



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

Roxann Wedegartner
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 June 11, 2020
Webex Meeting

The meeting was called to order by Chair, Mark Maloney at 7:05 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 Rachael Jaquay for property located at 427 Davis Street (Assessor’s Map 113, Lot 30), which is located in the Urban Residential (RA) 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 operation of a dog day care center at this location.

At a public meeting on Thursday, June 11, 2020 at 7:00 p.m., through Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Rachael Jaquay for property located at 427 Davis Street (Assessor’s Map 113, Lot 30), which is located in the Urban Residential (RA) 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 operation of a dog day care center 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, Chairman; James Winn; Peter Wozniak; David Singer; and Debra Gilkes. The following project proponents were present: Rachael Jaquay, Applicant; and Joyce Drake and Gerald Kenny, property owners.

- Maloney Introduced the Board members sitting and asked the Applicant to introduce herself and explain what she wants to do, where she wants to do it, and why.
- Jaquay Ms. Jaquay stated that the Board previously granted her a special permit for this business out of her home at 17 Frederick Road in 2017. Since that time, there have been no complaints about her business and the demand for such services has greatly increased which is why she is seeking to expand her business at the new location of 427 Davis Street. She stated that all dogs are attended to at all times. There would be about 3,800 square feet of indoor area and 2,000 square feet of outdoor play area.
- Maloney Inquired on off-street parking for the business.
- Jaquay Responded that there would be eight (8) off-street parking spaces for her business.
- Drake Responded that there is plenty of parking available for all businesses at 427 Davis Street.



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- Maloney Inquired on the vehicles that get worked on at one time at Kenny's Auto Repair.
- Kenny Responded that the repair facility can hold 5-6 vehicles but typically only two cars are worked on in the facility.
- Maloney Inquired on the number of employees for Kenny's Auto Repair.
- Kenny Responded three (3) employees.
- Maloney Inquired on the proposed movable fencing.
- Jaquay Responded that she wants to use six (6) foot movable fencing for both the indoor play areas and the outdoor play area.
- Maloney Inquired on the number of proposed dogs for the facility.
- Jaquay Responded that she is hoping to have a total of forty (40) dogs throughout the day. She offers morning play groups and afternoon play groups as well as all-day care. She stated that she anticipates about ten (10) all day dogs per day.
- Maloney Inquired on the number of dogs she currently has for her business at 17 Frederick Road.
- Jaquay Responded ten (10) as per the previously approved special permit.
- Maloney Inquired on the number of employees for the business.
- Jaquay Responded that currently, she is the only employee but she is hoping to have about four (4) new employees. The guidelines call for 10 dogs per care giver.
- Maloney Inquired on waste removal.
- Jaquay Responded that dog waste is put in plastic bags and put in the dumpster which is currently emptied on a weekly basis.
- Maloney Inquired on whether she reached out to the neighbors about the proposed business.
- Jaquay Responded that she sent out a letter to all abutters informing them of the proposed business. She stated that some neighbors did give her a call to ask questions. The biggest concern was dogs being left unattended and barking. She stated that the outdoor play time is one (1) hour long.

Chairman Maloney read review comments from the Inspector of Buildings, Fire Prevention Officer (no comments or concerns), and Engineering Superintendent (no comments or concerns).



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Chairman Maloney asked the Board members if they have any questions at this time.

Gilkes Responded no questions.

Singer Asked for clarification on the number of dogs at the facility at any given time.

Jaquay Responded about 20 at any given time.

Wozniak Inquired on where the property lines and fencing are located and how secure the movable fencing is.

Jaquay Responded that the movable chain link fencing is linked so is very secure.

Wozniak Inquired on odor from the dog waste.

Jaquay Responded that the waste is put in plastic bags and generally does not smell.

Winn Asked how many dogs the outdoor play area can hold at one time.

Jaquay Responded that based on guidelines for square footage per dog, about 20 dogs. She stated that there would not be 20 dogs in the outdoor play area at one time.

Wozniak Inquired on outdoor lighting.

Jaquay Responded that she is not proposing any outdoor lighting.

Winn read the public comments received into the record. All public comment was in support of the proposed business with the exception of the owners of 441 Davis Street and 246 Silver Street.

Chairman Maloney opened up the public hearing for public comment at 7:51 p.m.

Iomay Cahan, 229 Silver Street, Greenfield

Stated that she supports the project.

Judy Desmarais, 18 Vermont Street, Greenfield

Stated that she is against the proposed business at this location due to noise and smell concerns. She is also concerned about potential health hazards such as disease from the dogs. She stated that even with drop off and pickup, parking will still be an issue based on her experience. Hours of operation are also a concern because this is a quiet neighborhood.

Kelly Dixon, 240 Silver Street, Greenfield

She stated that she supports the project but is concerned about the hours of operation. She stated that the existing dumpster is very close to her property line. Currently, there is no smell but is concerned about potential smell



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from dog waste.

Sandy McGill, 30 Vermont Street, Greenfield

She stated that she supports the project. She takes her 2 dogs to such a facility in Maine when visiting and it is not noisy.

Amy Moscaritolo, 43 Country Club Road, Greenfield

She stated that she supports the project. She currently takes her dogs to Rachael’s business at 17 Frederick Road and is impressed by the operation of the business.

Joyce Drake, Owner of 427 Davis Street

She stated that she has spoken with some of Rachael’s current clients and that they have nothing but good things to say about her and her business. She stated that the existing dumpster is emptied weekly but that they are thinking of moving the dumpster to a better location on site.

Chairman Maloney closed the public input portion of the public hearing at 8:09 p.m.

Chairman Maloney asked if the Board members have any additional questions at this time.

Gilkes No questions.

Singer No questions.

Wozniak No questions.

Winn No questions.

Chairman Maloney asked if the Applicant would like to respond to the public input comments.

Jaquay Responded that she understands the concerns about noise but that she can handle the noise issue. She stated that she would hope that people would contact her if there are any issues and that she would work to resolve any issues. She stated that she would be okay if a condition was placed on the permit that the Board would revisit it after 6-12 months.

Chairman Maloney summarized that the neighbors have legitimate concerns about the proposal and that others have come out to speak in support of the project based on personal experience.

Board Discussion/Decision

Rachael Jacquay for property located at 427 Davis Street (Assessor’s Map 113, Lot 30)

The Board discussed potential conditions of approval.

Maloney Inquired on how Applicant deals with inclement weather relative to the dogs.



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- Jaquay Responded that dogs like to play in the snow and rain so they are not an issue. What is an issue is temperature (either too cold or too hot).
- Wozniak Inquired if the proposed fencing will interfere with the neighbors properties.
- Jaquay Responded that there is already existing fencing along all abutting properties.
- Maloney Inquired on the number of dog kennels or crates.
- Jaquay Responded that she has about 20 dog crates.
- Chairman Maloney asked the Board members if they have any additional questions.
- Gilkes Asked for clarification on the number of dogs at the facility throughout the day.
- Jaquay Responded that there could be up to 30 dogs at any given time because there could be up to 20 morning dogs, 20 afternoon dogs and 10 all-day dogs.
- Gilkes Asked if there is a limit on the number of dogs playing outside at any given time.
- Jaquay Responded that she would limit the number of dogs playing outside at one time.
- Singer Stated that he is going by what others have stated about the Applicant as a business owner. However, he is concerned about operating on weekends and the hours of operation. He suggested that a condition could be placed to limit 7:00 – 9:00 a.m. as drop off hours with outdoor play as well as from 5:00 – 6:00 p.m. for pickup with no outdoor play.
- Jaquay Inquired if the Board could limit the number of dogs playing outside at a given time (10 dogs) instead of limiting hours of operation to give people time to pick up their dogs.
- Wozniak Stated that there is no lighting being proposed but this could limit her during fall hours.
- Jaquay Responded that it would be nice to have the option for lighting for the future but she doesn't plan on having any at this time.
- Wozniak Inquired on striping of the off-street parking spaces and handicap space.
- Jaquay Responded that the handicap space will be clearly marked.
- Winn Inquired if the Frederick Road property business will cease if moved to Davis Street.
- Jaquay Responded yes.



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MOTION: Moved by Maloney, seconded by Singer, and voted 5:0:0 to approve the application of Rachael Jaquay for property located at 427 Davis Street (Assessor's Map 113, Lot 30), which is located in the Urban Residential (RA) 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 operation of a dog day care center at this location with the following conditions:

1. The total number of dogs allowed throughout the day shall not exceed forty (40) dogs. No more than twenty-five (25) dogs shall be allowed on-site at any given time;
2. The hours of operations shall occur between 7:00 a.m. and 6:30 p.m. Monday through Friday;
3. Outdoor play for the dogs shall only occur between the hours of 9:00 a.m. to 4:00 p.m.;
4. Overnight boarding of dogs shall not be allowed;
5. The Applicant shall provide a number of dog crates equal to half of the total number of dogs at the facility throughout the day;
6. The Applicant shall provide a container for dog waste placed as far away from neighboring properties as possible and shall remove the waste from the property three (3) times per week;
7. The Applicant shall clean the outdoor play area as per the submitted application materials;
8. The Applicant shall provide eight (8) off-street parking spaces to include one (1) clearly marked handicap space for the business;
9. This special permit shall be for the sole purposes of Rachael Jacquay and her business "Happy Tails Pet Care" and shall not be transferable to another person or business; and
10. At the discretion of the Animal Control Officer, unscheduled site visits shall be conducted at the property. The Animal Control Officer shall submit a report to the Board within two weeks thereafter the site visit; If the Animal Control Officer submits two negative reports to the Board, the applicant shall come before the ZBA during their next regularly scheduled meeting.

- b. 7:15 p.m.: Application of William Jones for property located at 14 Miner Street (Assessor's Map 46, Lot 11), which is located in the General Commercial (GC) Zoning District, for a Special Permit pursuant to Sections 200-4.9(C6), and 200-8.3 of the Zoning Ordinance in order to allow the conversion of the building from office space to a single family dwelling at this location.

At a public meeting on Thursday, June 11, 2020 at 7:15 p.m., through Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of William Jones for property located at 14 Miner Street (Assessor's Map 46, Lot 11), which is located in the General Commercial (GC) Zoning District, for a Special Permit pursuant to Sections 200-4.9(C6), and 200-8.3 of the Zoning Ordinance in order to allow the conversion of the building from office space to a single family dwelling 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, Chairman; James Winn; Peter Wozniak; David Singer; and Debra Gilkes. The following project proponent was present: William Jones.



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- 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.
- Jones Mr. Jones stated that he would like to convert the existing office building at 14 Miner Street into a single family dwelling for his residence. The office building was previously a single family home and looks like a single family home.
- Chairman Maloney asked the Board members if they have any questions.
- Gilkes Responded no questions.
- Singer Responded no questions.
- Wozniak Responded no questions.
- Winn Asked if the single family home will be owner-occupied.
- Jones Responded yes.

Chairman Maloney read review comments from the Inspector of Buildings, Fire Prevention Officer, and Engineering Superintendent (no comments or concerns).

Chairman Maloney opened up the public hearing for public comment at 8:24 p.m. No public comment.

Chairman Maloney closed the public hearing at 8:24 p.m.

Board Discussion/Decision

William Jones for property located at 14 Miner Street (Assessor's Map 46, Lot 11)

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

- Gilkes Stated that she would like to see a condition on fire suppression.
- Singer Stated that he would like to see a condition requiring the Applicant to contact the Inspector of Buildings.
- Wozniak No additional comments or questions.
- Winn No additional comments or questions.



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MOTION: Moved by Maloney, seconded by Singer, and voted 5:0:0 to approve the application of William Jones for property located at 14 Miner Street (Assessor’s Map 46, Lot 11), which is located in the General Commercial (GC) Zoning District, for a Special Permit pursuant to Sections 200-4.9(C6), and 200-8.3 of the Zoning Ordinance in order to allow the conversion of the building from office space to a single family dwelling at this location with the following conditions:

- 1) The Applicant shall schedule an inspection of a compliant alarm system with the Greenfield Fire Department; and
- 2) The Applicant shall file a Building Permit Change of Occupancy Classification application with the Greenfield Building Department.

c. 7:30 p.m.: Application of Fred Wheeler for property located at 24 Place Terrace (Assessor’s Map 101, Lot 20B), which is located in the Urban Residential (RA) Zoning District, for a Special Permit pursuant to Sections 200-6.3 and 200-8.3 of the Zoning Ordinance in order to allow the conversion of a sign business to a Home Occupation within a single family home at this location.

At a public meeting on Thursday, June 11, 2020 at 7:30 p.m., through Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Fred Wheeler for property located at 24 Place Terrace (Assessor’s Map 101, Lot 20B), which is located in the Urban Residential (RA) Zoning District, for a Special Permit pursuant to Sections 200-6.3 and 200-8.3 of the Zoning Ordinance in order to allow the conversion of a sign business to a Home Occupation within a single 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, Chairman; James Winn; Peter Wozniak; David Singer; and Debra Gilkes. The following project proponents were present: Fred and Janice Wheeler.

- 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.
- Wheeler Mr. Wheeler stated he has been doing his sign business for 41 years, 40 of which was at his current location. In 2003, a new building was constructed for the business with the intent that the upper space would be converted into living space in the future. He stated that he is 62 years old and is getting ready to retire. He would like to now convert the upper space of the building into living space making the building a single family home with a Home Occupation. The existing 2-bay garage would remain. There are four (4) parking spaces available. His lot is a double wide lot.
- Maloney Inquired on the number of employees for the Home Occupation.
- Wheeler Responded no employees except himself and his wife.
- Maloney Inquired on existing and proposed signage.



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Wheeler Responded that there is an existing two square foot sign that will remain. No new signage is being proposed.

Maloney Inquired on lighting.

Wheeler Responded that no sign lighting or parking area lighting is being proposed.

Maloney Inquired on off-street parking.

Wheeler Responded that he has about 5 off-street parking spaces.

Maloney Inquired of Director Twarog if handicap parking is required for the Home Occupation.

Twarog Responded no handicap parking is required.

Chairman Maloney read review comments from the Inspector of Buildings, Fire Prevention Officer, and Engineering Superintendent (no comments or issues).

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

Gilkes Responded no questions.

Singer Inquired if the existing sign business is a commercial business. Wheeler responded yes. He stated that the requirement of a Home Occupation is that it doesn't exceed fifty (50) percent of the area of the single family home.

Wheeler Responded that the area of the Home Occupation is about 1,300 square feet while the area of the single family home is greater than 1,300 square feet.

Wozniak Responded no questions.

Winn Responded no questions.

Chairman Maloney opened up the public hearing for public comment at 8:38 p.m. No public comment.

Chairman Maloney closed the public hearing at 8:38 p.m.

Board Discussion/Decision

Fred Wheeler for property located at 24 Place Terrace (Assessor's Map 101, Lot 20B)

The Board discussed potential conditions of approval.



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- Maloney Stated that he would like to see conditions based on the review memos from the Fire Department and the Building Department and that any change of use of the Home Occupation would require the Applicant to come back before the Board to amend the special permit.
- Gilkes Questioned if the number of employees should be limited.
- Singer Stated that parking is not an issue and that there are no conditions to impose except that it is owner-occupied and a limit on the number of employees.
- Wozniak Inquired if the Board will limit the number of employees or leave it to the regulations. He would like to leave it to the regulations.
- Winn Stated that he supports the request and has no concerns.

MOTION: Moved by Gilkes, seconded by Singer, and vote 5:0:0 to approve the application of Fred Wheeler for property located at 24 Place Terrace (Assessor’s Map 101, Lot 20B), which is located in the Urban Residential (RA) Zoning District, for a Special Permit pursuant to Sections 200-6.3 and 200-8.3 of the Zoning Ordinance in order to allow the conversion of a sign business to a Home Occupation within a single family home at this location with the following conditions:

- 1) The Applicant shall schedule an inspection of a compliant alarm system with the Greenfield Fire Department;
- 2) The Applicant shall file a Building Permit Change of Occupancy Classification application with the Greenfield Building Department;
- 3) The Home Occupation shall be owned and operated by the owner and resident of the property; and
- 4) Any change in the Home Occupation shall require the Applicant to come back before the Zoning Board of Appeals to amend the special permit.

Approval of Minutes:

MOTION: Moved by Singer, seconded by Winn, and voted 5:0:0 to approve the meeting minutes of March 12, 2020.

Adjournment:

MOTION: Moved by Winn, seconded by Gilkes, and voted 5:0:0 to adjourn the meeting at 9:53 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning and Development