TOWN OF MILLIS

BOARD OF HEALTH

Minutes of Hearing

October 3, 2022 – Approved

A hearing of the Board of Health was held on October 3rd , 2022 via Zoom online hearing **https://us02web.zoom.us/j/86977034525**

**Present were:**

* John McVeigh, Public Health Director
* Matthew Fuller, Chair
* JaiKaur LeBlanc, Board Member
* Donna Scotland, Board Member
* Kathy Lannon, MS, RN
* Heather Graham, Clerk III
* Elizabeth Lydon, Attorney – Mead, Talerman & Costa, LLC.
* Mike Lannan P.E. – Tech Environmental, Inc.
* David Baker – RK Centers
* Mark Goldberg, THC Grow Expert - 617-Therapeutics
* Ka Wong, Attorney - 617-Therapeutics
* Tom Chung, Principal - 617-Therapeutics

**Background:** The purpose of the virtual public hearing is to review the application for licensure of 617 Therapeutics Inc. for a marijuana cultivation facility to be located at 1073 Main Street, Millis, Massachusetts.This meeting, pursuant to the Board of Health's regulation is to ensure the sanitary and safe operation of marijuana businesses and to receive public comment. The site location is approximately 71 acres with an existing 72,000 square foot single-story block and metal panel warehouse, with associated paved parking and storage areas. The project includes the interior renovation of the existing industrial building to support a marijuana cultivation facility.

The applicant proposes to install state of the art odor control technology not only to prevent release of odors from their facility, but also to prevent pathogens and disease exposure or cross-contamination to their crops. The project’s proposed Phase 1 and Phase 2 plans do not include any end stage processing of the marijuana product. Any end stage processing of the marijuana would be classified as Phase 3. Processed or manufactured products, such as oils and consumables, tend to generate more odors and will necessitate separate requirements for odor mitigation. Importantly, the facility will have no on-site retail operations.

**Administrative:** Hearing notices were sent by certified mail on September 12, 2022. All abutters 100 feet or less of 1073 Main St listed on the Assessor’s certified abutters list received a notice. The hearing notice was also published in the Wicked Local News on September 19, 2022 and September 26, 2022.

**Hearing:** Chair Fuller moved and Member Scotland seconded, and it was unanimously voted to open the Millis Board of Health hearing of October 3, 2022 at 6:05 PM.

Mr. David Baker, consultant for 617 Therapeutics Inc. described the site at 1073 Main St. as an ideal location for a marijuana cultivation facility. The Board of Selectman has already voted to allow commercial marijuana facilities without any retail sales in the 1073 Main St. Mr. Baker explained that there are three phases for this facility. Currently, Phase 1 consists of offices, locker rooms and a grow room. Phase 2 is an expansion of the Phase 1 growing room. Phase 3, would be processing marijuana for making oils for edible products. This phase would generate the most odors. Phase 3 would be in the future and it would require an additional peer review. 617 Therapeutics Inc. is looking for an approval for both Phase 1 and Phase 2 with the conditions that Mr. Mike Lannan outlined in his peer review document after discussion approved by the Board (attached).

Mr. Mike Lannan, President of Tech Environmental, Inc. who specializes in air quality and noise issues is the Town of Millis peer review consultant. Mr. Lannan was hired to review the proposed odor and noise mitigation (systems) that will be in place at 1073 Main St. to mitigate noise and odor being exhausted into the outside air. 617 Therapeutics Inc. decided to move forward with requesting approval for Phase 1 and Phase 2 at this time with the reasoning that there would be redundant systems in place with interchangeable parts and filters.

Mr. Lannan discussed that there are two different types of systems being installed at the facility. The first system inside the building is to maintain the correct temperature and humidity level in the grow rooms. The second are outside system located on the roof delivers fresh air into the building. For more detailed information on how these systems work please refer to attached peer review.

The 10-foot exhaust systems are installed on the roof top; where they are easily accessible by stairs, although the stairs are located quite a distance from the units and in the winter someone will have to shovel a long path to get to them. Mr. Lannon believes that carbon filter trays are adequate and should not have to be changed often. Tech Environmental did not require 617 Therapeutics to supply a odor dispersion modeling study because of the distances to neighbors with all the buffers in place. If in the future they find that odor is noticeable with these stacks can be made taller. Mr. Lannan feels that everything is in place for an approval at this time with all the systems that they have in place so that the odor and noise control can be maximized throughout the life of this facility.

Chair Fuller asked if there is some sort of indication system in place to monitor when filters need to be replaced. Mike Lannan explained that it will be a learning curve for the first year and the only real way to know when filters need to be replaced is by smell.

Member LeBlanc asked why 617 Therapeutics are seeking approval on Phase 2 with Phase 1 as the Board does not approve what it has not seen. Mr. Lannan explained that the peer review for Phase 2 would be short as it is a expansion of Phase 1, so it made sense in his opinion to seek both approvals together. Mr. Baker offered that the reason Phase 3 is not is planned for a future due to cash flow and funding. The success of Phase 1 will trigger the expansion to Phase 2. There is no definitive timetable for that to happen.

Member LeBlanc asked Director McVeigh about the recommendation by Town Council to require 3rd party audits and 3rd party consultants on a yearly basis. Which is summarized in the conditions section of the peer review document.

Resident Kathleen Lannon of 6 Cedar Street asked if the nuisance response plan could be simplified from what was on the peer review report (item 7). There was a discussion about who should receive the nuisance calls first and who would go check out the odor or noise issue, and whether a 3rd party consultant would be needed. The cost related to this consultant will be the sole responsibility of the applicant.

The hearing was continued to a date to be determined ( November 14th 2022) to finalize condition items on the consultant’s peer report.

A motion was made by Chair Fuller, seconded by Member LeBlanc, and unanimously approved to close the Board of Health hearing of October 3, 2022 at 7:45 PM. The next meeting is scheduled for October 17th 2022 at 6:00 PM via Zoom.

Documents and Submittals of Meeting:

Hearing notice agenda was posted on September 13th , 2022

Peer Review Report with conditions.