



William Martin  
Mayor

City known as the Town of  
**GREENFIELD, MASSACHUSETTS**

**GREENFIELD HEALTH DEPARTMENT**

Town Hall • 14 Court Square • Greenfield, MA 01301  
Phone 413-772-1404 • Fax 413-772-2238  
www.greenfield-ma.gov

#5



**Public Health**  
Prevent. Promote. Protect.

**BOH Agenda item – Variance Request**

Meeting Date: 2/21/2018 – 5:30PM

**RE:** Change of Permits Request

Store Owner: Shahid Habib

Address: 239 Main Street, Greenfield MA 01301

**I. Variance Request:**

To continue to operate in its current dual capacity as a **permitted** Retail Tobacco Over 21 Only establishment and **unpermitted** Retail Food establishment; until such time has been determined by the Greenfield Board of Health as the “timeline for sell off of restricted tobacco products” comes to an end.

**II. Cigar Sales Regulated (Sec F. of Greenfield Regulation Restricting the Sale of Tobacco)**

1. No person shall sell or distribute or cause to be sold or distributed a single cigar.
2. No person shall sell or distribute or cause to be sold or distributed any original package of two or more cigars, unless such package is priced for retail sale at \$5.00 or more.
3. This Section shall not apply to:
  - a. The sale or distribution of any single cigar having a retail price of two dollars and fifty cents (\$2.50) or more.
  - b. A person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Greenfield.
4. The Greenfield Board of Health may adjust from time to time the amounts specified in this Section to reflect changes in the applicable Consumer Price Index by amendment of this regulation.

**III. Past Violations:** Shaws Mart – 239 Main Street, Greenfield MA 01301

- 5/31/2014 tobacco product was sold to an underage inspector – **1<sup>st</sup> violation**
- 10/25/2014 tobacco product was sold to an underage inspector – **2<sup>nd</sup> violation**
- 9/24/2015 restricted product (blunt wraps) observed on shelf; cigars observed to be priced below minimum price – **3<sup>rd</sup> violation**

Naxog Inc DBA Smoke Heaven  
239 Main Street  
Greenfield, MA 01301

To Whom It May Concern,

I am writing to explain the current situation we are facing after I am told to remove drinks from the store. About two years ago, Smoke Heaven was a Convenience Store as Shaw's Mart before town passed a law that only Retail Tobacco Shops can sell flavored tobacco. I met with then Director of Greenfield Health Department, Nicole and I told her that I want to convert my store to Retail Tobacco Shop in order to keep selling flavored tobacco. She asked me to remove all the grocery items including coffee, milk, couple of drink coolers, ice cream, all the candy and lot of other items. Greenfield Health Department agreed that I can keep the drinks in four out of six doors of walk-in-cooler we have in the store.

Since then the store is doing just enough to keep the doors open and I am not making any profit at all. Now Greenfield Health Department have told me to remove the rest of the drinks from the store in order to run the store as Retail Tobacco Shop. As I have mention that the store is already on a break even point, I have decided to convert the store back to Convenience Store and remove the flavored tobacco to do this change over.

I am requesting the board that allow me to do the change over right away and allow me couple of months to sell out my flavored tobacco inventory so that the affect on the business would be minimal. I cannot wait for the flavored tobacco to sellout while there are no drinks and vice versa. This will make the already struggling store go out of business. I am pretty sure this is the last thing Town of Greenfield want keeping the struggling businesses of it's downtown in mind. I would appreciate your consideration of my request and looking forward to give this store one more try. Thank you.

Shahid Habib  
Owner/Manager  
201-334-6612

