



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.

Gilkes, Debra (2022)
Maloney, Mark (2022)
Singer, David (2021)
Winn, James (2020)
Wozniak, Peter (2020)

ZONING BOARD OF APPEALS

Minutes of March 12, 2020

2nd Floor Meeting Room

20 Sanderson Street

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

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

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.

Chairman Maloney stated that the Board would like to deal with the application of Herbology Group, Inc. for 8 Woodard Road from 7:00 – 7:15 p.m., then at 7:15 p.m. deal with the application of Steve Kubisch for 843 Country Club Road since it is a small solar project, and then return to the application for 8 Woodard Road. He asked if the Applicant for 8 Woodard Road has any objections. Tony Capachietti from Hayes Engineering representing Herbology Group, Inc. responded that he has no objections.

Public Hearings:

- a. **7:00 p.m.(Continued from December 12, 2019):** Application of Herbology Group, Inc. for property located at 8 Woodard Road (Assessor’s Map 45, Lot 10), which is located in the General Commercial (GC) Zoning District, for a modification of the approved Special Permit pursuant to Sections 200-7.17, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the operation of Marijuana Retailer and a Registered Marijuana Dispensary (RMD) at this location.

At a public meeting on Thursday, March 12, 2020 at 7:00 p.m., in the 2nd Floor Meeting Room of 20 Sanderson Street, the Greenfield Zoning Board of Appeals held a public hearing on the application of Herbology Group, Inc. for property located at 8 Woodard Road (Assessor’s Map 45, Lot 10), which is located in the General Commercial (GC) Zoning District, for a modification of the approved Special Permit pursuant to Sections 200-7.17, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the operation of Marijuana Retailer and a Registered Marijuana Dispensary (RMD) 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, Chair; James Winn; Peter Wozniak; David Singer; and Debra Gilkes. The following project proponents were present: Tony Capachietti, Hayes Engineering; and Jane Hawman, CEO of Pleasanttrees.

Maloney Introduced the Board members sitting and asked the Applicant’s representative to introduce himself and explain what he wants to do, where he wants to do it, and why.

Capachietti Explained to the Board that Herbolgy Group, Inc is now Pleasanttrees, Inc. Under the new ownership, the previously proposed two-story cape building with about 4,200 square feet of



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floor area will now be a single story building with about 3,200 square feet of floor area. Also he explained to the Board that Pleasantrees will now be leasing both 4 and 8 Woodard Road for the project as opposed to just leasing 8 Woodard Road. This allowed for a better design for storm water management and additional parking for the facility. Additionally, many of the existing mature trees along the northern and northwest boundaries are now able to be saved which provides screening. He stated that they have added three u-racks able to hold six bicycles as requested by the Planning Board. They are waiting to submit a final revised plan set as the Zoning Board may wish to request further revisions to the plan set.

- Maloney Inquired on why they are now leasing two parcels with a new layout.
- Capachietti Responded that the new owners wanted a larger site with a new more modern looking building with more parking and a better traffic flow.
- Winn Inquired on how the light poles will be.
- Capachietti Responded fifteen feet in height for the poles and that the wall pack lighting will be twelve feet high on the building.
- Maloney Inquired on traffic numbers resulting from the new building and layout.
- Capachietti Responded that there will be a decrease of about ten vehicle trips per day since the building square footage has decreased.
- Maloney Inquired on the flow of patrons to and through the facility.
- Capachietti Responded that there will be an eight foot sidewalk to the entrance allowing for two queuing lines with bollards installed protecting the patrons. He stated that this business is highly web driven with customers now able to order online through various apps which significantly reduces transaction times. He stated that the average transaction time for their new facility in Lynn is about four minutes.
- Maloney Inquired on the number of patrons that could be in the building at any one time.
- Capachietti Responded about 30 customers. He reviewed the security measures for the facility with the Board. Security staff will be present in the floor area as well as the parking area. Access to the vault is key card restricted only for key personnel. The site will have 24-hour security monitoring from an off-site location.

The Board took a short recess for the next Applicant’s presentation.

- b. **7:15 p.m.:** Application of Steve Kubisch for property located at 843 Country Club Road (Assessor’s Map R19, Lot 13B), which is located in the Rural Residential (RC) Zoning District, for a Special Permit pursuant



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to Sections 200-5.3(E2), 200-7.16, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the installation of one 21 foot high 8.16 kW DC, dual axis tracker solar PV array at this location.

At a public meeting on Thursday, March 12, 2020 at 7:15 p.m., in the 2nd Floor Meeting Room of 20 Sanderson Street, the Greenfield Zoning Board of Appeals held a public hearing on the application of Steve Kubisch for property located at 843 Country Club Road (Assessor’s Map R19, Lot 13B), which is located in the Rural Residential (RC) Zoning District, for a Special Permit pursuant to Sections 200-5.3(E2), 200-7.16, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the installation of one 21 foot high 8.16 kW DC, dual axis tracker solar PV array 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, Chair; James Winn; Peter Wozniak; David Singer; and Debra Gilkes. The following project proponents were present: Installers John Ward and Claire Chang of the Greenfield Solar Store; and property owners Colleen and Steve Kubisch.

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.

Change Ms. Change reviewed the project with the Board. She stated that the proposed array will be 330 feet from the western property line, 530 feet from the eastern property line, 1,145 feet from the southern property line and 40 feet from the north property line. The tracker is located more than 150 feet from the septic tank and leach field so there will be no issues with trenching for the array.

Maloney Inquired on why a 21 foot tracker is necessary.

Ward Responded that there are both 18 and 21 foot trackers. A 21 foot tracker is necessary for this project in order to meet the desired power generation.

Singer Asked if the property owners would agree to a condition of approval to keep the existing trees and vegetation for screening due to the increased height of the tracker array.

Kubisch Responded that he doesn’t know the date of the photos taken of his property, but that he has removed some trees in the last two weeks as well as planting additional arborvitae. He agreed to such a condition.

Winn Read review comments from the Planning Board which forwarded a positive recommendation to the ZBA and the Engineering Superintendent who had no comments or issues.

Chairman Maloney opened up the public hearing for public comment at 7:26 p.m. No public comment.

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



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Board Discussion/Decision

Steve Kubisch for property located at 843 Country Club Road (Assessor’s Map R19, Lot 13B)

Chairman Maloney asked the Board members if they have any additional questions.

The Board has no additional questions.

MOTION: Moved by Wozniak, seconded by Winn, and voted 5:0:0 to approve the application of Steve Kubisch for property located at 843 Country Club Road (Assessor’s Map R19, Lot 13B), which is located in the Rural Residential (RC) Zoning District, for a Special Permit pursuant to Sections 200-5.3(E2), 200-7.16, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the installation of one 21 foot high 8.16 kW DC, dual axis tracker solar PV array at this location as presented with the following condition:
1) The Applicant shall keep or provide vegetative screening as exists today along the northern property line.

The Board took a short recess for the previous Applicant’s continued presentation and was back in session at 7:32 p.m.

- Maloney Inquired if there is any lighting in the back of the building.
- Capachietti Responded that they are not proposing any lighting in the back to protect the neighboring abutter. He stated that the lighting will be shielded full cut off lighting fixtures.
- Winn Read review comments from the Planning Board, which forwarded a positive recommendation with a request to add 3bicycle u-racks to hold 6 bicycles; Health Department, Inspector of Buildings, and Fire Prevention Officer which all has no comments or issues; Engineering Superintendent who had one minor comments and is all set with the storm water management system; Department of Planning and Development with proposed recommendations of approval; and Police Chief Robert Haigh who is all set with the new security plan.
- Maloney Inquired how many employees would be on site at any given time.
- Hawman Responded 6 employees.
- Winn Inquired on snow storage for the site.
- Capachietti Responded that snow would be plowed to the grass strip along the guard rail. If additional storage is necessary, a bobcat will be used to store snow in the storm water detention areas.



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- Gilkes Inquired on hours of operation.
- Capachietti Responded that they are not proposing to change the previously approved hours of operation.
- Singer Inquired on the lease agreement for the property as he is concerned about the long-term use of the property.
- Hawman Responded that she doesn't know the specifics but will contact someone to find out. She contacted Drew Breuninger, consultant to Pleasantrees, and found out that the lease agreement is a 5-year lease with two additional five-year lease options. She stated that Pleasantrees is at about the same stage of permitting in Easthampton and Amherst as in Greenfield.
- Singer Inquired on any fencing to prevent patrons from entering the rotary.
- Capachietti Responded that there is an existing chain link fence along the area of the rotary.
- Chairman Maloney opened up the public hearing for public comment at 7:58 p.m. No public comment.
- Chairman Maloney closed the public hearing at 7:58 p.m.

Board Discussion/Decision

Herbology Group, Inc. for property located at 8 Woodard Road (Assessor's Map 45, Lot 10)

Chairman Maloney asked the Board members if they have any additional questions.

The Board has no additional questions.

MOTION: Moved by Maloney, seconded by Winn, and voted 5:0:0 to approve the application of Herbology Group, Inc. for property located at 8 Woodard Road (Assessor's Map 45, Lot 10), which is located in the General Commercial (GC) Zoning District, for a modification of the approved Special Permit pursuant to Sections 200-7.17, 200-8.3, and 200-8.4 of the Zoning Ordinance in order to allow the operation of Marijuana Retailer and a Registered Marijuana Dispensary (RMD) at this location as presented with the following conditions:

- 1) The Applicant shall obtain approval from MassDOT for an access permit for the project and submit a copy of such approval to the Zoning Board. If an access permit is not required, then the Applicant shall provide a letter from MassDOT stating that one is not necessary;
- 2) Delivery vehicles shall be limited to box trucks. Tractor trailer trucks shall be prohibited; and
- 3) Any pole lighting shall not exceed fifteen (15) feet in height;



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- 4) **The Applicant shall provide a minimum of three (3) u-racks for bicycle parking at the facility;**
- 5) **The Applicant shall provide a five (5) foot chain link fence along the easterly property lines as a safety measure to prevent walking patrons from entering the rotary if one doesn't already exist;**
- 6) **The special permit shall run with the Applicant; and**
- 7) **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.**

Approval of Minutes:

MOTION: Moved by Singer, seconded by Wozniak, and voted 5:0:0 to approve the meeting minutes of December 12, 2019.

Adjournment:

MOTION: Moved by Winn, seconded by Gilkes, and voted 5:0:0 to adjourn the meeting at 8:08 p.m.

Respectfully Submitted,

Eric Twarog, AICP
Director of Planning and Development