

APPROVED

**ADAMS PLANNING BOARD
MEETING MINUTES
MONDAY, APRIL 26, 2021**

MEMBERS PRESENT: Chairman David Rhinemiller, Vice-Chairman David Krzeminski and Members Lisa Gazaille, Sandra Moderski and Michael Mach

OTHERS PRESENT: Donna Cesan; Darrin Harris & Jeff Randall, Hill Engineers; Art Babayan; Judy Taylor; Jack Guerino, *iBerkshires* and Recording Secretary, Pam Gerry

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

Ms. Gerry reads the pandemic waiver.

Join Zoom Meeting by Video:

<https://zoom.us/j/95227034902?pwd=SEtUZ2dabzBBTFJSUIYwL1JYZ05ldz09>

Meeting ID: 952 2703 4902

Passcode: 256300

Join Zoom Meeting by Phone:

1 929 436 2866 US (New York)

Meeting ID: 952 2703 4902

Passcode: 256300

Application of LC Square, LLC for "Site Plan Approval" under §125-19 of the Adams Zoning Bylaw for property located at 173 Howland Avenue. The request is for a cultivation operation inside the existing building with no retail or public sales in an Industrial Zoning District.

Chairman Rhinemiller opened the meeting stating that the public would be required to announce their names for the record before they addressed the board members.

Chairman Rhinemiller invited the applicant to begin their presentation to the Planning Board members.

Darrin Harris, Hill Engineers introduced himself and his associate Jeffrey Randall representing LC Square, LLC with owner Art Babayan. He began the discussion by sharing their site plan on the screen for the board members to review. Mr. Harris turned the discussion over to Mr. Randall who proceeded with the layout. He stated that there was a limited amount of site work to be completed. Mr. Harris continued by mentioning that the building was in the Industrial Zoning District with a few residential properties in the area of their proposed project. He stated that 25 parking spaces would be available on site including two provided for ADA spaces. Mr. Harris further stated that they would provide plantings of trees and small bushes to provide some green

space within the site. Mr. Harris told the members that they would be utilizing the existing loading dock. He stated that there would be building mounted lighting above the doors which would be contained to the parking lot. He stated that they would include signs for ADA parking and provide an enclosed dumpster on site.

Mr. Harris explained to the board members that they would be creating minimal improvements to the existing site. He addressed the board members to ask them if they had any questions regarding the proposed project.

Vice-Chairman Krzeminski addressed Art Babayan, owner of the property to ask him if the site had been checked for contamination. Mr. Babayan responded by stating that it was not required for indoor cultivation.

Vice-Chairman Krzeminski continued with additional concerns. He was curious to know what type of business had occupied the existing space in the past. Mr. Babayan stated that it had a mix use with a storage facility, stoves and various other materials. Vice-Chairman Krzeminski asked if their product would have a filtration system to the outdoors. Mr. Babayan stated that there would be several methods for odor mitigation with a closed loop system and a bipolar plasma-based air system for odor control to break down the gases and limit the exhaust.

Vice-Chairman Krzeminski was curious to know how often the filters would be changed. Mr. Babayan stated that they would change the filters twice a year.

Chairman Rhinemiller asked what the reduction of air would be inside the building versus outside. Mr. Babayan stated that there would be limited air of 10 to 15 percent being vented outdoors.

Chairman Rhinemiller asked how the drainage would be addressed. Mr. Harris, responded by stating that they would not be changing anything but removing some pavement and adding plantings to assist in reducing the stormwater runoff. In addition, Chairman Rhinemiller wanted to know where the existing runoff was currently going. Mr. Randall stated that the runoff went to the northeast corner of the property. He stated to the board members that they were in compliance while mentioning that they were "changing quantity and not quality." Mr. Harris emphasized that Conservation Commission would have issued an enforcement order if they made any changes.

Chairman Rhinemiller wanted the applicant to review the security system with the board members. Mr. Babayan stated that he had provided a detailed security plan based on the regulations from the Cannabis Control Commission, adding that they had "exceeded their expectations." He noted that the minimum requirement for camera installations for the facility was 30-45 cameras noting that they had installed 67 cameras. Mr. Babayan stated that he had a "detailed review" with Chief Kelley regarding the cameras and existing technology emphasizing once again that they had "by far exceeded the minimum requirements."

Vice-Chairman Krzeminski asked if they would have any emergency generators on site. Mr. Babayan stated that they had not finalized the details of that at this time.

Member Mach addressed the applicant to ask him how many employees would be hired. Mr. Babayan stated they anticipated that there would be 30-35 individuals hired to work two shifts.

Member Moderski addressed the applicant to ask him what hours would be completed in each shift. Mr. Babayan stated that they would run the shifts with some overlapping; 7:00 a.m. to 2:30 p.m., 7:00 a.m. to 3:00 p.m. and the last shift from 2:30 p.m. to 7:00 a.m.

Chairman Rhinemiller asked about truck traffic activity for deliveries and pick up of wholesale products. Mr. Babayan stated that the business traffic would be limited to once or twice a month with one truck delivering their wholesale items.

Vice-Chairman Krzeminski asked where the soil waste would be kept. Mr. Babayan stated that most of the soil would be re-used and sterilized at their facility.

Member Moderski asked how many employees would be full time and how many would work part time hours. Mr. Babayan stated that 2/3 of the workers would be hired as full time and 1/3 of the workers would be part-time employees. Member Moderski asked for clarification of a "blind hiring policy." Mr. Babayan stated that this was mandated by the state to allow the opportunity for blind employees to be qualified for a particular job. He stated that only one or two positions would be offered for those qualified. In closing, she asked what the "final license" would be. Mr. Babayan stated that these were requirements made by the Cannabis Control Commission that they had to follow prior to obtaining their final license to operate their facility.

Member Mach addressed Chairman Rhinemiller to request that he read the letter submitted from Chief Kelley to the board members for the record. He reads aloud.

Member Gazaille asked what would be become of the waste from the dead plants. Mr. Babayan stated that they would grind the plants on site and offer the waste products to local farmers to utilize as compost.

Vice-Chairman Krzeminski asked if they would be using any corrosive fertilizers. Mr. Babayan stated that the soil being used fell under the Cannabis Control Commission regulations for allowed use, noting that all products would be go to independent testing facilities prior to distribution.

Chairman Rhinemiller asked if there were fire protection systems in place. Mr. Harris addressed the board members stating that the applicant would have to follow the building code for fire protection. Mr. Babayan stated that he had met with the Adams Fire Chief Pansacchi and the building would have a full sprinkler system installed.

Member Moderski asked where they would be selling their products. Mr. Babayan responded by stating that they could sell their products in MA only, noting that they planned to conduct their business in Berkshire County.

A motion made by Member Michael Mach, seconded by Member Sandra Moderski to approve the application of LC Square, LLC for "Site Plan Approval" under §125-19 of the Adams Zoning Bylaw for property located at 173 Howland Avenue. The request is for a cultivation operation inside the existing building with no retail or public sales in an Industrial Zoning District, passed unanimously.

OLD BUSINESS:

NEW BUSINESS:

- Discussion on Marijuana Bylaw

Chairman Rhinemiller stated that they would begin their discussion on zoning bylaw changes in the Industrial Park Zoning District for the purpose of marijuana cultivation and sales.

He continued to state that at the current time, the Industrial Park prohibited this type of business use without a Variance. He stated that if the Planning Board members changed the zoning bylaws in the Industrial Park to incorporate these uses that this would allow future use of this property for a cultivation operation.

Donna Cesan addressed the board members stating that there was an Industrial Zoning District in addition to an Industrial Park Zoning District. She stated that within the Adams Corporate Park was the location of the Industrial Park Zoning District. She stated that several years ago when the Planning Board created the marijuana bylaws, the board members "held off on the Industrial Park." She let the board members know that during the past few years, interest in the vacant properties within the Industrial Park was growing. Ms. Cesan stated that there was not "much available land or available buildings" in Adams for interested parties. She stated that the Adams Selectboard inquired as to the reasons that the Planning Board had not addressed this issue a few years ago. She stated that there was "a desire for these types of businesses to locate in the Adams Corporate Park."

Member Mach asked if there would be a retail store to allow the owners to have the opportunity to sell products. Ms. Cesan stated that when you get involved in retail sales, that "deviates from what you think of an Industrial Park." She recommended that the board consider manufacturing and cultivation within the Adams Corporate Park.

Vice-Chairman Krzeminski expressed concern for the quality of the air filtration systems regarding the cultivation process. He stated that the abutting neighborhood surrounding the Industrial Park had experienced other types of issues in residential areas over the years. Vice-Chairman Krzeminski stated that he would like to observe how the filtration system would operate at LC Square prior to considering the proposed bylaw within the Industrial Park. Ms. Cesan stated to the board members that the issues underlying odor control were valid. Ms. Cesan stated that she would attempt to gather the latest information available in regards to methods surrounding odor control. Vice-Chairman Krzeminski encouraged the process of gathering information from neighboring communities who have approved these facilities.

Chairman Rhinemiller stated that the board members should be assured that if manufacturing and cultivation are considered that it would be an “indoor project and not an outdoor project.”

Member Moderski was looking for clarification between marijuana cultivators who grow marijuana and marijuana project manufacturing. Ms. Cesan responded by stating that this would be similar to the manufacturing of the marijuana gummies as an example of project manufacturing.

Chairman Rhinemiller stated that the board could consider a Special Permit for manufacturing and cultivation in the Adams Corporate Park to allow review by board members.

Ms. Cesan stated that the Board of Selectmen requested that the Planning Board consider amending the town’s marijuana bylaws. Member Mach agreed that the town could use the revenue.

Member Moderski was curious to know what buildings were currently vacant in town for marijuana cultivation. Ms. Cesan stated that within the Adams Corporate Park, the old pellet fuel company owned by the Daignault’s, as well as the building owned by MRA Labs were vacant at this time. She let the board members know that on the average during the year that there were three to five inquiries being made in this regard.

A motion made by Vice-Chairman Krzeminski, seconded by Member Mach to hold a public hearing to consider amendments to the (IP) Industrial Park Zoning District regarding marijuana businesses, passed unanimously.

Ms. Cesan informed the board members that Cumberland Farms Inc. may be appearing at their next scheduled meeting of May 24, 2021. She asked them if they would like to set an alternate date to hold the public hearing for the amendment to the marijuana bylaws. The Planning Board members stated that they would hold the public hearing on May 17, 2021.

Member Moderski stated that the Zoning Board of Appeals had been issued many Variance requests. She showed concern that the Planning Board worked hard to move forward on zoning bylaws and mentioned that there were occasions when the applicants “circumvent” the Planning Board’s attempts to get these bylaws in place.

Chairman Rhinemiller stated that many of the Variance requests that come before the Zoning Board of Appeals are not granted, noting that they did not meet the Variance criteria. Ms. Cesan stated that they have a small grant that can be utilized for writing new bylaws, adding that they could possibly utilize some of these funds to look into the issue of Variance requests. Ms. Cesan wanted to inform the board members that the town was in the MS4 Stormwater Program which was implemented by EPA and DEP, noting that one requirement of the municipality was to have a stormwater bylaw which the Planning Board should consider.

Member Moderski was curious to know when this bylaw would be addressed by the board members. Ms. Cesan stated that she would like to have a bylaw draft in June for their review.

Vice-Chairman Krzeminski asked if there had been any interest in the 40R Smart Growth bylaw. Ms. Cesan stated that they had an (RFP) Request for Proposals out for the Adams Memorial School with proposals due in by June 4, 2021.

Member Moderski was curious to know what the future of the 5 Hoosac Street building would be. Ms. Cesan stated that Alan Shiftman, the buyer was in partnership with Jeff Cohen, noting that the plans were moving slowly at this time.

Member Moderski asked when the Planning Board could expect to review Variance requests made by the Zoning Board. Ms. Cesan stated that they could move on these in the months ahead.

REVIEW MAIL: The mail was provided to the board members for their review.

ADJOURN: A motion made by Member Moderski, seconded by Vice-Chairman Krzeminski to adjourn the meeting at 8:20 p.m., passed unanimously.

Respectfully Submitted,


Recording Secretary

5-25-21
Date