

Ashby Zoning Board of Appeals

Hearing Minutes 3/12/2019

The ZBA convened at 7:05 p.m., with board members Garry Baer, as acting chairperson, Alan Pease, and Pam Welty in attendance.

Matthew Leder appeared on behalf of **Hemp Holistics LLC** (“Applicant”), 351 Bennett Rd., presenting an application for a special use permit pursuant to Ashby Bylaw 7.2.12, Marijuana Cultivation of Limited Area.

The applicant presented the following testimony:

- Applicant intends to operate as a Tier 1 Marijuana Cultivator, as defined by the Massachusetts Cannabis Control Commission.
- Applicant proposes to build three 10’ x 12’ greenhouses and one 10’ x 12’ shed; one 10’ x 12’ shed is already on the premises. Total building area is expected to be approximately 752 sq. ft. and total plant canopy is planned to be approximately 600 sq. ft. All plants will be located inside the three greenhouses.
- Applicant will cultivate, process, and package marijuana for sale to marijuana establishments, but will not sell directly to the public.
- Applicant will utilize a licensed Third Party Transporter, as defined by the Massachusetts Cannabis Control Commission, to transfer marijuana products grown on-site to other marijuana establishments.
- Marijuana processed for wholesale will include cannabis flower, as well as “trim”. Applicant estimates that current pricing for wholesale indoor cannabis flower is approximately \$1,400/lb, with pricing for “trim” approximately \$700/lb.
- Marijuana plants are expected to be grown from seed.
- Approximate time from planting to finished product is approximately five months; approximate grow-time for plants is three months.
- Applicant plans to utilize primarily captured rainwater for irrigation of the plants; no plumbing is planned for the greenhouses.
- No artificial lights will be utilized for growing the marijuana; the greenhouses will be dark at night.
- Security lighting will be limited to directional lighting on the buildings, set to illuminate doorways.
- No security fencing is planned. Limited picket-style fencing, 3’-4’ high, will be placed to visually delineate the on-site residence from business buildings (sheds and greenhouses).
- Applicant intends to operate “organically.” No artificial or chemical pesticides will be used on-site; applicant will use only “natural” pesticide control, e.g., ladybugs, neem oil, etc.
- No chemical fertilizers are planned. Applicant expects to fertilize with compost produced on-site, as well as with fish emulsion, and similar natural fertilizers.
- Applicant is allowed up to six employees on-site pursuant to MA cannabis regulations, but expects only to have two or three for at least the first 2-3 years.
- Odor is the biggest controversy, but the applicant doesn’t expect the operation to be large enough to be objectionable to neighbors.

Question was posed by the Board regarding potential odor issues for neighbors, especially during summer months, when the greenhouses would be more fully vented.

Applicant responded that UV scrubbers could be installed in the event odor becomes an issue; they are expensive and applicant hopes to be able to control any potentially objectionable cannabis odor with carbon filters over fans or something similar.

Question was posed by the Board regarding whether or not the Applicant is aware of any research or data available on the impact of odor on neighbors to growing establishments.

Applicant is not aware of any information on that point, but agreed to look into it further and to provide the Board any information found that could help the Board better understand possible odor issues.

Question was posed by the Board about property boundaries and proximity of new structures to regulatory setbacks.

Applicant thinks the proposed structures meet setback requirements, but is unsure of exact property lines. Applicant will provide the ZBA with a site plan showing lot lines and setback distances.

Question was posed by the Board regarding expected time-frame for Applicant to procure the Host Community Agreement (HCA), which is required to complete the special permit application.

Applicant is unsure how long that will take and agreed, in writing, to extend the hearing, as needed, to properly complete the special permit process.

No public comments were presented.

Applicant will provide the Board with: 1) a site plan, showing lot lines and setbacks; 2) the HCA, when it becomes available; and 3) any information discovered regarding possible odor impacts on neighboring properties.

The applicant agreed to continue the hearing to May 14, 2019.

Hearing was adjourned at approximately 8:10 p.m.