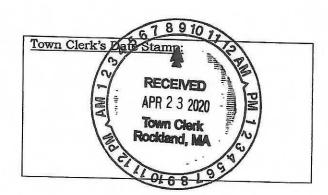
Road

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ROCKLAND ZONING BOARD OF APPEALS 242 UNION STREET ROCKLAND, MASSACHUSETTS 02370 E-mail: zoning@rockland-ma.gov

Phone: (781) 871-1874

Extension 1195



CASE NO .: 2019-22

Applicant: Health Circle, Inc.

Property Address: 21 Commerce Road

Notice is hereby given that a Public Hearing will be held at 7:30 P.M. on January 7, 2020, in the Lawrence J. Chaffee Hearing Room (Lower Level), Town Hall, 242 Union Street, Rockland, MA on the petition submitted by Health Circle, Inc., 21 Commerce Road, Rockland, MA 02370. The Applicant is seeking a Special Permit under §415-19.C.19 to allow the operation of a Recreational Marijuana Establishment as stated in §415-38.5. The Applicant is also seeking an amendment to condition number 16 found in the decision of the Special Permit granted on March 18, 2016. 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.

Advertised: December 23, 2019 and December 30, 2019 P.L.

Two of Nineteen

Decision:

Applicant: Health Circle, Inc.

Property Address: 21 Commerce Road

Hearing Dates: January 7, 2020 and continued to March 4, 2020

Meeting held on January 7, 2020

ATTENDANCE:

Board Members: Chairman Robert C. Rosa III, Vice-Chairman Gregory Tansey, Stanley Cleaves, David Saucier and Timothy Haynes. Associate Members: Charles Heshion, and Robert Baker.

Also present was Land Use Counsel Robert W. Galvin and Building Commissioner/Zoning Enforcement Officer Thomas Ruble.

MEMBERS VOTING: Robert C. Rosa III, Gregory Tansey, David Saucier, Stanley Cleaves and Timothy Haynes.

DISCUSSION:

The Chairman read the Patriot Ledger advertisement notice for the 7:30 hearing. The Chairman asked the Applicant to make their presentation.

Attorney Valerio Romano representing Health Circle testified that this is vertically integration – dispense – cultivate – product manufacture – retail. Attorney Romano testified that he has provisional license from cannabis control commissioner. Attorney Romano testified that they were previously awarded a special permit from the ZBA in 2016 and asks the Board what they would like to discuss first.

Attorney Galvin stated that the Board needs to deal with the amendment first.

Attorney Romano testified that they gave a presentation back in 2016 – when you look at prohibition in 2016 there was no allowance for adult use recreational – was prohibited unless medical patient – now things have changes – state law passed – awarded host agreement from Rockland – natural extension per laws changing. Attorney Romano testified that they are asking for the approval to relieve and remove that prohibition for the special permit and amend the special permit.

The Chairman discussed the site plan.

Attorney Galvin stated that the ZBA can decide on amendment of the special permit.

The Chairman asked the Board for any questions on the amendment.

Mr. Cleaves had no questions.

Mr. Tansey had no questions.

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Mr. Saucier had no questions.

Mr. Heshion testified that back in 2016, there was a request from an abutter, Mr. Perry that there will be no recreation sales. Attorney Romano testified that they are willing to work with Mr. Perry on reasonable conditions. Mr. Heshion testified that Condition #16 states no recreational sales.

Mr. Cleaves read correspondence from Mr. Perry into the record.

The Chairman asked Mr. Heshion if that answers his question. Mr. Heshion, replied, yes it does.

Mr. Cleaves read another letter from Rockland resident Linda Ellis into the record.

Attorney Romano testified that he was at that hearing and there was no vote taken to prohibit recreational marijuana at that facility back in 2016. Attorney Romano testified that he has an approved site plan through the Planning Board and has been submitted with the application. Attorney Romano testified that Health Circle will be a valuable member of the community. Attorney Romano testified that to meet halfway with the abutters, we would like to start with appointment only opening to start, then would like to be able to revisit that. Attorney Romano testified that Town Meeting and Zoning By-law says that lot is appropriate lot for use. Attorney Romano testified that they have sufficient parking – exceeds number of spots. Attorney Romano testified there is no evidence that the property values decrease, in fact they increase. Attorney Romano testified on limit prohibition – make it appointment only – then once local police have no concerns if there is a parking overload, they will go back to appointment only.

Mr. Baker testified to the Chairman that when he was on the Planning Board when Mr. Perry was working with him – the state and town engineer had to go through redesign and Mr. Perry kept saying these will not generate any more traffic – traffic engineer disputed that and now there is a letter from him saying differently. Mr. Baker testified that the old Wear Guard building use to have tent sales – cars were overloaded down that street – never once did Mr. Perry complain about that. Mr. Baker testified that he does not think it will generate that much traffic.

Attorney Romano testified that they will still confront the traffic issue they have no problem coming up with a resolution for traffic, but they are trying to get to that spot – not asking the Board to give up on traffic discussion, would be happy to do that, only asking to get to that point.

Four of Nineteen

Decision:

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The Chairman asked the Applicant to discuss the business plan and where are you accepting deliveries.

Attorney Romano introduced Mr. Paul Jacobson to talk about the site plan. Attorney Romano testified if they can get the retail portion open, they can get revenue more clearly.

Mr. Jacobson showed the site plan to the Board.

The Chairman stated that his first question was he said it was approved in 2016 but sees 2018 on the plan and asked if there were changes.

Mr. Jacobson explains the changes that had to be addresses and was finally approved in 2018. Mr. Jacobson testified that they were thinking about raising the roof up to 30 feet and 2/3 of the structure excessive dwelling that would house the AC equipment – existing building would not take the structures of the HVAC equipment. Mr. Jacobson testified that with the updating of the windows – asked to relocate the exterior door to have an in and out – that had to do with how they check in people and did not want people exiting through the in entrance. Mr. Jacobson testified that one condition was they had to fence in behind the building. Mr. Jacobson testified that the program still would be the same – sidewalks. Mr. Jacobson discussed the handicapped parking spaces in front of the building – also moved those away from the front. Mr. Jacobson testified that deliveries are happing towards the back of the building with the fencing. Mr. Jacobson testified the business is going to be big on cash since no cred card use is allowed. Mr. Jacobson testified that they will have over 60 cameras going on in the building.

Attorney Romano testified that he was with the Lieutenant of the Rockland Police Department and he said he did not express any concerns. Attorney Romano testified that they are not looking to make any changes to the site plans – just looking to go to recreational. Attorney Romano testified that credit cards are not allowed currently, but debit cards are – so it is not an all cash business. Attorney Romano discussed the layout of the building – whether a patients is there for recreational use – have to show ID; if they are 21 and over – they will scan ID; they will have a very large waiting room should they get large level of clientele – after they get to the waiting room – opportunity to look at product – stored behind glass like jewelry store. No one handles loose cannabis – then the ID is checked again at the time of purchase. No onsite consumption is allowed; once purchased the clientele has to leave. Attorney Romano testified that nothing of this changes that people can drive impaired, but the purpose is to get it out of minor's hands and the RPD docs

Five of Nineteen

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not have a concern with it. Attorney Romano testified that there will be an online ordering system in place – once they have the online ordering system down, they will be in and out within 5 minutes.

The Chairman had a question regarding the site plan as to what is the benefit to the clientele for medical vs. recreational. Attorney Romano testified that there is a separate register for medical users and cost is approximately 20% less – cannabis control requires you reserve 30% of inventory for medical patients. The Chairman asked the Board if they had any questions.

Mr. Cleaves asked the Applicant, if at some point, do they plan to become a distributor there. Attorney Romano testified that a cultivating license allows you to do that – they just do not have enough room to do so; their square footage is about 12K sq. ft. Mr. Cleaves asked the Applicant if the handicapped cannot get it, how do they... Attorney Romano testified that they can do deliveries and want to do deliveries – a lot of rules around doing deliveries.

Attorney Galvin asked Attorney Romano to explain appointment only for this location.

Attorney Romano discussed the program – that will have timeslots available – time they want to have is 10 AM to 8 PM. Attorney Romano testified that they will use all materials possible to have clientele to know that the only way they are getting in is through their appointment system.

Attorney Galvin asked what happens to the person that is early and what happens to the person that is late. Attorney Romano testified that if someone shows up and is early – have to wait and if they are late and lot is full – have to make a new appointment.

The Chairman asked the Applicant if there will be a parking attendant. Attorney Romano replied, yes there will be an attendant and also security on site.

Mr. Tansey had no questions at this time.

Mr. Saucier asked the Applicant how many on staff. Attorney Romano testified that employee parking is offsite – employees will be shuttled. Mr. Saucier testified that the front and side only have 16 parking spots. Mr. Jacobson testified that staff doesn't work for the most part of the day; if staff is working at night; they would

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want staff to park in the back. Mr. Saucier testified that the amount of parking to him seems tight – very small lot. Attorney Romano testified that is why they want to suggest appointment only system.

The Chairman asked is the fence only closed when doing a delivery; if you close that gate then would there be people in that parking area. Mr. Jacobson testified that would be them scheduling deliveries amongst open and closed hours.

Mr. Saucier testified that he does not feel there is adequate parking. Attorney Roman testified that they will tell the clients they cannot park on the road, no one in a liquor store would be doing that.

Mr. Heshion testified that he has no real concerns but would like to have Mr. Jacobson answer this question – does he have an estimate of where they will be measuring water consumption. Mr. Jacobson testified most HVAC is re-use and reclaiming the water and putting it back in the plans.

Mr. Haynes testified that the Applicant testified there were minimal modifications to the plans from original application, but they did not have the original plans in packet. Attorney Romano testified that the site plan in 2016 was done with the Planning Board. Mr. Haynes asked the Applicant with regards to the floor plan, is there any change in the square footage from 2016 to 2018. Mr. Jacobson testified that the building permit was issued in 2019. Mr. Haynes asked the Applicant if the sales area is still 1900 sq. ft. Mr. Jacobson replied, no – the sales area he is looking at is in 2016 – 30 space on original site plan, have not put those extra 4 in yet – retail is 3495 sq. ft. Mr. Haynes testified that they would need 1 space per every 300 sq. ft. – he has concern regarding proposed employee parking – so technically has 10 for clientele.

The Chairman stated he did a calculation – 12 needed so they have 10 with 2 handicapped.

Mr. Haynes testified that he is questioning the numbers of trips per weekday peeks – means there would be 18-19 spaces needed, he is ok with an appointment system in place and monitoring in place.

Mr. Baker testified that you earlier mentioned drainage – was that tied into the existing drain in Commerce Road. Mr. Jacobson replied, yes. Mr. Baker testified that the reason he asks is the retention ponds up front are not working – overflowing – have not been maintained by Mr. Perry – picking up lot of drainage.

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Mr. Jacobson testified that the drainage that they tied into is 2 catch basins on the property that is existing – they are behind the building – overflow does go across the access road to other side – updated and cleaned out what was there from their standpoint. Mr. Jacobson testified that the pipe they tied into was already on property. Mr. Baker asked the Applicant if they are going to put no parking any time in front of their property on Commerce Road. Mr. Jacobson testified thy can do so and have no problem doing so. Mr. Baker asked the Applicant – if on their appointment site, if they can put a note on the bottom of site that no parking on Commerce Road strictly enforced. Attorney Roman replied, absolutely. Mr. Baker referred to the floor plan and pointed to see if that was a tree. Mr. Jacobson testified yes that is a fake tree, not a real living tree.

The Chairman asked the Applicant if the permit granted in 2016 was still valid. Attorney Galvin replied, yes, still valid and they have a right to request modification.

Attorney Romano testified that is was discussed at meeting and there was no vote taken because it was not legal at the time.

The Chairman testified – growing/retail/infused products – will you be shipping or distributing that out... Attorney Romano testified he said unless Board feels strongly, that should be a condition he does not see a reason it should be – medical only will not survive.

Attorney Galvin stated RMD permit conditioned the use as by appointment.

Mr. Ruble asked the Applicant where you will be parking the employees, in town or where... Attorney Romano testified that he wants to work with neighbors/public lot/renting lot. Mr. Ruble testified that he wants to know where you would be putting these employees.

Attorney Galvin asked if the proposed facility would be open 7 days a week - 10 A.M. to 8 P.M. Attorney Romano testified that he does not want to be closed on holidays unless the Board felt strongly about that.

Mr. Baker testified that he feels there should be some – Xmas, Thanksgiving, etc. Attorney Romano testified is it OK to close to public – no sales when liquor stores...

The Chairman asked the audience if there was anyone in favor or opposed to this petition.

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Richard Beal, 425 East Street, President of A. W. Perry testified they do own Commerce Road, private road, facility was sold to Peacock family, not designed as a retail operation, parking insufficient - layout not correct. Mr. Beal testified that retail sales in state - Leicester building had triple the parking spaces, the owner's mitigation added additional spaces and still had traffic backed up. Mr. Beal discussed the Newton and Brookline Village pedestrian traffic in urban environment and what that has meant to retail sales. Mr. Beal testified that in the minutes of the decision on page 11, there is a deliberation and the Chairman discussed the following conditions: one of which, recreational use not allowed: per him, he feels this was put through as an enforced condition. Mr. Beal testified that he has a great deal of concern for the community - does not want to lose the long-term vision on how it many affect the town. Mr. Beal testified that there are inconsistencies -Attorney Romano says deliveries are times, but application says they are randomized; feels it is inconsistent with what is being presented. Mr. Beal testified that he wants to point out conditions #2, #4, #16, #28 and #31 of 2016 decision. Mr. Beal testified how client says they will have 33 turn overs which will be beyond parking especially at time gate has been closed and drop off area they mention does not appear on the site plan for those that do not drive. Mr. Beal testified that the other item concerning was discussed with Mr. Westport - the logo is a copyright infringement with A. W. Perry and they do not want to have that logo on anything. Mr. Beal testified that he want to request the Board to consider that is an unknown entity - have a concern with the adjacent towns - feel a lot may flock to Rockland they feel it make sense to feel how it runs under current permit then down the road evaluate it.

Attorney Romano testified that as far as facility not designed retail correct industrial – not unique to Rock, this is Commonwealth – that was 2/3 votes that put that approved that area there. Attorney Romano testified the Leicester discussion feels that they have touched on that; and reviews the appointment only system. Attorney Romano testified that the discussion was to not do recreation use without ZBA approval – that it is contemplated in discussion that ZBA be able to make that amendment. Attorney Romano discussed deliveries – you can still randomize your delivery times as long as not doing them during business hours. Attorney Romano discussed conditions – touched on those were related to 2016 and at that time; they are not asking for the Board to get rid of any of them except the recreational use. Attorney Romano testified that as far as turn-over and as far as unknown entity – they are working with everyone to get this right. Attorney Romano testified that between medical and adult use, there are more of these turning up; they have no problem turning people away if they have to. Attorney Romano testified that he

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understands Mr. Beal's concerns, but cannabis is not really an unknown and hopes it helps answering his questions.

Mr. Peter Forman, 51 Warren Avenue, Plymouth, President of SSCOC testified that he has a lot of concerns on opening this up to recreation use – part of a ZBA condition from 2016. Mr. Forman testified that he is concerned about what the perception of that area becomes if this happens – they are looking at a lot development opportunities coming up and worried about the perception of that area – now if the perception is that section of Rockland is now a destination site for recreational use...feels right now with development opportunities that will generate tax to the town and he is worried if that will discourage those to develop there. Mr. Forman testified that he does not claim to be an expert on cannabis laws – was strict with condition #23 shall not be located with abutting... BCBS is an abutter – has onsite daycare facility...and some development discussion could be residential that are coming up. Mr. Forman testified that would giving them this license prohibit daycare...

Attorney Galvin stated that the distance for an abutter is measured from nearest wall to property line; a little different from the properties on an abutter's list. Attorney Galvin opined that if property had a stand-alone facility – maybe. Mr. Forman testified that his primary concern is the reputation and branding of that area – if this does become a magnet for heavy use; he a concern for how that will discourage potential businesses that will want to come to area – concern if this will have a detriment effect.

The Chairman asked Mr. Forman if the proposals for future businesses were received before or after they got their permit. Mr. Forman testified – some are shopping – don't have designs – they are potential – feels medical does not have the perception/magnet for traffic that a recreational use brings – says could be that it is new but new enough that we do not know.

Mr. Baker asked Mr. Forman – when town was at town meeting why wasn't he and Mr. Perry there because plans and zones were set for that area; these were put into zones where it was away from neighborhoods...Norwell put theirs on Longwater. Mr. Forman testified that he took no position on referendum questions... Mr. Baker testified you could have taken position not to go in this area. Mr. Forman testified – not because of the issue of cannabis itself, but because of recreational use becomes brand and reputation of the area – fears other businesses feel it will no longer be a location for them – are very involved more so that they were 4 yrs. ago in that area

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and has concerns. Mr. Baker asked Mr. Forman is he was away that we had a public hearing on another 2500 feet way. Mr. Forman replied, no they were not.

The Chairman asked Attorney Romano is he wants to rebut on that topic. Attorney Romano replied, no. The Chairman stated to Mr. Forman that he hears what he is saying, there is a second one going in 2500...

Attorney Romano testified that as far as harmony with the surround area, they will make sure that the face is wonderful.

The Chairman discussed the logo infringement – Mr. Westworth has already designed another log and agreed to change it.

Mr. David Nichols – 3 tad pols away – testified – located in Rockland – access to road that runs along one side; understand these facilities are coming, understand health care value of this, long standing member of community – 3 different elementary schools – rehabbed house in Rockland and appreciates ability to work with Rockland – did not oppose by appointment only – now concerned about the impact it could have on their facility with access and traffic. Concerned they are going to have people cutting through to get to the store which will be a safety and liability issue. If decided, they feel appointment only should be the way and if they want to real the condition before the Board. Attorney Romano testified that he appreciated Mr. Nichols – all facilities discussed are big rigs going in and out. Attorney Romano discussed Mr. Baker's point that where were the abutters when this town meeting happened to zone these uses. As far as appointment only they are willing to do so and if it means to come back to this board other than just having police sign off they are willing to do so.

The Chairman asked the Board for a motion to close to the public.

MOTION: Mr. Saucier made motion to close the open portion of hearing. Mr. Haynes seconded the motion. The vote of the Board was unanimous (5-0).

Eleven of Nineteen

Decision:

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DELIBERATION:

Attorney Romano presents to the board the looking for a continuance to get further materials together to comply with the needs of the bylaw and desire of the board.

MOTION: Mr. Haynes makes a motion to continue the hearing. Mr. Saucier seconded the motion. The vote of the Board was unanimous (5-0).

Meeting held on March 4, 2020

ATTENDANCE:

Board Members: Chairman Robert C. Rosa III, Vice-Chairman Gregory Tansey, Stanley Cleaves, David Saucier and Timothy Haynes. Associate Members: Charles Heshion, and Robert Baker.

Also present was Land Use Counsel Robert W. Galvin and Building Commissioner/Zoning Enforcement Officer Thomas Ruble.

MEMBERS VOTING: Robert C. Rosa III, Gregory Tansey, David Saucier, Stanley Cleaves and Timothy Haynes.

DISCUSSION:

The Chairman read the Patriot Ledger advertisement notice for the 7:30 PM hearing. The Chairman asked the Applicant to make their presentation.

Attorney Romano stands before the members of the board and introduces the number of people that have attended the hearing to speak in favor on behalf of the Applicant.

Attorney Romano provides the members of the board a brief synopsis of where they were in the beginning as an application to where they are now.

- Approved by the Rockland Voters for bylaw of Recreational Marijuana.
- Richard Beale Provided letter in support of the Applicant.
- Overcome the opposition of the abutters they are supporting the Applicant.
- Expanding the conditions for medical permit.

Twelve of Nineteen

Decision:

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 Appointment Only should continue for three months then with permission of the ZBA perhaps dissipate.

Provided screen shot to show exactly what an appointment only system looks

Attorney Romano states if he is comparing themselves to Fidelity Wellness which was recently approved he would compare as such: Health Circle has 30 parking spaces, they have site plan approval, twice the amount of parking that Fidelity Wellness has, they have a bigger facility, gated area, providing more jobs for Rockland, neither location is in an area of offending use. Attorney Romano states that in every way he feels their application is much better than the Applicant that was already approved by the board.

Mr. Rosa asks Mr. Tom Ruble if had any issues he wanted to address.

Mr. Ruble states that he did an inspection and the Applicant is doing a great job

Attorney Galvin asked the applicant to explain the compliance with parking requirements.

Mr. Steve Gioso of Site Tec Engineering presented plans that show 30 proposed onsite parking spots which addresses the additional parking.

Attorney Romano comments that their calculation under the bylaw shows they only need 17 spots and they now have 30.

Attorney Romano Addresses the article presented on the Boston Globe that could have raised any questions or concerns about Health Circle being backed by a publicly traded company. Attorney Romano states that Anchorage came in and provided a privately funded commercial loan agreement. They got rid of any service agreements and already licensed for Rockland. The Article in the Boston Globe is deemed a non-issue.

Mr. Rosa asks the members of the board if they have any questions for the applicant.

Mr. Tansey states that parking was his big question and since has been addressed has no further questions

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Decision:

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Mr. Haynes - no questions

Mr. Saucier - no questions

Mr. Heshion - no questions

Mr. Baker - no questions

Mr. Rosa asks the members of the Board if everyone has had a chance to look at the proposed conditions outlined and asks if there are any further questions.

Mr. Tansey asked Attorney Romano how the customers will be directed if the parking lot is full at the time they pull in.

Attorney Romano states they would direct people in the same way Dunkin Donuts directs them, if the parking lot is full, then it is full, and the client would need to leave and come back later as the lot is only for customers.

Mr. Tansey speaks to Attorney Romano on the potential for high traffic situation down Commerce Road, and there is a potential for contingency so that if they have to amend the bylaw that they can amend it so these facilities have adequate parking, asked Attorney Romano if there was a way to logs and events for parking.

Attorney Romano states that he is ok with making that a condition of the permit that they provide not only sales data but also parking data.

Mr. Tansey states that he feels that would be helpful and may also help adjust the bylaw.

Mr. Rosa reads in a letter for the record received by Rockland resident Linda Ellis that urges the Board to approve both facilities Health Circle and Two Buds, LLC.

Mr. Rosa opens the floor to the public to see if anyone would like to speak in favor of Health Circle.

Lawrence Ryan of the Rockland Board of Selectmen spoke in favor of the Applicant.

Jesse McSweeney of 346 River St, Norwell, MA spoke in favor of the Applicant.

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Tracey Leary of 22 Reed Bent Rd, Rockland spoke in favor of the Applicant.

Corey Lasnick of 684 Beech St, Rockland, MA spoke in favor of the Applicant.

Bill Connors of Risk Management Advisors 8000 Hingham Street, Rockland, MA spoke in favor of the Applicant.

Eric Dightman of the South Shore Chamber of Commerce – supports the application based on the conditions that have been negotiated.

Beth Waterfall of Norwell spoke in favor of the Applicant.

Mr. Rosa asks the public if anyone would like to speak opposed.

No Comments.

Mr. Tansey makes a motion to close the public portion of the meeting.

Mr. Cleaves seconds the motion.

The Board votes unanimous 5-0.

Mr. Rosa closes the open portion of the meeting and reads the appeal process to the Applicant.

The public portion of the meeting is closed.

DELIBERATION/VOTE ON DECISON:

VOTE: Mr. Haynes made a motion to grant a waiver to condition number 16 in the original March 18, 2016 Special Permit that prohibited retail use on the premises. Mr. Tansey seconded the motion. The vote of the Board was unanimous (5-0).

VOTE: Mr. Haynes made a motion to grant Special Permit on Retail with Conditions. Mr. Tansey seconded the motion. The vote of the Board was unanimous (5-0).

Fifteen of Nineteen

Decision:

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CONDITIONS:

- 1. The Applicant shall improve the premises in accordance with the approved Site Plans dated 2/26/20 and the use of the premises shall be in accordance with said plans. The Applicant shall obtain all other local, state and federal permits and approvals required by law prior to the commencement of any use. If any condition of any other permit or approval conflicts with any condition of approval contained herein, the Applicant shall be required to comply with the terms and conditions herein, unless waived expressly and in writing by the Zoning Board of Appeals.
- 2. All Conditions contained in the March 18, 2016 Special Permit except for ones that are altered by this decision shall remain in full force and effect.
- No street parking on Commerce Road or any adjacent access roads shall be permitted.
- 4. No parking shall be permitted for this approved use at any adjacent businesses or vacant lots unless otherwise expressly agreed to between relevant parties if being used to meet the minimum required spots of the zoning bylaw.
- There shall be no drive-thru window or similar service.
- 6. All signage shall adhere to the provisions of the state regulations for RMDs with respect to signage, included that signs shall not utilize graphics related to marijuana or paraphernalia on the exterior of the building and any local sign bylaw requirements.
- 7. The facility will have the appearance of a medical office and there shall not be any signs or posters inside windows that are visible from outside the building.

Sixteen of Nineteen

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- No smoking, burning, or consumption of any product containing marijuana or marijuana related products on or outside of the premises.
- 9. Health Circle will install odor mitigation controls to meet the requirements of the zoning bylaw and said controls shall be operational prior to the commencement of any business.
- 10. There shall be no loitering permitted outside of the building and the applicant shall take active measures to prevent such an occurrence.
- 11. For at least three months from the date that the use commences for normal operations and until such time as this condition is waived in writing by the Zoning Board of Appeals, access to the premises shall be by appointment only through the on-line system described by the Applicant or a reasonably equivalent system. Thereafter, provided that the Applicant has reasonably maintained orderly operations free and clear of vehicular and pedestrian traffic, the Applicant may request the Zoning Board of Appeal review this condition and the Applicant's request that the premises be open without an appointment. The Applicant has offered and the Zoning Board of Appeals has agreed that the Applicant shall monitor and provide reports that detail the number of visits to the facility, average customer times from the time they enter the premises until the time of departure, and any parking related complaints, problems or concerns. If the Zoning Board of Appeals agrees to release or waive the "appointment only" condition, Health Circle shall continue to employ a police detail and parking lot attendant for an additional month or such other and further times as is deemed necessary by the Rockland Police Chief to mitigate any additional traffic.
- 12. At or about the first anniversary of the commencement of operations, the applicant shall schedule a meeting with the Zoning Board of Appeals to review the Special Permit and any adverse impacts from the operation of the RMD, including traffic impacts on neighboring businesses. Based on this review the ZBA will consider modifications to the Special Permit including, if necessary; appointment only conditions.
- 13. All cannabis and cannabis product deliveries shall be made to rear of the building and using non-descript vehicles staffed by appropriately trained and experienced delivery drivers.

Seventeen of Nineteen

Decision:

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Hearing Dates: January 7, 2020 and continued to March 4, 2020

- 14. Prior to the commencement of operations, the Applicant shall install signage visible to vehicles leaving the parking lot at 21 Commerce Road restricting exiting to left hand turn only.
- 15. There shall be no overnight parking at this location except for employee's that are working at eh facility after hours, including those who provide security or actively facilitating permitted uses.
- 16. Health Circle has offered and agrees to enter into good faith negotiations with the owner of Commerce Road about contributing toward the reasonable cost of maintaining and plowing Commerce Road.
- 17. Health Circle shall pay the cost for no parking signage to be installed along Commerce Road and the access roads to One Technology Place, 1040 and 1050 Hingham Street.
- 18. For at least the first three months of operation, and as long as deemed necessary by the Rockland Police Chief, Health Circle will employ police details in areas designated by the Rockland Police Department in front of the facility to control and direct traffic.
- 19. For at least the first three months of operation and as long as deemed necessary by Rockland Building Commissioner, Health Circle will employ a parking lot attendant to oversee the safe and efficient flow of traffic in and out of the parking lot. Parking Lot Attendant shall always be wearing appropriate identification.
- 20. Health Circle shall display on site and shall distribute information to all customers visiting the facility informing them of the parking and traffic policies, the prohibition of the product use around the facility, and the restrictions on waiting or loitering outside of the building. Such information as stated above shall be placed and maintained on the Health Circle webpage as well.
- 21. Onsite security shall be present during business hours and the applicant shall provide 24/7 contact information for such personnel to abutting property owners, tenants and the Rockland Police Department and Fire Departments.

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Decision:

Applicant: Health Circle, Inc.

Property Address: 21 Commerce Road

Hearing Dates: January 7, 2020 and continued to March 4, 2020

22. Hours of daily operation shall be limited to the hours of 10:00 A.M. to 8:00 P.M. for medical marijuana patients and 10:00 A.M. to 9:00 P.M. for adult use customers. There shall be no sale of retail product on Thanksgiving and Christmas or any other day prohibited by state law and regulations.

REASONS/FINDINGS FOR DECISION:

In the exercise of its discretionary authority the decision to approve the recreational marijuana establishment special permits are based on the fact that, as conditioned, the marijuana establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11, is not located in any prohibited area or within the exclusion zones provided under the Zoning By-law, is in harmony with the intent and purpose of the Zoning Bylaws, the Applicant clearly demonstrated that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all applicable state and local laws and regulations; and, the Applicant has satisfied all of the conditions and requirements of these Zoning Bylaws.

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 A BUILDING PERMIT AND PROOF OF RECORDING MUST BE FILED WITH THE BUILDING COMMISSIONER WITH A COPY TO THE ZONING BOARD OF APPEALS.

NOTE:

- This decision may be appealed to the District Court, housing Court, Land Court or Superior Court pursuant to Chapter 40A, §17. Said appeal must be filed within twenty (20) days after this decision is filed with the Town Clerk.
- Chapter 40A, §11, states 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.

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 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 C. Rosa III

Chairman