

Meeting Minutes, Zoning Board of Appeals  
Town of Whately, MA  
December 2, 2021  
Remote Meeting via Zoom

Members Present: Roger Lipton, Bob Smith, Debra Carney, Kristin Vevon, Fred Orloski  
Members Absent: none

Attending:

Hannah Davis

Mike and Gretchen Behta

Julie Beauchemin, Greenjeans Farms

Maureen Nichols

Tom Reidy

Troy Tanzer

Michael Novak (Patriot Engineering)

Kristina Kirton

Sara Cooper

Judy Markland (Planning Board)

At 6:45 Roger opened the meeting.

**PUBLIC HEARING, *continued from November 4, 2021***

Greenjeans Farms, LLC has applied for a Special Permit to cultivate adult use marijuana in greenhouses under a state-issued craft marijuana cooperative license, and also applied for a variance from side setbacks, on premises located in the AR/1 and AR/2 zones at Long Plain Farm, 149 Christian Ln. and owned by Scott and Wayne M. Hutkoski.

Attorney Tom Reidy, representing Greenjeans Farms, LLC, explained that Julie Beauchemin had sent additional documents:

- i) An updated Site Plan;
- ii) Narrative regarding non-use of cultivation space within setback;
- iii) Memorandum from Bacon Wilson relative to the agricultural structures in A/R1;
- iv) Recent Decisions (re: DMCTC, Inc.) from the Whately ZBA allowing (a) fence and access road within the 50' setback for marijuana cultivator, and, (b) non-cultivation barn in A/R1.

Julie Beauchemin noted that according to the revised plans, where there were six greenhouses there are now five, with the No. 4 greenhouse now moved in. This has eliminated 4400 sq ft of cultivated use, with chain link fences inside the greenhouses, the size of the metal barn reduced, snow removal questions addressed, and emergency vehicles now able to drive between fencing and the side of the greenhouses. Page 5 of 20 showed a photo of the fence type. Cultivated space is now 2,200 sq ft, and people must go through the chain link fencing (which will be inside the greenhouses) to get to the grow area.

Julie Beauchemin confirmed that the greenhouse sides will be plastic, and that the chain link fence will be put up against the sides. She said that exhaust fans on the outsides of the greenhouses will operate freely to eliminate odor.

2.

The applicants also noted that on November 16, 2021, Greenjeans Farms met with Fire Chief John Hannum to ensure that the site plan allows for proper emergency vehicle access. They said Chief Hannum noted that a 15-foot width between the security fence and greenhouse edges on the easterly side should be maintained to allow for safe ingress and egress of firetrucks and other emergency vehicles.

Fred stated that because he is an abutter he will recuse himself from the vote on whether to approve the special permit.

Abutter Mike Bechta asked for a definition of “use” in this case. Someone else commented that the applicants seem to be defining it narrowly, and asked about the space occupied by pipes, odor control equipment, etc. that exist outside the area of the plants. The board consulted Whately Zoning Bylaws Section 171-28.6 B Definitions, approved on June 15, 2021, which reads,

“Indoor Marijuana Cultivation – the growing of marijuana inside any Greenhouse or other fully enclosed structure and any subsequent drying of marijuana in such a facility.  
[added article 37 ATM 06.15.2021]”

It was noted that if the inside fence were solid, it would control air and odor better than chain link.

Tom Reidy referred to the A/R1 zone location and the greenhouses’ existence as of the April 24, 2018 Zoning Bylaw requirement and to the letter from law firm Bacon & Wilson dated Nov. 30, 2021 and submitted with the revised plans. Normally, he said, applicants have two years to restore any demolished buildings within the bylaw requirement. In this case, he said, COVID and its attendant problems have interfered with that process and the applicants need an extension. As part of a plan on how to figure such extensions, he directed the Board to the Governor’s COVID 19 Order No. 42.

The board discussed how a previous petitioner (Urban Grown, Inc.) who applied to grow cannabis on the same property had agreed to rotate existing greenhouses to face the other way in order to aim the exhaust away from abutters. Julie Beauchemin shared her screen to show the ZBA decision granting a special permit to Urban Grown, and Roger read from the conditions of the special permit. Ms. Beauchemin also screen-shared an Urban Grown drawing labeled Figure 14 in which the fence is represented by a red line. Roger and Judy Markland recalled that Urban Grown was going to physically cut down the ends of the greenhouses by cutting off ribs of the hoop houses. In this drawing, Judy said, there is not enough room for emergency vehicles.

It was noted that on the plans the reconstructed greenhouse is not Greenhouse No. 1, but is the newly constructed substitution, which has chain link fence on the easterly side. Mike Bechta asked whether the new construction would have to stay within the original footprint and Roger replied that this is his understanding. Mr. Bechta said that he can see the existing greenhouse hoops from his house and that they look different from what is shown on the plan for Greenhouse No. 1, which looks wider.

After some additional discussion of what is now planned, the Board called for a site viewing. Roger explained that the Board will need labeling in the field regarding what is to come, noting that staking is a preferred way to show dimensions. Gretchen Bechta asked that at the viewing the applicants show how they will ventilate; Bob agreed, saying the Board needs to see *where* things are going to happen. The Board scheduled the site viewing for Saturday, December 11 at 11:00 a.m.

Fred asked about the cost of the current plan as opposed to the “cut and rotate” solution approved for Urban Grown. Julie Beauchemin replied that they considered cutting and rotation of greenhouses but are instead trying to reduce cultivation space. Roger confirmed with Ms. Beauchemin that Greenjeans Farms will be tenants and that the current owners will remain and will continue to do other farming as well. Judy Markland said she had no further questions because the discussion had addressed her concerns.

Maureen Nichols, a member of the School Committee, said she worried about odor control. Julie Beauchemin summarized:

The closest greenhouse is over 500 ft from the school.

Each greenhouse end will have controls, and the equipment will run when odors are expected.

A metal ring sprayer has holes that will spray a Cannabusters iodine solution which is very effective.

Maureen Nichols stated she is uncomfortable with sprays being put into the air near the school.

Julie Beauchemin said she will share a document with Ms. Nichols later, and will put her in touch with Cannabusters. Mike Bechta said there had not yet been enough study about this. Ms. Beauchemin answered that she will have Derek Stricki, of Cannabusters, attend the next ZBA Zoom meeting, adding that he would also be happy to talk with individuals.

Judy Markland noted that that the Planning Board had received an application for Site Plan Review, but because they expected many plan changes they had postponed the SPR public hearing until after the ZBA decision has been rendered.

Fred noted that if a special permit is granted, conditions should be imposed requiring review after periods of time, as was done for the Debilitating Medical Condition Treatment Centers (DMCTC) cultivation site on River Road. Judy Markland supported the idea of giving the Board the ability to monitor performance into the future. Roger reminded everyone that the Zoning Bylaws give the ZBA the power to hire, at the applicant’s expense, an expert consultant to address the odor control situation. Debra and Bob agreed that this might be helpful. Debra said she also wants studies submitted on the iodine solution proposed for odor control. Bob confirmed with Julie Beauchemin that the water had been tested, and asked for a copy of the results.

The hearing was continued to January 6, 2022, at 6:40 p.m.

*Documents Reviewed (kept in the ZBA files)*

1. Updated plans with revisions dated November 13, 2021 and November 29, 2021
2. ZBA decision dated January 7, 2019 granting a marijuana cultivation special permit for the same site to Urban Grown, Inc.
3. An Urban Grown drawing titled, “Figure 14” showing the security fence as a red line and showing a blue square labeled “Harvest Barn”

Mary McCarthy  
Secretary  
Zoning Board of Appeals  
Town of Whately, MA