



TOWN OF ROCKLAND ZONING BOARD OF APPEALS

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TOWN CLERK, ROCKLAND
SEP 21 '22 AM 11:25

FINDINGS AND DECISION of the ZONING BOARD of APPEALS

Date: September 20, 2022

Decision: Grant of Special Permit

Applicant: Two Buds, LLC

Owner: JJBB, Inc.
53 Air Station Industrial Park, Rockland, Massachusetts.

Property Address: 53 Airport Park Drive, Rockland, MA

The Rockland Zoning Board of Appeals has considered the application submitted by Two Buds, LLC, One Liberty Square, Suite 410, Boston, Massachusetts, for a Special Permit pursuant to Zoning Bylaws Section 415-19(C)19, Marijuana Establishment pursuant to Section 415-38.5, and Section 415-38.5, Marijuana Establishment, to allow applicant to redevelop one parcel of land to consist of an approximate 300 S.F. addition to the existing building, totaling 36,662 S.F., and additional site improvements such as site regrading, landscaping, new paved walkways and ramps, associated parking and installation of supporting utilities to operate an Adult Use Marijuana Establishment engaged in the retail sale of marijuana and marijuana products at the premises known as and numbered 53 Airport Park Drive, Rockland, Massachusetts. The property is located in the H-1 Industrial Park-Hotel Zoning District, Section 415-19 of the Bylaw, and is further identified as Lot 5, Map 8, on the Rockland Assessor's Maps.

The Board certifies that it has complied with all statutory requirements relative to notice to abutters and new publication of notice of the public hearing and has filed copies of this decision and all plans referred to herein with the Town Clerk, Planning Board, and the Building Department pursuant to Mass. Gen. L. c. 40A, Section 11.

Advertised: August 26, 2022, and September 2, 2022, in the Patriot Ledger.

The Board lastly has taken into consideration testimony of the applicant, the applicant's attorney, the public, the application materials, plans and revised plans, and communications from various Town boards, abutters, and with interested parties.

A Remote Public Hearing was held, after notice and publication, virtually via Zoom on September 13, 2022, at 7:30 P.M. The meeting was recorded and shown on WRPS Rockland TV, the local cable access tv station.

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The hearing was scheduled as a joint meeting with the Rockland Planning Board. The Planning Board was to consider Site Plan Approval pursuant to its authority under Zoning Bylaws, Section 415-58 and 415-59.

ATTENDANCE

Board Members: Chairman Robert C. Rosa, III, Gregory Tansey, Robert Baker, Jr., Timothy Haynes, Robert Baker, Sr. Alternate Members: Stephen Galley and Nicole Clement-Gomez.

Members Voting: Chairman Robert C. Rosa, III, Gregory Tansey, Robert Baker, Jr., Timothy Haynes, Robert Baker, Sr.

DISCUSSION ON SEPTEMBER 13, 2022

(All Board members were participating remotely.)

The Chairman of the Zoning Board introduced the members of the Board advising the public that all are participating remotely. The Chairman asked the members of the ZBA for a vote to open the public hearing.

Motion: Robert Baker, Jr. makes a motion to open the public hearing.
Second: Gregory Tansey

The ZBA members then took a roll call vote:

Robert C. Rosa, III – Yes, Gregory Tansey – Yes, Timothy Haynes – Yes, Robert Baker, Sr. - Yes, Robert Baker, Jr – Yes, Stephen Galley – Yes, Nicole Clement-Gomez - Yes. The vote was unanimous, and the public meeting was opened.

The Chairman read the advertised notice in the Patriot Ledger with a Public Hearing Date of September 13, 2022.

Chairman Rosa entertains a motion to have the Planning Board open the meeting.

Motion: Robert Baker, Jr. makes a motion for the Planning Board of open its meeting.
Second: Timothy Haynes

Michael Corbett, Chairman of the Planning Board, advises that the Board does not have a quorum and continues the meeting to September 27, 2022.

The Applicant, Grover Daniels, reads a statement to the Board that there are no changes to a previously filed Application for Special Permit date stamped December 6, 2019. He then gives a presentation about the business operation.

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Chairman Rosa then questions Eric Schumaker of McKenzie Engineering Group, Inc. about the plans.

Mr. Schoumaker answers that there have been no modifications to the plans.

The Chairman then opened the meeting to the Board for questions.

Gregory Tansey had no questions.

Robert Baker, Sr. asked where do the roof drains go. Mr. Schoumaker answered the swale in the back yard.

Robert Baker, Jr. had no questions.

Timothy Haynes asked for clarification of the previous decision and whether the Applicant had received Site Plan Design Approval from the Planning Board in June, 2020, which it had.

Stephen Galley had no questions.

Nicole Clement-Gomez had no questions.

The Chairman then opened the meeting up to members of the public. He asked if any of the attendees would like to speak in favor of the Applicant. Hearing none, he then asked if anyone was opposed to the Applicant. No one spoke.

The Chairman then stated that he would entertain a motion if the Board felt that they had enough information to close the public portion of the hearing.

Motion: Robert Baker, Sr. made a motion to close the public portion of the hearing.
Second: Robert Baker, Jr.

Vote: Robert C. Rosa, III – Yes, Gregory Tansey – Yes, Robert Baker, Jr. – Yes, Timothy Haynes – Yes, Robert Baker, Jr. – Yes. The vote was unanimous, and the public portion of the hearing was closed.

The Chairman reads to the applicant the appeal process and states a decision will be made at tonight's hearing, and that they are welcome to stay and await the result. One of the conditions is always to show the Building Commissioner proof of recording.

DELIBERATION AND VOTE ON DECISION:

VOTE: Mr. Haynes makes a motion to grant the Special Permit for Retail /Recreational with Conditions.

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Second: Robert Baker, Sr.

The vote of the Board was unanimous (5-0).

CONDITIONS:

1. The Applicant shall improve and use the premises in accordance with the approved Site Plans prepared by McKenzie Engineering Group, Inc., 150 Longwater Drive, Suite 101, Norwell, MA 02061, with a revised date of May 28, 2020, and stamped by the Town Clerk's Office on August 15, 2022, and the use of the premises shall be in accordance with said plans. The Applicant shall obtain all other local, state and federal permits and approvals required by law prior to the commencement of any use, including site plan approval from the Planning Board. If any condition of any other permit or approval conflicts with any condition of approval contained herein, the Applicant shall be required to comply with the terms and conditions herein, unless waived expressly and in writing by the Zoning Board of Appeals.
2. There shall be no parking at any adjacent business or vacant lots unless otherwise expressly agreed to between relevant parties if being used to meet the minimum required spots of the bylaw.
3. There shall be no drive through window.
4. All signage must adhere to all provisions of state and local regulations with respect to signage, included that signs shall not utilize graphics related to marijuana or paraphernalia on the exterior of the building and obtain a sign permit from the Building Commissioner.
5. The facility will have the appearance of a medical office, and that there be no signs or posters inside windows that are visible from outside the building.
6. No smoking, burning, or consumption of any product containing marijuana or marijuana related products on or outside the premises.
7. Two Buds, LLC will install odor mitigation controls to meet the requirements of the Zoning Bylaw on odor mitigation.
8. There shall be no loitering outside of the building.

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9. For three months after the business opens, access to the premises may be granted without the requirement of being by "appointment only." The Applicant shall come back before the Zoning Board of Appeals for a three (3) month review of the prior business operations and the Zoning Board of Appeals shall have the right to impose such a condition if, in its judgement, such a condition is required to mitigate against the negative traffic and pedestrian safety impacts of the proposed use.
10. After three (3) months, and then one (1) year of operation, the Zoning Board of Appeals will review the Special Permit and any adverse impacts from the operation of the business, including traffic impacts on neighboring businesses. Based on this review the ZBA will consider modifications to the Special Permit including elimination of access by appointment only.
11. All cannabis and cannabis product deliveries shall be made to rear of the building.
12. No overnight parking at this location, except for employees that are working at the facility after hours.
13. For at least the first three (3) months of operation, and as long thereafter as deemed necessary by Rockland Police Department, Two Buds, LLC will employ at its cost and expense police details in areas designated by the Rockland Police Department in front of the facility to control and direct traffic.
14. For at least the first three (3) months of operation and as long as deemed necessary by the ZBA or Building Commissioner, Two Buds, LLC will employ a parking lot attendant to oversee the safe and efficient flow of traffic in and out of the parking lot. Parking lot attendant shall always be wearing appropriate identification.
15. Two Buds, LLC will distribute information to all customers visiting the facility informing them of the parking and traffic policies, the prohibition of the product use around the facility, and the restrictions on waiting or loitering outside of the building. Such information as stated above shall be placed on their web page as well.
16. Onsite security shall be present during business hours and contact information for such personnel is to be shared with abutting property owners and tenants.
17. The Applicant shall provide fencing along lot lines as shown on the design plan prepared by McKenzie Engineering Group, Inc. last revised 5/28/20.

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18. Hours of operation shall be 9:00 A.M. to 9:00 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sunday for adult use customers, unless otherwise prohibited by state law. There shall be no sale of retail product on Thanksgiving and Christmas.

REASONS/FIDINGS FOR DECISION:

In the exercise of its discretionary authority, the decision to approve the recreational marijuana establishment special permit is based on the fact that, as conditioned, the marijuana establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, § 11, is not located in any prohibited area or within the exclusion zones provided under the Zoning Bylaw, is in harmony with the intent and purpose of the Zoning Bylaws, the Applicant clearly demonstrated that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all applicable state and local laws and regulations; and the Applicant has satisfied all of the conditions and requirements of these Zoning Bylaws.

THIS DECISION, ALONG WITH THE CERTIFICATION FROM THE TOWN CLERK, THAT NO APPEAL HAS BEEN FILED, MUST BE RECORDED WITH THE PLYMOUTH COUNTY REGISTRY OF DEEDS PRIOR TO OBTAINING A PERMIT AND PROOF OF RECORDING MUST BE FILED WITH THE BUILDING COMMISSIONER.

NOTE:

- ❖ This decision may be appealed to the District Court, Housing Court, Land Court or Superior Court pursuant to Chapter 40A, Section 17. Said appeal must be filed within twenty (20) days after this decision is filed with the Town Clerk.
- ❖ Chapter 40A, Section 11, states that in part, that no variance or Special Permit shall take effect until the Town Clerk certifies that twenty (20) days have elapsed, and no appeal has been filed.
- ❖ This Board certifies that copies of this decision have been filed with the Planning Board as well as with the Town Clerk.

ROCKLAND ZONING BOARD OF APPEALS,

By: 

ROBERT C. ROSA, III
CHAIRMAN