

Conway Planning Board (PB)

February 6, 2020

Minutes – Meeting

Members Present: Beth Girshman (Chair), Joseph Strzegowski (Vice-Chair), Mary McClintock, Bill Moebius, Jennifer Mullins

Other attendees: Alexis Fedorjaczenko (staff), John Moore (Roaring Glen Farms, LLC), Lisa Gustavsen (Roaring Glen Farms, LLC), Gayle Sullivan, Gary Fentin, Peter Jeswald, Elizabeth Potter

Location: Conway Town Hall, GP room

Meeting called to order at 6:00 pm

1. Motion by Joe to approve the minutes of January 16, 2020, as presented; seconded by Bill. Motion passes, 5-0-0.
2. Administrative assistant permission for invoice signing – Motion by Joe to give Alexis Fedorjaczenko, administrative assistant, permission to sign invoices; seconded by Mary. Discussion: Joe has been working with the town to straighten out the accounts/funds. Motion passes, 5-0-0.
3. Vertex Tower Assets wireless tower, Special Permit application and public hearing
 - a. Public hearing is on Feb 13. If inclement weather, Feb 20 is the backup date.
 - b. Balloon test occurred on Saturday. Several members drove around to see. The applicant has sent photos around, and there are some questions about how they align with what Planning Board members saw.
4. Citizen petition to amend Marijuana Zoning by-law – public hearing date(s)
 - a. The public hearing will be scheduled for March 26 (not a usual meeting date).
 - b. A subcommittee will be established to meet with the petitioners to go over the changes. Joe and Bill will be the subcommittee. A date will be scheduled by email.
 - c. Discussion about sending notice and otherwise advertising and informing people in town. Petitioners will do their best to spread the word. Required notices will be sent.
5. Site Plan Review/Special Permit application, Roaring Glen Farms, LLC – deliberation
 - a. Beth reported that there is a point of clarification to be made about names on the provisional license, and read from an email from John Moore and Lisa Gustavsen:

“Thank you for alerting us to this error, in the document published by the CCC on January 21, 2020. I'm now in contact with the CCC to correct their document regarding RGF's provisional license application.

There is nothing contradictory, as far as we know, between RGF's HCA and Special Permit application.

*Matthew Martin is not an owner/partner of RGF LLC. Matthew Martin is, hopefully, our lead grower. His name is associated with our application so that he went through all the security and background checks required to be able to work on our farm as soon as we receive a final license. I believe the **Conway Select board/Town Administrator** received this information in November 2019 from the CCC in the **Municipal***

Notification process (screenshot below). Please let us know if you feel that there is some other type of discrepancy other than the CCC's error."

- b. Beth has been working on a potential consultant. She has not made contact with two of the potential consultants. A third potential consultant did work for Roaring Glen Farms and cannot work in this capacity. A fourth (White Engineering) is still being pursued.
- c. Gary Fentin asked if there was a response from Town Counsel. There was discussion about whether there were any outstanding questions. Gary stated that he sent a question to Town Counsel.
- d. Updated plot plans were submitted by the Applicant in response to information from the Conservation Commission; there was also a submission in response to Planning Board questions.
- e. The Planning Board reviewed the by-laws for Adult Use Recreational Marijuana Establishments (Article 11) section by section, with discussion and clarifications from the Applicant, and with identification of potential conditions, and determined compliance of the application with the by-laws, with the following special notes.
 - i. Regarding 11.4 (B): Motion by Beth that level of children's recreational activity associated with the Roaring Glen Camp property located westerly of the proposed site is deemed insufficient to warrant consideration as a "property where children congregate" for purposes of this application; seconded by Bill. Roll call vote: Jen (aye), Bill (aye), Mary (abstain), Beth (aye), Joe (aye). Motion passes 4-0-1.
 - ii. Regarding 11.5 (C): There will be conditions regarding site screening.
 - iii. Regarding 11.5 (E): Beth explained that she has done some research on other town experiences with odor from hemp growing, and found that there had been no complaints to towns. There was general discussion with the Applicant.
 - iv. Regarding 11.5 (L): Beth read into the record a response from the Applicant regarding water efficiency, as follows:
 - *"We believe that there is little to no hydrologic connection, surface or ground water, between our proposed cultivation site with any of our neighbor's wells.*
 - *A topographic map showing the location of our site and our neighbor's homes gives a good visual explanation (Map 1). This map with sub-basins also helps (Map 2).*
 - o *All of our neighbors' homes/wells within 500 feet of our cultivation site are located at higher elevation than our site as well as and our own drinking water well;*
 - o *In other words, all of our neighbors' homes/wells are located outside of the catchment basin of our cultivation site and home;*
 - o *Further there are no surface water resources flowing from our site into any of our neighbor's well sites*
 - *However, land use activities within 200' buffer of a private well can influence water quality. Activities conducted by our neighbors around their own wells, such as lawn fertilization, gardening activities, heating oil storage do present a threat to water quality in our neighbor's wells.*
 - *Location and age/functionality of septic systems also influence water quality in private wells. All our neighbors have septic systems – most are older homes.*

- *Site location, depth and age of wells, will influence water quantity in private wells. As residents of Roaring Brook all know, over the past summers, the pond at the sharp corner, across from the Fentons driveway, dries out regularly in the summer months. In contrast, the pond next to our home, has not dropped more than an inch during the longest drought since 2013. While our neighbor's wells may currently experience water quantity issues in the summer, as indicated by the pond, this experience will not be compounded by our activities.*
- *Accordingly, we believe that our activity due to its geographic location relative to our neighbor's homes/ wells will have no influence on either water quality or water quantity."*
 - v. Regarding 11.5 (L) (continued): There was discussion about possible conditions.
- f. Motion by Mary that Joe and Bill work as a subcommittee on a draft order of conditions and bring that to the next meeting; seconded by Beth. Motion passes 5-0-0.
- g. Public Comments and Questions
 - i. Peter Jeswald: Offered input based on his experience interpreting bylaws and regulations.
 - ii. Elizabeth Potter: Asked about security cameras pointing to the road, and expressed concern. Mary explained that the Planning Board's jurisdiction does not cover this.
 - iii. Gayle Sullivan: Continued the discussion about security cameras with a quote from a Select Board meeting. Mary explained the jurisdiction again and recommended that people talk with the Select Board and the Police Chief.
 - iv. Lisa Gustavsen: Asked whether the Planning Board enforces bylaws with regards to unregistered motor vehicles. Beth explained that sometimes the Planning Board will take steps such as sending a letter, and that otherwise all enforcement is referred to the Building Inspector. There was a follow-up question about Special Permits.
- 6. Multi-hazard action plan – Action items from 2019 mitigation plan update: establishing river corridor overlay. Continued discussion re: adding “reduce or eliminate the potential for localized flooding events” to Section 32, Environmental Controls of protective by-laws. (Joe) – No discussion
- 7. Tiny houses, affordable housing and Zoning by-laws – No discussion
- 8. Planning projects discussion for FY 2019-2020, items below – No discussion
 - 8a. Zoning use table revision (Joe and Mary)*
 - 8b. Marijuana bylaw – medical additions – for town meeting, May 2020 ?*
 - 8c. 2013 Master plan review and update (one section) (Bill)*
 - 8d. Multi-hazard mitigation action items*
 - 8e. Small scale solar bylaw, 15 KW? (Beth)*
 - Pending and possible:*
 - SPR(s) Hearings for tentative solar installations (Goodridge; Forcier property)*
- 9. Mail/email – Nothing additional
- 10. Old Business – None
- 11. New Business not reasonably anticipated 48 hours in advance – None
- 12. Schedule, PB meetings
 - Generally 1st and 3rd Thursdays, 6-7:30pm

Vertex Tower Assets Special Permit application, public hearing, February 13, 7 p.m.
February 20, March 5

Motion by Jennifer to adjourn the meeting; seconded by Mary. Motion passes, 5-0-0.

Adjourned at 7:53 pm.

Respectfully submitted,
Alexis Fedorjaczenko