

Zoning Board of Appeals
Minutes
August 7, 2023

These minutes are not verbatim – they are the secretary’s interpretation of what took place at the meeting – Open Meeting Law, G.L. c. 30A§22.

Members present: Michael Main, Edward Conroy, Michael Leary, Kevin O’Reilly

Member absent: Peter Conner

Alternates present: Philip Ricardi and Tom Wallace

Recording Secretary: Denise DeCoste

Mr. Main opened the Public Hearing at 7:00 P.M.

Case #4096 Industrial Towers & Wireless

17 River Run Way, Map 111, Lot 1C-12, Continued from June 12, 2023 and August 7, 2023

Special permit required per section 205.2 use table to construct a communication tower and per dimensional table to waive maximum height of a structure.

The petitioner has requested a continuance as the five-member seated Board were not all present.

Mr. Leary motioned to continue to August 14, 2023, at 7:05 PM, Mr. O’Reilly 2nd the motion, unanimously **Approved**. (5-0)

Case #4097 Vertex Tower, LLC

4 Cedarhill Park Dr., Map 55, Lot 37A-2, Continued from June 12, 2023 and August 7, 2023

Special permit required per Section 205.2 use table to construct a communication tower and per dimensional table to waive maximum height of a structure.

Mr. Main explained to the Petitioner that the seated Board is not fully present, therefore, a super majority vote is required (4-0), a continuance was strongly recommended. Atty. Fran Parisi, Parisi Law, argued the point, however, ultimately agreed to a continuance to August 14, 2023.

Mr. Leary motioned to continue to August 7, 2023, at 7:25 PM, Mr. Ricardi seconded the motion, unanimously **Approved**. (5-0)

Mr. Main introduced Mr. Thomas Wallace to the Board as an Alternate member.

Informal Business:

Case #4045 Two Seven Plymouth

27 Robert J. Way, Map 87, Lots 23-37 and 23-37-2

To satisfy Condition #9 to operate a retail marijuana cultivation and manufacturing facility.

Mr. O'Reilly recused himself.

Mr. Main advised Atty. Scott Rubin that the Zoning Board of Appeals requires a Community Host Agreement to be approved by the Select Board prior to coming to this Board. Atty Rubin advised he had met with Derek Brindisi, Town Manager, Michael Bergeron, Town Counsel and Lee Hartmann, Planning and Development Director, and was under the impression from that meeting, he was to come before this Board first. Mr. Main disagreed siting Condition #11 (see below):

As agreed to by the Petitioner, a change in ownership of more than 50% of the original owners will require a review of the Marijuana Establishment special permit by the Zoning Board of Appeals with the following items:

- a. Security Plans;
- b. Site Plans;
- c. Business Plans;
- d. Letter from Police Department approving any changes;
- e. Letter from Fire Department approving any changes;
- f. Host Agreement; and
- g. Other such details deemed necessary by the Board of Appeals.

Change in ownership means different owners, not a change of the form of ownership.

Mr. Main polled the Board, all agreed, the Host Agreement must have Select Board approval prior to being heard by ZBA. Atty. Rubin agreed to withdraw to return at a future date.

A **Vote** was taken to withdraw request of satisfactory Condition #9. Unanimously approved (5-0), Mr. Leary, Mr. Main, Mr. Conroy, Mr. Ricardi, Mr. Wallace.

Discussion: Approval of Meeting Minutes

May 15, 2023, Vote: Mr. O'Reilly motioned, Mr. Ricardi seconded motion, unanimously approved. (5-0)

June 5, 2023, Vote: Mr. Ricardi motioned, Mr. Leary seconded the motion, unanimously approved. (5-0)

Adjourn 8:30 P.M.

Respectfully submitted,

Approved:

Denise DeCoste
Administrative Assistant