

**Zoning Board of Appeals  
Lakeville, Massachusetts  
Minutes of Meeting  
September 19, 2019**

**Members present:**

Donald Foster, Chair; David Curtis, Vice-Chair; John Olivieri, Jr., Clerk; Chris Carmichael, Associate Member; Daniel Gillis, Associate Member; Gerry Noble, Associate Member; Joseph Urbanski, Associate Member

**Members absent:**

Janice Swanson, Vice-Clerk

**Regular Meeting:**

Mr. Foster opened the regular meeting at 7:00 p.m. He stated he was required, in accordance with the Open Meeting Law, to announce that he and the secretary were making an audio recording of the meeting. LakeCAM was making a video recording. He asked if anyone present was making a recording. There was no response.

Mr. Foster advised that Mr. Jim Gouveia had expressed an interest in returning to the Board. The Selectmen would like them to indicate if this is something they would look favorably upon. Members were in agreement regarding welcoming Mr. Gouveia back to the Board as a full member. The Board also welcomed Mr. Gerry Noble to the Board as an Associate Member.

**Maksy hearing, continued – 139 Staples Shore Road**

Mr. Foster opened the continued Maksy hearing at 7:06. He advised the issue from last month was the plans that had been submitted were not fully dimensioned. The specific issue they were looking at was the placement of the accessory structure and its intrusion into the setback. The dimension of that intrusion was not indicated in the drawing. Ms. Maksy replied she had Outback Engineering update the drawing. She had also just received approval from the Conservation Commission.

Ms. Maksy approached the Board and members reviewed the updated plan. Mr. Foster noted the proposed garage is now equally distant from the two side boundaries. Ms. Maksy replied that was correct. It is now 15' from each side. Mr. Foster then re-read the correspondence from various Town Boards into the record. The Board of Health, in its August 5, 2019, memo, indicated the proposed shed foundation meets the required ten-

foot setback to the leaching area. It noted the shed was not to be used as habitable space. The August 12, 2019, letter from the Conservation Commission stated the shed will be within the 100' buffer zone of an adjacent wetland so a Request for Determination of Applicability will be required. Ms. Maksy had the information from Conservation and showed it to the Board. In its August 1, 2019, memo the Planning Board stated it had no comment on the petition.

Mr. Foster asked if anyone present would like to speak for or against the petition. No one spoke. Mr. Foster explained to Mr. Noble the bylaw says that you are supposed to be 20' from each side. This is a small lot and it is hard to fit a building this size within that, so this petition requests a five-foot intrusion into that setback. The question before them is do they feel this is a detriment to the Town, the neighbors and community, or the bylaws. Mr. Foster asked Board members for their opinion.

Mr. Curtis responded that he recalled that one of the neighbors had attended the previous meeting and did not have a problem with the request. Mr. Foster replied that he did not have a problem with it but wanted to make sure that it did not become living space. There should be no heat, no insulation, or running water. Ms. Maksy said that she did plan to put heat in the building so her storage would be temperature controlled. Mr. Foster asked if they were to approve this would she object to a restriction that does say not habitable. Ms. Maksy replied she would not object.

Mr. Carmichael then made the motion, seconded by Mr. Curtis, to accept the proposal as submitted with the following condition:

1. The structure is to be non-habitable.

The **vote** was **unanimous for**.

Mr. Foster explained the timing of the filings, the appeal period, etc.

The hearing closed at 7:13.

#### **Fess hearing – 12 Dunbar Road**

Mr. Foster opened the Fess hearing at 7:14 and read the legal ad into the record. Mr. Rick Charon, engineer, and Mr. & Mrs. Fess were present. Mr. Charon advised his office had designed the plan for rebuilding this house. This is a legally pre-existing non-conforming house that was built in 1940 and is now in poor repair. The desire of Mr. & Mrs. Fess is to tear down the house and rebuild. The proposed plan essentially maintains the existing setbacks of 6.5' on one side and 20' on the other side.

Mr. Charon noted that this is rather an odd property and Dunbar Road comes in and stops on one side of the property line and then continues again on the other side. There is a traveled way that comes across the property and another traveled way that takes care of a

couple of houses where the cranberry bogs are on the south side of the property. Mr. Carmichael asked if that was an easement or a public way. Mr. Charon replied there are prescriptive easements. There are no easements that have been written down. He did understand that some of the people had wording in their deeds that they have the right to pass through to get to County Road but there is nothing written on this one and because it has been there so long it is a prescriptive easement. Mr. and Mrs. Fess realize that and have no plans to block it off or take that land back. There is no intention to try to prevent anyone from using it.

Mr. Charon continued that in building a larger house in here it is impossible to meet the setbacks. Mr. Foster noted that they were meeting the setback on one side, and the other side was equivalent to what was already established by the other house. Mr. Charon said that was correct. Mr. Foster asked if that was also true with the proposed garage. Mr. Charon replied the garage was at 8.5 feet compared to the line of the existing house at 6.5 feet. They can't quite make the 20 feet because of the traveled way. They are at 17 feet on the other side, and that is also why the garage has been angled.

Mr. Foster said it shows on the plan the impervious area to be approximately 2,956 square feet or 25.1% and the lot is 11,760 square feet. Is that just the house, garage, stairs, and deck? Mr. Charon said yes. Mr. Foster asked if the parking or driveways were included. Mr. Charon replied they were not. He said they could be done in stone if necessary. There is some kind of busted up pavement on both of the traveled ways but where it is being used by other parties, he was not sure if it was something that should be assessed against Mr. & Mrs. Fess. Mr. Foster asked if the square footage of the roadway was included in the 11,760 square feet. Mr. Charon said it was. Mr. Foster said that there is then some impervious coverage that has not been included in the calculation. Driveways and parking lots are considered impervious even if they are stone covered.

Mr. Foster said this is a pretty large house for a small lot. He asked if there was a possibility of trimming it down a bit. Mr. Fess said he would rather look at other options such as a different type of driveway that would be considered permeable. He would rather tear up the concrete but he did not know what the neighbors would think about that. Mr. Foster asked Board members what they thought.

Mr. Curtis thought it was a large house. Mr. Carmichael asked what the setback was between the existing prescriptive easement and the proposed garage. Mr. Charon said it was approximately 3 feet and on the other side it would be closer to 10 feet. Mr. Carmichael asked if the Fire Department was using this road. Mr. Charon believed there is connection on the other side of Dunbar Road where it ties into Churchill Shores. Mr. Carmichael asked if mail delivery trucks, utility trucks, oil delivery vehicles, etc. used the road. Mr. Charon thought yes, it was used. Mr. Foster said that a good point had been raised. Mr. Carmichael asked if the garage could be shifted or moved around on the lot away from the road. Could the deck possibly be removed? He asked for the reason for a deck on the garage. Mr. Charon replied access to the second floor as there was to be a studio there.

Mr. Foster then read the correspondence from various Town Boards into the record. The September 4, 2019, memo from the Board of Health indicated there is an approved three-bedroom septic plan on file for construction. The proposed garage meets the Board of Health setbacks but it is not to be used as habitable space. The September 13, 2019, letter from the Conservation Commission stated an Order of Conditions was issued for all the proposed work. The Commission did require a revision of the plan to reflect the details for the replacement stairway and extended the hay bale line. The shed will be within the 100' buffer zone of an adjacent wetland so a Request for Determination of Applicability will be required. In its September 16, 2019, memo the Planning Board recommended that proper public access and the roadway should not be impeded in any way. They also stated the lot coverage should be verified.

Mr. Foster said, in his opinion, this was a very large house for a very small lot. As the house is large and they are adding a garage more approvals, waivers, and relief is needed from the bylaws than if they had simply rebuilt on the existing foundation. Mr. Foster asked if anyone present would like to speak for or against the petition. Mr. Michael Wanet of 6, 8, and 10 Dunbar Road, as well as 179 County Street, said that what they were doing is great. The house has been empty for 10 to 15 years and is in disrepair. He noted the house across the street was probably just as large as this proposal.

Mr. Boyer of 5 Dunbar said that he was not averse to removing a derelict home. His concern was during construction. As he was an architect, it was a very reasonable thing to not build to the limits of the site. They have to think about the logistics of the trucks and how they are going to come in and get out. Mr. Noble asked if any consideration had been given to incorporate the garage into the design of the house. Mr. Charon said there had been early in the process but Ms. Fess noted that she was trying to keep everything looking as natural and peaceful as possible. She was trying to disturb the earth as minimally as she could.

Mr. Foster said their role is to look at the plan presented in regards to the bylaws. The issue is the intrusion into the setback and the amount of coverage on the lot. Even though it is listed as 25.1%, if they did the calculations it would be more than that because they are supposed to include driveways, roads, parking, etc. He did not think that was included in the presented calculation. He would encourage them to take another look at the plans and see if they could reduce some of these things and eliminate some of the impervious coverage and come closer to the bylaw allowed maximum of 25%.

Mr. Carmichael said two primary structures on the same lot was a concern for him as well as the proximity of the garage to the road. His major concern is the abutters and their access and their frontage. How can they get into their property if there is a building three feet from their road? Mr. Charon said they do not want to upset any of the neighbors, but if they were to do that it would not affect anyone from being able to access their property. He thought you could make a case that you could close that off and people could still access their property by going around Dunbar Road. Mr. Fess added that he did not want to do that. All they were talking about was building a new house but they are stuck with something that is historic, which are these right-of-ways.

7:30 – Mr. Olivieri joined the meeting.

Mr. Carmichael asked Town Counsel, Atty. Katie Laughman, for an opinion. She replied a prescriptive easement is a question of fact. It depends on the history of the property, how long it's been used, and whether the use was open and notorious over a certain period of time. It is difficult to be able to say with any degree of certainty whether a prescriptive easement exists or doesn't without delving into the facts and the pre-existing nature of that roadway. However, if it were to be legally established that it was a prescriptive easement then it would have to be maintained to a certain degree for the benefit of the people who have come to rely on it.

Mr. Foster said speaking only for himself; he thought the lot was being overbuilt and he was concerned about the percent coverage issue. Mr. Curtis said his concern was the size of the house as well as the loft on the third floor. The size of the second floor on the garage is also very large. Mr. Charon said in light of the comments they have been hearing from the Board, they would like to request a continuance in order to make some changes. He asked if they would be allowed to take the prescriptive easement area out of the lot area, could they also not have to include it in the impervious area.

Mr. Carmichael asked if they could break down buildings and impervious areas when they look at the percentages. Mr. Charon replied that they could. Mr. Carmichael said his major concern is the two primary structures on the lot, the second floor on the garage, and the proximity to the road. Mr. Foster said he would perform the calculation on the percent of coverage by using the footprint of the proposed house and garage, the stairs, deck, and any driveway or parking area that is going to be kept and that belongs to the use of this property. The square footage of the property would be the 11,760 minus the area of the two roads that cross Dunbar existing bituminous driveway. If it is used by the owner then that should be included in the impervious coverage and can also remain in the lot area, but the lot area would now be diminished by what they are calling a quasi-public way. Mr. Charon felt that was a fair way to look at it.

Mr. Urbanski then made a motion, seconded by Mr. Carmichael, to continue the Fess hearing to October 17, 2019. The time would be 7:00 p.m. The **vote** was **unanimous for**.

The hearing closed at 7:44.

**Documents distributed for the hearing:**

Petition packet

Legal ad

Board of Health correspondence of September 4, 2019

Conservation Commission correspondence of September 13, 2019

Planning Board correspondence of September 16, 2019

### **Davis hearing - 113 Nelsons Grove Road**

Mr. Foster opened the Davis hearing at 7:45. He read the September 10, 2019, letter from Zenith Consulting into the record. The letter requested the petition be withdrawn without prejudice.

Mr. Curtis made a motion, seconded by Mr. Carmichael to accept the withdrawal without prejudice. The vote was **unanimous for**.

The hearing closed at 7:46.

### **Munro Associates, LLC hearing - 310 Kenneth W. Welch Drive**

Mr. Foster opened the Munro Associates, LLC hearing at 7:46 and read the legal ad into the record. Mr. Michael Botelho, representative for Munro Associates, and Mr. Mitch Suzan from ECM Security were present. Mr. Foster said they would like an overview of the proposal and requested Mr. Botelho go through the narrative of the project.

Mr. Botelho explained on April 2, 2019, they signed a Host Community Agreement (HCA) with the Town of Lakeville which allows them to move forward with the process of opening up a recreational marijuana dispensary. On June 4, 2019, they applied to the Cannabis Control Commission (CCC) which is their application with the State. Although they are Munro Associates they did file for a DBA so when they open the dispensary it will be called The Vault. He advised they have been to the Planning Board a couple of times for the Site Plan review and some comments should have been forwarded to the Zoning Board. On September 4, 2019, he met with the Board of Health to also give them a brief overview of where they were. Finally, on September 5, 2019, he met with the Police Department, Fire Department, and Town Administrator and again just let them know what they were doing and where they were in the process.

Mr. Botelho stated in the packet they should have a Site Plan, Floor Plan, and a rendering of the front elevation. He stated that usually in these applications Towns are concerned about security and parking. Regarding security, Mr. Mitch Suzan is a retired police officer from Mattapoisett, MA, and he has been protecting marijuana establishments throughout the State. All the employees he has on staff are law enforcement, correction officers, military, or fire. He will hire people in the local area to serve that establishment. There will be two guards on duty at all times. One will always be monitoring the cameras, and one will be roving either throughout the dispensary or the parking lot. They will also be responsible for maintaining the visitor logs and verifying all security systems are operational. If anything suspicious should arise, the Lakeville Police would be notified.

In regards to the parking, there is a circular lot in the front that would be servicing the dispensary. All the other parking spaces on site are for other businesses that are within the building. Employees will be parking off site and be shuttled to the building. There

will be no walking on Kenneth W. Welch Drive. Mr. Carmichael asked how many spaces would be provided and the size of the retail area. Mr. Botelho replied there are 20 spaces. The retail area is 2,700 square feet. Mr. Carmichael asked if that complied with the bylaw. Mr. Botelho believed that it did. He noted that it is a fact that a customer, on average, spends 15 minutes from the time they pull into the parking lot; go into the dispensary, exit, and drive away. If you look at those peak times, those 20 parking spaces, theoretically, will service about 80 cars coming into the dispensary. He noted the Traffic Impact Study does use the 15-minute time frame but there is not a lot of standardized industry numbers.

Mr. Carmichael asked if this parking had been the concern of the Planning Board. Mr. Botelho replied there was a little misunderstanding regarding the verbiage of the trip end. He explained that essentially a trip end is going there and another one is leaving. Every customer visit is two trip ends. The traffic that is expected for this dispensary will not be what they've seen when the first dispensaries opened for a multitude of reasons. Now, it's not the only one in the State and by the time they open there will be multiple ones in the area. However, if they do have a lot of people coming there, they have the option to lease more spaces where their employee parking is. Customers will then be shuttled to the dispensary.

Mr. Carmichael asked if there was any opportunity to expand parking on the site. Mr. Botelho replied that is a discussion they need to have with the owner. The owner is open to that but it is unknown if spaces would be available for the dispensary. Mr. Foster then read the bylaw under 6.5.3.3 which stated that one space is required for each 300 square feet of gross floor area or fraction thereof, plus one for each employee. As the employees would not be permitted to park here, it appears that they easily meet the first part of the bylaw. Mr. Carmichael said the shuttle still concerned him. Would there still be room for handicapped accessible ramps and parking in the lot? Mr. Botelho said he believed those had been factored in.

Mr. Foster then asked how many business names were associated with all the things going on here. Mr. Botelho replied Nature's Remedy is occupying a space. They are completely separate but they do have a wholesale agreement with them. This means they will buy a certain amount of their product from them but they are a totally separate business. Mr. Olivieri asked if there was any common ownership. Mr. Botelho said the Munro Brothers that he works for are investors but their ownership is minimal. He displayed on the plan where each business was located. He also noted on the plan where Northeast Alternatives, another cultivation facility, had plans to go into.

Mr. Botelho said regarding opening day, the CCC now requires cities and towns to come up with an opening day plan. Usually for the first week or so, it is by appointment only, and during this time they will have extra security on staff. They will be working with the Lakeville Police Department to have a detail there. Each day or by the end of the week, they will reassess what is necessary for the following week. Mr. Foster asked if other communities had used similar plans. Mr. Botelho replied they had, and they had worked.

Mr. Botelho wanted to reiterate they are a new business in Town and their priority is to make sure they maintain good community relationships. If there is anything that comes up that is traffic related or customer related, etc., they are going to make sure they do everything they can to mitigate those problems immediately. He noted that he would be the point of contact for anything that happens. Mr. Foster asked if he would be on-site as the business manager. Mr. Botelho said his position right now is President and General Manager. They are actively pursuing three recreational dispensary licenses in Lakeville, Webster, and Worcester. He will be in Lakeville as much as possible until all three are open. Then he will be traveling among the three. There will be a dedicated manager and assistant manager that will be on-site.

Mr. Botelho said that he would also like to discuss the timeline. On June 4, 2019, they dropped their application with the CCC. When they filed, the State was averaging four to six months just to open the application and review it to see if it is complete. That time frame is now six to eight months. Once the application is opened and deemed complete, you need to go for a provisional license. There are then multiple approval steps and inspections. That process is five to six months. From there, you are probably about five months out before you are opening the door. He advised because of those reasons they are not yet ready to hire. He noted that they not only want to hire from the local area but also include people that have been adversely affected by illegal drugs as the CCC has regulations and stipulations for their preferential hiring.

Mr. Carmichael asked if he anticipated peak sales times. Mr. Botelho replied Thursday night, Fridays, and Saturdays. There will be additional staff on those days. Mr. Urbanski asked what type of vetting was done on prospective employees. Mr. Suzan said that they first must pass a very extensive State background check. They also need to apply to the State to get a card allowing them to work at a dispensary. The fees are approximately \$500 per employee.

Mr. Foster asked what regulations would apply to issues around firearms. Mr. Botelho said right now the only place the CCC mentions firearms is if you are a transporter. If you are delivering product from one dispensary to another in a secure van, it is required that you do not carry firearms. Prior to that, there is no mention of firearms in the dispensaries and cultivation facilities, or security guards carrying or not carrying. One of the questions they always ask the Police Chief is if he has a preference of guards carrying or not.

Mr. Botelho then began his review of the application. He noted that a floor plan and site plan was included in the packet. One of the requirements of the Site Plan is for the safety of vehicular and pedestrian movement to provide secure and safe access and egress to and from the site. He advised they would have someone out in the parking lot. If it is busy, they would have not only the security guard but also an employee directing and managing traffic. Mr. Carmichael asked if he thought the one entrance from the street adjacent to the other queue is going to create a problem as people are backing in and out. Mr. Carmichael thought it was going to be tight in there. He asked if there was a way to do a second curb cut and have more of a "u" shaped driveway to eliminate the queue problem



and people backing out. Mr. Botelho replied it was an existing and approved parking lot although it was just a base coat.

Selectman Powderly then explained to the Board that the parking spaces that had been discussed had been with Nature's Remedy and the Planning Board. He thought there had been 70 or 71 spaces and wondered where they had all gone. He felt that 20 spaces would not be enough. Mr. Botelho said originally Northeast Alternatives had the cultivation facility and they were going to open a dispensary out front. For reasons unknown to him, they decided to concentrate on cultivation and offered the dispensary to the Munro Brothers. In the lease they have are the spaces he discussed. The additional spaces that Selectman Powderly is speaking to are for employee parking.

Mr. Carmichael said he had a problem with the shuttle, and he thought people would be parking in the other lot. Mr. Botelho agreed that prior to them opening they need to understand what options there are to add more parking. However, he was not yet ready to explain additional spaces because he hasn't had that conversation yet. Selectman Powderly suggested that Nature's Remedy employees park at another Cold Storage building and that side be opened to the public. Mr. Noble asked how many handicap spaces were in the circular drive, and if the egress was wide enough for two cars to pass through at the same time. Mr. Botelho replied it was and there were two handicap spaces.

Mr. Dick Nichols of 305 W. Kenneth Welch said to what Selectman Powderly was speaking to, this is one of the issues that he had. If you look at the plan where it says HVAC, that was all originally parking spaces. He did not know if they did that just to get the plan through, but all that equipment was there. After continued discussion regarding the parking, Mr. Carmichael asked Mr. Botelho if he would be able to secure additional parking from Nature's Remedy. He replied he didn't know. He has requested a meeting with the building owner to see what options they might have but he could not speak to the parking issue until after that. He noted the Traffic Study references States that have been open a couple of years which would be Colorado but around here, the dispensaries haven't been open long enough.

Mr. Foster suggested they continue with the review. Mr. Botelho read Item c under E.2. into the record. He advised they did not plan on letting anyone walk to or from the Site through the Industrial Park. Mr. Foster said this also goes along with the issue Mr. Carmichael had raised regarding the difficulty of backing out and navigating through the parking lot. He said as they go through this there will be a number of issues that come up that give them pause like the design of the parking lot, the number of parking spaces, etc. They might recommend continuing the hearing and have the applicant come back with an update to the plan that addresses the concerns that have been raised. Mr. Botelho replied those concerns are completely valid. As someone running a retail establishment, he wants to make sure that the customer can easily get there and easily go. Mr. Foster asked if that circular parking lot could be redone. Mr. Botelho said that he was not the property owner. He would need to have meetings with the property owner as well as Nature's

Remedy to figure out a full site plan. Mr. Foster recommended they continue with the review and add items of concern as warranted.

Regarding item f under E.2., Mr. Botelho said he was aware that some of the landscaping on site needed to be removed. It included some trees and shrubs which would then provide better access for customers. Regarding item g which spoke about the adequacy of the water supply, drainage, and light, he believed that had all been addressed in the original Site Plan for Nature's Remedy. Mr. Foster asked in regards to the lighting if consideration had been given to night sky lighting. Mr. Foster said he believed it was in their building code but he wanted Mr. Botelho to be aware of it.

Mr. Botelho read item E.3. into the record. He advised this was essentially talking about their operating procedures and how they expect to handle security, emergency procedures, storage, preventing diversion, etc. It also talks about policy and procedures. He stated that all this information was in Exhibit E. Mr. Foster asked if these were unique and customized for this operation or if they were standard procedures used by all his businesses. Mr. Botelho replied for the most part they were similar. If there were differences, it would be minor due to the actual site.

Mr. Botelho noted regarding limited access areas every employee will have an access card and every door will have a card reader. Not every employee will be able to go into the vault or the manager's office or the security office, etc. Mr. Foster said a general problem with card access is that one person opens the door and more people go in. Mr. Botelho responded to prevent that there will be cameras everywhere in the facility but the restrooms. They will know if someone is going in or out when they shouldn't be. Mr. Suzan also spoke to the difficulty of anyone getting in an area they shouldn't be in. Mr. Botelho added that per CCC code they were also not required to have public restrooms.

Mr. Botelho next discussed security and alarm requirements. He stated that besides having the security guards, the facility will be intrusion alarmed with a backup. There will also be panic buttons. Mr. Noble asked how they could prevent someone who is exiting from coming back in. Mr. Botelho replied there will be an employee making sure that a customer is leaving and closing the door behind them. There will be cameras monitoring that as well. Mr. Carmichael noted there was only one exit. In an emergency, would they be able to exit through the entrance? Mr. Botelho said they could. Mr. Olivieri said that if the Building Commissioner has reviewed this, it has to be in compliance. Mr. Botelho said that was correct.

Regarding incident reporting, Mr. Botelho said the CCC has strict guidelines if police, fire, etc. gets called to the property you need to file a report. If anything else happens like loss of product that also needs to get reported. Every night they need to do a full inventory to make sure everything reconciles. They will also work out a full Comprehensive Security Protocol with the Police Chief. Employees need to be over 21 and have to pass all the background checks. Every employee will be trained, not only regarding the product, but also with all the CCC regulations and security protocols.

Mr. Botelho advised their proposed hours of operation would be Monday through Saturday 10:00 a.m. to 9:00 p.m. and Sunday 10:00 a.m. to 5:00 p.m. He continued that they also had guidelines for the storage of marijuana. Everything is lock controlled and their system needs to tie into the State system. If there is any discrepancy, the State is notified. The product is tracked using an automated system and all record keeping is electronic.

Mr. Foster asked if the training they do is something Monro Brothers developed or if it is prescribed by the State. Mr. Botelho replied they need to meet the CCC guidelines. They hire consultants to make sure they are doing everything correctly and that it makes operational sense. Mr. Botelho said one big concern is diversion. They need to prevent someone that is 21 buying for someone underage. With the cameras, their security guards, and their employees hypersensitive to that, they will make sure that someone who buys the products gets in their car and drives off the property. Along with that, they want to make sure that someone doesn't get in their car and begin using the product. They need to leave the property.

Mr. Botelho then continued to Item F and read it into the record. It stated that the Zoning Board could impose reasonable conditions. He also read items 1 through 6 under Item F. He advised that was the complete narrative. Mr. Foster then directed members back to Item 1, the hours of operation. He stated Munro Brothers was requesting the following hours of operation:

Monday-Saturday	10:00 a.m.-9:00 p.m.
Sunday	10:00 a.m.-5:00 p.m.

Did they feel these hours were appropriate or do they have an alternative to suggest? Mr. Curtis felt the hours were what any business might have. Mr. Foster then asked for a motion to approve the requested hours as stated.

Mr. Curtis made the motion. It was seconded by Mr. Urbanski. The **vote** was **unanimous for**.

Mr. Foster asked Atty. Laughlin what their next step should be. She replied there have been a few issues raised that require further work on the part of the applicant. She would not recommend closing the hearing until they had answers that satisfied them. She would also not recommend a conditional decision on something they had not seen. Mr. Foster said the issues revolve around the parking as well as the safe entrance and exit of people from the parking lot. The cumbersomeness and shape of the lot was also discussed. Mr. Foster asked how far out Mr. Botelho would like to continue to. Mr. Botelho replied that he did not know how long it would take for him to get some answers. Mr. Foster recommended continuing until next month and he could come back if he was ready to revisit all the issues and if not then they could continue again. Mr. Botelho said that was perfectly acceptable.

Mr. Botelho said he has explained the potential timeline for when they could open but if something changes within the State and that timeline gets shortened by several months,

he would like to start the buildout of the dispensary. He needs to add some walls in the office, bring in the POS stations, etc. He estimated the work to be done as a three-month process. He would ask that the Special Permit be conditionally approved so he could apply for a building permit. Mr. Foster asked if there was a legal and safe way for the Board to give Mr. Botelho some kind of conditional approval to get the building permits he needs for interior work which he noted had nothing to do with the parking issues they are currently addressing. Atty. Laughman replied the Board could condition a decision. The issue would be enforcement if the condition is open ended and if there is a disagreement over the interpretation of the condition. Mr. Foster said he would then say the Board will require Munro Brothers to meet their parking expectations before any approval is granted.

Members also discussed the procedure for the transfer of product. Mr. Foster felt it was not relevant to the conditions of the Special Permit. Mr. Olivieri recommended a letter be obtained from the Police Chief stating that he feels all of his conditions have been satisfied. Mr. Botelho asked if they had a number in mind regarding the additional parking spaces. Selectman Powderly recommended at least 70% of the spaces that Northeast Alternatives had at its Fall River location. Mr. Carmichael thought 40 might be a better number than 20. He added the design of the lot should also be addressed. After further discussion, the Board did not give Mr. Botelho a specific number of spaces they were looking for. Mr. Botelho said he would look at several different options.

Mr. Olivieri then made the motion, seconded by Mr. Urbanski, to continue the Munro Associates, LLC hearing until October 17, 2019. The time would be at 7:00. The **vote** was **unanimous for**.

The hearing closed at 9:20

**Documents distributed for the hearing:**

- Petition packet
- Legal ad
- Board of Health correspondence of September 10, 2019
- Conservation Commission correspondence of September 13, 2019
- Fire Department correspondence of September 11, 2019
- Planning Board correspondence of September 16, 2019, and September 17, 2019

**Approve Meeting Minutes**

Mr. Urbanski made a motion, seconded by Mr. Carmichael, to approve the Meeting Minutes from July 18, 2019.

**VOTE:** Mr. Foster, Mr. Carmichael, Mr. Urbanski – **AYE**  
Mr. Curtis, Mr. Olivieri, Mr. Gillis, Mr. Noble – **ABSTAIN**

Mr. Curtis made a motion, seconded by Mr. Carmichael, to approve the Meeting Minutes from August 15, 2019.

**VOTE:** Mr. Foster, Mr. Curtis, Mr. Carmichael, Mr. Urbanski – **AYE**  
Mr. Olivieri, Mr. Gillis, Mr. Noble – **ABSTAIN**

Mr. Foster adjourned the meeting at 9:27.