

1 **Town Development Review Board**
2 **November 29, 2022**
3 **Hybrid Meeting Minutes**

4 *All minutes are draft until approved by the Development Review Board; please check future minutes for approval of*
5 *these minutes. Meetings may be videotaped and posted on YouTube or the Town Website.*

6 Members Present: Malcolm (Mac) Teale, Chair; Mary Walz (Mary W.)

7 Members Remote: Elisa Clancy

8 Members Absent: Craig Fowler, Vice-Chair; Tom Wawrzeniak,

9 Attendees Present: Justin Mason, Board Clerk; Brian Shackett, Selectboard Chair; William Mace, Applicant
10 #2022-63; Rose Mace, Applicant #2022-63; Tyler Maynard, Applicant #2022-65;
11 Timothy Fair, Maynard's Attorney; Ward Joyce, Maynard's Architect; Bob
12 Bourdeau, Bill Barton, Cindy Riddle, Michael Riddle, Jim Fontaine, Jane Fontaine,
13 Gary Pool

14 Attendees Remote: Ron Rodjenski, Zoning Administrator; Sandra Delisle, Applicant #2022-63; GMATV
15 did not record this meeting.

16 Malcolm opened the meeting at 6:06 p.m.

- 17 1. Welcome & Changes to the Agenda, if any & Public Comment – The DRB sends their best wishes
18 to Tom of whom was unable to attend tonight due to illness.
- 19 2. Application #2022-63 submitted by William Mace, and by landowners Sandra Delisle and Sallie
20 Parkhurst (Parcel 01-100-376) for a proposed change of use from home business to
21 office/services use at 5290 VT 100. The applicant is seeking approval to retain two existing one-
22 bedroom residential units under Section 6.5, Multiple Uses in a Single Structure, of the 2022
23 Town Land Use and Development Regulations.
- 24 • William Mace testified that his son, Jason Mace, owns a business known as Northern
25 Vermont Pressure Seal of which has been operating for 39 years. The property of which
26 the business will reside was previously owned by Kenneth Deuso, of whom had antique
27 trucks and lived in the apartment upstairs during his ownership. William stated that they
28 do not currently own the building and are pursuing to have the permits in place before
29 purchasing the property.
 - 30 • Mary Walz and William looked at the Property/Parcel Map together. Mary W. clarified
31 with William that it is an office space that Jason and employees would come to and
32 from. William stated that Northern Vermont Pressure Seal owns trucks that would stay
33 overnight in the building, and they would arrive and depart from the building a couple
34 times per day. Mary W. asked about parking and the continued use of the apartment.
35 William stated that the work trucks will be inside, and the apartment will likely not be
36 used. William also stated that there is a Mobile home on the property under a life lease.
 - 37 • Mary W. asked about the operations noise level. William replied that noise level is not a
38 concern as the use of the building is comparable to storage.

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- The DRB questioned the wastewater Permit and Septic System for the property. William stated he presumes it is good and is not exactly sure where the leach fields are. Sandra Delisle testified that there are 2 wastewater systems, both of which were recently pumped. Sandra submitted an email as evidence regarding the functionality of the wastewater systems (Sandra Delisle evidence “Septic Email” received November 29, 2022, by RR and JM).
 - Mary W. and Elisa stated that they have no further questions. Malcolm stated that the DRB deliberate, and Ron will contact them with a decision.
3. Application #2022-65 submitted by Tyler Maynard (Parcel 06-115-029.100) for a proposed change of use from residential garage to home business indoor cannabis cultivation (Tier 1) at 385 Diggins Road. The application will be reviewed under Section 7.8, Home Business, of the 2022 Town Land Use and Development Regulations.
- Mac asked Tyler for an explanation for the business change. Tyler testified that the change is from a wood working shop to cannabis cultivation. Tyler stated that his products are in 6 dispensaries, soon to be 10. Tyler testified that his wife and children will be growing other herbs and vegetables in their already erected green house that was previously used for cannabis. Tyler stated that he built a state-of-the-art building facility last year for cannabis cultivation. Tyler stated that he has been going back and forth with the state for the past year regarding cannabis cultivation. Tyler testified that his business has high energy efficiency and has implemented practices that are primarily being performed in the western portion of the country to ensure optimal performance and quality.
 - Mary W. stated she knows where Diggins Road is but isn’t entirely familiar with his particular property. Mary W. requested a site plan. Tyler referenced site plans with the DRB showing his parcel of land, outbuildings, and where the new building is as it wasn’t shown on one of the maps provided. Tyler testified that he built his house 8 years ago and has installed another driveway. Tyler stated the rough dimension of woodworking garage is 1946 sq ft.
 - Elisa asked for the specifics of the cultivation building and if a permit has been acquired through the Town of Hyde Park. Tyler testified that it is a stick-built structure with 10ft ceilings and will have cedar siding. Tyler testified that the Greenhouse onsite is for summer use. Elisa asked if the cannabis cultivation building was permitted before it was built. Tyler replied yes. Mary W. stated that she hasn’t seen the permit for the cultivation building. Ron stated that there is a woodworking shop at 385 Diggins Road and a commercial garage listed as a residential garage that is now being called the cannabis cultivation building. According to Ron, the greenhouse should be converted to residential use and the woodworking shop permit from 2013 should be discontinued, converting the building back to residential use. The new commercial/residential garage in question would be converted to cannabis if the DRB approves the application.
 - Mary W. referenced the listers map and stated that she is unclear as to which building is which. Mary also stated that she is unclear regarding the drawing that has been presented as Tier 1 is for 1,000 sq ft of cannabis and the cultivation building is larger than 1,000 sq ft. Ward Joyce, Tyler Maynard’s Architect, testified that the size of the

1 canopy and building are independent issues. Ward testified that the 1,000 sq ft is the
2 limit for growing and the building is also used for drying, clipping and storage. Ward
3 testified that Tyler's cannabis cultivation business is exempt from fire marshal
4 inspection as it is a home operation. Ward and Tyler stated that cannabis cultivation is a
5 very sterile environment that requires anyone in the building to wear suits and take off
6 their shoes. Tyler stated that everything is on timer and no pesticides are used.

- 7 • The question was raised of wastewater issues. Tyler testified that there are no
8 wastewater issues. Tyler then stated that the wastewater tank is concrete and can hold
9 runoff water for up to 2 years. Tyler stated that his tank gets pumped once per year in
10 the spring. Tyler stated that a 300ft well was drilled for the property. Mary asked where
11 the organic waste material goes. Tyler testified that it gets donated or otherwise
12 composted and disposed of.
- 13 • Tyler emailed his cannabis cultivation license to Ron at the time of the meeting as
14 evidence (Tyler Maynard evidence "Green River Cannabis Company License" received
15 November 29, 2022, by RR). Timothy Fair, Tyler Maynard's Attorney of whom works
16 with Vermont Cannabis Solutions testified that he and his team made sure all the boxes
17 were checked and that Tyler is following state regulations. Elisa asked Tyler if he has any
18 employees. Tyler testified that he has no employees. Elisa asked Tyler about traffic
19 concerns related to cannabis cultivation and the home business bylaws. Tyler testified
20 that legally he is the only one able to transport the product and has experienced rapid
21 growth. It was clarified that up to 3 outside employees are allowed for a home business
22 according to the 2022 bylaws. Timothy Fair stated that he has helped cannabis
23 cultivation with all 5 tiers in the State of Vermont. Timothy stated that Tier 1 has very
24 few rules and limitations compared to the other tiers.
- 25 • Mary W., Elisa, and Cindy mentioned concerns of increased traffic, odor, and noise
26 under section 8.13 of the 2022 bylaws. Tyler testified that traffic increase should not be
27 a concern as he does not have outside employees and will not exceed the limit of 3
28 employees per the home business bylaws. Cindy noted an already increased traffic rate
29 on Diggins Road. No evidence was presented as to the relation of the increased traffic to
30 the cannabis cultivation business.
- 31 • Tyler and Timothy testified that the cannabis cultivation building will have a close vent
32 system that does not allow the exterior air to be contaminated by interior odor. Tyler
33 testified that there will be no noise issues stemming from the cultivation business. Mary
34 W. asked where the 1,000 square feet of growing space is. Ward presented an
35 architectural map to the DRB (Tyler Maynard evidence "square footage and plans"
36 received November 29, 2022, by JM and DRB). Tyler testified that there are 2 vegetative
37 state rooms, and each room provides 12 hours of light per day. Tyler stated that he
38 harvests 12 pounds per month. Tyler testified that the State of Vermont inspected his
39 cultivation business at the end of August 2022.
- 40 • Elisa asked if the status was determined for the State Wastewater Permit. Timothy
41 testified that the cultivation business does not require a permit.
- 42 • Tyler, Timothy, and Ward testified stating the shop is 85% the size of the house. The
43 Town of Hyde Park lists card grossly underestimates the size of his house. The total
44 square footage of the house 1,888. Ward testified the heated garage is excluded from

1 the 1,888 square footage, but the heated garage could be included if more space was
2 needed, though the current plans and square footage are sufficient according to the
3 2022 bylaws. Mary W. stated that the listers card will need to be updated.

- 4 • Mary W. is interested in performing a site visit. Elisa is compelled, though is wondering
5 the reason other than curiosity. Mary W. summarized that there are a lot of questions,
6 concerns and details that need clarifying regarding the operation and its site plans, and
7 a site visit may provide a clean slate and clarity to the application.
- 8 • Cindy Riddle stated her name and is a neighbor to Tyler and the cultivation business.
9 Cindy presented a written statement to the Development Review Board as evidence
10 (Cindy Riddle evidence "Cindy Riddle Letter" received November 29, 2022, by JM and
11 DRB). Cindy read the statement at this recorded DRB hearing. Cindy stated that she has
12 found a pattern that concerns her regarding Tyler Maynard; a greenhouse that was not
13 permitted by the Town of Hyde Park, order of operations for acquiring permits and
14 following permits as they were approved. Cindy referenced discussions with Zoning
15 Administrator Ron Rodjenski. Cindy also referenced cultivation practices prior to the
16 issuance of the cultivation license and the traffic level on the Class 4 Diggins Road. See
17 "November 29, 2022 (video)" on the DRB page of Town of Hyde Park website for the
18 audio recording of this prepared statement.
- 19 • Cindy presented evidence to the DRB; a picture of a greenhouse with no sides and
20 stated that Shannon, Tyler's wife, told her it was cannabis (Cindy Riddle evidence
21 "Green House Photo" received November 29, 2022, by JM and DRB).
- 22 • Tyler testified that he was issued his cultivation license approximately 8 weeks ago.
23 Timothy testified that the Cannabis Control Board was allowing cultivation prior to
24 issuance of the license if the license was considered pending. Tyler and Timothy testified
25 that Hemp and CBD are considered cannabis and are also considered agricultural. Tyler
26 and Timothy questioned if Cindy obtained evidence of what the plants were inside the
27 greenhouse. No evidence was presented.
- 28 • Bill Barton of 247 Diggins Road testified that he has been a resident there since 1986.
29 Bill stated that he was onboard for the woodworking business. Bill questioned where
30 the wastewater goes when the tank is pumped. Tyler testified that the wastewater is
31 removed in the spring season and is taken off site by Manosh. Bill stated that Tyler
32 started growing without permission. Bill asked if the DRB can issue a cease-and-desist
33 order as he has an issue with the chronological order of the business permits, etc. Bill
34 stated that he has concerns of the soil, water and shed off. Bill stated that a culvert was
35 plugged on Tyler's property in the past and flowed down into his pasture which is a
36 flood plain zone. Bill stated that he monitors the soil and holds the DRB accountable for
37 what the decisions become regarding soil quality and the class 4 road if the cultivation
38 business is approved. Bill questioned the difference of commercial and industrial and
39 shared that he considers the cultivation business is more industrial than commercial.
- 40 • Michael Riddle, an EMT of whom also is a resident of Diggins Road stated that marijuana
41 is a class 1 substance, and he considers it to be a dangerous drug. Michael mentioned
42 that there are 4 cultivators in Hyde Park. Mac asked if Tyler would like to respond to the
43 questions and concerns of Bill and Michael. Tyler replied that he did not want to
44 respond at this time.

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- Cindy stated that she has found and read regulations and stated that under state law, a licensed person must be at the cultivation site during visitations, people must sign in and that cameras are mandatory at the cultivation site as well. Timothy testified that Tyler is following these rules.
 - Mary W. stated that the DRB needs clarification that the woodworking business is not going to be in operation.
 - Bill asked about the enforcement of bylaws and asked that Hyde Park develops a process for enforcement. Bill stated that laws are not any good without enforcement.
 - Cindy asked Ron when he found out about the Cannabis Business. Ron stated that he and Tyler discussed options when Tyler was dreaming about getting out of the woodworking business. Cindy referenced an email from October 2022, in reference to Cannabis. Ron stated that people start exploring options as one of the first steps of the process. Ron stated that the Greenhouse needs Ag Certification or to be taken down, etc. The DRB will need to make that decision and put it into writing.
 - Brian Shackett referenced section 8.13 of the 2022 Land Use and Development Regulation as a reference and enforcement point and a discussion was held. Mac stated that he needs to be aware of problems to be able do something about them. Mac mentioned that Tyler has already stated the issue of odor control and waste and how the issues will be controlled and addressed.
 - Michael mentioned that there isn't a lot of public conversation regarding Cannabis. Michael and Bill referenced robberies of Hemp farms, etc.
 - Mary W. asked Timothy how long the Cannabis Cultivation License is good for. Timothy replied that the license is renewed annually, and the Cannabis Control Board will make sure the business is in compliance by performing another site visit. Timothy stated there are 7 compliance officers in the State of Vermont and the districts are separated into the approximate ANR sections. Mary W. mentioned there is a lot of energy regarding cannabis that has led to anxiety, etc.
 - Cindy testified that Tyler did not primarily have permission to build his house in the location it was erected in. Tyler testified that he had prior approval to build his house where he did.
 - Mary W. asked Timothy to address the question of where the pumped water goes. Timothy testified Tyler will be using a septic system/concrete tank.
 - Elisa asked how many people in attendance are residents of Diggins Road and can smell the odor. 4 residential properties and owners were present and could smell cannabis from their properties. Tyler testified that 2020 and 2021 there was hemp in the greenhouse. Timothy stated that Hemp is considered Cannabis. Elisa asked that if the odor will change with indoor growing. Tyler testified by stating 100% in reference to the odor and the new close vent system. Tyler testified that he will not be growing cannabis in the greenhouse.
 - Cindy stated that she went to a cannabis retail store. Cindy stated potential retail profits, noted a potential sizeable profit, and asked if the cultivation will become a Tier 2 business regarding business growth at the residence. Timothy stated that indoor plants typically produce less in weight compared to outdoor plants and to become a Tier 2 more decisions would need to be made and there are other regulations that would need

1 to be followed. Timothy stated that this hearing is concerning the current application for
2 a Tier 1 business.

- 3 • Elisa stated that this is the largest DRB hearing that she has attended while being on the
4 DRB. Elisa stated that she chooses to attend the hearings remotely to remain impartial.
5 Elisa stated that as a DRB member, she sees a zoning permit requesting a change of use
6 from a woodworking garage to cannabis cultivation. Elisa would like to see the square
7 footage of the residence. Mac stated that the square footage of the residence has been
8 presented and is on page 2 of the staff packet for Hearing # 2.
- 9 • Mary W. again stated that she would like a site visit to be held to reset, determine
10 compliance, lower concerns, and start a clean slate; Elisa agreed. Ward stated that he
11 can draw and present a site plan of the house and shop, woodshop, greenhouse, etc.
12 with his architectural stamp with precise square footage.
- 13 • Cindy asked if there is a bathroom in the cultivation facility. Tyler testified that there is a
14 toilet that goes to a tank that gets pumped.
- 15 • Mac asked if there are any other questions. Elisa asked what date the cannabis business
16 started. Tyler stated that he will get those dates together for the next hearing.
- 17 • The DRB stated that this hearing will continue at another date and time. A site visit date
18 and a hearing date will need to be set. Tyler requested that Cindy is not present for the
19 site visit. Ron will contact the Town Attorney to determine if the site visit is required to
20 be open to the public. Ron will send notices to those of whom attended.

21
22 Motion made by Mary W. to enter deliberative session regarding Mace Application #2022-63;
23 seconded by Elisa. Voting: 3 in favor, 0 against, motion passed.

24
25 Motion made by Elisa to exit deliberative session; seconded by Mary W. Voting: 3 in favor, 0
26 against, motion passed.

27
28 Motion made by Elisa to approve Application #2022-63 submitted by William Mace with
29 conditions written by staff; seconded by Mary W. Voting: 3 in favor, 0 against, motion passed.

30
31 Motion made by Mac to set a date and time for a continued hearing for Maynard Application
32 #2022-65 on December 14, 2022, at 6:00pm and to schedule a site visit with Tyler Maynard;
33 seconded by Mary W. Voting: 3 in favor, 0 against, motion passed.

- 34
35 4. Approval of minutes 5/18/22 and 10/17/22 – Approval of the May 18, 2022, minutes were
36 differed to a future meeting.

37
38 Motion made by Elisa to approve the minutes of October 17, 2022; seconded by Mary W.
39 Voting: 3 in favor, 0 against, motion passed.

- 40
41 5. Adjourn:
42 Motion made by Mary W. to adjourn; seconded by Elisa. Voting: 3 in favor, 0 against, motion
43 passed. Adjourned at 8:28p.m.

44 Submitted by: Justin Mason