



**PUBLIC HEARING MEETING MINUTES**  
**111 Shrewsbury Street (Harmony MA)**  
**May 8, 2019**

Members Present: Paul Anderson (Chair), Marc Frieden, Barur Rajeshkumar, Vincent Vignaly, Sarah Miles

Members Absent: None

Others Present: See Attached Sign-In Sheet

**All documents referenced in these Minutes are stored and available for public inspection in the Planning Board Office located at 140 Worcester Street.**

The Chair opened the Public Hearing at 7:19 p.m. Mr. Vignaly read the notice into record. Brian Marchetti (McCarty Engineering) did not have the abutter notification green cards or tear sheets from the Telegram & Gazette and said he would provide them tomorrow.

Mr. Marchetti explained that two parcels are being combined into one to develop a 4,500 square foot building for use as a recreational marijuana dispensary. There will be improvements to the parking, landscape, utilities and stormwater management system. He explained the history of the surrounding parcel. A 6,800 square foot commercial building to the northeast of the lot at 150 Hartwell Street was previously approved as well as a 16,800 square foot building to the southwest at 125 Shrewsbury Street. The 6,800 square foot building is under construction. They are delaying construction on the abutting 125 Shrewsbury Street building in order to maintain a parking field with 92 parking spaces for temporary parking. The proposed project requires 15 spaces; they are providing 21 spaces with an additional 92 spaces available on the adjacent lot. The lot is currently paved (regrinds). The stormwater facilities are designed for the exact footprint as was permitted for the 16,800 square foot building; no additional stormwater will be required. There is ample snow storage and there are sidewalks to the parking field. The back of the building is for office and storage space; the front of the building will be the dispensary.

A traffic queuing plan was required as part of the submittal. The Police and Fire Departments wanted to limit egress from the site onto Shrewsbury Street. The entrance will be on Shrewsbury Street and the exit will be on Hartwell Street. The proposed plan includes striping (and will eventually be striped), but they do not intend to stripe the parking area until they know if the excess parking is needed; it will remain a parking area until an agreement is reached with the town and the owner that it is no longer needed. Mr. Marchetti explained the stormwater facilities that will be installed to control and mitigate flows from the proposed temporary parking area as well as the driveway and flows from rooftop. Test pits were conducted; he will include the data. It is not known how much parking will be needed or when construction will start on the 125 Shrewsbury Street building. Wayne Amico (VHB) said it could be conditioned or it could be deferred to the Police Chief and his determination as to when he feels it is adequate and safe. Mr. Frieden asked if they would forego the 125 Shrewsbury Street building if the parking was needed; Mr. Fuller replied absolutely. They would forego the baseball field as well if necessary.

Mr. Vignaly commented that he works for the DCR; the property no longer abuts DCR property and asked if it is acceptable that he continue as a member and not recuse himself; Mr. Fuller had no objections. Mr. Vignaly asked if the drainage calculations were based on pre-development conditions as being natural vegetated area; Mr. Marchetti said it was. Mr. Vignaly asked if they needed to go to the Conservation Commission; Mr. Marchetti said they did not need to because it is out of their jurisdiction.

Mr. Anderson briefly explained the May Town Meeting Citizen's Petition Public Hearing that the Planning Board recently held. They proposed a General Bylaw Article to prohibit all marijuana use in town and a Zoning Article prohibiting marijuana establishments within the Industrial Zone. Mr. Frieden said it did not affect Mr. Fuller because his project is in the Business Zone. The residents were made aware of that and did not have issues because it is a retail facility and not a grow facility. They were very concerned about the smells that are emitted from growing facilities. Mr. Fuller said it will not smell because they will not have enough product. Mr. Anderson said there were a lot of concerns about the impacts.

Mr. Marchetti responded to VHB's comments. He hopes to incorporate the changes and get them to VHB by next week for review. Mr. Frieden asked if there was something special the board needed because the use is marijuana. Mr. Vignaly said there are no additional requirements as part of the Site Plan Review. There is a Zoning Bylaw that was put in place and believes the Building Inspector is responsible for enforcing it. Mr. Amico did say there are a lot of requirements in the Zoning Bylaw about DPH requirements that the applicant has to submit or provide copies to the Planning Board to show compliance. Mr. Fuller has received notification that their application is being reviewed by the state. Mr. Rajeshkumar said the Host Agreement is complete.

Mr. Marchetti reviewed the comments from the VHB letter which will be addressed. Comments letters were received from the Fire Department with approval, Police Department with approval, Board of Health (must be sewerage), Conservation Commission (needs to know where it is and what the applicant will be doing; they need an approved definitive plan from the PB and then go to Conservation). Mr. Marchetti believes that is a misunderstanding because the project is outside the Conservation's jurisdiction. They will send a plan showing the work and request that the Conservation Commission submit updated comments. The Water District also commented about the existing water services on the properties: (1) the existing water service at 111 Shrewsbury St must be either used or abandoned at the cost of the applicant; (2) the existing water service at 115 Shrewsbury St (proposed parking) must be abandoned at the water main, at the cost of the applicant, before any final paving is done; and (3) according to our records this is no existing water service for 113 Shrewsbury Street. The applicant agreed to update the plans as necessary.

Stormwater Management Comments: 1. Test pits were conducted in March; they were not included in the drainage report. Mr. Marchetti will put them on the plan. 2. The proposed basin as part of the 125 Shrewsbury Street site is sized for the roof top; they made the temporary parking area the same; the basin is sized to handle the flow; they will direct the flow back to the baseball facility.

Mr. Marchetti has not responded to VHB comments regarding the traffic analysis. Mr. Amico was concerned with the temporary parking and asked how they will facilitate some type of

parking field arrangement; they need to do something. Patrick Dunford (VHB Traffic Engineer) also had some concerns. The uncertainty of the parking was one. He would like to see the actual observed parking estimates from retail marijuana sales facilities (available from Fall River) used at the site. The queuing plan showed the entrance being on Shrewsbury Street and the exit being on Hartwell Street; this was done at the recommendation of the Police Chief. Mr. Dunford said the inconsistencies need to be addressed, e.g., interim parking spaces, will there be police details, scheduled appointments only, etc. With regard to the parking in the front, he thought the first two or three parking spaces might create some conflict with the traffic entering the site. If the supply is more than adequate, they might want to eliminate these 2-3 parking spaces.

Mr. Vignaly asked if International Traffic Engineering (ITE) parking requirements are met; Mr. Dunford did not know. He said the ITE studies were based mostly on Colorado facilities. Fall River parking would be more valuable. Traffic management and parking require more detail.

Mr. Amico said some of the biggest concerns he has seen with other facilities was the ability to modify parking, circulation, appointments, etc. He suggested allowing appointments only for a reasonable amount of time per hour at the board's discretion. He also suggested the board ask the applicant to come back after the store opens (30-60-90 days) with a report to discuss the circulation, activity, queuing, complaints from the police chief, etc. If everything is running smoothly, the board could possibly relax some or all of the conditions previously imposed. Meeting to re-assess periodically shows the board is doing their due diligence and it is working effectively.

Ms. Miles commented that the sight lines are not great at the Hartwell Street intersection and speed is an issue. Mr. Dunford said the applicant's traffic study did include a crash analysis at five intersections; a higher than average crash rate was shown there. He suggested they look at cutting bushes or other ways to clean it up. Mr. Vignaly would like to see that included on the plan. The applicant should also propose something reasonable for potential parking/traffic issues and submit it in their package for appointments only or other problems that might happen. The board could possibly request the Building Inspector hold a meeting two weeks after opening to see how it is running and possibly make changes.

Ms. Miles made a motion to continue the public hearing to June 12, 2019 at 7:00 p.m.; Mr. Frieden seconded; all voted in favor; motion approved.

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

By: \_\_\_\_\_  
Vincent Vignaly, Clerk

Submitted by: \_\_\_\_\_  
Melanie Rich