

Conway Planning Board
Thursday, June 17, 2021, 7:00-8:30 p.m.

MINUTES

Location: Town Hall General Purpose Room

Present: Beth Girshman (chair) (via phone), Jenn Mullins (vice-chair), Susan Fentin, Bill Moebius, Joe Strzegowski (associate member); Lara De Lucca (administrative assistant)

Other Attendees:

Gerry LeBlanc, 2332 Main Poland Rd, Conway
Jiyanna Vagedes, 2332 Main Poland Rd, Conway
Alfred J. Albano, Jr, 100 Russell St, Hadley
Tom Lesser, 195 South Part Rd, Conway
Lisa Gustavsen, 40 Whately Glen Rd, Conway
John Moore, 40 Whately Glen Rd, Conway

Meeting called to order 7:10 pm by Vice-Chair Jenn Mullins

1. Review and approve minutes of previous meeting, June 3, 2021

Motion to approve minutes as submitted by Susan: Seconded by Bill.

Vote:

Fentin - Aye

Girshman - Aye

Moebius – Aye

Mullins - abstain

Motion passed

2. NexAmp – outstanding issues, Tighe and Bond contract/inspection schedule

Joe's update: Tim at Tighe and Bond has promised the new contract by end of next week. The basin outlet repairs are completed. The velocity devices are installed. Tim Houle of Tighe and Bond will do inspection the week after next.

Beth's update: Per Jaymie Stanton from Nexamp, due to a delay from Eversource, the schedule for the connection to the utility has been changed. They are trying to push it along, there isn't anything the town can do to speed it up. Nothing new about landscape planting to report. Don't know if the fence slats are finished.

Abutters' update: Haven't seen any plants go in. Don't know about the slats. Have seen bulldozers moving large rocks (construction of velocity barriers). Have received revised planting plan from Jaymie and have responded asking for more trees, as the number of trees seems inadequate. Hasn't gotten a definitive response.

Beth has responded to plan asking for native species. Has asked that Nexamp consults with a local forester, considering that site is more forestry than landscaping. Hasn't heard if they have or not.

Susan will write new letter to Nexamp, giving them a deadline of two weeks to respond. Asking that they consult with a local forester and submit a revised plan. Susan will send to Jenn for distribution.

Joe will notify the group when next site visit is scheduled, which will probably be early July.

Abutters are encouraged to use email to communicate their concerns with the Planning Board, especially in July and August, when the PB only meets once per month. Email provides a written record as well.

3. Vertex Tower cell tower special permit – extension request

Their special permit was signed off on August 27, 2020. Vertex had one year to begin construction and two years to begin operation. Clearly they are delayed as the site is a complicated one, and they are still working with ConCom on the NOI as well.

According to counsel, PB can give a one year extension on the construction, until August 27, 2022, without holding another hearing.

Bill moves to grant an extension on the special permit until August 2022, Susan seconds.

Vote:

Fentin - Aye

Girshman - Aye

Moebius – Aye

Mullins - Aye

Motion passed.

Beth will notify Vertex in writing, copying the Town Clerk.

4. Flood plain bylaws, update as required by state – next steps

Susan created draft document by incorporating all changes recommended by the model into the existing bylaws.

Question of who would be the official floodplain administrator, as required by model.

Possibly a regional position? Susan will ask Kimberly (FRCOG) what she suggests.

Jenn will show Susan's draft to Kimberly to get her feedback.

5. Roaring Glen Farms, LLC inquiry

Roaring Glen Farms requesting interpretation of bylaw 11.5R. Represented by Tom Lesser and Alfred J. Albano, Jr.

RGF has provisional license from Cannabis Control Commission as a craft marijuana cooperative. Final license contingent on the completion of construction. Plan to start growing in 2022. Wants to begin admitting coop members. Plan on 10 coop shares, with each share holding a 4% interest, for a total of 40%. RGF will continue to hold 100% of the license and the lease for the property. All transferred interests will be under 10%. They do not believe 11.5R relevant since no other entity will own more than 10% of the license.

- Will not be selling part of the farm, just transferring part of the LCC, operating like a cooperative. There will be several different ways to obtain shares, through working there, providing expertise, or buying them.
- Craft cooperatives can include up to 6 farms, but the only parcel of land involved right now is the RGF land. If other growing areas are added, another special permit would be required.
- What does "ownership constantly changing" imply? Those with the 4% interests will change. Won't always be same 10 people.

- All have to be added to the roster and reported to the CCC, subject to whatever background check the CCC requires.
- Can any one person obtain multiple shares, thereby have greater than 4% interest? No, not expected other than present owners. Present owners expect to maintain majority control.

Question about interpretation: The entity is an LCC, not a cooperative. Received a cooperative license. Shares of the LLC is what they are selling. If you could get around that by cutting it into small pieces that isn't the intent of the bylaws. Subject to interpretation.

Possibility of PB providing a waiver, but PB not qualified to interpret the bylaw, would like to consult with attorney.

Susan moves that PB seeks legal opinion as to the enforceability of bylaw. Bill seconds.

Vote:

Fentin - Aye

Moebius – Aye

Mullins - Aye

Motion passed.

Jenn and Bill will ask people they know about finding a qualified person with whom to consult. Preferably someone with expertise in zoning and experience with marijuana. Jenn will contact Ross about the possibility of bringing in counsel other than the town's counsel.

6. River corridor overlay zoning – update from work group, Jenn

Will revisit at next meeting.

7. New planning board member?

No clear possibilities to pursue at this time.

8. Legacy forest project – letter of support template

Jenn moves to support Beth's letter of support, Susan seconds.

Vote:

Fentin - Aye

Moebius – Aye

Mullins - Aye

Motion passed. Jenn will email Beth and let her know.

9. Pollinator Project report

To be revisited at next meeting.

10. Mail/email

No mail to report, per Lara

11. Old business

None

12. New business (not anticipated 48 hours in advance)

None

Upcoming Meetings (summer schedule):

- July 22, 7:00 p.m.
- August 19, 7:00 p.m.

Motion to close the meeting:

Susan moves, Second by Jenn:

Vote:

Fentin - Aye

Moebius – Aye

Mullins - Aye

Motion passed. Meeting is closed 8:40 p.m.