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**ADAMS PLANNING BOARD
MEETING MINUTES
MONDAY, MAY 22, 2023**

MEMBERS PRESENT: Chairperson David Rhinemiller, Vice Chairman Michael Mach, Member Michelle Picard, Member Sandra Moderski, Member David C. Krzeminski,

OTHERS PRESENT: Stephanie Melito, Recording Secretary; Eammon Coughlin, Town of Adams Staff; Jay Green, Town Administrator, Tammy Daniels, iBerkshires.com, Robert Hinton, Developer, Kristin Hinton, Developer, Greg Halverson, Abutter, Joseph Nowak, Selectman, Christine Hoyt, Select Board Chairperson, Barbara Lawson, Abutter, Jim Sauv , Abutter, John Cowie, Jr., Abutter, Craig Corrigan, Abutter, David Leavitt, Attorney for Motah420, Carl Nickerson, Special Permit Applicant for Motah420, Charlie Labatt, Guntlow & Associates.

OTHERS ATTENDING VIA ZOOM: Dennis Egan, attorney for CTC, Inc (SMP Holdings), Jose Duran, Sten Spinella, The Berkshire Eagle, David Rhoads, Ronald Chenail, Marc Byers & Josh Rembusch, Byer Scientific.

CALL TO ORDER: Chairperson David Rhinemiller called the meeting to order at 7:00 P.M.

Application of Robert Hinton on behalf of Hinton's Berkshire Homes, LLC for "Site Plan Approval" under §125-19 of the Adams Zoning Bylaw for property located at 20 East Street (Map 116, Parcels 268 and 269). The request is to convert an existing building to apartments in an R-4 Zoning District.

Stephanie Melito read aloud the item on the agenda.

Eammon Coughlin, the Community Development Director, gave a history of the building usage as a Community Center, COA, and Youth Center once the town took ownership of the property in the 1970's. He further explained the vetting process used by the town to find a developer through the RFP process with only one response to the RFP by Robert Hinton's organization. Special Permit process through the ZBA was already approved.

Vice Chairman Mach thanked Eammon for the history and welcomed the applicants to begin their presentation to the board.

Charlie Labatt from Guntlow & Associates explained the key points of Phase 1 (one). He spoke about the current East Street entrance on to the property which has been the right of way for the property. He explained the meetings with the town, ZBA, and fire chief. Robert Hinton passed the letters to the board from the fire chief explaining driveway being adequate for fire protection. The driveway as it currently is will be sufficient, but the new plan for the driveway to allow for traffic to exit the main driveway as soon as possible must be 20 feet wide. The then spoke about

the lighting around the property and that an existing streetlight will be sufficient. The lighting in the plan includes additional lighting at each egress door. He then spoke about the configuration of the 9 apartments between the 2 floors, siting the first floor will be accessible apartments. Improvements also include accessible parking for tenants and visitors. Fire protection lines would need to be upgraded but are adequate for now. The building is on town water and sewer. Catch basins have been capped. No changes in the runoff due to the capped catch basins and downsizing of impervious areas.

Member Mach spoke about the lighting currently not being sufficient based on his history and knowledge of the property. He would like to see additional lighting. Charlie Labatt mentioned there will be upgrades and relocation of lighting.

Member Krzeminski asked about the dumpster area lighting and EV Charging stations and where they would be. Charlie Labatt said the current lighting could be moved closer to the dumpster area and EV Charging stations were not part of the current plan, but may wire for them for future phases.

Member Rhinemiller asked about the fencing on the property. Charlie Labatt said the holes in the current fencing will be fixed and will remain.

Member Mach asked about screening to the neighbors. Charlie Labatt said they are having a hard time sourcing screening that will be mature at planting or placement. Robert Hinton said they would not be building a 20-foot-tall wall, but would add bushes to screen areas of concern.

Member Rhinemiller asked about the construction timeline. Robert Hinton said there was no start date as of yet, but the total construction time should be around 6 months to complete.

The board asked Gerry Garner, building inspector, if he has been to the property. He stated that while he knows the property, he has not been there recently.

Member Mach asked about lighting as to not disrupt the neighbors. He also asked about the speeding traffic hazard coming from East Street. He recommended the use of signage to help slow traffic down. Member Krzeminski mentioned ballard lighting or reflectors. Charlie Labatt mentioned helping to open up the site lines by pruning to open up the area.

Sandy asked about the proposed new driveway. Robert Hinton said he had an agreement with Abutter John Cowie. Charlie Labatt mentioned the new driveway would help deter people from the Cowie property by closing off the current driveway and creating a new driveway 20 feet wide.

Member Moderski asked about access to the property in phase 2. Robert Hinton mentioned there may be a new access from Randall Street and he is considering purchasing an abutting property for access. She then asked about if the proposed driveway would remain at all phases. Sandy asked about the current drain structure and questioned the one that was to remain by the house. Charlie Labatt said the drain in question will be plugged.

David Rhinemiller opened up the session to public comment.

John Cowie, abutter, addressed the board regarding the speeding in the past. He then presented the board with the deed from Renfrew family to the Sisters of Providence dated in 1968 showing the width of the right of way at 10 feet wide. When measured in the plan, it measures 10 feet.

Craig Corrigan, abutter, voiced his concerns regarding the chain link fence along the border remaining on the site plan. He wants to ensure the fence will always remain on the property and be maintained by the Hintons and any future owners. Another concern is the balconies overlooking his and neighboring properties and privacy concerns when the leaves aren't on the trees.

Greg Halverson, abutter, stated his concerns about the balconies overlooking his property and requested fire escapes so renters won't be able to sit on the balconies with the ability to look into his backyard. Robert Hinton stated the bank will not finance the project without the balconies as the rent won't be able to be high enough. And the balconies served as a second form of egress/ point of rescue in the event of a fire.

Greg Halverson stated his concern about people cutting through his yard to access Summer Street.

Member Mach asked about if the apartments were going to be low income or market rate. Robert Hinton said they would be market rate apartments.

Member Moderksi asked about the make up of the 1st and 2nd floor. Craig Leavitt said the first floor would consist of 2 studios, 1 (one) bedroom, and 2 (two) 2 (two) bedroom apartments, for a total of five (5) apartments. The 2nd floor will be one (1) one (1) bedroom, and three (3) two (2) bedroom units for a total of four (4) apartments.

John Cowie asked about sprinklers. David Rhinemiller posed a question to Gerry Garner, Building inspector, regarding the need for sprinklers. Gerry said that's not in his purview, and the determination will come when the plans are submitted through the architect.

Member Rhinemiller closed public comment at 8:07 P.M.

Member Moderski said that she would like to see plantings to address privacy concerns brought up by the abutters if the balconies are to stay in the plans. Robert Hinton agreed that it could be in the conditions for along the balconies with added plantings in the future if needed.

Member Moderski commented her concerns about the driveway and the split in the driveway. Robert Hinton asked why the driveway wasn't an issue when the town owned the property, and why it wasn't addressed as an issue then. Eammon Coughlin explained that town council reviewed the driveway and right of way during the special permit hearing. It's been determined that the right of way width is approximately 16 feet wide. Any new driveway would need to be 20 feet wide.

Eammon Coughlin reiterated the driveway would have probably no more than 18 cars going over the driveway per day. And is adequate to handle the traffic created from the 9 units.

There was discussion regarding which deed was the controlling document for the discussion of the width of the driveway. Member Moderski recommended that town council review the deed to determine that it wasn't the board's responsibility to make that determination in the matter.

Jay Green, town administrator, interjected stating that Ed St. John, town council, reviewed the deed and made the determination that controlling definition is the deed dated 1968.

Michael Mach made the motion to approve with the following findings and conditions-

1. *The adjoining premises and the surrounding neighborhood are protected from detrimental impacts due to the following:*
 - a. *The project, as proposed, will benefit the neighborhood by eliminating the currently vacant property as an "attractive nuisance" and the frequent site of vandalism, as well as halt the existing building's continued deterioration;*
 - b. *Repair of the existing chain-link fence, as noted on the applicant's site plan dated 2/2/2023;*
 - c. *Reconfiguration of the existing driveway.*
 - d. *The applicant's use of downward-facing light fixtures to minimize light spillover.*
2. *Vehicular and pedestrian movement within the site and in relation to adjacent streets and properties is safe and convenient due to the following:*
 - a. *The traffic generated by nine (9) multi-family units is not enough to cause congestion, hazard, or reduce safety in light of the building's historic use as a retirement home and subsequent use as a community center;*
 - b. *The width of the proposed driveway (20 feet) is adequate for two-directional traffic generated by the nine (9) proposed apartment units and meets the town's subdivision regulations as a "lane" under § 201-18;*
 - c. *An existing street light provides safety lighting at the property's driveway entrance along East St.*
3. *Methods of waste and sewage disposal, as well as drainage of surface water are adequate due the following:*
 - a. *The property is connected to the Town of Adams sewer system;*
 - b. *An existing screened dumpster area will be reused in the proposed development, as noted on the applicant's site plan;*
 - c. *The overall reduction in impervious surface, as noted on the applicant's site plan;*
4. *Off-street loading and unloading of vehicles are adequate due to the following:*
 - a. *There is adequate parking for the nine (9) proposed apartment units;*
 - b. *Designated parking for individuals with disabilities has been relocated adjacent to the building, as noted in the site plan;*

5. *No Performance Bond or Environmental Impact Report are required as the extent of land disturbance is less than five (5) acres and the proposed construction involves the rehabilitation of an existing building.*

The following conditions were also attached to the Special Permit:

1. *As noted in the Special Permit decision, this Site Plan approval is limited to rehabilitation of the existing former community center building into nine (9) multi-family apartments and related necessary site work; and*
2. *Screening in the form of arborvitae or an equivalent large, fast growing planting along the north side of the building in front of the balconies to screen view to abutting properties as proposed in the plans.*

A motion was made by member Michael Mach, seconded by Member Krzeminski to approve the request for a “site plan approval” under §125-19 of the Adams Zoning Bylaw for property located at 20 East Street (Map 116, Parcels 268 and 269) The vote was unanimous.

Application of Motah420, LLC for a “Special Permit” under §125-4 and §125-35 of the Adams Zoning Bylaw for property located at 6 Renfrew St. (Map 107, Parcel 87). The request is to operate a marijuana cultivation and manufacturing facility in an existing building in the Industrial Park (IP) Zoning District.

Stephanie Melito read aloud the item on the agenda.

Eammon Coughlin introduced the Site Plan to the board.

Chairman Rhinemiller opened up the public comment. David Leavitt, attorney for the applicants, gave a brief history of the legislation for marijuana and address concerns regarding odor mitigation raised by abutter at 8 Renfrew Street. He stated that the two instances in the commonwealth with odor complaints were using just carbon filters, and most of the complaints came from anonymous sources. The site plan for Motah420, LLC. includes a comprehensive state of the art odor mitigation system designed by Byer Scientific. Motah420 is a Tier 1 facility, operating in less than a 5000 square foot facility. Atty Leavitt continued to say that Byer’s odor mitigation system specifically designed for Motah420 neutralizes the odors on a molecular level, not just by masking odors but eliminating them. He also welcomed anyone with concerns to visit the facility.

Member Krzeminski asked if the filtration equipment needed to be calibrated. Josh Rembusch from Byer Scientific said the equipment uses molecular filtration and therefore there isn’t a calibration done on the equipment. They include a “compliance minded service package” which includes proactive carbon testing which complies with ASTM Standards. There will be a 3 month and 6-month carbon analysis to understand remaining life to understand the cadence so there are no breakthrough odors.

Josh Rembusch explained the research behind where cannabis odors originate from, resulting in the “skunk odor” cannabis emits. He also commented that Dr. Geunther, a staff scientist with Byer Scientific conducted research to identify the scientific compound that causes the odor. Sulfur compounds create the offensive odor, not terpenes that they thought it was originally. Byers understand the cannabis odor and emission rate and carbon scrubbing/molecular filtration is the solution for the odor mitigation. The system is custom designed to sequester the emissions of gases which create odors.

Member Krzeminski asked if the emissions would be checked every 3-6 months or if it was just in the first year of operation. Marc Byers replied that Motah420 was in an ongoing service plan, and because there is a defined plant count and volumetric considerations, and is included in the contract with Byers when equipment is purchased but once they understand the amount of emissions with the plants there isn't a need for continual monitoring. Carl Nickerson indicated that he understood his contract is for ongoing maintenance.

Member Krzeminski mentioned the potential concerns of abutters and in a south county town facing a similar issue that it was worked into the permit condition that if 5 neighbors complained, they would have to come back before the select board.

Member Mach commented that there are only a few homes in the area to complain seeing it is in the industrial park.

Chairman Rhinemiller asked if the amount of filtration would be adjusted in certain timeframe. Marc Byers commented and used an analogy of a Brita water filter whereas the timing to change that type of carbon filter is by the rate of water that passing though the filter, not based on timing, but by how often it is being used. Gaseous air in building will pass through the system and will leave the odorous gas compounds in the filtration system. A benchmark will be established at 3 and 6 months by a butane life test conducted in a laboratory facility to assess how much carbon is used up. Samples will establish a lifespan of the cylinders to build a trend and absorption levels of the carbon. The results can be shared with the board.

Chairman Rhinemiller asked about testing before the initial 3 months. Marc Byers said that due to the size of this operation, it would be impossible to use the carbon up in that timeframe and testing each month wouldn't gain any helpful information.

Chairman Rhinemiller then asked if the filter were internal or external to the building. Josh Rembusch replied they are internal. Chairman Rhinemiller then asked if the building will have a negative air pressure. Marc Byer commented that volumetric calculations of common spaces and hallways were done to calculate an air exchange rate.

Chairman Rhinemiller asked how quickly they would respond to odor complaints. Carl Nickerson stated that according to the town bylaws he would respond within 30 days, but would work with Byers right away to figure out how the odor is getting out of the facility. Carl Nickerson then looked to Byers for guidance of how they would address any complaints. Josh Rembusch said there would be a plan in place to validate concerns seeing the industry is

common for unvalidated complaints due to people not wanting the business in their community. Historically, he stated that 45-50% of complaints are those who are upwind, therefore it is impossible that they smell odor being upwind based on meteorological data maps. Warranted complaints would have an assessment of where the emissions may be coming from. Byers would work with Motah420 in figuring out if there was a door left open for a length of time, or if there was a shipment that had been delivered. Air exchange rates with the Byer Scientific system are between 11-22 per hour creating an efficient where 5 air exchanges per hour is industry standard. Marc Byer added that Motah420 must create a SOP for reacting to odor complaints.

Member Krzeminski asked about delivery options, Carl Nickerson said delivery isn't part of this plan. Employees will only be on the property. Member Krzeminski asked about odors leaving when doors get open. Carl said cultivation room will be an enclosed area and there are only 2 exhaust fans on the property, one being a bathroom exhaust. The other one faces toward train tracks on the east side of the building. Member Krzeminski asked how many employees and Carl Nickerson stated 5 full time and 10 part time employees. Air will flow through the duct work. Chairman Rhinemiller asked about noise level of exhaust fans. Carl stated that the CCC (Cannabis Control Commission) controls limits on water usage, energy usage and noise. Josh Rembusch clarified that their equipment is not in the ductwork, but scrubs the inside space in the corridors. The exhaust fans move air unrelated to the odor control equipment out of the building. There will be in-duct molecular filters at the 2 exhaust points.

Marc Byers stated that odors will be diluted as they come from the growing areas to the common hallway, the air will be scrubbed and the air circulation rate of 22 air exchanges per hour occurs faster than the odor can be created.

Member Krzeminski asked about waste removal of dead materials and plants. Carl replied that only alive plants emit odor. Dead plants have no odor and according to the CCC regulations, they can compost, or throw away pound for pound in the trash.

Marc Byer reiterated that there is no odor profile in dead plants.

Member Rhinemiller asked about if employees would be changing from a uniform to street clothes at the end of their shift to prevent odor. Carl Nickerson said the plants only need to be worked at certain times, therefore most of the employees would be in the administrative building and not spending their entire time in the grow space. Once the plants are growing, they need limited attention. The employees will be in scrubs, hairnets, and shoes that are strictly for the facility to reduce cross contamination.

Member Rhinemiller asked about deliveries to the site and how many per day they can expect. Carl Nickerson stated he didn't have an estimate of the amount of deliveries and pickups to the building but there is plenty of parking lot space for a couple of 18 wheelers if necessary and no different than the neighboring buildings. Demand will dictate the number deliveries without impact to the surrounding area.

Member Rhinemiller asked about exterior lighting. Carl Nickerson stated there is currently exterior lighting but will ensure any additional lighting will be such so there is no spillover onto

neighboring properties. There will be security system in place. The dumpster will be fenced and locked. The trash will be thrown out under dual control by and signed off on my employees. In keeping with the other businesses in the Industrial Park, there won't be any additional screening in the dumpster area.

Member Krzeminski suggested that if neighbors complain they would go through Gerry Garner, then to the select board if warranted complaints.

Chairman Rhinemiller asked about provisions for a power outage. Carl stated there are no current state provisions for power outages. Josh Rembusch said there is no air movement during a power outage. Member Moderski asked if the system would need to "play catch-up" during a restoration of power. Marc Byers stated the system is over-engineered to catch up with accumulated odors.

Member Moderski asked about varieties of plants. Carl Nickerson said it would be different strains and would be staggered so they would have perpetual harvests. Marc Byers stated perpetual harvest would be done therefore the odor profile would be reduced because there won't be many large, mature plants at the same time. He continued that this method is better for the business income and odor is 1/3 or less of what it could be due to there being fewer mature trees. Josh Rembusch stated the flowering plants are what creates the sulfur compounds that result in odor.

Member Krzeminski asked about fire suppression. Carl Nickerson replied there would be security system linked to fire and police through pull switches and panic buttons. Marc Byers stated the wet plants get harvested and moved to a secure area to be dried and cure then be processed. All stages of plant growth will be isolated.

Chairman Rhinemiller asked if they would be making bulk deliveries of finished product to dispensaries. Carl replied it would be based on deliveries area geographically. Marc Byers stated that there is no odor from packaged products.

Chairman Rhinemiller opened the questioning up to the public.

David Rhoads from the Town of Adams Board of Health welcomed a conversation to anyone concerned as similar questions were raised from another similar business in town. Recommended the Town establish guidelines for the cannabis businesses.

Attorney Dennis Egan from Cohen, Kinne, Valicenti & Cook LLP, representing SMP Holdings and CTC Inc., abutters stated they were in opposition to the project based on violation of town zoning bylaws and that they haven't submitted a comprehensive odor mitigation plan or site plan that can be peer reviewed with the expense of such review to be absorbed by the town of Adams. He claimed Josh Rembusch and Marc Byer are sales and marketing guys that his clients are being asked to trust. Marc Byer clarified that he is the founder and president of Byer Scientific. Josh Rembusch assured that Byer Research Analysis was performed based on Dr. Geunther's emission profile and was done for the site document. Through NCIA (National Cannabis Industry Association), molecular filtration is the best for odor mitigation.

Attorney Levitt asked why the town should take on the burden of a peer review, why the applicant should provide a plan that isn't required by the regulations, the board, or the town, and wasn't required by the previous applicant with a similar business already established in town. Attorney Egan stated the burden of proof falls on the applicant.

Marc Byer offered the data, the science behind the calculations, and case studies to prove, but weren't required items for the hearing.

Member Mach asked that there could be stipulations placed on permit.

Chairman Rhinemiller closed public comment at 10:05 pm.

Member Picard stated she felt the Byer Scientific had the knowledge and therefore would be difficult to find a qualified peer reviewer for this case.

Chairman Rhinemiller asked if we could require the odor mitigation plan. Gerry Garner stated that the bylaw doesn't require it neither does the state

Member Moderski said this is a special permit in an IP zone due to the traffic to the nearby homes, parks and businesses.

Member Moderski asked if the exhaust fans could be redirected to not face east. Carl Nickerson stated the HVAC system was in place already and would have to be redesigned if that were to be a requirement.

Member Moderski made motion made to continue special permit hearing to Monday, June 5th at 7 p.m. at town hall. Seconded by Member Krzeminski. Vote was unanimous.

Application of Motah420, LLC for "Site Plan Approval" under §125-19, and §125-35 of the Adams Zoning Bylaw for property located at 6 Renfrew St. (Map 107, Parcel 87). The request is to open a marijuana cultivation and manufacturing facility in an existing building in the Industrial Park (IP) Zoning District.

Stephanie Melito read aloud the agenda item.

Motion to continue was made by Member Mach. Seconded by seconded by Member Moderski. Vote was unanimous.

Review of Form A - Approval Not Required. Subdivision of land (34 Leonard Street).

Eammon gave a brief description of the project. It consists of one (1) property subdivided into two (2) parcels meeting requirements of frontage.

All members present signed the mylar and 3 copies of plans.


Chairman Rhinemiller opened up to public comment.

Ronald Chenail addressed the board via Zoom addressing his letter dated May 12, 2023, to the board regarding the special permit for the Greylock Glen project. Asking the board to rescind the permit granted for the development in 2012 claiming the current project does not meet the conditions of the special permit. Eammon Coughlin commented that town council reviewed the request and there isn't a way to rescind the permit as the appeal period expired several years ago. Jay Green commented that the special permit does apply as the project encompasses 1067 acres which includes 1000 acres in conservation restriction. The town's position is that the special permit is legitimate. Town council will draft a response to him and we can take it up as an agenda item in a future meeting if not satisfactory to the Chenails.

Board Reorganization/ Election of Officers. Due to the late hour, this agenda item is being continued until the June 5th, 2023 meeting.

A motion was made by Sandy Moderski to adjourn. The motion was seconded by David Krzeminski. Vote was unanimous. Meeting adjourned at 10:45 P.M.

Respectfully Submitted,


Stephanie Melito, Recording Secretary

Date 7/5/2023