MINUTES
April 5, 2022

7:00 p.m.
Sandwich Town Hall, Second Floor, 130 Main Street, Sandwich, MA

Present: Jeffrey Picard, Chair; Jennifer Reisig, Vice-Chair; Robert King; David Darling; Mark Callahan; Paul Coteus; and James Dever
Also Present: Ralph Vitacco, Director, Planning & Development; Leanne Drake, Town Planner; and Maureen McCabe, Sr. Administrative Assistant
Absent: Sam Jensen, Assistant Town Engineer

Mr. Picard opens the meeting with the reading of the Opening Statement and the Pledge of Allegiance.

Approval of Minutes

Ms. Reisig motions to accept the minutes from the meeting held March 15, 2022, as submitted. Mr. Callahan seconds. The vote is unanimous 6-0-1. Mr. Darling abstains.

Submission of New Plans

There are no new plans submitted.

Old Business

There is no Old Business to discuss.

New Business

- Proposed Zoning Amendment – Public Hearing

  Mr. Picard reviews the Public Hearing process and then reads the Public Hearing Notice into the record. Ms. Reisig motions to open the Public Hearing. Mr. King seconds. The vote is unanimous.

  Garry Blank, 18 Torrey Road, East Sandwich

  Mr. Blank introduces himself to the Board. Mr. Blank says that he is not the proponent; he is here as a resident. Mr. Adam Higgins is the applicant. In addition, the owner of In Good
Health is here tonight. Mr. Blank says he is, and has been, heavily invested in heart, mind, spirit and money in Sandwich for a long time. Mr. Blank explains that 449 Route 130 is a condominium. The Board of Directors of Sandwich Medical and Professional Center Condominium Association voted unanimously to support the sale of adult use marijuana at this location. Mr. Blank says this building has been significantly vacant for a long time due to the recession in 2007, and the recent COVID outbreak among other things. Mr. Blank says that In Good Health is a very good tenant and a very good benefactor to the Town. He talks about their impeccable history in Brockton and Sandwich. There have been no incidents whatsoever in either location. In addition, they have a generous history of charity and community giving. Mr. Blank says the building is in a good location and shouldn’t be vacant. He says that prohibition never worked; regulation is far superior and brings in revenue. Potentially we can increase revenue to the Town by ten times what a medical dispensary only will bring to the Town. Mr. Blank asks the Board to please let go of the stigma and allow this business to flourish and support our tax base.

Adam Higgins, 29 Woodridge Road, East Sandwich

Mr. Higgins introduces himself to the Board. He tells them his dream business is cannabis. Mr. Higgins says he is an advocate for the industry and has advocated for cannabis across the Cape as recognized by articles in various newspapers. The impact on the industry was to stay away from Sandwich. Mr. Higgins talks about how he is growing his hybrid business in Orleans by doing retail, product manufacturing and delivery across the Cape region. The entire dream is banned in Sandwich; the opportunity is to pilot here with a colocated operation. Mr. Higgins refers to Mr. Noble as being an excellent operator; he is one of the first, most established operators in the state. Mr. Noble was one of the first to pilot a co-location. There are multiple residents that operate licensed cannabis businesses in the state that live here but don’t do anything with their business here. Mr. Higgins says it would be more beneficial for him to be doing business in Sandwich where he lives. He goes on to say that Provincetown generated ten million dollars in sales in their last four quarters. Mr. Higgins estimates that Sandwich could see annual tax revenue in the amount of $480,000 to $720,000. He talks about Provincetown’s 5-year plan and advocates for a similar approach in Sandwich.

Referencing the handout from Provincetown, Ms. Reisig asks Mr. Higgins to explain the Youth Activity Grants. Mr. Higgins says this is a specific program which Provincetown put together about the impacts of the cannabis industry. The idea is that we are changing the definition of “drugs” and what is an approved recreational substance. We are moving it from a drug category to an alcohol category. It requires a lot of education as to what that actually means. We need to invest into the youth. Ms. Reisig asks if the program is to redefine substance or to identify marijuana differently. Mr. Higgins says that he grew up in D.A.R.E and that’s why he made bad decisions in later life. The education didn’t align with reality. In Orleans it’s not about targeting cannabis it’s about generally educating our children better about drug awareness. Ms. Reisig asks how the program would work in Sandwich. Mr. Higgins says he approaches the youth prevention issue by offering an additional 1% into a fund which the town will identify later that will be put into the school system. Mr. Higgins explains Provincetown’s program was structured to take in the tax revenue which is exceeding their plan. Ms. Reisig asks who decides where the money will go and who decides the content of the curriculum. Mr. Higgins explains that at the state level they are required to have a positive impact. There are additional things a candidate can do above and beyond what is required. At the local level these are funds that go
directly into the town’s general fund specifically ear marked to go into that program. The onus is on the town to prove that.

Mr. Darling asks Mr. Higgins what is the ratio. Mr. Higgins says it is being based on is the average cost per visit. Mr. Darling asks Mr. Higgins what is the exit strategy; are you going to build a business and sell it. Mr. Higgins says he is a cannabis advocate, a cannabis entrepreneur and has no specific plan in Sandwich. His plans for the Cape, if we are limited to three stores on the state level, would be to get those three stores on the Cape. Mr. King asks Mr. Higgins if his estimate of the tax revenue contribution to the Town will be anywhere from $480,000 to $720,000. How much money is being left on the table for the Town. Mr. Higgins says that Mr. Noble can speak to the specifics of his business and the sales potential. He says the number he put out was based on estimates that were put together in Orleans. The check average was between $95,000 - $110,000. A discussion ensues regarding the amount of sales in other Cape locations. Mr. Dever asks Mr. Higgins if he sees the Sandwich location as unique. Mr. Dever believes that it is and with the right public relations the business would do well. Mr. Higgins believes it is a very good location and will offer competition. Mr. Callahan says there are locations in Mashpee, Wareham, and Orleans. Mr. Higgins says an adult use facility has been approved in Brewster and will open this summer. Mr. Callahan asks when a sale is made in one town and delivered to another who receives the tax revenue. Mr. Higgins says it is the town that gives the permit to the licensee. Mr. Higgins says this petition is just to remove the recreation ban, not for delivery or anything else. He sees it as a pilot program for colocated facilities. Mr. Picard says the petition is to allow co-recreational in the overlay district. A discussion ensues. Mr. Vitacco clarifies that the citizen petition is to allow an adult recreational marijuana facility as a co-location. Everything that is allowed for medical marijuana will be the same at that location in the Town of Sandwich for adult recreational marijuana. The conversation continues. Mr. Vitacco says it is the medical marijuana or the adult use marijuana so it is either or.

David Noble, Norwell, MA

Mr. Noble introduces himself as the President and CEO of In Good Health. He says that he has been in this business for nine years and has seen lots of changes over that time. He likes to educate people about the truth about what they do. Mr. Noble says the cannabis business is very well run and he has no problem with competition. He tells Board members that he has worked with police chiefs and the state fire marshal. Mr. Noble shares his credentials and says that their buildings offer safe access. To this day there have been no issues. The conception that adult use is not beneficial to people is not true. Mr. Noble talks about co-locations and explains that there is one security when you walk into a building. A person’s ID or medical card is checked. When a person enters a building they separate into two lines. One line is for medical patients; one line is for adult use; one is taxed; one is not taxed; one has limits; one has different limits. There are different limits for one day, for 60 days; quantities; amounts for a certain product. Mr. King says the greatest fear when marijuana was legalized was that somehow it would end up in the hands of children. He asks Mr. Noble if under aged children are accessing marijuana or getting into the dispensaries. Mr. Noble says the answer is “no.” He says that children can’t get into the dispensary. Nor do children sit outside and ask someone to purchase products for them. That doesn’t happen anymore. Mr. Noble goes on to say that people getting into this business are investing millions of dollars. They are not going to sell an $18.00 pre-roll to a kid to lose a twenty-million-dollar business. There are card reading machines to check identification cards presented upon entry into a dispensary. What
could happen is that a 21-year-old kid could purchase product, bring it home and his younger sibling steals it from him. This is a social responsibility. Mr. Noble says that between the Community Host Agreement and the three percent tax that comes back from the purchase of the adult use, it is about a seven-digit number. The building is in a great location. There will be no lines out the door; no one will even care when we open. Two percent of your community has a medical marijuana card; eight percent of your community smokes marijuana. No one wants to drive from Sandwich to Mashpee to buy marijuana. It’s all about convenience today. Mr. King asks how long it will before the Town receives the money. Mr. Noble says he is required to pay the Town every 90 days. Mr. King says he is referring to the money that will offset taxes. Mr. Noble says if this petition were to be approved tonight it would be six to twelve months before he could open. Mr. King asks, if we do not change zoning, at the end of the first year how much money will the Town be leaving on the table. Mr. Noble says, conservatively speaking, $750,000.00. It is functional to have medical and adult-use in the same facility. The medical use marijuana will never be moved from this facility. Mr. Picard states that it is his understanding that this proposed amendment is to allow adult marijuana in the overlay district. A conversation ensues as it relates to the wording of the proposed amendment. Ms. Drake explains the proposed amendment is colocated. It allows one medical marijuana treatment center or one colocated, which will be medical and recreational. Mr. Noble says there is a value of business that surrounds these businesses. He anticipates the number of people served per hour will increase from five to six to fifteen to twenty. If the building at 449 Route 130 were at or near capacity, it would generate more traffic than the dispensary would generate. Mr. Noble tells Mr. Coteus that medical revenue brings in approximately $90,000 per year. The conversation turns toward security. Mr. Noble says there are no professionally armed people. There have been two break-ins in the entire state in nine years most likely from an inside job. He has already spoken with Chief Wack and there have been no special requests from the Town regarding security. Mr. Noble says he hires good people and his inventory is accounted for. Medical marijuana is not taxed. Mr. Noble tells Mr. Callahan that they will never move the medical marijuana. He is entitled to have three adult use licenses and three medical licenses whether they are in the same place or separate. Mr. Darling explains the three populations in Sandwich and asks if tourism will help sales. Mr. Noble says if there is a big uptick it will help. Mr. Darling asks Mr. Noble who is his client. Mr. Noble answers by saying they serve ages one (young pediatric patients) through 92. There is no face; it is everybody. Mr. Noble says 90% of the business here is Sandwich. There are 200 dispensaries open in the state today. Mr. Noble says if the Board is comfortable, take advantage of the opportunity when you can. He thanks Board members for their time.

There are no further comments from the Board. Mr. Picard opens the matter up to the public for comment. There is none. Ms. Reisig motions to close the Public Hearing. Mr. King seconds. The vote is unanimous.

**Deliberations**

The Board reviews and discusses the proposed zoning amendments. Ms. Reisig motions to recommend the proposed amendments to Section 8000, Medical Marijuana Overlay District, for the purpose of allowing a recreational marijuana facility in the district, and forward the language to the Board of Selectmen for inclusion in the Town Meeting Warrant. Mr. King seconds.

The roll call vote is as follows:
Board Discussion

- Planning Board Rules and Regulations

  Mr. Picard explains that requested edits are complete and the document is in final form. Mr. Vitacco adds that the edits made make the document more gender neutral.

- Cape Cod Commission DLTA Grant

  Mr. Vitacco tells Board members that the Planning office applied for, and has been awarded, a $15,000 DLTA Grant which will be applied toward the consultant’s fee for the Local Comprehensive Plan. The total cost of the consultant’s fee is $49,500.00. A brief discussion ensues as it relates to this matter.

- Request for Comment: #22-07: 331 Cotuit Road Unit 34 – Special Permit – Paton

  Mr. Vitacco provides an overview. The Board reviews and discusses this request from the Board of Appeals. Mr. Darling says this is a wonderful outcome and he is delighted to support this application. The Board decides not to forward a comment to the Board of Appeals.

- Request for Comment: #22-08: 16 Widow Coombs Walk – Variance – Brides

  Mr. Vitacco provides an overview. The Board reviews and discusses this request from the Board of Appeals. They decide not to forward a comment to the Board of Appeals.

Other Matters Not Reasonably Anticipated

- Mr. Picard expresses his appreciation to Board members for their questions and thoroughness throughout tonight’s Public Hearing process.
Adjournment

Mr. King motions to adjourn. Mr. Callahan seconds. The vote is unanimous. The meeting adjourns at 8:20 p.m.

Respectfully submitted,

Maureen McCabe

Supporting Documents:

1. March 15, 2022 Draft Minutes (5 pages)
2. Proposed Zoning Amendments Public Hearing Notice (1 page)
3. Recreational Marijuana Citizen Petition (9 pages, including letter to the Board of Selectmen from Taylor White, Town Clerk, re: Citizen Petition(s), dated March 2, 2022)
5. Letter to Ralph Vitacco from Kristy Senatori, Executive Director of the Cape Cod Commission re: DLTA Funding, dated March 15, 2022 (1 page)
6. Request for Comment: #22-07: 331 Cotuit Road Unit 34 – Special Permit – Paton (4 pages)
7. Request for Comment: #22-08: 16 Widow Coombs Walk – Variance – Brides (3 pages)
8. Five Year Plan by Year submitted by Adam Higgins (1 page)
9. Newspaper articles referenced by Adam Higgins (copies not provided to the Board)