

SPECIAL PERMIT DECISION

<u>Applicant:</u>	Clovercraft LLC dba Budzee
<u>Property Owner:</u>	Norwich Properties, LLC
<u>Property Address:</u>	17 East Street
<u>Assessor Number:</u>	110-10
<u>Filing Date:</u>	June 24, 2021
<u>Decision Date:</u>	July 27, 2021
<u>Decision:</u>	Approved with Conditions

Legal Description

Clovercraft LLC dba Budzee – seeking a Special Permit under Sections 10.10 and 12.9 of the Easthampton Zoning Ordinance to operate as a Marijuana Delivery Operator. Property is located at 17 East Street (Map 110, Lot 10) in the Highway Business (HB) zoning district.

Description

This is the decision of the Easthampton Planning Board (“Board”) on the application of Clovercraft LLC dba Budzee to grant a Special Permit to operate as a Marijuana Delivery Operator pursuant to Sections 10.10 and 12.7 of the Easthampton Zoning Ordinance, at 17 East Street in Easthampton, MA.

At the time of application, the proposed location for the Marijuana Delivery Operator was already in use as a commercial office and warehouse space for Five Star Building Corporation. As a result, the conversion of the existing use to a Marijuana Delivery Operator entailed limited external changes subject to the review of the Planning Board. The Applicant proposes to utilize the existing 3,772 sq. ft. structure to the rear (north) of the property as a combined office, garage, and internal product storage area for the Marijuana Delivery Operation, with access proposed off East Street, a public way.

Public Hearing – June 20, 2021

- The initial public hearing was held via remote meeting on June 20, 2020 in accordance with the Massachusetts Open Meeting Law (M.G.L. C. 30a S. 20) as amended by the March 10, 2020 Executive order of the Governor. Chair Jesse Belcher-Timme recused himself, and Acting Chair James Zarvis presided.
- Kevin Perrier presented as an owner of Norwich Properties and applicant for the change in use. During the overview presented by the Applicant, the following details salient to Board discussion were offered:
 - Project proposes re-use of existing office building on site (3,772 sq. ft.)
 - Lighting, utilities, and pavement already extant on-site.
 - 5 delivery vehicles with two staff each proposed to start, with the intent to scale up rapidly to meet business demand.
 - The site includes 31 parking spaces to be utilized by employees and delivery vehicles.
 - The proposed hours of operation are 8am – 11pm, the maximum extent allowable by Easthampton Zoning Ordinances Section 10.10
 - Applicant proposes minor changes to site exterior including new security cameras and new signage (business identification mounted on the building at and the entrance).
 - No customer visits to site are anticipated.

- The Board discussed the proposal with the Applicant and determined that existing landscaping would not impede vehicle line of sight at the access driveway, that proposed signage conformed to the standards outlined in Section 10.2, that snow removal would take place on-site behind the proposed delivery structure, and that a bulk waste disposal receptacle conforming with CCC standards for cannabis waste was located at the site north between the two rows of off-street parking. Member Harry Schumann inquired about the storage and type of cannabis on site, and Kevin Perrier replied by detailing business operations and the expected demand of services.
- The Board opened the floor to public comment. Hearing none, they discussed the required Findings for the project per Section 12.7.9 of the Easthampton Zoning Ordinances as outlined below. Having been satisfied that the project met the criteria established in the Zoning Ordinance, the Board reviewed proposed Conditions for the project. Acting Chair James Zarvis inquired if the Applicant would provide proof to the Board in a public meeting that one-third of the proposed operator’s delivery fleet was either diesel, electric, or hybrid in accordance with Section 10.10.7.5.1 of the Zoning Ordinances before operating more than five delivery vehicles. Kevin Perrier replied that the requirement to present proof in a public meeting prior to the acquisition of additional fleet vehicles would be onerous and prevent flexible operation. Acting Chair James Zarvis inquired as to how many delivery vehicles in total were anticipated, and Kevin Perrier replied that operations could scale up to include more than a dozen vehicles. Acting Chair James Zarvis inquired whether off-street parking on site would be sufficient for a fleet of this size, and Kevin Perrier stated his belief that it would be, and that the ownership would encourage employees to drive delivery vehicles home and then drive to work in same to limit the number of employee parking spaces required for the use.
- Assistant Planner Curtis Wiemann proposed two conditions to satisfy the concerns of the Board regarding the vehicle fleet: one which limited the Applicant to fifteen delivery vehicles total, and another that stated that the Applicant must provide proof of conformance with Section 10.10.7.5.1 to Planning staff upon acquisition of additional vehicles, to be reviewed in at the next regularly-scheduled public meeting and added to the project file. The Board and Applicant agreed that these draft Conditions were acceptable. Acting Chair James Zarvis concluded reviewing the proposed conditions with minor amendments. Following this review, Acting Chair James Zarvis commented that he was satisfied that the project would ordinarily merit a vote, but as the Board lacked quorum, he instead entertained a motion to continue the hearing to both achieve quorum and to provide Planning staff the opportunity to draft a final Decision. Member Chris Cockshaw made the motion to continue the hearing to July 27, 2021. Member Harry Schumann seconded. All were in favor and the motion passed 3-0.

Board Member	Roll Call	Vote
Jesse Belcher-Timme (Chair)	Absent with Notice	-
James Zarvis	Present	YES
Harry Schumann	Present	YES
Chris Cockshaw	Present	YES
Danny Hartman	Absent	-

Public Hearing – June 27, 2021

- The second public hearing took place on June 27, 2021 again by remote meeting. Member Danny Hartman affirmed that he had reviewed the minutes of the previous meeting and was prepared to assist in the ongoing hearing. Acting Chair James Zarvis reviewed the drafted Conditions, and the Applicant Kevin Perrier confirmed that the business could abide by these Conditions. The Board opened the floor to public comment. Hearing none, Member Chris

Cockshaw made a motion to approve the Special Permit with the below-listed findings and conditions. Member Harry Schumann seconded. All were in favor and the motion passed 4-0.

Decision

Following their conducting of the Public Hearing, at a regularly scheduled meeting, the Board voted to grant the Special Permit:

Board Member	Roll Call	Vote
Jesse Belcher-Timme (Chair)	Absent with Notice	-
James Zarvis	Present	YES
Harry Schumann	Present	YES
Chris Cockshaw	Present	YES
Danny Hartman	Present	YES

This decision incorporates the attached plans, specifications, and/or designs presented before the Board and as part of this Application, with the understanding that the terms and conditions of this Decision supersede any conflicts between the plans, specifications, and/or designs and this decision. The relevant minutes of July 20, 2021 and July 27, 2021 are hereby incorporated into this decision. Any significant departure from the attached plans, specifications, and/or designs, without approval by the Board, may result in the rescinding of this Decision.

This Decision applies only to the requested Special Permit. Other approvals or permits required under the Zoning Ordinance, General Ordinances, other governmental boards, agencies, or bodies having jurisdiction, shall not be assumed or implied by this Decision.

Any person, municipal officer, or municipal board aggrieved by this decision has the right to appeal pursuant to M.G.L. Chapter 40A, Section 17. Any such appeal must be filed within 20 days after the date the notice is filed with the Municipal Clerk.

Findings

In accordance with M.G.L. Chapter 40A and Section 12.7 (Special Permit) of the Easthampton Zoning Ordinance, the Planning Board found:

- *Conformance with the provisions of the ordinances of the City of Easthampton, the General Laws of Massachusetts and all applicable rules and regulations of state and federal agencies* – The Planning Board finds that the Applicant has received pre-certification for a delivery license from the CCC and has executed a Host Community Agreement and Community Outreach Meeting and thereby conforms with applicable City and State ordinances governing cannabis delivery.
- *Protection of city amenities and abutting properties through the minimizing of any detrimental or offensive uses or destruction of unique or important natural, scenic or historic features on the site* – The Planning Board finds that the proposal constitutes a change in use with extremely limited site changes, thereby minimizing offensive uses or destruction of natural or historic features on and around the site.
- *Minimization of traffic and safety impacts of the proposed development on adjacent highways or roads, and maximizes the convenience and safety of vehicular and pedestrian movement within the site; The proposal does not affect any unique natural or scenic features* - The Planning Board finds that the proposed use does not entail public visits to the site and as such has minimal impacts on pedestrian and vehicular circulation. The Planning Board further finds that site parking is adequate to support a delivery fleet of up to fifteen vehicles in addition to employee vehicles. The Planning Board finds the Applicant’s description of site operations (delivery

vehicles operating in the field from 8am to 11pm with minimal trips back to the site) to minimize traffic impacts.

- *Adequacy of the methods of disposal of sewage and refuse and the drainage of surface and subsurface water, and, adequate means of protecting wetlands, watersheds, aquifers and well areas* – The Planning Board finds that the Conservation Agent has not declared any issues relevant to the Conservation Commission. The Board understands that waste disposal on site will conform with CCC regulations.
- *Mitigation of adverse impacts on the city's resources including the effect on the city's water supply and distribution system, sewage collection and treatment systems, fire protection and streets* – The Planning Board finds that no evidence has been submitted regarding any negative impacts to any of the City's resources listed under this provision.
- *Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, parking, lighting and internal traffic control* – The Planning Board finds that proposal exceeds the minimum number of parking spaces required for the use. The proposal provides 31 off-street parking spaces. The proposal includes provisions for lighting and security features around the building associated with product delivery protocol and procedures.
- *Applicant's efforts to integrate the development into the existing landscape through design features such as vegetative buffers and retention of open space or agricultural land* – The Planning Board finds that the existing landscaping is suitable and appropriate for this use situated within the Highway Business Zoning District.
- *Minimization of the area over which existing vegetation is to be removed. Where tree removal is required, special attention is to be given to the planting of replacement trees* – The Planning Board finds that no vegetation removal was proposed for the project.
- *The consistency of the development with respect to setback, area, placement of parking, architectural style and landscaping of the surrounding buildings and development* – The Planning Board finds that the existing building is generally consistent with the design of other buildings in the area, and did not review for conformance with dimensional requirements of the Zoning Ordinance.
- *Adequacy of the measures to prevent pollution of surface or groundwater to minimize erosion and sedimentation and to minimize changes in groundwater levels, increased run-off and potential for flooding* – The Planning Board finds that the extant drainage system for the parking area has met all applicable stormwater regulations.
- *Adequacy of the methods to ensure that the use will not constitute a nuisance by reason of unacceptable level of air or water pollution, excessive noise or visually flagrant structures and accessories* – The Planning Board finds that the proposal for a delivery operation is not anticipated to generate exterior odors from the transfer and storage of cannabis products.

In accordance with M.G.L. Chapter 40A and Section 10.10 (Adult Use Cannabis Establishment) of the Easthampton Zoning Ordinance, the Planning Board found:

- *No Cannabis Establishment shall be located within 350 feet of pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, in operation at the time of application for a special permit or site plan approval. Distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the marijuana establishment is or will be located. In any case where the measurement is determined to be in question, the Planning Board may require verification of distances by a Registered Land Surveyor.* The Planning Board found that the proposed Cannabis Establishment is not within 350 feet of an existing school, as defined in Section 10.10 or CMR 935.500.110 (3).

- *A Cannabis Establishment is permitted by Special Permit in Highway Business (HB), Downtown Business (DB), Mixed-Use / Mill Industrial (MI) and industrial (I) zoning districts. Refer to Table 5-1, Easthampton Table of Use Regulations. In the Highway Business (HB) and Downtown Business (DB), any Cannabis Establishment other than retail must be located within an existing building (s) and comply with the requirements of Section 10.5 of the Zoning Ordinance. The establishment is located on a property situated in the Highway Business Zoning District where the use is allowed with a Special Permit.*
- *Except in the MI and DB districts, no Cannabis Establishment shall be located within a building containing residential units, including transient housing and group housing. The property does not contain any buildings with residential dwelling units.*
- *No more than six (6) Cannabis Retailers shall be allowed within the City. Special Permit applications will be considered in the order in which the Planning Department receives a completed Special Permit application and confirmation that a completed license application has been received by the Commission. As a cannabis delivery operator, this project is exempt from the limit on number of cannabis retailers in the city. The Planning Board finds that the Applicant has been issued a pre-certification for delivery license as no full application is presently available from the CCC; this Decision is conditional upon the Applicant's conformance with any standards established by the CCC.*
- *No Cannabis Retailer shall be located within 200 feet of another Cannabis Retailer, except within the MI zone. Distance shall be measured by a straight line from the nearest point of the property line in question to the nearest point of the property line where the marijuana establishment is or will be located. As a cannabis delivery operator, this project is exempt from the dimensional requirement of 200 ft distance from other cannabis retail establishments.*
- *No cannabis shall be smoked, eaten or otherwise consumed or ingested on the premises, except as may be allowed in a Cannabis Membership Club. All Cannabis Establishments permitted under this section shall comply with all state and local laws, rules and regulations governing the smoking of tobacco. The proposal does not consider nor allow consumption of cannabis on the premises, and additionally does not anticipate public visitation.*
- *Odor: No Cannabis Establishment shall allow the escape of noxious odors or gases. They shall incorporate odor control technology and provisions, and ensure that emission do not violate MGL Chapter 111, Section 31 C. The Planning Board finds that, as a delivery use, no odor mitigation measures are proposed or required.*
- *Signage: All signage shall comply with the requirements of 935 CMR 500, and Section 10.0 of this zoning ordinance. All signs comply with Section 10.0 of the Zoning Ordinance. The proposed signs shall comply with the provisions of 935 CMR in that it does not contain any logos or designs that resemble marijuana.*
- *Hours: Cannabis Retailers shall be open to the public no earlier than 10:00 AM and no later than 11:00 PM. Marijuana Delivery Operators or Delivery Operator and Marijuana Courier operations shall only operate vehicles between 8:00 AM and delivery of order placed prior to 11 PM. This Special Permit allows for hours of operation to the fullest extent allowed by the bylaws and Zoning Ordinances of the City of Easthampton for cannabis delivery operations.*
- *Visual Impact: Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the cannabis establishment is located and shall comply with the requirements of 935 CMR 500. No outside storage is permitted. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood. The Planning Board finds that the proposal will be visually indistinct from the existing office and warehousing use. No outdoor storage is proposed.*

- *Home Occupation: Cannabis Establishments are not permitted as a Home Occupation, as defined in Section 10.4 in the Easthampton Zoning Ordinance.* This project is a commercial establishment and does not constitute a home occupation.
- *Delivery operator – Any application for a Special Permit shall include the anticipated number of vehicles operating from the location, number of employees for all operations including fulfillment, administration, and vehicle drivers shall be identified and may be conditioned as such. A copy of the Application of Intent and Management and Operations Profile submitted, to the extent permitted by law, as an integral part of the Special Permit application.* The Planning Board finds that the Applicant intends to begin with 14 employees, including 10 delivery staff and 4 in-office staff, and may increase capacity to meet future demand.
- *Community Host Agreement: No Special Permit shall be granted without first having an executed Community Host Agreement with the City of Easthampton.* The applicant has executed a Community Host Agreement with the City of Easthampton as required under CMR 935.500.101(b)(6) and has submitted the “certification form” to the Cannabis Control Commission.
- *Community Outreach Meeting: No Special Permit application shall be deemed complete by the Planning Department until a Community Outreach Meeting in accordance with 935 CMR 500 has occurred.* The applicant has held a Community Outreach Meeting as required under CMR 935.500.101 and has submitted a “proof” form to the Cannabis Control Commission.
- *State Law: Cannabis Establishment operations shall conform at all times to General Laws, Chapter 94G, and regulations issued thereunder.* The Planning Board has conditioned the Special Permit on receipt and continuous maintenance of all required permits from the Cannabis Control Commission as required by Chapter 94G of the Massachusetts General Laws.
- *License requirements: The applicant shall submit proof that the application to the CCC has been deemed complete pursuant to 935 CMR 500.102. Copies of the complete application, to the extent legally allowed, shall be provided as integral component of the application to the planning board and no Special Permit application shall be deemed complete by the Planning Department until this information is provided. No person shall operate a cannabis establishment without having a license in good standing from the Commission.*
No Special Permit shall be granted by the Planning Board to an applicant without the Cannabis Establishment first having been issued a Provisional License from the Commission pursuant to 935 CMR 500. The Planning Board has conditioned the Special Permit on receipt and continuous maintenance of all required licenses and permits from the Cannabis Control Commission.
- *Energy Use: All Cannabis Cultivators shall submit an energy use plan to the Planning Board to demonstrate best practices for energy conservation. The plan shall include an electrical system overview, proposed energy demand, ventilation system and air quality, proposed water system and utility demand.* The Planning Board finds that this provision is not applicable to a cannabis delivery use.
- *Line Queue Plan: The applicant shall submit a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic along the public right of ways will not be unreasonably obstructed.* As a Cannabis Delivery Operator, this project is not required to submit a Line Queue plan.
- *Traffic Impact Statement: Any cannabis establishment open to the general public shall submit a detailed Traffic Impact Statement in accordance with Section 7.4104.* As a Cannabis Delivery Operator, this project is not required to submit a Traffic Impact Statement.
- *Parking: Parking shall be in accordance with Section 10.1 (off-street parking and loading regulations) and Table 10.3 (off-street parking regulations).* The Planning Board finds that the on-site parking meets the minimum requirements for the use.

- *Waivers: The applicant shall be required to submit specific information regarding any waivers from 935 CMR 500.000 granted by the Commission. The Planning Board shall approve or disapprove said waivers based on the following Commission criteria in 935.CMR.500. This decision includes a condition that any waivers from the CCC should be reviewed and approved by the Planning Board during a public meeting.*
- *Notice of Enforcement Order: Within twenty-four (24) hours of receipt of notice of it, a Cannabis Establishment shall file with the Mayor, Health Agent and the Building Commissioner any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state agency (including, but not limited to, the Commission and Massachusetts Department of Public Health) regarding the Cannabis Establishment, the Cannabis Control Commission license, or the Department of Public Health Certificate of Registration. The decision includes a condition requiring that the applicant shall provide notice to the City of any enforcement order issued by a state agency in accordance with Section 10.10.7.12 of the Zoning Ordinance.*
- *Annual Inspection: Any operating Cannabis Establishment within the City shall be inspected annually by the Building Inspector, or their designee(s), to ensure compliance with this Section and with any conditions imposed by the Planning Board as a condition of the Special Permit approval. The decision includes a condition requiring that the applicant shall coordinate and arrange an annual inspection with the Building Inspector each year. Said inspection should occur within a reasonable period of time of each anniversary of the first day of operation.*

In accordance with M.G.L. Chapter 40A and Section 10.5 (Commercial Development Performance Standards) of the Easthampton Zoning Ordinance, the Planning Board found:

- *No parking shall be permitted within the required front yard setback of a structure. If the physical configuration of the lot creates a hardship for the property owner to meet this requirement, the Planning Board may allow parking in the front, with adequate screening, as noted in Section 10.515(b). The Board found that no parking was proposed in the front setback of this property.*
- *To the extent feasible, parking areas shall be shared with adjacent businesses. The Board found that as the site offers abundant parking for operation and employee use.*
- *For developments which make a long-term commitment to actively promote employee and public use of transit, ridesharing, and other means to reduce single occupant vehicle (SOV) trips, minimum parking standards may be reduced by a percentage, up to a maximum of twenty percent (20%) to be determined by the Planning Board based upon the adequacy of trip reduction plans submitted in accordance with Section 10.524. No trip reduction plan was proposed by the Applicant to reduce required parking spaces for the project.*
- *Architectural Design shall be compatible with the character and scale of buildings in the city. The Board found that, as a re-use of an existing commercial building, the project as proposed conforms to the prevailing architectural style and scale of the city and the Highway Business zone in which it falls.*
- *Any outdoor lighting fixture newly installed or replaced shall be shielded so that it does not produce a strong, direct light beyond the property boundaries. The Board found that the project proposed no new lighting and that existing wall-pack lighting was not cause for review or concern.*
- *No light standard shall be taller than fifteen (15) feet. The Board found that the Applicant did not propose any new lighting higher than fifteen (15) feet.*
- *Curb cuts shall be limited to the minimum width for safe entering and exiting and shall in no case exceed 24 feet in width, per lane. Per the Applicant's submitted plan, "Sheet A-100 Architectural*

Site Plan,” the existing access curb cut to the site from East Street is 34 feet 10.25 inches in width. As a proposed re-use of the existing site, the Board finds the Applicant conforms with this standard in that it does not propose new curb cuts.

- *All driveways shall be designed to afford motorists exiting to highways with safe sight distance.* The Board found that the existing landscaping and driveways afforded safe sight distance entering and exiting the site.
- *Adequate pedestrian and bicycle access shall be provided as follows:*
 - *Sidewalks shall be provided to enable pedestrian access to adjacent properties, and between individual businesses within a development. The appropriate authority may waive this requirement in a case where such action is in the public interest and not inconsistent with the purposes stated in Sections 12.7 and 12.9. The appropriate authority for by-right uses is the Building Inspector, for uses by Special Permit or Site Plan Approval, the appropriate authority is the Planning Board.* The Board found that the Applicant provided adequate means of pedestrian and bicycle access given the lack of anticipated public visitation to the site.
- *Large parking areas shall be subdivided with landscaped islands so that no paved parking surface shall extend more than eighty (80) feet in width. At least one tree (minimum two (2) inch caliper) per thirty-five (35) parking spaces shall be provided within the area.* The Board found that the pre-existing site for the proposed development did not include areas of paved surface greater than eighty (80) feet in width and as such did not require landscaped islands to subdivide the area of asphalt.
- *Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings. Evergreen plants must be at least two (2) feet tall at planting with the capacity to grow to full screening of the unsightly use. Plantings must be four (4) feet at planting when abutting a residential zone.* The Board found the existing plantings on site remained in good condition. The site does not abut a residential area.
- *All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one growing season.* The Board found that site landscaping was presently maintained properly and expects the Applicant to continue its maintenance through site operations.
- *The number of curb cuts on state and local roads shall be minimized.* The Board found that the Applicant did not propose any additional curb cuts.
- *A landscaped buffer strip at least fifteen (15) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, and shade trees (minimum two-inch (2) caliper, planted at least every fifty (50) feet along the road frontage). At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present a traffic visibility hazard. The sidewalk required in Section 10.514c(1) shall be incorporated into the buffer strip.* The Board found that as the proposed project involves the redevelopment of an existing site, the existing site landscaping was sufficient to buffer the site from otherwise like uses on East Street.
- *A traffic impact statement shall be prepared, which shall contain:*
 - *Traffic flow patterns at the site including entrances and egresses, loading and unloading areas, and curb cuts on site and within one hundred feet of the site, and;*
 - *A detailed assessment of the traffic safety impacts of the proposed project or use on the carrying capacity of any adjacent highway or road, including the projected number of motor vehicle trips to enter or depart from the site estimated for daily hour and peak hour*

traffic levels, road capacities and impacts on intersections. The Board found that the Applicant met this condition by detailing proposed site operations, including expected trips to and from the site by delivery vehicles.

- Adequate pedestrian and bicycle access shall be provided as follows:
 - *A sidewalk shall be provided to provide access to adjacent properties and between individual businesses within a development.* The Board found that existing sidewalk access to the site would suffice to allow pedestrian visitation, and that no public visitation to the site was anticipated.
 - *An additional traffic impact statement shall be prepared by projects over ten thousand (10,000) square feet, which shall contain: A plan to minimize traffic and safety impacts through such means as physical design and layout concepts, staggered employee work schedules, promoting use of public transit or carpooling, or other appropriate means and an interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.* The Board found that as this project did not exceed ten thousand (10,000) square feet, it did not require additional traffic plan elements.
- *Trip Reduction Plan:* The Board found that the proposed project did not constitute a new building or use of more than ten thousand (10,000) square and as such did not require a Trip Reduction Plan.

Conditions

After hearing from and questioning the applicant and members of the public at the Public Hearing, and in light of the proceeding, the Board therefore decided to grant the Special Permit under the Easthampton Zoning Ordinance with the following conditions:

- A. The Applicant is responsible for obtaining any permits, licenses, etc. from other regulatory bodies as appropriate.
- B. The Applicant must comply with Section 10.10.7.5.1. If at any point the total number of delivery vehicles in use for the proposed operation equals or exceeds six vehicles, the Applicant must submit proof that one-third of vehicles operated as delivery vehicles by the proposed Marijuana Delivery Operation are hybrid, diesel, or electric. Such documentation shall be reviewed for adequacy by the Planning Board in a public meeting.
- C. The proposed Marijuana Delivery Operation shall have no more than fifteen (15) delivery vehicles on-site or in operation at any point.
- D. Any change in ownership which is subject to review and/or approval by the Cannabis Control Commission shall appear before the Planning Board prior to operations to acknowledge the existing conditions of the permit and compliance therewith or changes thereto. A purpose of the public meeting shall be for the Planning Board to recognize the new ownership and determine if any change(s) is significant enough to require a modification of the Special Permit subject to a public hearing.
- E. Any changes that significantly alter the general operation or use of the site shall be presented to the Planning Board at a public meeting. The purpose of the public meeting shall be for the Planning Board to determine if the change is significant enough to require a modification of the Special Permit subject to a public hearing.
- F. Any waivers granted by the Cannabis Control Commission associated with the operation shall be reviewed and approved by the Planning Board prior to implementation, except for any waiver granted for the sale of marijuana products tested by the Department of Public Health rather than the Cannabis Control Commission.

- G. The Special Permit associated with the use is contingent upon continuous licensure by the Cannabis Control Commission. The applicant shall provide notice to the City of any enforcement order issued by a state agency in accordance with Section 10.10.7.11 of the Zoning Ordinance. The Applicant must provide a copy of their license in good standing from the Cannabis Control Commission prior to beginning operation as a cannabis delivery operator.
- H. The hours of operation of the cannabis delivery operation shall be the maximum allowable by applicable ordinances, including Easthampton Zoning Ordinances Section 10.10.5.4.
- I. The applicant shall provide notice to the City of any enforcement order issued by a state agency in accordance with Section 10.10.7.11 of the Zoning Ordinance.

Respectfully submitted,

JAMES ZARVIS ^{CBW}

James Zarvis, Acting Chair
Easthampton Planning Board

Attachment: "Sheet A-100: Architectural Site Plan"