryan & Casey Liquors located at 55 Main Street, Greenfield
- Lyman Stated the front façade is increasing by 143 square feet because of the proposed entry tower, but the signage is decreasing compared to what exists. The new signage will decrease to 68 feet from 74 feet

**Public Hearing closed at 7:58 p.m.**



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**Discussion/Decision**

**Tom and Jay Dillon (Dillon Chevrolet), 54 Main Street**

The Board had no issues with this request.

**MOTION:** Moved by Maloney, seconded by Barnard, and voted 5:0 to approve the application of Tom and Jay Dillon (Dillon Chevrolet), for property located at 54 Main Street, which is located in the Central Commercial (CC) 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 the signage that exceeds the maximum standards of the Zoning Ordinance for renovation of the dealership with taxi repairs at this location with the following condition:

1. All illuminated signs shall be shut off when the business closes or at 11:00 PM each night

Approval of Minutes:

**MOTION:** Moved by Maloney, seconded by Conti, and voted 5:0 to approve the Minutes as amended from July 25, 2013.

**MOTION:** Moved by Maloney, seconded by Conti, and voted 5:0 to approve the Minutes as amended from September 12, 2013.

Adjournment:

**MOTION:** Moved by Conti, seconded by Maloney, and voted 5:0 to adjourn the meeting at 8:34 p.m.

Respectfully Submitted,

Maureen Pollock  
Assistant Planner & Conservation Agent