

PLANNING BOARD

Meeting Minutes
Thursday, July 11, 2019
Judge Welsh Room
6:30 P.M.

Members Present: Brandon Quesnell, Jason Potter, Paul Graves, Ross Zachs, and John Peters-Campbell.

Members Absent: Shane Landry (excused).

Staff: Jeff Ribeiro (Town Planner) and Ellen C. Battaglini (Permit Coordinator).

Vice Chair Jason Potter called the Public Hearing to order at 6:30 P.M.

1. Election of Officers: Chair, Vice-Chair & Clerk

There was a motion by Brandon Quesnell to nominate and elect Jason Potter as Chair. Ross Zachs seconded. VOTE: 5-0-0.

There was a motion by Ross Zachs to nominate and elect Brandon Quesnell as Vice Chair. Jason Potter seconded. VOTE: 5-0-0.

There was a motion by John Peters Campbell to nominate and elect Ross Zachs as Clerk. Jason Potter seconded. VOTE: 5-0-0.

2. Public Hearings:

PLN 19-45

Application by **Haven Center, Inc.** requesting a Special Permit pursuant to Article 2, Section 2440, Permitted Principal Uses, B14, Marijuana Establishment, Retail, of the Zoning By-Laws for a change in use from retail clothing to retail recreational/adult-use marijuana sales on the property located at **308-310 Commercial Street**.

PLN 19-50

Application by **Haven Center, Inc.** requesting a Special Permit pursuant to Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for a change on the property located at **308-310 Commercial Street**. These two applications will be heard together. Mr. Zachs disclosed that he works for Art's Dune Tours, a business abutting that proposed by the applicant, however he said he would be able to render a fair and objective decision in the matter. The applicant's representative did not object to his being seated on the case. Brandon Quesnell, Jason Potter, Paul Graves, Ross Zachs, and John Peters-Campbell sat on both cases. **Presentation:** Becca Rutenberg and Meg Nash, both of Vicente & Sederberg, LLP, and Jim Borghesani, of PriMedia, presented the application. Attorney Ben Zehnder, representing the applicant, joined the discussion at 7:20 P.M. Ms. Rutenberg reviewed the proposal and the floor and site plans, explained the process of customer movement through the facility, and some of the other site operations of concern to the Board, such as trash, waste, lighting and security. She said that all public access to the facility would be from the Standish Street side of

the premises. The entrance and exit doors on that side of the building will be clearly marked as such, and a small sign identifying the Haven Center as an occupant of the building will be located nearby. There will be a check-in process for customer identification purposes in a controlled access and security area after entering the premises. The intention in the design and size of having a large entry vestibule is to prevent on-street queuing and to allow customers to move efficiently and easily through the retail space. She said that any queuing will occur inside the building to prevent disruption of pedestrian or vehicular traffic on Standish and Commercial Streets. After the initial identification process, customers will encounter retail displays where they can peruse the cannabis products and access point of sale terminals. In addition, at this point in the process, customers will have the option of engaging in one-on-one consultations or asking questions about the products. Ms. Rutenberg assured the Board that the applicant believes in customer education about cannabis products and their utilization and intends to provide this service and, in addition, to emphasize and impress upon customers at all points of the experience that no public consumption is allowed. At this point in the process, an order can then be placed and payment rendered and identification will again be required at the point of sale. Opaque packaging of the cannabis products, which will be tamper-proof and child-resistant, is proposed and customers will be informed that the product should remain in that packaging until they are in a safe area for use. She noted the medical sales area (for discreet consultations), office and packaging and vault areas, which are not accessible to the public, on the floor plan. There will be no access to the facility through the Commercial Street non-cannabis businesses in the building.

Ms. Rutenberg then reviewed several modifications and additions to the site plan, including a notation regarding bike racks on Standish Street. Mr. Ribeiro said that the location of the bike racks would have to be reconsidered as the location as shown may not be on the applicant's property. She replied that the applicant would work with staff to relocate the bike racks. She said that existing lighting on the building will remain. The cannabis products will be received at the location in packages, once or twice per week, in unmarked vehicles, and at off-business hours. There will be no new packaging done on site and thus no odors will permeate the facility or waft into the street. She reviewed traffic and parking issues, and pointed out a small error in the traffic report. She said that given the location of the facility, most customers would arrive by foot or bike. Any vehicle or pedestrian traffic would most likely be incidental to other shopping activity. Mr. Borghesani said that no one walking by would be able to tell what kind of product was sold inside the building, as none will be displayed in the windows, such as at a liquor store. All products will be in display cases inside the facility, similar to a jewelry store. All windows will be opaque. Ms. Rutenberg concluded that the applicant is interested in investing in the community, per its Host Agreement, and creating and maintaining a collaborative relationship and open communication with the Town, planning staff, and the Police and Fire Depts.

Public Comment: None.

Board Discussion: The Board questioned Ms. Rutenberg, Ms. Nash and Mr. Borghesani. The Board was concerned about the bike rack location issue. Mr. Ribeiro suggested several options, including off-site bike rack mitigation, asking for a monetary contribution to bike racks at another location, or asking the applicant to propose a new location. Ms. Rutenberg indicated that the applicant would be amenable to the Board's or staff recommendation regarding bike racks. The Board asked about the location of a generator and discussed alternative options. Mr.

Ribeiro suggested that the generator could be located on the roof of the building. He passed out an updated traffic report and commented on how those numbers related to the reality of foot and vehicle traffic in Town during the summer. The Board discussed these issues with Ms. Rutenberg. Mr. Ribeiro said that in accordance with previous applications for similar uses, proof of adequate site control is required and, in this instance, could be shown if the generator were to be located on the roof. Attorney Zehnder joined the discussion and addressed the generator issue. He called the Board's attention to the specifications of the proposed generator. He said it would not be visible from the street. The Board expressed concern and questioned Attorney Zehnder about the generator and propane tank locations. Mr. Ribeiro requested a more detailed site plan to show potential locations for a bike rack, a generator and a propane tank and a roof plan to show what equipment currently exists. The Board questioned Attorney Zehnder about the lighting at the site. Mr. Ribeiro said that it would be helpful to get more detailed lighting specifications and locations to make sure there is adequate lighting and that it should be dark sky compliant. He then reviewed the standards for commercial design and said the existing doors and windows may have to be replaced, depending on their condition. Attorney Zehnder said that security plans had been dropped off at the police department. Ms. Rutenberg said that there would be communication with police, fire and planning after opening to find out if there are any issues related to the site, regarding safety, traffic, congestion, or operation of the business. She suggested that the applicant could provide a sample opening day plan, including how the facility works regarding the customer process and time spent in the facility and traffic to the site. Ms. Nash said that the applicant would strictly comply with all state regulations regarding marijuana retail facilities in terms of site and building design and security measures. Ms. Rutenberg said that there would be information on the applicant's website regarding the parking issue and accessing the site. The Board requested that any promotional material contain the same information. Mr. Ribeiro summarized what information the applicant should submit, including a more detailed site plan showing a bike rack, or other bike rack proposal, a generator and the propane tank location with distances between the generator and neighboring buildings noted, a roof plan if generator is to be located on it, a sample opening day plan, and more details regarding replacement of windows and doors and proposed exterior lighting. Upon the request of the Board, the applicant agreed to continue to the August 8, 2019 Public Hearing at 6:30 P.M.

There was a motion by Brandon Quesnell to continue PLN 19-45 and PLN 19-50 the Public Hearing of August 8, 2019 at 6:30 P.M. Jason Potter seconded and it was so voted, 5-0.

3. Work Session:

a) Decision:

PLN 19-43

Application by **William N. Rogers, II, P.E., P.L.S.**, on behalf of **Seventy-One Race Point Road, LLC**, requesting a Special Permit pursuant to Article 4, Section 4180, Inclusionary and Incentive By-Law, of the Zoning By-Laws for the development of two or more dwelling units on the property located at **67 Race Point Road**. Mr. Potter read the decision. *There was a motion by Ross Zachs to approve the language as written. Jason Potter seconded. VOTE: 4-0-0.*

b) **Discussion of potential changes to the Inclusionary and Incentive Zoning By-Law.**
Mr. Ribeiro commented on this issue.

c) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and June 13, and June 20, 2019.**

June 13 & 20, 2019: *There was a motion by Brandon Quesnell to approve both sets of minutes as written. Paul Graves seconded. VOTE: 5-0-0.*

d) **Any other business that may properly come before the Board:** None.

There was a motion by Ross Zachs to adjourn the Planning Board meeting at 8:30 P.M. Paul Graves seconded. VOTE: Unanimous.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2019
Jason Potter, Chair