



Halifax Planning Board Meeting Minutes May 20, 2021

A meeting of the Halifax Planning Board was held on Thursday, May 20, 2021 at 7:00pm via Zoom hosted by Town Administrator Charlie Seelig.

These minutes are an abstract of the digital (audio and video) recording of the Planning Board meeting held Monday, May 20, 2021 which are on file with the Planning Board Department and posted on the Town of Halifax website. The video recording is posted on Area 58's Halifax YouTube page.

Members Present: Vice Chairman Mark Millias, Clerk Rick Merry, Members Gordon R. Andrews, Amy Troup and Brendon Elliot

Millias and rest of Board welcome new member Elliot. Millias reads agenda into record.

Appointments/ Hearings

7:05pm – Hearing – Flower & Soul Inc./Brian Wall – 894 Plymouth St – Special Permit for Marijuana Establishment & Dispensary (Filed: 4/26/21, Determination to be made 90 days from close of hearing)

Attorney Adam Braillard (Prince Lobel Tye Law Firm, representing applicant), Brendan McKee (Partner and Consultant of Flower & Soul), Corinne Tobias (Green International) and Joe Webby (Webby Engineering) are present. Brian Wall (applicant) joins late.

Braillard introduces himself and informs the Board that Brian Wall will join the meeting around 7:20pm following his daughter's graduation.

BRAILLARD: Like I said, Brian Wall is going to be a little late for the hearing but I'd like to just quickly read off Brian's...some snippets from the bio for the record for the Board to know who he is. Brian is a Whitman native and an entrepreneur with hands on professional experience in the world of services, technology and finance. His experience includes founding adaptive HR which provides human resources services to cannabis companies. With us tonight also...this is Brendan McKee. Brendan is a partner and consultant for Flower & Soul> he's a Hull native and brings a ton of experience in the industry. He has cofounded two companies in fitness and in cannabis. His experience includes cofounding Silver Therapeutics which is a MA cannabis company and has multiple operating retail establishments in the state. Also with us tonight is Corinne Tobias. Corinne is with Green International. He's a licensed professional engineer and certified professional traffic operations engineer and is project manager with over 10 years of experience in transportation engineering. Among other things she specializes in traffic study reports, traffic management plans and land use management. And finally, here tonight on our team is Joe Webby. Joe's been in front of this Board plenty of times with Webby Engineering and provides high-quality accurate land surveying services for customers in eastern Mass. I would like to share the screen at this time to go through the rest of our special permit presentation if that pleases the Board.

MILLIAS: Yeah, we're ready at this time. Go ahead.

Special Permit Presentation for Flower & Soul appears on screen.

BRAILLARD: Can everyone see that screen? Okay, great. So I went through the introduction of the team. What I'd like to do next is provide an overview of what we're up to. Flower & Soul is proposing to develop an adult-use Marijuana Retailer Establishment within the existing building located at 894 Plymouth Street, also known as Route 106. It's within the commercial/business zoning district in the Town of Halifax. The property meets all the zoning setback, dimensional and use requirements set forth in the Zoning Bylaw and also as proposed the establishment and the property meet all the requirements set forth in 935 CMR 500 which is the Cannabis Control Commission (CCC) Regulations. Flower & Soul has negotiated a Host Community Agreement (HCA) with the Town and will proceed through the CCC state licensing process once that is fully executed with the town. In terms of what we're looking to do. (Points out photos on screen of general overview of location.) Proposing to install the establishment within this building. Photo of front of building proposing to install facility in these two units that are currently vacant. Just a little bit of a nuance, only one of these units will be available for retail, the other will be used for employee offices, bathrooms and secure storage. So existing conditions...Plymouth Street on top here. This is all existing...this is just under 60,000 s/f parcel with a 3,400 s/f building on the parcel. There currently exists four units within the building, two of those are vacant. The two middle units which will show on the floor plan are vacant. There are currently 26 parking spaces on the property. Some of those parking spaces as we found out during the site plan meeting are not to the Town Code which we are going to go in more detail. 59% of the property is open for green space. The proposed plan...and what I would suggest to is...that Mr. Webby...and we might go back to this if the Board pleases with some more detail but right now just more of an overview. So right now the applicant proposes to install it's establishment within the two vacant units right here in the middle of the building. We're not proposing to expand the footprint or change the footprint of the building at all. In terms of the site improvements some of those include redevelopment of the interior of the units, widening the

entrance driveway to provide for a left and right turn lanes on to Plymouth Street. We're going to recoat the entire parking lot and repaint the parking spots or spaces so they comply to the Bylaw which is a 10 x 20 or 200 s/f parking space size. Currently some of those are 9 x 20 or 9 x 19. So our proposal is to recoat the entire lot and repaint the parking spaces. So that would result in an increase of parking spaces from 26 to 31 so we're adding parking spaces by doing that. There were some concerns of puddling in the parking lot and we believe by recoating that would eliminate the public concerns. We are proposing to install a safety guard rail in the south and east corner of the parking lot which was a potential concern from the Amory report in the site plan which we can get into a little more detail in that phase. Also we're proposing to increase the lighting and security cameras on the exterior of the building and also the interior in the units 2 and 3. In terms of the parking and the tenant parking allocation, again, there's a 3,400 s/f building with 26 available parking spaces. We're gonna increase that to 31 parking spaces and those 31 spaces will include 2 spaces for handicap parking. Up to 19 of those 31 parking spaces will be assigned to Flower & Soul and based on our analysis of the off-street parking zoning requirements, Flower & Soul's proposal of installing its facility in a 1,700 s/f of the 3,400 s/f building requires us to have 10 parking spaces at a minimum. We're proposing 19 parking spaces so we believe that the almost doubling of that requirement certainly satisfies the requirements in the Bylaw but also we feel that it will be adequate for our customer traffic. So if you look at the proposal, it's a little hard to see, but these (parking spaces pointed out on screen plan) are all labeled F&S for Flower & Soul, handicap spots here, unit 1s and 4s here. Currently Unit 1 and Unit 4 are considered retail use but it's a wood shop...?

MCKEE: Yeah, cabinet shop and Paul Reed uses his unit to store security equipment that he retails and installs.

BRAILLARD: So we've provided for 5 parking spots under the Code for those tenants as well. We're also providing for dedicated location parking spot for delivery of product which would take place in the rear of the building which is right in the back spot here. Now what I'd like to do is if Brendan can talk about the actual layout of the building. I'll just set him up a little bit. (Shows Proposed Floor Plan on screen.) The front of the building is to the lower portion of the slide and this is where the Plymouth St would be located. The entrance and exit for the customers would be through this entry and exit-way right here.

MCKEE: Thank you, Adam. So to walk through the process, someone would be buzzed in through a secure door, their ID would be checked via a dedicated ID scanner and receptionist. They would then be buzzed into the retail floor and be greeted and make their way to one of the cannabis consultants. Typically purchases at my retail last between 5 and 8 minutes so it's a real quick turnaround. Majority of our customers reserve ahead so we would encourage and execute on those same practices here. In terms of...by the way there's a two-point verification process so not only is the ID checked at the reception desk but it's also checked again at the Point of Sale. So there's a two-part process there. AT the back of house to the left is to serve as obviously a secure vault so cannabis products will remain in there and will be put back there at the end of retail operations. So no cannabis products at any point post-closing will ever be on the retail floor. Everything will be in the vault and secured at all times, particularly outside of the hours of operation. So you can see there's the vault, office area, IT area, general storage, and of course restrooms so really this is an ideal set up both from a retail perspective and a back of house perspective. So yeah, it's a pretty straight-forward flow. As I mentioned, I currently operate two in Massachusetts and have been doing so now for two-plus years.

MILLIAS: Excellent.

BRAILLARD: What I'd like to do now is ask Corinne to walk us through some of the traffic data points that she's come up with for the presentation here.

TOBIAS: I'm Corinne Tobias with Green International and I'm here to talk a little bit about traffic. I've been doing traffic studies now for over 10 years including some in the Town of Halifax. (Uses shared screen slides for presentation.) To start at the beginning for existing conditions, as many of you know right now traffic is a little bit different because of Covid so as a result of that Mass DOT has issued some guidance for using a little bit older traffic data and adjusting it upwards in order to reflect current day conditions or what we consider sort of pre-Covid current day conditions. With that we used data that was collected in 2018 and then used the 1.2% growth rate which MassDOT has issued for similar types of areas and roadways as this and adjusted that upwards to reflect existing pre-Covid conditions. So that's just a little bit of how we got to our existing conditions volumes. We do have it for AM and PM but I just want to note that for the AM the site is not going to be open for the AM peak hours so we are focused more on the PM peak. We looked at Trip Generation. I know there were some concerns with using internal volumes so we went with the Institute of Transportation Engineers (ITE) for Recreational Marijuana Dispensary – National and State Standard for Marijuana Dispensaries. These are trip generation numbers that we use for every type of development in the state whether it's residential or retail this is the go-to Code for that. We calculated the Gross Daily Site trips based on 1,700 s/f of space. So you have 215 cars taking 430 daily trips on an average weekday. To clarify, a trip is a one-way trip. You can see here that 38 trips are 19 trips coming in and 19 trips going out. So you're not going to have 40 trips taking a left during a PM peak. As mentioned earlier Flower & Soul isn't going to be open during AM peak. If it were to be open at that time based on this standard it would be about 18 trips during the morning so even in that case the PM peak would be the controlling peak hour there.

BRAILLARD: Just a clarification question on that, too. With the daily trip, if there was one customer in the vehicle, how many customers per day would that be?

TOBIAS: 215 customers if there is one customer per vehicle.

BRAILLARD: Okay thanks.

TOBIAS: I think it's also kind of important to put this in context of what was up there before and what could potentially be out there in the future. The previous use for this site was Stella's Restaurant so comparing what we have for this site and what was generated by a potential fast-casual restaurant with the entire building, that would be 536 cars taking 1,072 daily trips on an average weekday

and 48 trips during the PM peak hour. So this site will have significantly fewer daily trips and also slightly fewer PM peak hour trips however it is mentioned that it's not taking up the whole building so we did wanna talk about the potential other uses on the site. And this is what realistically you'll see with a 1,700 s/f space kind of use now for office or office transitions that transitions into off-site retail. We looked into the Crash History and we looked at the recent crash history from the MassDOT Crash Record System for the last five years. We looked at Plymouth St and Old Plymouth St, there's a few of those in town, but this is the one closest to our site, just to the east. Plymouth St and Pine St. What we found is that for both of those intersections they have crash rates that are not only well below the state-wide average but even more below the district for unsignalized intersections. We understand that there are some concerns there but when you look at the safety data it shows they are doing better than average for the area. We looked at Sight Distance. For people familiar with the area, it's a very flat and straight road, a lot of sight distance, so stopping sight distance and intersection sight distance are a little bit different but in both cases they are well above the minimum required for both the posted speed limit and people driving over the speed limit at 55 mph. It's posted as 45 mph but we know people drive a little bit faster up there so we just want to point out that the sight distance works in both cases. I know there's some concerns about operations along Plymouth St. One thing we want to point out is that when we looked at the level of service and the delay added to the intersections, the adjacent intersections there was no measurable impact to intersections along Plymouth St of Plymouth St and Pine St and Plymouth St at Old Plymouth St between no-build and build conditions. What does that mean, it means whatever is happening out there without the sight is more or less gonna be happening out there with the sight. What's happening out there? Eastbound and Westbound left-turns going into and out of the intersections are operating at LOS (level of service) B which means kind of limited delays and they're able to make that turn safely and without too many operational considerations. Southbound and Northbound left-turns operating at LOS F under no-build and build conditions but there's really no change in delay. We also want to point out that realistically during the worst peak hour Flower & Soul will only be adding about one vehicle trip per hour to those movements. That's why you're seeing no measurable impact even though LOS out there is pretty tight today. As for the site driveway, it will have the same operations as the side streets with the LOS B for the left turns coming in. For the right turns coming out it's not so bad, but for the left turns coming out do experience a LOS F however, it does have much lower queues than the side streets. As for Proposed Improvements that are being offered to mitigate some of the issues and concerns regarding traffic, we've agreed to add Speed Feedback Signs on Plymouth St to slow traffic and improve safety. These signs tell you your current speed and the speed limit and let people know that they're being watched and get them to slow down a little bit on that stretch. In addition it will include a left-turn lane out of the Site Driveway which is actually better than what you see right now on a lot of the side streets. Mostly that will help facilitate the right turns because the left turns can get out of the way while they're waiting on site and right turns can make the turn they need out of the site. Additionally there will be police detail for the opening to kind of control unforeseen traffic issues that may come up during opening. There'd be a dedicated parking attendant that can help manage any of the queues on site or any issues coming in and out with the parking. In addition we're willing to study a left turn lane into the site but I would like to point out that the left turns onto the side streets right now help to provide some of those gaps needed to help people exit because while the LOS is good, they may still need to slow down and that may be enough for somebody else to get out of the side street onto Plymouth St. There may be some pros and cons to that but if that's something the Town is interested in we'd be willing to study and implement that based on what the study would determine. And finally we would be happy to eliminate the passing lane if that is desired by the Town.

BRAILLARD: Great thanks. This is Adam. Thank you very much Corinne. We're gonna keep going with our presentation, I'm sure there are many questions. We're almost through and we're here to answer any questions that the Board or public may have.

MILLIAS: I'd prefer you to finish before questions.

BRAILLARD: Thank you. I'll turn it back over to Brendan to talk about how the traffic and expected customer counts play together.

MCKEE: The best thing to do is talk about the experience I've had with my retail shops. (Uses shared screen slides.) My two locations have had similar population counts. As you can see on the slide, there is a varying degree of daily customers served. At Orange we are serving less out-of-state customers because it's not a border community like Williamstown is which is why you see a larger gap there. We're very confident in our ability and our figures to execute appropriately, thoughtfully, in a supportive manner with the Town. As you can see the 215 figure we've estimated I think is in line with the facts. For the record we've been responsible community members, we've had no issues with theft or crime. In fact we have letters of recommendation from each municipality and we have every intention of operating in that same manner in Halifax.

BRAILLARD: Can you just talk to the number of dispensaries in Massachusetts and in and around the area and the numbers that are coming up and how that may decrease our estimated average daily customers?

MCKEE: Absolutely. I can speak firsthand, we've noticed a slight dip in our customer count as other groups open around us. We anticipate the same type of drop around Flower & Soul. The amount of operational dispensaries are 135 adult use, 9 new retail locations have opened within the last month, 30 days with 12 more preparing to open in the next 30 days. Currently, 12 operational dispensaries are within 15 miles of 894 Plymouth St and another 3 within 30 miles. Moreover, there are an additional 16 dispensaries within 15 miles of the proposed facility and another 2 within 25 miles that are in the licensing phase with the CCC. There's also a second dispensary negotiating its HCA in Halifax. Therefore we believe that as additional dispensaries open in surrounding towns and within Halifax, our estimated average daily customers served will decrease over time.

BRAILLARD: Want to switch to Fire & Safety real quick. Flower & Soul has been working with the Fire Chief for months and we'll continue to work with the Fire Dept and Fire chief to complete its intricate mitigation system which consists of horns and strobes

which will be in accordance with all applicable codes and regulations and will also include fire extinguishers in accordance with all applicable codes and regulations. Flower & Soul is agreeable to installing a Knox box available to be opened by only first responders like Fire and Police in the event of emergencies. Flower & Soul is going to be keeping the Fire Dept and Chief up to date as it moves through the process and we'll work with them when they get to the stage of creating construction drawings.

MCKEE: One thing I did not cover as a part of the layout at the retail facility. At each POS there's a panic button, at the reception area there's a panic button. Everything is on surveillance 24/7. It's part of the CCC regulations that require us to be able to pull video footage at any given time. My apologies for not pointing that out before, but here we are.

BRAILLARD: Good segue. We talked about the fire and right into security. And that's exactly right, the intent of Flower & Soul is to provide a safe and discreet dispensing of marijuana and marijuana products. That's exactly what we're trying to do here. As Brendan said, the employees will be stationed at the entrance of the establishment to monitor and ensure compliance with all site regulations, comprehensive ID verification process, two-part process requiring ID checks in two different locations. There's going to be increased surveillance, state of the art surveillance systems that will be monitoring 24/7. Marijuana products will be secured in vaults during and outside of operational hours and to Brendan's point, we will be installing panic buttons at reception and all POS, point of sale, stations. (Shows photos of building where cameras will be installed – front, sides and rear – and lighting.) Shows lighting scheme on screen. There was concern about an existing light shining and did not have a visor on it. After the last meeting, Brian Wall made a call and that visor was put on. Just want to note that for the Board. The lighting...we got renderings of what the lighting may look like in the event the lighting scheme is approved. (Shows views and wattages affect the parking in the building at night.) Summary of Traffic and Parking Mitigations that we're proposing to do. It's a bit of redundancy but I really want to hit it home to reduce any concerns of parking and traffic impacts we're going to encourage customers to schedule visits, offer curbside pickup, we want customers to purchase online ahead of time before visiting the establishment. We're gonna install two flashing speed-back signs along 106 where the Board and Town deem fit. Flower & Soul agrees to police detail for a period of a couple of weeks during peak hours from commencing operations. We're going to install neighborhood signs in areas in the vicinity of the establishment that would say residential only signs and no parking. We are proposing to install dedicated right- and left-hand turn lane leaving the property onto Plymouth St/106. We're going to recoat the parking lot and bring the parking spaces up to code while increasing the parking spaces to 31 and Flower & Soul will dedicate a parking personnel who will be responsible for making sure the customers are abiding by the parking requirements on the property. Benefits to the Town, we're getting closer to the end. We believe that the Town benefits in a number of different ways. We negotiated and entered into a HCA that provides for a 3% community impact fee on gross revenues to be paid to the Town. In addition, Flower & Soul will be paying cannabis state sales tax on all sales which provides another 3% of gross revenue to the Town. The Establishment will result in well-paid salaried jobs and Flower & Soul will seek to employ a majority of its workforce from the local community (specifically, candidates that reside within the Town). Flower & Soul will encourage applicants from and the recruits of women, veterans and minority candidates by publishing notifications on the local newspaper encouraging these candidates to apply for employment opportunities. Flower & Soul really wants to be an active and contributing member of the Town's business community and will continue to build positive relationships with the community and the Town by participating in neighborhood civic and business events and associations, providing support towards local charitable and community-building initiatives and by having a robust community outreach program to ensure that Flower & Soul's proposed establishment is built on a foundation of local input. In conclusion, we feel that the applicant Flower & Soul meets the requirements of a special permit because we think that the establishment will not impair the integrity of the zoning district or adjoining district or otherwise derogate from the intent and purpose of the Bylaw. The proposal is designed to blend with the existing characteristics of the building and the surrounding area. They will provide a safe and secure retail establishment where all customers are required to show positive ID is critical and can certainly benefit. We feel that by adding a state-of-the-art security system, additional vehicle parking right and left turn lanes, improving 106 as proposed, all these will not have a detriment to the characteristics of the neighborhood or the Town and will benefit. We're done. If the Board would like to go over the plans in a little more detail, I know Joe Webby is here if it pleases the Board.

MILLIAS: Thank you for the presentation. I do have a few questions. If Mr. Webby is available the first one would be towards him. Joe, if you're here.

WEBBY: Yes, Joe Webby here.

MILLIAS: Hi Joe. I just had questions on the changing of the pavement. Where they're adding that extra lane in the entrance, other than that first 30 feet off of the road would that be the only change to the existing pavement?

WEBBY: No, we're gonna square off, looking at the plan, bottom left-hand corner. We're gonna square that triangle area there. A little pavement there, additional 12 feet with a third lane going out onto Plymouth St.

MILLIAS: Okay. So other than those changes, the site itself will remain unchanged?

WEBBY: Yes. The only other addition would be the guardrail going around the pavement to protect the cars from going into the drainage system.

MILLIAS: Okay, excellent. That was my question regarding plans. Anyone else have any questions regarding the site plan itself? I believe some people might be on mute.

ELLIOT: Mark, this is Brendon Elliot. This is an open-ended question and can either be for Corinne or Adam and I think it's either Brendan or Brandon. One of the things that I'll mention is there is a marijuana dispensary place in Middleborough called Panacea Wellness. They're a big active member of the community, part of the Chamber of Commerce, they do a ton of business and are a big

community contributor. I will say they are located on 44 which is a very similar type of roadway to 106 in Halifax as far as traffic goes. I'm struggling a little bit with the data that's coming from Orange or Middleton, Mass that's not even close to Halifax. I was curious if there was any way to maybe pull in more accurate data to something that's maybe a little closer to our location, specifically Panacea because you drive by that location and it's a massive warehouse with probably 85 parking spaces and they're all packed all throughout the day, every time you drive by. I'm all about bringing in a dispensary and things like that, I'm just making sure with one of the main concerns around town is the traffic flow and so I think maybe just getting a bit more accurate to closer mileage to us would really be what my concern and question would be if we could find that, if that's possible.

TOBIAS: Sure, I'll speak to that a little bit. You kind of actually highlighted one of the differences yourself, that it's a massive location. That is also going to be a driver of, to some extent, the traffic as well. So it wouldn't necessarily be an apples-to-apples comparison in that sense cause usually these things are sort of adjusted by square feet, so the bigger the store the more available and more customers you will have. One thing I'll say is right now we can't go out and do new counts because of Covid so any data we'd be able to collect now would be questionable as a result of that. So the best we can do is using the National Standard Volumes and the other information we have for similar sized sites. Right now. If things were different we would maybe go out and do a count of that site and compare it, but you'd want to adjust it for size just because that really does make an impact in terms of your customer base and who's gonna be showing up. I'm not sure there's a great way to bring that in right now, unfortunately.

MILLIAS: I understand that the information available today isn't, wouldn't be more accurate than the standard you are following. As far as the flow into the building, what would be the maximum amount of people you'd have in the building, actually, just customers at one point, maybe that would help because than we could help quantify the flow by how many people we'd have in and out at one particular time.

MCKEE: Again, just to go back to the operational component. We have the ability to make appointments and put certain appointments in per hour. So to answer your question I think at any given moment I think there would be anywhere from 3 to as many as 6 or 7 people in the retail at any given moment but more than likely somewhere between 3 and 5 customers.

MILLIAS: Okay.

BRAILLARD: Connie, do you want to just reiterate the peak?

TOBIAS: Sure. One of the things we looked at was the difference the daily trips and what the peak trips were. The peak trips showed 19 cars coming in and 19 cars going out. That's roughly...you're one highest hour of the day, that's more or less of what you'd see there.

BRAILLARD: Just to go back to the data we brought from the other dispensary. Part of why we brought that in is to try to really get an apples-to-apples, not only by overall population in the town but also what our thoughts were on the traffic flow on those roads and also bring in Brendan's institutional knowledge of those establishments.

MILLIAS: It also seems like you're trying to address the issue of getting the people in and out by adding the extra lane. It does seem like it will relive some of the stress of it.

TOBIAS: I think what that really does is it allows, we know the left turns are gonna have some delay getting out onto Plymouth St but it does allow the right turns to get out and get out of the way so we can clear up some of the queueing onsite.

MILLIAS: IT also looks like The site is providing traffic flow around the building I believe which should help.

TROUP: I was going to ask if the parking spots in the back were going to be parallel or on an angle because we had chatted about that on May 6th and said that the diagonals were gonna be a little tight, so what are we talking?

BRAILLARD: We're proposing diagonals at this point. Joe, can you speak to the distance?

WEBBY: Yes. All the parking spaces will be 10 x 20 and 16 feet from the 20 feet of the rear of the parking to the building is easily enough room for a car or pickup truck to back out and proceed to the east. 16 feet is no problem at all to back up.

MILLIAS: Okay, that's the dimension there on that last space to the left?

TROUP: My other thoughts moved to security. You have the receptionist area that has a security area, you know you have to get buzzed through into the store. Now I see two doors into where the vault is that are directly out into the parking lot and so there's a prop center and cameras and is there any other security for those doors? Actually, there's another one behind the consultants as well. Do you hear what I'm trying to ask you?

MCKEE: Are you asking if we would integrate or implement a two-door system on the back of house side?

TROUP: I'm not asking you to implement that as of this second, I was just curious as to see what your security is on the doors that reach right out into the street, like prop centers to make sure they're not open, cameras, is there anything else that you're using for security?

MCKEE: Yeah, so those doors would be on internal controls so limited access to those doors via a fob system that we would manage and control. So, say we separate employment with someone, their keys would immediately be turned off so they would have no access to the facility. And yes, of course, there will be cameras pointing down, and also pointing out like a fish-eye camera or cameras, multiple, so every square inch of the facility is monitored per the CCC guidelines.

TROUP: I think we discussed snow removal the last time where you gonna push it off to the side where we're installing the guardrail?

BRAILLARD: This is Adam, Joe, I think we discussed pushing it off to the west on the grass, is that correct?

WEBBY: Yeah, there's plenty of room on the west side of the parking lot. We really don't want to push snow into the drainage basins.

TROUP: Okay, okay. Thank you.

MILLIAS: Any other questions from Board members, I'd like to open up to the public if not.

ANDREWS: I had a question about access into the store. Is this a place where people come in, they're there for a while shopping trying to find something or is this more specific to just a few products there and they're in and out? As to the length of time they're there as to the number of customers you'd be having at one time.

MCKEE: So our average transaction time is typically between 5 and 8 minutes. Of course there's new consumers who require a little more compassion and attention at first. So absolute there will be individuals that come in and maybe there for closer to 10-15 minutes. But we have a pretty sophisticated dialogue system set up to best address and recommend cannabis wellness products. Even with someone who has never been to a cannabis establishment, we very rarely see transaction times go beyond 10, 12 or 15 minutes.

ANDREWS: So that's how you keeping the customers moving in and out quicker?

MCKEE: Correct. And actually, at our Williamstown location every single customer reserves ahead. So not a single person comes in and puts an order together, everything is ordered in advance.

ANDREWS: So you have the order together, they come in, take it and then they're gone.

MCKEE: Exactly.

ANDREWS: Okay. Thank you.

MCKEE: Thank you.

MILLIAS: At this time if there's anyone in the town has any questions or comments, I'd like to open it up.

ELLIOT: I believe Chris had his hand up during the traffic conversation, I noticed.

MILLIAS: Okay, I'd like to open it up for Chris.

CHRIS WINIEWICZ: This is Chris Winiewicz, 129 Circuit Street.

MILLIAS: Welcome.

WINIEWICZ: I just got questions. From the very start of this at all the meetings with selectmen and stuff, it seems the numbers have constantly changed. There's been misleading statements that they've talked about. Stuff about talking to the police chief which, when I've spoken to him, they haven't. It just seems to keep changing to make their numbers look better. Specifically the traffic. I noticed one thing. We talked in a previous meeting and they agreed I think we could get up to 50 cars an hour and now we're only doing 19 trips. So the data keeps changing. And Stella's Restaurant, they used that as a fast casual restaurant so we'd have similar traffic. I think anyone that has lived in town their whole lives know Stella's wasn't like that and that was 30 years ago or something.

MILLIAS: I think it was used as an example of what could be on that site. I loved Stella's as a kid but we all know that they didn't have that many people. I think that was just used as an example of a proper use for that property and if there was one there today what it could produce. If that helps clarify.

TOBIAS: That's correct.

WINIEWICZ: Didn't they use it as traffic too?

MILLIAS: No, just saying that if there was a newer establishment on that property that could be and would be permitted, that would be the type of flow that would be expected. Not that Stella's itself saw that, just if there was one there today, it would.

WINIEWICZ: Okay then where is this data coming from. I think you said it was not real life, they didn't go out and measure it?

MILLIAS: I could see where they realistically can't. I think if they had provided that traffic study, the numbers would have been so low it would have been far worse than what they're presenting us now just because the amount of traffic has slowed down or would have been significantly slower when they had actually done the study. If they'd done the study before hand it would have been peak Covid and would have really skewed the numbers. So by using the ones from 2018 with I believe it's like 101.2% that's a fairly accurate representation.

WINIEWICZ: Can I ask why they didn't use anything out of the Plymouth County study that I think was measured in 2019? Which brought up a lot of concerns in this corridor right here? With a lot of different side streets, north to south, which this business (inaudible).

MILLIAS: Alright, I'm not familiar with the study but we can definitely ask Corrine to address that if she'd like.

TOBIAS: I'd just like to point out that the volumes we used are from that study, it was a 2019 study but the counts were collected in 2018. That's where they're coming from but we adjusted them upwards because the study is a little bit old so we wanted to make sure that we're reflecting even a more kind of future condition with because it is a little bit older data, but that is where the counts come from.

WINIEWICZ: So all the concerns pointed out in that study are still valid, how there's no breaks in traffic and causes people to do risky maneuvers to pull out either left or right in front of traffic?

TOBIAS: The conclusions about the levels of service for the people coming out and turning left is F and that's still true, that's what we were saying. For left turns in, it's not so tight but again this site is only gonna be adding one car per hour to those movements.

WINIEWICZ: I think anybody that lives in town knows what Pine St and some of the side streets, Carver St, trying to pull out to 106 in the evening commuting hour which is gonna be the height of this place. So how is all the traffic go getting out of this parking lot when there's a constant stream of traffic on 106? At like 50 mph? And at like the other places, this location is even worse with the highest speed in the passing lane which I know you said you can remove it but it's still a worse location than even those other side streets.

TOBIAS: So the left turn lane coming out, helps, that's part of what it's about. Most of the side streets don't have that left turn lane and will allow the right turns to get out sooner. And the speed feedback display sensor also there to slow down traffic in front of the site because as you know speeds, they are a bit of an issue.

WINIEWICZ: And we all know a lot of people ignore those. In the left turn lane, so there's a car in the left lane and the right lane, you know how hard it is too, you're trying to look through the car to the left to see if you can pull out into 106. So you try to inch forward so you can see. These are all issues, this is not a good location.

MILLIAS: As far as the numbers, I know you had issues with that, do you feel as if we've satisfied concerns on that?

WINIEWICZ: No cause I still have concerns that their numbers keep changing. I mean a previous meeting, I think we agreed there could be a car, or a trip she calls it, coming in and out once every minute. A constant flow of cars. And right now 106 is pretty much unimpeded that way when everyone commutes, you get on, 50 mph all the way into East Bridgewater. So now it's become a big jam for everyone commuting, cars coming in and out, cars stopping on 106 to make a left turn in or a right turn in. And you still didn't address that if there is a traffic jam, all our side streets, people drive by because they can't get in so GPS tells them to go down Laurel St, Circuit St.

MILLIAS: I believe that was addressed where they were willing to put signage in for residents only.

WINIEWICZ: We have signs now from other traffic issues and no one abides by them at all. People blow through the stop signs and other things. It says Neighborhood Traffic and people go right by it.

MILLIAS: As far as traffic, do you have any other concerns or questions?

WINIEWICZ: The parking spaces, is there enough parking spaces with for employees and retail customers as you said they are labeled as retail for ever future use of these buildings?

MILLIAS: Yeah, I do believe she added on for the proper or estimated usage for the other two units as well.

WINIEWICZ: Which is what, 4, 5 per unit?

TOBIAS: The parking is 5 per unit, yes.

WINIEWICZ: And that's for customers and employees?

TOBIAS: That's correct.

WINIEWICZ: And the lighting, too. You said it was gonna be on the building, is that gonna be shining out to the neighborhoods? Or are you talking more security lighting? Because we've always had issues with lighting there now that had to be covered.

MILLIAS: Yeah the lighting will be contained within the property.

WINIEWICZ: And now they've repeatedly said that they wanna put landscaping up I guess to make it so we can't see it, to make it look appealing. I don't see any of that in the site plan to hold them to it.

MILLIAS: I'm not sure what agreement you're referring to but I do not see any plantings.

WINIEWICZ: They've said it in selectmen meetings and previous planning board meetings that they're willing to do all that because our houses look directly at this building and that's all you can see at night, daytime. There's another house that looks 30 feet right across the street. I don't see anything on that plan that will hold them to it if you give them that special permit.

MILLIAS: Any other questions?

WINIEWICZ: That's it for now.

MILLIAS: Any other questions or comments from the public?

TROUP: I wanted to help Chris out with the parking, Mark, if you wouldn't mind.

MILLIAS: Oh yeah, certainly.

TROUP: Okay. In 167-14F there's a caveat for having green space on the lot that allows the 100 s/f per—I'm sorry, one space for each 100 s/f to go for one space for each 175 s/f so when you do that you end up with having 10.28 parking spots so if you even bring it up to 11 parking spots and then you have 5 for employees that's gonna leave 16 in there stating they have 19 so they are within the bylaw for parking.

ELLIOT: Mr. Braillard, can you go back a slide to see the parking spots? Thank you.

MILLIAS: Thank you, and thank you for clarifying that.

WINIEWICZ: I understand that they might have enough but I'm saying is it taking away from the other units for what they use it for now or future use?

MILLIAS: There is still additional.

TROUP: There's still 12 parking spots and they're only using them for...I think it's a painting warehouse and Mark, do you know what the other one is?

MILLIAS: I believe a wood shop and the other is storage for the owner for electrical supplies.

ANDREWS: If someone else goes in they would have to come back.

MILLIAS: Yeah, certainly.

ELLIOT: Has there been a conversation with the other two business owners that utilize that area and just what was that conversation if so?

BRAILLARD: Mr. Elliot, let me introduce again Brian Wall who has had those conversations. Brian, you there?

WALL: I apologize to the Board for being late. I had the first part of my daughter's graduation.

TROUP: Congratulations.

ELLIOT: Family first, Brian, family first.

WALL: Bay State Alarm is owned by Paul Reed, he owns the building and he only uses the building to maintain his alarm service supplies. He goes early in the morning to pick up his supplies and doesn't use the building for any other services of that. We have not asked to use his spots with this Board Mr. Reed has said he never uses his spots, we want his spots to be clearly documented and allocated to him but those spots will not be used by his truck. His one truck, maybe two, his one employee maybe takes his truck home. The cabinet maker in Unit 4, according to Mr. Reed, makes custom cabinets one or two nights a week, gets there at about 8pm and pulls his truck through the back of his unit and installs cabinets the rest of the week. He's a sole proprietor and has no employees. We've had those conversations with Mr. Reed. We would be happy to get a letter from Paul Reed stating that if the Board requires, but we've had countless conversations with him if they're gonna use those spots, currently or in the future.

MILLIAS: Excellent.

WINIEWICZ: Do our Bylaws really matter if it states from an owner oh I'm not gonna use my spots or not?

MILLIAS: You gotta remember this is part of the process, this is what we do. We look at these each time that there's a proposal so it gives us the insight cause when other people have come in for uses on the building, we're already taking into consideration what they're used for, what's in their now. Tis is part of our process, we're already familiar with what's in the building and the usage. When those things change, to Gordon's point, that's when they come back. If someone wanted to put another heavy flow type use in that building after this, that's when we'd look at it and say hey, we already have a lot of flow in there already. So I believe right now that the fact that it has very low flow and usage for the other 2 does speak well for it and that would not change without impact and input from the town. There would be no greater use in the future without input from us.

TROUP: Agreed. And they are well within that because they only need to have 5 per unit and they're not even using that.

ELLIOT: And Chris, the reason why I asked about the other abutting businesses was to make sure exactly what that was, that was a high-flow business area or even if in any way shape or form the new increase in traffic was gonna in any way impact their business we as the Board would have to take that into consideration so that's essentially why I wanted to clarify that. As much as you as an abutting resident, your opinion and feelings are just as important, so are the abutting businesses. That was the purpose of that question.

WINIEWICZ: I noticed you made one point about using references to other marijuana dispensaries so far away.

ELLIOT: Yup.

WINIEWICZ: Is the one in Rockland, which seems to be similar to this, a smaller building. I've seen posts people saying that the traffic, there's so much traffic going in and out there, they've got it well-managed but that's still, like you said, a point, there's so much traffic but they didn't compare it to something like that.

ELLIOT: I wanna be clear only because you're asking me something I spoke to on earlier. The Planning Board, from my recollection is, even being newer on the Board, but referring back to the people who have been on the Board much longer than myself is our job is to get the information and refer back to the Bylaws and make sure that the community is heard. I don't know about the dispensary in Rockland, I do know about the dispensary in Rockland only because of my involvement in the Chamber of Commerce and actually going into their building and seeing the multiple levels of security that they put you through to walk through and control that they have over the situation and flow of business. So my main concern is for people like you, Chris, the residents, and what kind of impact it's gonna have on you and the Town of Halifax and really my thing is, in Section 12 on page 25 for our Board is, in conclusion, how is the established or future character of the neighborhoods within Halifax going to be affected. I think that that's probably where we're at now because I think from the site plan it seems like they're lining up with everything that they've been asked for but now it's gonna start lining up with the character and how it impacts the people that are in that community around that business so I think that...unless I'm wrong Chris, am I right to interpret that correctly with what you're talking about?

WINIEWICZ: On my computer your audio cut out for part of that but I did catch the end of it and I think that's the biggest concern is the traffic and the numbers keep changing and what it's based on and the impact that's gone beyond this Town.

MILLIAS: We definitely agree on the traffic thing but the numbers they present to us, that's it. So whether they were presented at the Selectmen or for another thing, we'll keep an eye on to make sure that the numbers presented to us don't change. That's something we keep an eye on, we make sure that what we sign off on is what is proposed.

WINIEWICZ: I guess the numbers too, the other thing, I noticed they used Old Plymouth St which I think is the closest end of Old Plymouth St which probably has the least amount of traffic. They didn't use—is it old Plymouth St that comes out near Cranberry Dr that has a lot more similar traffic?

TROUP: It is.

WINIEWICZ: They didn't seem to use that one or Carver St or 105.

TROUP: Carver St and 105 are too far for them to consider.

MILLIAS: I believe so.

WINIEWICZ: But it is similar traffic trying to pull on to 106 from the side.

TROUP: Yes.

TOBIAS: I want to speak to that a little bit and the reasons that it shows those locations is because they were the where the most reasonable path to and from the site from the North and the South. So if you were going South you would take Pine St, and if you were going North you would take that first left on Old Plymouth St. You wouldn't pass it to get to the next one or the one after that and then double back. That's why we don't necessarily assume that people would be going out of their way going to the next intersection down, we assign them to the closest intersections available.

WINIEWICZ: So you're talking about using those streets for adding just a little more volume?

TOBIAS: I'm talking about where the traffic's going.

WINIEWICZ: So not the difficulty of pulling out of a side street onto 106?

MILLIAS: Her numbers are based on the flow of traffic, not a rating of difficulty.

WINIEWICZ: But I think she said she used those because that's where people would come from. But did you use the amount of numbers of those cars moving into those higher flow side streets that would more match the higher volume coming out of this place and the difficulties of coming on and off 106?

TOBIAS: I'm not sure I follow the question. We're looking to measure the impact of this site and so that's why we looked at the locations where the vehicles to and from the site would be as opposed to other intersections where the vehicles to and from the site would not have as much of an impact because they're not using those intersections the same way.

TROUP: Corrine, could we go back to that screen that shows the traffic so we can all look at it? (screen is found) Site driveway and then there's 1,168 cars going east. When you get to Old Plymouth St you go down...I guess 51 cars are gonna go down Old Plymouth St, is that what you're stating?

TOBIAS: Correct.

TROUP: And that's why it dropped 117?

TOBIAS: Correct.

TROUP: And when you get to 1,162 at the Pine St going east that's because you've gained 29 and 39 cars? So it goes back up to 1,162 cars going east.

TOBIAS: That's correct. There's other land uses in there and curb cuts so these volumes aren't balanced, if that's what you mean. They were measured independently from each other.

TROUP: Yeah, okay.

WINIEWICZ: How come on the site driveway there's no numbers for left or right?

TOBIAS: That was our observations when we were there at the peak hour. As you probably know the traffic volumes today they didn't count the site driveway so we had those observations during the peak hour. However when we go to the future for no-build and build we do add-in our site generated trips but also the other uses for the no-build. So these are our site trips.

WINIEWICZ: You have 8 and 11?

TOBIAS: Correct. Coming out.

WINIEWICZ: At peak hour?

TOBIAS: That's correct.

WINIEWICZ: For a whole hour?

TOBIAS: Yup. Just to be clear—

WINIEWICZ: See, that's what I mean at a previous meeting that's way lower than the numbers.

TOBIAS: Just to be clear about the data sources and previous numbers and things. I'll just say this is the first time I've presented any numbers. We base these numbers on the national and state standards for all traffic studies. They get their data set from studies and counts they've done for similar uses across the country. These numbers are from actual counts that were done at sites and surveys across the country and whether it's a residential development we're talking about or a retail development or any kind of development these are the numbers—this is the data source we use for traffic studies. It's a MassDOT standard, it's a national standard and what you saw before was some local data that was provided by the developer from their understanding, their own internal knowledge of the site. I'm not saying that anything about that is necessarily incorrect or anything like that, I'm telling you that's where these numbers came from and they're the only numbers that serve as traffic engineers, this is what we use. That doesn't mean that local data doesn't—would not be relevant or is incorrect, it's just a different source.

MILLIAS: I no longer wanna field any more question as far as the credibility of the numbers. If you have any other comments I would certainly be willing to listen to them.

WINIEWICZ: No, not yet.

MILLIAS: Any other questions or comments?

ANDREWS: This would be on the special permit, not the site plan. The site plan's coming up, correct?

MILLIAS: Yup, site plan would be next. (Long pause.) Barring no more questions or comments I'd like to—

ANDREWS: You have any more comments from the Chief?

MILLIAS: Check correspondence here...if anyone has those up.

ELLIOT: Think I saw Joe and Betty unmuted. I don't know if they have something they want to speak to.

TROUP: They do live in the area.

ELLIOT: Usually when someone unmutes it means they have a question so I just want to make sure before we move on that they have a chance to speak.

MILLIAS: Unfortunately I don't know how to, I don't think I'm in control of opening it up to them. But if we could or if they are willing or ready to speak.

TROUP: They are unmuted so.

MILLIAS: I don't know if Charlie has to do something, I'm not good at this.

ELLIOT: I usually when someone unmutes they have something to say but maybe they unmuted by accident so I just—whenever I see an unmute come off that's usually somebody might have something to say but if they don't we can progress to the next...

SEELIG: Mark, if they're ready to talk their mic is on so anytime they wanna go...

MILLIAS: Okay, thanks Charlie. (Pause) At this time I would like to thank you for the presentation. I believe you've answered all of our questions.

BRAILLARD: Thank you very much. Can we ask a procedural question?

MILLIAS: Certainly.

BRAILLARD: Great. A question in general with the special permit is what would be the next step for Board and the applicant in terms of closing the hearing and voting on the position?

MILLIAS: I believe what we will be doing is we're going to be closing the public hearing then we will actually be opening the appointment which is for the official site plan review which we're gonna try to go quickly but rehash some of this stuff and take it from there. So we will have to stop the public hearing and proceed with the site plan. Do I have a motion?

MOTION to close the Public Hearing of the Halifax Planning Board from Thursday, May 20, 2021 at 7:05pm via Zoom on the application by Flower & Soul, owner Buddy Miles for a special permit to be located in units 2 and 3 at 894 Plymouth St, Halifax, MA 02338 as shown on Assessor's Map 58 Lot 4-0-R Book 46591 Page 133 to obtain a special permit as defined under Halifax Zoning By-Law Sections 167-3 and 167-7: Schedule of Use Regulations, Specific Use Regulations for Marijuana Establishments. The applicant is seeking to operate the Marijuana Dispensary and Establishment in Unit 2 (900 square feet) for retail and Unit 3 for storage and an employee area. There will be 26 customer parking spaces and 5 employee parking spaces. Area is zoned Business: Troup

SECOND: Andrews

Roll Call Vote: Andrews – Yes; Troup – Yes; Merry – Yes; Elliot – Yes; Millias – Yes

Passes 5-0-0

MILLIAS: We will now begin the site plan review and hopefully no one left. Time being 8:28pm I'd like to continue the hearing for Flower & Soul for site plan review.

BRAILLARD: Thank you members of the Board. I just had another question on in connection with the process. When we opened the site plan hearing on the 6th of May I believe that there was 4 members of the Board – Mr. Millias I do not believe you were in attendance there. Mr. Elliot I don't believe you were on the Board at that point.

ELLIOT: Right.

BRAILLARD: I guess my only question is with respect to quorum, Mr. Elliot...

MILLIAS: Oh, I understand.

BRAILLARD: I think the only question I really have is Mr. Millias if you believe that you're caught up with the prior application I think we're all set and the hearing. I just wanted to point that out to the Board.

TROUP: I think there was still 3 of us because it was Rick Merry, Gordon R. Andrews and myself so I think that's 3 which is still a quorum.

ANDREWS: And I believe Mark could review the video and be caught up as well.

MILLIAS: Yes, I have no problem doing that. I assume there are no problems with that or concerns.

ELLIOT: I was also in attendance in that meeting but obviously I just had no voting rights. I think we're good to go from that standpoint.

BRAILLARD: Thank you, I just wanted to point that out I think that's correct.

MILLIAS: Excellent point, that's an odd circumstance there.

BRAILLARD: I want to make sure proper procedure (inaudible). If it pleases the Board I want to share my screen again for a few things. I'd like to introduce for the Board Corinne again who was not at the prior meeting and also let the Board know that Brian Wall is on who we introduced in the prior site plan meeting as well, Brendan McKee and myself, Adam Braillard. And Joe Webby is here as well for the site plan to answer any questions. So during that site plan meeting on the 6th of May we presented a site plan that was—had not accounted for any of the concerns that the Amory, Town third party report had. Because we had gotten that report a couple days before that meeting. Since that meeting, I know that Joe has reviewed that report we have as a team at length and provided some comments to that report. We've also made changes to our site plan which we referenced that we went over in the special permit meeting but I know that we would want to reference those again so I think the best thing to do, if it would please the Board, Joe if I shared my screen and went over the before and after plans do you think you could point out the changes that were made?

WEBBY: Yes, Joe Webby, Webby engineering. We reviewed Pat Brennan's review from Amory Engineers and we submitted a letter to the Board as well as revised plans. If you'd like me, there's 12 items, if you'd like me to go over each one I certainly can very easily, Mark, if that's okay?

MILLIAS: Yes, please.

WEBBY: Item 1 of Pat Brennan's report was about the parking spaces basically being some of them that he measured were not 10 x 20s and part of the answer to that in our revision was that Flower & Soul has agreed to put a top coat of pavement on the entire parking lot and then restrike all the parking spaces to be 10 x 20 which would conform to your Zoning Bylaws. #2 was allocation of the parking spaces. We did label the parking spaces so that the units 1 and 4 have their designated spots and the rest would be for Flower & Soul. #3 was a discussion on the 40-degree angle parking to the rear of the building and the flow and we have designated those spaces in the rear of the building. There was a question about van deliveries to the rear and it may impede traffic. So we're gonna have a dedicated space in the rear of the building that would be for deliveries. Brian can speak on the size vehicle but we were told it would just be a van that delivers the merchandise. That spot is gonna be closest to the door where they would be bringing that into the building. #4 was the lighting issue and I think we've already spoke about that. Brian had enlisted help from Glynn Engineering to put where the lighting should be. There's a plan that I believe Glynn Electric is handling the electric of the lights outside. #5 Pat Brennan asked that we show what the existing grades were right now on the parking lot, more specifically he wanted to know where those puddles were during a rain storm, some of the water was settling. We have added, we went out there and did a topography of the existing parking lot as it is now as well as the drainage basin and we've added that all to our plans. #6 was the squaring off the southwest corner of the parking lot. The question was would that impact the underground storage tank that's there. I believe we're saying that if that tank has to be moved, it will be moved. #7 the existing septic tank covers on the west side of the building, whoever paved that pavement did not raise the rim and grades, rim and covers to grade and just left the covers below the surface and they were collecting water as well as the tight tank on the rear right-hand corner where there's a tight tank that got completely paved over so we're calling for now that those rims and grades on those two tanks be brought up to grade when they put a top coat of pavement on the whole parking lot.

TROUP: It says they'll be water tight, too.

WEBBY: Yes, they definitely have to be water tight, yes. #8 Pat had a question of whether we had a bio retention basin or just a regular drainage basin. It's not made to have a bio-retention, it's just a regular drainage basin that where the water will disappear within a 72-hour period. We have no intention of growing any type of grasses or reeds or wetland plants out there. #9 was the operation and maintenance and mowing of the basins. Flower & Soul has agreed to take over the maintaining of the lawns and the basins and Brian is on board with that. #10 was a couple of those puddles on what would be the front right-hand corner of the building. Those puddles will disappear when we put the top coat of pavement which will eliminate the puddling. #11 the tight tank that's in the rear of the building on the right-hand side, it definitely is there and those covers will have to be brought to grade prior to the pavement. #12 Pat's comments were that he had a question of whether or not there should be some type of guard rail on the south side and the back on the rear of the parking lot to prevent any type of vehicles accidentally entering the drainage system. Flower & Soul has agreed to put up a wood guard rail all along that area. I have not heard back from Patrick, I don't know if the Board has.

TROUP: I don't see any correspondence, anyone else?

MILLIAS: I have not.

TROUP: I will double-check our email.

MILLIAS: Okay, thanks. It sounds like those have been addressed, any questions or comments from the Board?

ANDREWS: My only comment on the lighting would be that there wouldn't be any lighting shining on any of the other properties in the area.

TROUP: Agree.

WALL: Our whole intention is to work with top-of-the-line electrical engineering firms. Chief Chaves and the neighborhoods to not shine lights. I don't want to have to put shields on. We want to get it right the first time. That's why we reached out to one of the biggest firms I think out there, done a lot of commercial property. I think they can do what they call moonlighting so it shines down so it doesn't shine outwards. Our number one priority when we talked to them was making sure I communicated with the Chief who communicated that it's safe for his patrols to patrol the building but also we do not want to have any impact on the neighborhood. We hear that loud and clear and that will be our number one priority around any of our lighting.

MILLIAS: Excellent. As long as you can get close to what was depicted to what was in those images, that would be ideal. That looks well contained.

ANDREWS: I think they would be able to provide us with a plan that shows how many looms there are at the property line and so forth. Pretty typical plan that they should be able to come up with.

MILLIAS: Yeah certainly. Especially with that graphic they have, I'm sure that they have that.

WALLS: We'll get that information from the electrical engineer firm.

MILLIAS: As depicted it doesn't leave the site which is what we'd like.

TROUP: To answer the question on Amory, page 65-67 of our packets is from Amory. (Troup reads letter dated May 17, 2021 from Amory). If we have any questions, please give him a call. So it was everything we just went over with Joe. Joe can I clarify this with you that you wrote this response on May 13th?

WEBBY: Yes. I submitted my response as well as revised plans to Jo-Anne I believe on the 13th.

TROUP: Okay, perfect. This is our response pages 65-67.

MILLIAS: Thank you for finding that.

TROUP: You're welcome.

MILLIAS: Any more questions on the Amory review? (No response.) Okay.

TROUP: I think the only thing that was in there was that we did determine that the tight tank was installed and that it should be brought up to grade.

MILLIAS: Alright, well it sounds like they are willing to do all those improvements.

TROUP: Should we attach this as the conditions that we may or may not agree to?

MILLIAS: I think they'll all be addressed on the plan already, so...

TROUP: It looks like they are.

ANDREWS: Everybody got a copy of the plan?

BRAILLARD: Could I just ask Joe Webby, could you just confirm for the Board that all of the concerns in the report have been addressed on these updated plans?

WEBBY: Yes, I can attest to that, yes.

BRAILLARD: Thank you.

ANDREWS: Joe, on your new plan that you submitted, the parking spaces are designated as the proper size?

WEBBY: Yes they are, they're all 10 x 20s.

TROUP: Every single one of them?

WEBBY: Except for the handicap, handicap are a little bit bigger.

TROUP: Oh wow, that's amazing.

WEBBY: On sheet 3 we have a parking space detail that's right on the plan so there should be no questions.

MERRY: You made all parking spots bigger, how'd you add to them if you made them all bigger? You'd think there would be less spaces.

WEBBY: We have one less than we had when we had our original submittal. There might be two. There's one less in there, the north parking spaces, up there, and I believe there's one less on the left-hand side from what's existing right now.

MERRY: Okay, right.

TROUP: Good job.

MERRY: I'm just curious of something, Joe. The catch basin and the drainage basin, what does that go to?

WEBBY: Basically we believe it's just a leeching catch basin that existed prior to any development. We think it was done when Morgan owned this piece of property also.

MERRY: Was that just an overflow for the drainage basin?

WEBBY: Yeah, it was existing at the time and we had that scoped out and camera'd. It was just a basin.

MERRY: I was just curious, I see it there and it doesn't show it going anywhere.

WEBBY: It doesn't go anywhere it just leeches very quickly.

MERRY: Oh yeah.

MILLIAS: Just for clarification. This is directed to one of the members. The most current copy that we have are pages 45, 46 and 47? Or 44, 45 and 46? As far as the—in our packet, the copies that we have, is that pages 44, 45 and 46? Is that the newest one?

TROUP: We have the large plans in our envelopes that we got today, or yesterday at the Town Hall. I can try and PDF them and email them to you, want me to do that?

MILLIAS: Yeah, that'd be cool.

TROUP: I'll do it.

WEBBY: Mr. Chairman the latest revision date on our plans is 5/12/21.

ANDREWS: Mark, I don't believe those (pages) are.

TROUP: I'm getting them for you right here. Just taking me a minute.

WEBBY: Mark, I have all those in a PDF right now if you'd like me to email them to you. Or anybody.

MILLIAS: Yeah, certainly if you could.

WEBBY: Just give me an email. Okay, who would like them?

MILLIAS: Just send them right to my name MarkMillias@aol.com

WEBBY: Okay you should have them. Oh, it came back, I did something wrong.

ELLIOT: Mark do you want to just put your email address in the chat so Gordon can just copy and paste it? Probably the most efficient way to work through this while everyone is patiently waiting. Although I don't know if Mr. Braillard gets paid by the hour so I'm sure he'd appreciate us taking our sweet time. (Laughter)

WALL: Thanks for giving away my money. (Laughter)

ELLIOT: It doesn't seem like in our actual packets that the new site plan with the diagonal parking spaces because on page 46 it still has the perpendicular ones, or the parallel ones not the diagonal ones but on our actual sheets it's different. It's the actual up-to-date one that we've already discussed and pretty much pushed through.

MILLIAS: That makes sense because what I was looking at didn't reflect the changes.

ELLIOT: The big 4-foot site plan sheets do have that up to date...that match the...on the...

MILLIAS: Reflects the images that we were talking about earlier.

WALL: I think Jo-Anne has copies of it too, I sent her information also along with Mr. Webby. I sent it to her on...I will have to look but I can follow up with her if you didn't get that package.

MILLIAS: It's partly just because I haven't made it into the Town Hall in a while and with everything being on Zoom it's a little difficult.

TROUP: You should have it now, Mark.

MILLIAS: Got it, thank you.

WALL: Mr. Chairman, the other thing we worked with Mr. Webby on based on the feedback from the Board and the citizens is that we eliminated the corner parking spot that they felt would back up into the traffic on the right side so that spot's been eliminated. The Board had said maybe it could be employee parking, but we felt like, let's just eliminate it and get rid of that concern so we eliminated that corner spot.

MILLIAS: Okay. Now I do have the plan in front of me that reflects all the changes and is what we were looking at earlier. As far as that front landscaped area I don't see any note as far as what's planned in there. I assume that you're gonna keep whatever's in there incredibly low. Obviously would hate to see any sort of growth that comes up high or impedes any sorta site. I know the site distance is far but I don't see any notes on what was proposed there.

TROUP: Great point.

MILLIAS: Any ideas on what was proposed there?

WALL: In the front we were doing—we talked to several landscaping firms from Greenscape firms, all local to the area to do low-maintenance there. So in the front we were thinking of some combination of stone and mulch with some type of ground vegetation. On the Circuit St side....we would bring in all fresh loam because it doesn't look like it was loamed to grade so it would get all reloaded. On the Circuit St side we were in feedback from residents was to put some type of natural border there, I think Brendan has the names of the trees.

MILLIAS: As long as we're in agreement that there are gonna be some lower bushes, hopefully no trees, something to take into consideration.

ELLIOT: On the Circuit St side, Brendan might be able to speak more to it if he knows the names of them, but if you put some of those 10-15 foot arborvitaes around the backside of it it's gonna certainly shade the light and any kind of exposure that the neighboring residents are gonna have to the actual building.

MCKEE: Forgive me I don't know the specific name of the trees. We have a list of the trees provided to us by the landscape architect. I can certainly share those with you but the intention is to create a natural border that's aesthetically pleasing to the neighborhood and it improves the visuals of the facility as well.

MILLIAS: I don't see any mention of a sign. I don't believe there's anything out there now. I don't see anything proposed, especially outside of the building. Are you planning on proposing one?

BRAILLARD: Speaking to the signage for Flower & Soul?

MILLIAS: No signs out by the road? You're not proposing anything?

WALL: We thought that that would be...that the Town had a separate process to apply for the sign and that's why we didn't include it. It would be...there's no power there, so I can't imagine, I'm not a sign person, that it could be needed unless there's a way to do it by battery. We would be looking to put a sign on the front of the building and if it would fit and wouldn't be detrimental to, based with Corinne's advice from a line of sight for traffic going out we'd obviously like to have one on the street so people coming down would see it and you wouldn't get a last minute "oh, I went by it," trying to stop so we would love to have a sign there but we just thought that reading the Town's process that it was a separate...

MILLIAS: It is quite a process, it's part of the reason I was bringing it up. I'm glad that you're aware of it because we've had issues as far as there's a lot of verbiage in our signage. I'm not saying you have to have it on this plan but I'm glad you at least are aware of it and we do have quite a lot to read up on that.

BRAILLARD: Thank you Mr. Chair for bringing that to our attention, too. We've looked at it a little bit and we're certainly going to conform to the requirements and the Bylaws if our proposed sign requires any additional relief before this Board or any other relief we'd certainly go before those Boards to get that, but our intent right now is to conform to those requirements to get the building permit obviously to go forward with that.

MILLIAS: I think you're taking a good route.

ANDREWS: The only thing is, if you're going to propose it, then it needs to be put it on the site plan so it would have to be put it on later. If you had an idea that you were gonna do it now it would be a great time to do it and it would be on there. And the same with the landscaping. If you've got the trees, I think it would be great to get that on the site plan so that everything is wrapped up.

MILLIAS: Yeah actually, especially if you already have that information available.

BRAILLARD: Just for clarification. So the Board would suggest that we put the landscaping and signage on the site plan prior to making a decision or would you prefer we provide those as part of the plans that we would file with the building department for the building permit.

ANDREWS: Personally I would like to see the landscaping plan on there so if there's concern with the neighbors about where the plantings are or whatever, that can be taken care of. It would be rather difficult to do anything if it ends up after we approve the site plan.

MILLIAS: It certainly would help and if you plan on providing any sort of coverage it would definitely help to know now and if you already have the information for what's planned on that landscaped area it would certainly be better off to have it now than to have

an issue later on when it doesn't go with what you're looking for at the end. We don't want to give an approval and your idea is actually different.

TROUP: 167-13 deals with signs if you need a copy of it, I'm sure we could get that to you.

BRAILLARD: Oh sure, yes, I, thank you. I believe I have a copy. With respect to signs, I'm not sure if Brian knows more than I do, I don't know if we have our exact scheme or renderings of the signs yet but I think we can certainly revise these plans, and Brian jump in here if you don't think so, but revise these plans to show what we're proposing for a landscape scheme.

ELLIOT: I think in regards to the landscaping piece, I think that for any of the abutters or residents that may have last ditch concerns about being able to sign off on this it's gonna feel good for the residents to be at least to be able to see in writing, in a plan exactly what to expect moving forward. And I think they have every right but I think that that's our responsibility, so... (Microphone unmuted for Joe Webby, talking in Webby's office.)

ELLIOT: Joe, you're unmuted. He's telling you where all the money is behind the wall. (Laughter)

WEBBY: I think if Brian supplies us with the landscaping plan that he has and just get it to us we can just make that part of our plans. Yes, that's the easiest.

MILLIAS: Excellent.

ANDREWS: And I would suggest that if you have an idea of the location of the sign even if you put the location on there, then it's located, we can take a look that it's far enough back, it doesn't interfere with site and then you'd be looking at just a design and you'd be able to move ahead.

WEBBY: Certainly.

ANDREWS: Other than those items, I don't really see an issue.

MILLIAS: I agree. I think that the plan shows all the changes. I have no more questions. Any other Board members? Questions or comments? (No response). Alright. As far as moving forward, I believe we still have time. I'm not sure how many days it is.

ANDREWS: I think the time runs out on this on the 23rd. I think you'd need an extension to our next meeting.

MILLIAS: Request? Okay.

ANDREWS: I would say the Monday after so we can get our decision in.

TROUP: So we'll need an extension 'til June 7th.

MILLIAS: At this time, the Board recommends the changes for the detail and the landscape and the possible position of the sign. We're also requesting to extend the meeting until June 7th.

TROUP: The meeting would be on June 3rd. And then we'll have the extension so we can have signatures to June 7th.

ANDREWS: And also the lighting plan.

MILLIAS: The Board would be looking for details on the landscape, the sign and the lighting plan.

ANDREWS: Would that be acceptable to the applicant?

MILLIAS: And we are requesting of you an extension.

BRAILLARD: All those are acceptable, Brian I just want to confirm with you that's okay.

WALL: Yup. We're fine with it.

MILLIAS: Thank you, we'll extend that to June 7th.

TROUP: I'll see if I can find that document to send them.

MILLIAS: We'll be putting you on the agenda for June 3rd. We'll go again at 7:40pm if that works well for all parties?

ANDREWS: Will we be putting the special permit back on as well to finalize that?

TROUP: And that's still within the time, right? Because we just opened that tonight.

ANDREWS: For the special permit, it is, yes.

TROUP: Okay, just making sure.

ELLIOT: Mark I don't know if you can see the people but Chris Winiewicz has his hand up.

MILLIAS: Chris?

WINIEWICZ: Hey, Mark.

MILLIAS: We're not actually in the public hearing but if you do have something, I'll give you the floor.

WINIEWICZ: Isn't this a continuation of the last public hearing on the site plan?

MILLIAS: We've actually closed the public hearing, we're now in the regular site plan review.

WINIEWICZ: Okay. Could I still make one comment? I know we've covered the other issues but as far as the plantings, but as an abutter I'd like to see something on the southeastern corner because I can see the whole building from there. And I think the other neighbor that would be on the southwestern corner of Circuit St has a direct view of the building so I didn't know if they could—

MILLIAS: Okay.

ANDREWS: What's the elevation distance from Chris' house down to the building?

MILLIAS: I would say its significantly uphill. I'm not sure.

WINIEWICZ: Cypresses, when they mature, can get pretty tall, I don't know if they can put them there and then they would eventually just at least block the parking area and the back of the building.

WALL: Cause I'd have to ask Webby on what's allowed because your house Chris is behind Morgan Power, is that right?

WINIEWICZ: Yes, correct. I can't see Morgan at all because they're below the hill. Your building I can see in full view, lights, everything, parking.

WALL: I'll talk with Joe and where you would want a tree might actually be Morgan's property.

MILLIAS: Oh yeah, I see. You're not actually a direct abutter. But you understand his request, correct? So that's something you could go over with Joe and we could take a look at whatever the plan that's proposed.

WALL: Yeah, we want to work with the neighborhood and Chris. We want to be a good neighbor with him so I heard him loud and clear so let us have Joe Webby help me with that and we'll hopefully come back with something that's allowed.

TROUP: That's awesome, thank you.

WINIEWICZ: I would say if you would want to contact me, maybe you could walk under my property just to see what it looks like cause you can't really see it from the street, what I see. I don't know if that's something you'd contact later.

ANDREWS: Is there anything at your property line, Chris?

WINIEWICZ: As of...?

ANDREWS: Trees?

WINIEWICZ: No cause it drops downhill and you see it right to that place.

WALL: Cause I'd be happy to meet you if you wanna email me at the email there, that's on this presentation and we can set up a time. I'd be happy to come out next week and I can spend some time with you.

WINIEWICZ: I think that would be the only way you'd see what I'm seeing because when you drive in front of the street, because my house is set up high, you don't see that view so just maybe you'll get a clearer view of what I'm seeing. But we can set that up outside this meeting.

WALL: Okay.

MILLIAS: Excellent.

TROUP: I sent the Letter of Mutual Agreement to Brian Wall and cc'd Jo-Anne Snow to let her know that we're extending from May 23rd to June 7th and that he'll be on the agenda for 7:35pm.

MILLIAS: Sweet. Thank you.

TROUP: You bet.

MILLIAS: Any other questions or comments at this time? (No response.) Alright, I think everyone has got some direction and I think we will commence again on the 3rd.

WALL: Mr. Chairman just one last question for clarification. The special permit will also be on the 3rd?

MILLIAS: Yes.

WALL: Okay, thank you Mr. Chairman.

BRAILLARD: Mr. Chairman, sorry, this is Adam Brailard. Just more clarification on that. The special permit hearing is closed right, so that's for the decision?

MILLIAS: Excuse me?

TROUP: That would be for the decision.

MILLIAS: Um, yes. I believe we will be making the decision.

BRAILLARD: Okay, thank you. We very much appreciate the Board's time, I know this has been a long one but there's a lot of information so we understand and appreciate everyone taking the time to look at it.

MILLIAS: Thank you. It really helps, a lot of what we have to do is make sure that the site is appropriate for the use so when the proposal is for a new use or a use that's newer to us it helps to have the feedback for us to understand what the requirements of the site are so we can understand the type of process, so thank you.

Discussion

49 & 63 Carver Street – status on Fire Chief's 3/25/21 order to Gary Villiard/Villiard Tree Service that all storage of existing material (forestry products) be removed within 30 days

The Board agrees that no action is required since the Fire Chief is working with them and will let the Board know if there's any concerns.

Franklin Street Solar Array – waiting for As-Built with corrections from CS Energy, Ashlesh Kurahatti

Board reviews as-built plan. Board will add to next agenda/continue to next meeting as Andrews would like to take a look at the plan in office.

Pasture Lane – status

Andrews spoke to Mr. Parquette this week and Parquette looking to come before the Board to do a presentation and hearing in the next week, hopefully.

Subdivision Control Regulations Chapter 235-6C – ANR time frame

Board would like this added to the next agenda for discussion. Andrews would like to talk about other parts of 235 as well such as clarifying the language on radius of subdivisions.

Cled's Tree Service – 450 Industrial Drive – Compliance Update

Board agrees that there is no update and no action to take. Winiewicz asks Millias process on how to discuss Cled's. Andrews recuses himself. Millias informs Winiewicz that they are not the enforcement but asks Winiewicz if he feels his issue is a violation of the site plan. Winiewicz states that his issue is about the relocation of equipment that was previously discussed and agreed on with the Planning Board and Cled. Millias recommends Winiewicz speak to the Zoning Enforcement Officer and if he needs to come back to Planning Board he can. Andrews returns.

Meeting Time and Location

Board decides to hold last Zoom meeting on June 3, 2021 to complete the Flower & Soul meetings and hold in-person meetings starting June 17, 2021.

MOTION to hold Planning Board meetings live and in person at the Town Hall, exact room TBD on June 17, 2021 at 7:00pm: Troup
SECOND: Merry
All in favor

Correspondence

The Board reviews mail items.

Other Business

Reorganization of the Planning Board Members

Millias recommends Andrews for Chairman, himself for Vice Chairman and Millias recommends Troup for Clerk.

MOTION to recommend Gordon R. Andrews for Chairman, Mark Millias for Vice Chairman and Amy Troup for Clerk: Merry
SECOND: None.
Motion Denied.

MOTION to recommend Gordon R. Andrews for Chairman: Merry
SECOND: Troup
All in favor

MOTION to make Mark Millias Vice Chairman: Merry
SECOND: Millias
Denied: 2-3-0

MOTION to make Amy Troup Vice Chairman: Elliot
SECOND: Andrews
Passes 3-2-0

MOTION to make Mark Millias Clerk: Troup
Millias Declines.
Motion Denied.

MOTION to make Brendon Elliot Clerk: Merry
SECOND: Andrews
All in favor

Sexual Harassment Policy 2021 – Signatures

Remaining members will come into the office to sign.

ZBA Comprehensive Permit "Country Club Estates" 40B Project

Board states this was continued to later in the summer due to Mr. Peck's passing.

Andrews adds that 649 Monponsett Street is the last item in meeting packet. Millias states that this was not on the list (agenda). Andrews clarifies that the location is Twin Lakes Liquors and recuses himself. Phone complaint received regarding lights. Board

discusses complaint and possibility of requiring a site plan review for this location. Discussion of a rumor of Green Earth Dispensary having interest in this location.

Adjourn:

MOTION to adjourn: Troup
SECOND: Andrews
All in favor

Respectfully submitted,

Date Submitted: 7/15/21

Gordon R. Andrews, Chairman

