



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 June 10, 2021
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 David Singer
Debra Gilkes Julia Popkin

ABSENT: Peter Wozniak and Alternate Walter Boyd

ALSO PRESENT:

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.(Continued from May 13, 2021): Application of Greenfield Greenery, LLC for property located at 493 Leyden Road (Assessor’s Tax Map R21, Lot 1), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C19), 200-7.17, 200-8.3, 200-8.4, and Appendix A – Table of Uses of the Zoning Ordinance, in order to allow a marijuana cultivation facility at this location.**

At a public meeting on Thursday, June 10, 2021 at 7:00 p.m., through Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of Greenfield Greenery, LLC for property located at 493 Leyden Road (Assessor’s Tax Map R21, Lot 1), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C19), 200-7.17, 200-8.3, 200-8.4, and Appendix A – Table of Uses of the Zoning Ordinance, in order to allow a marijuana cultivation facility at this location. Chairman Maloney read the public notice into the record and explained the public hearing process to the Applicant. Members of the Board sitting were Mark Maloney, Chairman; James Winn, Clerk; David Singer; Debra Gilkes, and Julia Popkin. Chairman Maloney stated that this is a continuation from May 13, 2021 due to technical difficulties with the abutters list which has since been rectified. The following project proponents were present: Bucky Sparkle, Civil Engineer; Shannon P. O’Brien, CEO of Greenfield Greenery, LLC; Randall Facey, Partner and Co-Manager for Greenfield Greenery, LLC; Jay Lindsay, Director of Cultivation; Bill Taylor, Security Specialist from the Edward Davis Co.

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.

Sparkle Introduced himself and stated that he will be giving the majority of the presentation to the Board. He introduced the team members present and turned it over to Shannon O’Brien to give an overview of the project.



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O'Brien

Stated that their mission is to develop an outdoor sun grown cannabis cultivation facility with partnership with local farmers. She stated that most marijuana cultivators in Massachusetts grown indoors using high powered lights to recreate natural sunlight. Growing outdoors does present several challenges that they believe will be overcome. First, a sun grown product will be a superior product. Secondly, using natural sunlight reduces the facilities' carbon footprint. Electricity cost alone for indoor growing costs about \$700.00 - \$1,000 per pound of product while an outdoor grow is about \$400.00-\$500.00 per pound. Third, local farmers struggle to stay profitable. In the 1950's, there were about 5,000 dairy farms. That number has dwindled to about 125. Their partners Angie and Randall Facey are great business partners that will use their years of farming experience to help create a better cultivation facility while maintaining their farming heritage. They chose Greenfield because of the favorable regulatory framework for startup businesses. She stated that the Mayor and staff have been very helpful and supportive of the project. They will be providing fulltime and seasonal work for approximately 50 people. They will also share about \$300,000.00 annually with the City. Finally, she stated that the cannabis industry is highly regulated and requires high security measures.

Sparkle

Stated that he will review existing conditions with the Board. 493 Leyden Road is a 232 acre active farm. It is growing crops and is doing a soil enhancement project for many years enriching the soil. The site is mostly flat with dry sandy soils. There are no environmental constraints such as wetlands or riverfront area. They are trying to stay out of peoples' hair with this project. The entire project will use about 13 acres of the property which is only about 6 percent of the property area. There will be a security fence covering about 8 acres. That's where the buildings will be located as well as the cultivation area and generator and lighting. There are about 5 acres for parking and landscaping, the stormwater management system, and the septic system. He reviewed the site plan and improvement to include the hoop houses with the Board. He reviewed the location of the modified shipping containers used for secured storage and curing of high valued items. He reviewed the location of the access drive and security lights with the Board. He stated that they chose this site because it is very secluded. He reviewed the aerial photo showing the nearest roads and buildings to the proposed facility. He stated that the proposed facility would be surrounded by dense trees. He reviewed perspectives from various locations to include the nearest building which is approximately 1,500 feet away. He introduced security specialist Bill Taylor to give an overview of the security system.

Taylor

Stated that he works for the Edward Davis Company. They provide security measures for cannabis companies throughout the state to include retail and medical cultivation and manufacturing facilities. He has worked for the Edward Davis Co. for 3 years since his retirement. He served 37 years in the Lowell police department, of which he was the Chief of Police for his last 5 years. They have conducted a security assessment and have developed SOPs for Greenfield Greenery for this site. The CCC requires very complete and comprehensive security plans at all of their cannabis sites. Their security SOPs for this site uses best management practices which combine both technology and human components to create superior security operations. They go beyond CCC requirement and work with local police departments



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and emergency management officials for state of the art security procedures. Their security measures both protect the staff of the facility and more importantly the community at large. Police Chief Haigh has approved their security plans and has provided a letter to the Board.

Sparkle Introduced the teams Director of Cultivation Jason LaValley.

Lindsay Introduced himself to the Board and stated that he has been doing legal marijuana cultivation for about 12 years. He has learned form the best cultivators and farmers throughout the country. He is glad to be back in his home state of Massachusetts and particularly in the beautiful City of Greenfield. They will be using zero pesticides and zero herbicides for the cultivation. No synthetic fertilizers will be used. No salt or phosphorus based runoff to worry about. They will also be using zero runoff conservation practices for their irrigation system. This will reduce water usage by 50 percent over conventional agricultural practices. Their facility will be producing about 40 percent less waste than any other facility in the state. They are trying to set a benchmark with this process. The byproduct of their methodology is about 93,000 gallons of thriving biologically rich soil added back to the mass of the farm every 3 years for use by the farm or for community gardens elsewhere in the City for local food banks. The cultivation facility will seasonally employ about 30 Greenfield residents as well as 20 high quality year round employees.

Sparkle He reviewed the traffic numbers and patterns with the Board. He stated that Leyden Road is an underutilized roadway. According to MassDOT, at rush hour, only one-eighth of the capacity of Leyden Road is being used. At most there would be about 35 people on staff on a shift so with two shift about 250 vehicle trips per day which is a generous number. This is less than a 4 percent increase in traffic on Leyden Road which will have a minimal impact on the road. They will not be adding to the rush hour traffic as the times of their traffic peaks will not line up with rush hour peaks. He discussed tractor trailers to include 53 foot tractor trailers with the Board. He stated that over the past 7 years, there have been more than 2,300 tractor trailers coming and going from the farm. Most of that is for the soil enhancement project at the farm which is now winding down. There are 300 truck deliveries for the farm of the big rig style. They are proposing to add a small number of shorter tractor trailers to the site mostly for short periods of soil enhancements to include kelp and high quality soil. On a weekly basis, box trucks or regular trucks will be used. They have proposed forty (4) off-street parking spaces to include 2 accessible spaces to accommodate 35 staff people as well as a few spaces for guests. There is also a bicycle rack proposed on site. The FRTA has a bus stop at Leyden Woods which is a little south of the site. Staff could walk or bike from there to the site. The existing access drive to the farm is currently graveled. Based on DPW concerns, they will be paving the access drive and increasing the width of the drive and radius of the entranceway. He reviewed the proposed traffic flow and traffic signage with the Board. The existing access driveway is very well compacted due to the truck traffic over it and is used year round. Signage for the business is severely limited by CCC regulations so there will be no sign by the street. There is a street number sign at the entrance to the property. He reviewed the proposed lighting for the site to include security perimeter lighting. There will be infrared sensor cameras all over the site tied to sophistaicated



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software that can tell the difference between animals and humans. The security lights will not go on if a deer is in close proximity to the site. There will be lights on during staff hours when dark for the parking area and buildings. These are all downcast and shielded. Lights will be used for the greenhouses and hoop houses for certain portions of the grow cycle. Blackout curtains for these will prevent any light from spilling out. In terms of the landscaping requirements, it is mostly for the parking area. Native trees will be planted. He next reviewed smell issues and stated that the farm has been using manure for many years which has a very strong smell. This will continue for the farm. Also, paper pulp is brought in currently for the soil enhancement project which has a strong smell when decomposing. The owners of the farm did reach out to the neighbors to discuss any smell issues and no one at that time had any issues. This may be due to the wind patterns at the farm. He stated that they are growing plants and flowers. Smell is a subjective thing but most would agree that flowers generally have a pleasant smell. He next reviewed phasing of the project with the Board since it is a large project. The project will have four (4) phases, the first of which is essentially starting now through to this fall. This is for the installation of farm infrastructure that doesn't require a special permit and could be used for the farm itself to include site grading, hoop houses and parking area. If a special permit is granted, they would grow 12,00 square feet of canopy to start with about ten (10) employees plus a construction crew while things are being built. The 2nd phase will be over the cold months from the fall to the spring of 2022. This will include additional hoop houses and the construction of the buildings, stormwater drainage system and landscaping. There will be still 12,000 square of canopy with about 25 staff. In the spring of 2022, full build out would occur which would allow up to 100,000 square feet of canopy. There would be 60 staff people with about 35 per shift. The hoop houses would be replaced with permanent greenhouses. All dimensional requirement of the Zoning Ordinance have been met. The height restriction is 35 feet and they are proposing a building that will be close to 35 feet in height. They have met all provisions of Sections 200-7.17, 200-8.3, and 200-8.4, as well as the Rural Residential District of the Zoning Ordinance.

- Maloney Inquired if the landscaped screening they reference would be around the perimeter fence.
- Sparkle Responded that the primary vegetative screening would be along the parking lot area.
- Maloney Stated that the Board typically limits lighting poles to 15 feet in height and asked if this will affect their lighting plan.
- Sparkle Responded that their light poles will be double that at 30 feet in height. He stated that the CCC requires that the lighting goes out from the perimeter fence if activated. The lights will off the far majority of the time. They are like a fire alarm or sprinkler system that is there if needed but are off when not needed.
- Maloney Inquired if there will be signage at the entrance stating that this is private property, no trespassing.
- Sparkle Responded that such signage would be placed after the farmhouse.



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- Maloney Inquired on what is to stop people travelling on Leyden Road from entering the site thinking that it is a retail establishment.
- Sparkle Responded that people would have to first know that the facility is there. From Leyden Road, people will only see the farmhouse for the most part. There will not be a phone listing of the facility or a webpage advertising the site. Anyone going to the facility would have to be invited and know what they are going there for.
- O'Brien Stated that they will have no trespassing signs but not at the street. They will be hiring a security manager who will manage such things. They want to have a very low profile and not impact the character of the neighborhood.
- Maloney Inquired on what their plan is for vegetative refuse.
- Lindsay Stated that there will be very little waste from the growing operation.
- Maloney Asked for clarification that there will not be a pile of waste product that could be accessed from the public.
- Lindsay Responded that any waste will be removed from the site or immediately composted into the soil itself.
- Winn Stated his only concern is the height of the light poles.
- Singer Two things, water use and the tractor trailers. He inquired if that area of Leyden Road is on public water and sewer or private wells and septic. He asked if the use of 70,000 gallons of water per month will impact neighboring wells.
- Sparkle Responded that he is not a hydro geologist but that amount of water use is not significant. A study covering several square miles would be required to definitely answer this question. Given the size of the farm at 232 acres and the location of nearby streams and significant wetland area fairly close by, there is ample opportunity for ground water recharge. Also, all drainage from the site will be directed into the ground.
- Singer His second question is about the amount tractor trailers to the site both existing and proposed.
- Sparkle Responded that the farm currently has about 300 tractor trailers to the property per year. They are talking about 12-15 trips per year for the 40 foot trailers.
- Singer Inquired if they were to make that a condition of approval, would that be enough.
- Sparkle Responded that is his understanding from their director of cultivation.



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- Gilkes Stated that she has not seen the approval letter on their security plan from Police Chief Haigh in the packet materials sent to the Board.
 - Maloney Responded that yes they did receive the security letter from Police Chief Haigh.
 - Popkins No questions at this time.
 - Winn Read review correspondence from Police Chief Robert Haigh, the Board of Health (no comments or issues), Engineering Superintendent (no comments or issues), Fire Prevention Officer, the Department of Planning and Development, and the Planning Board which forwarded a positive recommendation.
- Chairman Maloney asked the project proponents if they would like to respond to the written correspondence at this time.
- O'Brien Stated that she thought they worked out the truck traffic issue with Director Twarog. Currently, there are numerous trucks coming and going from the property for the last 6 six years or so. The soil enhancement project is nearing its end so there will be a significant reduction of existing truck traffic. Her concern with box trucks is that it will require a additional truck traffic which may be disruptive to the neighborhood as opposed to just 12-15 tractor trailer trucks per year.
 - Lindsay Stated that every year that they are in operation will reduce the number of trips for truck traffic to the site. In 5-6 years, they will have achieved their goal of a closed loop system in terms of soil requirements.

Chairman Maloney opened up the public hearing to public comment at 8:09 p.m..

Jennifer Murphy, Speaking on behalf of her mother Donna who lives at 496 Leyden Road, Greenfield
Stated that she is glad to hear that the driveway will be improved as there are currently potholes there and dust from the truck traffic. The truck traffic in times of heavy rain splash mud onto nearby mailboxes. She stated that the liquid manure at the site has a very strong obnoxious odor. They have lived next to the farm for many years and are used to the smell of manure but the liquid manure is much worse. She inquired on whether another meeting and approval would be required by zoning if the business wants to expand. Maloney responded that any changes to what the Board approves would have to come back before the Board for approval. She asked if the cows for the dairy farm and the growing of crops will remain. She supports businesses as they help with taxes and the tax rate which is high in Greenfield.

Elise Schlaikjer, Trustee, 528 Leyden Road, Greenfield
When she first moved there in 2008, there were cows in the field across the street which she loved. Since then, the cows have disappeared and truck traffic has significantly increased bringing paper pulp product that is supposedly tested. She inquired if the runoff from the paper pulp has ever been tested. She is concerned about such runoff running into the streams leading to the Green River. She asked if there was a way to get copies of the presentation materials. Maloney responded that they will have Eric Twarog, Director of Planning and



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Development send copies to her. She inquired if the truck traffic will continue. She understands that it will be reduced but when will it start to be reduced. The trucks are a nuisance to her as she hears them going up and down the road and can see their headlights. She stated that her questions on lighting have been answered. She inquired on how load the alarm will be when it goes off.

Joseph Sabella, 562 Leyden Road, Greenfield

Stated that he agrees with what was previously stated about the farm odors. They have to close their windows at times because it is so bad. He also has a question on the type of alarm system. He also requested of Bucky Sparkle a copy of the presentation.

Jennifer Murphy, Speaking on behalf of her mother Donna who lives at 496 Leyden Road, Greenfield

Her mother Donna has a question on how far the parking area will be from the stream.

Chairman Maloney closed the public hearing to public comment at 8:22 p.m. and asked the project proponents to answers the questions posed.

O'Brien Stated that she thought it important to respond generally to the people living near the farm. It is her understanding that Randall Facey has talked to some of his neighbors about the project. She wanted to make it clear that the existing soil enhancement project utilizing paper pulp product is coming to an end so a lot of the truck traffic and smell issues will be going away. Soil enhancement will still be going on but the enhancements will be made for the byproduct of the marijuana cultivation. She stated that when she first visited the farm, the smell was horrid and she did ask Randall about testing of the paper pulp product. He has followed all requirements to include permitting. By federal regulations, they are not able to use pesticides so their operation is really an organic operation. The paper pulp will no longer be brought t to the farm. The odor will be minimized from what exists now. The existing truck traffic will also be significantly reduced. Corn crop will continue to ge grown at the farm for feed for the dairy cows located in the Town of Leyden. Greenfield is a Right to Farm community so such smells are allowed.

Maloney Asked for an answer to the question form the public on how far up the access driveway will be paved.

Sparkle Responded in excess of 200 feet and reviewed the area on the plan set with the Board.

Maloney Clarified that they will not be paving up to the cultivation facility.

Sparkle Responded no.

Maloney Sated that he heard back from the Director of the DPW and both public water and sewer are available up to Leyden Woods Apartments.

Maloney Asked for an answer on the alarm question.



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Taylor Stated that the system is designed to be monitored 24/7 by a security company. When the alarm system is triggered, the security company is immediately notified as well as the Greenfield Police Department and the security director of the company. He stated that he is not aware of an audible alarm for the system but that lights are triggered.

Maloney Stated that the concern people have is that a deer could trigger an audible alarm. He asked for clarification that there is no audible alarm, only lights would be triggered.

Taylor Responded that they believe that the system has been designed so that a deer would not trigger the alarm system.

Chairman Maloney stated that the proponents should think about the possibility of reducing the height of light poles to half the proposed height and doubling the number of them and asked the Board members if they have any additional questions at this time.

Winn No questions at this time.

Singer No questions at this time.

Gilkes Asked if the dairy farm is still in use.

O'Brien Responded that there are no cows on the farm at this location but that corn is grown for the cows in Leyden.

- a. **7:15 p.m.:** Application of CUCA, Inc. (Terrazza) for property located at 277 Silver Street (Assessor's Tax Map 113, Lot 7), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-6.7(B) and 200-8.3 of the Zoning Ordinance, in order to allow an off-premise sign at the corner of Silver Street and Country Club Road for Terrazza Restaurant.

At a public meeting on Thursday, June 10, 2021 at 7:15 p.m., through Webex, the Greenfield Zoning Board of Appeals held a public hearing on the application of CUCA, Inc. (Terrazza) for property located 277 Silver Street (Assessor's Tax Map 113, Lot 7), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-6.7(B) and 200-8.3 of the Zoning Ordinance, in order to allow an off-premise sign at the corner of Silver Street and Country Club Road for Terrazza Restaurant. Chairman Maloney read the public notice into the record and explained the public hearing process to the Applicant. Members of the Board sitting were Mark Maloney, Chairman; James Winn, Clerk; David Singer; Debra Gilkes, and Julia Popkin. The following project proponent was present: Abaz Cecunjanin.

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.



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- Cecunjanin Stated that he received permission from Mark Penfield to install an off-premise sign on his property at the corner of Silver Street and Country Club Road for Terraza Restaurant located at the Greenfield Country Club.
- Maloney Inquired if the off-premise sign has any lighting for it.
- Cecunjanin Responded no.
- Maloney Asked if the off-premise sign has already been installed.
- Cecunjanin Responded yes.
- Maloney Asked how that came to be.
- Cecunjanin Responded that he doesn't have experience with permitting for signs so when the Penfield's gave permission to install the sign, they went ahead with installation without the required permits.
- Maloney asked the Board members if they have any questions at this time.
- Winn No questions.
- Singer Asked the Applicant if he has written permission to install the sign at this location.
- Cecunjanin Responded that the agreement was verbal to use the property for this sign until the house is built there.
- Penfield Mark Penfield responded that he had a verbal agreement with Abaz to install the sign after getting the required permits.
- Gilkes Inquired on when the house will be built at this location.
- Penfield Responded no immediate plans.
- Popkin No questions.
- Winn Read review correspondence from the Engineering Superintendent (no comments or issues), Fire Prevention Officer (no comments or issues), the Department of Planning and Development, and the Planning Board which forwarded a positive recommendation.
- Chairman Maloney opened up the public hearing for public comment at 8:50 p.m.

Nathaniel Hussey, 114 Birch Street, Greenfield



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Stated that he can see the sign from the deck at the back of his property and that it doesn't appear to obstruct any traffic entering and exiting Country Club Road. He stated that he has not heard anything negative about the sign from his neighbors and so thinks that it is appropriate for the neighborhood.

Chairman Maloney closed the public hearing for public comment at 8:52 p.m.

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

- Maloney Stated that he has no additional questions but that as a condition of approval the permit should run with this location and that the Penfield's should provide something in writing stating that they give permission to Abaz Cecunjanin to install the sign at this location as long as they own the land or until the construction of the house at this location.
- Winn Stated that he has no issues with the sign and supports it to help keep businesses viable.
- Singer Stated that he supports the sign and will vote in favor of it. He asked for clarification on the potential condition that the permit runs with the location. Would it run with Terrazza Restaurant or with the property?
- Maloney Clarified that it would run with this specific location.
- Singer Stated that he is concerned about specific wording for such a condition as Terrazza Restaurant could be sold to a new owner. He asked the Penfield's if they would be okay with a condition that the permit is good only until some action is taken on the property such as building a new home.
- Maloney Asked for one of the Penfield's to respond.
- Penfield Stated that they would support a condition that stated that the off-premise sign would have to come down when the new building is constructed at the property. Right now, there is just an existing garage there. There was a house there previously that was demolished.
- Maloney Stated that the condition could state that the off-premise sign is allowed at 277 Silver Street at the discretion of the landowner.
- Singer Asked Mr. Cecunjanin if he was good with such a condition.
- Cecunjanin Responded yes.
- Gilkes Stated that she doesn't have any questions but that some conditions could be that if the sign is damaged, that it cannot be larger than what was approved. Also, should a condition be placed relative to lighting of the sign.



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Popkin No additional questions.

Board Discussion/Decision

CUCA, Inc. (Terrazza) for property located at 277 Silver Street (Assessor’s Map 113, Lot 7)

MOTION: Moved by Singer, seconded by Winn, and voted 5:0:0 to approve the application of CUCA, Inc. (Terrazza) for property located at 277 Silver Street (Assessor’s Tax Map 113, Lot 7), which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-6.7(B) 200-6.7(F1), and 200-8.3 of the Zoning Ordinance, in order to allow an off-premise sign at the corner of Silver Street and Country Club Road for Terrazza Restaurant with the following conditions:

- 1) The special permit shall only run at the discretion of the property owner of 277 Silver Street;
- 2) No lighting shall be used for the off-premise sign;
- 3) If damaged, the off-premise sign shall be redone at the same size and height.

c. Application of Larry Roux for property located at 303 Leyden Road (Assessor’s Tax Map R22, Lot 17), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C21), 200-8.3, and 200-8.4 of the Zoning Ordinance, in order to allow a change of the use group of an existing detached accessory building from Home Office to Accessory Dwelling Unit Detached at this location.

Chairman Maloney explained tot the Board that for this application, they are providing the Planning Board with either a negative or positive recommendation. Members of the Board sitting were Mark Maloney, Chairman; James Winn, Clerk; David Singer; Debra Gilkes, and Julia Popkin. The following project proponent was present: Larry Roux.

Roux Presented his project to the Board. Stated that the space above the exiting garage was designed as an apartment but accessory apartments were not allowed at that time so the space has been used as a home office. He would like to now use the space as a detached accessory dwelling unit.

Maloney Stated that the existing structure meets all setback requirements and asked how far from the road the building is.

Roux Responded about 150 feet.

Maloney Stated that the nearest neighbor to the south is hundreds of feet away.

Roux Stated that the property is about 6 acres in size.

Maloney Asked if the ADU will be used by family members.

Roux Responded that it could be.



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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)

- Maloney Inquired on any exterior lighting.
- Roux Responded just on the garage itself along the doors.
- Maloney Inquired if the building was built to code.
- Roux Responded yes.
- Maloney Inquired of the Inspector of Buildings inspected the building.
- Roux Responded yes.
- Winn Read review correspondence from the Board of Health (no comments or issues), and the Engineering Superintendent (no comments or issues). Inquired on the septic system for the property.
- Roux Responded that the septic system has been designed for 3 bedrooms. The main house has two bedrooms and the carriage house will have one bedroom.
- Singer Would like to ensure that the other departments including the Building Department can sign off on this as a residence. He asked the Applicant if he has read and understands the provisions of the Accessory Dwelling Unit Ordinance under Section 200-7.18 of the Zoning Ordinance.
- Roux Responded yes.
- Gilkes Inquired if the design of the ADU in terms if egress meets all code requirements.
- Roux Responded yes.
- Popkin No questions.

Chairman Maloney opened up the public meeting for public comment at 9:12 p.m.
Chairman Maloney closed the public meeting for public comment at 9:12 p.m.

MOTION: **Moved by Maloney, seconded by Winn, and voted 5:0:0 to forward a positive recommendation to the Planning Board on the application of Larry Roux for property located at 303 Leyden Road (Assessor’s Tax Map R22, Lot 17), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C21), 200-8.3, and 200-8.4 of the Zoning Ordinance, in order to allow a change of the use group of an existing detached accessory building from Home Office to Accessory Dwelling Unit Detached at this location with the following recommended conditions:**



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- 1) **The Applicant shall adhere to all provisions of Section 200-7.18, Accessory Dwelling units, of the Zoning Ordinance; and**
- 2) **The Applicant shall receive a sign-off from the Building Department that this is a residence and shall obtain a Certificate of Occupancy for the detached ADU.**

Board Discussion/Decision

Greenfield Greenery, LLC for property located at 493 Leyden Road (Assessor’s Map R21, Lot 1)

- Maloney Asked about the distance of the paved drive area.
- Sparkle 263 feet.
- Maloney Asked if he was ready to respond on the lighting question.
- Sparkle Responded yes. Inquired on the section of the Zoning Ordinance limiting the height of light poles to 15 feet.
- Maloney Responded that the Zoning Ordinance doesn’t restrict the height but that the Zoning Board typically limits the height to 15 feet for special permit approvals.
- Sparkle Stated that lowering the height of the poles for the parking area will not be a problem. For the security perimeter fencing, the lighting needs to project out 150 feet horizontally to see a person. He stated that wall lighting could be used but that it would create much more light pollution. The tall light poles make it so the light can be directed downward. The lights will hardly ever go on unless a human being tries to enter the area which they do not anticipate. Given this, they do not see the issue of higher light poles.
- Maloney Asked for the number of light poles proposed for the security fence area.
- Sparkle There are twenty (20) proposed light poles for this area about 200 feet apart.
- Maloney Inquired on the number of light poles for the parking area.
- Sparkle Responded six (6).
- Maloney Stated that what the board could do is leave the height as proposed for the security fence and reduce the height of the light poles for the parking area to 15 feet.
- Sparkle Responded that this would work for them but that they may need to add a few light poles for the parking area.
- Maloney Stated that the light poles for the security fence could be considered part of the security system



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since they are not on all the time. The height of the parking area light poles could be restricted to 15 feet in height with an allowance of up to eight (8) light poles.

The Board discussed box trucks and tractor trailer trucks to and from the property.

Maloney Inquired of the Board their thoughts if the Board were to modify Director Twarog’s proposed condition of approval on trucks to allow up to 20 tractor trailer trucks to the site per year.

Gilkes Suggested that the Board also consider hours of deliveries for the trucks.

Singer Inquired if the Board has the purview to condition the hours of pickups and deliveries.

Maloney Responded that he believes it is outside of the purview.

Popkin No questions or comments.

Maloney Inquired of Mr. Lindsay on the proposed conditions of allowing 20 tractor trailer trucks to the site per year and if that would give them enough leeway.

Lindsay Responded yes, thank you.

MOTION: Moved by Winn, seconded by Singer, and voted 5:0:0 to approve the application of Greenfield Greenery, LLC for property located at 493 Leyden Road (Assessor’s Tax Map R21, Lot 1), which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2(C19), 200-7.17, 200-8.3, 200-8.4, and Appendix A – Table of Uses of the Zoning Ordinance, in order to allow a marijuana cultivation facility at this location with the following conditions:

- 1) All submitted application materials are hereby made a part of this special permit decision and shall be adhered to;
- 2) Delivery vehicles shall be limited to box trucks or smaller. Up to twenty (20) tractor trailer trucks shall be allowed on site per year;
- 3) The Applicant shall pave the access drive as shown on the submitted site plan;
- 4) The Applicant shall install “no trespassing” signs beyond the site entry but before the cultivation facility;
- 5) The height of the light poles for the parking area for the cultivation facility shall not exceed fifteen (15) feet in height and shall not exceed eight (8) in number;
- 6) No alarm for the security system shall be audible off the property;
- 7) The structures for the cultivation facility shall be useable for agricultural purposes after cessation of the marijuana cultivation facility.

Approval of Minutes:

MOTION: Moved by Winn, seconded by Singer, and voted 5:0:0 to approve the meeting minutes of



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Wozniak, Peter (2023)

May 13, 2021.

Adjournment:

Without objection, Chairman Maloney adjourned the meeting at 9:50 p.m.

Respectfully Submitted,

Eric Twarog, AICP, Director of Planning and Development