



Planning Board Minutes – November 24, 2015

A meeting of the Town of Freetown **Planning Board** was held on **November 24, 2015** at the Freetown Town Hall Freetown, MA. **Present:** Chairman Keven Desmarais, Nicolas Velozo, Debra Robbins, Robert Jose and Assoc. Tony DeMelo **Absent:** Mark Rogers

A. Meeting called to order 6:03 PM

B. Misc

Motion to pay bills: Nicolas Velozo; Second: Robert Jose; all in favor

Motion to accept the minutes of 10/20/15 and the minutes of 10/26/15 minutes with suggested changes:

Nicolas Velozo; Second: Robert Jose; all in favor. The Chairman states that we received a letter from Cameron's Way subdivision applicant, Luis Coelho, requesting a continuance to the next meeting on December 1st. The Chairman states he will take the agenda out of order.

C. Public Hearing for proposed AmeriCann facility at 0 Campanelli Dr. (6:15 pm)

Motion to waive the reading of the public hearing notice: Nicolas Velozo; Second: Robert Jose; all in favor.

The AmeriCann team was introduced, and included owner Tim Keogh, Atty. Tom Killoran, Engineer David Kelley, Campanelli representative Mark Pilotte, and a traffic advisor from MDM Transportation Consultants, Inc.

Atty. Killoran first approached the Board to describe the project, which is proposed to be constructed in at least two phases on a 47 acre site off of Campanelli Drive. Marijuana will be grown, processed, packaged, and shipped out to licensed state dispensaries for medicinal use in a variety of forms. He explained that Town Meeting in 2013 authorized medical marijuana treatment centers and dispensaries by right in the Industrial 2 district. He explains that the applicants met with Town department heads to discuss concerns with the project. Questions were raised during that meeting, and an answer sheet was sent on 11/23/15 to the Planning Board office, along with information relative to odor mitigation technology. In addition, several project team members met with Police Chief Carlton Abbott relative to security measures on site. Atty. Killoran further states that AmeriCann has entered into a Host Community Agreement with the Board of Selectmen, and part of this contract includes a restriction precluding any retail sale activity on the premises. Atty. Killoran stated that AmeriCann itself does not need a license from DPH. They will develop the property and technology, and their tenants will need to obtain the DPH licensure.

Engineer David Kelley approached the Board to present the site plans. He states his firm has had a history with the property, through its different ownership. He describes the location of the property as abutting other industrial developments, Route 24, and a railroad right of way, with no nearby residential neighbors. The plans depict the entire maximum buildout of the project, but highlight the portion which will be built in Phase 1. A portion of one of the two proposed Head House buildings and Phase 1 greenhouses will total 139,000 sf. Subsequent phases will result in an additional 811,000 sf of greenhouse and Head House space as well as a 20,000 office and lab building for a total buildout of 970,000 sf.

Access to the property is through a 30 ft wide gated driveway off of Campanelli Drive, and includes a gatehouse manned by security personnel. The entire facility perimeter will be gated with security fencing through all phases of the project. The Head House building will be the primary access point for visitors and truck/van traffic. The total number of proposed parking spots is 313 surrounding the Head Houses and proposed office building. Each Head House will have a drive in depressed ramp and a traditional loading dock.

Mr. Kelly described the elevation of the buildings in relation to the road and the site in general. The buildings are designed to fit well with the topography of the site, so there will be no impact to the roadways or major moving of fill material during the construction phase. Mr. Kelly reviewed the proposed stormwater management measures; a large detention pond near the Republic Services site was originally designed for capacity for the entire business park. During Republic Services' engineering review, the documents from which have been reviewed by Mr. Kelly, it was noted that the Board was satisfied with the performance of the pond in relation to peak mitigation, but concern remained over recharge and water quality. In response, the applicants are handling both of those issues on site. They have designed 2 large ponds at the rear of the site as recharge ponds to collect roof runoff. Overflows travel to a water quality pond at the front of the property. Mr. Kelly states that the

stormwater plan meets both local and DEP requirements. Sewer will be handled on site; soil evaluations have been performed and perc tests completed with no problems anticipated. All other utilities are available from the street and can be connected; they are sufficient in capacity to provide for the maximum buildout of the project. Mr. Kelly outlined the 4 waivers from the Special Permit Granting Authority Regulations that the proponents are seeking.

II.B.4.e requires that mixed use projects take the sum of the various uses computed separately. The required parking when calculated for office, manufacturing, and industrial uses is 1,664 spaces. The proponents are requesting a waiver for 313 spots in total, due to employee counts and given the fact that there will be no visitation from the general public.

II.B.5 requires a 40 ft side buffer zone; the proponents are requesting a 20 ft buffer to accommodate an emergency access drive around the perimeter of the buildings. Mr. Kelly states that generous buffers are provided elsewhere on the plan.

II.B.4.h.11 requires that driveways not exceed 24 ft in width. The proponents are requesting a 30 ft driveway to accommodate trucks and vans.

II.B.4.f requires that business uses provide 1 loading dock per 75,000 gfa and manufacturing uses provide 2 dock for the first 40,000 gfa and one dock for each additional 60,000 gfa. The required number of loading docks when calculated is 17. The proponents are requesting the installation of 2 loading docks only. In Phase 1, they anticipate only 1 truck delivery every 5 days, and at full buildout, 1 truck delivery every 2 days.

The Chairman requested that the applicants clarify what will be in the trailers entering the property; Mr. Kelly states basic raw materials to grow the product. Relative to outgoing distribution, Mr. Kelly states most will be accomplished by van or smaller truck at the rate of 1 per day in Phase 1, and possibly 4 per day at maximum buildout. A traffic study has been completed showing this is a low traffic generator; the roadway and infrastructure is capable of handling the usage generated by the project, especially with the new Ridge Hill Rd/S Main intersection improvement.

Mr. Jose asks for clarification on the timing of the installation of the recharge fields; Mr. Kelly states that in Phase 1, only a recharge pond will be built behind the greenhouses, with the pond being moved, and additional pond constructed to the rear of the site at max buildout, as depicted on the plans. Mr. Kelly reviews the landscaping, which includes a 3 to 5 ft mound in the front of the property to provide visual relief. He states that they have brought a lighting plan with them tonight; the lighting is designed for the security of the facility. No lighting will be spilling off the property, and no lighting of the greenhouses is visible off site.

Tim Keogh, owner of AmeriCann Inc. approached the Board with a visual rendering of phase 1 as well as max buildout. Mr. Keogh states that he has been involved in the evolution of medical marijuana in Massachusetts for some time, and provides an overview. Medical marijuana was approved by state referendum vote in 2012, and is regulated by DPH. MA is one of 23 states where it is approved. Mr. Keogh states that AmeriCann is proposing a cultivation and processing facility, with no retail sale on site. AmeriCann will be bringing in horticultural experts with a focus on sustainability to change the perception of the industry. They will be utilizing natural sunlight and traditional horticultural approaches. The greenhouse will be a controlled environment; all air leaving the facility will be treated through a system that ionizes any scent, so odor issues are not anticipated. CO2 will be cycled through the various systems, with supplemental CO2 brought in at times of the year when not as much air is being exchanged. He states that DPH requires all products be tested by an independent lab. The future office and lab building is also designed to be utilized as AmeriCann's national headquarters in the future. The Chairman opened the discussion up to the public.

Lisa Borak (161 Bullock Rd) inquired about the noise generated from any fans on site. Mr. Keogh states that a study on the decibels emitted are similar to those of a conversation heard at 209 ft away. The fan are not being

continually operated. The noisiest area will be within the center column between greenhouses. Perhaps a low hum will be heard from the nearest property line, which is 40 ft away.

The Chairman read a letter submitted by the Police Chief relative to a meeting he had with the applicants regarding security details. He is satisfied with measures taken by the applicant, which also meet DPH requirements.

Linda Fernandes (65 Narrows Rd) asked for an explanation of the growing and processing operation. Mr. Keogh explained the processing happened within the 'Mast' or Head House buildings. Plants are brought in, trimmed, dried, cured, and based on the end product, packaged or brought into extraction where it is made into infused products. Products could include topical balms, dissolvable strips, lozenges, etc, which will all be shipped to dispensaries.

Derek Graca (13 Snuggles Way) asks about the feasibility of the project growing to the Phase 2 level. Mr. Keogh responds that there are no guarantees, but the project has been designed to be scalable to accommodate expansion. He states the legacy of the industry is indoor cultivation, and has been hidden for so long; they are proposing a sustainable, scalable model. Mr. Gracia asks how many tenants are anticipated at full scale. Mr. Keogh responds that they are expecting 2 independent operators; should regulations change, potentially 4 tenants.

Dawn Langan (Elm Street) inquired as to how they were providing the electricity required for a facility of this size. Mr. Kelly stated that the parcel was designed to accommodate utilities expected of commercial and industrial large scale facilities.

Channel 12 of Providence was in the audience, with a video camera.

Jake Langan (Elm Street) asked if by using the greenhouse growing method, if all product would be harvested at the same time. Mr. Keogh responds that this will operate as a perpetual harvest; they are separating each bay into zones controlled with light deprivation at different light cycles. Charles Sullivan (High St) inquired into the proximity of the building to the eastern boundary. Mr. Kelly states approximately 130 ft or so to the railroad right of way. Mr. Sullivan inquired as to the phased site construction; Mr. Kelly states that construction stages will be designed so that soils won't need to be trucked in after the initial Phase 1 delivery. Further, security measures will be implemented into Phase 1 and grow with the project; fencing will encompass site perimeter at all phases. Lisa Borak asked that if the Board grants the requested waivers, if it will set a precedent. The Chairman stated that waivers requested by applicants are always looked at on a case by case basis. A waiver requested in this location, for this project, may not be relatable or suitable for another project elsewhere in town. Mr. Jose further states, these are requests for waivers from regulations, not Town bylaws.

Jake Langan asks when Phase 1 is expected to be completed. Mr. Keogh responds that they expect to close on the property by the end of December, looking at early spring for construction, which will last around 8 or 9 months. They expect to be operational this time next year. Mr. Keogh further states that there has been a Host Community Agreement signed with the Selectmen; the company is not asking for any breaks or benefits, and they are paying the Town compensation. They see this as a partnership; 50 to 60 jobs are expected in Phase 1, with a potential of 300 jobs at full build out. The Chairman asked Mr. Keogh to provide clarification on the specific numbers of employees relative to the proposed work shifts at both Phase 1 and full build out.

Travis Bowie (2 High St) asked what the process would be in the future if neighbors had any issue with noise, traffic, etc. The Chairman responded that citizens could first appeal to the zoning enforcement official, who is responsible for ensuring compliance with the order of conditions and Town bylaws. On some projects, the Board will sometimes require a contact number be posted to elicit an immediate response and problem resolution.

Lisa Borak asked that if AmeriCann is solely acting as a landlord, how can it be ensured that tenants are complying with conditions and Town bylaw. Mr. Keogh states that AmeriCann is a publicly traded company, and actively involved as a consultant for these types of tenants. They have a compliance director working with their many partners to protect their investment and to ensure they comply. The Chairman states that approval is

issued to AmeriCann, which would be no different in concept that issuing an approval to a retail developer with multiple tenants in a plaza. Atty. Killoran states that it is AmeriCann's responsibility to ensure their tenants' compliance. If the tenant does something running afoul to the approval, AmeriCann would have to answer to the Town, and the Town could take action against AmeriCann. AmeriCann in turn could go after tenants with a 'breach of lease'. The Chairman states that the Board has asked applicants for copies of lease agreements in the past. I would imagine any conditions would be disclosed in that lease agreement so that tenants know their responsibilities. Mr. Keough states that DPH is the regulating authority; all licensees, and potential tenants will be subject to thorough background checks, inspection policies, etc. There are multiple layers of controls put together by the state to make sure every licensee is meeting the regulations. Mr. Velozo asked if AmeriCann is responsible for security personnel, such as at the guard shack. Mr. Keough responds that they are responsible for oversight of the entire facility.

The Chairman states that this plan has been sent out to the Town's reviewing engineers for compliance with stormwater regulations, lighting, traffic, etc. He further states that any questions can also be forwarded to the Planning Board office. Motion to continue the public hearing to the Senior Center, 227 Chace Rd, to December 1st at 6:15 pm: Robert Jose; Second: Nicolas Velozo; all in favor.

D. Continuation of public hearing for Extension of Cameron's Way subdivision

Mr. Coelho is not in attendance and supplied the aforementioned request letter. Motion to continue Luis Coelho's public hearing for 12/1/15 at the Senior Center at 6:00 PM: Nicolas Velozo; Second: Robert Jose; all in favor.

The Board received a letter from Deborah Pettey notifying the Board that she is taking land off of Quarry Drive out of Chapter 61A; the Town is given right of first refusal to purchase the property. The Board discussed and has no interest in this undertaking.

Meeting Adjourned at 8:30 pm

Respectfully Submitted,

Lauren Moreau
Planning Technician.

