



City of
GREENFIELD, MASSACHUSETTS

PLANNING & DEVELOPMENT DEPARTMENT

Roxann Wedegartner
Mayor

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

November 20, 2020

Patriot Care Corp.
Attn: Robert Mayerson
321 Billeria Road
Chelmsford, MA 01824

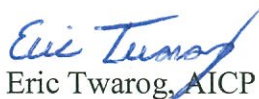
Certified Mail #: 7019 0160 0001 0892 9348

Dear Mr. Mayerson:

On November 20, 2020 the decision for your approved special permit for property located at 7 Legion Avenue (Assessor's Map 58, Lot 5) in Greenfield was filed with the City Clerk. The twenty day appeal period begins on November 20, 2020 and so will end on Thursday, December 10, 2020. 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 December 10th). 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 \$105.00 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 or at eric.twarog@greenfield-ma.gov.

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

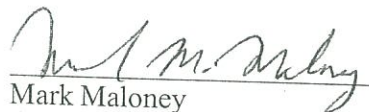
Notice is hereby given that the Greenfield Zoning Board of Appeals granted a special permit for property located at 7 Legion Avenue (Assessor's Map 58, Lot 55), which is located in the Central Commercial (CC) Zoning District, for a Special Permit pursuant to Sections 200-7.17 and 200-8.3 of the Zoning Ordinance in order to allow a change in the hours of operation for both the medical marijuana dispensary and the adult use retail marijuana establishment from 9:00 a.m.– 7:00 p.m. to 9:00 a.m.– 9:00 p.m. seven days per week at this location.

The hearing on this special permit was opened on November 12, 2020 and closed on November 12, 2020.

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 City Clerk on November 20, 2020

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 City Clerk. Notice of the appeal and a copy of the complaint shall be given to the City Clerk within the twenty-day appeal period.

Board of Appeals:

 Chairman
Mark Maloney

The Greenfield Zoning Board of Appeals issued a decision dated November 12, 2020 on the application of Patriot Care Corp. for property located at 7 Legion Avenue (Assessor's Map 58, Lot 55), in Greenfield, Massachusetts, Book 7487 Page 137. 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.

Patriot Care Corp.
For property located at 7 Legion Avenue (Assessor's Map 58, Lot 55)
November 12, 2020

At a public meeting on Thursday, November 12, 2020 at 7:00 p.m., through Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Patriot Care Corp. for property located at 7 Legion Avenue (Assessor's Map 58, Lot 55, which is located in the Central Commercial (CC) Zoning District, for a Special Permit pursuant to Sections 200-7.17 and 200-8.3 of the Zoning Ordinance in order to allow a change in the hours of operation from 9:00 a.m.– 7:00 p.m. to 9:00 a.m.– 9:00 p.m. seven days per week at this location. Chairman Maloney explained the public hearing process to the Applicant. Wozniak 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: Robert Mayerson of Patriot Care Corp.

- 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.
- Mayerson Introduced himself to the Board and stated that Patriot Care Corp. currently holds two (2) special permits from the Zoning Board of Appeals. One is for a medical marijuana dispensary (RMD) which opened in April of 2018 and the other for an adult use retail marijuana facility at the same location of 7 Legion Avenue which opened in April of 2019. He stated that since operations started, there have been no negative impacts. He stated that in fact there have been positive impacts to the neighborhood as they have provided a presence and lighting in a former dark area of the parking lot and have renovated a deteriorating building. They are requesting to extend the hours of operation for both the RMD and retail operations to 9:00 p.m. Currently the hours end at 7:00 p.m. They are requesting that the hours of operation be extended to both from 9:00 a.m. to 9:00 p.m. seven (7) days a week. The reason that they want to extend their hours is that they heard from both medical patients and adult use users that they can't get to the facility in time with the current hours. This would allow Patriot Care to better serve their customers. It is his understanding that the facility at 51 Davis Street approved by the Board has hours allowing them to be open until 9:00 p.m.

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

- Gilkes Responded that she has no questions at this time.
- Singer Responded that he has no questions at this time.
- Wozniak Responded that he has no questions at this time.
- Winn Inquired on the foot traffic that takes place at the facility between the hours of 5:00 p.m. and 7:00 p.m.
- Mayerson Responded that he does not have those numbers in front of him. He stated that the busiest times of the day are the lunch hour and at the end of the day as people try to get to the facility after work before it closes.
- Maloney Stated that even though 51 Davis Street is in the same area as Patriot Care, each case is reviewed separately with unique circumstances. He stated that as he recalls during the special permit process for Patriot Care relative to hours of operation that the large apartment complex that abuts them was considered because a lot of seniors live there.
- Wozniak Stated that he doesn't believe that the Board approved hours to 9:00 p.m. on Sundays.

Chairman Maloney asked the Board members if they have any additional questions at this time. The Board members responded no.

Chairman Maloney opened up the public hearing for public comment at 7:23 p.m.

Emily R. Eash, Esq., Newly appointed Planning Board Member, 46 Kenwood Street, Greenfield
Ms. Eash stated that the Governor's most recent Executive Order requires bars to serve their last drinks by 9:45 p.m. Since cannabis is legal in Massachusetts, she supports the proposed extended hours to 9:00 p.m.

Chairman Maloney closed the public hearing for public comment at 7:26 p.m.

Chairman Maloney asked the Applicant if he has any additional comments at this time.

- Mayerson Stated that in response to the Sunday hours, they would accept reduced hours of operation on Sundays to be consistent. He also stated that there are no issues with parking at the facility.
- Maloney Asked the Applicant to address the concerns he brought out about the residents at the Mill House apartment complex.
- Mayerson Stated that they have heard no negative comments from the residents there since opening the facility. He stated that he met with the current and previous mayors to inquire about any negative impacts and none were reported. He also checked with the Department of Planning and Development which indicated that there were no negative comments received. Patriot Care did not reach out to the residents of Mill House because typically, if there are concerns, people will bring those forward. He stated that when Patriot Care first opened, adult use marijuana was new to the State and to the City of Greenfield so they were conservative in the requested hours of operation.
- Maloney Asked for clarification on the existing hours of operation.
- Mayerson Responded 9:00 a.m. to 7:00 p.m. seven days a week. He stated that they wouldn't necessarily always be open during those hours but would like the ability to do so if needed.
- Maloney Asked for clarification on why they believe they need the extended hours. Is it that at the end of the day, there is still a line at the facility?
- Mayerson He stated that people are still trying to get into the facility at closing. He also stated that their request has nothing to do with the approved hours of other marijuana establishments. It has entirely to do with their customers demand and requests for extended hours. He only brought up the other facility as a point that the extended hours wouldn't be inconsistent with other approvals but that this is not the primary driver for their request.
- Maloney Asked that since both medical and retail marijuana is legal in Massachusetts is there a difference in how they handle each one.
- Mayerson Responded that State regulations require them to have separate lines at the facility and separate inventory for both with preference given to medical patients in terms of supply.

Board Discussion/Decision

Patriot Care Corp. for property located at 7 Legion Avenue (Assessor's Map 58, Lot 55)

Singer read review comments from the Planning Board which forwarded a positive recommendation to the ZBA, Fire Prevention Officer (no comments or issues), and Engineering Superintendent (no comments or issues).

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

Gilkes Responded no.

Singer Responded that his vote will be based on the fact that they have not received any negative comments on the request and that the request has no material change relative to the original special permit approvals. His vote will be a yes.

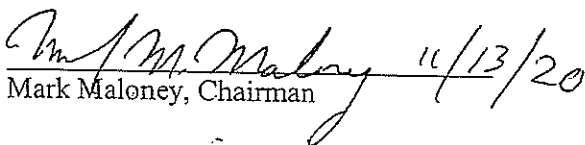
Wozniak Responded no.

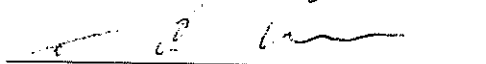
Winn Responded no.

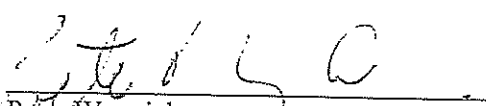
Singer Moved to approve the application of Patriot Care Corp. for property located at 7 Legion Avenue (Assessor's Map 58, Lot 55), which is located in the Central Commercial (CC) Zoning District, for a Special Permit pursuant to Sections 200-7.17 and 200-8.3 of the Zoning Ordinance in order to allow a change in the hours of operation for both the medical marijuana dispensary and the adult use retail marijuana establishment from 9:00 a.m. – 7:00 p.m. to 9:00 a.m. – 9:00 p.m. seven days per week at this location.

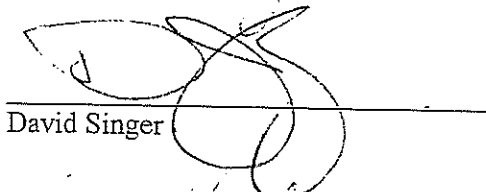
Wozniak Seconded the motion.


VOTED: With 4 yes votes the motion is declared a supermajority. Maloney abstained.


Mark Maloney, Chairman


James Winn, Clerk


Peter Wozniak


David Singer


Debra Gilkes