

September 18, 2020

Project 12408.420

Mr. James T. Whitin, Chairman
Town of Westport Planning Board
856 Main Road
Westport, MA 02790

RECEIVED
September 18, 2020
WESTPORT
PLANNING BOARD

RE: Third Review Coastal Healing LLC
Recreational Marijuana (20-007SP.420)
Westport, MA

Dear Mr. Whitin,

S.W. Cole Engineering, Inc. (S.W.COLE) has completed a third review of the documents forwarded by the Westport Planning Board's letter of September 10, 2020.

The following documents were received:

- Plans dated August 20, 2020
- Site Plan Review Petition dated August 28, 2020
- Traffic Impact Study dated April, 2020

This project was originally submitted and reviewed as a medical marijuana distribution facility. Based on the fact that the facility is now under construction, we assume that the facility received approval from the Planning Board. The applicant is now requesting, by this site plan approval request, to also be allowed to distribute recreational marijuana as well as medical. This review will also consider the "2020 Recodification – Zoning By-Laws" revised March 11, 2020.

As noted in the September 10, 2020 Planning Board letter, the plans have basically not changed. Major changes noted were the Sewage Disposal System information and cross-section provided on Sheet SU-1 and the relocation of several parking spaces.

Based on the recodified Zoning By-Laws, we bring to the Board the following comments and concerns:

1. (Sec. 9.9.1: *“...The purpose intent of this section is to regulate the siting of Marijuana Establishment by minimizing the adverse impacts on adjacent properties, ... and other places where children congregate, ...”*)

As a medical marijuana distribution facility which serviced clients by appointment only, the operation could control the clientele and number of visitors to their facility which minimized impacts on the adjacent properties. As a recreational operation the store will also be limited to appointments only. The clientele and numbers should be more controllable than a free open retail. Limiting all customers to areas viewed from Rte. 6 will move the clientele further away from the bowling alley. There is though a possibility detrimentally impacting the adjacent property economically. (A question to ask: “Will some parents not allow their children to go to the bowling alley to hang out because of the clientele using the facility next door?” This will have an economic impact on the bowling alley.)

2. As was shown in the original Medical Marijuana Distribution facility submission which has not changed in this submission, the building is divided into several separate entities; some being: growing rooms, processing areas, lab, personnel support areas, and finally retail area. The latter area comprises a gross 841 SF. Of that, 150 SF is the security checkpoint and another 375 SF comprise the display cases and the employee space. This leaves 316 SF for the customer portion of the retail area, some of which is lost with the in-swinging doors.

Sec. 8.3.1 requires 1 parking space for every 200 SF of retail stores. Using the gross square footage of the retail space this would translate to 4 parking spaces. Considering an average of 1.5 customers per vehicle, this regulation considers about 6 customers in the store at once. With a customer area of 316 SF, this would equate to approximately 53 SF per person, or a 7.25 Foot square for each person. The “COMMERCIAL PROPERTY SAFETY REQUIREMENTS: MAXIMUM OCCUPANCY” notes that the typical maximum floor area allowance per occupant for a mercantile as being 60 SF. This would be in line with the 6 customers in that space at once. In the Site Plan Review Petition, the Applicant states that “Distribution for adult use will be conducted by appointment only.” Per the new

Codified Zoning By-Laws: (Sec. 9,9,9) "All visits to Medical Marijuana Treatment Centers shall be by appointment only." As such, this facility will only be accessed by appointment only. Therefore, if operated properly, the Applicant can control its clientele, the number in the facility at once and the number waiting outside. Highly recommend that the Board requires the Applicant to provide a Standard Operation Procedure (SOP) to be included as a condition for approval with the project. Also recommend that their license to operate be dependent on the strict adherence to this SOP.

The SOP should provide the number of customers that can be in the retail spaces at once. Based on the discussion above I would say no more than 6 at once. The SOP should also state the number of customers that can be waiting outside for an appointment.

3. *(Sec. 9,9,3,4: Building and parking areas shall be clearly visible from the street.)*

A waiver is being requested for the parking located behind the facility. Note that the entrance to the retail portion is located on the west side of the facility toward the back. Westport Officers passing by the facility on Route 6 toward Sanford Road will have no view of the entrance until they have past and they look back or they stop and turn in. Also, if a queue forms at the entrance and it wraps to the rear of the facility, it will give law enforcement no view of these people from the street.

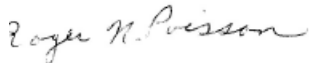
With a SOP in place as noted above, there are realistically more than sufficient customer parking with the 17 spaces provided on the southwest and northwest sides of the facility. The proposed 28 customer spaces and 4 overflow spaces are far too great a number for the available area within the retail space. If the operator strictly adheres to the SOP and correctly limits appointments, 17 spaces should be adequate to meet their requirements. Those 17 spaces are visible from the Rte. 6. Any queuing outside should be restricted to the sidewalk along the northwest and southwest sides of the building along the sidewalk being provided. This would provide a safe space to queue along with being visible from Rte. 6. The SOP should also note how they will restrict queuing at the rear of the building and limit parking at the rear to employees only. A fence with an operable gate may be one way to accomplish both of these restrictions.

4. The Traffic Impact Study provided is the same one that was commented on before. My second review comments to this Study still hold. Unfortunately, talking to Jim Harnett, the State DOT defers to the Town's comments and does minimal review. With that in mind, take a good look at what is being proposed. If the Board chooses to require a SOP that limits all access to appointments and controls the number at the facility at once, the impacts to traffic should be controllable.

If you have any questions please contact me directly at roger.poisson@swcole.com or 508-822-6934.

Sincerely,

S.W. COLE ENGINEERING, INC.



Roger N. Poisson, P.E.

Engineering Review Consultant

RNP/kbr

Cc: R. Chaput

D. Mello