

Minutes of Planning Board Meeting
Town of Whately, MA
Town Hall, Chestnut Plain Road
October 27, 2020

Members Present: Don Sluter, Judy Markland, Sara Cooper, Tom Litwin, Brant Cheikis
Members Absent: none

The meeting was held remotely, via Zoom

Guests:

John Hanmer	Jared Glanz-Berger	Sofia Bitzas
Grant Guelich	Ronnie Smiarowski	John LaSalle
Chris Cimini	Tim Smith	
Samuel Hanmer	Robert Cimini	
Neal Dach	Chris Chamberland	

I. Call to Order, 5:10 p.m. (delayed due to Zoom problems)

II. PUBLIC HEARING

Continuation of public hearing: Debilitating Medical Conditions Treatment Centers (DMCTC)
marijuana cultivation, 7 River Road

Chris Chamberland, of Berkshire Design, said they have submitted revised plans in response to questions posed at the last meeting. Sharing the new version onscreen, he showed points including these:

- Outdoor cultivation up to the 25 ft buffer in all fields.
- Safety lights (parking lot pole lights and one building light)
- A clarified landscape planting at the north property line, using river birch and American holly to visually break up the edge rather than completely hide it.
- The new location of the drying room, which swapped space with the maintenance room in order to move the drying operation farther from the street.
- Parts of properties clarified with possible addresses.
- The guard booth, for checking in and out of the main gate, big enough for a guard and laptop files. It was established that there will be no traffic light or bollards, even though they are shown in a picture.
- An image of the privacy screen, made of high density polyethylene (HDPE) slats woven through chain link fencing.
- Signage for the fence. Chris Chamberland explained that the Cannabis Control Commission requires that signs reading “Limited Access” or “Authorized Access” be posted at 200 ft intervals along the fence.
- additional information about the drip irrigation, companion plants, and the hanging lantern type of single bulb work lights (as for home shop use).

Chris Chamberland read a letter that Carol Ai had written in support of the project. He had sent it to Don, Judy, and Sara, and Don will send it to the secretary.

Tom Litwin asked about “Skunk No. 1”, a high-odor variety of cannabis shown as planned for the back of the planting, and wondered why it is being used at all. Jared Glanz-Berger replied that it is only the strongest variety that *their facility* plans to grow, and that some people want to buy it. Don asked whether they would be willing to stop growing it if “skunk weed” were seen as a problem. Grant Guelich explained that they weren’t planning on it for the first season, only if there were a good demand. He said they would have no objection to not growing it if it causes a problem. Sam Hamner added that this variety was used as a placeholder example. Tom suggested avoiding the issue before it happens, if the variety is not critical to the business plan. Jared said they would use cold frames with odor control measures providing high cubic-foot-per minute filtration.

The next discussion addressed water use and concerns about the possible drawing down of aquifers around the facility. Jared Glanz-Berger confirmed that an onsite well currently pumps water into two reservoirs. He said that when water stored in the reservoirs is later drawn out and applied to the fields, timers and pressure-compensated emitters will be used to control the amounts used. Tom asked how this will affect area wells. Grant Guelich replied that it should use “a couple of thousand gallons a day” over the whole day – not all at once. Chris Chamberland said that they would use that much on the *peak* day, not everyday, and added that 100,000 gallons per day is permitted.

Regarding fencing: it was noted that the southern line respects the 50 ft side yard setback. At the rear, however, the applicants are requesting a 50 ft encroachment zone for use as a tractor turnaround. They would like a 35 ft setback instead, to avoid losing cultivation space.

Chris Chamberland confirmed that no landscape screening can be done in the “cattle chute” zone. They can’t plant anything there because it is all wetlands. Asked whether parking lot lights will be on all night, he answered no, adding that the house and trees will help hide the lights when they are on while people are working their shifts.

Brant Cheikes asked the applicants to show how air flows in and out of the greenhouses, adding that it would be best to direct exhaust gases to the west, away from the abutters on River Road. Jared Glanz-Berger described how an intake fan sucks air in and pushes it through filters in a loop, to be exhausted intermittently. This takes less than 4.5 minutes, he said. Greenhouses with odd numbers will be exhausted to the west, he said, while those with even numbers will be exhausted to the east. Asked about winds, Mr. Glanz-Berger said that trees are effective at helping to dissipate odor by directing it upward.

Brant addressed energy efficiency and the required onsite generation of “at least 50%, if feasible”. He asked how much of the facility’s energy demands will be met by onsite generation and was told that there is an existing solar array. Also, said an applicant representative, they are looking at possible roof mounting of solar panels on a barn. They need cash flow first, and need

to determine whether it is feasible. He said if they can build all the solar they'd like to, they can certainly achieve 50%. Don asked whether the solar array is net-metered now, but no one knew.

Regarding security, the applicant representative said cameras will monitor the perimeter for fence breaches, and there will be an onsite generator in case of power failure.

Don asked if there were any other questions from the board, and there were not.

He then asked for questions from the public. Tim Smith said odors are his biggest concern, and did not agree that trees would help send odors "up", adding that odors will go whichever way the wind blows. He asked for the system's capacity to push air, and at what speed. Jared Glanz-Berger replied that the fans can push the air at 6,000 cubic feet per minute, and that the air volume turns over in less than 4 ½ minutes.

Other odor-control suggestions included:

- Conditioning that no marijuana odor be detectable at the property line. If someone smells it, he can go to the building inspector, who can send a cease and desist order to destroy the crop (as long as it is growing in a greenhouse; this does not apply to outdoor grown cannabis).
- At a review to occur after an agreed upon period, boards could vote not to renew permits. Sam Hamner responded that he wants to be a good neighbor, but it bothers him that they could try really hard, and spend \$3 million to \$5 million, only to be shut down because of an "I smell it" complaint. Neal Dach then spoke up to say that there are also outdoor odor control systems that detect odors and then spray a control agent.

Mr. Smith also brought up the matter of property lines whose locations are not precisely clear. Regarding the northern property line, Chris Chamberland said the surveyors identified some uncertainties with the land that "went with" the "swamp lot". He said the surveyors think the lines are accurate but disputable, and there is a way to resolve that. Tim Smith said if there were a pin in the ground, he would have no argument with that. Don replied that Whately has never required pins to be put in and advised Mr. Smith to take the surveyors' plans at their word, adding that they have located at least one corner marker. Chris Chamberland noted that they can supply the surveyors' plan.

It was noted that the ZBA had already determined that the change of use fits with the bylaws. Judy observed that the Planning Board is not in a position to deny a site plan review, but it can condition its decision. Don asked for a motion to close the public comment portion of the public hearing. Brant moved to do so, Judy seconded, and public comment was ended.

The board first discussed the applicant's request to make the security fence setback 35 ft instead of 50 ft. Judy said that at the hearing for the proposed Hutkoski cultivation project, it was held that the security fence was definitely to be set back the full 50 ft. Don argued that the purpose of the setback was to prevent cultivation within it, but saw no reason not to let traffic go over it, adding that the fence is at the property line. Judy noted that previously, the board had

considered the fence to be part of the *establishment*. Judy moved to require that the 50 ft setback remain, except as adjusted by permission of the Conservation Commission.

4.

Tom seconded the motion. After more discussion about whether the fence is defined as part of the establishment or as a security structure outside of the establishment, someone commented that there had been a motion to require that the 50 ft setback remain, except as adjusted by permission of the Conservation Commission. Tom, Brant, Sara, and Judy each voted Yes, Don voted No, and the motion carried.

Don said he had only heard from the Historical Society about this proposed project, when they submitted a condition which the board will add to its decision. He will ask for the opinions of the other boards and committees, such as the police and fire chiefs, the board of health, etc.

Judy suggested as conditions to site plan approval:

Plants to be positioned with the most pungent in the back

No “Skunk No. 1” to be planted without Planning Board approval

Screening plants to be 10 ft high at time of planting

Sara suggested having a check-in for the agricultural aspect of the project, perhaps after one year of growing. Or, said Brant, give them a license for one year instead of five, and assess.

Judy added:

Odor from field cultivation must not be egregious. Don agreed, comparing cannabis odor to that of manure on a field – for a few days only – anything over a week is too much.

Jared Glanz-Berger explained that the odor is most pungent for two weeks. Grant Guelich added the last two weeks when it is ripe. He also said the plan is for one crop per year outdoors, with one area to finish in August and the other in October. In the greenhouses, he said, there will be a weekly harvest, planned on a cycle to mitigate the odor.

Tom asked whether a third party is needed to judge odor, and whether there is an industry standard. Grant Guelich told the board that, elsewhere, they volatile organic compounds (VOC) and analyze them.

At 6:53 pm, Don ended the discussion. The hearing will continue at the Planning Board meeting of November 24.

III. DISCUSSION: Proposed marijuana cultivator establishment, 23A LaSalle Drive

Sofia Bitzas, of the land planning company R Levesque Associates in Westfield, explained that her clients, Whately R E Holdings LLC, plan to cultivate marijuana indoors, in greenhouses, at the LaSalle Florists location at 23A LaSalle Drive. Sharing the plans onscreen, she said part of the land is zoned Agricultural/Residential 1 and the rest is zoned Agricultural/Residential 2. The

project has four zones. On the plans, Ms. Bitzas showed fencing and security cameras. There will be no changes to impervious surface or existing structures, she said.

5.

Robert Cimini, of Whately R E Holdings LLC, will buy the property, and the LaSalle flower business will no longer be there. She introduced Neal Dach, also of Whately R E Holdings LLC, and the board received a description of the project. For Phase 1, Tier 1 cultivation there will be five or six employees, and within six months they plan to fill greenhouse 1. Greenhouse 3 will come next. All three greenhouses will total 10,000 sq ft. By then, they plan to have at least ten employees. Zones 2 and 3 will be for growing, with Zone 4 for equipment.

In the future they want to put more greenhouses in Zone 3, and to have at least 20 employees by then. Total employees will probably not be more than 30. With ten parking spaces now, they will put in another lot in Zone 1 with another entrance. Don explained that they will need state approval for that. Regarding parking space for the handicapped: Don explained that most handicapped vans have a right-hand door, so it is best to have the unloading space to the right of the handicapped parking space.

Between greenhouse 3 and greenhouse 1 is a sheltered area for loading and unloading. No manufacturing will be done onsite. Deliveries: 1/week or, usually, 1/month according to client preference. Deliveries will be random, delivery vans will have cages, each vehicle will have two employees, and there will be one dispatch employee near the front of the building at the west side of greenhouse 1.

Waste will be securely store in designated bins, and will consist of mostly stems which have been powderized and mixed with dirt. Recirculating water systems will result in little evaporation loss. Lighting will be LED, with some fluorescents. Later, they hope to mount solar panels on some roofs. They will renovate the three existing greenhouses as they go. Greenhouses 2 and 3 are ready for use, after some tweaking for the needs of cannabis plants. The attached residence will no longer be a residence because the bylaws do not allow it. John LaSalle's house will be a residence for the growers.

The odor control system will use carbon to trap the odors, and there is no MERV rating for carbon filters. The exhaust will be blown up to the sky, and will have to fall, dissipating on the way down, before it can reach people.

Sara asked about the wastewater disposal in Zone 2, because she is concerned about the wetlands and springs, the Mill River, the dwarf wedge mussel, and the aquifer overlay. How will the nutrients in the wastewater affect this area? She was told that people spray slurries elsewhere without problems, but they could filter the water and reuse it. It wouldn't be hard, and they could dispose of the filters as rubbish.

Judy asked for confirmation that there has been no community outreach meeting yet, and Neal Dach replied that they had talked to the Selectboard about that, and that the Selectboard likes the community outreach meeting to happen first. Judy pointed out that the Community Host Agreement must be submitted with the application for the Zoning Board of Appeals' special permit hearing.

Asked about lighting, Mr. Dach said internal lighting will be used. Judy told him the Planning Board will need to see specifications for them. Sofia Bitzas will set up a community outreach meeting, and the Planning Board will wait before scheduling a Site Plan Review.

6.

V. Adjournment

At 7:29 pm Don asked for a motion to adjourn. Brant moved to adjourn and Sara seconded. Don, Judy, Sara, Tom, and Brant each voted Yes, and the meeting was adjourned.

Documents Reviewed (kept in the Planning Board files)

1. A letter to the Planning Board written by Carol Ai in support of the DMCTC marijuana cultivation project at 7 River Road.

2. A revised site plan dated, “August 13, 2020, Revise October 19, 2020”, prepared by Berkshire Design Group, and titled:

Site Plan for
7 River Road
Whately, Massachusetts
Site Plan Review

3. An undated site plan submitted as part of an application package dated October 8, 2020, prepared by R Levesque and Associates and titled:

Proposed Indoor Cultivator Establishment
23A LaSalle Drive Whately, MA 01093
Parcel ID 12-0-26

Mary McCarthy
Secretary
Planning Board
Town of Whately, MA