



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

Roxann Wedegartner
Mayor

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 10, 2022
Via Webex

The meeting was called to order by Chair, Mark Maloney at 7:01 p.m. with the following members:

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

ABSENT: Walter Boyd

ALSO PRESENT: David Chichester, Planning Board Alternate

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 Kevin LaBelle for property located at 338 High Street (Assessor’s Tax Map 107, Lot 3), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(C36); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the sale of used motor vehicles at this location.

At a public meeting on Thursday, March 10, 2022 at 7:00 p.m., via Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Kevin LaBelle for property located at 338 High Street (Assessor’s Tax Map 107, Lot 3), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(C36); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the sale of used motor vehicles at this location. Chairman Maloney explained the public hearing process to the Applicant. Maloney 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: Kevin LaBelle, Applicant.

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.

LaBelle Mr. LaBelle presented his project to the Board. He stated that he has a current used car business on Montague City Road. His business has been significantly impacted by the reconstruction of the General Pierce Bridge. His father owns the property at 338 High Street so he would like to display 12 vehicles maximum to sell at this location. AMR currently leases space for its operations but space is available for him to have an office. He stated that the ambulances exit the site along the southern side of the building so the display vehicles will not impact the flow of the ambulances. He stated that he will be the only employee for this business and that customers could park in the area where the employees of AMR park. Mr. LaBelle stated that he currently



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has no formal agreement with AMR but that he could install customer parking signage and enforce it.

Maloney Inquired on how many vehicles he would like to display on the property.

LaBelle Responded 12 vehicles.

Maloney Inquired on the hours of operation for the business.

LaBelle Responded 8:00 AM to 6:00 PM Monday through Friday, from 9:00 AM to 3:00 PM. On Saturdays, and closed on Sundays.

Maloney Inquired if there are any proposed renovations to the existing building.

LaBelle Responded no.

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

Wozniak No questions at this time.

Singer Asked if any auto repair would be done at the property.

LaBelle Responded no, only the sale of used vehicles.

Singer Stated that the existing home is a three-family dwelling and that the Applicant is requesting a fourth unit in the barn structure which requires a special permit from the ZBA to allow multi-family defined as four (4) or more dwelling units. He stated that two special permits are required for this application, one for multi-family and the other to allow the expansion, alteration, or extension of a legal nonconforming structure as the barn structure does not meet current setback requirements.

Gilkes No questions at this time.

Popkins No questions at this time.

Winn No questions at this time.

Maloney Read review comments from the Engineering Superintendent; Fire Prevention Officer; and Board of Health, who all had no comments or issues with the proposed project; and from the Planning Board that provided a positive recommendation for the project.

Chairman Maloney opened up the public hearing to public comment at 7:17 p.m.



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Julie Page, 9 Miner Street, Greenfield

Ms. Page stated that she attended the Planning Board meeting during which they provided a positive recommendation to the ZBA. During this meeting, the Board expressed concerns about traffic flow in and out of the site for ambulances.

Tim ?, 20 Clark Street, Greenfield

He stated that he doesn't agree that the site can hold 12 display vehicles with three parking spaces for the owner and customers. He expressed concerns about impacts to wetlands in the area. He expressed concerns about crime increasing as a result of this as well as concerns about the operation of the ambulances at the site. He stated that he is concerned about people potentially using Clark Street to test drive the display vehicles. He also expressed concerns about the business expanding in the future.

Chairman Maloney closed the public hearing to public comment at 7:24 p.m.

Chairman Maloney closed the public hearing at 7:17 p.m.

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

Singer Asked if AMC is okay with the proposed plan.

LaBelle Responded that he has not reached out to them about this plan but that he has a personal relationship with them as he does their sanding and snow plowing.

Wozniak Asked for clarification on the location of customer parking.

LaBelle Responded that the submitted site plan shows the location of two spots for customer parking and one spot for himself as the sole employee.

Gilkes No additional questions at this time.

Popkin No additional questions at this time.

Winn No additional questions at this time.

- b. **7:15 p.m.:** Application of Dr. Greenthumb Greenfield, LLC for property located at 220-228 Main Street (Assessor's Tax Map 51, Lot 60), which is located in the Central Commercial (CC) Zoning District, for a special permit pursuant to Sections 200-4.7(C21); 200-7.17; 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the operation of an adult-use marijuana retail establishment at this location.

At a public meeting on Thursday, March 10, 2022 at 7:15 p.m., via Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Dr. Greenthumb Greenfield, LLC for property located at 220-228 Main Street (Assessor's Tax Map 51, Lot 60), which is located in the Central Commercial (CC) Zoning District, for a special permit pursuant to Sections 200-4.7(C21); 200-7.17; 200-8.3; and 200-8.4 of the Zoning



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Ordinance, in order to allow the operation of an adult-use 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, Chairman; James Winn, Clerk; Peter Wozniak; David Singer; and Debra Gilkes. The following project proponents were present: Steve Drakulich, Architect; John Toro and Justin Pagan, property owners.

Maloney Read the email from Deputy Police Chief William Gordon stating that Police Chief Robert Haigh has reviewed the security plan for 220-228 Main Street and has approved the plan. He will send an official letter when he returns from vacation next week.

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.

Drakulich Mr. Drakulich shared his screen with the Board and presented the project to the Board. He reviewed the site plan, the proposed interior garage sally port, interior payout, building elevations, and lighting plan with the Board. He stated that he had a meeting with the Mayor, the Mayor’s Chief of Staff, the Engineering Superintendent, and the Director of Planning and Development relative to moving the existing loading zone south and losing three on-street parking spaces. The Mayor’s Office supported this request. He stated that the 2nd floor will not be renovated at this time and that the basement area will only be used for mechanicals.

Maloney Asked for clarification on the area labeled as “future commercial space”.

Drakulich Responded that this area will be a future commercial space that has not yet been determined.

Maloney Inquired on the window area near the break room and whether someone would be able to break in.

Drakulich Responded that there will be a pull down metal covering that will be closed everyday so that the area is secure.

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

Maloney No questions at this time.

Winn Inquired on any plans for the future commercial space.

Toro Responded that this area may be used for a Marijuana Delivery Operator facility in the future. He stated that if it is used for such a use, they will need to come back before the Board for approval.

Wozniak Inquired on the grade of the sidewalk in the area of the proposed interior sally port garage. Is it ADA compliant?



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- Drakulich Responded that the sidewalk in this area will have ADA compliant curbs.
- Wozniak Inquired on snow removal in this area.
- Drakulich Responded that the owners will have to shovel this area as well as the rest of the sidewalk area in front of their building.
- Wozniak Inquired on the proposed hours of operation.
- Toro Responded 8:00 AM to 10:00 PM seven days per week.
- Singer Asked about the street lamps in this area and if they need to be moved.
- Drakulich Responded that he doesn't think the street light will need to be moved but if it does, they would pay for moving it.
- Singer Inquired on the review comments from the Health Director.
- Drakulich Responded that odor is not an issue for marijuana dispensaries. He stated that he met directly with the Health Director to discuss odor concerns.
- Singer Inquired on the comments from the Commission on Disability Access (CDA).
- Chairman Maloney clarified for the Board that all ADA requirements will need to be met for this project.
- Gilkes Asked about the time frame for building renovations.
- Toro Responded that the CCC just approved their application at the state level. Their goal is a 4th quarter of 2022 opening.
- Popkin No questions at this time.
- Winn Read review comments from the Department of Planning & Development, the CDA, Department of Public Works, Health Department, and the Planning Board which provided a positive recommendation.
- Maloney Inquired if the Applicants reached out to the business owners in the area relative to moving the existing loading zone south and losing three on-street parking spaces.
- Drakulich Responded that he had a meeting with the Mayor and her Chief of Staff on this and they supported the idea. They did not reach out directly to the business owners in the area.
- Chairman Maloney opened up the public hearing to public comment at 8:28 p.m.



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

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

Maloney Inquired on the size of the proposed sign and mentioned the requirements of the CCC for signage.

Drakulich Responded that the proposed sign meets the requirements of the Greenfield Zoning Ordinance and that it would also have to meet CCC requirements.

Winn No additional questions at this time.

Wozniak No additional questions at this time.

Singer Inquired on the latest plans set revision date.

Drakulich Responded the 03/04/2022 revision.

Gilkes No additional questions at this time.

Popkin No additional questions at this time.

Chairman Maloney closed the public hearing to public comment at 8:38 p.m.

Board Discussion/Decision

Kevin LaBelle for property located at 338 High Street (Assessor’s Tax Map 107, Lot 3)

Maloney Stated that he has no issues with the application or the location of 338 High Street. He suggested the following as potential conditions of approval: reducing the number of display vehicles from Twelve (12) to ten (10); requiring customer parking to be striped and signed; and requiring the display vehicle area to be striped.

Winn Stated that he agrees with the suggested conditions of approval. He stated that he thinks the business would be a good fit for the area.

Wozniak Stated that he agrees with the suggested conditions of approval.

Singer Stated that the location is appropriate for the proposed use. He agrees with the suggested conditions of approval and suggested the following additional conditions of approval: that the business should not interfere with the existing ambulance service.

Gilkes Responded that she thinks that this suggested condition of approval is too broad.



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- Singer Stated that he could reword that suggested condition and added the following additional suggested conditions of approval: the business should be only for the sale of used vehicles, and that the special permit should run with the business and not the property.
- Gilkes Stated that the request to reduce the number of from 12 to 10 is not necessary as there is plenty of room available at the site.
- Maloney Clarified for the Board that the total number of parking spots would remain the same at 15, 10 for the display of vehicles, 4 customer parking spots and 1 owner parking spot.
- Gilkes Responded that this clarifies for her the total number of parking spots for this proposal.
- Popkin No issues relative to the proposed business.

MOTION: Moved by Winn, seconded by Wozniak, and voted 5:0:0 to approve the application of Kevin LaBelle for property located at 338 High Street (Assessor’s Tax Map 107, Lot 3), which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9(C36); 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the sale of used motor vehicles at this location with the following conditions:

- 1) The hours of operation shall be 8:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 3:00 p.m. Saturdays, and closed on Sundays;
- 2) The maximum number of display vehicles at the site shall be ten (10);
- 3) The business shall only be for the sale of used operable vehicles and shall not include auto repair;
- 4) The Applicant shall stripe all customer parking, owner parking, and display vehicle parking areas and include signage for customer parking;
- 5) The business shall not unreasonably interfere with the ambulance operations at the property;
- 6) The special permit shall run with the Applicant, not with the property.

Board Discussion/Decision

Dr. Greenthumb Greenfield, LLC for property located at 220-228 Main Street (Assessor’s Tax Map 51, Lot 60)

- Maloney Stated that the security plan has been approved, the lighting is okay, and moving the loading zone and losing 3 parking spots is not an issue. The proposed hours of operation should be reduced to 9:00 AM to 9:00 PM.
- Winn Stated that the approved hours of operation for 49 Bank Row are: 9:00 AM to 10:00 PM Monday through Saturday and from 10:00 AM to 8:00 PM on Sundays. The approved hours of operation for Patriot Care are: 9:00 AM to 10:00 PM Monday through Saturday, and from 11:00 AM to 6:00 PM on Sundays.



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The Board discussed potential hours of operation.

Wozniak Suggested a condition of approval that the sidewalk curbing near the sally port area be ADA compliant.

Singer Suggested the following conditions of approval: the sidewalk at the sally port area be ADA compliant; a right turn exit only when exiting the sally port area; all conditions of the DPW review memo, all conditions of the Department of Planning and Development memo, as shown on the 03/04/2022 revised plan set; all lights out at 11:00 PM; all signage to conform with both Zoning Ordinance and CCC regulations; and that the Applicant submit a revised plan of the warning lights at the sally port to be administratively approved by the Chair of the Zoning Board of Appeals and the Director of the Department of Planning and Development.

MOTION: Moved by Winn, seconded by Singer, and voted 5:0:0 to approve the application of Dr. Greenthumb Greenfield, LLC for property located at 220-228 Main Street (Assessor’s Tax Map 51, Lot 60), which is located in the Central Commercial (CC) Zoning District, for a special permit pursuant to Sections 200-4.7(C21); 200-7.17; 200-8.3; and 200-8.4 of the Zoning Ordinance, in order to allow the operation of an adult-use marijuana retail establishment at this location with the following conditions:

- 1) The project shall meet all requirements of the American with Disabilities Act (ADA);
- 2) Vehicles shall exit the sally port garage through a right turn exit only;
- 3) Hours of operation shall be 9:00 a.m. to 10:00 p.m. Monday through Saturday and from 11:00 a.m. to 6:00 p.m. on Sundays;
- 4) The Applicant shall follow all requirements as stated in the review memo from the Department of Public Works dated February 24, 2022;
- 5) The Applicant shall follow all requirements as stated in the review memo from the Department of Planning and Development dated February 17, 2022;
- 6) All exterior non-security lights for the establishment shall be turned off by 11:00 p.m.;
- 7) This special permit approval is based on the plan set with a revision date of March 4, 2022;
- 8) The sally port entrance level and sidewalk level at this area shall be at the same level and pedestrian safe;
- 9) The Applicant shall submit a revised plan of the warning lights at the sally port to be administratively approved by the Chair of the Zoning Board of Appeals and the Director of the Department of Planning and Development.

Approval of Minutes:

MOTION: Moved by Singer, seconded by Wozniak, and voted 5:0:0 to approve the meeting minutes of January 13, 2021.



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Adjournment:

MOTION: Without objection the meeting was adjourned at 9:26 p.m.

Respectfully Submitted,

Eric Twarog, AICP, Director of Planning and Development