

MINUTES- Development Review Board -approved  
Wednesday, March 13, 2024, 630 pm

DRB Members Present: Chair Patrick Moyna, Vice-Chair Kath Martin, Travis Kemp, Thaddeus Guild

Development Staff Present: Ryan Gumbart (Land Use Admin)

Public Present: Applicants: Kim Ginsberg

Abutting Property / Interested Parties: Paul Muzzey, Don & Mary Kay Taylor, Bob Whitney, Marie Van Drunen, Diane Quinn

By Zoom: Applicant: Omar Martinez

AGENDA

Call to Order: Meeting of the DRB was called to order by Moyna at 6:31 p.m.

1. Agenda Review- No changes to the agenda were made.
2. Public Comment (items not on the agenda)- No comments were received.
3. Approval of February 14, 2024 Minutes- ***Guild mentioned Moyna, Gleason and Kemp's terms expire in 2024. Guild moved to approve the minutes of 02/14/24 with amendment, Kemp seconded, and motion carried.***
4. **PUBLIC HEARING**- Application #23.1221.Rug 10 Acorn Street- Subdivision Review- Boundary Line Adjustment
  - a. ***Continued from February 14, 2024***
  - b. ***Request to continue to April 10, 2024***

*Guild moved to continue Ruggiero Hearing to April 10, 2024, Kemp seconded, motion carried.*
5. **PUBLIC HEARING**- Application #24.0122.Gin -22 School Street – Conditional Use Review- Change of Use to Multiple Family Dwelling
  - a. ***Continued from February 14, 2024***

A site plan review was held prior to this hearing. Gumbart explained there was new information on the proposed change of use for the 3-unit multi-family dwelling. The Home Act for Affordable Housing has changed in the statute which overrules the local bylaws. If the Board decides the criteria for the change of use is met, this will affect the square footage of the lot. He added a letter that was from abutters not in favor of the project that was submitted on 2/14.

Martin asked about landscaping and parking plans. Ginsberg said parking would remain in the rear, and 5 parking spaces were indicated on the application.

Ginsberg anticipated the property survey and map to be complete by September, and said they have a pending grant application for the affordable housing unit upgrade. Moyna said without the survey, they could only make assumptions.

The Board agreed to continue the hearing, pending the survey. *Martin moved to continue the hearing until the next meeting on April 10, 2024, at 6:30 p.m. seconded by Kemp, motion carried.*

6. **PUBLIC HEARING**- Application #24.0131.Mar– 1697 Brockways Mills Road-Conditional Use Review- Site Plan Review- Multiple Principal Uses (One Family Dwelling & Agriculture)

Gumbart reviewed the application for secondary use and a Tier 2 Cannabis cultivation facility in a greenhouse, on 1.8 acre lot in RR1 district, which requires conditional use review and site plan review. Moyna said he was a neighbor but not as an interested party. A list of 7 interested parties were added to the Hearing.

*Martin moved to accept the interested parties, seconded by Guild, motion carried.*

Martinez explained that with a Tier 2 application, the State required fencing and 2 other security methods to include: floodlights, security and/or cameras. If used, the floodlights would be motion activated, and facing downward at opposite ends diagonally across the field.

The Board explained to the public that they determine if this proposed structure meets the zoning and if it causes a nuisance to neighbors. Martinez explained he was willing to face lights so as not to be obtrusive, and the entire area is surrounded by woods and not visible from the road. The greenhouse needed no electricity nor lighting.

It was determined that **any use other than a single family dwelling requires a minimum 2 acres**, this lot is 1.8 acres. Cannabis as agriculture. Martinez said plants would be mostly growing inside the greenhouse, depending on space and size of plants. Fencing is electric 48" and solar powered, and another fence would be around the perimeter either 5-6' tall.

2,500 square foot of area around the fence. Garage is 20-30 feet from the street. Greenhouse 60' from garage. The drawing on the application shows 20x60 greenhouse, with three beds inside. Kemp asked about the number of plants and would be greenhouse will be vented? Martinez said there could be a total of 315 plants, but likely 100 flowering per time. Kemp asked about the smell anticipated. Martinez anticipated that within 50 yards the smell would dissipate. The neighbors discussed location of greenhouse and property lines with regard to setbacks from the ROW.

Comments by the interested parties included:

D. Taylor said, "I don't want to smell it, and I don't want cannabis grown in my neighborhood." Moyna said the State of VT has allowed it, those rules are set by state, but the DRB has purview over odors.

Muzzey didn't think it was the right for the neighborhood, concerned over adversely affecting property values. "I am visually able to see floodlight on the mobile home." He

was concerned about floodlights and the odor. He said, "I don't think Rockingham has any regulations on cannabis." M.K.Taylor was concerned about the smell and lighting. Bob Whitney had no comment. Marie Van Drunen "we are not happy that this will be across the street from us."

Taylor was concerned it would encourage vandalism, and about the smell. Quinn was concerned about water runoff and contaminants, and about security, odor and lights. Martinez commented on concerns/facts. He clarified that Tier 2 allows 312-315 plants to be grown outdoors. As far as the smell, it becomes odorous at the end of the year for a short period of time and is essentially outdoor gardening with a temporary grow season. He said, "If there are concerns about scent, I am willing to address that with various methods." He asked the neighbors, "to understand this is not an attempt to create a disruption, but an attempt for someone to join in your community."

Martinez said he would use sustainable agriculture practices to include drip irrigation and run-off would be negligible. The process is "like pruning a rosebush" and no chemicals, solvents nor pesticides were used. The waste products will be composted. *Martin moved to close the hearing, seconded by Kemp, and motion carried.*

7. Rules of Procedure Review- Nothing new was submitted, see Minutes of 2/14/24
8. Other Business- Martin asked Gumbart if he had enough time to get tasks accomplished. Gumbart explained he was hired with equal hours in Weathersfield and Windsor and a little less time with Rockingham. He said generally he spends 8 hours in each Town, and then fills in where he is needed. He was looking at utilizing software to accept all applications, currently even a simple fence permit takes at least 30 minutes. He said he was skeptical at first, but this would be a huge timesaver, because it would generate the information for each agenda and packet for the meetings. It costs \$3,000 per Town at a discount with all 3 Towns participating, and will use the GIS mapping Rockingham already uses to upload applications/decisions to each parcel.
9. Adjournment- Guild moved to adjourn, seconded by Martin at 8:13 pm, motion carried.

Next Board Meeting- Wednesday, April 10, 2024 at 6:30 p.m.

Attest: \_\_\_\_\_ Recording Clerk Betsy M. Thurston \_\_\_\_\_  
Betsy Thurston, Recording Clerk

The meeting room and video conferencing session will be 'open' to the public starting at 6:15pm. If there is any conflict, please call or text 802.376.5425.

Oath for providing testimony during public hearing: "I hereby swear or affirm that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth, under the pains and penalties of perjury." All in agreement

