



**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
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Members:
Twarog, Eric
Director, Planning & Dev.

Gilkes, Debra (2025)
Singer, David (2024)
Winn, James (2023)
Wozniak, Peter (2023)

**ZONING BOARD OF APPEALS
Minutes of March 23, 2023
2nd Floor Meeting Room 20 Sanderson Street**

The meeting was called to order by Chairman Mark Maloney at 7:00 p.m. with the following members:

PRESENT: 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.

Board Reorganization:

MOTION: Moved by Winn, seconded by Wozniak, and voted 4:0:0 to nominate David Singer as Chairperson of the Zoning Board of Appeals.

MOTION: Moved by Winn, seconded by Singer, and voted 4:0:0 to nominate Peter Wozniak as Clerk of the Zoning Board of Appeals.

Moment of Remembrance for Mark Maloney:

Chairperson Singer read the following statement in tribute to Mark Maloney:

“We have lost our leader and our friend. Mark brought so much strength to our Board. He was firm, yet fair, to all those who came before the Board. He was thoughtful, intelligent, and thorough which he combined with common sense and humor, and an instinctual understanding of what was needed to be done and why. He treated all of us with respect and dignity and in turn, we respected him as our leader. He will truly be missed.”

Clerk Wozniak made the following statement in tribute to Mark Maloney:

“When I was nominated to be on the Board and I met Mark for the first time, I didn’t really know what to expect, but Mark made me feel extremely comfortable for me to be on the Board. As David said, he was fair, honest, and pragmatic. He was a no-nonsense kind of guy. He was also very pragmatic in his approach to having us make decisions. He led us, he didn’t dominate us and that’s all you can ask for a person who heads up a board like this. He was a fair guy, he was fair to us and he was always fair to the appellants that came before us.”

Winn made the following statement in tribute to Mark Maloney:

“He was a very nice person to work with. He probably knew the Zoning Board of Appeals Handbook by heart. He could quote something before I look up the marked pages. We are going to miss him, he was a good man.”



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Gilkes made the following statement in tribute to Mark Maloney:

“I knew Mark personally, but working on the Zoning Board of Appeals, Mark has always done a great job of taking something that could be very complex and be able to boil it down to what are the things about this that really need to concern us. I would totally agree that he was fair and pragmatic. He would walk through the process and make sure that everything was level and we looked at the things as fairly as possible across the board. He was on the Board for 20 years and that is a huge loss for us, as I have only been on the Board for 3-4 years and most of that was during COVID so this is a big loss for us.”

Public Hearings:

- a. **7:00 p.m.:** Application of Jihad Moussa for property located at 109 Mohawk Trail (Assessor’s Tax Map 46, Lot 22), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(B7); 200-6.1(C); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the conversion of the existing automobile service station to a retail convenient store at this location.

At a public meeting on Thursday, March 23, 2022 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 Jihad Moussa for property located at 109 Mohawk Trail (Assessor’s Tax Map 46, Lot 22), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(B7); 200-6.1(C); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the conversion of the existing automobile service station to a retail convenient store at this location. Chairman Singer explained the public hearing process to the Applicant. Wozniak read the public notice into the record. Members of the Board sitting were David Singer, Chairman; James Winn; Peter Wozniak, Clerk; and Debra Gilkes. The following project proponent was present: Jihad Moussa, Applicant. Chairman Singer explained to the Applicant that special permit approval requires a supermajority vote of the ZBA (4 out of 5 members). The ZBA currently only has four members. He asked the Applicant if he would like to proceed with just four members. The Applicant responded yes.

- Singer 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.
- Moussa Mr. Moussa reviewed his project with the Board.
- Singer Inquired on parking for the project.
- Moussa Responded that zoning requires seven (7) off-street parking spaces and that they will be providing ten (10) spaces to include one ADA space.
- Singer Asked the Applicant if he understood that if the Board grants the special permit, then the auto repair use goes away.
- Moussa Responded, yes, he understands this.



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- Gilkes Inquired on lighting for the project.
- Moussa Responded that there are three (3) existing light poles that will remain with no new lighting proposed.
- Winn Inquired on gas deliveries to the site.
- Moussa Responded that gas deliveries will be made during the day after the morning rush.
- Wozniak Inquired if the off-street parking will be interrupted during gas deliveries.
- Moussa Responded no.

Wozniak read review comments from the Board of Health and Fire Prevention Officer who had no issues or comments, Engineering Superintendent, Department of Planning and Development, and the Planning Board which forwarded a positive recommendation.

- Wozniak Inquired if there will be any building mounted lighting for the project.
- Moussa Responded no.

Chairperson Singer opened the public hearing up for public comment at 7:23 p.m. No public comment. Chairperson Singer closed the public hearing at 7:23 p.m.

Board Discussion/Decision

Jihad Moussa for property located at 109 Mohawk Trail (Assessor’s Tax Map 46, Lot 22)

- Singer No issues or concerns with the project.
- Winn No issues or concerns with the project.
- Wozniak No issues or concerns with the project.
- Gilkes No issues or concerns with the project.

The Board discussed potential conditions of approval.

MOTION: **Moved by Winn, seconded by Wozniak, and voted 4:0:0 to approve the application of Jihad Moussa for property located at 109 Mohawk Trail (Assessor’s Tax Map 46, Lot 22), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(B7); 200-6.1(C); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the conversion of the existing automobile service station to a retail convenient store at this location with the following conditions:**



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- 1) **The Applicant shall adhere to the site plan dated 03/02/2023 to include site lighting;**
- 2) **The Applicant shall adhere to the lighting as per the submitted site plan dated 03/02/2023;**
- 3) **The hours of operation shall be from 6:00 a.m. to 10:00 p.m.;**
- 4) **The Applicant shall stripe and provide signage for the required off-street parking spaces for employees and customers.**

b. **7:15 p.m.:** Application of James Bennett for property located at 199 Deerfield Street (Assessor’s Tax Map 19, Lots 32 & 33), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(C10); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the conversion of the existing building from retail use to an automotive repair facility at this location.

At a public meeting on Thursday, March 23, 2022 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 James Bennett for property located at 199 Deerfield Street (Assessor’s Tax Map 19, Lots 32 & 33), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(C10); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the conversion of the existing building from retail use to an automotive repair facility at this location. Chairman Singer explained the public hearing process to the Applicant. Wozniak read the public notice into the record. Members of the Board sitting were David Singer, Chairman; James Winn; Peter Wozniak, Clerk; and Debra Gilkes. The following project proponents were present: James Bennett, Applicant; Brooks Savage; Allison Smith, Designer-Business person; and Steven Drakulich, Architect. Chairman Singer explained to the Applicant that special permit approval requires a supermajority vote of the ZBA (4 out of 5 members). The ZBA currently only has four members. He asked the Applicant if he would like to proceed with just four members. The Applicant responded yes.

- Singer 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.
- Drakulich Mr. Drakulich reviewed the project with the Board. He stated that the project area encompasses two parcels. The Applicant will be leasing the property for this proposed business. He reviewed the proposed parking layout and snow storage locations. He reviewed the traffic flow pattern of the site as proposed.
- Wozniak Inquired on the type of auto repair business.
- Bennett Responded that he would be doing lube and oil changes only.
- Drakulich Stated that the existing building will be cleaned up and painted with no change to the building footprint.
- Winn Inquired on lighting for the project.



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- Drakulich Responded that they are proposing two (2) new lighting poles at a height of twelve (12) feet with the lighting fixtures being 8”x 8”. Onw will be at the garage door and one in the corner of the lot. He stated that there are two existing signs that will be reused and refaced.
- Wozniak Inquired on whether the building has a floor drain and how oil will be disposed of.
- Bennett Responded that there isn’t a floor drain in the building. A container will be used to catch the oil which will be stored in the building until it is disposed of offsite. There will be a surface mounted lift for the vehicles.
- Singer Inquired on how any queuing of vehicles for the business will be handled. Will someone on site be directing traffic.
- Bennett Responded that there will be parking available on site for a few vehicles. If the site is full, then people would have to drive by the site until a time when a spot opens up.
- Gilkes Inquired on the number of employees that he will have.
- Bennett Responded that he will have one employee to start. He stated that if the business is successful, he would like to buy the property and expand the parking area.
- Drakulich Stated that they revised the submitted site plan relative to the number of parking spaces due to the cost of paving. They would like to use some of the existing gravel area as overflow parking.

The Board discussed the parking layout of the site.

Wozniak read review comments from the Planning Board which forwarded a positive recommendation to the ZBA; Engineering Superintendent and Board of Health who both had no issues or comments with the project; Fire Prevention Officer and Department of Planning and Development.

- Singer Asked if the Applicant would have an issue with a condition of approval limiting the business to lube and oil changes.
- Bennett Responded that he would have no issues with such a condition.
- Winn Inquired if the Applicant plans on having a dumpster on site.
- Bennett Responded no.

Chairman Singer opened the public hearing to public comment at 8:02 p.m. No public comment. Chairman Singer closed the public hearing at 8:02 p.m.

Board Discussion/Decision



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James Bennett for property located at 199 Deerfield Street (Assessor’s Tax Map 19, Lots 32 & 33)

Singer No issues or concerns with the project.
Winn No issues or concerns with the project.

Wozniak No issues or concerns with the project.

Gilkes No issues or concerns with the project.

The Board discussed potential conditions of approval.

MOTION: Moved by Winn, seconded by Wozniak, and voted 4:0:0 to approve the application of James Bennett for property located at 199 Deerfield Street (Assessor’s Tax Map 19, Lots 32 & 33), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(C10); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the conversion of the existing building from retail use to an automotive repair facility at this location with the following conditions:

- 1) The Applicant shall adhere to the site plan dated January 12, 2023;
- 2) The Business shall be limited to lube and oil changes only;
- 3) The hours of operation shall be standard business hours;
- 4) The Business shall be limited to one (1) bay;
- 5) The Business shall be limited to two (2) employees;
- 6) The Applicant shall follow all local, state, and federal regulations relative to the storage, disposal, and removal of oil and other hazardous materials;
- 7) The Applicant shall obtain a Certificate of Occupancy prior to occupancy;
- 8) The Applicant shall submit a revised site plan to the Department of Planning and Development within 30 days of approval showing snow storage locations, showing the dimensions and location of the off-street parking spaces and overflow parking, providing one (1) handicap accessible space conforming to suggestions made by the ZBA at the public hearing;
- 9) The special permit shall run with the Applicant.

c. 7:30 p.m.: Application of Blake Equipment, LLC for property located at 28 Butternut Street (Assessor’s Tax Map R05, Lot 28E), which is located in the Planned Industry (PI) Zoning District, for a special permit pursuant to Sections 200-4.12(C8); 200-6.2(E); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the open storage of equipment with privacy fencing at this location.

At a public meeting on Thursday, March 23, 2022 at 7:30 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 Blake Equipment, LLC for property located at 28 Butternut Street (Assessor’s Tax Map R05, Lot 28E), which is located in the Planned Industry (PI) Zoning District, for a special permit pursuant to Sections 200-4.12(C8); 200-6.2(E); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the open storage of equipment with privacy fencing at this



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location. Chairman Singer explained the public hearing process to the Applicant. Wozniak read the public notice into the record. Members of the Board sitting were David Singer, Chairman; James Winn; Peter Wozniak, Clerk; and Debra Gilkes. The following project proponent was present: Michael Bond, Blake Equipment, LLC. Chairman Singer explained to the Applicant that special permit approval requires a supermajority vote of the ZBA (4 out of 5 members). The ZBA currently only has four members. He asked the Applicant if he would like to proceed with just four members. The Applicant responded yes.

- Singer 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.
- Bond Mr. Bond presented the project to the Board. He stated that they have run out of existing storage space for the business. He stated that truck deliveries are made about once per month. He stated that the surface of the storage area will either be asphalt or some other type of material to allow for heavy equipment such as forklifts.
- Gilkes Inquired on existing fencing vs. new fencing.
- Bond Responded that there is some existing fencing at the back of the property.
- Singer Asked about the Protective Covenants for the I-91 Industrial Park and the results of the Greenfield Redevelopment Authority (GRA) meeting.
- Bond Responded that he met with the GRA on March 15, 2023. They reviewed the project and had no issues with it but they have no process in place for granting waivers of the Protective Covenants. Director Twarog stated that he spoke with the City staff person for the GRA, MJ Adams, about the meeting. He stated that she was going to attend this evening's ZBA meeting to update the Board on the GRA meeting and their process.
- Winn Inquired on the number of employees for the business.
- Bond Responded 5-6 employees.
- Winn Asked if any manufacturing would occur.
- Bond Responded that there would be no manufacturing, only distribution.
- Wozniak read review comments from the Planning Board which forwarded a positive recommendation to the ZBA with recommendations; Fire Prevention Officer and the Board of Health who both had no issues or comments with the project; Department of Planning and Development; and Engineering Superintendent.
- Wozniak Inquired on snow removal.
- Bond Responded that they will either use a corner of the storage area to store the snow or push it to



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another area on site.

Woznaik Inquired on site lighting.

Bond Responded that there is an existing light pole and that no new lighting or signage is being proposed.

The Board discussed potential landscaping for the site as well as surface type for the open storage area.

Chairman Singer opened up the public hearing to public comment at 8:26 p.m. No public comment.

Chairman Singer closed the public hearing at 8:27 p.m.

Board Discussion/Decision

Blake Equipment, LLC for property located at 28 Butternut Street (Assessor's Tax Map R05, Lot 28E)

Singer No issues or concerns with the project.

Winn No issues or concerns with the project.

Wozniak No issues or concerns with the project.

Gilkes No issues or concerns with the project.

The Board discussed potential conditions of approval.

MOTION: Moved by Winn, seconded by Gilkes, and voted 4:0:0 to approve the application of Blake Equipment, LLC for property located at 28 Butternut Street (Assessor's Tax Map R05, Lot 28E), which is located in the Planned Industry (PI) Zoning District, for a special permit pursuant to Sections 200-4.12(C8); 200-6.2(E); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the open storage of equipment with privacy fencing at this location with the following conditions:

- 1) Prior to initiating construction, the Applicant shall obtain written approval of the waiver requests of the Protective Covenants from the Greenfield Redevelopment Authority (GRA) and submit the approval to the Department of Planning and Development;
- 2) The Applicant shall only store finished goods in the approved open storage area;
- 3) The Applicant shall adhere to the submitted site plan;
- 4) The Applicant shall use the fencing as submitted in the special permit application;
- 5) The Applicant shall follow all requirements of Chapter 381, Stormwater Management, of the General Code of Greenfield relative to the resurfacing of the open storage area and drainage flow.



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Approval of Minutes:

MOTION: Moved by Wozniak, seconded by Winn, and voted 4:0:0 to approve the meeting minutes of September 8, 2022.

MOTION: Moved by Wozniak, seconded by Winn, and voted 4:0:0 to approve the meeting minutes of October 13, 2022.

Discussion Item:

- a. Discussion of the process for board recommendations to the Special Permit Granting Authority (SPGA).

The Board discussed this and reached consensus to this process for the benefit of applicants.

Adjournment:

MOTION: Moved by Wozniak, seconded by Winn, and voted 4:0:0 to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning and Development