



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.

Conti, Scott (2016)
Joseph, Christopher (2014)
Maloney, Mark (2016)
McLellan, Thomas (2016)
Ronhave, Steven (2015)

ZONING BOARD OF APPEALS

Minutes of January 23, 2014
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 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 Freehigh, LLC for property located at 48 Congress Street (Assessor's Map 27, Lot 13), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-7.5 and 200-8.3 of the Zoning Ordinance in order to operate a 3-unit Bed & Breakfast 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; Scott Conti; Christopher Joseph; and Steve Ronhave. Also in attendance were Joseph Mattei and James Merrigan, 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.

Merrigan Explained that the Merrigan family would like to convert their family home into a Bed & Breakfast. There are so many fond childhood memories associated with this house. His parents (John & Martina Merrigan) purchased the house in the 1960s, and raised him and his siblings there.

The proposed B&B would be a modest conversion, offering 3-units with 2 rooms per unit and adequate parking on this sizable parcel. There would be an abundance of common areas for guests.

Stated that he does not believe the proposed B&B would impose a burden to the Town, and it would not negatively impact traffic in the neighborhood. The proposed B&B would compliment the Town and neighborhood; and it would offer visitors to Greenfield a place to stay.

Maloney Inquired if the barn could be usable for management parking



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Merrigan Responded yes

Maloney Inquired whether there are any proposed structural changes

Mattei Responded there is no structural changes. There will be a corridor change on the upper floor which will allow 2 ways of exiting each room

McLellan Inquired whether there is a proposed deck

Mattei Responded there is a slightly larger deck proposed that will replace the existing deck.

Maloney Inquired whether there is any proposed exterior lighting

Mattei Responded no

McLellan Inquired whether the parking lot will be paved

Mattei Responded yes

McLellan Inquired whether there is a proposed signage for the B&B

Merrigan Responded yes, but they have not come up with a B&B name yet

McLellan Stated that they are allowed by right a sign that is up to 2 square feet in size and is not illuminated. If the sign exceeds 2 square feet, then the applicant will need to come before the ZBA and request a Special Permit.

Ronhave Inquired whether the house has received any wiring upgrades recently to handle the 3-units

Merrigan Responded no, because there will be very little changes made to the house. The B&B will require an electric permit, so the electrical inspector will check to see if any wiring upgrades are needed.

Joseph Inquired what the neighbors say about the proposed B&B

Merrigan Responded he would like to submit neighbors' letters of support

Maloney Read correspondence from the Planning Board and Board of Health, which had no issues with the request

Chairman McLellan opened up the hearing for public comment.

Maloney Read letters of support from the following:



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1. Lin Boehmer, 82 Congress Street, Greenfield;
2. Rita Larange, 82 Congress Street, Greenfield;
3. Kenneth B. Black, 67 Congress Street, Greenfield
4. Jim, Maggie & Evelyn of Hope & Olive and Magpie Restaurants

Donna Mollard, owner of the House On The Hill B&B, 330 Leyden Rd, Greenfield

Stated she is supportive of this request. Mollard owns a year round B&B, and she often needs to turn away business because she is often booked. It will be nice to see more accommodations in town.

Ann Hamilton, Franklin County Chamber of Commerce President

Stated more lodging options, specifically B&Bs is a good thing for Greenfield

Public Hearing closed at 7:14 p.m.

Discussion/Decision

Freehigh, LLC, 48 Congress Street

Maloney States he has no issue with the request. There will be no changes made to the existing building footprint except for the deck and there is adequate parking. The applicant will need to acquire all necessary permits.

Conti States the proposed B&B is a good use for the property

Joseph States the neighbors are okay with the proposed plan. Traffic and signage will not be an issue. All other issues have been addressed

Ronhave States all issues have been addressed

McLellan States he is in favor of the request, but would like to point out an inconsistency in the current Zoning Ordinance between Section 200-7.5A and Section 200-7.5C, which states:

- A. *The bed-and-breakfast shall be owner-operated and may be owner occupied;*
- C. *The use of the single family dwelling for transient occupancy shall be secondary to the use of the dwelling as a single-family residence and shall not alter the single-family residential appearance of the building;*

The Zoning Ordinance needs to be amended, so there are no inconsistencies

The management office located at the property could be argued to be the primary use of the property; therefore, the B&B would be considered a secondary use. Additionally, if a visitor decides to permanently reside at the B&B, then that the B&B would be considered a secondary use.



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MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to approve the applicant of Freehigh LLC for property located at 48 Congress Street (Assessor's Map 27, Lot 13), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-7.5 and 200-8.3 of the Zoning Ordinance in order to operate a 3-unit Bed & Breakfast at this location with the following conditions:

1. All permits required by the Board of Health shall be sought and obtained
2. Any renovation work shall comply with the Building Code
3. All permits required by the Building and Inspection Department shall be sought and obtained

- b. 7:15 p.m.: Application of American House, LLC for property located at 258 Main Street (Assessor's Map 51, Lot 53), which is located in the Central Commercial (CC) Zoning District, for a special permit pursuant to Sections 200-4.7(C5) and 200-8.3 of the Zoning Ordinance in order to renovate the existing Wilson's Department Store building and to construct a new building of 13,227 square feet to be used as a new downtown hotel.

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; Scott Conti; Christopher Joseph and Steven Ronhave; Tom Douglas (Thomas Douglas Architects), Kevin O'Neil (American House, LLC.) Mark Darnold (Berkshire Design Group) Chris Chamberlain (Berkshire Design Group), Representatives to Applicant; 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.

Darnold Introduced himself and oriented the Board with the location of the proposed hotel in relation to the surrounding streets and buildings with photographs and site plans

There will be a proposed visitor dropoff area, small overflow parking lot, and a larger parking lot adjacent to the hotel's main entrance located on Chapman Street. The proposed plan increases the landscaped open space with enhanced planting in the smaller parking lot. Existing angled parking in the larger parking lot will be converted to 90 degree parking, which will allow more parking spots.

The Greenfield DPW Design Standards for Off-Street Parking requires that parking spaces have a minimum width of 9 feet. The proposed parking spaces are 8.5 feet wide. All spaces would meet the minimum length of 18 feet. The applicants would like to request a waiver from the DPW's parking space dimension requirement and allow a minimum width of 8.5 feet. The waiver is requested in order to maximize the number of parking spaces provided on-site while still allowing for safe vehicle circulation within the proposed parking areas, thereby minimizing the impact of the proposed project on the Town's existing parking supply.



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Douglas Explained that the existing first and second floor will remain as retail spaces for Wilson's Department Store. The hotel's Main Street entrance will be located where the old staircase is located, which is adjacent to the Wilson's Department Store Main Street entrance. The hotel's main entrance will be located on Chapman Street. Hotel visitors will receive card access to stairways and elevators in the hotel. The card access will not allow access to Wilson's Department Store.

The third floor layout will include the hotel check-in, lobby, café, hotel rooms, banquet hall, and kitchen. The freight elevator will offer visitors access to between floor 3 and 5.

McLellan Inquired whether the applicant will request a liquor license for the café

O'Neil Responded the hotel operator will pursue the liquor license

Joseph Inquired where the loading area will be located

Douglas Responded the loading area will be located slightly behind the new building

O'Neil Stated there will be a planting to screen the loading area

Conti Inquired what types of trucks typically are used

O'Neil Responded box trucks, such as Fedex and UPS trucks are typically used

Douglas Stated the proposed plans follow all Massachusetts Historic Commission's requirements. There will be two proposed signs for the Chapman Street side of hotel and one proposed sign on Main Street. The proposed sign on Main Street is a 45 square foot blade sign with metal channel letters and neon or LED lighting. Above the hotel's main entrance, the applicant proposes a 45 square foot marquee sign, which will include metal channel letters with neon or LED lighting. Additionally, the applicant proposes a side wall sign on the Chapman Street side of building, which will be seen from Main Street. The sign will include metal channel letters, which will be internally illuminated.

McLellan Reads the applicant's parking space dimension requirement waiver request

Darnold Stated he met with Sara Campbell, Town Engineer about the Department of Public Works concerns. The proposed drainage will capture stormwater in the parking lot, and will be directed to a treatment chamber, and will tie into the existing catch basins.

Campbell suggested the applicant eliminate one of the two Davis Street access points, but the applicant does not see the need to do so.



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Stated he has performed a parking study for the hotel, banquet and store, which concludes the parking lot will be able to handle most parking volumes, with exception of an extreme situation. In the extreme situation, persons can park in the adjacent municipal parking lot. The proposed parking lots will include 78 spaces in the larger lot and 11 spaces in the smaller lot, totaling 89 parking spaces.

The Planning Department and DPW requested the applicant to provide more traffic data. Per this request, the applicant has performed a traffic impact report. The level of service and delay would be the same for turning off of Chapman and Davis Street and onto Main Street.

Chairman McLellan opened up the hearing for public comment.

Ann Hamilton, Franklin County Chamber of Commerce President

Stated the proposed hotel will provide a wonderful amenity for the downtown, especially with Amtrak service scheduled to start in the coming months. Travelers, tend to drive larger vehicles, such as SUVs or minivans; therefore, recommends the parking lot should offer a combination of parking space dimensions – some spaces could accommodate for larger vehicles while other spaces could accommodate for compact vehicles.

Maloney Read correspondence from the Board of Health, Historic Commission, Planning Board, Planning Department, and Department of Public Works

Joseph Inquired whether the proposed pool will be rented out to outside parties or organizations

O’Neil Responded that decision would be up to the hotel operator

Maloney Inquired about the parking and traffic flow through the parking lots

Darnold Responded the traffic flow will be wide enough for two-way traffic. The proposed parking lots will include 78 spaces in the larger lot and 11 spaces in the smaller lot, totaling 89 parking spaces. Additionally, there are 49 parking spaces across Davis Street. Hotel visitor will enter the parking lot from Chapman Street, and may exit back onto Chapman or may drive through the larger parking area and exit onto Davis Street

Maloney Stated that he, Conti, Ronhave, Pollock, and Eric Twarog conducted a site visit of the property with the applicant representatives on January 17, 2014. The site visit answered most of his questions

Campbell Stated that on-street parking on Chapman Street will need to be evaluated at a later date.

Public Hearing closed at 8:48 p.m.

Discussion/Decision

American House LLC, 258 Main Street (Assessor’s Map 51, Lot 53)



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- Maloney Stated the proposed hotel is a good reuse of the property. The plan presented is thorough. There are some issues with the parking space dimensions. There are no issues with the presented signage, and does not have an issue if the marquee sign is illuminate 24/7. As presented, has no issue with the renovation of the building and the pool
- Conti Stated this is a good project. Stated that he was impressed with the existing conditions of the abandoned floors above Wilson's Department Store
- Joseph Stated this is a good project. Stated he has concerns with the temporary exterior construction on Chapman and Main Street. Inquired if the construction goes on too long, will it negatively impact the neighbors, downtown, and the public right of way
- Conti Responded if the exterior construction in the public right of way is prolonged, then the applicant will be required to obtain a permit through the DPW and ZBA
- Ronhave Stated the interior work is estimated to take 18 months. Stated he has concerns regarding the traffic on Chapman Street. Inquired whether electronic surveillance will be installed
- O'Neil Responded yes
- McLellan Stated he has no issue with the request. Stated that in regards to whether the project requires a Major Development Review, could be argued that the project triggers the threshold, therefore, this project should have required a Major Development Review. It is not worth requiring the review now, because the project will not negatively impact Town services, traffic patterns, the environment, abutting properties, or the public health and safety, caused directly or indirectly by proposed project. Read through Section 200-8.3F. (1-10) Criteria for approval, and concludes the project complies with the criteria.

MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to approve the applicant American House, LLC for property located at 258 Main Street (Assessor's Map 51, Lot 53), which is located in the Central Commercial (CC) Zoning District, for a special permit pursuant to Sections 200-4.7(C5) and 200-8.3 of the Zoning Ordinance in order to renovate the existing Wilson's Department Store building and to construct a new building of 13,227 square feet to be used as a new downtown hotel with the following conditions:

1. The applicant shall follow all recommendation of the Department of Public Works in their memo to the ZBA dated January 6, 2014 which include the following:
 - a. Water Service – The 6” fire line may be reused, or shall be retired at the main. The existing 1” line, installed at the same time, shall not be adequate as the proposed domestic service is 4”. This line shall be retired at the main. Resilient seated gate valves (open right) shall be required on the new water lines;



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- b. **Sewer - Multiple connections shall not be allowed. The pre-existing connection was extended to the new foundation in 2002, so the extension is new, but the line in the street is original. If the pre-existing connection is used, the tight angle shown on the plan shall not be allowed. The connection for the existing building shall be maintained.**
 - c. **Drainage - A new manhole may be required. The applicant shall determine if the outlet(s) of the catch basins drain to the municipal system and shall show the connections. All catch basins shall have deep sumps. All drainage structures on the subject property shall be the responsibility of the property owner to maintain. All treatment chambers shall require periodic maintenance and flushing. An Operation and Maintenance Plan and Log shall be submitted to the Greenfield Department of Public Works annually for review**
 - d. **The Applicant shall submit 3 copies of the revised plans to the Planning and Development Department and 1 copy to the Department of Public Works within 21 days of approval**
2. **All required permits shall be sought and acquired**
 3. **All parking space dimensions shall have a minimum width of 8.5 feet and minimum length of 18 feet**
 4. **Signage as presented shall be allowed, including one (1) blade sign on Main Street with dimensions; one (1) marquee sign on Chapman Street; one (1) wall sign on the south side of the new construction with channel lettering**
 5. **The planting schedule as presented shall be allowed**

Adjournment:

MOTION: Moved by Conti, seconded by Maloney, and voted 5:0 to adjourn the meeting at 9:16 p.m.

Respectfully Submitted,

Maureen Pollock
Assistant Planner & Conservation Agent