

Conway Planning Board (PB)

December 19, 2019

Minutes – Hearing for Roaring Glen Farms, LLC proposal for Outdoor Organic Marijuana Cultivation

Members Present: Beth Girshman (Chair), Joseph Strzegowski (Vice-Chair), Mary McClintock, Bill Moebius, Jennifer Mullins; Dave Barten (alternate member)

Other attendees: Alexis Fedorjaczenko (staff); Lisa Gustavsen (Roaring Glen Farms, LLC); John Moore (Roaring Glen Farms, LLC); Jason Boutet (Avigilon/Motorola Solutions); Gayle Sullivan; Dean Scranton; Jane Edwards; Elizabeth Potter; Bob Armstrong (Select Board); Marie Iken; Lee Whitcomb; Philip Kantor (Select Board); Ken Ouimette (Police Chief); Bruton Strange; Thomas Hutcheson (Town Administrator); Shawn Bowman; Bill Haines; Carlos Rivera; Douglas Blowers; Dorothy Thorne-Thomson; Eileen Spira; Ira Band; Carol Betsch; Ceil Antes; Gary Fentin; Tim Menerey; Nancy Winter; David Bailen; Allen Hazard Sr.; Jose Negrón; Robin Karson; Roy Cohen; Sarah Hatfield; Jason Messie; Denise Dwelley; Rayanna McLeese; Deb McLeese

Location: Conway Town Hall

Meeting called to order and hearing reopened at 7:00 pm

The Planning Board members alternate, and staff were introduced. Beth Girshman, Planning Board Chair, explained that Lisa Gustavsen and John Moore would make a presentation for Roaring Glen Farms (RGF), and that following the presentation, the Planning Board would ask questions, followed by Town Officials, followed by abutters, then followed by the public at-large. Beth asked people to keep their comments targeted.

A presentation was made by John Moore of Roaring Glen Farms LLC. John thanked the Planning Board and provided some background information, followed by a description of the project with the aid of a visual map of the site.

John Moore introduced Jason Boutet of Avigilon/Motorola Solutions, the company that is proposed to provide security technology. Jason introduced himself and the company which manufactures surveillance cameras and video control products including thermal cameras. (His presentation is posted on the town website.) Jason explained how thermal cameras work to create a “virtual fence” that sends alarms if someone approaches the fence. Jason provided overviews of various aspects of the system including electronic door locks and visual pan-tilt (visual spectrum) zoom cameras that will operate on a tour basis.

Because Jason had to leave early, the floor was opened for questions and comments specifically regarding the security technology:

- Conway Police Chief Ken Ouimette confirmed that he has met with Jason and that the system is impressive. He stated that Deerfield Academy uses a similar system.

- Joe Strzegowski, Planning Board, asked if there is a physical fence as well or just the cameras. John indicated that fencing is a separate part of the presentation.
- Mary McClintock, Planning Board, asked where are the doors in a system like this. John showed the doors on the map, and also talked about gates for outdoor areas.
- Mary asked about backup electric and communication systems in the event of a power outage. Jason explained that all the core components are on an uninterruptable power supply (battery backup) and there will also be a generator on site. Similarly, internet, phone, and cellular services will be used for communications. Mary asked and the applicant confirmed there is cell coverage onsite.
- Gayle Sullivan, an abutter on Roaring Brook Road, asked about the surveillance system on the rest of the property, and how it impacts privacy for people on the road. Jason indicated that the roadway will not be covered by cameras, and that all the cameras have a privacy mask feature that trains them to stay in a certain area and not others.
- Dean Scranton, an abutter on Roaring Brook Road, followed up by saying he has felt that he was under surveillance for years and wondered if that would continue or if it's something, he's feeling that doesn't exist. John said he thinks Dean is feeling something that doesn't exist. Dean clarified that he's wondering about a previous comment about knowing license plate numbers. John said he must have misspoken, he never meant to say he knows everyone who comes down the street.

Jason showed some sample cameras and took further questions.

- Joe asked what we call the system. Jason indicated "video surveillance." Joe asked if it complies with the CCC (Cannabis Control Commission). Jason said yes.
- Jane Edwards, of Roaring Brook Road, asked for more of an explanation of a statement made about ring doorbells. There was a general explanation and clarification that this is not specifically relevant to the proposal.
- Elizabeth Potter stated she lives within about a mile of the proposed site and said it seems to be an elaborate security system, but she wonders about security for the neighbors. Beth redirected this question to Chief Ouimette. Chief Ouimette said he has seen nothing in writing that there will be security for the neighborhood. Chief Ouimette added that the video doorbells do exist in the town and have been instrumental in identifying break-in perpetrators.
- An unknown speaker, of Roaring Brook Road said that originally it was stated there would not be a lot of costs to the town, and she wonders if this is changing. John indicated that any costs incurred by the town are documented and are reimbursed.
- Gayle Sullivan spoke to second what Betsy (Elizabeth) said, that there is a lot of money going into deterring crime. She feels that she is at increased risk of crime.
- Dean Scranton compared the cost of a marijuana plant to the cost of a cow, and states that given the value of crop on the property he thinks a criminal person has some incentive to breach the fence. John indicated that statistics show that crime goes down with legalized marijuana, and he read from a study. Beth said if there were statistics related to grow operations that would be particularly useful.
- Bob Armstrong, Select Board Member, resident of Thompson Road, said that in a previous presentation it was said that there is only a short amount of time in which the plants are worth anything. John indicated that yes, the plants are only valuable in the last six weeks of the plant's lifespan and that the outdoor grow will only be from June to the middle of or early October at the latest. John also indicated that the proposed level of security is what is mandated by the state. There was a follow-up question (from an unknown speaker) about why the state mandates certain levels of security. Mary

indicated that the Planning Board's responsibility is to hear the application, take input, and come up with a decision that relates to the Town Bylaws; there are many issues that could be addressed at the state level and that the Planning Board cannot answer. Any concerns regarding state level of regulation should go to the CCC. Bob Armstrong provided another clarification that the proposal is under the craft marijuana provision of the law; this is different than larger-sized farming operations that people might have seen in other locations.

John commenced his portion of the presentation, which covered the various permitting standards beginning with Site Plan Review. (His presentation is posted on the town website.)

John introduced the fence plan; it is a tri-wire fence. John explained various problems with chain link and other fences that can trap deer, and explained how the tri-wire fence works effectively. John also explained that hearing people's concerns about lighting in the neighborhood was part of the reason for upgrading to the thermal cameras so that it fits in with the fabric of the neighborhood.

John indicated that noise and odor are anticipated to be similar to other agricultural operations, and explained the prevailing direction of wind and distance to abutters which he thought would result in low impact. John indicated that they will source low-odor plant varieties when it is possible. All cultivation will be organic, including the soil which will come from Maine.

John stated that there are no additional proposed driveways, and there will be no signage. The cultivation area is about 5.16 acres. There will be about 3,000 plants, for 75,000 square feet of canopy.

John stated that the site will use natural lighting and that any supplemental lighting will be minor usage of LEDs. He also stated that buildings erected will be agricultural buildings – two high tunnels and a pole barn – and John showed schematic drawings (which are posted on the town website). John indicated that their goal is to supply energy-efficient outdoor-grown marijuana, and then also talked about water usage based on tests that have been done on site and in comparison to other crops.

- An unknown person asked about the source of the water, and John confirmed it will be rainfall and a newly drilled well.

John talked about how plans have been adjusted in response to questions or concerns in an iterative process.

- Dean Scranton asked for a definition of container. John indicated shipping container. John explained they are two retrofitted shipping containers (8 x 40 feet), and that he has specs if anyone would like to look at them. They will be used for offices and other purposes.

Lisa explained that following the Site Plan Review section, John would review the criteria of the Special Permit process. John explained that there is a lot of overlap between the two.

John explained there is very little traffic expected and they have asked for a waiver of the traffic study; similarly, there is little impact expected regarding drainage, little additional noise expected with the proposal, and little expected impact in other categories. John said that some studies have shown property values go up when legal marijuana comes into a town. John

explained that 1.5% of gross revenue will come to the town in the first year, which could be anywhere from \$50,000 to \$90,000 a year. They plan to use local supplies whenever possible, and will try to employ locally. This concluded the presentation.

Planning Board - Questions and Comments

- Joe asked for confirmation that a craft cooperative is limited to 100,000 square feet of canopy and that this site will use the majority of it. John said that they're currently at 75,000 square feet.
- Beth asked about the fencing and the approval process. John clarified that the local Police Chief signs off on the security plan first, and then the CCC takes that into account in their determination.
- Beth asked for clarification that there is no lighting along the property or fence lines. John said that no lighting in these areas is currently the plan, but if the Planning Board wants to see lighting, this could be accommodated with suggestions from Chief Ouimette.
- Mary asked about the timing of finalizing the security design and when the Planning Board will receive it. Lisa answered they think once they have a provisional license (and she thinks they are close to that point), there is expected to be a lot of back and forth between the town and the state. John said the CCC also comes out to inspect several times before approval to commence operations, and that inspections will continue. There will also be a full-time compliance manager and John explained that the compliance requirements are stringent.
- Mary referenced John's previous statement about property values going up, and asked if there is any data specifically on outdoor cultivation in Massachusetts. John said that data is not available because the outdoor cultivation is not yet occurring in this state, but that in other states this trend has been seen.

Town Officials - Questions and Comments

- Marie Iken, of the Conway Board of Health (BOH) said that the BOH initially viewed its involvement based on any "food production" but that since it is a wholesale operation there is not a lot for the BOH to address. Because she has also received questions about odor, she reviewed the state and local regs, as well as literature from Oregon, Colorado, and California, and she found little in the way of guidelines to address odor -- it is a very subjective issue. Mary added that there is no "electronic nose" to measure odor as you might have for sound.
- Bob Armstrong, of the Select Board, asked "who is the town" when the applicants referenced consultation with the town during the permitting process. Lisa said they know for sure they need to consult with Chief Ouimette. Mary also added that this includes the Planning Board.
- Lee Whitcomb, of the Conway Board of Assessors, asked what they have heard from other growers or other towns in terms of valuing property. John has not heard anything.
- Phil Kantor, of the Conway Select Board, offered congratulations for getting this far in a marathon process, and asked to clarify that the percent the Town of Conway receives is on a sliding scale and changes from year to year, and that the amount has been the lowest amount negotiated for any town. John said yes, and that the Select Board has been unbelievably supportive.
- Police Chief Ken Ouimette stated that this is a work in progress. He said there are a lot of questions and that it's a learn-as-we-grow process. He asked for a couple of

clarifications. What is the definition of an agent? John said everybody who works for them becomes an agent and goes through a background check process. Why is managers in the plural? John said that he and Lisa are the managers.

- Bruton Strange, of the Conway Conservation Commission, suggested that they APPLICANTS file an RDA because the map showed 100 feet from the pond which is the cutoff for the Conservation Commission. John asked if that could be done with snow on the ground, and Bruton said yes, no problem, and it should be a simple process. John said they would follow up.
- Tom Hutcheson, Conway Town Administrator, said he heard people's security concerns. He invited people to pay attention to suspicious activity and to call 911 as appropriate, and he urged the applicants to keep neighbors in the loop about activity and traffic on site. Tom added that if Roaring Glen Farms provides information to the town, he also could help disseminate it.

Abutters and Other Residents – Questions and Comments

- Shawn Bowman, of the South Deerfield Water Supply District which had some concerns about hazardous material, and asked for clarification that it is fully organic and that this will not change. John said yes, and that this is part of the project's ethos.
- Bill Haines, of Roaring Brook Road, asked for clarification about the site, which was provided. Bill said it seems the applicants have done a good job trying to keep out deer and rational people, and he wonders if there is a way to block off access from the road in an extreme situation in which a group of people with cars tried to violate the property. There was general discussion.
- Pastor Carlos Rivera, Roaring Brook Road, expressed concerns about being so close to the property with a religious organization and camp. A map with distances marked was shown on the projector. Mary asked if John and Lisa could show the edges of the cultivation area on the satellite map. John provided an overview of the map, and then referenced the sections of the by-laws with regards to existing locations where children congregate. John said he spoke with Dave Williams at the Department of Public Health who has stated that Conway has only one camp, Earthworks. The Board of Health clarified that she did inspect the camp; the permit approved was for a conference center, and was not running as a camp. Pastor Rivera said they are very close to being operational. Joe asked for five years of data regarding how many people were onsite and what for. Beth said this can be sent to the planningboard@townofconway.com.
- Gayle Sullivan said this doesn't seem like just an agricultural field of plants, there are buildings, and extruders, etc. She is questioning the zoning because it seems like a manufacturing facility, and said there was inconsistency between the drawings and the narrative (which stated no buildings). Joe said, and Beth reiterated, that there is no current limit on the number of outbuildings that can be located on one property in Conway (only one dwelling). John said the narrative could be updated to identify the agricultural buildings. He feels a pole-building fits in with the fabric of the community, and he is locating the containers in the pole-building for the neighborhood character. Jennifer asked if the buildings will be visible from the road. John said not during the summer; in the winter, yes.
- Dean Scranton said his anxiety is around what happens in the future; he is thinking about phase two. He asked if there will be hearings for expansion plans. Joe answered that a special permit would likely be given for phase one, with expansion beyond what is originally approved requiring an application to the Planning Board. John added that

Massachusetts law states that no operator can have more than 100,000 square feet of crop.

- Jane Edwards asked if cisterns would be a good idea to not draw from groundwater. John said absolutely, they are trying to be environmentally sound and this is part of the plan.
- Marie Iken, of the Conway Board of Health asked about the rainwater collection plan, she is wondering if the water will be exposed to the open air. Plans were shared and she said, ok they will be closed.
- Elizabeth Potter said she has prepared a statement to read expressing concern about the project (this statement is posted with other public comments on the town website) and stating that she has felt threatened by John Moore and is opposed to a marijuana farm on his property.
- Carol Betsh, of Maple Street, read a statement and stated that she feels John deeply cares about the land and community (this statement is posted with other public comments on the town website) and that she has been impressed with the quality of his work and she is in strong support of the project.

Beth said that unless there is anyone else who wants to speak or to ask anything, the hearing would be closed. She explained that written comments would be accepted until January 2 by writing to planningboard@townofconway.com and that they would be included in the minutes. Mary said that some written comments have already been received.

John read for the record a list of people in the local area who support the project, and turned in the group of letters of support to Beth. (They are posted with other public comments on the town website.) On Roaring Brook Road: Doug Blowers, Dorothy Thorne-Thompson, Howard Boyden, Roy Cotten, and Eileen Spira. People John has worked for: Barry Elson, Heidi/Tara Hobby, Ira Band, and Tom and Maggie Spiegel. A letter of non-opposition from Quentin Antes, a farmer on Roaring Brook Road, and a letter of support from Jason Silverman on behalf of the Conway Agricultural Board.

The next meeting of the Planning Board will be on January 2 in Conway Town Hall.

Motion by Jennifer Mullins to adjourn the hearing; seconded by Joe. Motion passes, 5-0-0.

Adjourned at 8:50 PM

Respectfully submitted,
Alexis Fedorjaczenko