

Montague Planning Board

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March 27, 2018 7:00 PM

Town Hall – Second Floor Meeting Room

One Avenue A

Turners Falls, MA 01376

MEETING MINUTES

Members Present, Ron Sicard, Fred Bowman, George Cooke, Bruce Young and Elizabeth Irving

Members Absent: Bob Obear

Staff Present: Walter Ramsey-Town Planner

Ron Sicard opened the meeting at 7:00 PM and announced that the meeting is being recorded.

Approval of Minutes: February 27, 2018

Motion by Fred Bowman to approve the February 27, 2018 minutes as presented. *Seconded by Bruce Young. **All approved.***

COMMUNITY OUTREACH SESSION: Presentation by 253 Organic LLC's to discuss with the community their plans to develop a marijuana cultivation and production establishment with retail as an accessory use. The project proponents will field questions directly from the public.

Guests: audience of 21 attendees

Proponents: Marcia Wagner White– lawyer introduced the rest of the team members including: Seth Rutherford - irrigation businessman, Chris Gallant – architect, and Alan Shorr Broadway producer and a former broker/dealer and James Videro – structural engineer.

Proponents had the floor:

They presented themselves as a seasoned group of business people that have 3 main goals to be good corporate citizens in Montague: They strive to be a secure, clean and state of the art cannabis facility.

1. Security: In terms of security there will be fencing around the perimeter, extra lighting, and a scan id system by an employee regardless of age along with 24 hour internal and external monitoring system. In addition to access the retail distribution of the facility there will be another scan id system for entrance and exit.
2. Clean: They want the facility to be clean and have gone to the Boston Vaud to be granted approval to be the only kosher facility which has high cleanliness standards. There will be improvements to the curbing and lighting and the building and signage will be done to the maximum extent to be aesthetically pleasing.
3. State of the Art: If you do something you want to do it to the highest standard possible and be on the cutting edge to be successful. The cultivation will use energy from ceramic bulbs, be environmentally friendly both in cultivation and pest control, extraction will be 90% efficiency with a closed loop that is CO2 based and non flammable, along with the highest standards for odor control.

To be a good corporate citizen they mean to mitigate against the black market to be by the book with any and all regulations. When the facility is open the intent is to employ around 40 employees with above market compensation which will increase the tax base. The company will make charitable contributions (through a committee of employees and town members) of \$5,000 to \$15,000 per year in the hopes that the focus would be for it to be used for education, health and safety. This will be memorialized in a required host community agreement. The timing of opening the business is of the essence due to the fact that the number of licenses (number yet to be determined by the Cannabis Control Commission) will be granted on a FIFO (first in first out) basis. If 253 Organics, LLC is late then there is a possibility that the project will be put off for awhile and they don't want what happened in 2014 with a previous business that wanted to open a medical marijuana facility in the same space failed to obtain a state license.

Questions, Comments & Answers:

Fred Bowman: what are projected sales? – \$7-8 Million once they are in full cycle and revenue

Jeff Singleton: What is the effect on the black market and will the legitimate industry reduce black market? Answer: In Colorado the industry helped to dry up the black market and to get it off the streets.

Kara McLaughlin (G-M School Partnership): Concerned about edibles and vaping being an attraction to minors. Are you planning to sell and produce edibles? Marcia Wagner White: Yes they will be producing edibles in the kosher kitchen. What will be the toxicity limit of the products? Committee Member: 15-30% THC. What type of labeling will be on the products informing the public of safe storage of the edibles? Marcia Wagner White: we will be going above the regulations to make the packaging reflect safe storage. When is 253 Organics, LLC going to outreach to us (Gill Montague School Partnership) to be a good corporate citizen we feel you need to be in communication with us?

Marcia Wagner White: We will be partnering and outreaching but only after licensing has occurred. In other communities they have held quarterly community meetings and they would like to do the same in Montague and have the Gill Montague School Partnership be a resource person for the business.

Charles Kelly: Will you be manufacturing and selling outside of Montague? Marcia Wagner White: Yes and we will stay local as well. Kelly: There is a gray market where individuals can grow their own plants up to 10 which yield about 20 pounds of marijuana. You won't be able to eliminate the gray or black markets you will be competing with them. Marcia Wagner White: We will try and be as cost competitive as we can while maintaining the highest quality and purity standards. We can't and won't be competing with the gray or black markets.

Jason Campbell: There are a lot more restrictions being put on this than on alcohol. In terms of toxicity the public should not be concerned as more children die every year from ingesting vitamins, peanut butter and honey than marijuana.

Bruce Young: Commented that the Organic Standards are different than the FDA Standards. If an organic standard is proposed and comes into effect would 253 Organics, LLC move towards those standards? Marcia Wagner White: Yes we would comply with the Organic Standards. We also have to be concerned with how the business impacts our water sources. 253 Organics, LLC will not be using anything harmful and it will all be water soluble.

Elizabeth Irving: What tier license are you applying for? It will be the tier that covers a building of 33,000 square feet.

Dave Harman: What is the position of the business on cafes? Marcia Wagner White responded that they are focused on obtaining the licenses and getting the business off the ground and that cafes are not on their radar. 253 Organics, LLC has no space allotted and if they obtain the three licenses they are not eligible for the café license.

Kathy Lynch: What is your community outreach plan? Marcia Wagner White thinks there are 2 tracks the first Track being a committee structure where the cash contributions and their uses are determined. Track 2 would be to partner with the community and groups to do quarterly meetings to educate each other. Kathy Lynch: Was hoping that 253 Organics, LLC would urge the company to focus on and be more proactive for adult education.

Rawley Caine (Franklin Regional Transit Authority): What your hours of operation will be? 8 AM to 7 PM 7 days a week How many employees and shifts? They plan to have 40 employees running 2 shifts. The revenue expected is approximately 5 million a year which is about 250 lbs. a month that will be produced at that location.

Kurt Richardson – Owner of 9 Industrial Blvd: Why are you called 253 Organic, LLC? Marcia Wagner White: 253 is the address and weed is natural and the group liked the sound of it. Will there be any pesticides used? James Videro: no pesticides will be used. What are your gallons of release per day? James Videro looked at Water Department records for that building and in 1995 it was 1.5 million gallons per year, 1998 it was 1.3 gallons per year they are projecting 1 million gallons per year as 253 Organics, LLC.

Mike Pelletier – Landlord of 253 Millers Falls Road and added that both Seth and Chris have been both professional and a pleasure to deal with regarding the proposed business.

Elizabeth Irving: The rules on concentrates have not yet been regulated so you will have to be flexible. Marcia Wagener White states that the FDA process is a long one they will be in full compliance when the FDA regulates their focus of vaping products. Chris Gallant stated that they will not be doing “cuts” and the candies are done by dose amounts so they are offering pure products.

Mike Perrault: Wanted to know if there has been any consideration given to site access both vehicular and foot traffic. Chris Gallant said that would be discussed more fully at another meeting but that a sidewalk and crossing area are in the plans.

Kara McLaughlin: handed out information regarding Gill Montague School Partnership’s next meeting inviting the community, planning board and 253 Organics, LLC.

Ron Sicard declared the public outreach session closed at 7:58 PM.

Ron Sicard opens the site plan review and special permit hearing for #2018-02 253 Organic, LLC. at 8:00 pm. Most of the audience remained.

PUBLIC HEARING SITE PLAN REVIEW AND SPECIAL PERMIT #2018-02 253 Organic, LLC at 253 Millers Falls Road for a special permit and site plan approval under Montague Zoning Bylaws Section 5.2.6(c) and 8.2(g) to permit a marijuana cultivation and production establishment with retail as an accessory use in the Industrial Zoning District. The property is located at 253 Millers Falls Road and is identified as Assessors Map 17 Lot 31.

Guests: Marcia Wagner White– lawyer introduced the rest of the team members including: Seth Rutherford - irrigation businessman, Chris Gallant – architect, and Alan Shorr Broadway producer and a former broker/dealer and James Videro – structural engineer.

Bruce Young stated that if the zone change is pending by the Attorney General’s office than how do we handle the public hearing if the zone changes are not approved. Walter replied that if that scenario played out then the applicant would have to resubmit for a special permit for retail use, and the cultivation/production element would be allowed by right.

Chris Gallant gave a general overview of the site plan and estimates that the entire facility would be 30,000 square feet with an ancillary building for a boutique-style retail store. The two existing parking areas at the building will be maintained and used for both customer and employee parking. The

customer parking would consist of 16 spaces in front of the building, while employees would park in the back with a security fence and a gate. If the business needs more customer parking the employee area would be used for the over flow as no parking on Millers Falls Road will be allowed.

There is a plan for a crosswalk and sidewalk along Millers Falls Road to be installed so that customers could safely walk to the building. The estimate is that there will be around 200 customers a day spending approximately 10 minutes in the building put allowing up to a 20 minute “experience”. The company will work with the Turners Falls Fire Department & Police Department to determine the occupancy and to ensure safety including installation of a sprinkler system. (It was noted that the store that Lee has a store in Colorado with an average of 200 customers per day and 4 parking spaces and never needs more). The entrance will be made to be handicap accessible following the proposed sidewalk to the building. There will be an addition of a bike rack off to the front of the building. About a quarter of the property is currently wooded and will remain. There will be a waiting area inside for customers and those that might have small children with them. This waiting area will have nothing on display, for sale or any ability to access the product from this area.

Ron Sicard asked what happens to the spent product. It will be ground up and sent to a special facility to be disposed of properly as it has been done in Colorado. The Cannabis Control Commission will determine how this is handled in Massachusetts but the assumption is that it will be the same.

Bruce Young asked how the odor will be handled. Large carbon filters will be installed on the mechanical systems that are pulling air through to keep the air odor free. They will be compliant with the Cannabis Control Commission rules with regards to the odor control.

Kurt Richardson read aloud to the audience a letter from the Superintendent of Franklin County Technical High School stating: “they are deeply concerned about the proximity of the business to the school and that it could be a major distraction for students and a potential negative impact for the school”. This concern prompted 253 Organics, LLC. to agree to open the dispensary at 9 a.m. for the first year rather than 8 a.m. to address the concerns raised by the public.

Bruce Young asked if there is already a stormwater plan in place as the system was previously installed in 1967. Bruce believes a current stormwater plan is needed as the policies have been upgraded and the catch basins that are in place currently have not been maintained and both George and Bruce don’t feel it is adequate. Walter understood that a stormwater plan would not be needed due to the fact that there would be no change to the impervious surface and that it is not a redevelopment project. Bruce Young feels that the stormwater standards were put in place particularly for the Industrial Park and to avoid issues of a direct conduit into groundwater. His opinion is to require a stormwater system evaluation for following reasons: 1. It is in our recharge area for potential drinking water supply, 2. Due to the sand and gravel it is a direct conduit to the groundwater and 3. It should meet current TOM stormwater policies. Bruce then went on to ask about how the windows would be dealt with. 253 Organics, LLC plans to concrete block the windows which will help with their security. Bruce Young would like to see more screening from the trailer park with arbor vitae or boston ivy and to add a bit of screening to the black plastic fence to enhance the visual impact to the residential area. There might be some accessibility issues for deliveries but it will be researched by 253 Organics, LLC.

The Board offered the following findings, as prepared by the planner

The Board Finds:

1. The project is compliant with Montague Zoning Bylaws.
 - a) The proposed use will occur within the footprint of an existing building in the Industrial District.
 - b) The proposed retail component is accessory to cultivation and production as the primary use.
 - c) No proposed buildings, structures, or signs will be within 300 feet of a pre-existing public or private school providing education in kindergarten or grades 1 through 12. The Franklin County Technical High School is greater than 1,950 feet from the subject parcel.
 - d) The parking provided (75 spaces) exceeds the amount required (60 spaces).

2. The project will not have substantial impact to municipal infrastructure and services.
 - a) No impervious surface is proposed to be added to the site; however, the status of the pre-existing stormwater management system is unknown.
 - b) The proposed volumes of water and wastewater are lower than the buildings previous use as an imaging laboratory.
 - c) Site security meets or exceeds Cannabis Control Commission regulations.
 - d) Applicant has volunteered to enter into Host Community Agreement with the Board of Selectmen in order to offset community impacts for the proposed use.

3. The project will have safe and adequate vehicular and pedestrian movement.
 - a) The project estimates up to 200 retail customers per day and up to 40 employees. Customers will park in the Millers Falls Road Lot. Employees will park in the Industrial Boulevard Lot. Appropriate protocols are in place to safely and efficiently provide overflow customer parking in the employee lot.
 - b) The project will increase demand for public transportation services at the Industrial Boulevard bus stop. Accordingly, the 253 organic LLC will install a concrete sidewalk from the main customer entrance to the Industrial Boulevard bus stop, including the addition of pedestrian crossing with ramps at Industrial Boulevard and Millers Falls Road, according to specifications of the Montague Highway Department.
 - c) One of two curb cuts on Industrial Boulevard is proposed to be removed, which will increase safety of traffic flow on Industrial Boulevard.

4. The project incorporates design features that integrate it into the existing landscape, maintain neighborhood character, enhance aesthetic assets and screens objectionable features from neighbors and roadways.
 - a) The signage is appropriate for the Industrial Park aesthetic.
 - b) The natural wooded area at the corner of Industrial Boulevard and Millers Falls Road will remain.
 - c) In lieu of unsightly security fencing along Millers Falls Road, the applicant has identified in the site plan submission exterior windows to the facility that will be filled in.
 - d) The proposed black vinyl coated security fence around the employee lot will be adequately screened from Industrial Boulevard.

5. The proposed facility will not be of substantial harm to the neighborhood, or to the natural resources or infrastructure of the Town, will not create nuisance, hazards or congestion and will not derogate from the intent of the Zoning Bylaws of the Town of Montague.

Motion by Fred Bowman to close the Public Hearing for 253 Organics, LLC. at 9:06 PM. Seconded by Bruce Young. **All approved.**

The Board Voted to approve:

The granting of a special permit and issuance of site plan approval to 253 Organic LLC for a marijuana cultivation and production establishment with retail as an accessory use in the Industrial Zoning District, pursuant to Montague Zoning Bylaws Section 5.2.6(c) and 8.2(g), subject to the following conditions:

1. Prior to issuance of building permit, the applicant shall submit the following documents for approval by the Planning Board:
 - a. A stormwater system evaluation report prepared by a professional engineer, with a plan to implement recommended improvements and maintenance schedule.
 - b. A plan for exterior lighting of the property
 - c. A plan for vegetative screening along building facing Hadley Grant Drive
2. All parking generated by the establishment shall be accommodated on-site. At no point shall customers, employees, or delivery vehicles be allowed to park on shoulder of Millers Falls Road or Industrial Boulevard.
3. Alteration or expansion to the Millers Falls Road parking area will require a modification to the site plan.
4. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located.
5. No outside storage of marijuana products or byproducts is permitted.

6. No odor may be noxious or cause a nuisance, or impair public comfort and convenience. A written violation issued by the Montague Board of Health or the Cannabis Control Commission shall constitute a violation of this special permit.
7. The special permit shall be limited to the current applicant. The permit shall lapse if the applicant ceases operating the Marijuana Establishment or if the applicant's license with the Commonwealth of Massachusetts expires or is terminated.
8. Amendments to Approved Plans: Any proposed changes from approved final plans shall be submitted to the Board and approved if consistent with the application and the findings and conditions stated in this approval. Significant changes in the site plan shall be reviewed by the Board, which may allow the changes without further hearings if they are determined to be within the project scope and consistent with findings and conditions. The Board reserves the right to hold further public hearings on changes to the site plan that are determined to be outside of the project scope. Approval shall not be unreasonably withheld.

Motion by Bruce Young to approve the site plan review and special permit filed by 253 Organics, LLC. with conditions as stated by Walter Ramsey. **All approved.**

Bruce Young – Aye George Cooke – Aye Fred Bowman – Aye Ron Sicard – Aye

Approval Not Required Endorsement (ANR) #2018-02 filed by Todd Dodge to subdivide existing lot located at 54 Randall Road in Turners Falls MA known as assessors Map 21 Lot 87 into two lots.

Tabled until next meeting.

Motion by Fred Bowman to adjourn the Planning Board at 9:12 PM Seconded by George Cooke. **All approved.**

Approved by: _____ Date: _____

Materials:

- SP #2018-02 253 Organics LLC, Inc.
- ANR #2018-02 Dodge