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**ADAMS PLANNING BOARD
MEETING MINUTES
MONDAY, JUNE 5, 2023**

MEMBERS PRESENT: Chairman David Rhinemiller, Vice Chairman Michael Mach, Member Michelle Picard, Member David Krzeminski

MEMBERS ABSENT: Member Sandra Moderski

OTHERS PRESENT: Stephanie Melito, Recording Secretary; Eammon Coughlin, Town of Adams Staff; Christine Hoyt, Select Board Chair, Carl Nickerson, applicant, Elizabeth Tully, attorney for CTC, Inc., Gerry Garner, Town of Adams staff

OTHERS ATTENDING VIA ZOOM: David Rhoads, Town of Adams Board of Health, David Leavitt, attorney for Carl Nickerson.

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

Continuance of the 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 the agenda item.

Eammon Coughlin gave a detail of the material submitted by Motah420, LLC. Carl Nickerson explained the odor mitigation system and plan document that was submitted per the request of the abutter from the May 22, 2023 planning board meeting.

Chairman Rhinemiller asked who developed the odor mitigation plan that was submitted. Carl Nickerson commented that Attorney Leavitt and he developed the plan and document with guidance from Byer Scientific.

Member Krzeminski asked Carl Nickerson who reviews the Air Carbon Filter Replacement Schedule and Odor Control Training logs. Carl Nickerson stated the Commonwealth and the town can review upon request. Member Krzeminski then asked if Gerry Garner would review them. Gerry Garner, seated in the audience, mentioned that the logs would be viewed by him if there were odor complaints and would consult with the Cannabis Control Commission if necessary. Gerry Garner stated that any odor complaints would be investigated by him, and he would have to be able to smell the odor himself in order to enforce the violation.

Eammon Coughlin presented findings to the board regarding the application, special permit criteria, and the abutter concerns mentioned at the previous meeting on May 22, 2022.

Elizabeth Tully commented that her clients were pleased with the concerns being addressed regarding the Motah420 building being airtight with an updated HVAC system and cannabis being stored in a proper manner. Her concern was that the plan wasn't stamped by an engineer, but it looked ideal regardless.

Eammon Coughlin, speaking through the chair, read from the bylaws (125-35 (d) 8) for a marijuana retail and manufacturing or testing facility developed by the town.

Member Krzeminski asked about the safety of employees and exposure to dust after an employee of the Trulieve facility in Holyoke passed away from exposure. Carl Nickerson stated that the state addresses the issues through the requirements placed on the HVAC systems and employee personal protective gear (scrubs, hairnets, face masks, gloves, etc.). Based on the issues from this facility, the state is shutting down Trulieve facilities in Massachusetts.

Carl Nickerson and Elizabeth Tully had conversation regarding the odor mitigation plan. Elizabeth Tully asked if the rooms with the cannabis would be caulked air tight. Carl Nickerson stated the rooms with cannabis would be airtight and the hallways would be scrubbed of odor before the air leaves the building through the odor mitigation system. The cannabis rooms would never be odor free, as the plants continuously emit odor, and therefore the equipment could never mitigate all the odor from the grow rooms.

Chairman Rhinemiller asked about evidence of dust particles in the grow room where there is no filtration of particles. Carl Nickerson stated the dust particles aren't present in the grow rooms, only in packaging and processing areas. Chairman Rhinemiller asked about the filtration in the prep rooms. Carl Nickerson stated that he is still developing the filtration for the prep rooms as the state is still considering the regulations for the prep rooms in cannabis facilities.

Elizabeth Tully asked about the Carbon Filtration Cylinder Change Schedule mentioned in the Odor Mitigation plan. Carl Nickerson stated it was going to be based on a third-party review of the absorption of molecules at an initial 3 and 6 month reading. Then based on the findings at those intervals, a schedule for changing the filters would be determined. Records will be kept of the filter changes as stated in the Odor Mitigation plan.

The board agreed that the applicant addressed conditions of the findings detailed by the odor mitigation plan, site plan, security plan, and addressed potential traffic and nuisances. Massachusetts Regulation 935 CMR 500 was referenced as a controlling document outlining environmental concerns for water usage.

Member Mach asked about how plants get watered. Carl Nickerson stated they are using drip irrigation and any runoff would run into the sewer system.

Member Krzeminski asked about the requirements by the state to reduce water usage. Carl Nickerson stated they could collect rainwater, but the state is more concerned that the facility's usage doesn't increase year after year. He also stated the facility currently doesn't plan on using rainwater collection due to space constraints at the facility.

Member Mach made a motion to approve the special permit with the following findings and conditions discussed and amended by the board.

Findings:

The Board made the following general findings related to the application:

- The applicant is proposing a marijuana cultivation and manufacturing facility at 6 Renfrew Street and intends to rehabilitate the existing buildings on the property to accommodate the proposed facility.*
- The applicant has received provisional licenses from the Massachusetts Cannabis Control Commission (CCC) for both the cultivation and manufacturing aspects of the proposed business.*
- The applicant is registered with the CCC as a Tier 1 cultivator (up to 5000 square feet of cultivation), but intends to grow up to 2400 square feet of marijuana plant "canopy."*
- the applicant will install an air filtration system by Byers Scientific to mitigate any marijuana odor.*
- The applicant submitted a security plan to the Adams Chief of Police which was reviewed and approved in a letter from the Chief dated 10/5/2022.*
- The applicant submitted a Site Plan dated 8/10/2022 and stamped by Larry Young, Professional Engineer (PE), No. 34133. The Site Plan details external security and surveillance measures, parking areas, landscaping, utilities, trash disposal locations, etc.*
- Cohen, Kinne, Valicenti & Cook LLP submitted a letter to the Planning Board outlining the concerns of SNP Holdings, LLC, owner of 8 Renfrew Street, an abutter to the proposed project. The letter requests that the Board require the applicant to submit a comprehensive odor control and monitoring plan developed and stamped by a Professional Engineer licensed in Massachusetts with a number of other additional stipulations, and deny the Special Permit application if the plan is not provided.*
- Following the initial hearing, held during a meeting of the Planning Board on 5/22/2023, the applicant submitted a plan entitled "Motah420, LLC Odor Abatement Plan 6 Renfrew St. Adams, MA." The plan outlines the odor mitigation process for the proposed facility, air filtration equipment to be used and its maintenance procedures, the design of the building and its systems to control odor, internal odor complaint investigation and remediation procedures, as well as employee training to mitigate odor.*

The Board finds that the criteria in §125-4(D) are met and that the granting of the Special Permit would not be to the detriment of the public interest:

- traffic generated or patterns of access or egress will not cause congestion, hazard, or substantial change in established neighborhood character due to the fact that the proposed use and facility will not be open to the public. The existing parking lot and other spaces at the facility are more than adequate to provide parking for the anticipated employees of the facility, owners, and any service vehicles needed for waste pickup or materials delivery;*
- the continued operation of or the development of adjacent uses as permitted in this chapter will not be adversely affected by the nature of the proposed use given that no substantial traffic will be generated by the proposed facility, the applicant's submitted plan to abate odor, and the proposed air filtration system, and the conditions set forth in this Special Permit;*
- nuisance or hazard will not be created to the detriment of the health, safety and/or welfare of the occupants of the proposed use or the citizens of the Town due to the limited traffic generated by*

the proposed use, the applicant's installation of an odor mitigating air filtration system and odor abatement plan, the applicant's proposed security and surveillance system detailed on the Site Plan, and the conditions set forth in this Special Permit;

- *the proposed use will not impair the integrity of the district or adjoining districts or otherwise derogate from the intent and purpose of this chapter given the conditions set forth in this Special Permit;*
- *the basic design of the proposed use(s) or buildings, the relationship between the buildings and the land, and/or the overall physical appearance of the proposed use(s) or buildings will be in general harmony with the character of the surrounding neighborhood and will not serve to blight or detract from abutting residences or other property due to the applicant's rehabilitation of the existing structures on the property and minimal changes made to the exterior of said structures;*
- *Adequate safeguards have been taken to protect the natural environment given the use of existing buildings and limited new construction within the footprint of impervious area on the property, the proposed air filtration system for the facility, as well as the requirements of 935 CMR 500.000;*
- *All required public services are reasonably available to serve the proposed development;*
- *The economic effect of the proposed development will not result in economic conditions leading to deterioration of properties due to excessive concentration of commercial activity unsustainable in the projected market given the rapidly growing cannabis industry in Massachusetts and the limited number of cannabis related businesses within the northern area of Berkshire County.*

Other Findings:

- *The board finds that the requirements of the Adams zoning bylaw §125-35(D)(8) are met given the applicant's submitted odor abatement plan, proposed air filtration system, the conditions set forth in this Special Permit, and the requirements of 935 CMR 500.000.*
- *The Planning Board finds that the concerns expressed in Cohen, Kinne, Valicenti & Cook LLP and SNP Holdings, LLC's letter related to potential odor generated by the proposed facility have been addressed by the odor abatement plan submitted by the applicant and the conditions set forth in this Special Permit.*

Conditions:

The following conditions are attached to this Special Permit:

- *The applicant shall manage odor emissions as provided in its odor abatement plan. Marijuana odor detected off-site is a potential violation of the zoning bylaw and this Special Permit. Complaints of odors emanating from the property will be investigated by the Zoning Enforcement Officer. If the Planning Board finds grounds for further evaluation, the Board may require third party independent review of the facility at the cost of the applicant. The Planning Board shall require appropriate mitigation, where required.*
- *The applicant shall make all records related to the proposed air filtration system and odor abatement plan available to the Planning Board upon request.*
- *In the event that there are complaints regarding possible violations of the Adams Zoning Bylaw, the applicant shall permit access to the property by appropriate town officials during reasonable hours (7 a.m. to 7 p.m.) to determine compliance*

*The motion was seconded by Member Krzeminski. **Motion passed. Vote was unanimous.***

Continuance of the 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.

Chairman Rhinemiller asked if there were additional questions that weren't already covered in the special permit hearing.

Carl Nickerson introduced his site plan and security measures and camera placement. He stated the administrative building and garage would remain as-is. The warehouse will remain the same externally, with some changes occurring within the building. All 4 corners of the warehouse will be monitored with cameras, with 90 days of video recordings. The trash dumpster will be located between the garage and warehouse for accessibility. It will be fenced in and locked with camera surveillance. Grounds will be maintained by a professional landscape company. Motion sensor activated lighting and surveillance cameras will be used on the garage. He mentioned there will be signage for private property placed to deter cars and trespassers from entering the property. A gate system may be deployed in the future if needed.

Member Krzeminski asked about visitor access to the property. Carl Nickerson stated all visitors would enter through the administrative building into the vestibule and would have valid identification to enter the facility. A key card access will be used for access to the property.

Member Krzeminski asked about signage to be used on the building. Carl Nickerson stated the administrative building would have a logo placed on the window at the entrance. The existing exterior sign will be updated.

Chairman Rhinemiller asked about noise screening on the compressor units along the east side of the building. Carl Nickerson stated the units have noise screening built into them already.

Chairman Rhinemiller opened the hearing up to public comment.

Elizabeth Tully stated that she had no comment other than being pleased that noise will be addressed further if it were to become an issue.

Member Mach commended Carl Nickerson on being well prepared for hearing and ready to address any issues.

Carl Nickerson asked how the town would measure noise level and acceptable noise level. Gerry Garner explained the process for measuring noise levels. Any expense in measuring decibel levels would be at the expense of the applicant from a third party. Member Krzeminski mentioned there were units that could be purchased by the applicant to have an idea of the readings however the purchased equipment may not be calibrated for accuracy.

Public comment closed to the public by Chairman Rhinemiller.

Member Mach made a motion, seconded by Member Krezminski, to approve the Site Plan with the conditions and findings as follows.

Findings:

The Board made the following general findings related to the application:

- The applicant is proposing a marijuana cultivation and manufacturing facility at 6 Renfrew Street and intends to rehabilitate the existing buildings on the property to accommodate the proposed facility.*
- The applicant has received provisional licenses from the Massachusetts Cannabis Control Commission (CCC) for both the cultivation and manufacturing aspects of the proposed business. These licenses satisfy the requirements of §125-35(F)2.*
- The applicant has site control for 6 Renfrew Street, as show in a submitted lease agreement dated 9/24/2022, which meets the requirements of §125-35(F)3.*
- the applicant is registered with the CCC as a Tier 1 cultivator (up to 5000 square feet of cultivation), but intends to grow up to 2400 square feet of marijuana plant “canopy.”*
- The applicant will install an air filtration system by Byers Scientific to mitigate any marijuana odor.*
- The applicant submitted a security plan to the Adams Chief of Police which was reviewed and approved in a letter from the Chief dated 10/5/2022. This letter satisfies the requirements of §125-35(F)5.*
- The applicant submitted a Site Plan dated 8/10/2022 and stamped by Larry Young, Professional Engineer (PE), No. 34133. The Site Plan details external security and surveillance measures, parking areas, landscaping, utilities, trash disposal locations, etc, which meets the requirements of §125-35(F)4 and §125-35(F)6.*
- The Board finds that no traffic study is required as no public access will be provided at the proposed facility and anticipated traffic will be minimal.*
- Following the initial hearing meeting on 5/22/2023, the applicant submitted a plan entitled “Motah420, LLC Odor Abatement Plan 6 Renfrew St. Adams, MA.” The plan outlines the odor mitigation process for the facility, air filtration equipment to be used and its maintenance procedures, the design of the building and its systems to control odor, odor complaint investigation and remediation procedures, as well as employee training to mitigate odor.*

The Board finds that the Site Plan Approval criteria in §125-19(C) are met:

- Adjoining premises and the general neighborhood are protected from any detrimental impacts resulting from the use of the subject property, given that no substantial traffic will be generated by the proposed facility, the applicant’s plan to abate odor and the proposed air filtration system, the applicant’s proposed security and surveillance system, and the conditions set forth in the Special Permit and Site Plan Approval;*
- Vehicular and pedestrian movement within the site and in relation to adjacent streets and properties is safe and convenient; given the limited number of vehicles anticipated to use the property on a daily basis, and the lack of public access;*
- Adequacy of the methods of disposal for sewage, refuse, and other wastes and of the methods of drainage of surface water given excess capacity in the Town of Adams wastewater treatment system, the condition of existing utility infrastructure and the use of a screened and locked area for trash storage;*

- *Provisions for off-street loading and unloading of vehicles incidental to the servicing of the buildings are adequate given the existing parking area and paved surfaces surrounding the existing building;*
- *No performance bond is required as the footprint of the current development is not expanding and existing structures will be reused.*

Conditions:

The following conditions are attached to this Site Plan Approval:

- *The Applicant shall ensure that noise created by the HVAC system is kept at a reasonable level. If the Planning Board finds that noise emanating from the HVAC system exceeds reasonable and acceptable levels, the Planning Board shall require installation of a noise barrier or other mitigation measures.*

Vote was unanimous. Motion passed.

Eammon Coughlin explained to Carl the next steps and the 20-day appeal period. After the appeal period, the decision notice can be picked up at the Town Clerk's office and recorded at the Registry of Deeds at his expense.

APPROVAL OF MINUTES: The Board members need to approve the minutes of April 3, 2023 and May 22, 2023.

Member Krzminski made a motion, seconded by Member Mach, to accept the minutes from April 3rd.

Vote was in favor, with Member Picard voting to abstain.

Member Picard made the motion, seconded by Member Mach, to accept the minutes of May 22, 2023.

Motion passed. Vote Unanimous.

The date for next meeting was set for 6/26/2023 for a workshop meeting and 7/17/2023.

ADJOURN: The meeting was adjourned at 8:40 P.M.

Respectfully Submitted,



Kevin Rayner
Recording Secretary

Date: 10/31/23