



# Hubbardston Massachusetts

## Planning Board & Board of Health Joint Meeting Minutes

**Date:** May 3, 2023

**Location:** 7 Main Street, Slade Building, Hubbardston, MA 01452

**Members Present:** **PB:** Kristofer Munroe, Bill Homans, John DeMalia, Erica Dack, Francois Steiger; **BOH:** Cathy Hansgate, Colleen Higgins, Liz Putelis

1. Calls to Order – PB & BOH 7:04 p.m.
2. Public Meeting

Chair Munroe outlines the procedures that will be used for this meeting to discuss odor complaints received during the 2022 harvest season regarding the two marijuana growing operations in Hubbardston and to receive comments from the public and representatives for the growing operations. For background, he discusses the legislative history in Massachusetts and in Hubbardston that led to legalization of cultivation and sale of marijuana.

### Public comments (general)

Danielle Arakelian: Original permit called for low-odor plant varieties – what kind of plants were actually grown? There were odor problems for 8-10 weeks, typically starting at 7:30 p.m.

Jeremiah Woodward: The odor problem was only for 2-3 weeks, not that bad.

Tony Coppola: During his inspections for ConCom, he has come across 11 other backyards where cannabis is being grown, one in the vicinity of the grow operations, which may be contributing to the problem.

Edward Zukowski: He doesn't notice the smell driving by, he thinks the smell from the chicken operation is worse.

Jason Nickson: This is a right to farm community, he has animals that smell and notes that different smells are offensive to different people. He hasn't noticed any offensive smell at the growing operations. He says that these growers are basically farmers, and doesn't see any problem.

Ed Blanchard: He would like to know how much money has been paid to the Town under the agreements with the growers.

Mike Stoll: Previous comparisons to odor of a skunk are not necessarily applicable when compared to a much larger area of plants emitting odors over a longer duration.

Laurie Sahagian: She notices the smell, and it can be severe at times, but thinks that is part of being a farm community.

Albert Afonso: Requests a definition of a right to farm community from Town Administrator or PB Chair. He thinks it applies to new residents moving in next to an existing farm operation, not to new farm operations that locate next to pre-existing residents. He has experienced overwhelming odors from early summer to end of August – you can't even open your windows. There is variation in different people's sensitivity to the smell, but it is a significant impact to air quality on High Street for people that are affected.

Tom Bratko: Marijuana is not considered an agricultural activity under Mass. General Law, not exempt from smell complaints.

Pat Girouard: He is an abutter to one of the operations – he only notices smell for 2-3 weeks and it is not overwhelming.

Kellianne Iacaboni: All these issues were addressed in the original hearings during the permitting process, and the growers said at that time that some smell was inevitable. This should not have come as any surprise to anybody.

Katie Young: She spent time waiting in the parking lot across the street from the grow operation last summer; she did notice an odor but wasn't that bothered by it. She thinks that the first growing season was a learning experience for the growers, and that by modifying growing practices next year, things hopefully will improve.

Danielle Arakelian: Nuisance odors should be addressed, even for agricultural operations. She just wants to be able to open her window during the summer.

Whitney Friberg: What's the end game, how do we reach a solution for businesses that have chosen to locate in Hubbardston? We can't attract new businesses to town if we keep dragging existing businesses in for hearings.

Danielle Arakelian: We also need to allow residents to live their lives. Bringing in new businesses doesn't help if they destroy the neighborhood they locate in.

(unknown): We're talking about businesses that have invested millions to locate here. Operations were approved by Town and Cannabis Control Commission. How is this town going to have any money to do anything if we object to every possible business activity? They haven't done anything wrong and you're never going to make everybody happy.

Nathan Boudreau (Town Administrator): He would like to point out that Town has received no community impact fees from either growing operation thus far. He has been working with the two operators to try to remedy that. The State regulations that govern these agreements are in flux and probably won't be finalized until November.

(unknown): Until the businesses make some profits, they can't afford to make payments.

#### Public Comments (Royal Sun Farms):

Damon Schmidt, operator: He feels that there are court cases that have deemed cannabis growing an

agricultural activity, contrary to previous statements. Mr. Schmidt reads seven letters of support from nearby residents into the record. Last year's crop got a late start due to permitting delays, so the entire crop was flowering all at once, which may have contributed to the problem. This year's plantings will be on a staggered schedule, so hopefully fewer plants will be flowering at any given time later in the summer. The plan for future years is to have more plants within greenhouses, which should also help with odor problems.

BOH Chair Hansgate: Which varieties will be grown?

Damon Schmidt : Some automatics, with maturity dates 60- 75 days. Some early varieties.

BOH Chair Hansgate: When are the early varieties ready for harvest?

Damon Schmidt: July

PB Member Steiger: He is concerned that the combined effect of staggered planting schedules and varieties with different maturity dates could cancel each other out.

Damon Schmidt: The goal will be to manage this so that the ultimate harvest dates are actually staggered.

PB Member Steiger: He would like to see a concrete plan that lays all this out to make sure that the timing is being managed in an educated manner.

BOH Chair Hansgate: That is also what the BOH would like to see.

PB Member Steiger: Are there any other mitigation mechanisms that you could put in place? Have you considered oxidizing agents?

Damon Schmidt: I've heard of that when growing indoors.

PB Member Steiger: It's also being used by outdoor growers in California. You should take a look at this and do a cost/benefit analysis.

PB Chair Munroe: When you're creating your plan, you can comment on the feasibility or applicability of different approaches to odor control.

BOH Chair Hansgate: With greenhouses, what kind of ventilation would be used?

Damon Schmidt: There are no requirements from CCC. They flash freeze most of their crop but may try drying some in a trailer this year.

BOH Chair Hansgate: Worker exposure in a drying trailer would need to be controlled – there have been deaths due to asthmatic reactions in cannabis drying operations.

Albert Afonso: He would like to know who will be responsible for evaluating the adequacy of mitigation measures.

PB Chair Munroe: The Town has the ability to bring in expert assistance if necessary.

#### Public Comments (Paper Crane Provisions):

Boey Bertold: He submits an article on odor control technology, but points out that these technologies are for control at the ventilation exhaust port for a building, not an open field. He wouldn't consider using a technology like this because misting of the crop with botanical oils/ozone could create problems with the required microbial testing and could make his product unsaleable.

He points out that the property locations used by the grow operations are a result of the zoning adopted by the Town. There were plenty of other residential-agricultural areas that could have been utilized for cannabis growing, but the Town elected to put it right along Rte. 68.

He states that nobody in Massachusetts grows skunk varieties, since they wouldn't mature until November, which is infeasible in our climate. He will be planting similar varieties to what Royal Sun Farms described, with early varieties and automatics. The first year's planting schedule was an experiment and provided lessons learned – he planted too many that all had to be harvested at the same time, and they were overwhelmed during the harvest process. His crop rotation schedule for the upcoming year will be very different and staggered to space out the harvest times. Plants will be moved into the building more quickly this year, and the building ventilation system has odor control. Total plant numbers will also be reduced by about 1/3 this year.

PB Member Steiger: He appreciates receiving the description of pros and cons for odor control technologies. He would like to know when in the plant's lifecycle does the odor become intense?

Boey Bertold: About 2-3 weeks before harvest date. His objective is to move it into the building during this period ASAP.

#### Mitigation measures review:

PB Chair Munroe: He clarifies that mitigation is considered any reasonable, actionable step that may help the situation. Both growers have presented planned actions that can be considered mitigation. He just wants a written plan of the types of actions that have been discussed.

PB Member Homans: He thinks the growers are trying to do the right thing. Odor is a problem and he doesn't like the smell, but it shouldn't have come as a surprise. He's comfortable with the proposals.

BOH Chair Hansgate: When BOH receives odor complaints, they need to follow up on it. Initial letters that went out to growers listed all possible penalties/enforcement options, but they were basically looking for a plan on how the problem could be addressed. The information presented tonight is what they were looking for, but still need a written plan. She acknowledges the difficulty of predicting specific maturity and harvest schedules due to varying weather and climatic conditions.

Boey Bertold: He feels offended by the BOH letter with its implied threat, and suggests that Chair Hansgate is not impartial because she is personally opposed to cannabis.

BOH Chair Hansgate: She indicates that she is not personally opposed to cannabis.

Tom Bratko: He feels that he was misquoted during Mr. Bertold's presentation. He states that his land is subject to an Agricultural Preservation Restriction that would prohibit growing of cannabis, so he never would have said that he wished to do so.

PB Chair Munroe: He does not wish to entertain a discussion about who said what, and calls for a five minute recess for people to calm down.

Chair Munroe calls the meeting back to order at 8:38 p.m.

Chair Munroe expresses his hope that further conversations will maintain a civil tone and not get personal.

Boey Bertold: Cannabis grown for personal use in backyards can also produce strong odors, and there isn't any way to differentiate exactly where cannabis odors are coming from in the neighborhood.

Ed Blanchard: He wants to know whether the two growing operations are in compliance with their agreements for payments to the Town.

PB Chair Munroe: Impact payments are not part of the Special Permit governed by the Planning Board; that is a separate agreement with the Town.

Nate Boudreau (Town Administrator): He repeats his previous statement that impact fees contained in the original agreements have not been received, but there are changes in progress at the State level that could affect these agreements.

Boey Bertold: He summarizes the history of community agreements and suggests that the State's new position is that the impact fees in the original community agreements may have been excessive. New guidance for community agreements is in a gray area, still under development.

Ed Blanchard: If they are not in compliance with the original agreement, when do they plan to begin making payments?

Boey Bertold: As soon as economically possible, they are working with the Town on this.

PB Chair Munroe: The discussion is getting too far off-topic, he suggests raising this issue with the Select Board.

Nate Boudreau (Town Administrator): The Cannabis Control Commission's review of this process is still in flux, but feel free to reach out at any time with further questions.

PB Member Steiger: Will the mitigation plans be presented at the June 7 meeting? He requests that they be submitted in advance of the meeting to allow sufficient time for review by the Board.

PB Chair Munroe inquires of BOH Chair Hansgate whether the June 7 meeting should be another joint meeting? BOH Chair Hansgate would like it to be a joint meeting.

### 3. Matters Not Reasonably Anticipated by Chairs

- a. PB Chair Munroe advises the Board that Peter Russell has been appointed as Associate PB Member by the Select Board.

The meeting adjourned at 8:53 p.m.

Respectfully submitted,

Mark Kresge, Land Use Clerk