



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

(978)-640-4300
FAX (978) 640-4302

June 20, 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. Patrick Holland, Clerk; Ms. Jane E. Wellman, Board Member; and Mr. Mark Kratman, Board Member.

Also Present: Mr. Richard Montuori, Town Manager

***Not Present:** Mr. James F. Mackey, III, Vice-Chair

Comment read into the record from the June 12th meeting as stated below:

“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. Bella Luna, LLC – 890 East 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 31, 2023.

Mr. Patrick Nichols, Esq.; Mr. Mario Chiuccariello, Owner & CEO of CannaVana; and Mr. Steven Chase, Strategic Consultant for Medical Marijuana Dispensaries were present on behalf of the application.

Mr. Nichols explained that he was diagnosed with colon cancer a few years prior and said he found cannabis to be much better than the actual medicine that Dana Farber Cancer Institute had given him. He said he would like to be able to help others that would benefit from using cannabis.

Mr. Nichols said they estimated an estimated sales goal of \$9 million. He said the estimate was in part due to the fact of the location which was only approximately 1 mile away from the Dascomb Road exit off of Route 93.

Mr. Nichols commented that they were still waiting for final approval from the Planning Board, but noted a traffic study had been performed and it was very favorable.

Mr. Chiuccariello pointed out that they worked very closely with the police department as well as the town.

Mr. Nichols commented that he volunteered on multiple committees in the Town of Tewksbury, contributed to the "100 Who Care Tewksbury", and was a pro-bono attorney for "KIND" (Kids in Need of Defense.) He said should they be given a license; he would like to focus the charities on cancer prevention.

Mr. Nichols added that the proposed store would be in an existing vacant building, and expected to hire between 20 – 28 employees.

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

Board Member Wellman asked what the estimated timeframe was for the complete build-out. Mr. Nichols replied he expected the construction to be complete by January or February at the very latest contingent upon the completion of the Host Community Agreement and how fast the CCC (Cannabis Control Commission) moved.

Board Member Wellman asked Mr. Chiuccariello how much time he would spend at the Tewksbury location if they were to be given a license. Mr. Chiuccariello replied that he would be present at least 3 days per week and would be there any other time that was needed.

Board Member Wellman asked how the applicant planned advertising via word of mouth.

Board Member Holland asked if CannaVana was a non-profit or for-profit store. Mr. Chiuccariello replied that the store started as a non-profit but was currently a for-profit store.

Board Member Holland also asked if the applicant was going to outsource for security. Mr. Chiuccariello replied having a police presence would be a deterrent but that they had many security protocols, including 74 cameras. He added that the vaults containing the product would be underground.

Board Member Holland asked if the applicant ever had any surprise visits from the CCC (Cannabis Control Commission) and if they passed. Mr. Chiuccariello replied they had received surprise visits from the CCC and that they passed. He added, however, that he needed to have two people sign off on the paperwork regarding product waste.

Board Member Kratman stated there were multiple portions of the building and asked if the applicant intended to lease the empty spaces. Mr. Nichols replied that was the plan.

Board Member Kratman asked where the additional 40 parking spots would come from. Mr. Nichols replied there was a large parking area located on the side of the building. Board Member Kratman said he had some concerns about possible traffic increases.

Chair Johnson asked how much the cost of the build-out would be and where the funds would come from. Mr. Nichols replied that CannaVanna had lent him some money for the initial phase. Mr. Chase added it would cost approximately \$100 per square foot, but noted security would cost the most which would be approximately \$100,000. He said in total it would cost about ½ a million to ¾ of a million dollars.

Chair Johnson asked Mr. Nichols if he was the 100% owner. Mr. Nichols replied in the affirmative.

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. Nichols replied in the negative.

Chair Johnson noted for the record that the Select Board had received correspondence from the Rockland Police, the Town Manager, as well as correspondence from the Needham Bank.

Chair Johnson asked if any members of the public had questions or comments.

Mr. John Murphy, 37 Shandel Drive, addressed the Board and said the location was close to the ice rink, the indoor soccer facility, and was across the street from Market Basket. He also said as of July 1st Encompass Human Services would start leasing a unit on the property which was a brain injury community center and would cause more traffic. He also said he did not feel the applicant could meet the proposed timeline with the addition of “underground safes.”

Mr. Chiuccariello explained that the underground facility previously mentioned was at the CannaVana location and not in Tewksbury. He said the product would be in concrete safes but would not be located underground.

Chair Johnson, for the record, stated that the applicant had said it would take five or six months to complete the build-out. The applicant replied in the affirmative.

Mr. Nichols confirmed that at present he was the sole owner but noted that he may contemplate having a management agreement with Mr. Chiuccariello in the future and that may evolve into Mr. Chiuccariello receiving some equity.

Chair Johnson asked if any other members of the public 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.

At 6:45 p.m. Chair Johnson declared a break; calling the meeting back to order at approximately 7:00 p.m.

2. Carbonear LLC – 2186 – 2196 Main Street: Retail Marijuana License Hearing (Public Hearing)

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

Board Member Holland said he filed a disclosure with the Select Board for an Appearance of Conflict of Interest because he worked for Mr. Dean Graffeo for three weeks and he assisted in the transfer of a liquor license for a liquor store from Mr. Don Smith to Mr. Graffeo. He said he did not feel that he needed to recuse himself from hearing the applicant's request.

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 as well as a copy of the legal notice that was posted May 31, 2023.

Mr. Dean Graffeo, 52 Pinnacle Street, addressed the Board and said he was the CEO of Carbonear LLC; Mr. Rob DeFazio, Operating Partner, Carbonear LLC; Ms. Rebecca Adams, Project Manager; and Attorney James McMahon were present on behalf of the application.

Mr. Graffeo stated that he and his team had extensive experience in the cannabis field in Massachusetts.

Mr. Graffeo said there would be approximately 20 – 24 full-time and part-time staff with a preference for Tewksbury residents. He added the proposed hours of operation would be 10:00 a.m. – 8:00 p.m. Monday through Saturday, and 12:00 p.m. – 6:00 p.m. on Sunday.

Mr. Graffeo said they had a building option to lease the land and construct a new building and had a line of credit of up to \$1.4 million in working capital to build out and develop the site. Additionally, he said there were some letters of support in the Board's packets.

Mr. Graffeo introduced Mr. DeFazio by noting that he was a service-disabled Navy Veteran who currently ran two retail stores in Amesbury and Haverhill.

Mr. DeFazio said he was the CEO of CAN Stores which was a Veteran known cannabis business in Amesbury and Haverhill. He said he felt the major concern with cannabis shops was security. He said they checked identifications multiple times, there were panic buttons throughout the store, and had many cameras including the outside of the building. He also said deliveries would be secure and a security consultant would audit the staff on a monthly basis and provide extensive training.

Mr. Graffeo commented that he planned to give 1% of gross sales to local charities, and 100 hours of employee time off to volunteer.

Ms. Adams explained that the applicant was proposing the construction of a new building that would be approximately 3,200 square feet, single-story, and would have a single use which would be an adult-use cannabis dispensary. She said they had listened very carefully to neighbors' concerns and were addressing those concerns and would re-submit revised drawings to the Planning Board. She also said there would be adequate and safe access to the site and although the results from a traffic study would not be available until the following week, they did not feel there would be a negative traffic impact. Ms. Adams said there would be 26 parking spaces with 2 being handicapped van accessible, and two spaces for bicycles.

Ms. Adams said they had received correspondence from Ms. Alexandra Lowder, Community/Economic Development Planner, dated June 6th, as well as some comments from Mr. Andrew Stack, Town Engineer, dated June 8th. She said they were in the process of revising the drawings to provide adequate responses. She also said she felt it was important to note that they could comply with all of the recommendations made by the Community/Economic Development Planner, the Town Engineer, and the Tewksbury Fire Department without issue.

Chair Johnson asked if any Board members had questions or comments.

Board Member Holland asked whom the line of credit was coming from. Mr. Graffeo replied that Red Sky Loans was a cannabis investment firm.

Board Member Holland asked Mr. DeFazio if CannaVana ever had any surprise visits from the Cannabis Control Commission. Mr. DeFazio replied that they have four or five surprise inspections, and no violations were found.

Board Member Holland asked if the applicant planned on outsourcing security or if it would be in-house. Mr. DeFazio replied that everything would be done in-house, and they had an independent security consultant that would inspect the operation.

Board Member Wellman asked what the project budget was and how long the applicant anticipated it would be until the store opened. Mr. Graffeo replied that the project budget was approximately \$1.2 million, and they anticipated opening in about twelve months.

Board Member Wellman asked where and how the applicant intended to advertise the proposed business. Mr. DeFazio replied they did a lot of advertising through social media, word of mouth, and billboards.

Board Member Kratman asked where the applicant was getting data regarding the expected number of trips to the proposed store in Tewksbury. Mr. DeFazio replied the data was taken from the number of trips made from his existing store and other surrounding towns.

Board Member Kratman asked what type of barrier would be used between the property lines. Ms. Adams replied that vegetation would be planted, and they had discussed putting up a fence in the security area where the transport vehicle would come in. She said there was currently no fencing in the rear of the property.

Board Member Kratman asked if there would be additional lighting in the parking lot. Ms. Adams replied that they were proposing parking lot lighting, as well as lighting at the entrances and the exit, and would be dark sky compliant.

Chair Johnson asked if the parking lot was located at the rear of the proposed building. Ms. Adams replied that it was. Chair Johnson asked if there was an entrance into the building from the front. Ms. Adams replied there were not, and that all entrances were located at the back of the building.

Chair Johnson asked if the applicant had received final approval from the Planning Board or if further information was requested. Ms. Adams replied that was correct, but they were scheduled to appear before the Planning Board on June 26th.

Chair Johnson asked if Mr. Graffeo was the sole owner of the business. Mr. Graffeo replied in the affirmative.

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. Graffeo replied in the negative.

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

Mr. Joe Turcotte, 5 Sunset Road, addressed the Board and asked if the product would be delivered during normal business hours. Mr. DeFazio replied that the deliveries would occur during normal business hours. He also added that the emptying of the dumpster would also be between normal business hours. He said the dumpster would be locked because it could have cannabis waste in it.

Mr. Turcotte said he would also be in favor of a privacy fence.

Mr. Paul Galinis, 7 Edgar Avenue, stated that he did not feel it was the right location for the proposed business. He also said that he felt the applicant needed to be aware of the fact that they did have neighbors.

Mr. Murphy said he felt some of the projections of the applications were overinflated, and added he felt the Town of Tewksbury needed the revenue.

Chair Johnson asked if any other members of the public wished to comment. There were none.

Chair Johnson asked Mr. DeFazio how he would ensure that the cannabis business was run properly. Mr. DeFazio replied that he would bring the staff into his existing store and have them shadow existing employees prior to the opening. He also said he would have a presence in the store.

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

MOTION CARRIED: 4 – 0 – 0.

ADJOURNMENT

MOTION: At 8:05 p.m. Board Member Kratman made a motion to adjourn. Board Member Holland seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

Approved by the Select Board on August 8, 2023

Documents Presented/Discussed

- Bella Luna LLC – 890 Main Street: Retail Marijuana License Hearing
- Carbonear LLC – 2186 – 2196 Main Street: Retail Marijuana License Hearing

Next Select Board Meeting: June 27, 2023

Respectfully submitted,

Trish Gedziun
Recording Secretary