

### Board Members

Andy Rodenhiser, Chair  
Robert Tucker, Vice Chair  
Jessica Chabot, Member  
Richard Di Iulio, Member  
Matthew Hayes, P.E.,  
Member  
Thomas A. Gay, Member



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## TOWN OF MEDWAY

### COMMONWEALTH OF MASSACHUSETTS

## PLANNING AND ECONOMIC DEVELOPMENT BOARD

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June 22, 2021

### SPECIAL PERMIT MODIFICATION

#### Good Feels, Inc. Recreational Marijuana Establishment 23 Jayar Road

<b>Name/Address/Permittee:</b>	Jason Reposa Good Feels, Inc. 1 Shady Lane Medway, MA
<b>Project Location:</b>	23 Jayar Road
<b>Assessor's Reference:</b>	Map 24, Parcel 014
<b>Zoning District:</b>	East Industrial
<b>Purpose:</b>	Amend the previously issued special permit which included a condition which cannot be met
<b>Date of Special Permit Decision:</b>	January 12, 2021

This is a decision of the Medway Planning and Economic Development Board (hereinafter "Board") on the applicant's request to modify the previously issued recreational marijuana special permit.

**I. BACKGROUND** – The marijuana establishment special permit decision approved by the Board on January 12, 2021 authorized the use of 1,896 sq. ft. of the existing commercial/industrial building at 23 Jayar Road on the north side of Jayar Road in the East Industrial zoning district to operate a registered marijuana establishment (Good Feels, Inc.) to manufacture, process and package marijuana infused products for adult recreational use. The permit did not address cultivation or retail sale on the premises. The special permit was recorded at the Norfolk County Registry of deeds on April 13, 2021 in Book 39267, page 295.

**II. DESCRIPTION OF PROPOSED MODIFICATION** – The proposed change is to modify the previously issued decision in order to allow for the outdoor installation of an enclosed back-up emergency generator and chiller with sound insulation along the back wall of the building. The modification is needed because Specific Condition E. of the January 12, 2021 special permit decision prescribes that *"The Permittee is not authorized to construct a permanent installation for a back-up generator outside the building."* A back-up generator with 24-hour capacity to handle security cameras and access doors is required by the MA Cannabis Control Commission.

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The permittee states that their original plan to contract with an outside vendor for an on-demand back-up generator was not able to be achieved. Accordingly, they now wish to install an outside generator with Level 1 sound insulation. Outside of a monthly test cycle that would last approximately 5 minutes, the proposed back-up generator would only be used for emergency situations.

The Permittee also plans to install an outside chiller to cool down water for their products. It had been anticipated that they would install an inside chiller for that purpose, but upon further research, it was determined that an inside chiller would compete with the HVAC system, causing unnecessary energy usage.

To accommodate the generator and chiller as permanent outside installations, the Permittee also proposes to build an enclosure around the equipment, install bollards around the enclosure to provide protection from accidental damage, and install sound absorption panels against the building to reduce noise and echo emanating from the generator and chiller equipment in order to meet the noise thresholds specified in the original special permit.

The locations of the proposed equipment, enclosure and bollards are shown on *Good Feels Inc. Permit Plan*, dated 5/13/2021 prepared by Joe the Architect, LLC of Somerville, MA.

As a result of the public hearing review process, the applicant's choice of generator model was revised to the Generac G007172-0 (10kw). This model was evaluated by the applicant's noise consultant, reviewed by the Board's noise consultant, and determined to meet the Town's noise standards.

**III. DECISION OF THE BOARD** – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board, at a duly posted meeting held on June 22, 2021, on a motion made by Robert Tucker and seconded by Matthew Hayes, voted to approve with Conditions, the requested modification to the previously issued marijuana establishment special permit.

All other conditions of approval of the marijuana establishment special permit dated January 12, 2021 remain in force. All documents associated with the previous decision are hereby acknowledged and made a part of the record for this modification.

**Planning and Economic Development Board Member**

**VOTE**

Andy Rodenhiser	AYE
Richard Di Iulio	AYE
Jessica Chabot	Absent
Matthew Hayes	AYE
Robert Tucker	AYE

**IV. PROCEDURAL HISTORY**

- A. May 17, 2021 – Special permit modification application filed with the Board and Town Clerk.
- B. May 19, 2021 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. May 19, 2021 - Public hearing notice mailed to parties in interest by certified sent mail.

- D. May 20, 2021 – Information distributed to Town staff, boards and committees with a request for review and comment.
- E. May 24, 2021 and June 1, 2021 - Public hearing notice advertised in *Milford Daily News*.
- F. June 8, 2021 - Public hearing commenced. The public hearing was continued to June 22, 2021 when a decision was rendered and the hearing was closed.

**V. INDEX OF DOCUMENTS**

- A. The special permit modification application materials that were provided to the Board included the following:
  - Special Permit Modification application dated May 10, 2021
  - Explanation of Modifications to Special Permit prepared by Permittee Jason Reposa
  - *Good Feels Inc. Permit Plan*, dated 5/13/2021 prepared by Joe the Architect, LLC of Somerville, MA.
  - Noise Predictions for Chiller and Backup Generator (with specifications) prepared by Jeffrey Komrower, Noise Control Engineering of Billerica, MA, dated May 26, 2021
- B. During the course of the review, a variety of other materials were submitted to the Board by the permittee, Town staff and the Town's Consultants
  - Email dated June 2, 2021 from Christopher Menge, HMMH, noise consultant for the Board
  - Email dated June 15, 2021 from Dominique Ward of Generac re: generator sound levels
  - Multiple emails dated June 15, 2021 from Jason Reposa
  - Email dated June 15, 2021 from Christopher Menge, HMMH, noise consultant for the Board
  - Email dated June 19, 2021 from Jeffrey Komrower of Noise Control Engineering, noise consultant for the applicant, providing a noise analysis of an alternative generator model.
  - Emails dated June 22, 2021 from Christopher Menge, HMMH, noise consultant for the Board
- C. Abutter Comments
  - Email dated June 7, 2021 from John Lally, 35 Coffee Street
  - Email dated June 8, 2021 from John Lally, 35 Coffee Street

**VI. TESTIMONY** – the Board heard and received testimony from:

- Noise Control Engineering consultant Jeffrey Komrower
- HMMH noise consultant Christopher Menge
- Abutter John Lally, 35 Coffee Street

**VII. FINDINGS** - The Planning and Economic Development Board, at its meeting on June 22, 2021, on a motion made by Robert Tucker and seconded by Matthew Hayes, voted to approve the **FINDINGS** regarding the application to modify the previously issued special permit Good

Feels, Inc. for an adult recreational marijuana establishment for at Jayar Road. The motion was approved by a vote of 4 in favor and 0 opposed.

- A. The Cannabis Control Commission requires a marijuana establishment to have a 24-hour power back-up for its security system.
- B. An emergency generator does not emit a continuous noise.
- C. Octave band data are not available for the selected Generac generator
- D. Medway's noise consultant has determined that the proposed chiller (Whaley SA5-3-2P30T) with the planned Level 1 sound enclosure will be significantly below the nighttime noise limits and will therefore be fully compliant with the noise requirements specified in the original special permit.
- E. The Permittee has proposed an alternative Generac generator [model # G007172-0 (10kw)].
- F. The Town's noise consultant has determined that the selected Generac generator [model # G007172-0 (10kw)] with the proposed 8' high noise barrier will comply with Medway's nighttime noise limit of 42dBa.

**VIII. CONDITIONS** - The *Conditions* included in this Decision shall assure that the Board's approval of this special permit is consistent with the *Zoning Bylaw* and that concerns of abutters which were aired during the public hearing process have been carefully considered. These conditions are binding on the Applicant.

- A. Excluding emergency situations, operation of the back-up generator is limited to once monthly testing to occur only Monday – Friday between 9 am and 4 pm, excluding holidays, for a period to not exceed 5 minutes.
- B. This decision with the noted plan sheets shall be recorded at the Norfolk County Registry of Deeds and proof of such recording shall be provided to the Board.

**IX. APPEAL** - The Board and the Applicant have complied with all statutory requirements for the issuance of this special permit modification on the terms set forth. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Applicant, and notice will be mailed to all parties in interest as provided in Massachusetts General Laws chapter 40A, section 15.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, which appeal shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk.

In accordance with General Laws chapter 40A, section 11, no special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk, that 20 days have elapsed after the decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Applicant.

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**APPROVED by the Medway Planning & Economic Development Board: June 22, 2021**

**AYE:**

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**COPIES TO:** Michael Boynton, Town Administrator  
Dave D'Amico, DPS Director  
Bridget Graziano, Conservation Agent  
Donna Greenwood, Assessor  
Beth Hallal, Health Agent  
Jeff Lynch, Fire Chief  
Jack Mee, Building Commissioner and Zoning Enforcement Officer  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Allen Tingley, Police Chief  
Jeff Watson, Police Department  
Jason Reposa, Good Feels, Inc.  
David Moniz, Reardon Properties

**APPROVED by the Medway Planning & Economic Development Board: June 22, 2021**

**AYE:**

 Andy Rodenhiser

 Matthew J. Hayes

 Robert K. Tucker

 Richard DiJulio

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