

**COMMITTEE ON SPECIAL PERMITS
MONDAY, JANUARY 30, 2023, at 6:03 p.m.
WOBURN CITY HALL
COMMITTEE ROOM**

Voting members present: Chairman Richard Gately, Councilor Darlene Mercer-Bruen, Councilor Joanne Campbell, Councilor Charles Viola, and Councilor Lou DiMambro.

Non-voting members present: President Michael Concannon, Councilor Jeffrey Dillon, Councilor Robert Ferullo, and Councilor Joseph Demers

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Reading and approval of meeting minutes of January 9, 2023: Motion made by Councilor Viola and seconded by Councilor DiMambro to approve the minutes of the previous meeting; in favor, 5-0.

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Resolve that the Committee on Special Permits meet with Garage 42 Degrees, LLC, relative to compliance with conditions of special permit, at 20-30 Sonar Drive: Chairman Gately said the committee has been notified by Councilor Dillon that there has been an agreement between Garage 42 Degrees and the Swymers. He said as far as he is concerned the matter has been settled. Motion made by Councilor Mercer-Bruen and seconded by Councilor Viola to receive the matter and place it on file; approved, 5-0.

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Sanctuary Medicinals for special permit pursuant to Section 32.3 of the WZO, to amend current special permit to allow for adult use marijuana, at 130 Commerce Way: Representing the petitioner were Attorney Mark Salvati, 57 Arlington, Road, Woburn, MA; and Michael Allen, Chief of Security, Sanctuary Medicinals, 130 Commerce Way, Woburn, MA. Attorney Salvati said the floor plan is not changing, but they are adding one counter. He said the parking will not change. He said the applicant would like to increase the hours of operation, which are currently 10 a.m. 7 p.m. Monday through Wednesday, 10 a.m. to 9 p.m. Thursday through Saturday, and Sunday from 11 a.m. to 4 p.m. He said they would like to be open from 10 a.m. to 9 p.m. Monday through Wednesday, 10 a.m. to 11 p.m. Thursday through Saturday and 11 a.m. to 7 p.m. on Sunday. Councilor Campbell said she does not like the idea of the shop being open until 11 p.m. She said she would be concerned about that. Councilor Mercer-Bruen said she echoes Councilor Campbell's concerns about the shop being open until 11 p.m. She said 10 p.m. seems more reasonable. Attorney Salvati asked if 10 a.m. to 10 p.m. and 11 a.m. to 7 p.m. on Sunday is more acceptable. Councilor Viola said he does not think the shop should be open that late. Councilor Mercer-Bruen asked if 10 a.m. to 9 p.m. Monday through Saturday and 11 a.m. to 7 p.m. on Sunday is acceptable. Attorney Salvati asked if the shop hours could be 10 a.m. to 9 p.m. Monday through Wednesday, 10 a.m. to 10 p.m. Thursday through Saturday and 11 a.m. to 7 p.m. on Sunday. Councilor Mercer-Bruen said her biggest concern is the shop being open until 11 p.m. Attorney Salvati asked if 10 a.m. to 10 p.m. Monday through Saturday and 11

a.m. to 7 p.m. on Sunday is acceptable. Councilor Campbell said she is looking at the host agreement dated October 21, 2022, and asked if the applicant has seen the Cannabis Control Commission's revised regulations. Mr. Allen said the revised regulations should have no impact on Sanctuary Medicinals' operation. Attorney Salvati said if changes to the regulations impact the host agreement, the applicant will have to come back to the City Council. Chairman Campbell asked if the committee should make an inquiry with the City Solicitor. Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell to send a communication to the City Solicitor asking her if changes to the cannabis regulations by the Cannabis Control Commission have any impact on the city's host agreement with Sanctuary Medicinals, and if so are there any changes to the special permit the committee should consider; approved, 5-0. Councilor Campbell referenced the community impact fees and asked what the city will be receiving in tax revenue from the recreational marijuana component. Attorney Salvati said he believes the tax rate is 3 percent. Councilor DiMambro asked how many parking spaces there are. Attorney Salvati said there are 18 parking spaces. Councilor DiMambro said he wants to make sure the parking is clearly marked. He said hopefully the parking lot will be re-stripped. He said he wants to make sure there is enough parking during the week, especially between 4-5 p.m. Attorney Salvati said the committee could impose a condition that the parking lot will be re-stripped or the parking spaces for Sanctuary Medicinals are clearly marked. Councilor DiMambro said he expects business will jump after the recreational marijuana component is added. Councilor Mercer-Bruen said the committee can impose conditions that the parking lot is re-stripped and the parking spaces are numbered. Attorney Salvati said he would rather not have the parking spaces numbered but rather designated for Sanctuary Medicinals. He said the owner of the building has his own warehouse. Chairman Gately asked who is in the building now. Attorney Salvati said the only other occupant is the owner of the building, who runs an athletic wear operation. Chairman Gately asked about the frequency of delivery trucks. Attorney Salvati said there are 2-3 delivery trucks per week. Chairman Gately asked how many employees there are at the athletic wear business. Attorney Salvati said there are three employees. Chairman Gately asked if the athletic wear firm has its own delivery trucks. Attorney Salvati said the athletic wear firm does not have its own delivery trucks. Chairman Gately asked if there are four loading docks. Attorney Salvati said there are four loading docks, but one is no longer used. Mr. Allen said there is a truck that is parked at one of the loading docks that is almost there permanently. Attorney Salvati said Sanctuary Medicinals does not need loading docks. Councilor Mercer-Bruen said the original special permit references 20 parking spaces should be available. Mr. Allen said there are 18 spaces and two handicapped spaces. Attorney Salvati said he does not think it is necessary to designate parking. He said Sanctuary Medicinals will re-stripe and number the parking spaces. Chairman Gately asked if the handicapped parking spaces are marked as such. Mr. Allen said they are. Attorney Salvati said he thinks the handicapped spaces have appropriate signage. Councilor Viola asked if the applicant would be opposed to a condition that prohibits delivery of cannabis. Councilor Viola said item #24 of the host agreement indicates the applicant has to support charitable organizations, and asked to which organizations the contributions are going. Attorney Salvati said the city has not indicated which organizations will receive the contributions. Mr. Allen said the applicant is open to suggestions. Councilor Viola asked if the applicant is willing to fund a therapy dog for the school system. He said the applicant can have an answer by Tuesday when the City Council resumes the public hearing. Councilor DiMambro asked if a delivery component would involve a parcel service or their own deliveries. Mr. Allen said a license from the Cannabis Control Commission is required

to make deliveries. He said other communities allow deliveries to Woburn from their dispensaries. Councilor Mercer-Bruen said she thinks a therapy dog is a good idea. She asked if the council dictates that the contribution should be going for that purpose, will there be a lot of rules with which the schools will have to comply. Councilor Viola said the Woburn Police Dept. can use the dog for community relations. Attorney Salvati said he can look into whether that can be done. Councilor Campbell asked if there is a security guard on duty. Mr. Allen said there is a security guard during all hours of operation. Councilor Campbell asked if there are security cameras outside the building. Mr. Allen answered affirmatively. Councilor Campbell said she wants to make sure there are security cameras. Mr. Allen said every square inch of the property is covered by security cameras. He said security has been well thought out. Motion made by Councilor Mercer-Bruen and seconded by Councilor Viola to allow members of the City Council who are not on the committee to address the petition; approved, 5-0. Councilor Ferullo said the medicinal component of Sanctuary Medicinals opened while he was chief of police so he is aware of the security system. He said the applicant has more security than the old Woburn National Bank during its heyday. Councilor Demers said it is very important to have full disclosure of security to the public. He said a request for a therapy as a condition to the special permit would be outside of the council's rules and regulations. He said the council needs to discuss who will take care of the dog. He said it is kind of near-sighted to restrict a Woburn company from delivering in Woburn when competitors outside of Woburn can deliver in Woburn. He said he has not seen a plan for deliveries. He said right now there are apps that can be used to order alcohol. He said this is legal. He said you can order alcohol from a local liquor store. He said if the council is looking for consistency, it ought to also allow delivery of cannabis. Councilor Mercer-Bruen said there are communities with drive-through liquor stores, which she said it is astonishing. She said cannabis sales are new to the council. She said she it is appropriate to be cautious. She said she would be opposed to any type of delivery off-site. Attorney Salvati said the applicant is okay with restricting off-site deliveries. He said if they want deliveries in the future they can come back to the council. Councilor Dillon said he agrees with Councilor Mercer-Bruen. He said marijuana sales is in its infant stages. He said if the applicant wants a delivery component, it can return after the council sees how things go. Councilor Campbell said she agrees. President Concannon asked if a special permit is the last step for the applicant. Mr. Allen said they still have stops with the state. He said the CCC has to conduct several inspections and the applicant has to demonstrate the facility meets the standards for the sale of recreational marijuana. He said the Police Chief will come to do a walk-through inspection. He said once the final license is issued, they can commence operations within three days. President Concannon asked if the issuance of a special permit dictates the rest of the process. Mr. Allen said the applicant has to comply with all local regulations. Councilor Mercer-Bruen asked about signage. Attorney Salvati said he is aware there were some objections to billboards that read the recreational marijuana dispensary is "Coming Soon" to Woburn. He said the billboard was taken down within 48 hours of the complaints. He said there were discussions about what could be advertised in the future. He said the state strongly regulates advertising. He said he is not sure how the council could add a condition to limit advertising. Councilor Mercer-Bruen said the federal government puts regulations on advertising for cigarettes, vapes and alcohol. She said she would like to have a conversation about what exactly the advertising will entail. She said Sanctuary Medicinals pitched there would be a low impact on traffic. She said she has concerns about billboards in Danvers. She asked if the council and the petitioner have to go back to the drawing board and talk about mitigation. Attorney Salvati said it can be discussed.

He said he would like to talk to the City Solicitor. He said he thinks the council may be walking on thin ice if it imposes restrictions on advertising. Councilor Mercer-Bruen said the applicant should say whether it is willing to work with the council or not, and if not, they can go back to the drawing board to see if there are any concerns about advertising. Attorney Salvati said if traffic gets out of control, the applicant will pay for a police detail. He said if the applicant sees a problem, it will react to it. Councilor Campbell said she took a picture of a billboard in Somerville that read "Coming Soon." She said the City Council has not even voted on the special permit. She said she has seen billboards advertising Sanctuary Medicinals and every time she sees one she thinks holy smoke. She said the idea was to help people in the area. She said she is now concerned that people will be coming from all over. She said she has seen billboards in Somerville and Stoneham and now she is learning there is another billboard in Danvers. She said this is very concerning. She said Sanctuary Medicinals is in a small lot with limited parking. President Concannon said understands the concerns about the scope of the business being greater than the council expected. He said he was surprised to learn there was a billboard in Danvers. He said the council discussed getting an opinion from the City Solicitor. He said the concern that the shop might become so busy it is a problem is legitimate. He said he is concerned about Woburn's reputation. He said he does not want Woburn to become marijuana central. He said he does not, however, want to manage the business in a way that does not make it successful. Mr. Allen said there are more than 300 marijuana dispensaries in Massachusetts. He said the market is very competitive. He said billboard advertising is only one form of advertising. He said every dispensary he has worked for has used billboard advertising. He said marketing is an important component. He said the dispensary will also send text messages and offers a loyalty program. He said it is unclear how to measure the number of customers that are reached by billboards. He said he was a cop for 30 years. He said all of the council's concerns are his concerns. He said these issues have been taken into consideration. He said Sanctuary Medicinals has had multiple conversations with the police chief. He said if they are required to hire a police detail, they would be happy to do so. He said most recent openings have been non-events because of the number of dispensaries across the state. He said traffic concerns are not an issue anymore. He said two locations in the last three months have opened on busy roads, and both openings were non-events. President Concannon said he thinks the traffic can be managed, but he is still concerned about billboards in other communities directing people to Woburn. He said he would rather see out-of-town billboards read Exit 37 off Route 93 instead of Woburn. Attorney Salvati said he thinks his client would probably be all right with that. He said the idea was to make people who are in Woburn but don't live in Woburn that there is a recreational marijuana facility in the city. He said the goal is not to attract people from Danvers, it's to attract people who work in Woburn. He said he'd like to ask for a 6-month review of the advertising component. Councilor Mercer-Bruen said the council and the petitioner should be able to come up with something to address the advertising. She said President Concannon makes some good points about billboards. Attorney Salvati said he thinks there can be some sort of compromise. He said he has some proposed conditions that include revising the hours of operation and removing the term "medical only." He said he has a condition about a police detail. He said he will come up with other conditions that the committee has referenced tonight. Councilor Dillon said he likes the idea of a comfort dog for the betterment of all of Woburn. He said the dog could also go to the senior center. He said it might be a good thing to coordinate this with the animal control officer. Councilor Viola asked if Sanctuary Medicinals offers a loyalty program. Mr. Allen said loyalty programs are very common in the industry and Sanctuary Medicinals offers a typical

program. Councilor Viola asked if there is a maximum amount of cannabis a customer can purchase at any one time. Mr. Allen said customers are limited to the purchase of one ounce per day. Councilor Viola asked what the loyalty program entails. Mr. Allen said the loyalty program is geared toward non-cannabis items like paraphernalia and clothing. Motion made by Councilor Mercer-Bruen and seconded by Councilor Campbell to send the matter “back for action,” pending conditions to be drafted by Attorney Salvati; approved, 5-0.

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G&A Realty Trust, Chung Lee, Trustee, for a special permit pursuant to: (1) Section 5.1(5) of the WZO to allow for eight (8) dwellings above the first floor in a commercial structure; and (2) Section 8.3.3 of the WZO to allow for the substitution of sixteen (16) off-site parking spaces in a municipal lot, at 433 Main Street: Representing the petitioner were Attorney Mark Salvati, 57 Arlington Road, Woburn, MA; and Gary R. Wyrosdic, Wyrosdic Design Construction, 462 Broadway, Lynnfield, MA. Attorney Salvati said the applicant is seeking a special permit for eight units above a commercial entity on the first floor. He said Mr. Wyrosdic is the architect for the project and will address some issues that arose at the public hearing. Mr. Wyrosdic showed the committee some graphics of what the building will look like. He said the building will be embellished with lintels. He said he also wants to break up the façade with bricks and eifs stucco. Councilor DiMambro asked if there will be any handicapped parking, and where the dumpster will be located. Attorney Salvati said the applicant is paying the city for parking in the municipal parking lot. He said the handicapped parking will be identified in the municipal parking lot. Councilor DiMambro said the parking lot is quite a distance from the locus. Chairman Gately asked what else is in the building. Attorney Salvati said there is a Brazilian grocery store and Ha Ha Ha Chicken on the first floor. He said Ha Ha Ha Chicken occupies the space formerly occupied by Brothers Pizza. Chairman Gately asked if the entire building is being renovated. Attorney Salvati said nothing on the first floor is being touched. Chairman Gately asked if there will be an elevator in the building. Attorney Salvati answered affirmatively. Chairman Gately asked if the utilities can accommodate the number of new apartments. Mr. Wyrosdic said there was extensive work done on the street. He said there is a new 8-inch water main and a sewer extension that runs from Main Street to Everett Street. He said the gas service will have to be upgraded. Chairman Gately asked if the applicant can take video of the sewer line. Attorney Salvati said that may have already been done. Chairman Gately asked how storm water runoff will be accommodated. Mr. Wyrosdic said there is a 2,000 gallon holding tank that allows water to be filtered into the storm drain. Attorney Salvati said the drainage has been examined by Building Commissioner Thomas Quinn and DPW Supt. John Duran. Chairman Gately asked if the holding tank needs to be pumped out. Mr. Wyrosdic said the debris will be cleaned out. Councilor DiMambro asked if the building is deep enough to accommodate eight apartments. Attorney Salvati said the building is deep. He said only entrance will be from the front. He said there is some office space and some other unused space. He said there will be no apartments on the first floor. Councilor DiMambro asked where the entrance to the apartments will be. Attorney Salvati said the entrance will be right in the middle of the building and there will be a set of stairs. Councilor Ferullo said it is the same stairway that went to the Silver Cue. Councilor DiMambro asked where the elevator is going. Attorney Salvati said the elevator is going in the back of the building. Councilor Viola thanked the applicant for bringing updated photographs of the building. He said he thinks the building will add more

appeal to the downtown area. Motion made by Councilor Mercer-Bruen and seconded by Councilor Viola to allow any member of the City Council not on the committee to address the petition; approved, 5-0. Councilor Dillon said he is still concerned about parking, but it is not like this is a new building. He said he thinks he is going to soften his approach about the building being crowded. He said he wishes the petitioner luck. He said he was vocal about this before, and he still thinks the council has to look at the parking situation. He said the applicant is going to be paying \$4,500 for parking spaces that are not really available. Attorney Salvati said the memo from the Planning Dept. is not accurate. He said the developer of 4 Montvale Avenue did not pay for parking. He said the developer of 12 Montvale Avenue paid \$54,000 for parking. He said he believes the parking fund will have about \$192,000 after the contribution from this project. Councilor Dillon said the developer of the apartments above the Dog House Bar & Grill did not pay for the parking. Attorney Salvati said he believes those apartments were built before the parking ordinance was revised. Councilor Ferullo said cleaning up that corner trumps any concerns he has about parking. President Concannon asked if the residents of the apartments can use the Walnut Street lot for parking. Attorney Salvati answered affirmatively. President Concannon asked if there is any parking on Union Street by the Greek Church. Attorney Salvati said the Greek Church owns that area. He said it is seldomly occupied, but the church won't sell it. President Concannon asked if the committee is required to make any findings. Attorney Salvati said he does not believe so. Councilor Campbell asked if there will be any conditions. Attorney Salvati said he believes the only condition will be for the parking. Motion made by Councilor Mercer-Bruen and seconded by Councilor Viola that the special permit "ought to pass," with the addition of a condition about parking to be provided by Attorney Salvati; approved, 5-0.

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Motion made by Councilor Campbell and seconded by Councilor Viola to adjourn; in favor, 5-0. Chairman Gately adjourned the meeting at 7:02 p.m.

A TRUE RECORD ATTEST

Gordon Vincent
Clerk of Committees