

I certify that 20 days have elapsed since the date of filing with the Town Clerk and no appeal and no revisions have been made since the date of filing.

Date: _____

Eileen M. Lowney, Town Clerk

The Fairhaven Planning Board as required by Massachusetts General Laws Chapter 40A Section 9 and Town of Fairhaven Zoning By-Laws Section 198-29 requiring Special Permit Review held Public Hearing on March 10, 2015.

PETITIONER: Coastal Compassion, Inc.
36 N. Water Street, Unit 2
New Bedford, MA 02740

OWNER: The David Sylvia and Thelma L. Sylvia Family Limited Partnership II
236 State Road
Dartmouth, MA 02747

LOCATION: 2 Pequod Road
Map 36, Lot 14
Book: 7874 Page: 269

PETITION: Request for Special Permit approval to operate a Medical Marijuana Facility.

FINDINGS:

The Planning Board makes the following findings related to this proposed project:

- A Plan Set including a Site, Lighting and Landscape Plans have been submitted illustrating compliance with the Town of Fairhaven Zoning Bylaw.

Subject to these findings and the conditions set forth herein the Planning Board finds that the project as proposed in the Plan Sets submitted as part of the application will be consistent with the general purposes and intent of the Fairhaven Zoning Bylaw and that the grant of the Special Permit is in the public interest and will preserve community values because, among other reasons:

- A. The design assures safety with respect to internal circulation and egress of traffic and will not cause congestion, hazard or substantial change in established neighborhood character.

- B. The design provides adequate access for fire and service equipment.
- C. The design provides adequate utility services consistent with the Fairhaven Zoning Bylaws.
- D. The intent of the performance standards and approval Criteria of Section 198-24 and 198.29.7 will be met.
- E. The proposed use will not adversely affect the continued operation or development of adjacent uses; and
- F. The proposed use will not create a nuisance or hazard.

ACTION: **Petition GRANTED to approve the Special Permit with the following conditions by six members in favor. Those in favor: Chairman Wayne Hayward, John K. Farrell Jr., Rene Fleurent, Jr., Jeffrey Lucas, Anne Richard and Gary Staffon; Those Opposed: Kaisa Cripps; Abstained: Peter Nopper**

CONDITIONS:

1. All site development shall be carried out in accordance with the plan marked "Exhibit A". (On file at Town Hall).
2. Except as expressly allowed by this special permit, or by any other lawfully granted special permit, the applicant shall comply with all other applicable laws, including, but not limited to, the procedural, dimensional and use provisions of the zoning by-law.
3. The Facility shall be limited to the hours of operation for patient services from 10AM to 6PM, Monday through Sunday.
4. The Applicant and Facility shall comply with the signage requirements of the Town's zoning Bylaws and any and all State requirements.
5. The dumpster area shall be secured and locked to prohibit the general public from gaining access.
6. The Applicant shall provide the Police Department, Building Commissioner, Board of Health and the Planning Board with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment.
7. All landscaping required and approved by the Board for commercial, industrial and multi-family projects shall be installed prior to issuance of Final Occupancy Permits or the applicant shall provide the Planning Board a surety for 110% of the installation cost.
8. All landscaped areas shall be maintained. Shrubs and trees, which die, shall be replaced within one (1) growing season.
9. The landscape maintenance plan shall be as follows:
 - a. Tree, shrubs and groundcover shall be maintained by pruning, cultivation, watering,

weeding, fertilizing, restoring planting saucers, tightening and repairing stakes and guy supports, and resetting to proper grade or vertical position, as required to establish healthy, viable plantings. Spray as required to keep trees and shrubs free of insects and disease.

- b. Plants shall receive 1” of water per week either through a manual watering program or from natural rainfall during an establishment period of two years.
 - c. Dead plant material shall be replaced as a condition of annual occupancy renewal and shall be planted at the first available planting season.
10. All exterior lighting shall have cut-off fixtures so no glare is emitted beyond the property line or into the public right-of-way.
 11. The parking spaces/layout shall be striped per accepted industry standards.
 12. The Applicant shall provide the Planning Board and Town Clerk an Annual Report no later than January 31st, providing a copy of all current applicable State Licenses for the Facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit and State Regulations. If there is a notice of deficiencies or violations said notice shall be included with the Annual Report.
 13. Special Permit approval shall be void after two years from the date of approval unless a substantial use thereof or construction has begun.
 14. Building permits must be secured prior to construction. For further information regarding building permits and/or related building code issues, please contact the Building Department.
 15. After the 20-day appeal period and if no appeal is filed, a certified copy of the Special Permit Decision from the Town Clerks Office shall be recorded by the applicant/owner at the applicant/owners expense in the Registry of Deeds, indexed in the grantor index under the name of record owner, and noted on the owner’s certificate of title. The applicant/owner shall submit to the Planning Department proof of such recording.
 16. The applicant shall revise the plans to eliminate the planter area adjacent to the building between the public entrance and public exit and replace it with an accessible sidewalk. Prior to issuance of a Building Permit, the applicant shall submit 4 revised sets of plans to the Planning Department.

A copy of this Decision will be filed with the Town Clerk of Fairhaven and the Fairhaven Building Commissioner. Within twenty (20) days of filing, any person aggrieved by the above Decision may appeal in accordance with Section 17 of Chapter 40A of Massachusetts General Laws.

Wayne Hayward, Chairman
Fairhaven Planning Board