

**Town of Middlebury
Development Review Board (DRB)
Meeting/Hearing conducted in person and online via Zoom
Minutes of April 25, 2022**

Approved as presented 5/9/2022

Members Present: David Hamilton, Chair, Gary Baker, Jason Larocque (alt.), Kevin Newton and via Zoom, Anne Taylor (Zoom).

Members Absent: Rick Emilo, John MacIntyre and Mark Wilch

Staff Present: Jennifer Murray, Dave Wetmore

Others Present: Applicants Ronald Williams and Zachary Tyson, David Silberman (attorney), Adam Gross (consultant), Jonathan Miller, Robert and Linda Poirier, Carolyn Brewer, Ellie Romp- not participating (NP), Jack Tyrie (NP), Britney Williams (NP), Rosa Williams (NP), Benjie Jenkins (NP), Grace Williams (NP), Allison Barbey (NP)

MEETING AGENDA

1. Application (file #2022-10:011.000-CU) is a request by Max Ron Zach Holdings, LLC for conditional use approval for a State licensed indoor cannabis cultivation, processing and wholesale distribution use on parcel ID# 010011.000 owned by Max Ron Zach Holdings, LLC. The property is located at 2819 South Street Ext. in the Agricultural Rural District.

I. Call to Order- David Hamilton, DRB Chair, called the meeting to order at 7:05 pm. David reviewed the agenda. DRB members were introduced. Chat feature on Zoom is set to allow one to visit with host only (Jennifer Murray).

II. Approval of minutes-

Motion by Gary Baker- Gary moved to approve the minutes of October 25, 2021 as drafted, 2nd by Jason Larocque. Discussion- Kevin noted that minor correction, **Motion to approve minutes, 5 yes, 0-no- no abstentions.**

III. Public Hearing business

1. Application (file #2022-10:011.000-CU) is a request by Max Ron Zach Holdings, LLC for conditional use approval for a State licensed indoor cannabis cultivation, processing and wholesale distribution use on parcel ID# 010011.000 owned by Max Ron Zach Holdings, LLC. The property is located at 2819 South Street Ext. in the Agricultural Rural District.

David Hamilton – opened the hearing, read warning and asked if any DRB member had a conflict of interest and/or ex-parte communications regarding this application- none expressed. Jason will act as a voting DRB member tonight. David noted than many in attendance are his students and they are attending to view the DRB process. Attendees noted above with “NP” by their name indicated that they are observing and not participating.

David- administered the oath to Applicants Ronald and Zachary, Dave Silberman, Adam Gross and Carolyn Brewer, and staff Jennifer Murray and David Wetmore. Recording was started.

David- invited the Applicants to present their plans for the property.

Zachary Tyson- Read from their application, summarized here. Childhood friends Max Eingorn, Ronald Williams and Zachary Tyson purchased the property in July of 2021. Since that time they have worked to know the neighbors and become part of the community. Having left their corporate jobs they hope to participate in the new cannabis market opportunities by using the former kennel building on the property to cultivate indoor cannabis for wholesale to retailers. The property includes the kennel building and a single-family home owned by the applicants located at the end of South Street Ext. Their business plans will incorporate “cutting edge organic regenerative farming practices ...” Their business “Mr. Z Craft Cannabis” will be a smaller sized (approx. 3000 sq. ft.) “craft” grow operation. It will be entirely contained within the former kennel building. Extensive renovations have and are being completed to the kennel building and surrounding site to accomodate the business. The VT Cannabis Control Board (CCB) and State Legislators are making final revisions to the market structure and regulations. As social equity applicants they expect to be one of the first licenses issued sometime in June 2022. They are fully invested in this business venture and want to thank the DRB for their thoughtful consideration.

David H.- opened to DRB questions.

Jason L. – Jason stated that odor is likely a significant consideration, please explain how odor will be mitigated? Zachary handed out literature about the odor mitigation systems that they will employ. The applicants grow plans are designed around a 2 month grow cycle. It is the last 2 weeks of this grow cycle that create most of the smell. The building is being designed to be almost completely air-tight, with 4-7 inches of closed cell insulation. They propose to use a closed loop system, air expelled from the building will be filtered through carbon filters. Highly efficient “energy recovery units (ERV) will bring in fresh, filtered air, that will be mixed with recovering warm or cool air as needed. The exhaust ducts will be equipped with large activated carbon filters that will remove any odor. No odor should be detected outside the building.

Anne T.- asked if the attic will be vented to the outside. Applicants explained that the attic is insulated and sealed off from the grow areas. Any air ventilation will be expelled through the carbon filtration system first. The ERV will recycle the air as necessary and automatically exchange air at night.

Anne- asked about the location of the CO2 tanks within the building and why there were no leak detector monitors in this area? Are there health concerns? Applicants and consultant Mr. Gross stated that where the tanks are shown is not an enclosed room and tanks will actually be located outside. Monitors would be located in any space where CO2 is used.

Jennifer stated that this question/issue will be reviewed and addressed by the Department of Public Safety/Fire Marshall and Dave Shaw Fire Chief. Applicants stated that they have been working with the Fire Marshall and Chief Shaw, both of whom have been to the property. Dave Silberman stated that the CCB will require full compliance with public safety requirements for cannabis licensure.

David H.- Status of WW permitting? Applicants stated they have contacted Steve Revell. The existing design flows and WW permit for the former kennel is 400 g/d. The applicants expressed that they will use a system made by ARKS to measure and conserve water usage. Steve Revell anticipates that the existing design is adequate to support the applicants use, but that an amended “change of use” will be required.

Dave- asked about security requirements. Applicants will fully comply with the CCB’s requirements regarding security. Specifically, all perimeter doors and windows will be locked and only individuals with a cannabis ID card will have keys or key equivalent. Continuous video surveillance monitoring will be maintained in any space containing cannabis.

Gary B.- asked about compliance with stormwater rules? Applicants explained that changes to the existing site plan will be minimal. Impervious area overall is less than 10,000 sq. ft. which will not require State permitting. Re-grading of the existing parking area will direct stormwater toward the east side of the property and into grass vegetated areas.

David H- asked about outside storage areas, e.g. trash recycling, etc? Applicants stated they will keep outside storage to a minimum. Trash and recycling will be housed on the east side of the building, out of sight of the general public. Dave Silberman explained that the CCB requires that any cannabis disposed of will need to be rendered safe before disposal.

Staff comments:

Dave Wetmore- expressed that he had very positive feedback from Fire Chief Shaw. Chief Shaw stated that he had asked that the applicants remove the existing board fence, identify on the site plan the location of the generator and CO2 tanks. Applicant agreed to these requests and will continue to work closely with the State Fire Marshall and Chief Shaw as their business plans develop. Dave asked if a fence is proposed? Not at this time but if one is required they will likely install a chain link fence. Dave suggested that a revised site should be submitted showing the location of the CO2 tanks, propane and trash/recycling.

David H.- opened the hearing to the public for questions/comments.

Jonathan Miller- Jonathan expressed that he has applied to fill one of the vacancy on the DRB. Jon stated that if an expansion/addition is proposed that the applicants would be required to amend this application. Jon also asked if the applicants had considered solar w/battery backup in lieu of the propane generator. Applicants stated that they would like to consider solar in the future but it is not in their plans currently. Staff noted that additions most likely would not require amended conditional use approval.

Carolyn Brewer- Expressed full support for this business use.

Robert Poirier- No concerns and express support for the business use

Dave H.-asked if there were more questions/comments- none expressed

Dave H.- closed public comment

Dave H.- asked DRB how they wanted to proceed. Anne is ready to vote.

Motion by Kevin Newton- I move that the Middlebury Development Review Board, having reviewed the application submitted and having heard and duly considered the testimony presented at the public hearing on April 25, 2022, approve this request for conditional use approval for the commercial greenhouse/agricultural industry use to allow the applicant's dba Mr. Z Craft Cannabis to cultivate cannabis as a licensed grower located at 2819 South Street Ext, as presented in the application by Max Ron Zach Holdings, LLC on parcel # 010011.000.000, subject to conditions. 2nd by Jason Larocque. No further discussion- Motion to approve 5-yes and 0-no.

V. Other Business- Jennifer asked if the Board wanted to review and discuss zoning amendments prior to the PC hearing scheduled for May 26th. DRB felt that this is a good idea and agreed to meet to discuss revisions on May 16th at 6:00 PM. Jen will provide sandwiches or light dinner. Dave will email amendments to DRB. Gary and Kevin asked for hard copies and agreed to pickup. If needed a Zoom link will be provided.

VI. Adjournment

Motion by Jason Larocque- Jason moved the DRB to adjourn at 8:10 PM, 2nd by Gary Baker. **Motion passed, 5-yes, 0-no.** Meeting adjourned at 8:10 PM.

Minutes submitted by Dave Wetmore