

TOWN OF DUDLEY

MASSACHUSETTS

PLANNING BOARD

DUDLEY MUNICIPAL COMPLEX, ROOM 308
71 WEST MAIN STREET, DUDLEY, MA 01571

DUDLEY PLANNING BOARD

Daniel Edmiston, Chairman
Richard Clark, Vice Chairman
Steve Watroba, Clerk of the Board
Guy Horne, Member
William LePage, Member
Russell Giglio, Associate Member



DUDLEY PLANNING STAFF

William Scanlan, Acting Town Planner
Michelle Jervis, Acting Clerk
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Dudley Planning Board

November 18, 2020
Meeting Minutes

The Dudley Planning Board was called to order at the Dudley Municipal Complex, 71 West Main Street, Dudley, MA in Room 321A at 7:00 PM on Wednesday, November 18, 2020 by Chairman Dan Edmiston. Members present were: Richard Clark, Vice-Chair, Steven Watroba, Clerk. Guy Horne, member, William Lepage, member and Russ Giglio, Associate Member Also present were William Scanlan-Acting Town Planner and Michelle Jervis, Acting Planning Clerk.

Chairman's Disclosure for Public Meetings:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's Executive Orders imposing strict limitations on the number of people that may gather in one place, although a quorum of the members of the Dudley Planning Board will be physically present for this meeting, no in-person attendance of members of the public will be permitted. The meeting will be live broadcast on Dudley Cable Access Television, Channel 192, and members of the public can also access the meeting online via YouTube. In the event of an unanticipated interruption in this broadcast, we will post on the Town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Members of the public who wish to appear before the Board must make an appointment to appear on an upcoming agenda, by contacting Michelle Jervis at (508) 949-8001 or by emailing selectmen@dudleyma.gov. Placement on the agenda is not guaranteed however, and persons requesting to appear before the Board should not attend the meeting in person unless and until the appointment has been confirmed by the Board. Persons with matters appearing on the meeting agenda may request that they attend via virtual means, such as conference call, rather than via in person attendance. Such request should be directed to Michelle Jervis at (508) 949-8001 or by emailing selectmen@dudleyma.gov no more than 72 hours (not counting Saturdays, Sundays, or legal holidays) in advance, so that appropriate arrangements can be made.

However, persons or representatives with matters appearing on the meeting notice/agenda who wish to be physically present at the meeting must observe the following requirements:

1. *Only ten people, including Board members and staff, will be permitted in the meeting room at one time. Satellite rooms will be available for overflow, and the meeting will be broadcast in real time in those satellite rooms. Total capacity in each room will be limited to 10 persons.*
2. *Persons who wish to participate in any particular matter on the meeting agenda will be asked to wait in a satellite room until that agenda item is reached, at which point attendees will be rotated between the main meeting room and the satellite room(s), as appropriate. Again, the total number of persons in any room, including the main meeting room shall be limited to 10 people at any one time.*
3. *Social distancing must be maintained in both the main meeting room and in satellite rooms. Face masks or coverings will be required in accordance with Governor Baker's May 1, 2020 COVID-19 Order No. 31, "Order Requiring Face Coverings in Public Places Where Social Distancing is Not Possible." A copy of that order can be found at <https://www.mass.gov/doc/may-1-2020-masks-and-face-coverings/download>*
4. *Failure to comply with these requirements may lead to an attendee's removal from the meeting.*

1. New Business:

a. Approval of Minutes:

Richard Clark motioned to approve the minutes of October 14, 2020 as recorded. Steven Watroba seconded. Unanimous 5-0.

Richard Clark motioned to approve the minutes of October 19, 2020 as recorded. Steven Watroba seconded. Unanimous 5-0.

Richard Clark motioned to approve the minutes of October 28, 2020 as recorded. Steven Watroba seconded. Unanimous 5-0.

b. ANR Plan:

Paglione Drive – Applicant Joan L. Juszczuk, Heirs of Joseph Paglione. Brian Hill from Land Planning, Inc. came before the Board. He stated the plan subdivides 11A and 11 Paglione Dr. to increase the size of 11A and make it larger. This new area is to become an undivided portion of 11A Paglione Drive. The second parcel being cut off is the remaining land parcel. The remaining land lacks the required frontage to be considered buildable. The remaining land parcel is currently in 2 adjoining parcels described in one deed. These parcels are combined by zoning merger theory. The remaining parcels are to be held in common to prevent creating a land locked parcel, which is not surveyed. Also the plan defines new easements on #9. Bill LePage motioned to accept the ANR Plan as presented for Paglione Drive. Richard Clark seconded. Unanimous 5-0.

2. Public Hearing:

Application for a Special Permit and Major Site Plan Approval – DMA Holdings, LLC – Adult Use Cannabis Cultivation, Manufacturing and Retail Establishment at 35-37 Chase Ave.

Presentation:

Chairman Edmiston opened the Public Hearing at 7:21pm. He read the legal notice. Attorney Nicholas Adamopoulos, representing DMA Holdings, LLC, opened by stating that the property located at 35-37 Chase Ave is zoned for this purpose and DMA has a Host Community Agreement with the town. Rhett Jordan, a manager of DMA Holdings, (MA), LLC, stated that he owns a large growing company in Colorado and looks forward to utilizing the space on Chase Ave for growing and retail sale of Cannabis products. They are licensed for a Tier 8, which allows 70,000 sq. ft. canopy. It is a large investment with \$22 million dollars going into the building. There will be no external changes to the building and all the survey work will be done by Jarvis Engineering. The interior rooms are very modern and climate-controlled so there is no cross contamination. They have three store sites, one in Dudley and the other two are in Lynn, MA and Taunton, MA. They will be hiring experienced contractors and engineers who design these facilities and will do it in a proper manner. They recently submitted the security plan, which was approved by Chief Wojnar. Also a traffic study was completed, which indicates Brandon Rd. and Chase Ave. can handle the traffic increases. The consultant recommended minor improvements such as upgraded stop signs, re-striping, etc. There should not be a large traffic back up when the store opens but they will provide a police detail just to make sure. The HVAC system provides a controlled environment and prevents the escape of emissions into the surrounding air.

Discussion:

Ed Niedbala of 21 Lawrence Rd, and owner of the apartments across the street from the facility, had a traffic study question. He felt additional streetlights should be installed on Poles 10, 9, and 8. It is very dark and he stated concerns for the amount of traffic that will be entering the facility. He had brought up this issue in other venues, but was told the Planning Board hearing was the proper forum to ask for relief. Attorney Adamopoulos stated that no 18 wheelers will be entering the site unlike when the mill was the Ethan Allen factory. They will be using smaller vehicles with the busiest times from 4:30-5:30pm during the week and 11am to 12pm on Saturday. Dave Lahar, another manager from DMA Holdings, LLC. stated that he would support the new streetlights and they want the neighbors to be happy. It would be an added security investment.

Mr. Scanlan read a letter from Edwin Laprade, an abutter who owns property on Hillcrest St. in Webster. They have concerns about the odors that might escape from the facility. Harold Marengo of 40 Chase Ave. stated that he works for a filtration company and the facility will install a carbon based filtration system, which he felt is the best on the market. There is virtually no smell detected when using this system. The system will also have fogging nozzles that neutralize all of the odors using essential oils.

Mr. Watroba asked if an existing tenant, Drafter's Pub, would vacate the premises. Mr. Adamopoulos stated the Pub would be off the property by Dec. 15.

Mr. Edmiston asked about the water needs for the facility, especially due to the cultivation operation. Mr. Adamopoulos responded that the establishment will need about 10,000 gallons per day and will recycle water to reduce demand. The facility will use Town water due to its pure quality. It cannot take water from the French River, which contains sediments, fertilizers, pesticides, etc. State regulations are designed to insure impurities remain out of the cannabis for public health and safety.

Mr. Watroba asked about the third and fourth floors of the stone building, which are shown on the floor plans as remaining unused. Mr. Adamopoulos said they may use the space for employee training. DMA cannot rent the space out for unrelated uses.

Mr. Clark asked about the procedures for disposing of solid waste, especially the unused parts of the cannabis plants. DMA will follow the requirements of the Cannabis Control Commission in disposing of the materials. This involves mixing of the plant material with soil to render it inert and hiring third party waste haulers who are required to keep logs of quantities and disposal locations.

Mr. Scanlan noted the Town has commissioned several long range plans for improving recreational access along the French River, and those plans identify the Chase Mill property as an ideal location. Mr. Adamopoulos said his team wished to be a good neighbor and has committed to working with the Town.

Richard Clark asked how the company will address individuals from near-by Connecticut and Rhode Island who purchase marijuana products at the store, two states that have not legalized cannabis. The company is aware of this and will hand out literature stating that when transporting marijuana across those states lines individuals would be subject to penalties of state law.

William LePage said he feels confident that all their boxes are checked throughout the process. The hours for the facility will be 9am to 8pm for the retail store and 8am to 8pm (12 hour shifts) for the growing and cultivation. All agreed to move forward with the special permit with conditions.

Vote:

On a motion by Mr. Clark, seconded by Mr. LePage, the Planning Board voted 5-0 to approve the Special Permit and Site Plan for a marijuana establishment submitted by DMA Holdings (MA), LLC for 35 Chase Avenue, with conditions. The Chair asked Mr. Scanlan to draft the decision and conditions based on the evidence at the hearing and materials submitted as part of the application and local review. The Board will review the draft decision at the next meeting.

3. Standard Business:

- i. Country View Estates** – Mr. Scanlan stated that he reached out to the developer of Country View Estates (Eisenhower Drive) to see if he would agree to split the cost of

repairs to the pumps in the sewer pump station; he is waiting to hear from the developer.

- ii. **Lyons Estates** – Mr. Scanlan informed members that the subdivision is going along well and the developer is hopeful he can put the first coat of asphalt down before the snow flies.

4. **Planner's Plate:**

Mr. Scanlan informed the Board of various projects and recent events. The ADA Self-evaluation Plan will be reviewed on 11/30/20 via Zoom and then a public meeting on the plan will be set up. Regarding the Mass DOT contract for Complete Streets, it is still being processed by the state. The Board will have responsibility for overseeing the plan. He provided the Board with upcoming meeting dates in 2021. Finally, town hall staff will be working on a different schedule. There are two groups who work two days each week in town hall and two days remotely. When one group comes in the other group works remotely. A kiosk is being set up for payments and drop-offs; anyone wishing to speak directly with the Planner needs to set up an appointment.

5. **Adjournment:**

Richard Clark motioned to adjourn at 9:20pm. Steven Watroba seconded. Unanimous Vote 5-0.

Respectfully Submitted,

Michelle Jervis
Acting Planning Clerk

Daniel Edmiston: _____

Steve Watroba: _____

William LePage: _____

Richard Clark: _____

Guy Horne: _____