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Planning Board Minutes
June 24, 2020
MEETING HELD VIRTUALLY USING GOTOWEBINAR PLATFORM

Present: Donald Cleary, Chair; Richard LeBlanc, Clerk; Beth Ashman-Collins, Michael Feck, Ralph Penney, Joseph Cerretani; Sharon Friedman and Adrian LeCesne, Alternates

Shaun P. Burke, Director of Planning and Development; Jennifer Davis, Administrative Secretary

The chair read the following statement:

Whereas both the Federal Centers for Disease Control and Prevention and the Massachusetts Department of Public Health have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19, Governor Baker has issued an order suspending certain provisions of the Open Meeting Law, Massachusetts General Law c. 30A, §20.

In order to satisfy the Open Meeting Law requirements, today's Town of Mansfield Planning Board meeting will be available for to public via GoToWebinar and Mansfield Cable. The instructions for joining via GoToWebinar are in the Meeting Notice on the Town's Website at www.mansfieldma.com and then clicking on today's date on the calendar.

1. Planning Board Meeting called to order at 7:00 p.m.

2. Form A (ANR) Plans

None

3. Discussion of Adoption of Master Plan

Mr. Cleary said the Master Plan Committee voted at its June 17, 2020 meeting to recommend the Planning Board adopt the Master Plan.

Ms. Friedman said there were a couple of comments received at that meeting regarding open space and asked if those have been added. Mr. Burke said he spoke with Ms. Callahan, who is making those changes, but was holding off finalizing the document because of a late change from a board member. Ms. Friedman asked if the board wants to wait until the next meeting to vote, but said she would be willing to vote tonight if she could be sure those changes would be made.

Mr. LeCesne read the email he sent the night of the public hearing regarding traffic and circulation issues.

Mr. Penney said he was glad to see the updated plan was dedicated to Mr. French, who served on the Planning Board since 1996 and devoted a lot of time to making Mansfield a better place to live.

Mr. Penney said his first impression was that the plan was much different in appearance than the 2008 update and he was glad to see a community center mentioned as a priority. He said he was also glad to see case studies of what other towns have achieved.

Motion: To adopt the Mansfield Master Plan Update as prepared by JM Goldson Community Preservation + Planning in accordance with Massachusetts General Law Chapter 41, Section 81D, and as recommended by a June 17, 2020 vote of the Master Plan Committee, subject to the addition of the revisions requested by Ms. Simms and Mr. LeCesne at the June 17, 2020 meeting in the final document. (Friedman-Cerretani)

Penney – In favor

Cerretani – In favor

Ashman-Collins – In favor

LeBlanc – In favor

Friedman – In favor

LeCesne – In favor

Feck – In favor

Cleary – In favor

Eight (8) in favor. Zero (0) opposed. Zero (0) abstentions. PASSES

3. Special Permit Public Hearing – 500 School Street – Marijuana Cultivation Facility – Community Gardens, Inc.

The clerk read the public hearing notice.

Attorney James Gallagher introduced Applicant Steve Chorney; Architects Dennis Colwell and Christopher Drinan; Engineer Edmund Spruhan; Doug Rhodes; Building Systems Engineer Frank Zaino from Creative Environment Corp.; and Security Consultant Mitchel Suzan were present.

Mr. Colwell explained the site is at the intersection of School and Plymouth Streets and is bordered at the rear by the MBTA train tracks and on the side by Nelson; the Plymouth Street fire station is across the street. The site has a couple of single story buildings and a shipping container, an existing auto repair shop and piles of stored materials. Mr. Colwell said they are working with the Conservation Commission to make sure site is remediated and improved.

Mr. Colwell said their traffic study shows a minimal impact from this site. He said the lighting plan has been provided with photometric plans, and no light will spill onto existing properties.

Mr. Colwell said the building will be 80,000 square feet on two floors with a mezzanine on the second floor. The building will be 41 feet at its maximum height.

Mr. Colwell explained there will be microclimates in the building to house the cannabis plants, and there will be structural insulated panels around the rooms so they will be airtight and completely washable. He said the building will meet all energy guidelines and they will use “Bluezones,” which will assist in odor mitigation.

Mr. Zaino explained they will use a unit that kills bacteria in organics and the exhaust will be monitored by building's system and alert employees to any issues.

Board Comment

Mr. Penney asked how much wastewater the building will produce; Mr. Zaino said they would put the water into the stormwater system. Mr. Penney asked if the building will be tied into sewer; Mr. Colwell said it would. Mr. Penney asked if the sewer connection would just be for sanitary waste; Mr. Colwell said it would. Mr. Zaino said the irrigation runoff would be collected in a special system, brought offsite and disposed of by a third party vendor.

Ms. Friedman said it looks like the air is filtered and exhaust fans send it outside; Mr. Zaino said they use high plume fans. Ms. Friedman said eventually the air goes outside the building; Mr. Zaino said that is correct. Ms. Friedman asked what would happen when the fans are not working correctly. Mr. Zaino said if the fan was broken or the filter is clogged, the system would notify staff of the problem. Ms. Friedman asked how long it would take to respond; Mr. Zaino said there would be someone on site within 20 minutes. Ms. Friedman said she wants to know there is strong mitigation and a system in place to protect the neighbors. Mr. Zaino said that is why they have redundant measures, using a multi-tiered approach, including carbon filters to clean the air.

Mr. Cerretani said one of the complaints about this type of facility is odor and asked if other cultivation facilities are not doing things to mitigate odor. Mr. Zaino said many of those facilities are retrofits of existing buildings, and this brand new building will be tight. Mr. Cerretani asked if the building will still be air tight 10-15 years from now. Mr. Colwell said the building will meet the minimum requirements of the energy code, and it is important for this type of use that the building be maintained.

Mr. LeCesne asked if each filtration unit is modular or if they all empty into one system; Mr. Zaino said there will be one Bluezone system for each 15,000 square feet, so there will be several in each room. He explained each plant will live in a box inside a larger box, so all the plants will not be exposed at the same time.

Mr. Feck asked if they can guarantee the air leaving the building will be odorless. Mr. Zaino said he cannot guarantee there will be no odor, but said any leftover molecules will be in warmer air than the air around it and will be broken down by the sun. Mr. Feck said the neighborhood to the east of the site is 50 feet uphill from the site, so any odor would have to get out of the area quickly. Mr. Zaino said a Bluezone system will reduce odor to 50 parts per million at the outlet, so it will not be odorless, but he said the human nose cannot detect odor at that level.

Mr. Cleary asked how high up the air from the building is sent; Mr. Zaino said they do an air dispersal model to determine the location of the jetstream. Mr. Cleary asked if there would ever be a reason to vent the building; Mr. Zaino said because there is CO₂ being pumped in, there would have to be an emergency purge fan. However, he said because the modular vertical farming units are only 32 square feet, the whole room would not have to be vented.

Mr. Penney asked about traffic amounts and types. Mr. Colwell said there will be two shift changes with 20-25 staff each, and said the traffic study shows new traffic from this site will be

diminutive. He said they use box trucks or sprinter vans rather than tractor trailers, using varied schedules and routes. Mr. Penney asked how many box trucks will be used. Mr. Colwell said they will have around four daily deliveries.

Mr. Penney said the driveway will connect to the existing intersection with a signal. Mr. Colwell noted that is a blinking yellow light; Mr. Penney said that is mainly for fire apparatus. Mr. Colwell said changing that to a full signalized intersection would be up to the town, and said this use will not trigger the need for a signal. Mr. Burke said that was discussed at the staff level, but agreed it would not meet the warrant for a signal.

Mr. Penney asked about Mr. Alves's concerns. Mr. Colwell said they will be able to address those concerns.

Mr. Penney asked Mr. Burke if the application meets all the requirements of the Zoning By-Law; Mr. Burke said the application as submitted was complete.

Mr. Penney said the town voted to create the overlay district for marijuana cultivation in this location; he said the area is very limited and the Planning Board and Town Meeting felt this was the best area in which to allow a cultivation facility. He said if a special permit were to be issued, it should specify the business is in the Marijuana Cultivation Overlay District.

Mr. Burke asked about backup generators and what will be done about noise attenuation. Mr. Zaino said they are required to back up the security system, but said they have not fully engineered the buildings or systems at this time. He said at a minimum, the security and odor mitigation systems will be on full backup and they will use all sound attenuating enclosures required.

Mr. Colwell said the ownership and permitting team are from this area and want to be good neighbors and fit into the fabric of the community. He said they have completed a Host Community Agreement with the town.

Mr. Cleary asked why the access road doesn't go all the way around the building; Mr. Colwell said the back of the site is within the wetland buffer zone, and they worked on that issue with the Conservation Commission and the Fire Department. He said even though it isn't paved behind the building, fire trucks could get around it.

Mr. Burke said this building will have to tie into the existing 12" water main in School Street. Mr. Spruhan said they are working with Mr. Alves on that. Mr. Burke said the Water Superintendent will only allow a connection to the 12" main.

Mr. Burke said Mr. Alves's memo mentioned the force main, including the requirement to tie into the street rather than through the fire department building as proposed. He said that will not be allowed. Mr. Spruhan said they could do that.

Mr. LeBlanc asked about loading and receiving and said there isn't a lot of room for turning and the potential for backup onto School Street. Mr. Colwell said the plans show a tractor trailer just

to show a vehicle of that size could make the turn; the box trucks they use will be half that size. He said there will be no gate.

Mr. Burke asked if there is a way to break up the front of the building so it is not a long expanse of green. Mr. Colwell said they could embellish the front entry canopy.

Mr. Penney said he did a wastewater treatment plant in Foxboro in a similar shade of green, and when the trees grew up around it, it blended in. Mr. LeBlanc said he doesn't mind the green building, but asked if the white pvc fence will be constructed. Mr. Colwell said that was requested by the town. He said traffic on that street moves at 35-40 mph.

Ms. Ashman-Collins asked if the fence is for security and if it goes all the way around the property; Mr. Colwell said it is a chain link fence in the back. Mr. Drinan said the police chief and the MBTA requested the fence at the back along the MBTA property.

Mr. LeBlanc asked if the gate shown at the front is going to be installed; Mr. Drinan said the understanding was not to include a gate. Mr. Colwell said the town requested the fence. He said the real security for the building are inside and on the building. Mr. Colwell said the fence may draw more attention to the fact that this is a secure facility.

Mr. Cerretani asked the hours of operation and about security. Mr. Colwell said they have spoken with the Planning Department at length, and said they seem comfortable with the security plan. He said the proposed hours of operation are 7am-7pm.

Mr. Suzan said Chief Sellon requested the fence along the train tracks.

Mr. Drinan said they have done camera and security plans, which the Police Department has received, but which are not public.

Mr. Suzan said he is very comfortable with the security plans; he said this is a good site with limited onsite traffic and three to four deliveries per day.

Mr. LeBlanc said if the wall is not a security issue, he doesn't think it is necessary for aesthetic purposes. Mr. Burke said the Medline building on West Street is significantly longer than this proposed building and has a six-foot fence to screen the truck court and parking. He said he thinks a 40-foot tall building with a fence to knock down the sightline will not appear to be an overpowering structure.

Ms. Friedman asked about additional vegetation instead of a fence. Mr. Colwell said that would be a softer screen; he said they are doing quite a bit of landscaping, but agreed the fence may hide some of that.

Ms. Ashman-Collins said the cover of the traffic study shows the building without the fence, which she said looks better. Mr. Colwell said the fence would still be at the back and sides of the building. Mr. LeCesne said if the fence is part of the security plan, it should stay. Mr. Cerretani agreed and suggested talking with Chief Sellon about the fence. Ms. Friedman said she would

like to see a lot more vegetation to make the site more appealing and said the building looks like a giant warehouse. Mr. LeBlanc suggested the fence be removed if it is not needed for security. He said he would be concerned about queuing on School Street if there is a gate being installed.

Mr. Suzan said he works with two cultivation sites that do not have fencing along the front, but do have side and back fencing. Mr. Zaino said none of the sites he has designed in Massachusetts have gates during operation because of queuing concerns, but do have gates that can be closed after hours.

Consensus of the board was to eliminate the fence at the front of the site. Mr. Colwell said he would check with Chief Sellon about whether that is something he wants.

Mr. Penney suggested integrating tree planting along the parking area to help break up the front of the building; Mr. Colwell said they could do landscaped islands. Ms. Friedman suggested looking at rain gardens. Mr. Colwell said they could add trellises and ivy to the front wall to break up the building. He said his only concern would be to avoid losing parking spaces.

Mr. Feck said the National Association of Realtors did a study about dispensaries lowering property values and asked if there is data on cultivation facilities impacting value. Mr. Colwell said they do not have statistics on that. Mr. Gallagher said from a legal standpoint, he is not aware of a comprehensive study on cultivation.

Mr. Cleary asked about signage; Mr. Colwell said there will be no signage other than the street address.

Mr. Cleary asked about a dumpster. Mr. Penney asked about snow removal. Mr. Drinan said there will be a waste disposal room inside the facility. He said snow would be pushed to the right side of the site, near the retaining wall. Mr. Burke said if there is a dumpster, it must be shown on the plan and must be on a concrete pad and screened with closable doors. He said there should be at least two snow storage areas identified on the site.

Mr. Cleary asked about the stormwater system; Mr. Colwell said that system is only for stormwater, not for anything from inside the site. Mr. Penney asked the location of the tight tank; Mr. Zaino said that hasn't been sized yet and will be located with the engineer. Mr. Penney said the tight tank is controlled by the Board of Health. He said the location should be shown on the plan, which should also show that the truck can get in, pick the tank up and get out of the site.

Public Comment

The chair read the following statement:

"It is important to us that you have a platform for your questions and comments during this meeting, therefore to ask questions or make a public comment during tonight's virtual meeting you must have registered and joined the meeting via GoToWebinar where you now have the ability to submit your question or comments through the questions option in your control panel, or you can use the raise your hand option to be allowed to speak.

For those who have joined the meeting via telephone who would like to ask a question or make a comment, you are now welcome to unmute your phone. We ask that you only have your phone

*unmuted while you are asking your question. Please mute when you are no longer live. You can unmute your phone by pushing *6. Please then state your name and address, and when acknowledged by the Chairperson you can then state your question or comment. When you are done with your comment please mute your phone again by pushing *6.*

As with any public hearing we ask you to be respectful of the Board members and the other residents who are making their comments by patiently and quietly waiting your turn. Thank you."

Brian Zive, 19 Mayflower Drive, asked if employees or visitors will be permitted to smoke cigarettes or marijuana on the premises. Mr. Drinan said marijuana and cigarette smoking would not be allowed.

Jean Southard, 15 Old Elm Street, said Mansfield is on water rationing now and asked how the facility would get the water it needs. Mr. Zaino said they have a facility that can be outside the town's water system if it is necessary. He said they use a drip irrigation system, which uses less water than a small pool daily.

Ms. Southard said one of the representatives said they cannot guarantee there will be no odor and asked how the odor will impact the soccer fields, walking trails and people gardening outside. Mr. Zaino said that is why they do dispersion modeling, and at 50 parts per million, the human nose cannot pick up the odor. However, because there will be some odor, that is why he said he cannot guarantee there will be no odor. Mr. Zaino said this system is in use by the US government and by other cultivation facilities. Ms. Southard asked if this is the system used at the Brockton cultivation facility; Mr. Zaino said it is not.

Ms. Southard said School Street is very busy at 7am with train station traffic, and will be impacted more with employees making left turns into this site. Mr. Colwell said the traffic study doesn't show enough new traffic to warrant a full signal at that intersection. Ms. Southard said that is a tricky intersection already.

Kris Mousette, 15 Martha's Way, said she lives less than a mile from this site and she is concerned about odor. She asked if the odor system has been used elsewhere and its effectiveness. Mr. Zaino said they have used the system at other facilities and have not had any complaints from neighbors. He said he cannot provide the names of those businesses because of non-disclosure agreements; however, he said he will provide the installer's contact information to the town.

Ms. Mousette asked if they are looking at any other locations in Mansfield; Mr. Drinan said they are not. He said the Marijuana Cultivation Overlay District is the only area in which the use is allowed. Ms. Mousette said traffic on School Street in the morning is horrendous, with school buses and commuter traffic.

Brad and Lisa Ross, Old Elm Street, said they are concerned about odor and are interested in finding out where the system is already being used. Mr. Ross said one of the representatives said this facility would use a lot of water, but someone else said it would not use a lot of water. He asked about fan noise. He said the building seems huge for this site, and there doesn't seem to be

room for snow storage. He said they live in a neighborhood, not an industrial area, and pointed out the soccer fields are nearby.

Kristine Snow, Tremont Street, said she is concerned about odor and asked what the recourse is for residents if the building goes in and there is an odor. She said School Street is very busy in the morning with people going to the train station and the highway.

Frank Seyboth, off School Street, said there are a lot of empty storefronts in Mansfield and asked what would happen to this site if it doesn't succeed. Mr. Colwell said the building could be used as storage or converted to another manufacturing facility. Mr. Seyboth said School Street is hectic and said he is disappointed this use is being discussed. Mr. Drinan said he lives on Franklin Street and Mr. Colwell is from Foxboro; he said he plans to stay in Mansfield, he does not take this issue lightly and he plans to be around. Mr. Seyboth said the difference is that he lives off School Street. Mr. Colwell said they will improve the condition of the lot.

Ms. Mousette asked what recourse residents will have if the odor mitigation system is not effective. Mr. Burke said the Planning Board can condition any special permit with performance standards. He said there is a device that measures odor, and if this system were to fail, the permit can require it to close until it is repaired, or the zoning enforcement officer can enforce the condition through a court proceeding. Ms. Mousette said she hopes there would be some public input to ensure the condition is meaningful.

Ms. Mousette asked if the applicant is considering using renewable energy or solar to provide energy to this facility. Mr. Drinan said they are not planning that at this point, but said design is ongoing, so that is something they can consider. Mr. Zaino said they have to engage with National Grid to go over all technologies and to balance with the town's electric department. He said he is a proponent of green technology.

Ms. Mousette asked if there are any other locations adequately zoned for this use. Mr. Cleary said the use would not be allowed in the business park. Mr. Burke said the overlay district is a small area, and the Cabot Business Park does not fall into it.

Ms. Mousette said there should be something in the permit to provide recourse if odor is a problem. She said she would like to see the business use renewable energy sources.

The chair read written comments from the following:

Mike Riley, 842 School Street
Jim Higgins, 280 Elm Street
Michael Redding
Jean K Southard, 15 Old Elm Street
Chris and Karla Sullivan
Kasia Frennette, 12 South White Pine Lane
Frank Seyboth
David B McIntyre
John Nieratko, 737 East Street
John McPherson, Old Elm Street

Scott Smith, Martha's Way

Ms. Mousette asked if the Sports Authority site has been considered; Mr. Cleary said that is not in the overlay district.

Ms. Mousette said she is a member of the town's Audit Committee and an attorney; she said she would be happy to review the documents.

Mr. Zive asked about if there are studies about increased criminal activity around cultivation facilities. Mr. Suzan said studies have shown criminal activity is reduced when the facilities go in because of increased security and lighting. He said there have been some times during the last few months when there have been problems, but they have only had to call the police for one incident at another facility, and that was a domestic issue.

"Tom" asked where this project is in the approval process. Mr. Cleary explained this is the first night of the public hearing and there are a number of outstanding issues the applicant will be asked to address. Mr. Burke said they will need to address the engineering concerns, provide contact information on the air quality issue, and answer the questions about water capacity, fencing versus trees, snow removal, the dumpster, the location of the tight tank and the location of a generator.

Mr. Feck said Mr. Zaino mentioned being able to reuse the water on site for irrigation and suggested asking Mr. Gaffney if that type of system would be preferable.

Motion: To continue the public hearing to July 22, 2020 at 7:40 p.m. (Penney-Cerretani)

LeCesne – In favor

Ashman-Collins – In favor

Cerretani – In favor

Feck – In favor

Penney - In favor

LeBlanc – In favor

Friedman - In favor

Cleary - In favor

Eight (8) in favor. Zero (0) opposed. Zero (0) abstentions. PASSES

1. Reorganization

Mr. Cleary asked for nominations for chair and clerk.

Motion: To appoint Ms. Ashman-Collins Chair (Friedman-LeCesne)

LeCesne – In favor

Ashman-Collins – In favor

Cerretani – In favor

Feck – In favor

Penney - In favor

LeBlanc – In favor

Friedman - In favor

Cleary -In favor

Eight (8) in favor. Zero (0) opposed. Zero (0) abstentions. PASSES

Motion: To appoint Mr. Cerretani Clerk (Penney-LeBlanc)

LeCesne - In favor

Ashman-Collin - In favor

Cerretani - In favor

Feck -In favor

Penney - In favor

LeBlanc - In favor

Friedman - In favor

Cleary - In favor

Eight (8) in favor. Zero (0) opposed. Zero (0) abstentions. PASSES

Mr. Penney asked the status of the new movie theater at Mansfield Crossing. Mr. Burke said they have not applied for any building permits. He said there is a new property manager for the center. Mr. Feck said the movie theater that planned to go there is a small company and may have been more impacted by Covid than larger theaters.

7. Adjournment

Motion: To adjourn at 9:30 p.m. (Penney-LeBlanc)

LeCesne - In favor

Ashman-Collins - In favor

Cerretani - In favor

Feck -In favor

Penney - In favor

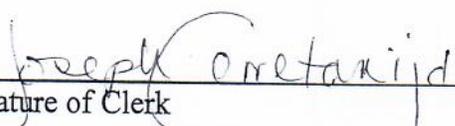
LeBlanc - In favor

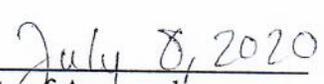
Friedman - In favor

Cleary -In favor

Eight (8) in favor. Zero (0) opposed. Zero (0) abstentions. PASSES

Next Planning Board Meeting: July 8, 2020 at 7:30 p.m.


Signature of Clerk


Date of Approval