



City 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.

Allis, Brickett (2018)
Killeen, Andrew (2019)
Maloney, Mark (2019)
Winn, James (2020)
Wozniak, Peter (2020)

ZONING BOARD OF APPEALS
Minutes of January 11, 2018
Town Hall, 2nd Floor Meeting Room
14 Court Square

The meeting was called to order by Chair, Mark Maloney at 7:04 p.m. with the following members:

PRESENT: Mark Maloney, Chairman Andrew Killeen
James Winn Peter Wozniak

ALSO PRESENT: Applicants and members of the public

ABSENT: Brickett Allis

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 O’Reilly Auto Enterprises, LLC for property located at 461 Bernardston Road (Assessor’s Map 116, Lot 30), which is located in the Limited Commercial (LC) Zoning District, for a Special Permit pursuant to Sections 200-6.7(A3)(c) and 200-8.3 of the Zoning Ordinance in order to allow a freestanding sign that exceeds the maximum square footage allowed of 40 square feet to 48 square feet at this location.

Chairman Maloney explained the public hearing process to the Applicant. Killeen read the public notice into the record. Members sitting were Mark Maloney, Chair; Andrew Killeen; James Winn; and Peter Wozniak. Also in attendance Randy Miron, Engineer from Bohler Engineering; and members of the public. Chairman Maloney explained to the Applicant’s representative that the issuance of a special permit requires a super majority vote of the ZBA which is 4 affirmative votes. Chairman Maloney gave the option for the hearing to be continued to their next meeting when all five members are present. Mr. Miron elected to be heard at this meeting.

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

Miron Gave an update to the Board on the approved 7,447 square foot O’Reilly Auto Parts store at 461 Bernardston Road. Stated that they have received approval from MassDOT for the access way from Bernardston Road. In order to maintain their customer presence and visibility, O’Reilly is requesting a 48 square foot pylon sign which exceeds the zoning ordinance standards by 8 square feet. All other dimensions of the pylon sign meet the standards of the Zoning ordinance. He stated that they did receive a positive recommendation from the Planning Board on the proposed sign.



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Maloney Inquired whether there will be a new access driveway from Bernardston Road.

Miron Responded that there is an existing access drive from Bernardston to the site but that it will be moved a little which requires MassDOT approval..

Maloney Inquired about whether greenspace will be increasing.

Miron Responded, yes and that the existing pavement will be removed in some areas.

Maloney Inquired whether the existing building will remain.

Miron Responded that the existing building will be demolished and replaced with a new building.

Maloney Inquired whether the sign will be internally lit.

Miron Responded yes.

Maloney Inquired on the dimensions of the sign.

Miron Responded 4 feet by 12 feet and that the sign will be placed on O'Reilly property along Bernardston Road.

Winn Inquired on when the sign would be internally lit as well as the parking area lights.

Miron Responded that the signs and lights would be on one hour before the store opens until one hour after the store closes, typically 9:00 AM to 10:00 PM.

Maloney Inquired on the markings for the access driveway from Wildwood Avenue.

Miron Responded that there will be a painted stop bar as well as a stop sign.

Maloney Inquired if the 11 feet clearance is enough for vehicles turning south on Bernardston Road to see pedestrians in the crosswalk.

Miron Responded that this shouldn't be a problem and that there is actually 7 feet to the bottom of the stop sign which is the state standard.

Maloney Read correspondence from the Planning Board, Board of Health, Fire, Licensing Commission, and Town Engineer.

Killeen Inquired if there is a hardship in terms of maintaining customer visibility and the need for 48 square feet.

Miron Responded that they did in their cover letter to the Board go into the special permit criteria and need for a 48 square foot sign. Essentially, they want to maintain their presence in a busy commercial area similar to their existing competitors.



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Chairman Maloney opened up the hearing for public comment.

Arthur Ruggles, 9 Long Avenue, Greenfield

Stated that he is an abutter to the project. Inquired on whether the existing facility and signage at Cherry Rum Plaza will remain since they are so close to one another. He stated that he has heard rumors that the facility will remain open. Expressed concerns about lighting because of the lighting that took place for Burger King wasn't consistent. He expressed concerns about the greenspace area near his property and asked for curbing or other ways to stop people from getting into that area where in the past, people would hang out. He asked why the proposed vegetation doesn't continue along his property line and if the existing fencing which is in disrepair will be replaced. He has been a resident of this area for about 34 years and that it is a peaceful area to live in.

Maloney Asked Mr. Miron to respond to the issues highlighted by Mr. Ruggles.

Miron Responded that the existing fencing will be replaced with new fencing. He also responded that their landscape architect did not continue the vegetation along the entire perimeter of the property.

Ruggles Inquired on why his property doesn't get equal screening as his neighbors do.

Maloney Stated that the Planning Board approved the project through site plan review and that they are here to only deal with the signage request.

Miron State that he thinks the vegetation ends where it does because of the Zoning District boundary lines.

Maloney Inquired if there are further questions from the Board.

Board Members Responded no.

Maloney Inquired on exact store hours.

Miron Responded typically they are Monday through Saturday from 7:30 AM to 9:00 PM and Sunday 9:00 AM to 7:00 PM.

Killeen Read review comments from the Planning Board. Comments in the form of "no comments" were received from the Inspector of Buildings and the Board of Health.

Public Hearing Closed at 7:27 p.m.

Discussion/Decision

Application of O'Reilly Auto Enterprises, LLC for property located at 461 Bernardston Road (Assessor's Map 116, Lot 30)

Killeen Stated that generally the project looks good and that he doesn't have a problem with it. Asked if every time someone comes in to ask for a larger sign than the standard, than what good is the standard.

Maloney Responded that the standard was developed 30 years ago based on the Zoning District. He stated that the ZBA has received applications for increased signage that were way out of proportion and much larger than the standard.



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- Killeen Stated that he could see the need for shrubbery in the back of the Limited Commercial section.
- Winn Stated that he has no issues with the request for 8 additional square feet of signage and that he doesn't believe it would be a detriment to anyone in the area.
- Wozniak Stated that he has no issues with the request but that he is sympathetic of Mr. Ruggles request for screening.
- Maloney Explained to the Board members that the request before them is for additional signage and not site plan review which was previously approved by the Planning Board. He also reminded the Board that the vote to approve would require all four votes. He stated that he would be inclined to approve the request with a condition that the internally lit sign not be turned on before 6:00 AM and turned off by 10:00 PM. The fencing will be replaced, greenspace has been significantly increased, and there are extra plantings and shrubbery.

The Board discussed the request of Mr. Ruggles and what they could do about it. Maloney asked Mr. Miron if O'Reilly would have an issue with the additional plantings. Mr. Miron indicated no. Maloney suggested that they deal with this issue through a recommendation. The Board members concurred.

MOTION Moved by Killeen, seconded by Winn, and voted 4:0 to approve the application of O'Reilly Auto Enterprises, LLC for property located at 461 Bernardston Road (Assessor's Map 116, Lot 30), which is located in the Limited Commercial (LC) Zoning District, for a Special Permit pursuant to Sections 200-6.7(A3)(c) and 200-8.3 of the Zoning Ordinance in order to allow a freestanding sign that exceeds the maximum square footage allowed of 40 square feet to 48 square feet at this location as presented, with the following condition:

1. The internally lit sign shall not be turned on before 6:00 a.m. and shall be turned off by 10:00 p.m. Monday through Saturday and by 8:00 p.m. on Sundays.

The Board strongly recommends that additional arborvitae be planted along the southerly fence line from where the Urban Residential (RA) zone ends and extended through to the Limited Commercial zone.

- b. **7:15 p.m.:** Application of Jennifer A. Gross for property located at 7 Linden Avenue (Assessor's Map 90, Lot 16), which is located in the Limited Commercial (LC) 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 the expansion of a legal non-conforming use from an existing single-family dwelling to a two-family dwelling with existing lot area of 4,653 square feet at this location.

Chairman Maloney explained the public hearing process to the Applicant. Killeen read the public notice into the record. Members sitting were Mark Maloney, Chair; Andrew Killeen; James Winn; and Peter Wozniak. Also in attendance was Jennifer A. Gross, Applicant; and members of the public. Chairman Maloney explained to the Applicant's representative that the issuance of a special permit requires a super majority vote of the ZBA which is 4 affirmative votes. Chairman Maloney gave the option for the hearing to be continued to their next meeting when all five members are present. Ms. Gross elected to be heard at this meeting.



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- Maloney Introduced the Board members sitting and asked the project proponents to introduce themselves and explain what they want to do, where they want to do it, and why.
- Gross Stated the house located at 7 Linden Avenue is an existing 4-bedroom, two-bathroom house which she would like to convert into two apartments, one upstairs and one downstairs. There is a second ingress/egress proposed that doesn't encroach on any setbacks so the only increase in the footprint would be the concrete slab for the second ingress/egress. New lighting would be added where the parking area is.
- Maloney Inquired whether 7 Linden Avenue was ever a two-family home.
- Gross Responded that she doesn't believe that it ever was.
- Maloney Inquired if she would be living in one of the units.
- Gross Responded that her mother may live in the upstairs apartment and she may live in the downstairs units herself even though she already has a primary dwelling.
- Maloney Inquired if the existing front entrance will remain.
- Gross Responded yes and that there is also a side entrance.
- Maloney Stated that parking is an issue if you are in the 1st or 2nd parking spot and parking spaces 3 and 4 are also occupied. Car 3 or 4 would have to move.
- Gross Responded yes that is the case if all four are occupied.
- Maloney Inquired if the existing garage will remain.
- Gross Responded yes and that the garage will be used for 2 parking spaces.
- Maloney Commented that there is no room on the other side for parking.
- Maloney Inquired on how people will access the upper story unit.
Gross Responded that the new egress will be used to access the upper story dwelling unit and that the front entryway includes a common area.
- Maloney Commented that Forrest Avenue used to be primarily all single family homes and that in the 1980s, many of these homes were converted into 2 or 3 units which was an issue at the time.
- Winn Inquired on the proposed new lighting.
- Gross Responded that her plan shows the location of where new localized lighting will be added which is on the side with no abutters except the back side of the dental property.
- Maloney Inquired on the location of the new lighting.
- Gross Responded that the submitted plan shows two dots where the lighting will be located which will be located in the area of the new ingress/egress at the top and bottom.



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Maloney Inquired if the existing pavement for the driveway will be replaced.

Gross Responded yes.

Chairman Maloney opened up the hearing for public comment. None

Killeen Read correspondence from the Planning Board, Inspector of Buildings, Town Engineer, and Board of Health.

Maloney Inquired if Ms. Gross has spoken to the Inspector of Buildings.

Gross Responded yes and that she was originally approved for the building permit but was notified later that because of the lot size, needed to seek a special permit from the ZBA.

Winn Inquired on who the contractor for the project is.

Gross Responded Justin Foes from Erving.

Public Hearing Closed at 7:47 p.m.

Discussion/Decision

Jennifer A. Gross for property located at 7 Linden Avenue (Assessor’s Map 90, Lot 16)

Killeen Stated that he likes the way the project was presented and suggests that the parking requirement be reduced from two parking spaces per dwelling unit to 1.5 spaces per unit.

Maloney Stated that the board cannot reduce the parking if the submitted plan shows that the parking requirements of the Zoning Ordinance are being met.

Winn Stated that he has no problems with the request as long as Ms. Gross follows the recommendations of the Inspector of Buildings.

Wozniak Stated that he has no issues with the request.

Maloney Stated that a condition could be added to deal with the City Engineer’s review memo that recommends that the existing sanitary and water services be reviewed for sizing, quality and operation.

MOTION

Moved by Killeen, seconded by Wozniak, and voted 4:0 to approve the application of Jennifer A. Gross for property located at 7 Linden Avenue (Assessor’s Map 90, Lot 16), which is located in the Limited Commercial (LC) 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 the expansion of a legal non-conforming use from an existing single-family dwelling to a two-family dwelling with existing lot area of 4,653 square feet at this location as presented with the following conditions:

- 1. The Applicant shall comply with all building code matters related to the change of use from a single-family dwelling to a two-family dwelling; and**



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- 2. The Applicant shall have the existing sanitary and water services be reviewed for sizing, quality and operation as per the City Engineer's recommendation.**

Approval of Minutes:

MOTION: Moved by Winn, seconded by Wozniak, and voted 4:0:1(Killeen abstained) to approve the Minutes from November 16, 2017.

Adjournment:

MOTION: Moved by Killeen, seconded by Winn, and voted 4-0 to adjourn the meeting at 8:11 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning and Development