



City of
GREENFIELD, MASSACHUSETTS

ZONING BOARD OF APPEALS

City Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1549 • Fax 413-772-1309
eric.twarog@greenfield-ma.gov • www.greenfield-ma.gov

William F. Martin
Mayor

Members:
Twarog, Eric
Director, Planning & Dev.

Gilkes, Debra (2022)
Maloney, Mark (2022)
Singer, David (2021)
Winn, James (2020)
Wozniak, Peter (2020)

ZONING BOARD OF APPEALS

Minutes of December 12, 2019

2nd Floor Meeting Room

20 Sanderson Street

The meeting was called to order by Chair, Mark Maloney at 7:02 p.m. with the following members:

PRESENT: Mark Maloney, Chairman James Winn, Clerk Peter Wozniak
David Singer Debra Gilkes

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 Igor Komerzan for property located at 13 Power Court (Assessor’s Tax Map 30, Lot 34), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(C7) and 200-8.3 of the Zoning Ordinance in order to allow conversion of a single family home to a two-family home at this location.

At a public meeting on Thursday, December 12, 2019 at 7:00 p.m., in the 2nd Floor Meeting Room of 20 Sanderson Street, the Greenfield Zoning Board of Appeals held a public hearing on the application of Igor Komerzan for property located at 13 Power Court (Assessor’s Tax Map 30, Lot 34), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(C7) and 200-8.3 of the Zoning Ordinance in order to allow conversion of a single family home to a two-family home at this location. Chairman Maloney explained the public hearing process to the Applicant. Winn read the public notice into the record. Members of the Board sitting were Mark Maloney, Chair; James Winn; Peter Wozniak; David Singer; and Debra Gilkes. Also in attendance was the Applicant: Igor Komerzan.

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.

Komerzan Stated that both he and his brother-in-law, who is his business partner and recent co-owner of 13 Power Court, want to convert the single family home to a two-family home. They purchased the property about two months ago. The existing layout of the home is conducive to converting to a two-family. They need to make a second egress from the second floor. No other exterior work is proposed except for the driveway and adding a few more parking spaces. The single family home was a two-family home previously. He stated that within 300 feet of this property there are about seven (7) multi-family properties. He stated that this is their first venture together and their intent is to have good tenants. In order to do this, they need to be good landlords by improving the property. They have already dealt with overgrowth of vegetation on the property.



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Maloney Inquired whether the two-family will be up and down or side by side.

Komerzan Responded up and down (1st floor/2nd floor).

Maloney Inquired on how big the dwelling units will be.

Komerzan Responded that the entire structure is approximately 1,700 square feet in size. The bottom unit will be about 900 square feet and the top unit will be about 800 square feet in size.

Maloney Inquired if they are looking to change the footprint of the building.

Komerzan Responded no change to the existing footprint.

Maloney Clarified that the property has city water and sewer.

Komerzan Responded yes.

Maloney Inquired on the number of existing parking spaces and proposed number of parking spaces.

Komerzan Responded that there are three (3) existing parking spaces with one additional proposed for a total of four (4) parking spaces.

Gilkes Mentioned the comments submitted by the Fire Prevention Officer and asked about construction to meet the code.

Komerzan Responded that they will meet all such codes to include a 5/8 inch sheetrock on the ceiling, adjoining walls, and the doors.

Gilkes Inquired if the rating is 90 minutes.

Komerzan Responded yes.

Singer Questioned the property border.

Komerzan Responded that they have moved the 2nd egress from that location to the driveway side so that it will not encroach on the neighboring property line.

Singer Inquired of the Chair whether the Board can proceed with the special permit request given that there is encroachment on the neighboring property line.

Komerzan Responded that this is reflected in the current deed and clarified that the structure is a garage that was added to the house that is encroaching on the neighboring property line.



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The Board discussed the encroachment issue and reached consensus that given the nature of the special permit request, the Board can proceed with the request.

Maloney Inquired of the Applicant about the neighbors

Komerzan Responded that they do not live there but the neighbors have been very gracious to them. They even plowed the driveway after the last snow storm.

Wozniak Stated that he did a site visit to the property and couldn't determine the number of existing spaces and asked for clarification on this.

Komerzan Responded that there are three (3) existing spaces in front of the garage that they will expand to four (4) parking spaces given that they have plenty of space on that side.

Chairman Maloney opened up the public hearing for public comment at 7:12 p.m.

Steve Walk, 18 Power Court, Greenfield

Expressed concerns about parking for a two-family as it is tight in this area.

Komerzan Responded that they fully intend to extend the property so that on-street parking is not required.

Chairman Maloney closed the public hearing for public comment at 7:13 p.m.

Winn Read review comments from the Planning Board that provided a positive recommendation to the ZBA; the Fire Prevention Officer; and the DPW who had no comments or concerns.

Chairman Maloney asked the Board members if they have any additional questions.

No additional questions.

Board Discussion/Decision

Igor Komerzan for property located at 13 Power Court (Assessor's Map 30, Lot 34)

Maloney Stated that he has no concerns or issues. Suggested a condition that all requirements of the Inspector of Buildings and the Fire Prevention Officer be met.

Gilkes Stated that she has no concerns or issues.

Singer Would like to see a condition requiring four (4) off-street parking spaces.

Wozniak Stated that he has no concerns or issues.



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Winn Stated that he has no concerns or issues and that the project is a good fit for the neighborhood.

MOTION: Moved by Wozniak, seconded by Singer, and voted 5:0:0 to approve the application of Igor Komerzan for property located at 13 Power Court (Assessor’s Tax Map 30, Lot 34), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(C7) and 200-8.3 of the Zoning Ordinance in order to allow conversion of a single family home to a two-family home at this location as presented with the following conditions:
1) The Applicant shall supply four (4) off-street parking spaces; and
2) The Applicant shall adhere to all requirements of the Inspector of Buildings and the Fire Prevention Officer.

b. 7:15 p.m.: Application of Herbology Group, Inc. for property located at 8 Woodard Road (Assessor’s Map 45, Lot 10), which is located in the General Commercial (GC) Zoning District, for a modification of the approved Special Permit pursuant to Sections 200-7.17, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the operation of Marijuana Retailer and a Registered Marijuana Dispensary (RMD) at this location.

At a public meeting on Thursday, December 12, 2019 at 7:15 p.m., in the 2nd Floor Meeting Room of 20 Sanderson Street, the Greenfield Zoning Board of Appeals held a public hearing on the application of Herbology Group, Inc. for property located at 8 Woodard Road (Assessor’s Map 45, Lot 10), which is located in the General Commercial (GC) Zoning District, for a modification of the approved Special Permit pursuant to Sections 200-7.17, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the operation of Marijuana Retailer and a Registered Marijuana Dispensary (RMD) at this location. Chairman Maloney explained the public hearing process to the Applicant. Winn read the public notice into the record. Members of the Board sitting were Mark Maloney, Chair; James Winn; Peter Wozniak; David Singer; and Debra Gilkes. Also in attendance was the Applicant’s Representative Andrew Breuninger.

Maloney Stated that it is his understanding that they would like to request a continuance.

Breuninger Responded yes. There was a miscommunication with the Department of Planning and Development. They couldn’t meet with the Police Chief in time for this meeting.

MOTION: Without objection the public hearing was continued to February 13, 2020.

Approval of Minutes:

MOTION: Moved by Maloney, seconded by Winn, and voted 5:0:0 to approve the meeting minutes of November 14, 2019.



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Adjournment:

MOTION: Moved by Winn, seconded by Wozniak, and voted 5:0:0 to adjourn the meeting at 7:25 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning and Development