

**PLANNING BOARD**  
Meeting Minutes  
Thursday, August 24, 2017  
Judge Welsh Room  
6:30 P.M.

**Members Present:** John Golden, Steven Baker, Brandon Quesnell, Ryan Campbell and Dave Abramson.

**Members Absent:** Grace Ryder-O'Malley (excused).

**Staff:** Gloria McPherson (Town Planner) and Ellen C. Battaglini (Permit Coordinator).

Chair John Golden called the Meeting to order at 6:30 P.M.

1. **Public Comments:** None.

2. **Public Hearings:**

a) **PLN 17-30** (*previously continued to the meeting of September 14<sup>th</sup>*)

Application by **E. James Veara, Esq.**, on behalf of **Lori E. Riley** and **Jeffrey A. Medeiros**, for Site Plan Approval pursuant to Article 2, Districts and District Regulations, Section 2320, High Elevation Protection District (A), of the Zoning By-Laws to construct a new dwelling at the property located at **24 Ship's Way Road**.

b) **PLN 17-33** (*previously continued to the meeting of September 28th*)

Application by **Mass Organic Therapy, Inc.**, on behalf of **Fifth Gear Realty Trust, Karen R. DePalma, Trustee**, requesting a Special Permit pursuant to Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, D7, Medical Marijuana Treatment Center, of the Zoning By-Laws to operate a medical marijuana treatment center at the property located at **2 Harry Kemp Way, Unit 2**.

c) **PLN 17-34** (*previously continued to the meeting of September 28th*)

Application by **Mass Organic Therapy, Inc.**, on behalf of **Fifth Gear Realty Trust, Karen R. DePalma, Trustee**, for Site Plan Approval pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-Laws for a change in use of the structure from a professional office to a medical marijuana treatment center and to make associated site improvements at the property located at **2 Harry Kemp Way**.

d) **PLN 17-35**

Application by **Heal, Inc.**, on behalf of **94 Harry Kemp Way Revocable Trust, William Gately, Trustee**, requesting a Special Permit pursuant to Article 2, Districts and District Regulations, Section 2440, D7, Medical Marijuana Treatment Center, to operate a medical marijuana treatment center at the property located at **94 Harry Kemp Way**.

e) **PLN 17-36**

Application by **Heal, Inc.**, on behalf of **94 Harry Kemp Way Revocable Trust, William Gately, Trustee**, requesting Site Plan Approval pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-laws for a change in use from a

funeral home to a medical marijuana treatment center at the property located at **94 Harry Kemp Way** with waivers from Article 4, Sections 4053(1)(a), curb cut width and number per business, 4053(2)(d), Screening of loading areas, 4163(2), Curb radii, Minimum width of traveled surface area, 4600, Street tree and Article 5, Section 5331, Submission of Development Impact Statement. John Golden, Steven Baker, Brandon Quesnell, Ryan Campbell and Dave Abramson sat on the case. The Board heard the two cases together.

Attorney Katherine Adams and Attorney Robin B. Reid, representing the applicant, Alexander Oliphant, Gary Einsidler and Trish Faass, principals of the applicant company, Brad Malo, of Coastal Engineering Co., and Phil Cheney, landscape architect, appeared to discuss the application. Attorney Adams addressed concerns raised by abutters about the applicant's intention for the future use of the site, specifically if the applicant would seek to use the site for a co-located medical/recreational dispensing facility. She said that the applicant has listened to these concerns from the neighbors regarding the future use of the facility and, in an effort to alleviate them, said that the applicant has agreed to a blanket condition that it will not seek to offer retail marijuana sales at the site. This concession should allay any concerns abutters or others might have about the future impact of a retail operation at the site. She explained that a perimeter plan was filed with the Town Clerk on August 1<sup>st</sup>, and endorsed by the Board on August 15<sup>th</sup>, which had the effect of freezing the applicable use provisions of the Zoning By-Laws in place for a period of three years. The zoning will be protected even if the Town votes to change the principal use table to exclude such facilities in this zoning district.

Attorney Adams then reviewed the revised site and landscape plans. The revisions are based upon comments and requests from the Board at the last hearing of the matter. She addressed the Board's concern about the size of the curb cut closest to Route 6 and said that the proposal was to install a hedge to ensure that customers of the facility do not use it for accessing the site and to preserve the existing curb cut for the owner's access to the garage. The second comment from the Board concerned the gravel parking area on the Town right-of-way on Harry Kemp Way, which the applicant intends to eliminate and plant 3 new trees in the area if permission to do so is given by the Board of Selectmen and agreed to by this Board and the Tree Warden. Finally, a sign has been added to indicate a reserved parking space for the residential tenant, who will be an employee of the applicant, in the building. She reviewed the reasons why the site was appropriate for a medical marijuana dispensary, including the proposed change of the location of the facility from the garage to the principal structure and the addition of green space on the site. The proposal includes the planting of 31 new shrubs and 10 new trees, a 1500 sq. ft. reduction in gravel area. In addition, the parking lot will be re-configured to maximize safety and provide plenty of parking spaces, a large bike rack will be placed on the site, parking on Harry Kemp Way will be eliminated and the proposal includes the installation of dark sky compliant light fixtures to reduce light trespass. She argued that the social, economic and other benefits of the proposal outweigh any adverse effects.

The Board questioned the applicant's representatives and discussed the proposal. Ms. McPherson reviewed some proposed conditions with the Board.

Attorney David Reid, representing abutters to the site, Roger Chauvette, Anne Paradis, Joanie Rappaport, Attorney Christopher Snow, Brian Melanson and spoke in opposition to the project.

Stephanie Page asked a question about previous ZBA decision in regard to the site and about security issues and Ann Maguire and Mary Jane Canavan suggested restricting the hours of operation for the facility. Jackie Kelly asked about security provisions for the potential use of marijuana by clients on the site. Jerry Cassese had a question about access to the site.

Attorney Robin B. Reid reviewed the applicant's waiver requests.

*There was a motion by Brandon Quesnell to approve the site plan pursuant to Article 4, Special Regulations, Section 4010, Administrative Site Plan Review, of the Zoning By-laws for a change in use from a funeral home to a medical marijuana treatment center at the property located at 94 Harry Kemp Way with waivers from Article 4, Sections 4053(1)(a), curb cut width and number per business, 4053(2)(d), Screening of loading areas, 4163(2), Curb radii, Minimum width of traveled surface area, 4600, Street trees and Article 5, Section 5331, Submission of Development Impact Statement. Steven Baker seconded. VOTE: 5-0-0.*

*There was a motion by Brandon Quesnell to grant a Special Permit pursuant to Article 2, Districts and District Regulations, Section 2440, D7, Medical Marijuana Treatment Center, to operate a medical marijuana treatment center at the property located at 94 Harry Kemp Way with conditions as discussed. Steven Baker seconded. VOTE: 4-1-0. (John Golden opposed). Brandon Quesnell will write the decision.*

### 3) Work Session

#### a) **PLN 18-05**

Application by **Commercial 348, LLC** for the endorsement of a plan believed not to require approval (ANR) to eliminate a lot line and combine two parcels into one parcel at the property located at **348 Commercial Street (Assessor's Map 12-1, Parcels 151 & 151A)** in accordance with M.G.L. c. 41 s. 81P.

John McElwee appeared to present the application. He reviewed the ANR plan. The Board briefly questioned him.

*There was a motion by Ryan Campbell to endorse a plan believed not to require approval (ANR) to eliminate a lot line and combine two parcels into one parcel at the property located at 348 Commercial Street (Assessor's Map 12-1, Parcels 151 & 151A) in accordance with M.G.L. c. 41 s. 81P. Steven Baker seconded. VOTE: 4-1-0. (Brandon Quesnell opposed).*

b) **Discussion with Lyn Plummer regarding tree removal at 20 Pleasant Street in violation of approve site plan.** Lyn Plummer appeared to discuss the topic. She reviewed the history of the project and why the trees in question were removed from the site. The Board discussed the issue and agreed to the proposed replacement plantings of an oak tree at the Carnes

The Board discussed trees and generating a list of trees that would be acceptable for planting to the Board. Ms. McPherson said she would work on a list.

c) **Discussion regarding proposed upgrade by Sprint to some equipment located on the water tower at 120 Mount Gilboa Road. The proposed upgrade is the addition of an IBR**

**radio (about the size of a laptop):** Ms. McPherson said that Sprint wanted to add one piece of equipment to their installation on the water tank on Mt. Gilboa Road. The Board briefly discussed the issue. Ms. McPherson will write a letter to Sprint with the decision of the Board.

***There was a motion by Ryan Campbell to determine that the change is not significant and is in keeping with the original approval and staff will write a letter to Sprint that the Board has approved the change administratively. Brandon Quesnell seconded. VOTE: 5-0-0.***

d) **Election of a Planning Board member to serve on the Tree Advisory Group:** ***There was a motion by Brandon Quesnell to elect John Golden to serve on the Tree Advisory Group. Ryan Campbell seconded. VOTE: 5-0-0.***

e) **Discussion regarding Outer Cape Health plantings and whether they are in compliance with the approved plan** (placeholder). Tabled.

c) **Discussion of planting list** (placeholder). Tabled.

d) **Discussion of proposed standard conditions for telecommunications facilities** (placeholder). Tabled.

e) **Minutes of April 23, August 27 and October 22, 2015, January 14, March 24, April 28, June 9, 2016, August 10 and August 15, 2017.**

August 10, 2017: ***There was a motion by Steven Baker to approve the minutes as amended. Ryan Campbell seconded. VOTE: 5-0-0.***

August 15, 2017: ***There was a motion by Steven Baker to approve the minutes as amended. Ryan Campbell seconded. VOTE: 5-0-0.***

f) **Any other business that may properly come before the Board:** The Board discussed the timeline for the re-submission of material by Planning Board applicants. Ms. McPherson will send Board members a copy of the meeting schedule with the deadlines for re-submission of materials included.

There was a motion by Dave Abramson to adjourn the Planning Board meeting at 9:00 P.M.

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2017  
John Golden, Chair