

Charlemont Planning Board
March 14, 2019 Meeting Minutes

Members Present: Robert Malone and Bill Harker, Co-Chairs, Gisela Walker, Carlene Hayden, Bob Nelson.

Others Present: Bill & Marcia Tucci (Sun and Soil Cannabis Cooperative), Erica Travis, Andrea Stanley, Pattie Aron, Ben Roesch (Wormtown Brewery), Pam Hazlett, Nick Bilgri & Anna Otto, David Kong, Jim Sinclair.

Call to Order

Planning Board Co-Chair Harker called the meeting to order at 7:00 p.m.

7:01 P.M.: Appointment-Bill & Marcia Tucci; Sun and Soil Cannabis Cooperative

The Tucci's pulled out of the Farm Bug cooperative and are doing their own local cooperative and bringing in other cultivators. Nothing on the cultivation site is changed. There are three greenhouses for the three cultivators totaling 10,500 square feet, 3,500 square feet each, and about 7,500 square feet of canopy. They are proposing adding a manufacturing component, a 20' x 30' kitchen. They passed out a drawing of the planned layout and an overview of the business. Erica Travis would be manufacturing topicals and teas with the excess tree matter also called, "trim." Without this manufacturing, the trim would be disposed of through composting. Erica Travis is opening a "lab." The Tucci's need to do a new community outreach meeting and host agreement with the Town, because of the name change. The Tucci's discussed whether they should combine or keep separate the various activities. They also suggested that the manufacturing component be in a portable building in order to meet size limitations, but the board said they preferred a permanent building. The Tucci's also said that the existing well produces 35 gallons per minute, so water should not be an issue.

7:24 P.M.: Special Permit Hearing for Backroads LLC to Operate a Micro Scale Distillery at 49 Potters Road

At 7:24 p.m., Co-Chair Malone opened the public hearing for Backroads LLC to operate a micro-scale craft distillery at 49 Potters Road and he read the public notice. Andrea Stanley, a member of the cooperative has a farm in Hadley and grows the grains, malt, lavender and other potential ingredients. Wormtown Brewery would perform the distillation and send this product to age at 49 Potters Road in Charlemont. 10 to 12 55-gallon barrels per year would be stored to age at this location for 3 years. These barrels would be brought in two at a time in a pickup truck. The property has two garages. They would frame out a storage area in the larger garage, as the area must be locked and sealed. The liquid being stored would be about 120 proof, or about 60% alcohol. Pattie Aron owns a five gallon still and proposes using this for research and to develop new recipes at the Charlemont location. Walker informed Backroads LLC that there was strong opposition to their proposal from abutter Byron Gilcrest, who is in Florida for the winter and was represented at this meeting by Pam Hazlett. Pam expressed concerns about the potential of fire, but Pattie Aron said there is a very low likelihood of fire. Cars would be parked in a different garage. The question arose as to whether there were building codes regarding the storage of flammable liquids. Such codes exist, but the exact volume that requires a fireproof building is not known. Pattie briefly reviewed the TTB (Tax and Trade Bureau, formerly the Alcohol, Tobacco and Firearms bureau) license process. She said that she would submit documentation with drawings and that the TTB may inspect the location at any time. It would be necessary to reapply to TTB if the size of the still was increased. Pam Hazlett was very concerned about Backroads LLC going to craft scale distillery, since once approved by the town, it appears they could

grow to this level without needing re-approval. The planning board can restrict the growth through the permit process. Backroads, LLC. responded that it is not their plan to grow to craft scale. There is no retail component and they do not anticipate using the 49 Potters Road location for anything beyond their current proposed use. They would not have employees and would not expect any additional traffic beyond the occasional pickup truck to deliver or remove barrels. The distillery would be on a small scale; 5-10 gallons, Pattie noted that anything larger wouldn't make sense in this location. If the project was very successful, they could open a store in the downtown, but would not want to increase activity on Potters Road. Abutters were concerned about potential smells and waste. Backroads LLC said that there was a very minor odor. "Element" in Millers Falls is doing the same thing downtown with no issue regarding odor. The waste would be extremely minimal from a five gallon still and could be eaten by chickens. Bill Harker said Potters Road is more like a driveway and there is no place to turn around. He showed pictures taken of the area and garage. Nick Bilgri and Anna Otto, abutters across the street said they were fine with what Backroads LLC proposed during this meeting, but they were very concerned if there was an issue or if it got out of hand, that it was clearly spelled out in the permit that the size of the still and overall operation would be capped and that violating the permit would be enforced. The Board assured them that permit violations could be enforced through the Building Inspector. Robert Malone asked about signage and Pattie said she did not plan to use signage and did not plan to advertise the street address on bottles or other advertising. Pam Hazlett stated that Gilchrest is completely against any component of the proposal and that he will appeal. The Board strongly suggested that Pattie Aron reach out to Byron Gilchrest to better explain the scale of their proposal and to hopefully alleviate some of his concerns prior to the next hearing. She was also asked to obtain or create a narrative as specific as possible as to exactly what they plan to do, for clarification. She said there is an article in the Greenfield Recorder on this from March 4, 2019. At 8:19 p.m., on a motion by Malone and seconded by Hayden, the public hearing was continued to Thursday, May 2, 2019 at 7:00 p.m.

8:25 P.M.: Appointment-David Kong to Discuss Enlarging Avery's Parking Lot

At 8:25, David Kong, the new owner of Avery's discussed his desire to increase the size of the parking lot at Avery's. There is a 'shelf' at the bank that can be cut out to accomplish this goal. They have an engineer who will be making a proposal. Jim Sinclair, the former owner of Avery's was present to support David Kong. He said that the fill that is removed will be used to resolve an erosion issue that exists elsewhere in town. David Kong is not sure how many spaces will be gained, as it depends on how deep the cut can be. He will pave the lot. They are doing this in conjunction with the state's plans to improve the road. He also plans to reduce the number of stairs up to the front door and add a ramp along the side of the building to a planned new entrance in the back. Bill Harker said the state is taking one foot of land in front to create the new road and sidewalk. David Kong said that he has arranged with the state for them to have the right to use the lot for storage of their equipment for five years, but they may only need to use the lot for two years while the road improvements are underway. His plan for the property is to have a café in the front and groceries available in the back. Jim Sinclair said that Avery's is the longest continuously running general store in the country.

Board Discussion

Public Hearing date for Non-criminal Disposition Bylaw Revision. There was discussion that a public hearing was needed to add this revision to the bylaws and whether this would be at the annual town meeting.

Bruce Dearborn, an out of State property owner, asked if there was a variance to the requirement that the owner needed to reside in the principal or accessory residence. It was noted that there is not.

MassDOT plans a public hearing on March 28 regarding the proposed West Oxbow Road over Wilder Brook Bridge replacement project.

Adjournment

At 9:29 p.m., on a motion by Harker and seconded by Malone, the Board adjourned their meeting.

Respectfully submitted,
Bob Nelson

Documents viewed in the Planning Board meeting of 3/14/2019*

1. Agenda for meeting of 3/14/2019
2. Sun and Soil Cannabis coop, LLC proposal overview documents
3. Sun and Soil Cannabis coop, LLC building layout drawing
4. Backroads, LLC Special Permit file and documents
5. Email from Bruce Dearborn regarding variance to accessory apartment requirement; 3/12/2019
6. MassDOT Notice of Public Hearing notice for West Oxbow Road bridge replacement ; 3/28/2019

*Documents are stored in their respective files