



Halifax Planning Board Meeting Minutes May 6, 2021

A meeting of the Halifax Planning Board was held on Thursday, May 6, 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 6, 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.

Roll Call of Members Present: Chairman Alan Dias, Clerk Rick Merry, Members Gordon R. Andrews and Amy Troup. Vice Chairman Mark Millias is absent.

Chairman opens the meeting at 7:00pm and reads statement pursuant to MA Governor Baker's Order 3/12/2020 suspending certain provisions of the Open Meeting Law Ch 30A Section 18 due to Zoom Meeting protocol. Chairman takes a roll call of all members present.

Bills

Amazon Business – Office Supplies – Invoice #146H-46FQ-3LHN = \$59.99
PH Express – Advertisement – Flower & Soul SP – Invoice #12450 = \$84.00
PH Express – Advertisement – Flower & Soul SPR – Invoice #12406 = \$84.00

MOTION to pay Invoice #146H-46FQ-3LHN to Amazon Business for \$59.99: Troup

SECOND: Andrews

Roll Call: Troup – Yes; Andrews – Yes; Merry – Yes; Dias – Yes

Passes 4-0-0

MOTION to pay Invoice #12450 to PH Express for \$84.00 Flower & Soul Special Permit advertisement: Troup

SECOND: Andrews

Roll Call: Troup – Yes; Andrews – Yes; Merry – Yes; Dias – Yes

Passes 4-0-0

MOTION to pay Invoice #12406 to PH Express for \$84.00 Flower & Soul Site Plan Review advertisement: Troup

SECOND: Andrews

Roll Call: Troup – Yes; Andrews – Yes; Merry – Yes; Dias – Yes

Passes 4-0-0

Appointments/ Hearings

7:05pm – Hearing - Flower & Soul Inc. / Brian Wall – 894 Plymouth St – Site Plan Review for Marijuana Establishment & Dispensary (Filed: 4/8/21, 45 Days: 5/23/21)

Brian Wall (applicant) and Attorney Adam Brailard (Prince Lobel Tye Law Firm, representing applicant) are present.

MOTION to open the public hearing for 894 Plymouth Street Flower & Soul Site Plan Review for Marijuana Establishment Dispensary: Troup (reads full Public Hearing Notice into record)

SECOND: Andrews

Roll Call: Andrews – Yes; Troup – Yes; Merry – Yes; Dias – Yes

Passes 4-0-0

Wall informs the Board that Attorney Brailard will present the project. Brailard introduces himself and the members of Flower & Soul (Brian Wall, Founder and CEO and Brendan McKee, Partner and Consultant) by sharing his screen to show PowerPoint presentation.

Brillard introduces Jessie Moberg (Cofini Architectural Collaborative) providing with engineering project management services, Joe Webby (Webby Engineering) providing land surveying services and Al Carrier, independent consultant providing project management and construction services.

BRAILLARD: Flower & Soul is proposing to develop an adult-use retail marijuana retail establishment within the existing building located at 894 Plymouth Street in Halifax within the commercial business zoning district. The property on which the establishment is located meets all zoning setbacks, density and use requirements as set forth in the bylaws, as amended. The proposed establishment and the property meet all requirements set forth in 935 CMR 500; 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 upon the execution of the HCA. This is a shot of the existing site plan. We are proposing to install within an existing 3,400 square foot building located on an almost 60,000 s/f parcel located off Plymouth St. The applicant proposes to occupy 1,700 s/f of the building within two currently vacant units located in the center of the building. Will get into footprint in a bit. The current parking scheme is that there are 26 existing parking spaces with two existing handicap parking spaces. The applicant proposes no changes to the footprint of the building, proposes to widen the entrance driveway of the entranceway from Plymouth St on to the property to provide for right and left-turn lanes on to Plymouth St. The applicant add proposes to add 7 parking spaces for a total of 33 parking spaces which two of those would be for handicap spaces. The applicant also proposes to increase lighting and surveillance cameras inside—on the interior and exterior of the building for security purposes. Going to the next slide, this shows or tries to depict the parking and what the tenant parking allocations are planned to be. So this shows the 33 parking spaces...these are the new parking spaces here and along the back or southern portion of the property. So these would be the increased parking spaces here, total of 33. The building is 3,400 s/f, uh, there's currently 26 parking spaces on there, the applicant proposes to increase the parking spaces to 33. The applicant proposes to take 21 of those parking spaces not including the handicap spots, so, um the, under the, pursuant to the Zoning bylaw under section 167-14.F which is the off-street parking regulations...since the, since at least 40% of the parcel is left as green space, the one parking space is required for every 175 s/f of retail space so Flower & Soul is proposing 1,700 s/f of retail space so the math suggests that that requires between 9 and 10 so rounded up to 10 parking spaces. Consequently, with having 21 parking spaces, we feel that the establishment has over twice the amount of parking spaces required...allowed to it and, uh, over twice the amount required in the Bylaw. (Reviewing Proposed Floor Plan) This is just a, uh, jot of a footprint of the building. The top is a little backwards but the top of the picture is the back of the building, the bottom is the front. If you can try to make out the whiter area are the two units in the middle of the building, um, that the applicant proposes to develop which are currently vacant. The applicant proposes that only one section of this...total of 1,700 s/f, so only 750 s/f will be for actual access for or from the public, um, so they would enter into this door and do their retail shopping and enter out of that door. The other half of the, um, establishment would be for the vaults and uh, the storage as well as offices and for the employees, employee bathrooms. So in terms of traffic, what we did, what Flower & Soul did was look at a couple of different data points. We first looked at the Mass Department of Transportation data that shows that there's approximately 12,410 vehicle trips per day on average along route 106 in that area. Basically, that's data taken over the course of the year and divided by 65 and that's how they come out with that number, so it's an average daily number. The second report we looked at was the 2019 Old Colony Planning Council report...sorry, route 106 Corridor Study and that study based its analysis off the time of day from 9am to 8pm. That study found that ether were approximately 8,862 vehicles passing along 106 on any given day. So the discrepancy between over 12,000 and 8,862 is because of the time of day. The Mass DOT's a 24-hour day and the Old Colony study is from 9am to 8pm. So nevertheless, we took the Old Colony study when we were doing our analysis, uh, Flower & Soul expects an estimated 240 vehicle trips per day to its establishment. So, you take the 8,862 and, on any given time of day, we expect the traffic to increase by only 2.3% to 3% of the average vehicles. So, we feel, based on that date, there will be very little impact to the traffic along Route 106, Plymouth Road. Okay, there are a few more slides. Nevertheless, we want to make sure we can mitigate traffic as best as feasible so Flower & Soul will take preventative measures to reduce any potential traffic impacts. Um, by scheduling customer visits, by encouraging customers to place online orders ahead of time before visiting the establishment, offer curbside pickup, and we will certainly work with the Town and the neighborhood in the event that there are concerns with traffic generation. In terms of Fire Mitigation, I know that Flower & Soul has worked with the Halifax Fire Chief to ensure that we have an intricate Fire Prevention program and mitigation system so there are existing horns and strobes on site that we'll be optimizing and we'll certainly conform to all existing codes and regulations and certainly, um, we will continue to work with the Fire Department on those measures as well as any required or additionally required fire extinguishers. We've also agreed with the Fire Department to provide a knot box in the event that the Fire Department and/or the Police Department will need to access the facility for emergency purposes. Also, during the process including finalizing their construction plans prior to filing building permit, we will work with the Fire Department to get their interests on how we're proposing the Fire mitigation. As far as Security Flower & Soul has developed sophisticated safety and secure measures to deter theft of marijuana and marijuana products to prevent unauthorized access into the establishment and unauthorized entrance into the areas containing marijuana and to ensure safety of its employees, consumers, customers and the community. It is Flower & Soul's intent to provide a safe environment for safe and discreet dispensing of marijuana and marijuana products. By doing so, the applicant will have employees stationed at the entrance to the establishment to monitor and ensure compliance with the site regulations. We have a comprehensive ID verification system which requires ID checks at least twice during the customer's retail experience. There's gonna be 24/7 video surveillance of exterior and interior of marijuana establishment. All

marijuana products within the establishment will be secured in a vault during and outside of operational hours. There will be panic buttons at the reception and POS stations. (Shows photos of camera and light locations on building.) Two lights in the front, two in the back and one on each side. We are working with the Town, Fire and Police Departments to conform to their concerns with respect to lighting and security and also with the Cameras Control Commission. That concludes our presentation, but we are certainly here to address questions that the Board may have.

DIAS: Did you plan on having an engineer go over the plan itself or is there any more information you want to give to the Board regarding the inside of the facility?

BRAILLARD: We can certainly have one of our engineers walk through the site plan, floor plan, whatever pleases the Board.

DIAS: I think I would like, unless some of the Board members don't agree, we probably would like a little presentation on the site itself. We did have our review engineer review the plan and that does need to be...some adjustments need to be made so probably a little quick presentation...um...from your engineer as to the entranceway, additional parking. He can also refer to the May 5th Amory report if he wants to on the comments relative to the parking areas and drainage and those items.

WEBBY: Joe Webby, Webby Engineering, if I may?

DIAS: Yes, go ahead.

WEBBY: Yes, this is a building that was constructed, and all the infrastructure was put in several years ago and so the drainage and the parking and the septic system and the utilities are all in place right now. Currently there are two tenants, one on either end of the building. What Flower & Soul would like to do is a couple of items to the site plan. One of them is to create an additional lane at Plymouth St so they can have a right-hand turn and then maybe the people making a left-hand turn out of there don't...we don't get backup queue inside the property and then one lane coming inside. We would like to add another lane to the west side of the existing entrance. Also, I believe we're adding an additional 9 parking spaces. We're going to try to get some parallel park—excuse me—angle parking behind the building for employees that would gain us a couple more spaces. We are in possession of the Amory May 5th review letter. Other than a few punch list items—I can go over each item with the Board if they'd like, but the only additional thing that the Amory is suggesting is maybe a guardrail on the east side of the building where the parking lot abuts the drainage easement. I'm gonna leave that up to the landlord and Flower & Soul, how they want to handle that. But other than that, there's some punch list things that have to be done but there's nothing else that's gonna be done to the site itself other than the slip lanes and the additional parking.

DIAS: If I may, just to point out for the members of the public and the audience that the punch list comments were parking spaces around the perimeter of the lot, the number of parking spaces listed, there was some concern about a loading area, some additional lighting, potentially, is going to be required. We'll discuss that further. Proposed squaring off of the corner of the parking lot. And the other items are septic tank covers, operation and maintenance schedule which will need to be provided. And it appears that the tight tanks on site is not visible. Some of those items are more landlord-related but we will need some assurance that these items will need to be corrected. As far as the guardrail, I guess that will be a decision that the Board can discuss further on. Mr. Wall, is there anything else that you'd like to present to the Board before I go to question and answer?

WALL: Mr. Chairman, no. Just that we're here to work with the Board and the neighborhood as the Chief wants more lighting, we're gonna make sure that it's lighting angling in the right way. We're looking to be a good neighbor in all ways of making the building more aesthetically pleasing and working with everyone. Just want to reemphasize that we're here to work with everyone on this project.

DIAS: If you're done with your presentation what I'm gonna do is first, we'll poll the members of the Board to see if they have any questions, comments or concerns. Gordon, you're up top so I'm gonna start with you.

ANDREWS: So you're proposing to widen the entrance out and then all of the parking that you're looking to increase by is already on pavement that's already there, is that correct?

WEBBY: No, Mr. Chairman, we will be adding some pavement in the corners.

ANDREWS: Just in the corners?

WEBBY: Yes.

ANDREWS: Okay. So as far as the drainage goes, we're really not gonna impact that by much?

WEBBY: No. It would be very small, very slight.

ANDREWS: The layout of the parking as we have it right now is pretty much going to stay the same thing but just add those few spaces, correct?

WEBBY: That's correct.

ANDREWS: I don't have anything else right now, Alan.

DIAS: I'll go over to Amy and then check back. Amy do you have any questions or concerns?

TROUP: I had the same questions, however on the parking that is in the back where the loading area is, does that provide enough area to go through when you add those parking spots?

DIAS: Amy, just so we get it right. You're on page 30 of our...you're looking at that plan, page 30?

TROUP: I'm kinda going back and forth between and comparing between page 20 and page 30.

DIAS: So which one do you want us to look at, 20 or 30?

TROUP: Either one has the parking added in the back so I was just...when we add the parking is there still enough area to go behind the building without it being tight? That's my question.

DIAS: I believe Pat Brennan commented on that in his review and he did in fact question whether or not the loading area would be sufficient. I don't want to assume, Mr. Wall, but your loading area is going to be in the rear of the building?

WALL: That would be the preferred area of the loading just so that it's outside of route 106, and the deliveries happen randomly per CCCG guidelines and they're delivered in a Ford transit van, so just a small van. They're not in FedEx delivery trucks, it's really minimal vans. We would have the van drive up, can use one of our spots, you know what I mean? If we add additional spots we can designate a spot as delivery so that there's a clear path still, that the vans not prohibiting flow behind the building.

DIAS: So there wouldn't be any larger than...vans, wouldn't be any tractor trailers or very large...

WALL: No, no. I think most people are using Ford transits. There are some people that are even trying to go electric to smaller variables and stuff like that so...nothing bigger than a van.

DIAS: Amy does that answer your question? Or we can actually refer that back to Pat Brennan if you got any more concerns cause he had some concerns but I think if...I can't tell by this scale but it looks like there's about 16-20 feet between parking spaces and the building which would be more than adequate for a transit van but wouldn't be for a tractor trailer.

TROUP: I only have page 1 of the Amory report so I can't see any of the notes that Amory would have made. It says review and report on one revised documents and attached is the breakdown of actual tasks but I don't have the attached, only the letter.

ANDREWS: Alan, I believe we don't have it in the packet, is that correct? We got it in an email today, maybe?

DIAS: Jo-Anne you'll need to bail me out on this one.

MERRY: Yeah, it's on an email.

SECRETARY: That's correct, because the packets were out last night. So I just forwarded it.

DIAS: Do you want to double-check your email and I'll get back with you?

TROUP: That's what I'm doing right now.

DIAS: Jo-Anne, do you know when you sent that out? I got it as an attachment so there's nothing on it. But I believe this is one of two reports.

ANDREWS: I see one from Curtin but I don't see the other...did that come out today, too? Both of them?

DIAS: No, Curtin's came out on the 4th, Flower & Soul came out on the 5th. But I thought I saw two from Flower & Soul.

TROUP: I have it, it's Amory report um... the Amory report is attached to...but it's the letter, not any of his determinations.

BRENNAN: Mr. Chairman I am on the call, Pat Brennan, Amory Engineers.

ANDREWS: Alan, I think it came out today at 11:54am, maybe? Amy, it says 894 Plymouth Street.

DIAS: Pat, did you send two reports in or one?

BRENNAN: One for 894, I sent that one to you and Jo-Anne yesterday. I sent the one for 640 on Tuesday to you and Jo-Anne.

SECRETARY: I did send them and I also put them in the chat.

ANDREWS: So I think it's 11:54am today, Amy. If you're looking at the emails.

DIAS: Do you want to review that Amy and then I can see if there's more questions?

TROUP: Yes, please.

DIAS: Rick do you have any questions, comments or concerns?

MERRY: No, I got the email, looking at all the comments. It had comments about the loading area won't be unusable when there's cars parked there. That's showing 45-degree spaces, I don't see them. Looks like there are parallel parking spaces in the back. I don't know what he means by that.

DIAS: 45-degree might be what he proposed.

MERRY: What they're proposing? He said the parking space will be unavailable during loading but maybe he's figuring bigger trucks, transit vans don't take up a lot of room. That's what I'm seeing here.

DIAS: Pat, that would be item #3 on your report. It does say 45-degree parking spaces, you might just want to clarify that.

BRENNAN: Yeah, I can bring up the plan that I reviewed so that I can point to exactly what I was talking about with each comment.

TROUP: I have it now, okay.

BRENNAN (shares plan he reviewed on screen which is a little different from Attorney Brailard's): I'll go through my comments real quick. My first comment is related to the parking spaces. This project was originally approved in 2016. I wasn't involved in the review at that time so I'm not sure what kind of relief was granted to the site but these 8 spaces up here and 13 spaces over here and these 45-degree angle spaces in the back are only 9 feet wide. These three here and these three here are the only ones that comply with your Zoning Bylaw which requires 10-foot-wide spaces. That was my first comment. The allocation of the spaces listed in the building for each unit, there's 6 for unit 1 and unit 4 but only 5 showing for unit 4 right here and 5 showing for unit 1 right here. The rest of them are shown for Flower & Soul. The loading area is 16 feet wide from the building to the painted space markers, these are 20 feet in this direction. The way that the arrows in the pavement is marked, it's one way flow around the building. If there's a van out here loading, there's no way for the cars to get around the building. Traffic cannot get around that building, a van is only going to block a couple of spaces but the main concern is the flow around the building. You're not going to have that flow if the van is parked out here, especially if there's people in these spaces. I think Mr. Webby or Mr. Wall hit on additional lighting on the sides. The police chief asked for that as well. I agree, the pavement should be lit up at night. If the building's going to be open after dark, all of the pavement should be illuminated. My next comment was about topography, just to check the grades. The squaring off—this is where they're adding the pavement, Gordon, on this corner of the parking lot here--and this is where they're widening for the entrance. The issue over here is that there's a propane tank so there could be issues with that propane tank if they're squaring off the

pavement that much. Obviously they would have to put (inaudible) around that tank and I'm not sure what the laws are with burying propane tanks, that you have to pave over them. That's just an issue that they're going to have to address. The (inaudible) septic tank is in this area that covers about 2-3 inches below the existing asphalt and I was out there Wednesday afternoon after the rain and there was no water puddled in those septic tank covers so all that water is leaking into that tank so that septic system is getting more flow from rainfall than it should. Those covers should be raised to grade and potentially have water-tight covers put on them. I did review the drainage report by Webby Engineering and most of it was from original filing for their existing conditions scenarios so I did compare the existing conditions with proposed conditions as shown on this layout plan and the drainage system does work, it does mitigate flow so there wouldn't be any increase in run-off during any of the design storm events. But they kept on saying in their literature that this was a bio-retention basin and I wasn't involved back in 2016 so I'm not sure if that was supposed to be a bio-retention basin. But to me it just looks like a regular dry retention basin. Bio-retention basins have a compost type mix soil in there, and that looked to me to be typical loam and seed. I will say it works because the basin was completely dry after I was out there with the rain. I will get into another issue with that in a minute. Stormwater operation maintenance plan specifies mowing the basin twice a year. It looks like they've been keeping up with regular mowing when they mow the areas around it. I would just suggest it be mowed every time the lawn is mowed once the lawn is spruced up and made to look nicer. During my visit there was a big puddle over in this area here, a puddle out front, a few puddles around the building. That looked like finished pavement to me so in the winter months those puddles could become issues. I know that's a landlord problem and not Flower & Soul necessarily but I was asked to review the site plan so that's what I'm reporting on. So there could be icing issues in the winter with those puddles if they're not addressed. This tight tank down here, I did not see these covers for this tight tank, this tight tank is for floor drains in here and needs to be pumped out on a regular basis and if that tight tank is actually installed and the covers aren't to grade there's no way to pump it out so they need to address that. My last comment, which Mr. Webby mentioned, this is a drainage basin all along here. There's a change in grade from the parking lot to the bottom of the basin, about 4 feet. It's marginal, you do have a little bit of a shoulder here but you have one-way cars like this and could very easily drive right into that basin so I just recommend that they consider installing a guard rail around those areas so the cars don't drive into those areas. Those were my comments on the plans and I'm happy to answer any questions.

DIAS: The plans we have in our package are not these plans. The plan in my package show some parallel parking not 45-degree. That will have to be changed. I'm guessing, I'll refer back to Webby Engineering. This could have been the most recent plan that we haven't seen. Is this going to be the plan, Joe, that we are going to be working off of? And not the plan in our package?

WEBBY: Yes. Our most recent plan was dated 4/30/21.

DIAS: For some reason in our Flower & Soul package it is a different plan showing employee parallel parking and widening of the road, it shows the area of the proposed new parking but the parking is different. As Pat indicated, he's got some concerns with the 45-degree parking. Was this parking put in to get a few new spaces?

WEBBY: Yes it was. Those are all employee parking also, so if there was a delivery those spaces aren't active until the employees leave, or come and go.

DIAS: Gordon, based on the plan, do you see anything, any other questions that you might have or recommendations?

ANDREWS: The fact that Pat says the spaces are 9 x 20? 9 x 18?

BRENNAN: Some of the 45-degrees are 9 x 20, these are 9 x 19, I believe these could be 9 x 20 there's plenty of room, the curb's out here. But they're 9 feet wide.

ANDREWS: Not 10.

BRENNAN: Correct.

ANDREWS: And the number of spaces that we came up with is 6 for each of the end units based on...where did the figures come from for the number of spaces required, I guess is my question.

BRENNAN: My comment related to the spaces was strictly based on what was shown on this plan.

ANDREWS: Cause I come up with 5 spaces needed if you do the 175 for each—

BRENNAN: Yeah, I agree with that. I was just basing it on this. And this is the 4/30/21 plan that Webby was referring to. So this is the latest plan.

ANDREWS: And then you said you don't believe the drainage will need to be increased for the amount of pavement added?

BRENNAN: No, the calculations show even with the increase in pavement from what the predevelopment was prior to this project in 2016 vs what this is they're still reducing the (inaudible) volume of run-off.

ANDREWS: And like they've been saying there's the 45-degree spaces in the back really don't seem to work that well but, you know, I'm good with the questions. I think we run through it and go back and try to hammer stuff out.

DIAS: Amy, anything additional on this plan that has been submitted?

TROUP: I'll still stick with if there's not enough space between the building and those parking spots in the back and then the parking spots on the side that are created aren't to the bylaw is there another option that we can have enough spots for all existing businesses here at 894?

DIAS: Let me just say this, and this is strictly my opinion. This site plan is a modification. The original site plan was approved with 9 x 20 or 9 x 19 parking spaces. I don't know that they needed a special permit to construct the building through the ZBA, someone should have probably picked up on that. The fact that these are undersized is not an issue for this Board. I think that the new additional parking probably should meet our newer requirements unless the Board wants to waive that. The 45-degree stuff in the

back, I guess we gotta decide do we need parking or do we worry about 1 or 2 deliveries a day? How many deliveries are you getting in the course of a day? Or a week?

WALL: You'd get roughly one delivery a day, each day of the week depending on how many different manufacturers we partnered with.

DIAS: When these deliveries are made from a security standpoint, what happens?

WALL: Under CCC guidelines, there's 2 people required to be in the van at all times and that van is monitored from the time it leaves wherever rev clinics in Hopkinton to us, every 30 minutes someone communicates with that van to make sure that it's in route and we could allocate a spot if there were the 45-degrees or if the Board wants us to go back to the parallel spots we could designate for the delivery van and then one individual stays in the van and one individual would bring in a Tupperware box or toy bin so it's non-disclosed and you can't tell what's in the box. Two Flower & Soul employees would greet the delivery person and bring them into the facility and the door would be immediately shut and locked. Every door has a camera on it so everyone coming in and out of that would be under surveillance so that's the security measures outlined in the state regulations. We would obviously work with the Chief on any other processes or policies he'd want us to implement regarding delivery.

DIAS: So is it possible when getting a delivery, I don't know how many people you're going to have in the building, is it possible for someone to come out of the building to control traffic, I understand it would be for 5 or 10 minutes, once you get up and running? Initially, I don't know if the place is going to be stocked closed, if you get all your permits, I'm sure you're going to have to bring product in, I don't know if you're going to have a lot of traffic coming around then, but one of the concerns is that 16 feet isn't enough so it is possible that someone could keep an eye on traffic just during delivery times?

WALL: 100%. We could have the manager go out there and monitor the traffic and make sure it is either held up or, again working with the Chief whatever he wanted us to do it, whether it is rerouted. If he wanted us to have the delivery truck situated somewhere else on the corner of the property. We'd do whatever the Chief and the Board wanted us to do to ensure a smooth flow of traffic and a safe environment for product to move from the delivery truck into the vault.

DIAS: Amy, does that help you at all?

TROUP: Yeah, I'm okay with that. Hold on. So the parking spots that were on the original site plan weren't to the Halifax Bylaw or is the creation of the new lots making them not abide by the bylaw? Because on page 29, and I'm asking for clarification from Webby or Mr. Brennan, on page 29 of our packets before they add the paving to square off, if you will, the backside there, it looks like they might be, I don't know, I'm asking, were these parking spots on the original site plan created to our bylaw?

BRENNAN: The parking spaces there, and are there existing, are not in compliance with your current Bylaw, and I don't know if the Bylaw has changed since 2016 but you require 10-foot-wide spaces now and they're not 10 feet wide except for the ones in front of the building against the building.

TROUP: Thank you.

DIAS: Anything else, Amy?

TROUP: No, not at this time.

DIAS: I'll defer to you if you want to discuss anything else on the plan in front of us.

MERRY: I don't think there's anything more to discuss. I think Pat's covered everything on his comments. I had the same concern as everybody else the rear of that building is a little tight with the angled spaces but I suppose that's something they can deal with.

DIAS: I am gonna open it up to the public, I just want to address a couple of things. I made some initial comments when I first got the plan, sent them to Pat and Webby's office which was requesting some sort of a traffic count, employee parking, I would prefer to have designated parking spaces for each unit and then designated parking spaces for those customers that are coming in to buy especially when you have police officers coming through if there's a vehicle left overnight it would be important for that officer to know that #1 those two cars. I believe we can get that addressed. Having said that, I am going to, if I have no other questions from members of the Board...

TROUP: What year was the original site plan created?

DIAS: I think Pat said 2016 and that Bylaw has been in effect much longer than that.

TROUP: Okay, thank you. And when we are widening the entrance to create the other lane is there any issues with how wide any of those lanes will be?

BRENNAN: No, they're all proposed to be 12 feet wide which is more than adequate.

TROUP: Okay, thank you.

DIAS: If there's nothing else from any members of the Board I will take questions from any abutters first and any members of the audience. The only thing I do ask is that you raise your hand, or whatever you do, through Charlie, and please identify yourself, your name and address for the record.

SEELIG: Alan, the first person who has raised his hand is Chris Winiewicz. And just as a reminder, as Alan mentioned, name and address please.

WINIEWICZ: Hi Chairman Dias, this is Chris Winiewicz, 129 Circuit Street. I've got multiple questions, do you wanna do one-by-one or...

DIAS: I think we'd probably be better off one-by-one so we don't have to...these questions are relative to the site plan. This is a multiple stage process. The site plan strictly takes the existing conditions that are on the ground or if they are going to be building

something it's gotta comply with our general bylaws, you know, traffic flow, drainage, controlling traffic water, residential privacy, functionality so as long as we can keep those questions to that, I'm fine with that. We can address anything else after that.

WINIEWICZ: First question, you mentioned additional lighting. There's already a problem that the Board voted to have the building change the rear lighting cause it's shining on the houses which still hasn't happened. So I'm a little concerned that there will be additional lighting and where that will be facing.

DIAS: What I'm going to suggest to you Chris and I'm gonna reach out to the engineer on this, lighting was one of my concerns and I know there was some lighting on the buildings and I'm not sure that that lighting currently on the building can be directed more towards the paved area, but it appears to me, and I've gone by there in the dark, there should be some additional lighting beyond the parking areas that would shine directly on the building or hang down for lighting. Those are my thoughts. I'm going to reach out to whoever wants to answer that question, Webby or Mr. Wall.

WALL: Thank you Mr. Chairman. We got that feedback. We are in the process of hiring an engineering firm to do the lighting, to come back with a proposal of how we can meet the Chief's requirements for lighting and how we can not affect the neighborhood. One of the things I can do is reach out to Paul Reed and ask if he has deflectors on the rear lighting. I know on the Circuit Street side he did not and I had Mr. Reed add the deflectors to reduce the lighting. I'm happy to ask Mr. Reed if those are on the back lighting, if not, I can ask him to please add them on because I know he has them. But we are engaging with a firm to work with the Chief and the Board and also ensure that the neighborhood is not affected by any added lighting.

DIAS: I'm gonna ask Chris. Have those deflectors been added? You'd know first-hand.

WINIEWICZ: Only one. When the building was first built they added a deflector to the one facing Morgan's which kind of seemed useless since it wasn't facing any of the houses. But none of the other lights had a deflector and that's when we brought it up. Since then, I think within the last month, one of the neighbors said facing Circuit Street they put one up there, so that has a deflector but none of the rear lights have a deflector.

DIAS: Mr. Wall, I kinda suggest that on that lighting for the rear portion at least, I'm sure they're gonna be LEDs, that there be some soft lighting you might want to consider for that. But I think that what we'd do is when you get that report, we'll have Pat Brennan review that to make sure there's no additional impact on Circuit Street, Mr. Winiewicz. You have another question?

WINIEWICZ: My other question has to do with all these changes in parking plans. Now we've brought up, he has a lot of them, might not be the bylaw. I don't know if anyone has actually looked out back, it's pretty tight out there. I know another neighbor had mentioned, if you're looking at the plan, the very left bottom one, that they're going to add by adding more pavement? There almost seems no room like that parking space is functional cause if you tried to even back a truck or vehicle out you'd be hitting those angled ones or the plans we have they are straight across, there's no dimensions there. It all seems kind of tight, like they're trying to pack all these spaces in just so they can show a number that they have. My other concern is, do they have enough by the Bylaws for the other units that require 4-5 parking spots then additional for employees?

DIAS: I'm going to answer the first portion and then defer some to Pat Brennan. Based on Gordon's comments the amount of square footage for the end units require 10 spaces and I think they've provided the 10 spaces for that. Pat I'm gonna defer the turning radius and the reason being is that we have two sets of plans. I don't have the plan that was shown. Does there appear to be enough area for turning radius? You've got an existing catch basin, you've got that angle space...that triangular spot, is that going to be some sort of a curbing spot or is that gonna be an open spot? Pat you probably can't answer but maybe Webby can just to find out how much room you have to exit that lowest parking area.

WEBBY: Mr. Chairman I'm going to go grab a scale.

DIAS: Pat, does there appear to be enough room? I know that backing up you need somewhere around 18-20 feet.

BRENNAN: The spot Mr. Winiewicz was talking about I believe is this space here (using shared plan) and I can see his concern because with the one-way flow around the building someone backing out here is gonna have to back up a little bit further and go this way but there's the same space from the end of this space to this parking space as there is to the end of these spaces to the building. And it looks to be pretty close to 22-24 feet.

DIAS: So I think what you're saying is all the spaces are gonna be the same as far as coming in and out, they're all gonna be tough.

BRENNAN: Right.

DIAS: Does your plan show that triangle piece near the existing catch basin to be some sort of curbed area or open area and just marked?

BRENNAN: This here I assume is just going to continue to be Cape Cod berm that they have around the existing lot and then the additional three marked spaces.

DIAS: Do you see where the existing catch basin is? You got that triangular spot? Is that going to be open space with white lines or...it doesn't appear to be a curbed area cause it appears that the curbing continues on beyond that.

BRENNAN: I believe it's just gonna be a painted triangle and maybe striped.

DIAS: That would probably be the preference, am I correct? Painted and striped versus any angular granite or Cape Cod berm?

BRENNAN: Yeah especially for plowing maintenance that type of thing.

DIAS: Mr. Webby was going out to get a scaled ruler but I think Pat answered that question, I think. Chris you had a two-part question, what was the other part of it?

WINIEWICZ: Well actually Pat Brennan just brought up a good point. No matter how you do those angled spaces, when you back out of that this vehicle would have to go against the flow of traffic, I think he mentioned? And especially on the original plan that we saw

where they weren't angled right where that catch basin is, that would be the front bumper of another car, you would have to back out and angle and now you're going the wrong way.

DIAS: No, I don't see that. Are you looking at the plan on the screen?

WINIEWICZ: Yes.

DIAS: If you pulled in from 106 and came to the left of the building where the arrow is and if you pulled into that second parking space and you pulled in, you'd back out, you'd be going obviously against traffic, but that happens no matter where you park.

WINIEWICZ: No I'm talking about that bottom left-hand one in the shaded corner where they're adding the pavement. That's the one where he just said, too, that it might be kinda funny getting out of there not being in the right direction.

BRENNAN: What he's saying is, if you follow my mouse (shows maneuver with mouse on shared plan on screen). It's similar to this it's just that you're backing up a little further from this one than you are from this one.

DIAS: Pat, based on your experience is that inconsistent with engineering standards? I understand that's Chris's position and I don't know who has designated that place, that parking area, if that's going to be a Flower & Soul or if that's going to be a bay unit 1 or unit 4, that hasn't been determined. But based on your experience does that lower parking area seem to be a problem?

BRENNAN: I think it would be better if that was one of their employee spaces cause it wouldn't be constant people going in and out. I think it would really reduce the amount of traffic going in and out of that particular space. It's not ideal the way it's set up but it'll work. But like I said, if you make that an employee space it takes away a lot of Winiewicz's concern with how it operates.

DIAS: Can you please note that, Mr. Webby or Mr. Wall?

WEBBY: Yes.

DIAS: Chris, was there something else?

WINIEWICZ: The other thing is on the traffic, pulling in and out of here. The slides that I saw quickly it looks like they were cherry-picking the data out of the Old Colony Planning Council, the route 106 corridor study. The way they presented the figures was showing—(cut off)

DIAS: Chris, we lost you, if you can hear us. Can you hear us Chris?

WINIEWICZ: Yes.

DIAS: Why don't you start over again. You ended up with cherry-picking the data.

WINIEWICZ: The data they were talking about, they looked like they were showing like 200-something vehicles and that it's not gonna be a big increase in the traffic but I think they were just trying to mix that in to the east and west traffic.

DIAS: We lost part of you. Are you talking about the 240 customers per day?

WINIEWICZ: Yes. But what the traffic study talks a lot about in different paragraphs is coming from side streets. Like Pine Street or driveways where it's high-concerned in that area. And accidents. Let me read some of it. (Winiewicz reads portion of traffic study submitted by Flower & Soul.) This is going to be just like those streets that this talks about and there's other sections in here where you have driveways trying to enter onto those sections of 106 where there's no gaps in traffic and actually where this building is, it's even worse. In this study it shows there's a higher rate of average speed. So east and west is an LOS of an A because everywhere there it is unimpeded, you know cars going down 106, but now you're going to have this high volume of traffic coming out of this building just like at these intersections nearby, it looks like it's going to be a nightmare with traffic. And I think on their chart they showed about 8,000 vehicles a day? For this section of 106 where it shows west on 105 going to East Bridgewater it's showing almost 14,000 vehicles a day, in the Plymouth County report. So there seems to be a discrepancy there.

DIAS: Maybe I can just answer a portion of the discrepancy. There was some mention from the attorney that of these numbers were changed due to the fact that the count was a 24-hour count and they were using a 12-count. It's my impression that 106 has about a 12,000 car/day traffic count. But I think they used a 9 and a 8. I think that's what the attorney said. Somebody can correct me if I'm wrong.

WINIEWICZ: I just feel that they are leaving a lot of this bad stuff out of the report to make it seem like there's not gonna be much issue with the traffic when if you actually read the Plymouth County report it brings up a lot of these issues. Another neighbor next to me pointed out that unlike all the other sections nearby on 106 they have a no-passing lane. Right in front of this building there's almost a 50mph average speed with a passing lane and pulling out of Circuit Street next door sometimes you look left or right, you go to pull out and there's another car in the opposite lane that's passing cars on 106. So this seems like a real bad entrance area for this building to have a business like this. With that volume of cars coming in and out.

TROUP: Mr. Chairman?

DIAS: Yes?

TROUP: Is there a reason there's no listing of where 105 hits 106? Because that's always a wait, too and I'm just sayin, like, I didn't see the 106 at Carver St in these but when I heard Mr. Winiewicz say that, I started thinking well where is 105 where it hits 106? That causes a lot of traffic backup as well.

WINIEWICZ: I believe it is in the report somewhere, I just didn't highlight that one.

TROUP: Okay. I'm looking for it, that's all.

DIAS: I think 105 is at least 2 miles east.

TROUP: Okay well that's the reason it's not there then? That's kinda what I was wondering.

DIAS: Right, that's what I would guess.

TROUP: Okay.

DIAS: Chris? You wanna continue on? We duly note your concerns on the traffic.

WINIEWICZ: Yeah, that's my concerns. They have nothing in here on how to control that traffic when it all backs up, cars trying to pull out. The report says because there's no breaks and no lights anywhere nearby it's a continuous stream at high speed on 106 which forces drivers entering 106 to make hasty turns and dangerous turns and try to enter any open breaks that they can see on 106.

DIAS: I believe in my request on the traffic count was relative to what you're saying, Chris, and I think one of the responses were – and correct me if I'm wrong, Mr. Wall and attorney – you're going to have appointments, correct?

WALL: We're gonna have a combination of appointments, curbside and walk-up. So there will be multiple ways for people to come in. It won't be 100% appointment, it will be a combination of all those methods to come in and... at our peak time we think at most we'll have roughly, I think, something like 45 cars over an hour period. That 240 cars is divided over 12 hours so at no point are we gonna have 100 cars trying to come in and out over a short period of time. At some points during the day we think we might have 7 visitors. The number in total might sound large but when it's divided over 12 hours there is no period of time when we're expecting an overabundance of people. Mr. Chairman, off-key a minute, just letting you know Paul Reed will be putting those deflectors on this weekend and if they're not, will someone please reach out to me on that email but he just told me he will put them on this weekend.

DIAS: Just to address Chris' concerns on the traffic count and I understand...at 240 a day...what can we expect from your 10-5...and I don't expect that the morning traffic is going to be an issue, it's going to be that 10-5, and I think Chris is correct with people flying up and down there. What can people expect to have for numbers of cars coming into this place and exiting?

WALL: From 9-12 we estimated the average number of visitors will be roughly 47 between those time periods. Our biggest time will be between 12 and 4 when people are going out for lunch and they decide they're gonna swing by the dispensary for that night or the weekend where we estimated about 102 of the 240 cars and between 4 and 8 it will be about 91. That's how we broke it up in the 4-hour slots. If the Board requires we can get more granular, Mr. Chairman provided it but in our presentation tonight we summarized it in 4-hour blocks. At 11:00 we said 24 cars, same at 12pm. Between 4pm and 5pm we think 31 cars.

DIAS: Chris if you don't mind I want to ask you a question, you live there. What do you see for the peak traffic time? We can look at all the reports in the world, they use counters. You live there, you've been out there for a number of years.

WINIEWICZ: I don't know the exact hours but it would be the general commuting hours, you know morning and early evening, late afternoon. So 7pm, 8pm, 6pm and then 4pm on. One other thing, after what he just said, what I've noticed, I'm not sure where they're getting these numbers from but I've sat in front of some of the other ones and he says the peak would be before 4pm but that's when people are still at work. What I've seen at these other dispensaries is people coming home at the high commuter hour, you know on their way home from work so 4pm, 5pm. So right with the height of 106 would be people coming home cause you've seen all the traffic comes off route 24 through the 106 corridor all the way through. Then people will be pulling in here right at the height of coming home, when they're coming home from work. So I'm not sure where their hours are coming from for the heights of our traffic.

DIAS: Mr. Wall, I'm gonna ask you, I think probably your hours are just based on numbers. You're just taking the data you got from OCPC and you're just doing the numbers. Is this probably correct?

WALL: Our numbers come from other dispensary owners that we've gotten their data from their internal systems that we've said, over the last 6 or 12 months can you let us know where your sales volumes have...my consultant Brendan McKee, obviously has 2 dispensaries so we pulled data from him. That's how we came up with the allocation of our 240...site visits as looking at data from other dispensary owners. Every dispensary is gonna be different, right? Depending on where you're located, etc. But that's how we allocated our numbers was from other industry sources.

GENE: Provide that data for everyone to see. (Did not identify themselves.)

DIAS: Whoever Gene is, I'll give you the next opportunity. Just try not to break in. Chris, any other questions you might have?

WINIEWICZ: No, that's it for now. I just wanna point out I think there's a major concern with what this traffic could be with the site plan with the cars entering and leaving and they haven't really provided any detail on how that's gonna be curbed. Our concern is if anything backs up in front of the store, all around here will be turned into cut-through neighborhoods to by-pass traffic there. And one thing, when I discussed with the Police Chief, this location does not really compare to a lot of other ones around here because they're set back in way industrial parks where traffic gets filtered off the main roads when you get in there. This is a very different location where it's on a main, two-lane road with nowhere to go around it, no side roads except going through neighborhoods.

DIAS: Any other abutters want to be heard? Hearing none, are there any members of the public that want to be heard?

GENE: I'm an abutter, I just couldn't find a hand to raise. My name is Gene, 110 Circuit St.

DIAS: Your last name Gene?

GENE: Lazinsky. I wanna make sure everyone understands what Chris was saying. This neighborhood is going to see an increase in traffic because of people backing up and taking the short cut through Circuit St. The pot shop is saying that they have information based on other pot shops. I think that's kinda one-sided, I don't think that's official numbers, I guess is what I wanna say? I hope the Board doesn't really believe what they're saying because they all have the same interest. And the other thing I wanted to bring up, and if they say what, 45 cars in an hour and there's what is it, 10 parking spots for this place inside that tiny lot? 45 cars shuffling in and out of 10 parking spots? Is it 10 or 11?

DIAS: No, 10 is for the additional units. Bear with me, Joe could probably bail me out on this one, there was...how many total spots...you're creating 3 or 4, you're gonna minus the employee parking and how many spots are you gonna have for actual visitors?

GENE: That is based on the Town bylaws, right? Not the 9 feet that I think is drawn in the plan but increasing it what, to like the 10 feet? Don't they lose some spots?

DIAS: Yeah, I believe increasing it to 10 feet is not an option. This is a modification of a site plan. For some reason, whether they got a special permit for 9 feet or it was overlooked, I don't think the Planning Board has any obligation nor right to try to reconfigure that parking area. I just want to get an answer for you. What did we have for total spaces, Joe, relative to...

WEBBY: There is 35 total spaces on the plan dated 4/30/21. Six of those are designated as employee, I think Pat just added another one so that would be 7 and then 10 are dedicated to the other two units. So that's 25 spaces for Flower & Soul and 7 of those would be for employees. I don't know how many employees they have at one time.

DIAS: If they're looking for 6 employee spaces you can utilize one of those employees spaces...you can put an employee space where Pat had indicated is gonna be the tight turning area.

WEBBY: Yes.

DIAS: So you're still gonna have 6. So we're gonna have 25, is that what the number is?

WEBBY: 25 total, that's correct. For Flower & Soul.

GENE: So 25 - 7?

WEBBY: Minus 6.

GENE: Minus 6. So 19. And 45 cars pulling in and out in one hour, don't you think that's huge traffic in that tiny little parking lot? I yield the floor to Mr. Winiewicz.

WINIEWICZ: I believe when we did the community meeting, trying to find it now in the records, I brought up a figure where they were saying they brought up 7 people per 10-minute period and that came up to way more than 240 and they kinda admitted that it could be that amount of people but they think it might be down around 240. So they kinda admitted it could be a lot more people than what they're expecting. And what Gene was saying, 45 cars in a one hour, you get some more cars, you're almost starting to look at one car a minute pulling out onto 106 for all those other concerns I said. Because these other places, like they said, they'll bring it out, you know you order it, you pull in, your order's all ready, they get it, and out goes the car. Constant stream of cars in and out which will just add to all those other points that I said about the dangerous area of 106 there.

TROUP: Let's say that, cause we're not sure, right whether or not in 2015 I think the date was, that they got the site plan approved...we don't know if they had the right to make smaller parking spots but it was agreed upon but should we as the Planning Board allowing the increase of that without it being in compliance with our bylaw? That's where I think the question would have to lie because if we're adding, how many spaces, 7? Is that the total that we're adding? And there going to be still not to our bylaw and is that something we should be allowing them to do without complying where we have all of these really good concerns about traffic in the parking lot, never mind outside of it.

DIAS: I would probably agree that the newer parking spaces should be compliant. I think the older parking spaces were approved and I don't know how or when...Mr. Webby is the new spaces, because we don't have an actual plan, are new spaces compliant with uh...

WEBBY: I would have to check that, Alan. I honestly don't know.

BRENNAN: Mr. Chairman, the 45-degree angle spaces behind the building are compliant. The 3 they were adding to the corner are still 9 feet but it appears there's probably enough room to make those 3 10 feet wide so I think they could make the 9 additional compliant.

GENE: Who's to say that the existing spots are not out of compliance? You say you don't know. Just because somebody paints some white lines in a parking lot you're gonna say that must be okay because it's old? Where is the due diligence on what's there? Maybe right now it's illegal and we're just gonna overlook that?

TROUP: No. I think we should do our research.

DIAS: Just to answer your question, we have somewhat of an engineered drawing that shows the spaces and the width of those spaces and we had a review engineer that made an on-site visit and I'm sure that he looked at that. I don't know this Board has the authority, and I can reach out to find out just how much authority we have, but based on my interpretation on the site plan approval process that's not something we can recognize here. I don't have a problem if the Board concurs to reach out to see if we have some non-compliant spaces with a modification do we have to bring them into compliance. Common sense tells me no, but if the Board is so inclined I can reach out to counsel, this matter is going to be continued because of the plans, so if the Board so concurs I can ask that question.

TROUP: I would like that question asked but I'd also like to see the research of when the site plan was originally approved to see what it was approved stipulating and was there a special permit, was there a variance back in the day that allowed that and I think that in 167-28 it states that, I don't know if this is...but a site plan, we're supposed to look at parking and increasing a use such as parking or any part of this is part of our purview. Even if they got a special permit it would be thought of as you can't increase that without a variance, that would be my thought process.

ANDREWS: Have we pulled up the site plan that we have on file?

DIAS: I did look at the site plan on file and I believe Webby Engineering took that existing conditions plan, which is page...I don't know which page it is in yours. We have page 2 of 3 sheets shows existing conditions plans. Let me see if that's in our package.

ANDREWS: It just makes sense to...I mean, you're gonna continue this...to go into the file and pull it out and let's compare it.

DIAS: It's on page 29 of our package, folks. I don't know if anyone's got the ability to share page 29.

BRENNAN: I can, Mr. Chairman. At least the one I have. Is it this one?

TROUP: Yes.

DIAS: Yes, that should have been...that's an existing conditions plan. So I can only assume, and Mr. Webby can verify, he took this from the original plan that was approved by the Planning Board if it was 2014 or 2016, is that correct, Joe?

WEBBY: Yes.

DIAS: So these are the existing conditions and then our new set of plans will show any proposed conditions. So if those parking spaces were the 9 x 19 and Pat, I don't know that you measured them or we just scaled them on the plan...

BRENNAN: I scaled them off the plan. If the pavement is as showed on this plan, you can only fit the 9-foot wide spaces (pointing out on existing condition plan)

DIAS: Okay. I will reach out to counsel to try and get an opinion as to whether or not, with a site plan modification, if we do have some existing conditions that are non-compliant, what ability we have to bring them into compliance.

ANDREWS: If we are modifying the plan, we can modify it to fit what we need. We're adapting this for a new use so that could be part of the condition. If you took out one of those spaces then the 10 foot spaces work. And then they're adding more spaces, so basically no, you couldn't add to them but maybe you can add one and make the others 10. I don't know. Until we have the other plan in front of us, looking at the little plans is really difficult. My suggestion would be to finish this up, we continue it, look at the full-size plans and then we can make decisions based on that.

DIAS: We are gonna continue because we have different plans so I did expect that we were gonna have a continuance. So Mr. Webby I will reach out to counsel to find out what legally we can do. The other question is you might want to sit down with the client to see what needs to be done if those parking spaces can be brought into compliance.

WEBBY: Yes.

TROUP: I'll make a motion to continue—

DIAS: Hold on, hold on. I won't take any motions now because we've talked to Chris, we've talked to Gene, are there any other, I think I asked abutters first, are there any other concerned citizens that want to speak or anybody that wants to speak on this matter? Charlie, I don't know how...

SEELIG: I have no hands and no comments as far as I know from anybody.

O'LOUGHLIN: I don't see a thing to raise a hand, I'm a teacher. My name is Theresa O'Loughlin, I live at 90 Circuit St. I basically want to buttress what Chris and Gene have said in terms of the volume of traffic trying to get out on to 106. I leave for school at 6:30am and sometimes I have to wait literally a minute or more. This year I have to be at school earlier. When I left 15 minutes later last year sometimes I'd literally be waiting, I'm talking 6:40, 6:45am, I'd be waiting 2 minutes just to get out onto 106 and we're talking about a time when traffic shouldn't be quite as heavy as it would be a couple of hours later so, I just would again, I'm reiterating but I absolutely have seen that first hand and sometimes it is really scary trying to take a left back into Circuit St if I'm coming from the other direction, just the volume, and again Pine St 105 by the way is not 2 miles from Circuit St. It's closer than that. I've gone down Pine as well, trying to get off of there, trying to help people cross over and it's very scary so please don't minimize that concern. Obviously living on Circuit Street I am concerned for the neighborhood cause it is a neighborhood and I did ask at the last meeting, the community meeting which, thank you to my neighbor who actually called it to our attention cause I think that public notice law needs to change at the state level. It is going to impact very negatively I think an industrial park that is off of 106 would actually be far more of an appropriate setting.

DIAS: Okay. Any other concerned citizens? Mr. Wall and Joe—

WINIEWICZ: Could I add one more thing on top of what she just said. This is not just Circuit St too with the traffic. This is going to impact everywhere cause GPS, when you come down Elm St, tell ya Old Plymouth St, Furnace St, to get to this section of 106 cars coming from 58 in Plympton, they go say go down Franklin St where there's plenty of concerned citizens already with the traffic increase all to come to this section of 106 in front of this store. And like I said, they still have no plan, if they have this volume of traffic, coming in and out of 106, what's gonna control it.

DIAS: Mr. Wall, Mr. Braillard, you've heard the concerns that the abutters have relative to traffic and the number of visits. We are going to have to continue the matter because we need to have a plan and we need to get some questions answered. I don't know that you'd want to address any of those concerns now or you want to address them at a continued hearing. I think that the concerns are legitimate. I know we are using just numbers from the OCPC and I think all traffic studies you're basically just using numbers and applying it accordingly. Do any of you want to address these concerns tonight or do you want to get together with your people to see if we can satisfy everybody's concerns.

WALL: Thank you Mr. Chairman, yeah, we will defer to come back to you on the continuance with...we've heard the message loud and clear. We'll come back with a definitive plan for the Board and for the neighborhoods...how to hopefully appease their concerns, as I said we want to be a good neighbor. So we'd like to defer any comments on...the public comments on the continuance.

DIAS: Are you okay with that Attorney Braillard?

BRAILLARD: Yes, thank you Mr. Chair. I was going to say the same thing. We've put our presentation in front of the Board, we've gotten through that piece, we've heard from the concerned citizens. We know the concerns and as I was listening I took a number of

notes and started communication to our team. We'll be able to address all of those concerns and our question to the board in connection with process for whenever this meeting would be continued to which we would request it to be continued to the 20th. DIAS: Yes, I think we are going to continue to the 20th, but please, whatever you do with the traffic study please get it to us early enough. I would like to have Police Chief review that. He was on earlier but tape would be available. He's more familiar with the speeds on 106 in that particular area. I do understand it's wide open so there's no visibility issues but usually when there's no visibility issues is when traffic increases. So having heard no other interests, what I'm gonna be looking for is a motion to continue this until our May 26th meeting.

TROUP: Alan, I'll make that motion. Can we ask Jo-Anne what time we have available for our site...

DIAS: I have a time available.

TROUP: Okay what is it?

DIAS: What I'd like to do is Flower & Soul has a 7:05pm for their special permit.

TROUP: Okay.

DIAS: I'm gonna ask the Board that we continue this matter to 7:10pm on May 26th. We will open that hearing, we will recess, we will finish our site plan because our site plan should be done prior to any special permit.

TROUP: Do you mean May 20th Alan?

DIAS: Uh...

TROUP: Yeah, it's May 20th. The 26th would have been a Board of Health meeting I think. But the 20th on the Thursday is the 3rd Thursday in this month.

DIAS: Jo-Anne, does that work? I thought we had talked about this.

SECRETARY: It's the 20th. That's the time I have.

DIAS: I'm looking for a motion to continue this to May 20th at 7:10pm.

MOTION to continue the notice of public for Flower & Soul at 894 Plymouth Street to May 20, 2021 at 7:10pm: Troup
SECOND: Andrews
Roll Call: Andrews – Yes; Troup – Yes; Merry – Yes; Dias – Yes
Passes 4-0-0

DIAS: So this matter is going to be continued until 7:10. Again, Mr. Wall and Mr. Webby get us the information as soon as you can so we can review it. And please make sure everyone has the correct parking plan. I will reach out to counsel within the next day or 2 and whatever his opinion is I will share that with the Board and will share with the applicant if there needs to be any changes with any parking. This matter is concluded. It is 8:47pm.

The Board thanks the applicants, applicants thank the Board.

Appointment

7:45pm – Curtin Oil / Anthony Curtin – 640 Plymouth St—Site Plan Review—Above Ground Fuel Storage (Filed 3/30/21, Deadline with extension of 30 days: 6/13/21)

Anthony Curtin (Applicant), Joe Webby and Bob Coluccio (Webby Engineering) and Pat Brennan (Amory Engineering) are present

Gordon R. Andrews recuses himself as he is an abutter.

Curtin states he is here to apply for an above-ground storage site plan review for the use of storing and loading his trucks for heating and diesel fuel. Chairman explains this is a continued hearing. Curtin currently has 50,000-gallon underground storage permit. He'd like to keep what he has but move to above-ground. Coluccio explains the tanks will be horizontal so as not to be high-profile and will be contained inside a steel-reinforced concrete containment dike sized to contained the largest tank plus a hundred-year storm. Location of loading and off-loading trucks and filling tanks will be on a concrete dry-mat which will slope into the containment dike so spills that may happen will be contained inside the containment dike. The loading area will be covered by a canopy to protect the area rainwater contacting any loading equipment and keep the driver safe. It will keep stormwater from falling on surfaces that may have seen oil. The tanks will have high-level arms which will alarm at the predetermined capacity and while filling the tanks, the alarms will shut off the tanks, like the pumps filling those tanks. The facility will be thoroughly vetted by the State Fire Marshall. And once the State Fire Marshall's approval of the plan design is obtained they will write a federally required Spill Prevention Plan which will address Oil Pollution Regulations associated with the Code of Federal Regulations. Site plans are shared on screen to show where containment area is located. Existing conditions and proposed project is explained by Webby using site plans on screen. Containment dike will be placed in southeast corner of property – 31 feet from side lot line and 41 feet from rear. It will be inside the commercial district. Webby does not see any additional surface area that will require additional drainage. Coluccio shares photos of sample facility on screen.

Brennan discusses his review of site plan (AE Report 5-4-21) which includes his comments that Webby Engineering plans be submitted for review, the size of containment wall should include calculations, inquires how rainwater will be removed from the containment area, the manhole that Brennan believes to be a catch basin should have a sump pump and gas trap hood to separate sediment and oils from stormwater runoff and, finally, detailed emergency, operation and maintenance procedures should be submitted for review.

Merry has no comments or concerns. Asks confirms this is for Curtin's own use and for his own deliveries which cuts him down on trips.

Troup asks about turning radiuses for trucks. Dias asks about traffic flow. Curtin responds that there will be minimal traffic flow, maybe one trailer truck a day, maybe two every three days in colder weather. Tractor-trailer will come in on west side of building to drive under canopy to unload, back up with plenty of room (trailers already fit). Would probably load three times a day with his own trucks, so in and out of yard 8-10 times on average. Maybe a few more on a very cold day. 15 vehicles going in and out of yard would be a lot of work for Curtin to deliver that much oil. Trucks can drive in and load off of passenger side of truck or back in, whatever is easiest for driver. There will be no traffic in yard. Only other vehicles will be Curtin's (in building), nothing will be in the way. There may be a secretary or driver in the yard, nobody else. He does not encourage people to his property. Curtin confirms that if truck came in from west side they would drive in through the canopy, back out and drive out east side of building. There are two 25-foot openings for trailer trucks that will be gated once the project progresses to prevent unwanted traffic. Existing tight tank currently in building (existing concrete pad) is drivable, per Curtin, to hold 100,000 lbs. of weight and same for existing septic tanks that are in the drive-area.

Dias asks Webby if this project falls under stormwater management plan. Webby responds that this project was designed for this on site plan and feels confident that this project will meet MS4 Standards. Troup asks the distance from the canopy of proposed concrete pad to existing building roof overhang. Webby responds approximately 25 feet and Dias concurs. Trucks will have no issue in this area. Coluccio states canopy is not a building and does not cause problem for trucks.

Rick Greely, 847 Plymouth St. Familiar with this operation. Voices his concern on turning radius for a trailer close to 70 feet long and believes it would be a good idea to have plans showing how this will be done. States his concern with the measurements of pad, 67 feet, compared to tractor-trailer and adds his concern that the large size of bulk plant may affect the neighborhood home values. Greely is concerned with traffic as he states Curtin could have as many oil companies loading there as he wants and charge a fee. Greely adds his concern of noise and fumes from tanks and how these things could be bothersome to neighborhood and thinks this type of operation should be in an industrial area.

Curtin addresses Greely's concerns. States that there is plenty of room for trucks to drive or back in and go around the east or west side as the yard will be open. Gates in front are wide enough for trailer trucks to come in and out. Already had Dennis Burke's trailers deliver fuel in Winter 2017 and 2018, easy to go around front. Trucks will drive one shot right into the yard with no traffic issues. Will be no issues with venting. Coluccio states there is no vapor recovery, but vent pipes are a lot higher, so vapors tend to dissipate as they come down. Will smell to some degree with off-loading but vent elevation prevents fumes.

Greely states Curtin will be delivering a lot more fuel oil in winter but also has a diesel fuel tank which will ramp up in the summer.

Gordon R. Andrews, 688 Plymouth St. is speaking as abutter and asks hours of operations. Curtin responds 7am – 7pm. Sometimes starts earlier to get a load of oil. Curtin will schedule bulk deliveries through the course of the day when nobody is in the yard. Andrews asks if there is a limit on oil deliveries and states this falls under Planning Board purview for site plan. Curtin doesn't want any restrictions, but would say 7am – 7pm, sun up to sun down and doesn't feel that oil can be delivered efficiently or safely in the dark. He doesn't work 24 hours/day and this is a small business. Greely states delivery times are impossible to predict, could be any time of day or night. Dias agrees that bulk deliveries cannot be regulated.

No abutters are asking to comment.

Chairman states some Conditions – drawings for building department, approval from Selectmen, ZBA, Fire Dept and Fire Marshall's office and the question on gas trap would have to be addressed (whether an MDC gas trap be installed, bolted and cover installation). Curtin agrees.

Troup would like to see radiuses added to site plan as she has seen them on other plans and states they are important; she is not comfortable with approving until this is done. Dias states that existing asphalt is not pavement. Dias doesn't see a problem with trucks getting in the area but thinks there could be a problem with trucks driving in from west to east.

MOTION to accept the site plan for 640 Plymouth St, Curtin Oil with following conditions – the submission of plans suitable for building department, approval from the Selectmen’s office, approval of Zoning Board of Appeals, Fire Department and Fire Marshall’s office sign offs prior to permits along with gas trap, basin be fitted with appropriate gas trap and covers: Merry

Troup asks about hour of operations. Dias responds that the Board can deal with that on an individual basis but doesn’t think it’s proper to regulate something that can’t be regulated but if complaints are received, the Board can readdress. Troup’s concern is the turn radiuses. Dias responds that this is Curtin’s own private property. Troup responds that this was also a concern of Dias, as stated previously, and believes this is needed to protect the town. Dias thinks the regulation of traffic flow shouldn’t be required. Troup states that the Board should do their due diligence now by including radiuses. Dias disagrees and states the drivers should make their decision when they drive in.

SECOND: Dias

Troup would like the plan to include turn radiuses. Dias disagrees. Curtin agrees with Dias. There will be no one coming in and off the street. No parking in the yard other than himself. The driver will be the same and will probably be one a day. Curtin and his son will be the drivers. He doesn’t see Troup’s concern. The trucks have already been in the yard and around the building and it’s not a problem. Troup stresses she would like to see turn radiuses.

MOTION to add the condition of adding turning radiuses to the site plan for 640 Plymouth Street and confirms the prior conditions: Troup

MOTION to continue the process to add turning radiuses to the site plan for 640 Plymouth Street: Troup

No second.

Dias moves back to original motion made by Merry:

MOTION to accept the site plan for 640 Plymouth St, Curtin Oil with following conditions – the submission of plans suitable for building department, approval from the Selectmen’s office, approval of Zoning Board of Appeals, Fire Department and Fire Marshall’s office sign offs prior to permits along with gas trap, basin be fitted with appropriate gas trap and covers: Merry

SECOND: Dias

Roll Call: Merry – Yes; Troup – No; Dias – Yes

Passes 2-1-1

Appointment

8:30pm – Edward Boutmain Trust/Webby – 279 Wood St – Form A (Filed: 4/21/21, 21 Days: 5/12/21)

Joe Webby (Webby Engineering) is present.

Chairman explains this was previously approved a couple of months ago however a new Form A plan has been submitted due to ownership of parcel. Webby explains (using shared plan) that behind Lots 4 and 6 there is a parcel of land that is now designated as 118-4B. This piece is designated by the Town as “Owners Unknown.” Originally the Town of Halifax has been assessing the Boutmains since 1943 but when they were getting ready to sell the house, there was a bad title for that piece so the Boutmains asked Webby to redraw the plans so that we just have the parcel that has good title which is now Lots 4, 6 and 7 and those still meet Halifax’s regulations for frontage and area. Dias confirms with Webby that Map and Lot numbers have been approved by Assessor’s office.

Gordon R. Andrews confirms he is back. Confirms with Webby that the back wetlands are being cut off and reducing to what’s left.

Merry has no comments, self-explanatory.

MOTION to approve the plan by Webby Engineering for Edward Boutmain dated April 2021.

Troup moves this motion.

SECOND: Andrews

Roll Call: Andrews – Yes; Troup – Yes; Dias – Yes; Merry - Yes

Passes 4-0-0

Matt Parkins, representing potential buyer of lots just created. Hoping to close next week and asks process for endorsement of plan. Members of Board will sign the plan as soon as possible.

Discussion

4/16/21 – Memo from Attorney Larry Mayo/Mayo Law regarding Planning Board Meeting Minutes

Troup asks where this was originally from, not just an initial by Larry Mayo. Chairman will get an answer.

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

Chairman explains CS Energy is having trouble with engineering company, hopefully this will resolve.

Pasture Lane

Chairman states the ball is in the developer's court and is in conversation with one of the residents and thinks getting closer. Dias reached out to Counsel to come up with procedure – a new hearing will have to be held, abutter notification, presentation will need to be made on road thickness with agreement to correct other deficiencies. It is Dias' understanding the developer will be filing but doesn't know when. Tina Kenyon, Pasture Lane resident, is present and talks about her frustration with getting no answers and no progress with the completion of this road as it has been 14 years. Andrews will follow up with this and states that the building department told the developer, Paquette, that this wasn't a legal lot which stopped everything. Andrews goes on to say that it was then determined it was a legal lot but then winter came. Andrews states the developer needs to get his act together and get something started with the road and adds that the lot is not going to be released to Paquette until something gets started with the road. There is talk of the covenant attached to the road, per Kenyon. Andrews explains the lot doesn't belong to the Town, it's a covenant on the lot so the Town can't take the lot and finish the road. Kenyon doesn't believe the lot should be sold with a covenant attached. Andrews agrees and explains that he's been on the Board since the beginning of this. Troup adds that her solution a couple of months ago was to ask the Building Department to say they will give a building permit when the road is completed which will then allow the developer/owner of the lot who will finish the road some mind security. Kenyon states the developer's septic plan was approved by the Board of Health. Dias confirms that a septic plan was approved, not sure of date. Dias states the latest information he had from developer is that he would have a plan done and submitted to Planning Board, hold a public hearing and notify all abutters in subdivision and 200 feet beyond. Dias adds that prior to the hearing the agreement would have to be reached on how the building permit and road business would be complete. Troup asks for emails between Dias and developer. Kenyon and neighbors do not want two layers as the current layer is worth nothing. Andrews will reach out again to Paquette.

Subdivision Control Regulations Chapter 235-6(C) – ANR Time Frame

No discussion.

Cled's Tree Service – 450 Industrial Drive – Compliance Update – Correspondence from Attorney Reservitz

Just noting correspondence.

Meeting Minutes

MOTION to approve Meeting Minutes for March 18, 2021: Troup

SECOND: Andrews

Roll Call: Troup – Yes; Andrews – Yes; Merry – Yes; Dias – Yes

Passes 4-0-0

Correspondence

The Board reviews mail items.

4/20/21 – Email from Paul Hilliard – Master Town Plan inquiry to update

Troup reads this into record. Dias believes master plan is from mid-90s. Andrews states there was an update in between but Planning Board cannot do an update by itself. Will need a Master Plan Committee together as it is a lot of work involved and takes a long time to do. Dias will add to next agenda to discuss a possible committee. Andrews suggests put it out to the Town to see if there is interest. Andrews believes latest update was 2010.

Other Business

ZBA Comprehensive Permit "Country Club Estates" 40B Project – continued to May 19, 2021 at 7pm via Zoom

MOTION to post meeting for Planning Board to join Zoning Board zoom meeting for Country Club Estates 40B for May 19, 2021: Andrews

SECOND: Troup

Roll Call: Troup – Yes; Andrews – Yes; Merry – Yes; Dias – Yes

Passes 4-0-0

Adjourn:

MOTION to adjourn at 10:43pm: Troup

SECOND: Merry

Roll Call: Andrews – Yes; Merry – Yes; Troup – Yes; Dias - Yes

All in favor

Respectfully submitted,

Date Submitted: 7/1/21

Gordon R. Andrews, Chairman



Zoom Chat Transcript

01:21:58 Amy L. Troup: Massachusetts 106 & Massachusetts 105
Halifax, Massachusetts
894 Plymouth St, Halifax, MA 02338
2 min (1.1 mi) via MA-106 W

02:53:37 David: Does Mr. Curtin currently run his trucks in and out of the property now?

02:55:43 David: Also, Mr. Greeley is not an abutter but rather a competitor. And I believe at one time he ran his business out of a neighborhood.

03:31:34 Jo-Anne Snow: just resent the forwarded emails

03:44:59 Charlie Seelig: Master Plan updated in 2010.