

**Planning Board
Lakeville, Massachusetts
Minutes of Meeting
Thursday, February 7, 2019**

On February 7, 2019, the Planning Board held a meeting at the Lakeville Senior Center. The meeting was called to order by Chairman Hoeg at 7:30 PM. Ms. Murray, recording secretary, was audio recording, and LakeCAM was making a video recording of the meeting.

Members present:

Brian Hoeg, Chair; Sylvester Zienkiewicz, Vice-Chair; Peter Conroy, and Barbara Mancovsky

Atty. Katherine Laughman, Town Counsel, John Powderly, Selectman, and Rita Garbitt, Town Administrator, were also present.

Public Hearing (7:30) Nature's Remedy of Massachusetts, Inc. – 310 Kenneth Welch Drive

Mr. Hoeg opened the Public Hearing at 7:30 and read the legal ad into the record. Mr. Robert Carr and Mr. John Brady from Nature's Remedy were present. Mr. Carr advised their request is for a Special Permit for 310 Kenneth Welch Drive for adult use marijuana. This is the same plan the Board had seen previously. Nothing had changed and that was the same for the floor plan. He advised the only change if they went to Adult Use would be in the tagging of the plants. Mr. Hoeg asked if there were any questions.

Mr. Zienkiewicz said he thought the submittal was incomplete. He did have some small technicalities he wanted to discuss. Although they were small, he felt there were enough of them that he would not vote to sign anything tonight. They would expect to see the services on the drawing, for example, the water connections and wells. They should also go through the numbers for the parking. It is his understanding that there could be as many as three facilities in the building, and he wanted to make sure they get only the parking they need right now and the balance is either saved, or they describe what the plan is for it. Mr. Carr replied they could discuss that in detail tonight.

Mr. Zienkiewicz asked them what tier they were applying for. Mr. Brady replied they were applying for Tier 1. Mr. Zienkiewicz said he had read they had 50,000 square feet which would be considered Tier 6. Mr. Brady said they are double stacking, with double racking, so they can double the amount of plants that can go into their location. Mr. Zienkiewicz felt that should be indicated on the beginning of their application. Mr. Brady did not recollect that being part of the local application, but they were happy to do that. Mr. Zienkiewicz advised this was the first time out for this application; it's never been used before and this is a use that has never come before them. There are going to be things that will need to be corrected. This is the first one, so they would like to get it right.

Mr. Hoeg advised that a copy of the State license should have been submitted to them as well as any materials submitted to the Cannabis Control Commission (CCC.) Mr. Brady said he thought that

had been provided, but Ms. Murray indicated all they had in the packet was an email which showed the application had been submitted and received by the State.

Mr. Brady explained their bylaws say they need a Provisional Certificate of Registration (PCR) and they have an FCR for their medical license. Regarding the PCR for the State, the application has been sent in and the State is generally asking for a Special Permit from the Town. The bylaws ask for a PCR but it doesn't say specifically for recreational operations. They have provided a PCR and a FCR for their medical operation so they are approved at that level by the State.

Atty. Laughman asked for a clarification for the Board. As she understood it, they do not yet have a Provisional license for the adult use but they do have a Provisional Certificate of Registration for the medical and a Final. Mr. Brady said they are waiting on the Final. It has been approved verbally and is due in any day. Atty. Laughman advised the bylaw talks about a copy of a Provisional License issued by the CCC. A Provisional Certificate of Registration comes on the medical side and a Provisional License is what comes on the adult use side. The bylaw is asking for a copy of the Provisional License for the adult use application. The State, to her knowledge, does not require there to be a Special Permit issued in order to get the provisional. They simply require a certification from the municipality that the use is permitted in the district in which they are proposing to locate.

Mr. Brady responded that their attorney has said that what they are getting back from the State is the indication that they would like to see the Special Permit from the Towns in this application process. In Tyngsboro, they were issued a Special Permit that was conditional with them receiving the Provisional License from the State. They were hoping for the same condition here which would allow them to continue to move forward through this long and complicated process. Atty. Laughman replied she wanted to clarify what the bylaw had been asking and she understands that is their request to the Board. She wants to make sure that everybody was aware that was what they were requesting.

Mr. Mark Knox, an abutter from 303 Kenneth Welch Drive, said he would like to hear the parking plan as he did have concerns about the volume of traffic. Mr. Brady replied it was the same parking plan that was approved for the medical use. There would be no additional people, and it was the same size facility they were going to grow for medical. They were anticipating between 30 and 50 people. Mr. Hoeg clarified this was for growing only. It was not for retail sales. They have seen all over the State, the traffic that has ensued from adult use facilities. He advised that if anyone comes to them for recreational use sales, they will require them to have offsite parking with a shuttle bus set up and by appointment only so they can regulate the amount of people coming in.

Selectman Powderly noted they could come up with a lot of solutions such as shuttlebuses, by appointment only, etc., but the most simplistic would be to not allow on street parking. The applicant then has to come up with solutions to their satisfaction. Mr. Hoeg said he would rather have off-site parking, shuttlebuses, and by appointment only. That would restrict them three times. A member of the audience noted he had gone to a dispensary earlier in the day to see what it would be like. He did have to take a shuttle bus, but he found there were no lines and just a few people inside the facility.

Mr. Nichols noted that in the approval it says there are 70 parking spaces. He was uncertain of that and would like Mr. Darling to confirm that number. He said there used to be parking there but some of it was taken out in order to construct another building. There are now three other

businesses in that building without all of these other ones coming in. He was at 305 Kenneth Welch Drive. Mr. Brady advised there was an enormous amount of parking in the back. He said they also had a guarantee from the landlord that the parking they need is adequate for what they do. He noted they haven't changed their parking plan from when they first received their approval for medical.

Mr. Knox wanted to clarify this Permit was for a classification of growing which they would then ship out and not be distributed by sale over the counter in their building. Mr. Hoeg said that was correct. In regard to the parking situation, he would try to contact the Highway Surveyor tomorrow and see if he could get some no parking signs put up. Mr. Knox said he did not think it was a major concern until there were retail sales. Their parking lot did look full, but they hadn't finished the circular area which appeared to just have binder down. It was hard to say what it would be like until it was open.

Mr. Hoeg clarified that Mr. Knox didn't want people to come to his place, park and then have a truck park in the street. If he was going to have this done, he would have the whole road done. Mr. Knox responded it would be appreciated if the Town could do that just to keep street parking from ever becoming an issue. Mr. Carr stated that it was important for them to be good neighbors. They plan on being there for some time and want this to work for everybody. He was willing to walk the site with them in order to communicate better. Mr. Hoeg said that he would have a conversation with the Highway Surveyor and the Building Commissioner to see how they would like to handle this issue.

Mr. Hoeg asked if there was a list of things the applicant needed to provide to the Board for the Special Permit. Mr. Zienkiewicz said the first item was a detailed floor plan. This plan needs to be certified by their architect and it should be identified with the purpose of the drawing. They will also need a locus plan. He also asked Mr. Carr to identify which entrances will be used by employees, which are emergency exits, and which are for Cold Storage. He said these things were not clear on the plan.

Mr. Zienkiewicz continued they would also need an elevation for the front of the building. Mr. Hoeg said it had been requested the utilities entering the building water, gas, etc. be shown on the plan. Mr. Zienkiewicz also wanted the property lines to be shown but the metes and bounds would not be required. An outline of the septic system should also be included. Mr. Zienkiewicz asked what the compost area was. Mr. Carr replied they were going to compost their own material outside but they have opted since then not to do that. They have a dumpster backed up to the building with a chute in it. Mr. Zienkiewicz said they would either have to claim that area or take it out.

Review of the Site Plan continued. Mr. Zienkiewicz stated regarding the parking they needed to identify which of the parking they were going to use out of the 78 spaces. The lighting in the neighborhood was also discussed. Selectman Powderly advised unrelated to them about half of the lights in the Industrial Park were out. Mr. Darling has that list. Their electrical engineer has been out and identified what lights were missing, so they are working on that.

The water supply was also discussed. Mr. Carr advised they have two wells and city water is also available. Mr. Zienkiewicz said the wells and a brief description of the adequacy should be included on the Site Plan. Ms. Mancovsky then read what had been submitted regarding the well. She felt it was their well and if it didn't operate it was their problem. They would have to install another one. Mr. Hoeg felt what had just been read demonstrated the adequacy of the water supply.

Ms. Mancovsky asked if any part of their operation was a flammable risk. Mr. Brady said it was not. She asked if there were sprinklers. Mr. Brady said the whole building was sprinkled. She noted there would have to be some type of water pressure to maintain the safety of the fire hazard. Mr. Brady said the Fire Department has walked the whole building and signed off. Their sprinkler system has also been certified. Ms. Mancovsky said that for her, it confirms the water supply appears to be sufficient. Mr. Zienkiewicz said they would need to add the existing fire hydrants, the Fire Department connections, and the sprinkler connections to the drawing.

Mr. Hoeg said they were applying for a Tier 1 but is there any possibility that they might come back and apply for higher Tier. Mr. Brady replied they would probably apply for the highest Tier they could, and he did not think they would change that. They are at 50,000 square feet. Mr. Hoeg asked if there was any anticipation of expanding this space. Mr. Brady thought that was it, and it was as big as they could go. Atty. Laughman advised that Tier 1 is a 5,000 square foot canopy. Mr. Brady said they were going for 100,000 square feet. Atty. Laughman clarified was their initial application to the CCC for a Tier 1? Mr. Brady replied he would hold off on that, get that right information, and put it on the front page. Atty. Laughman said she could understand if they were starting at one Tier and then over time planning on building up, but the Board would like to what the ultimate canopy capacity of this facility would be. Mr. Brady said this facility is 40,000 square feet of mature canopy. Atty. Laughman asked if that was their maximum and if it included both the medical and the adult use in that total. Mr. Brady said that was the total of medical and adult use.

Mr. Brady asked when they returned with all that had been requested was a Special Permit approval with a condition a possibility. Mr. Hoeg thought so but they would need a copy of their license. Mr. Brady said they would get everything that had been requested together and submit it to them before the meeting so they would have a chance to review it. Mr. Brady said that the application was about 200 pages but they would get a summary page for the Board. A provisional Special Permit was then discussed but Atty. Laughman advised the Special Permit could not be effectuated until such time as they receive their license.

Upon a motion made by Ms. Mancovsky and seconded by Mr. Conroy, the Board

VOTED: To continue the Nature's Remedy hearing until February 28, 2019. The time would be at 7:30.
Unanimous in favor.

Meet with Outback Engineering regarding ANR submittal for County and Highland Roads.

No one was present regarding this ANR submittal.

Meet with Stenbeck & Taylor, Inc. regarding ANR submittal for Vaughan Street.

The engineer advised this is an ANR that had been prepared for a 17.5 acre parcel on Vaughan Street. The property had been previously divided by a plan but this is being reconfigured to create one single Form A.

Upon a motion made by Ms. Mancovsky and seconded by Mr. Conroy, the Board

VOTED: To approve the ANR presented for Vaughan Street.
Unanimous in favor.

Mr. Zienkiewicz noted there should be a comment on the Plan which states the Planning Board endorsement makes no determination as to compliance with Zoning. After further discussion, it was noted the way the lot tapers it did not maintain the 175 feet of frontage for the required distance.

Meet with SFG Associates regarding ANR submittal for Highland Road

Mr. Brad Fitzgerald from SFG Associates was present. He advised they had a Form A for a piece of property on Highland Road owned by Mr. Joe Chamberlain. They are reconfiguring the lots that are already there and maintaining access to the back land. There is sufficient frontage, distance from the setback, area, and the dry land circle.

Upon a motion made by Mr. Conroy and seconded by Mr. Zienkiewicz, the Board

VOTED: To approve the ANR presented for Highland Road.
Unanimous in favor.

Old Business – Receive updated Site Plan for 14 Harding Street from Ken Motta of Field Engineering

Mr. Motta then approached the Board. He submitted five sets of the Site Plan drawings for 14 Harding Street. Members then signed the plans. They had been approved at the last Planning Board meeting.

Approve the Meeting Minutes for August 9, 2018, September 27, 2018, and November 29, 2018

Upon a motion made by Mr. Conroy and seconded by Mr. Zienkiewicz, the Board

VOTED: To approve the Meeting Minutes for August 9, 2018, and September 27, 2018
VOTE: Mr. Zienkiewicz, Mr. Conroy, Ms. Swanson, Mr. Hoeg – AYE
Ms. Mancovsky – ABSTAIN

Upon a motion made by Mr. Conroy and seconded by Mr. Zienkiewicz, the Board

VOTED: To approve the Meeting Minutes for November 29, 2018.
Unanimous in favor.

Meet with Outback Engineering regarding ANR submittal for County and Highland Roads.

There was still no one was present regarding this ANR submittal, but the Planning Board then consulted the plan.

Upon a motion made by Mr. Zienkiewicz and seconded by Mr. Conroy, the Board

VOTED: To approve the ANR presented for County Road and Highland Road.
Unanimous in favor.

New Business

Members looked at a Grant opportunity that was offered by MassDevelopment for Real Estate Technical Assistance Services. Ms. Mancovsky thought this could relate to the Lakeville Hospital Site. Members would like to pursue this.

Mr. Hoeg asked if there was any other new business. Ms. Mancovsky advised there were two listening sessions for the Regional Transportation Plan. The first is on February 13th from 3:30 p.m. to 6:30 p.m. at SRPEDD located at 88 Broadway Street in Taunton. The second session would be on February 20th at Southworth Library located at 732 Dartmouth Street in Dartmouth from 2:00 p.m. to 6:00 p.m. She also noted that there are resources from SRPEDD for traffic counts, if they find they need that information in the future.

Adjournment

Upon a motion made by Ms. Mancovsky and seconded by Mr. Zienkiewicz, the Board

VOTED: To adjourn the meeting at 9:20 p.m.
Unanimous in favor.