



TOWN OF CONWAY, MASSACHUSETTS Planning Board

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12 MARCH 2020 Amended 06Jan2022

AMENDED SPECIAL PERMIT APPROVAL AND SITE PLAN REVIEW FOR ROARING GLEN FARMS, LLC

Applicant: Roaring Glen Farms, LLC
Owners: John Moore & Lisa Gustavsen
Location: 40 Whately Glen Road
Deed Reference: Book 6381/Page 1
Plan Reference: Book 134/Page 73

At a duly posted Public Meeting held on 5 March 2020, the Conway Planning Board voted 5-0-0 to issue a Special Permit Approval with Order of Conditions and a Site Plan Review Approval to Roaring Glen Farms, LLC for an Adult Use Recreational Marijuana Establishment located at 40 Whately Glen Road subject to the following findings and Conditions. As amended on 06JAN2022

Site Plan Review & Special Permit Approval w/Conditions Roaring Glen Farms, Conway MA 12 March 2020 as Amended 06JAN2022

The Planning Board of Conway, Massachusetts issues the following findings:

A craft Marijuana Cultivator Cooperative following Organic growing techniques is one of the most desirable marijuana establishments for the Town of Conway as indicated by our Adult Marijuana use zoning bylaw.

The applicant has made significant efforts to comply with the intent of our bylaw.

Per legal counsel's advice, the alleged character or behavior of an applicant is beyond the scope and intention of Massachusetts Zoning regulations and will not be considered by the Conway Planning Board in its Special Permit or Site Plan Review decisions.

The State and Local Marijuana bylaws are silent on the issue of easements on an applicant's property and upon the advice of Town Counsel will not be considered in evaluating this application.

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The level of children's recreation activity associated with the Roaring Brook Camp property located to the west of the proposed site is deemed insufficient to warrant consideration as an "existing property where children congregate" for purposes of this application.

Although some citizens have voiced concern regarding possible impacts on local groundwater levels, the Planning Board does not find sufficient evidence that these impacts are either likely or predictable, given the topography, location, demand, and level of need for water in this agricultural initiative. Nonetheless, the Planning Board has established conditions 7 – 9, laid out in the Conditions section.

Abutters may avail themselves of the services of the Conway Agricultural Commission to resolve "farming issues" associated with the Marijuana growing and processing operations.

While outside the scope to our review of subject application, it should be noted that use of the term "Organic" grown marijuana requires compliance with Title 7 CFR 205 as referenced in 935 CMR 500.120(7).

The Planning Board finds that the requirements of Section 11.5r impose an unusual and unique burden on a Craft Marijuana Cultivator organized as a Cooperative as required by 935CMR500.050(3). Contrary to the opinions offered at the 02DEC2021 public hearing, the planning board finds that by its issuance of a Special Permit for a Craft Marijuana Cultivator, it assumes a duty to insure the community that Roaring Glen Farms, LLC maintains its status as a cooperative.

The Planning Board of Conway, Massachusetts issues the following SP Conditions:

1. **Canopy Space:** The applicant shall be restricted to cultivation of a maximum of 100,000 square feet of cannabis plant (marijuana) canopy space, Tier 11, as allowed by State law at this site located at 40 Whately Glen Road, Conway MA. This cultivation, according to the applicant, involves some 3,000 plants. Additional cultivation sites in Conway as permitted under a craft Marijuana cooperative license are not included in this special permit. Additional cultivation sites in Conway will require a separate application for each cultivation site operating under the Roaring Glen Farm, LLC license.
2. **Siting:** The location, size, and character of all structures and growing areas shall be as specified on Site Plan documents 19-1002, Rev 2/27/2020. More specifically, the Tri-wire security fence shall be located a minimum of 340 feet from the Roaring Glen Farms westerly property line adjacent to Roaring Brook Road and a minimum of 200 feet from the Roaring Glen Farms northerly property line adjacent to Whately Glen Road. Buildings and parking areas shall be located a minimum of 500 feet from the Roaring Glen Farms westerly property line adjacent to Roaring Brook Road.

Except for Irrigation water acquisition, parking, security control, and administrative functions, all marijuana related operations shall be conducted

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- inside the boundaries of the tri-wire fencing, any security fencing required by the CCC, and the “virtual fencing” security system.
3. **Security:** Security fencing shall be supplemented with a security system of infra-red cameras and associated equipment approved by the Conway Chief of Police and approved by the Cannabis Control Commission (CCC). Any visual security lighting required shall be shielded in accordance with Section 11.5.D of the Conway Zoning bylaws to maintain a “dark sky” environment.
 4. **Bordering Vegetation:** Existing vegetation that serves as visual screening of the marijuana site, consisting of trees, shrubs and associated growth, shall be maintained, and replaced if necessary, along the westerly and northerly Roaring Glen Farms property lines adjacent to Roaring Brook and Whately Glen Roads, respectively.
 5. **Odors from Drying and/or Processing:** The applicant shall institute sufficient odor control measures within the structures utilized for drying or processing of the mature marijuana products to prevent any detectable marijuana odors from said drying or processing structures beyond the Roaring Glen Farms property lines. The Planning Board may consult with the Conway Board of Health in assessing the impact of such odors.
 6. **Operational Hours:** Hours of operation shall be between 30 minutes before sunrise and 30 minutes after sunset, except for extenuating circumstances.
 7. **Water reporting:** On November 1st of each year of the permit, the Applicant shall provide the Planning Board with written notice of monthly water consumption usage from a separately metered well water source used exclusively to supplement irrigation needs for marijuana related activities.
 8. **Rainwater collection:** Rainwater collection systems shall also be utilized to the maximum extent possible to reduce the demand for well water
 9. **Water usage:** In any seven day (7) periods where the average daily well withdrawal volume will exceed 27,000 gallons per day (gpd) the applicant shall obtain water from external sources of supply. Documentation to that effect shall be logged and made available for inspection by the Conway Planning Board.
 10. **Lighting:** All exterior general lighting associated with the marijuana operation shall be shielded in accordance with Section 11.5.D of Conway's Zoning Bylaws to maintain a “dark sky” environment. The Planning Board acknowledges the necessity of supplementing natural sunlight in the hoop houses during early spring. This supplemental lighting will be provided over a three month period in early spring and split the additional hours into the early morning and early evening hours.
 11. **Compliance:** Applicant shall comply with all Cannabis Control Commission regulations, Conway Conservation Commission regulations, Conway Board of Health regulations, and Conway’s local zoning bylaw in effect at the time this application is approved.
 12. Waiver: Section 11.5r Change of ownership of Conway’s Protective Bylaws: In light of the unusual and unique burden placed on Craft Marijuana Cultivator Cooperatives as described in the finding listed above and in an effort to comply

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with the spirit and intent of 11.5r, Section 11.5r is amended as follows: Roaring Glen Farms, LLC shall annually, on or before December 31 of each calendar year, provide the Conway Selectboard and Planning Board with a certification of compliance with 935 CMR 500.050:(3) Craft Marijuana Cultivation Cooperative and the names and total number of Direct and Indirect owners of the Cooperative.

This Special Permit is subject to the terms and conditions found in the State and local regulations and is issued to Roaring Glen Farms, LLC and to its owners and managers, Lisa Gustavsen and John Moore, for a Craft Marijuana Cultivation Cooperative operated in accordance with 935 CMR 500, and shall expire 5 years and one day after certification by the Conway Town Clerk, either 20 days after issuance by the Conway Planning Board or upon expiration of any and all appeals of this decision, whichever occurs latest. The 06JAN2022 amendment does not alter the term or expiration date of the original Special Permit. Special permit renewals shall require compliance with the Zoning bylaws in effect at the time the initial Special Permit was approved, unless any such subsequent bylaw change requirements shall be deemed necessary by the Conway Planning Board to protect the Citizens of Conway.

Respectfully submitted,

Conway Planning Board

Beth Girshman, Chair _____

Joe Strzegowski, Vice Chair _____ (Associate Member 11/2021)

Mary McClintock, Member__ (term expired 2020) _____

Bill Moebius, Member _____

Jennifer Mullins, Member _____

George Forcier, Member _____ (effective Nov 2021)

Reference documents:

Conway Protective Zoning Bylaws amended 24 September 2018

Roaring Glen Farms SP & SPR application rec'd 22 November 2019 w/amendments

Drawings and Associated documentation from Roaring Glen Farms

Site Plan drawing 19-1002 Rev 2/27/2020 Pages 3 of 3

Roaring Glen Farms application for amended Special Permit rec'd 14 OCT 2021

Town Clerk Certification:

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