

# Town of Franklin



## Planning Board

TOWN OF FRANKLIN  
TOWN CLERK  
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February 15, 2019

Teresa M. Burr, Town Clerk  
Town of Franklin  
355 East Central Street  
Franklin, MA 02038

**CERTIFICATE OF VOTE – (1) SPECIAL PERMIT/SITE PLAN**  
**USE – NON-MEDICAL MARIJUANA CULTIVATION**  
**4 LIBERTY WAY**

**Applicant:** 19<sup>th</sup> Fairway Development.  
42 Adin Street  
Hopedale, MA 01747

**Owner:** Liberty Realty Trust  
PO Box 36  
Mattapoisett, MA 02739

Prepared By;  
Surveyor/Engineer: Mark Santora, 123 Old Westboro Road, N. Grafton, MA 01536  
Property Location: 4 Liberty Way  
Map 329 Lot 002

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, February 11, 2019 the Planning Board upon motion duly made and seconded, voted (5-0-0) to **APPROVE, with Standard and Special Conditions** (1) one Special Permit and Site Plan for 4 Liberty Way for Non-Medical Marijuana Cultivation and Product Manufacturing in the Marijuana Use Overlay District. A brief description of the proceeding, the outcome of a roll call vote, and the Standard and Special Conditions of Approval are presented on pages 2-7 attached hereto.

Sincerely,

Anthony Padula, Chairman  
Franklin Planning Board

cc: Owners/Applicant/Applicant's Engineer/Applicant's Attorney  
Building Commissioner/DPW/Engineering/BETA Group, Inc.

**PROJECT DESCRIPTION – (1) ONE SPECIAL PERMIT/SITE PLAN**  
**USE – NON-MEDICAL MARIJUANA CULTIVATION**  
**4 LIBERTY WAY**

The project is located at 4 Liberty Way, (Assessor's Map 329, Lot 002). The site is located on Liberty Way and near Constitution Blvd in the Marijuana Use Overlay Zoning District. The site is currently the last undeveloped parcel within the Franklin Industrial Park.

The applicant is proposing to construct a 36,000 sq. ft. commercial building, with 65 parking spaces and a 900ft private driveway.

**PUBLIC HEARING – (1) ONE SPECIAL PERMIT/SITE PLAN**  
**USE – NON-MEDICAL MARIJUANA CULTIVATION**  
**4 LIBERTY WAY**

A proper and complete notice of the October 29, 2018 public hearing was posted in the Franklin Municipal Building and in the appropriate local newspaper in accordance with the Franklin Zoning Code and Massachusetts General Laws. A proper and complete notice was also sent to all persons and parties required by law to receive such notice. The Planning Board continued to hold public hearings on December 3, 2018, December 17, 2018, January 28, 2019 & February 11, 2019.

Incorporated as part of the record are the following:

The Planning Board reviewed (1) the applicant's detailed written application including answers to Special Permit Findings (a) through (g), and (2) comments and review letters from various Town Departments, including but not limited to, Department of Planning & Community Development, Department of Public Works/ Engineering and Franklin Fire Department.

The Planning Board upon motion duly made and seconded, voted (5-0-0) to close the public hearing for the Site Plan and Special Permit Use – Non-Medical Marijuana Cultivation and Product Manufacturing in the Marijuana Use Overlay Zoning District at the February 11, 2019 Planning Board meeting.

**PRESENTATION – (1) ONE SPECIAL PERMIT/SITE PLAN**  
**USE – NON-MEDICAL MARIJUANA CULTIVATION**  
**4 LIBERTY WAY**

Mr. Mark Santora, Engineer, Mr. Scott Savage, Applicant and Mr. Ankur Rungta, QPS Holdings, addressed the Planning Board. Mr. Santora stated this is an application for a Special Permit and Site Plan for Use of Non-Medical Marijuana Cultivation, product Manufacturing and research in a Marijuana Use Overlay Zoning District. Mr. Santora reviewed the site layout, parking, drainage, sidewalks and location of dumpster pad. The Applicant requested a relief from parking, in which it was later withdrawn as enough parking spaces were provided.

The Planning Board expressed their concern for odor. The applicant presented an industrial carbon canister filter by Camfil. Mr. Rungta reviewed the odor generation and mitigation plan and what Camfil recommends in the cannabis industry. Mr. Rungta explained how the mechanical system and odor filtration would function. The Applicant and the Town's consultant reviewed the odor proposal and have included in the decision special conditions for odor.

After a complete presentation and discussion of the project, Planning Board closed the Public Hearing on February 11, 2019.

**FINDINGS OF FACTS – (1) ONE SPECIAL PERMIT/SITE PLAN**  
**USE – NON-MEDICAL MARIJUANA CULTIVATION**  
**4 LIBERTY WAY**

The applicant submitted their proposed findings with the original application on October 10, 2018.  
The proposed findings are part of the record.

**DECISION – (1) ONE SPECIAL PERMIT/SITE PLAN**  
**USE – NON-MEDICAL MARIJUANA CULTIVATION**  
**4 LIBERTY WAY**

**(1) Special Permit: To allow Non-Medical Marijuana Cultivation and Product Manufacturing use within the Marijuana Use Overlay Zoning District.**

(a) Proposed project addresses or is consistent with neighborhood or Town need.

Anthony Padula	YES	Gregory Rondeau	YES
Joseph Halligan Jr.	YES	John Carroll	YES
William David	YES		

(b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

Anthony Padula	YES	Gregory Rondeau	YES
Joseph Halligan Jr.	YES	John Carroll	YES
William David	YES		

(c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

Anthony Padula	YES	Gregory Rondeau	YES
Joseph Halligan Jr.	YES	John Carroll	YES
William David	YES		

(d) Neighborhood character and social structure will not be negatively impacted.

Anthony Padula	YES	Gregory Rondeau	YES
Joseph Halligan Jr.	YES	John Carroll	YES
William David	YES		

(e) Project will not destroy or cause substantial damage to any environmentally-significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication or compensatory measures are adequate.

Anthony Padula	YES	Gregory Rondeau	YES
Joseph Halligan Jr.	YES	John Carroll	YES
William David	YES		

(f) Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.

Anthony Padula	YES	Gregory Rondeau	YES
Joseph Halligan Jr.	YES	John Carroll	YES
William David	YES		

(g) Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.

Anthony Padula      YES  
Joseph Halligan Jr.      YES  
William David      YES

Gregory Rondeau      YES  
John Carroll      YES

Based upon the information submitted during the public hearings, Planning Board's specific findings, the Planning Board specifically determines that allowing the Use – Non-Medical Marijuana Cultivation and Product Manufacturing in the Marijuana Use Overlay Zoning District at 4 Liberty Way (Franklin Tax Assessor's Map 329, Lot 002) will not have adverse effects that overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site.

Accordingly, at the Planning Board meeting on February 11, 2019 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to *approve* the applicant's request to allow the Use – Non-Medical Marijuana Cultivation and Product Manufacturing at 4 Liberty Way.

The following members of the Planning Board were present at the hearing and voted as follows:

Anthony Padula      YES  
Joseph Halligan Jr.      YES  
William David      YES

Gregory Rondeau      YES  
John Carroll      YES

Any person aggrieved by the above decision of the Franklin Planning Board may file an appeal pursuant to Massachusetts General Laws Chapter 40A, Section 17. Such appeal must be filed within twenty (20) days after the FILING of the notice of the Board's decision with the Town Clerk.

This Certificate of Vote shall become effective only upon the recording of a copy certified by the Town Clerk with the Norfolk County Registry of Deeds. A copy of the recorded Certificate of Vote shall be submitted to the Board within thirty (30) days of recording.

**STANDARD CONDITIONS OF APPROVAL**  
**USE – NON-MEDICAL MARIJUANA CULTIVATION**  
**4 LIBERTY WAY**

1. This Special Permit shall not be construed to run with the land and shall run with the Site Plan as endorsed by the Planning Board. A new Special Permit shall be required from the Planning Board if any major change of use, substantial change to the site plan or change in the user/operator of the facility is proposed.
2. This Special Permit shall lapse if a substantial use or construction has not begun, except for good cause, within twenty four (24) months of approval, unless the Board grants an extension. No final Certificate of Occupancy shall be issued until all requirements of the Special Permit have been completed to the satisfaction of the Board unless the applicant has submitted a Partial Certificate of Completion for the remainder of the required improvements. The applicant's engineer or surveyor, upon completion of all required improvements, shall submit a Certificate of Completion. The Board or its agent(s) shall complete a final inspection of the site upon filing of the Certificate of Completion by the applicant. Said inspection is further outlined in condition #4.
3. Construction or operations under this Special Permit shall conform to any subsequent amendment of the Town of Franklin Zoning Bylaw (§185) unless the use or construction is commenced within a period of six (6) months after the issuance of this Special Permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
4. **The Planning Board will use outside consultant services to complete construction and odor inspections upon the commencement of construction.** The Franklin Department of Public Works Director, directly and through employees of the Department of Public Works and outside consultant services shall act as the Planning Board's inspector to assist the Board with inspections necessary to ensure compliance with all relevant laws, regulations and Planning Board approved plan specifications. Such consultants shall be selected and retained upon a majority vote of the Board.
5. Actual and reasonable costs of inspection consulting services shall be paid by the owner/applicant before or at the time of the pre-construction meeting. Should additional inspections be required beyond the original scope of work, the owner/applicant shall be required to submit fees prior to the issuance of a Final Certificate of Completion by the Planning Board (Form H). Said inspection is further outlined in condition #4.
6. No alteration of the Special Permit and the plans associated with it shall be made or affected other than by an affirmative vote of the members of the Board at a duly posted meeting and upon the issuance of a written amended decision.
7. All applicable laws, by-laws, rules, regulations, and codes shall be complied with, and all necessary licenses, permits and approvals shall be obtained by the owner/applicant.
8. Prior to the endorsement of the site plan, the following shall be done:
  - The owner/applicant shall make a notation on the site plan that references the Special Permit and the conditions and dates of this Certificate of Vote.
  - A notation shall be made on the plans that all erosion mitigation measures shall be in place prior to major construction or soil disturbance commencing on the site.
  - All outstanding invoices for services rendered by the Town's Engineers and other reviewing Departments of the Town relative to their review of the owner/applicant's application and plans shall have been paid in full.
  - The owner/applicant shall submit a minimum of six copies of the approved version of the plan.

9. Prior to any work commencing on the subject property, the owner/applicant shall provide plans to limit construction debris and materials on the site. In the event that debris is carried onto any public way, the owner/applicant and his assigns shall be responsible for all cleanup of the roadway. All cleanups shall occur within twenty-four (24) hours after first written notification to the owner/applicant by the Board or its designee. Failure to complete such cleanup may result in suspension of construction of the site until such public way is clear of debris.
10. The owner/applicant shall install erosion control devices as necessary and as directed by the Town's Construction Inspector.
11. The Certificate of Vote, with the Standard and Special Conditions shall be added to the Site Plan prior to Endorsement.

**SPECIAL CONDITIONS OF APPROVAL**  
**USE – NON-MEDICAL MARIJUANA CULTIVATION**  
**4 LIBERTY WAY**

1. Proponent agrees to have a representative for the Town approve the following odor control and noise mitigation conditions as final design information becomes available, as a condition prior to occupancy. The proponent may proactively ask the representative for further clarification and direction as the project design progresses to ensure compliance. The representative may make suggestions to further improve odor or noise control, at the proponent's request, but accepting or rejecting suggestions from the representative, by the proponent, does not ensure that the proponent will receive, (or be denied), final approval. Approval rests solely on convincing the representative that the potential emissions anticipated from the final design are to be less than the tolerance threshold for odor and noise off-site. All work performed by the representative to clarify these conditions, or to provide design suggestions shall be subject to payment by the proponent, and shall be paid in full prior to occupancy approval.
2. Proponent shall provide sufficient odor data so that an outlet concentration at the release point(s) can be predicted based on a reasonable assumed control efficiency. Please note that this evaluation can be performed on a total odor (i.e. dilution-to-thresholds) or on a compound-by-compound basis for the four terpenes and the two thiols, 2-butene-1 thiol and 3-methyl-1-butanethiol, and if any other specific odorants of concern are identified once the design is proposed (i.e. if other production facilities are included in the building design besides simply growing chambers, like extraction facilities).
3. An adequate design for odor containment, ventilation, and odor control is a condition of final approval.
4. A satisfactory odor dispersion modeling study protocol and report is a condition of final approval. All potential release points shall be included where odor potential is present. The odor dispersion modeling shall explore the worst-case hourly emissions over a five year period.
5. A noise study of the proposed facility based on the roof plan is a condition of final approval. It should include all roof top equipment and all ancillary equipment including duty equipment, standby equipment, and emergency equipment. A noise study should follow the MassDEP noise policy and include 7 days of background data, and a comparison of the lowest one hour to the standard facility design.
6. Prior to occupancy, Ankur Rungta, QPS Massachusetts Holdings, LLC will sign all documentation to qualify as co-applicant on this Special Permit.
7. This Special Permit is personal to Ankur Rungta, with QPS Massachusetts Holdings, LLC and non-transferrable.

7. Prior to endorsement of the Site Plan, the driveway entrance shall be moved away from Constitution Blvd and off the jug handle.