



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)
Kimball, Russell (2015)
Maloney, Mark (2016)
Ronhave, Steven (2015)
Winn, James (2015)

ZONING BOARD OF APPEALS
Minutes of June 25, 2015
Department of Planning & Development
114 Main Street

The meeting was called to order by Chair, Tom McLellan at 7:00 p.m. with the following members:

PRESENT: Mark Maloney, Acting Chairman Scott Conti Steve Ronhave
Christopher Joseph James Winn Russell Kimball

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:

1. Application of Paul Ferrini for property located at 9-11 Phillips Street (Assessor's Map 63, Lot 36), which is located within the Urban Residential (RA) Zoning District for a Special Permit pursuant to Sections 200-7.2 and 200-8.3 of the Zoning Ordinance in order to in order to allow the reduction of the dimensional setback requirements by 20% and the development of four (4) multi-family dwelling units at this location.

Members sitting were Mark Maloney, acting Chair; Scott Conti; Christopher Joseph; Steve Ronhave; and James Winn. Also in attendance were Russell Kimball, ZBA alternate; Applicant, Paul Ferrini; Representative to the Applicant, Attorney David Singer; and members of the public.

Maloney 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.

Singer Stated the applicant would like to convert the two-family dwelling units into four (4) multi-family dwelling units. The proposed development would include three dwelling units in 'Building A', and one dwelling unit to remain in 'Building B.' Under the Zoning Ordinance, the minimum lot size needs to be of 14,000 square feet. The applicant requests a reduction of the dimensional setback requirements by 20%, totaling 11,905 square feet. Also, the existing fence on this corner lot exceeds 4-feet in height. The applicant would like the fence to remain, but will cut the height to 4-feet.

Stated the history of the property. 'Building B' was the original building on the lot. When Ferrini purchased the property, he received a building permit to build a garage on the property where you see 'Building A' on the submitted site plan as a single story, wood frame. Ferrini then received a building permit to have 'Building A' expanded. In 2003, Ferrini received a building permit to construct a 3-level building; attaching it to the one-level wood frame. Building A and B are connected by a fence. Ferrini then converted the property into a condominium style of ownership,



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and was able to divide the ownership of the property into 2 owners. 'Building A' and its surrounding area is owned by Ferrini and 'Building B' and its surrounding area is owned by another person. The Zoning Ordinance does not allow the properties to be subdivided.

The applicant would like to convert the 1-2 family home located in 'Building A' into 3-units. There would be no new construction, and the building would not be expanded. Under the Zoning Ordinance, 6 parking spaces are required for the 3-units. As shown on the submitted site plan, the applicant is proposing 6 parking spaces.

- Conti Read correspondence from the Department of Inspections and Enforcement, dated June 5, 2015 and June 23, 2015; Planning Board; Department of Public Works, and Fire Department. Stated Mark Snow, Inspector of Buildings is present to answer any questions from the Board.
- Winn Inquired what the official address is for the property is.
- Snow The address still needs to be addressed.
- Winn Inquired whether all approvals for the interior of the building have been made.
- Snow Stated all approvals are in the process.
- Maloney Stated the Zoning Ordinance requires the fence to have a 30 inch setback from the sidewalk. Inquired what the distance is.
- Singer Responded, approximately 6 inches.

Chairman Maloney opened up the hearing for public comment.

The following individuals stated concerns regarding the applicant's' request:

1. Sherri Buntlin, 10 Phillips Street
2. Karen Bresciano, 8 Phillips Street

Public Hearing closed at 7:50 p.m.

- Conti Inquired what the plan for the existing office and garage in the wood frame is.
- Ferrini Responded the office will become a bedroom and the garage will remain.
- Joseph Inquired where the dumpster is located.
- Singer Responded town trash pick up will be available if the units are owner-occupied as individual condos. If the units are rented, a dumpster can be provided on-site.



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- Maloney Stated he would like the fence to be cut to 4-feet in height and moved back 30 inches from the sidewalk.
- Ronhave Stated as long as Mark Snow is fine with the project, then he is fine with the project.
- Snow Stated the applicant has been really responsive and following through with requirements from the town. Stated if a special permit is granted any and all conditions imposed by the Board should be clearly written and enforceable.

Discussion/Decision

Paul Ferrini for property located at 9-11 Phillips Street (Assessor's Map 63, Lot 36)

- Winn Stated if the fence is brought up to compliance, then he will be fine with the project.
- Ronhave Stated if Mark Snow and the owner of 'Building B' are okay with the project, then he is fine with it as well.
- Conti Stated he wants the fence brought into compliance, all recommendations made by Mark Snow be conditioned, and the property address be appropriately changed.

MOTION:

Moved by Conti, seconded by Ronhave, and voted 5-0 to approve the application of Paul Ferrini for property located at 9-11 Phillips Street (Assessor's Map 63, Lot 36), which is located within the Urban Residential (RA) Zoning District for a Special Permit pursuant to Sections 200-7.2 and 200-8.3 of the Zoning Ordinance in order to allow the reduction of the dimensional setback requirements by 20% and the development of four (4) multi-family dwelling units at this location, with the following conditions:

- 1. The existing wooden fence shall have a maximum height of 4-feet and shall be re-located to a minimum distance of 30 inches away from the public sidewalk, with additional clearance for the driveway;**
 - 2. The applicant shall submit an application to the Department of Inspections and Enforcement for appropriate address changes for the property;**
 - 3. As recommended by the Department of Inspections and Enforcement in their memo correspondence to the ZBA dated June 23, 2015 all additional dwelling units are not legal dwelling units and shall not be occupied until all required permits are applied for, issued, all inspections are conducted, approved, and Certificate of Occupancy for each unit is issued by the Department of Inspections and Enforcement;**
 - 4. A dumpster shall be provided on-site and shall be screened in such a manner that it will not be visible from the public right-of-way.**
2. Application of Sandri Realty, Inc. for property located at 295 Federal Street (Assessor's Map 94, Lot 21A), which is located within the Limited Commercial (LC) Zoning District for a Special Permit pursuant to Sections 200-4.8(C8), 200-6.1(C), 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the installation of new gasoline tanks/fuel dispensers, the removal of an existing diesel tank and fuel pump,



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and the renovation of the existing service station by adding a convenience store and a drive-thru Dunkin Donuts at this location.

Members sitting were Mark Maloney, acting Chair; Scott Conti; Christopher Joseph; Steve Ronhave, and James Winn. Also in attendance were Russell Kimball, ZBA alternates; Applicant, Richard Marcs, Sharon Abbott; Representative to the Applicant, Peter Lazorchak, P.E.; and members of the public.

- Maloney 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.
- Marcs Stated the property has operated as a gas station since 1928, which pre-dates the Greenfield Zoning Ordinance, making it a legal non-confirming use. Sandri would like to replace the existing gas tanks and pumps, as well as add a convenience store and drive-thru Dunkin Donuts. The drive-thru is considered an expansion to the legal non-confirming use, and therefore, triggers the need to file a special permit.
- Stated the Dunkin Donuts would be owned by the franchise who owns the other two Dunkin Donuts locations in Greenfield.
- The proposed plan is to have the entrance for the drive-thru on Federal Street. Approximately 17 cars will be able to stack around the building, and will exit-only onto Smith Street. The width to the Haywood Street entrance will be narrowed for delivery trucks. There will also be an ingress/egress for the gas station on Federal Street.
- Stated there will be 4 gasoline dispensers. The single diesel pump will be eliminated.
- Stated the existing sign will be moved from the Haywood Street entrance to the Federal Street entrance.
- Abbott Stated DPW suggested that the curb cut be closed at Federal Street due to traffic, and have an exit-only on Smith Street.
- Marcs Stated there will be 2 façade signs for Dunkin Donuts, one of the signs will be located on the side of the building, and another sign will be located on the front of the building facing Federal Street. Both signs meet the dimensional requirements.
- Conti Read correspondence from the Department of Inspections and Enforcement; Department of Public Works, Planning Board, and Fire Department.
- Lazorchak Stated there are 23 parking spaces proposed, including 1 ADA parking space. Stated the number of spaces is more than required.
- Marcs Stated in order to prevent light spilling onto the abutting properties; the plan includes planting shrubs along the southern boundary line, and install a 6-foot high fence along the eastern



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boundary line. There will be a grassy depression on the northern boundary line for diverting stormwater.

- Maloney Inquired how the applicant plans to prevent two-way traffic from using the Smith Street egress.
- Marcus Responded there will be signs posted indicating, 'do not enter' from Smith Street.
- Conti Inquired what the hours of operations are.
- Marcus Responded the Dunkin Donuts staff will arrive at 4:30AM and will open at 5:30AM. Stated the hours of operation for the gas station will be 5:30AM to 9:00PM.
- Conti Stated other liquor stores in Greenfield are open until 11:00PM, so Sandri could request having the convenience store open until 11:00AM as well.
- Marcus Stated the bike racks have been moved to a more visible and safer area on-site. Stated because the convenience store has less than 25 seats, a grease trap is not required.

Conti read correspondence from individuals who have concerns regarding the applicant's request:

1. Lisa Morrison, 19 Smith Street
2. Neale Gay, 14 Smith Street
3. Charles Olchowski, 28 Smith Street
4. Mike Placinta, 27 Smith Street
5. Peter Lolacono, 43 Smith Street
6. Hazel Dawkins, 91 Smith Street #307
7. Kelly Wallace, 23 Smith Street
8. Jeremy Remillard, 26 Smith Street
9. Howard Hansen, 11 Smith Street
10. Gary Seeds, 91 Smith Street #302
11. Vincent Garzilli, 91 Smith Street, #301
12. Banari Nadejda, 91 Smith Street, #102
13. Andrei Banari, 91 Smith Street, #102
14. Kyle Hanelsen, 38 Smith Street
15. Dana Wojtkowski, 39 Smith Street

Public Hearing closed at 9:14 p.m.

- Maloney Inquired what the height of the proposed exterior lights will be.
- Marcus Responded the maximum height would be 15-feet.
- Maloney Inquired whether a fence would be around the dumpster.



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- Marcus Responded a 6-foot high fence will wrap around the dumpster.
- Maloney Inquired about snow removal.
- Marcus Responded there will be a grass depression along the northern boundary which will serve as snow storage. Excess snow will be removed off site.
- Conti Inquired about the proposed fence.
- Marcus Responded the fence will be a stockade fence made of cedar. It will be 6 feet in height and continuous.
- Marcus Stated the applicant does not plan to plant along the fence, unless required.
- Lazorchak Stated the proposed project will not generate more trips.

Discussion/Decision

Sandri Realty, Inc. for property located at 295 Federal Street (Assessor's Map 94, Lot 21A)

- Joseph Stated he opposes the egress onto Smith Street, and perhaps opposes the drive-thru Dunkin Donuts.
- Ronhave Sated he agrees with Joseph. Stated he does not like the drive-thru. Stated he would like to see the drive-thru exit moved.
- Winn Stated he would vote against the project, because of the egress onto Smith Street.
- Conti Stated he is not concerned with the egress onto Smith Street. Stated there will be an approximate 3 minute lag time between each customer exiting onto Smith Street. Stated the car stacking will occur within the property, and does not believe it will be a problem on Federal Street.
- Maloney Stated he does not like the egress located on Smith Street.
- Marcus Stated he would like to withdraw without prejudice his request to renovate the existing service station by adding a convenience store and a drive-thru Dunkin Donuts at this location. Therefore, at this time, he would only like to request a Special Permit in order to allow the installation of a new gasoline tanks/fuel dispensers, and the removal of an existing diesel tank and fuel pump.

MOTION **Moved by Conti, seconded by Ronhave, and voted 5-0 to approve the applicant's request to withdraw without prejudice his request to renovate the existing service station by adding a convenience store and a drive-thru Dunkin Donuts at this location.**



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MOTION **Moved by Conti, seconded by Ronhave, and voted 5-0 to approve the application of Sandri Realty, Inc. for property located at 295 Federal Street (Assessor's Map 94, Lot 21A), which is located within the Limited Commercial (LC) Zoning District for a Special Permit pursuant to Sections 200-4.8(C8), 200-6.1(C), 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the installation of new gasoline tanks/fuel dispensers, and the removal of an existing diesel tank and fuel pump.**

Planning Board Recommendation:

2. Application of 401 Liberty Street, LLC for property located at 298 Federal Street (Assessor's Map 95, Lot 1, UTB), which is located within the Limited Commercial (LC) Zoning District for a Special Permit pursuant to Sections 200-7.12 (Major Development Review), 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the development and operation of a residential substance abuse treatment center.

MOTION: **Moved by Joseph, seconded by Conti, and voted 5:0 to make no recommendation to the Planning Board on the application of 401 Liberty Street, LLC for property located at 298 Federal Street (Assessor's Map 95, Lot 1, UTB), which is located within the Limited Commercial (LC) Zoning District for a Special Permit pursuant to Sections 200-7.12 (Major Development Review), 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the development and operation of a residential substance abuse treatment center.**

The Board was not provided enough information to forward a recommendation.

Action Items:

1. Annual Reorganization

MOTION: **Moved by Joseph, seconded by Winn, and voted 5:0 to elect Mark Maloney as Chair.**

MOTION: **Moved by Joseph, seconded by Winn, and voted 5:0 to elect Scott Conti as Clerk.**

Approval of Minutes:

MOTION: **Moved by Joseph, seconded by Ronhave, and voted 5:0 to approve the Minutes from May 14, 2015.**

MOTION: **Moved by Joseph, seconded by Ronhave, and voted 5:0 to approve the Minutes from May 19, 2015.**

Adjournment:



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MOTION: Moved by Conti, seconded by Ronhave, and voted 5-0 to adjourn the meeting at 10:55 p.m.

Respectfully Submitted,

Maureen Pollock
Assistant Planner & Conservation Agent