

**BRANDON DEVELOPMENT REVIEW BOARD HEARING  
DECEMBER 6, 2018  
CONDITIONAL USE #5984  
APPLICANT: FWR, INC.  
LANDOWNER: CHUCK MITCHELL**

**Board members present: Sam Stone, Amber Lovely-Lee, Tom Bohler and John Peterson**

**Others Present: Justin Severance, Megan Bradley, Alex Ford, Chris Walsh, Andy Quenneville and Beth Quenneville, Jeff Biasuzzi, Hillary Knapp, Secretary**

The hearing was opened at 7:10

The warning was read and found to be in order.

Justin Severance, Megan Bradley, Alex Ford, Chris Walsh, Andy Quenneville, Beth Quenneville and Jeff Biasuzzi were sworn in.

The following people requested interested party status: Andrew and Beth Quenneville 48 Lovers Lane, Justin Severance and Megan Bradley 114 Lovers Lane, these requests were granted.

**Alex Ford:** We are asking to amend the conditional use permit that went through mediation. We are interested in expanded their ability to deliver to patients, we would by state statute need to follow our operation hours. Delivery is something that people are looking for in medical marijuana. We are finding now that the patients work Monday through Friday but they are having problems coming when the dispensary is open.

We would like to expand Saturday hours and add some Sunday hours. They were not having patients coming in from 3-:30 for a school bus that does not drop a student off anymore.

Being open on Saturdays, they have just started to be open again. They have between 3-10 patients on the Saturday's coming to the dispensary, they are looking for the ability to delivery on the weekends.

**Christopher Walsh:** We have been getting a lot of requests for deliveries on Sundays. We put the word out that we will deliver State wide and they are the only ones that will deliver to patients. 50% of their patients are asking about delivery on Sundays and the hours of operation have to reflect the ability to deliver.

**Alex:** 2) Unlocked waiting room-done, police/alarm done, 4) appropriate-done 5) noise-within act 250 5b) have a new HVAC system and they do not use the fans that were original there 6) filters/HVAC cover the odors 7) done 8) done 9) done 10a) always available

**Jeff:** Chris Corsone is Jeff's attorney and he may have a conflict of interest in anything other than the zoning purposes of the permit.

The permit packet explains the specific issues that were addressed before at the original DRB hearing.

The only zoning issues may be with the noise that additional traffic would have and having hours that run through the night.

The new HVAC system is more efficient and less noisy than the fans. Not the facilities that are the problem but the smells. Charcoal was originally used for the smell and people who were down wind from the facility.

**Sam Stone:** What would the proposed hours of operation for the facility be.

**Chris:**

Monday through Friday 10am-4pm

Saturday- 10am to 3pm

Sunday 10am-3pm

**Sam:**

What hours do your employees normally work?

**Christopher:**

6:00am until 6:30pm employees will be at the dispensary to work.

**Sam:** How many employees are there early in the morning?

**Christopher:**

1 to 2 early in the morning and 1 to 2 after closing.

**Sam:** Employees hours would still be the same even with adding the additional hours.

**Alex:** We would welcome 8 hours on Saturday and Sunday. If people have a problem they would be ok with having the 10 to 3 hours. They have one delivery person and vehicle, it is a small car. They have many checks and balances with the delivery of the product. They are looking at another location to expand and this location would be more for delivery than people coming in.

**Chris:** The numbers on Saturday would not be viable without being able to do deliveries. The deliveries are what is keeping them afloat.

**Jeff:** Part of the application was not in the letter, the applicants have submitted to increase the number of employees from 10 to 20 and to add 10 more parking spots. This was not included in the original application. The extra 10 employees would be doing the same hours.

**Chris:** There is only one bathroom at the facility and they are setting up to grow into the business.

**Sam:** On any given day how many cars are going in and out of the facility?

**Chris:** 10 to 12 employees cars and 5 to 20 cars for patients, they do not all come at once.

**Tom:** On the HVAC system, is there any data as to how efficient it is with mitigating the smell?

**Alex:** We were never ask to provide any air samples with either the charcoal system or the HVAC

system. The best that they could do originally was the charcoal filters for the odor mitigation. The difference between the HVAC system and charcoal systems are day and night. They have not had it tested either with the charcoal or the HVAC system for a comparison.

**John:** Has the HVAC system been installed?

**Alex:** Yes

**John:** Has there been any complaints about the smell from neighbors?

**Chris:** Has not fielded a single complaint.

**Tom:** We may have to do something to have it the smell monitored and have someone that can do some testing in regards to the odor, so people can be satisfied with the end results.

**Beth:** When this started 5 years ago, it was going to be short term and the dispensary were going to move to South Burlington. The noise is quite noticeable, every noise can be heard from the cars coming in to the doors opening and closing. The dust is noticeable, our windows cannot be opened even during the summer due to the dust. Anyone that comes to our house, comments on the noise. Lately, with all the traffic they have not been able to get into their driveway. We would oppose longer hours on Saturday and Sunday hours.

We would like to ask about disconnecting the end of the drive-way, instead of having them come into our personal drive-way.

The customers of the dispensary have been walking their dogs on our property and we ask that privacy fencing be put up so that the dogs are not walked on the private property.

The dispensing is taking place near where our children, play and are asking if it can be moved to another location in the building?

**Andrew:** The issue with the drive way is that we have two children and more on the weekend that ride their bikes on the driveway. They are concerned with having the children in the driveway with cars coming in. Everyone that comes to the house, will comment on the smell. As they have lived there they are used to the smell but if they have to sell the property it would affect the resale value. Depending on the weather it will smell worse.

**Justin:** In regards to the dog issue, one of the workers dogs was on their property. We would not like to have any confrontation between their dogs and dogs from the dispensary's employees or patients. Would also like to have to have more fencing to prevent potential dog confrontation.

**Megan:** We have family members not wanting to bring their kids over to their house because of the smell.

**Justin:** Would be OK with expanding the Saturday hours and not having Sunday hours, would like to have Sunday's as a quiet day.

**Megan:** The smell is bad throughout the day.

**Justin:** Casella's comes at 4:00am and wakes us up as the garbage cans are right near the bedroom. If there are any concessions to having the garbage picked up later or moved, they would appreciate it.

**Jeff:** Brandon has a noise ordinance and the board could put in reasonable conditions in for reasonable delivery and service for the garbage. As Grassroots is the customer of Casella's they could ask that they have the garbage picked up after a certain hour. Casella's would have to change their route if requested.

**Chris:** I have not heard about the Casella complaint and I believe that this would be an easy fix. We would be willing to fix that problem.

**Megan:** We were OK with the smell and had already signed their contract for the house, knowing that they were moving next door to the dispensary.

**Justin:** We knew what we were getting into when they bought the house. He understand 100% and Monday-Saturday they can deal with and would like to not smell it as much.

**Alex:** The smell will not change if it is open or not.

**Chris:** The smell won't change on Sunday. They would be opening the front and then loading a vehicle for deliver.

**Sam:** Is there is a difference between the smell on Sundays when they are closed?

**Andrew/Beth:** No

**Sam:** If they are open on Sundays' are we able to put stipulations on how they are open?

**Jeff:** The conditions have to be reasonable. You cannot limit the number of customers that they are able to see if they are open. You could set up delivery requirements.

**Chris:** This would not be a diesel truck and we looking into an electric vehicle for delivery. We just had a conversation about the entrance and exit of the dispensary and how they needed to be marked. We have a newsletter and social media for the patients, the dog issue and going in the proper entrance and exit can be addressed through these. We need to educate the patients on the two issues. I will be giving everyone my cell phone number so they can call and discuss any issues they may be having.

**Sam:** Jeff- Because these conditions were created in mediation and not by the DRB. Do we now have the authority to amend these conditions from the court?

**Jeff:** They have requested the change of a conditional use permit and this now opened it up to the whole entire permit, not just want they have requested to change in the mediated agreement of the conditional use requirements.

**Jeff:** The Enter and traffic sign issues. Mr. Mitchell came and asked about the directional signs and the sign ordinance. If they would like to request directional and parking lots signs, a permit request can be given to approve the signage at the dispensary to the zoning administrator.

**Sam:** With the division of the property lines with privacy fencing between the properties, is this something that you are willing to do?

**Alex:** I think it is up to Chuck, he is the property owner. To put things up around his property would need to be discussed with the landlord as they pay rent.

**Chris:** We are putting more and more money into the building and are going to need to own the building in order for it to work out or else they would need to move their production else where. The dog, traffic issues and Casaella issues will be taken care of quickly.

**John:** I hear you on the banging of the dumpsters. If we were to make a recommendation for the earliest time, what would you like to see.

**Megan:** Not before 7am would be acceptable.

**Andy:** Would it be possible to be open on Sundays, but just doing deliveries?

**Chris:** There are standard operation procedures that we cannot play games with. DPS can call and pretend to be a patient and they would get in trouble for being opened but not taking patients. We would be willing to track the number of patients and if it would become an issue look at changing hours. If it became an issue they would change their hours of operation.

**Jeff:** Rick Oberkirch has approved the waste water permit. Has the Act 250 permit been reviewed?

**Alex:** The act 250 permit is in Chucks hands at this point and this is a separate issue from the permit that is being asked for tonight.

No further testimony, the hearing was closed at 8:11

Opened deliberation-ongoing pending procedural clarification.

Respectfully Submitted,

Hillary Knapp  
Development Review Board, Clerk