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Member



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TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
**PLANNING AND ECONOMIC
DEVELOPMENT BOARD**

SPECIAL PERMIT DECISION
Adult Recreational Marijuana Establishment
Good Feels, Inc. – 23 Jayar Road
APPROVED with Conditions

Decision Date: January 12, 2021

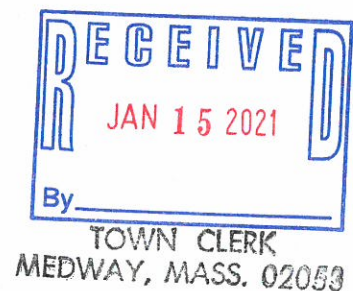
Name/Address of Applicant: Jason Reposa
Good Feels, Inc.
1 Shady Lane
Medway, MA 02053

Name/Address of Property Owner: William F. Reardon Revocable Trust
89 Main Street, Suite 105
Medway, MA 02053

Location: 23 Jayar Road

Assessors' Reference: Map 24, Parcel 014

Zoning District: East Industrial



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I. PROJECT DESCRIPTION - The Applicant seeks a special permit pursuant to sub-Section 8.10 of the Medway *Zoning Bylaw* for authorization to use 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. This application does not request cultivation or retail sale of adult recreational marijuana on the premises.

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives and comments offered by the public, the Medway Planning and Economic Development Board, on January 12, 2021, on a motion made by Thomas Gay and seconded by Matthew Hayes, voted to APPROVE with CONDITIONS as specified herein a recreational marijuana establishment special permit to operate a business to manufacture and package marijuana infused products in a specified portion of the building located at 23 Jayar Road in Medway, MA.

The vote was approved by a roll call vote of five in favor and none opposed.

Planning & Economic Development Board Member	Vote
Richard Di Iulio	AYE
Matthew Hayes	AYE
Thomas A. Gay	AYE
Andy Rodenhiser	AYE
Robert Tucker	AYE

III. PROCEDURAL HISTORY

- A. November 9, 2020 – Special permit application filed with the Board; filed with the Town Clerk on November 10, 2020.
- B. November 12, 2020 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. October 12, 2020 - Public hearing notice mailed to parties in interest by certified sent mail.
- D. November 23, 2020 and December 1, 2020 - Public hearing notice advertised in *Milford Daily News*.
- E. December 8, 2020 - Public hearing commenced. The public hearing was continued to January 5, 2021 and January 12, 2021 when the hearing was closed and a decision rendered.

IV. INDEX OF DOCUMENTS

- A. The special permit application materials for the proposed use of the building at 23 Jayar Road for a recreational marijuana establishment included the following information that was provided to the Board at the time the application was filed:
 - Marijuana Establishment special permit application dated November 9, 2020

- Good Feels Project Description prepared by Jason Reposa, received November 9, 2020
 - Status of application to Cannabis Control Commission, prepared and submitted by the applicant November 9, 2020
 - Certified abutters' lists prepared by the Medway and Millis Assessors
 - Letter dated September 18, 2020 from David Moniz, property manager for property owner Reardon Properties, lease for 23 Jayar Road space between Good Feels and Reardon Properties, and property deed dated March 22, 2007 confirming property ownership of 23 Jayar Road.
 - Building fit-out plans dated October 23, 2020 prepared by Joe The Architect
 - As-Built Plan of Land, dated November 3, 2020 prepared by Colonial Engineering
 - Host Community Agreement with the Town of Medway dated September 8, 2020
 - Notarized Declaration of Ownership Affidavit dated November 9, 2020
 - Prior ZBA decisions for 23 Jayar Road dated January 17, 1990 and May 2, 2001.
 - Memorandum dated November 6, 2020 from Attorney Adrienne Dean
 - Memorandum dated November 5, 2020 from Jeff Komrower of Noise Control Engineering (on behalf of the applicant) re: noise generation
 - Miscellaneous odor generation information and documentation regarding cannabis oil distillate submitted by the applicant
- B. During the course of the review, a variety of other materials were submitted to the Board by the Applicant, its representatives, Town staff, and the Town's consultants:
- Review memo dated November 16, 2020 from Charles River Pollution Control District
 - Good Feels Security Plan received November 25, 2020
 - Overview of Types of Products to be Manufactured received November 30, 2020
 - Applicant's attestation of completion of the required community outreach meeting, held October 20, 2020, as required by the Cannabis Control Commission
 - Documentation provided by the Cannabis Control Commission of its receipt of the Good Feels, Inc.'s application and subsequent follow-up communications from the CCC to the applicant
 - Project review memorandum dated December 2, 2020 from Susy Affleck-Childs, Planning and Economic Development Coordinator
 - Letter dated December 7, 2020 from Medway Police Chief Allen Tingley
 - Email dated December 7, 2020 from Garden Remedies (marijuana oil distillate vendor)
 - Memorandum dated December 18, 2020 from SED Associates Consulting Engineers (odor consultant for the applicant)
 - Letter dated December 21, 2020 from Fuss and O'Neil (odor consultant for the applicant)

- Email dated December 23, 2020 from Medway Building Commissioner Jack Mee
- Good Feels, Inc. Transportation Overview dated December 16, 2019.
- Email dated December 27, 2020 from Jeff Komrower, P.E., Noise Control Engineering (noise consultant for the applicant) providing further information as requested 12-22-20 by the Board's noise consultant
- Email dated January 4, 2021 from Chris Menge, PE, HMMH (noise consultant for the Board)
- Letter dated January 4, 2021 from Bruce Straughan, PE, Straughan Forensics, LLC (odor consultant for the Board)
- Memorandum dated January 5, 2021 from Jeff Komrower, PE, Noise Control Engineering (noise consultant for the applicant) providing updated HVAC plan and analysis of noise generation therefrom
- Email dated January 6, 2021 from Chris Menge, PE, HMMH (noise consultant for the Board)

V. TESTIMONY - In addition to the special permit application materials as submitted and as further provided during the course of its review, the Board heard and received verbal or written testimony from:

- Resident and abutter John Lally, 35 Coffee Street – email dated 12-7-20 and testimony at the 12-8-20 and 1-5-21 hearings
- Selectman Glenn Trindade - testimony at the 12-8-20 hearing

VI. FINDINGS - The Planning and Economic Development Board, at its meeting on January 5, 2021, on a motion made by Matthew Hayes and seconded by Robert Tucker, voted to approve the **FINDINGS** regarding the special permit application for adult recreational marijuana establishment for 23 Jayar Road. The motion was approved by a vote of 4 in favor (Gay, Hayes, Rodenhiser and Tucker) and 1 opposed (Di Iulio).

RECREATIONAL MARIJUANA ESTABLISHMENT SPECIAL PERMIT FINDINGS (Sub-section 8.10 of the Zoning Bylaw)

- (1) Section 8.10.B. Applicability - The proposed use of this space for marijuana product processing and packaging qualifies as a Recreational Marijuana Establishment (RME) as defined in SECTION 2 of the *Zoning Bylaw*. NOTE - The premises shall not be used for cultivation nor retail sales.
- (2) Section 8.10.D. Eligible Location – The property at 23 Jayar Road is located in the East Industrial Zoning District which is one of the eligible locations for an RME as specified in the *Zoning Bylaw*. The site is 1.374 acres. The existing commercial/industrial building on the property is 18,212 sq. ft. in area. The applicant will use 1,896 sq. ft. of the building for the RME establishment; that space is located in the northwest corner of the building and is accessed from the parking lot on the west side of the building.
- (3) Section 8.10.E.1 & 2 - The proposed establishment meets the General Requirements for an RME as specified in Section 8.10 E. including being contained within a proper building which does not include residential uses or doctor's offices.

- (4) Section 8.10.E.3. - At the time of application, the petitioner proposed the hours of 10 a.m. to 4 p.m. Monday through Friday. The specific hours of operation are included as a condition of the special permit. (See Specific Condition F)
- (5) Section 8.10.E.4. - The building's location is more than 500 linear feet from an existing public or private school serving students in grades K-12. The Medway Dance Authority is a private dance school located within the 23 Jayar Road building. However, the Dance Authority is a commercial operation and does not constitute a public or private school in the meaning of the bylaw; instead it most suitably fits the definition of Education/Instructional Facility, Commercial as included in SECTION 2 Definitions of the *Zoning Bylaw*. To support this assertion, the applicant has provided a memorandum dated November 6, 2020 from Attorney Adrienne Dean of Yoo Dean Law of Westford, MA which presents a solid explanation to address this criterion. Further, Building Commissioner Jack Mee, in a December 23, 2020 email communication, provided his determination that the Medway Dance Authority is not a public or private school pursuant to the *Zoning Bylaw*.
- (6) Section 8.10.E.5. - The petitioner has stated, in the application materials, that no smoking, burning or consumption of marijuana or marijuana infused products will be allowed on the premises. Prohibition relative to such activity has been included as a condition of the special permit. (See Specific Condition B-4)
- (7) Section 8.10.E.6. - As proposed, the establishment does not include a drive-through service. A prohibition regarding any drive-through capability has been included as a condition of the special permit. (See Specific Condition B-5)
- (8) Section 8.10.F. Signage - The applicant plans to have a small sign near its entrance (on the west building façade) indicating the name of the business and Suite #6. A sign permit through the Building Department is required. Sign design review with the Design Review Committee is required for any sign six sq. ft. in area or larger. There are no plans for any advertising or primary wall signage on the exterior of the building, no free-standing monument sign, nor does the applicant intend to employ any off-site signage.
- (9) Section 8.10.G. Contact Information - Contact information for purposes of the special permit application and review process has been provided. A condition has been included to require the contact information to be updated to include all management staff and any holders of keys or access devices to the Good Feels premises and that the applicant and operator will provide current information with the Town. (See Specific Condition I)
- (10) Section 8.10.H Prohibition Against Nuisances - As conditioned herein, the Board finds that the recreational marijuana establishment will not create a nuisance to abutters or to the surrounding area or create any hazard. (See Specific Conditions C & D) Both the Applicant and the Town have contracted with noise and odor consultants to review the noise and odor generating components of the planned establishment. Both noise consultants (Noise Control Engineering and HMMH) have determined that the operation of the selected rooftop HVAC unit will comply with the Town's noise standards. Both odor consultants (Fuss & O'Neill and Straughan Forensics) have determined that the planned use of cannabis oil distillate to produce marijuana infused products does not generate the offensive cannabis odor associated with cultivation.

- (11) Section 8.10.I Openness of Premises - The existing building meets the requirements for “openness of premises” since no activities within the building or displays of products are visible from the exterior of the building, and the front of the building, which includes the primary entrance to the facility, is fully visible from the building’s primary parking lot. All operations are within the restricted building and there is no direct consumer access as no retail sales are allowed. As conditioned herein, there will be no displays of marijuana infused products visible from the exterior of the establishment. (See Specific Condition B-6)
- (12) Section 8.10.J. Special Permit Requirements - The special permit authorizes only the following adult recreational marijuana establishment activities: manufacturing, processing and packaging of marijuana and marijuana products and the transport and delivery of such to other recreational marijuana establishments. Neither cultivation nor retail sales are allowed on the premises. (See Specific Condition J)
- (13) Section 8.10.J.2 - This special permit application is not subject to site plan review as it does not meet the threshold requirements of Section 3.5. The business will be located in an existing building, with the only exterior changes being the installation of a business sign.
- (14) Section 8.10.J.5. Application a & b – The applicant has successfully submitted a complete application to the Board for public hearing and review. Copies of all required licenses and permits issued for the RME to the applicant by the Commonwealth of Massachusetts are required to be included with the application. The petitioner has submitted documentation to confirm the filing of its application with the Cannabis Control Commission (CCC) on November 9, 2020. However, the Commission cannot issue even a Provisional License without evidence that the local approval has occurred. Accordingly, it is not possible for the applicant to have its CCC license or permit in hand at this time. Receipt of the required license and permit from the Cannabis Control Commission is included as a condition of the special permit. (See Specific Condition A)
- (15) Section 8.10.J.5. Application c. requires the applicant to provide evidence that they have the right to use the site for an RME. The applicant has submitted a letter dated September 18, 2020 from David Moniz, Property Manager for Reardon Properties, the owner of the subject premises, authorizing the applicant to use the space for the production of cannabis infused items. Also provided is a copy of the applicant’s lease for the space dated October 28, 2020.
- (16) Section 8.10.J.5. Application d. requires the applicant to provide a statement under oath disclosing the applicant’s ownership of the proposed registered marijuana establishment. A notarized Declaration of Ownership Affidavit signed November 9, 2020 was provided; it indicates that Jason Reposa is the sole owner of the corporate entity known as Good Feels, Inc. of Medway, MA.
- (17) Section 8.10.J.5. Application e. requires the applicant to provide a list of all parties entitled to receive notice of the hearing for the special permit application. The area to be notified includes owners of property located within 300 feet of 23 Jayar Road. Certified lists of parties in interest from the Medway and Millis Assessor’s offices were provided with the application. See Section III of this decision for details.

- (18) Section 8.10.J.5. Application f. requires the applicant to provide a site plan which shows a detailed floor plan of the proposed RME and the various security measures. The applicant has provided building improvement plans dated 10/23/20 by Joe the Architect of Somerville, MA which address these items and include a security plan which has been reviewed and approved by Police Chief Allen Tingley.
- (19) Section 8.10.J.5. Application g. requires the applicant to provide a copy of the policies/procedures for delivery services. The applicant's transportation plan dated December 19, 2019 has been provided. The applicant has indicated their intention to contract with a licensed delivery company to deliver products to various retail marijuana establishments throughout Massachusetts
- (20) Section 8.10.J. Application h. requires the applicant to provide a comprehensive noise mitigation plan. The noise producing components of the proposed establishment have been described, documented and reviewed by the noise consultants for the applicant (Noise Control Engineering) and the Town (HMMH). Both consultants have determined that the noise to be generated by the planned rooftop Mitsubishi HVAC system comply with Section 7.3 Environmental Standards of the *Zoning Bylaw* and other noise standards. As the equipment is compliant, there is no need for any supplemental noise mitigation measures. A condition has been included to address any unanticipated noise issues that may arise in the future. (See Specific Condition C)
- (21) Section 8.10.J Application i. requires the applicant to provide a comprehensive odor control, abatement and mitigation plan. The potential odor producing components of the proposed establishment have been described, documented and reviewed by the odor consultants for the Applicant (Fuss & O'Neill and SED) and the Town (Straughan Forensics). Both consultants have opined that the installation of an odor mitigation system related to processes using cannabis oil distillate to be undertaken by Feels Good, Inc. is unnecessary due to the absence, in the planned use of cannabis oil distillate, of the components that produce the offensive cannabis odor. A condition has been included to prohibit the use of unprocessed cannabis oils for this establishment and to require the use of only cannabis oil distillates and to address any unanticipated odor issues that may arise in the future. (See Specific Condition D)
- (22) Section 8.10, J. 6. Procedures, a. requires that the special permit application and public hearing procedure for a RME shall be conducted in accordance with Section 3.4 of the *Zoning Bylaw* and G.L. c. 40A, § 9. The application has been submitted, reviewed and the public hearing has been properly noticed in accordance with the requirements. See Section III of this decision for details.
- (23) Section 8.10.J.6 Procedures b. requires the Board to make certain mandatory FINDINGS as follows:
 - a. The adult recreational marijuana establishment, as conditioned herein, has been designed to minimize any adverse visual or economic impacts on abutters and other parties in interest.
 - b. As conditioned herein, the proposed facility will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.

- c. As conditioned herein, the Applicant has satisfied the conditions and requirements of this Section 8.10 and Section 3.4 Special Permits of the *Zoning Bylaw*. See below.
- (24) Section 8.10.O. Host Community Agreement - The Town of Medway and Good Feels, Inc. entered into a Host Community Agreement in September 2020 to operate a registered marijuana establishment. Maintenance of the Host Community Agreement is a condition included in this decision.

GENERAL SPECIAL PERMIT FINDINGS (Sub-section 3.4 of the Zoning Bylaw)

- (1) *The proposed site is an appropriate location for the proposed use.*
- Section 8.10 of the *Zoning Bylaw*, Recreational Marijuana, specifies that certain recreational marijuana establishments are allowed by special permit in the East and West Industrial Zoning Districts. The subject site at 23 Jayar Road is located within the East Industrial zone and is therefore an eligible location. The property is within an industrial park and has been used for 40 years for various commercial and industrial uses. The subject site is not within 500 feet from any of the uses where a registered marijuana establishment is prohibited from locating (existing public or private school serving students in grades K-12).
- (2) *Adequate and appropriate facilities will be provided for the operation of the proposed use.*
- The subject space is being renovated to create suitable space to operate the proposed recreational marijuana establishment including space for reception, receiving, deliveries, processing, open and secure storage, offices, utilities and shipping. Employee parking is readily available to the west of the building.
- (3) *The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment.*
- The existing site contains suitable driveways, parking areas and stormwater management systems. Reasonable noise and odor mitigation measures are included as Conditions herein.
- (4) *The proposed use will not cause undue traffic congestion or conflicts in the immediate area.*
- The proposed establishment is expected to have five employees. Because this is not a retail operation, traffic to the site shall consist of limited employee traffic, receipt of supply deliveries, and transport of finished products to off-site retail operations. The site's access is from Main Street (Route 109), a major east-west arterial roadway, so there is no traffic impact on nearby residential roads or neighborhoods.
- (5) *The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site or operational attributes of the proposed use.*

The proposed establishment is to be located within an existing commercial/industrial building which is located within an industrial park with other manufacturing businesses. The building has housed multiple and varied business tenants over the years since its construction in 1979. There are no plans to expand the building or modify the site for this particular use. The Applicant has indicated that refuse materials will be removed from the premises to an off-site location. The noise and odor generating aspects of the operation have been described and reviewed by the Town's outside noise consultant, Chris Menge of HMMH, and odor consultant Bruce Straughan of Straughan Forensics and found to be compliant. As conditioned herein, the Board finds that suitable mitigation measures will be taken to comply with the Town's environmental regulations and standards for noise and odor. (See Specific Conditions C & D)

- (6) *The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.*

The proposed use is manufacturing and is therefore consistent with the character of the East Industrial Zoning District and the industrial park in which the subject property is located. This applicant plans use marijuana oil distillate to produce marijuana infused products. The Board finds that the proposed expanded use will not significantly alter the character of the East Industrial zoning district.

- (7) *The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw.*

The Recreational Marijuana section of the *Zoning Bylaw* (Section 8.10) was adopted by the Town in May 2018 with the specific intent of allowing the limited establishment of non-retail recreational marijuana establishments in Medway. The stated purpose of Section 8.10 is to address possible adverse public health and safety consequences and impacts on the quality of life related to this type of facility by providing for them in an appropriate places and under strict conditions. Therefore, it meets the purpose of the *Zoning Bylaw*.

- (8) *The proposed use is consistent with the goals of the Medway Master Plan.*

The existing facility and the expanded use of the facility is in compliance with Goals 1 and 6 of the Economic Development Goals and Objectives section of the 2009 Medway Master Plan as follows:

- Goal 1: Maximize the area's economic resources
- Goal 6: Attract new (and retain existing) businesses and increase the industrial/manufacturing base.

- (9) *The proposed use will not be detrimental to the public good.*

As a facility in compliance with state and local law, consistent with the goals of the *Medway Master Plan*, and as conditioned herein, the proposed use will not be detrimental to the public good.

VIII. CONDITIONS The *Special and General Conditions* included in this Decision shall assure that the Board's approval of this special permit is consistent with the *Zoning Bylaw* and that the comments of various Town boards and public officials have been

adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. These conditions are binding on the Applicant.

SPECIFIC CONDITIONS OF APPROVAL

- A. This permit is conditioned on the applicant's receipt of the required license and permit from the Cannabis Control Commission to operate the registered marijuana establishment as described in the application, associated materials, and this decision.
- B. All standard requirements included in Section 8.10 Recreational Marijuana of the *Zoning Bylaw* apply to this special permit. These include but are not limited to:
 - 1. Upon approval and prior to commencing operations on the property to manufacture and package marijuana infused products for adult recreational use, the Applicant shall provide the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board with a copy of the applicable state adult recreational marijuana establishment license, permit, and approvals from the Massachusetts Cannabis Control Commission.
 - 2. The Applicant shall provide an annual report of Good Feels, Inc. operations to the Board, Building Commissioner, Health Agent, and Police Chief no later than January 31st of each year, including a copy of all current state licenses and demonstrating continued compliance with the conditions of this special permit. Any change in ownership of Good Feels, Inc. or change in management staff and key holders shall also be reported.
 - 3. This special permit is not transferrable to another party. It shall remain exclusively with the Applicant, Good Feels, Inc. as the owner of the establishment.
 - 4. Smoking, burning and consumption of marijuana or marijuana infused products on the premises is prohibited.
 - 5. The provision of any drive-through service for this establishment is prohibited.
 - 6. There shall be no displays of marijuana infused products visible from the exterior of the establishment.
- C. **Noise Management**
 - 1. The Applicant is required to comply with the noise control provisions of Section 7.3.D of the *Zoning Bylaw*. Any new or altered mechanical equipment installed for this establishment shall be designed to comply with Section 7.3 of the *Zoning Bylaw*.
 - 2. The Applicant has agreed to also comply with the following updated noise control standards:
 - a) The Building Commissioner may determine that a noise source is subject to investigation, and if it is determined to be in violation, he may take appropriate enforcement action, including the issuance of

orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties.

- b) **Continuous Noise.** Continuous noise restrictions apply to permanent non-residential uses and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line of the noise source shall not exceed the values specified in the table below. In addition, maximum permissible sounds levels measured at sensitive receptors located within one-thousand feet of the property line of the noise source for noise radiated continuously from the noise source shall not exceed the values specified in the table below. Daytime is defined as between the hours of 7:00 a.m. and 9:00 p.m. and Nighttime is defined as between the hours of 9:00 p.m. and 7:00 a.m.

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m. – 9:00 p.m.	Nighttime (dB) 9:00 p.m. – 7:00 a.m.
63	72	55
125	60	48
250	53	42
500	47	39
1000	43	36
2000	40	33
4000	37	30
8000	33	27
Overall Level (dBA)	52	42

- c) Compliance with all octave band limits is required. If the Building Commissioner determines that the noise source contributes significantly to ambient noise levels at any distance from the property, sound levels may be measured in those locations beyond the source property line. Compliance is required at all property lines of the noise source and at sensitive receptors located within one-thousand feet of a property line of the noise source. Noncompliance at any property line of the noise source or at any sensitive receptor located within one-thousand feet of a property line of the noise source is a violation.
3. **Corrective Measures** – If the operation of the authorized use produces non-compliant noise, the Permittee shall be required to come into compliance with the above standards. The owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance. The plan shall address how the site will become compliant. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience. The Permittee shall be required to install and maintain noise reducing equipment in accordance with the approved noise

control plan to meet the requirements. The Building Commissioner may require the provision of reports to document ongoing noise compliance.

D. Odor Management

1. The Applicant is required to comply with the odor control provisions of Section 7.3.D of the *Zoning Bylaw*. Any new or altered mechanical equipment or processing practices installed or instituted for this establishment shall be designed to comply with Section 7.3 of the *Zoning Bylaw*.
2. The Applicant has agreed to also comply with the following updated odor control standards:
 - a. The Building Commissioner may determine that an odor is disturbing, offensive or objectionable and is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or the imposition of fines and non-criminal penalties.
 - b. Disturbing, offensive or objectionable odors which are those at or above the detection threshold of a person with normal olfactory sensitivity, shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property. Failure to meet either the Reasonableness Standard or the Measurement Standard listed below shall constitute a violation.
 - 1) **Sensorial Reasonableness Standard** – The Building Commissioner, or designee, may determine, using only her or his sense of smell, that an odor is one which is disturbing, offensive or objectionable to a reasonable person with normal olfactory sensitivity.
 - 2) **Measurement Standards** – No disturbing, offensive or objectionable odor greater than that caused by the lowest odor detection thresholds as listed in the most recent edition of the [American Industrial Hygiene Association \(AIHA\) Odor Thresholds for Chemicals with Established Occupational Health Standards, Reported Odor Thresholds \(EG Table 6.3 in 2nd Edition\)](#) shall be permitted. Due to the potential of odorant mixtures causing more intense odors than individual odorant compounds in isolation, nothing in this Bylaw shall be interpreted as allowing for any disturbing, offensive or objectionable odors at or above the cited detection thresholds.
 - c. **Corrective Measures** – If the operation of the authorized use produces non-compliant odor, the Permittee shall be required to come into compliance with the above standards. The Building Commissioner shall require the owner and/or operator of the odor-producing use to provide an odor control, abatement and mitigation plan to the Building

Commissioner for review and approval or otherwise bring the property into compliance. The plan shall address how the site will become compliant and specify suitable corrective measures. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a certified environmental engineer, certified environmental professional, or certified industrial hygienist with experience in odor management, abatement and mitigation technologies. The Permittee shall be required to install and maintain odor-eliminating equipment in accordance with the odor control plan. The Building Commissioner may also require the plan to include the provision of reports of ongoing odor monitoring and compliance.

3. The Permittee is prohibited from using unprocessed cannabis oils and is required to use only cannabis oil distillates for its production of cannabis infused products.
- E. ***Outdoor Storage of Equipment*** – The Permittee is not authorized to construct a permanent installation for a back-up generator outside the building.
- F. ***Hours of Operation*** – The authorized hours of operation for Good Feels, Inc. shall be from 7 am to 8 pm, Sunday – Saturday.
- G. The Permittee shall notify the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board in writing within forty-eight hours of the cessation of operation of the marijuana business or the expiration or termination of the license holder’s certificates or registration with the Massachusetts Cannabis Control Commission.
- H. There shall be a valid Host Community Agreement with the Town of Medway in effect at all times during the operation of the registered marijuana establishment.
- I. The Permittee is required to provide current information to the Town with updated contact information for all management staff and any holders of keys or access devices to the Good Feels premises.
- J. ***Limitations*** - This special permit is limited to the operation of a recreational marijuana manufacturing, processing and packaging establishment at 23 Jayar Road. This permit does not authorize operation of a retail outlet for the sale of marijuana products, the cultivation of marijuana, the operation of a testing facility on the premises, or the operation of product delivery service directly to consumers. Any change to the approved use shall require a modification to this special permit and shall be in compliance with the *Zoning Bylaw*.
- K. Delivery of products shall be in accordance with the applicant’s transportation plan dated December 19, 2019. The Permittee may contract with one or more licensed Marijuana Transporters, as that term is defined in 935 CMR 500.102, to deliver products to various retail marijuana establishments throughout Massachusetts. The Permittee may also contract with one or more licensed Marijuana Delivery Operators as defined in 935 CMR 500.102 to purchase Permittee’s products for resale to consumers; such Marijuana Delivery Operators

shall transport Permittee's products from Permittee's location to the Operators' Warehouses for inventory and storage purposes prior to resale. Because this RME special permit is only for manufacturing, production and packaging and not for retail, deliveries directly to consumers are prohibited.

GENERAL CONDITIONS OF APPROVAL

- A. **Fees** - Prior to the Board's filing of the special permit decision with the Town Clerk, the Applicant shall pay:
 - 1. the balance of any outstanding project review fees owed to the Town for review of the application by the Town's engineering, planning, noise, odor or other consultants;
 - 2. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.
- B. **Other Permits** – This special permit does not relieve the Permittee from its responsibility to apply for, obtain, pay for, and comply with all other required federal, state and Town permits, licenses and approvals. The Applicant or agent shall apply for, obtain, pay for, and comply with all other required Town permits.
- C. **Recording** - After the twenty-day appeal period has expired and before this special permit takes effect, the Applicant must obtain a certified notice from the Town Clerk and provide such certification to the Board before the decision and certificate are recorded at the Norfolk County Registry of Deeds. Proof of recording of the decision and the certificate must be delivered to the Building Commissioner and the Board.
- D. **Conflicts** –If there is a conflict between this Decision and the *Zoning Bylaw*, the *Bylaw* shall apply.

IX. APPEAL - The Board and the Applicant have complied with all statutory requirements for the issuance of this special permit 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.

###

**Medway Planning and Economic Development Board
Adult Recreational Marijuana SPECIAL PERMIT DECISION
Good Feels, Inc. – 23 Jayar Road**

APPROVED by the Medway Planning & Economic Development Board: January 12, 2021

AYE:

ATTEST:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator



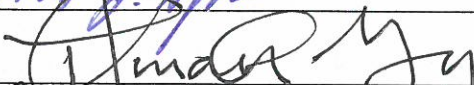

Date

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

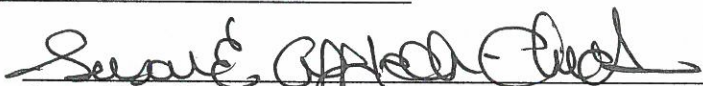
**Medway Planning and Economic Development Board
Adult Recreational Marijuana SPECIAL PERMIT DECISION
Good Feels, Inc. – 23 Jayar Road**

APPROVED by the Medway Planning & Economic Development Board: January 12, 2021

AYE:

ATTEST:


Susan E. Affleck-Childs
Planning & Economic Development Coordinator

1-12-2021
Date

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