

1 **TOWN OF CHESTER**
2 **CANNABIS CONTROL BOARD MEETING**

3 **December 13, 2022, Minutes**

4 **Board Members Present:** Arianna Knapp, Lee Gustafson, Barre Pinske, and Charles Baird at
5 Town Hall; and Tom Diak via Zoom. Absent: Reisa Alexander and Ben Whalen.

6 **Staff Present:** Julie Hance, Town Manager, at Town Hall; and Susan Bailey, Recording Secretary
7 via Zoom.

8 **Visitors Present:** Andi Goldman via Zoom.

9 **Call to Order**

10 Arianna Knapp called the meeting to order at 6:45 p.m.

11
12 **Agenda Item 1, Approve minutes of July 27, 2022, and November 15, 2022, LCCC Meeting**

13 Lee moved and Barre seconded to accept the July 27th minutes. There were no changes. A vote
14 was taken, and they were unanimously approved.

15 Lee moved and Tom seconded a motion to approve the November 15th minutes. There were no
16 changes. A vote was taken, and the minutes were approved unanimously.

17 **Agenda Item 2, Old Business**

18 Arianna asked if there were any citizens' comments and there were none.

19 **Agenda Item 3, Update Regarding Vermont and Local Cannabis Market Status**

20 Things are moving forward. Arianna believed the dispensary in Woodstock was open for business.
21 There are two applications in Chester for a manufacturing license and a cultivating license. She
22 believed the state would notify them when the licenses are issued, though there was nothing they
23 could do about it.

24 In the Vermont local cannabis market, there is a lot of news about the fact that vape cartridges are
25 taxed more significantly in Vermont and that business owners are struggling to make money with
26 that component. Currently, there is no discussion of it changing but there are a lot of complaints.
27 Another regulation changing is banking. Arianna was aware there is a rule change coming about
28 how banks can loan money to the cannabis industry.

29 Arianna said they have been notified by the Zoning Board of a property in Chester that has been
30 approved for the purpose of applying for a cannabis retail license. The process triggered, as
31 expected, and they now know there is an applicant in the pipeline coming their way. Lee asked for
32 details. They were provided by the Zoning Board, the zoning permit, which was issued for Pine
33 View Drive across from the VFW and Stone Village Antiques. It is the former lactation building.
34 The applicants are now moving forward with state. Lee didn't think the property qualified because
35 it was less than 500 feet from the school property. The guidance on buffer zones says less than 500
36 feet from an entrance and the side entrance is 485 feet from the school property. Lee didn't know
37 how or if they should bring it up but from his perspective, it was too close. Tom understood the
38 distance was portal to portal. Lee said the guidelines stated from any entrance and not the front
39 entrance so it would apply to any entrance. Arianna noted the selling or dispensing of a regulating
40 drug to a person on a property abutting school property was a violation only if it occurred within

1 500 feet of school property. A property shall be considered abutting if it shares a boundary with
2 school property or is adjacent to school property separated only by a river, stream, or public
3 highway. Arianna thought the question was if it shared a boundary with the school. Lee said that
4 was one of the criteria and there were other criteria regarding distance, and it didn't have to abut.
5 Arianna said they were doing this as news and update on local Chester cannabis stuff and were not
6 considering an application. Lee noted he was just bringing it up for conversation. Arianna
7 wondered if the zoning committee needed to consider the buffer zone and whether they only
8 needed to address the business activity of the application. Barre noted the DRB didn't issue them
9 a permit to do activity. Arianna said the DRB was not required to do anything. Barre thought it
10 sounded like whoever bought the property had an ability to do something and he wanted to be clear
11 if they had gotten a permit. He didn't think they had closed on the property yet. Arianna said they
12 had the zoning permit in hand, so they knew there was going to be activity going forward. The
13 other reason it triggered the meeting is now they can establish their process because now they
14 know an application is coming. Barre asked and Arianna confirmed there was a permitting process
15 in place, and nothing had happened yet. Tom noted the state's website showed there was no
16 application received as of November 29th. Arianna agreed and said what has happened so far was
17 an applicant had gone to the Zoning Board in Chester who approved the property the applicant
18 wanted to purchase and use as a retail establishment, so it was permitted as a retail establishment.
19 The intended use will be a cannabis adult use retail establishment. Arianna noted there was
20 representation for the applicant joining them. The applicant takes the zoning permit and applies to
21 the state. Once the application is complete, the state will notify them and that's where the
22 Commission provides their licensure. Someone wants to buy property in Chester, they found some
23 property, and now they want to open a retail establishment. Lee asked whose job it was to enforce
24 the guidelines and buffer zones. Arianna would go to Preston and his team and ask if they had to
25 consider the buffer zone or if they were just looking at it as retail. It would then be on the LCCC
26 to deal with the buffer zone. Lee said they can't treat any retail cannabis business differently than
27 any other retail business. If the buffer zone is not met, Lee questioned who enforces it. Arianna
28 and Barre said it would be them and Arianna said the state could veto them. She thought the
29 intention was the buffer zone was black and white. Lee just wanted to clarify because to him, based
30 on everything he had read, they have zero teeth. Arianna assumed they could validate the buffer
31 zone. Lee thought they should ask the state who enforces the buffer zone. Arianna said Vermont
32 law prohibits cannabis sales within 500 feet of a school. It was Rule 2 of the Vermont State Laws.
33 Arianna read the statute which said cannabis retailers can't operate if it's on a property that abuts
34 a school property. Lee didn't want to get into it because it wasn't the right time and Arianna agreed.
35 The question for follow-up was who enforces the buffer zone.

36 **Agenda Item 4, Discussion and Decision Relative to Chester's Application Approval**
37 **Process, to Include Design of Application and License**

38 They didn't get a design from Amie. If someone had great concerns, Arianna suggested they work
39 with Amie after the meeting.

40 As a commission, they can come up with the framework of what they do and how those steps
41 follow. Arianna suggested they discuss it, write up the general steps of the process, and vote on it
42 at the next meeting. Currently, the Zoning Board notifies them that someone is considering a
43 property, the applicant applies to the state and when complete, the state notifies the local
44 commission. Arianna suggested when they are notified, they call and warn a meeting. They must
45 figure out what they have for an application and review what they have requested as an application

1 for Chester. The meeting is an opportunity for members of the town to know that the application
2 is moving forward, and the commission is meeting to consider a license in their town. Lee
3 confirmed as part of the warning of the meeting, they would receive a packet of material that would
4 include the application. They had requested the state send them a redacted version of what was
5 submitted to them. The applicant has a great deal of burden of what they must provide to the state.
6 By receiving a redacted version of the state application, the commission would see their business,
7 hiring, environmental mitigation, and security plans. They would request operating, compliance
8 management, security, and positive impact criteria plans. They would not request banking or
9 personal identity information. Once they see that and warn a meeting, it would be shared with the
10 members of the commission. Arianna said their only job is deciding whether to approve the
11 application. The only reason they could deny an application was possibly the buffer zone or if the
12 plans indicate contrary to the town's zoning, signage, noise, lighting, or one of the pre-existing
13 elements of what is done in Chester. Lee pointed out they would have already been addressed by
14 the Zoning Administrator. Arianna agreed. Lee thought the only thing they could have a say in
15 was the buffer zone and he wasn't even sure they could have a say in that and theoretically, it
16 should also be the Zoning Administrator. Lee said a permit is issued by the Zoning Administrator
17 who must vet the application. He thought they should ask the state how much authority a zoning
18 administrator must ensure a facility meets the state requirements as set forth in statute. Tom
19 thought that would be on the state's application and Arianna agreed. She wasn't sure the
20 application would even get to them if the state hadn't already vetted the buffer zones. They are
21 really oversight and rubberstamp and have no authority. Barre thought that like a cop on the street
22 who issues a ticket and whether that ticket will result in a fine if they go to court, they are a little
23 like the cop having the job of paying closer attention to what's going on than others because they
24 are there and have been appointed. It doesn't mean they have authority to say they can or can't do
25 something, but they can point out concerns.

26 Arianna said when they impaneled the commission, they didn't know how the process would go.
27 Things have gone well and have not rendered them that important. Barre didn't want to have
28 power, but they were there for a reason and with respect to that, what they thought mattered and
29 whether they had any real power to do anything was different than having an opinion and it
30 mattered.

31 Arianna thought the state was doing a great job regulating it and things were going well but they
32 still have a purpose and a mission to provide information, to allay fears, to educate, and be part of
33 the community that lets them to know what the process is. She thought that had value, especially
34 as they go into the process of having a business in Chester. Lee agreed if the public knew the
35 Commission existed. Arianna thought that was why the presentation to the board in January made
36 sense to let people know they are out there. Lee, as a Selectboard member and holding other seats
37 that require a level of communication, thought it was difficult to get people to know what was
38 going on because they weren't paying attention unless it was in their face. Lee thought half the
39 people in town didn't know what they were voting on, and half thought it was a great idea, but
40 nobody really knew what they were voting on or that there was even a vote when retail cannabis
41 was on the ballot. He thought they should engage with the community and be proactive and
42 welcomed ideas of how to do that. Barre said the Planning Commission has been making press
43 releases and was fortunate to have The Telegraph, so things get out there. One thing a press release
44 can do is to frame them as a story and have content rather than the fact a meeting is coming up.
45 Barre suggested doing a press release for the Cannabis Commission. Arianna and Lee thought that
46 was a great idea. Barre would work on a press release for their review. Barre also said Preston

1 Bristow, Zoning Administrator, may be able to share the license he just designed for short-term
2 rentals with the Cannabis Commission as a possible design for their license. Lee thought Amie
3 would be a better person to ask because it wasn't Preston's job, and he didn't have the time. He
4 suggested Preston share the file with Amie.

5 Arianna wanted to confirm that they wanted to request from the State or the applicant to be
6 provided with copies of the operating, compliance, management, and security plans, and plans
7 related to positive impact criteria and project location information. Those items would comprise
8 the Commission's application requirement. Lee asked if it should apply to any permit application
9 regardless of retail or growers, as he wanted to be provided the information for any business in
10 Chester that was related to cannabis. Arianna didn't know that they had authority or the right. Tom
11 agreed. Lee asked why they wouldn't. Arianna said they were only impaneled to regulate retail.
12 Lee was surprised and it seemed sideways to him. Arianna said when she tells them there is a
13 cultivator or manufacturer license, she only knows because it's public information on the cannabis
14 control website which she searches regularly for any mention of Chester. Lee was concerned they
15 couldn't download any information about the applications. He was concerned the state wasn't
16 providing information about what was going on in Chester. It was another example of the state
17 throwing its weight around but not caring enough to share with the town leadership what was going
18 on in town. He saw it as a huge issue. Lee assumed anything having to do with marijuana they
19 would have access to, and he would bring it up to their newly elected representative, Heather
20 Chase. Barre asked if it was a business that would be run by the Zoning Enforcement Officer.
21 Arianna assumed the growers and manufacturers must go through the exact same thing that
22 someone who wanted to grow tulips would. They would have to go to the Zoning Board or DRB.
23 She thought that the way the state law was written, nobody had control over it except the state.
24 Barre didn't think a permit was necessary for farming. Arianna said there are a lot of questions
25 whether cannabis growers in certain tiers are agricultural, and it had been defined and she didn't
26 know the answers but could be found in state documents. Tom said they shouldn't treat it
27 differently than any other business coming to town and wondered if they knew all the information
28 for other industries in town and why it would be different for cannabis. Arianna said the good news
29 for them is they don't need to address that question. It may become part of the conversation in
30 January and could be discussed in that forum.

31 Arianna bulleted the basic steps of their process and would write it up. When Reisa and Ben were
32 present, they could approve those steps.

33 **Agenda Item 5, Consider and Application Received**

34 Arianna spoke to a new retail cannabis owner in Bennington about the process and how it had gone
35 for the community. She said it went smoothly and that it took 6 weeks for her once she started the
36 process. Arianna said if the application for Chester was submitted tomorrow, they wouldn't
37 consider it until the end of January or beginning of February at the earliest. That gave them time to
38 put the process in place, meet with the community and have conversations. She anticipated they
39 would be considering the application in February and hoped to have some community conversations
40 by then. Barre was concerned when they first started about torches and pitchforks but didn't feel
41 that way now. He wasn't that concerned and thought it would go well and was looking forward to
42 it. Arianna said the owner she spoke with in Bennington was disappointed with the opening day
43 business, but the community was pleased with the lack of disruption. That's consistent with others
44 in the state.

1 **Agenda Item 6, Citizens' Comments**

2 Andi Goldman introduced herself and her wife, Meredith Milliken, who was sitting next to her.
3 Scott Blair was unable to attend as he was coaching basketball. They are working with Scott on a
4 proposed application for dispensary at the property the Commission was discussing. They are the
5 three owners. They want to be an open book and not hide anything and answer any questions. They
6 want to be present and educate the community. She is a retired corporate and securities lawyer.
7 She was a lender to healthcare companies at Citizens Bank prior to entering the legal cannabis
8 industry. She has been investing and advising an entrepreneur in the legal cannabis industry since
9 2014. They are full-time residents in Ludlow where they were voted down twice. They met Scott
10 and ended up together, which was a fantastic partnership. They will always make sure they are
11 there for them. They are happy to help with any questions they have. She raises a lot of capital for
12 growing operations and is a managing member of an investment fund in the U.S. and Canada. She
13 thought regarding the licensing of other businesses, it was one in the same. She wasn't sure if they
14 could only do retail. Arianna said there was no question that the only thing they could do was
15 retail. Andi wanted to help them regarding the buffer zone question and Arianna said not until they
16 get an answer from the state. Andi asked if she could refer to a public document on the CCD
17 Website called, "Guidance on Buffer Zones." Arianna said she also had it. Andi said it requires
18 abutting and 500 feet. Arianna understood. Andi said the property was about to close and they had
19 met with their own counsel who had asked counsel to the Cannabis Control Board who confirmed
20 it, so she was trying to help the Committee. Arianna said they are in a challenging position because
21 they are not considering an application currently. Andi understood that but was trying to speak to
22 what the guidance and statute said. She said whatever property it was, it must both abut and then
23 apply the 500 feet. It wasn't just 500 feet but both. It was what guidance and state law says and
24 wanted to point that out to help answer the question if it came up at any point with an application
25 or otherwise. She said they look forward to being good stewards and supporting the community
26 and are looking at contributing to youth programs. They are compliance conscience, and she
27 doesn't plan on being disbarred for it. She thought they would welcome them along with Scott,
28 their wonderful partner. Andi thanked them for allowing them to be at the meeting.

29 **Agenda Item 7, New Business/Next Agenda**

30 At the next agenda, they will set a simple bullet point document showing the process they go
31 thorough. They will confirm with the State that they can be provided the components of the
32 application. Arianna hoped they would be able to approve the license design. At this point, they
33 were not ready to determine the next meeting of the Commission but asked them to mark their
34 calendars for the second Selectboard meeting of January at which they would have a presentation
35 that everyone would see and approve of before then. Barre confirmed with Arianna that they
36 would approve the press release by either individual emails, or two members at a time, or call a
37 short meeting to approve the press release. Arianna reminded them not to reply all if sent to all
38 members. It was a very real possibility that they would warn a Zoom meeting to address this. Barre
39 liked the idea of inclusiveness and was happy to take the time to do it. Arianna would follow-up.

40 **Agenda Item 8, Adjourn**

41 Lee moved and Charles seconded the motion to adjourn the meeting. The motion passed
42 unanimously, and the meeting was adjourned at 7:35 p.m.