

Town of Moretown Development Review Board
79 School Street, Moretown, Vermont 05660

Minutes

Application No. 23-12 Application of Bernardo Silva for the use of an existing accessory structure for Home Based Business in the Commercial District located on property owned by Grow Properties, LLC at 2016 US Route 2 in Moretown.

Present for the Board were John Riley, Paula Woods, Greg Nagurney, and Craig Oshkello at the Town Office. Also present via Zoom was Jim O'Neill. Applicant Bernardo Silva and Bryn Ballard were present at the Town Office, as well as Travis Blodgett who did participate in the hearing. Also initially present at the Town Office was Zoning Administrator, Karen Sauther.

This hearing began shortly after 6:30.

Zoning Administrator Karen Sauther prepared a Staff Report summarizing the application and her interpretation of how the Zoning Ordinance applies, and why the matter was referred for DRB approval.

Prior to the Hearing Board Members also received copies of the Zoning and DRB Application; evidence of mailing to abutters; and two "plans" providing an overhead view of the existing improvements at the 38.4 acre parcel.

The Application indicates an existing greenhouse would be used for cultivation and has square footage of 1,450 feet. During the hearing the Applicant clarified there are two greenhouses with a total area of 1,450 sq. feet. Although not clear from the Application, proposed findings prepared by the Zoning Administrator indicates the Applicant rents and resides on a portion of the property relevant to the Application, and the proposal is to cultivate cannabis on the property.

Bernardo Silva provided an overview of the proposed business and answered a variety of questions from the Board. Bernardo and Bryn have leased individually the residence at 2016 US Route 2 from Grow Properties, LLC. The portion of the property which previously was utilized by Grow Compost for its composting operation on the easterly side of the parcel are no longer used for composting, is inactive at the present time, and is not included in the areas leased by the Applicant. The Overhead Plan submitted by the Applicant has a black line coming up the access drive, which then turns diagonally in a southwesterly direction, and demarcates the areas controlled by Mr. Silva. There is a

separate lease agreement between Grow Properties, LLC and an LLC of which the Applicant is a member, known as Bernis Dobis, LLC.

The Limited Liability Company represents a joint venture involving Bernardo Silva and the other owner who is currently in Maine. The proposed growing operation is part of a larger enterprise which involves the renovation of an existing building in Granville for processing and manufacturing, and an anticipated wholesale/retail location in the Town of Hancock.

Mr. Silva explained that he is applying for a Mixed Cultivation License from the Vermont Cannabis Control Board. This is because the State considers growing cannabis plants in greenhouses to be indoor cultivation. And an element of the proposed operation also involves growing plants outside of the greenhouses.

There are existing security gates, perimeter fencing, and security measures in place associated with a previous lessee which grew cannabis on the property and processed cannabis in the residence as part of an approved medical marijuana facility. That lease and tenancy has ended and Grow Properties has entered into the separate lease agreements with the Applicant and his business entity.

At this time the Applicant is not proposing year-round operation. Rather, using a seasonal approach, starting plants in greenhouses beginning in early Spring, and then transplanting some plants to the exterior growing areas adjacent to the greenhouses later in spring.

There is existing power to the greenhouse locations and it is the Applicant's intent that lighting be utilized to promote more rapid maturation of the plants. But the intent is to not utilize lighting deep into the night. All fixture will be downcast.

The Board discussed limitations on lighting such as no longer than one hour later than sunset, or one hour earlier than sunrise. Mr. Silva expressed a preference for a time limitation such as not lighting before 5:00 am; and no lighting to continue after 9:00 pm.

Cultivation is by hand. The process involves picking portions of plants and storage in plastic bags which are then placed in a portable freezer and transported offsite for processing elsewhere. Because no drying or processing will occur on site, no odors are expected to be an issue association with the operation.

During the hearing Mr. Silva marked up the Overhead Plan previously submitted and dated April 2, 2023 to show where the existing gate limits access to the greenhouse locations; where cultivation will occur including the outdoor cultivation areas anticipated

to grow 30 plants each. The outdoor area is surrounded by horse fencing, and the two adjacent greenhouses are protected by barbed wire fencing around their perimeter location.

The Applicant's State application is for a "Tier 2" mixed cultivation license meaning there could be up to 312 plants but he anticipates the actual number to be well below the threshold.

Under the State Regulations a licensed Applicant is required to submit an operating plan for a facility. The Board asked Mr. Silva if he would be willing to submit the plan and he agreed. Because security elements are a separate portion of the State Application the Board also asked that the Applicant submit the Security Plan. During the hearing Mr. Silva explained that there would be 24-hour video surveillance, with the surveillance tapes retained for a 60-day period, and that the security plan includes an alarm system and secure locking of the facility and windows.

At approximately 8:00 pm the hearing concluded and the Board closed the evidence, making a motion to go into deliberative session.

Mr. Silva and Ms. Ballard left together with Travis Blodgett and the Board held a deliberative session for approximately 30 minutes.

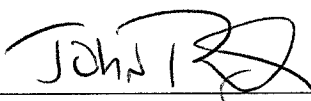
Following the close of the deliberative session the Board went back into open session and Mr. Blodgett came back into the meeting.

Mr. Blodgett proceeded to state concerns as to the Board's timely release of Minutes and Decisions. It was pointed out that the recent Decisions were all timely released but that because Board Minutes were combined, they were not available as soon as the Board would like.

There being no further business the meeting adjourned at approximately 8:40 p.m.

Dated this 26th day of April, 2023.

Moretown Development Review Board



By John Riley, Acting Clerk