



SELECT BOARD
TOWN OF TEWKSBURY
TOWN HALL
1009 MAIN STREET
TEWKSBURY, MASSACHUSETTS 01876

TODD R. JOHNSON, ESQUIRE, CHAIR
JAMES F. MACKEY, III, VICE CHAIR
PATRICK HOLLAND, CLERK
MARK KRATMAN, MEMBER
JAYNE E. WELLMAN, MEMBER

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June 12, 2023 – Meeting Minutes
Tewksbury Town Hall
1009 Main Street
Tewksbury, MA

Mr. Todd R. Johnson, Esq., Chair, called a regular Select Board meeting to order at 6:00 p.m. Also participating in the meeting were Mr. James F. Mackey, III, Vice-Chair; Mr. Patrick Holland, Clerk; Ms. Jane E. Wellman, Board Member; and Mr. Mark Kratman, Board Member.

Also Present: Mr. Richard Montuori, Town Manager

Prior to the beginning of the meeting, Vice-Chair Mackey stated the following:

“As the Board begins to review applications for adult-use retail Marijuana, an initiative that started to support the local economy, and help fill vacant storefronts, I wish to address my role in the process. I am here to uphold the highest standards of integrity and public trust and to prevent any perceived conflicts, I have decided to recuse myself from the decision-making process on these applications.”

SCHEDULED ITEMS

1. Sundaze – 2504 Main Street: Retail Marijuana License Hearing (Public Hearing)
(Application in its’ entirety is available on the Select Board’s website)

Chair Johnson opened the public hearing and read aloud the notice into the record.

Chair Johnson stated for the record, that the applicant’s packet included an abutter’s list of who were notified as well as a copy of the legal notice that was posted May 24, 2023.

Attorney Blake Mensing, The Mensing Group, was present on behalf of the applicants, Mr. Brad Tosto, Dr. Peter Wilson, and Mr. Stephen Doherty.

Attorney Mensing said his clients held community outreach meetings and received site plan approval from the Planning Board. He also said an additional community outreach meeting would be held. He said the proposed business would comply with the 500-foot buffer zone from existing public or private K–12 schools, the location would fill a vacant property, and the traffic study indicated minimal impact. He noted that all products would be stored in a vault.

Attorney Mensing said the owners were town residents who had vested interests.

Chair Johnson asked if there were members of the Board who had questions or comments.

Board Member Holland asked how much experience the applicants had in Marijuana sales. Attorney Mensing replied since the sale of Marijuana had just recently become legal they did not have a lot of experience. However, they noted they were all educated professionals.

Attorney Mensing pointed out that the Cannabis Control Commission had strict regulations on the adult-use side of using Marijuana, especially with edibles.

Board member Wellman also asked if a lender or investment company was involved. Mr. Tosto replied in the negative.

Board Member Wellman asked if the applicants' company was financially solvent. Mr. Tosto replied that they had \$750,000 ready to be used to get the company off the ground. He said there was also other capital available if necessary.

Board Member Wellman asked why the applicants thought this was their preferred location. Mr. Tosto replied that the property had been vacant for years and there were few other businesses in the area.

Board Member Wellman asked how the applicants volunteered in their communities. Mr. Tosto replied he was involved with "Cradles to Crayons" as well as the MSPCA. Dr. Wilson added that he was involved with "Give a Kid a Smile Day" in New Hampshire.

Board Member Kratman asked if there would be only one access to the property. Attorney Mensing replied that the applicant was planning to purchase the property next door and that would provide some satellite parking. He added that he did not think that the curb cuts would change.

Board Member Kratman asked if there would be a security officer on-site at all times. Attorney Mensing replied every staff member would be trained but a third-party security officer did not need to be on-site.

Board Member Kratman asked if the building had been inspected. Mr. Tosto replied that it had been inspected.

Chair Johnson asked the applicant to quantify what the daily customer counts would be. Mr. Tosto replied that they would average 200 to 230 on non-peak days and 450 to 500 on peak days.

Chair Johnson asked the applicants if they would be willing to modify the template host agreement if they were awarded a license. The applicants replied in the affirmative.

Chair Johnson asked if there were members of the public who had questions or comments.

Ms. Dale Atlas, owner of a business at 2500 Main Street, #208 addressed the Board and said she was concerned with the traffic impact. Chair Johnson said a traffic study had been performed.

Chair Johnson asked if there were any other public comments. There were none.

Chair Johnson asked the applicant if they had any connections with other people seeking a retail Marijuana license and if they were denied a license if they had any intention of partnering with another applicant Attorney Mensing replied in the negative.

MOTION: Board Member Wellman made a motion to continue the public hearing, date specific, to July 18, 2023, meeting. Board Member Holland seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

**2. Lazy River Product – 533 Main Street: Retail Marijuana License Hearing (Public Hearing)
(Application in its' entirety is available on the Select Board's website)**

Chair Johnson opened the public hearing and read aloud the notice into the record. He added an abutters list was included in the packet and noted they had been notified of the public hearing.

Attorney George Malonis, Mr. William Cassotis, CFO, of Lazy River Product, Mr. Mark Leal, COO, of Lazy River Product, and Mr. Kevin Platt were present to speak on behalf of the application.

Attorney Malonis said the applicants had experience selling the product.

Mr. Cassotis said the company was formed in 2018 during the early onset of adult-use cannabis legislation in Massachusetts. He said it was not only a retail store where they sold products, but that they developed products on a continual basis. He added the company had three licenses including a cultivation license, a product-manufacturing license, and a retailing license.

Mr. Cassotis said the company's mission statement was:

"At Lazy River Products it is our mission to be recognized as the Commonwealth's Premier Fully Integrated Cannabis-Based Product Development Company."

Mr. Cassotis said they intended on hiring a full-time security person who would monitor the store, noting that there would be several security monitors placed around the store and the parking lot. He added they had already received approval from the Planning Board, there was ample parking, and the parking lot would be adequately lit.

Chair Johnson asked if there were members of the Board who had questions or comments.

Board Member Wellman stated that page 22 of the applicant's Marketing Plan stated that the company identified as: "a high priority to market to young adult males aged 18 – 25." She asked why the applicant was marketing to underage people. Mr. Cassotis replied that was an error.

Board Member Wellman asked why the applicant's pricing was higher than their competitor's. Mr. Cassotis replied it was because the store would be in a destination location. He added that the town would receive 3% of the store's profit.

Board Member Holland asked if the applicant's existing location in Dracut had any violations for manufacturing and/or selling to minors. Mr. Cassotis replied that it did not.

Board Member Holland asked if the training would be done in-house or if it was outsourced. Mr. Cassotis replied that all training would be done in-house.

Board Member Kratman asked how much the employees would make per hour. Mr. Cassotis replied employees started at \$18.00 per hour.

Board Member Kratman asked if some months were busier than others. Mr. Cassotis replied it was somewhat consistent.

Chair Johnson asked how much presence the applicants intended to have in Tewksbury. Mr. Cassotis replied that there would be a large presence for the first year and noted that all three of them were very involved.

Chair Johnson asked the applicant if they had any connections with other people seeking a retail Marijuana license and if they were denied a license if they had any intention of partnering with another applicant. Mr. Cassotis replied in the negative.

Chair Johnson asked if there were members of the public who had questions or comments. There were none.

MOTION: Board Member Kratman made a motion to continue the public hearing, date specific, to July 18, 2023, meeting. Board Member Wellman seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

**3. Full Harvest Moonz, Inc. – 1 Main Street: Retail Marijuana License Hearing
(Public Hearing)**

Chair Johnson opened the public hearing and read aloud the notice into the record. He added an abutters list was included in the packet and noted they had been notified of the public hearing.

(Application in its' entirety is available on the Select Board's website)

Ms. Janet Kupris, Chief Executive Officer & Co-Founder, addressed the Board and said Full Harvest Moonz, Inc. was a certified women-owned business in the State of Massachusetts and had two existing stores, one in Haverhill, MA, and one in Lowell, MA. Also present were Ms. Jesse Mullburg, Cannabis Architect, of Caveney Collaborative Architects, and Attorney Phil Silverman, Vicente Serderberg LLP, Regulatory Counsel.

Attorney Silverman said all staff were taught about all of the regulations and they were monitored. He said the goal was to provide safe and secure access to cannabis products.

Attorney Silverman explained that Mr. Michael Allen was the Chief of Security. He said Chief Allen was formerly the Chief of Police for Rochester, NH, and would run a state-of-art security system.

Attorney Silverman said he expected that it would cost approximately \$800,000 to get the property up and going and said the applicants had more than \$1 million in liquid capital. Further, Attorney Silverman said that the company had never had any regulatory deficiencies or non-compliance issues.

Ms. Kupris noted that they had successfully gone through the Planning Board process, and a comprehensive traffic study had been done. He noted traffic issues were not anticipated.

Chair Johnson asked if there were members of the Board who had questions or comments.

Board Member Kratman stated he was concerned about anyone getting off of Rte. 495 would have to cross three lanes of traffic to get to the location.

Board Member Wellman said she appreciated that the applicant spoke of youth and public health. She asked why the applicant wanted to open another store so close to the existing store. Attorney Silverman replied the hope was for it to become the local dispensary.

Ms. Kupris also mentioned that Mr. Michaela Ristuccia, President & Co-Founder of Full Harvest Moonz, was a partner in the business but was unable to attend the meeting.

Chair Johnson said there was an automotive sales service business on the site and asked if there had been any environmental concerns on the site. Ms. Kupris said that was her first question when she was shown the site and she was told there was none. She added there was an existing oil and gas separator, and they would drop a scope prior to doing any demolition to make sure there were no leaks. She also said the existing propane tank would be removed with the direction of the fire

department. She noted to the best of her knowledge, there had never been any underground tank storage.

Chair Johnson asked the applicant if they had any connections with other people seeking a retail Marijuana license and if they were denied a license if they had any intention of partnering with another applicant. Ms. Kupris replied in the negative.

Chair Johnson asked if there were members of the public who had questions or comments. There were none.

MOTION: Board Member Wellman made a motion to continue the public hearing, date specific, to July 18, 2023, meeting. Board Member Holland seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

ADJOURNMENT

MOTION: At approximately 8:44 p.m. Board Member Holland made a motion to adjourn. Board Member Kratman seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

Approved by the Select board on July 18, 2023

Documents Presented/Discussed

- Sundaze – 2504 Main Street: Retail Marijuana License Hearing
- Lazy River Product – 553 Main Street: Retail Marijuana License Hearing
- Full Harvest Moonz, Inc. – 1 Main Street: Retail Marijuana License Hearing

Next Select Board Meeting: June 13, 2023

Respectfully submitted,

Trish Gedziun
Recording Secretary