



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 (2023)  
Wozniak, Peter (2023)

**ZONING BOARD OF APPEALS**  
**Minutes of November 12, 2020**  
**Webex Meeting**

The meeting was called to order by Chair, Mark Maloney at 7:15 p.m. with the following members:

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

**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 Applicant for 347 Wells Street has submitted a request for a continuance to the December 10, 2020 meeting of the ZBA, it will not be heard this evening.

**MOTION:** Moved by Singer, seconded by Gilkes, and voted 5:0:0 to except the request for a continuance of the public hearing for 347 Wells Street submitted by Dmitriy D. Darmanchev to December 10, 2020.

Public Hearings:

- a. **7:00 p.m.:** Application of Patriot Care Corp. for property located at 7 Legion Avenue (Assessor’s Map 58, Lot 55), which is located in the Central Commercial (CC) Zoning District, for a Special Permit pursuant to Sections 200-7.17 and 200-8.3 of the Zoning Ordinance in order to allow a change in the hours of operation from 9:00 a.m.– 7:00 p.m. to 9:00 a.m.– 9:00 p.m. seven days per week at this location.

At a public meeting on Thursday, November 12, 2020 at 7:00 p.m., through Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Patriot Care Corp. for property located at 7 Legion Avenue (Assessor’s Map 58, Lot 55, which is located in the Central Commercial (CC) Zoning District, for a Special Permit pursuant to Sections 200-7.17 and 200-8.3 of the Zoning Ordinance in order to allow a change in the hours of operation from 9:00 a.m.– 7:00 p.m. to 9:00 a.m.– 9:00 p.m. seven days per week at this location. Chairman Maloney explained the public hearing process to the Applicant. Wozniak 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: Robert Mayerson of Patriot Care Corp.

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.

Mayerson Introduced himself to the Board and stated that Patriot Care Corp. currently holds two (2) special permits from the Zoning Board of Appeals. One is for a medical marijuana dispensary (RMD) which opened in April of 2018 and the other for an adult use retail marijuana facility at the same location of 7 Legion Avenue which opened in April of 2019. He stated that since operations started, there have been no negative impacts. He stated that in fact there have been positive



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impacts to the neighborhood as they have provided a presence and lighting in a former dark area of the parking lot and have renovated a deteriorating building. They are requesting to extend the hours of operation for both the RMD and retail operations to 9:00 p.m. Currently the hours end at 7:00 p.m. They are requesting that the hours of operation be extended to both from 9:00 a.m. to 9:00 p.m. seven (7) days a week. The reason that they want to extend their hours is that they heard from both medical patients and adult use users that they can't get to the facility in time with the current hours. This would allow Patriot Care to better serve their customers. It is his understanding that the facility at 51 Davis Street approved by the Board has hours allowing them to be open until 9:00 p.m.

Chairman Maloney asked the board members if they have any questions.

Gilkes Responded that she has no questions at this time.

Singer Responded that he has no questions at this time.

Wozniak Responded that he has no questions at this time.

Winn Inquired on the foot traffic that takes place at the facility between the hours of 5:00 p.m. and 7:00 p.m.

Mayerson Responded that he does not have those numbers in front of him. He stated that the busiest times of the day are the lunch hour and at the end of the day as people try to get to the facility after work before it closes.

Maloney Stated that even though 51 Davis Street is in the same area as Patriot Care, each case is reviewed separately with unique circumstances. He stated that as he recalls during the special permit process for Patriot Care relative to hours of operation that the large apartment complex that abuts them was considered because a lot of seniors live there.

Wozniak Stated that he doesn't believe that the Board approved hours to 9:00 p.m. on Sundays.

Chairman Maloney asked the Board members if they have any additional questions at this time. The Board members responded no.

Chairman Maloney opened up the public hearing for public comment at 7:23 p.m.

Emily R. Eash, Esq., Newly appointed Planning Board Member, 46 Kenwood Street, Greenfield

Ms. Eash stated that the Governor's most recent Executive Order requires bars to serve their last drinks by 9:45 p.m. Since cannabis is legal in Massachusetts, she supports the proposed extended hours to 9:00 p.m.

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



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Chairman Maloney asked the Applicant if he has any additional comments at this time.

- Mayerson Stated that in response to the Sunday hours, they would accept reduced hours of operation on Sundays to be consistent. He also stated that there are no issues with parking at the facility.
- Maloney Asked the Applicant to address the concerns he brought out about the residents at the Mill House apartment complex.
- Mayerson Stated that they have heard no negative comments from the residents there since opening the facility. He stated that he met with the current and previous mayors to inquire about any negative impacts and none were reported. He also checked with the Department of Planning and Development which indicated that there were no negative comments received. Patriot Care did not reach out to the residents of Mill House because typically, if there are concerns, people will bring those forward. He stated that when Patriot Care first opened, adult use marijuana was new to the State and to the City of Greenfield so they were conservative in the requested hours of operation.
- Maloney Asked for clarification on the existing hours of operation.
- Mayerson Responded 9:00 a.m. to 7:00 p.m. seven days a week. He stated that they wouldn't necessarily always be open during those hours but would like the ability to do so if needed.
- Maloney Asked for clarification on why they believe they need the extended hours. Is it that at the end of the day, there is still a line at the facility?
- Mayerson He stated that people are still trying to get into the facility at closing. He also stated that their request has nothing to do with the approved hours of other marijuana establishments. It has entirely to do with their customers demand and requests for extended hours. He only brought up the other facility as a point that the extended hours wouldn't be inconsistent with other approvals but that this is not the primary driver for their request.
- Maloney Asked that since both medical and retail marijuana is legal in Massachusetts is there a difference in how they handle each one.
- Mayerson Responded that State regulations require them to have separate lines at the facility and separate inventory for both with preference given to medical patients in terms of supply.

**Board Discussion/Decision**

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

Singer read review comments from the Planning Board which forwarded a positive recommendation to the ZBA, Fire Prevention Officer (no comments or issues), and Engineering Superintendent (no comments or issues).



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

Gilkes Responded no.

Singer Responded that his vote will be based on the fact that they have not received any negative comments on the request and that the request has no material change relative to the original special permit approvals. His vote will be a yes.

Wozniak Responded no.

Winn Responded no.

**MOTION:** Moved by Singer, seconded by Wozniak, and vote 4:0:1 (Maloney abstained) to approve the application of Patriot Care Corp. for property located at 7 Legion Avenue (Assessor’s Map 58, Lot 55), which is located in the Central Commercial (CC) Zoning District, for a Special Permit pursuant to Sections 200-7.17 and 200-8.3 of the Zoning Ordinance in order to allow a change in the hours of operation for both the medical marijuana dispensary and the adult use retail marijuana establishment from 9:00 a.m. – 7:00 p.m. to 9:00 a.m. – 9:00 p.m. seven days per week at this location.

Approval of Minutes:

**MOTION:** Moved by Wozniak, seconded by Singer, and voted 5:0:0 to approve the meeting minutes of September 10, 2020.

Board Discussion

Singer brought to the Board’s attention that there are two new Alternate members to the ZBA, Julia Popkin and Walter Boyd. The website doesn’t list both of them and one wasn’t included in the recent correspondence to the Board. The Board members welcomed Julia Popkin to the Board.

Adjournment:

**Without objection, Chairman Maloney adjourned the meeting at 7:46 p.m.**

Respectfully Submitted,

Eric Twarog, AICP  
Director of Planning and Development