

21 Commerce Rd

This Space is For Registry of Deeds Only:

ROCKLAND ZONING BOARD OF APPEALS
242 UNION STREET
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Town Clerk's Date Stamp:



CASE NO.: 2016-12
Property Address: 21 Commerce Road

A public hearing was held at 8:15 P.M. on March 8, 2016 in the H. Bernard Monahan Memorial Hearing Room, Town Hall, 242 Union Street, Rockland, MA on the petition submitted by Health Circle, Inc., 25 Recreation Park Drive #108, Hingham, MA 02043 to allow the operation of a Registered Marijuana Dispensary (RMD) and cultivation business. The Applicant is seeking a Special Permit as per §415-38.4. The owner of the property is Black Pond Development Corp., 20 East Street, Hanover, MA 02339. The site is in an H-1 zone located at 21 Commerce Road and is further identified as Lot #26 on the Rockland Assessor's Map #4. A copy of this application is on file in the Town Clerk's office and is available for inspection during regular office hours.

ATTENDANCE:

Board Members: Chairman Robert Manzella, Vice-Chairman Gregory Tansey, Rita Howes, Stanley Cleaves, Robert Rosa and Associate Member Steven Johnson. Also present was Land Use Counsel Robert W. Galvin and Building Commissioner/Zoning Enforcement Officer Tom Ruble.

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MEMBERS VOTING: Robert Manzella, Gregory Tansey, Stanley Cleaves, Robert Rosa and Steven Johnson.

DISCUSSION:

The Chairman read the Patriot Ledger advertisement notice for the 8:15 hearing.

Attorney Valerio Romano of VGR Law Firm, PC, 109 State Street, #404, Boston, MA 02109 and Robert Brian Denn, Chief Operations Officer of Health Circle, Inc. came before the Board to make their presentation. Attorney Romano testified that they have submitted the third phase of the siting profile and will provide a copy to the Board. Attorney Romano testified that his office represents many applicants and he is also barred in California. Attorney Romano testified that his office has prepared the specs for the Quincy and Dennis RMD. Attorney Romano testified that §415-38.4 Registered Marijuana Dispensary (RMD) of the Rockland Zoning By-law has a number of requirements his client has to meet.

The Chairman asked the Applicant why the Board got back the green card for certified mailing of the advertisement stating unsigned, insufficient address from the postal service and wants someone to sign the green card so that we have a record on our files that you received advertisement. Mr. Denn signed the green card for the record. Attorney Romano testified that they were on school vacation and there was no one in the office to receive the mailing.

Attorney Romano testified that he met with the Building Commissioner regarding the site and provided the Board with the following information regarding the General Requirements and Conditions for all Registered Marijuana Facilities: (§415-38.4(C)(1)-(12) (see copy filed in application package) :

- No doctors are allowed in the RMD building and there will be no relationship with Health Circle, Inc. - refer to §1.0 (3).
- Hours of operation will be 8:00 A.M. to 8:00 P.M. - refer to §1.0 (4).
- Health Circle, Inc. will start with restrictive hours then expand them.
- There will be no consumption of marijuana on the premises - refer to §1.0 (5).
- There will be no loitering.

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- There will be a security guard there.
- There will be patient consultation; then they will leave the premises.
- No one will be allowed to hang out on the property.
- Signage – very extensive and also has to meet DPH guidelines – refer to §1.0 (8).
- This is a professional program.
- They will limit advertising – no prices can be posted as set by Rockland or by DPH – refer to §1.0 (9).
- Will cooperate and work with the Rockland Police Department and the Building Commissioner – refer to §1.0 (10).
- There will be a lock box outside for the Fire Department.
- Will have final architectural review for the interior of the building and will submit the same to the Board and Building Commissioner.

The Chairman asked the Applicant if they had met with the Police Department. Attorney Romano replied, not yet.

Mr. Denn testified that he has met with the Fire Department regarding this RMD facility.

Attorney Romano testified that Salem has had no problems with their RMD.

Attorney Romano spoke on a delivery to hardship patient...any patient with card can grow marijuana in their own home. Attorney Romano testified that siting a dispensary, we end that access issue and we will deliver to anyone with a hardship – refer to §1.0 (12).

Attorney Romano testified that he and the CEO of Health Circle, Inc., Michael Westort live in Scituate.

Attorney Romano discussed the waiver request and the copies of the licenses which they will never get until the building is completed – refer to §3.0.

Attorney Romano discussed some of the package (Appendix A through Appendix K) provided for the Board as follows:

- Appendix A: Field Card for 21 Commerce Road.
- Appendix B: Binding Letter of Intent.

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- Appendix C: RMD Security and Operational Plan.
- Appendix D: GIS Map of 21 Commerce Road.
- Appendix E: RMD Application Materials.
- Appendix F: Deed for 21 Commerce Road.
- Appendix G: Statement Under Oath of Black Pond Development Corp.
- Appendix H: Certified List of Parties In Interest.
- Appendix I: Site Plan and Design Review Waiver Request.
- Appendix J: 1999 Site Plan for 21 Commerce Road.
- Appendix K: Traffic Impact Report for 21 Commerce Road.

Attorney Romano testified that with regards to security measures, he went through regulatory Appendix C.

Attorney Romano testified that with regards to Waiver Request Appendix I, they are not creating new walls.

Attorney Romano testified that there is a Traffic Report – see Appendix K.

Mr. Cleaves asked the Applicant how many employees would be working. Attorney Romano testified that with a full mode there would be between 20-40 with people going on and off different shift schedules. Attorney Romano testified that the plants grow 24 hours and there will be different shifts of employees for most of the day. Attorney Romano testified that in the retail section of the building there will be 8-15 people between security, patients and consultants. Mr. Cleaves asked the Applicant if the people working and delivering products were certified. Attorney Romano testified that there is a background check done with CSI, and his office also does a background check. Attorney Romano testified that there are two delivery people at all times with GPS and live contact with the office when making outside deliveries. Mr. Cleaves asked the Applicant to do a brief explanation of the plant operation. Attorney Romano testified that the marijuana industry is changing for patients, smoking it has gone down a lot and now it is vaporized. Health Circle creates infused products with labels of exactly telling you what you are taking. Mr. Cleaves asked the Applicant if for example he had a card to get marijuana at a dispensary, could you go to another town to get the product. Attorney Romano testified that if

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the internet operation goes down at the site, they would have to stop selling the product; there is a process of check-in by checking your cards and double checking what you are purchasing; each package purchased has a lot and batch number and they will know what cultivation room it came from.

Mr. Tansey made reference to the floor plan that was given to the Board and asked the Applicant what the mother room was. Attorney Romano testified that the mother room is the genetics of the plant (the mother plant helps kids with seizures and they keep taking cuttings to re-root it). Mr. Tansey asked the Applicant if this facility will generate the product to ship to other dispensaries in the Commonwealth or retail at this site. Attorney Romano testified that there is not a lot of extra space at this location, but Health Circle is looking for another space; regulations allow for 30 percent. Mr. Tansey asked the Applicant if there was an onsite well for irrigation. Attorney Romano testified that they will be using the water supplied from the municipality. Mr. Tansey asked the Applicant about the vestibule area, the loading up area of vehicles for deliveries and will there be an enclosed garage. Attorney Romano testified that there will be two (2) agents there and have not gone through the architectural plans as of yet. Attorney Romano testified that he has only worked with two other locations where the cars roll in but there is no definite answer for this building.

Ms. Howes asked the Applicant about the mother plant and if the new one would lose consistency. Attorney Romano testified that with the first generation of cutting the answer would be no. Attorney Romano testified that the mother plant gets quite large and once you have the preferred genetics you keep the mother plant. Ms. Howes asked the Applicant if the Police would be notified when medication is delivered and when do you stop making night deliveries. Attorney Romano testified that he would take the direction of the Zoning Board. Ms. Howes asked the Applicant how many deliveries are done at one time leaving the building. Mr. Romano testified that deliveries will be on the South Shore and they are delivered in welded lock boxes in unmarked vehicles.

Mr. Rosa asked the Applicant if this is a conceptual plan. Attorney Romano testified that based on what has been done with other groups there will be a more detailed plan brought to the Town. Attorney Romano testified that the Quincy building is 36,000 square feet and the Rockland building is 19,000 square feet. Mr. Rosa asked the Applicant how many people would be at the site as he was trying to figure out the parking area per employee (2 spaces per 1 employee). Attorney Romano

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testified that there would be between 20-35 people and he might have them park off-site and shuttle them in if needed, but remember they work staggered shifts. Mr. Rosa asked the Applicant if they regulate the customers. Attorney Romano testified that your By-law regulates the customers. Mr. Rosa asked the Applicant how many customers would be there at one time. Attorney Romano testified 10-12; Salem has appointment only for the customers and Rockland is by appointment only.

Mr. Johnson asked the Applicant if this would help MS patients, patients with seizures, chrons, cancer and PTSD. Attorney Romano replied, yes. Mr. Johnson asked the Applicant what does it do. Attorney Romano testified that the plant has many different active ingredients which help a variety of medical issues. Mr. Johnson asked the Applicant how they do different breakdowns of the plant. Attorney Romano testified that it is done by fracturing and a CO2 machine.

Mr. Rosa asked the Applicant about ventilation in the building. Attorney Romano testified that the capital improvement to this building is a million dollars and you would not be able to smell anything on the street.

Ms. Howes asked the Applicant if there would be security guards and cameras on the site at all times. Attorney Romano replied, yes.

The Chairman asked the Applicant about infused products and if someone could tell if the marijuana is in the product – example: brownies. Attorney Romano testified that if a brownie is unwrapped you would know and the patient also needs to show responsibility of where they would be keeping the infused product.

The Chairman asked the Applicant if one of the Board of Directors, Mr. Welch was related to a Town Selectmen. Attorney Romano testified that the top three people have worked in the automotive industry, fianance and a mortgage broker.

Mr. Denn testified that he is the CEO, went to training for safety inventory control, software programs, etc.

The Chairman asked the Applicant about the access to the rear of the building and the dumpsters. Attorney Romano testified that fencing is not regulatory by DPH but will work with the Police Department on any security issues. The Chairman asked the Applicant how they would prevent any unauthorized people. Attorney Romano

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testified that they will call the Police Department first and every room except for the bathroom is monitored and DPH will look at where all cameras should be placed. The Chairman stated that there is some paperwork that discusses sub-leasing. Attorney Romano testified that if the Board wants to make a condition about sub-leasing, he is fine with that. Attorney Romano testified that the whole building is Health Circle, Inc. and the license is non-transferable.

Attorney Galvin asked the Applicant if they have any intentions to redevelop the interior plans. Attorney Romano replied yes and they are working with the architectural department and the Building Commissioner. Attorney Galvin asked the Applicant if they would be submitting elevations plans as it is a requirement. Attorney Romano testified that if it is a requirement, they would provide the elevation plans. Attorney Galvin asked the Applicant about a dumpster and where the paper products would be discarded. Attorney Romano testified there would be no by-products thrown out into the dumpster or stored outside. Attorney Galvin asked the Applicant about the loading zones. Attorney Romano testified that they will have to design it.

The Chairman asked the Applicant about the overhead doors. Attorney Romano testified they are in the back of the building.

Attorney Galvin stated that with respect to waiver of Site Plan, that would be up to the Building Commissioner. Attorney Galvin asked the Applicant who the traffic engineer was. Attorney Romano testified that it was prepared by Hayes – refer to Appendix I. Attorney Galvin stated that the Town's Engineer Mr. Pat Brennan would be reviewing the traffic study. Attorney Galvin asked the Applicant what stage they were at since this is the first RMD for the Town of Rockland. Attorney Romano testified that in 2015 they re-opened the application process, then the 1st phase was application of interest, then the 2nd phase was the management and operation profile, then the 3rd phase was the siting profile and we are now waiting to hear back from the DPH. Attorney Galvin stated that he has prepared a list of proposed conditions and will email them to Candi when she types the decision. Attorney Galvin stated a few conditions which are listed as follows: fencing is a good idea at the rear of the property; security plans should be reviewed by the Police Department; final plans shall be approved by the Building Commissioner and a copy shall be filed with the Zoning Board of Appeals; provide copies of all approvals upon receipt to the Board of Appeals and bond requirements.

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The Chairman stated that he would like the list of conditions which is part of our Zoning By-law §415-38.4.C (General Requirements and Conditions for all Registered Marijuana Facilities) to be included in the decision also.

Mr. Ruble testified that he cannot do much without the new Site Plan drawings; is concerned about the site plan review; off-site parking is not allowed; wants to see the lighting plan also.

Attorney Galvin stated that they asked for a waiver regarding the Site Plan, but it is Mr. Ruble's call as the Building Commissioner.

Mr. Ruble testified that we do not allow off-site parking and that will have to be addressed.

Mr. Ruble testified that he would like to review the Site Plan Design requests. Attorney Romano testified they are not making any changes.

Ms. Howes asked the Applicant to show her the exits and egresses by looking at the conceptual plan. Attorney Romano showed Ms. Howes the exit and egress areas by looking at the conceptual plan.

Attorney Galvin stated that the plan before the Board tonight is only a conceptual plan since the Chairman had asked for a site plan different than what was put in the package. Attorney Galvin asked the Applicant what was used to process the plant materials. Attorney Romano testified that they use CO2 and Brian has spoken with the Fire Chief on this issue.

The Chairman read into the record a letter faxed to the Board from Mr. Jack Spurr for A.W. Perry, 20 Winthrop Square, Boston, MA 02110 dated March 8, 2016 with a List of concerns they would like to be part of the conditions when typing the decision.

Mr. Spurr testified that they have concerns as to the impact on the neighboring properties and the maintenance of Commerce Road and are listed as follows:

- 1). One concern is the referendum of recreational marijuana and would not want this property location at 21 Commerce Road to become that.

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- 2). With reference to State Regulations – we do not want retail facilities and make it look like a doctor's office.
- 3). Parking is a concern as Commerce Road is a private road and they (A.W. Perry) maintain it.
- 4). There shall be no street parking on Commerce Road.
- 5). There shall be no drive-thru windows at this property.
- 6). Adequate waiting areas – An appointment system is good and he does not want to see lines hanging out the door entrance.
- 7). Security issue – we have had no crime problems in this area and do not wish to have any upcoming incidents.
- 8). We need to negotiate the cost of maintenance of the road (Commerce Road).

Mr. Spurr testified that he does not want recreational marijuana use at this location and wants the ZBA to make this a condition and the Board also needs to look at the parking, signage and maintenance of the road.

Attorney Romano testified that Boston is different than Rockland and we will gladly work with the abutters to address any issues or concerns and will also work with A.W. Perry with respect to the road maintenance of Commerce Road.

The Chairman asked the Applicant if they would be going into recreational marijuana. Attorney Romano testified that Health Circle, Inc. is a non-profit and will not do recreational or non-medical marijuana.

Mr. Spurr testified that he wants a positive statement from the Applicant that there is no intention of them having recreational marijuana at this location. The Chairman stated that the Board could make this a condition and if down the road they seek recreational marijuana, they would have to come back to the ZBA.

Mr. Edward Kimball, Chairman of the Board of Selectmen testified that if another facility comes to Rockland they could renegotiate the Host Community Agreement as the Board of Selectmen are in support of recreational marijuana.

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The Board discussed the following:

- Building Design – they need to see if they need a restroom for people off the retail area to prevent them from going out back.
- Deliveries – need to have restrictions and done in a timely manner.
- Signage – need to check on night lighting shining outside the perimeter of the site.
- The ZBA can put a condition of a review period in one year.
- There will be more traffic generated because of the car dealerships.

Mr. Andy Triantafellow of 80 Lincoln Road testified that at night time when you close up the building, what precautions will you be making to prevent your building from being robbed. Will you have any dogs on the site? Attorney Romano testified that there will be no dogs, they will have motion sensors and cameras on the site and we will be more regulated than a pharmaceutical company. Mr. Triantafellow testified that you are close to the expressway and the Town is short of Police on the second shift. Attorney Romano testified that they will do all they can to combat the situation if it arises. Mr. Triantafellow asked the Applicant if there would be night watchmen. Attorney Romano testified, not at this time.

Mr. Ruble asked the Applicant how often the DPH goes to the site for inspection. Attorney Romano testified that they will come in and do unannounced inspections.

The Chairman asked the audience if there was anyone in favor or against this petition. There were none.

Mr. Cleaves asked the Applicant what kind of clothing is worn inside the building. Attorney Romano testified that it is sanitized clothing, the employees cannot go home with it and it has to stay there. Mr. Cleaves asked the Applicant if the employees go thru security before leaving the building. Attorney Romano testified that they do not and that is why each employee has a background check.

The Chairman closed the open portion of this hearing and explained the appeal process after the decision is filed with the Town Clerk and the recording process with the Registry of Deeds prior to obtaining a permit from the Building Department to the Applicant.

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DELIBERATION: The Chairman stated that the Applicant is requesting a Special Permit for the operation of a Registered Marijuana Dispensary (RMD) and cultivation business at 21 Commerce Road. Mr. Rosa testified that by looking at the conceptual plan, six people could be hanging out; he would like no more than 10-12 people in the building at one time for purchasing the product.

The Chairman stated that this site plan was requested last week since it was a requirement of the By-law and this one is not to scale. The Chairman stated that all appointments shall be scheduled in such a manner so no customers are waiting outside. The Chairman discussed the following as possible conditions:

- No street parking allowed.
- Need a Site Plan.
- No other businesses allowed.
- If the Police Department, Mr. Ruble and Fire Department have any concerns, they are to be addressed immediately.
- Patrick Brennan of Amory Engineers will review the Traffic Study and the Applicant will pay for the Engineering fees billed to the Town.
- There shall be fencing around the back portion of site.
- Security needs to be discussed with the Police Department.
- Final plans are to be approved by the Building Commissioner.
- Need to meet the Zoning By-law requirements for §415-38.4.
- Need to meet DPH regulations.
- Recreational use not allowed at this site without Zoning Board Approval.

Mr. Rosa testified that he would like customer parking to be in front of the building with parking spaces marked and have employees parking on the left and side of the building. Mr. Rosa agreed that Mr. Brennan needs to review the traffic study and would like the Board to review this decision in one year.

Attorney Galvin stated that we need an interior floor plan for the Building Commissioner. Attorney Galvin stated that some of the concerns discussed with the Board are as follows:

- Plans are not to scale.
- Deliveries and loading areas.
- Dumpster location.

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- Waiver of SPA is up to the Building Commissioner.
- Traffic Impact Assessment.
- What stage of permitting is the Applicant with the MA DPH?
- Is there a signed Host Community Agreement with Rockland and should the Board have a copy for their files?

DECISION AND VOTE ON DECISION:

Mr. Rosa made a motion to grant the Special Permit for the operation of a Registered Marijuana Dispensary (RMD) and cultivation business with the following conditions as listed below. Mr. Tansey seconded the motion. The vote of the Board was 5-0.

CONDITIONS:

- 1). A copy of the Proof of recording this Decision and Certificate of No Appeal with the Registry of Deeds must be presented to the Building Department prior to applying for an Occupancy Permit for the RMD at 21 Commerce Road.
- 2). The Applicant shall have the RMD open to the public by appointment only and there shall be no one waiting outside the building.
- 3). All signage shall comply with the local By-laws and State regulations.
- 4). There shall be NO street parking on Commerce Road and there shall be NO off-site parking.
- 5). There shall be NO sub-leasing to tenants at any time and there shall be NO other business allowed at this location.
- 6). There shall be a six (6) foot high fence erected around the rear of the building to prevent un-authorized access.
- 7). All security plans shall be approved by the Rockland Police Department prior to commencement of use.
- 8). The final plans shall be approved by the Building Commissioner for the consistency with this decision and shall comply with the State Building Codes.

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- 21). RMDs shall not be located in buildings that contain any office used by a Medical doctor/doctors, or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.
- 21). Hours of operation of Registered Marijuana Facilities shall be set by the Special Permit Granting Authority, but in no event shall said facilities be open and/or operating between the hours of 8:00 P.M. and 8:00 A.M.
- 22). There shall be NO smoking, burning or consumption of any product containing marijuana or marijuana-related products on the premises of an RMD.
- 23). RMDs shall not be located on a lot which abuts a Residential Zoning District, a school, day care center, public playground, the Rail Trail or athletic fields.
- 24). RMDs shall not be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van, truck or trailer.
- 25). Notwithstanding any provisions of Article VI, §415-45D of this By-law, external signage for RMDs shall not be illuminated except for a period of 30 minutes before sundown until closing and shall comply with all other requirements regarding signage; provided, however, that the Department of Public Health may further specify minimum signage requirements.
 - (a) RMDs may develop a logo to be used in labeling, signage, and other materials. Use of the medical symbols, images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana are prohibited from use in this logo.
 - (b) Signs shall include the following language: "Registration card issued by the MA Department of Public Health required." The required text shall be a minimum of two inches in height.
 - (c) Signs shall only identify the building by its registered name.
 - (d) Signs shall not utilize graphics related to marijuana or paraphernalia on the exterior of the building in which the RMD is located.
- 26). RMDs shall not display on the exterior for the facility advertisements for marijuana or any brand name.

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- 9). The Applicant shall provide copies of all state permits and approvals to the ZBA and shall meet the permitting requirements.
- 10). The Applicant shall forthwith report any suspension, termination of registration to the Zoning Board of Appeals.
- 11). The Applicant shall comply with the Abandonment and Discontinuance provisions of the Zoning By-law.
- 12). The Applicant shall have the Final Building Elevation Plans reviewed by the Design Review Committee.
- 13). The Applicant must file an Annual Report to the Zoning Board of Appeals as to the status of permits by January 31, 2017.
- 14). The Special Permit is issued to Health Circle, Inc. with the location to be 21 Commerce Road. If there is a change in ownership the new owner shall file an application for a public hearing for a new Special Permit.
- 15). The Applicant shall provide the Town with a Bond to comply with the By-law requirements and shall be given to Land Use Counsel, Robert W. Galvin, of Galvin & Galvin, SP, 10 Enterprise Street, Suite 3, Duxbury, MA 02332-3315 and then if acceptable, the Bond shall be given to the Treasurer's Department and a copy of said Bond is to be filed with the Rockland Zoning Board of Appeals, 242 Union Street, Rockland, MA 02370.
- 16). In NO event shall this building have recreational marijuana for retail sales.
- 17). The Traffic Study is to be reviewed by the Town's Engineer, Patrick Brennan, Amory Engineers, 25 Depot Street, Duxbury, MA 02331 and the Applicant shall be responsible for the payment of the consulting fees billed to the Board.
- 18). The Applicant shall comply with all State and local codes.
- 19). All non-exempt RMD's shall be contained within a building or structure.
- 20). RMDs shall have a gross floor area of no less than 2,500 square feet or in excess of 20,000 square feet.

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- 27). RMDs shall provide the Rockland Police Department, Building Commissioner/Zoning Enforcement Officer with the names, phone numbers and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment and update that list whenever there is a change in management staff or key holders.
- 28). RMDs shall be open to the public by appointment only. The appointments shall be managed so that there is no waiting outside of the building and shall not over crowd the Dispensary area.
- 29). RMDs shall provide delivery service to Hardship Patients who are unable to get to the Dispensary.
- 30). Any concerns or remedies sought by the Fire Chief, Police Chief of the Building Commissioner shall be resolved immediately.
- 31). The customers shall park in the front of the building and the employees shall park on the left side.
- 32). The dumpster location shall be shown on the Site Plan prior to the Site Plan's review process.
- 33). There shall be a lock box installed for the Fire Department.
- 34). A final copy of the Site Plans shall be filed with the Building Department and the Zoning Board of Appeals.
- 35). All deliveries shall be made to the rear of the building.
- 36). Advertising shall be in accordance with the Zoning By-laws and the DPH regulations.
- 37). There shall be NO overnight parking at this location.
- 38). There shall be NO drive-thru window at this location.
- 39). The Board will review this Special Permit one year from the date of filing the decision with the Town Clerk's office.

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40). Any complaints concerning the operation of the business shall be diverted to the Building Commissioner/Zoning Enforcement Officer for enforcement in accordance with M.G.L. Chapter 40A, Section 7. If warranted, the ZBA will advertise and notify the abutters for a public hearing to discuss the revocation of the Special Permit for a RMD at 21 Commerce Road.

FINDINGS AND REASONS FOR DECISION: Upon motion duly made and seconded, the Board found that the Applicant is seeking permission for the operation of a Registered Marijuana Dispensary (RMD) and cultivation business at an existing building located at 21 Commerce Road.

The Board found that the establishment is designed to minimize adverse visual or economic impacts to abutters.

The Board found that Health Circle, Inc. (the "Applicant") shall meet all permitting requirements of the State and local By-laws.

The Board found that the Applicant has satisfied the conditions and requirements of §415-38.4.

The Board found that by granting the Special Permit with the conditions set forth by this decision would not be a derogation to the intent of the Zoning By-Laws and would be in harmony with the surrounding businesses.

THIS DECISION, ALONG WITH THE CERTIFICATION FROM THE TOWN CLERK, THAT NO APPEAL HAS BEEN FILED, MUST BE RECORDED WITH THE PLYMOUTH COUNTY REGISTRY OF DEEDS PRIOR TO OBTAINING AN OCCUPANCY PERMIT AND PROOF OF RECORDING MUST BE FILED WITH THE BUILDING COMMISSIONER.

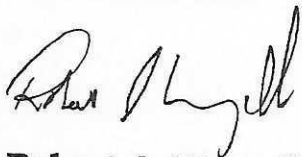
NOTE:

- This decision may be appealed to the District Court, Housing Court, Land Court or Superior Court pursuant to Chapter 40A, Section 17. Said appeal must be filed within twenty (20) days after this decision is filed with the Town Clerk.

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- Chapter 40A, Section 11, states that in part, that no variance or Special Permit shall take effect until the Town Clerk certifies that twenty (20) days have elapsed, and no appeal has been filed.
- This Board certifies that copies of this decision have been filed with the Planning Board as well as with the Town Clerk.

FOR THE ZONING BOARD OF APPEALS



Robert A. Manzella
Chairman