

**Salisbury Planning Board
Meeting Minutes**

Date: Wednesday, August 12, 2020

Place: Remotely via Zoom

Time: 7:00 p.m.

PB Members Present: Chair Don Egan (**DE**) , Vice Chair John “Marty” Doggett (**JMD**) , Clerk Gil Medeiros (**GM**) , Louis Masiello (**LM**) and Deb Rider (**DR**) and Alternate John Schillizzi (**JS**).

PB Members Absent: None

Also Present: Assistant Planner Michele Grenier (**MG**), Director of Planning Lisa Pearson (**LP**) and Planning Board Secretary Sue Johnson (**SJ**).

DE brought the meeting to order at 7:00 p.m. remotely via zoom. Announced, per opening meeting law, that the meeting was being recorded.

1. New Business – 7:00 pm

- a. Signing of plans and permits – Nothing to be signed
- b. Request for Certificate of Completion - 2 Joy Road (Map 11, Lot 58) - Request made by A1 Restaurant Ventilation, Inc.

Tracey Griffin (**TG**) stated that they are requesting their Certificate of Completion all items except for one have been completed which is the directional signage on the property and will apply for the permit through the Building Department to complete this last step. **MG** stated that she did a site visit and found it in compliance. **DE** asked if abutters were notified of this application for Certificate of Completion. **MG** no but while she was there she did not hear any noise. **LP** stated that we can reach out to the abutters and make the decision contingent on their replies. **DE** asked about the weeds on Joy Road. **TG** stated that they have just hired a landscaper and this will be taken care of. **JMD** stated that he was very impressed with how the site has changed and commended the applicant.

JMD motioned to approve the application contingent on the Planning Department sending a letter to the abutters to call or email if they have any issues or noise complaints within 7 days of receiving the letter.

GM seconded.

Vote: DR – Yes, JMD – Yes, GM – Yes, LM – Yes and DE – Yes – motion passed.

- c. ANR – 70-74 Lafayette (Map 22, Lot 16 & 17) – Request made by BAD Nominee Trust – Brenda A. Davis, Trustee

Matt Steinel (**MS**) stated that he was representing the applicant, Brenda Davis. **MS** described the acreage and frontage for both lots 1 & 2 and stated that they meet the Town’s requirements. **MG** stated that it does meet the submittal requirements.

GM motioned to endorse the ANR.

LM seconded.

Vote: DR – Yes, JMD – Yes, GM – Yes, LM – Yes and DE – Yes – motion passed.

2. Public Hearings—7:10 pm

- a. Special Permit Filing - 124 Lafayette Road (Map 22, Lot 70) - Request made by Doreen Nicosia (Dog Daycare with Outside Play Area)

DE asked Doreen Nicosia (**DN**) to address the Board's questions from the previous meeting. **DN** stated that there is a dumpster already at the location out front by the road and they will be allowed to use. If needed, it could be moved to the back of the building on the left-hand side away from any abutter. **DN** stated that she forwarded pictures of the proposed landscaping and fencing with privacy screens. **DN** stated that she met with the Dog Officer and the Town would allow up to 30 dogs for the first 6 months and then re-evaluate and if things are going well the Dog Officer could increase the number of dogs. **JMD** asked how many dogs on average are there at the Merrimac facility. **DN** replied 25-30. **JMD** asked what kind of surface would be in the fenced in area. **DN** stated that it would be playground mulch. **JMD** asked what the schedule is for waste disposal. **DN** besides the dumpster they have 3 to 4 metal trash barrels with lids which the waste is bagged and put into and emptied into the dumpster after playgroup. **JMD** asked if odor is ever a problem. **DN** replied that it has never been a problem. **DE** showed the pictures that **DN** submitted. **DN** gave a narrative of each picture. **DR** asked how often is the dumpster emptied. **DN** replied once per week but they could add an additional pickup if needed. **LM** asked how **DN** would keep 30 dogs from barking and bothering the abutters. **DN** stated that she has been in a residential area and have been able to keep the dogs under control. **DN** stated if they do bark they will be brought inside. **DN** welcomed the Board to come to her business to observe her routine with the dogs. **LM** asked if there were any complaints from abutters at her previous locations. **DN** stated that she had no major issues. **LM** asked how many employees would they have on site to handle 30 dogs. **DN** stated that they have 1 employee for every 10 dogs and went on to state that no matter how many dogs are there she has 2 employees on site at all times. **LM** asked how she determines whether a dog will be a good fit. **DN** stated that she meets with all owners at their homes to evaluate each dog. **DN** stated if the dog passes her initial evaluation they are brought into the play group and if that does not work they would be sent home. Leslie Murray (**LES**) stated that he has sent 2 letters to the Board regarding he and his wife's concerns. **LES** stated that he operates the N.E. Chocolate Factory at 123 Lafayette and has lived there for 25 years. **LES** stated that currently the dumpster is overflowing and would like to see it moved and does not believe that there will be no odor with the excrement of 30 dogs or that they will be able to contain the noise of 30 dogs. **LES** stated that he and his wife totally oppose this application and don't feel that it should be approved. **LES** stated that he would like the applicant to address how they would evacuate the building in case of a fire and how snow would be removed from the play area. **DE** asked if there was a plan to evacuate the dogs in case of a fire. **DN** stated that they can exit out of the back of the building into a large fenced area and then the dogs would be moved into a safety area where they could be leashed. **DN** stated that there is also an exit door on the side of the building and the garage door opens up as well. **DE** asked how snow removal is handled in a bark mulched yard. **DN** says that they shovel paths and remove the excrement. **DN** stated that the dogs love to play in the snow. **DE** asked how she would deal with the dumpster. **DN** replied that if needed she could get a separate dumpster could be moved out back and emptied twice a week if necessary. Jack Pramberg (**JP**) stated that he represented the

landlord and tenants at 122 Lafayette Road. **JP** stated that the tenant and property owners are opposed to the project. **JP** stated that he would like to see the property improved but does not think that the proposed use is a good fit for the neighborhood and would offer few benefits to the Town. **JP** stated that he feels the Board should consider the history of the owner and location. **LP** stated that she would like to see the landlord move the existing dumpster to the back and have it emptied twice a week. Mrs. Young (**MY**) stated that she was an abutter and has a lot of the same concerns expressed by the other abutters. **JMD** stated that the applicant is well intentioned but he has some reservations about the landlord and the history of issues with the Town. **DE** stated that he shares some of those concerns. **GM** motioned to close the public hearing but no one seconded the motion so the motion failed. **GM** stated that there are three abutters who are opposed to this use in their neighborhood and **GM** stated that he feels that this is not the correct location for this business. **LM** stated that he agrees **GM** and opposed to this use in that area. **LP** asked if any of the Board member visited any of the other dog daycares in town which are located in commercial, industrial and residential areas and don't receive any complaints. **LP** stated that dog daycares are a special permitted use in this zoning district. **DE** read the criteria for the Lafayette and Main Commercial District. **DR** stated that the applicant sounds responsible and is trying to do the right things including adding some landscaping and fencing to improve the property. **DR** stated that she also respects the abutters concerns. **JS** stated the he agrees with **GM** and **LM** and does not believe that this is the right location for the business.

GM motioned to close the public hearing.

LM seconded.

Vote: DR – Yes, JMD – Yes, GM – Yes, LM – Yes and DE – Yes – motion passed.

DE read the special permit requirements and purposes. **DE** stated that the motion would need to include how this special permit does not meet or meets these purposes.

GM motioned that this application does not meet the purpose of the Lafayette and Main Zoning District and to deny the special permit.

LM seconded.

Discussion: **LM** asked **LP** if the applicant can come back with a revised plan that included fewer dogs. **LP** said no because the Board closed the public hearing. **GM** asked if she could apply for a Special Permit in the future for her business. **LP** stated not for 2 years for the same location and same plan.

Vote: DR – Yes, JMD – Yes, GM – Yes, LM – Yes and DE – Yes – motion passed.

- b. Special Permit and Major Site Plan Filing - 187 Lafayette Road (Map 19, Lot 296) - Request made by Root & Bloom (Recreational Marijuana Cultivation and Product Manufacturing Facility)

Adam Costa (**AC**) from Mead, Talerman & Costa stated that he was representing the applicant. **AC** stated that odor control and mitigation was a concern at the last public hearing which they will be addressing that tonight. **AC** introduced his team and gave an overview of what each person on his team will be presenting. **AC** showed that Board list of marijuana cultivation facilities who have purchased SecureAire Systems and also showed a list of U.S. facilities in operation that are using the Fogco System. **AC** presented 2 possible conditions for the decision regarding odor control and odor mitigation for the Board to consider. Eric Gath (**EG**) of BLW Engineers stated that he has been designing marijuana facilities for 6+ years and the odor control approach they are taking for this project is above and beyond any facility in Massachusetts or in the U.S. right now. **EG** stated that they are using four different techniques in conjunction with one another to make an odor mitigation strategy that he is confident that it will be successful. **EG** stated that the four different techniques are building pressure, SecureAire filtration inside of the

building, charcoal filtration and Fogco Odor Neutralization on exhaust air. **EG** explained the building pressure technique. **EG** stated that the building will be well sealed and there are insulated metal panels within the building which are calked and sealed so there would be no air can escape into the building. **EG** stated that they can control the building pressure. **EG** stated that fresh air will be brought into the flower rooms which has a positive pressure and air is circulated within the flower rooms and the air migrates into the negative pressure spaces of the building which are equipped with a duct system which exhausts the air out of those spaces and into the exhaust area which is essentially a vacuum and then will exhausted out of the building. **EG** stated that the air that is being circulated within the flower rooms will pass through a SecureAire filtration system. **EG** stated that they are running the air in the flower rooms 40 times per hour through the SecureAire filter. Derek Anneser (**DA**) stated that they would implement a maintenance plan where the filters would be changed every six months and went on to explain how SecureAire Filtration System works. **EG** stated that the filtered air will migrate from the grow rooms into the ducts where it will then be drawn by a fan through carbon filtration. **DA** explained that relatively large and slow molecules travel into the pores of the carbon filter and stick to the surface through light molecular forces. **DA** explained that smaller and faster gas molecules will collide with the surface of the carbon filter to create an irreversible chemical reaction which binds it and does not allow it to escape. **EG** explained that after the air goes through the carbon filter it would then go through the Fogco System which is a high velocity fogging system which will remove any remaining odors before releasing into the atmosphere. Dana Pack (**DP**) stated that he is the Vice President of Fogco Environmental. **DP** stated that the company has over 20 years of odor mitigation experience in a variety of different industries and was the first high pressure fog company to enter the cannabis industry approximately 7 years ago. **DP** stated that the Fogco system is being used in over 100 cannabis facilities in the U.S. and Canada with zero complaints. **DP** stated that the scientific technology behind this is called Subtractive Odor Control which means it is a neutralizer not an additive (masking agent or perfume). **DP** stated that they introduce natural essential oils into a water supply which is then pressurized to 1,000psi in the pump. **DA** went on to state that the pump then delivers that out a nozzle which mixes with the odorous air which in turn neutralizes and eliminates the malodor. **GM** asked what they do with the plants when they are done producing. George Haseltine (**GH**) stated that this process would be done internally. **GM** asked how they dispose of the waste. **GH** stated that their shipping and receiving area is inside the building in negative air pressure and the waste is sealed and taken off site. **GH** stated that it would not be stored or brought outside. **GM** asked how often is waste picked up to be taken off site. **GH** replied that it depends on the growing cycles but anticipates the waste to be picked up once a week or once every other week. **DR** will odor mitigation systems be on at all times. **GH** stated that they would be on 24/7. **DR** asked if they make any noise. **GH** stated that they hired a sound acoustic consultant to measure any systems noise on the outside of the building and at the property lines and the noise will be less than what is permissible by statute. **LM** asked if they had backup generators. **GH** replied that they have an interim generator to keep life safety systems on as required. **GH** stated that they have a hookup and are paying a premium for a large generator that can operate the entire facility which they can have access to in a number of hours through a local company. **LM** asked if the odor control system would be powered by the on-site generator. **GH** stated that it would. **AC** stated that he would like to address the issue the Board had with the street side rendering not being articulated enough. **AC** showed an updated rendering with landscaping and vertical separation. **AC** stated that they also selected a lighter color for the roof. **AC** stated that these plans will be submitted as part of the record. Brian Kealy (**BK**) stated that he is a direct abutter and his major concern is odor. **BK** stated that his background is HVAC and is concerned with the possibility of lack of maintenance of these odor mitigation systems. **LM** stated that Mr. Kealey's concerns could be handled by adding a condition that a maintenance plan needs to be submitted as part of the approval. **DE** agreed. **DR** asked if any of the applicant's team were odor control specialists. The applicants team replied no. **DR** stated that the Board may want an independent

assessment of the odor mitigation system. **AC** stated that it would be difficult to find an engineer with this experience. **AC** shared the conditions that the applicant is proposing which include standards that they are obligated to meet through the Cannabis Control Commission. **DE** stated that it seems that a state-of-the-art odor mitigation system has been presented to the Board, but what if it does not work. Do you shut it down and abandon it? **BK** stated that he shared **DE**'s concerns. **GH** stated that there are facilities that only have one of the four systems in place with no odor issues. **GH** stated that they want to be good neighbors and are happy to agree to a condition of a maintenance plan. **GH** stated that if there was a filter that was not performing to its optimal level they would make a corrective action plan to change it out more frequently which would be above and beyond what they committed to in their maintenance plan which is better than industry standard. Brad Kutcher (**Brad**) stated that she spoke with **MG** earlier in the week and stated that she had visited four cultivation sites and asked if she would share her findings. **MG** stated that she visited 4 facilities. 2 facilities had older systems and at one she could smell an odor. **MG** stated she also visited 2 newer facilities which had no odor. **JMD** stated that he was not sure if an outside consultant would be able help as no other facilities are using all 4 types of odor mitigation. **JMD** stated that he would like to condition a maintenance plan. **LM**, **GM** and **DR** agreed. **LP** asked if any of the presenters have experience with an odor panel. **DP** stated that Fogco has had a first-hand experience with an odor panel called St. Croix Laboratory. **DP** stated that they are certified odor mitigation experts who employ this type of panel to go out and determine if there is an odor concern or not. **DP** stated that they have developed the only type of odor measurement device that is allowed in a court of law currently called the nasal ranger and is the same company that has certified 2 of their facilities in operation. **AC** stated that his client has no objection to recrafting the condition to include a 3rd party odor panel to step in to do this type of testing. **DE** stated that he doesn't think that the Planning Board needs to get involved if there is a complaint and stated that he is not sure what Town Department or Board should handle any complaints. **DE** stated that in terms of bonding he is concerned that if the Town is stuck with a plant that produces odors and there is no way to stop it does the plant cease to exist. **DE** stated that the Town should not get stuck with a situation that produces odors that can't be managed. **AC** stated that if there are odor complaints the Board could defer this matter to the Building Inspector. **AC** stated that on of the conditions her crafted states that there shall be no odor at the property boundary. **AC** stated if they can not meet this condition the Building Inspector can issue a cease and desist order for not complying and the permit can be revoked. **DE** stated that he would like the Planning Department to draft conditions for the next meeting and possibly have an attorney review them. **LP** stated that the Planning Department can create a draft decision to include the conditions discussed to present to the applicant and Board before the next meeting for review. **LP** stated that the only thing that was not discussed was lighting which should also be added as a condition. **DE** stated that the generator testing hours should be included in the decision.

GM motioned to continue until 8/26/2020 at 7:10pm.

JMD seconded.

Vote: DR – Yes, JMD – Yes, GM – Yes, LM – Yes and DE – Yes – motion passed.

- c. Flexible Residential Development Special Permit and Definitive Subdivision Filing - 9 Gerrish Road (Map 22, Lot 19) - Request made by DeStefano Development LLC c/o Lisa Mead, Mead Talerman & Costa, LLC

GM motioned to continue until 8/26/2020 at 7:10pm.

JMD seconded.

Vote: DR – Yes, JMD – Yes, GM – Yes, LM – Yes and DE – Yes – motion passed.

3. Other Business

4. Correspondence

5. Adjournment

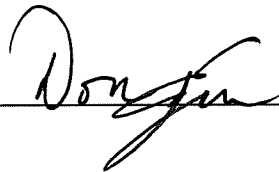
LM motioned to adjourn.

DR seconded.

Vote: DR – Yes, JMD – Yes, GM – Yes, LM – Yes and DE – Yes – motion passed.

*** Documents provided at the meeting are on file in the Planning Office**

Minutes approved by: _____



Date: _____

