



**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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**July 18, 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

SCHEDULED ITEMS

1. Brother's Sports Bar & Grille, 553 Main Street – Common Victualler License

Mr. Peter Tsianakas and Ms. Kayla Perry-O'Donnell were present in favor of the application.

Mr. Tsianakas said they were in the process of purchasing 553 Main Street, which was currently operating under the Skybox Restaurant & Bar. He said they were present to request the Common Victualler license so they could get one step closer to finalizing the sale and allowing them access to get into the space and begin the renovations.

Ms. Perry-O'Donnell stated that they intended to have a family-style restaurant.

Board Member Wellman asked if the applicant planned on having live music. Ms. Perry-O'Donnell replied they would have live music, but it would be acoustic sets on Fridays from 8:00 p.m. to 11:00 p.m.

Board Member Kratman asked when construction would begin if the applicant received all of the necessary licenses and permits. Mr. Tsianakas replied that everything was contingent upon the liquor license transfer. He added that his request for a liquor license was on the Select Board's August 8th agenda. He said he was hoping to start the construction in September, and it would take approximately three months to complete.

MOTION: Board Member Wellman made a motion to approve the Common Victualler License transfer from Skybox Restaurant & Bard to Brother's Sports Board Member Barnes & Grille pending the closing of the sale. Vice-Chair Mackey seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

RESIDENTS

There were no comments from residents.

NEW BUSINESS

1. Schedule a Special Town Meeting Date

Chair Johnson said the Town Manager had recommended that the Select Board schedule a Special Town Meeting to be held on Monday, October 2, 2023, at 7:00 p.m. at the Tewksbury Memorial High School.

2. Open and Close Warrants for the Special Town Meeting

MOTION: Board Member Wellman made a motion to approve the Special Town Meeting to be held on Monday, October 2, 2023, at 7:00 p.m. at the Tewksbury Memorial High School. Board Member Holland seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

MOTION: Board Member Holland made a motion to open the Warrant for the Special Town Meeting beginning Wednesday, July 19, 2023, and close the Warrant for the Special Town Meeting at 12:30 p.m. on Friday, August 18, 2023. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

3. Discussion of Committee and Board Appointments

Chair Johnson read aloud the following applicants for committee vacancies. He asked the Board to review the list and the Board would vote on the appointments at its next meeting.

Committee	Maximum Members	Applicants	Seats Open	Next Expiration Date
Conservation Commission	5	George Ferdinand, & Donna Robitaille	1	6/30/2024
Economic Development Committee	12	Bryanna Makumbi	6	6/30/2024
Green Committee	5	Katlynn Bugda Gwilt	1	6/30/2024
Historic Commission	7	Ryan Lloyd, & Alex Pratt	1	6/30/2025
Local Historic District Study Committee	5	Alex Pratt	1	6/24/2024
Massachusetts Cultural Council	22	None	11	6/30/2026
Tewksbury Beautification Committee	6	Katlynn Bugda Gwilt	1	6/30/2024
Tewksbury Diversity, Equity, and Inclusion Advisory Committee	11	Bryanna Makumbi, Rebecca Rose Matte, Chrity Matte, Gerald Gustus, Maureen Kelledy, Luis Rosado, Ryan Lloyd, & Jefferey Haslam	3	6/30/2024

4. Fire Department Detail Assignment – Special Municipal Employee

Chair Johnson stated that Mr. Michael Donovan was a firefighter/EMT with the Tewksbury Fire Department and was applying to be a Traffic Control Guard through the Tewksbury Police Department.

MOTION: Vice-Chair Mackey made a motion to accept the disclosure. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

TOWN MANAGER

1. Town Council Invoice: June 16, 2023 – June 30, 2023

MOTION: Board Member Wellman made a motion to approve the Town Council's invoice for June 16, 2023 – June 30, 2023, in the amount of \$3,910.00. Board Member Kratman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

MINUTES

- June 6, 2023

MOTION: Board Member Holland made a motion to approve the minutes from June 6, 2023, as presented. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

- June 12, 2023

MOTION: Board Member Holland made a motion to approve the minutes from June 12, 2023, as presented. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

BOARD MEMBER REPORTS

Vice-Chair Mackey

- There were no reports to share.

Board Member Kratman

- The MBTA Advisory Board had met earlier that day where they discussed typical maintenance and issues that were going on. He added the LRTA would meet the following day.

Board Member Holland

- There were no reports to share.

Board Member Wellman

- NMCOG (Northern Middlesex Council of Governments) met recently when they had their strategic planning retreat. She said NMCOG was also starting a strategic planning process and would be reaching out to the Chairs of all of the Boards, the town staff, and working regionally to get feedback on what folks would like to see the future of NMCOG would be.
- The Tewksbury Public Library was offering 30-minute one on one technology help sessions on Friday, July 21st from 1:30 p.m. – 4:30 p.m.

Chair Johnson

There were no reports to share.

Recorder's Note: At approximately 7:16 p.m., Vice-Chair Mackey was excused from the meeting prior to participating in the discussions or votes regarding the Retail Marijuana Applications Hearing.

Retail Marijuana Application Hearing (Continued)

Chair Johnson thanked all of the applicants for participating in the process. He said there were eight applicants but only three licenses available. He said each Board Member came to their own conclusions based on the information provided by the applicants.

Chair Johnson said his personal opinion was that retail Marijuana dispensaries were highly competitive businesses with a significant failure rate and as such, he placed a lot of weight in his decision-making process on prior experience, capitalization, and geography concerns. He also said that he favored owners who were also the operators.

Chair Johnson also thanked the residents of Tewksbury who had expressed their personal views via numerous letters and emails. He said he also considered those views in his evaluations. He also thanked the people who attended meetings in person to express their views.

Chair Johnson expressed his disappointment in a few instances of anonymous mailings that attacked applications or proposed locations.

Chair Johnson stated that two of the applicants had sent approximately 100 automated form letters via email from residents to each Board member.

Board Member Wellman said that she concurred with Chair Johnson's comments. She added that some of the targeted email requests were directed at her children, asking them to write to the Board, noting that she felt it was inappropriate and concerning. She thanked all of the applicants for participating in the process. She added that she had read every letter the residents had sent, and listened to every individual who had come before the Board. Board Member Wellman said her decision would be based on substance and had no intention to make Tewksbury the cannabis

capital of Merrimack Valley by erecting billboards. She said she was interested in opportunities to gain market share to maximize the revenue back to the community and was particularly interested in minimal impacts on the residents.

Board Member Kratman stated that he reviewed every application in the same way that he reviewed other applications that came before the Select Board. He said one of the first questions he asked himself while reviewing any type of development was if it would make the community better and if it would help the neighborhood or be a cause for concern. He added that location held a lot of weight in his decision-making process.

Board Member Holland also thanked all of the applicants for their interest in Tewksbury as well as participating in the process. He also thanked the Planning Board for all of their hard work and due diligence.

- **Sundaze – 2504 Main Street**

Chair Johnson asked if there were any Board Members who had questions or comments. There were none.

MOTION: Board Member Kratman made a motion to close the public hearing. Board Member Wellman seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

Chair Johnson asked if there were any Board Members who had questions or comments.

Board Member Wellman commented that while she did not have any concerns about the location with no significant traffic impacts, the property had not at all been well-maintained and that was a concern. She added her other concern was that it was fairly close to a residential neighborhood.

MOTION: Board Member Kratman made a motion to deny the application requested by Sundaze. Board Member Holland seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

- **Lazy River Products – 553 Main Street**

Chair Johnson asked if there were any Board Members who had questions or comments. There were none.

MOTION: Board Member Wellman made a motion to close the public hearing. Board Member Holland seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

MOTION: Board Member Kratman made a motion to approve the application requested by Lazy River Produces with the conditions that there was an acceptable negotiated Host Community Agreement, there was a change in the ownership of the company, the license did not transfer to the new owner but went back to the Town of Tewksbury, and there shall be no change in location. Board Member Holland seconded the motion.

MOTION CARRIED: 3 – 1 – 0. (Nay – Board Member Wellman)

- **Full Harvest Moonz, Inc. – 1 Main Street**

Chair Johnson asked if there were any Board Members who had questions or comments. There were none.

MOTION: Board Member Kratman made a motion to close the public hearing. Board Member Wellman seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

MOTION: Board Member Kratman made a motion to deny the application requested by Full Harvest Moonz, Inc. Board Member Holland seconded the motion.

MOTION CARRIED: 3 – 1 – 0. (Nay – Board Member Wellman)

- **The Stories Company, LLC – 2122 Main Street**

Chair Johnson asked if there were any Board Members who had questions or comments. There were none.

MOTION: Board Member Kratman made a motion to close the public hearing. Board Member Holland seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

Chair Johnson asked if there were any Board Members who had questions or comments.

Board Member Wellman commented that she was glad the proposal removed the option for additional retail space but did not feel it was a good location based on the congested bottleneck regarding traffic. She added that the applicant had great responses to the supplemental questions.

MOTION: Board Member Kratman made a motion to deny the application requested by The Stories Company, LLC. Board Member Wellman seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

- **Community Care Collective – 1693 Shawsheen Street**

Chair Johnson asked if there were any Board Members who had questions or comments. There were none.

MOTION: Board Member Kratman made a motion to close the public hearing. Board Member Wellman seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

MOTION: Board Member Kratman made a motion to deny the application requested by Community Care Collective. Board Member Wellman seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

- **Pure Tewksbury d/b/a Smyth Cannabis – 1695 Shawsheen Street**

Chair Johnson asked if there were any Board Members who had questions or comments. There were none.

MOTION: Board Member Kratman made a motion to close the public hearing. Board Member Holland seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

MOTION: Board Member Wellman made a motion to approve the application requested by Pure Tewksbury d/b/a Smyth Cannabis with the conditions that there was an acceptable negotiated Host Community Agreement, there was a change in the ownership of the company, the license did not transfer to the new owner but went back to the Town of Tewksbury, and there shall be no change in location. Board Member Kratman seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

- **Bella Luna LLC – 890 East Street**

Chair Johnson asked if there were any Board Members who had questions or comments. There were none.

MOTION: Board Member Kratman made a motion to close the public hearing. Board Member Wellman seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

MOTION: Board Member Kratman made a motion to deny the application requested by Bella Luna LLC. Board Member Holland seconded the motion.

MOTION CARRIED: 3 – 1 – 0. (Nay – Board Member Wellman)

- **Carbonear LLC – 2186 – 2196 Main Street**

Chair Johnson asked if there were any Board Members who had questions or comments. There were none.

MOTION: Board Member Wellman made a motion to close the public hearing. Board Member Holland seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

MOTION: Board Member Wellman made a motion to deny the application requested by Carbonear LLC. Board Member Kratman seconded the motion.

MOTION CARRIED: 3 – 1 – 0. (Nay – Board Member Holland)

ADJOURNMENT

MOTION: At approximately 7:46 p.m. Board Member Wellman made a motion to adjourn. Board Member Holland seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

Approved by the Select Board on September 12, 2023

Documents Presented/Discussed

- Brother's Sports Bar & Grille - Common Victualler License
- Schedule Special Town Meeting Date
- Open and Close Warrants for Special Town Meeting
- Discussion of Committee and Board Appointments
- Fire Department Detail Assignment – Special Municipal Employee
- Town Council Invoice – June 16, 2023 – June 30, 2023
- Minutes – June 6, 2023 & June 12, 2023
- Board Member Reports
- Sundaze – 2504 Main Street – Retail Marijuana License Hearing
- Lazy River Products – 553 Main Street - Retail Marijuana License Hearing
- Full Harvest Moonz, Inc. – 1 Main Street - Retail Marijuana License Hearing
- The Stories Company, LLC – 2122 Main Street - Retail Marijuana License Hearing
- Community Care Collective – 1693 Shawsheen Street - Retail Marijuana License Hearing
- Pure Tewksbury d/b/a Smyth Cannabis – 1695 Shawsheen Street - Retail Marijuana License Hearing
- Bella Luna LLC – 890 East Street - Retail Marijuana License Hearing
- Carbonear LLC – 2186 – 2196 Main Street - Retail Marijuana License Hearing

Next Select Board Meeting: August 8, 2023

Respectfully submitted,

Trish Gedziun
Recording Secretary