

## Plainfield Massachusetts

### Zoning Board of Appeals

Minutes—  
June 18, 2020 meeting

Approved 7/16/20

**Members Present:** Peg Keller, Chair, William Latimer and Joan Wattman. Also present, Chris Roos and Nicholas Rosati, of 27 Broom Street LLC. This meeting was held virtually, due to the Corona Virus.

#### Call to Order:

Chair Keller called the meeting to order at 7:05 p.m. The Board has not met for several months, so there were no minutes to approve. The main agenda item was to follow up on the implementation of the Marijuana Cultivation facility located at 27 Broom Street, for which the Board approved a Special Permit and Site Plan in January of 2019. Ms. Keller opened the meeting by noting that there is a discussion at the town level as to whether the Zoning Board or the Planning Board is the entity charged with following up on the permit, considering Special Permit Granting authority was changed from the former to the latter at the annual town meeting held last May. She said that until she is told by town counsel that the ZB is no longer involved, she will assume that this Board is. She noted that she had been contacted by an abutter asking for an update on the activity at the site, hence the publicly posted meeting this evening to accomplish that purpose. The discussion framework will be based on a Memorandum submitted by the Chair which articulated the conditions in the Special Permit Approval that require follow up.

Status Update: Mr. Roos opened the discussion by providing a brief update on the licensing approval from the State Cannabis Control Commission. Due to the delays in the issuance of the State licenses, the project has been delayed about a year. A provisional license was obtained in January (2020). The building of the greenhouse was delayed during the winter, and they opted to retrofit the existing barn to accomplish security operations and initial plant germination in order to get a crop established during this growing season. Although the phasing has changed, the same personnel of family and friends remains in place. Outdoor cultivation is planned to commence this week. The greenhouse, as permitted, is planned for construction late summer or early fall. Harvest of the first outdoor planting is expected for mid-September to early October. The fencing for the outdoor grow area is in place.

**Item #1/ Use of the Existing Barn:** Member Latimer asked for confirmation that growing activity will occur in the existing barn. Mr. Roos replied that technically not considered plants, but yes, seeds will be started in the barn and will be there 2-3 weeks before being moved outside. Discussion followed about lighting that was observed by an abutter. Mr. Rosati said all lighting for the germination is contained within the structure, there are no light emissions to the outside and no windows in the grow room. Some interior lighting was installed in the other areas for security purposes and to meet code requirements. The light that the abutter observed may have been related to working in the evenings to prepare for the inspection by the State Commission. It is the expectation that this is the only time this building will be utilized for germination, once the greenhouse is constructed. This discussion thread was pursued because during the application process and the public hearings the applicant stated that this

building would not be utilized at all, but would not be removed in order for it to serve as a noise and visual screening element.

Chair Keller noted that mechanical equipment has been installed on the exterior of the existing barn.

Mr. Roos replied that the units are residential sized HVAC units to dehumidify the computer room and keep areas climate controlled. The security operations will remain in that building moving forward. There are no exterior exhaust fans that could emit noise. Drying of plants post-harvest will also be done in this building but no fans blowing air to the outside will be installed or employed for this purpose.

Item #2/ According to Hampshire County Register of Deeds, the real estate has changed ownership. Mr. Roos said that 27 Broom Street LLC remains in place, and is the holder of the State licenses. Farmhouse Properties was created for a leaseback option and Almond Property Management is Chris's father and sister. The applicant stated there are no repercussions for the Host Agreement with the Town, as 27 Broom Street LLC still exists.

Item #3: conditions related to pre-construction phases were reviewed. Copies of the Conservation Commission review and the Board of Health approval for the septic system are on file.

Final Stormwater plans exist and will be given to the Board after the construction of the Greenhouse, as the applicant has deemed that related. The applicant has met with town officials on multiple occasions. The Board has asked for those conversations/meetings to be documented in writing so all can be assured the conditions of the Special Permit have been met. Mr. Roos said conversations with the Building Inspector and the Police Chief initially were scheduled for every Thursday, but Covid 19 made things more sporadic.

Conversations with the Highway Superintendent and the Chief of Police have confirmed the material delivery routes to be from Route 9 up South Central Street or Old South Street, onto Broom Street. Mr. Rosati said the Board would be notified prior to commencing the construction of the greenhouse.

The sign posting contact information has been installed and the applicant will provide proof of that to the Board. Videos of the condition of Broom Street have been taken and will be submitted to the Board. The noise and odor monitoring plan will be the next component of work to be completed. Mr. Rosati said they will submit a written plan to the Board describing their commitment to the plan submitted to Tech Environmental. The Board asked that to be submitted prior to their next meeting, July 16<sup>th</sup> and all committed to finalizing a plan by the end of August, in order to solidify the complaint process protocols, the monitoring protocols and make that information available to the Town and the abutters.

All conditions related to the greenhouse and parking lot construction phase were noted for compliance purposes. Keys to the lock box will be provided to the fire and police departments. It was noted that should the greenhouse not be completed within 18 months of the permit approval, an extension must be requested. Discussion followed about the requirement that an engineer certify that when all construction is complete, that all conditions of the permit approval have been adhered to. The applicant stated they will have professional consultants available for that purpose.

Summary/

The Applicants were thanked for their project update. Each item in the Memorandum was reviewed. Mr. Rosati was asked to respond to the Memorandum in writing for the Board to document their responses

more formally. The ZB members were then asked to give their opinions on whether any further action was required to validate that the existing barn (closer to the abutters) which was stated in public session that it would not be used for any purpose other than screening, is now being used for operations.

The members determined that they would like to see the facility prior to making a decision about next steps. Therefore, an on-site visit to the facility will be scheduled for next week. If further action needs to be taken, for example, amending the Special Permit, the Board will await the decision of whether or not that task falls to it, or the Planning Board. The applicants were thanked for their participation. Notice of the on-site visit will be confirmed and they will be notified.

#### Other Business

Ms. Keller noted that she had been in touch with Nexamp regarding the request from their on-site construction manager about closing out the Solar Installation project on N. Union. Chris Clark said it was his understanding that there had been follow up conditions relative to the Conservation Commission, but nothing that he was aware of for the Zoning Board.

Members then compared their schedules and picked Friday June 26, 2020 at 10:00 a.m. for the visit to 27 Broom Street. Ms. Keller will post the tour and notify the applicants.

**Adjourn/** There being no further business, the virtual meeting concluded at 8:15 p.m.

Respectfully submitted, Peg Keller