

**PLANNING BOARD**  
Meeting Minutes  
Thursday, August 8, 2019  
Judge Welsh Room  
6:30 P.M.

**Members Present:** Brandon Quesnell, Paul Graves, Ross Zachs, John Peters-Campbell, and Jeff Mulliken.

**Members Absent:** Jason Potter (excused) and Shane Landry (excused).

**Staff:** Ellen C. Battaglini (Permit Coordinator).

Vice Chair Brandon Quesnell called the Public Hearing to order at 6:36 P.M.

1. **Public Comments:** None.

2. **Public Hearings:**

**PLN 19-45** *(continued from the meeting of July 11<sup>th</sup>)*

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** *(continued from the meeting of July 11<sup>th</sup>)*

Application by **Haven Center, Inc.** requesting a Site Plan Review 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**. Brandon Quesnell, Paul Graves, Ross Zachs and John Peters-Campbell sat on the case.

**Presentation:** Attorney Ben Zehnder, representing the applicant, and Adam Fine and Becca Rutenberg, of Vicente & Sederberg, LLP, appeared to discuss the applications. Attorney Zehnder reviewed the requests made by the Board at a previous hearing, including the submission of a more comprehensive site plan showing the location of, and details about, a generator, and a roof plan if the generator is being placed on top of the building, and the location of the propane tank to service the generator, the location of a bike rack, or a solution for the lack of a bike rack, and the location and details about exterior lighting. He said that supplemental material had been submitted, including a new site plan, a utilities plan showing lighting locations, an emergency plan showing the location of a generator and cabling for the generator, and an opening day plan for how pedestrians and cars coming to the site would be handled. In addition, information regarding parking options and queuing protocol and a sample copy of a proposed handout of same, which will also be available on the website as well as distributed at the site, a specification sheet regarding the safety and security film that would be installed on all existing window and door treatments to protect against intrusion, and an updated traffic study were submitted. He said that a portable Yamaha generator would be located on the site. The security and alarm systems are required by the Cannabis Control Commission to have battery back-up of 48 hours in case of power outages. He said that there was no place for a bike rack on the site, so the applicant will make a donation to the Bike Committee to purchase two bike racks that cost about \$1,000 apiece.

**Public Comment:** None.

**Board Discussion:** The Board questioned Attorney Zehnder, Ms. Rutenberg and Mr. Fine. He reviewed the lighting plan and the proposed lighting fixtures. Ms. Rutenberg said that the generator was quiet, only emitting 58-60 decibels of noise. Mr. Quesnell reviewed the conditions proposed by staff and polled the Board.

*Paul Graves moved to grant 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 and to approve the site plan pursuant to Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws on the property located at 308-310 Commercial Street subject to the conditions discussed, Ross Zachs seconded and it was so voted, 4-0.*

*Paul Graves moved to find that the social, economic and other benefits of the proposal outweigh any adverse effects such as hazard, congestion and environmental degradation, Ross Zachs seconded and it was so voted, 4-0.*

**PLN 19-54** (continued from the meeting of July 25<sup>th</sup>)

Application by **Robin B. Reid, Esq.**, on behalf of **BWell Holdings, Inc.**, requesting a Special Permit pursuant to Article 2, Section 2440, B14, Marijuana Establishment, Retail, of the Zoning By-Laws to establish a retail marijuana store on the property located at **220 Commercial Street, #2**. Brandon Quesnell, Paul Graves, Ross Zachs, John Peters-Campbell, and Jeff Mulliken sat on the case.

**Presentation:** Attorney Robin B. Reid, Karen Nash, the principal of BWell Holdings, Inc., and Jack Hudson, a member of the BWell team, appeared to discuss the application. Attorney Reid said that the proposal is for a retail marijuana store at the location. The applicant had been granted a Special Permit by the Board to operate a retail marijuana facility, along with a production facility, at 336 Commercial Street. She explained that the production facility will remain at 336 Commercial Street, however since that approval, the applicant has had an opportunity to acquire a better location for the retail aspect of the operation on Commercial Street, closer to the center of Town. Should the Board approve this application, BWell Holdings, Inc. will relinquish the retail marijuana Special Permit for the retail enterprise at 336 Commercial Street. A required outreach meeting was held on July 21<sup>st</sup> and no one showed up. The applicant will comply with all local licensing requirements and the CCC regulations. Customers will be screened by a security guard upon entry to the store and will then be served by Ms. Nash and a knowledgeable staff employed to answer questions and concerns. All queuing demands will be handled on site. A pre-ordering app and electronic queuing system will be used if demand warrants and additional security will be hired to control the queuing outside the premises. Deliveries will be made off-hours, sometime between 6:00 A.M. and noon, by car or small van. Product packaging will show detailed contents with appropriate warnings and will be tamper-and child-proof. The applicant will also comply with all CCC security requirements and has contracted with Helix Security, which specializes in cannabis retail security measures and has clients in Massachusetts. They will provide alarm installation and monitoring services and help with employee vetting, the security design and a diversion prevention program. Helix will install motion detectors, window, door and perimeter alarms, and security cameras, all of which will be monitored on a 24-hour, 7-days a week basis. The security infrastructure at the site will include a battery back-up or a generator, which would be

located on the east side of the structure. The generator, if necessary, would be exercised in the afternoon, on a weekday, in accordance with the Board's policy on such procedures. There are two buildings comprising the retail facility, a front and a rear, both of which will be owned by the applicant; the rear will contain safes for product storage and an office area, which is not accessible to the public, only by employees, and the front, which will be a public area where products are purchased by customers. All transfers between the two buildings will be in accordance with CCC regulations. In addition, extra security will be posted, and the east side front gate accessing the street will be locked, during transfers and deliveries to the premises. A security guard could also be posted, if required, at that gate so the public cannot enter the area. The property is well-lit and the existing lighting is common to the condominium. The applicant will provide additional lighting, if necessary, and it will be dark sky compliant. Photographs of the existing lighting were submitted to the Board. The existing lighting in the front of the building is not dark sky compliant, but will be made so. Attorney Reid reviewed the Institute of Traffic Engineers study and said that the site and the retail store will be able to handle the recommended daily trips (5-18 per hour). A large percentage of the customer traffic will arrive by bicycle or foot. There is no room on the site to accommodate a bike rack in the front of the building for public use, thus the applicant will make a contribution in lieu to the Bike Committee. There are public parking areas and bike racks in fairly close proximity to the site. She reviewed the social and economic benefits of the proposal to the Town, the Special Permit criteria pursuant to Article 5, s. 5330. Some of the benefits of the proposal are that the business is small and is owned and operated by locals. It is the mission of the applicant to make the health benefits of marijuana available to all and to provide medical-grade marijuana to those medical-registered patients who will benefit from it, including a sliding scale for those with financial hardships. The operation will be open year-round and provide a safe, legal, comfortable environment for the procurement of marijuana products. In addition, a 3% local tax will be remitted to the Town. 3% community impact fee and contribute 1% to a local charity Ms. Nash anticipates hiring 4 or 5 people year-round and more for the summer season. A discount card will be available to Town residents. Attorney Reid argued that there would not be any adverse impacts from this enterprise, no extraordinary congestion, and the premises would be equipped to handle the anticipated level of customer interest.

**Public Comment:** Gabby Hanna, who represents the seller of the condominium unit, indicated that the residents of the condominium were in support of the project and that the condominium documents have been revised to allow for the use on the premises.

**Board Discussion:** The Board questioned Attorney Reid, Ms. Nash and Mr. Hudson. The Board was concerned about the effect of having windows tinted or blacked out, making the unit look like it is empty or abandoned, and the potential for a negative impact on the streetscape if a number of marijuana retail stores with such windows were to appear. Mr. Hudson related his experience running a retail marijuana facility in Quincy in order to address the concerns of the Board regarding security and the visual impact of the store on pedestrians walking down Commercial Street. Ms. Nash assured the Board that the front exterior of the store would be visually appealing. The Board discussed the mixed-use aspect of the building and the impact on residential units in the condominium. Attorney Reid described how the deliveries or transfer or product between the two buildings would work if residents happen to be accessing their units to and from the street. Mr. Hudson described the strict delivery protocol required by the CCC and utilized at his marijuana retail store in Quincy. Ms. Nash said that a key-coded lock could be put on the gate for residents' access and which the

condominium association has already approved. She reviewed the queuing protocol at the entrance to the store. The Board questioned Attorney Reid about lighting on the site in regard to security issues. She said that the lighting in the back of the building would be driven by the Police Chief's recommendation. The use of a generator versus a battery back-up system has not yet been resolved. Promotional materials and website information will inform potential customers about parking options. Mr. Hudson emphasized that the local ownership of the enterprise was important and a definite plus. Mr. Quesnell reviewed the Board's conditions.

***Ross Zachs moved to find that the social, economic and other benefits of the proposal outweigh any adverse effects such as hazard, congestion and environmental degradation, Paul Graves seconded and it was so voted, 5-0.***

***Paul Graves moved to grant a Special Permit pursuant to Article 2, Section 2440, B14, Marijuana Establishment, Retail, of the Zoning By-Laws to establish a retail marijuana store on the property located at 220 Commercial Street, #2 subject to the conditions as discussed, Ross Zachs seconded and it was so voted, 5-0.***

**PLN 19-56** (continued from the meeting of July 25<sup>th</sup>)  
Application by **William N. Rogers, II, P.E., P.L.S.**, on behalf of **Enco Realty, Inc.**, requesting Site Plan Review by Special Permit pursuant to Article 4, Section 4015, a (4), of the Zoning By-Laws for the Development of a commercial property that has a curb cut greater than 25% of its existing frontage at the property located at **20 Province Road**. There was a request from the applicant to continue PLN 19-56 to the meeting of September 12, 2019. **Ross Zachs moved to grant the request to continue PLN 19-56 to the Public Hearing of September 12, 2019 at 6:30 P.M., Paul Graves seconded and it was so voted, 5-0.**

### **3. Work Session:**

#### **a) Approvals Not Required:**

##### **PLN 20-01**

Application by **Coastal Engineering Co.**, on behalf of the **Arnold & Ruth Dwyer Family LLC**, for endorsement of a plan believed not to require approval (ANR) to divide Lot 2 into three separate parcels on the property located at **264-270 Bradford Street (Map 15-2, Parcel 51)**.

**Presentation:** John McElwee appeared to present the application. He reviewed the ANR site plan.

**Public Comment:** None.

**Board Discussion:** The Board briefly questioned Mr. McElwee.

***Paul Graves moved to endorse a plan believed not to require approval (ANR) to divide Lot 2 into three separate parcels on the property located at 264-270 Bradford Street (Map 15-2, Parcel 51), Jeffrey Mulliken seconded and it was so voted, 5-0.***

**PLN 20-02**

Application by **David Krohn**, on behalf of **DTODD, LLC**, for endorsement of a plan believed not to require approval (ANR) to relocate existing lot lines on Parcel 11 & 12 on the property located at **66 & 72 West Vine Street (Map 6-1, Parcels 11 & 12)**.

**Presentation:** Dave Krohn appeared to present the application. He reviewed the site plan.

**Public Comment:** None.

**Board Discussion:** The Board briefly questioned Mr. Krohn.

*Paul Graves moved to endorse a plan believed not to require approval (ANR) to relocate existing lot lines on Parcel 11 & 12 on the property located at 66 & 72 West Vine Street (Map 6-1, Parcels 11 & 12), Jeffrey Mulliken seconded and it was so voted, 5-0.*

b) **Decisions:**

**PLN 19-51**

Application by **Jonathan Sinaiko** requesting Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws to increase the size of a shed on the property located at **292 Bradford Street**. The decision was not ready.

**PLN 19-52**

Application by **Cape Cod Pilgrim Memorial Association of Provincetown** requesting Site Plan Review pursuant to Article 2, Section 2320(B), High Elevation Protection District (B), and Article 4, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for hardscape modifications in the Monument area to provide access to disabled people and to install two handicapped parking spaces adjacent to the Monument on the property located at **1 High Pole Hill Road**. The decision was not ready.

**PLN 19-53**

Application by **Doug Dolezal**, on behalf of **Mariam Gallardo & Courtney Spitz**, requesting Site Plan Review pursuant to Article 2, Section 2320(A), High Elevation Protection District (A), of the Zoning By-Laws for a two-story addition to the structure on the property located at **62 Mayflower Avenue**. The decision was not ready.

c) **Discussion of potential changes to the Inclusionary and Incentive Zoning By-Law.**  
None.

d) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016 and July 25, 2019.**

*July 25, 2019: There was a motion by Paul Graves to approve the minutes of July 25, 2019 as written. Ross Zachs seconded. VOTE: 5-0-0.*

c) **Any other business that may properly come before the Board:**

*There was a motion by Ross Zachs to adjourn the Planning Board meeting at 9:00 P.M. Paul Graves seconded. VOTE: Unanimous.*

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2019  
Jason Potter, Chair