

Montague Planning Board

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March 23, 2021 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), George Cooke, Elizabeth Irving, Fred Bowman, Matt Lord, Bob Obear

Members Absent: None

Town of Montague: Walter Ramsey -Planner

6:30pm Meeting is opened by Ron Sicard, Chair.

6:30pm MOTION by E. Irving by to accept the meeting minutes of February 23, 2021. Seconded by G. Cooke.
VOTE: FB (AYE) GC (AYE), EI (AYE), RS (AYE). **MOTION PASSED.**

6:31PM COMMUNITY OUTREACH MEETING AND PUBLIC HEARING SP 2021-01 To consider a special permit and site plan review application submitted by **Hydroflower, LLC**. pursuant to Montague Zoning Bylaw Sec. 8.10 and 5.2.9(b) to permit a marijuana cultivation and manufacturing establishment within an existing mill building (known locally as the Southworth Mill). Notice is also hereby given that a Community Outreach meeting will be held concurrently with the hearing. The proposed facility is located at **36 Canal Road, Turners Falls, MA** and the property is identified as Assessors Map 3 Lot 2. The public are encouraged to ask questions and share comments. Application, plans describing the project, and project contact information is available at www.montague-ma.gov/calendar. The Board may enter into deliberations regarding the issuance of a Special Permit following the hearing. Votes may be taken.

Present: Tom Cusano (owner), Nicholas Adamopoulos (Applicant's counsel), Ryan Ward (Applicant), Rich Kuklewicz (Selectboard), Elizabeth Bazler (Firstlight), Jeff Singleton (Montague Reporter), Curt Sherrer (Abutter), Steve Ellis (Town Admin)

Planner reviews the meeting agenda and public input session.

Nicholas Adamopolos, Lake Shore Legal, introduces himself as the lawyer for Hydroflower LLC and presents a power point: Hydroflower is an adult-use cultivation and manufacturing business, with no on-site retail. There will no formal changes to the outside of the building. Ryan Ward, Hydroflower C.E.O., has entered into an LOI from the owner or 30-40,000 square feet of cultivation and manufacturing which will increase from 5 tier and an 11 tier- the most allowed by the State. Ryan Ward has successful marijuana cultivation businesses in Pennsylvania and Maine. The Town Administrator has reached out to these communities, and the conversation about Hydroflower LLC was positive.

Hydroflower plans to work cooperatively with the other cannabis businesses in Montague. Between 16 and 40 employees will be hired, ultimately. Local employees will also be employed when feasible. Hydroflower has started a community-host agreement; which will include community impact fee plus a percentage of sales.

Adamopoulos shows the ground level floor plan which will utilize 17,000 existing square feet. The second floor will have additional 17,000 square feet with the third floor reserved for future development. There will be no traffic issues with enough current parking employees and only 10-15 deliveries per week with sprinter vans. Hydroflower is working with the CCC on the ideal traffic schedule.

Adamopoulos shows images from the Maine facility; clean rooms built within rooms incorporating HVAC. A dual odor mitigation system has been demonstrated in other sites. Air reaching the exterior will be filtered. The rooms themselves are air tight so odor does not escape. Staff will be expected to report smell. A third party specialist will be brought in if Hydroflower cannot remediate an odor according to plan.

Adamopoulos describes the equipment used for odor-remediation; fans which circulate air through the charcoal system. Units will likely be on the roof of the property. Windows will be blocked out, as required. Cameras will be installed and security plan presented to the Chief of Police for approval.

Ryan Ward (C.E.O.) has experience with this type of buildout including raising funds. The facility will be energy efficient, using 1/10 of the amount of water as the paper company. 90-99% will be reused on-site. Water released will be filtered and cleaned, as well. The vast majority of the power will be generated on site. The DEP is aware of the project.

M. Lord asks what percentage of their energy needs will be met at the initial build-out. (R.Ward: close to 100%)

M. Lord asks what they find attractive about this site. (R.Ward: The mill is in great shape. Working with the Town has been positive.)

R. Sicard asks about the rooftop ventilation location. (R. Ward: location t.b.d. but ideally out of view.)

G. Cooke asks about the square footage and construction of the operation in Maine. (R. Ward: 8,000 square feet and building-out another 25,000. The building is steel on a concrete pad with internal partitions and HVAC. In Pennsylvania they build a 75,000 operation.)

E. Erving appreciates the photos. How much of the building will this take up? (R. Ward: 25-30% of the building but they are leasing the building in entirety.)

E. Erving asks about the biggest challenge? (R. Ward: The need for the right kind of employees.)

The Montague Town Planner, asks where the business plan fits within the overall cannabis plan for the State. (R. Ward: Hydroflower cultivates premium products and are very focused on the testing. Adamopoulos continues that there is a demand for cultivation in the State and there won't be a problem getting product into retail market.)

Ron Sicard opened the floor for public comments.

Jeff Singleton (Montague Reporter) is concerned with the volatility of this new industry and asks if the Town/ Planning Board has research data on the issue.

Adamopoulos responds that the State caps on the licenses and the structure of the CCC is a way to protect these businesses. Massachusetts is several years away from reaching manufacturing demand. Adamopoulos points- out that Colorado has no limits and still makes revenue. R. Ward also responds that volatility is an additional reason for the manufacturing phase-in.

Bob Obear comments that it is the market, not the Town or the Planning Board that determines what “shakes –out.” The role of the Planning Board is to set up the ground work to attract businesses. Obear sees this proposal as a win-win by filling the building and introducing impact fees.

Curt Sherrer could not locate the Maine facility using google and asks about that facility’s proximity to residential housing. (R. Ward: 290 Harold Dow Highway near Kittery; route 236 major highway location. Residential is within 2000 feet.)

Sheerer also asks about solid waste (R. Ward: CCC regulated. Not more than a few hundred pounds a week broken down with compost elements.)

Town Administrator, Steve Ellis, spoke with the town administrator in Elliot, Maine who reported Hydroflower’s outstanding ability to generate the necessary finances, in addition to them being good corporate citizens. No odor issues have been reported by abutters at their facilities. The Town sees value in the jobs this industry creates; getting into this market quickly will help the longevity of these businesses.

Mill owner Tom Cusano, gives background in his process of finding this tenant. For the purpose of putting this “gem” back into use, he sought a high/best-use business that did not impact traffic and parking due to the limitations of the site. No large or heavy trucks will be used. Cusano sees Hydroflower as a good fit for the Town as an employer and investor. Cusano describes his mill building in New Hampshire which now has 11 tenants, including medical marijuana cultivation. Cusano will be on-site during the build-out to make sure all goes as planned, including the operation of the hydroelectric.

Chairman Sicard declared the public hearing portion of the meeting open. Chair reads the full, public notice.

Planner gives his staff recommendations. Copies of the draft Decision and Vote were sent to the Board and are on-line.

Hydroflower, LLC submission was full and complete. Comments were received from the fire department, Waste Water Facility and Montague Historical Commission. The Police Department will comment on the security plan at a future date. An existing condition plan was submitted. Parking in existing lot B and C is adequate for employees. There was a special permit for the three (rather than two) existing signs. Hydroflower meet standards for an odor control plan. The business fits within manufacturing guidelines with high employment. Capability and cost to supply services are sufficient. The impact on schools is negligible, and not within 300 feet. There will be no affect future housing. A host- community agreement is in the works. Environmental impacts are nearly completely renewable. Impacts of town roads are less than previous use. The new pedestrian bridge will work-well with this business plan. The applicants are responsible for employee safety until the new bridge is complete. The Montague Historic Commission has no comments unless there are changes to the outside of the building. Data has shown that marijuana related businesses have not been detrimental to residential property values, agriculture or manufacturing. The project meets site-plan requirements.

Matt Lord asks about signage plans: (Adamopoulos: Hydroflower will adhere to the most restrictive bylaws, whether the Town’s or the CCC. Ward concurs that signage will be as discrete as possible.) They do not intend to uses the full size of the current signage scheme.

The Planner will come up with some language regarding signage as a condition.

Planner asks about the dormant space in the building. (R. Ward: Dry storage for the phase-in process.)

Planner asks if the paper making machines and their radioactive components been removed. (Cusano: The radioactive element is still in place, due to COVID delays. Mass DEP is monitoring the situation. Cusano has a contractor to remove the element.)

Planner asks how the windows be blocked off? (Adamopoulos: windows will be tinted or frosted. Cusano remarks that ¾ of the windows are already blocked off for insulation value.)

Beth Bazler (FirstLight) asks Tom Cusano if the planned electrical use is consistent with the water use-agreement pertaining to the water wheel. (Cusano: the agreement is in flux and Cusano might want to amend the water-use agreement depending on FRCOG relicensing.) The company will want to be separate. Tom will contact Firstlight.

Planner asks about subleasing to other cannabis cultivators. (Adamopoulos: Not likely but a sublease would have to go through the exact application process; no piggybacking on the Hydroflower license.)

Adamopoulos thanks the Town of Montague for being responsive in this process.

MOTION by F. Bowman to Adjourn public hearing SP#2021-01. Seconded by E. Erving. VOTE: F. Bowman (AYE), G. Cooke (AYE), E. Erving (AYE), Bob Obear (AYE), R. Sicard (AYE). MOTION PASSES. 7:49pm

Planner discusses conditions of the approval related to parking, odor control, sub-leasing, fire access, rooftop HVAC, external storage, and amendments to the approval plan.

Chair recommends against language for blocking the window, because it's already being done acceptably.

E. Erving asks if the Town would be responsible for much larger vehicles in the future. (Adamopoulos: business do not currently use 18 wheel trucks. The CCC requires security /GPS built-in. He cannot guarantee it will never happen, but it would likely be cost-prohibited.)

Regulations regarding odor mitigation are consistent between the Town's marijuana facilities.

Planner asks if Hydroflower plans to update the gate. (Adamopoulos: Yes, as part of the security and fire plans to be reported to those departments.)

Planner presented draft findings:

The proposed adult-use marijuana cultivation and production facility of up to 100,000 square feet 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 for the following reasons:

- The facility will enable adaptive reuse of a former paper mill that is a contributing structure in the Turners Fall National Register Historic District. No exterior changes are proposed.
- The facility is not within 300 feet of a pre-existing public or private school providing education in kindergarten or grades 1 through 12.
- The site is located in highly visible gateway to town and is in the vicinity of the Canalside Rail Trail and residences on Canal Street. Accordingly, appropriate safeguards and precautions will be taken address concerns about odor nuisances, light pollution, site security.
- The proposed use will have less traffic, circulation, and wastewater impacts compared to the historical use of the mill as paper manufacturing facility.
- The Proponent has volunteered to enter into a Host Community Agreement with the Selectboard in order to offset community impacts for the proposed use.

MOTION by Bob Obear Accept the findings and grant a special permit and issuance of site plan approval pursuant to Sections 5.2.9(b) and 8.10 of the Montague Zoning Bylaws to Hydro Flower, LLC. to allow a marijuana cultivation and production establishment within the Historic-Industrial District at 36 Canal District, subject to the following conditions:

1. **Parking:** All parking generated by the establishment shall be accommodated one of the parcels identified in the site plan (Parcel A, B, or C). The applicant is responsible to provide for safe employee access between parcels B and C to parcel A until the 5th Street pedestrian bridge is reconstructed by the Town of Montague. This may include a shuttle or alternate parking arrangements for the interim period.
2. **Odor Control:** 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.
3. **Sub-leasing:** Sub-leasing portions of the interior of the mill or other buildings on the site may be allowed subject to written permission of the Planning Board. Subleasing to other marijuana establishments will require a separate special permit for those operations.
4. **Fire Access:** Canal Access Road and the tunnel below 36 Canal must remain passable for emergency services at all times. The tunnel shall remain gated with access provided to the Turners Falls Fire Department and those entities with expressed legal rights to use the tunnel.
5. **Rooftop HVAC:** Shall be screened from public view through strategic placement or generally accepted engineering practices. The specific viewshed to be protected is from the intersection of Canal and 5th Street and from the center of the White Bridge over the Connecticut River.
6. **External Storage:** No outside storage of marijuana products or byproducts is permitted.
7. **Visibility of products:** Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located.
8. **Limited to Current Applicant:** The special permit shall be limited to Hydro Flower, LLC. 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.
9. **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.

Seconded by E. Irving. VOTE: FB (AYE) GC (AYE), EI (AYE), RS (AYE). MOTION PASSED.8:10pm

Planner Report

Downtown Turners Falls Recovery Plan- Scope of Work

Hodge Consulting group is working with the Town on this three-six month process. Dan Hodge has visited downtown and a survey, conducted by the State, went out to 60 business owners. The information will identify between 8-10 initiatives including design, engineering, policy, best practices, wayfinding etc. Planner would like to see a parking management assessment materialize from this process. Some of the recommended initiatives/projects in the plan might be funded by the State.

MOTION by E. Irving to ADJOURN. SECONDED by B. Obear VOTE: FB (AYE), GC (AYE), EI (AYE), RS (AYE). Meeting is adjourned **8:20pm**

Approved by: _____ Date: _____