

MINUTES - PLANNING BOARD
November 18, 2013 – 6:30 PM
Dennis Town Hall, Large Hearing Room

Present: Mezzadri, (Chair), DiManno (Vice-Chair), Nashawaty, Eldredge, Malzone, Farmer,
Patterson, Slowe (Alternate)
Absent: None
Staff: Fortier, Gregory

#1: ANR, 0 Janall Drive, Dennis, MA (Assessor's Map 263, Parcel 64) continued from 11/4/13.

(Absent for this issue: Malzone and Eldredge)

Discussion: Ms. Farmer recused herself from this matter. Dan Ojala from Down Cape Engineering presented for the applicant. This subdivision includes two affordable housing lots and the Special Permit was previously granted by the Board on June 17, 2013. Tonight's issue was solely administrative to sign the mylar.

Vote: Ms. DiManno moved and Ms. Patterson seconded to Endorse the Mylar. VOTE: 4-0-0.

#2: ANR, John Lowell, Upper County Road

(Absent for this issue: Malzone and Eldredge)

Discussion: Dick O'Hearn presented for the applicant. This ANR includes two lots with two buildings that predate zoning and share a driveway. Mr. Fortier noted that per the zoning bylaw, the shared driveway must be abandoned.

Vote: Ms. Farmer moved and Ms. DiManno seconded to Endorse the Mylar. VOTE: 5-0-0.

#3: Felipe Fischer, 332 Main Street, West Dennis, MA is seeking a Special Permit to use a premise for offices and consumer services including massage therapy under section 2.2.2 of the Dennis Zoning Bylaw. The property is located in the West Dennis Village Center Zoning District at 332 Main Street, West Dennis, MA (Assessor's 64, Parcel 45).

Discussion: The applicant, Felipe Fischer, outlined his proposal to operate a massage studio and noted he will be the sole employee. Hours of operation will be M-F, 9am to 5pm, by appointment only. An As-built plan was submitted and is sufficient as no physical changes are occurring to the property.

Vote: Mr. Eldredge moved and Ms. Patterson seconded to approve the Special Permit. VOTE: 7-0-0 - APPROVED.

MEDICAL MARIJUANA HEARINGS

Ms. Patterson recused herself and Ms. Slowe sat in her place.

Mr. Mezzadri briefly outlined procedures. Mr. Fortier gave a brief history/definition of medical marijuana, noting in November 2012 MA adopted this law. In May 2013 Dennis adopted the bylaw and the State requires applicants to have a Special Permit in hand in order to continue in the process on November 21, 2013. Thirty-five licenses will be granted in MA, (limit five per county).

Attorneys Valerio Romano and Duane Landreth gave brief notations on the benefits of medical marijuana to help clarify the difference between this and drug use.

Mr. Fortier explained that medical marijuana cannot be distributed through typical pharmaceutical facilities (i.e. CVS, Walgreens) for the following reasons: (1) the ballot question was written under non-profit; (2) MM is not approved by the FDA; (3) some MM will be sold in food form; (4) MM will be purchased largely in cash and requires stringent security measures.

#4: Christopher Taloumis, Eastern Sun, LLC and JCS Holdings, Inc., PO Box 2036, Orleans, MA is seeking site plan approval and a Special Permit to construct and operate a medical marijuana facility under section 13.1 of the Dennis Zoning Bylaw. The property is located in the Industrial District at 32 American Way, South Dennis, MA (Assessor's Map 143, Parcel 33).

Discussion: Present were Attorney Valerio Romano, Christopher Taloumis and Salvatore Consiglio of Eastern Sun LLC and JCS Holdings, and Engineer J.M. O'Reilly. Mr. O'Reilly reviewed the site plan specifics including, but not limited to, entrances, parking, drainage, lighting, landscaping per police standards. He requested a waiver of the bylaw with respect to one driveway which will not meet setback requirements. The entire operation will be contained within one building to include cultivating, processing & packaging, and distribution.

Security plans were discussed in detail and are on file at the Planning & Appeals Office for public review. All clients will be escorted by security from the property. Dr. Seth Bach, acupuncturist, who has been operating a MM facility in Rhode Island since early 2013 gave testimony to the success of his operation thus far. The Board questioned various issues including traffic, number of patients anticipated, safety, odor and ventilation, impact on neighborhood, qualifications of applicants to run operation, visitor access, etc. Mr. Taloumis has extensive experience as a businessman.

Of note, if the applicant is approved he will have to return to the Planning Board annually to present a progress-type report and address problem issues that might arise.

From the audience Lisa and William Whalen, who are direct abutters, spoke in opposition to the project, feeling it will adversely affect their business and compromise the safety of their clients/children who frequent the premises. Steve Alundari, abutter, was in favor of the project and feels the stringent security measures will make the area safer. Janet Boudreau, abutter, said that her business has a school and a MM facility will be a disservice to the Town. She asked that the Board refuse the applicant's request for a waiver on the driveway as previous applicants have been rejected for the same.

Mr. Fortier noted that the southerly site driveway shall be narrowed to 20 feet and relocated to provide the 60 foot sideline to sideline clearance requirements for commercial driveways in the

Dennis Zoning By-law. Additional conditions for this project can be viewed on file in the Planning Office.

Vote: Ms. Famer moved to approve the special permit with conditions noted and Mr. Malzone seconded. VOTE: 5-0-2 - APPROVED: (Eldredge and DiManno abstained).

#5: Jane Heatley, William Noyse Webster Foundation, Inc. dba Barnstable County Wellness Center, 46 Stonehedge Drive, Barnstable, MA is seeking site plan approval and a Special Permit to operate a medical marijuana facility under section 13.1 of the Dennis Zoning Bylaw. The property is located in the Industrial District at 17 American Way, South Dennis, MA, (Assessor's Map 143, Parcel 30).

Discussion: Present were Attorney Landreth, Jane Heatley, President of William Noyes Webster Foundation dba Barnstable County Wellness Center, and Dan Ojala of Down Cape Engineering. This property will be used solely for growing MM. There will be no kitchen on the premises, fewer employees involved, and it will be bonded. Lieutenant Richard Nagle gave a presentation on security measures. Dan Ojala then reviewed all of the design aspects. A question arose as to the necessity of adding a sidewalk to the property as it might create as a security risk, and the bike path is across the street.

The Board questioned various issues including traffic, number of patients anticipated, safety, odor and ventilation, impact on neighborhood, qualifications of applicants to run operation, necessity of a fence/gait, police access, parking, drainage, cleaning costs and security, etc. Ms. Heatley has an extensive background in business administration and personal experience medically.

It was noted that applicants, if approved, will have to return to the Planning Board annually to present a progress-type report and address problem issues that might arise.

From the audience Abutter Craig Mishag was concerned that parking and traffic would be problematic. Abutter Carl Munroe, automotive repair businessman, asked if his customers would be subject to ID checks to frequent his establishment in the same complex.

Additional conditions for this project can be viewed on file in the Planning Office.

Vote: Ms. Farmer moved and Mr. Malzone seconded to Approve the Special Permit with conditions noted. VOTE: 6-0-1 - APPROVED (DiManno abstained).

#6: Jane Heatley, William Noyse Webster Foundation, Inc. dba Barnstable County Wellness Center, 46 Stonehedge Drive, Barnstable, MA is seeking site plan approval and a Special Permit to operate a medical marijuana facility under section 13.1 of the Dennis Zoning Bylaw. The property is located in the Industrial District at 226 Great Western Road, South Dennis, MA (Assessor's Map 145, Parcel 6).

Discussion: Present were Attorney Landreth, Jane Heatley, President of William Noyes Webster Foundation dba Barnstable County Wellness Center, and Dan Ojala of Down Cape Engineering.

This property will be used solely for dispensing MM. Lieutenant Richard Nagle gave a presentation on security measures. Dan Ojala then reviewed all of the design aspects. Two lots will be combined and a lease was attached to the application. A tight tank will be used for septic purposes. Mr. Fortier noted there has been concern of trace THC leaching into the water system so the tank will have to be hauled away. Discussion arose about the location of the fence and Mr. Fortier asked that it be moved closer to the building to allow police access onto the property without hindrance. Paul Covell, Real Estate agent, noted the applicant had met with a team of Dennis PD on all issues and submitted their proposal based on those recommendations. Discussion also revolved around the necessity and placement of a sidewalk which was ultimately recommended for the eastern side of the property.

From the audience Janet Boudreau noted her objection to the project with respect to its proximity to the bike trail and Tony Kent Arena.

It was noted that applicants, if approved, will have to return to the Planning Board annually to present a progress-type report and address problem issues that might arise.

Additional conditions for this project can be viewed on file in the Planning Office.

Vote: Ms. Farmer moved and Mr. Malzone seconded to Approve the Special Permit with the conditions noted. VOTE: 6-1-0 - APPROVED (DiManno abstained).

#7: Kingsbury Group Inc. c/o Southpoints Dennis RT, PO Drawer, W. Hyannis, MA is seeking site plan approval and a Special Permit to construct and operate a medical marijuana facility under section 13.1 of the Dennis Zoning Bylaw. The property is located in the Industrial District at 67 Theophilus Smith Road, South Dennis, MA (Assessor's Map 153, Parcel 9).

Discussion: Dan Ojala was present with the applicants. Mr. Mezzadri informed them that as the information submitted was incomplete, they could either request a continuance or move forward and be denied. The applicants requested this matter be continued to December 16, 2013.

Vote: Ms. Nashawaty moved and Ms. Slowe seconded to continue this matter to December 16, 2013. VOTE: 7-0-0. - CONTINUED.

ADDITIONAL BUSINESS: The Board unanimously voted to waive the review of the minutes at this time.

ADJOURNED: 11:30 PM

The Board unanimously approved these minutes with corrections on December 16, 2013.