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## PLANNING BOARD

City Hall, Room 303  
133 William Street,  
New Bedford, MA 02740  
(508) 979-1488

[www.newbedford-ma.gov](http://www.newbedford-ma.gov)

CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

## NOTICE OF DECISION

Case Number:	21-03			
Request Type:	Special Permit - Marijuana Establishment			
Address:	115 Coggeshall Street			
Zoning:	Industrial B			
Recorded Owners:	MET Real Estate LLC			
Owner Address:	10 Bryn Mawr Road, Wellesley, MA 02482			
Applicant:	Southcoast Apothecary, LLC (d/b/a Ascend)			
Applicant Address:	P.O. Box 620727, Newton Lower Falls, MA 02462			
Application Submittal Date		Public Hearing Date(s)		Decision Date
January 13, 2021		February 10, March 10, March 17, & April 14, 2021		April 14, 2021
Assessor's Plot Number	Lot Number(s)	Book Number	Page Number	Certificate Number
86	10	13345	43	

**Application:** Request by applicant for a **Special Permit for a Marijuana Establishment for the operation of Marijuana Retailer** at 115 Coggeshall Street (Map: 86 Lot: 10) a 9,499 SF site in an Industrial-B (IB) zoned district and the Hicks-Logan-Sawyer Interim Planning Overlay District (HLS IPOD). Owner: Met Real Estate LLC (10 Bryn Mawr Road, Wellesley, MA 02482). Applicant: Southcoast Apothecary, LLC (PO Box 62727, Newton Lower Falls, MA 02462).

**Action:** GRANTED, WITH CONDITIONS, as described in section four (4).

A copy of this decision was filed with the City Clerk of the City of New Bedford on April 27, 2021. Any person aggrieved by this decision for Special Permit has twenty (20) days to appeal the decision in accordance with the procedures set forth in Section 8 of Chapter 40A of the General Laws of Massachusetts and Section 5490B of the City of New Bedford Site Plan Review Ordinance.

4/27/2021

Date

Kathryn Duff, Chair  
City of New Bedford Planning Board

## 1) APPLICATION SUMMARY

Case #21-03: 115 Coggeshall Street– Request by applicant for a **Special Permit for a Marijuana Establishment for the operation of Marijuana Retailer** at 115 Coggeshall Street (Map: 86 Lot: 10) a 9,499 SF site in an Industrial-B (IB) zoned district and the Hicks-Logan-Sawyer Interim Planning Overlay District (HLS IPOD). Owner: Met Real Estate LLC (10 Bryn Mawr Road, Wellesley, MA 02482). Applicant: Southcoast Apothecary, LLC (PO Box 62727, Newton Lower Falls, MA 02462).

## 2) MATERIALS REVIEWED BY THE PLANNING BOARD

### **Plans Considered to be Part of the Application**

The engineered plan set submission is shown as “Ascend Cannabis Dispensary, 115 Coggeshall Street, New Bedford, Massachusetts, Special Permit Submission.” The plans are dated January 8, 2021 and revised on March 12, 2021, prepared by Fuss & O’Neill of 108 Myrtle St. Suite 502, Quincy, MA 02171, and stamped by Kevin C. McCarry, PE. The plan set consists of the following sheets:

- GI-001: Cover Sheet
- CN-101: General Notes, Boundary & Topographic Survey
- CP-101: Site Preparation Plan
- CE-101: Erosion and Sediment Control Plan
- CS-101: Site Layout Plan
- CG-101: Grading, Drainage, and Utility Plan
- LP-101: Landscape Plan
- SL-101: Site Lighting Plan
- CD-501: Erosion and Sediment Control Details
- CD-502-503: Site Details
- CD-504-505: Stormwater Management Details
- CD-506: Utility Details
- CD-507: Landscape Details

The architectural plan set submitted is shown as “Ascend Cannabis Dispensary, 115 Coggeshall Street, New Bedford, MA.” The plans are dated 9/18/20 and were prepared by BKA Architects of 142 Crescent Street, Brockton, MA 02302. The plans are not stamped. A revision was submitted on March 17, 2021. The plan set consists of the following sheets:

- AD-100: First Floor Demolition Plans & Notes
- AD-101: Second Floor Demolition Plans & Notes
- A-102: First Floor Fixture, Furniture & Equipment Plans
- A-103: Second Floor Fixture, Furniture & Equipment Plans
- A-300 & 301: Exterior Elevations
- 

### **Other Documents and Supporting Materials**

- ❏ Staff Memo, dated 3/17/21
- ❏ Dept. of Public Infrastructure Comment Memo 3/17/21 & 4/14/21
- ❏ Consultant response to revised traffic analysis 3/17/21
- ❏ Applicant Response to Peer Review 3/16/21
- ❏ Traffic Impact Analysis Peer Review 3/8/21
- ❏ Health Dept. Memo 2/10/21

- ❑ Dept. of Public Infrastructure Memo 2/10/21
- ❑ Historical Commission Comments 2/9/21
- ❑ Revised Signage Plan: 2/9/21
- ❑ Staff Report, dated February 4, 2021
- ❑ Special Permit for Marijuana Establishment Application
- ❑ Abutters List
- ❑ Project Narrative
- ❑ Site Plan
- ❑ Renderings
- ❑ Architectural Plan
- ❑ Signage Plan
- ❑ Rejection Packet
- ❑ Host Community Agreement
- ❑ Cannabis Control Commission Provisional License
- ❑ Community Outreach Meeting Materials
- ❑ Lease and Deed
- ❑ Parking Agreement
- ❑ Odor Control Plan
- ❑ Stormwater Management Plan
- ❑ Traffic Analysis

### 3) DISCUSSION

#### February 10, 2021

Board members Kathryn Duff, Shayne Trimbell, Peter Cruz, Kamile Khazan, and Alexander Kalife attended the February 10, 2021 online meeting. Staff Planner Michael McCarthy and Acting Director of City Planning Anne Louro were also present during the discussion.

Case #21-03 was heard as part of new business. Chair Duff opened the hearing and asked if there was a representative for the applicant in attendance to present the case.

Att. Stephen Brown, on behalf of the applicant, provided a brief history of the project and the entrepreneurs involved, as well as introduction of CEO Andrea Cabral and the project team.

Att. Daniel Glissman on behalf of the applicant, d/b/a Ascend, addressed the board. Att. Glissman stated that Eric, Mike and Troy realized early on their goal of developing a cannabis establishment in Massachusetts requires tremendous infrastructure and resources. Att. Glissman spoke on the Ascend organization/corporation. He provided the board present day Massachusetts conditions on the cannabis issue, including industry statistics such as licenses, agents, et cetera. He spoke briefly on the economic benefit to New Bedford.

Att. Glissman described the proposed project facility at 115 Coggeshall Street, which expects to hire 35 employees. He provided operation hours of 10:00 a.m. -7:00 p.m. seven days per week. He displayed an overview of the facility location and provided details and descriptions on the same. He reviewed the site plan and associated proposals/changes, including parking and loading, the floor plans, customer access/egress, et cetera. Att. Glissman displayed and commented on various photos and renderings. He spoke on diversion prevention programs and customer education.

Att. Glissman discussed security and employee requirements, including video cameras. He then spoke on community support for the project and their community host agreement. He welcomed questions.

Matt Skelly, civil engineer at Fuss and O'Neil, Quincy, addressed the board describing the location and the various plans, such as demolition, erosion control, et cetera. He covered the parking areas, the dumpster location, bike racks, et cetera. He described curb cuts, delivery access, storm water controls, gas & water services, landscaping, et cetera.

In response to Chairperson Duff, Mr. Skelly acknowledged the dumpster pad would reduce total parking by 5 spaces outside of their site. There was discussion on parking space delineation, the turnaround in the loading/delivery area. In response to Board Member Cruz, there was more discussion on delivery vehicle ingress/egress and Board Member Cruz requested the template. Board Member Cruz expressed concern with the dumpster pick up path being altered and its effect on the disposal service. There was further discussion on the issue along with Mr. Skelly and Att. Glissman, who expressed a willingness to relocate the dumpster.

In response to an inquiry by Chairperson Duff, Nathan Langlois addressed the location of the mechanicals on the roofs. Chairperson Duff confirmed the screening requirement for the same.

There was brief additional clarification on deliveries operations.

In response to Chairperson Duff, there was a discussion on the signage plan by Att. Glissman, displaying elevations and clarifying dimensions.

In response to Chairperson Duff, there was discussion regarding a memo from the Preservation Planning Staff related to HCA requirements and 40C design guideline requirements and incorporated into the revised plan before the board. Att. Glissman noted recently received comments from the Historical Board they need to work on.

It was clarified that the project is part of the Hicks Logan District, allowing the applicant to make parking agreements for shared parking.

Chairperson Duff referenced the applicant to today's DPI letter, including the need for peer review regarding the traffic study. Chairperson Duff noted some of the other DPI concerns within their letter. The applicant commented on the same, adding a willingness to work with the peer reviewers.

Att. Glissman commented on the expansion of such facilities in Fall River.

In response to Board Member Cruz, the applicant's agent discussed the traffic study and report, including turn restrictions, intersections, roadway improvements, trip generation, peak hours, volume and delays, et cetera. Board Member Cruz expressed a desire to see the back way to the facility on Sawyer Street studied.

In response an inquiry by Chairperson Duff regarding pedestrian traffic on Coggeshall Street and any associated signage, Mr. Skelly discussed loading only signs, and address navigation work. Chairperson Duff suggested striping. Att. Glissman added comments, noting a wiliness for pedestrian signage.

Board Member Cruz expressed concerns about the safety of the steps, suggesting an accessible ramp. He stated he had no problem with the drainage. In response to Board Member Cruz's question regarding the project phasing and neighborhood industry impact due to site work, Mr. Skelly discussed construction phasing and area available. He stated the vast majority of work will be conducted on their site.

Att. Glissman noted reciprocal access agreements for the parcels. Board Member Cruz referenced a retaining wall, and again the staircase, and the rear entrance. The applicant assured the board they will look at the stairs again.

Chairperson Duff read into the record a letter from Councilor Ian Abreu in support of the project; Identical text Letters 2-8 from Antonio's Restaurant, 7-11, Top Gear Auto Sales, Coggeshall Sunoco, Better Image Apparel, Purchase Street Records, and Knucklehead's Bar & Grill, sent via e-mail on 2/3/21 in support of the project. Chairperson Duff then directed the board to a letter received from the Department of Health regarding the odor system.

Att. Glissman addressed the Department of Health letter, noting the level/volume of products on site. Kate Crowder, Ascend consultant, described the product delivery/storage conditions, noting no open product is on-site. Mr. Skelly commented on their vault. Andrea Cabral, CEO of Ascend Mass, commented on the product procedures and the vault.

Councilor Giesta, Vice-chair of the Cannabis Committee, expressed her support of the project, to be located within her ward. She noted she had sent a letter, apparently not received by the planning board.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Health Director Damon Chaplin spoke on the need for further community input. He commented on the projected traffic volume and inquired of costs. Mr. Skelly responded on traffic volume. Applicant's representatives commented further, including with regard to sales.

Mr. Chaplin commented further on his concerns.

Chairperson Duff clarified the Planning Board role in the cannabis approval process, including parking agreements and host agreement. She also noted the challenges of the site.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Councilor Scott Lima sought to be recorded in favor.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Councilor Ian Abreu, referenced his letter, and requested to be recorded in favor.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Councilor Maria Giesta requested to be recorded in favor. She acknowledged the city's challenging areas but noted the success already in this area.

There was no response to Chairperson Duff's further invitation to speak or be recorded in favor or opposition.

Chairperson Duff suggested a continuance of the matter. Board Member Khazan suggested considering the Wareham summer traffic volume be factored in. Ms. Crowder noted her involvement with Wareham and can get numbers regarding parking.

Ms. Cabral thanked the Planning Board for this evening's input, as well as the city councilors present.

After announcing the next meeting on March 10, 2021 via Zoom, a motion was made by Board member Trimbell and seconded by Board member Kalife to continue Case #21-03 to that date.

**ROLL CALL VOTE:**

Board Member Kalife – Yes

Board Member Khazan – Yes

Chairperson Duff – Yes

Motion passes 5-0

Board Member Cruz - Yes

Board Member Trimbell - Yes

**March 10, 2021**

Board members Kathryn Duff, Arthur Glassman, Peter Cruz, Kamile Khazan, and Alexander Kalife attended the March 10, 2021 online meeting. Staff Planner Michael McCarthy and Acting Director of City Planning Anne Louro were also present during the discussion.

Case 21-03 was heard as part of old business. Chair Duff opened discussion by remarking that a traffic study peer had recently been completed but the applicant had not been able to respond. Therefore, Chair Duff asked for a motion to continue the case to March 17, 2021.

Board member Glassman made a motion to continue and Board member Cruz seconded. The motion to continue Case #21-03 to the March 17, 2021 meeting passed unanimously.

**March 17, 2021**

Board members Kathryn Duff, Arthur Glassman, Peter Cruz, Kamile Khazan, and Alexander Kalife attended the March 17, 2021 online meeting. Staff Planner Michael McCarthy and Acting Director of City Planning Anne Louro were also present during the discussion.

Case 21-03 was heard as part of old business. Chair Duff opened discussion by remarking that the Board had received revised material from the applicant and a comment memo from DPI prior to the meeting and that Board members had not had an opportunity to review all this material. Therefore, Chair Duff asked for a motion to continue the case to April 14, 2021.

Board member Glassman made a motion to continue and Board member Cruz seconded. The motion to continue Case #21-03 to the April 14, 2021 meeting passed unanimously.

**April 14, 2021**

Board members Kathryn Duff, Arthur Glassman, Peter Cruz, Kamile Khazan, and Alexander Kalife attended the April 14, 2021 online meeting. Acting Director of City Planning Anne Louro was also present during the discussion.

Case 21-03 was heard as part of old business. Att. Daniel Glissman on behalf of the applicant, Southcoast Apothecary d/b/a Ascend, addressed the board. He noted that the team had been working closely with CDM Smith and DPI to address their comments as well as comments from Planning Staff and other City departments from previous memos and felt they had addressed everything. He referred to the revised site plans which demonstrated a new dumpster location and proposing a new compact dumpster for the shopping plaza. He referred to the location of a separate, secure dumpster for Ascend's trash, which is a requirement of the State's regulations. He noted that the proposed location of the secure dumpster was still subject to the tenant contract approval they are currently working out.

Att. Glissman stated that the southwest corner of the building was reduced in size to provide additional turning radius for delivery vehicles. They were no longer seeking exclusive parking use within the plaza and based on concerns from the neighboring tenant, as well as the Planning Board, the proposed stairs connecting to the adjacent parcel along the east side of the property was being removed from the plans.

Att. Glissman felt they had a strong project and entertained questions from the Board. Kevin McGarry, civil engineer at Fuss and O'Neil, Quincy, shared the screen showing the revised site plan.

Chairperson Duff asked if the stairs were still shown on the plan, with ATT. Glissman affirming that they were still shown but will be removed. The location of the two proposed dumpsters was also reviewed on the site plan.

Chairperson Duff asked Att. Glissman if he could address DPI's comments relative to the project overlapping several parcels and the need for easements. Att. Glissman stated that they were definitely aware of the comments by the DPI and noted the complicated real estate project which have them working with neighboring property owners relative to easement agreements. He stated that there are a number of reciprocal access and utility agreements which run throughout the plaza and that they were working out the details on the easements which will integrate the lot into the whole plaza. Final easements will be recorded at the Registry of Deeds and reflect in an updated final site plan.

In response to Board Member Glassman, Att. Glissman confirmed that the stairs which will be removed from the project were located on the east side of the building. Board Member Cruz asked if there was going to be roadway restriping within the milling overlay shown in the plan with Kevin McGarry responding in the affirmative. Board Member Cruz asked if the proponent would be willing to stripe all the lanes in the area to provide consistency and freshen up the pavement markings as a mix of faded and clean pavement markings can cause confusion to drivers. Att. Glissman stated that he would confirm with his client but did not foresee a problem with the request.

Board Member Cruz thanked the team for relocating the dumpster and sought clarification regarding the types of products being disposed within the enclosed Ascend dumpster as he was concerned with potential "dumpster diving". Att. Glissman stated that defective product and/or returned product will be sent back to the facility in Athol where it was originally packaged and cultivated, so they will not be disposing of cannabis products or cannabis waste in that dumpster. He stated that the cannabis control Commission regulations still require a separate locked dumpster even for regular paper waste or typical retail space waste, so the dumpster in the area will be locked.

Board Member Cruz asked if someone could speak more on the traffic report, as it not yet been presented to the board or to the public, noting that he did not find anything wrong within the report, but wanted the public to understand the report, as they are technical and difficult to understand. Kevin McGarry reviewed the traffic study report, stating that they reviewed the surrounding area and performed traffic and parking counts. They also performed parking counts at some other comparable facilities in order to estimate the anticipated demand. The information was gathered into a report which was peer reviewed, and the peer reviewer agreed with everything within the report and that they were not anticipating any adverse impacts. He noted that adverse traffic effects occurred early on related to cannabis establishments when there were only a few open with high demand. Now that more facilities are opening, the negative traffic impacts are not occurring. Board Member Cruz thanked Kevin McGarry for the summary and encouraged members of the public to review the traffic study on the Planning Department's webpage.

Chairperson Duff noted that that there were two iterations of the traffic study, as the first peer review requested the applicant to extend the area of study which they did, and then resubmitted that additional data, which was then peer reviewed and approved. Att. Glissman confirmed they performed an additional count on a Saturday of the parking in the Plaza, which was peer reviewed again, providing a lot of data on the project.

Chairperson Duff asked the architect to review the plan as they relate to the historic structure and the Host Community Agreement requirements to adhere to the Bedford-Landing District Guidelines. She noted previous concerns relative to the rooftop mechanical equipment screening, building siding and windows.

Nathan Langlais of BK Architects addressed the Board stating that the replacement windows will match the existing conditions and that previously proposed metal siding has been replaced with fiber cement, vertical board and batten siding on the new addition. Also proposing a metal roof screening around the rooftop mechanical equipment. In response to Chairperson Duff, Mr. Langlais stated that the screening would be horizontal slats painted black to match windows and building trim.

Chairperson Duff sought further questions from the board members and seeing none opened the hearing to the public for comment.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Councilor Maria Giesta requested to be recorded in favor.

In response to Chairperson Duff's invitation to speak or be recorded in favor or opposition, Councilor Ian Abreu requested to be recorded in favor.

There was no response to Chairperson Duff's further invitation to speak or be recorded in favor or opposition and she took the opportunity to thank Board Member Cruz for his request for continued pavement markings from the project area eastward to the signaled intersection into the plaza.

In response to Board Member Glassman's questions, it was reiterated that the new requested pavement markings would consist only for the three lanes on the northern portion of Coggeshall Street and would be from the milling overlay area to the intersection of the Plaza entrance.

Board Member Glassman also sought clarification related to the reduction in parking. Att. Glissman stated that they had nine spaces on site and that 24 were required. Chairperson Duff confirmed the Special Permit for a reduction of parking relief for 15 spaces. Board Member Cruz advised the applicant to revise the plan cover sheet to reflect the correct number of parking spaces being provided.

#### **4) DECISION**

Board Member Glassman made the motion, seconded by Mr. Cruz to approve Case 21-03: 115 Coggeshall Street – Request by applicant for a Special Permit for a Marijuana Establishment for the operation of a Marijuana Retailer at 115 Coggeshall Street (Map: 86 Lot: 10) a 9,499 SF site in an Industrial-B (IB) zoned district and the Hicks-Logan-Sawyer Interim Planning Overlay District (HLS IPOD). Owner Met Real Estate LLC (10 Bryn Mawr Road, Wellesley, MA 02482). Applicant: Southcoast Apothecary, LLC (PO Box 62727, Newton Lower Falls, MA 02462).

The approval is subject to the following conditions:

#### **The following SPECIFIC conditions:**

1. The applicant must abide by all terms of the September 5, 2019 Host Community Agreement negotiated between the applicant and the City of New Bedford.
2. The entrance on the north side of the building shall be marked with signage to indicate it is for staff only and/or emergencies only.
3. Prior to the issuance of a building permit, the applicant shall submit a revised sign plan to the Planning Department for administrative review that addresses comments in the February 9, 2021 memo from the Historical Commission.
4. Directional signage shall be installed to direct customers to use the main plaza entrance to access the site. The applicant shall submit any proposed directional signage to the Planning Department for administrative review prior to the issuance of a building permit.



5. Odor control plan is subject to approval by the Board of Health.
6. The applicant shall submit any changes to their security plan to the New Bedford Police Department for approval prior to implementing.
7. The applicant shall submit any changes to their emergency plan to the New Bedford Police Department, Fire Department, and Health Department for approval prior to implementing.
8. The project shall be undertaken in a manner consistent with the Department of Public Infrastructure memos dated February 10, 2021, March 17, 2021 and April 14, 2021.
9. The special permit is non-transferable and shall have a term limited to the duration of the applicant's ownership or leasing of the premises as a Marijuana Establishment. A change of the licensee or ownership of the Marijuana Establishment or Medical Marijuana Treatment Center shall require submission of an application for a new special permit application or modification of the existing special permit before the Planning Board.
10. The applicant shall remove all material, plants, equipment and other paraphernalia within ninety (90) days of ceasing operations or immediately following the expiration, revocation, or voiding of its state license.
11. The applicant shall notify the Planning Board and Zoning Enforcement Officer in writing within forty-eight (48) hours of any cessation of operations or expiration, revocation, or voiding of any state license or registration.
12. The special permit for a Marijuana Establishment shall lapse if the applicant does not commence construction or operation of the proposed establishment within one year of issuance.
13. Any changes made by or at the request of the Cannabis Control Commission relative to the building or site shall be submitted for review by Planning Department staff.
14. Plans will reflect the removal of the proposed stairs located on the east side of the building which were to connect to the adjacent parcel.
15. New roadway pavement markings will be applied to the three lanes on the northern portion of Coggeshall Street from the milling overlay area easterly to the intersection of the Plaza entrance.

**With the following GENERAL conditions:**

16. The project shall be in compliance with all applicable state and federal laws.
17. The applicant shall appear before this Board to obtain a new special permit or a modification of its existing special permit for each additional use that is proposed after the initial permitting process or for modification of the approved plans.
18. The applicant shall submit final plan revisions to the Planning Department in the following formats: one (1) - 11" x 17" Plan Set and one (1) CD or USB with Plan Set in PDF format and shall ensure that these same plans are properly submitted to the Department of Inspectional Services.
19. The applicant shall ensure that a copy of the Notice of Decision, bearing the certification of the New Bedford City Clerk signifying no appeal has been made against the project's approval, be recorded at the Registry of Deeds and that a copy of the recorded decision is provided for the Planning Department Case file folder.
20. The applicant shall present any proposed modification from the approved plans for consideration to the City Planner for determination as to whether the modified plan must return before this Board for further review.
21. The rights authorized by the granted approval must be exercised by issuance of a Building Permit by the Department of Inspectional Services and acted upon within one year from the date the decision was granted, or they will lapse.
22. The developer and site contractor must schedule a pre-construction meeting with the Department of Public Infrastructure prior to the start of construction.

As a result of such consideration, the Board moves approval on the subject application with the conditions so noted. The motion being properly made and seconded, the Chair called for a roll call vote which was taken and unanimously approved five (5) to zero (0).

Board Chair Duff – Yes

Board Member Khazan – Yes

Board Member Kalife – Yes

Board Member Glassman – Yes

Board Member Cruz – Yes

Filed with the City Clerk on:

**4/27/2021**

\_\_\_\_\_  
Date

A handwritten signature in black ink, appearing to read 'Kathryn Duff', is written over a horizontal line.

\_\_\_\_\_  
Kathryn Duff, Chair  
City of New Bedford Planning Board