



# FAIRHAVEN PLANNING BOARD

Town Hall • 40 Center Street • Fairhaven, MA 02719  
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Fairhaven Planning Board

Minutes

Tuesday, July 28, 2020 – 6:30pm

Town Hall, 40 Center Street,

Fairhaven MA 02719

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FAIRHAVEN,  
MASS.

1. **GENERAL BUSINESS:**

a) Chair's Welcome and Media Notification – Mr. Farrell opened the Planning Board meeting at 6:35p.m.

b) Quorum/Attendance:

**Present:** John Farrell, Cathy Melanson, Jeff Lucas, Jay Malaspino, Jay Simmons and Wayne Hayward

**Absent:** Geoff Haworth and Rene Fleurent

Director of Planning, Paul Foley was also in attendance.

c) Minutes: June 23, 2020 draft to be reviewed – Cathy Melanson made a motion to approve the June 23, 2020 minutes as written and was seconded by Mr. Simmons. The motion passed unanimously.

d) Planning Board Bills: 2 bills - \$270 for the Fairhaven Neighborhood News, for the advertisement for the public hearings for the National Flood Insurance Program and SP amendments. Mr. Lucas made a motion to pay the Fairhaven Neighborhood News, \$270.00 and was seconded by Jay Simmons. Motion passed unanimously.

Mr. Foley stated the second bill was for \$170 to the Fairhaven Neighborhood News for the Crow Island Public Hearing. Jeff Lucas made a motion to pay \$170 to the Fairhaven Neighborhood News and was seconded by Jay Simmons. The motion passed unanimously.

e) Correspondence – Richard Rheaume letter, Mr. Foley suggested discussing after the public hearing when the discuss upcoming public hearings. Jay Simmons motioned to move correspondence to the end of the meeting and was seconded by Mr. Lucas. The Motion passed unanimously.

2. **PUBLIC HEARINGS:**

a) Public Hearings:

i. a) **SP 2020-03 – Bask, Inc. Recreational Marijuana Sales:** Public Hearing for a proposal to expand current operations at 2 Pequod Road from a Medical Marijuana Treatment Center to include adult-use recreational marijuana sales. 2 Pequod Road in Fairhaven, MA (Map 36 Lot 14 – 1.6 acres). The property is owned by the David and Thelma L. Sylvia Trust.

Mr. Farrell opened the Public Hearing for SP2020-03 – Bask, Inc. Recreational Marijuana Sales.

Mr. Foley began with an overview of the Special Permit. Mr. Foley reviewed where the project is on 2 Pequod Road, near the USPS office. He said it's been operating for several years, was originally the Mass Lottery Commission. There are good site lines with three accesses on Pequod Road. There will be two separate entrances, one for medical marijuana and one for recreational marijuana. Between Bask and the United States Postal Service (USPS) there is a grade change of about 3' high over about 5' wide with rocks. Secure area when you walk in; secure check-identification.

Mr. Foley gave an overview of the project history. Adult use and medical use for marijuana will have separate areas in the building. They have moved the cultivation of marijuana, although they want to reserve the right in the future to grow at this location. The hours are proposed to be expanded from the current 10am – 6pm to 9:00 am to 9:00 pm. There are no major changes to site plan.

When the same applicant was approved for Medical Marijuana in 2015, there were a few conditions beyond the standard conditions. One required that they submit an annual report, which they have done; Mr. Foley will add them to the website. No change to the lighting is proposed. Landscaping no change – but some things on the landscape plan that was approved were not installed. Noise should not be an issue in the Industrial district. Cultivation is proposed off-site. There are no sidewalks on Pequod or Alden Road. They have offered a list of Sustainability measures they will take including energy use reduction and energy efficiency programs but there is no plan for photovoltaics at this time. The Management plan is quite detailed. Mr. Foley reviewed the traffic study.

Mr. Foley stated his true concern and one that the Board should be prepared for is if they are more successful than their trip generation projections predict. Mr. Foley thinks they should have a backup plan. They are looking at hiring 30-35 full time jobs so that is a good thing. They will be paying a 3% community impact fee and a 3% sales tax. For example, if Bask Inc. grosses \$3,000,000 in a year, the 3% Community Impact Fee would be \$90,000 and the 3% Local Option Sales Tax would be \$90,000. Therefore, Fairhaven would collect \$180,000 in sales taxes that year.

The plans were routed to the various departments with no major concerns. The Fire department reviewed and approved the plans. Mr. Foley went over the comments of the other departments.

Mr. Farrell asked if board members had any questions at this time. Robert Feingold, Attorney representing Bask was present and introduced the entire permitting team. Steve Giosa, Engineer; Gary Souza – head of security. The Traffic Study was prepared by Ms. Monticup of GPI.

Attorney Feingold praised Mr. Foley and his professionalism during this permit process. He stated Bask has been operating on Pequod road for about 3 years now and the location is a perfect fit in the industrial and marijuana overlay district. They have submitted all required documents and licenses. And have submitted a COVID-19 amendment. They are requesting 9am – 9pm in hours. The property has 41 parking spaces. There will be no more than 16 employees at any given time with room to add five more parking spots per the engineer, if necessary. They understand they will have a pre-construction meeting with the Building inspector and DPW prior to construction within the building.

Tim Keogh, President and Treasurer of Bask was also present via Zoom. He addressed the plans with no major construction. They will have additional surveillance inside and outside. He is actively working with the Fairhaven Police and Fire Departments.

Mr. Farrell opened it up to the board for any questions.

Mr. Lucas addressed concerns about the parking. He said hearing the numbers from Wareham was eye opening. He feels that we are underestimating the peak needs for this location. For overview of traffic flow, Mr. Lucas would like to know what the trigger would be to revisit the parking issue if necessary. He would like to see the drive go through to Pequod to Lambeth Road and have people exit directly onto Alden. Mr. Lucas stated there is a lot of traffic coming on/off Alden Road. His other concern is that there is sufficient parking lot supervision to ensure purchases are not being consumed in the parking lot.

Mr. Keogh gave an overview of dispensaries in Massachusetts. He stated that Verilife in Wareham was one of the earlier openings that attracted all the business. He said with other dispensaries opening up in Massachusetts they would be sharing the customers. He believes it will be a different environment now and going forward. He advised that currently Bask sees 86 patients a day and they anticipate doubling that with recreational. He feels that would be an achievable market. He believes they have enough good on-site parking.

Head of Bask security, Mr. Gary Souza advised that he has worked with Police Chief Myers and Captain Botelho on their security plan. He said they will be hiring a detail officer for at least the first week, if the Police Department feels the detail officer needs to be there more than a week then that will happen. The trigger will be the Fairhaven Police Department for parking. Mr. Souza went over the security plan for both inside and outside in the parking lot, and security at both entrances inside. They will not be permitting loitering. They would be subject to a major fine from the State if that occurs. There will absolutely be no consumption in the parking lot.

Mr. Lucas followed up on his concerns about the Fairhaven Police being the possible trigger regarding the parking. Again, his concerns is that trigger would not necessarily bring Bask back to the Planning Board to revisit the parking in conjunction with the Special Permit and that was his concern.

Mr. Farrell asked how many recreational centers are looking to come to the greater Fairhaven area,

Mr. Keogh stated the closest is in Wareham and Fall River. He also said Somerset, Plymouth, Brockton and a proposed medical for adult facility in Middleboro is happening. The first dispensary on the Cape is opening in Provincetown and there is a medical facility in Mashpee. In New Bedford, there are three licenses and Taunton has six.

Traffic study coordinator, Heather Monticup of GPI reviewed her findings with the supplemental traffic memo. She stated the supplemental traffic memo was dated July 24, 2020 and updated the Board with the traffic information. She stated they looked at collision, site distances and site lines. They were able to use the traffic data on Alden Road and generated trips on the Pequod data from 2019.

A weekday peak analysis was done and included traffic for the site with the highest concentration in an hour showing less than one vehicle cue getting into Pequod: two vehicles or less leaving Pequod. They are still anticipating that the roadway will work fine and can handle the increase without problems. They are anticipating a spike in traffic in the first week but with a police detail at the site, they anticipate no vehicle issues.

Mr. Hayward expressed his concerns for the parking and traffic that will occur in that area. In his opinion, he stated they are comparing apples to oranges; medical versus recreational, which are two

different types of operations. Mr. Hayward has concerns about traffic control and he doesn't want to hear that the Fairhaven Police department is going to be the ones who "trigger" the control of what to do with parking and traffic. Mr. Hayward would like to see an overflow parking plan for the site.

Discussion ensued on what the anticipated number of customers times the transaction time in the facility and leaving the facility to what the site can potentially hold.

Ms. Monticup stated that 128 trips that will enter for one hour on the Saturday peak hour at 64 customers and/or vehicles, times the transaction time (six minutes or less), with the number of transaction terminals shows that they have enough to handle the peak hour.

Mr. Keogh stated that in the two years they have been operating, and in the last 90 days, they have had 86 patients per day with an average wait time of three minutes. They do order ahead and believe that weighs into the turnaround time as well.

Mr. Giosa, the engineer, estimated a higher turnaround time at fifteen minutes and figured that would be 92 vehicles in one hour. He explained that overflow parking could be done at the West side of the building and if need be for long-term, an additional 5-6 parking spaces could be added.

Mr. Farrell said, "Hope for the best, plan for the worst."

Mr. Foley stated he received a text concern from Planning Board member, Rene Fleurent from home who asked how they were proposing to stop people from parking at the USPS site.

Mr. Lucas asked again, what the trigger would be to get Planning Board to review a second look at the parking. Mr. Hayward reiterated that he would like to see overflow parking on the plans. He said he needs assurances that there is an overflow parking plan in place.

Mr. Hayward asked about the COVID plan in question. He said he does not see these as two separate facilities and shared his concern that people will be able to walk from one side to the other.

Mr. Keogh reviewed the site plan.

Mr. Simmons, Mr. Malaspino and Ms. Melanson had no comment at this time.

Mr. Farrell opened up to the public. No comments at this point.

Mr. Farrell advised a plan for overflow parking needs to be in place to satisfy some planning board members, including himself.

Attorney Feingold asked if the board would be open to add as a contingency that the applicant provide an overflow parking plan before the Certificate of Occupancy is issued.

Mr. Foley suggested that they ask for a continuance, so that all board members could be present to vote as it is a Special Permit and all six Board members tonight would have to vote in favor to receive the Special Permit. He also stated that this would give them a better opportunity to put together an overflow parking plan.

Mr. Keogh stated they were looking for a special permit decision tonight so they could move forward with the state, but he is willing to work with the Town.

Mr. Foley advised that the next meeting date is August 11, 2020 and he would only add this to the agenda along with a preliminary discussion on a few possible bylaw changes amendments.

Mr. Farrell asked if any other board members had any other concerns or hours.

Mr. Hayward stated they are requesting to increase request the hours from 9am-9pm. He said he is not one hundred percent confident that is going to work out as the applicant is envisioning. However, at this time he would just like to see them address the overflow parking on paper and bring it back to the Board.

Applicant asked for a two-week continuance.

Mr. Jeff Lucas made a motion to continue the Bask Special Permit to August 11, 2020 per the applicant's request and was seconded by Wayne Hayward. The motion passed unanimously.

**b) Upcoming Public Hearings:**

i. **SP 2019-13 – Lewis Landing/Huttleston Multi-Unit Rentals:** Tentatively August 25, 2020  
Mr. Foley stated he received two letters from Mr. Rheaume, one regarding the drainage. Mr. Farrell thought it would be better to discuss as part of the public hearing.

Mr. Hayward asked if the board has received any correspondence from their consultant, GCG.

Mr. Foley stated he will send out the peer review(s) report to members and will put information on the website.

**3. CURRENT PLANNING:**

a) **Town Planner Update:**

Mr. Foley stated the first EDC meeting has taken place and they are looking to move forward and meet monthly. He said the Bikeway Committee is also starting to move forward with meetings as well, and he will be attending those. Mr. Foley is still working on the Complete Streets grant. He is looking forward to the Planning Board's next meeting for discussion on bylaw wording changes. A few of the bylaws he had in mind is cluster bylaw, solar canopies, short term rentals (air bnb).

Mr. Hayward suggested a discussion with the Zoning Enforcer, Kristian White to advise what bylaws he would like to see clarified or taken upon to move forward. Mr. Foley states that he and Mr. White talk weekly and are working together. He will invite him to the next meeting

**4. LONG RANGE PLANNING:**

a) **Town Planner Update:**

Mr. Farrell gave thanks and kudos to Mr. Foley on his Town Meeting presentation.

In other business, Mr. Lucas wanted to give board members a heads up that he has heard some boats are actually being rented out as air bnb's as well.

Mr. Hayward asked if Mr. Foley would be sending out proposed language for bylaw changes.

Mr. Foley stated he will email out or send out some proposed language changes for the by-laws.

Mr. Farrell stated if anyone has any suggestions, they should get the information over to Mr. Foley so he can forward it to everyone prior to the meeting so they have it for discussion.

Mr. hayward asked about the FEMA bylaw and if it would be a part of November special town meeting.

Mr. Foley stated it depended on the final letter from FEMA for the final determination. The public hearing, they had may still be valid. He will advise as they get more information.

John Farrell made a motion to adjourn and was seconded by Mr. Simmons. The motion passed unanimously at 8:43pm.

Respectively submitted,

Patricia A. Pacella  
Recording Secretary