

**Charlemont Planning Board**  
**May 16, 2019 Meeting Minutes**

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

Others Present: Byron Gilcrest, Pam Hazlett, Ben Roesch, Andrea Stanley, Christian Stanley, Julia Aron, Pattie Aron (on phone)

Call to Order

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

Approval of Minutes

The Board reviewed the minutes from their meeting of 5/2/2019. On a motion by Harker and seconded by Walker, the minutes were unanimously approved as written.

7:00 P.M.: Continuation of Backroads LLC Special Public Hearing to Operate a Micro Scale Distillery at 49 Potters Road

At 7:00 p.m., Co-Chair Malone opened the public hearing for Backroads LLC to operate a micro scale distillery at 49 Potters Road. Mr. Malone asked if there was any update from Backroads LLC. They indicated that there were no changes, aside from correspondence regarding this special hearing. Mr. Malone suggested that the board ask any questions they may have, followed by the abutters. Walker asked about barrel storage. Ben Roesch responded that they have a contract with their distiller for two 50-gallon barrels at a time, up to two barrels every two weeks, and a maximum of 48 barrels over two years. Pattie Aron added that they have flexibility with the distiller and there could be four to six barrels on a truck. The number of barrels stored will depend upon racking used. While she does not know what racking will be used, if it was three barrels high and 12 long it would likely exceed the capacity of the space. The code also requires a certain amount of ventilation for a given space. They need approval by the federal Alcohol and Tobacco Tax and Trade Bureau (TTB), which may also set limits to barrels stored and approve the racking to be used. It is necessary to receive planning board approval before applying to the TTB, after which approval of a license from the Massachusetts Alcoholic Beverage Control Commission will be necessary. Walker asked how long the barrels age. Pattie Aron stated that the time of the aging is variable and dependent on the product being made, the temperature and humidity and may range from months to years. There was some discussion over the number of barrels in the space and the application that states, "24 barrels in the first one to two years." Ben Roesch said that the limiting factor is the money they are willing to put into the spirits. Andrea Stanley said that it is unlikely they would do 12 barrels per year for three years. The equivalent volume of 36 55-gallon barrels would likely be reasonable as an upper limit, as barrels may be different sizes. The discussion shifted to other aspects of the space. There will be no car stored in the garage. The space will be locked with limited access and built to code. Pattie Aron said that depending on volume they will need proper ventilation and fire suppression. It is regulated by the International Building Code. They will require sprinklers, since there will be over 240 gallons of flammable liquid stored. Walker said that it is likely they will need a holding tank for water. Hawkins said that the fire chief would require a one-hour fire wall. The question arose as to why store it in Charlemont. Pattie Aron said that it is extremely expensive to make whisky. There could be \$20,000 in every two barrels and any increased overhead needs to be a consideration. Regarding the handling of the liquid, it will be pumped from the truck to the barrels. The barrels will not need to be lifted; the liquid will be pumped to be moved.

Regarding the still, it is to be in the same garage, but may be moved in the future. It will be used for development. It is a mini-unit for testing. The use is regulated by the TTB. The heat source is electric, similar to a coffee percolator. It is never left unattended when in use. The ten gallon still will produce about a gallon of purified spirits after a first distillation of four hours and a second distillation of one hour. They said that a coffee roaster produces much more odor than the still. There is very low odor except in the room. Walker asked if there was a pipe for ventilation. Pattie Aron responded that it was not necessary for this size still. There is not much room for vapor creation. The location of the still would be on the other side of the wall from where the barrels are stored. Ben Roesch said they have 5 five-gallon stills in their brewery on wheels that they move around. Malone asked about loose grains and rodent issues. Andrea Stanley said this is an issue they deal with in Hadley, but there will be no grains in Charlemont. There will be no waste products on site. Malone asked that all the licenses and plans be filed with the Charlemont planning board as they are developed and approved for the planning board files. It was asked if restrooms would be necessary, but they said that there will be few workers, so they would not be needed. More than 90% of the time, there will be no one there. Walker asked about what an emergency situation could be. Ben Roesch said he has never seen a barrel fall. A leaking barrel would be seen initially, since over time the wood expands and tightens. Would the fire suppression work during a blackout? Pattie Aron said that she would expect to use an uninterrupted power supply rather than a generator. Byron Gilcrest said that whereas he was thinking a dozen barrels, now it seems to be 36 barrels. He did not think the well on the property would have sufficient pressure to put out a fire. Harker said that it would require a sufficient storage tank for the water. Byron Gilcrest said that many of the requirements are not shown in the scale drawing. He showed an article that showed a still that did explode in Kentucky. He also showed an article that indicated that odors could be a problem. These referred to much larger operations however. He stated that his house is only ¼ mile away. Pattie Aron said that it is highly unlikely that the 10 gallon still would have an odor that would travel that far. Pam Hazlett said that she has concerns over the potential of future growth to craft distillery size. Pattie Aron said she would love to be able to grow on that site, but it could be elsewhere. While it would be a goal of the company to grow to that size, they are open to any limits the town may impose. Regarding potentially adding additional equipment, the TTB requires the serial numbers of any device on the property. Any changes would need to go through the TTB. Pam Hazlett asked if they were willing to have craft distillery removed from the application. Malone stated that we need the plot plan drawing to scale with setbacks, and the locations of the well and septic tank. Additionally, a floor plan of the garage when it is complete. Malone said that they should get the site plan and we will continue the meeting to a future time and date. Byron Gilcrest asked why they want to put this business on this rural road. Walker said that all locations in the town are zoned the same, whether Zoar, Crabapple or Berkshire East, all are zoned rural residential. There are many other businesses located on that same road. There was some discussion of the still that blew up in the document that Byron Gilcrest showed. This was a pressurized still. The 10 gallon still that Backroads LLC plans to use is not pressurized. Pattie Aron said that there is not enough heat to build that kind of pressure. Byron Gilcrest asked whether the other garage on the property could be used. Pattie Aron responded that the space is too small, the walls are not rated. It would be much too hard to build out and expand. It does not have a proper foundation. Byron Gilcrest then asked when they expect to be in operation. Pattie Aron said that the TTB has a wait time of 200 days. The state will then need to approve the application, but their wait time is shorter. Walker moved that the meeting be continued to June 27, 2019 at 7:00pm. Harker seconded and all approved.

### Board Discussion

The board briefly discussed that a letter was sent to all town residents regarding the Legate Hill Cell Tower and its request that residents contact the select board in opposition to this activity.

The board also discussed a letter from KP Law sent to the planning board regarding an inquiry that the planning board had as to whether the Legate Hill Cell Tower was a planning board issue. Their response was that this was not a planning board issue.

### Adjournment

At 9:15 p.m., on a motion by Malone and seconded by Harker, the board adjourned their meeting.

Respectfully submitted,  
Bob Nelson

### **Documents viewed in the Planning Board meeting of 5/16/2019\***

1. Agenda for meeting of 5/16/2019
2. Draft Meeting Minutes from May 2, 2019
3. Backroads LLC Statement of Intent to Operate a Distilling and Barrelhouse at 49 Potters Road, Charlemont, MA 01339
4. Article Titled, "Craft Breweries, Distilleries Leases; Key Issues for Landlords and Tenants"
5. Article Titled, "Fire Marshal says Silber Trail Distillery Explosion Result of Over Pressurized Still"

\*Documents are stored in their respective files