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**ADAMS PLANNING BOARD
MEETING MINUTES
MONDAY, MAY 22, 2017**

CLERK

MEMBERS PRESENT: Chairman Sandra Moderski, Vice-Chairman Barbara Ziembra and Members David Rhinemiller and David Krzeminski

MEMBER ABSENT: Member Martha Stohlmann

OTHERS PRESENT: Tony Mazzucco, Adams Town Administrator; Christine Hoyt, Adams Selectboard; Richard Tarsa, Jr., Adams Chief of Police; Hal Choubah; Jeff King; Judy King; Elizabeth Wyman; Diane Wyman; Tim Armstrong; Jack Guerino, *iBerkshires.com*; Building Commissioner Don Torrico and Pam Gerry, Recording Secretary

CALL TO ORDER: Chairman Moderski called the meeting to order at 7:08 P.M.

Approval of Subdivision Not Required-1 Sommer Hill Road (Hill Engineers)

The Planning Board reviewed the submission of a Form A Subdivision plan for property on 1 Sommer Hill Road, owned by Donald Sommer. Chairman Moderski requested a review of the new Form A from the previously submitted Form A that the Board members received in April, 2017.

A motion made by Member Rhinemiller, seconded by Member Krzeminski to approve the ANR Subdivision on 1 Sommer Hill Road, passed unanimously.

Application of RSP Petroleum, Inc. for "Site Plan Approval" under §125-19 of the Adams Zoning Bylaw for property located at 160 Howland Avenue. The request is to demolish an existing 10,500 sf vacant building and construct a new 5,000 sf convenience store and coffee shop with a drive-thru, and gasoline filling station with other associated site improvements in an Industrial Zoning District.

Chairman Moderski invited the applicant to address the Board members with the proposed project. Mr. Hal Choubah began his presentation by stating that he was representing the applicant. He explained to them that the property contained 3.7 acres, noting that 2 acres was currently developed with impervious surfaces which had an existing 10,500 sf building located on site. Mr. Choubah told them that there would be a driveway access from Howland Avenue and a driveway access off of Butler Street. He let the Board members know that the existing building would be demolished and a new 5,000 sf convenience store and a gasoline station would be constructed on the property. Mr. Choubah stated that the site improvement would include 20' of landscaping buffers between Howland Avenue and Butler Street. He further noted that parking would be provided in the front of the building which would contain five gasoline pumps. Mr. Choubah stated to the Board members that there would be two diesel stations available for larger diesel trucks. He emphasized to them that this would allow larger construction vehicles and diesel trucks the opportunity to drive behind

the building so they would not interfere with the vehicles at the gasoline pumps in the front of the building. He stated that there would be a drive-thru on the side of the building which would provide enough navigation room for 15 vehicles from the driveway entrance to the pickup window. Mr. Choubah stated that all zoning requirements have been met regarding setback and parking requirements. He wanted the Board members to know that they would be "adding 9400 sf of green space" which would increase the lot coverage by ten percent. Mr. Choubah told them that the site improvements would include a drainage system, shielded lighting and signage. Mr. Choubah addressed the Board members to let them know that he had informal meetings with town officials prior to the Planning Board meeting. He also noted that they had acquired a Special Permit and Variance from the Zoning Board of Appeals on April 11, 2017 to allow them to have a gasoline station and the 24-hour operation of the business. He further explained the layout of the inside of the convenient store noting that the business site would be similar to the many gas stations in the area. In conclusion, Mr. Choubah addressed the Board members to allow them an opportunity to ask any questions they may have regarding the proposed project.

Member Krzeminski asked Mr. Choubah if there would be any emergency backup generators. Mr. Choubah answered him by stating that they proposed to install generators. Member Krzeminski stated that he was concerned with the noise and light that may come from them.

Vice-Chairman Ziembra addressed Mr. Choubah to ask him what conditions were set by the Zoning Board of Appeals regarding their Special Permit and Variance requests. Town Administrator, Tony Mazzucco addressed her by stating that the Board members set a condition on the Variance application which required the applicant to have a review completed in one year regarding the 24 hour operation of the proposed business. He mentioned to the Board members that there were abutters at the Zoning Board meeting who had some concerns with the proposed hours of operation.

Member Rhinemiller was curious to know if northbound traffic traveling on Rt. 8 would have difficulty navigating into the site. Mr. Mazzucco wanted to address the Board members to inform them that the Rt. 8 highway would be undergoing reconstruction in 2018-2020 for "traffic calming measures."

Vice-Chairman Ziembra wanted to know what the name of their proposed business would be. Mr. Choubah told her at this time it would be named "Mobil."

Chairman Moderski expressed concern with the flow of traffic accessing the drive-thru window. Mr. Choubah explained to her that the vehicles would go west and then south of the property to access the drive-thru window. Mr. Choubah emphasized to the Board members that there would be ample property on the site which would provide 30 parking spaces for customers and a drive-thru; which would be "comfortable and safe." He told them that the opening to the driveway would be 30' to 45' which he stated was larger than most gasoline stations.

Member Krzeminski asked the applicant why the exit from the property would be onto Butler Street. Mr. Choubah answered him by stating that a "side street entrance is always a good design to exit from this area."

Vice-Chairman Ziembra was curious to know if the back of the property would be paved. He told her that it would be paved and landscaped.

Member Rhinemiller asked him to explain to the members how the water runoff would operate. He told him that there would be a catch basin collecting the back portion and a 2,000 gallon oil and water separator onto an infiltration system. Member Rhinemiller wanted to know if the fire suppression system would be contained in the gasoline station's canopy, as well as in the diesel pumps. Mr. Choubah told him that this would be correct.

Chairman Moderski showed concern that both entrance and exits had ingress and egress. She asked Mr. Choubah if the Traffic Commission was aware of this situation. Adams Police Chief Tarsa seated in the audience addressed Chairman Moderski stating that the project was not brought to the attention of the Traffic Commission for their input. He told her that he expected larger developments to present their projects to them. He stated to the Board members that his concern would be whether the drive up lane and delivery area for the trailer trucks would have enough space to maneuver on the site. He said this area was always a concern when other businesses operated at this location. Mr. Tarsa suggested that when you have tanker or trailer trucks using Butler Street it could cause problems, adding that vehicles or trailers trucks using this access would be satisfactory.

Diane Wyman, seated in the audience told the Board members that blocks were put up through the years to stop vehicles from entering Goodwill Industries with their drop off items from Butler Street. Vice-Chairman Ziembra suggested to the Board members and the applicant that signage in this area could assist with proper direction of the traffic flow. Mr. Choubah told her that they could designate information for their customers by providing signage. Town Administrator, Tony Mazzucco told the Board members that "over restricting the site could make it more complicated."

Member Rhinemiller addressed the applicant to ask him if the drive-thru was being provided to customers to access the convenience store or a "sub-contractor such as a Subway or Dunkin Donuts." Mr. Choubah answered him by stating that it would be a "joint venture but they did not have one in mind at the time." Mr. Mazzucco wanted to let the Board members know that "these new designs" created 60-70% revenue for the convenience stores.

Chairman Moderski was curious to know if the existing bustop at the project's location would be removed adding that she did not feel it was attractive to the site's location. She continued to address Mr. Choubah to ask him if the existing signs on the property would remain. He told her that the only sign on the property would be a 32' internally lit digital sign for gas pricing which he mentioned that they would be complying with the town's zoning bylaws.

Chairman Moderski asked the Board members if they had any further questions for the applicant. There were none. She opened the meeting to the public.

Diane Wyman, seated in the audience told the Board members that she was concerned for the sign that advertised "Racine's" farmstand, adding that it had been in existence for 60 years. She said the state had placed them in this location when the road reconstruction was done. She asked the Board members if they would have to remove the signs. She wanted to inform them that the temporary

signs are at this location from May to October. Mr. Choubah told her to work with the owner regarding these issues.

Chairman Moderski stated that her biggest concern was the traffic flow on Rt. 8 into the site's location and she expressed to them that the Traffic Commission should review these matters. Mr. Mazzucco stated to her that it was not the "Traffic Commission's prevue to review development projects." Member Krzeminski wanted to know if the state proposed to bring the highway to one lane. Mr. Mazzucco stated that they will be completing the entire road construction in the near future.

Building Commissioner Torrico stated that the town's zoning bylaws under §125-13 H.(3)(j) that a curb cut off a state highway should conform to MA DPW standards and regulations." He continued to state that this procedure would be designed for the number of vehicle trips and with the correct width.

Mr. Mazzucco wanted to emphasize to the Board members that excessive traffic flow would not be occurring due to a new gasoline station but in fact would be utilized more as a convenience to travelers in the area. Chairman Moderski stated to him that she thought there would be additional traffic into the site more so than other sites on the Rt. 8 corridor. He answered her by stating that they should not create a complicated situation for vehicles accessing the site. Mr. Choubah wanted the Board members to know that they could create additional arrows on site directing the traffic flow.

Board members were curious to know what type of screening would be in place. Mr. Choubah told them that there would be shrubs and trees at the business location.

Chairman Moderski asked the applicant how many handicap parking spaces would be available on site. Mr. Choubah stated that there would be two spaces provided to the customers.

Chairman Moderski asked if there were any further questions for the applicant. There were none.

A motion made by Vice-Chairman Ziemba, seconded by Member Rhinemiller to accept the "Site Plan Approval" under §125-19 of the Adams Zoning Bylaw for property located at 160 Howland Avenue. The request is to demolish an existing 10,500 sf vacant building and construct a new 5,000 sf convenience store and coffee shop with a drive-thru, and gasoline filling station with other associated site improvements in an Industrial Zoning District, as proposed in the plans, passed unanimously subject to the following condition:

- **Additional lane markings are to be designated on the site to determine the egress and ingress surrounding the building**

A motion made by Vice-Chairman Ziemba, seconded by Member Rhinemiller to approve the "Special Permit" under §125-13 H. (3)(b) of the Adams Zoning Bylaw located a 160 Howland Avenue. The request is to allow vehicle access to the property from Butler Street in addition to having main entrance and exit located on Howland Avenue, as proposed in the plans, passed unanimously subject to the following condition:

- **Signage would be required on the property stating that tanker and trailer trucks would not be allowed to exit onto Butler Street.**

Chairman Moderski thanked the applicant and stated to them that the Planning Board members anticipated their proposed business being an improvement to the Rt. 8 corridor.

Request being made by King Family Nominee Trust for acceptance of Kingsmont Lane as a public way.

Attorney Martin, representing the King family addressed the Board members stating to them that the King family was requesting that the Town of Adams accept the road development on Kingsmont Lane. He explained to them that one of the conditions for acquiring this acceptance was to have the Planning Board members approve this requirement and in conclusion it would be presented at the Special Town Meeting for their approval. Town Administrator, Tony Mazzucco stated to the Board members that the Planning Board needed to approve that the road met the requirements of the Site Plan. He told them that there were letters from the town's engineers in the town files that confirmed the road met these requirements. Mr. Mazzucco stated to them that the DPW Director and their engineer needed to determine the slope requirement for street acceptance and he told them that it had been approved by them as well as by Attorney St. John. Chairman Moderski responded to Mr. Mazzucco by stating that she would like to review the letter from the town's engineers stating that the road had conformed to all requirements that were needed. Mr. King stated that he had a letter from Stantac Engineers with their review of the road according to the town's specifications to show the Board members. Mr. Mazzucco took a moment to hand out copies of a letter from the town's DPW and engineers stating that the road requirements were acceptable on Kingsmont Lane. The Board reviewed the letter.

A motion made by Vice-Chairman Ziemba, seconded by Member Rhinemiller to accept Kingsmont Lane, subject to Town Meeting approval, passed unanimously.

Chairman Moderski closed the meeting to the public at 8:35 P.M.
Chairman Moderski opened the meeting at 8:40 P.M

OTHER BUSINESS:

The Planning Board will continue their workshop meeting to discuss the provisions of a future bylaw addressing medical marijuana, as well as, recreational marijuana.

Chairman Moderski invited Mr. Mazzucco to address the Planning Board members with information regarding the future marijuana bylaw. Mr. Mazzucco stated to them that he worked with Attorney Edmund St. John, town counsel to address some of their concerns regarding the proposed bylaw that they had been reviewing.

He began by addressing their concern regarding the growing of marijuana in a building where residents live. He told them that his research showed that "nothing prohibits that, other than any applicable building codes that would apply." Mr. Mazzucco told the Board members that the state regulations required that there would be a complete separation between the facility and the residents.

He continued to address the hours of operations of marijuana facilities with the Board members. Mr. Mazzucco stated to them that the hours would have to be "reasonable hours" similar to "like business operations hours."

Mr. Mazzucco let the Board members know that delivery of medical marijuana can be an option in the town as an alternative. He stated to them that the town could set a requirement that they offer delivery options to their customers. Member Krzeminski asked him if the town could set the delivery hours. Mr. Mazzucco stated that they could set reasonable hours of operation. Member Krzeminski emphasized to him that he thought keeping delivery hours during the day could curtail any "robbery situations." Mr. Mazzucco stated to him that he would confer with Attorney St. John and address this with them at their next meeting.

Mr. Mazzucco continued to address the Boards concerns with regard to a medical marijuana facility in "free-standing buildings." He told them that this could be a "challenging" concept. Member Rhinemiller stated that he would like to see the grow facility in a separate location from the dispensary. Mr. Mazzucco responded by stating that the grow facilities were very large and would most likely need to locate in the Industrial Zoning Districts which the Board could set these requirements in the bylaw. Member Krzeminski was curious to know if the town bylaw could mandate the number of facilities allowed to locate in the town. Mr. Mazzucco stated that each company was restricted to two or three facilities locations which only one grow facility was allowed. Mr. Mazzucco stated that any building in town that was allowed to sell, grow and have residential living would have to meet all building code requirements. He stated that the facilities needed very large grow areas. He wanted the Board members to know that the retail functions of the business would not necessarily contain any odor in the building but the grow facility would have to follow other standards.

Vice-Chairman Ziemba wanted to know if the companies could grow their marijuana outside or would they have to have an indoor facility. Mr. Mazzucco answered her by stating that a "huge steel warehouse" would be an example of a grow facility requirement.

Mr. Mazzucco stated that the smell issues as well as the disposal of waste had been a previous concern of the Board members which he continued to note that the facility was required to grind and mix the waste so it is "unusable." Chief Tarsa addressed the Board members to let them know that it would be transported back to the grow facility with the same standards and restrictions they followed when the product was originally delivered.

Member Krzeminski was curious to know how the state determined the 500' rule for a facility being located where children would congregate regularly. Mr. Mazzucco stated that the town could attempt to reduce this regulation. Discussion was made regarding the areas in the downtown where children do congregate on a regular basis. Member Krzeminski expressed concern that downtown parking may not be capable of accommodating the amount of customers the facility would bring to the area. Mr. Mazzucco stated that the facilities are generally 2,000 sf and they were not designed for a large amount of business traffic. Member Krzeminski wanted to know if a medical marijuana facility was established could they be allowed to have a recreational marijuana facility on the other side of the building. Mr. Mazzucco stated that they would have to have state approval for that

recreational marijuana. He emphasized to the Board members that the town “should have a good medical marijuana ordinance that encouraged medical marijuana as a good economic generator for the town and the people.” He told them that the town can classify medical and recreational marijuana were one “is more of a challenge than the other.”

Member Krzeminski stated that he did not have any concern with medical marijuana facilities being located on Park Street but he emphasized to Mr. Mazzucco that he would be in opposition of having any recreational facility in that location. He said it would present a “bad influence on kids traveling Park Street.” In response, Mr. Mazzucco stated that they are not allowed to advertise their facility in any way. He told the Board members that if their biggest concerns were the location of the recreational marijuana facilities then he suggested to them that they “have a good enticing economic development friendly medical marijuana ordinance and have stricter regulations for the recreational marijuana.”

Chairman Moderski addressed Adams Police Chief Tarsa to ask him if he had some input on the subject that he wanted to share with the Board members regarding their continued discussion on the marijuana bylaws. Chief Tarsa stated that from a “Police Chief’s perspective” allowing a medical marijuana facility to open on Park Street would create issues with parking and traffic flow. He told the Board members that in other communities, it took customers “hours to get processed.” Chief Tarsa told them that these facilities “do not belong on Park Street or Summer Street.” He continued to state that the 500’ buffer be respected. Chief Tarsa told the Board members that choosing the zoning districts for these facilities would be to the town’s benefit. He emphasized to the Board members that if a facility met the standards for a medical license from the state that they would meet the criteria for a recreational license also. Chief Tarsa suggested to the Planning Board members that they “look down the road” and that they should craft their bylaw to address both facilities. Mr. Mazzucco stated that from a business standpoint, the main street in the town of Adams “has a high vacancy rate” which was not “always a good thing.” He told them that “we need to revitalize our downtown.” Chief Tarsa stated that the customers that visit the dispensaries are going to “buy their product and leave town.”

Vice-Chairman Ziemba wanted the Board members to be aware that they would need to address each bylaw separately. Mr. Mazzucco agreed that they need to create a medical marijuana bylaw first to address zoning districts and setbacks. He emphasized that they should be able to move forward with this. Mr. Mazzucco stated to the Board members that he believed that the 100’ buffer should be included in the town’s ordinance.

Building Commissioner Don Torrico addressed the Board members stating that he never met a Police Chief who supported these issues. He stated that the people who frequent these facilities were respectable people in need of “relieve” from their ailments. He questioned why there would be reluctance to “loosen the restrictions to distance” in the downtown area for these types of customers. Chief Tarsa stated that marijuana can be a very addictive drug even though he told them that he was aware that it offered good medical benefits. In conclusion, Chief Tarsa asked that the Board seriously consider the 500’ buffer.

In closing, Mr. Mazzucco stated to the Board members that he would draft a bylaw for the next Planning Board meeting and if the members had any questions regarding the proposed bylaw, they could email him at his office

ADJOURN; A motion made by Chairman Moderski, seconded by Member Rhinemiller to adjourn the meeting at 10:15 P.M., passed unanimously.

Respectfully Submitted,


Pamela Gerry, Recording Secretary

10-31-17
Date