

**Maynard Planning Board – Meeting and Public Hearing**  
**May 14, 2019 - 7 p.m.**  
**195 Main Street, Room 201**

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**Board Members Present:** Greg Tuzzolo – Chair, Andrew D’Amour, Bill Cranshaw, Jim Coleman, Chris Arsenault, Mike Uttley – Alternate Member

**Others Present:** Bill Nemser – Town Planner, Wayne Amico – Town Engineer, Brian Winter – Town Counsel, James MacDonald – MacDonald Development, Olof Ingare – Mass Wellspring, Joe Clermont – Greenstar Herbals, Inc., Tom Morey – Greenstar Herbals, Inc., William (Bill) Murray – Places Associates, Inc., Jessie Moberg – Caveney Architectural Collaborative, Brad Baker – Security Consultant

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**Called to Order** at 7:02 p.m by Greg Tuzzolo

Greg Tuzzolo welcomed Brian Winter from the Town Counsel’s office as well as new Alternate Board Member Mike Uttley.

**Approval of Minutes**

*Greg Tuzzolo made a motion to approve the Minutes of April 9, 2019 and April 23, 2019, which was seconded by Andrew D’Amour.*

***The Board voted 5-0 in favor of the motion.***

**Public Hearing – 4-12 Nason Street/Mass Wellspring (Continued from April 23, 2019)**

Note: Bill Cranshaw recused himself from this application hearing at its original opening. The applicant provided an update, stating that the landlord of the property agreed to modify the lease to allow the applicant to utilize 6 Nason Street as an entry and waiting area for customers who are checking in and waiting for their upcoming appointment time. Since the last meeting, the applicant has also spoken with the Building Commissioner and determined that the maximum occupancy of the waiting area would be 25 people. Customers would enter at 6 Nason Street and exit at 4 Nason Street.

Bill Nemser contacted each of the three towns that were mentioned by Jim Coleman in the last hearing: Salem, Lowell, and Hudson. He also contacted a fourth town. He confirmed that none of the three marijuana establishments in those towns currently utilizes an appointment-only system. Bill Nemser also reviewed with the towns the draft conditions that are being proposed for the subject property to gather feedback from the towns.

Chris Arsenault reiterated his question from the previous meeting regarding the application being for 4-12 Nason Street whereas the applicant has only been discussing 4-6 Nason. Town Counsel, Brian Winter,

stated that the Board should specify the appropriate address within the regulations of the special permit.

Jim Coleman suggested that the business might be able to accommodate more than the recommended three customers per 15-minute time block per attendant.

Wayne Amico requested that the Board consider asking the applicant to commit to provide accommodations for pedestrian signs and no-stopping signs.

Greg Tuzzolo opened up the floor to public comment.

Skye Lucier of 21 River Street is an abutter of the River Street municipal parking lot that was proposed as a possible employee parking area. She expressed concern about the level of traffic in that lot and about people loitering and littering there. She also asked for clarification of the Town's definition of a school versus the definition found in Massachusetts state law and pointed out that there are preschool and daycare centers within close proximity of the subject property as well as various after-school programs at businesses nearby.

Judy Burgess of 18 North Street asked for clarification on the waiting area and the number of people that would be allowed. The applicant stated that although the waiting area can hold 25 people, it would be capped at five. Judy Burgess also asked if there would be a public bathroom. The applicant stated there will not be a public bathroom.

A resident asked the applicant to reiterate the planned operating hours. The applicant stated that the proposed operating hours would be 10:00 a.m. to 8:00 p.m. seven days a week, which are the same hours as the business' Acton facility.

Matthew Stansfield of 34 River Street asked about increased pedestrian signage. Wayne Amico stated where the new pedestrian signage would be placed.

A resident asked for special attention to be given to not just the tree species that will be planted in the empty tree pits, but also the soil conditions and other supporting features to ensure that what is planted in those spaces survives and flourishes.

*Greg Tuzzolo made a motion to close the Public Hearing for 4-12 Nason Street, which was seconded by Jim Coleman.*

***The Board voted 4-0 in favor of the motion***

Prior to Board deliberations, Greg Tuzzolo asked Bill Nemser to summarize the ten staff-recommended conditions for granting a special permit to the applicant. Bill Nemser reviewed the proposed conditions as follows:

1. The applicant should appear before the Planning Board at a regular meeting 60 days after opening to address any issues.
2. The Board retains authority to modify or otherwise address any aspects of the special permit at any time through the process of a public hearing.

3. The applicant should modify the exterior based on Police Department recommendations.
4. The establishment should operate via an appointment-only system consisting of 15-minute blocks of time with no more than three customers per time block.
5. The applicant will provide payment to the Maynard Police Department as deemed necessary by the Police Chief for the hours of operation requiring police detail.
6. Drop-off of customers on Nason Street or Main Street is strictly prohibited.
7. The applicant shall ensure there is no congregation of persons to block or otherwise impede circulation of the public on any location connected with the use of the subject property. (There was a discussion by the Board about modifying this condition to state that the applicant would be required to notify police if there are people congregating.)
8. The applicant will provide signage at their own expense as directed by DPW for the entire period that the special permit is valid. The design, size, and other specifications shall be as directed by DPW.
9. The applicant shall, through the use of a professional traffic consultant, conduct a traffic assessment six, 12, and 18 months after the store is open, and the applicant shall provide a summary memorandum. (Given that the applicant conducted a parking survey prior the hearing, Wayne Amico recommended that the condition be modified to require that the applicant provide an updated traffic survey 60 days after the store opens.)
10. The special permit would be limited to two years from the date of Certificate of Occupancy.

Bill Nemser stated that the Police Chief requested to have some flexibility to make field adjustments to the conditions related to traffic and public safety as needed. Town Counsel, Brian Winter, provided some examples of the verbiage that could be used to allow some flexibility under specific circumstances. This could tighten or loosen conditions based on the Police Chief's assessment without requiring the Applicant to return to the Planning Board.

The Board proposed modifying the fourth condition as follows: the establishment should operate via an appointment-only system consisting of 12-minute blocks of time (rather than 15 minutes) with no more than five customers (rather than three) per time block. The Board agreed to the modification to the original conditions recommended.

The Board proposed modifying the first condition as follows: The applicant should appear before the Planning Board at a regular meeting *within* 45 days (rather than 60 days) of opening to address any issues. The Board agreed to the modification to the conditions recommended.

*Greg Tuzzolo made a motion to determine that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town, the neighborhood in view of the particular characteristics of the site, and the proposal in relation to the subject property. The motion was seconded by Andrew D'Amour.*

***The Board voted 4-0 in favor of the motion.***

*Greg Tuzzolo made a motion for the Board to grant a special permit to allow a marijuana retailer use to be located at 4-6 Nason Street for the business known as Mass WellSpring subject to the conditions recommended and as modified above. The motion also included providing the Police Chief the ability to modify conditions involving traffic and public safety "at will" (the Police Chief*

*shall notify the Planning Board of any modifications). The motion was seconded by Andrew D'Amour.*

***The Board voted 4-0 in favor of the motion.***

### **Public Hearing – 42 Summer Street (Continued from April 23, 2019)**

Greg Tuzzolo re-opened the Public Hearing for 42 Summer Street, continued from April 23, 2019. James MacDonald stated that he had met with Wayne Amico and his staff to address the comments and questions he had received from Wayne with regard to the proposed plans for the subject property. James MacDonald also stated that he had met with Tim Hess to review the two structures that were proposed at the outskirts of the property and they agreed that they should be consolidated into one structure at the front of the property near the rail trail due to various constraints of the property. That discussion happened just prior to the hearing and has not yet been reflected in the plans. James MacDonald stated that he would value the structure at approximately \$150,000.

Tim Hess provided additional detail related to the proposed structure.

Bill Cranshaw pointed out that the Zoning By-laws associated with the Downtown Overlay District (DOD) specify in Section 9.4.5-2 that the developer must make a donation to a Town fund dedicated to the acquisition and preservation of open space or recreation land. The Board also discussed the Special Permit Criteria in section 9.4.6 on the Zoning By-Laws. James MacDonald suggested that the structure might satisfy both requirements. The Board discussed the issue and asked for input from Brian Winter, who stated that the burden of proof typically rests on the applicant to present to the Board how the proposal meets the requirements.

Greg Tuzzolo asked for clarification on the landscape plans where they indicate trees that are currently on the property and that would remain after excavation. He expressed concern about damage that is likely to occur to those trees during the excavation and construction process.

*Greg Tuzzolo made a motion to continue the Public Hearing for 42 Summer Street to June 11, 2019, which was seconded by Andrew D'Amour.*

***The Board voted 5-0 in favor of the motion.***

### **Public Hearing – 115 Main Street (Continued from March 26, 2019)**

*Greg Tuzzolo made a motion to continue the Public Hearing for 115 Main Street to June 11, 2019, which was seconded by Andrew D'Amour.*

***The Board voted 5-0 in favor of the motion.***

### **Public Hearing – 22-24 Main Street (Greenstar Herbals, Inc.)**

Greg Tuzzolo opened the Public Hearing for 22-24 Main Street (Greenstar Herbls, Inc.). He stated that the applicant is requesting a special permit to operate a marijuana retail establishment in the Central Business Zoning District at 22-24 Main Street.

Attorney Joe Clermont was in attendance representing the applicant. Greenstar Herbls Principal, Tom Morey, was also in attendance as well as Landscape Architect William Murray, Design Architect Jessie Moberg, Security Consultant Brad Baker and Traffic Engineer Corrinne Tobias. Joe Clermont stated that the applicant intends to use 3950 square feet of an existing 16,000 square foot building. There would be no other use of the building. Greenstar Herbls and the town of Maynard have executed a Host Community Agreement (HCA) as required by state law, which, he stated, will bring significant financial benefit to the Town and will also contribute to community education programs. Joe Clermont reviewed the following points in support of the criteria for a special permit:

- The applicant will use state-of-the-art identification training procedures and equipment
- Per the HCA, the Town will receive 3% of the gross sales of the business
- The applicant will give priority to qualified local businesses and vendors
- The applicant will give priority to local residents for employment
- The applicant will ensure the availability of quality tested and certified products
- The retail development of the building will assist in the redevelopment of downtown
- Infrastructure improvements, including a new raised-curb sidewalk, have been contemplated
- The applicant believes that the retail customers will support other businesses in town
- A professional traffic study was conducted and the applicant has worked with the town's consulting engineers; the traffic impacts are expected to be nominal
- Per zoning regulations, the proposed business is required to have 18 parking spaces; the site will provide 38 parking spaces
- All sales activity will be conducted within the building with no use of product allowed within or outside the building
- A security detail will be hired by the applicant at all times and Greenstar Herbls has submitted a security plan to the Maynard Police Department; additional security details will be hired as needed to support the business
- The applicant will have a dedicated security staff, including a retired police chief who will be utilized as a consultant
- The site will utilize fire and burglar video monitoring 24/7 365 days per year
- There will be no production of product on site; all product will be pre-packaged and hermetically sealed by the distributor in Littleton prior to secure transport to the retail facility
- At closing time, all product will be removed from the shelves and stored in a safe; no one will be allowed to remain in the parking lot
- Transport of product will handled securely through various specific measures and there will be no disposal of product on site; all product that requires disposal will be securely transported back to the cultivator for appropriate disposal based on cannabis regulations
- Greenstar Herbls intends to make a significant long-term investment in the Town

Greenstar Herbls Principal, Tom Morey, introduced himself and explained why the business chose Maynard for its location. He believes that the state-of-the-art facility will be a destination that will bring more business to Maynard. He expressed his interest in partnering and working very closely with the Town. The business will listen to the needs and concerns of the community and address them

accordingly. He reiterated the intent to prioritize hiring from Maynard. The business just hired a Director of Operations with ten years of experience with a medical marijuana dispensary.

Landscape Architect, Bill Murray, stated that there will be some minor site changes but that the business will essentially be leaving the existing site and pavement as is. There will be re-striping to accommodate van spaces towards the front. The proposal includes a raised sidewalk along the side leading towards Main Street. The applicant will have to cut into the existing pavement and sidewalk to connect to the water line. There is currently a right-of-way easement on the property (near the Laundromat) that the applicant owns and is obligated to maintain. There is an existing guard rail that will be replaced or renovated. The only significant site change that is planned is the addition of a rain garden at the back of the property next to the river, whereby existing invasive species will be removed and a rain garden installed. The applicant is working with the Conservation Commission to ensure compliance with regulations. There will also be some green space created at the front of the site. Those changes will decrease the impervious space and increase the stormwater standards. The existing catch basin will remain. There will be a six-bike rack installed near the sidewalk for use by employees and customers. The parking area that is within the applicant's property line will be re-striped for 38 parking spaces.

Jim Coleman asked if there was consideration given to utilizing the right-of-way as an exit from the property. Bill Murray stated that it was considered in earlier reviews of the site but that the traffic engineers and the Town both agreed that utilizing a two-way entry/exit via Main Street was preferable so as not to impact River Street or future development surrounding the property. Bill Murray stated that a rear exit would be a consideration in the future if the Town would allow it. The applicant is willing to place "Do Not Enter" signs to prevent traffic from entering/exiting to/from River Street.

Bill Cranshaw asked for clarification on the plans for a sidewalk cut-in for water line connection to the business' sprinkler system. The applicant will be doing a temporary cut-in to tap the water line that will likely take one day. The water line will run down into the building to meet up with the new sprinkler system. The driveway asphalt (from Main Street) will be repaired to match the existing asphalt. The sidewalk will be repaired to DPW's requirements. The sidewalk will blend seamlessly with the back edge of the existing sidewalk.

Greg Tuzzolo asked about possible future use of the empty building space. The applicant has no plans for utilizing that space and is amenable to a condition that requires them to come before the Board for site plan review should they decide to utilize that space in any way in the future.

Bill Cranshaw asked if the parking space requirement was calculated using the total building space or the space that the applicant intends to use. It was calculated using the active space rather than the entire building.

Greg Tuzzolo asked about the applicant's remediation plans in the event that the invasive plant species return. Kaitlyn Young stated that, per the Order of Conditions for work being done in a wetlands area, the Conservation Commission can include review checkpoints and ongoing remediation requirements within the conditions. The applicant has already included remediation plans in the documentation that was submitted with the special permit application.

Design Architect, Jessie Moberg, introduced herself and stated that she has a background in architectural design for cannabis businesses. She designed two of the first five cannabis facilities in

Massachusetts in 2014. Because of her experience, she is very familiar with this type of project and the requirements for use of the space as well as security needs. She explained the site design, stating that the entry will be through the existing entrance of the building into a vestibule where identification will be checked. The vestibule is large enough to hold 57 people but per regulation can hold a maximum of 49 people. There will be an expansive sales floor with information only; there will be no accessible product available on the sale floor. Product will be stored in the back and brought to the point of sale at the time of purchase. Customers will exit through the side door. Jessie Moberg clarified that the retail portion of the space will be approximately 3900 square feet, whereas the total use of the facility, including back-of-house and receiving, is closer to 6000 square feet. That information is included in the site plan and special permit application. The exterior of the building will be cleaned and painted but will otherwise remain the same. Signage will be designed to conform to regulations but the specific signage plans are not included as part of this application.

Lighting plans have not been finalized. Operating hours have not been finalized, and the applicant will work with the Town to create operating hours that are satisfactory to the Town.

Security Consultant, Brad Baker, reviewed the security plans. The entire facility will have high-definition video coverage that will be maintained for 90 days per regulations. There will also be standard intrusion alarms covering the entire facility. The site security plan has been reviewed and approved by the Police Chief.

Jim Coleman asked the applicant for his thoughts on operating via appointment only. The applicant wants to open the business as appointment only during a "soft opening" of the retail shop, with the intent of operating the business through walk-ins thereafter. The specific number of appointments per time block will be discussed at a later time.

Traffic Engineer, Corinne Tobias of Green International Affiliates, reviewed the data from the traffic study that was conducted. The conclusion of the study is that there would be no significant impact to traffic flow. In terms of the stopping sight distance for the driveway at Main Street, the study determined that, although the requirements can be met, there is an issue with the desirable sight distance. As a result, the applicant is including a recommendation to remove one of the street parking spaces. Bill Cranshaw stated that he would vote "no" if any street parking is taken away and that the parking space could be improved with better striping. The Traffic Engineer stated that removal of the parking space would not be necessary as the requirements would still be met if the space remained. The applicant pointed out that part of the security detail's responsibilities will be ensuring a safe flow through the parking area and that state law requires customers to leave the property after purchase; no loitering will be allowed.

Wayne Amico expressed some concerns about the ability to prevent people from utilizing the right of way to exit onto River Street.

Chris Arsenault asked if there is currently a crosswalk to the property from the other side of Main Street. There is not. He asked if the applicant would consider installing one to assist with pedestrian flow.

Tim Hess suggested that the applicant consider a reduction of the pavement area to create some pervious space since there will be much more parking than is required.

A resident asked about the possibility of creating a “green” roof. Jessie Moberg stated that, since there would be no structural changes to the existing building, it would not be able to support a green roof but that they could consider other sustainable options such as solar panels.

Skye Lucier of 21 River Street stated that she has mixed feelings about the proposed business. She is glad to see that the property will be used and taken care of after being neglected for some time. She asked the applicant to respect the river. She expressed concern about the potential for people to use the back driveway to exit the property onto River Street, even if there is restrictive signage in place. The applicant reiterated that the security detail would notify customers that they may not exit onto River Street and must use the Main Street driveway to exit. Greg Tuzzolo asked Wayne Amico if it would be possible to install a temporary barrier to prevent use of the driveway at River Street. Wayne Amico stated that there are several options but would like for the applicant to propose a solution. The applicant stated that he will have a discussion with the owner of the Laundromat as he does not have the right to impede on that owner’s access to and usage of the right of way. Skye Lucier also stated that she feels the addition of this business (along with the Wellspring facility) will fundamentally change the character of Maynard.

Resident Sandy Waye-Lawton agreed with Skye Lucier’s comments regarding the change of character that the business will bring to Maynard.

Matthew Stansfield of 34 River Street urged the Board to consider the impact to River Street and possibly even making a portion of it a two-way street. He expressed concerns about the amount of traffic that already flows along River Street and pointed out that there is no sidewalk and that the stop sign at Walnut Street has not been in place for months. Greg Tuzzolo noted that the Board will need to look more comprehensively at the signage in the vicinity of the subject property.

*Greg Tuzzolo made a motion to continue the Public Hearing for 22-24 Main Street to June 11, 2019, which was seconded by Andrew D’Amour.*

***The Board voted 5-0 in favor of the motion.***

### **Public Hearing – 21 Main Street (Emerson Medical)**

Greg Tuzzolo opened the Public Hearing for 21 Main Street.

Margaret Vosburgh of Viewpoint Sign & Awning spoke on behalf of Emerson. She stated that the size of the proposed signage is greater than what is allowed by regulation but that Walgreens was previously granted a special permit to allow for a sign that was 142 square feet. She is requesting permission to increase the amount of signage from what was originally proposed.

Tim Hess provided some feedback regarding the vision of the downtown area and the type and placement of signage that might fit better with the goals of the Town’s vision for that area. He will continue having conversations with the signage company prior to the next hearing.

*Greg Tuzzolo made a motion to continue the Public Hearing for 21 Main Street to June 11, 2019, which was seconded by Andrew D'Amour.*

***The Board voted 5-0 in favor of the motion.***

*Greg Tuzzolo made a motion to adjourn, which was seconded by Andrew D'Amour.*

***The Board voted 5-0 in favor of the motion.***

**Adjourned** at 11:04 p.m.