

Minutes

December 17, 2018

**Members Present:** Peg Keller, Chair, Ann Irvine and Joan Wattman, permanent ZB members and Bill Latimer, ZB Alternate. Also attending: Peter Lapointe, Architect for 58 River Road, Sally and Robert Silberberg, owners of 58 River Road; Chris Roos, President and CEO of 27 Broom Street LLC, Nicholas Rosati, COO of 27 Broom Street LLC, Matthew Shippee, Broom Street abutter, Aimee Bell and Timothy St. Germain from Fuss and O’Neill, engineer for applicant, Briony Angus of Tighe and Bond representing the Town ZBA in the peer engineer review capacity, Martin Downey, Timothy Rooke, interested citizens, Howard Bronstein, Chair of the Plainfield Selectboard and Judy Williams, Chair of the Plainfield Conservation Commission.

**Call to Order:** Chair Peg Keller called the meeting to order at 6:30 p.m. with the presence of a quorum of the Board.

**Public Hearing 58 River Road:** The Chair opened the continuation of a hearing commenced on November 15, 2018 relative to an application for a special permit, submitted by Sally Silberberg to modify an accessory shed structure on their property located at 58 River Road. The hearing was opened on November 15<sup>th</sup> in order to comply with statutory requirements, but the applicant was not available, so it was continued to this evening and the abutters were notified accordingly.

Peter Lapointe reviewed the plans with the Board. His comments included the following:

- Project adds 80 feet to an existing 120 square foot sugar shack
- The roof line will be changed and a stone wall added
- No side yard or front yard setback distances will change; remaining 25 feet from road
- 310 CMR of the Dept. of Environmental Protection regs allow for alterations to non-conforming structures and are exempt from the Wetlands Protections Act.
- The Conservation Commission will receive a Request for Determination at which time the building permit is requested.

The special permit criteria were reviewed. The Board found that adequate provisions have been made for the following:

- (1) Off-street parking and loading accommodations with respect to number of spaces, layout and safety  
*New shed will only be accessed by the owner’s residential vehicles and space is there to pull the vehicles safely and fully off the roadway.*

- (2) Situations believed to be harmful as stated in Section 4.0  
*No such situations impacted or proposed.*
- (3) Protections against adverse visual impact, including but not limited to that which may be caused by light, both direct and reflected.  
*Only a motion detector light is proposed, to be reflected downward.*
- (4) Protection of unique or important natural, historic or scenic features  
*No existing stone walls will be removed. No impact on other features anticipated. Some leveling off of ledge outcropping will occur.*
- (5) Pedestrian and vehicular circulation with attention given to safety, convenience, ingress and egress.  
*No potential issues identified. (see #1)*
- (6) Adequacy of methods of disposal of sewage, refuse and other waste resulting from the uses permitted or permissible on the site, and methods of drainage of surface water  
*No issues anticipated.*

Member Irvine made a motion to approve the special permit request, seconded by Member Wattman. The vote in favor was unanimous. The decision notice will be created and signed by the members and forwarded to the Town Clerk. The applicant will be notified about procedural steps that require action on their parts. They were thanked and the applicants departed the meeting.

**Minutes:** Minutes from the December meeting were approved as submitted, after a clarification about exterior lighting at the 27 Broom Street facility. The motion to approve was made by Member Irvine, seconded by Member Wattman; the vote in favor was unanimous.

#### **7:00 p.m. 27 Broom Street LLC / Continuation of Public Hearing**

Chair Keller opened the continuation of the public hearing on the application of 27 Broom Street LLC for a marijuana cultivation facility. The discussion began with Briony Angus reviewing the items that were flagged as needing additional information at the last meeting (11/15/2018) as noted in the Tighe and Bond Memo dated 12.17.18.

Highlights of her comments were as follows:

- The applicant did submit a **Project Narrative**, as requested and it is sufficient.
- The request for a waiver of a full **traffic study** has merit. Tighe and Bond agree one can be waived.
- The physical **condition of Broom Street** from the subject site to South Central Street was raised as an issue. She recommends that a pre-construction inspection be made, and an evaluation conducted post construction to assess damage. The permit could condition that the Applicant make improvements to the road if significant damage has occurred. (Applicant concurred with this recommendation).

- The Applicant has agreed to file a **Request for Determination** with the Conservation Commission, once all site issues and the septic system design are finalized.
- The **septic system design** will be reviewed by the Plainfield Board of Health so Tighe and Bond will not focus on that aspect of the project. (Applicant submitted septic system design plans, test pit data, calculations to the Board of Health on 12/11/18)
- Project will be served by existing well on site. Testing has occurred and applicant feels it is adequate to accommodate the **water usage** requirements for the proposed facility operation.
- **Stormwater run-off** from the roof to be collected by roof leader and discharged to infiltration basin. Run-off from other areas will sheet flow to depression and infiltration basin. The project scale and channelized discharge area render it not subject to State Stormwater Standards. Tighe and Bond did request additional information on this aspect and stated that the basin design provide a two foot separation between the basin bottom and seasonal high groundwater. A notation to require an operating and maintenance plan for the basin and annual inspection reports to ensure that basin functions as designed, after construction was made. (The applicant agreed to provide the separation and required plans and inspections and they made the detention basin a little larger, to address the depth to ground water). Ms. Angus said the development will not have a great impact on water flow off site.
- **Fence** height has been reduced from 12 to 8 feet including barbed wire. Fabric screen to be a black mesh material and be installed on all fencing.
- There is no intention to paint stripes on the **gravel parking lot** (plan revised)
- **Stone filter strip** and flush concrete curb have been identified on revised plans.
- **Pedestrian gate** labeling has been corrected to show permanent structure, 8 feet wide.
- **Noise pollution** submission/ T and B recommended Board require compliance with MassDEP Noise Policy #90-001 as condition of approval, if granted.
- Minimal **light disturbance** to abutters proposed. No State requirements to light the parking area for security purposes. Only exterior lighting will be above doors to the outside, directed downward.
- Additional evergreen (year round) vegetation agreed to by applicant along west side of driveway for **screening** purposes (plans revised accordingly).
- **Odor control** information for the interior areas submitted and adequate, additional discussion needed for outdoor grow area mitigation plan. Applicant agreed to notify abutters 7 days prior to harvest period when the odor will be strongest.
- Conservation Commission results should be included in the record, and if require site changes, Board shall determine if an update to the ZB action is required, and if so, to what extent.

Open discussion followed. Highlights of comments included:

**Noise/** specifications for the exhaust fans were submitted and reviewed. DEP noise requirements prohibit more than 10dba increases at the property line. Applicant submitted calculations to indicate their compliance with that standard. No modeling has been done. Ms. Angus suggested that the Board require the Applicant to comply with the DEP Policy and modeling and provide additional mitigation if found to be needed. Mr. St. Germain noted that the 4 greenhouse exhaust fans are located on the eastern façade, the opposite side from any residential abutters. They will turn on and off as required to maintain temperatures/ higher usage in the summer. Discussion followed about the noise dissipation rates. If all 12 fans are going at once = 95.7 decibels.

At 420 feet from the source, = 42 decibels

It was noted that the closest residence (Shippee) is +/- 740 feet away and Thatchers are 850 +/- feet (as indicated on aerial photos of existing conditions). At one meter away from source, there is a reduction of 6 decibels of sound, compounded with further distance. The combination (as stated by the applicant) of the existing barn, the existing and planned vegetative screening (trees), prevailing winds, the time of the year and the orientation of the noise emitters will all contribute to noise mitigation. Tighe and Bond concurred.

Direct abutter Mr. Shippee summarized his concerns as follows:

- With the traffic generated, will it change traffic patterns on Broom and other access roads?
- What are the standards for suburban noise levels? Different from rural?
- Is the minimal vegetation proposed sufficient?
- In the absence of Noise modeling, are the results speculative?
- If the lighting plan changes, will they have to come back to the Board?
- Fence height, as relates to security concerns/ 12 ft. better than 8 ft.?

Mr. St. Germain confirmed that outdoor grow areas have no precedent in Massachusetts and there is no magic solution to mitigation. Notification and complaint tracking are being investigated. Mr. Roos said that water mist with chemical components to spray at the fence perimeters of the outdoor grow would contaminate their organic cultivation process. He feels the companion planting strategy will help mitigate the odor. Ms. Angus concurred that there is an absence of standards to control odor outdoors in our by-laws and the technology is not in place in Massachusetts.

**Summary/** The Board concluded that there was much information to digest, and therefore continued the hearing to January 17<sup>th</sup>, 2019. Member Irvine made such a motion, seconded by Member Wattman; the vote in favor was unanimous. The meeting was adjourned at 9:00 p.m. Respectfully submitted, Peg Keller