

PLANNING BOARD

DATE: November 18, 2020

TIME: 6:00 P.M.

PLACE: Zoom Virtual Meeting

FOR: Extra Meeting

PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Jeremy Higa;

Pedro Pachano

Garfield Reed, Associate Member

Chris Rembold, Assistant Town Manager/Director of Planning & Development

Ms. Nelson read the opening statement from the agenda. She announced that the meeting was being recorded.

Ms. Nelson called the meeting to order at 6:00 P.M.

Roll call attendance Mr. Pachano, present; Mr. Hankin, present; Mr. Fick, present; Mr. Higa, present; Mr. Reed, present; Ms. Nelson, present

SITE PLAN REVIEW: 394 STOCKBRIDGE ROAD

Ken Boudreau from Hill Engineers was present to discuss the SPR for Theory Wellness at 394 Stockbridge Road for the expansion of an existing marijuana establishment per section 10.5.1 of the zoning bylaw. The proposal is for a 512 square foot addition on the back of the existing structure.

Mr. Boudreau said Theory Wellness wants to put a 16 foot by 32 foot addition on the back of the building on the bituminous area behind the building. He said the Conservation Commission made a negative determination.

Mr. Boudreau said the addition will be used for unloading vans. The addition will have the same roofline as the existing building just slightly lower. The addition will extend out 16 feet from the building.

Ms. Nelson asked about lighting. She noted that parking will be reduced by one space.

Mr. Boudreau said there are three parking spaces in the back, one will be eliminated. There are 15 parking spaces required by the bylaw. There were 22 parking spaces part of the previously approved SPR. Parking will be reduced to 21 spaces with this SPR.

Mr. Boudreau said there is a wall mounted light and camera on the back of the existing building. Both will be moved out and mounted on the addition.

Mr. Pachano asked what the Conservation Commission said during their review.

Mr. Boudreau said the Conservation Commission determined that the project area is out of their jurisdiction. The application was filed with them as a courtesy as we will work within 10-15 feet of the buffer zone. The encroachment will be temporary. We will not be within the 100 foot buffer zone. He said the Conservation Commission was satisfied with the plan.

Mr. Hankin asked about the use.

Mr. Boudreau said there will be a vault in the addition. He said it will be used only for additional storage.

Mr. Hankin asked how the structure will be built.

Mr. Boudreau said it will be stick built. The business will remain operational during construction.

Mr. Hankin asked about rented parking spaces on the abutting property to the north. He said the crowds are much smaller than they were after they first opened. He said they are doing a good job. He asked Mr. Boudreau to address the parking on the abutting property.

Mr. Boudreau said he can't address because he doesn't know about the previous approval.

Mr. Hankin asked if he knows if the existing 22 parking spaces are adequate.

Mr. Boudreau said he only knows that the application meets the zoning requirements.

Mr. Fick said that the overflow parking was a fact. He said it is no longer a fact.

Mr. Boudreau said he wasn't involved with the original plan. He said this plan meets the parking requirements as is.

Ms. Nelson said there is a significantly larger demand. People are still parking across the street. Parking is a concern. She said parking is part of SPR.

Mr. Boudreau said he doesn't understand because the application complies with zoning.

Ms. Nelson said this application is a modification of the parking approved part of the previous SPR. Parking is a concern.

Mr. Fick asked if this modification triggers the Route 7 Landscaping bylaw. He asked if three trees will be planted. There are 5 trees on Route 7 currently.

Mr. Boudreau said there is no plan to add trees.

Mr. Fick said the bylaw states that any changes trigger requirement for 1 tree every 25 feet of frontage. The plan shows there is 148 feet of frontage.

Ms. Nelson agreed that section 6.2.7 of the bylaw applies.

Mr. Boudreau said the frontage remains the same.

Ms. Nelson said applicability comes into the plan with a new SPR application. She said you are within the zone for the Route 7 bylaw. She said the bylaw was approved at last year's Annual Town Meeting.

Mr. Boudreau said the addition triggers the zoning requirement.

Ms. Nelson said no, the SPR triggers the requirement.

Mr. Pachano asked if the trees were put in when Theory Wellness first opened.

Mr. Boudreau said yes five trees were planted when they first opened.

Mr. Fick said there are only two trees on the property.

Mr. Pachano said the question is, were the trees planted when they opened.

Mr. Boudreau said he does not know. He was not the original engineer. He said he can't answer what happened in 2017.

Ms. Nelson said she doesn't think the trees were required then but they are required now. She said the trees need to be added for future street trees. She told M. Boudreau to look at section 6.2.7 as the requirement needs to be met.

Mr. Boudreau said he is not prepared to rehash the original SPR.

Mr. Fick said the trees were not part of the old SPR but they are part of the new SPR.

Mr. Boudreau asked if there is anything else he needs to go through. He said he will have to go back to the client to go over the old approval.

Ms. Nelson said she is not trying to be argumentative. She said the landscaping and parking are part of SPR.

Mr. Higa asked if the 3 parking spaces that will be reduced to 2 is for staff or the public.

Mr. Boudreau said he has been on site and only observed vehicles parking there a couple of times.

Mr. Higa said he is concerned about loading in the back and ease of parking in the back. He said we need to look at what was originally agreed upon. They should know what they need now. They should tell us what they need not just that they meet the bylaw.

Mr. Reed said his only question was about the trees.

Mr. Rembold said he will look at the previous approval but if they meet the parking requirements the application has to be accepted.

Ms. Nelson said if the original SPR had the agreement for additional parking we don't want it extinguished.

Mr. Hankin said there are 2 mature trees on site. The site plan indicated 3 trees to be planted. He said it doesn't look like they were planted.

Ms. Nelson suggested going through the SPR criteria to give Mr. Boudreau the information he will need.

Mr. Rembold said he looked up the SPR from June 26, 2018. He said there was no condition for trees or extra parking. The only condition was for the license to be provided to the Town when it was received.

Mr. Fick said there are five trees shown on the original site plan.

Mr. Rembold said there are 3 trees striped or shaded on the site plan from 2018.

Mr. Hankin said the plan with the striped pattern indicates trees to be planted.

Mr. Fick said it doesn't really matter. He said the issue is that there was no condition for extra parking. The landscaping requirement is new and must be met.

Ms. Nelson said those requirements must be met for approval.

Ms. Nelson read through the SPR.

Mr. Hankin said the trees were not planted as approved with in the first application.

Mr. Rembold said the original application for the medical marijuana use approved in 2016 shows trees on the plan.

Mr. Higa said the minutes from the June 2018 meeting read that there are 43 parking spaces, 20 spaces leased from the adjacent property.

Mr. Fick said the applicant should come back with more information.

Mr. Hankin said they should know more now about the parking demand than they did during the last application. He said they should tell us how many parking spaces they need and will the lease continue now that the adjacent property may have a new owner.

Mr. Rembold said he doesn't think this should be such a big concern of the Board.

Mr. Fick disagreed saying we didn't know the level of traffic and parking demand before.

Mr. Pachano said this isn't the only store in Town.

Mr. Fick said he agreed with Mr. Hankin. The applicant should talk to us about the need for the leased parking spaces and if the need has changed they should explain.

Ms. Nelson agreed. She said if the parking is going to be reduced we need more information.

Mr. Pachano said there isn't a request to reduce parking. They still meet the parking requirements.

Mr. Fick said we know the parking has already been reduced because people can't park at Price Chopper. If the new owner of the adjacent property doesn't allow the parking where will people park?

Mr. Higa said they provided all of the information about parking previously that is the reason we didn't make a condition.

Mr. Pachano asked if they meet the parking requirements.

Mr. Hankin said yes.

Ms. Nelson said we don't have a separate parking requirement for retail.

Mr. Fick said we can't ask them to exceed the bylaw but they provided it previously so I think we can require them to do what they said they would do.

Mr. Higa said it would be helpful to us for them to tell us how much parking they use. He said we did a really good job with the original application holding them to a high standard because of the high standard they set with their original application.

Mr. Pachano said he worries about setting a precedent for parking standards. This establishment was the only one in Town when it was approved. He said he doesn't think we should develop a new parking bylaw for marijuana use.

Mr. Fick said it is up to them to come to use to ask for a reduction.

Ms. Nelson said she is inclined to have Mr. Boudreau look at the original application and comply.

Mr. Higa said we can hear feedback from them about their need.

Ms. Nelson said there are no other SPR criteria other than landscaping and parking that are affected by the current application. She asked Mr. Boudreau to come back with those items.

Mr. Boudreau said he would go back to the owner. He said he would rely on the transcripts. He said he doesn't know what the need is. He said he knows the parking requirements have been met. We are not expanding the show room or production the addition provides additional storage. He said people wait five minutes to get their merchandise. There appears to be enough parking. He said he is not able to project what is sufficient.

Ms. Nelson said we are not asking for traffic or parking studies. She said the request is to go back to the original application and compare this application to that one.

Mr. Boudreau said the parking requirement is for 15 parking spaces and 19 parking spaces are accessible. There are currently 22 parking spaces on the site.

Ms. Nelson said look at the original application, the parking plan and landscaping requirements.

Mr. Hankin asked for information about what parking needs exist now. Is there a need for more parking than required by zoning?

Ms. Nelson said we do not need to be responsible for exacerbating a parking problem in that area.

Ms. Nelson said this is not a public hearing but we will hear comments from the public if there are any.

Mr. Rembold asked that anyone speaking please identify themselves.

Teva Writh said he is the manager at Theory Wellness. He said he can provide some information. He said there have been big changes with new stores opening and with COVID. The customers are required to have a time slot to pick up their purchase. They are in and out. He said the parking requirements are significantly less. He said there is a long term lease for the additional parking spots on the adjacent property with parking spots shown on the original plan. He said there are parking spots in back of the building that are rarely used.

Ms. Nelson asked about employees and shift structure.

Teva said there are opening and closing shifts and an overnight team. There are 10-12 employees working. It has been very quiet so the number of employees fluctuates. There has been a significant slow-down recently.

Ms. Nelson thanked him for the information.

Mr. Higa asked if the time slot requirement will continue after COVID.

Teva said there has been a silver lining with COVID because distribution is more efficient than before and this process has worked better for everyone. He said he expects to keep the time slots.

Mr. Hankin asked how the tent will work in the snow.

Teva said a smaller tent with heaters will be used. It is slow enough for people to pick up their orders inside. They go in and come right out. He said we are exploring all options. Up to this point the tent works. He said the tent is designed for the winter months. He said he would like to allow people inside.

Ms. Nelson said the information has been very helpful.

Sam Huber, the Field Operations Manager for Theory Wellness was present. He said he manages multiple stores. He said this meeting format is strange. He agreed with everything Teva said. He said the additional storage space will allow employees to pivot back inside. Anything to speed up the process will be a help. We are willing to do what we need to do. He said pre-ordering with time slots for pick up is amazing. It minimizing the time people have to wait.

Mr. Higa asked if 19 parking spaces are sufficient for the customers.

Mr. Huber said yes. He said most of the time there are spaces open. He said there is a long term lease for additional spaces. He said people wait about 10 minutes or less. He said previous wait times were an hour to an hour and a half. He said the 10 minute wait time occurs during shift change.

Mr. Higa said he is more comfortable knowing about the pre-order process. He said he would be willing to approve SPR with a landscaping requirement.

Mr. Reed asked if the on-line ordering is because the Governor set that up. What will happen when the Governor lifts the order.

Mr. Huber said pre-ordering had started before COVID. We know that pre-orders are the best attack to diminishing long lines. We are trying to make the product as accessible to the customers as possible. Pre-orders have helped business we don't plan to abandon the pre-order process. He said we are not allowed to take credit cards so paying through debit helps to speed up the process. He said pre-order is great for business.

Mr. Pachano made a motion to approve SPR contingent on parking as expressed and complying with 6.2-landscaping requirement. Mr. Higa seconded.

Roll call vote: Mr. Pachano, aye; Mr. Hankin, aye; Mr. Higa, aye; Mr. Fick, aye; Ms. Nelson, aye

Ms. Nelson thanked Mr. Boudreau for working with us.

Mr. Boudreau thanked the Board for holding the meeting for this application. He said he will look at the landscaping requirements and make it happen.

CITIZEN'S SPEAK:

Michael Peretti, the Tree Warden, was present. He said he attends the Tree Committee meetings. He asked who is responsible for making sure the trees get planted.

Ms. Nelson said in her opinion the Certificate of Occupancy should not be issued until everything is done.

Mr. Pachano said that is what the bylaw states.

Mr. Peretti said there are a lot of permits that come your way. He said as the Tree Warden he knows about older trees but he doesn't know about new trees that need to be planted.

Ms. Nelson said we have seen some installed but some don't survive then they are not replaced. We will work on enforcement.

Mr. Peretti said he will try to pay more attention too. He said the Tree Committee has no authority to implement.

Mr. Rembold said the Zoning Enforcement Officer is responsible for ensuring compliance.

There were no other comments from the public.

Having concluded its business, Ms. Nelson adjourned without objection at 7:15 P.M.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary