



SELECT BOARD
TOWN OF TEWKSBURY
TOWN HALL
1009 MAIN STREET
TEWKSBURY, MASSACHUSETTS 01876

TODD R. JOHNSON, ESQUIRE, CHAIR
JAMES F. MACKEY, III, VICE CHAIR
PATRICK HOLLAND, CLERK
MARK KRATMAN, MEMBER
JAYNE E. WELLMAN, MEMBER

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June 13, 2023 – Meeting Minutes
Tewksbury Town Hall
1009 Main Street
Tewksbury, MA

Mr. Todd R. Johnson, Esq., Chair, called a regular Select Board meeting to order at 6:00 p.m. Also participating in the meeting were Mr. Patrick Holland, Clerk; Ms. Jane E. Wellman, Board Member; and Mr. Mark Kratman, Board Member.

Also Present: Mr. Richard Montuori, Town Manager

***Not Present:** Mr. James F. Mackey, III, Vice-Chair

Comment read into the record from the June 12th meeting as stated below:

“As the Board begins to review applications for adult-use retail Marijuana, an initiative that started to support the local economy, and help fill vacant storefronts, I wish to address my role in the process. I am here to uphold the highest standards of integrity and public trust and to prevent any perceived conflicts, I have decided to recuse myself from the decision-making process on these applications.”

SCHEDULED ITEMS

**1. The Stories Company LLC. – 2122 Main Street: Retail Marijuana License Hearing
(Public Hearing)**

(Application in its' entirety is available on the Select Board's website)

Chair Johnson opened the public hearing and read aloud the notice into the record.

Chair Johnson stated for the record, that the applicant's packet included an abutter's list of who were notified as well as a copy of the legal notice that was posted May 24, 2023.

Chair Johnson acknowledged receipt of correspondence, dated June 5, 20223, received by Mr. Allen Boutiette, Owner/President of Boutiette's Auto Body, located at 2115 Main Street, who indicated he was in opposition to the proposed license as he had many concerns relative to traffic safety, as well as correspondence from Ms. Carol Cary, 2068 Main Street, dated June 12, 2023, who indicated she was in support of the proposed license. He also said the Select Board received supplemental information, received May 17, 2023, which was signed by Davis Patel.

Attorney Valerio Romano, VMG Law Firm, was present on behalf of the applicants. Also in attendance were Mr. Ed Davis, Security Consultant, Mr. Davis Patel, Mr. Yash Patel, and Ms. Tejal Patel.

Attorney Romano reviewed a PowerPoint presentation with the Board highlighting the following points:

- The company was a healthcare group
- Science-based approach.
- 100% Family-owned business.

Ms. Tejal Patel, Co-Founder of The Stories Company, addressed the Board and said she began her career in the cannabis industry approximately five years prior. She said she founded Uma Flowers which was a wellness and health-focused cannabis retail company.

Mr. Davis Patel, Co-Founder of The Stories Company, addressed the Board and said he was currently employed as a part-time physician at the Rhode Island Hospital as an Internist.

Mr. Yash Patel, Chief Educational Officer for Uma Flowers & The Stories Company & a Cardiologist, addressed the Board and said his job was to provide education to the staff and customers.

Attorney Romano said traffic and parking would not be significant issues and they had received approval from the Planning Board. He added that they had access to approximately \$3.5 million in terms of capital.

Attorney Romano said the Stories team had reached out to the Front Line Initiatives program in collaboration with the Tewksbury Police Department, to assist in their mission to serve those who were most vulnerable.

Chair Johnson asked if there were members of the Board who had questions or comments.

Board Member Holland inquired other than the applicants, where the funding was coming from. Attorney Romano replied that "Davis" parents had written a letter of commitment for \$3 million and there was also a 10-31.

Board Member Holland asked if any of the applicant's other stores had previous violations. Ms. Patel replied in the negative.

Board Member Holland commented that there was no signature for the tax compliance. Attorney Romano replied that he would provide the signed document to the Board.

Board Member Wellman asked if there was a business relationship between UMA Flowers and the Stories Company. Mr. Patel replied that there was no business relationship between the two companies.

Board Member Wellman asked why the applicant chose the location. Attorney Romano said the area was underserved by cannabis retailers and they wanted to rejuvenate the area.

Board Member Wellman said the applicant was also proposing an additional retail space and asked what the intention was. Attorney Romano replied they had room for an additional retailer, but they had not yet decided what it would be.

Board Member Wellman pointed out that the property's purchase price was about 40% of the applicant's budget. She asked how much it would cost to build out the project after the purchase of the land. Mr. Patel replied they estimated the construction to be \$1.5 - \$2.0 million.

Board Member Wellman asked what the time frame was to complete the build-out. Attorney Romano replied that it would take about one year to eighteen months to complete the construction.

Board Member Kratman asked what the peak hours were in the applicant's other stores. Ms. Patel replied that the peak hours Monday through Friday were approximately 4:00 p.m. to 7:00 p.m., and Saturdays and Sundays were approximately from 1:00 p.m. to 4:00 p.m.

Board Member Kratman asked if there would be hundreds of trips coming into the store at peak hours. Attorney Romano replied he did not foresee that happening.

Board Member Kratman asked how many employees would be hired. Attorney Romano replied that approximately 12 to 18 employees would be hired.

Board Member Kratman commented that he had concerns about not knowing what the additional retail space was going to be.

Chair Johnson asked the applicant why they chose to build rather than purchase a property that could be renovated. Mr. Patel replied the decision was based on availability and that they would rather be their own landlords.

Chair Johnson commented that he did not think the applicant's projections were realistic. Attorney Romano replied the \$3.5 million previously mentioned was a conservative number.

Chair Johnson asked the applicant if they had any connections with other people seeking a retail Marijuana license and if they were denied a license if they had any intention of partnering with another applicant. Attorney Romano replied in the negative. However, he noted his client might be open to it.

Chair Johnson asked if any members of the public had questions or comments.

Mr. Jim Lyons, owner of Dandi-Lyons, addressed the Board and said he objected to the issuance of a license. He said he did not feel the proposed store was compatible with the existing neighborhood. He added that drug use in Massachusetts was very high.

Ms. Bernadette Lyons, co-owner of Dandi-Lyons, addressed the Board and said she too objected to the issuance of a license.

Mr. John Murphy, a resident of Tewksbury, addressed the Board and asked how many times identifications would be checked. Attorney Romano replied that the identifications would be checked a total of three times. Mr. Murphy added that he was not in favor of the application and did not feel the business was compatible with the existing neighborhood.

Chair Johnson asked if any other members of the public had questions or comments. There were none.

MOTION: Board Member Wellman made a motion to continue the public hearing, date specific, to July 18, 2023, meeting. Board Member Kratman seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

2. Community Care Collective – 1693 Shawsheen Street: Retail Marijuana License Hearing (Public Hearing)

(Application in its' entirety is available on the Select Board's website)

Chair Johnson opened the public hearing and read aloud the notice into the record. He added an abutters list was included in the packet and noted they had been notified of the public hearing.

Mr. David Giannetta, CEO of Community Care Collective, and Mr. Joe Barilla, COO of Community Care Collective were present to speak in favor of the application.

Mr. Giannetta said he had two other adult recreation Marijuana stores; one in Littleton, MA, and one in Billerica, MA. He noted that would be no third-party employees.

Mr. Giannetta provided the Board with a virtual tour of the proposed facility. He said the proposed existing building was located in the industrial district with no residences nearby and it was very close to Route 93. He also said the build-out included the addition of sidewalks and had 38 leased parking spaces, and did not anticipate negative traffic impacts.

Mr. Giannetta said he hoped to form a strong community partnership with the Town of Tewksbury.

Mr. Giannetta said his existing stores had two surprise inspections and no deficiencies were found. He added that they had "rock solid financials as they were an operating company," and expected a rapid revenue stream for the Town of Tewksbury.

Mr. Barilla said they would try to work very closely with the Tewksbury Police Department in terms of developing a security plan. He said there would be 1 to 2 security officers onsite during the hours of operation, would use "Veriscan" to check identifications of customers, and would have safe and secure the onsite product, and money storage.

Chair Johnson asked if any Board members had questions or comments.

Board Member Kratman asked how the traffic would be managed. Mr. Giannetta said a transportation plan was developed by Vanasse & Associates as part of their peer review and it did not present any issues. He noted that a trucking company would share the property and that outside security staff would help manage that traffic. Board Member Kratman said he would like to see further information about the issue of traffic because there was a construction business sharing the property.

Mr. Giannetta commented that he would be willing to commit to the installation of a crosswalk.

Board Member Holland asked what the applicant's capital resources were. Mr. Giannetta replied they would use company revenue. Board Member Holland asked how much the applicant felt it would cost to build out the property. Mr. Giannetta replied that it would cost approximately \$1 million.

Board Member Holland asked what was inspected during the surprise inspections and if the applicant had ever received any violations. Mr. Giannetta replied that everything was inspected with an emphasis on money handling and inventory control. He added he had never received a violation.

Board Member Wellman asked how long the applicant felt the build-out would take. Mr. Giannetta replied that it would take approximately six months.

Board Member Wellman asked if the deliveries would be screened. Mr. Giannetta replied in the affirmative.

Board Member Wellman asked the applicant why he thought the location being discussed was the best one. Mr. Giannetta replied it was mainly the close proximity to Rte. 93.

Chair Johnson asked what the hours of operation would be. Mr. Giannetta replied that the hours of operation would be 10:00 a.m. through 8:00 p.m.

Chair Johnson asked how much time the applicants would spend in the Tewksbury locations versus other locations. Mr. Giannetta replied that he would be there as needed but there would be a Shift Supervisor and often times an Assistant Manager onsite during every shift.

Chair Johnson asked the applicant if they had any connections with other people seeking a retail Marijuana license and if they were denied a license if they had any intention of partnering with another applicant. Mr. Giannetta replied in the negative.

Chair Johnson asked if there were members of the public who had questions or comments. There were none.

MOTION: Board Member Kratman made a motion to continue the public hearing, date specific, to July 18, 2023, meeting. Board Member Holland seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

At 8:00 p.m. Chair Johnson declared a break; calling the meeting back to order at approximately 8:05 p.m.

3. Pure Tewksbury d/b/a Smyth Cannabis – 1695 Shawsheen Street: Retail Marijuana License Hearing (Public Hearing)

Chair Johnson opened the public hearing and read aloud the notice into the record. He added an abutters list was included in the packet and noted they had been notified of the public hearing.

(Application in its' entirety is available on the Select Board's website)

Mr. Todd Brady, and Mr. Jim Statires, owners, and operators of Smyth Cannabis, were present to speak in favor of the application.

Mr. Brady said they were an experienced compliance team with a proven track record working with the Cannabis Control Commission (CCC). He added they were "hands-on" management who were on site daily.

Mr. Brady said the proposed hours of operation were Monday through Saturday from 9:00 a.m. through 10:00 p.m., and Sundays from 10:00 a.m. through 10:00 p.m. He added that he expected to gain the Planning Board's approval on June 26th. Additionally, Mr. Brady said they had extensive experience in construction as the proposed project would be new construction.

Mr. Brady stated that had significant financial resources to execute the project. He said he expected it would cost approximately \$1 million to build the project. He added upon entering into a Host Community Agreement with the Town of Tewksbury, they would agree to pay an annual impact fee.

Chair Johnson asked if any Board members had questions or comments.

Board Member Kratman commented that he had some concerns with traffic queuing to get into the parking lot. He also asked the applicant what he felt the proposed revenue would be. Mr. Statires replied that the hope eventually would be \$15 million to \$20 million annually.

Board Member Wellman asked if the applicants existing stores had any violations with the Cannabis Control Commission (CCC) in the past. Mr. Brady replied that they had received operational recommendations but no actual violations.

Board Member Wellman asked the applicant how much it would cost to complete the proposed project. Mr. Statires replied that it would cost approximately \$1 million to build it and an additional \$1 million to finish the inside of the building. He pointed out, however, that the owner would pay for the cost of the building.

Board Member Wellman asked the applicant what the estimated time of completion (the actual opening of the store) would be. Mr. Statires replied that it would take approximately eight to ten months to complete.

Board Member Wellman asked the applicant why he thought the proposed location was the best. Mr. Statires felt it was close to Rte. 93.

Board Member Holland asked if the applicant had been before the Conservation Commission and if they provided approval. Mr. Jeff Kinricks, Civil Engineer, replied they still had to address some comments from the Department of Public Works.

Chair Johnson asked the applicant if they had any connections with other people seeking a retail Marijuana license and if they were denied a license if they had any intention of partnering with another applicant. Mr. Brady replied in the negative.

Chair Johnson asked if there were members of the public who had questions or comments.

Mr. John Murphy, a resident, addressed the Board and asked if the owner was an investor or just the landlord. Mr. Statires replied that the owner, David, had purchased the land and was building the property and would do so whether they received a license or not. He added the owner was simply their landlord.

Mr. Al Mancini, 15 Kenneth Lane, addressed the Board and said his concern was another wooded lot being cut down when there were plenty of vacant lots in town not being used.

Ms. Susan Young, 1408 Whipple Road, addressed the Board and echoed Mr. Mancini's comment about there being other vacant lots in town that could be utilized.

Chair Johnson asked if any other members of the public had questions or comments. There were none.

MOTION: Board Member Wellman made a motion to continue the public hearing, date specific, to July 18, 2023, meeting. Board Member Holland seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

ADJOURNMENT

MOTION: At approximately 8:35 p.m. Board Member Wellman made a motion to adjourn. Board Member Kratman seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

Approved by the Select Board on August 8, 2023

Documents Presented/Discussed

- The Stories Company LLC – 2122 Main Street: Retail Marijuana License Hearing
- Community Care Collective – 1693 Shawsheen Street: Retail Marijuana License Hearing
- Pure Tewksbury d/b/a Smyth Cannabis – 1695 Shawsheen Street: Retail Marijuana License Hearing

Next Select Board Meeting: June 20, 2023

Respectfully submitted,

Trish Gedziun
Recording Secretary