

# **Town of Southborough**

## **PLANNING BOARD**

SOUTHBOROUGH, MASSACHUSETTS 01772

17 COMMON STREET  
SOUTHBOROUGH, MASSACHUSETTS 01772-1662  
508-485-0710

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Oct 24, 2016

### **DECISION of MAJOR SITE PLAN APPROVAL 255 Turnpike Road**

#### ***Procedural History***

1. An Application for Major Site Plan Approval was filed in the Office of the Southborough Town Clerk on June 17, 2016.
2. The Major Site Plan Approval is sought under Southborough Zoning Bylaw §174-10 to convert 2,100 +/- s. f. of an existing commercial building at 255 Turnpike Road into a Registered Marijuana Dispensary, in accordance with § 174-9J.
3. The Applicant is before the Planning Board for:
  - a. Major Site Plan Review. Sections:
    - §174-10-A (1) Any nonresidential development that results in an increase in on-site parking
    - §174-10-A (2) All modifications to existing development projects which fall within the applicability of the town's regulations for parking and loading Section 174-12 or landscaping Section 174-13
    - §174-10-A (3) any change in use or reactivation of a facility that has not been in use for a period of two (2) years.
    - §174-J (9) Medical Marijuana
4. The Record Owner of the property is Unicorn Realty Trust, 255 Turnpike Road, Southborough, MA 01772.
5. The Applicant is CommCan Inc., 730 Main Street, Millis, MA 02054.
6. The subject property is identified as 255 Turnpike Road and according to the Southborough Assessor's Tax Map 27, Parcel 6, Southborough, MA. The property is located within the Business Highway District.
7. The hearing has been duly complied with regarding notice; a public hearing was opened on July 18, 2016. The public hearing was continued to September 19, 2016, and to September 26, 2016. A copy of the minutes for each session of the public hearing is available in the Planning Department.

8. The application was accompanied by plans entitled "255 Turnpike Road Site Plan of Land in Southborough, MA" dated February 16, 2016; Merrikin Engineering, LLP, 730 Main St, Suite 2C, Millis, MA 02054, stamped by Daniel, J. Merrikin, PE; and consisting of six (6) sheets. Revised plans dated Sep 1, 2016 were submitted to the Planning Board.

9. Other materials received with the application and during the project review:

Project Narrative and Security Systems and Operational Plan	Merrikin Engineering, LLP	Dated September 6, 2016; revised through September 22, 2016
Proposed Floor Plans	Keenan + Kenny Architects, LTD.	Dated June 15, 2016; revised through September 23, 2016
Standing Sign Detail	Walpole Signarama	undated
Existing Conditions Plan	Merrikin Engineering, LLP	Dated February 16, 2016 revised through September 22, 2016
Proposed Conditions Plan	Merrikin Engineering, LLP	Dated September 22, 2016
Lighting Photo metrics Plan and Cut sheets	RAB and Merrikin Engineering, LLP	Dated June 2, 2016; revised through September 22, 2016
Site Plans	Merrikin Engineering, LLP	Dated February 16, 2016; revised through September 22, 2016
Landscape Plan	Merrikin Engineering, LLP	Dated September 1, 2016

a. The following correspondence was received during the project review:

Name	Department/Company	Form	Date
Marnie Hoolahan	Resident, Town of Southborough	Email	July 14, 2016
Steve Valentine	Resident, Town of Southborough	Email	July 15, 2016
Aimee Bell	Fuss & O'Neill	Letter	July 18, 2016
Safdar Medina	Resident, Town of Southborough	Email	July 18, 2016
Marc Rosenfeld	CommCan, Inc.	Email	July 19, 2016
Mark Purple	Town Administrator, Town	Email	July 26, 2016
Daniel J Merrikin	Merrikin Engineering, LLC	Letter	September 6, 2016
Joseph C Mauro	Fire Chief, Town of Southborough	Letter	September 9, 2016
Melissa Trombley & Aimee Bell	Fuss & O'Neill	Letter	September 13, 2016
Daniel J Merrikin	Merrikin Engineering, LLC	Letter	September 15, 2016



Daniel J Merrikin	Merrikin Engineering, LLC	Letter	September 19, 2016
Daniel J Merrikin	Merrikin Engineering, LLC	Letter	September 22, 2016
Kenneth M Paulhus	Chief of Police, Town of Southborough	Email	September 26, 2016

### ***Findings***

1. The proposal constitutes a Major Site Plan Review because the proposal entails the construction of more than two thousand (2,000) square feet or more of floor area and requires twenty (20) or more parking spaces.
2. Under the Town of Southborough Zoning Bylaws, Site Plan Review is an administrative review of site design for uses that are allowed in the underlying Zoning district, and is not a review of a proposed or existing use.
3. The Planning Board, Fuss & O'Neill and other Town Departments have reviewed the application, plans, design documentation, correspondence, and other submission material. Throughout the public hearing process, the Planning Board has been mindful of the statements and comments of the applicants, their representatives, town staff, the abutters, and the general public.
4. 255 Turnpike Road is located in the Business Highway District.
5. The Applicant proposes to convert 2,100 +/- s. f. of an existing commercial building at 255 Turnpike Road into a Registered Marijuana Dispensary with associated parking, landscaping, lighting and signage.
6. The Southborough Police, Fire, and Ambulance Departments will provide services.
7. The Decision Criteria for approval of a Site Plan are contained in § 174-10.D of the Zoning Bylaw, which states that the Planning Board shall approve an application for site plan review if it finds that any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Southborough Planning Board's Rules and Regulations for the Subdivision of Land and shall be so designed that for the given location and type and extent of land use, the design of building form, building location, egress points, grading and other elements of the development shall be so as to:
  - Minimize the volume of cut and fill, the number of removed trees six (6) inches in caliper and larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and the threat of air or water pollution.
  - Maximize pedestrian and vehicular safety and convenience within the site and egressing from it.
  - Minimize obstruction of scenic views from publicly accessible locations.
  - Minimize visual intrusion by minimizing the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned; minimizing glare from headlights through plantings or other screening, minimizing lighting intrusion through use of such devices as cutoff luminaries confining direct rays to the site; fixture mounting height not higher than twenty (20) feet except adjacent to Route 9; and avoiding unreasonable departure from the character of building in the vicinity.

8. The applicant and the project representatives demonstrated on the plans, in reports, through correspondence and during the public hearing that the proposed development is in conformance with the Zoning Bylaws.
9. The Planning Board found that the plan, subject to conditions listed herein, is substantially in conformance with the standards required by the Southborough Zoning Bylaw and that the proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.

***Waiver Requests:***

1. None Requested

***Decision and Vote of the Board***

At its meeting on September 26, 2016, the Southborough Planning Board voted (5/0) to determine that the (1) Approval Criteria contained in Section 174-10.D of the Zoning Bylaw had been met and (2) grant the Major Site Plan Approval to allow one (1) building along with parking, lighting, landscaping, drainage, and associated infrastructure at 255 Turnpike Road, Southborough MA; In accordance with plans entitled "255 Turnpike Road Site Plan of Land, Southborough, MA", dated September 1, 2016 and revised through September 23, 2016; Merrikin Engineering LLP, 730 Main St, Suite 2C, Millis, MA 02054 stamped by Daniel J. Merrikin, PE; and consisting of six (6) sheets and plans entitled, "CommCan Inc." dated September 6, 2016 were submitted to the Planning Board.

***Subject to the following conditions:***

1. Applicant shall seek a variance to install an 8' chain link fence along the east side of the property where shown. Should the variance be granted and not appealed, said fencing shall be installed at 8 feet. Otherwise, said fencing shall be installed at 6' in compliance with the zoning bylaw.
2. No sign shall be illuminated between the hours of 10:00 pm and 6:00 am. The proposed spotlights for the standing sign shall be white, steady, stationary, shielded and directed solely at the sign.
3. There will be no vending machines at this site.
4. There will be no further distribution of the product from this facility to other dispensaries.
5. There will be no home deliveries of the product from this facility.
6. The Planning Board shall be notified upon completion of site lighting installation. After said notification, the Planning Board shall have one (1) year to review illumination. During this review period, the Planning Board reserves the right to require adjustment of the number and/or intensity of exterior fixtures, if it determines illumination is insufficient or spill-over onto the adjacent property is excessive. This is subject to the understanding that lighting levels will not go below that required for safety. Night time lighting shall be minimized to the extent possible based upon the tenant usage of the property and safety requirements.
7. The Planning Board shall be notified upon completion of landscape installation on the site. After said notification, the Planning Board shall have one (1) year to review the landscaping. During this review period, the Planning Board reserves the right to require



adjustment if it determines there is insufficient screening between the site and the adjacent properties. This is subject to the understanding that any screening or landscaping will not impact safety requirements.

8. A generator shall be provided to provide backup to security systems.

9 The material to be used to secure the barrier wall between the two tenant spaces on the first floor shall be subject to approval by the Police Chief.

10. The method to be used to secure the first floor windows shall be subject to approval by the Police Chief.

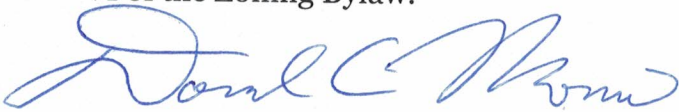
On the motion to grant the Major Site Plan approval 255 Turnpike Road, the vote of the Board is as follows:

Donald Morris	Yes
Andrew Mills	Yes
Phil Jenks	Yes
Jesse Stein	Yes
Meme Luttrell	Yes

As per §174-10.F, this Decision shall become void one (1) year from the date of issue if the actions authorized hereby are not exercised.

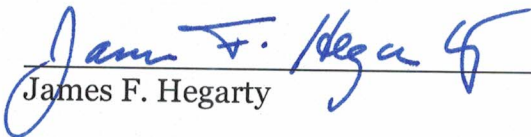
As per §174-9 J (3) Permit is only valid for two (2) years from the date of issuance.

Any person aggrieved by the action of the Planning Board on a site plan approval application may appeal said action to the Zoning Board of Appeals as provided in Article VI of the Zoning Bylaw.



Donald Morris, Chairman  
Southborough Planning Board

Filed with Town Clerk:



James F. Hegarty

Date

10/24/16

I, James F. Hegarty, Town Clerk for the Town of Southborough, hereby do certify that twenty (20) business days have elapsed since the filing of this decision and no appeal has been filed with the Southborough Town Clerk.

James F. Hegarty, Town Clerk

Date