

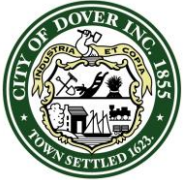


CITY OF DOVER

PLANNING TECHNICAL REVIEW COMMITTEE –AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Conference Room – City Hall, Dover NH
Meeting Date: **Thursday, November 5, 2015**
Meeting Time: **10:30 AM**

1. 10:30 AM - 11:15 AM: Review of a Conditional Use Permit, per Chapter 170-20-B(2), for Temescal Wellness, Inc., (Owner: Jewett Commercial Park, LLC), Assessor's Map G, Lot 31-3, zoned I-2, located at 26 Crosby Road. (Proposed operation of an Alternative Treatment Center utilizing 2,500 sq. ft.). *(P15-52)



CITY OF DOVER

TECHNICAL REVIEW COMMITTEE MINUTES - P15-49

Application Type: Waiver Review
Applicant: B-Team Realty, LLC
Owner: B-Team Realty, LLC
Location: 798 & 800 Central Ave (Tax Map 37, Lots 28 & 29)
Date: October 22, 2015

INTENT: Waiver application to pave a shared 17 space parking lot between lots 28 & 29.

LOTS/UNITS PROPOSED: No increase in lots proposed

AGENDA ITEM #: 1

ACREAGE: 0.80 acres

ZONING DISTRICT: O (Office)

EXISTING LAND USE: Law Office and Residential

SURROUNDING LAND USE:
Commercial and Residential

ZBA ACTION: None.

PERMITS REQUIRED: None

WAIVERS REQUESTED: None requested although, it appears one will be needed for the side setback since the lot line dissects the proposed lot.

ATTENDANCE:

Members:

Christopher Parker, Planning
Elena Piekut, Planning/Zoning
Thomas Clark, Building/Fire
Dave White, Engineering
Marn Speidel, Police

Others Present:

FX Bruton, Owner
Kevin McEneaney, Surveyor
Paul Connolly, Engineer

Approval of 9/17/15 Meeting Minutes

Motion to approve September 17, 2015 meeting minutes by Tom Clark and seconded by Dave White. Vote U/A.

Planning Comments:

- The Professional Engineer and Licensed Land Surveyor will need to sign and date final plans
- Revise locus map to state Page Avenue
- Indicate access easement between both lots

Sheet 1:

- Add Planning Department File Number: P15-49 to title block
- Please note total parking on each lot

Sheet 2

- Add landscaping between sidewalk and proposed parking lot
- Relabel "House" on the buildings on 798 and 800
- Add "Existing" above sign on plat
- Indicate how many units in house to accurately calculate parking maximum
- Understood that there is no lighting proposed
- Amend plan to indicate new property owner

Police Department Comments:

- Would prefer "one way" signs
- The accessible parking space needs to be van-accessible

Engineering Comments:

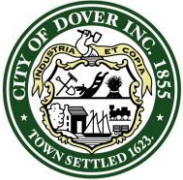
- Provide an O&M plan for the rain garden and who will maintain it.
- Cross easements need to be created.
- Provide more detail of the rain garden cross section and planting details. Consider making grades wide to prevent runoff bypassing
- Delineate what the signs at the entrances say.
- Provide landscaping between the parking area and the sidewalk along Central Ave.
- More trees along Central Ave would be appreciated.
- Revise to show a pedestrian connection to #800

Fire/Inspections Comments:

- Where is the accessible parking space?

Economic Development Comments: None

Planning Board Comments: None



CITY OF DOVER

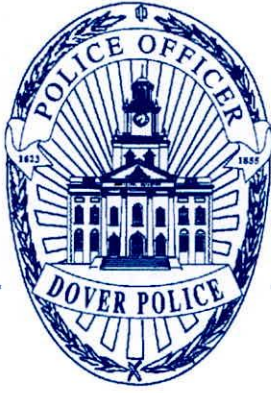
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Motion to approve with conditions if it is determined that a waiver from Chapter 149 is not required by Christopher Parker and seconded by Tom Clark. Vote U/A.

Motion to adjourn by Tom Clark and seconded by Dave White. Vote: U/A Adjourned 10:55 am.

S:\Department\Planning\Planning_Share\Planning Board\TRC\2015 TRC\Minutes\10-22-15\2015.10.22_PlanningTechnicalReviewCommittee.P15-49.Minutes.docx



CITY OF DOVER, NEW HAMPSHIRE

POLICE DEPARTMENT



Anthony F. Colarusso, Jr.
Chief of Police

October 30, 2015

City of Dover Planning Board
288 Central Ave
Dover, New Hampshire 03820

To Whom it May Concern:

The Dover Police Department has received and reviewed the security plans provided by Temescal Wellness for their planned Therapeutic Cannabis distribution site at 26 Crosby Road in Dover.

If followed as written, the security procedures appear to meet the requirements outlined in the NH Department of Health and Human Services Administrative Rule He-C 402.24 and Article I of Chapter 58 of the City of Dover Code. As a result of this review, the plans as presented are approved.

Very truly yours,

ANTHONY F. COLARUSSO, JR
Chief of Police

RECEIVED
Planning Office

OCT 30 2015

Dover, New Hampshire

Cc: Temescal Wellness



City of Dover, New Hampshire
CONDITIONAL USE PERMIT APPLICATION

[Revision Date: ~~RECEIVED~~, 2015]

Planning Office

Office Use Only

Project #:

P15.52

Date Received:

OCT 22 2015

Amount Paid:

\$313.00

Time Received:

Dover, New Hampshire

OK #13506

APPLICANT AND OWNER INFORMATION

Name of Applicant: Temescal Wellness, Inc. Telephone # (650) 438-7698

Address of Applicant: 645 Harvey Road, Manchester, NH 03103

E-Mail Address: info@temescalwellness.com

Name of Property Owner (if different from applicant): Jewett Commerical Park, LLC Telephone # _____

Address of Property Owner: 32 Harriman Hill Road, Raymond, NH 03077

PROPERTY INFORMATION

Assessor's Map # G Lot(s) # 31- 003000

Address of Property: 26 Crosby Road, Dover, New Hampshire

Zoning District(s) I-2 Overlay District(s) _____

Existing Use of Property: Applicant's building is new construction, remainder of the Property is commercial.

CONDITIONAL USE PERMIT INFORMATION

Type of Conditional Use Permit (Check All That Apply):

- | | | |
|--|---|--|
| ☐ Conservation District | ☐ RCM Use Overlay District | ☐ I-1 District Uses |
| ☐ Groundwater Protection | ☐ Off-Street Parking and Loading | ☒ Alternative Treatment Center |
| ☐ Wetland Protection District | ☐ Central Business District | |

Describe Proposed Use or Activity That Requires Conditional Use Permit and Describe Any Impacts:

See Attached

List Any Associated State or Federal Permits That Have Been or Will Be Applied For and Indicate Their Status: See Attached

TEMESCAL WELLNESS, INC.

CITY OF DOVER, NEW HAMPSHIRE
SUPPORT STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION

Chapter 170-12 "Applicability of Tables of Use and Dimensional Regulations by District" for the Rural Restricted Industrial District Table"

Describe the Proposed Use or Activity That Requires Conditional Use Permit and Describe Impacts:

The proposed use that requires a Conditional Use Permit is the use by Temescal Wellness, Inc. (the "Applicant") of 26 Crosby Road, Dover, New Hampshire (the "Premises") for the operation of an Alternative Treatment Center (an "ATC") in accordance with the Applicant's right to pursue the ATC license for Region 1 pursuant to New Hampshire RSA 126-X. The Premises are owned by Jewett Commercial Park, LLC (the "Owner") and located in the Rural Restricted Industrial District ("I-2") Chapter 170-12 "Applicability of Tables of Use and Dimensional Regulations by District" for the Rural Restricted Industrial District Table" specifically permits the ATC use in the I-2 District by a Conditional Use Permit granted by the Planning Board, which use is defined in said Chapter as an ATC in accordance with RSA RSA 126-X-1:I. Please see the attached letter from the Applicant addressed to Christopher Parker, Assistant City Manager: Director of Planning and Strategic Initiatives dated October 22, 2015, describing in greater detail the Applicant's proposed use of the Premises attached hereto as Exhibit A and incorporated by reference herein.

The City of Dover (the "City") chose the I-2 District as one of two districts in which ATC use was appropriate and permitted by a Conditional Use Permit. In the City's amendment to Chapter 170-12, the ATC use in the City is subject to the following criteria, all of which the Applicant satisfies:

A. *The Alternative Treatment Center shall not be located within one thousand (1,000) feet of the property line of a public or private elementary or secondary school or designated drug free school zone.* The Premises is located more than one thousand (1,000) feet from any of these areas.

B. *The Alternative Treatment Center shall be located in a permanent building and drive-in services are prohibited.* The Premises will have a permanent building, which building is currently under construction in accordance with the Site Plan approval granted by the Planning Board to the Owner for the property located at 24-32 Crosby Road, Dover, New Hampshire. All patients will be required to enter the Premises (after passing through security verifying their state issued Registry Identification Cards), and there will be no drive-in services offered. Please see Exhibit A for further information.

C. *The hours of operation shall be limited to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.* The Applicant has limited the hours of operation at the Premises in accordance with this mandate. Please see Exhibit A for further information.

D. *The Alternative Treatment Center shall provide for the proper disposal of cannabis remnants or byproducts, which remnants or byproducts shall not be placed in the facility's exterior refuse containers.* The Premises will only be used for dispensing therapeutic cannabis, and not for the manufacturing, cultivation or processing of therapeutic cannabis. See Exhibit A. All therapeutic cannabis for waste disposal from the Premises will be securely stored in the vault room at the Premises until it is transported to the Applicant's off-site (not located in the City) manufacturing facility for disposal. No waste products containing cannabis remnants or byproducts will be placed in the Premises' exterior refuse containers.

E. *The Applicant shall provide a detailed narrative and floor plan, as well as any other relevant documentation, describing how the Alternative Treatment Center shall be secured. The security plan must take into account the measures that will be taken to ensure the safe delivery of any product to the facility (including permitted times for delivery), how the product will be secured on site, and how patient transactions will be facilitated in order to ensure safety. The security plan shall be reviewed and approved by the City of Dover Police Department.* The Applicant refers the Planning Board to Exhibit B, which is the detailed narrative relative to the security plan for the Premises, and Exhibit C, which includes the detailed floor plans for the Premises, which Exhibits are incorporated by reference herein. Please note that Exhibit B and Exhibit C have been marked as confidential in accordance with NH RSA 126-X and He-C 402.24, and they are not subject to production by the City pursuant to the NH Right to Know law. The Dover Police Department met with representatives of the Applicant for the purposes of reviewing the security plan for the Premises, and it expects to issue the requisite letter within two weeks. See Exhibit D.

F. *The use of cannabis on the premises is prohibited.* The Applicant shall not allow the use of cannabis on the Premises. See Exhibit A.

G. *The Alternative Treatment Center shall emit no cannabis related fumes, vapors or odors which can be smelled or otherwise perceived from beyond the lot line of the property where the facility is located.* The Applicant shall not allow the use of cannabis on the Premises, and Premises shall also only be a dispensing location. No manufacturing, cultivation or processing will take place at the Premises. See Exhibit A. As such, there will be no cannabis related fumes, vapors or odors emitting from the Premises in violation of this requirement.

In addition to meeting the above criteria, the Applicant specifically chose the Premises due to the fact that it is in a location that is used primarily by businesses and, therefore, the character of the area shall not be adversely affected. Furthermore, the ATC use of the Premises will benefit the general welfare of the City of Dover in that it provides for a new treatment for the illnesses that such Alternative Treatment is beneficial according to the State of New Hampshire Statutes and Regulations.

List Any Associated State or Federal Permits That Have Been or Will Be Applied For and Indicate Their Status:

In order to operate an ATC in Region 1, the Applicant is in the process of applying for the requisite ATC license in accordance with NH RSA 126-X. The Applicant was chosen to continue to pursue the State license to operate an ATC, which license will not be issued until all municipal approvals are received.



October 22, 2015

Mr. Christopher Parker
Assistant City Manager: Director of Planning
and Strategic Initiatives
City of Dover
288 Central Avenue
Dover, NH 03820-4169
C.Parker@dover.nh.gov

RECEIVED
Planning Office
OCT 22 2015
Dover, New Hampshire

Re: Proposed operating activities for Temescal Wellness, Inc.'s Alternative Treatment Center at 26 Crosby Road, Dover, New Hampshire

Mr. Parker,

This letter provides an outline of Temescal Wellness, Inc.'s intended uses for 2,500 sq. ft. of space with a legal address of 26 Crosby Road, Dover, New Hampshire. ("Premises") This information is to be considered in connection with Temescal Wellness, Inc.'s application for a conditional use permit.

Temescal Wellness's intended use of the Premises is to operate a licensed Alternative Treatment Center (ATC) to serve qualified patients under New Hampshire's Therapeutic Cannabis Program. Temescal Wellness has been selected by the New Hampshire Department of Health and Human Services to operate an ATC in Region 1 of New Hampshire, which includes the City of Dover. There will be no cultivation, processing, or consumption of cannabis on site. Our use will be **Outpatient Consultation and Dispensing Services**. As such, there will be no cannabis related fumes, vapors or odors which can be smelled or otherwise perceived from beyond the lot line of the Premises.

Outpatient Consultation Services: Trained, licensed staff will interact with qualified patients. There are two primary activities that take place in our ATC: **Counseling and Dispensing**.

Outpatient Counseling: We will always have one of the following professionals, which we call "Patient Treatment Advisors" (PTAs) on site during operating hours to consult with qualified patients on the proper use of therapeutic cannabis for their specific health condition. These individuals will also discuss how to avoid the misuse/abuse of cannabis.

- Advanced Practice Registered Nurse (APRN)
- Certified Recovery Support Worker (CRSW)
- Licensed Drug and Alcohol Counselor (LADC)
- Master Licensed Drug and Alcohol Counselor (MLADC)

These professionals will be trained by our Director of Patient Services (a licensed physician) on the science of treating various symptoms with therapeutic cannabis, to complement their previous medical and substance abuse training.

Waiting Area: When waiting to see a PTA, our patients will be able to relax in our well-lit, secure waiting area. We will provide up to date education materials in this waiting room for patients to learn more about therapeutic cannabis treatment options. No individual is allowed inside our ATC unless they display their state licensed therapeutic cannabis card and a form of valid picture ID to our security associate. The vast majority of individuals coming to our ATC will do so by appointment.

Counseling Rooms: Our patients will be able to confidentially discuss their conditions and treatments with a PTA in a comfortable, private counseling room. The rooms where the outpatient counseling will take place are marked as such on the floor plans.

Therapeutic Cannabis Dispensing: Once a qualified patient has discussed their treatment with a PTA, they are eligible to purchase therapeutic cannabis from Temescal Wellness. A trained staff member will further discuss medicine options with the patient, and will finalize the transaction. Dispensing of medicine takes place at the dispensing area. No individual will be allowed into the dispensing area unless accompanied by a staff member.

In general, we expect patients to spend up to 30 minutes inside Temescal Wellness, though some patients may desire longer counseling sessions, which we will happily accommodate.

Operating Hours: The operating hours of Temescal Wellness at the Premises will be limited to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.

Request – Conditional Use Permit:

We believe our site at the Premises satisfies all zoning requirements the City has in place with respect to ATCs as set forth in Chapter 170 of the Code of the City of Dover entitled "Zoning", Chapter 170-12 entitled "Applicability of Tables of Use and Dimensional Regulations by District" for the Rural Restricted Industrial District Table.

Thank you very much for your time and consideration for our project. All of us at Temescal Wellness look forward to being a valued community member and working with you for years to come.

Sincerely,

Ted Rebholz

President, Temescal Wellness

ET Rebholz Jr.

EXHIBIT D

Rebecca S. Kane

From: anthony@temescalwellness.com
Sent: Wednesday, October 21, 2015 11:39 AM
To: Rebecca S. Kane; Ted Rebholz; Brandon Pollock
Subject: Fwd: Temescal Wellness

RECEIVED
Planning Office
OCT 22 2015
Dover, New Hampshire

Begin forwarded message:

From: "Terlemezian, David A." <D.Terlemezian@dover.nh.gov>
Date: October 21, 2015 at 11:38:07 AM EDT
To: "Piekut, Elena" <E.Piekut@dover.nh.gov>
Cc: Anthony Parrinello <anthony@temescalwellness.com>
Subject: Temescal Wellness

Hi Elena-

Anthony Parrinello asked me to send this e-mail to you and copy him regarding the status of the security review. I met with Anthony Parrinello and Brandon Pollock on Friday, October 16th and they provided me with extensive security related documentation. I am currently reviewing that documentation with the goal of drafting a letter for the Chief of Police to review so that Temescal can add it to their application. I expect that to be completed in the next week or two.

Thanks.

Dave

David A. Terlemezian
Captain
Dover Police Department
46 Locust Street
Dover, New Hampshire 03820
Phone: (603) 742-4646
Fax: (603) 749-3956