



William F. Martin
Mayor

City of
GREENFIELD, MASSACHUSETTS

PLANNING & DEVELOPMENT DEPARTMENT

City Hall • 14 Court Square • Greenfield, MA 01301
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August 8, 2019

Green River Cannabis Company, Inc.
Attn: Constant Poholek
398 Deerfield Street
Greenfield, MA 01301

Certified Mail #: 7018 0360 0000 9379 5729

Dear Mr. Poholek:

On August 8, 2019 the decision for your approved special permit for property located at 398 Deerfield Street (Assessor's Map 11, Lot 5) in Greenfield was filed with the City Clerk. The twenty day appeal period begins on August 8, 2019 and so will end on Tuesday, August 27, 2019. If there are no appeals you may pick up the certified decision and recording verification form from the City Clerk's office after the 20th day (any day after August 27th). There is a \$10.00 fee for picking up the certified decision and recording verification form from the City Clerk's office. After the decision and recording verification form have been picked up, bring it with a \$75.00 check to the Franklin County Registry of Deeds to get it recorded. The recording verification form must be filled out by the Registry of Deeds as proof of recording. Once completed by the Registry, please return the recording verification form to the Department of Planning and Development.

Please note that the ZBA approval does not constitute you being allowed to begin construction without all appropriate permits. Various permits from multiple town departments may still need to be obtained and it is up to you to contact relevant departments and obtain approval on all permits before work begins. Contact names and numbers are listed on the attached sheet. Please contact the Inspections and Enforcement Center at (413) 772-1404 for more information. If you have any questions regarding the special permit please contact me at (413) 772-1549.

Sincerely,

Eric Twarog, AICP
Director of Planning and Development

SPECIAL PERMIT
CITY OF GREENFIELD, MA.
14 COURT SQUARE
GREENFIELD, MA 01301
413-772-1549



THE COMMONWEALTH OF MASSACHUSETTS
CITY OF GREENFIELD

Notice is hereby given that the Greenfield Zoning Board of Appeals granted a special permit for property located at 398 Deerfield Street (Assessor's Map 11, Lot 5), which is located in the General Commercial (GC) Zoning District, for a Special Permit pursuant to Sections 200-4.9(C33), 200-7.17, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the operation of a Marijuana Retail Establishment at this location subject to the following conditions:

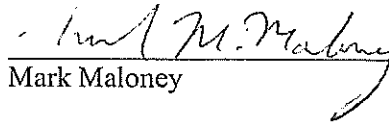
1. Delivery vehicles shall be limited to box trucks or smaller. Tractor trailer trucks shall be prohibited;
2. The Applicant shall install a bicycle rack easily accessible to patrons of the facility;
3. Hours of operation shall be 9:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 3:00 p.m. Saturday and Sunday;
4. New signage shall meet the requirements of the Greenfield Zoning Ordinance. Sign lighting shall be turned off at the close of business hours;
5. New light poles shall not exceed fifteen (15) feet in height;
6. The Applicant shall install two (2) wall packs per each wall of the existing building as security lighting;
7. The back deck shall be physically blocked off from public access;
8. The dumpster shall be moved to the fenced in area;
9. The upper parking area designated as customer parking shall be paved, striped, and maintained;
10. The fencing in the upper parking area shall be replaced, upgraded and maintained;
11. Existing site landscaping shall be maintained;
12. The sally port area shall have a locked gate;
13. The special permit shall only apply to the land area within the General Commercial (GC) Zoning District as per the submitted plans and shall only apply to the Green River Cannabis Company, Inc.;
14. A new six (6) foot high fence shall be installed from the end of the parking area thirty (30) feet along the southeast property line to screen the abutting residential property; and
15. The Zoning Board of Appeals shall send a letter to MassDOT regarding the line of sight/traffic issues at the intersection of Briar Way and Deerfield Street.

The hearing on this special permit was opened on July 30, 2019 and closed on July 30, 2019.

The Zoning Board of Appeals hereby certifies that a copy of this decision and all plans referred to in this decision have been filed with the Town Clerk on August 8, 2019.

An appeal from the decision of the Zoning Board of Appeals may be made by any person aggrieved pursuant to MGL chapter 40A, section 17 as amended within twenty (20) days after the date of filing of a notice of decision in the Office of the Town Clerk. Notice of the appeal and a copy of the complaint shall be given to the Town Clerk within the twenty-day appeal period.

Board of Appeals:

 Chairman
Mark Maloney

The Greenfield Zoning Board of Appeals issued a decision dated July 30, 2019 on the application of Green River Cannabis Company, Inc. for property located at 398 Deerfield Street (Assessor's Map 11, Lot 5), in Greenfield, Massachusetts, Book 6591 Page 123. This decision was duly filed in the office of the City Clerk on _____. Twenty (20) days have passed and no appeals are pending.

Attest:

Date issued: _____

cc: Applicant, Assessor, Inspector of Buildings, Department of Public Works, Fire Department, Licensing Commission, Planning Board, Abutters, Public hearing attendees requesting notification, Planning Board abutting Towns - Gill, Bernardston, Leyden, Colrain, Shelburne, Deerfield, Montague.

GREENFIELD, MASS.

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OFFICE OF THE
CITY CLERK

Green River Cannabis Company, Inc.
Property located at 398 Deerfield Street (Assessor's Map 11, Lot 5)
July 30, 2019

At a public meeting on Tuesday, July 30, 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 Green River Cannabis Company, Inc. for property located at 398 Deerfield Street (Assessor's Map 11, Lot 5), which is located in the General Commercial (GC) Zoning District, for a Special Permit pursuant to Sections 200-4.9(C33), 200-7.17, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the operation of a marijuana retail establishment 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, Clerk; Peter Wozniak; and David Singer. Also in attendance were the following project proponents: Constant Poholek, Esq and President of Green River Cannabis Company; Ezra Parzybok of Greenglove Cannabis Business Consulting. Chairman Maloney explained to the Applicant that the issuance of a special permit decision 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 the Board will have five members present. Maloney explained that they could present the project to the Board and then decide to ask for a continuance or they could ask for a continuance now. The Applicant elected to present the project to the Board and then decide on whether to request a continuance or not.

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

Parzybok Handed out a copy of his presentation to the Board to follow along. Mr. Parzybok presented the project to the Board. He stated that the existing building is currently permitted as a restaurant. He presented elevations of the building once improved and stated that there will be a new handicap accessible ramp for the primary entrance. A fenced in sally port delivery area at the side of the building will be put in place. He showed a 300 foot abutter radius from the building itself and stated that Greenfield Auto Salvage and one residential abutter fall within the 300 feet. The residential abutter is a good distance away from the building. He presented ITE's Trip Generation numbers to the Board which is about 200 trips per day and 25 trips per hour for such a use. He compared this to a Dunkin Donuts establishment which has about 50 trips per hour and 100 trips per hour for peak hours. He stated that people typically buy coffee every day, buy liquor about once per week, and buy cannabis about once per month. He stated that there are currently about 12 retail marijuana establishment open in Massachusetts. In about one year when the Green River Cannabis Company plans to open, there will be about 100 such establishments which will alleviate most traffic concerns. If the traffic exceeds expectations, then the City will benefit through the 3 percent of gross revenues on such establishments. The Green River Cannabis Company would be responsible for hiring any required police details if needed as a result of traffic issues. They calculate that at 200 trips per day, 25 trips per hour, that four (4) parking spaces would be sufficient. There are 15 existing off-street parking spaces in front of the building. There are two (2) handicap spaces available and parking for employees in the overflow parking area identified on the plans.

Maloney Inquired if the employee parking area would be available in the winter.

Parzybok Responded yes and that there are only about 2-5 staff people on site at one time. He reviewed the special permit criteria that need to be met for the issuance of a special permit. He stated that the change of use to retail would not require any changes to the existing water and sewer connections. Waste disposal will be far less than what is currently generated. It would be the typical waste of a retail store. Waste disposal for

marijuana establishments is highly regulated by the Cannabis Control Commission (CCC) at the state level. They do not anticipate any marijuana waste products from the facility. He reviewed the standard operating procedures from the state relative to marijuana waste products with the Board. There would be no such waste put into the dumpster which will be locked anyway.

Maloney Inquired of the dumpster will be screened.

Parzybok Responded that the dumpster will be put at the back of the building. He showed the Board where it would be located and stated that there is no fencing proposed for the dumpster but that they could move it into the sally port area if the Board felt that that would be a more appropriate secure location. He showed the Board the location of the dumpster on the site plan.

Wozniak Stated that the dumpster needs to be secure do to the regular flooding of this property such as on a concrete pad or close to the building. He also stated that the employee parking area could be impacted by winter or seasonal flooding making it unusable.

Parzybok He stated that in terms of sedimentation or erosion issues that they do not have any plans to alter the existing topography of the site. He state that they will add some landscaping in the front and beautify the existing grass areas in front as well. He stated that the only earth removal that would be done would be for the installation of four (4) light poles.

Maloney Inquired on the proposed height of the light poles.

Parzybok Responded 18 feet.

Maloney Stated that the board will require 15 foot lighting poles to reduce light pollution and to be consistent with their previous approvals. He asked if the security lighting on the building will remain the same.

Poholek Stated that additional wall pack lighting for the building will be provided that is Dark Sky compliant.

Parzybok Stated that two (2) additional wall pack lighting mounts will be added per each side of the building (front, sides and back). He stated that in terms of fiscal impacts, Police Chief Robert Haigh reviewed their security plan and suggested additional lighting which they were planning on providing anyway. They do not anticipate any fiscal impacts as a result of the project to include any additional police resources. He stated that to date there have not been any security issues as a result of the marijuana facilities that are currently operating in Massachusetts. This is a result of the high security standards set by the CCC. They anticipate the same for their facility. He stated that they are using American Alarm as their security consultant and they have done about 30 marijuana establishments across the state. They are here to answer any questions of the Board. He stated that in terms of it being compatible with the existing neighborhood, that this property is within the General Commercial Zoning District and so is zoned for such a facility. He pointed out the existing businesses in the area to the Board. He stated that he researched the location of the previously approved marijuana establishments in Greenfield and that he feels that this location is the most appropriate. The fastest demographic consumer of regulated cannabis is 40-70 year olds. They are seeking to be a more sophisticated, high-end marijuana establishment that attracts such people. Also, it is farther away than most of the other establishments from residents so he feels that it is a more conservative area for a retail marijuana establishment. In terms of minimizing degrading elements, the existing sign will be replaced with a new sign and the other signage such as the beer ads

will be removed. Given this, he stated that he feels the visual impact will be improved over existing conditions. He stated that a bicycle rack will be installed but that he doesn't yet have a spec sheet on which one will be used.

- Maloney Responded that the Board doesn't dictate the type of bicycle rack to be installed.
- Parzybok Reviewed the interior floor plans with the Board. He stated that two restrooms are not required but that they will be providing two restrooms. The state does not require a security vestibule but they will be providing one. Also, the state does not require a sally port area but one will be provided.
- Maloney Inquired if the parking lot will be paved and striped.
- Parzybok Responded that it is their plan to pave the area on the right side of the building but keep the left side gravel.
- Maloney Inquired on signage.
- Parzybok Responded that the existing stone mount and lighting will be kept for the new sign.
- Maloney Asked if all other signage will meet the dimensional requirements of the Zoning Ordinance.
- Parzybok Responded that they do not plan on any other signage except for state required signage such as must be 21 years old to enter and parking space signage.
- Maloney Inquired if the existing deck off the back will remain.
- Parzybok Responded that it will be staying for now.
- Maloney Inquired if there will be public access to it.
- Parzybok Responded no.
- Maloney Inquired on how the public will be kept off the deck.
- Parzybok Stated that the only access to the deck is through the secure area in the building which only employees will have access to.
- Maloney Inquired if they plan on altering the foundation in any way.
- Parzybok Responded no.
- Maloney Inquired if the secure vestibule will be in the front.
- Parzybok Responded yes.
- Maloney Asked if the sally port or secure loading area will be on the right side of the building.
- Parzybok Responded yes.
- Maloney Inquired if the back area to include the deck will be fenced off.
- Parzybok Responded yes.

Maloney Stated that customers will be entering from the front and asked for procedure once they enter the building.

Parzybok They will enter the secure vestibule waiting area which is blocked off from the retail area by a glass secure door. Staff would check IDs at that point. As someone exits the retail area, a staff person will allow a patron to enter the retail area from the secure vestibule area. Staff will then again check IDs. The staff person would guide the individual or group to a station area at the counter where they can see the product and educational materials on display. Some people will know what they want and get it and exit the facility. The average time for this is about 10 minutes. Some people like to review the menu so they will have a three tier system (red, yellow, and green) depending on the patron. Staff will be highly trained to meet the needs of the customers. Also, all staff is trained on basic security measures.

Maloney Inquired on when people enter the retail area, where is the product located.

Parzybok Pointed out the counter area on the floor plans to the Board and stated that the product is temporarily stored behind the counter area during business hours. Product will be on display. Once a customer makes a choice staff unlocks the product area to obtain the specific product. At the end of business hours, all the product stored in this area goes back to the vault.

Maloney Clarified that the staff doesn't need to access the vault to obtain the product requested.

Parzybok Responded yes. Only certain employees and the manager can access the vault to restock the locked area behind the counter. The sales staff will not have access to the vault.

Maloney Asked if there is always a manager on site.

Parzybok Responded yes.

Maloney Inquired on desired hours of operation for the facility.

Parzybok Responded that Route 5 is a commuting corridor so that they may be open as early as 8:00 a.m. They would like to seek the maximum allowed hours and understand that the Board sets the hours of operation.

Maloney Inquired if they would be okay with opening at 9:00 a.m.

Parzybok Responded yes.

Maloney Inquired on the days of the week to operate.

Parzybok Responded that they would likely want to operate six (6) days per week.

Maloney Clarified that it would be normal business hours Monday through Friday and shorter hours of operation for Saturdays.

Parzybok Responded yes.

Maloney Stated that the hours would be 9:00 a.m. to 7:00 p.m. Monday through Friday. He stated that generally what the Board has done for Saturdays is typically 9:00 a.m. to 2-3:00 p.m. for consistency.

Parzybok Asked if they were approved for 9:00 a.m. to 2:00 p.m. on Saturdays, could they also do the same hours on Sunday.

Maloney Responded that they will discuss this further later on. Inquired on whether the lighting for the existing sign will remain.

Parzybok Responded yes but won't be illuminated after hours.

Maloney Stated that in the General Commercial District, the sign illumination must be off by 11:00 p.m.

Parzybok Stated that it is his understanding that the state requires it to be off after the store is closed.

Maloney Responded that the Board could require that and that he prefers that.

Winn Inquired who monitors their security systems.

Parzybok Responded that the facility is monitored off-site. Their security measures meet or exceed the requirements of the state regulations.

Wozniak Inquired about how the deck will be blocked off from the public.

Poholek Responded that a fence will be installed to block access.

Wozniak Pointed out that the fence is not shown on the site plan.

Poholek Stated that the back exit has to be used as an emergency exit.

Singer Asked if they plan on having the ability to lock the gate for the sally port.

Poholek Responded that the sally port area will be gated and locked.

Maloney Inquired on the existing fencing that is somewhat dilapidated will be replaced.

Poholek Responded yes it will be replaced by a solid fence. Also, they propose to install 6 foot high fencing along the left side of the parking area to screen the residential abutter from the facility.

Wokniak Inquired how long this fencing would be.

Poholek Responded about 25-30 feet in length.

Maloney asked if the Board members had any further questions at this time. No further questions from the board. He asked if the project proponents had anything else to state at this time. They responded no.

Winn Read review correspondence from the Planning Board who provided a positive recommendation to the ZBA, the Engineering Superintendent (no issues or concerns), Fire Prevention Officer (no issues or concerns), Department of Planning and Development; Police Chief Haigh; and an e-mail letter from Susan Cassidy of 185 Briar Why.

Singer Stated that there is a current liquor license for the restaurant. He inquired on what will happen to the liquor license if the marijuana establishment is approved.

Poholek Responded that the liquor license would either be sold or returned to the City as the state regulations do not allow liquor to be sold at the same location as a marijuana establishment.

Winn Asked for clarification that there will be between 5-7 employees on site at any given time.

Parzybok Responded yes.

Maloney Inquired on the total number of employees for the facility.

Parzybok Responded 14 employees.

Maloney Inquired if the front entryway will require patrons to be buzzed in to enter.

Parzybok Responded that patrons can enter the security vestibule without being buzzed in but cannot access the retail area unless buzzed in.

Chairman Maloney opened up the public hearing for public comment at 8:10 p.m.

Paul Morse, 132 Briar Way, Greenfield

Expressed concerns over the access to Route 5 (Deerfield Street) from Briar Knoll Condominiums. Briar Way, opens to the area of Deerfield Street that is state owned and maintained. This access happens to enter on a corner which is blind in both directions making it challenging at best to merge into traffic. I myself on several occasions have looked repeatedly left and right to ensure no traffic was approaching only to have a vehicle on my tail within seconds of my entering the roadway no matter which direction I may be going. This is especially tricky when having to cross both lanes to head south toward Deerfield since you have to check the northbound lane last only to have a southbound vehicle shoot around the corner and be right behind you before you can reach the posted speed limit. He stated that his wife and he are both in full support of the Green River Cannabis Company operating a retail establishment in the building located at 398 Deerfield Street but are concerned about the potential for even more traffic on an already very busy roadway which is the only choice for Briar Knoll residents to gain access to the town. We would like to request that our safety be considered in the development of any plan to go forward with this project. Specifically, we would like to ideally see, a vehicle activated traffic light installed to stop on-coming vehicles in both directions. By design, this light would only affect traffic on Deerfield Street when a Briar Knoll resident was attempting to gain access to the roadway. It would not be a timed signal. Should that not be approved, I would suggest traffic mirrors be installed so we could at least "see around the corners" to determine if any vehicle was about to come into view. Should neither of these options be considered as important enough to protect our residents safety, I would suggest a third and far less satisfactory option of installing signage in both north and south bound lanes to alert drivers to the blind driveway they are approaching.

Raymond Liguere, 428 Deerfield Street, Greenfield

He stated that he has watched this property over the last 69 ½ years and has seen it decline over the last four years which he is not happy about. He stated that it has affected his property value. He thinks it is a complete waste of a property. He now has animals coming from this property to his property.

Jasper Lapienski, 120 Pulpit Hill Road, Amherst, Owns 34 Washington Street, Greenfield

Stated that once the renovations are done by winter time, she hopes to be living at 34 Washington Street. Although not a marijuana user, she supports the proposed project and has no issues other than potential traffic impacts which would be difficult to mitigate. She questioned on what the remaining land area will be used for and suggested that the Board find this out.

Chairman Maloney closed the Public Hearing at 8:14 p.m.

- Maloney Asked the project proponents if they wanted to address any of the issues raised during the public comment period.
- Parzybok Responded yes and stated that he has done a lot of data research on cannabis since becoming legal in Massachusetts and has a report on it. The data does suggest that because this is the fastest growing job category and one of the fastest growing industries across the nation right now, that these establishments are helping to revitalize and beautify areas that are not typically thriving. The data also suggests that property values actually go up by about 6 percent in the vicinity of establishments. In terms of traffic concerns, because that portion of Deerfield Street is state owned, there is probably not much the City can do about it. The Green River Cannabis Company would support any measure(s) taken to address traffic issue in this area. In terms of the issue of wasted land area, he can empathize with people on the uncertainty for the future of such establishments since it is so new. However, the regulations by the state are very strict and they will only hire people who are highly skilled in their areas of expertise. It behooves them to be good neighbors and good community citizens. He stated that in addition, as more regulated marijuana establishments get approved, the black market for cannabis will begin to diminish. The data shows that cannabis is a good pain reliever so people will have more options for pain relief over opiates. The data shows that opiate prescriptions go down. Emergency room visits relative to opiates and treatments for opiate addiction also go down.
- Maloney Asked about the location of the new handicap ramp.
- Parzybok Pointed out the location of the new ramp on the plan set to the Board.
- Maloney Clarified that the special permit they are seeking only applies to the land area within the General Commercial (GC) Zoning District and not the entire property.
- Poholek He concurred and stated that the intent for the remainder of the land area is to beautify the area and to work with the City of Greenfield to potentially conserve part of the land, particularly near the Green River. He also stated that he has been in discussions with the City to donate some land for the expansion of the wastewater treatment plant. Also, some of the land may be used for recreational purposes.
- Winn Asked if he bought the entire golf course property.
- Poholek Responded yes.
- Maloney Asked for clarification that they do not plan on using the remaining land for a growing operation.
- Poholek Responded that they do not.
- Maloney Pointed out all the businesses in the immediate area to show that it is General Commercial. Stated that that portion of Deerfield Street is state owned and asked if they need any approvals from MassDOT.
- Poholek Responded that they do not plan on making any changes to the existing curb cuts so no MassDOT approval is required.
- Singer Inquired on whether they received their license from the state yet.

Parzybok Responded that they have submitted their application to the CCC and that they typically take about 5 months to review the application. The CCC cannot grant a license until local approval has been obtained.

Chairman Maloney stated that the Board has reached the point of making a decision on the special permit application and asked the project proponents if they would like to request a continuance or if they would like the Board to proceed with the deliberation and decision.

Parzybok Asked for clarification that if they did request a continuance, would they need to present the project again to the Board.

Maloney Responded that an abbreviated presentation could be done but no additional public hearing would be required.

Wozniak Asked Chairman Maloney if it would be useful to list the potential conditions of approval at this time.

Poholek Asked if they could continue to discuss hours of operation.

Parzybok Asked if the following hours of operation would be amenable to the Board: 9:00 a.m. to 7:00 p.m. Monday through Friday and from 9:00 a.m. to 3:00 p.m. Saturdays and Sundays.

Maloney Responded most likely yes.

The Board discussed potential conditions of approval. Chairman Maloney again asked the project proponents if they would like to request a continuance or proceed with a Board decision and vote. The Applicant elected to not request a continuance and to proceed with the decision and vote of the Board.

Board Discussion/Decision

Green River Cannabis Company, Inc. for property located at 398 Deerfield Street (Assessor's Map 11, Lot 5)

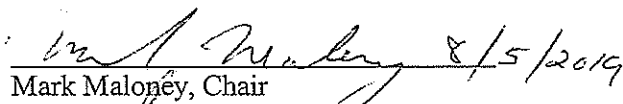
Singer **Moved to approve the application of Green River Cannabis Company, Inc. for property located at 398 Deerfield Street (Assessor's Map 11, Lot 5), which is located in the General Commercial (GC) Zoning District, for a Special Permit and site plan approval pursuant to Sections 200-4.9(C33), 200-7.17, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the operation of a marijuana retail establishment at this location subject to the following conditions:**

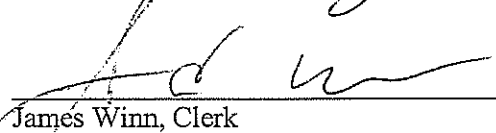
- 1. Delivery vehicles shall be limited to box trucks or smaller. Tractor trailer trucks shall be prohibited;**
- 2. The Applicant shall install a bicycle rack easily accessible to patrons of the facility;**
- 3. Hours of operation shall be 9:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 3:00 p.m. Saturday and Sunday;**
- 4. New signage shall meet the requirements of the Greenfield Zoning Ordinance. Sign lighting shall be turned off at the close of business hours;**
- 5. New light poles shall not exceed fifteen (15) feet in height;**
- 6. The Applicant shall install two (2) wall packs per each wall of the existing building as security lighting;**
- 7. The back deck shall be physically blocked off from public access;**
- 8. The dumpster shall be moved to the fenced in area;**
- 9. The upper parking area designated as customer parking shall be paved, striped, and maintained;**

10. The fencing in the upper parking area shall be replaced, upgraded and maintained;
11. Existing site landscaping shall be maintained;
12. The sally port area shall have a locked gate;
13. The special permit shall only apply to the land area within the General Commercial (GC) Zoning District as per the submitted plans and shall only apply to the Green River Cannabis Company, Inc.;
14. A new six (6) foot high fence shall be installed from the end of the parking area thirty (30) feet along the southeast property line to screen the abutting residential property; and
15. The Zoning Board of Appeals shall send a letter to MassDOT regarding the line of sight/traffic issues at the intersection of Briar Way and Deerfield Street.

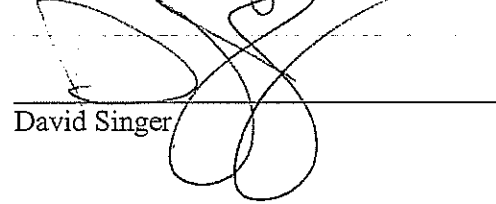
Winn Seconded the motion.

VOTED: With 4 votes yes, the motion was approved unanimously.


Mark Maloney, Chair


James Winn, Clerk


Peter Wozniak


David Singer