

Montague Planning Board

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November 24, 2020 6:30 PM

Meeting held remotely in accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency

MEETING MINUTES

Members Present: Ron Sicard (Chair), Fred Bowman, George Cook, Elizabeth Irving, Matt Lord.
Absent: Bob Obear. **Town of Montague:** Walter Ramsey (Planner), Suzanne LoManto, Steve Ellis, Rich Kulkewicz, John Zellman. **In Attendance:** Tony Wonsecki, Theron Fischer, Rob Rice, Nick Waynelovich, Beth Bazler, Kim Williams, Leena Newcomb, David Brule, Walter Patenaude, Michael Cohen, Josh Goldman, Jeff Singleton, Ariel Elan, Ezra Parzybok, John Stobierski.

6:30pm Roll call Vote 6:30pm by Ron Sicard

6:32pm: PUBLIC HEARING AND COMMUNITY INPUT SESSION SP 2020-05 to consider a special permit and site plan review application submitted by Flower Power Growers, Inc. pursuant to Montague Zoning Bylaw Sec. 8.10 and 5.2.8(b) to permit a 110,000 square foot marijuana cultivation and manufacturing establishment. The proposed greenhouse facility is located at 180 Industrial Blvd, Turners Falls, MA and the property is identified as Assessors Map 17 Lot 58.

Josh Goldman introduces the team (Co-founders Goldman, Michael Cohen, John Stobierski and Consultants- Ezra Parzybok and Tony Wonsecki) and presents a slide show of the site plan, community benefits and host community agreement. **Exhibit 1**

Key points of the presentation: There is no public access at the site. The process involves using Co2 to make use of the entire plant. Hybrid greenhouses will be used and black out curtains will prevent light pollution. The greenhouses control odor and humidity internally. Support activity for Flower Power will be in another building. Building will be in three phases. Phase I: 13,000 square feet of greenhouse plus the headhouse. Phase Two (A and B) is 30,000 square feet of greenhouse plus a headhouse. Phase III is 35,000 square feet plus a headhouse. Employment numbers 16 growing to 60. The site is remote (7.9 acres) and surrounded largely by woods. Screening will be robust. There are no foundations to the greenhouses.

Tony Wonsecki (SVE Associates) discusses conservation guidelines and storm water mitigation. He reports that plan is in compliance with conservation guidelines of the industrial park. The land is receptive of infiltration. Grading of the site will happen in Phase II. SVE ran a 100 year storm and a 1000 year storm with no issues of excess run off. Basins are of the "dug basins" type with no manufactured fill. Nioprast catch basins will run to dry wells. Water runs drain down rather than horizontal, there is a low chance of erosion.

Tony Wonsecki talks about site planning. There is one drive way entrance to the site which will be built between Phase I and Phase II(B). Parking is sufficient with a total of 64. There is sufficient turning for

large trucks, fire and emergency; widened per request of the Turners Falls Fire Department. There will be no perimeter fencing but there is a control gate at the main entrance. A bike rack was added to the design. All lighting will be downcast and not polluting across property lines. Water, sewer, dry utilities are sufficient. Trash will be enclosed with a 6' high vinyl fence. 16 employees are expected to make 32 vehicle trips per day; 14 truck trips per week.

Josh Goldman shows the clearing plan from Phase I, which retains the majority of forest. Phase II removes trees with a 35 foot buffer. The hybrid greenhouses have solid walls with gravel around the property.

Josh Goldman identified 8 potential site impacts and their remediation strategy. **Exhibit1** Specific to the cannabis industry there is robust security (key-card entry) A detailed security plan will be sent to the CCC. A well-proven and sophisticated system will be used for odor control. The technology is a two phased approach. Internal scrubbers are designed to equal the plant emission rate so there is no build up of compounds. Most of the time the building will be closed. There will be a need for ventilation in the summer, in which case the internal scrubbers are turned off and a botanical neutralizing agent will be animatized around the exit points to neutralize (not mask) the odor. The vapor chemically binds and neutralizes odor compounds. The neutralizing agent is non toxic, bio degradable, and contains no VOCs. The system is certified as 98.7% effective in neutralizing odors in an independent test.

Josh Goldman reviews key community benefits including well-compensated jobs and a 7-8 million dollars company being added to the tax base. Additionally, there will be contribution to arts and culture and volunteer hours in the community.

Specific questions from the Audience:

Kim Williams (Ja Duke) is concerned because the center is family-oriented with about 400 families using Ja Duke per week. She asks, specifically, who do they go to and what is the remedy for odor? The Planner responds that a plan will be hashed out as the conditions with the Planning Depts. Williams airs her concern about Ja Duke and Franklin County Technical School.

Leena Newcomb (camp abutter) asks about her access for the 7 camps on the dirt road below the bank. She is concerned that 35 feet of screening is enough.

The Planner shows the map with West Camp and East Camp Roads; the closest camp to the proposed facility is 664 feet. Newcomb is also concerned about a grow facility near the Technical School as well as noise and light pollution.

Josh Goldman: There is no activity on the site that would produce significant noise and low velocity ventilation.

Tony Wonseki: Lighting for the parking lot there is photometric plan. Some lighting is needed for security (video) Building lights are faced down and do not cross the property line.

Walter Patenaude relays his negative experience with odor from Chicopee grow facility.

Josh Goldman can't comment on the Chicopee facility and agrees that there are some challenges in colder environments and in historic buildings. The Bira(?) Scientific model of using internal scrubbers and vapor control is "approaching 100%" odor control.

Walter Patenaude asks about drainage effects 200 feet below the facility- at the camp level.

Ezra Parzybok responds that typically the grow has very little run off and it is quite clean. Regulations are very strict; not even organic fertilizers are allowed.

JG: Plants are grown in containers which are in trays. It is a closed system

WR: West Camp road goes up to the road but not on the property of this lot. Access to the camps will be maintained as is without impact.

David Brule (Chair MHC) shared the interest that the Montague Historical Commission has in the initial stages (Phase 1) of construction. A letter was submitted to the Planning Department iterating the MHC interest in making certain that “no Colonial, historical or Indigenous properties uncovered or disturbed...particularly when the soil is disturbed.” **Exhibit 2**

The Planner is comfortable meeting the MHC on this issue, but archeological monitoring is unprecedented in the Industrial Park. There is a possibility of archeology, which is true of a much larger radius. The Planner sees the letter of a statement from the MHC that the project should be aware for potential artifacts on the site and work collaboratively with members of the MHC.

Elizabeth Erving: Asks why this site, in particular, is of interest.

David Brule responds that he speaks from general experience. Near the airport, West/East Mineral Roads and the Plains areas consistently shows Indigenous and Early Colonial sites of interest. Consistent with the various histories of Montague, it is a central site. Brule adds that the “MHC is a volunteer group with no intent on creating issues but would hate to pass up the occasion if something turns up.” David Brule can be reached through the Town website.

Ariel Elan adds that “in recent years our locality/society is on a rapid learning curve about some of their principles and assumptions about what we call archeology, Indigenous understanding, respect, history...it her perception that anywhere could be archeologically or historically important because Indigenous people lived everywhere. The categories of the past do not necessarily control what happens if evidence of something of value is found.” Ariel asks if there are there any elements, structures, materials that have potential for leaving any level of toxicity or long term waste. Also, what kind of indemnity does the Town have for losses and care of a failed site?

Josh Goldman responds that cultivation standards are stringent; the closed- system is a light footprint compared to lots of agriculture. Other than the head house the buildings do not have foundation. Piers would be used for the greenhouses which re easy to raze, if necessary.

Planner: The Town does not have a decommission policy or require bonds for this type of facility because the buildings could be reused. The Town does require decommission for example, solar facilities because it only has one use. There is also not an established archeological policy. Applying that arbitrarily for this project would present some unique challenges that the Town would have to defend from the applicant.

Jeff Singleton (Montague Reporter) asks about the relative locations of the facility, Ja Duke and the camps at the river level. *Planner shows the map.*

Leena Newcomb expresses her concern about traffic in the Industrial Park including regular speeding, minimal monitoring by police, and a lack of no sidewalks.

Planner Report for the Select Board:

The file was submitted. Legal abutters were notified. There was community engagement through the Montague Reporter and Greenfield Recorder. The Turners Falls Fire Department requested wider access for fire trucks; free, clear, and plowed for emergencies. (*Amended to 14' wide gravel*) The DPW reports that the sewer is approved but prefers a single curb cut. Turners Falls Water Department indicates that service is adequate and recommends additional engineering for adequate water pressure. Board of Health has no concerns; they have not received any complaints from existing cannabis facility. Flower Power will need a permit from the Board of Health for oversight. The airport manager comments that if a crane is used it might need to be cleared by FAA.

Zoning bylaws are applied. The site is within the Industrial zoning district which allows marijuana cultivation by special permit. Site Plan Approval is required because of the size of the proposed facility. Flower Power is seeking both. Buildings meet dimensional requirements. Site meets parking requirements. Flower Power is seeking waivers for parking requirement 7.2.6. and 7.2.6e. A bike rack is added. Planner asks about Flower Power's signage plan.

Josh Goldman: No logo yet, but will comply with the allowable maximum and not mention marijuana.

Special Permit Standards

Meets the standard that the project is not within 300 feet of a school (reduced from 1000 from the Town). Meets the standard that no marijuana plants/projects will not be visible from the outside of the building. Meets that standard for appropriate odor control by using best technology/ industry practice. The Town will condition this to be effective. The approval is specific to Flower Power, LLC which is standard practice.

Nick Wayneolovick (Ja Duke) asks if the language about emergency odor detection will go in before the permit is granted or after? (before) How many feet away is Ja Duke from the Phase II facility? (550)

Special Permit Standards, cont. The project is suitable with the Industrial Park and with economic benefits to the Town. None of the students will drive or be bussed by the facility as it is at the end of the dead end. The facility does not affect housing or potential housing. Flower Power will provide mitigation funds. Light blocking curtains will be used at night. This will be a condition. The Industrial Park can accommodate the additional traffic. The work is outside of the natural heritage/ endangered species area. There will be a strictly defined limit for clearing which would require prior approval and authorization of the Planning Board. Phase I clearing has been defined to avoid erosion. Clearing will not happen at once in the case Phase II does not move forward. The scale is appropriate. Scale is appropriate. The project shows synergy with other businesses and workforce. A fence is not required. Employment is expected from 16-60; higher than previous proposals and jobs are well-paying. The Planner shows that tax values will not be impacted by this project. The site is ready for connection.

Elizabeth Irving asks if there provisions about construction run off on a steep slope?
She is concerned about the lack of landscaping.

Tony Wonseki reports that there is an erosion control plan and mitigation at the entrance of the site. They will do a Notice of Intent for storm water runoff. The lack of trees/ landscaping is to avoid shade over the greenhouses, with some enhancement at the entrance. There will be lawn and the basins will remain open for observation as mentioned in the maintenance plan.

Rob Rice is concerned about odor control thinks the plan “seems vague.” He asks about the process mitigation process for odor.

The Planner reports that there will be language for the condition around odor control. The precedent is condition language for 253 Pharmacy. The Planner reports that no complains have been made by the Board of Health regarding odor at the existing grow facility. Additional language can be added. Planner suggests some language around violations and gives the example from Agawam.

Kim Williams asks about the procedure “if you can smell it from the first and second steps?”

The Planner responds that the Planning Department has limited tools to address this issue; the zoning Officer and Board of Health can take swifter action if there is a real issue.

Kim Williams requests direct steps to remedy the issue of odor.

Steve Ellis elaborates that while he can not clarify the exact process- or what the Board of Health would do- hears the need for rapid remediation of the problem. Ellis suggests reducing the rapid response cycle time- to have a secondary plan designed so we don't have to go through the engineering process. Ellis asks Flower Power if they have the financial be put aside to deal with a contingency plan.

Josh Goldman is open to the idea of a rapid response tie frame so an emergency gets the attention that it deserves.

Beth Bazler asks if West/East Camp roads are included in the one mile smell violation.

Planner responds that only Industrial Boulevard is included but the language could change if that's the will of the Planning Board.

Josh Goldman requests some integration of the existing 253 language; at what point the smell becomes “noxious” and is looking for more proscriptive language and timeframes.

Walter Patenaude asks about light pollution. (Previously discussed as not extending past property)

Richard Kulkewicz asks if there is a devise that can measure the odor because it's subjective.

Ezra Parzybok discusses the process and instruments of odor science. He give examples from difficult grow sites including: a California community with “grandfathered” greenhouses which do not require odor mitigation, and the nineteenth century Chicopee grow building with difficult ventilation problems.

Ron Sicard makes a MOTION to close the public meeting 2020-05 Special Permit to permit 110,000 square foot marijuana cultivation and manufacturing establishment located at 180 Industrial Blvd, Turners Falls, MA and identified as Assessors Map 17 Lot 58. Vote FB (AYE), CG (AYE), EI (AYE), ML (AYE), RS (AYE). MOTION PASSES 8:17pm

Planners asks their preference of the options, or a hybrid including putting the vote off.

Elizabeth Irving asks about the timeline for the project.

Josh Goldman expects ground breaking in May 2021 with a 6 month build out. Operation would begin in the fall of 2021. Phase II (A) would begin in the spring of 2022 and Phase II (B) in the spring of 2023.

Elizabeth Irving asks about the crop cycle. (It is a continuous crop.)

George Cooke asks if the 253 Farmacy odor mitigation systems is different than the one proposed by Flower Power. Are the scrubbers different?

Josh Goldman answers that the scrubber technology is similar, but 253 makes use of granular activated carbon and Flower Power will make use of the vapor system.

Steve Ellis reports that 253 Farmacy enhanced their odor control system, although they had no complains. The Administrator hopes that Flower Power will have a similar redundancy or back up plan.

John Stobierski requests the same standards/ requirements for odor mitigation of 253 Farmacy. Specifically changing the phrase “no marijuana odor” to “no noxious odor” as it is already decided by law.

Planner asks the team about what “rapid response” would mean to them specifically and suggests a written protocol.

Josh Goldman responds that a “rapid response” would mean that Flower Power would “engage a competent professional to assist within 7 days and to respond with a formal response within 14 days” or something along those lines.

Planner allows some language about landscaping between Industrial Blvd. including the provision that existing/mature trees need to be flagged in the field and approved by the Planner and Fire Chief.

Fire Chief John Zellman would like to included language about trees not interfere/obstruct access for an aerial device in case of emergency.

John Stobierski proposes that trees that pose a threat to vehicles or buildings be removed. The Planner thinks they can work together in the field to balance with this request and required landscaping. (agreed)

Tony adds that grading and perimeter drainage will provide clear space for the fire department. Tony adds that the field visit should come after they stake the limits of work including the entryway. At that point they can discuss infill screening.

Planner goes over other conditions including the fence (provision removed), snow removal (within 24 hours), parking on the shoulder of Industrial Blvd. (forbidden), light pollution (forbidden dusk to dawn), and standard zoning bylaws regarding a marijuana related facility.

Planner goes over his proposed findings.

Matt Lord asks about the differences between Option A and Option B. Is there an existing policy about a about “written demands’ for a zoning violation as the second step to odor mitigation?

Planner answers that is no policy or precedent for a “written demand.”

Although he understands the impetus, Matt Lord is weary of language puts the Town in a position to be required to “do” something, which it might not be possible. He states his belief that Flower Power should not have a more stringent agreement than 253. For that reason he advocates for Option A.

E. Irving agrees that showing more stringent regulation for the camps vs. the trailer park shows a bias.

Fred Bowman also thinks the first warning notice system will not be effective.

The Board of Health is set up for nuisance issues, like odor, than zoning. They can respond fast and are capable.

Matt Lord makes a motion to adopt OPTION “A” for odor control and the list of conditions for consideration for a special permit. Seconded by George Cooke. VOTE: FB (AYE), GC (AYE), EI (AYE), ML(AYE), RS (AYE) MOTION PASSES 8:42pm.

Elizabeth Erving makes a MOTION to accept the Special Permit and site plan 2020-05 with amendments submitted by Flower Power Growers, Inc. pursuant to Montague Zoning Bylaw Sec. 8.10 and 5.2.8(b) to permit a 110,000 square foot marijuana cultivation and manufacturing establishment. The proposed greenhouse facility is located at 180 Industrial Blvd, Turners Falls, MA and the property is identified as Assessors Map 17 Lot 58. VOTE FB (AYE), ML (AYE), GC (AYE), EI (AYE), RS (AYE).MOTION PASSES 8:43pm.

8:46pm: Discussion: Potential land uses for remaining 22 acres adjacent to new Public Works Facility at 128 Turnpike Road (Assessors Map 21 Lot 5). The survey is going to be finalized. The question is how to divide the DPW building from the remaining portion of the lot. The DPW would like to retain access on Turnpike Road. Planner is looking for feedback to be used for the Select Board about what we should do with 15.5 acres. The Planner recommends that we retain as much frontage on Turnpike Road as possible for future infill building. Ken Moran, chair of the DPW planning facility, is in agreement with the Planner about where to carve the line; between where the police department property line currently ends and goes back to the proposed new line. DPW would still have access to Turnpike Road in the future with the extra 60 feet. The site could be housing, mixed-use, future municipal building. Matt Lord asks if we’ve talked to the police. Planner will confirm.

MOTION by Ron Sicard to accept the meeting minutes of October 27, 2020. VOTE: FB(AYE), GC (AYE), EI(AYE), ML(AYE). MOTION PASSES 9:53pm.

MOTION by Ron Sicard to ADJURN. SECONDED by George Cook. VOTE: FB(AYE), GC (AYE), EI(AYE), ML(AYE)Meeting is adjourned 9:55pm.

Approved by: _____ Date: _____