

Arlington Redevelopment Board
Monday, November 18, 2019, 7:30 PM
Senior Center, Main Room, 27 Maple Street
Meeting Minutes

This meeting was recorded by ACMI.

PRESENT: Andrew Bunnell (Chair), Eugene Benson, David Watson, Kin Lau, Rachel Zsemsbery

STAFF: Jennifer Raitt, Director of Planning and Community Development and Erin Zwirko, Assistant Director

The Chair called the meeting to order and notified all attending that the meeting is being recorded by ACMI.

The Chair introduced the first agenda item, Environmental Design Review, Public Hearing for Docket # 3610 filed by Apothca, Inc. at 1386 Massachusetts Ave. and Section 8.3, Standards for Marijuana Uses. Joseph Lekach, CEO of Apothca Inc., introduced himself, Bill Silverman, and Anthony Capochetti. Mr. Lekach said he is seeking a permit for medical and adult use cannabis store. The Water Street Arlington location has been operating without any issues. Mr. Lekach said Apothca opened another location in Lynn, with a similar sized parking lot as the proposed new site, where they have 494 transactions per day with transaction time of less than 4 minutes per customer. This transaction time exceeds the metrics submitted with the application. Tony Capochetti from Paige Engineering explained that the changes Apothca proposes to make to the existing parking lot and driveways will improve circulation. Mr. Capochetti said that bicycle parking is still being planned. Mr. Capochetti explained that most transaction times are under 4 minutes and quick customer turnaround is expected.

Mr. Capochetti gave an overview of the landscaping plans for the location. Mr. Lau asked about lighting in the rear parking lot and asked about additional lighting in the driveways to enhance safety. Mr. Lau asked about adding a rain garden in the space where the sidewalk on the side of the building is being removed. Mr. Lau also asked about adding a trench ring beside the driveways and parking lot. The Chair asked how customers will be managed on site to avoid additional noise, etc. Mr. Lekach explained the overflow concept within the store that has limits lines outside of the building. The security agents are based outside and loitering is not allowed outside of the building. Mr. Lekach said Apothca will coordinate with the Arlington Police Department to have a police detail at the opening and will keep the police detail as long as Arlington Police Department says that the detail is required. The Chair asked if there was a plan to frost the windows. Mr. Lekach said that, per state regulations, dispensaries are not allowed to have clear windows.

Mr. Lekach said that Apothca has an agreement with neighboring Bank of America that Apothca will have full control of the rear parking lot on location. Mr. Watson asked about transportation issues considering that for some time the store may attract customers from neighboring areas. The Chair said that the Board will ask for additional feedback from the Transportation Advisory Committee regarding traffic issues in the area with the additional business. Mr. Lekach said that the Lynn Apothca location is the second closest to Boston, the average number of customers per day is 300 to 400. Mr. Lekach said he expects the same number of customers in the Arlington Heights location. Mr. Lekach said that there are plans to open additional dispensaries in cities and towns in the region, including Cambridge, Malden, and Newton. Mr. Capochetti said he feels the best way to manage additional opening day traffic is with a queuing management plan or an opening day high volume plan. They will assess and modify high volume queuing plans going forward.

Mr. Watson asked how customers will enter the facility and where any queues would be located. Mr. Capochetti said the customer entrance is through the front of the building with an internal queue of approximately 33 customers. On high volume days Mr. Capochetti said they would like to have a police detail as well as parking lot management. Mr. Watson said he is concerned about queues on the sidewalk how that would affect accessibility for disabled customers trying to use the sidewalk. Mr. Watson said he is concerned about the parking lot turnover

of three times per hour, limited sightlines, and heavy pedestrian traffic, and is concerned about pedestrian safety. Mr. Capochetti said that on high volume days there will be police details to assist with traffic and Apothca could possibly install sensors to notify pedestrians of vehicles entering and exiting the driveways. Mr. Lekach says he feels that the parking lot will provide enough parking for their customers so a shuttle should not be necessary. Mr. Watson said that the Board would like to see flexibility and a more detailed plan for opening day and other high volume days. Mr. Watson said he would like to see more bike parking for customers, details about indoor bike facilities for employees, and a full Transportation demand management plan. Mr. Benson asked if Apothca plans to close the Water Street facility. Mr. Lekach said that the Water Street location will be closing and at no point will both locations operate simultaneously. Mr. Lekach is waiting to hear back from the state regarding the closing date for the Water Street location.

Mr. Benson asked about Apothca's staffing plan. Mr. Lekach said that there will be a maximum of 9 employees working at any time. Mr. Benson asked if employees would also be parking in the rear parking lot. Mr. Lekach said that employees will use the employee lot at Sunrise. Apothca will incentivize employees to bike to work or use public transportation. Mr. Watson said he would like to see the plan to incentivize employees to use public transportation laid out in Apothca's Transportation Demand Management plan. Mr. Benson asked how Apothca will prevent Bank of America's customers from parking in the lot. Mr. Lekach said that there will be signage stating that parking is for Apothca only. Ms. Zsembery asked to also see where that Apothca parking only signage would be located in Apothca's plan.

Mr. Benson asked if the Arlington Police Department has reviewed the security plan. Mr. Lekach said that Apothca will be using the same security plan as the Water Street location; the Arlington Police Department reviewed the security plan for Water Street. Mr. Benson asked about the security agents that Apothca plans to have on site as needed. Mr. Lekach said that there will be at least one security agent working outdoors on high volume days there will be additional agents in the parking lot. Mr. Benson asked for details about the security agents' qualifications and the job description. Mr. Lekach said that a former TSA agent is among his favorite security agents, people with security experience who are capable of defending themselves. The security agents will have reflective vests that state that they are Apothca security agents and will not have any type of badges. Mr. Lekach invited the Board to visit the Water Street location if they would like to see an example of the security features.

Mr. Benson asked about security checks. Mr. Lekach said that there is a check at least every 30 days and there is a full audit by an independent auditor once per year. Mr. Lekach said Apothca received a 100% audit score for their Lynn and Fitchburg locations. Mr. Benson asked about the public transit subsidies for employees. Mr. Benson said that some companies offer free bus passes. Mr. Lekach said that was a great idea.

Mr. Benson asked for an explanation of the trees on the plan. Mr. Capochetti reviewed the types of trees that they are planning to use. Mr. Benson said he would like to see a more detailed plan. Mr. Benson said that based on the new bicycle parking bylaw Apothca will be required to provide additional bike parking and suggested that Apothca review the bicycle parking guide. Mr. Benson said that he finds it odd that the traffic study for this location was based on the square footage of the location instead of studying other factors such as population demographic and other facilities in the area. Mr. Benson said he was unclear about the parking lot traffic flow. He wondered where someone would go if the parking lot is full. Mr. Capochetti said that at that point customers will have to look for on street parking. The goal is to keep traffic flowing and avoid idling. Mr. Benson asked if it is possible to notify customers ahead of time if the parking lot is full. Mr. Capochetti said on high volume days there will be a security agent to notify customers that the lot is full as they arrive.

Mr. Benson asked about snow removal. Mr. Capochetti said that there is a small holding area for small snow storms and for large storms a landscaper will be called to plow and remove the excess snow. Mr. Benson asked if

the Arlington Police Department has a point of contact at the facility. Mr. Lekach said that the Arlington Police Department has Mr. Lekach's phone number and Apothca's Director of Security's phone number in case the Arlington Police Department needs to contact Apothca. Mr. Benson asked about the catch basins. Mr. Capochetti said that the catch basins will be cleaned and brought up to compliance.

Ms. Zsembery asked about the entrance move, Ms. Zsembery asked for more details about the planned entry way and to add some more details on the storefront modifications. Ms. Zsembery asked about the signage and Mr. Lekach said that the signs will be small and gray with the Apothca logo. The sign will be steel-cut and will be backlit at night the sensors will not turn on the lights until 30 min. before sunset. Ms. Zsembery asked about Apothca's business hours. Mr. Lekach said that business hours will be 10:00 a.m. to 8:00 p.m., in compliance with Board of Health regulations. Ms. Zsembery asked about the plans for landscaping the planting strip behind the building. Mr. Lekach said decorative grass and maybe some stone, perhaps a rain garden. Ms. Zsembery said that there have been issues with trash at the Brookline facility. Mr. Lekach said that trash/litter was not an issue at their Lynn location.

Ms. Zsembery asked how often the security guards will be in the parking lot versus the building. Ms. Zsembery said that in other locations there has been consumption in the cars in parking lots on location after transactions. Mr. Lekach said that the security agents will always be in the parking lots, they will not be inside. If there is a storm the security agents may stand just inside the glass doors to monitor the parking lot. Mr. Lekach said that loitering is not allowed; there will be video monitoring of the parking lot at all times. If a customer looks to have violated public consumption laws or appears to have used the product before driving the offense will be reported. Ms. Zsembery said that the right turn into the parking lot is a very sharp turn. Ms. Zsembery agrees that driveway sensors are a good idea so pedestrians are aware of oncoming traffic. Ms. Zsembery asked about deliveries, loading, and special trash pick-up. Mr. Lekach said that due to security issues he cannot be specific about the delivery process. The deliveries are made at random times, routes, and building entry locations for security. Mr. Lekach said that a small cargo van will be used for deliveries. The store is alerted 30 min before the van arrives so that employees will then reserve a parking spot for the delivery van. Ms. Zsembery asked for an updated LEED checklist for retail locations for next hearing.

The Chair opened the floor to comments from the public.

Josephine Burton said she is a neighbor behind the proposed Apothca location. Ms. Burton said that she is concerned about the fence that was installed by previous owners, lighting in the parking lot, and construction noise. Mr. Capochetti said that there is very little light spillover from the parking lot and the parking lot lights will shut off 30 minutes after the store closes at 8:00 p.m. The parking lot video cameras are night vision enabled and the parking lot lights are dark sky compliant. Mr. Capochetti said that he would like to speak to the abutters for their feedback and to see how they would like the fence repaired/replaced.

Christopher Lorette asked about one tenant giving up parking, as the Bank of America ATM customers will no longer be able to park at this location. Mr. Lorette said he thinks that there needs to be explicit discussion for preventing double parking in the street at this location. A warrant has been submitted in Brookline to require the facility there to operate on an appointment only basis. Mr. Lorette said the Board may want to consider requiring that this facility to operate by appointment only, should problems arise once the facility opens. Mr. Lorette said that open space requirement is 20% and the applicants do not meet requirements at 14.5%. Mr. Lorette said that he requested that ARB clarify the open space requirement in the bylaw to read that the open space requirement is based on the floor area not the lot area. The bylaw specifies that neighbors can discuss with the developer or applicant what the nature of that buffer fence should be.

Linda Langdon wanted to thank the Board for discussing the parking and traffic issues. Ms. Langdon asked if there

is another study to notify the Paul Revere neighbors and allow these neighbors access to the study. Ms. Langdon said she is concerned that Paul Revere Rd. will become a cut through. Ms. Langdon said that Paul Revere Road should be included in any additional traffic studies. The Chair said that with an opening time of 10:00 a.m., Apothca should not add to the rush hour traffic in the morning. The Chair said that the Board can ask the Transportation Advisory Committee to weigh in on the high volume of traffic on weekends and suggest some solutions. Ms. Langdon is also concerned that Apothca overflow parking will be on Paul Revere Rd. since there are no meters on the road. Ms. Langdon said that there should be additional no parking signs on Paul Revere Rd. The Chair said that in the transportation plan the Board would like to see the plan for overflow parking to ensure that customers will not be parking on Paul Revere Rd. Mr. Benson said that the Apothca employees should be notified that they cannot park on Paul Revere Road. Mr. Lekach said that Apothca requires customers sign an acknowledgement form that includes important notices such as parking information, including that parking is not allowed on Paul Revere Road, these notices will also be posted on the website.

Keith Schnebly said he is with the Tree Committee and suggested that Apothca get in touch with the Tree Committee, the Town's Tree Warden and the Town's Garden Club who would be able to help with suggesting plantings for the location.

William Rockwood said that there are rats living under the juniper bushes in that parking lot. Mr. Capochetti said that the plan is to remove the low lying Juniper bushes and to use river rock as a base for the new plantings. Mr. Capochetti said that Apothca will call a pest control company to trap the rodents before removing the Juniper bushes. Mr. Rockwood said that he is also concerned about the impact of additional traffic on Paul Revere Rd. Mr. Rockwood said that better traffic control on Paul Revere Rd. would mitigate the parking problem.

The Chair said that the Board would like to continue the hearing to Monday, December 16, 2019. The Chair said that the Board would like to review the updated Traffic Management Plan, Parking Management Plan, Transportation Demand Management Plan, bike parking, a more descriptive lighting plan especially for rear parking lot, Mass. Ave. sidewalk lighting and controls, detailed landscape plan after a discussion with other stakeholders in town, speak with members of the public who spoke this evening especially regarding the fence and trees and how landscaping changes will impact them. The traffic study Apothca provided will be referred to the Transportation Advisory Committee for their opinion on street parking on Paul Revere Rd. and the intersection of Mass. Ave. and Park Ave.

Ms. Zsembery asked for more details about the building façade modifications, the signage and the updated LEED checklist. Mr. Benson said he would like more details about the catch basins. Mr. Lau asked for a more detailed storm water management plan for the parking lot. Mr. Lau asked about reaching out to the Transportation Advisory Committee to coordinate the traffic study. Ms. Raitt said she would coordinate with Town staff. Ms. Raitt said she would like Apothca to refer their security plan to the Arlington Police Department so they can make recommendations regarding the level of police detail who will manage the parking lot and the issues on Paul Revere Rd. Ms. Raitt said she would like to know how the police might make recommendations for projected and existing traffic control. Ms. Raitt said that high volume days will need a combination of support from the Arlington Police Department and Apothca's security team, since this will be the first facility to open in a western suburb near locations that will not have marijuana facilities. Ms. Raitt said that while Apothca has been very successful in their current Arlington location, the proposed Arlington Heights location is very different than the current location. Ms. Raitt said that respect for the neighbors, particularly the neighbors on Paul Revere Rd., will be so important for this location. Ms. Raitt asked that Apothca work with the Board of Health to get their input on issues with trash, rats, noise and lighting. Ms. Raitt would like to Apothca to reach out to the Department of Public Works for a review of the existing and updated plans for traffic, engineering, and trees.

The Chair requested a motion to continue this hearing to December 16, 2019 Redevelopment Board meeting to be held in the Town Hall Auditorium. Mr. Lau motioned to approve, Mr. Watson seconded, all voted in favor 5-0.

The Chair introduced the next agenda item, Open Forum, and opened the floor to comments from the public. Christopher Loretto requested changes to the bylaw for the next Town Meeting. Mr. Loretto asked for an update so he would know what his options are if the ARB does not intend to request the bylaw changes. Ms. Raitt asked for a copy of Mr. Loretto's request and said that warrant articles will be discussed by the Board on December 2, 2019 and the next discussion will probably be the 1st meeting in January. Ms. Raitt said that there is nothing big coming from the ARB this year.

Mr. Lau motioned to adjourn the meeting, Ms. Zsembery seconded, all voted in favor 5-0.

Meeting adjourned.

DRAFT