

**Zoning Board of Appeals
Lakeville, Massachusetts
Minutes of Meeting
February 23, 2021
Remote meeting**

On February 23, 2021, the Zoning Board held a remote meeting. It was called to order by Chairman Olivieri at 7:05 p.m. LakeCam was recording, and it was streaming on Facebook Live.

Members present:

John Olivieri, Jr., Chair; Jeffrey Youngquist, Vice-Chair; Nora Cline, Clerk; Gerald Noble, Associate Clerk; Chris Carmichael, Member; Christopher Campeau, Associate; Christopher Sheedy, Associate

Others present:

Atty. Amy Kwesell, Town Counsel; James Bauer, applicant; David Doyle, representative for the Furtado hearing; Jeffrey Cornell, applicant; Alan Hoffman, applicant; Edward Phipps, applicant, Atty. Brandon Kurtzman, Tony Capachietti from Hayes Engineering

Agenda item #1

Mr. Olivieri read this item into the record. It was an explanation of the Governor's Order Suspending Certain Provisions of the Open Meeting Law related to the 2020 novel Coronavirus outbreak emergency, which was why the Board was meeting remotely.

Bauer hearing - 4 Pilgrim Road

Mr. Olivieri opened the Bauer hearing at 7:07. Ms. Murray read the legal ad into the record. Mr. Bauer was present. He advised he was requesting a Special Permit to build a 14' x 20' shed on his property. After he applied for a building permit, he learned that this property was a non-conforming lot which he had not been aware of. He then applied for this Special Permit based on the guidance of the Building Commissioner. The two sections of the Zoning bylaws they do not meet is setback distances, and the second was the 25% lot coverage.

Mr. Bauer stated when they look at their lot size today there are two numbers, 7,150 square feet and then 6,970 square feet. He was using the smaller number based on a worst case. This would allow 1,743 square feet to use on the property. He noted that the house, current shed, and screen porch is 1,690 square feet or 24%. The new shed at 280 square feet would put the lot at 1,970 square feet or 28% coverage. He would request the Zoning Board allow them to have an additional 227 square feet of non-livable space.

Mr. Olivieri then read the February 12, 2021, letter from the Board of Health into the record. It stated that no structure shall be within five feet of any septic component. The proposed location for the shed appears to be within three feet of the leaching pit. Mr. Bauer said that he had spoken to Mr. Cullen about the two feet and looked at the options. He could either move the structure by two feet or go for a Variance. He was fine with meeting the regulation and moving the shed two feet closer to the back edge of the property. Mr. Olivieri also read the February 18, 2021, memo from the Planning Board into the record. They had no comment regarding the petition.

Mr. Olivieri said what they are looking at is if they should allow Mr. Bauer to exceed the 25% lot coverage. He noted that on undersized lots they tend to be a little more lenient toward setback issues and things of that nature, but he would defer to the Board to comment and ask questions.

Mr. Youngquist asked Mr. Bauer why he was saving that 10' x 11' shed. Mr. Bauer replied the shed was part of the property when they purchased it. It is an older shed but it is used for lawn equipment and gasoline. It has a very strong smell of that. Mr. Youngquist said he noticed that he was putting the new shed on blocks in the corners with frame construction. Mr. Bauer said that was correct. There will be no slab or foundation. It will be crushed stone with four by four timbers and then a full decking on top of that. Mr. Youngquist asked what its proposed use was. Mr. Bauer replied it was still a usable structure for lawn equipment and things of that nature. The new structure will be for boat equipment, patio furniture, and other seasonal items. They did not have a basement so they had limited storage capacity.

Mr. Sheedy asked if the house had a basement or crawl space storage. Mr. Bauer replied it did have an approximately 5' x 8' crawl space where their water filtration system is. It includes the hot water induction and the water system which is just about all that fits. Mr. Noble said the drawing shows a six-foot setback on the side of the property, but did that go all the way down. Mr. Bauer said he believed that the six feet is strictly for where the shed would be located up against the neighboring property, but it was consistent all the way through the back side of the shed. Mr. Noble asked what the proposal was to move the existing structure over to the corner. Mr. Bauer said there is a company that has a machine called the mule that actually will transport the shed around the property making sure that it is not going over sensitive areas such as septic, etc.

Mr. Campeau asked for clarification regarding the calculation of the lot size. Mr. Bauer said on the drawing it shows 7,150 square feet which is from the Town. However, the Purchase and Sales Agreement that they signed in June the number came in at 6,970 square feet. He was using that lower number to base his calculations on. If he could go with the larger number he would gain 180 square feet which would get him closer to the 25%, but going with the lower number is what put them at 28%.

Mr. Olivieri asked if there were any neighbors or abutters present that would like to speak to the petition. No one spoke. Mr. Olivieri said it is coming down to whether they want to grant the relief, and it sounds like it is an extra 3% worth of lot coverage. Personally, he was a little more hesitant on these types of requests, but it doesn't appear that it is

really out of character from what he knows about the neighborhood. There are a lot of properties that are probably covering a little more than they are supposed to. Mr. Bauer has agreed that he will comply with the Board of Health's regulation so he did not see an issue. He asked if anyone would like to make a motion.

Mr. Noble then made a motion to approve the Special Permit for the new structure but exclude the existing structure from the Special Permit. He would not be able to keep the old shed. Mr. Olivieri asked Atty. Kwesell if they should be dealing with the specific structures of the percentage of lot coverage. She replied if the new structure is allowed and the existing structure is removed, she thought they were still at 25% or under. Mr. Olivieri noted that his point was if they are saying to get rid of the old shed and the Board will grant him a new one, then he really didn't need to be in front of the Board because at that point, he would be in compliance with the 25%. Atty. Kwesell said that was correct. The motion would then be to deny the Variance for over 25%. There was no second to Mr. Noble's motion.

Atty. Kwesell said the application is a bit confusing. It says Special Permit/Variance. At this point, the Board can deny the Variance for over 25%, and then approve a Special Permit to allow that one structure within the setback provided that structure does not increase that coverage to over 25%. Ms. Murray noted that she did not advertise for a Variance. Atty. Kwesell clarified that the Special Permit can be granted for putting a shed in the setback but the Building Commissioner could not issue a building permit for that until he's at 25% lot coverage.

Ms. Cline then made the motion, seconded by Mr. Youngquist, to allow the 14' x 20' accessory structure within the setback provided that the 25% lot coverage is not exceeded.

Mr. Olivieri clarified to Mr. Bauer if they voted on this and it passed, he would be able to put the shed up but he would have to figure out whether to downsize it or get rid of the other shed, or he would have to return to the Board and request a Variance for going over the 25% lot coverage. He could say yes to this and move forward, but he could also continue this or even withdraw without prejudice. He wanted him to know that he did have options. Mr. Bauer said that what he was understanding was that the 14' x 20' shed can go in the location that's stated on the map plan, provided it's in the same location that they have it depicted, but he would have to remove the existing 10' x 12' that was to be relocated. Mr. Olivieri said to keep in mind that they are not specifying certain structures because all he needs to be concerned about is the 25%. He could take a piece out of his house, deck, etc. but just find something else on the property as long as it was limited to the 25% maximum impervious coverage. Atty. Kwesell added that was correct.

Roll Call Vote: Ms. Cline-Aye, Mr. Campeau-Aye, Mr. Youngquist-Aye, Mr. Noble-Aye, Mr. Olivieri – Aye

Ms. Murray explained the timing of the filings, the appeal period, etc.

The hearing closed at 7:34.

Documents distributed for the hearing:

Petition packet
Legal ad
Board of Health correspondence of February 12, 2021
Conservation Commission correspondence of February 19, 2021
Planning Board correspondence of February 18, 2021

Furtado hearing – 17 South Avenue

Mr. Olivieri opened the Furtado hearing at 7:34. Ms. Murray read the legal ad into the record. Mr. David Doyle was present. He advised he was a retired contractor and was acting on behalf of Mr. & Mrs. Furtado. They would like to build a deck on the front of the cottage. The lot is very narrow so it does not conform to the setbacks. It will not exceed the existing footprint as far as the width of the existing cottage. He noted that coverage should not be a problem as this lot was approximately 9,000 square feet and the cottage was maybe 500 square feet plus the deck. The cottage is towards the front near the water with a lot of space toward the rear of the structure.

Mr. Olivieri then read the comments from the various Town Boards into the record. The February 12, 2021, letter from the Board of Health requested a sketch that showed the location of the septic components in relation to the proposed deck. Mr. Doyle said that a tight tank had just been installed on the property a couple of months ago. That information should be in the record, but the septic system is in the rear of the cottage and not in the front. The deck will be a fair distance away from the septic system. The Planning Board memo of February 18, 2021, had no comment regarding the petition.

Mr. Olivieri asked Board members if there were any comments or questions. Ms. Cline asked where the deck was going. Mr. Doyle replied it will be on the water side of the cottage right off the front porch. The deck is 12 feet off the cottage and approximately 26 feet in length. Mr. Olivieri said personally he did not see an issue with it as long as it was in compliance with the Board of Health. Mr. Youngquist said that there was a site map included in the packet from Zenith dated October 22, 2020, and shows the tight tank design and location. Mr. Doyle said the location of the deck is depicted on a separate sketch that he had submitted with the packet. There were no additional questions.

Mr. Youngquist made a motion, seconded by Ms. Cline, to grant the Special Permit with the following condition:

1. Approval is also required from the Board of Health and Conservation Commission.

Roll Call Vote: Ms. Cline-Aye, Mr. Youngquist-Aye, Mr. Carmichael-Aye, Mr. Noble-Aye, Mr. Olivieri-Aye
Ms. Murray explained the timing of the filings, the appeal period, etc.

The hearing closed at 7:49.

Documents distributed for the hearing:

Petition packet
Legal ad
Board of Health correspondence of February 12, 2021
Conservation Commission correspondence of February 19, 2021
Planning Board correspondence of February 18, 2021

Cornell hearing – 15 Morrison Way

Mr. Olivieri opened the Cornell hearing at 7:50 and read the legal ad into the record. Mr. Cornell was present. He advised he was building a 12' x 20' three season room. It will be on an existing deck. It would be approximately 200 square feet. His lot is 7,441 square feet, and his house is approximately 880 square feet so it would meet the guidelines for the 25%.

Ms. Cline then said in the packet there was a Quitclaim Deed that is marked cancelled. Does this mean this document is not in effect? Atty. Kwesell replied that usually means that the fees have been cancelled. Ms. Cline said that it states *the property shall remain a year-round one-bedroom dwelling with no further expansion and no increase in flow to the septic system*. Would this be considered an expansion which the deed is not permitting. Mr. Olivieri said that he thought that had to do with increasing the flow of the system with additional bedrooms. Atty. Kwesell added that the term in the deed was unfortunate. The term no increase in flow to the septic system was what they could rely on. At the same time, that is not an issue for the ZBA because this is a deed restriction. Mr. Olivieri said if he was increasing the flow, that was the purview of the Board of Health.

Mr. Olivieri then read the comments from the various Town Boards into the record. The February 12, 2021, letter from the Board of Health requested a sketch that shows the location of the septic components in relation to the proposed deck. It was noted that the deck was existing. Mr. Cornell said the tight tanks were on the other side of the property. The Planning Board memo of February 18, 2021, had no comment on the petition.

Mr. Noble asked for a clarification of the location of the deck. Was it located on the Pilgrim side of the property? Mr. Cornell said that was correct. There were no other questions from the Board.

Mr. Youngquist made a motion, seconded by Mr. Noble, to approve the petition as applied for.

Roll Call Vote: Ms. Cline-Aye, Mr. Youngquist-Aye, Mr. Carmichael-Aye,
Mr. Noble -Aye, Mr. Olivieri – Aye

Ms. Murray explained the timing of the filings, the appeal period, etc.

The hearing closed at 7:58.

Documents distributed for the hearing:

Petition packet
Legal ad
Board of Health correspondence of February 12, 2021
Conservation Commission correspondence of February 19, 2021
Planning Board correspondence of February 19, 2021

Hoffman hearing – 5 Merigold Lane

Mr. Olivieri opened the Hoffman hearing at 7:58 and read the legal ad into the record. Mr. Hoffman was present. He advised that he just wanted to have a shed delivered for storage purposes. He did not think that he would exceed the 25% lot coverage. Mr. Olivieri then asked if Board members had any questions. Mr. Carmichael asked if an Order of Conditions would be required as the property was on the water. Mr. Hoffman said they had come by and looked at the property but they found no issues as no digging was to be done.

Ms. Cline then read the February 19, 2021, letter from Conservation. They had found the placement of the shed would not impact the resource and no further action was required. The homeowner was to contact the Conservation office at installation. There were no further questions.

Ms. Cline then made the motion, seconded by Mr. Youngquist, to approve the Special Permit to construct a 10' x 16' shed within the side setback as requested.

Roll Call Vote: Ms. Cline-Aye, Mr. Youngquist-Aye, Mr. Carmichael-Aye,
Mr. Noble -Aye, Mr. Olivieri – Aye

Ms. Murray explained the timing of the filings, the appeal period, etc.

The hearing closed at 8:03.

Documents distributed for the hearing:

Petition packet
Legal ad
Board of Health correspondence of February 12, 2021
Conservation Commission correspondence of February 19, 2021
Planning Board correspondence of February 19, 2021

Boston Botanical, Inc. hearing – 475 Kenneth W. Welch Drive

Mr. Olivieri opened the Boston Botanical, Inc. hearing at 8:03 and read the legal ad into the record. Mr. Olivieri noted that this was the first marijuana facility coming in front of this Zoning Board. He asked Atty. Kwesell if she could walk them through the process of what their role is in this type of an application. Atty. Kwesell replied the Zoning

bylaw had a specific section for marijuana uses. Boston Botanical is requesting a Permit for two uses, cultivation and product manufacturing. She would first note that Boston Botanical has a Host Community Agreement (HCA) with the Town of Lakeville.

Atty. Kwesell said there were a couple of comments from other Boards. The Fire Department was looking for better access to the property. It appears to her that they have provided a gravel road which will provide that access to three sides of the building. The Planning Board had recommended a fenced in loading area. They have agreed to put that in, and it is shown on their updated plan. With regard to the Special Permit, they are looking at it being not more detrimental to the neighborhood, but they also have a list of requirements in the Zoning bylaw. It appears that they meet most of them.

Atty. Kwesell noted that because this is a cultivation facility, they have to be separated by adjacent uses by a 50-foot buffer strip, unless they can find that adequate buffering can be provided. That is one thing she had flagged as being unsure if that was met. They did provide in their application the numerous items that are required by the bylaw. There are a couple of items the Board should entertain tonight. The first is to confirm that they have a buffer between the adjacent properties. They will also have to determine the hours of operation. The applicant should address odors coming from the facility and make sure they have adequate HVAC systems to prevent that.

Atty. Kwesell said they have provided a security system plan which will sufficiently provide security at this facility. She noted that they will have to get a license from the Cannabis Control Commission (CCC) which is not necessarily focused on the location but more on the company and its business's practices and their regulations are pretty stringent, in her opinion. They will also make sure that the term of this Special Permit follows the applicant. Mr. Olivieri then asked who would be presenting.

Atty. Brandon Kurtzman was present for Boston Botanical. He was an attorney with Vicente Sederberg which is a national firm that specializes in representing cannabis companies in states where marijuana has been legalized. In the Commonwealth, they represent over 100 companies and help them get their state and local approval for cannabis licenses. They also help them to remain compliant with state laws and local regulations. He then turned the floor over to Edward Phipps, CEO and president of Boston Botanical.

Mr. Phipps advised he was originally from Massachusetts, and has a background as a financial accountant. Eight years ago, he moved to Maine and since that time has successfully built and operated a 5,000 square foot cultivation and manufacturing facility in Casco, Maine; a 10,000 square foot cultivation facility in Sanford, Maine; and a licensed beverage plant in Portland, Maine. They have created a very scalable concept and an effective set of standard operating procedures to produce high quality, clean cannabis consistently. The plan has been to bring back their blueprints to their home State of Massachusetts.

Atty. Kurtzman explained they had submitted their Site Plan Review to the Planning Board, and it was approved subject to two recommendations. One from the Planning

Board relating to the parking and loading area. The other from the Fire Chief relating to the access road. They revised the plan and submitted it to the ZBA this morning.

Mr. Tony Capachietti from Hayes Engineering then shared his screen and displayed the Site Plan. He advised what they have is an existing concrete block and metal frame approximately 20,000 square foot building. The proposed development plan includes constructing 26 parking spaces, two of which will be a fenced in closed loading area at the two lower doors, which lead in to the shipping and receiving area. The CCC has restricted distribution to one-ton passenger vans which he compared to Amazon delivery. That is why standard 9' x 20' spaces can work. He advised there are very limited changes to the existing site, but the work would consist of striping the parking lot, closing those two spaces in, and constructing the enclosed dumpster area. He noted that dumpster area would be for regular rubbish and trash. All marijuana containing trash product is governed by CCC regulations and has to be destroyed in the proper manner.

Mr. Capachietti said they have done an analysis on stopping sight distance and there is adequate sight distance for both approaches from the east and west. There is a small amount of tree clearing that needs to occur to the northwest, consisting of overhanging branches but nothing major in the way, just good practice. They would be open to any condition that requires that to continue to be maintained through operations. The comment they had received from the Fire Chief was he wanted to have access to three sides of the building which they have provided. They will go with a ten-inch gravel base and three-inch fresh stone or stone dust wearing course above that. They will be providing edging of some sort of colored concrete on both sides so that area will be visible. They will provide delineations for where that access road is as well as ongoing maintenance.

Mr. Capachietti said in regards to the buffer zone, the existing building is 40.4 feet and 40.9 feet off the westerly property line, and they don't control the full 50 feet. However, there is a 40-foot side setback in the Industrial Zone so no structure could be placed within that 40 feet, which essentially provides an 80-foot buffer. Within that 80-foot buffer is the bordering vegetated wetlands (BVW.) Atty. Kwesell said that the 50-foot buffer is from adjacent uses. How far would this building be from another building. Mr. Capachietti said it would be a minimum of 80 feet to another building. He said on that property line, it is wooded. They will have to clear some minor vegetation, approximately 15 to 20 feet in some areas just to provide that fire road. They will be going in front of Conservation for a Request for Determination (RDA) for that work. They also are proposing two red maples along the street to replace what they have to take out and provide some additional screening of the building.

Atty. Kurtzman then displayed the interior layout of the facility so he could speak to some of the operational features. This facility is set on 3.4 acres and it is a 20,000 square foot building. The hours of operation are proposed to be 8:00 a.m. to 6:00 p.m., Monday through Sunday. He noted this business is not open to the public and anyone accessing the facility will need to have either an employee identification or visitor identification in order to get inside. That is checked prior to entry. Atty. Kurtzman said this is a

cultivation and a manufacturing facility, and he indicated the various rooms on the floor plan.

Atty. Kurtzman said as required by the State, Boston Botanicals will be implementing a seed to sale tracking system. As soon as the plants reach eight inches they are tagged with an RFID tag and then tracked throughout the cultivation process until they are harvested. Part of the marijuana that isn't sold as flower is going to be manufactured and processed into infused products. Boston Botanicals will be using a solvent-less extraction process in order to produce the oils. They will not be using butane or CO₂ but will use water or ice in order to do the extractions and create the oil. They anticipate potentially going to a solvent based extraction process in the future using most likely CO₂.

Atty. Kurtzman said one of the updates to the plan is the secure loading zone. Shipping and receiving will be done in a fenced-in and secure area. No trucks will be involved in the delivery or shipping process. Goods will come in to be used for cultivation and finished products and marijuana will be shipped out to consumers. He described that process and noted it is coordinated with security and randomized at all times. He estimated it to take about five minutes.

Atty. Kurtzman said some of the security features are comprised of limited access areas that have already been discussed. Within the facility, areas are limited to the employees that are necessary to do the jobs in those areas. There are security cameras throughout the interior and exterior of the facility. There is also an alarm system, consisting of both a primary system and a backup system. He also advised that no on-site consumption is permitted at the facility, and they have a strict anti-diversion policy.

Mr. Phipps then spoke about the odor mitigation. All the cultivation rooms will be sealed which will prevent any ambient air from escaping or limiting it greatly. No outside air is going to be imported to any of the cultivation rooms to prevent diffusion of ambient air, and no air will be exported out. In addition, all cultivation areas and areas adjacent to cultivation will be outfitted with a carbon filtration system. That will be engineered to filter the air the cubic footage of the room in a matter of minutes. Those will be kept on 24/7. The filters will be changed regularly. Their lifespan is about eight months, but they will change them every six months. These are systems they use now with great success. Both of their facilities in Maine are close to residents and hotels, and they have never had a complaint.

Atty. Kurtzman asked if there were any questions. Mr. Olivieri thanked Atty. Kurtzman for his presentation. He said he had spoken about all the items Atty. Kwesell had questioned. In regards to security, he knew from past applicants and others in the industry he had spoken to, the CCC has strict guidelines and their Police Chief looks through them as well. He was confident that the security systems, protections, and issues will be taken care of and addressed. They were well outside of the buffer zone and their proposed hours were standard. He asked if there was any intention of having additional shifts coming on. Mr. Phipps said they don't foresee anything. They will be building up

the entire facility at once with no immediate plans for expansion. There is no need for them to have a midnight shift unless there is an emergency.

Atty. Kwesell asked how many trucks or vans a day they were expecting to come in and out. Mr. Phipps said in terms of outgoing products, once a week, and for incoming product, probably once every two weeks. They don't plan on a large amount of traffic. Atty. Kwesell then asked what the status of their license was with the CCC. Mr. Phipps replied there was an existing license holder at this location, so they are acquiring those licenses. The application has been submitted and they expect that to take anywhere between two and four months. Atty. Kwesell advised that the Bylaw and the CCC do not allow operation to begin until the license is actually received. The term of the Special Permit will be contingent upon their license which will be a condition. Atty. Kwesell asked if there was any intention of looking into whole delivery. Mr. Phipps replied no, not for them.

Atty. Kwesell advised the applicant has entered into a Host Community Agreement (HCA) with the Town where there is a community impact fee and an annual charitable donation. They have also agreed to look into local vendors and local employment first. The HCA also provides for odor and things of that nature. Mr. Olivieri then read the February 19, 2021, letter from Conservation. They have requested more details to determine if a Notice of Intent (NOI) or a Request for Determination of Applicability (RDA) will be required. Mr. Capachietti said Conservation would be the last Board they would go to. The design revisions are going to get finalized between the ZBA and the Planning Board, and now they know that they are in the buffer zone to the wetlands with the fire lane, they will be filing with Conservation.

Atty. Kurtzman said it is the applicant's preference to have the Special Permit be conditioned on Conservation approval, understanding that if Conservation says they need to make changes, then they would have to come back if the plan is different than what is before the Board today and what was approved by the Planning Board. Mr. Olivieri then read the February 12, 2021, letter from the Board of Health. They had no reason to recommend denial due to public health issues but a Title V inspection would be required prior to occupancy. The Planning Board memo of February 18, 2021, recommended a fenced in area for vehicle loading or that sufficient security measures be implemented for parking lot loading, which Mr. Olivieri indicated had already been addressed in the presentation.

Mr. Carmichael asked if they would be okay with a condition stating there would be no retail at this site. Atty. Kurtzman said that would be fine as the Special Permit would only be for cultivation and manufacturing, and they had no intention of doing retail sales. Mr. Carmichael asked if the Fire Department had yet reviewed the amended Site Plan. He would also recommend impact statements from Fire, Conservation, and Police. Ms. Murray advised that she had forwarded the Plan to Chief O'Brien but had not yet heard back from him. Mr. Olivieri noted that they typically would have more than one meeting on this type of application. He asked Atty. Kwesell to compose a list of the items that needed to be followed up on.

Mr. Carmichael said with limited deliveries, did they need to work on Saturdays and Sundays or were they prepared to eliminate some of their weekend work hours? He could see employees going in to maintain the plants, but he would be concerned about weekend deliveries. Atty. Kurtzman said it is necessary to continue operations on the weekends as the plants need to be tended to. He did not anticipate that there were going to be deliveries that would create an impact to traffic on the weekends and pointed out that deliveries would be once or twice a month. They could look into reducing weekend deliveries but he supposed that most would occur during business hours of the week.

Mr. Carmichael then asked if they were prepared to put up rooftop screening for their rooftop units. Atty. Kurtzman said they are prepared to do that so any units on the roof aren't visible from the exterior of the facility and to address potential noise issues. Mr. Phipps added at their current facilities, these units don't produce a lot of noise, and they also have never received a complaint in regards to noise. Mr. Carmichael said that has not been his experience. He would ask for screening on the back side towards Carriage House Lane and then the side abutment towards the other residential property.

Mr. Carmichael also asked about the composting. Mr. Phipps replied they do like to repurpose a lot of things relative to composting, but they do aerobic composting versus anaerobic composting. It also helps them to reduce waste. Mr. Carmichael said it is an increased fire load so as long as the Fire Department is okay with it and they were not composting outside, he would be fine with it. He asked that they then update their narrative. Mr. Carmichael asked if they were prepared to put solar arrays on the rooftop to cut down on the energy use. Atty. Kurtzman said they are considering a number of measures to reduce the energy use. The CCC does have a regulation that limit how much wattage they can have per plant. They will work with local energy providers to find any programs that are available to limit their energy consumption.

Mr. Olivieri asked if the Board would have more oversight on things like where they get their energy from. Would that be within their purview? Atty. Kwesell replied that is not specifically laid out in the bylaw. However, with a Special Permit which is not more detrimental, having renewable energy would be a plus for both the company and the Town, but in her opinion, not something that would be cause for denial if they were not doing that.

Mr. Noble asked if there would be backup generation or a generator on site in case of a loss of power. Atty. Kurtzman said as a State requirement you need to have a back up power source. They will have a generator on site. Mr. Noble said that he did not see that on any of the drawings submitted. Atty. Kurtzman said he was not sure where the generator is going to be located within the facility. Mr. Capachietti said it would be within the existing parking lot. His thought is there is an area of existing pavement that would be south of three spaces two of which are in the fenced in loading area. Those designs haven't been completed and are not usually embarked upon until the Special Permit and CCC permits are issued or at least the preliminary ones.

Mr. Noble asked if they could speak to the water quality and treatment they plan to incorporate into their manufacturing. Mr. Phipps replied soil ecology and what that

allows them to do for irrigation, fertigation is what really limits the wastewater for repurposing. They capture it and filter it to a small extent and then reuse a lot of the water. It also allows them to limit inputs. They have the system where they are feeding and re-feeding, and recapturing a lot of things. They will be capturing condensate from A/Cs and also that wastewater that will be filtered in that fertigation area, and then put in a tank to be repurposed through the use of their additional fertilizer.

Mr. Noble then asked about the use of solvents in the future. Mr. Phipps said that would likely be the case. Solvent less is what they are going to be doing immediately. As that is not a decision they are making right now, its an assumption. Mr. Noble asked if they did go forward with that in the future, what would be the plan? Mr. Phipps replied he didn't have a plan in place for that but it something where he imagined they would be repurposing the carbon dioxide to some extent.

Ms. Cline asked for clarification between the narrative and something that was just said as it relates to parking. In the narrative, it states there are 34 spaces, but later in the narrative there are 26 spots. In the securing of the parking lot, two spaces would be used, so they would be down to 24 spots. Atty. Kurtzman replied the plan was originally submitted with 34 spaces which was contemplated based on a potential expansion of the building that would have added an additional 5,000 square feet. That expansion is no longer going forward, so the actual number of parking spaces is 26, which he believed was in addition to the loading area. Pursuant to zoning, 25 spaces are required so they meet the zoning requirement and feel they have ample parking.

Ms. Cline then questioned the total amount of employees at the facility. Mr. Phipps said that it will be 22 maximum on site at one time, given the spread over Saturday and Sunday and needing to cover those days as well. The expect no more than 22 and less than that on any given shift. Ms. Cline also asked what the waste disposable process would be. Atty. Kurtzman said marijuana waste has to be disposed of in accordance with the CCC's regulations. It is separated from the regular waste, put into a locked dumpster, and then hauled away by a Commission approved marijuana waste vendor. Everything is regulated at the State level.

Mr. Olivieri recapped the following items that needed action:

- Planning Board approval
- Fire Chief's opinion on the updated and revised plans
- Hours of operation
- Noise mitigation for some of the mechanicals and screening

Atty. Kwesell added the following:

- Fire Department approval on the gravel road
- Reducing deliveries on weekends, if possible
- Noise from the rooftop units
- Update the narrative regarding no outside composting
- The location of the backup generator on the plan

The size of the generator and that the siting of it will not be on the residential side
Update the narrative in regards to the parking spots

Mr. Carmichael requested a statement from Conservation in regards to the proposed access road.

Mr. Carmichael then made a motion, seconded by Ms. Cline, to continue the Boston Botanical, Inc. hearing until March 18, 2021, at 7:00 p.m.

Roll Call Vote: Ms. Cline-Aye, Mr. Noble -Aye, Mr. Youngquist-Aye,
Mr. Carmichael-Aye, Mr. Olivieri – Aye

Meeting minutes

Ms. Cline made a motion, seconded by Mr. Youngquist, to approve the minutes from the January 19, 2021, meeting.

Roll Call Vote: Ms. Cline-Aye, Mr. Campeau-Aye, Mr. Youngquist-Aye,
Mr. Noble-Aye, Mr. Carmichael-Aye, Mr. Sheedy- Aye, Mr. Olivieri – Aye

Adjourn

Mr. Carmichael made a motion, seconded by Mr. Youngquist, to adjourn the meeting.

Roll Call Vote: Ms. Cline-Aye, Mr. Carmichael-Aye, Mr. Campeau-Aye,
Mr. Youngquist-Aye, Mr. Sheedy- Aye, Mr. Noble-Aye, Mr. Olivieri – Aye

Meeting adjourned at 9:20.