

**Salisbury Planning Board  
Meeting Minutes**

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**Date: Wednesday, August 22, 2018**

**Place: Colchester Auditorium, Salisbury Town Hall, 5 Beach Road**

**Time: 7:00 p.m.**

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**PB Members Present:** Chair Don Egan (**DE**), Vice Chair Gina Park (**GP**), Clerk John “Marty” Doggett (**JMD**), Louis Masiello (**LM**), Gil Medeiros (**GM**) and Alternate Deb Rider (**DR**).

**PB Members Absent:** None

**Also Present:** Assistant Planner Bart McDonough (**BMD**), Planning Board secretary Sue Johnson (**SJ**)

Don Egan brought the meeting to order at **7:00 p.m.** in the Colchester Auditorium, Salisbury Town Hall. Announced, per opening meeting law, that the meeting was being recorded.

**1. New Business**

- a. Signing of Plans / Permits** – Nothing to be signed.

**2. 7:10 Public Hearings**

- a. Public Hearing:** A special permit and site plan filing by Alternative Therapies Group, Inc. for property located on 107 (Map 9 Lot 24) & 111 (Map 9 Lot 14) Elm Street Salisbury, MA. Applicant is requesting approval for a Recreational Marijuana Dispensary and creation of a new 30 space parking lot.

**GM** motioned to open the public hearing.

**LM** seconded.

**Vote: 5-0, motion passed.**

Arthur Broadhurst (**AB**) stated that he was here on behalf of Alternative Therapies Group (**ATG**) seeking approval of a special permit to establish a recreational marijuana facility and a new 30 space parking lot. **AB** stated that the building and the plans, security measures and signage are the same. **AB** stated that the only difference would be adding a 30 space parking lot to handle the new recreational marijuana customers expected to visit the store. **AB** went on to state that the parking lot would be located next door at 111 Elm Street and stated that all of the lighting would be Dark Sky compliant. **AB** stated that the recreational marijuana customers would enter through the same entrance as the medical marijuana where they would have to provide identification proving that they are over 21 years of age. Chris Edwards (**CE**) stated that procedurally there are some differences with regard to medical vs. adult use marijuana sales. **CE** stated that adult use regulations require **ATG** to verify that every customer is 21 years of age or older and they will be using

an ID scanning system which ties into the different states ID's from around the country and is updated every time there is a new ID definition and went on to give the example that if Utah changes their ID the system will be updated and it will recognize the new version of their license. **CE** stated that this system will be deployed for all adult use customers coming in the front door. **CE** stated that the other difference is that in the state regulations there are different potency limits for medical vs. adult use products and went on to state that the medical potency limit is higher and the regulations state that the product must be physically separated. **CE** stated that the adult use products will be kept in a separate locked drawer from the medical products and there will also be separate point of sale stations for medical transactions vs. adult use transactions. **LM** asked what the acceptable forms of identification were for recreational. **CE** stated that any government issued ID was acceptable. **LM** asked **CE** what if the person needing medical marijuana was a minor and if they would be able to get a medical card. **CE** replied that in Massachusetts a minor can get certified for medical use but would need to be certified through two physicians and then register with the Department of Public Health. **CE** stated that even as a patient a minor (under 18) cannot enter the facility and would need to designate a caregiver which is another registration with the Department of Public Health who would come in and purchase the medication on the behalf of the minor. **JMD** asked if there would be signage in the store showing patrons where to go to check out for medical and recreational. **CE** stated that there would be dedicated point of sale systems. **CE** stated that their sales counter is "L" shaped and one part of the "L" is medical only and the other part is adult use only and it would be made very clear through signage and stanchions to delineate those lines. **BMD** asked **CE** if this is required by the state or is it for their own convenience. **CE** stated that it is for their own convenience. **LM** asked if **ATG** was given approval tonight if they could operate as soon as they were ready. **CE** stated that it was in process and that there were a number of required components to be able to submit an application for an adult use retail license to the Cannabis Control Commission. **CE** stated that **ATG** has received all of those items and we have submitted an application on August 15<sup>th</sup> which is being processed now. **CE** stated that his organization has priority applicant status which means that as a previously operating registered marijuana dispensary with a medical program, the law allows them to be processed with a priority to move the program forward more quickly. **CE** stated that he expects it to be processed quickly but feels that it is not possible to tell the Board exactly how long it will take. **CE** stated that he expects that by the end of September they would see a provisional license issued and pending a final inspection is when they would receive their final license. **BMD** asked **CE** if the license is being held up by the state because the testing facilities have not been approved. **CE** replied no and went on to state that he expects two testing labs will be provisionally licensed. **JMD** asked if a customer could make a medical purchase and recreational purchase at the same time or do they have to be separate transactions. **CE** stated that they have to be separate transactions but can be in the same visit to the facility. **CE** stated that there is a regulatory difference between the quantities that can be purchased. **CE** stated that a medical patient can purchase up to 10oz within a 60 day timeframe and under the adult use program purchases are capped at 1oz. **CE** stated that the other difference is the taxation and went on to state that medical transactions are not taxed whereas adult use transactions are. **DE**

stated that the narrative submitted by Millennium Engineering states that there are 52 parking spaces. **BMD** replied that is the total between 107 & 111 Elm St. **DE** questioned there were 22 spaces in the parking lot at 107 Elm. **BMD** showed the Board where the spaces were on the plan. **DE** asked if the spaces in the back were for customers or employees. **CE** stated that the parking is shared because it is a multi-tenant building. **DE** asked who the other tenant was. **CE** stated that it is a blow-in insulation company. **DE** asked if they had trucks. **CE** replied that they had 2 or 3 and they would park in the back after hours. **GP** asked **CE** to walk through how a customer will walk from the new parking lot to the building. **CE** stated that they would walk along the sidewalk in the new parking lot and cross at the crosswalk to the crosswalk in front of the building to the front door. **CE** went on to state the original plan had the bollards right up against the building and as part of this revision the bollards were moved a few feet from the building to allow for this pedestrian walkway. **GP** asked where the lights are in the new parking lot. **AB** pointed out to the Board that the 4 stars on the plan represented the lighting for the new lot. **GP** asked if there was going to be snow storage. **BMD** showed the Board where both parking lots will have snow storage; the new lot it would be in the front and in the lot with the building it would be in the back. **GP** asked if there was curbing in front of the snow storage in the new lot. **BMD** replied that it was sloped granite curbing. **JMD** asked if there would be fencing around the perimeter. **CE** stated that there would not be perimeter fencing. **CE** stated that per the request of their abutter at 105 Elm St. **ATG** was asked to put movable concrete pillars with chains physically preventing a vehicle from crossing into their parking lot. **DE** stated that at the special permit hearing for the medical marijuana facility there was discussion about using the abutter's property as an exit and the Planning Department had suggested to the Planning Board that they preferred that existence of exiting. **DE** went on to state that he is concerned because that was part of **ATG's** special permit application for the medical marijuana facility and is wondering if that may need to be modified. **DE** went on to state that what you are building is not consistent with what was approved. **BMD** stated that the Board had left it up to the Planning Department to resolve. **CE** read condition # 11 from the special permit approval "prior to issuance of a building permit, the Applicant must submit to the Planning Department for approval a revised site plan showing the installation of bollards in front of the building and a revised on-site traffic flow pattern". **DE** stated that a revised traffic pattern did not mean to change the egress and went on to state that this may be acceptable to the Board but you cannot change an approved special permit with this plan. **DE** asked the Board if they are amenable to this new entrance, exit and traffic plan. **LM** stated that he liked it better. **JMD** stated that it was a better arrangement, **GP** agreed and **DE** stated that he agreed also. **GM** stated that he thinks that is good that the removable fencing works for the neighbor and **ATG**. **LM** asked once the business is closed would there be any lighting on inside or outside of the building. **CE** replied that all of the lighting would be on photocell and are timed. **LM** asked **CE** if there was a security system that would alert police. **CE** replied that there are extensive security requirements for these facilities and went on to state that Chief Fowler and his staff have reviewed the security plans and have toured the facility a number of times and are comfortable with the security measures. **JMD** asked if there would be a security guard on duty during operating hours. **CE** replied yes there would be. **JMD** asked if there was cameras in the

parking lot. **CE** replied that there are multiple cameras in the interior and exterior. **GP** asked **CE** if the reason that they do not need ADA compliant ramps because the entrance is at grade. **CE** replied yes. **GP** asked **BMD** if the DPW issues have been addressed. **BMD** replied that Millennium had just sent clarification on some of the issues today. **JMD** asked if the stormwater report was finished. **BMD** replied that Millennium will complete and deliver to the Planning Department for Joe Serwatka and the Planning Board next week. **GP** stated that in Joe Serwatka's review comments he had suggested putting a chain link fence at the edge of the pavement along the filtration basin to prevent snow from being plowed into the basin. **DE** asked **BMD** if this was a new requirement or if it was something that he had seen before. **BMD** replied that he had not seen this before. **GP** stated that she would like to see the chain link fence added. **DE** stated that a chain link fence catches a lot of trash and could become an eyesore. **AB** suggested that they could look into a guardrail or low wooden fencing to stop the plow drivers from plowing into the basin. **GM** stated that he was familiar with the wooden fence that **AB** mentioned which would help to protect the area. **DE** suggested putting up a sign along with the wooden guardrail.

**GM** motioned to close the public hearing.

**LM** seconded.

**Vote: 5-0, motion passed.**

There was discussion amongst the Board about the language to be incorporated into the Special Permit decision. **DE** suggested adding "subject to satisfying all of the Town Engineers comments." **GP** asked if conservation needs to weigh in on the stormwater issue. **BMD** stated that it would potentially need to go before conservation because it is in the wetland buffer area.

**LM** moved to approve the special permit application for property located on 107 (Map 9 Lot 24) & 111 (Map 9 Lot 14) Elm Street Salisbury, MA that requests approval for a Recreational Marijuana Dispensary and creation of a new 30 space parking lot. Subject to satisfactory approval by the Town Engineer of the Stormwater Management Report and grading plan.

1. The requested use is listed in the Recreational Marijuana Overlay District as a use permitted by special permit by the Planning Board;
2. The requested use has demonstrated to be desirable to the public convenience or welfare;
3. The requested use has demonstrated it will not create undue traffic congestion or unduly impair pedestrian safety;
4. The requested use has demonstrated it will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare;

5. Regulations that are set forth in the Recreational Marijuana Overlay District have been satisfied;
6. The requested use has demonstrated it will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the neighborhood; and
7. The requested use has demonstrated it will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.
8. Add signage related to snow storage at the Southern end of the parking lot and wood guardrail type fencing.

**GM** seconded.

**DE** asked if there was a timeframe mentioned in the motion regarding Joe Serwatka's comments. **BMD** replied no and went on to state that the Joe's comments need to be satisfied prior to the issuance of a building permit. **DE** asked if that was mentioned in the motion. **LM** stated that it was not and went on to state that he would like to amend the motion to say that Mr. Serwatka's comments related to Storm Water Management and grading have to be satisfied prior to the issuance of a building permit.

**GM** seconded the amendment.

**Vote: 5-0, motion passed.**

Roll call vote for all in favor of approving the special permit:

**LM** – yes

**DE** – yes

**GP** – yes

**JMD** – yes

**GM** – yes

**Motion passed.**

**LM** moved to approve the site plan application for property located on 107 (Map 9 Lot 24) & 111 (Map 9 Lot 14) Elm Street Salisbury, MA that request approval for a Recreational Marijuana Dispensary and creation of a new 30 space parking lot including the conditions read for the special permit.

**JMD** seconded.

**Vote: 5-0, motion passed.**

### **Other Business**

#### **a. Discussion on amending the Planning Board's Rules and Regulations.**

**DE** stated that some of the Planning Board's rules and regulations have not kept up with some of the new zoning laws that have been passed. **DE** went on to state that there are two areas in particular that are missing. When the zoning law for Lafayette and Main was passed it required the Planning Board to adopt rules and regulations specific to Lafayette

and Main and the same thing with the Commercial Overlay District to regulate how that zoning by-law is enforced and interpreted by the Planning Board. **DE** stated that the Board needs to come up with additions to the rules and regulations as well as reviewing the existing rules and regulations for things that may not be relevant any more or may need enhancement. **DE** stated that over the years the Board has discovered a few things that we have been operating under but are not in the rules and regulations. **DE** went on to state that one example is dark sky compliant lighting. **DE** stated that in order to accomplish this we could schedule a workshop to review and discuss the changes that need to be made. **BMD** proposed a workshop for Wednesday, September 12, 2018. **DE** asked if the workshop could start at 6:30 and move the Planning Board meeting to start at 7:30. **BMD** replied that it could be arranged. **DE** asked the Board if this time would work and the members all agreed that it would.

3. **Correspondence**

- a. **Minutes: July 11, 2018** – **DE** asked to postpone to the next meeting
- b. **Minutes: July 25, 2018** – **DE** asked to postpone to the next meeting

4. **Executive Session**

- a. **Executive session under G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation: Big Block Development Group v. Town of Salisbury Planning Board.**

**DE** stated that the following people would be attending the executive session:  
**DR, LM, DE, GP, JMD, GM, BMD, SJ, Lisa Pearson (LP) and Amy Kwesell (AK).**

**JMD** motioned to go to executive session and at the end of the executive session the meeting would be adjourned.

**LM** seconded.

Roll Call Vote:

**LM** – yes

**DE** – yes

**GP** – yes

**JMD** – yes

**GM** – yes

**DR** - yes

**Motion passed.**

**\* Documents provided at the meeting are on file in the Planning Office**

Minutes approved by: \_\_\_\_\_

Date: \_\_\_\_\_

9/26/18