

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 49 Bank Row which is located in the Central Commercial (CC) Zoning District, for a special permit pursuant to Sections 200-4.7(C21); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow a marijuana retail establishment at this location with the following conditions:

- 1) The Applicant shall redesign the off-street parking area to meet the design standards of the DPW;
- 2) Delivery vehicles shall be limited to box trucks or smaller. Tractor trailer trucks shall be prohibited;
- 3) All signage for the facility shall conform to the regulations of the CCC and the Greenfield Zoning Ordinance;
- 4) Hours of operation for the facility shall be 9:00 a.m. to 10:00 p.m. Monday through Saturday and from 10:00 a.m. to 8:00 p.m. on Sundays;
- 5) The Applicant shall submit three (3) full-size copies of the revised plan set to the Department of Planning and Development within thirty (30) days of approval.

The hearing on this special permit was opened on November 18, 2021 and closed on November 18, 2021.

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 11/29/2021.

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 18, 2021 on the application of Smokey Leaf, LLC c/o Aman Kaur for property located at 49 Bank Row (Assessor's Tax Map 51, Lot 18), in Greenfield, Massachusetts, Book 3202 Page 134. 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: _____

2021 NOV 29 AM 10:57

GREENFIELD, MASS

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.

Smokey Leaf, LLC c/o Aman Kaur
For property located at 49 Bank Row (Assessor's Tax Map 51, Lot 18)
November 18, 2021

At a public meeting on Thursday, November 18, 2021 at 7:15 p.m., via Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Smokey Leaf, LLC c/o Aman Kaur for property located at 49 Bank Row (Assessor's Tax Map 51, Lot 18), which is located in the Central Commercial (CC) Zoning District, for a special permit pursuant to Sections 200-4.7(C21); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow 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 James Winn, Clerk; Peter Wozniak; Debra Gilkes; Julia Popkin; and Walter Boyd. The following project proponents were present: Brent White of White Engineering; Attorney James McMahon; and Aman Kaur, property owner.

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

White Reviewed the project with the Board and stated that Police Chief Robert Haigh did approve their security system for the proposed facility.

Maloney Inquired if there is only one entrance for patrons visiting the facility.

White Responded yes.

Maloney Inquired on signage for the proposed facility.

White Responded that they are still working on a business logo that the Cannabis Control Commission (CCC) will approve. They will follow all CCC signage requirements as well as all requirements of the Greenfield Zoning Ordinance.

Maloney Inquired on hours of operation.

White Responded 9:00 a.m. to 10:00 p.m. Monday through Saturday and from 10:00 a.m. to 8:00 p.m. on Sundays.

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

Winn Expressed concerns about parking and traffic on Bank Row. He stated that at times, this area can get congested.

McMahon Responded that they will be directing people to the parking garage for parking.

Wozniak Expressed concerns about ADA accessibility to the facility.

White Responded that due to the DPW's design requirements for off-street parking, they were not able to provide an ADA space at the facility.

Gilkes Asked how many employees the facility will have and where will they park.

McMahon Responded that there would be 10-12 employees on site at a given time and that they would be directed to park in the parking garage.

Boyd Stated that the YMCA has a pre-school at their facility and asked if this is within the 500 foot buffer under Board of Health regulations.

Twarog Responded that the map created showing both the 250 foot buffer requirement of the Zoning Ordinance and the 500 foot buffer under Board of Health regulations does not show the YMCA's pre-school.

Winn Read review comments from the Fire Prevention Officer and Board of Health who had no comments or issues with the proposed project; from the Planning Board that provided a positive recommendation for the project; from the Commission on Disability Access; and from the Engineering Superintendent.

Maloney Read review comments from the Department of Planning and Development.

White Stated that ADA parking and accessibility is very important to them and that the proposed facility is fully designed for ADA accessibility. He stated that the Central Commercial District doesn't require off-street parking and that on-street parking is available for Olive Street and nearby streets.

McMahon Stated that they will hire locally for both the rehab of the existing building and for facility itself.

Maloney Asked if they are expecting about 150 people per day at the facility.

McMahon Responded yes.

Chairman Maloney opened up the public hearing for public comment at 7:45 p.m. No public comment.

Chairman Maloney closed the public hearing for public comment at 7:46 p.m.

Chairman Maloney closed the public hearing at 7:47 p.m.

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

Winn Responded no question at this time.

Wozniak Inquired if the main entrance is designed for ADA access.

White Responded yes and that one of the interior counters will also be ADA accessible.

Wozniak Expressed concerns about being consistent with hours of operation for such approvals.

Maloney Responded that a 5th condition of approval could be specific hours of operation.

Gilkes Responded no questions at this time.

Boyd Expressed concerns about the YMCA's pre-school being within the 500 foot buffer.

Maloney Responded that the Board of Health had a chance to comment on the 500 foot buffer but did not. The ZBA's concern is the 250 buffer requirement in the Zoning Ordinance.

Popkin Responded no question at this time.

McMahon Stated that the YMCA does have a pre-school but that the CCC only requires a buffer from K-12 public and private schools. He also stated that Aman Kaur's business is a small woman/minority owned business and that the hours of operation they are seeking

would help her small business compete with other facilities that are typically owned by large corporations.

Winn Stated that the hours of operation approved by the ZBA for Patriot Care at 7 Legion Avenue are 10:00 a.m. to 8:00 p.m. Monday through Saturday and from 11:00 a.m. to 6:00 p.m. on Sundays.

Board Discussion/Decision

Smokey Leaf, LLC c/o Aman Kaur for property located at 49 Bank Row (Assessor's Tax Map 51, Lot 18)

Winn Stated that he still has concerns about parking and traffic on Bank Row due to the temporary fire station.

Wozniak No issues other than being consistent with hours of operation for such facilities.

Gilkes No issues other than being consistent with hours of operation for such facilities.

Boyd No issues other than being consistent with hours of operation for such facilities.

Popkin Stated that the parking garage will address some of the parking issues that were brought out. No issues.

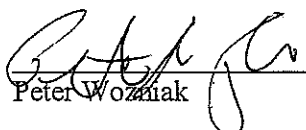
Gilkes **Moved to approve the application of Smokey Leaf, LLC c/o Aman Kaur for property located at 49 Bank Row (Assessor's Tax Map 51, Lot 18), which is located in the Central Commercial (CC) Zoning District, for a special permit pursuant to Sections 200-4.7(C21); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow a marijuana retail establishment at this location with the following conditions:**

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- 5) The Applicant shall submit three (3) full-size copies of the revised plan set to the Department of Planning and Development within thirty (30) days of approval.**

Wozniak Seconded the motion.

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

James Winn, Clerk



Peter Wozniak

Debra Gilkes

Debra Gilkes

Julia Popkin

Julia Popkin

Walter Boyd

Walter Boyd