



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 May 8, 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 Dimitri F. Darmanchev for property located at 51 Union Street (Assessor's Map 67, Lot 82), which is located in the Semi-Residential (SR) Zoning District, for a special permit pursuant to Sections 200-5.3(E), 200-4.5(C9), and 200-8.3 of the Zoning Ordinance in order to allow a reduction of the required front yard setback from twenty-five (25) feet to twenty (20) feet for the construction of a three family house with one unit to be used by the owner.

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 was Eugene Darmanchev, representative to the 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.

Darmanchev Explained that the existing house is in poor condition. He hopes to demolish the house and build a three family house, with one unit to be used by his parents. He requests a reduction of the required front yard setback from twenty-five feet to twenty feet for the construction of the corner lot house, which has limited space. The existing house will be completely torn down before building the new house. The proposed footprint will be shifted by 5 feet from the original footprint.

McLellan Inquired how many feet is the existing house setback from the front property line

Darmanchev Responded, 15 feet. The proposed front yard setback is 20 feet.

Maloney Inquired how many units are in the existing house



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- Darmanchey Responded according to the Assessor's Property Record Card, the existing house has one unit, but believes there is more than one unit.
- Maloney Inquired whether the proposed house will have a larger footprint than the existing house
- Darmanchey Responded the proposed house will have slightly larger footprint than the original.
- Maloney Inquired how many stories does the existing house have, and how many will the proposed house have
- Darmanchey Responded the existing house has 1 1/2 stories; the proposed house will have 2 stories
- Darmanchey Submitted a PDF copy of the proposed house elevations
- Joseph Inquired whether Darmanchey has experience with the roles and responsibilities a landlord faces
- Darmanchey Responded yes
- McLellan Stated 6 parking spaces are needed for this project
- McLellan Inquired whether the curb cuts on Maple Street will be maintained
- Darmanchey Responded yes
- Maloney Read correspondence from the DPW
- McLellan Stated all comments from the DPW will be conditioned
- Maloney Read correspondence from the Planning Board, which had no issues with the request
- Chairman McLellan opened up the hearing for public comment.
- No Comments

**Public Hearing closed at 7:10 p.m.**

**Discussion/Decision**

**Dimitri F. Darmanchev, 51 Union Street (Assessor's Map 67, Lot 82)**

- Maloney States the project will be an improvement to the property and neighborhood. The side and front yard setback is unique; the proposed house will be further setback from the original. States he has no issue with the proposed parking



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Conti States he has no issue with the project

Joseph States he has no issue with the project

Ronhave States he has no issue with the project

McLellan States he has no issue with the project

**MOTION:** Moved by Maloney, seconded by Conti, and voted 5:0 to approve the applicant of Dimitri F. Darmanchev for property located at 51 Union Street (Assessor's Map 67, Lot 82), which is located in the Semi-Residential (SR) Zoning District, for a special permit pursuant to Sections 200-5.3(E), 200-4.5(C9), and 200-8.3 of the Zoning Ordinance in order to allow a reduction of the required front yard setback from twenty-five (25) feet to twenty (20) feet for the construction of a three family house with one unit to be used by the owner with the following conditions:

All requirements mentioned in the DPW memo dated, March 28, 2014 shall be met, including:

1. A total of 6 off-street parking spaces shall be required;
2. Any changes to the existing curb cut or any new curb cut on Union Street shall require an Access Permit from DPW;
3. The applicant shall confirm with a plumber that the existing water service is adequate for the proposed change in use;
4. A new water line shall require a Water Connection Permit from DPW;
5. If a new water line is to be installed, the old water line shall be required to be retired at the water main;
6. An application to Retire Services shall be required from the DPW;
7. If the applicant plans to reuse the existing sewer service, the sewer line shall be required to be televised to ensure it is in adequate condition for reuse;
8. A new sewer line shall require a Sewer Connection Permit and an application to retire the old service from the DPW;
9. If the applicant proposes to reuse the existing 4 inch clay drain line for basement and/or roof drainage, it is recommended the line be televised to ensure it is adequate condition for reuse;
10. A Stormwater Connection Permit shall be required from the DPW;
11. If the applicant does not plan to tie the new drainage structure into the Town's stormwater system, the existing line shall be required to be plugged in the drain manhole;



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- b. **7:15 p.m.:** Application of Larry and Sue Channel for property located at 9 Holland Avenue (Assessor's Map 43, Lot 10), which is located in the Suburban Residential (RB) Zoning District, for a special permit pursuant to Sections 200-4.3(C16) and 200-8.3 of the Zoning Ordinance for a kennel license to allow nine (9) dogs 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 Steven Ronhave; Larry and Sue Channel, 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.

Channel Stated she and her husband, Larry own 9 dogs, ranging in age from 6 months to 5 years old since moving from Virginia. Stated she and her husband are not in the business to breed or board dogs. They just want to be able to keep the existing dogs they own. 5 of the 9 dogs are Siberian Huskies. They have modified their garage in order to allow the Siberian Huskies to reside with air conditioning. They have installed a privacy fence around their property. The dogs are never left alone outside. The dogs do not bark for extended periods of time. Most neighbors are unaware of the existing dogs. There is no intention to get more dogs, once the dogs pass away, they will only maintain a maximum of 4 dogs. They knew they needed a kennel license for the dogs when they moved to Greenfield last year from Virginia, but they do not know they also would need a Special Permit from the ZBA.

McLellan Inquired how often do the applicants pick up after their dogs

Channel Responded they pick up after their dog 1-2 times per day

Maloney Inquired if they applicants walk their dogs

Channel Responded they walk the smaller dogs, but the not the Siberian Huskies. They live on a half acre lot, and let the Siberian Huskies run around the property

Maloney Inquired whether the applicants have outside kennels

Channel Responded no. The kennels are inside the garage which has air conditioning for the dogs. The dogs go outside for exercise and play.

Chairman McLellan opened up the hearing for public comment.



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Albert Stevens, 84 Homestead Avenue

Stated he resides 300 feet away from the Channel property, and has not heard any barking from the property. Stated he has no issues with the applicants' request to keep their dogs.

Maloney Read letters of concern from the following:

1. Roland and Lynne Currier, 17 Mackin Avenue
2. Thomas and Jennifer Bresciano, 18 Mackin Avenue
3. Phyllis and Bill Canon, 22 Mackin Avenue
4. Dennis and Sondra Putnam, 13 Mackin Avenue

Dennis Putnam, 13 Mackin Avenue

Stated he is a direct abutter to the Channels property. He is concerned with how the 9 dogs may negatively impact the property value of his home. His bedroom overlooks the Channels backyard, so he often sees the dogs out his window. Stated the dogs are not noisy.

Stated it is important to consider the young ages of the dogs. The dogs will cause a hardship for the next 10-15 years to the neighborhood.

Maloney Read letter of support from the following:

1. Kevin LaMagdelain, 9 Holland Avenue

Jill Ingham, 4 Holland Avenue

Stated she has no issue with the applicants' request.

James and Ann Winn, 27 Holland Avenue

Stated the 9 dogs are inappropriate for a small residential neighborhood.

Roland Currier, 17 Mackin Avenue

Stated he has concerns regarding the noise, odor, and property value on his house

Maloney Read correspondence from the Planning Board, which provided no recommendation to the ZBA due to a lack of information on the age and breeds of the dogs and lack of opinions from abutters. Although a kennel license seems inappropriate for the neighborhood, the Planning Board stated that perhaps a temporary arrangement could be made to let owners dwindle the number of dogs either by giving some away or the natural reduction in the number of animals as they pass away (however ages are unknown).

Maloney Read correspondence from the Board of Health

McLellan Inquired whether the animal control officer has visited the property



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Channel Responded, no

James Foley, 8 Mackin Avenue

Stated he is concerned that the dogs may negatively impact the property value of his home.

John Cariddi, 16 Holland Avenue

Stated he has concerns regarding the applicants' request

Jerome Sullivan, 102 Homestead Avenue

Stated he has concerns regarding the applicants' request

Marina Leonovich, 26 Holland Avenue

Stated she has concerns regarding the applicants' request

John Roberts, 11 Homestead Avenue

Stated he has concerns regarding the applicants' request.

Inquired whether the special permit would be granted to the property owners or would the special permit run with the land

McLellan responded the special permit would be conditioned only to the property owners, Larry and Sue Channel.

**Public Hearing closed at 7:50 p.m.**

McLellan Stated the Board will postpone the decision for 9 Holland Avenue until the next regularly scheduled meeting.

- c. 7:55 p.m.: Application of Cumberland Farms, Inc. for property located at 315-317 Federal Street (Assessor's Map 94, Lot 41 and 42), which is located in the Limited Commercial (LC) Zoning District, for a special permit pursuant to Sections 200-4.8(C8); 200-6.7(F), 200-8.3, and 200-8.4 of the Zoning Ordinance in order to use the premises as a convenience store with gas pumps, and to permit exception to the sign requirements.

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 representative to the Applicant, including: Luke DiStefano, Bohler Engineering; Tom Reidy, Bacon Wilson, P.C.; Kevin Rizzo, Cumberland Farms; Steve Savaria, Fuss & O'Neil; and members of the public.





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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.

Reidy Stated his client, Cumberland Farms would like to build a convenience store with 5 gas pump stations with diesel at the property in mention. A Cumberland Farms and 3 gas pump stations is currently located at 317 Federal Street. Cumberland Farm will be combining the 317 Federal Street lot with the adjacent property, 315 Federal Street where Domino's Pizza is located. Cumberland Farms owns both lots.

The Domino's building will be completely demolished and a new structure will be built. The proposed plan is to build one 20,000 gallon underground storage gas tank. Currently, the proposed plan is to keep the existing screening and fencing. There are some additional screening and planting to the east.

The applicant proposes a free standing sign, which meets all Zoning Ordinance requirements. The applicant requests a special permit for two wall signs. The proposed wall sign facing the parking lot to the north is 37.6 square feet, which is less than 10% of the facade and also less than 45 square feet. The additional proposed wall sign faces Federal Street to the west. The Zoning Ordinance only allows one wall sign, so the applicant requests the additional wall sign be allowed by special permit.

McLellan Inquired whether any signage will be placed on the canopy

Reidy Responded no

Reidy Stated other commercial properties in Greenfield have similar signage arrangements, including Walgreens and CVS. The proposed Cumberland Farms property has an unique situation because it abuts three streets. The proposed signage will have no line of sight issues with the driveway and adjacent street

Reidy Stated the plan proposes 20 parking spaces inclusive of one ADA accessible spaces. Currently, there are 22 parking spaces.

Maloney Inquired what the proposed exterior lighting includes

DiStefano Responded the proposed lighting is LED, which provides cut off fixtures that put light where it is supposed to be and not in areas that they are not supposed to be, e.g. abutting properties and the public right of way.

Maloney Inquired what the height of the exterior lighting poles is

DiStefano Responded the height of each pole is 14 feet high



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Maloney Inquired how many exterior light poles are proposed

DiStefano Responded there are 14 light poles

Maloney Inquired whether the curb cut in the back of the building along Smith Street will stay or go

Reidy Responded they will go

Joseph Inquired whether the only ingress and egress will come from Federal Street

Reidy Responded, correct

Ronhave Inquired which building exit will provide loading for truck deliver

DiStefano Responded only small trucks will typically make deliveries at Cumberland Farms and they will deliver items through the front entrance. The only big trucks that will make deliveries is for gasoline and diesel

McLellan Inquired whether the applicant plans to repave the property

DiStefano Responded, yes

DiStefano Stated the air pump and telephone will be removed from the property

Maloney Inquired if the areas over the underground storage gas tanks will have grass

DiStefano Responded yes

Maloney Inquired whether shrubs will be planted to buffer the property from the Lincoln Street corner

DiStefano Responded yes

Maloney read the correspondence from the Planning Department

McLellan Inquired whether the applicant plans to put the bike rack back

Reidy Responded yes

Maloney read the correspondence from the DPW

McLellan read the correspondence from the Board of Health and Planning Board

Chairman McLellan opened up the hearing for public comment.





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Craig Hansen, 11 Smith Street

Stated he opposes the location of the proposed dumpster, which will be located very close to his house

Mary Ellen Hansen, 11 Smith Street

Inquired whether lighting will be on 24/7. Inquired whether food delivery and dumpster pick-up will be authorized 24/7.

Maloney Responded these issues will be addressed when the board makes a decision

Hansen Inquired where the location of the proposed dumpster is.

DiStefano Responded the proposed trash enclosure will be located along the northern property line.

Neale Gay, 14 Smith Street

Stated she has concerns regarding the proposed outdoor seating area being open 24/7. At least 8 police incidents have been logged since January 2014, including a robbery at gun point a few weeks ago.

DiStefano Responded the outdoor seating area could be locked during non peak hours.

Gay Inquired who will use the outdoor seating area

DiStefano Responded the outdoor seating area is designed for customers to use

Paul Bourdreau, 4 Lincoln Street

Stated in general the noise is not an issue with him. There are 4:00AM deliveries that does create noise. During the weekend nights, the noise is short, so by the time the police come, the people causing the noise are gone.

Stated last week, gasoline was delivered after 10:00PM. The noise from the delivery truck backing up lasted over 5 minutes.

DiStefano Stated the delivery can be conditioned to certain time periods

Bourdreau Inquired if trucks make deliveries outside the timeframe, who can he contact

Maloney Responded he should contact Zoning Enforcement Officer, Mark Snow.

Maloney Stated if the ZBA does approve the Cumberland project, the ZBA has the authority to condition the special permit regarding certain issues, including dumpster pick-up, delivery timeframes, the outdoor seating area, fencing and screening.

Bourdreau Inquired about snow removal. It currently is piled up on-site



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Maloney Responded the snow will be removed off-site

Dana Wojtkowski, 39 Smith Street

Stated traffic from Smith Street to Federal Street is bad. With the proposed store being bigger, it will create a bigger problem for traffic going onto Federal Street.

Gay Stated there is a major litter problem. All the litter from the Cumberland Farms property goes on the abutting properties

Hansen Inquired whether the dumpsters can be moved to a different location on the property

DiStefano Responded he can review the plans

DiStefano Stated there will be back to back fencing with vegetation. The applicants can plant vegetation that is 5-10 years old to ensure immediate buffering from the neighbors

Maloney Inquired the distance between the proposed building and Smith Street

DiStefano Responded about 7 ½ feet

Maloney Inquired the wall material for the back wall facing Smith Street

DiStefano Responded vinyl siding

McLellan Inquired whether there will be windows on the back side facing Smith Street

DiStefano Responded no

Savaria Stated he performed the traffic study for this project. Stated there is an use already existing on the properties. Customers already utilize the properties. The proposed project will not increase the amount of person who purchase gas

Stated the traffic associated with Domino's Pizza will go away. Most of the traffic associated with Domino's Pizza come from Smith Street, so that traffic will decrease

Bourdreau Stated there is an elevation issue. The fence will actually be 4 feet high from the parking lot, not 6 feet

Hansen Stated turning left onto Federal Street currently takes about 5-10 minutes. Domino's Pizza opens at 11:00 AM. The proposed Cumberland Farms will be open 24/7 which will increase traffic.

Bourdreau Inquired how long is the construction time period



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DiStefano      Responded 100 days from start to finish

Maloney      Inquired if the different orientation of the gas pumps is supposed to be for better flow of cars

Reidy      Responded yes

Maloney      Inquired about the traffic concerns

Savaria      Responded he performed traffic counts at all intersections. There are no issues at any intersection

Maloney      Inquired whether the 2 proposed curb cuts on Federal Street will both be 2-way

DiStefano      Responded both are 2-way

Gay      Stated people speed into the gas station, which is dangerous for pedestrians walking by on the sidewalk

Reidy      Stated the proposed project is making the property better and safer. The Cumberland Farms is a convenience store for passersby; it is not a destination. The patio is located in front of the store by Federal Street, it is not hidden behind any structures. The proposed vegetation can be conditioned to be maintained, and if any plant dies, it must be replaced within one growing season.

Gay      Inquired whether the store will sell fast food

Reidy      Responded yes, the store will sell food items such as pizza and breakfast sandwiches

Hansen      Inquired about the monitoring wells on her property that were installed by Cumberland Farms

Reidy      Responded he will look into the wells

McLellan      Read letter of concern, which was signed by 30 neighboring property owners

Maloney      Read letter of concern from Christina & Neale Gay, 14 Smith Street

Maloney      Stated potential items to condition include: dumpster and deliver times; snow removal; vegetation maintenance and contingency plan for dead vegetation; monitoring wells located at 11 Smith Street; recycling bins; fencing going down to ground so debris doesn't blow under and into abutting properties.

Maloney      Inquired whether the applicants plans to sell propane

DiStefano      Responded not now



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**Public Hearing closed at 9:35 p.m.**

**Discussion/Decision**

**Cumberland Farms, Inc., 315-317 Federal Street (Assessor's Map 94, Lot 41 and 42)**

McLellan Stated the Board will postpone the decision for 315-317 Federal Street until the next regularly scheduled meeting.

Approval of Minutes:

**MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to approve the Minutes from January 9, 2014, as amended.**

**MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to approve the Minutes from January 23, 2014, as amended.**

Discussion Items

Potential Re-zoning of Parcel 108-42 for Lundgren Honda from Urban Residential (RA) to Limited Commercial (LC)

McLellan Stated this item was added to the Planning Board Meeting Agenda, but has since been removed. Therefore the Board will take no action on this item.

Maloney Stated the Board will take no action on this item until a site plan has been submitted to them.

McLellan Read memo to be sent to the Planning Board from the Zoning Board of Appeals.

**MOTION: Moved by Maloney, seconded by Conti, and voted 5:0 to approve the memo to be sent to the Planning Board**

Administrative Approval of the Proposed Signage for 189-191 Shelburne Road (former Country Hyundai)

McLellan Stated the Board administratively approved the proposed signage for a new John Deere dealership located at 189-191 Shelburne Road in Greenfield as depicted on signage plans prepared by Link Engineering, LLC dated May 29, 2009 with the condition that the pylon sign be placed in the same location as the current pylon sign and that illumination of the sign be turned off at the close of business every day or by 11:00 PM, whichever comes first. In addition, the square footage of all proposed building wall signage shall not exceed the existing square footage of such signage and shall be non-illuminated.



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Adjournment:

**MOTION: Moved by Conti, seconded by Maloney, and voted 5:0 to adjourn the meeting at 10:05 p.m.**

Respectfully Submitted,

Maureen Pollock  
Assistant Planner & Conservation Agent