



Fairhaven Planning & Economic Development
40 Center Street, Fairhaven, Massachusetts 02719

Special Permit: 2022-07-08 – Elevation Retail Marijuana
Staff Report: July 8, 2022

1. DESCRIPTION

- 1.1 Applicant:** Andre Arzumanyan (Elevation Retail II, LLC) represented by Green Seal Engineering.
- 1.2 Project Location:** 240 Bridge Street on the northeast corner of Alden and Bridge Streets (Map 36 Lot 15A, a 0.86-acre property).
- 1.3 Proposal:** To locate a new retail marijuana dispensary in Unit 1 at 240 Bridge Street on the northeast corner of Alden and Bridge Streets.
- 1.4 Zoning:** Industrial District (I) and Marijuana Overlay District.
- 1.5 Local Permits:** Planning for Special Permit; Building; Elevation II already has Host Community Agreement with the Select Board. The Cannabis Control Commission approved a provisional license with conditions on November 18, 2021. The conditions include that the final License is subject to compliance with local codes and bylaws. Adult-use marijuana is not allowed until they receive a final CCC License.
- 1.6 Site Data/ Existing Conditions:** There are no changes planned to the existing plaza with three commercial tenants in the 4,800 sf building on the corner of Alden road and Bridge Street.
- 1.7 Surrounding Land Uses:** Commercial plaza. The site is wholly within the Industrial (I) and within the Marijuana Overlay District. It is bounded by the Laborer’s Union Hall to the north, Bridge Street to the south, the new Mazda Dealership to the east with a wetland between the two, and Alden Road to the west.
- 1.8 Project History:** This
- In 2012, the State of Massachusetts voted to allow Medical Marijuana.
 - The term “Marijuana Establishment” is defined as “a Marijuana Retailer, Marijuana Product Manufacturer, Cultivator, Craft Marijuana Cultivator Cooperative, Independent Testing Laboratory, Standards Laboratory, Research Facility, Marijuana Micro-business, Marijuana Transporter, or any other type of Marijuana-related business, including a Medical Marijuana Treatment Center that has been duly licensed by the Massachusetts Cannabis Control Commission or relevant State Agency.”
 - The Town voted to amend the Zoning Bylaw (§ 198-29.7) to permit recreational Marijuana sales in November 2018. An effort to reverse the vote to legalize marijuana was unsuccessful.
 - A Host Community Agreement for Adult Use Recreational Marijuana was voted on April 26, 2021 with the Fairhaven Board of Selectmen. The Cannabis Control Commission approved a provisional license with conditions on November 18, 2021.
- 1.9 Project Summary:**
- To locate a new retail marijuana dispensary in Unit 1 at 240 Bridge Street on the northeast corner of Alden and Bridge Streets.
 - There are no major changes to the exterior of the building or the existing site.
 - As part of the Application, Elevations has provided the following plans and permits: CCC Provisional License; a Security Plan; and what appears to be the Management Plan; **Business and Resource Plan**; A Traffic Impact Assessment; the Host Community Agreement with Fairhaven; and the proposed site plan. They have also provided a Traffic Study prepared by McMahon Associates.

- **Hours of Operation:** Proposed hours are requested to be 9:00 am to 10:00 pm.
- **Site Plan:** The site currently has a Sprint office and a nail spa. The proposed unit was a cycle workout location.
- **Landscape:** No change to the existing landscape is proposed. There is a significant vegetated buffer along Bridge Street and Alden Road.
- **Habitat:** The site is not in an NHESP Priority Habitat
- **Lighting:** No change to the existing lighting although State law discusses securing the perimeter.
- **Signage:** Not allowed per the bylaw.
- **Noise:** Should not be an issue.
- **Utilities:** Served by Town water and sewer and utilities.
- **Waste Management:** Although plans do not show it there is a screened enclosure behind the building.
- **Stormwater:** There is no change to the amount of impervious surface. Application says existing stormwater controls consist of two catch basins and two trench drains that flow to an existing Stormceptor system that keeps runoff on the site.

2. ADMINISTRATIVE SUMMARY

- 2.1 **Complete Filing Stamped:** June 17, 2022
- 2.2 **Advertisement:** FNN June 23 and Standard-Times on June 30, 2022
- 2.3 **Routing Sent:** June , 2022
- 2.4 **Public Hearing:** July 12, 2022

3. Comments from Town Departments:

- 3.1 **Fire Department:** No issues. Will work with Building Department to make sure codes are followed.
- 3.2 **Police Department:** Noted application for Host Community Agreement mentioned distance to treatment center but it is not in the State or local bylaw. Also questioned internal arrangement of vault and security personnel.
- 3.3 **Public Works Department:**
 - **Highway Department:** No concerns
 - **Water:** The site plan does not show utilities outside or inside. Also need to know if there will be a backflow for their water usage? Whatever you have would be appreciated. The applicant's response was the existing unit has two bathrooms and they will be re-used. The dispensary will not use any water other than the bathrooms, and these will be employee only. All plumbing is in place and only the fixtures will be replaced as part of the fit-out. The existing exterior water service will not be altered.
- 3.4 **Building:** Building codes will be addressed at time of permitting.
- 3.5 **Planning:** The biggest concern is left turns in on Bridge Street and left turns out on Bridge Street and Alden Road for those trying to cross 3 lanes to take a right on Bridge. The application proposes to restrict left turns out on Bridge during weekdays from 4:00 – 6:00 pm with internal signage. The maneuver is already illegal and will need more than a sign. Will there be any additional security lighting or a fence as stated in the application? The parking requirement is based on square feet. With increased staff and two other commercial units in the plaza the existing parking may not be enough. If there is an increased demand the site does not have room to deal with overflow. The application says that they are not pursuing delivery to customers at this time but may consider a third party delivery. That has not been factored into the traffic study

4. Transportation

McMahon Associates prepared the Traffic Impact Assessment and Traffic Study. Staff asked that they prepare a full traffic study rather than the Assessment included in the application. The traffic study looked at existing and projected traffic operations within the study area for the weekday afternoon and Saturday midday peak hour traffic conditions.

- **Process:**
 - Manual turning movement counts (TMC's) were collected in March 2022 at the intersections during the weekday afternoon and Saturday midday peak periods.
 - A field visit was completed on Thursday, March 31, 2022.
 - Crash data for the study area intersections was obtained from the (MassDOT)
 - The 2022 Existing traffic volumes were forecasted to the future year 2029 to determine 2029 No Build (without the project) conditions and 2029 Build (with the project) conditions.
 - The study looked at following intersections: Bridge Street at Alden Road; Bridge Street at Site Driveway; Alden Road at Site Driveway.
 - The study did not consider Bridge Street and route 240 or new bicycle lanes planned just north of this site.
- **Access:**
 - Access to the site is provided by 2 two-way driveways, one on the north side of Bridge Street and one on the east side of Alden Road. Both are located approximately 200 feet from the intersection within an area multiple turning lanes.
 - The westbound approach on Bridge Street and the northbound and southbound approaches on Alden Road all include an exclusive left-turn lane, a through lane, and an exclusive right-turn lane.
 - Bridge Street is classified as an Urban Collector with a posted speed limit of 35 mph.
 - Alden Road is a minor arterial with a posted speed limit of 35 mph.
- **Sight Lines:** Adequate.
- **Safety/Accidents:** Crash data for the study area intersections was obtained from MassDOT for the most recent five-year period available. This data includes yearly crash summaries for 2015-2019.
 - The signalized intersection of Alden Road at Bridge Street had a total of 85 reported crashes over the five-year period analyzed, resulting in a crash rate of 1.90 crashes per MEV, which is higher than both the statewide and District 5 averages for a signalized intersection.
- **Trip Generation:** To estimate proposed Trip Generation GPI used the Institute of Transportation Engineers (ITE) *Trip Generation Handbook*, for ITE Land Use Code 882 (Marijuana Dispensary) using 3,000 sf.
- **Lever of Service:**
 - According to the traffic study the signalized intersection of Bridge Street at Alden Road currently operate at overall level-of service (LOS) D during the weekday afternoon and Saturday midday peak hours and shows the same LOS D Under the 2029 No Build and the 2029 Build conditions, with longer delays.
- **Vehicular Volume of Road:**
 - Traffic Counts done by SRPEDD on Alden Road just to the north of I-195 in May 2019 counted 12,544 vehicles per day.

- **Parking:**
 - **Existing:** 29 with two accessible spaces.
 - **Proposed:** 29 with two accessible spaces.
 - The parking requirement is based on square feet. With increased staff and two other commercial units in the plaza the existing parking may not be enough. If there is an increased demand the site does not have room to deal with overflow.
- **Vehicular Circulation:**
- **Mass Transit:** The closest SRTA stop is their most popular transit stop located just west of the intersection of Bridge Street at Alden Road.
- **Pedestrian:** No sidewalks in front of site. Property has sidewalk leading to corner for future sidewalk.
- **Traffic Summary:** The proposal will add a significant number of trips to the corner of Bridge Street and Alden Road. The primary concern is left turns into the site on Bridge Street and left turns out of the site on Bridge Street and Alden Road.
- The Application says that the site driveway on Bridge Street would restrict left turns exiting the site during the 4:00-6:00 PM weekday peak period. The Application says that they will install a W3-2 sign with a plaque for the timing restrictions would be placed at the site exit of the Bridge Street site driveway. Signage would be included to direct patrons towards the Alden Road site driveway during the weekday afternoon (4:00 PM to 6:00 PM) peak period turning restriction at the Bridge Street site driveway.
- In any case, it is already an illegal maneuver that should be restricted at all times. The concern is an increase of out of Town customers that just want to get back to the highway as quickly as possible.
- Crash statistics reveal that the intersection already experiences a higher crash rate than both the statewide and District 5 averages.