

1 **TOWN OF CHESTER**  
2 **CANNABIS CONTROL BOARD MEETING**  
3 **July 27, 2022, Draft Minutes**

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

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

8 **Visitors Present:** Chester Telegraph, Linda Diak, Evan Parks, and Scott Blair via Zoom.

9 **Call to Order**

10 Arianna Knapp called the meeting to order at 6:30 p.m.  
11

12 **Agenda Item 1, Approve minutes of June 7, LCCC Meeting**

13 There were no changes or concerns. Arianna moved to accept the minutes as written and Lee  
14 seconded the motion. A vote was taken, and they were unanimously approved.

15 **Agenda Item 2, Citizens Comments**

16 Arianna asked if there were any citizens comments and there were none.

17 **Agenda Item 3, Review and Discuss Information re School Buffer Zones**

18 Arianna attended an informational session in Burlington and in attendance, were attorneys who  
19 are specifically working with Vermont's cannabis introduction. School buffer zones were  
20 discussed and the state's decision regarding the school buffer zone is if you stand at the front door  
21 of the cannabis business and measure out 500 feet and encounter school property, you can't do  
22 business there. She said it was from the entrance of the retail cannabis business to the property line  
23 of any school. She said it was an interpretation by Attorney Andrew Subin of Burlington and his  
24 practice is specifically geared towards the Vermont cannabis industry, which is why he was the  
25 keynote speaker at the event.

26 Lee questioned if the buffer zone was exclusively related to schools and would not include a public  
27 library, or another combination. Arianna agreed and added that it did not include day cares. She  
28 said nursery school now required a new definition due to early K and pre-K which is funded by  
29 the State. In-home daycare does not come under the school zone definition. In addition, buffer  
30 zone only applies to retail cannabis and doesn't apply to growers, manufacturers or wholesalers.

31 Scott Blair wanted them to know that Andrew Subin was with Vermont Cannabis Solutions.

32 **Agenda Item 4, Review and Discuss Anticipated Schedule for Receiving Applications from**  
33 **CCB**

34 Arianna shared that Vermont has approved 100 applications and issued 36 licenses for cannabis-  
35 based industry. There had been no applications for Chester. The closest was a grower in Grafton  
36 who had been approved and applicants in Townshend and Cavendish. There are over 560  
37 applications in the state system, and none include Chester. The retail applications process will start  
38 on September 1<sup>st</sup>. The question of when they will receive everything would lead to another topic  
39 on their agenda. They don't get notified if someone applies to get a grower's license, or a  
40 wholesaler's license, or a manufactures' license. They are only officially notified when it's a retail

1 license. Because none have been received for Chester, they can't tell them how fast the turnaround  
2 is. Reisa asked if they were able to get a copy of an application.

3 Arianna had communicated by email with the Cannabis Control Board and wanted to know if she  
4 could share with the other board members those emails, or if she could just attach them to the  
5 minutes. Julie told Arianna if she sent them to her, Julie could share them with the others. The  
6 Control Board was unable to share a copy of an application with Arianna. She could complete an  
7 application online enabling her to see one, so she did, and her name is on record. It hadn't been  
8 filed anywhere. She told Reisa the application was many pages, and each page had to be completed  
9 until moving to the next. She would screenshot the pages through the process.

10 The retail application will be available September 1<sup>st</sup>. Reisa thought Chester may need its own  
11 application. Arianna said the State's was extensive and thorough and she couldn't envision  
12 anything Chester's commission would want that the State doesn't already include. Arianna had  
13 wanted to raise the question about licensure versus application. As a commission, they have the  
14 authority to grant a license to someone wanting to open a business in Chester. They can grant the  
15 license as soon as the applicant has fulfilled the zoning and DRB requirements. If their application  
16 passes the DRB and Zoning Board, they could issue a retail license. The State would then issue  
17 their license but wouldn't do so until the Chester commission issues theirs first.

18 Reisa asked what initiated zoning and the DRB. Arianna believed if someone wanted to open a  
19 business, they must go to the Zoning Board. Julie said only if it were a new business, unless it was  
20 cannabis. Barre said the term was change of use. If it was the same use but different owners, it  
21 could transfer with ownership, but change of use would need to go through the permitting process.

22 Arianna said any potential cannabis business should trigger the Zoning Board process. Reisa asked  
23 how they would do that. Julie said they would see the Zoning Administrator and submit an  
24 application along with a list of required stuff. Arianna said it would be a duplicate of what is  
25 required by the State for a cannabis license. Arianna felt any information Chester would want  
26 would exist on the documents already required by the State.

27 Barre said the things required of the applicants are normally called performance standards and the  
28 thing that triggers it for most businesses is getting a sign. They had just gone through this with the  
29 Planning Commission. They are asking everyone in town to get a permit, even if it's a home  
30 occupation. He thought it would be interesting from the traffic and parking aspect and suggested  
31 they take a field trip to Massachusetts where they were already doing this and learn what they  
32 expected and thought, and what happened. He guessed they were expecting a college frat party  
33 and it was way less traffic than that. He thought getting help from places that already have it would  
34 help them.

35 Arianna reminded everyone the topic on the floor was when they would see applications, what  
36 their process is, what the Zoning Board trigger is, and how they work with that. On the agenda  
37 was the concept of collaborating with the Zoning Board, the Zoning Administrator, the Zoning  
38 team and the DRB team so if an application is received that includes a cannabis business, there's  
39 a checkoff that alerts this commission. As the Zoning Board is evaluating the zoning application,  
40 they will be aware and share that information. All of it will require some procedural decision  
41 making and collaborating with the zoning committee. She hoped by the end of the meeting they  
42 could have action items about connecting with the Zoning Board to make things easier.

43 Lee wondered what the discussion would include since, as a town, they were unable to change

1 their zoning relative to retail cannabis. They could only regulate it if it was a conditional use or  
2 not a permitted use for that zone. Arianna agreed but pointed out that the applicant identifies what  
3 the nature of their business is. Lee agreed but said the fact they can't do anything relative to  
4 cannabis questioned what the purpose of that discussion would be. Arianna said if the Zoning  
5 Board was already evaluating their viability as a business in Chester, to her mind, it benefitted the  
6 Commission to witness the Zoning Board's due diligence, so they won't duplicate the process. If  
7 the Zoning Board approves it, it eliminated avoiding having to complete steps for the same process.

8 Lee thought he understood and apologized for being obtuse. He said zoning and permitting were  
9 not in their prevue except for the licensure of a retail cannabis establishment. So, their getting an  
10 understanding of what the DRB goes through, in his mind, was moot because there was no overlap.  
11 It seemed like understanding the process of what the DRB goes through on a one-time basis would  
12 be enough. He didn't think having something specific in place each time a license application came  
13 in was necessary.

14 Barre got what they both were saying. Barre thought Arianna was interested in knowing how  
15 everything works and their role in it. And he thought Lee was saying the DRB had a specific job  
16 different from theirs but somewhat parallel. He thought Arianna was saying she wanted an  
17 overview of it and Lee was saying they didn't need to. He agreed with Lee. He wondered if there  
18 was anything related to the process that was different from the DRB and would be more of their  
19 business.

20 Reisa thought from a process standpoint, they would loop into it. She said when an application  
21 came to the Zoning Board for a cannabis business that was new, they would get a copy of that  
22 information so they would know there was something to consider and license at some point. Her  
23 interest was establishing the process to get them going.

24 Arianna said the question being addressed was Reisa's question of how they would know when  
25 they got an application and that's what brings them back to the Zoning Board. The State doesn't  
26 get the application until the Zoning Board approves it. The earliest trigger they would get alerting  
27 them there were applications to consider would come from the Zoning Board because they would  
28 hear first from the business owner before the Cannabis Commission and the State, if Arianna  
29 remembered correctly. At the current rate, with Chester having no applications, setting a time for  
30 the next meeting or any sense of time commitment reviewing them, they have nothing to go on. If  
31 the Zoning Board alerts them that they have applications, they know they need to be ready for  
32 them. She wasn't saying they should participate with the Zoning Board and DRB but that they  
33 should understand the process.

34 Lee thought getting notification made sense. If someone wants to open a retail establishment, they  
35 go to the Zoning Administrator first and if the application has a checkmark for cannabis, the DRB  
36 and the Cannabis Board would be informed. Lee thought if the application indicated cannabis, they  
37 should automatically receive a copy.

38 Barre asked if when these things happened, should the Cannabis Board draft a letter to Preston and  
39 ask permission.

40 Julie suggested they rearrange their agenda and move into Item 6 and then have the discussion.

41 Lee moved to rearrange the agenda and Tom Diak seconded. A vote was taken, and it passed  
42 unanimously.

43

1 **Agenda Item 6, Discussion LCCC Relationship with DRB Process**

2 Julie said the DRB has a checklist of things the applicant needs to provide, such as a letter from  
3 the Water Commissioner, sewer, and highway they require an access permit. She recommended if  
4 it was related to cannabis, there be a requirement of notification to the Local Cannabis Control  
5 Commission. The Commission wouldn't need to provide a letter but proof the applicant notified  
6 them. She said the same applies for proof that they've notified the State for a project review sheet.  
7 Then it would be automatically in the process when setting the application for final hearing. Barre  
8 thought that was a great idea. He asked Julie how they would get on Preston's list for that. Julie  
9 said the Chair or Board could designate someone to talk with Preston and she would also suggest  
10 looping in the Chair of the DRB so he could inform his board of the change.

11 Arianna was happy to reach out to Hugh and Preston. Barre thought that made perfect sense to get  
12 on the list and then the responsibility falls on the applicant. The others agreed.

13 Barre wondered if they needed clarification as to what their role was with respect to the Zoning  
14 Board. Arianna said the State is being vigilant about only releasing information after they've vetted  
15 everything, so they still didn't know what the State expected of them in relation to retail. She has  
16 repeatedly been told to wait until September 1<sup>st</sup>.

17 Barre suggested meeting with a town manager in Massachusetts and someone who had opened a  
18 retail establishment, it would solve a lot of their questions and hurdles coming their way. Then they  
19 could be helpful to applicants and the DRB. They would be getting out in front of it rather than  
20 waiting.

21 Arianna said, as someone who has publicly stated she is a recreational marijuana user who shops in  
22 establishments, she was happy to be part of it or choose some different establishments, which could  
23 be everything from an Apple Store looking kind of place to a rundown old gas station/gumball store.  
24 She would be happy to take a trip down to Greenfield, Massachusetts with Barre or anyone else  
25 who wanted to go. Julie told them if they went together and there was a majority of the board, they  
26 would need minutes, an agenda, and everything else. She recommended they go in groups of three  
27 or less.

28 Barre thought if they met with someone there who was in their position or greater, like a town  
29 manager, would be way more important than going to a store. Julie recommended they have a  
30 subcommittee, so they didn't run into any open meeting law violations.

31 Arianna asked who on the Commission would be interested in making the road trip. Tom said he  
32 has been to a couple in Massachusetts and didn't think, without prior permission, they could tour a  
33 facility. Arianna agreed but said, as Chairman, she could reach out to smaller towns closer to their  
34 border and find out who their town authority is and go from there. She said there are laws in  
35 Massachusetts and levels of security only allowing patrons to go in individually with proper ID.  
36 Lee asked how long retail cannabis had been legal in Massachusetts. Arianna and Barre both  
37 thought 2018 or 2019. Lee said Vermont had borrowed Massachusetts' regulations for retail.  
38 Arianna added Vermont had also borrowed from Colorado, California, and Washington. Lee  
39 understood it was basically Massachusetts' regulations rewritten except to say Vermont. He wasn't  
40 arguing it was a bad thing to do, as Massachusetts is a leader in many other areas. He thought they  
41 should be cautious and shouldn't expect miracles to happen on September 1<sup>st</sup>. He expected the State  
42 will dump a bunch of information on them, expecting them to catch up quickly and they won't be  
43 able to. He thought the State had rushed into it to milk the cash cow and they will be dealing with

1 situations they aren't ready for. He thought as a commission, they had a good group and could  
2 handle it but was being realistic.

3 For clarification, Julie thought they were in **Agenda Item number 5**.

4 Tom asked if there were no prequalifications for retail on the table, they just couldn't put in an  
5 application on September 1<sup>st</sup>. Arianna said the prequalification is closed and there was no longer a  
6 need to do so. She said Kevin Pepper, Chairman of the State CCB, has been very open recently. He  
7 said October 1<sup>st</sup>, you may not be able to buy weed anywhere. He isn't confident the process will  
8 allow dozens of places to open on October 1<sup>st</sup>. She has been watching closely and he has publicly  
9 stated that applications will begin on September 1<sup>st</sup>, but businesses must get through zoning boards,  
10 figure out who their suppliers are, and other things. Very few people will be able to solve that in a  
11 4-week period, obtain occupancy, get licensed, and open. Lee was glad to hear about transparency  
12 from the State. Arianna said he's been incredibly transparent and the medical dispensaries which  
13 have been in operation for years were all given permission to open for adult use sooner than  
14 everyone else, but they have chosen not to. She noted the growing season is very specific for outdoor  
15 growing and no more licenses would be approved for the coming months because they wouldn't  
16 logically be able to use them for another year due to the growth cycle. The State has had to push as  
17 many grower licenses as possible through review because the applicants only had one chance to put  
18 their crop in the ground. So now that grower licenses are in the background, they're getting ready  
19 for retail. Arianna thought it would be irresponsible to expect there would be cannabis shops on  
20 every corner by October 2<sup>nd</sup>.

21 Barre said the process for the DRB alone takes at least two months. He believed they had modified  
22 the rules on The Green and Preston could run it through himself. He wasn't sure if a facility like  
23 this would apply. He thought most people were looking at a minimum of 2 months for any retail  
24 business that was not just a change of use. Arianna said the purpose of the prequalification was to  
25 allow people to gather letters from the zoning boards before they had the actual application. She  
26 has reviewed everything she could from the State and there was nothing for Chester.

27 Reisa's concern with making a trip to Massachusetts was different town managers and retail  
28 locations may have different experiences. She thought for now, they needed to focus on the process  
29 with Vermont and getting what they needed from the State Commission so they could focus on  
30 what they had coming. She thought they could set aside the trip to consider at a later point in time.  
31 Arianna would note it for the next agenda so they could address it and decide.

32 Barre's idea for the field trip was more about people's fears. He thought people got in fight or flight  
33 mode and when something new comes along, so do the fears. A field trip was more about finding  
34 out what happened, what fears were in the community, and what reality happened with it so they  
35 have answers and could be forward thinking and helpful. They could relay what they learned to the  
36 DRB because he didn't see the DRB taking a field trip. He thought it could be helpful and that was  
37 the basis of the concept.

38 Arianna thought Barre's idea fit nicely. She and Reisa had exchanges between meetings, as well as  
39 with Julie about tasks between meetings and reporting back to the Commission. She thought a field  
40 trip was something they could decide to not do officially.

41 Julie said a group could go, if there were three or less and it would not require permission from the  
42 board. Arianna stated Barre was interested and possibly Tom, and she was happy to go. Being  
43 Reisa had expressed she didn't feel it had value at this time, at most, there would be three of them

1 who would go, and they could figure it out. Arianna was trying to wrap her head around the work  
2 of the Commission having come from a corporate environment where all your work takes place  
3 before the meeting, and you just report back. That wasn't how town government works and she was  
4 adjusting. The work would happen at the meeting. She wanted to discuss whether it made sense for  
5 a subcommittee or if they agreed, some would do research and share it. She also wanted to address  
6 it because she didn't think another meeting was needed until they had tangible data to review. She  
7 was inviting anyone who wanted to do research to do it and was doing it because she was interested  
8 and the responsibility she had as Chair.

9 Barre said he had dinner with friends who have house in Chester and their friend's sister has a grow  
10 license in Vermont and will be a wholesaler. They weren't aware of the packaging regulations. He  
11 thought it was something they may want to research. Arianna said they just passed something in the  
12 state senate with exception to that. She suggested they put it on the next agenda. Barre asked if  
13 they would allow plastic packaging. Arianna discussed a childproof glass container that had a  
14 bamboo or wood top but that a plastic gasket was part of the childproof component, which was the  
15 latest change, allowing plastic in the childproof packaging. They are 100% prohibiting plastic and  
16 that would stop several manufacturers from being able to do business. Barre said someone would  
17 need to figure out how to make wooden containers and it might be him. Arianna liked Barre's point  
18 and packaging was something they could report back to each other as a group. Arianna said  
19 completing the application and sharing screenshots with the others was something she would do  
20 between meetings. Julie suggested, as information was gathered, the Chair notify her of the agenda  
21 and the information to distribute with the packet to the board, several days before the meeting for  
22 their review.

23 Arianna wondered if any members had other topics they wanted on the table. Lee didn't have any.  
24 Arianna added parking and traffic because there are existing regulations in the cannabis law.

25 Barre thought if anyone wanted to try to hobble an establishment's ability to open, that would  
26 probably be the direction they'd take. That's why he wanted to take a field trip because he's seen it  
27 in the past with machinery people wanted, noise studies were required. If people were concerned  
28 about traffic, he wondered if they would require a traffic study. He thought anything they could do  
29 ahead of time to be prepared like having numbers would help. Arianna would research the specific  
30 new laws related to traffic and parking.

31 Barre said they couldn't do specific regulations for cannabis but if neighbors were upset, it was a  
32 reason the DRB could decide not to allow it in an area. He asked Julie if that was correct. Julie said  
33 it could be reviewed under performance standards which included noise and odor but not traffic.  
34 Barre asked if it was coming from the State and Julie thought it was in the local document. Arianna  
35 had researched home businesses and said home occupancy did not apply to retail. It only applied  
36 to growers, manufacturers, processors, and you can't do more than one thing out of your home. You  
37 cannot sell cannabis out of your kitchen, but you can grow it in your kitchen and sell it to a retail  
38 establishment.

39 **Agenda Item 5, Discuss Research/Information Gathering Tasks Between Meetings**

40 She wondered if they had exhausted Agenda 5.

41 Reisa took some notes from the last meeting and the minutes, and she thought some things they  
42 needed to research. She thought if she emailed everyone, it was acceptable, but she understood  
43 now that it may not be. Arianna said it needed to go to three members or fewer. She wondered if

1 there was a state cap on their ability to charge for an application licensure and were they going to  
2 do that? She thought it was something they should research and have as an agenda item for the  
3 future. She was going to listen to the State recording and list any items they should discuss or have  
4 a better understanding of, but she didn't have a chance to do so. She asked if they had sent the  
5 question-and-answer document from the State. Arianna had asked for it but hadn't yet heard. Reisa  
6 wanted to get a copy of the state application once it became available. She thought advertising  
7 guidelines, rules, and restrictions should be something they research. She thought they had covered  
8 the buffer zone and interaction between the other boards thoroughly. Arianna added Reisa's items  
9 to the list.

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

11 For several items, they would gather information, report back, and discuss at their next meeting.  
12 She mentioned reporting back on any engagement with Preston and Hugh regarding how a  
13 checkoff or notification and how that would work with the DRB and the Zoning Board. Arianna  
14 asked if there were any items to add to the next agenda.

15 Reisa thought there should be a process to keep track of things they would address or want to  
16 address at future meetings. She wondered how they could keep track of it. Reisa had a list and it  
17 included retaining Julie as the Commission's primary contact and addressing the local application  
18 and any fees for licensures. She followed up on whether cannabis could be grown in the  
19 greenhouse. It could not. Cannabis cannot be grown professionally anywhere it is visible to the  
20 general public or school-age children.

21 Barre mentioned the Selectboard had a name for it and Julie said there was an old business agenda  
22 item, and she personally has a spreadsheet she uses for the Selectboard to keep track of things for  
23 her. Reisa volunteered to do the same for the Commission, if it was appropriate. Julie suggested  
24 adding Old Business to their agenda item and during that time, she could update the board. Arianna  
25 asked the board members if they were okay with it, and they were. Reisa asked how to have items  
26 added to the agenda. The agenda is set by the Chair, so it would only require an email to Arianna.  
27 Arianna reminded the members that they could communicate with each other individually, if it  
28 was no more than three of them.

29 Arianna asked for new business.

30 Julie stated on September 14<sup>th</sup> the Vermont League of Cities and Towns would be in Chester for  
31 Open Meeting Law training for all municipal boards and commissions. They have a lot of new  
32 board members and boards, and they haven't had an open meeting law training in several years.  
33 It will answer a lot of their questions. It will take place at 6:00 or 6:30 in the evening.

34 Barre noted if anyone was interested in the DRB process, that sitting through one would be very  
35 helpful if they hadn't done it before. Arianna planned to attend the next meeting.

36 **Agenda Item 8, Adjourn**

37 Lee moved and Tom seconded to adjourn the meeting. The motion passed unanimously, and the  
38 meeting was adjourned at 7:35 p.m.