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ALSO ADMITTED IN CONNECTICUT

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RE: Application for Commercial Outdoor Marijuana Production Business

To the Plainfield Planning Board:

First on behalf of my clients David and Gale Bulissa I want to thank you for your volunteer service to the Town. This is very significant case before your board. You are being asked by the applicant to permit a business that will, and already has, had an impact on your community and the neighborhood.

My clients have significant concerns. They do not take lightly opposing a business desiring to come to Plainfield. However they have a proven successful business that is being impacted by this application already. They have questions and concerns which they ask me to explain and request of the Board to consider. They are rightfully concerned for their business, their livelihood, and the Town they care about. There is no secret they have tried to sell the business over the last year. In fact one potential deal fell apart when the party found out about this proposed business. This application has caused them a great deal of stress, understandably. David and Gale are known to be reasonable people. Their opposition to this application is well founded and has merit.

Admittedly there is a lot of anxiety with my clients and in Town as to what this may mean for the neighborhood. How will this business impact the life that the folks here cherish. The relative peace and quiet free from interference by the outside and neighboring property owners is threatened by this proposed business venture. The applicants actions over the last year is troublesome also warranting this anxiety. My clients do not believe the applicants have been straight with them nor the Town.

The applicant has already done significant land clearing, excavated a road into the site (apparently without an Conservation Commission consultation or approval), cleared stumps and debris and piled near my clients boundary within the view of Gale and David's house. These actions should call to question the applicants claimed concern and respect for community.

The applicants went ahead and did substantial excavation for their project prior to and after applying for a permit while site plan preconstruction requirements were ignored. It is almost as if they just thought they were going to get their permit and be damned with the process or neighbor's concerns. This should alone provide the basis for you to be cautious.

The applicant seeks to obtain, under the protections of a corporate entity, permission to grow a product that is known to have impacts on the neighborhood in one form or another. This is not an application just for an industrial outdoor growing operation. The applicant seeks to process harvested product on site. Prior to taking action on this application, the Board needs to fully understand what this operation will entail, what the impacts are going to be, and whether or not there are ways for the applicant to remedy those concerns... or in the alternative if it is reasonable for the neighbors to tolerate the impacts. There will be impacts!

The Board should evaluate the application and weigh the interests of the applicant compared to those of the neighbors and the Town in general. I submit the risks are not worth it. Without further information, studies done, questions answered, and adequate assurances in place to protect the neighborhood... the application should fail.

The fact this application is from a Corporation should also give you pause. Although the applicant is being represented here by individuals, we do not know who the principals of this Corporation are. Who are the backers? As we know, the money behind operations influence decisions. This business are most likely not being backed by an institutional lender as there remains restrictions in that regard. How is this project being financed? Those disclosures might be revealed to State regulatory agencies, but this Board should understand if there is some outside financial backer really pulling the strings here. This all goes to knowing your neighbors...and more importantly knowing what the Town is getting into should it agree to allowing this potentially offensive business from being established in Town.

The Corporation is making certain representations and promises. I suggest to you these representations and promises are backed by not much more than a Corporate entity. The individuals who are the principals are not on the hook for anything. Who are you really dealing with? Who are the owners of the Corporation? Are the principal owners of the corporation and the property owners going to personally guarantee what the Corporation is agreeing to? What recourse will the Town have against a Corporation that may or may not have any assets when it comes to enforcing permit conditions if there is financial loss to the Town or neighbors? This is important as we talk about responsibility and enforcement if there are impacts. If you were to approve the application with conditions... who will stand behind any conditions? Leverage on those that really have something to lose is the only recourse. If the Board agrees to entertain this application, I believe the individual landowners should agree to assume any and all permit conditions that might be imposed by the Board.

If odor does emanate from the property, and it is unreasonable, this will undoubtedly lead to enforcement actions being sought with the zoning enforcement officer and almost guaranteed litigation. The Board must consider whether or not granting a permit will result in consternation and turmoil in the community...of which the Town and the Applicant will inevitably get pulled

into a legal fight. This will cost the Town a lot of money. Although the applicant claims there are financial benefits to their business, this may come at a cost. Massachusetts law is clear as to the standard of a private nuisance. A private nuisance is actionable when a property owner creates, permits, or maintains a condition or activity on its property that causes a substantial and unreasonable interference with the use and enjoyment of the property of another.

With predominant winds from the West/Southwest, there can be no argument that Peppermint Park is in the cross hairs of any odors or noise that emanates from this business operation. Marijuana odor, particularly for the last 6-8 weeks prior to harvest is well known. This was in fact admitted to by the applicant in the materials distributed back in the Spring at the Community information meeting. (Although they claim a shorter period of time of only 3-4 weeks which is contrary to reports from other neighbors to similar operations.) The time period of later August through late September/early October is my client's busy season. So my client has legitimate concerns that any odors wafting on to their campground will have an impact on their camper clientele.

The folks visiting Peppermint Park want to be outside. Campers come to Plainfield for the clean air, peace and quiet, and wonderful nature. Would you want to pay money to sit outside smelling offensive odors?...of course not. How do we know whether this will or will not happen. The burden is on the applicant.

The Planning Board needs to investigate other outdoor growing operations here in Western Massachusetts to determine what their experiences have been, and what if anything can be done to resolve/mitigate such business operations. The applicant "considering" low odor cannabis strains is not good enough. There can be absolutely no odors coming from the growing operation on to neighboring properties. This critical issue needs to be fully explored and understood prior to the Board voting on this application.

What, if any, impact will this operation have on the aquifer and water supplies? If Peppermint Park wells are impacted in that they cannot provide suitable water to their customers' campsites, DEP will shut them down. As a result Dave and Gale are very concerned about water usage from this business and how it will impact their business.

Your Board needs to fully investigate the water situation at this site. What is this well that was drilled? What is the purpose of it? What are the applicant's intentions? How much water will be used? When? How will this proposed usage impact other wells? How will usage be monitored? These concerns and the questions we ask the Board get answers to prior to moving forward on voting on this application. These concerns and questions are outlined in the letter from our hydrogeological experts. The Town may in fact need to hire its own expert (at the applicants expense) to assess this critical issue for not only my client but other neighbors.

With climate change apparent we are seeing a number of wells in the Hilltowns drying up. There can be no adverse impact on water resources for my clients business and neighbors alike. As indicated in our experts' letter, although Peppermint Park wells are subject to DEP regulatory control, the applicants well will not be subject to any DEP regulation. If the applicant well is

going to be used for business operations, including irrigation, there needs to be significant testing to insure the business will not adversely impact the water resources to Peppermint Park nor neighbors.

With respect to operations, more specific information is required on how the harvesting, processing, and storing will work. Based upon introductory information, it appears the business plans to dry the crop on site. How much power will be needed? What do the dryers consist of? How many units will be on site? How many plants are going to be grown? How many plants can be put into a drying trailer? Where are they to be located? Where is the trimming operation going to be? What happens with the trimmings and plant debris? How fast are they going to be able to process the crop? This part of the operation needs to be fully explained and detailed.

It appears from the information shared at the Community Information Meeting the thoughts expressed are unrealistic. To suggest three trailers is going to dry 2 acres of plants is just ridiculous. Is there going to be air drying? Where are these plants after harvesting going? It just seems like an unrealistic plan to handle a large amount of crop in a short amount of time...as they say four weeks. Yet the plants cannot just be harvested and put into a pile awaiting drying.

The applicant has indicated a back-up generator will be on site. Where? How is it powered? If close to Peppermint Park, what noise controls will be in place?

As more information comes out, I am sure there will be other questions to ask and points to make. Again I thank you for your time and consideration in this matter. I look forward to furthering the dialogue as you consider this application.

Very truly yours,



Kevin D. Parsons