

**Public Meeting under the Planning Act**  
**Meeting Notes**

Meeting #: PCOW/04-2024  
Date: Wednesday, June 26, 2024  
Time: 6:00 PM  
Location: Meridian Community Centre - Accursi A and B  
100 Meridian Way  
Fonthill, ON  
L0S 1E6

Staff Present: David Cribbs, Jennifer Stirton, Shannon Larocque, Sarah Leach, Lindsay Richardson, Andrew Edwards, William Tigert

Consultant: Nick McDonald, President of Meridian Planning Consultants Inc.

**1. Call to Order**

William Tigert, Acting Director of the Community Planning and Development called the meeting to order at approximately 6:00 p.m.

**2. Land Recognition Statement**

Jennifer Stirton, Town Solicitor, read the land recognition statement into the record.

**3. Opening Remarks**

Mr. Tigert provided opening remarks and the notice requirements regarding this application.

**4. Planning Act Application: AM-05-2024**

**4.1 Planning Report and Presentation**

**4.1.1 Information Report – Cannabis Zoning By-law  
Amendment, 2024-0154-Planning**

**4.2 Consultant Overview**

Nick McDonald, President of Meridian Planning Consultants Inc., provided a presentation outlining the history of cannabis in the Town of Pelham. A copy is appended to the June 26th, 2024, addendum package, Engaging Pelham webpage, and is on file with the Clerk.

**4.3 Public Input**

Tim Nohara requested that any changes to the proposed zoning by-law amendment from now until Council's consideration be published with tracked changes, along with a copy of Nick McDonald's presentation. Mr. Nohara also inquired about the anticipated meeting date for the Council decision, to which

William Tigert, Acting Director of Community Planning and Development, responded July 10th. Additionally, Mr. Nohara asked if a municipality is prohibited from enacting a new zoning by-law if a zoning by-law amendment is before the Ontario Land Tribunal (OLT). Mr. Tigert indicated that he could provide a comprehensive answer at a later date.

As a former member of the Cannabis Control Committee (CCC), Bill Heska provided a detailed history of the committee's work and involvement with the Town on the cannabis file.

Bernie Law read his written correspondence, which is appended to the agenda package.

Jason Coxon expressed concern regarding cannabis odour and its exposure to children at school. He stated that he would like tax dollars to be spent fighting against the cannabis industry.

Tillie Clapp stated that Council needs to advocate for the residents, expressing disappointment in the lack of activity over the past two years. Ms. Clapp raised concerns about odour and its potential effect on home values, as well as the concerning shift in agriculture from tender fruit to cannabis.

Mr. Tigert stated that the draft zoning by-law before Council mirrors the work of the CCC and indicated that the Town continues to work with Redecan.

Larry Sztogryn identified adverse medical effects from cannabis odour and inquired if research had been conducted on the outgoing air from the cannabis facilities and all of its potential effects. Mr. Tigert responded that health considerations are dealt with at the federal level.

Dave Macfarlane inquired if specific inspections were completed related to the building permit and expressed concern that the federal government would address odour issues. Mr. Tigert mentioned the presence of the Odorous Industries Nuisance By-law at the Town level and indicated that Council plans to review the threshold. Mr. Macfarlane also asked if building permit applications require drawings and specifications, to which Mr. Tigert responded that the building permit process adheres to the Building Code.

Wendy Brule expressed concern about odour issues affecting Welland residents, as well.

Ben Cushnie echoed the comments of all residents and requested clarity on whether the new zoning by-law amendment affects any existing buildings. Mr. Tigert confirmed it does not and welcomed anyone with odour concerns to request delegate status at a meeting of Council.

Dave Schlott mentioned he was new to the issue and it seemed Council may have had leverage but chose a different path. Nick McDonald, Planning Consultant, clarified that CannTrust and

Redecan were established prior to the enactment of the Interim Control By-law and have legal non-conforming status; however, they cannot expand without permission from either the Committee of Adjustment or Council. Mr. Schlott urged Council to explore odour mitigation measures.

Darlene McDowell expressed that it is unacceptable how the cannabis industry continues to operate. She indicated that the CannTrust purchaser intends to continue producing cannabis. Ms. McDowell stated that by not protecting residents, the Town is essentially protecting cannabis producers. She emphasized that building permits should be expired or not renewed and voiced concerns about property value depreciation and adverse health effects.

Mike Hall asked for confirmation that the new by-law proposes 80m, 60m, and 40m setbacks. Nick McDonald responded that the by-law establishes zones permitting cannabis use, and producers must demonstrate that their facility is far enough from sensitive uses, which would be difficult. The setbacks would only apply once that is proven. Mr. McDonald clarified that setbacks are intended for visual purposes, not odour control. Mr. Hall emphasized that odour is a significant issue, as demonstrated by the discussions.

Mr. Hall expressed concern over the seemingly small setback requirements when Niagara-on-the-Lake has a requirement of 600m. Mr. McDonald explained that setbacks are applied only after the producer has demonstrated the facility will be far enough from sensitive uses, which could be approximately 300m-500m or more. Mr. Hall asked if the by-law would apply to the former CannTrust property. Mr. McDonald confirmed that it does not, as the property has legal non-conforming status. Mr. Tigert stated that Council plans to revisit the odour issue with the intent to exert more control. Mr. Hall questioned why this process was occurring. Mr. McDonald explained that the by-law approved by the OLT was inadvertently repealed upon enactment of the new zoning by-law, and this process is meant to facilitate the re-introduction of the policies approved by the OLT. He mentioned that if the by-law is appealed, it will return to the OLT.

Tillie Clapp expressed further concern regarding cannabis odour and recommended Council convene a public meeting relating to odour thresholds. Mr. Tigert assured that odour concerns have been heard by Council, who were present in the gallery.

Helene Gagnon asked for role clarification between the Town and the federal government. She inquired about the sale of the CannTrust property, the reason a building permit had been passed on, the progression at the OLT, the difference between hemp and cannabis, and the retail sale of cannabis.

Nick McDonald stated that the by-law will apply to future applications and that land use permission runs with the land, not

the person. He explained that Redecan wanted to expand operations and build additional office space, which the Town agreed to upon meeting certain criteria. However, Redecan did not provide what the Town was looking for. He stated the expansion would not be permitted under the new by-law.

Jennifer Stirton, Town Solicitor, clarified that the federal government is the regulator of all cannabis matters and has created two sets of regulations: one related to cannabis and one related to hemp. She explained that the federal government has downloaded the responsibility for retail stores to the province, which then offered municipalities the option to opt in or opt out. Municipalities can regulate land use and enforcement issues such as odour, which is addressed through the Odorous Industries Nuisance By-law that Council plans to revisit. Ms. Stirton added that the federal government also issues growers' licenses to cannabis producers. She advised the OLT process is outlined in the report appended to the June 26, 2024, Public Meeting agenda.

Ms. Gagnon asked if any producer could come into Pelham. Nick McDonald stated that the Official Plan Amendment requires that new cannabis usage requires rezoning, which involves an application to Council.

Barry Shannon asked if there were any actions the Town would take to revoke the building permit. Mr. Tigert responded that building permit issuance is a process under the Building Code, facilitated by the Chief Building Official, and is not something to be addressed at this meeting.

Stephen Cino recommended that the Town improve transparency around this process and keep residents well-informed.

Paul Bryant expressed health concerns from the cannabis odour and shared his level of frustration.

Mr. Brule expressed support for the work of the CCC. He stated that while certain things look good on paper, real-life experiences should be taken into account.

Ron Berkhout, Chief Operations Officer for the former CannTrust site, acknowledged all the concerns expressed. Mr. Berkhout extended an open invitation to anyone wishing to visit the site for a tour or conversation. He expressed his intent to be transparent and to address concerns and questions regarding expansion and permitting from a business perspective.

At 8:00 pm, Sarah Leach, Deputy Clerk, confirmed no e-mails had been received concerning the subject application.

## **5. Closing Remarks**

Mr. Tigert provided closing remarks.

Recording Secretary: Sarah Leach