

February 10, 2022, 7:00pm

Heath Planning Board Meeting & Public Hearing for Special Permits for 4 Marijuana Facilities in Heath

Public Hearing to Review and Discuss a Proposed Marijuana Facility at 11 Bellor Road in Heath, MA for Four Companies: Alchemy Cannabis, True Cannabis, Vega Cannabis and Vybz Inc.

Members of the Planning Board: Douglas Mason, (DM) Bob Viarengo (BV), Bill Gran (BG), Peter Charow (PC), Jo Travis (JT)

Also present: Ryan Jundt (Alchemy), Chris Yatooma (True Cannabis), Mark James (Vega), and Joe Ostachnowicz (Vybz), Tom Beauchamp, Jay Goldhammer, Phil Silverman,

Meeting of the Planning Board was opened at 7:02 pm

Motion to rescind the vote to hold a Public Hearing for Alchemy on March 8 was approved.

Motion to open a Public Hearing to review and discuss a proposed marijuana facility for Alchemy at 11 Bellor Road was approved at 7:05

DM: Community Host Agreements and Septic system are not in the purview of the Planning Board

The Select Board has already approved the HCA's
The Board of Health and FRCOG are in charge of enforcement
The Conservation Commission has authority on environmental issues
So, discussion should be limited to areas where the PB has authority.

BV: The issue of charitable contributions is also not in the purview of the PB

DM: Who receives charitable contributions is not in the HCA's
It would be a good idea to recommend that the SB that a committee be created to recommend charities to receive contributions
Donor will decide which charities will receive the contributions.

BG: Apologies for missing the previous meeting
I assume we have reviewed all issues to be approved by the PB
Is there anything still outstanding?

DM: I assume all have reviewed the sketch of the property sent earlier today.

BG: What is the hatched ground to the East?

TB: There are pockets of wetlands there. This area will not be developed.

Sue Gruen: Does Ryan Jundt represent all the companies?
Answer: No, just Alchemy.

Bob Gruen: At the last public hearing there was a question raised about dates on the HCA's. Start date stated as 2021. Have these been resolved?

DM: Lawyers for both sides have agreed on the start date for the HCA's, so these are considered valid.

Sheila: Will all the properties require broadband service?

Ryan: Yes, all lessees will want broadband

Gloria: At the public hearing we discussed the crops to be grown, that harvested plants would be bagged and taken away. Now I understand that manufacturing may be carried out as well.

Ryan: The HCA covers outdoor cultivation and processing i.e. harvest, process and package material. There is no current plan for manufacturing edibles at the site, but there may be in the future.

BV: That area is not zoned for manufacturing. This was raised and discussed during the debate about the use of the school building for cannabis growing.

Ryan: We had quite a bit of conversation with the town counsel about this. Manufacturing in this case does not mean an industrial process. It is more like an apple orchard which may press apples on site. So not really manufacturing.

PC: Is there a definition of manufacturing in the bylaws?

BG: They state that manufacturing and processing are allowed in Zones A & D with a special permit.

BV: If manufacturing is going to take place, there needs to be more discussion and agreement.

Chris Yatooma: The processing that takes place will be incidental to agriculture. Not conventional manufacturing or processing. Moreover, the HCA's all have term limits, so this can be reassessed at the time of renewal if necessary.

Phil Silverman: This will just be bagging and perhaps rolling. In the future there may be more. But all of this should be allowed in Zone A.

BV: The language in the special permit should stipulate manufacturing activity "incidental to agriculture".

BG: In the special permit we could approve specific processes that are allowed. The companies can come back in the future if they want to do more.

Ryan: As this is all Zone A which is zoned for manufacturing this should not be a problem. All processing will take place inside the buildings.

Chris Y: There will only be processing of our own products. Again, this will be like pressing apples into cider.

Phil: Manufacturing means in this context only trying to remove oil from the flowers. It is not a major procedure. It is small scale and will not significantly increase activity on the property. But the companies would like to have the option to do this.

DM: If it is all happening inside the buildings this should not be a big deal.

BG: I agree with Doug. We should grant the special permit and specify the processes allowed under the permit.

Ryan: We can guarantee there will be no change in sound, smell or traffic if we undertake processing.

Chris Y: We just need to be able to respond to the market and provide what the market is asking for.

Phil: The impact fees stipulated in the HCA's are meant to compensate the town for potential impacts. They are embedded in the HCA's. 1.5% of revenues, with a minimum of \$25,000 and a maximum of \$75,000 per year.

Bill Fontes: What is the term of the HCA? Answer: 5 years.

Cathy Tallen: What is the environmental impact of the farms?

Ryan Jundt: Good question and concern.

None of the potential risks you mentioned apply to cannabis cultivation. The stems are ground up and disposed of offsite. This is regulated by the state CCC.

Sheila: The previous case for a cannabis growing facility here in town was tied up with the sale of Jacobs Road. Also, the industry has come a long way. These farms have proven to be very beneficial for the towns where they are located.

DM: Any Questions? None raised.

DM: 7:48. Motion to close the public hearing for Alchemy.

Motion to open the public hearing for True Cannabis, Chris Yatooma, President.

DM: Any Questions? None raised.

Motion to close the public hearing for True Cannabis 7:50.

DM: 7:51: Motion to continue the Public Hearing for Vega Cannabis. Attorney Mark James representing Vega Cannabis

DM: Any Questions? None raised.

BG: Does Mark have any questions for us? Answer: No

Motion to close the Public Hearing for Vega Cannabis. Hearing closed at 7:53

DM: Motion to continue Public Hearing for Vybz Inc 7:54

Joe Ostachnowicz President

JO: I have nothing to add to the discussion

BG: We have spoken to four separate groups tonight. My assumption is that they will all be doing the same things. Is that true, or will there be any differences between the businesses?

Phil: I am the compliance attorney for all the groups. Different groups may choose to go different routes. They will all be competing with each other and with the market. So they may choose to go in different directions.

JO: For instance, the genetics of the seeds can make a big difference.

Sue Gruen: You have spoken of making edibles and brownies. Where will the kitchen be located?

Phil: Inside their facilities

Lennie: Will there be any use of insecticides or rodenticides? Or any other means to deter wildlife?

DM: The state regulates this very closely. Only organic means to deter wildlife are allowed. And very high fences.

DM: Any further questions? None raised.

DM: Motion to close PH for VYBZ. Closed at 7:58.

Continuation of the Heath Planning Board public meeting.

DM: Motion to vote on Alchemy Cannabis application for a Special Permit

JT: Are there any special stipulations that should be included as discussed at the previous meeting? Such as Odor control?

DM: The state regulators are already monitoring and controlling these issues. They are also covered by the HCA's.

We could stipulate an annual meeting of the PB to allow comment and discussion on any issue.

For each of the businesses, we will vote first on a motion to approve the site plan, followed by a vote on the special permit application.

Alchemy Cannabis: Motion to approve site plan: All in favor
Motion to grant Special Permit: All in favor

True Cannabis: Motion to approve site plan: All in favor
Motion to grant Special Permit: All in favor

Vega Cannabis: Motion to approve site plan: All in favor
Motion to grant Special Permit: All in favor

Vybz Cannabis: Motion to approve site plan: All in favor
Motion to grant Special Permit: All in favor

DM: Motion to adjourn the Meeting of the Planning Board at 8:07 approved.

Respectfully Submitted.

Peter Charow