



City known as the Town of
GREENFIELD, MASSACHUSETTS

ZONING BOARD OF APPEALS

Town Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1549 • Fax 413-772-1309
EricT@greenfield-ma.gov • www.greenfield-ma.gov

William F. Martin
Mayor

Members:
Twarog, Eric
Director, Planning & Dev.

Conti, Scott (2016)
Joseph, Christopher (2014)
Kimball, Russell (2015)
Maloney, Mark (2016)
McLellan, Thomas (2016)
Ronhave, Steven (2015)
Winn, James (2015)

ZONING BOARD OF APPEALS
Minutes of March 12, 2015
Department of Planning & Development
114 Main Street

The meeting was called to order by Chair, Tom McLellan at 7:00 p.m. with the following members:

PRESENT: Tom McLellan, Chairman Scott Conti Christopher Joseph
Russell Kimball Steve Ronhave

ALSO PRESENT: Maureen Pollock, Assistant Planner & Conservation Agent and Applicants.

ABSENT: Mark Maloney, Clerk James Winn

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:

1. **7:00 p.m.:** Application of Bell Atlantic Mobile of MA Corp. Ltd. d/b/a Verizon Wireless for property located at 277 Main Street (Assessor’s Map 51, Lot 75), which is located in the Central Commercial (CC) Zoning District, for a special permit pursuant to Sections 200-7.14 and 200-8.3 of the Zoning Ordinance in order to allow the installation of a wireless communications facility on a portion of the subject property consisting of antennas hidden inside faux chimney structures on the roof, radio equipment in a room inside the building, and a stand-by power generator and HVAC units on the existing building’s roof.

Chairman McLellan explained the public hearing process to the applicant. Conti read the public notice into the record. Members sitting were Tom McLellan, Chair; Scott Conti; Christopher Joseph; Russell Kimball; and Steve Ronhave. Also in attendance were the representative to the Applicant, Carl Gehring, Gehring & Associates, LLC; Jay Latorre, Radio Frequency Engineer; and Doug Sheadel, Acoustical Expert; and members of the public.

McLellan 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.

Gehring Stated this project consists of a building mounted installation, not a ground mounted installation. Stated the current system becomes slow when too many people are using the system. The new wireless communications facility will improve the coverage in downtown Greenfield and will be able to handle more users. The new facility will be beneficial for everyone – businesses, residents and for public safety.

Stated the generator will be installed on the roof of the building so noise should not be an issue.

The antennas on the building will be hidden with faux chimney structures and stacks to blend in with the building facade.



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- McLellan Inquired what the height of the tallest structure on the roof will be.
- Gehring Responded 11.9 feet which is below the maximum height allowed under the Zoning Ordinance. The maximum height allowed under the Ordinance is 15 feet.
- Gehring Stated the antennas are set back from the edge of the roof for aesthetics. Stated this was done voluntarily as it not required under the Zoning Ordinance.
- Gehring Stated the wireless communications facility will not have any lights and will not adversely impact the adjacent properties, residential neighborhoods, historic or scenic resources and the environment. Stated this is the only project Verizon is currently working on that will service Greenfield.
- McLellan Inquired whether the access will come from within the building.
- Gehring Responded yes.
- Chairman McLellan opened up the hearing for public comment. There were none
- McLellan Read correspondence from the Planning Board and read a memo dated February 12, 2015 from All-Points Technology Corporation.

Public Hearing closed at 7:28 p.m.

Discussion/Decision

Bell Atlantic Mobile of MA Corp. Ltd. d/b/a Verizon Wireless for property located at 277 Main Street (Assessor's Map 51, Lot 75)

The Board had no issues with this project.

MOTION

Moved by Conti, seconded by Joseph, and voted 5:0 to approve the application of Bell Atlantic Mobile of MA Corp. Ltd. d/b/a Verizon Wireless for property located at 277 Main Street (Assessor's Map 51, Lot 75), which is located in the Central Commercial (CC) Zoning District, for a special permit pursuant to Sections 200-7.14 and 200-8.3 of the Zoning Ordinance in order to allow the installation of a wireless communications facility on a portion of the subject property consisting of antennas hidden inside faux chimney structures on the roof, radio equipment in a room inside the building, and a stand-by power generator and HVAC units on the existing building's roof.

2. 7:15 p.m.: Application of Patriot Care Corp. for property located at 7 Legion Avenue (Assessor's Map 58, Lot 55), which is located within the Central Commercial (CC) Zoning District for a Special Permit



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pursuant to Sections 200-7.17, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow a Registered Medical Marijuana Dispensary at this location.

Chairman McLellan explained the public hearing process to the applicant. Conti read the public notice into the record. Members sitting were Tom McLellan, Chair; Scott Conti; Christopher Joseph; Russell Kimball; and Steve Ronhave. Also in attendance were the representatives to the Applicant, Jim Callahan, Attorney; Cal Goldsmith, Civil Engineer; George Agganis, Patriot Care; Caleb Mayerson, Patriot Care; Bob Mayerson, Patriot Care; and Bruce Haygon, Architect; and members of the public.

McLellan 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.

Callahan Stated by vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law became effective on January 1, 2013 and the State Department of Public Health has issued regulations for the implementation of this law (105 CMR 725). The Town of Greenfield adopted regulations in the Zoning Ordinance on November 20, 2013 that require state-regulated centers to obtain a special permit. Patriot Care is proposing to open a state-regulated center that will distribute medical marijuana only at 7 Legion Avenue, and therefore request a special permit.

Mayerson Stated Patriot Care has been awarded three licenses in Massachusetts, including Lowell, Boston, and Greenfield. Patriot Care holds operations in 2 other states that only legalize medical marijuana. Stated the company's business model is to only focus on medical marijuana and does not want to include recreational marijuana.

Stated the company intends to purchase 7 Legion Avenue. The existing building needs repair work. The downtown location is easily accessible to Greenfield residents and non-residents. Stated there will be security cameras and exterior lighting.

Stated Patriot Care performs annual background checks on all its employees. The company makes sure it is in compliance with all regulations and works closely with the local police.

Stated Patriot Care received a letter of support from Mayor William Martin. Stated Patriot Care has agreed to give donations to local non-profits and participate in the Greenfield PILOT Program.

Stated patients need a State issued card to get into the building. In order to receive the card, the patient must meet specific requirements, including a Doctor of Medicine (MD) referral.

McLellan Inquired how fraudulent activity associated with the cards is prevented.

Mayerson Responded the patients show their medical marijuana card at the front door before entering the building. The employee looks up patients' records through the State database, which includes a



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photograph taken when the medical marijuana license was originally granted. This process will likely reduce the incidence of fraud.

Stated once the patient enters the building, they check in with the receptionist. The receptionist will check to see if the medical marijuana card has expired and see if the patient has reached their limit for the 60-days. The patient is only allowed to go into the waiting room and sales room if their card has not expired and if they have not reached their limit for the 60-days.

McLellan Inquired how often is an inventory of all merchandise done

Mayerson Responded twice a day. If marijuana is off by 1 gram, then the video tapes are reviewed.

Stated Patriot Care will sell marijuana in various forms, including: tincture drops, edible food, vapor, and for smoking. Stated patients will not be allowed to smoke or eat products on the premises.

Stated there will be advanced monitoring service at the property.

Ronhave Inquired where the marijuana will be cultivated.

Mayerson Responded the marijuana will be cultivated in a stated-regulated facility in Lowell. Stated the marijuana will be delivered to the Greenfield dispensary at randomized times approximately 2-3 times per week. The delivery will be done in an unmarked vehicle which will have a GPS unit and radio control between the cultivation center and the dispensary facility.

Joseph Inquired whether safety measures will be put in place in the adjacent municipal parking lot.

Mayerson Responded no. Stated employees will be able to refuse sale, if patients are impaired.

Joseph Inquired if all money transactions will be done by cash only.

Mayerson Responded yes. Stated Patriot Care has opened up an account with a local bank. The federal government is currently working on something that will eventually allow marijuana companies to accept credit cards.

Joseph Inquired what the average sale is at one time.

Mayerson Responded the average sale is 1/8 to 1/4 ounce which is about a \$75-\$90 purchase. The State limits the amount a person can purchase marijuana every 60 days. The limit is 10 ounces every 60 days.

Stated they may install an ATM inside the facility. Stated he will need to find out if checks will be accepted at the facility.



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- Joseph Inquired what the company will do if recreational marijuana becomes legalized in the State.
- Mayerson Responded the company's business model focuses on medical marijuana. Stated it is hard to fully answer this question.
- Goldsmith Stated there are only 2-3 parking spaces on-site, but the adjacent municipal parking lot has 112-115 parking spaces. Stated the project meets the 15% open space requirement. Stated the drainage goes into the town drainage system. Stated the sewer line runs under the building which will be preserved. Stated a fire line with sprinklers will be installed inside the building.
- McLellan Inquired whether Patriot Care currently owns the property.
- Callahan Responded Patriot Care is under a conditional contract with the American Legion to purchase the property.
- Goldsmith Stated they will maintain the existing fence along the railroad tracks and will maintain the fence and guard rail along the northern boundary line. Stated they will retain the fire lane to the east side of the building. Stated they will install a bike rack. Stated the covered porch on the east of the building will be removed.
- Goldsmith Stated the project meets all criteria under ~ 200-8.4(E) and proceeded to review each criteria with the Board.
- Callahan Stated the project meets all criteria under ~ 200-8.3(F) and proceeded to review each criteria with the Board.
- Stated the project is consistent with the 2013 Greenfield Sustainable Master Plan which will redevelop an existing building and will provide jobs. The long term plan is to hire 6 full-time staff and 12 part-time staff.
- McLellan Inquired whether the marijuana products have a shelf life.
- Mayerson Responded the edible products have a shelf life. Expired products are sent back to the Lowell facility for proper disposal.
- McLellan Inquired if the American Legion lounge will only be open during the dispensary hours of operations.
- Mayerson Responded they are working with the American Legion about hours.

Chairman McLellan opened up the hearing for public comment.

Isaac Mass, 248 Green River Road, Greenfield



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Stated he is the judge advocate for the American Legion. Stated the American Legion does not intend to renew their liquor license.

Conti read correspondence from the Board of Health and Planning Board.

Gwyn Aras, 349 Green River Road, Greenfield

Stated she is a nurse. Stated she supports this project and thinks it will benefit a lot of people in need.

Bel Stadnicki, 106 Federal Street, Greenfield

Stated she certifies patients to receive the state-regulated license. Stated she supports this project.

Mary Louis, 24 Herbert Avenue, Springfield

Stated she works for the Massachusetts Patient Advocacy Alliance. Stated she supports this project.

Conti read correspondence from Massachusetts Patient Advocacy Alliance.

- Joseph Inquired whether the two existing flag poles will be removed off-site.
- Mayerson Responded the American Legion will keep the plaque, and the Patriot Care will keep one pole.
- Kimball Read correspondence from Mayor Martin.
- Conti Read correspondence from the Chief of Police.
- Joseph Inquired whether Patriot Care intends to paint the exterior of the building and remove the old A/C units.
- Haygon Responded yes. Stated they will be fixing up both the interior and exterior to the building.

Public Hearing closed at 9:13 p.m.

Discussion/Decision

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

The Board had no issues with this project.

MOTION: **Moved by Conti, seconded by Joseph, and voted 5:0 to approve the application of Patriot Care Corp. for property located at 7 Legion Avenue (Assessor’s Map 58, Lot 55), which is located within the Central Commercial (CC) Zoning District for a Special Permit pursuant to Sections 200-7.17, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow a Registered Medical Marijuana Dispensary at this location, with the following conditions:**

- 1. Allowed hours of operation are from 9:00 a.m. to 7:00 p.m., seven (7) days a week;**
- 2. All signage shall comply with the Greenfield Zoning Ordinance requirements.**



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Approval of Minutes:

MOTION: Moved by Joseph, seconded by Ronhave, and voted 4:0:1 (Kimball abstained) to approve the Minutes from January 8, 2015, as amended.

Adjournment:

MOTION: Moved by Conti, seconded by Joseph, and voted 5:0 to adjourn the meeting at 9:23 p.m.

Respectfully Submitted,

Maureen Pollock.

Maureen Pollock
Assistant Planner & Conservation Agent