



**Roxann Wedegartner
Mayor**

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

Members:
Twarog, Eric
Director, Planning & Dev.

Boyd, Walter (2023)
Gilkes, Debra (2022)
Maloney, Mark (2022)
Popkin, Julia (2023)
Singer, David (2021)
Winn, James (2023)
Wozniak, Peter (2023)

**ZONING BOARD OF APPEALS
Minutes of March 11, 2021
Webex Meeting**

The meeting was called to order by Chair, Mark Maloney at 7:06 p.m. with the following members:

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

ALSO PRESENT: Carl Woodruff of Oxbow Design and Attorney Isaac Mass

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 Conway Street, LLC for property located at 223-225 Conway Street (Assessor’s Map 83, Lot 23), which is located in the Urban Residential (RA) Zoning District, for a Special Permit pursuant to Sections 200-5.3(E)(2) and 200-8.3 of the Zoning Ordinance in order to allow a reduction of the frontage requirement of 75 feet to 71 feet for the conversion of a two-family home to a three-family home at this location.

At a public meeting on Thursday, March 11, 2021 at 7:00 p.m., through Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Conway Street, LLC for property located at 223-225 Conway Street (Assessor’s Map 83, Lot 23), which is located in the Urban Residential (RA) Zoning District, for a Special Permit pursuant to Sections 200-5.3(E)(2) and 200-8.3 of the Zoning Ordinance in order to allow a reduction of the frontage requirement of 75 feet to 71 feet for the conversion of a two-family home to a three-family home at this location. Chairman Maloney explained the public hearing process to the Applicants. Winn read the public notice into the record. Members of the Board sitting were Mark Maloney, Chairman; James Winn, Clerk; Peter Wozniak; David Singer; and Debra Gilkes. The following project proponent was present: Carl Woodruff of Oxbow Design Build.

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. Maloney inquired if he is the owner of the property or the developer.

Woodruff Responded that he is both the owner and developer. He stated that he is a general contractor for Oxbow Design Build working in partnership with Compost Cooperative. The purpose of the project is to provide affordable housing for the workers of Compost Cooperative. They purchased the property together and would like to convert it from a two-family home into a three-family home. The intent is to separate the second and third floors to create two dwelling units from one in addition to the unit on the first floor. The second and third floor units would be set at



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affordable rents for the workers of Compost Cooperative. The first floor unit would be set at market rate rent to help cover any operating costs.

Maloney Stated that he didn't see a parking plan in the submittal and inquired if the Applicant has three (3) parking spaces available for the units.

Woodruff Responded that they do have three parking spaces available. He stated that there is a garage structure in the back that will need to be demolished because it is structurally compromised. That area will be used for parking.

Maloney Stated that three family homes are now allowed by right in the Urban Residential Zoning District. However, 75 feet of frontage is required for three-family properties and there is currently only 71 feet of frontage which is why the Applicant is seeking a special permit from the Board.

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

Gilkes Asked for clarification on frontage.

Woodruff Responded that the existing frontage is 71 feet and they need 75 feet so they are seeking a reduction in the frontage requirement of four (4) feet.

Singer Asked where in the Zoning Ordinance does it state that 75 feet of frontage is required. He couldn't find such a requirement.

Woodruff Responded that it does state in the Zoning Ordinance that 75 feet of frontage is required for three-family properties.

Singer Stated that with the garage structure in the back being demolished, there will be plenty of room for parking. He asked for clarification that the existing footprint will be used and only interior renovations will be done to convert the building into a three-family home. There is a two-story shed addition to the back of the building that will be removed and rebuilt which may be a few feet off from the existing location.

Woodruff Responded yes.

Wozniak No questions at this time.

Winn Stated that he has review correspondence to read and has one question which is was the property Streeter auto body repair shop.

Woodruff Responded that he doesn't know if it was but from the condition of the garage structure, it was apparent that it was used for auto body repair.

Wozniak Stated that it was Streeter auto body repair.



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Chairman Maloney stated that the only correspondence from departments were three with no comments or issues.

Chairman Maloney opened the Public Hearing for public comment at 7:18 p.m. No public comment.

Chairman Maloney closed the Public Hearing for public comment at 7:19 p.m.

Board Discussion/Decision

Conway Street, LLC for property located at 223-225 Conway Street (Assessor’s Map 83, Lot 23)

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

Gilkes No questions. She supports the project.

Singer No questions. He supports the project.

Wozniak No questions. He supports the project.

Winn No questions. He supports the project.

Maloney No questions. He supports the project.

MOTION: Moved by Maloney, seconded by Winn, and voted 5:0:0 to approve the application of Conway Street, LLC for property located at 223-225 Conway Street (Assessor’s Map 83, Lot 23), which is located in the Urban Residential (RA) Zoning District, for a Special Permit pursuant to Sections 200-5.3(E)(2) and 200-8.3 of the Zoning Ordinance in order to allow a reduction of the frontage requirement of 75 feet to 71 feet for the conversion of a two-family home to a three-family home at this location.

b. 7:15 p.m.: Application of Wedgewood Gardens, Inc. for property located at 141 Mohawk Trail (Assessor’s Tax Map 46, Lot 20), which is located in the General Commercial (GC) Zoning District, for a modification of the special permit approved on November 14, 2019, in order to allow a curb cut onto Woodard Road in the area of the ATM at this location.

At a public meeting on Thursday, March 11, 2021 at 7:15 p.m., through Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Wedgewood Gardens, Inc. for property located at 141 Mohawk Trail (Assessor’s Tax Map 46, Lot 20), which is located in the General Commercial (GC) Zoning District, for a modification of the special permit approved on November 14, 2019, in order to allow a curb cut onto Woodard Road in the area of the ATM 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, Clerk; Peter Wozniak; David Singer; and Debra Gilkes. The following project proponent was present: Attorney Isaac mass representing Wedgwood Gardens, Inc. and Terry Kimball off screen.



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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.
- Mass He stated that the plan is straight forward. They are requesting a modification of an existing special permit to allow the removal of three (3) parking spaces in the Applebee's parking lot for a curb for an access drive to Woodard Road. The three (3) parking spaces will be relocated to a new location. There is a contractual agreement between the property owner of Applebee's and 8 Woodard Road which is the approved site for a marijuana retail establishment, for shared parking.
- Maloney Inquired if the ATM kiosk is installed.
- Mass Responded that the ATM kiosk was approved by the above referenced special permit and has been installed and is operational. It will be unaffected by the proposed access drive.
- Maloney Stated that the previously granted special permit for an ATM kiosk has been executed and now the Applicant is asking for a modification of that executed special permit.
- Mass Responded yes.
- Maloney Asked if three (3) parking spaces are being eliminated.
- Mass Responded that they are not being eliminated but relocated on the site so that no parking spaces are lost. He reviewed the location of the relocated parking spaces with the Board.
- Chairman Maloney asked the Board members if they have any questions.
- Gilkes Asked for clarification on the submitted site plan relative to the relocated parking spaces. Pointed out that vehicles using the relocated parking spaces would need to back up into the access drive to exit.
- Mass Responded that there is a buffer on one side of the parking spaces but not for the other side so they would have to back up as they currently do for the Applebee's parking.
- Maloney Inquired on who owns the curb.
- Mass Responded that there would be two curb cuts. One is on land owned by Wedgwood Gardens, Inc. and the other is Woodard Road owned by the City of Greenfield. The purpose of the access drive is to reduce traffic along Minor Street and the residential neighborhood there.
- Singer Inquired on what is being amended from the original special permit.
- Mass Responded the approved site plan. He responded that they are before the Board out of an



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abundance of caution. They wanted the Board to be aware of the change in the location of the approved ATM kiosk.

- Singer Clarified that the Board does not have jurisdiction on curb cuts for city roads but since an access drive is affecting the previously approved site plan, they are seeking a modification of the site plan.
- Maloney Further clarified that the Applicant will still need an Access Permit from the City for the curb cut on Woodard Road.
- Wozniak Stated that the new access drive will likely become the primary access into the new marijuana establishment. Inquired on how much traffic will be utilizing the new access drive.
- Mass Stated that he cannot specifically answer this question but that the hope is that traffic would utilize this access drive so that people will not have to drive through a residential neighborhood or the Registry of Motor Vehicles to access the new marijuana establishment. There is an existing access drive from Maohwk Trail into Applebee's as well as ingress at the back of the Applebees' parking area to Miner Street. There will be an increase in traffic through the Applebee's parking area.
- Wozniak Inquired on who would maintain the access drive.
- Mass Responded that the access drive is on Wedgwood Gardens, Inc. property so would be maintained by that entity.
- Maloney Stated that the area between Applebee's and Woodard Road will need to be maintained by either Wedgwood Gardens, Inc. or by the owners of the approved marijuana establishment.
- Mass Responded that his client will work with both the Department of Public Works and the owner of the approved marijuana establishment to ensure that this area is cleared of snow and is maintained.
- Winn Stated that 24 feet of granite curbing will be removed so is the width 24 feet.
- Mass Responded yes.
- Winn Asked if 35 feet of trees will be removed for this access drive.
- Mass Responded yes for line of sight.
- Winn Read review comments from the Fire Prevention Officer (no comments or issues), Inspector of Buildings (no comments or issues), Engineering Superintendent memo dated February 16, 2021, Planning Board that forwarded a positive recommendation with a recommendation that three



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parking spaces be eliminated to avoid awkward parking in that area.

Mass Stated that the Applicant is seeking to keep the three parking spaces but would be willing to eliminate one or two if necessary.

Maloney Stated that since the proposal before them is not eliminating any off-street parking, he is inclined to approve the request as submitted.

Chairman Maloney opened the Public Hearing for public comment at 7:44 p.m. No public comment.

Chairman Maloney closed the Public Hearing for public comment at 7:45 p.m.

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

Gilkes Stated that she still has concerns about the three relocated parking spaces because the access drive will become a thoroughfare. Other than that she supports the request.

Singer Stated that if the access drive was part of the previously approved special permit, the Board would have considered safety relative to the three parking spaces being relocated. He asked the Applicant if the three relocated parking spaces could be used for employee parking to minimize vehicle movement for the spaces. He expressed safety concerns relative to these three spaces.

Mass Stated that his client has no problem with designating these spaces as employee parking spaces. He stated that the property owner leases the site to Applebee's so they would be the one to implement such a parking plan.

Singer Asked why the Applicant is doing this.

Mass Responded that there are many reasons why his client is doing this. One of the reasons is that the parking available at the new marijuana establishment would be utilized as overflow parking for Applebee's.

Maloney Stated that the Board could make it a condition of approval that the three referenced parking spaces be used as employee parking.

Wozniak Stated that he is concerned that the access drive will become the primary access to the approved marijuana establishment at 8 Woodard Road. Stated that if the access drive is for overflow parking for the approved marijuana establishment, then a pedestrian walkway could be done instead.

Maloney Inquired if the City owns the right-of-way through the Registry of Motor Vehicles.



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- Mass Responded that the City has an interest as well as the state but that he hasn't done a title search on this.
- Winn Expressed concerns about the three relocated parking spaces.
- Maloney Asked if the Board made a condition that they be used for employee parking and marked as such, would he be okay with it.
- Winn Responded yes.

Board Discussion/Decision

Wedgwood Gardens, Inc. for property located at 141 Mohawk Trail (Assessor's Map 46, Lot 20)

- MOTION:** Moved by Singer, seconded by Gilkes, and voted 4:1:0 (Wozniak voted no) to approve the application of Wedgwood Gardens, Inc. for property located at 141 Mohawk Trail (Assessor's Tax Map 46, Lot 20), which is located in the General Commercial (GC) Zoning District, for a modification of the special permit approved on November 14, 2019, in order to allow a curb cut onto Woodard Road in the area of the ATM at this location as presented in the submitted application materials with the following conditions:
- 1) The Applicant shall follow the recommendations in the memorandum prepared by the Engineering Superintendent dated February 16, 2021;
 - 2) The three (3) relocated off-street parking spaces shall be designated and signed as employee parking only.

Approval of Minutes:

- MOTION:** Moved by Winn, seconded by Wozniak, and voted 5:0:0 to approve the meeting minutes of January 14, 2021.

Adjournment:

Without objection, Chairman Maloney adjourned the meeting at 8:01 p.m.

Respectfully Submitted,

Eric Twarog, AICP, Director of Planning and Development