

Minutes of Planning Board Meeting
Town of Whately, MA
The meeting was held virtually via Zoom.
June 29, 2021

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

The meeting was held remotely, via Zoom.

VIRTUAL GUESTS

AI Annis
Chris Chamberland, Berkshire Design Group
Jared Glanz-Berger, Debilitating Medical Condition Treatment Centers, Inc. (DMCTC)
Stephanie Slysz, Hatfield Planning Board Chair
Chris Karney

The meeting's start time was delayed briefly to enable setup of electronic equipment at Town Offices for the hybrid digital/in-person meeting.

- I. Call to Order, 5:16 p.m.
The meeting was recorded.
- II. PUBLIC HEARING: Site Plan Review for a marijuana manufacturing facility at 3 River Road proposed by Debilitating Medical Condition Treatment Centers, Inc. (DMCTC).

Chris Chamberland, of Berkshire Design Group, stated that the project is located in the AR/1 zone and that the proposed use is not allowed. He said that the current use is also not allowed, and explained that the Zoning Board of Appeals (ZBA) will decide whether the proposed new use is or is not substantially more detrimental than the current use is, and whether the proposed use will or will not pollute ground water more than the current use. He said DMCTC plans to refurbish the site without expanding it.

Via shared screen the board reviewed plans of the property dated April 14, 2021. Mr. Chamberland said he is still making revisions requested by the ZBA and will keep the Planning Board updated. He explained that 5 River Rd. is the address of the house occupied by owners AI and Carol Annis, while 3 River Rd. is the part of the single property that DMCTC will lease for their business. Describing part of a commercial building located at the entrance closest to the street as currently within the 50-ft setback, he said they may demolish that part of the building if zoning historical legalities so require, and said he is checking on that.

Chris Chamberland reported that there are no plans to surround the business with a fence because the building itself is the secure facility. Existing curb cuts include one for the business and a second for the house, he said. He showed two parking spots for mobile refrigerator

container units and explained that, in addition to processing product delivered by other growers, they will also need to process their own product, grown at 7 River Rd. This will mean transporting all of their own product from 7 River Rd. to 3 River Rd. all at once, when it ripens. It is best to do that in one session, he said, and then store the material at 3 River Rd. to draw from throughout the entire year.

Additional points included:

- 10 to 12 people are expected to be on the property at any single time, with only a couple of visitors at a time since the facility will not be open to the public.
- 100% coverage of the site is planned, with a parking surface of open stone over two layers of permeable paving. Permeable asphalt is good, but hard to get in small batches. Other options, such as grass pavers, don't work as well.
- Screening will include a mix of evergreens and mature trees (oaks, he thinks).
- At the ZBA hearing, they discussed moving the existing curb cut to the south side, aligned with the parking lot, to allow the driveway to be square to the road. They may close the original commercial curb cut for most of the year (if they are required to) and just use the new cut. It is also possible that the ZBA will grant a waiver to keep both commercial cuts open.
- They will sell wholesale, to retailers. Marijuana manufacturers are prohibited from selling their product to individuals.
- Regarding transportation – they will be allowed to act as their own licensed transporter for their own product, or to hire a licensed transporter. It is an agricultural product that ships very light.
- Traffic is expected to be a little higher (mostly employees) – with maybe 70 or so trips in *or* out in one day.
- Lighting will meet the minimum requirements of the building code, as well as the requirements of the Cannabis Control Commission for cold weather. Lights will be controlled by timers and will be turned on during normal business hours only.
- Security: Infrared cameras will be used, and personnel will be on duty during operating hours. A meeting with Chief of Police James Sevigne has not yet resulted in any comments from the Chief. A meeting with Fire Chief John Hannum resulted in the Chief's requiring sprinklers and Knox- boxes for fire department access.
- Because part of the property is within the Town of Hatfield, that town will need to grant its own permits as well, for the "active" driveway/parking areas. Hatfield Planning Board Chair Stephanie Slysyz confirmed that it there will be active use on the Hatfield part of the property and that this is why application must also be made to Hatfield.
- Chris Chamberland shared photos of what he called typical processing labs, noting that everything at the labs will be clean and dry. Oils will be extracted, to sell or to turn into other products. In a closed system, butane will extract the oils from the plant– nothing will drain to the outside. The remaining biomass byproducts are legally required to be rendered unusable (for example, by mixing other material such as cat litter). After that it is no longer considered a regulated product and can be hauled away as ordinary waste by Waste Management. The butane is to be kept in a regulated storage container reviewed by the Fire Chief.

3.

- A domestic supply of (municipal) water will be needed for bathrooms and hand washing (Hatfield is involved, too).
- Odor is less of a concern in manufacturing than in cultivation. Plants will be packaged in the field for transport and placed into refrigerators. They will not be taken out of the field package until sold to a retailer, and odors in the building will be filtered /scrubbed before the air exits.
- Noise from refrigeration units will be comparable to that of conversations in an office. The units won't run all year. Twelve full containers will run into the fall and winter (when they will need to run less). Going into the warm weather there will be much less biomass in the containers.

Chris Chamberland requested a continuation of the hearing and the Board scheduled it for 6:00 PM, July 27, 2021.

III. PUBLIC HEARING Continuation: Sovereign Builders self-storage site plan review application: State Road, map 5, parcel 29

Chris Karney, of R. Levesque Associates, Inc., shared plans with revisions dated June 25, 2021, noting that the ZBA had approved the special permit and that they have changed their plans to in order to comply with requests made by the Conservation Commission (such as preventing any more water from entering the area of a retention basin by accommodating excess water in other areas instead, keeping more trees onsite and reducing the construction footprint. He described a culvert to be installed for storm water and wildlife. Points included the following:

- Over the culvert, a road width of 24 ft will allow two vehicles to pass each other; after that the width will narrow to 17 ft.
- Grading: the north side of the driveway had catch basin with through-pipes that created faster water movement with erosion. Now, natural channeling of the water will move down a flatter, gravel strip at a slower pace.
- Utility plan: Changes reviewed.
- Planting: same plan, with beech retained and more plants used.
- Retaining wall shown, with guard rail.
- Inspection reports: will be sent to the Board as done.
- There is a Operation and Maintenance Plan for storm water and basins for drainage areas.
- Storm Water Report: Chris Karney shared a copy of this onscreen, briefly, and will submit it to the Board.
- There is a schedule for inspections (12/year) and maintenance (2/year). He will send the documents to the board as a package.

Brant moved to approve the site plan. Judy seconded the motion, with the following conditions:

The plan must receive approvals from all the appropriate boards and committees.
Should any historical artifacts be uncovered during construction, construction must be paused until they can be examined and documented on site.
Submittal of the final Stormwater Management Report in electronic format to the Planning Board.
Submittal of the construction soil sample reports to the Planning Board.
Submittal of copies of the infiltration basin inspection and maintenance reports to the Planning Board at least annually.
Submittal of copies of the bioretention area inspection and maintenance reports to the Planning Board at least annually.

Sara, Brant, Judy, Tom, and Don each voted Yes, and the site plan with its conditions was unanimously approved.

IV. Discussions

- 1) Possible adoption of bylaw language on requirements for businesses providing trucks and equipment to others.
- 2) How best to address the commercial zoning aspect of the Health Center at 181 State Rd.

Both items were tabled until some point in the future.

- 3) Floodplain bylaw: The need for public education; the help that the new town staff member to soon be hired can bring to satisfying requirements and reporting to the state; the need for more discussion before we can schedule a meeting about this with Peggy Sloan of FRCOG.

VI. Adjourn

At 7:10 pm, Don moved to adjourn and the motion was seconded. Don, Judy, Tom, Sara and Brent each voted Yes, and the meeting was adjourned.

Documents Reviewed (kept in the Planning Board files)

1. Plans for the DMCTC cannabis processing project at 3 River Rd, dated April 14, 2021
2. Plans for the Sovereign Builders storage unit project on State Rd., dated 6/25/2021

Mary McCarthy
Secretary, Planning Board
Town of Whately, MA