

PLANNING BOARD MINUTES
WEDNESDAY, MAY 18, 2022
MUNICIPAL COUNCIL CHAMBERS – 6:30 P.M.

Present: Ashley Case, Michael Costello, Phil Ruck, Christa Schwintzer, Dave Thompson, Bob Bayer, John Beckett

Absent: Jud McIntosh, Lisa Buck

Town Staff: Kyle Drexler, Jessica Chadbourne

Phil Ruck attended the May Planning Board meeting remotely, so Michael Costello opened the meeting in-person before passing moderation of the meeting to Mr. Ruck.

Acceptance of the Agenda

Mr. Ruck asked for a motion to accept the agenda.

Motion: John Beckett

Second: Ashley Case

Mr. Ruck asked for a roll call vote. The vote to accept the agenda passed with even in favor, none opposed.

Approval of the Minutes of the April 20, 2022 Planning Board Meeting

Mr. Ruck asked for a motion to approve the April Planning Board Minutes.

Motion: Christa Schwintzer

Second: John Beckett

There were no corrections to the April minutes, so Mr. Ruck asked for a roll call vote. The vote to approve the April meeting minutes passed seven in favor, none opposed.

Old Business

There was no old business.

New Business

Item A: A minor site plan application by Rail Properties LLC, located at 9 Godfrey Dr (tax map 11-0, lot 42) in the Economic Development Zone District. The application is for the construction of a 5,000 square foot building with parking area to be used as a marijuana cultivation facility on the 1.73 acre lot.

Mr. Ruck invited the applicants up to the podium to present their project to the Board. Mr. Ames, the consultant engineer for the project, introduced himself to the Board as well as Mr. Perry, Principal of Rail Properties, LLC, and Mr. Cyr, the grower and farmer for the planned facility, also in attendance. Mr. Ames began by going over the items on the checklist that will not apply to this project and why.

He then went over some of the documentation that had been provided to the Board as part of the application packet. He explained that they had already met with the water district and with wastewater staff to confirm that their expectations for usage and disposal were acceptable to both. The packet also included a diagram of the exterior lighting plan and the expected spillage of light from the site, and Mr. Ames pointed out to the board that the amount of visible light drops quickly outside the

immediate perimeter of the building. The development will create an impervious area of roughly 14,000 square feet and a total development area of 36,000 square feet. The job does not require a stormwater DEP permit, and as a minor site plan it also does not require a runoff evaluation. The drainage concept is to maintain as nearly as possible the existing flow of water over the property into the existing drainage ditches to either side of the property, and impact on properties down stream is expected to be very minimal.

Mr. Ames then invited Mr. Cyr to join him at the table and explain the next portion of the packet as it pertained to surveillance and security systems for the proposed cultivation facility. Mr. Cyr introduced himself to the Board. He began his presentation with the security system for the proposed facility, explaining to the Board that it was designed to meet State requirements: all exits will be secure, lit, and videoed. Going above and beyond State standards, each of the individual areas inside the building will have restricted keycard access, so any secure area (like for instance product storage) will only be accessible to manager level staff/manager level keycards. The security system will cover all employees and all grow facility areas at all times, and footage will be maintained for the period of time required by law.

With regards to odor control: the building is designed to be airtight in order to create a stable environment for growing the plants. This in itself helps to prevent odors from escaping. In the event that a problem with odor permeation is detected, carbon scrubbers will be installed at the exit points of the building. As far as waste is concerned, because the facility extracts all THC and CBD from the plants during processing, all waste disposed of will be only compostable organic green waste, and because less than 10 cubic yards of waste will be produced a month there are no additional regulations on disposal.

Mr. Ruck opened the discussion up to questions from the Board. John Beckett asked if the building's alarms would be tied into a central service. Mr. Cyr confirmed that they would be. Mr. Ruck asked about their anticipated start date, to which Mr. Ames replied that they hoped to begin construction as soon as permits could be issued, and intended to finish within 6 months of that date. Mr. Ruck then asked Town Planner Kyle Drexler to provide the Board with his report.

Mr. Drexler gave the Board a quick recap of the history of Marijuana related zoning thus far in the town, concluding that the proposed facility is an allowable use for both the property and the zoning district. Town Staff has worked with the applicant with regards to what screening and buffering is required for the proposed parking area, and referred the Board members to the site plan where it is clear that all required set backs for the parking area have been observed. He reaffirmed the applicants' claims that the proposed facility will meet all local and state requirements with regards to lighting, security, odor, and waste disposal.

He indicated on the site plans a couple of wetland areas around the proposed structure, and informed the Board that there would be an approximately 100 sq ft area of impact to the southern section of wetlands. That degree of impact would not require approval from DEP, and Town Staff has worked with the applicant to ensure compliance with the Town's agreement with the Army Corps of Engineers regarding wetland impacts in the Godfrey Drive development.

Because there is no retail component to the use, there is no expected impact to traffic volume on Godfrey Dr.

Mr. Ruck asked about odor control, and how the Code Officer could make a decision during construction - before plants are in place - to determine whether there might be future issues with odor. Mr. Ruck's concern was making sure that whatever standards were used to determine odor compliance are consistent for future projects.

Mr. Drexler explained that conversations about odor control during construction would be more about best management practices at other similar marijuana cultivation facilities and what the International Building Code (IBC) requires. To Mr. Drexler's knowledge there are no specific requirements for marijuana cultivation facilities in the IBC in terms of what forms of odor mitigation they need to require. So the applicant's plan to introduce carbon scrubbers if needed meet the need in that, as with any potential nuisance, they will be deployed in response to an issue if one arises.

Mr. Ames pointed out that the building itself is designed to prevent this issue. Aside from being airtight, as previously mentioned, the design also features airlocks at the exterior entrances where employees will change garments, as well as interior airlocks for areas that are tightly contained. There are no windows in the building and it will be covered in sheet metal, both measures that Mr. Ames believes will render the chance of odor permeation highly unlikely.

Mr. Costello asked why the proposed carbon scrubbers wouldn't be included in the initial construction, as opposed to being added later if an odor issue should arise. Mr. Cyr explained that the scrubbers wouldn't be included in the original construction because they were truly believed to be unnecessary. In his existing building is airtight and they have had no odor issues.

Mr. Costello expressed his concern that, should the scrubbers become necessary down the road but Mr. Cyr claimed to be unable to afford them, then there would be an unaddressed odor issue. Mr. Drexler explained that if odor became an issue, it's already in the application that the carbon scrubbers will be installed to mitigate an odor. And because it's in the application, failure on the applicant's part to install those scrubbers would be considered a violation of the site plan approval, should the Board choose to approve this project.

Mr. Ruck asked Mr. Cyr to expand on their disposal process for the less than 10 cubic yards of organic green waste that Mr. Cyr had previously referenced. Mr. Cyr explained that regular waste would be in a secure dumpster with regular pick ups, and the monthly green waste would likely be far less than 10 cubic yards, possibly closer to 1 cubic yard, and that would be ported off site for disposal. Ashley Case asked whether Mr. Cyr had a contract with a commercial composter, or what specifically he intended to do with the green waste. Mr. Cyr explained that it could go to a number of places, including his farmstead or another local farmstead or even to the organic waste disposal at his local transfer station. Because it's less than 10 cubic yards there aren't any specific rules governing disposal.

Mr. Ruck asked for additional questions from the Board. Hearing none, he opened the public hearing. There were no questions from the public, so Mr. Ruck closed the public hearing. After the public hearing was closed, Christa Schwintzer offered the applicant a suggested list with regards to what trees would be included in the plantings on site. Ms. Schwintzer pointed out that if the choice was between red maples and ash trees they would be better off with red maple as ash trees are at risk of being destroyed by the emerald ash borer, which has now been found in Maine.

Hearing no further questions or comments from the Board, Mr. Ruck asked Mr. Drexler to read the

proposed findings of fact into the record. Once the proposed findings had been read, Mr. Ruck asked for a motion.

Motion: Michael Costello moved that the Board approve the minor site plan application by Rail Properties LLC, located at 9 Godfrey Dr (tax map 11-0, lot 42) in the Economic Development Zone District to construct a 5,000 square foot building with parking area to be used as a marijuana cultivation facility. With the following conditions:

1. That before a certificate of occupancy is issued by the Code Enforcement Officer for the use, the person(s) responsible for cultivating marijuana on the site will obtain any necessary local and state licenses to cultivate marijuana.
2. That the applicant will work with the Code Enforcement Officer during construction to determine if the installation of carbon scrubbers is necessary to mitigate odor impacts based on existing building codes and best practices.

Second: John Beckett

Mr. Ruck asked for a roll call vote. The vote to approve the minor site plan application passed with seven in favor, none opposed.

Other New Business

There was no other new business.

Discussion

Mr. Ruck asked Mr. Drexler about any forthcoming projects slated for Planning Board review. Mr. Drexler provided him with a short summary of possible June projects, and briefly touched on additional projects that would not likely appear before the Board until July.

Mr. Ruck also asked about setting up a Stormwater training for the Board, it was determined that Town Staff would set up an in-person training for the Board as there were enough Board members who preferred that to an online, pre-recorded training.

Adjournment

Mr. Ruck asked for a motion to adjourn the May meeting of the Planning Board.

Motion: Michal Costello

Second: John Beckett

The motion to adjourn the meeting passed seven for, none opposed, and the meeting was adjourned at 7:19 pm May 18th, 2022.