

Council approves development of multi-million dollar cannabis production plant

Written By **PETER RICHARDSON**

A public meeting was held during Council on Monday evening, to discuss the proposed medicinal marijuana facility to be build at 144 Luxton Way, in the Town Industrial Park.

Prior to the meeting, Karen Cole, a concerned resident of Franklyn Street made a delegation to Council in opposition to the facility being built. During her well presented delegation, Ms Cole made several points concerning existing Town legislation, which, in her opinion, prohibited the construction. She augmented these views with some provincial guidelines.

As the entire issue of legally growing cannabis is brand new, many things are leading to confusion concerning what is and what is not applicable. This is further confused by the fact that all three levels of government become involved at various points.

Karen's basic concern, was for the potential of odour coming from the facility and adversely affecting her enjoyment of her property. To this end, she presented a copy of the Town's Zoning by-law, number 38-2007, Section 3.14, which specifically pertains to Noxious Trade.

The By-law prohibits the production of objectionable odours, amongst other items.

In support she also presented a report from Mallot Creek Associates Inc. an engineering firm hired by the owners of the proposed facility, which stated that "cannabis has a distinct pungent smell". In Karen's mind, this made the facility in non compliance with the Town By-law.

Ms Cole also drew exception to the set back being used by the Town, citing that it was far less than the MOE regulation of 1000 m, based on the facility being classified as a Class 3 manufacturing operation. The classification, being for a 24 hour a day operation. Her report went on to claim that the Town had not done it's due diligence and had no independent research to back up or discredit the owner's claims. It insisted that the MOE D6 guidelines were the rule to be followed and that Council should never have allowed the proposal to go as far as a public meeting.

Once the public meeting was convened, the Town Planner, Steve Wever presented his responses to Karen's delegation and disputed many of her assertions. As the owners of the proposed facility were in attendance, many of the questions were answered by them as well.

Steve explained that the D6 Rules were made in the 1990's and had never been updated. They were, in fact, only suggested guidelines and were rarely enforced by the province. He also explained that, due to the nature of the facility and how it was going to be built, the facility would realistically be classified as a Class 1 or Class 2 and subject to much lesser set backs. At this juncture, the question was put directly to the company president, Brandon Rosen as to what level of odour he was intending to have and the answer was none whatsoever.

To come full circle, Steve explained that the licence and registration of the company came from Health Canada, a federal government body, but the D6 Guidelines were a provincial document, while the municipality would be the first respondent to a complaint, thus making the entire process multi-jurisdictional.

Steve explained that his office had contacted all the applicable agencies and departments and even the Town lawyers, Thompson Rodgers, said the Town was okay to proceed. A lot of discussion was had concerning the odour issues and Mr. Rosen and his associates assured the planner and those assembled, that the odour containment issue was a non item. Health Canada requirements dictated no odour and that is exactly what the plant was designed to provide, with negative pressure grow rooms and a high tech HVAC system with Charcoal and HEPA filtration.

Steve Wever stated that the facility was, at best a Class 2 operation and that Health Canada only took issue with setbacks of less than 100m. Coun. Steve Anderson asked what the municipal enforcement consisted of and whether or not it would work in conjunction with other jurisdictions. Mr. Wever replied that it really was up to the judgement of the By-law Enforcement Officer. However, once a complaint was verified, multiple agencies would become involved.

Mayor Ken Bennington noted that using the setbacks, as outlined by Karen Cole, that being 1000m, the piece of land in question would actually be useless and totally unusable. Mr. Wever reiterated that the MOE D6 guideline was not a setback requirement, but pertained to an area of influence and that the actual setbacks were much less. He noted that the Town's 106m exceeded the approved setback measurement. Mr. Bennington pointed out that if the plant was, say, a tuna processing facility, the same rules would apply concerning noised odour.

Councillor Randy Chambers asked how many HVAC vents to the outside would exist, to which Mr. Rosen assured him there would be only one. Mr. Chambers then enquired as to the height of the exhaust stack and whether or not that could be raised to help dissipate potential odour. Mr. Rosen was uncertain as to the current height of any stack, but did say it would be a low profile and that

there would not be any odour, as per the Health Canada rules.

Wade Mills asked Wever if the Town was missing anything, to which Steve responded no, not from a planning view point. He did include that the Town could write a bylaw to cover this type of application and facility, subject of course to the jurisdiction of the other levels of government .

Wade then asked about the monetary value, to the Town, of a venture of this size, beyond the provision for 30 to 50 new jobs. The Treasurer, Carey Holmes, replied that estimated revenues would consist of, development charges of \$250,000 and a tax assessment of \$188,000 annually. This brought an exclamation of surprise from some of the gallery. These are the types of figures that residents need to know before forming opinions about such issues. Just as a reference, had Fiddle Park been sold, it would have netted an \$8 million sale price, development charges of another \$40 million and an assessment value of \$1 million per year to the Towns seriously dwindling coffers!

The issue of shipping was raised, as it would pertain to escaping odour and again the answer was that it is a non issue, as all product must be hermetically sealed before leaving the plant according to Health Canada regulations.

Mayor Bennington asked how the Town could enforce issues of non-compliance and referred back to the suggested bylaw. The response from Steve Wever was that the bylaw was unnecessary, as the site plan approval allowed the Town to revoke it's approvals should there be a serious issue.

Kimberley McClellan asked about waste disposal and how and where it would be handled. Her concern being pollutants in the watershed. The answer was, that there was little to no waste generated. The plants were grown hydroponically and all the water involved was recycled and re-used. The fibrous material that supported the plants, was mostly of an organic nature and when disposed of would be transported from the facility by a private contractor, probably in a garbage container as with most industries. As for the plants themselves, all of the plant was used. anything not processed in house, was shipped to an outside company to become cannabis oil. The entire operation was primarily organic and produced virtually no waste, while the water was all recycled and used over again. All this, was specified in the Site Plan Application.

James Hodder asked after the health issues of workers and those surrounding the plant, as the term 'noxious' references poisonous substances and were there any health issues related to the procedures? The reply was that, according to what's known, no.

Len Guchardi was next to make an inquiry. His concern was about odour being produced by employees using the product outside of the building while on a break, or before work. It was brought to his attention that as written, the new law only allows the use of cannabis within the confines of one's own home and nowhere else. It is still illegal to use cannabis anywhere else in the public domain. Therefore, the companies policy was zero tolerance. It would be against the law and therefore totally unacceptable. They were not going to jeopardize their company and their livelihood in such a manner.

Debbie Freeman, another Franklin Street resident was concerned about the security lighting and its effect on the residents. The site designer, assured her that no upward pollution would happen and that all lighting on the North side of the building, facing the residences, was low level lighting, not facing the homes. The primary use of the security lighting would appear to be for the benefit of the cameras which surround every inch of the building perimeter.

At this point, all questions and answers had been addressed and Council turned to a recorded vote on the matter. In a unanimous decision, Council voted to approve the site plan application, thus clearing the way for Mr. Rosen and partner Peter Constantiou to apply for building permits and begin construction of Shelburne's news business venture.